

National Consultation on the Implementation of the Forest Rights Act in India

31st August - 1st September, 2019

Human Rights Law Network (HRLN) in collaboration with Telangana Gondwana Samkshema Parishad (Telangana), Bihar Adivasi Adhikar Forum (Bihar), Adivasi Chetna Shikshan Seva Samiti (Madhya Pradesh), Adivasi Vanvasi Mahasabha (Uttar Pradesh), Adivasi Dalit Majdoor Kisan Sangharsh (Chhattisgarh), Sarv Adivasi Samaj Bastar Sambhag (Chhattisgarh), Shri Ashish Beck (Chhattisgarh), Human Development and Research Centre (Gujarat), Khoj (Maharashtra), Karnataka People's Forum for Land Rights (Karnataka), Kerala Adivasi Forum (Kerala), Odisha Sabar Mahila Mahasangh and Van Panchayat Sangharsh Morcha (Uttarakhand), Mahila Kalyan, Sanstha (Uttarakhand), PESA Action Group (Gujarat), Pragati Prayas (Gujarat), Nayak Development Sangathan (Gujarat), Rajpipla Social Service Society (Gujarat), Adivasi Ekta Parishad (Gujarat), Parmeshwaram Welfare Society (M.P), Gondwana Samagra Kranti (M.P), Gondwana Mahasabha (M.P), Sanket Sansthan (M.P), Shramik Adivasi Sangathan (M.P), Bijay K Panda (M.P), Kisan Adivasi Sangathan (M.P), Shyam Kumari Dhurve (M.P), Rahul Srivastava (M.P), Paribesh Surakya Samiti (Odisha), Dimasa Tribal Group (Assam), Adivasi Chetana Manch (Odisha), Jungle Jami Surakhya Committee (Odisha), Bharat Van Adhikar Manch (Jharkhand), Jungle Bachao Andolan (Jharkhand), Society of All Round Development, Sirohi (Rajasthan), Adivasi society for Human Rights Approach (Rajasthan), Haripal Adibasi Seva Mission (West Bengal), Ranga Matya Lahanti Jeeban Samity (West Bengal), Adibasi Samannoy Mancha (West Bengal), Bodo Students' Union (Assam), Karbi Students' Union (Assam), Rengma Tribal Group (Assam), Vikas Sahyog Kendra (Jharkhand), Adivasi Chetna Manch (Odisha), Srijan Foundation (Jharkhand), Rashtriya Jharkhand Seva Sanstha (Jharkhand), Himalaya Niti Abhiyan (Himachal Pradesh), Centre for Mountain Dalit Rights (Himachal Pradesh), Kuki Tribal Group (Assam) and Adivasi Student Union (Telangana).

Coordinator
Siddharth Seem
Jaya Singh

Minutes
Aditi Gupta
Aman Khan
Fehra
Gunjan Singh
Harini Raghupathy
Inderjeet
Meenaz Kakalia
Sashwat
Sneha Mukherjee
Snigdha Tewari
Souradeep Dey
Swapnil Shukla

Editing and Compilation
Jaya Singh

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Human Rights Law Network
(A division of Socio-Legal Information Centre)
576, Masjid Rd, Bhogal, Jangpura,
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Ph: +91-11-24379855/56
Email: publications@hrln.org

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Background

Wildlife First filed a public interest petition in the Supreme Court seeking eviction of millions of tribals and forest dwellers from the forests in India. Their argument was simple. Since the claims of millions of tribals were rejected, they said, it must be presumed that they are illegal encroachers and must be immediately evicted. Initially the Supreme Court passed an order of eviction but later on, on being informed that the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 had not been implemented, the Supreme Court granted a stay on eviction. Supreme Court was informed that hardly 10% of the potential of the Act was realized in terms of individual rights and community forest rights etc. Rejection orders were made without notice to the claimants. Rejection orders were made without accepting legally admissible evidence. Rejection orders were made insisting on evidence that was not mandatory. These rejection orders were, in most cases, not served on the claimants. Rejection orders did not contain reasons and were therefore not valid in law. The State made no attempt to help the claimants file appeals. In fact, legal aid was not available throughout the country. Community forest rights were, by and large, ignored.

Human Rights Law Network in collaboration with 1. Telangana Gondwana Samkshema Parishad, 2. Bihar Adivasi Adhikar Forum, 3. Adivasi Chetna Shikshan Seva Samiti (Madhya Pradesh), 4. Adivasi Vanvasi Mahasabha (Uttar Pradesh), 5. Adivasi Dalit Majdoor Kisan Sangharsh (Chhattisgarh), 6. Sarv Adivasi Samaj Bastar Sambhag (Chhattisgarh), 7. Shri Ashish Beck (Chhattisgarh), 8. Human Development and Research Centre, Ahmedabad, 9. Khoj (Maharashtra), 10. Karnataka People's Forum for Land Rights, 11. Kerala Adivasi Forum, 12. Odisha Sabar Mahila Mahasangh and 13. Van Panchayat Sangharsh Morcha (Uttarakhand) filed a series of intervention applications.

Human Rights Law Network in collaboration with over 45 organisations conducted a National Consultation Meeting on Forest Rights Act on 31st August-1st September 2019, in New Delhi. The meeting witnessed participation from over 150 activists, academicians and lawyers from as

many as 16 states, representing various organisations. The meeting aimed to discuss the matter of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, which was intended to correct the “historical injustice” done to traditional forest dwellers. Nevertheless, since the colonial times, the Government has chosen to assert its control over the Indian forests, contributing to a cycle of evictions from forest lands and rebellions by forest dwellers. The Forest Rights Act was an attempt to break this cycle. But, eleven years since it was enacted, the Forest Rights Act is still failing to be implemented correctly.

Assam

1. Testimonial of Kwrwmdao Wary, *Bodo Students Union*

Kwrwmdao Wary emphasised that they have started legal awareness programmes since the



promulgation of the Forest Rights Act in Assam. They have been fighting for the rights of Bodos for several years, even after the establishment of the autonomous council for the BTAD in Assam. Wary spoke of the claims from several districts with Bodo population. The data

for Gohpur and Biswanath subdivisions was provided through the presentation and is attached as annexures. Wary highlighted that there has been no progress on the processing of forest rights since 2010, providing Biswanath and Sonitpur district's circle-wise data.

Biswanath district is newly formed with 81 villages while Sonitpur district encompasses 446 villages that are not yet included under Panchayat governance system, even though they vote and participate in the general elections. Resultantly, several Government schemes are not implemented there.

Wary added that in an official letter addressed to the community, the DC and other officials responded on the FRA issue saying they intend to provide rights to the tribal community under FRA but nothing has happened in this regard since 2013. Similarly, in 2017, there had been a notification issued to include forest areas under the Panchayati system but the implementation for the same has not occurred.

In a meeting with senior State Government officers on the progress on demands of ABSU, an Action Taken Report was provided. One of the demands was implementation of FRA. The Annexure represents the data with rejections made to the claims. Moreover, in Sonitpur district, there has not been a single case of rejection with cited reasons as directed. Rejection copies have not been served, instead they have been told that it is pending. The Bodos feel that they are being rejected these rights merely based on political discrimination.

In the Sixth Schedule areas, namely Udalguri, Kokrajhar, Baksa and Chirang, the land issues fall under the control of the District Council (made in 2003), which is yet to make Gram Sabhas. Wary added that the Bodos have lived in Forest areas but they do not have rights to the forest yet, while the forest officials have built grand homes using the forest produce.

On 18th March 2019, Governor issued a notification for inclusion of forest dwellers under the Panchayat system, but the implementation has not occurred, and the High Court has been approached for the same.

A new notification has been issued directing District Officials to process all claims. But in the affidavit provided on the given data, there has been no rejection of the claims made.

2. Testimonial of Balindra Saikia

Balindra Saikia reflected on the 1886 Assam Land and Revenue Regulation when tribal belts



were first demarcated in accordance to the tribes that lived on the hills and plains along with the areas demarcated for the tea gardeners and Santhals, which created 11 belts and 24 blocks. Additionally, in 1976, 46 blocks were made while in 1977, Bijni block was created to be given to

migrants from Bangladesh. Noonmati area in present-day Kamrup once belonged to the tribes who lived there, whereas now the Oil Refinery is built upon the tribal land.

Saikia added that there are more than 36 tribal groups in Assam. Some of them with Autonomous councils and political autonomy but still no land rights for the Tribal communities. A major chunk of land gets eroded (8000 hectare) every year during the floods, because of which non-tribal people have been migrating to tribal areas, forcing the Tribal communities to migrate further into the forest.

Several ethnic clashes have occurred in Assam, due to which many people have migrated elsewhere. High Court in an order has said that new migrants would not get the same rights, which Saikia and others are challenging. Additionally, in a tribal block in Tezpur, land was given to Patanjali while in Kaziranga's eco-sensitive zone, BJP leaders have built new buildings upon forest land.

In response to an RTI application, Saikia was told that environment clearance is not required for road projects of less than 100 kms, so several such projects are laid out in a manner that they skip a few kilometers to surpass the law, while the raw materials are sourced from forests.

A notification was issued recently stating that 25 bighas in every revenue village will be given off for Advantage Assam. Saikia believes some sort of a Land bank is being created in Assam. For instance, the extension of Kaziranga could occur only in a state like Assam, and for the seventh time now. Saikia further added that, many habitants of Assam now fall under the KNP.

3. Testimonial of Touthang Kuki, *Kuki National Assembly*

Touthang Kuki, the president of the Kuki National Assembly said that he had been sent by the village headman as they are restive to know the result of the national consultation. He added, "our land is under the threat of Tiger Reserves". Since 1979, one third of the inhabited area, i.e. 80 sq. kms of land has been converted into reserved forests. They have been served eviction notices several times. The NHRC closed off their case saying there is no human rights issue pending.

Originally, Kukis were forest dwellers, but the areas inhabited by them have been declared as reserved forests and they have been living under the threat of eviction. He added, Kukis are wildlife lovers and their attire is inspired by nature. They are being accused of destroying flora and fauna but they believe they are conservers. In the name of conservation, their lands are being taken away. Lastly, he stated the irony in how “we have still not benefited from the FRA, and we want to know if we can benefit from it.”



4. Testimonial of Simion Rongphar, *Karbi Students Union*

Simion Rongphar, from Karbi Students Union said that their district falls under the Sixth Schedule. They do not have Panchayats but instead, they have Village Development Councils



and Village Autonomous Councils. They do not know enough about the FRA yet, even though their district was founded in 1950. Back then, there were a limited number of reserved forests. After the year 2000, many reserved forests and wildlife sanctuaries came up. More than 40% of their land now falls

under reserved forests, which leaves very little for habitation. Additionally, more than 30% of the Karbi people live on forest land. Due to the extension of KNP, they have been asked to leave their ancestral lands.

Karbi Autonomous Council, in their petition pending with the Supreme Court have not mentioned about the threat to people’s habitat but they have sought an answer to the legalisation of mining within their area.

5. Testimonial of Thangchi Rengma, *Rengma Students Union*



Thangchi Rengma emphasised that many reserved forests are adjacent to Rengma villages. They earn their livelihood from the forests, but if they are evicted, they will lose their livelihood.

6. Testimonial of Dhiraj Dhipusa, *Dimasa Students Union*

Dhiraj Dhipusa, from the Dimasa tribe spoke of the districts where the Dimasa people live, adding that Karbi Anglong and Dima Hasao are the two districts with the highest number of indigenous population. He said, *“the Dimasa people love truthfulness; forest is our mother. Everything we get is from forests. The problems of indigenous people are increasing and there is no solution from the Government. The capitalist mindsets are dominating the indigenous people. Without forests, we will not survive in the world.”*

Additionally, he emphasised that in Karbi Anglong, the government is making tiger reserves and elephant corridors by replacing people. He said, *“our historical rights cannot be jeopardised for it. The government’s pledge for development resembles an empty vessel. We are not able to even speak about our problems.”*



7. Testimonial of Laichan Engeng, *Tribal Rights Activist*

Laichan Engeng concluded the session by saying that the Autonomous Council has power over land rights in Sixth Schedule areas. The forests demarcated through extension and eco-sensitive



conservationists.

areas are jeopardising human lives. The extensions cover almost their entire district. Technically, there are no forest rights yet. No claims have been accepted. The data presented to Supreme Court is incorrect. The assumption in Assam against the tribal people is that they will destroy forests but the truth is that the tribal people are

Bihar

1. Testimony of Chakravarti Ashok Priyadarshi, *Janmukti Sangharsh Vahini*

There is no need to go into the initial details. We began participating in the land rights movement after this act was implemented on the 1st of January, 2008. The people of Gaya district knew of land rights because our organization had been working on land rights since J.P. Narayan's Movement. Around 35 villages of the Gaya district were notified under the Forest Rights Act. Around 13 villages of Sher Ghati subdivision of Gaya district have also been covered under the Forest Rights Act where our organisation has been working for STs and OTFDs to claim their rights enshrined under the aforesaid Act. We found that their lands had been charted within the Google Earth map of 2004, marked as agricultural land. We verified it again, once the Forest Right Act 2006 was implemented in the Gaya district. The people then began to engage in agricultural practices over the land. They also started claiming possession over the land. We met Mr K.P. Ramaiyah who was the then SC/ST welfare department's Principal Secretary which is the nodal agency to implement the Forest Rights Act in Bihar.

Initially, 13 districts were notified as Forest Land under the Forest Rights Act in the State of Bihar, but eventually the Bihar Government denotified 4 Districts, leaving only 9 districts where rights enshrined under the Forest Rights Act can be claimed. The heartland for FRA in Bihar are Kaimur and Banka districts, where at least 1000 forest rights committees have been established. The proceedings for settling the claims for the land to the claimants did not start even after providing data of the 13 districts in Bihar. The applications were



not forwarded from the concerned department to the nodal agency. OTFDs such as the *Bhuiya* caste, are not recognised as Scheduled Tribe by the State of Bihar. However, some of them are recognised under the *Kherwar* tribe in the State of Jharkhand and are granted Scheduled Tribe status.

According to the speaker, it has been evident that the Forest Rights Committee officials in the said areas are not willing to work, since they have only been occupied with putting the burden from one caste or tribe to another. The forest officials and the committee members trap the claimants in the complex documentation process, thereafter, rejecting their claims and declaring them as encroachers. The forest department is also issuing catena of notices to claimants who have been fighting for their rights against the department. Several proceedings were also initiated to harass the claimants and many of them were also arrested in false and frivolous cases.

Being aggrieved by the arbitrary process carried out by the District Level and State Level Committees, the speaker filed a Public Interest Litigation (*Janmukti Sangharsh Vahini Vs State of Bihar and Ors.*, CWJC 22366/2014). The Ministry of Tribal Affairs was also one of the parties to the instant PIL and it conceded to the fact that the concerns of the forest rights activists are



genuine and in consonance with Forest Right Act, 2006. Since then, several letters and circulars have been issued to the State of Bihar for clarifying confusions and further directing them to take appropriate steps. The Ministry of Tribal Affairs has also submitted a notification

saying that it has directed the Government of Bihar to comply with its conditions. Shri S.M. Raju issued a letter to the District Magistrates in Kaimur, Rohtas, Gaya, Jamui, Nawada, Banka, West Champaran, Munger, Lakhisarai, Araria, Aurangabad and Nalanda, where he expressed his anguish over forceful evictions of OTFDs and STs from forest land, requesting the concerned officials to not take any adverse actions until the claim applications are processed.

Unfortunately, after the Supreme Court order, the authorities have been in a rush to reject all the claims and declare STs and OTFDs as encroachers on their own lands. Their traditional rights, which were safeguarded by FRA 2006, are now being misused against them. The Government of Bihar has forged signatures of the claimants as well as the office bearers of Forest Right Committees formed at village and sub divisional level. The concerned authorities have chosen to keep STs and OTFDs at the same pedestal since they have been outrightly rejecting the claims of both, despite the fact that the claimants have produced relevant evidence for the same.

2. Testimony of Pramod Kumar Singh and Ashok Kumar, Bihar Adivasi Adhikar Forum

The SC/ST Welfare Department of Bihar initially notified 13 districts, but later removed the names of 4 districts with regards to the implementation of FRA. Several meetings were organized with government officials, forest officials and forest rights activists. The officials determined the format of the Claim Form and details to be provided under the said form. Broadly, 3 categories were created, namely *Kattha*, *Khesra* and *Chauhaddi*¹ for the form by the Forest Department. The forms of the claimants were further divided into categories of land owning and the landless. Another meeting was conducted with 26 claimants who were then given the rights over their land. The forms were then accordingly submitted, for instance, in Banka district of Bihar, 193 forms were submitted. Thereafter, the administration then determined if the claimant is landless, which is contrary to the statutory provisions and rules enshrined under the Forest Rights Act, 2006. Out of 193 forms, only 46 were approved by the collector. No notice was sent to the concerned tribe and after a year, only 26 forms were approved.

Rejection on claim applications was highly arbitrary. Department officials also tampered witness statements, other relevant evidence as well as the ID proof of the claimants. Thereafter, rejecting the Claim Applications. Reasoning for rejections were broadly based on the following grounds:

- I. The parties failed to prove their possession over the land (since the last 3 generations),

¹*Kattha* is a unit for land measurement, *Khesra* refers to the plot number and *Chauhaddi* refers to the outline of the land from all the four directions

- II. The land claim falls under the category of *gairmajarua*² land,
- III. The claimant already has land,
- IV. The claimants don't possess *nazariya naksha*³, or it is not valid,
- V. The claimants are possessing the land forcefully,
- VI. The applicants failed to provide genealogical table of past three generation, i.e. over 75 years. Same clause was used against STs who submitted their claims. However, it is pertinent to note that only OTFDs have to prove the above mentioned condition,
- VII. The applicants don't possess caste certificates and other documents pertaining to their caste/tribe, and
- VIII. The applicants do not possess valid ID proof.

Eventually, over 20 subdivisions, offices and committees were formed, receiving a total of 5,934 individual claims. In 2015's government records, it was mentioned that 1,005 claimants had been granted rights over their lands. Although, no claimant was given land of more than 1 acre; in fact, some of the claimants were given only three decimals of land. Out of the 1,005 claimants, only 180 had rights over their land. In a meeting held on 3rd August 2015, regarding the state action plan for the possession of land, it was decided that the process of filing claims under FRA will be completed by August and the claims will be settled by December.



It is pertinent to mention here that the Government itself is contradicting the available statistical data by manipulating the number of claims settled as per their convenience. The present status of the claims as of April 2018 is that 8,022 claims were submitted out of which 121 claims were

²Community land

³Geographical definition of the given land

settled, and 4,215 claims were rejected. It denotes that only 1.5% of the claims have been accepted.

Furthermore, the government's recent decision of using georeferencing technology for conducting land surveys and for the efficient distribution of *Patta*⁴, is contradictory to the notice issued by the forest department to stop the process of settling claims altogether. The department has been acting in a self-contradictory manner, while continuing to harass the claimants unnecessarily.

It is also pertinent to note here that a new rule has been introduced by the department where the claimant while submitting the claim application has to surrender the *nazariya naksha*.

⁴Legal document issued by the Government to determine Land ownership

Gujarat

1. Testimonial of Trupti Mehta, *ARCH-Vahini*

In Gujarat, 1,82,000 individual claims were filed and by 2011, 1,20,000 were rejected. The Government in 2009 had expressed that the claims were with Gram Sabha, and had not been forwarded to SLMC for review. The chief secretary had told TOI that only 10% of the claims were genuine.

They felt this statement was a red herring which made them decide on a legal recourse. They possessed the knowledge but the appeal to be prepared needed to be solid. Since 2008, when the process had first started, the forest department had been rejecting their claims. They had collected all evidence to make their case strong so as to ensure government's acceptance. In 2009, when they came to know that the government is going to use satellite imagery, they took out maps from Google and gave it to the villagers. They were surprised to know that the people could earmark the village boundaries and the plots on these maps. Later when the comparison was completed with GPS coordinates, they found the maps were 90% accurate. The local knowledge had surpassed their knowledge and that's when they decided to use the Gram Sabha for the legal recourse.

In 2011, they sought details of all the rejected cases through RTI to analyse the reason of rejection for the claims. They moved the appeal to the High Court as the reasons stated for rejection seemed baseless. Some of the claimants had



produced documents up to 75 years (dating back to the 1930s survey settlement) and had submitted the same to the Forest Department. The Forest Department then had settled the claims arbitrarily and a maximum of 10% claims were approved.

BISEC Bhaskaracharya Institute was assigned the responsibility of using the satellite imagery, which was then forwarded to SLMC and the department was given only one week to settle the claims. This led to the claims being rejected. We produced all the evidence in the High Court and the court then ruled in our favour and asked the government to review all the cases. Thus, the appellants then avoided a long waiting period in the Supreme Court which would have been quite grave since the other states had been facing the same situation. The High Court further laid down the procedure to be followed:

1. It said that the government could use satellite imagery, as given in amended rules, to approve claims but could not reject claims on the basis of satellite imagery alone.
2. The high court further reiterated that we do not have to use only BISEC imagery, one may use google or NRSS and other imagery too.
3. To comply with the High Court order as the government chose to depict the rejected claims as claims under review, as 5 years had elapsed since the High Court pronounced its judgement to the Secretary of Tribal Affairs.
4. They stated that 13,315 claims had been rejected. The Government has reportedly, as we do not have a copy of the affidavit, asked for more time to carry out a procedural review.

Highlights of Narmada District

High court judgement of 2013 had included CFR rights. Earlier, the right for management of resources was not included within CFR rights. Out of about 17,000 claims filed in Narmada district, very few were accepted despite the judgement. In 2016, several offices put these claims on the back burner. It appeared that all pending claims were not to be rejected but kept as pending, to be rejected at a later date.. However, it was a firm belief that 92-95% of the cases filed were genuine, although out of these, only 40-45% claims were settled. When satellite imagery was introduced, they realised that GPS technology was easy to operate and hence, they

provided the same to the villages. When this data was provided to the authorities, the collectors agreed to the survey, although they provided very little area for the claims. Nevertheless, they appealed against these settlements within 60 days by filing almost 7,000 appeals. The Collector in response had said that the decision of BMC could not be reviewed without instructions from the government or the High Court. In 2015, MOTA came out with guidelines regarding the use of satellite imagery for settling these claims which led to a proposal being promulgated by the government. The guidelines stated that if the data was approved by Gir Foundation, then BMC could approve the claims on the basis of endorsement by Gir Foundation.

Gir Foundation had verified data for over 85 villages. Out of the ones verified, almost 95 % of the claims were settled based on data provided by the Gram Sabha on the basis of satellite imagery. BMC recently approved these claims based on the new High Court order. The Gram Sabha had formerly approved claims of 2.13 Hectares on an average for 5,500 villages. Additionally, Gir Foundation approved about 2 hectares on average. BMC had earlier approved 1 hectare in partially approved claims, but then changed it 2 hectares in partially approved and pending claims. SLMC has been considering using Narmada district as a pilot project for testing the Gir Foundation's project idea, hoping if the results are satisfactory, it could be used for settling the claims in other districts as well. As per the data presently available, 35,000 claims are ready with satellite imagery as they plan to increase the GPS coverage.

Resultantly, the Gram Sabhas were strengthened as even the government officials were not aware of the FRA situation on ground, which led to the empowerment of the village dwellers. FRA has immense potential. In 35 villages, the cooperatives formed for conservation harvested dry bamboo crop whose income output was 28 crores. 17 crores was then distributed for labour, while the rest was retained by the Gram Sabha. All villages voted in favour of non-inclusion of government officials in maintaining the accounts for utilisation of funds from these proceeds. Only Gram Sabha members have been entrusted with these funds, hence, there is more transparency and accountability in utilization of these funds.

Since the contribution of the Gir Foundation, the forest cover in the previously stated areas has increased as the farmers have been looking after the wilderness adjacent to their land. On comparing Google images from 2013-14 with images from 2017-18, the increase in forest cover can be seen as the farmers have been empowered by CFR. IFR and CFR serve the twin benefits of increasing forest cover and improving the livelihood of farmers.

2. Testimonial of Mukesh Lakum, *Human Development and Research Centre*



More than 1,82,000 individual claims and over 7,000 collective claims have been filed, out of which 52% of claims are still pending. The organisation recently filed an RTI in Northern Gujarat for about 2,000 claims that were rejected. They were given 19 reasons for rejection. Some of the reasons cited

were lack of documentation, lack of records, etc. They had also published a document for the status report on IFR and CFR, along with a memorandum.

3. Testimonial of Prabhu Tokia from the *Union Territory of Dadra & Nagar Haveli*

Dadra and Nagar Haveli encompasses a small area of about 491 sq. km. controlled by the Central Government. It has a population of over 3.5 lakhs with the majority being Adivasis. They gained independence in 1954 and chose to join the Union in 1961. At the time of the merger, the area under their control was in proportion to the population.

In 1991-92, about 3000-3500 industries were established. About 25% of the forest is controlled by the people of Dadra and Nagar Haveli. Total number of claims made are around 4,000, however, they have not heard anything about the applications being under process by the

authorities. It is often said that the tribal communities (in most of the indices the deprived class) governed by the central government witness accelerated development. In lieu of this and in the name of development, the people from all over India, industrialists as



well as the rich have been trying to acquire land in Dadra and Nagar Haveli in the name of tourism. The tribals have been living under pitiable condition. Furthermore, due to their geographical location, the tribals have to travel to Mumbai for filing an appeal in the High Court which becomes very expensive.

4. Testimonial of Kishor Chaudhary, *PESA Action Group*



The organisation works in the North block, where over 30,000 claims have been filed and the government has assured that only 10% of the claims would be accepted. However, with the initiation of the Forest Rights Act, about 6,000 claims were

accepted in 2013. When it went under review, 12,000 claims got accepted. It has now been noticed that over 14,000 claims are pending, which the speaker feels will be rejected. In Sabarkata district, over 9,300 cases of eviction exist as per government's list. After filing the RTI, it was observed that the claims were rejected in contravention to 2013 rules. Further

investigation highlighted cases of claimants who had houses, legal possession, well and tilled land but their claims were still rejected.

At times, if the collector rejected a claim, the forest officials followed up by dispossessing the dwellers. In Amirgarh district, after protests and submission of the memorandum, it was found that the review was not over but the process had been suspended. In Vijay Nagar in North Gujarat, where ecotourism is being developed, the latest affidavit consists the details of dwellers and yet nothing has been declared.

5. Testimonial of Sunil Bhai, *ARCH-Vahini*



The speaker works with a CBO and provides legal aid for those choosing to take the legal recourse. In Saputara, the DLC and SDLC have elected members. The SDM has been very accommodative and permitted their

representative to sit in SDLC. As a result of this, most of their claims have been accepted. The DM at that time had invited them to join the DLC, however, this was stopped eventually when the new DM took over the operations. Henceforth, most of the claims filed were rejected. They appealed against the verdict within 60 days of the claim being rejected. They filed claims citing FRA rules. In addition to the rules cited in FRA, they also presented other evidence, despite the fact that they were only required to file 2 documents for verification. Eventually, all the claims were accepted but their representation within SDLC was lost. They further tried to educate the elected members with the correct legal procedures and requirements. One of the reasons cited for rejection of the claims was “non-availability of second evidence of possession”, which is untrue

since at least 2 evidences were filed along with the claims. Most of the claimants were given similar notices. They further appealed in DLC with more evidence, such as satellite imagery but even then several of the claims were wrongfully rejected.

6. Testimonial of Hirabhai, *Pragati Prayas*

The speaker lives 10 kms away from Godhra. He feels that the 2011 High Court verdict to reopen the rejected cases was not followed upon. The forest officials benefited more from the Forest Rights Act than the tribals. The village level committees did not possess enough legal knowledge on the same. The forest officials took advantage of the situation to the extent that they made the Adivasis bribe them in order to get the claims submitted. Consequently, the forest officials in the districts around Godhra made a lot of money. The speaker further said that we may think that Gujarat is very well off as far as forest rights of dwellers is concerned, however, we must know that there are areas where not a single claim has been accepted. In certain villages, not a single claim has been filed. Furthermore, several areas live under constant threat of eviction orders due to the construction of dams & DMIC. The Adivasi culture has been such that there has never been any documentation, which is why it becomes difficult to produce documented evidence. The speaker further feels that the state government needs to be pressured into listening to their cause.



7. Testimonial of Ashok Chaudhary (*Adivasi Ekta Parishad*)

The new laws gave rights to individuals, but had no consideration for collective rights. Since the beginning, the government has had the opinion that the adivasis cannot preserve the nature or

themselves. In order to eradicate this issue, the non-advansi population in the country has to be sensitized and educated about the ground realities. Vijayan Bhai had earlier said that Advansi groups did not take much interest in the entire ordeal because they wanted these provisions to be implemented throughout the country for the inculcation of direct democracy. They had constituted a different vision through their experiences, believing that the land acquired through land tenancy act went back to others. Similarly, they felt that advansis will lose the land they acquire through individual rights as although this act has a provision against selling land but the land may be leased. Statistically, Advansis lose at least 15% of their land every year. According to Roy Burman, advansis possessed 2% of the land at the time of independence. On the contrary, today they own almost $< \frac{1}{2}\%$ land. Based on a story by Dostevsky on the establishment of Church by Christ, the speaker felt that an organization set up by men works for itself and not for the cause that they were originally set up for.



The speaker further focused on how this is the fourth generation caught in the struggle for Forest Rights, emphasising on how three generations were jailed during the freedom struggle. In 1924, the advansis had assisted Gandhiji in the freedom struggle in large numbers. They said that

they need to rethink a few things. They have established the government to protect the poor, weak and needy. Their constitution allowed them to bear arms to protect the needy, but they have been distributing arms to the powerful. They have been misusing the police to protect the rich and the privileged. The speaker felt that they now have to go to the Supreme Court and question the legacy of the state. He further stated that the Advansi Ekta Parishad from 14 states will be impleading in court for FRA rights. Additionally, they intend to sensitize the non-advansi sympathizers through theatre, songs and other possible means to change people's opinion

towards Adivasis. They have been organizing adivasi doctors, engineers and lawyers for this purpose.

The speaker further felt that it is the power that emanates from people which can thwart this threat to democracy, stating that we have been losing democratic space. He further stated that what is happening to adivasis in India may happen to others in the future as the model of development will catch up with all of us in time as it needs resources.

Jharkhand

1. Testimonial of Manoj Dangi, *Rashtriya Jharkhand Sewa Sansthan*

The speaker has been actively working in the Koderma district of Jharkhand. He narrated the struggle that they had started 2-3 years ago with the *Birhor* tribal community. They started the procurement of Patta for 29 families and during the process, never came to know when the claim



got rejected. He understands the amount of work that is needed to be done and is grateful to HRLN which has taken up and also channelised the issue in the right direction. The speaker felt that there persists a need to empower the Gram Sabha which has been

vested with responsibilities, because of the lack of information about the Forest Rights Act in the rural parts of Jharkhand. There exists a communication gap which needs to be bridged and information needs to be made accessible to the people for whom the law has been enacted and who would be affected by it on a large scale.

Furthermore, the officials themselves lack knowledge about the Forest Right Act and the distribution of patta as their understanding of the act is very limited. Additionally, the work that is required to be done at grass root level is extremely high, because during court proceedings, people start backing out from attending the hearings since they are short on resources. The speaker feels that creating an awareness with the use of success stories such as Odisha's where thousands of pattas have been distributed, can further motivate petitioners to continue to pursue their cases.

Lastly, the officials in the areas need to be monitored as the ones functioning at present have not shown any competency with regards to the implementation and regulation of the Forest Rights Act.

2. Testimonial of Samarpan Surin, *Jungle Bachao Andolan*

The speaker, a tribal himself, is aware of the harsh realities and can empathise with the problems and difficulties faced by the families in rural Jharkhand. The implementation of Forest Rights Act has not been done properly and several miscreants on government payroll have tried to mislead the Gram Sabha with regards to the proper implementation of the Forest Rights Act. The Forest department has not shown any support or provided reports on the implementation of the Act, because of which their claims have remained pending at the sub-division office and nobody has yet received the CFR claim. In Simdega district alone, 150 CFRs have been submitted to the *van adhikar samiti*.



With regards to the IFR, they have submitted over 2000 claims which the authorities have managed to cut short by distributing pattas for smaller areas, for instance, if the claimant aims to claim 2 acres of land, they would probably only receive 20-30 dm. This further led to a protest, and the DC eventually sent a notice to the sub-divisional office which brought to light the fact that the claims forwarded by the sub-divisional office for processing have been pending and no report has been filed till now.

Furthermore, the lack of awareness in these areas about the Forest Right Act is furthered by the visits of government authorities which then interpret the Act in a misleading manner.

3. Testimonial of Virender, *Bharat Adhikar Manch*

The speaker firmly believes in the expression “*agwa dishum, agwa raj*”, which translates to, ‘our village, our rule’. He has been protesting for over 25 years, believing that the forests belong

to the tribals as it is the forest and the surrounding nature that has provided for their livelihood. The speaker further cited an interesting instance from the colonial times of the British government which had conducted a survey of the land. The Britishers then held Calcutta as their capital, where the Birsa Munda people were asked to submit proof for the ownership of the land. Birsa Munda had replied saying they use stones to make and demarcate boundaries, concluding the stones to be proof for the same. The villagers left for Calcutta, playing the *nagada*⁵ while carrying their stones. On reaching Calcutta, they were asked to present their proof in a court of law, which they entered carrying their stones. When the Birsa Munda were asked for the documents of the land, he had said that they are the children of God, and the land was given to them by their God, and hence, they do not require paperwork.

The speaker further spoke of the protest march that had occurred from Hazaribagh to Ranchi, lasting from 20th February to 27th February, earlier this year. The march saw the participation of at



least 10,000 tribal people, with women constituting the majority. The march had occurred while winter was at its peak, followed by heavy rains but this was no reason for any of them to back out. They had realised that resorting to any other means to get their voices heard would further implicate them in a number of false cases.

Thereafter, the speaker moved the discussion towards Asia's largest coal mining company, NTPC that has operations in Barkagaon's Katpura district, wherein a total of 2500 acres of land is being utilised. Additionally, the forest land's diversion in the area has been made illegally, and a PIL has been filed in the High Court of Jharkhand. In 2016, the Chief Justice finally passed an order to make the Gram Sabha a party to the 2004 PIL since it is the Gram Sabha that essentially works at the grassroot level.

⁵ a musical instrument

The speaker recalled instances from their struggle, of being called anti-nationals, the raids on their homes by the Investigation Bureau at odd hours and the horrifying memories from the *Hazaribagh Goli Kand*. The speaker had tried to approach RTI with other activists to inquire about the demarcation of the forest land, to which one would be surprised to know that only 4 officers had signed the papers with remarks stating that only rabbits, squirrels, jackals and snakes are found in the said forest. Interestingly, when the same question was asked to the Forest Department, they were told that a total of 200 species of animals and birds can be found in the said forest. The gap in communication and the lack of authenticity in the official statements made by the said bodies has furthered the issue, convincing people to not accept the compensation or give up their lands. As a result of this the villagers are threatened, tortured and mistreated, and implicated on false charges. Furthermore, the police personnel from borders are called to beat up the villagers who are told “*tum dharna doge, tum julus karoge*” (if you protest, you will see a procession).

The speaker further emphasised the difficulties of getting caste certificates made, since there have been several rejections to claims on accounts of insufficient documents being provided by the claimants. The problem is further aggravated through the improper knowledge of the law and it is only made worse as several tribes have been displaced from their lands (*khatiyaan*), which is a requirement for the issuance of the domicile certificate (*khatiyaani*) which is required for the issuance of the caste certificate. The speaker further elaborated about the tribal communities who have been displaced due to H.E.C., building of the Keecha Dam, Koderma Dam and more. Trouble also arises in the context of the OTFDs who are unable to prove claims due to the lack of documentation for the 3 generational claim. The displacement caused in the name of development has further caused several tribal communities to move to other nearby forests with their families, making it impossible to present documentation upto three generations.

When demarcation of the land was initiated, the speaker and other activists started protesting which led the SDO to call for SDLC meeting asking them to bring with them their map to tally with the forest map to see if their plot and khata numbers were on record. Another problem that arises in this context is the failure of the SDLC in providing them with a kit that contains the

forest map, revenue map as well as the voter IDs which the villagers sometimes pay for and yet do not receive. The idea of making their own maps for the land then poses great difficulty. Furthermore, the problem of not being aware is furthered in scheduled areas due to the difference in language. Hence, it is suggested that the Act is translated in local languages so as to get the locals to understand it.

The speaker further faced difficulties in the establishment of the Gram Sabha and Panchayat. When the first Panchayat elections occurred in January 2008, the same were not implemented in Jharkhand. It was finally implemented in November 2008 through the efforts made by the speaker and late Ram Dayal Munda ji. But the same is lacking in representation by the



government for the SDLC as there are no panchayat samiti or zila parishad representatives due to the absence of the same at the grassroots.

The speaker with his associates conducted a survey in eight districts, making the Chief Secretary pass an order for the claims of CFR to be reviewed again and provide a proper reason if rejected. Referring to the data of the district bar, it can be seen that a total of 27% of the claims were rejected with 55% being accepted, while 17% are still pending.

In another instance, the speaker recollected the manner in which the forest department had uprooted a family that had been ploughing their fields for several years in Chatra. Additionally, false cases were filed in Dhanbad, declaring that those with land within the wildlife sanctuary would not get *patta* even though the Act has no mention of the same. In the NTPC area, even prior to the project, over 1500 claims from 17 villages had been filed, but the department in this context stated that the same is not applicable because the area had been barricaded in the year 2008-09.

In the context of implementation, another problem that arises is about how it is envisaged in the Act that it is the duty of the Gram Sabha to call the villagers for the verification, and if on being

called twice they do not show up, then whatever the Gram Sabha decides, has to be followed. But the reality suggests otherwise as the people are made to write to the CO Office which is then submitted to the SDLC who takes up the investigation and keeps it pending in one office or the other for months on end. Such a process for verification is not mentioned within the Act. For a piece of land owned by a community, officials suggest that they be broken down further into smaller pieces of land which is not an ideal practice.

The speaker went on to say that all the laws that are now into existence are due to the struggle of the people. The only law enactments the government has been interested in concerns the *thekedari* system or like practices which pose immediate monetary benefits and are also implemented with quick force.

Lastly, the speaker emphasised the government's priorities with regards to the giving of forest land for mining activities which leads to massive clearance and also leads to the degradation of wildlife within the forests. In the context of the tribal people, they are told to vacate their lands with no consideration for their livelihoods. Additionally, Jharkhand encompasses 29.61% of the forested land in the country and with 89% of the population dependent on the forest, it is essential for the Forest Rights Act to be implemented in a just manner.

4. Testimonial of Gulab Chandra, *Damodar Bachao Abhiyaan*



The speaker showed his concern over the Damodar river which is inching towards its end due to mining projects. The Forest Rights Act is not being implemented for the benefit of the forest land and for the rightful benefactors. He referred to the affidavit filed by the Jharkhand state government in the Supreme Court citing

the number of claims made, for which the reason for rejection has not been specified to the Gram

Sabha. Instead, the government has stated that there are multiple claims for a particular piece of land and no proper documentation to support it.

The speaker along with his associates recently filed 10,238 applications in Bokaro, out of which only 236 pattas have been distributed. Bokaro is an industrial area built to serve as a mining zone since 1952, where land has been granted solely in the name of industry and any claims made have been rejected on this ground since no pattas have been issued. The organisation approached the SDO court, filed an application to know the reason behind the rejection of their claims for pattas, but they were instead directed to the CO, which till date does not have any record of their land.

The speaker is currently working on a case in the Godda region, where 61,000 acres of forest land was given over to a company with the involvement of the Forest Department. This led to a protest by the members of *Van Vibhag Karini* who demanded to know how their land was handed over to the company. This resulted in the formation of a committee which concluded in its report that Rs. 45,000 crore plant can be set up on the allotted piece of land. Lastly, the speaker spoke in regards to gram sabhas that do not know enough about the rejection of the claims and hence, the affidavit filed by the Jharkhand government is wrong.

5. Testimonial of Rajeev Ranjan, Srijan Foundation and Jharkhand Anti-trafficking Network

The speaker has been working on matters concerning forced migration and trafficking. An organization in Patratu working for the entitlements of IFR has filed 86 cases out of which only 20% of the cases of IFR were granted. It has been discovered that whenever a case is filed, only 10-20% of them get registered, which has also been confirmed by the Gram Sabha. The tragedy is that the forest department works on their own ground rules which consists of a set target which they aim to fulfil, while things incidental to these targets are not taken into consideration.

In Lathehar, Father George raised the matter stating that in several Gram Sabhas, signatures have been forged and land has been handed over to companies. Even though the people staged several protests and took the matter to concerned authorities such as the DC and DDC, nothing came of

it. Furthermore, a company in Hazaribagh acquired land aggressively in the district while claiming that only 4% of the tribal population within the region had been affected by mining activities which does not stand true since the majority of the state population consists of tribals and hence, the percentage of people affected cannot be as low as 4%. Furthermore, on being asked if the Environment Assessment report was discussed with the panchayat or Gram Sabhas, there was no response. There further persists the need to make these reports part of the public domain.



Lastly, Jharkhand as a state has witnessed great displacement throughout the course of its history and adding on to it is the case of the missing records of over 20-30% of the land which the forest department arbitrarily hands over to mining companies. The provisions under the Forest Rights Act

are not realised and knowledge of the roles that must be assigned to the Gram Sabha or various other departments is extremely scarce or insignificant.

6. Testimonial of Awadh Kumar, *Van Vasi Chetra Vidhan Samiti*



Van Vasi Chetra Vidhan Samiti has been working with the active involvement of over its 1,938 members. Although after the implementation, their organization had filed over 1000 claims and in the due process, the speaker realised that the government officers took no interest in the implementation of the

same, nor did they coordinate with the Gram Sabha for the inquiry and investigation into the claims. The government officials never made it to any of the meetings nor did any Panchayat meetings occur successfully. Out of the 1000 claims made, only 300 tribal claims were granted along with 100 other caste-based claims.

On asking the sub-divisional officer about the map of the land, they were directed to consult the forest department so the villagers collected the money and bought a map from the survey office. Through this, it was figured the illegal manner in which pattas were distributed in Chattarpur subdivision for mining and the manner in which the villagers were denied their birthright. Since they protested the irregularities in the procedure of claims made, six FIRs were lodged against the speaker. Additionally, the process of granting 400 pattas was also not done properly since the claims were made for 1 acre of land, whereas the villagers merely received 20 dm land. Lastly, the officers involved in the process often mislead the villagers, thriving on the improper implementation of the Forest Rights Act.

7. Testimonial of Omkar Vishwakarma, *Sangram Asia*

The speaker began his research on *van adhikar* (forest rights) after the *goli kand* of Hazaribagh which further took him to Koderma and Chatra zila for research into narrative around forest rights to understand the problems being faced in the process, from application to grant and the acceptance of the pattas. He referred to the sequence of events that had occurred in Hazaribagh, from the arbitrary manner in which the police forced themselves into the houses of the villagers to beat them up to the constitution of Gram Sabha followed by the *lathi* charge. This occurred while the villagers were simply asking for their land rights to be assessed in a legal manner.



In Koderma, a total of 306 pattas were distributed but the claims were made for 1 or 2 acres of land and they received much lesser. In Domchach, large amount of pattas were distributed but the villagers did not know exactly which areas were on the pattas. The official account states that only

56 applications were rejected but the actual number is expected to be much higher. Additionally, the speaker felt that the sub-divisional officers in the area have been working for the proper implementation of the Act and the patta distribution as compared to the other officers, suggesting that caste plays an important role in this aspect.

In Koderma, the official records suggest that 97 claims have been rejected along with 56 in Santhama and 41 in Domchach. Since the state in review was Jharkhand, the implementation of the Forest Rights Act becomes all the more concerning since most of the government schemes are related to land and the documents it entitles, such as the caste and domicile certificates which cannot be created without the documents of the land, making the entire process a vicious circle. Additionally, people cannot even plough their fields, because if they are caught, they can be framed under the Forest Rights Act. Further, while applying for higher education or jobs, they cannot provide the caste and domicile certificates either because of the lack of land documents.

The speaker linked this cycle with the birth of a child and its right to a birth certificate which is similar to the right a tribal person may have over forest land and fair distribution of pattas. Therefore, we need to understand that since several generations have lived in forests, they do not know enough about the manner in which laws are operating in the country and how decisions are being made against them. Their assimilation into the dominant culture would further pose a threat to the collapse of the culture they have had for decades. The Act has specifications on rehabilitation in case of illegal eviction or forced displacement and other basic amenities, but the forest bureaucracy's misinterpretation of the Forest Rights Act suggests that they would rather treat it as an instrument to regularize encroachment instead of using it for tribal welfare.

Karnataka

Testimonial of Rajshekhar Naidu and K. Chitravathy, *Karnataka People's Forum for Land Rights*

In India, land is considered as power. No one is ready to give land to the landless i.e. no one is willing to give power to the powerless because they consider that if power is given to the powerless, they become the rulers.

The government officials like to keep their power concentrated among their ranks and do not want to give land/power to the Dalits, Adivasis and Tribals. The ruling parties including the UPA and the BJP have all committed historical blunders against the Tribal and Adivasis, thereby supporting the capitalist agenda.



This is evident from the following statistics:

In the past 20 years, the ruling governments including the UPA and BJP have pushed for a capitalist agenda for diverting forest land for mining and industrial purposes. Around 7,50,000 acres of forest land have been transferred for mining and other 2,50,000 acres of forest land have been distributed for

industrial purposes. Throughout the country, there have been claims made for regularizing forest land to the tune of 11,08,000 hectares. However, the government has diverted more than 12 lakh hectares of land for industrial and mining purposes.

Statistics with respect to five states:

1. In Chhattisgarh, from 1982-2003 around 1,07,166.5 acres of land was allotted for mining
2. In Madhya Pradesh, from 1980-1996 around 3,79,035 acres of land has been allotted for mining
3. In the state of Odisha, from January 1989 to December 2006 around 295 projects were approved which resulted in around 2,74,079.65 acres of forest land being diverted for mining and industrial purposes out of 1,12, 42.08 acres of land has been allotted for around 115 mining companies
4. In Assam, around 95% of forest land was diverted to mining companies.
5. In the state of Karnataka, for one company, i.e Jindal, around 5,017 acres for land was diverted for mining purposes.

The Central Government has the authority to evict the mining companies for their failure to practice ‘compensatory afforestation’. However, they have not taken any steps in this direction.

The time limit given to these mining companies to undertake the practice of ‘compensatory afforestation’ is in no way close to the time limit given to the central government to review the claims of the forest dwellers which were rejected by them.



In Karnataka, there have been around 2,07,000 lakh claims by traditional forest dwellers and tribals in different parts of the State. Out of this, more than 2,00,000 applications were rejected or were classified as ‘under review’ while the others are pending disposal.

As on May 2019, the status of applications before the Karnataka government – application received are 2,09,000, title deeds distributed are 16,000, land involved is 57,300 acres, applications rejected are 1,08,000, applications pending disposal are 95,000, and total

applications under review (including rejected and pending) are 2,07,000. True copy of the Newspaper report detailing the statistics published by the Times of India dated 23.08.2019 is annexed.

Only 3,000 applications have been passed after the reviewing process by the government of Karnataka. At this point, it becomes imperative to ascertain and analyse the reasons for rejection of the claims. The following are the reasons provided by the government for rejecting claims of forest dwellers with respect to village Somwarpet Taluk.

1. The forest dwellers have not mentioned the survey number of land in their applications.
2. The forest dwellers have not produced any document to prove that they have been residing in the said place for the past 90 years.
3. The forest dwellers are unable to inform the government officials about the exact area of the land in question.
4. The forest dwellers residing in the said villages have been displaced from other villages and hence, their claims for land in the particular village are illegal and require to be rejected.

The copy of the reasons for rejection has been tabulated and is annexed.

Around 679 Gram Sabha resolutions have been passed in the light of these illegalities committed by the forest department and the autonomy and supremacy of the Gram Sabha is diluted due to the bureaucracy and red tape present among the forest department officials. True copy of these Gram Sabha resolutions are annexed.

The Gram Sabha is the supreme decision making authority with respect to the claims of forest dwellers. However, its power is diluted by the government officials by not following the resolutions. Therefore, there is a need for strengthening the Gram Sabhas.

Kerala

1. Testimonial of Adv. C.J. Philip, *Kerala Adivasi Forum*

Adv. Philip presented the problems faced by the tribals, while implementing the Scheduled tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The Act has not been fully implemented in the state of Kerala. The forest department has constructed Jendas, Fencing and Trenches inside the holdings of the tribes after the enactment of the Act. These activities were done by the forest department within one and a half years of the implementation. So the extent of the property, which is held by the tribes in the forest land, has been reduced to three or five percent. The tribes are not allowed to go beyond the Trench, Fencing and Jendas, and they are not given the actual extent of the holdings as per the law. The possession certificate does not give away the actual extent of the property held by the tribes in Kerala. Therefore, the intention of this Act is overthrown by the forest department in the context of possession certificate.



Even though three to five percent of the property was given as per individual rights in *Palakkad* district, the land in the region is in rocky and barren condition. So, the tribes have not gotten any benefit from this Act. Forest rights committees are defunct in most of

the districts in Kerala, especially in *Wayanad* district. Eviction process has been initiated against the primitive tribes or pre-agricultural communities in Kerala, especially in *Palakkad* and *Malappuram* districts. They have been living in remote parts of the forest inside caves. They do not possess a certificate of residence or an identification card, nor are they in contact with other tribal groups or non-tribal groups and societies. Their lives would be at stake if they are evicted from the forest. These primitive tribes or pre-agricultural community cannot live outside the

forest environment. Eviction of tribes cannot be deemed as a remedy for the protection of the forest. Here, the actual intention of the government is to protect the interest of the industrial entrepreneurs. It is the speaker's prayer from the hon'ble Supreme Court that it should ensure to solve the grievance of the tribes and pass an appropriate order in favor of the tribes by protecting the interest of the tribals.

2. Testimonial of Lakshmanan, *Kerala Adivasi Forum*



He stated that the 37 tribal groups spread across the 14 districts of the state are entirely dependent on the forest. Later, the forest authorities denied the tribals access to the forest, so their main source of income and livelihood came to an end. There are tribals who live inside caves and do not have any

contact with the outside world. They are totally dependent on the forest reserves. If forest authorities restrict access or residence inside the forest, then the tribal society will die off.

3. Testimonial of Ashok M.R., *Kerala Adivasi Forum*

In Kerala, after FRA came into force, the tribals were divided into two groups: those who live in settlement areas and those who live inside the forest. The non-tribals or civilians encroach the



tribal land in various ways by taking advantage of the ignorance of tribes, and by threatening, cheating and lending money for an exorbitant rate of interest and more. The government of Kerala has earmarked 21,696.22 hectares of property for tribal settlement in the forest. Even though

the total number of tribal settlement villages are 725, half of these properties are encroached. The

government of Kerala has also supported the encroachers and regularized the encroachment of non-tribes, in areas where the land has been earmarked only for the sustenance of the tribes. The Kerala government has also issued *Patta* for the encroachers. Therefore, the amendment of this penal section is highly necessary. In Kerala, forest officials are always obstructing the construction and renovation of roads, pathways and residential buildings in the forest land. These forest department has no right over the property which is given to the tribes as they amount as individual rights under this law. Furthermore, tribes are not allowed to transfer the property for common use like the traditional worship center, public institutions, roads, playgrounds etc. Forest officials have started denying basic rights to them. The speaker hopes that after considering all the issues of the tribals the Supreme Court takes an effective action to protect tribal interests and take necessary action against encroachment.

4. Testimonial of Adv. Maria, *HRLN Kerala*

In kerala, FRA applies to a certain number of communities, while there are other laws which govern communities who are entitled to land rights from the revenue department. The forest department and the integrated tribal development department are the most non-cooperative agencies with regard to this, because on assessing the details of all the agencies under the SDLC and forest committees, it was found that the tribal development officer was not present to take part in any of the sub-divisional meetings. The applications which were forwarded then got rejected at the FRC level itself. Secondly, some applications are then further rejected at the SDLC level.



The statistics filed by the state Government before the Supreme Court are also wrong because the ground reality is much different. The speaker added that the forest department is an enemy to this because they feel forest protection is their concern and tribals or forest dwellers are against

the reservation, preservation and protection of the forest land. As pointed out by Ashok, there are tribal people who live in interior parts of the forest with no communication with the outside world, and hence they would not have applied for any adjudication or assignment of rights either under individual rights or community rights. Secondly, the schemes which are implemented for the tribals in the state fall under various laws governing the allotment of government land. Here, the speaker added, we have to remind ourselves that it is not actually the implementation of a new law (FRA) which is establishing new rights rather the tribals were born into these communities from over 100, 200, 400 and 500 years. The law only recognizes rights which are vested in individuals. Law only recognizes one's status and rights with regards to authority papers.

Discussing rejection methodology, it is essential to understand that there is no second party and/or rival claims. The need to prove that an individual and/or his ancestors have existed for centuries further points out to the limitation to this law because there is no way to prove that somebody has lived at a certain place for over 200 years to 500 years. This is furthered by the limitation of 60 days that requires filing of an application and going forward for an appeal within 30 days. This essentially does not create a new right but establishes and recognizes the right as it existed by granting a paper to say that the individual or community rights are recognised.

For instance, in Pathanamthitta, a district in Kerala, the communities perform eight ceremonies just to collect 2 ft. long bamboo stick, where they meditate for 10 days, and then stand before the bamboo bush to pray to God, seeking permission to cut bamboo to build flute and more to create music. Furthermore, before playing the instrument, they pray to 999 hills, valleys, rivers and streams going through the forest. This is how the tribal people respect the forest and its biodiversity and ecosystem. Hence, how can adivasi life be determined on paper?

In Kailash case, the Supreme Court held that 92 percent of our communities are immigrants, since they are the descendants of the original inhabitants of India but now they encompass almost 8 percent of total population. In this context, the speaker furthered the need to work on

remedies under FRA.

5. Testimonial of Adv. Preetha, *HRLN Kerala*

The speaker discussed the data on the implementation of the FRA act in Kerala as provided by the tribal department:

- I. The total number of applications for individual rights in Kerala were 40,214, but the total number of individual rights issued in Kerala were 24,006.
- II. The total number of applications for community rights in Kerala were 835, but the total number of community rights issued in Kerala were 208.
- III. The total number of community development applications in Kerala were 701, but the total number of development rights issued in Kerala were 514.

6. Testimonial of Adv. Ferha, *HRLN Kerala*



The speaker held the opinion that the main point that needs to be pointed out is that the document which is given by the forest department under FRA can not be used for any common purpose like taking bail nor can not be kept as a

collateral security for loan purpose at the bank. Additionally, among the tribal family members, the property can not be transferred (father to son) for agricultural purposes. In conclusion, the speaker says that FRA document can not be used to cater to the needs of the common man.

Madhya Pradesh

Madhya Pradesh with the highest tribal population in the country as per the 2011 Census and with a high dependency on forests is one of the most important states from the perspective of FRA implementation. Despite the state taking a lead in the initial years, the implementation of the FRA in Madhya Pradesh has been beset by a number of issues and challenges. In fact, the state



had taken the lead right after the Act came into force in implementing the provisions of the Act through systemic innovations in title verification and distribution targeted at making the process more efficient, transparent and accountable, using GPS enabled survey methods and creation of computerized databases of beneficiaries (School of Good Governance and Policy Analysis, 2012). However, despite the head start, the implementation of the FRA in Madhya Pradesh has been beset by certain issues and challenges such as limited progress on community rights, limited appeals from claim rejection owing to non-communication of rejection to claimants, special cases of PVTGs, forest dwellers displaced by development and those in and around protected areas not addressed, grounds for rejection not clear, non-completion of the mutation process, neglect of OTFD claims, non-effectiveness of Forest Rights Committees and Gram Sabhas etc.

As per the Ministry of Tribal Affairs, Government of India, till November 2018, Madhya Pradesh has received third highest claims of Individual Rights and Community Rights. A total of

6,24,097 claims were received, of which 5,82,302 were individual and 41,795 were community rights. As per the data, the total number of titles that were distributed were 2,52,830.

1. Testimonial of Rajendra Pathak, *Shramik Adivasi Sangathan*

The sangathans are regularly engaged in arguments and dialogue with the government. The native people are unaware of their own land rights. Even the Forest Rights Committees are



dysfunctional. The constitution of the committees is mostly on paper and the functioning of these committees is highly unsatisfactory. They are fighting for procuring documentation and land titles. Regular meetings are conducted in villages to make people aware about their rights. This,

however, comes at a cost as many times fake criminal cases are lodged against the activists who appraise the tribals about their rights. As a result, multiple litigations have been filed against them. Their group had organized a rally recently in Harda, which saw a gathering of 15000-20000 people. Similarly, a meeting was conducted in Betul which saw a gathering of around 10,000 people.

In addition to this, the farmers have faced serious problems of their produce being run over by tractors sent by government, corporations, etc. They do not receive much political support in their movements and their tribal representatives in the government also do not adequately support them. Their sangathan works according to a fixed constitution of rules. They circulate information regularly through pamphlets, etc. They have expressed their anguish regularly. Many a times, they have faced arbitrary lathi charge and unreasonable police force. The sangathan believes in the motto “*Purkho se nata nahi toreng, Jal Jangal Jameen nahin chorhenge.*” In the name of development, they have faced countless oppressions from the big corporates and government departments.

This has led to the destruction of the jungles – the conservation of which, has been done by the tribals for centuries. The environment has been destroyed and the connection that the tribals have had with the environment is slowly diminishing. To counter this, the sangathan, along with thousands of tribals have taken the initiative to replenish the jungles. They launched the ‘Haryali Abhiyan’ through which we have planted thousands of fruit bearing plants and trees. Without the help of any government department, we have planted more than 50,000 trees and are even taking care of them.

2. Testimonial of Fagram, *Kisan Adivasi Sangathan*

The issues related to the tribal oppressions are more or less the same in every state. The fight to get back what is ours is ongoing and even though the affairs seem to not change at all, we shall continue our struggle. In Hoshangabad, the government authorities including the collector have



refused to take cognizance of the prevailing tribal issues. The state government has failed to advocate for the rights of the tribals. The situation is such that, the gram sabha hardly has any say in the affairs of the granting of forest rights. They have therefore started advocating for our welfare and

rights. The recent amendments suggested in the Indian Forest Act, 1927 has made the situation even tougher. They have less hope of government support and the current statutes are acting against them. The need therefore is to mobilize people together to fight through court. The sangathan has been working to make people aware about their rights and they sit regularly to decide on the future course of action. The preparation for the future is the key and a unified framework is ardent to tackle all these issues. The need is to work together and hope that one day our rights will be recognized.

Instances of oppression and non-implementation are as follows:

- In Kesala Block, in the month of January 2019, the officers of forest department were involved in beating tribal women of the area. The incident happened on 5th January 2019, wherein the tribals of Mandikhor were lathicharged by the forest rangers. The officers were trying to demolish the huts of the tribals and when the tribals raised their concerns about the same, a lathicharge was ordered against them in which some tribals were injured. A complaint against this was lodged with the collector, however no action was taken. A news report of the same was printed in Danik Bhaskar on 8/1/2019.
- In the village of Pepariya, Kesala Block the forest department arbitrarily encroached upon the tribal land and tried to make a nursery on their land. The complaint was lodged with the SDM. A news report of the same was printed in Danik Bhaskar on 19/7/2019.
- The OTFD's of Kesala Block living in Dhodi, Naya Cheecha, Pipariya Kala, Mandikhoh, Jhunkar submitted a representation to Chief Block Officer. Even though they had submitted all the documents highlighting that they have been living there since 3 generations, none of them have been given any Forest Rights.
- The tribals in Kesala Block have on multiple occasions organized peaceful rallies and protests to highlight the tribal issues. Each time, representations have been submitted to the authorities but till now no action has been taken.

3. Testimonial of Benedict Damor, *Adivasi Chetna Shikshan Seva Samiti*

The Forest Rights Committees (FRC) are essentially run by the heads of the Panchayat i.e Sarpanch and Secretary. The inclusion of the village people in the FRC, which is reflected in the Act, is missing at the ground level. No gram sabhas are organized to discuss matters pertaining to



forest issues. Many aggrieved are unaware of their forest rights. Once the claim is rejected, the tribals take this rejection as their fate. There has been no effort by the government to make the tribals aware about the appeal procedure. As a result, the appeals are

hardly filed by the tribals. Till now people are unaware of their rights. As the development projects are launched, the tribals have to bear the burden. Their land is forcefully acquired and they are thus displaced. The relocation and rehabilitation in most cases is not done and whenever done – the tribals have to settle for less. Such continuous oppression has had a disastrous impact on the lives of the tribals. There are nomadic tribes which stay outside the village for some time of the year. Their rights have totally being ignored. They are not consulted or included in any discussions pertaining to forest rights. Despite holding rights under the law, their voices have been suppressed. Many litigations are pending before the district court and the High Court. It has been observed that the lawyers do not have proper knowledge on the Forest Rights Acts and thus they are unable to defend the positions of the tribals in the courts

4. Testimonial of Ram Prasad Sharma, *Ekta Parishad*

The congruency of the Sahariya movement is similar to Gandhi's ideologue. The sad ground reality is that the realization of rights done under the Forest Rights Act still has to go through the



Forest Department. As a matter of fact, the forest department should not have direct control over the committee as per law. There have been instances where the forest department has been actively involved in disrupting the proceedings of the FRC. It is

imperative that we stop giving so much importance to the forest department, after all they are just facilitators of the law and not the lawmakers themselves. The claims filed have been rejected without any basis. No speaking orders specifying the reasons for rejection have been communicated to the claimants. The tribals are not aware of the appeal procedure and as a result they have not availed the relief of appeal. The Sahariya tribe in Shivpuri District has been declared PVTGs and yet there has been little that has been done to uplift them. Sahariyas are the most vulnerable people who have been oppressed to such an extent that they fear to even raise

their voices. They have the tendency to succumb to the pressure of the rich and powerful. To uplift these people is a Herculean task but slowly and gradually even they have started coming forward to fight for their rights. However, the forest department leaves no stones unturned to suppress these voices. There are informants within the village who work with the forest department and help the department to lodge false cases against the vocal ones. Although, most of the emphasis in Madhya Pradesh is on Individual Forest Rights, Community Forest Rights are more important. Therefore, the focus should be on getting the villages their CFR titles. The CFR land can be used to cater to the needs of the village and in this way can be better conserved. The revenue-forest land issue (Orange Areas) is another major issue which must be addressed. There is so much overlap in the land records of both the departments. Around 21,000 hectares of land is conflicted. Instant need is that we should start appealing through strong evidence.

- **Case study: Markera, Narwar Block, Shivpuri**

Total claims that were filed in this panchayat were 140. The claims were submitted in the year 2008. The claims were kept in the possession of the secretary. Only at a later stage, after around 3-4 years, when investigation was done, it was found that the secretary had not even forwarded the list to the FRC. In 2012, the tribals of this panchayat started their journey towards Delhi to raise their issues. However, in Agra, a compromise was reached wherein the government promised to take immediate action. Till 2016, the government took no action. Of the 140 claims, around 54 tribals got IFR titles where they were given titles of areas less than 0.2 hectares. When in 2017 an application was filed with the collector it was learnt that panchayat had been shifted to Datia District. When the Datia tribal department was contacted, they informed that officially that land has not been transferred as per the land records. They said that the records suggest that the land is still in Shivpuri District and therefore Shivpuri district authorities will take action. The current situation is that in the 2019 elections, this panchayat was still under Shivpuri, however it will soon be shifted to Datia.

5. Testimonial of Samadhan Patil, *Parmeshwaram Welfare Society*

The Supreme court's decision of eviction created havoc in MP. It was estimated that around 3,60,800 people will be evicted. It was a shocking news for the tribals who had been fighting for



recognition of their rights since a decade. When they raised the forest rights issue in front of the chief secretary, it was realized that he had no idea about the existing law. From Dhindori to Bhopal they did a Pad Yatra, the result of which was that the Chief Minister met them to

address their concerns. Senior Counsel Kapil Sibal and Vivek Tankha were consulted to resolve the legal questions surrounding these issues. In their affidavit the Madhya Pradesh government has acknowledged that they committed gross negligence in the implementation of the law. They also acknowledged that no speaking orders of rejections were granted to the tribals. After the Supreme Court order, almost 1 lakh + decisions regarding land allocation were passed in a short amount of time. He brought out that due to many processes now being online adivasis have often faced issues. The new software VANMITRA launched by the Madhya Pradesh government is bound to create more problems. Crores have been spent in building the software framework and 17 crores was spent on advertising alone. The fact that most the tribal villages have no internet connectivity, it is highly unlikely that this initiative will be successful. Including our political leaders is very essential to deal with the issue. Continued efforts to bring together all the adivasi groups into one common collective action group must be a priority.

6. Testimonial of Gulzar Singh Markam, *Gondwana Samagra Kranti*

The Act was passed after a long struggle of pressurizing the lawmakers to recognize the rights of the tribals. The struggle should not be about the number of titles given or the number of claims approved, it should be about actual realization of the titles and also about the area granted. The ruling parties have tried to influence tribal groups with minor benefits without giving any major relief. This must not come in the way of their fight for a bigger agenda of addressing the major issues. The lawmakers and executive have confused the real owners with law and procedure. The



government has trapped many in sympathy voting. The focus of IFR titles should be limited. Focus primarily should be on CFR titles because those will bring prosperity in the tribal villagers. A deliberate attempt to take away the rights of the tribals is being done by the authorities. In Madla, the collector

forced the tribals to take an undertaking that they have no stake in the forests. Instances like these shatters the spirits of the tribals and they become inclined to not believe in the system. There was a cutoff date to fill the forms, which caused much unnecessary panic.

7. Testimonial of Sanjay Srivastava, *Sanket Sansthan*

The Forest Rights Law sets the base for the existence of the tribals in our country. The tribals have a rich culture, food items, clothes, accessories etc. The way they have survived living in the jungles for centuries is exemplary. The vast traditional knowledge that they possess is on the brink of depletion and we must preserve it. The political parties and bureaucrats have been constantly non supportive of the tribals. Their land is taken away for developmental projects without any rehabilitation. These developmental projects have destroyed the ecosystem in these places. In spite of the constant destruction, no effort whatsoever has been taken by the government to address this. The nature lovers from Gondwana origin were attacked. It is the responsibility of the lawyers to guide us and we shall do the groundwork with full honesty.



8. Testimonial of Shyam Kumari Dhurve, *Jal Jagal Jameen Jevan Bachao Saiha*

Manch

It is essential to discuss the solutions to various problems that the adivasis are facing today. It is clear from the conduct of the authorities that they are not interested in solving these issues. From



2006-2019, adivasis have been continually misguided and made to run pillar to post to fill forms. Tribals are integral to maintain the forest cover in MP. They have survived even before governments and bureaucrats and now everything is being taken away from them. It is the

responsibility of the activists to create awareness among the tribals. The tribals are ready to fight and struggle for their rights, they just need our support. Amidst all the issues, the rights of OTFD's should be looked after also. Along with this, issues such as 5th schedule, PESA, displacement and the tiger corridor should also be dealt with. They are preparing for a movement, andolan in November/December this year. Special Gram Sabha had been set up recently to address concerns, but to no avail.

9. Testimonial of Advocate Rahul Srivastava, *Bhumi Adhikar Abhiyan, Rashtriya*

Bhumi Morcha



There are differences in the data published by MoTA and the affidavit filed by the MP government. It is imperative that we focus on the issues of decentralization and understand the reasons why gram sabhas were given autonomy especially in the 5th schedule areas

and PESA. There is an underlying conflict between the FRA and other forest laws such as Wildlife Protection Act, Indian Forest Act, Forest Conservation Act, CAMPA. This conflict should be addressed with immediate effect. There are many natural resources in MP and the state is rich in flora and fauna. The quest for more power, energy and displaced millions out of their homes and the most displaced are the tribals. Projects such as Chutka Power plant and Dams in Narmada come at a cost of tribals being thrown away out of their homes.

Remarks:

That as per the affidavit submitted by the State of Madhya Pradesh, the status of the claims is as follows:

Total No. of Claims	6,24,889	Claims Sanctioned	2,63,916	Claims Rejected/ Under Review	3,60,877	Pending Claims	96
STs	4,28,612	STs	2,30,482	STs	1,98,036	STs	94
OTFDs	1,54,229	OTFDs	3,452	OTFDs	1,50,775	OTFDs	2
CFR	42,048	CFR	29,882	CFR	12,066	CFR	0

A total number 3,60,877 (Three Lakhs Sixty Thousand Eight Hundred Seventy Seven) have been rejected.

The Madhya Pradesh Tribal Department upon the order of the Supreme Court dated 28.02.2019, decided that the rejected claims lying with District Level Committees (DLC) of different Districts in the State of M.P. need to be reviewed and to be remanded to the Forest Rights Committee constituted under Rule 3(1) and Gram Sabha for re-examination and for adducing

further evidence, if so required. The following guidelines have been prepared to comply with the orders of the Supreme Court:

- I. The Gram Sabhas will review all the rejected claims and remand them back to village level forest rights committee (FRC), which will restart the process of examining these claims.
- II. The FRC, where required, will make field visits, record the boundaries of the claimed land, give opportunities to the claimants to produce additional documents and other evidences and where required, will also take proofs as provided in Rule 13 of the Forest Rights Rules of 2007.
- III. The State Government has also taken a decision to review the claims through an end-to-end computerised workflow web-based software application named “Vanmitra”.
- IV. Responsibilities of the FRC, Gram Sabha, SDLC and DLC will be performed through their respective logins available at all four levels. This software will bring complete transparency in the process of review of the claims. It will enable tracking of each claim to know its status. In “Vanmitra”, the claimant has the facility to place any evidence or any additional fact in his login from any public kiosk or through the Gram Sabha login. The State government is in the process of providing digital “Tablets” for this specific purpose to all FRCs.

There are serious discrepancies in the data presented by the MoTA and the affidavit filed by Madhya Pradesh Government in the Supreme Court. After the order, the tribal department began hurrying up the process of filing claims by calling special gram sabhas and pressurizing the authorities. The procedure and process that was decided in the special gram sabhas lost its significance as soon as the affidavit was put on record. In the affidavit, the tribal department laid down the future strategy for claims being filed and introduced usage of software *Vanmitra*. Later, an altogether different process was introduced through the software, wherein there are provisions of the reconstitution of the FRC at village level. The introduction of all these complex processes and procedures have not only made the claimants confused, but even the government authorities fall short on realising what procedures are to be followed. A pilot project has been launched in

Hoshangabad but the fate of other districts continue to lie still in the dark. The tribal department will have to take concrete and immediate steps to make the process clear to the stakeholders, so that the process of filing claims can begin.

Maharashtra

1. Testimonial of Purnima Upadhyay, *Khoj*

Although Maharashtra is one of the best performing states as far as FRA is concerned, it is important to acknowledge the struggle that led to its enactment as well as the need to keep the struggle going to ensure that the beneficial provisions of the Act are utilised justly. Generally, the focus pertains to the recognition of rights, but in Maharashtra, the focus has rather been on how these rights after recognition can be used.

The concept of Community Forest Rights (CFR) was acknowledged by the Forest Rights Act.⁶ In Maharashtra, the organisation has been able to harness CFR as a tool to empower local people, especially women, to manage and take ownership of their lands that fall within forest areas. CFR offered a unique and historic opportunity to bring the collective of village community together for the conservation, protection, regeneration and sustainable use of the forest and natural resources. The uniqueness of CFR also lies in the fact that it encourages forest-dwelling communities to think about the forest and its health and secondly, the fact that it also takes within its fold individual forest rights.

Benefits of CFR

The challenge was to convert the rights into resources that would enrich people's lives. CFRs have created new employment and economic opportunities for communities - experiences which can be repeated in other areas as well to help alleviate poverty and reverse the trend of migration from forest areas.

⁶The Forest Rights Act provides for recognition of forest lands as community forest resources (CFR). CFR areas are meant to be a separate category of forests to be governed and managed by communities. As of 2016, a little over 1.1 million hectares (ha) of forestland had been brought under CFR management. Potentially, another 30 million ha of forestland in India can be handed over to communities for management.

Besides the preparation of management plans, the success of CFR lies in converting rights to resources and hence, a process of working towards convergence of various departments began. The biggest reward has been the fact that the Gram Sabhas started presiding regularly and women were also given an opportunity and representation. The Gram Sabhas played a proactive role in the implementation of the Act and the recognition of CFR.

Payvihir, Nayakheda, Khatijapur (Amravati District) and four other villages have become the first village outside Gadchiroli to get its CFR Title under the Forest Rights Act. Since then, several villages in the district now have their CFR's recognised.



With the help of the FRA and the support of schemes like MGNREGA, communities were able to make the barren land more useful as part of the CFR. Of the identified works, several initiatives are undertaken under MGNREGA every year, predominantly those that involve soil water conservation, forest regeneration and management.

Plantations were planted and it was also ensured that the plantations were those that were useful and necessary for the locals. In 3 to 4 years, the CFR led to a new process of partnership and convergence. Custard apples were marketed in the local areas as well as Mumbai and this also provided opportunities for the youth because of which they were less likely to migrate to urban areas in search of employment.

For the first time in the country, Gram Sabhas came forward to trade in tendu and Forest Department and TDC came to support the Gram Sabha. This is of particular significance since earlier it was only the government that could trade in tendu leaves.

CFR as a tool to protect the forests

As part of the CFR, a number of measures have been adopted by communities to restore the ecological value of their forests. There is an overall improvement in the condition of the forests in the CFR areas as a result of the initiatives. In the Paratwada range of Amravati forest division, four villages - Nayakheda, Payvihi, Upatkheda and Khatijapur have started restoration of degraded forests in the CFR areas.

Information leads to realisation and understanding that we are not the only ones living in the forest and that there persists a need to protect others too. This encourages people to be involved in the protection of wildlife too. It is with the participation and involvement of the community that these lands went from barren land to lush green which led to the return of wildlife. Therefore, the common notion that Adivasis and forest-dwelling communities are a threat to conservation is completely incorrect, in fact they are the true conservationists. Forest-dwelling communities managing over 1000 hectares of forest land in 29 villages with CFR rights. This is a demonstration of the Gram Sabhas strength.

Illustrations of the success of CFR | Convergence of different Programmes

- In Upatkheda village, fishing rights have been granted to the village under CFR.
- In Khatijapur a plantation has been started over an area of 35 hectares.
- Cage fishing is being practised after the recognition of CFR in Jaitadehi. This land was submerged due to a dam under construction. They were granted CFR for half of the land which was submerged. Once they got the FRA rights to the water body, cage fishing was started. The locals are further assured a fixed income due to the practice of cage fishing.
- CFR, if integrated with other Government Programmes has immense potential. In Khadimal after CFR was granted dam, desilting was undertaken through MGNREGA.

Through the income from the sale of Tendu Patta, the locals were able to deepen the well, and the village was able to get water in the dry months of June for the first time.

- Rahu harvested bamboo for the second time for a cost of over 90lakhs. Over 1,00,000 big bamboo and 40,000 bundles of bamboo pieces were subjected to an open auction by the Gram Sabha.

The process is not about the return over but more about exerting their rights, managing their forests in a sustainable manner and improving their internal governance through informed collective decision-making at the village level. These are only illustrations to demonstrate that there is immense potential if CFR is used as a tool.

Threats to forest rights in Maharashtra

Critical Wildlife Habitat is the new threat. Committees are being constituted to delineate these areas in Maharashtra. The people that are being put on these committees are the same people that have approached the Supreme Court (referring to Wildlife First Petition). There are no social scientists on this committee or people that know the ground realities. They are ignorant and have no knowledge about forest dwellers. The struggle is on to ensure the implementation of the act and that people's rights under the act are recognised. The recognition of rights plays a key role to mobilise people.

2. Testimonial of Indavi Tulpule, *Shramik Mukti Sangathan*

There has been a historical non-recognition of tribal rights over forests. The fight for the recognition of forest rights started much before the FRA Act was brought into force. Earlier the struggle had been against the Colonial rulers, and now in some sense, this fight continues with the Government and those with vested interests to throw the forest-dwelling communities out of their own lands.

The problem of tribal evictions from their own lands was legitimized by the Forest Conservation Act which regards the forest-dwelling communities as 'encroachers' on forest land. In short, the FRA enactment was the culmination of a long struggle. The first was the fight for land where the

battle had to be fought on all fronts. It involved strategizing. The second was with the forest administration - people would protest against the arbitrary decisions of the DFOs, District Collectors and others. The third was the struggle in the court. Eventually, sometimes a sympathetic politician also helped. It was only because of all these three forms of struggle that we are able to see some results. Just one kind of struggle is not enough.

The struggle must be on all fronts in order to ensure success. One needs strength to fight, especially when the other side is as powerful as a forest officer, the State or a multinational corporation. Civil society is required to come together while the law also aids in our struggle.



One finds strength in different ways. For instance, the *Godhavarman* judgment⁷ led to widespread eviction all across the country. Although, the order did not direct the eviction of all forest dwellers and there were many conditions in the order, the forest department tried to take advantage of people's ignorance. People were provided with translated copies of the

order. When the *Godhavarman* order (Supreme Court matter) came to remove the encroachments show cause notices were sent to hundreds of people proposing to evict them. The order was translated in the local languages. People were able to respond to the notices. They went to the DFO's office who claimed that the order directed them to evict all forest dwellers. They were able to respond to the DFO and tell him that this was not actually what the order said. This is what one calls strength.

⁷ In Intervention Application 703 ("IA 703"), filed on 23 November 2001, the Amicus Curiae (Adv. Harish Salve) drew attention to the danger of forest encroachments by powerful lobbies being "regularized" by the government. In response, the Supreme Court forbade the Central Government to regularize encroachments without its permission. This was interpreted by the MoEF as a direction to evict encroachers, although there is no express order of the Supreme Court to evict.

The other source of strength is in *sansadhan* (resources). There is a saying that goes - '*plot amchya potha sathi, van amchya mulan sathi*' (plot is for our stomachs, but the jungle is for our children). It is in this spirit that the forest-dwelling communities have always proactively worked towards the conservation and protection of the forests.

The second issue that must be highlighted is that of 'partial' rejection orders. There have been two kinds of rejections - those with total rejection of forest claims and those that have been partially rejected - in these cases only titles to only those areas under standing crops are granted and demarcated and the remaining claimed area under occupation is rejected. Whenever the State Government files affidavits in court, it does not disclose the rejection claims or the partially rejected claims - it only discloses the number of claims that have been accepted. This is the reason why the figures for Maharashtra may seem good. A chart has been prepared reflecting wrongful rejections. The chart gives details of the types of rejection orders, provisions violated along with the details of violated provisions. (See Annexure)

The largest number of rejections were of OTFDs (Other Traditional Forest Dwellers), where a demand was being made of proof of 3 generations of occupation, which is not required. Claims are being rejected on the ground that no concrete documentary evidence has been provided, which is not a requirement of the law.

3. Testimony of Mr. Raju Pandhara

According to the latest statistics provided by the Ministry of Tribal Affairs, a total of 1,02,800 claims have been accepted so far in Maharashtra of the tribal people and 16,209 claims of non-tribals. They have also claimed that 1,09,000 hectares is the extent of land for which titles have been distributed. However, what is to be noted from a closer analysis of these figures is that many more claims have been rejected as compared to those that have been accepted. Pattas are granted only for some parts of land, which is a concerning phenomenon.



The other issue that these figures betray is the fact that due to the intervention of the High Courts and the Supreme Court, several of these pattas were granted before the FRA Act was brought into force - the fact is that since the FRA Act has come, not many legitimate claims have been accepted.

Another issue is that in areas where there are more Tribals than non-tribals, most of the claims have been rejected. This is because the non-tribals believe that this will interfere with their ability to graze the cattle. Many of these claims are rejected at the Gram Sabha stage itself and they do not get carried forward. Saphala in Maharashtra is an example of where this has been occurring.

The land which is left over after granting individual titles must become part of CFR as there persists an apprehension that these residuary lands will later be taken away from these communities and granted to powerful companies and corporates. In 2006, before the FRA Act we had highlighted this issue through letters addressed to the Government. Today in 2019, this apprehension seems to be coming true. This is a sad and concerning state of affairs.

Unfortunately, in Palghar District there has not been much focus on forest rights as there are many issues faced by the local communities. There are many proposed projects for which tribal lands are being forcibly acquired - the Bullet train project, Wadhwan Port, Baroda-Mumbai Expressway and more. There is also a proposal to make MMRDA (Mumbai Metropolitan Regional Development Authority) as the planning authority for Palghar which will lead to the complete urbanisation of the region. There are a total of 32 tribal hamlets in this area and it is these people that are being chased away from their own lands. Forest Rights Act is one of the ways in which the rights of the traditional forest dwelling and Adivasi communities can be protected.

4. Testimony of Margrette D’Britto, *Jivendra Institute of Social Sciences*

We work in Raigad district with the Katkari⁸ community. Since this community is landless, migration is common. When the FRA was passed, the forest department felt that all the land will be given to the tribals. This led to a lot of conflict between the people and the officials of the forest department.



The campaign to create awareness around the Act started in Raigad in 2008. Public awareness campaigns were undertaken to inform people about the provisions of the Act. A booklet was prepared by a retired Tahsildar which explained the Act very simply in Marathi, which led to awareness amongst the people.

Although a lot of claims have been accepted, there are a lot of lacunae and shortcomings. For instance, in a village where 34-35 claims have been accepted, only one certificate has been issued. The other issues faced in the district are with the forest department officials who function arbitrarily while demarcating lands. There are also issues concerning GPS mapping being used for the purpose of FRA.

5. Testimony of Gayatri Singh, *Senior Advocate, HRLN*

What deserves to be noted from the affidavit filed in the Supreme Court is the fact that of the 40% of the claims that have been rejected, no reasons have been provided and the claimants are not informed of the rejection orders. Thus, the State Government themselves have acknowledged that there are issues in the implementation of the Act. However, what steps are needed to remedy this problem are not being pointed out to the Court.

⁸Scheduled tribe, predominantly from Maharashtra



It is, therefore, important that this information is highlighted through interventions that are being filed in the Supreme Court.

Odisha

Forests in Odisha have been intimately connected with the socio-economic, environmental, ecological and cultural development of the state. Apart from maintaining ecological stability, and revenue earning activities, the forests have been the ancestral habitat and a source of livelihood for the forest dwellers in general and tribals in particular.



Forests of the state are unevenly distributed with higher forest coverage found in the districts of Kalahandi, Sundergarh, Mayurbhanj, Sambalpur, Malkangiri, Ganjam & Keonjhar. Those are also the districts where there is a higher concentration of tribal communities.

The government has identified the scheduled area in state by taking into consideration the concentration of tribal communities in different parts of the state. The seven districts of: Mayurbhanj, Sundergarh, Koraput, Malkangiri, Rayagada, Kandhamal and Nabarangpur have been declared as scheduled areas as a whole. In addition, Nilagir Block of Balasore district, Thuamual, Rampur, Lanjigarh block of Kalahandi district, Telkoi, Champua, Barbil Tahasil of Keonjhar district, Udaygiri tahasil of Gajapati district and Suruda block of Ganjam district are Schedule (SAs) of the State.

Statement of State Representatives:

1. Testimony of Parmanand Manjhi, *Adivasi Chetana Manch*

There are 50% less forest officers in his Koraput district. The main concern for him was that Revenue Department fail to cooperate with the Gram Sabha on many occasions. The tribal people, those who are residing within the forest for several years have been awarded 10 decimals



of land instead of 10 acres land by the authorities. Through the eviction of tribes from their ancestral lands, authorities of the forest department were able to use the rest of the land for plantation. He says that the state government has no interest in implementing the PESA Act in his

area. According to him, the Gram Sabha plays a significant and vital role in administering and identifying the forest land. But the government is exploiting the tribes by using the forest as a land bank for corporate needs and industry. He also said that Govt is showing more enthusiasm in establishing an Elephant Corridor by evicting Adivasis from their land. The propaganda of the government is very clear in destroying the forest and the Adivasis land.

2. Testimony of Sanjit Kumar Turuk, *Paribesha Suraksha Samiti, Laxmipur, Koraput*

The Background of the Forest Right Act 2006, The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, popularly referred to as the Forest Rights Act (FRA), is a path-breaking legislation in the history of forest governance in India.



The types of rights recognized by the FRA include: the individual rights over land, communal rights over forest and forest produce, community forest resource rights, habitat rights of particularly vulnerable tribal groups (PTGs) and seasonal rights of pastoralist and nomadic tribes.

Crucially, the FRA empowers the Gram Sabhas (Village Councils) for initiating and facilitating the process of determination of forest rights.

In India, an estimated 275 million people depend on the forest (World Bank, 2006) of which around 100 million people live on land classified as forest land (Lynch and Talbott, 1995). According to one estimate, 40 percent of India's poor live in about 1.73 lakh forest-fringe villages (FSI, 1999).

- **Problems/Remarks:** Certain forest land in the state is un surveyed & detailed maps/records are not available
- **Irregularities in Claiming:** It was found that many irregularities had taken place during the process of submitting claims to SDLCs. And that the vast majority of claims were only for individual land pattas, with barely any claims for community rights.
- **Misinformation:** The Forest Department has been spreading misinformation about the Act and is seeking to divide villages.
- **Not Awarded:** Non-ST's were initially prevented from filing claims at all and continue to face difficulties.
- **Plantation on Cultivated Land:** There have also been many cases of the FD forcibly undertaking plantation on cultivated lands both under government programmes and a Japanese funded forestry project in total violation of the law.
- **Not Permitting to Conduct Awareness programme:** In Sunabeda Sanctuary and the Simlipal Tiger Reserve, the villagers are facing a lot of problems due to the forest department not permitting even awareness raising meetings. Recognition of the rights of residents of unsurveyed villages which do not fall within any panchayat, conversion of forest villages into revenue villages and recognition of the habitat rights of Odisha's PVTGs is lagging.

- **Immense problem to OTFDs:** OTFDs (Other Traditional Forest Dwellers) are also facing immense problems in proving 75 years of residence as there are hardly any record available for the purpose.
- **Unavailability of MAPs & Record:** No maps are available for much of the reserve forest land as it has never been surveyed. Absence of maps is being given as the official reason for non-recognition of claims on such forest land. Certain forest land in the State is un surveyed & detailed maps/records are not available.
- **Lack of awareness and knowledge about the law:** Ambiguous and incorrect interpretation of the Act by concerned government functionaries has led to a lot of confusion at the community level. The law has been narrowly visualized as something that is only meant for tribals as a land distribution program. The Gram Sabha and FRC members were found to be ignorant about the detailed provisions in the law.
- **Performance of Authorities/Bodies:** While the role of the Gram Sabhas were grossly ignored by agencies like the Forest and Revenue Departments. The performance of other bodies like SDLC and DLC have not been found to be satisfactory. The Gram Sabhas have largely been ineffective and non-functional except for places where CSOs have actively facilitated the process. At the SDLC and DLC level the designated officers take decisions without the involvement of PRI members, especially women. Even representations from the tribal welfare department in committees like SDLC have been low as compared to their counterparts thereby marginalising their active participation in the proceedings of these committees.
- **Constitution of FRCs:** Constitution of the FRCs are also not proper in Odisha as well as in all state.
- **Recognition of rights under FRA:** While there has been considerable progress on recognition of individual rights, the recognition of community rights has not been encouraging. No concrete

steps have been taken in all the study states. Out of the total rights recognized so far, 98.74% in Andhra Pradesh, 99.64% in Chhattisgarh and 99.44% in Odisha belong to the individual category.

- **Involvement and participation of women:** Active participation of women in FRC and the rights of recognition process is found to be abysmally low. In the villages that were studied, the women were found to be unaware of FRC functioning largely because of their non participation in meetings and physical claim verification process. However, some in some studies, where NGOs have provided hand holding support and awareness, there has been a better and active participation of women.
- **Hurried Gram Sabha constitution:** Hurried FRC constitution and absence of adequate quorum in Gram Sabha meetings.

Data as On 31st march 2019 (Odisha)
Individual Forest Right Claims (IFR): 6,17,935 Community Forest Right Claim (CFR): 13,826
Title or Patta Distributed by government (IFR): 4,30,212 Title or Patta Distributed by government for (CFR): 6,564
Area of Land distributed (IFR): 642.542 Acs Area of Land distributed (CFR): 235.205 Acs
Rejected claims (IFR): 1,87,723 Rejected claims (CFR): 7,262

3. Testimony of Hiralal Majhi, *Jungle Jami Suraksha Committee*

The government is not taking any interest in conducting awareness programmes regarding FRA. He presented that the VLC AND DLC are not function properly in his district. Revenue



Department and Forest Welfare Department are not cooperating with the forest dwellers. In the Nuapada district the government established the Tiger Sanctuary most populated forest dwellers arias. He also said that there is another

project of the government to construct Biju Express Highway across the forest land. It is clear that this Express Highway will not serve them anything but it will open up the roads for mining transportation. He also pointed out that there are certain organisations who are involved in plantation work over the forest land of his district.

4. Testimony of Lely Majhi, *Khandual Mali Surakha Abhiyan*

The Forest Department has already encroached on 1500 acre of forest land which belongs to the Scheduled Tribes (Kondh community), the original inhabitants of Khandual Mali Hill. Mr. Lingaraj Azad narrated further saying that they are fighting together for the tribes of Kandhal



Mali Hill and Niyamgiri Hill. He further explained that the Khandual Mali Hill has double the grade Bauxite deposition than Niyamgiri Hill. This is the main reason why the state authorities (in association with other corporations) are terrorizing the tribals. Additionally he mentioned that the Kondh Tribes worship these

hills and they have a tribal deity in the same name of these hills. Furthermore, he stated that Odisha Mining Corporation which claims to be establishing a development program in the region is actually destroying the forest land in the name of development. The leadership of Lely Majhi and other villagers have set up a gate to obstruct the construction of road on the hill. He stressed the commitment of his tribal groups stating that “we are ready to fight to protect our forest and its wildlife. Because this is a matter of our “life and livelihood”.

5. Testimony of Dhanamati Majhi, *Jungle Jami Surakhya Committee*

A tribal woman from Nuapada who had lost her husband in the fight for land. Further she added that her communities have successfully got some pattas but few other non tribals who reside with their village are still struggling to get pattas. She stressed that the sacrifice of her husband will not go in vain who also had been to jail during their movement to protect the forest rights.

Challenges

- There is a severe lack of awareness and capacity at local leadership level. Organisations regarding the rights enjoyed by communities and individuals under FRA.
- There is an urgent need to spread awareness amongst the implementing staff and the members of Panchayati Raj Institutions regarding the FRA.



- As well as, the ways in which the provisions of this Act can be used to obtain land, livelihoods related rights that have been violated through the process of displacement.

- For protected areas (including sanctuaries, national parks and tiger reserves), the FRA 2006 is being

ignored or is being flouted. Many provisions of the FRA, and of the Wildlife Protection Amendment Act, 2002, are being observed more in their breach. While their rights are not being recognised, tribals and OTFDs are still being displaced from protected areas.

Their access to the protected areas for collecting NTFPs is being restricted, and other restrictions are being put on their traditional livelihood related activities in the forests. These are in clear violation of the FRA.

Uttar Pradesh

Adivasi Vanvasi Mahasaba is associated with the All India People's Front, who are working towards the implementation of the Forest Rights Act in the state of U.P. Parliament had passed the Forest Right Act in the year 2006 and it came into force on the 31st of Dec 2007 within a total of 13 districts: Sonbhadra, Mirzapur, Chandauli, Chitrakut, Bahraich, Balrampur, Lalitpur, Lakhimpur Khiri, Gorakhpur, Maharajganj, Gonda, Bijnor and Saharanpur where forest rights were implemented. For many decades, *Adivasi Vanvasi Mahasabha* has been working in providing forest dwellers with their constitutional rights. To implement the Forest Right Act at the ground level, *Adivasi Vanvasi Sabha* has created an initiative amongst the people of the forest region by teaching them about the benefits of the Forest Right Act 2006. The state



government was no help, therefore, with the help of other organisations they were able to submit their claims in 2009 and 2010. Some of them received their receipts but most of them did not receive any proof of their claim form having been submitted. Many of them were deprived of their claim which the

administration was informed of, but claimants themselves were not informed of the submission. As per the Forest Right Act, a three tier committee was set up however their work was largely one sided as they worked without informing the beneficiaries and the decisions they were making were illegal. At that time B.S.P. was in power and announced that on the basis of claims, titles had been given and all the claims had been disposed off. However, the claimant did not have any knowledge of the claims disposal.

In response, the organisation filed an R.T.I in 2013 and the information given was: the total number of claimants were 92,433 out of which 73,413 were cancelled and only 17,705 had got the 1,39,778.04 acres of land.

It was an injustice to the people of forest dwellers so in the month of April a PIL was filed before the Allahabad High Court in the writ petition no. 27063/2017. The Hon'ble court had ordered that as per the 2012 law they should be allowed to file their claim. After the order of the High Court, the people had filed their claim, the situation still has not changed. In this aspect, the administration should be informed that the disposal of claims as stated above, is unlawful.

In 2017, the Government changed within the state and with that the tribals were evicted from their homes and false cases were lodged against them, resulting in their arrest. To tackle the worsening situation, *Adivasi Vanvasi Mahasabha* did a fact finding mission and prepared a detailed report. Following this, they again filed a PIL (56003 of 2017) before the Allahabad High Court. On the very first date, the Hon'ble court passed an order that till the next date of hearing, no coercive action shall be taken against the member of the petitioner's sabha who are the members of the scheduled tribe and those who fall under the category of scheduled tribe and other traditional dwellers as contemplated under the provision of scheduled tribes and other Traditional Forest Dwellers. In the next PIL hearing on the 11.10.2018, the Hon'ble court passed an order that it is open to the members of the petitioner association to make an individual application under section 6 of the Act to seek recognition of their forest rights, within a period of six weeks from that day. If such applications are made, the Gram Sabha/authority shall consider the same and take a decision as expeditiously as possible (preferably within a period of 12 weeks). For a period of 18 weeks, an interim order granted by this court on 24.11.2017, shall remain operative. For compliance of the order of the Hon'ble court, *Adivasi Vanvasi Mahasabha* made an application on 12.11.2018 on which the Director of Scheduled Tribe Development, U.P. directed the district magistrate of 13 districts to reexamine the claims which are covered under the F.R.A. Even after the order of Hon'ble High Court, the district administration were not accepting the claimant report. Only after the mass pressure did they accept the claims in the districts of Sonbhadra, Tehsil Dudhi, Ghorawal and Robertsganj,

District Chandauli, Tehsil Naugarh and Chakiya in District Mirzapur, Tehsil Madiha and Lalganj.

On 16.08.2019 under the Right to Information Act, we received the copy from district administration of the three districts of Mirzapur, Chandauli and Sonbhadra for the disposal of the claims and rejected claims in compliance of the order of the Hon'ble Supreme Court in a writ Petition no 50/2008 and 109/2008.

Looking at the reports of Tehsil Robertsganj, Dudhi and Ghorawal of District Sonbhadra will shed some light on the truth. The Forest Committee received 945 claims from individuals and other traditional forest dwellers they received 4321 claims from the 28 Gramsabha. The Forest Committee at Gramsabha level accepted the claims and sent it to the sub divisional branch in which 577 claims of scheduled tribes were accepted and 368 were rejected, all the claims of other traditional forest dwellers were rejected and 347.585 hectares of land was allotted to those whose claims were accepted. In the same way, as per report of Dudhi Tehsil of Sonbhadra District that in 129 Gramsabha Forest Rights Committee, they received 17,349 for individual claims and 512 for community claims and for the other traditional forest dwellers 15,022 claims were received. Out of this, 3,865 claims were accepted and sent to the subdivision. The other 13,484 scheduled tribes and 15,022 other traditional forest dwellers claims were rejected, which was informed to the Gramsabha Level Forest Right Committee. 3,664 individual claims of the schedule tribe and 512 claims of the community were accepted and the remaining 291 claims for the tribes and 15,022 for the other traditional forest dwellers were rejected. Intimidation over the rejection of claims to the forest dwellers was not mentioned in the report. As per the report of Robertsganj Tehsil in 214 Gram Sabha, 14,137 schedule tribe claims of individuals, 256 claims of community and 12,897 claims of the other traditional forest dwellers were received, out of which 7,779 were accepted and sent to the subdivision committee and the remaining 6,358 claims were rejected without informing the claimants. In total, 7,779 claims were accepted; 7,010 for the scheduled tribe individual claims and 256 of the community were accepted and remaining 769 for tribes and 12,897 claims of the other traditional forest dwellers were rejected. The report itself says that they didn't inform them about their rejected claims. In relation to all

these rejected claims, District Magistrate Sonbhadra submitted his reply before the Allahabad High Court on 18.12.2017 that information with reason is not given to the claimants for their rejected claims. In Chandauli and Mirzapur, information with reason in their report is available but it is only in paper, the reason for their claims' rejection is also not mentioned.



Now, the current position after the order of the Allahabad High Court for reconsideration of the claims is such that till date no action has been taken nor communicated to the claimants. Administration deprived the people of their forest rights and they are continuously working against the law. In Chakiya

Tehsil, District Sonbhadra they called all claimants and took their signature on a plain piece of paper on a single day. In Madohan Tehsil of Mirzapur, they forged the signature of the claimants and prepared the report that they have been intimidated but on ground no such information was given. Despite the stay on eviction of forest dwellers, they have still been evicted from the forest. The land which they are in possession of and whose claims have already been submitted, the claims have not been rejected but they have been restrained from farming. There should exist a higher level committee who may look into the matter for disposal and allow those to submit who could not submit their claims. Until then, the disposal of their claims under the Recognition of Forest Right 2006 Schedule Tribe and other forest Dweller should not be evicted. Data of different districts of Uttar Pradesh which was provided under the right to information Act 2005 for the disposal of accepted and rejected claims under the Right to Forest Act 2006 is further presented in anextures.

Uttarakhand

The implementation of the State Forest Rights Act in Uttarakhand is no different, rather worse, in comparison to the rest of the country. Uttarakhand is amongst the few states which has taken no steps towards the implementation of the Forest Rights Act. During the hearing that was held on 24.02.2019, the representation was made by the State of Uttarakhand wherein it was stated that in total 209 claims were filed, out of which 44 claims had been approved and the rest had been rejected. However, this representation before the court was completely false. As per the information received from various sources, more than 10,000 and 500 individual claims and CFRs respectively had been filed. The inaccuracy in the number of claims stated, can be proven and substantiated by the information received through RTIs from Udham Singh Nagar District in Uttarakhand. In one district alone 2333 claims were filed. The information received through RTI is attached to this Report as annexure.



It is pertinent to mention here that when this Act came into effect, the State of Uttarakhand said that this Act would have no applicability in the State as no person in Uttarakhand resides in the Forests. Additionally for CFRs, the State already had a community forest rights management system in the forms of Van Panchayats wherein CFRs were already with the

people. Van Panchayats in Uttarakhand had been formulated in British period after a long struggle between 1921 to 1933. In 1933 approximately 3000 square kilometres of forest area were given to Van Panchayats. The forest lands under these Van Panchayats were jointly owned, managed and controlled by the communities. The CFRs in Van Panchayats were much advanced

as it also included rights on timber, which is not the case in the present Forest Rights Act. But after independence, these rights were restricted and the Forest Department was made to enter Van Panchayats and the joint management system between the two was established. This adversely affected the people.

Therefore, when the FRA came into effect, the people who resided within Van Panchayats hoped for their situation to improve as the Act gave statutory recognition of their existing forest rights. So far, their rights in Uttarakhand were determined by various rules under Indian Forest Act, 1927.

Additionally, there existed more than 200 forest *basties* (slums) wherein population of one such Basti, *Bindukhatta* was nearly 1.25 lacs. Bindukhatta is a forest village, which has roads, hospitals and other amenities but till today the status of land is that of a forest land. Meaning denizens of the area did not enjoy the right to have their own Gram Sabha and vote for the village head. The area is allocated to the Forest Department. There are 200 more small and medium basties in Uttarakhand. Other than this, Van Gujjars in Uttarakhand are facing severe problems. Van Gujjars in Himachal Pradesh or Jammu & Kashmir fall within the category of Scheduled Tribes. Uttarakhand did not fall under this category, even when their population was highest. There are approximately 200 basties of Van Gujjars in the state. The problem increases more for these Van Gujjars as many of them are Muslims. The hon'ble apex Court on 28.02.2019 observed that during the litigation pendency of the final judgment, no STs and OTFDs would be evicted from their lands. In spite of this, continuous contemptuous evictions are taking place in the State, wherein some places the administration is issuing notice, and then is proceeding with the eviction. However in most places, evictions are being carried out without issuing any notice. Therefore, even the direction of Hon'ble Supreme Court is not being able to help the STs and OTFDs in the State.

In 2008, the High Court of Uttarakhand passed an order for the implementation of this Act, and directed for the formation of committees. The State of Uttarakhand acted upon the order but formed committees at Panchayat levels contrary to the provisions of the Act. The committees formed were the seventh committee of Gram Panchayat of which people are unaware. Therefore,

when people filed claims, committees at village level passed the claims, and then it was forwarded to the Block Level Committee. The claims received by the Block Level Committee were then given to the Social Welfare Department, which is the implementing agency in Uttarakhand as there is no ministry of tribal affairs in the State. Social Welfare Department in turn piled it up and did nothing.



When the then Social Welfare Department officer was transferred, the claims were lost by the department. In some places where organizations are working, they drive for the hearing of claims. The committee, including BDO, and Ranger of Forest Department instead

of the representative of Panchayat, District Welfare Officer, rejected all the claims by noting in one statement that no OTFDs have the proof of 75 years, which is the problem with all the states like Uttarakhand, Himachal Pradesh and even Jammu & Kashmir as the OTFDs in the previously stated states are less in population. In Uttarakhand, there are five tribes, and except Raazi, the population of which now would be approximately 700-800, the reliance on any force in other four tribes is very less. The Bhotia tribe is one such tribe which has been able to be part of the development due to reservation, but this is not the same for the other tribes.

It is very crucial to understand that the category of OTFDs within the Act, is in a more difficult position. The claims of OTFDs are very negligent. The condition to show evidence of three years, which is set forth by the Act for OTFDs is very stringent and discriminatory between the two categories. In 2010 in Assam, the then Chief Minister of Assam raised the question before the Review Committee regarding this extreme provision for OTFDs. This provision is creating problems in the State of Uttarakhand as well, like all other states in India, as it is extremely onerous to bring evidence of three generations. Due to this legislative hurdle for OTFDs many of the genuine claims being heard were rejected, and the statements of the elderlies in the villages

too were often not considered. Therefore, the additional condition to bring forth the evidence of three generations for OTFDs should be set aside.

In Uttarakhand, there are nearly 200-250 tribes residing in the forest. The FRA work is being done in Corbett National Park. It's extremely sad that most people are of the opinion that the inhabitants of forest area are the ones responsible for its destruction. In Corbett, the inhabitants are however, like any other tribes residing in the forest area, protecting the wildlife and forest. The tribes residing in Corbett National Park have started domesticating tigers, and live in coexistence with these animals. The houses of inhabitants herein do not have doors and animals do not attack people in this area. On the contrary, where the area had been taken by the Forest Department, the forest cover in these areas have been deteriorated.



The biodiversity in the area where people are residing is much more dense in comparison to the areas where there are no people. The biggest hurdle in the implementation of this Act is the lack of awareness amongst people for whom this Act was enacted in 2006. STs and OTFDs are unaware of the process of filing of claims, and other crucial

information that are required for this matter. Nodal agencies on the other hand have failed to perform their function because of the lack of implementation of this Act. NGOs too suffer with their limitations. So, in the places where there are no NGOs working on forest rights, the situation of the tribals are the worst as the STs and OTFDs have no information regarding ongoing proceedings. Tribals in these villages till today do not have voter ID cards, and if the situation of NRC, like that in Assam, would take place in Uttarakhand, these people would have

no space anywhere whatsoever, and would not be included in any category. In Rajaji National Park, Gujjars are being evicted without notice, and there is no regard for the judgment of the hon'ble Supreme Court as well as the democratic set up which is there in this country.

One such incident of atrocities on OTFDs occurred, in Sanya Basti, Chakrapur, Khatima. A Ranger of the Forest Department in collusion with the local mafia entered Sanya Basti with their entire force, and JCBs, and demarcated boundaries to take land away from the OTFDs residing in the area. When the entire team of the Forest Department entered the village, they misbehaved, mistreated and harassed women, and were highly disrespectful and rather abusive towards the villagers. On 24.11.2018 the Forest Department registered cases under various sections against 15 women who were protecting their lands. But, when the women of Sanya Basti went to lodge their complaints, the police did not cooperate and admonished them. Amongst these 15 women, two were very young BA. first year students, and one woman had delivered a child few days before the incident took place. She was not even present on site while the incident was taking place. Back in 2016, 101 claims were filed by the tribal living in Sanyan Basti out of which 8 were of STs and remaining were of OTFDs. But today, when we enquire about those claims from the administration, we are told that they do not have the claims, whether they have been received from village level or the district level. Further, the claims of STs were approved immediately and sent to District Level Committee.

However, the claims of OTFDs were rejected. But today, the response received through RTI enquiring about the claims of OTFDs in the area, the administration says all the claims were approved and sent to District Level Committee. Furthermore, several representations on the situation were given to the Ministry of Tribal Affairs as well, but nothing has been done so far. It is extremely unfortunate that the administration in Uttarakhand is less versed on the law, and its procedure than the STs OTFDs.

In conclusion, all the Himalayan states like Uttarakhand, from Kashmir to Arunachal Pradesh, are under great threat as everyone today wants to live in the mountains where there is fresh air and water. Recently, the State Government has passed a law wherein there was a limitation on the sale of agriculture land was set aside. Further the FRA too was not properly implemented on

the hilly regions of Uttarakhand. The local administration on the other hand is visiting the villages that falls within the Pancheshwar Dam Project, and taking undertaking of no objections under Forest Rights Act from the people who have no rights as to what this Act is about. It depicts that the government is not willing to give any right to the people. In Uttarakhand, there are two institutions working at village level, one being Village Panchayats and the other being Forest/Van Panchayats, wherein the latter was one of the most important, and oldest community forest management system in which rights on forest were that of the people. Today, these Van Panchayats have been sidelined, and Gram Sabhas are handling everything. Therefore, in the State it is imperative to have a representative of Van Panchayat in the Gram Sabha, and other committee level while the Sabha is receiving claims under this Act. Van Panchayats in the State have been taking care of forests since ages now and this institution is the best example of CFR and management.

West Bengal

The major problems in West Bengal is similar to the problems all over India. The common problems that are faced are:

- Most of the indigenous forest dwellers do not have their own allotted land.
- Many forest dwellers do not have their caste or tribe certificate.
- The Forest Act includes protection of persons with Scheduled Tribes and not those who are Scheduled Castes.
- The Gram Sabha is highly politically motivated. It is usually members of the ruling political party along with touts, who have a final say in the working of the Gram Sabha.
- There have been unlawful rejection of pattas.
- False cases are being given to those who are trying to protest against the state.

1. Testimony of Monica Burman, *HRLN Kolkata*



The major issue in areas like Jalpaiguri, Alipurduar and Siliguri is that most of the land is vested land. Alipurduar is a forest area and the national highways that are built around the area are affecting the wildlife over there. The people are not aware of the true ownership of the

land. Here many lawyers are acting like brokers and are illegally causing the rights of forest dwellers to transfer their lands to the local mafia.

2. Testimony of Milon Madi, *Adibasi Samannoy Mancha*

The Forest Department is illegally acquiring the land from the tribals. In most cases there are no notifications issued at the time of acquisition. Those who are trying to protest, the police are



going on to falsely implicate them by giving them NDPS Case, theft charges etc. The tribals who were residing here in fact had to pay to purchase their own land from the government. The other problem is that the pattas have not been allotted. The Gram Sabha here are not working according to law. There is a great difficulty in implementation of the SC ST POA Act.

3. Testimony of Lakshmikanta Hansda, *Haripal Adivasi Seva Mission*



Their land was illegally acquired by the government and they challenged the same before the Hon'ble High Court at Calcutta, in WP 20576W of 2018. Where the High Court vide judgment dated July 2, 2019 was pleased to uphold their rights.

4. Testimony of Sunil Hansda, *Haripal Adivasi Seva Mission*

The Adivasis have played a huge role in protesting against the British invasions. Perhaps the invasions were owing to the fact that there was a lot of natural resources. Many people residing in the Jungle for years did not have their own land.



5. Testimony of Sourodindo Biswas, *HRLN Kolkata*

There is a religious aspect to the forest dwellers. The Laws relating to the forest are perhaps more in favour of businessmen. The laws which purports to be in favour of the

wildlife completely ignores the human rights for the forest dwellers. However, the law does not recognize the fact that even humans are living beings who are closely linked with the forest. The ignorance of the forest dwellers is the greatest problem and thus they are not able to avail their rights.

6. Testimony of Lakshinder Murmu, *Ranga Matya Lahanti Jeeban Samity*



They are afraid that they would be evicted from their land. There are a large number of people who would be affected by eviction. The Forest Committees and the Gram Sabhas are not working properly. In fact most of the claims are being arbitrarily rejected.

Key issues that are required to be raised at time of impleadment:

- Forest Dwellers are crucial to the preservation of flora and fauna. They cannot be perceived to be a threat.
- Each affected person must be given a valid notice before eviction. Such a notice must be capable of being rebutted before the concerned authorities. If the Hon'ble Supreme Court were to cause the eviction, then it would take away the statutory right of appeal, for the affected persons.
- In WP 20576W of 2018, the felling of trees in a forest land was challenged. The Speaker 3, though himself was not a party, was a beneficiary from such an order. The state as well as union was a party to such proceedings and such an order was never challenged. Thus it attained finality. There is a fear that the order of eviction may frustrate such an order by the High Court.

Annexures

Assam

- Letter of the Principal Chief Conservator of Forests and Head of Forest Police, Assam to all Divisional Forest Officers, dated 15th April, 2019, seeking information regarding claims received under their jurisdiction under the Forest Rights Act, 2006
- Report on Implementation of Forest Rights Act, 2006 in Biswanath subdivision prepared by All Bodo Students Union
- Letter of Secretary, Department of Environment and Forests, Karbi Anglong Autonomous Council, Diphu to the Deputy Commissioner, West Karbi Anglong, Hamren dated 2nd August, 2019, regarding Nomination of Members for reconstitution of the DLC and SDLC on Scheduled Tribes & Other Traditional Forest Dwellers (recognition of Forest Rights) Act, 2006
- Order by the Governor of Assam dated 11th February, 2016 regarding inclusion of Scheduled Tribes and Other Traditional Forest Dwellers in the Voter List and their inclusion under the Indira Awas Yojana (IAY) and the MGNREGA schemes
- Letter of the Commissioner, P&RD, Assam to the Deputy Commissioner Government of Assam and the Chief Executive Officer, Sonitpur Zila Parishad, dated 5th July, 2017, regarding representation submitted by Forest dwellers under Dhekiajuli LAC regarding non-inclusion of Forest Villagers in the Panchayat Voter List
- Letter by the Assam State Election Commission to the Deputy Commissioner, Sonitpur District and the Deputy Commissioner, Biswanath District dated 3rd November, 2018, regarding representation from All Bodo Students Union
- Letter by Ashok Singhal, MLA, Dhekiajuli to Minister, Panchayat & Rural Development Deptt., Assam, dated 19th June, 2019, regarding
- Letter by Joint Secretary, Govt. of Assam, to the Commissioner, Panchayat and Rural Development, dated 28th June 2017, regarding representation submitted by Forest dwellers under Sootea LAC regarding non-inclusion of Forest villages in the Panchayat Voter List
- Letter by the State Public Information Officer to Sri Lenin Baxontatary, dated 10th January 2018, regarding the transfer of application under Right to Information Act, 2005
- Gauhati High Court Order dated 11th June 2019 regarding PILNo. 32 of 2017
- Copy of an indicative chart of Sonitpur District created by All Bodo Students Union
- List of polling stations and voters under non-panchayat area of Sonitpur, data consolidated by All Bodo Students Union
- Powerpoint Presentation prepared by All Bodo Students Union on Forest Rights Act

Kerala

- Presentation by Adv. C.J. Philip from *Kerala Adivasi Forum* on the implementation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act, 2006) in the state of Kerala

Madhya Pradesh

- Report on Taking Stock and Identifying challenges in Implementation of the Forest Rights Act in Madhya Pradesh prepared by Indrani Barpujari, 2019

Maharashtra

- Powerpoint Presentation prepared by *Khoj* on Strengthening Conservation, Livelihoods and Governance through Convergence of laws like FRA/PESA/BDA
- FRA - Wrongful Rejections Report by Indavi Tulpule
- Citizens' Report by CFR Learning and Advocacy Group Maharashtra on Promise and Performance - 10 years of the Forest Rights Act in India

Uttar Pradesh

- Analysis of district-wise disposal of claims received (individual and community)
- Status Report on Disposal of Accepted and Rejected Claims of Schedule Tribe and Other Traditional Forest Dwellers under (Recognition of Forest Right) Act 2006
- Status Report on disposal of Accepted and Rejected Claims under the Forest Right Act 2006 in Compliance of the order dated 28.02.2019 of Hon'ble Supreme Court in writ petition no 50/2008 and 109/2008

REMINDER
E-mail
SUPREME COURT MATTER

GOVERNMENT OF ASSAM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
AND HEAD OF FOREST POLICE, ASSAM
ARANYA BHAWAN, PANJABARI, GUWAHATI-781037

E-mail pccf.assam@gmail.com
Dated Guwahati, the 15th April, 2019

Phone No(Off.): 0361-2333252
No.FG-31/Recognition Forest right 2006-97/Pt-VI/C

To,

All Divisional Forest Officers under Territorial & Wildlife Wings
in Assam
(Except DFO, Nagaon South Division & DFO, Dima Hasao East
Division)

Sub:- Compliance of Hon'ble Supreme Court order dated
13/02/2019 & 28/02/2019 in Writ Petition (Civil)
No.109/2005.

Ref:- This office letter of even No. dtd. 20th March, 2019.

With reference to the subject cited above, I am directed
to ask you to submit requisite report regarding grant of title
deeds under Forest Right Act, 2006 in your respective Division
as per the enclosed Performa on or before 30th April, 2019
without fail.

Further, you must keep ready all records pertaining to
issue of title deeds, rejection of claims, contemplated course of
action with respect to claims not found genuine, extent of

forest area and the timeframe for such action for each FRC separately within your respective jurisdiction.

Enclosed: As stated above

Sd/-
Deputy Conservator of Forests (M & E)
O/o the Principal Chief Conservator of Forests
Head of Forest, Assam
Panjabari, Guwahati-37

Copy of kind information and needful in:

1. The Additional Chief Secretary to the Government of Assam, Environment & Forest Department, Dispur, Guwahati-6
2. The Principal Chief Conservator of Forests & CWLW, Assam, Aranya Bhawan, Panjabari, Guwahati-37.
3. The Spl. Principal Chief Conservator of Forests, Karbi Anglong Autonomous Council, Diphu.
4. The Addl. Principal Chief Conservator of Forests-cum-CHD, Forest, BTAD, Kokrajhar.
5. The Chief Conservator of Forests (T) Upper Assam Zone, Guwahati-1.
6. The Chief Conservator of Forests (T) Lower Assam Zone, Guwahati-1.
7. The Chief Conservator of Forests (T) Dima Hasao Haflong.
8. The Chief Conservator of Forests (T) Central Assam Circle, Guwahati.
9. The Chief Conservator of Forests (T) Southern Assam Circle, Schar.

10. The Chief Conservator of Forests (T) Northern Assam Circle, Tezpur.
11. The Chief Conservator of Forests (T) Eastern Assam Circle, Jorhat.
12. The Chief Conservator of Forests (T), Lower Assam SF Circle, Bongaigaon.

Sd/-
Deputy Commissioner of Forests (M&E)
O/o the Principal Chief Conservator of Forests
Head of Forest Force, Assam
Anjahari, Guwahati-37

FOREST RIGHT ACT, 2006 BISWANATH SUB-DIVISION

1. TOTAL NOS. OF FOREST RIGHT COMMITTEES UNDER THE BISWANATH SUB-DIVISION:- **46 NOS.**
2. TOTAL NOS. OF FEC'S WHICH TITLES HAVE BEEN DISTRIBUTED TILL DATE UNDER THE BISWANATH SUB-DIVISION:- **17 NOS.**
3. TOTAL NOS. OF CLAIMANTS WHOM TITLES HAVE BEEN DISTRIBUTED TILL DATE UNDER THE BISWANATH SUB-DIVISION:- **979 NOS.(ST)**
4. TOTAL NOS. FRC'S PENDING UNDER THE BISWANATH SUB-DIVISION-**29 NOS.**
5. TOTAL CLAIMS PENDING TILL DATE UNDER THE BISWANATH SUB-DIVISION:- **2810 ST.**

**KARBI ANGLONG AUTONOMOUS COUNCIL
DEPARTMENT OF ENVIRONMENT & FORESTS
KAAC: SECRETARIAT
DIPHU-782460.**

Dated Diphu, the 2nd August 2019

NO. KAAC/F/72/Habitat Rights/2015-2019/56/

From : Smt. N. Phangchopl, ACS,
Secretary, Department of Environment & Forests,
Karbi Anglong Autonomous Council,
Diphu

To : The Deputy Commissioner,
West Karbi Anglong, Hamren.

Sub : Reg. Nomination of Members for reconstitution of
the DLC and SDLC on Scheduled Tribes & Other
Traditional Forest Dwellers (recognition of Forest
Rights) Act-2006.

Ref : Letter No. HRN/Misc.12/2016-18/268 Dated
21/08/2019.

Sir,

In inviting a reference to the above, I am directed to forward herewith the list of members nominated by the authority of the Karbi Anglong Autonomous Council (KAAC), Diphu, for reconstitution of the District Level Committee (DLC) and Sub-Divisional Level Committee (SDLC) on Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, as detailed below in respect of West Karbi Anglong District, for favour of your kind onward necessary action.

DISTRICT LEVEL COMMITTEE (DLC)

1. Deputy Commissioner, West Karbi Anglong Chairman
2. Project Director, DRDA/Deputy Director (H), P&RD Deptt, Karbi Anglong, Diphu Member
3. Shri Mongal Singh **illegible** Hon'ble E.M., KAAC Member
4. Mr. Rupsing **illegible** Hon'ble E.M., KAAC Member
5. Mrs. Rina **illegible** Hon'ble MAC, Amrenng Constituency. Member
6. DFO, Hamren Division, Hamren Member
7. Me. Dityalal Hasnu Member
8. Mr. Ramson Rongoi, VDC Chairman Member
9. Deputy CEO/BDO, Rongkhang Development Block. Member Secretary

SUB-DIVISIONAL LEVEL COMMITTEE (SDLC)

1. Addl. Deputy Commissioner, West Karbi Anglong Chairman
2. The A.C.F. **illegible** Donka Range Forest. Member
3. Mr. Bame Marak Member
4. Mr. Madhuri Sangma Member
5. Mr. Luis Marak Member
6. Mr. Mongal Sing Bey, Rongkhang Lamps Chairman. Member

- | | | |
|----|---|------------------|
| 7. | Mr. Peter Mrong Marak | Member |
| 8. | Mr. Niharson Sangma | Member |
| 9. | The Asstt. Revenue officer, Donka Revenue Circle. | Member Secretary |

Yours faithfully,

Sd/-
Secretary,
Department of Environment & Forests,
Karbi Anglong Autonomous Council,
DIPHU

Dated 27/08/2019

Memo. NO. KAAC/F/72/Habitat Rights/2015-2019/56/

Copy to:-

1. The P.A. to Hon'ble Chief Executive Member, KAAC, Diphu, for favour of kind information.
2. The P.A. to Principal Secretary, KAAC, Diphu, for favour of kind information.
3. The Joint Secretary, Department of Land & Revenue, KAAC, Diphu, for favour of kind information and necessary action.
4. The Special Principal Chief Conservator of Forests, Karbi Anglong, Diphu, for favour of information and necessary action.
5. The Assistant Revenue Officer, Donka Revenue Circle, Donkamokam, West Karbi Anglong, with a copy of the letter referred above enclosed herewith for information and necessary action.
6. The CEO & Block Development Officer, Rongkhang Development Block, Donkamukam, with a copy of the letter referred above enclosed herewith for information and necessary action.
7. The Divisional Forest Officer, Hamren Division, Hamren, West Karbi Anglong with a copy of the letter referred

above enclosed herewith for information and necessary action.

8. All the concerned for favour of information and necessary action.

9. Office file.

Sd/-
Secretary,
Department of Environment & Forests,
Karbi Anglong Autonomous Council,
DIPHU

GOVERNMENT OF ASSAM
PANCHAYAT AND KURAL DEV DEPARTMENT
DISPUR: GUWAHATI-6

ORDERS BY THE GOVERNOR
NOTIFICATION

Dated Dispur the 11th Feb. 2016

No. PDA 27/2016/21 :- The Governor of Assam is pleased to declare that the Forest Dwellers covered under the "Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006" and the non-Forest Dwellers who have not been included in the voter list of respective Caste: Panchayat will be included in the voter list by following due procedure of Law as prescribed in "the Assam Panchayat Act, 1994" and Rules thereof. Two Deputy Comissioners in all districts will start the process of inclusion of such voters with immediate effect.

Further, all the Deputy Commissioners will ensure to include all forest and non-forest dwellers under IAY & MGNREGA scheme as per guidelines.

Sd/- A. Hussain, IAS
Commissioner & Secretary to the Govt. of Assam
Panchayat and Rural Development Department

Dated Dispur the 11th Feb. 2016

No PDA 27/2016/21-A

Copy to:-

1. All Addl. Chief Secretaries to the Govt. of Assam, Dispur.
2. All Principal Secretaries/Commissioner & Secretaries to the Govt. of Assam, Dispur.
3. Agriculture Production Commissioner, Dispur.
4. The Staff Officer to Chief Secretary, Assam, Dispur.
5. PS to Commissioner, State Information Commission, Assam, Panjabari, Guwahati-37.
6. All Commissioner of Divisions.
7. The Accountant General, Assam Maidamgaon, **illegible**, Guwahati-29.
8. The Commissioner & Secretary to the Governor of Assam.
9. P S to Additional Chief Secretary to Chief Minister, Assam.
10. The Deputy Commissioners (All) Somitra: Dispur
11. The SDOs (C) (All).....
12. The Director, Assam Govt. Press, Bamunimaidan, Guwahati-21 for publication of the Notification in the next issue of the Assam Gazette and to submit 200 (two hundred) copies of the Notification to this Deptt.
13. The Director, Information & Public Relations, Assam, Dispur.

By order etc.

Sd/-

Joint Secretary to the Govt. of Assam
Panchyat and Rural Development Department

ASSAM STATE ELECTION COMMISSION
HOUSEFED COMPLEX, DISPUR, GUWAHATI-781006. Ph.
No.0361-2263210/2220240/2264920
(tele-fax) 2220024 e-mail-secassam@gmail.com

Dated Dispur 3rd November, 2018

No.SEC.24/2017/Pt-V/300

To

1. The Deputy Commissioner,
Sonitpur District,
Tezpur.

2. The Deputy Commissioner,
Biswanath District,
Biswanath Chariali.

Sub: Representation from All Bodo Students Union-report
thereof.

Sir,

Please find enclosed herewith a representation dated
02.11.2018 and submitted to the office of the Assam State
Election Commission on 03.11.2018 by the All Bodo Students
Union, which is self explanatory.

You are requested to kindly examine the prayers therein and submit a report to this Commission on the same at the earliest.

Yours faithfully

Sd/-
Under Secretary
Assam State Election Commission
Dispur:: Guwahati-6

Dated Dispur 3rd November, 2018

Memo No.SEC.24/2017/Pt-V/300-A

Copy to:

1. Sri Pramod Boro, Persident, All Bodo Students Union,
H.O.-Bodofa House, Kokrajhar, Bodoland.
Email id – ruralive111@gmail.com.

Sd/-
03/11/2018
Under Secretary
Assam State Election Commission
Dispur:: Guwahati-6

Ashok Singhal
MLA, Dhekiajuli

Dated on Guwahati the 19th June, 2017

No.MLA/DHK/P&RD/2017/08

**Hon'ble Minister, Panchayat & Rural Development
Deptt., Assam, Dispur, Ghy-6**

Enclosed please find herewith a prayer petition No. SDC/ABSU dated on 12/06/2017 (in original) received from the Sonitpur District Committee of All Bodo Students Union which is self explanatory for favour of your kind perusal and necessary action as per rule from your end.

With regards.

Encls: As above.

Yours faithfully,

Sd/-
(Ashok Singhal)
MLA,71-Dhekiajuli LAC

Copy to:

Sri Abit Narzary, General Secretary, ABSU, Sonitpur District Committee, Ghoramari, Sonitpur, Assam for favour of kind information.

Sd/-
(Ashok Singhal)
MLA,71-Dhekiajuli LAC

GOVERNMENT OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR, GUWAHATI-781006

No. PDA 356/2016/134 Dated Dispur the 28th June 2017

From: Joint Secretary to the Govt. of Assam
 Panchayat & Rural Dev Department

To: The Commissioner
 Panchayat & Rural Development, Assam
 Panjabari, Juripar, Ghy-3

Sub: Regarding re-presentation submitted by Forest
 dwellers under Sootea LAC regarding non inclusion
 of Forest villages in the Panchayat Voter list.

Sir,

With reference to the cited above, I am directed to enclosed herewith a representation along with related documents submitted by Forest dwellers under Sootea LAC regarding non inclusion of Forest villagers in the Panchayat Voter List which speaks for itself.

In this regard, you are requested to instruct the respective Deputy Commissioners and Chief Executive Officers of Zilla Parishads to take necessary steps for inclusion of the eligible villagers in the Panchayat Voter List in pursuance of the Govt. Notification. PDA. 27/2016/21 dated: 11-2-2016 (copy enclosed).

Further, you are also requested to instruct the Deputy Commissioners and Chief Executive Officers of Zilla Parishads to

take necessary measures in the ongoing Delimitation process,
so that names of the eligible voters can be included in the
Panchayat Voter list following due procedure of Law as
prescribed in the Assam Panchayat Act, 1994 and Rules
thereof.

Yours faithfully

Sd/-
Joint Secretary to the Govt. of Assam
Panchayat & R.D. Department.

Dated Dispur the 28th June, 2017

Illegible PDA 356/2016/134-A

Copy to: The Secretary, Assam State Election of Commission,
Housefed Complex, Last Gate, Dispur, Guwahati-6
for information.

By Order etc.

Sd/-
Joint Secretary to the Govt. of Assam
Panchayat & R.D. Department.

**GOVT. OF ASSAM
OFFICE OF THE DIVISIONAL FOREST OFFICER
SONITPUR WEST DIVISION: TEZPUR**

No. ESWT/B/RTI Act.2005/2018/299-94

Date-10/01/2018

To

Sri Lenin Baxontatary,
Vill. & PO – Batasipur,
Dist. Sonitpur – Assam
Pin – 784110.

Sub:- Transfer of application under Right to Information Act, 2005.

Ref:- SPIO & Election Officer, O/o the Deputy Commissioner, Sonitpur, Tezpur letter No. SERTI.2/2017-18-33 dtd. 04/01/2018.

Sir,

With reference to the subject quoted above, I would like to inform you that there is no Wildlife Sanctuary under Sonitpur West-Division, Tezpur.

Yours faithfully,

Sd/-
State Public Information Officer
O/o the D.F.O. Sonitpur West Division,
Tezpur

No. FSWT/B/RTI Act, 2005/2018/293-94

Date – 10/1/18

Copy to the SPIO & Election Officer, O/O the Deputy Commissioner, Sonitpur, Tezpur for favour of his kind information & necessary action.

Sd/-
State Public Information Officer
O/o the D.F.O. Sonitpur West Division,
Tezpur

Application No.	Application Received on	Date on which copy was made ready	Fees paid (Rs.)	Posting date to Delivery Desk
455938	17/06/2019	17/06/2019	100.00	17/06/2019

**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND
ARUNACHAL PRADESH)
Case No. : PIL 32/2017**

- 1: BIRAN BRAHMA and 9 ORS.
S/O DINESH BRAHMA, VILL. DIMAPUR, PO/PS. BATASIPUR,
DIST.
SONITPUR, ASSAM, PIN-78411
2. NARAD BASUMATARY
S/O THARENDRA BASUMATARY
VILL. GWJNPUR
PO/PS. BATASIPUR
DIST. SONITPUR
ASSAM
PIN-78411
3. SURESH BASUMATARY
BANDESHWAR BASUMATARY
VILL. AINAJULI
PO/PS. RAIKASHMARI
DIST. SONITPUR
ASSAM
PIN-784507
4. CHAKRAMANI NARZARY
S/O PREMAJIT NARZARY
VILL. DWMWILUPUR
PO/PS. HUGRAJULI
DIST. SONITPUR
ASSAM
PIN-784507.
5. RATNESHWAR BASUMATARY
S/O ICHAI RAM BASUMATARY
VILL. TAIGIR BARI
PO/PS. DIGHALJULI
DIST. SONITPUR

ASSAM
PIN-784506

6. RABINDRA NATH OWARY
S/O SATISH OWARY
VILL. NO.1 HEMANTOGIRI
PO/PS. URAHILOGA
DIST. SONITPUR
ASSAM
PIN-784505
7. BIJAY BASUMATARY
S/O KULAI BASUMATARY
VILL. DURGAPUR
PO/PS.URAHILOGA
DIST. SONITPUR
ASSAM
PIN-784505
8. PANIRAM SWARGIARY
S/O HABLANG SWARGIARY
VILL. GAMARILAGA
PO/PS. AUJULI RANGAGARA
DIST. SONITPUR
ASSAM
PIN-784103
9. DEOALSING BASUMATARY

BISWANATH BASUMATARY
VILL. DWIFANGJIRI
PO/PS. AUJULI RANGAGARA
DIST. SONITPUR
ASSAM
PIN-784103
10. MANTU RAMCHIARY

BIPIN RAMCHIARY
VILL. JAJSIDHI MILAN PUR
PO. BALIJURI
PS. SOOTEA
DIST. BISWANATH
ASSAM
PIN-78418
VERSUS
1. THE STATE OF ASSAM AND 9 ORS

REP. BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT.
OF ASSAM, PANCHAYAT and RURAL DEVELOPMENT
DEPTT., DISPUR, GHY-6.

2. THE COMMISSIONER and SECY. TO THE GOVT. OF
ASSAM
PANCHAYAT and RURAL DEVELOPMENT DEPTT
DISPUR
GUWAHATI-6

3. THE COMMISSIONER
PANCHAYAT and RURAL DEVELOPMENT DEPTT
ASSAM
PANJABARIJURIPAR
GHY-37

4. THE SECRETARY
ASSAM STATE ELECTION COMMISSION
HOUSEFED COMPLEX
DISPUR
GUWHATI-6

5. THE DY. COMMISSIONER
BISWANATH
BISWANATH CHARILALI
DIST. BISWANATH
ASSAM

6. THE CHIEF EXECUTIVE OFFICER
SONITPUR ZILLA PARISHAD
TEZPUR

7. THE CHIEF EXECUTIVE OFFICER
BISWANATH ZILLA PARISHAD
BISWANATH CHARIALI

8. THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM
ENVIRONMENT and FORESTS DEPTT
DISPUR
GUWAHATI-6

9. THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS and
HEAD OF FOREST FORCE
ASSAM ARANYA BHAWAN
PANJABARI
GHY-78103

Advocate for the Petitioner : MR. M. SARANIA

Advocate for the Respondent : MR.D. SAIKIA

DIVISION BENCH-I

BEFORE

**HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR JUSTICE MANISH CHOUDHURY**

ORDER

Date: 11-06-2019

[A.K. Goswami, C.J. (Acting)]

Heard Mr. M. Sarania, learned counsel for the petitioners, who are 10 (ten) in number. Also heard Mr. D. Mazumdar, learned Additional Advocate General, Assam, appearing for respondent Nos. 5 6, 7, 8, 9 and 10 as well as Mr. M. Nath, learned Standing counsel, Panchayat and Rural Development Department, appearing for respondent Nos. 1, 2 and 3. None appears for respondent No.4 i.e. Assam State Election Commission.

2. The Commissioner and Secretary to the Government of Assam, Panchayat and Rural Development Department, issued a notification dated 11.02.2016, which reads as follows:

**"ORDERS BY THE GOVERNOR
NOTIFICATION**

Dated Dispur the 11th Feb, 2016.

No. PDA 27/2016/21: The Governor of Assam is pleased to declare that the Forest Dwellers covered under the 'scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006' and the non-Forest Dwellers who have not been included in the voter list of respective Gaon Panchayats will be included in the voter list by following due procedure of Law as prescribed in 'The Assam Panchayat Act, 1994' and Rules thereof. The Deputy Commissioner in all districts will start the process of inclusion of such voters with immediate effect.

Further, all the Deputy Commissioners will ensure to include all forest and non-forest dwellers under IAY 7 MGNREGA scheme as per guidelines.

Ad/- A Hussain, IAS
Comissioner & Secretary to the Govt. Of Assam
Panchayat and Rural Development Department"

3. The petitioners have filed this Public Interest petition contending that they belong to Scheduled Tribe Bodo community of Sonitpur and Biswanath Districts and are forest dwellers. It is pleaded that the forest dwellers are casting votes in Parliamentary and Legislative Assembly Elections, but, as the forest villages have not been included in any Gaon Panchayat,, they are unable to exercise their franchise in Panchayat

elections and they are also not eligible to available benefits of Indira Awas Yogana and MGNREGA schemes. Even though the notification dated 11.02.2016 was issued and representations had been made from time to time, no further action has been taken compelling the petitioners to approach this court espousing the cause of forest dwellers. The following prayers are made in the petition:

- “(i) To direct the respondents to include those 303 nos. Of forest villages in the respective Gaon Panchayats in pursuance of the Governor’s notification dated 11.02.2016 being forest dwellers of recognized forest villages under “The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;
- (ii) To direct respondents to include the eligible and qualified traditional forest dwellers as voters in the electoral roll of panchayat;
- (iii) To direct the respondents to ensure to include all traditional forest dwellers, villages under IAY & MGNREGA schemes as per guidelines, and;
- (iv) Directing the respondents to provide and extend all the benefits of panchayat institutions to the respective panchayat areas under the Assam Panchayat Act, 1994

and/or after return of the Rule and hearing of the parties, being further pleased to make the rule absolute giving full and complete relief(s) and/or pass such other order or orders as this Hon'ble Court may deem fit in the facts and circumstances of the case.

AND

Pending disposal of this writ petition be pleased to restrain the respondent authority from finalizing the delimitation process of Gaon Panchayats under Sonitpur and Biswanath District without including the forest villages in the Gaon panchayat and without including the names of the eligible and qualified voters in the electoral roll of Panchayat election of 2017 and/or pass any other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

Though in the petition, in the prayer portion, there is reference to 303 number of forest villages, during the course of the proceedings, Mr. Sarania has submitted that the application is in respect of all the forest villages falling within the Districts of Sonitpur and Biwanath. Mr. Sarania submits that, originally, the forest villages were in the district of Sonitpur, but, with the bifurcation of the district of Sonitpur into two districts, the other

being Biswanath District, some of the villages have fallen in the territory of Biswanath District.

5. In the petition, however, we notice that the names of the forest villages under Sonitpur District as well as Biswanath District have not been indicated. Annexure-4 to the petition is stated to be a list of recognized forest villages not included in any Gaon panchayat either of Sonitpur District or Biswanath District. Here also, however, the names of the forest villages have not been specified, but what is indicated is the proximity of such villages to the Circle, Block, Gaon Panchayat as well as total number of families, total population, total polling centres and the total number of villages. Annexure-5 is a list of Polling Stations and total number of voters who, according to the petitioners, are not falling within any Gaon Panchayat of Sonitpur District as per 2011 Assembly and Parliamentary Electoral Rolls.

6. In the affidavit filed by the respondent No.3 on 09.11.2018, a letter dated 20.06.2018, issued by the Joint Secretary, Government of Assam, Panchayat and Rural Development Department, to the Deputy Commissioner, Sonitpur, is annexed. By the said letter, the Deputy Commissioner, Sonitpur, was requested to take necessary

action in the light of the notification dated 11.02.2016 and as per the Section 5 of the Assam Panchayat Act, 1994 (for short, "the Act of 1994") and to submit a detailed report on the matter. Another letter dated 20.12.2016 is also annexed, which is written by the Additional Secretary, Government of Assam, Panchayat and Rural Development Department, to the Deputy Commissioner, Sonitpur, wherein it was noted that the President and Secretary of All Bodo Students' Union had submitted a representation to the Chief Secretary to the Government of Assam regarding non-implemetnation of Panchayati Raj System in some villages of Sonitpur District leading to deprivation of approximately two lakhs citizens from the benefit arising out of various rural development programmes.

7. During the course of the hearing today, Mr. Mazumdar has submitted that he has got specific instructions to submit that till date no action has been taken by the Deputy Commissioner, Sonitpur, pursuant to the letter dated 11.02.2016.

8. It is submitted by Mr. Mazumdar that it will be absolutely imperative for the Deputy Commissioner, Sonitpur and the Deputy Commissioner, Biswanath, to first identify the forest

villages, which are inhabited by forest dwellers, covered under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (for short, "Act of 2006") and the non-forest dwellers, who have not been included in the voter list of any Gaon Panchayat. Once that is identified, in order to bring them within the fold of Panchayat Raj Institutions, appropriate exercise has to be undertaken by the State Government in terms of Section 5 of the Act of 1994 to bring such villages within an existing Gaon Panchayat or by forming new Gaon Panchayat(s). Accordingly, he submits that in the attending facts and circumstances of the case, an appropriate direction may be issued to the Deputy Commissioner, Sonitpur and the Deputy Commissioner, Biswanath, to comply with the notification dated 11.02.2016 and submit a detailed report in terms of the letter dated 20.06.2018 for consequential action to be taken by the State Government in the Panchayat and Rural Development Department.

9. Mr Saraina contends that not only a direction should be issued to the Deputy Commissioner, Sonitpur and the Deputy Commissioner, Biswanath, but also to the State Government in the Panchayat and Rural Development Department to take such

further action, as may be required, to bring the forest villages within the ambit of Gaon Panchayat within a reasonable time frame as may be considered appropriate by this court so that the benefits under various developmental schemes and right of franchise in the Panchayat elections, ensure to the villagers.

10. Mr. Nath has submitted that once the villages are identified and reports are submitted by the Deputy Commissioners suggesting how best the villages can be brought within an existing Gaon Panchayat, or indicating whether any new Gaon Panchayat(s) is to be established, follow-up action will be taken without further delay.

11. In view of the submissions of the learned counsel for the parties, we dispose of this petition by issuing a writ of mandamus to the Deputy Commissioner, Sonitpur and the Deputy Commissioner, Biswanath, to forthwith take cognizance of the letter dated 11.02.2016 and the letter dated 20.06.2018 and to identify the forest villages in their respective districts, which are yet to be included within any Gaon Panchayat. They will also undertake an exercise to indicate in what manner such areas are to be brought within Gaon Panchayats as envisaged under Section 5 of the Act of 1994. A consolidated report shall be prepared by them and the same shall be sent to the

Commissioner and Secretary to the Government of Assam, Panchayat and Rural Development Department, within a period of four months from the date of receipt of a certified copy of this order. Thereafter, the Panchayat and Rural Development Department, Government of Assam, will undertake necessary exercise in terms of Section 5 of the Act of 1994, expeditiously, so that the marginalised people are not deprived of the benefits under development schemes.


12. The State Election Commission, which is not represented today, will also take necessary steps for preparation of voter list in respect of the forest villages in question.

13. The petition stands disposed of in terms of the above.

JUDGE

CHIEF JUSTICE (ACTING)

Sd/-
17/06/2019
Comparing Assistant

Raj Kumar Ka 
17/06/2019

ANNEXURE – “IV”
(TYPED COPY)
AN INDICATIVE CHART OF SONITPUR DISTRICT
(including bifurcated Biswanath district)
 (Recognized Forested Villages not included in Gaon Panchayats)

SL.	CIRCLE	BLOCK	NEAREST GAON PANCHAYAT	TOTAL FAMILY	TOTAL POLLUTION	TOTAL POLLING CENTRE	TOTAL VILLAGES
1.	Dhekiajuli	Dhekiajuli	Panabari	643	2891	3	8
2.	Dhekiajuli	Dhekiajuli	Batasipur	2131	7937	8	22
3.	Dhekiajuli	Dhekiajuli	Sopai	1467	8024	7	10
4.	Dhekiajuli	Dhekiajuli	Omiopur	1453	7674	5	16
5.	Dhekiajuli	Dhekiajuli	Garmara	1335	9158	8	12
6.	Thelamara	Dhekiajuli	Jiagaburu	351	1362	2	16
7.	Chariduar	Balipara	Gormara	3009	16569	7	150
8.	Chariduar	Balipara	Chariduar	249	1494	2	7
9.	Chariduar	Balipara	Bhalukmari	1370	8220	5	37
10 .	Naduar	Sootea	Pub-Nagarsa ngar	1809	8541	3	25
			Total	13,817	71870	50	303

ANNEXURE – “V”

LIST OF POLLING STATION AND VOTERS UNDER NON PANCHAYAT AREA OF SONITPUR

DISTRICT PER 2011 ASSEMBLY AND PARLIAMENTARY ELECTORAL ROLL.

SI. NO.	NAME OF POLLING STATION	TOTAL VOTERS
1.	CHAMPA PWTHAR L.P. SCHOOL	626
2.	ADABARI L.P. SCHOOL	736
3.	ROMOUJULI L.P. SCHOOL	731
4.	SANJABHARALII L.P. SCHOOL	652
5.	GANESHGURI L.P. SCHOOL	607
6.	ASRABARI L.P. SCHOOL	603
7.	U.N. BRAHAMA L.P. SCHOOL	137
8.	RANGJULI L.P. SCHOOL	601
9.	AINAJULI L.P. SCHOOL	478
10.	NO.2 GWTHAR THUNGRI L.P. SCHOOL	851
11.	NO.2 MAINAJULI L.P. SCHOOL	431
12.	JORDANPUR L.P. SCHOOL	850
13.	RAJKHUNGRI L.P. SCHOOL	414
14.	HALDOIBARI L.P. SCHOOL	686
15.	BINESWAR BRAHMA M.E. SCHOOL	359
16.	OLONGBAR BORO L.P. SCHOOL	652
17.	SIBARAM BORO L.P. SCHOOL	677
18.	ANSUMI L.P. SCHOOL	714
19.	GWJWNPUR L.P. SCHOOL	530

20.	HOINAGURI L.P. SCHOOL	622
21.	SIBARAM L.P. SCHOOL	741
22.	PURNIMA M.E. SCHOOL	1266
23.	NO.3 MAINAOSRI L.P. SCHOOL	778
24.	THAISUBARI L.P. SCHOOL	552
25.	BIRGWSRI L.P. SCHOOL	782
26.	BIDANGSRI L.P. SCHOOL	424
27.	RWMWI RWMWI L.P. SCHOOL	879
28.	DWMWILUPUR L.P. SCHOOL	188
29.	DWIMALU M.E. SCHOOL	719
30.	HASTAIPARA L.P. SCHOOL	510
31.	JAIBARI L.P. SCHOOL	270
32.	SONITPUR KRISHIPAM NIGAM-2	721
33.	SONITPUR KRISHIPAM NIGAM-3	742
34.	SONITPUR KRISHIPAM NIGAM	1148
35.	DOB DOPI RANGPUR L.P. SCHOOL	353
36.	DOB DOPI RANGPUR L.P. SCHOOL	455
37.	PASHIM KWILAJULI L.P. SCHOOL	696
38.	PASHIM KWILAJULI L.P. SCHOOL	863
39.	GERUAJULI VENTURE L.P. SCHOOL	837
40.	GAOJENGBIL L.P. SCHOOL	842
41.	PASHIM MAINAOSRI BODO L.P. SCHOOL	816

42.	PUB KWILAJULI VENTURE L.P. SCHOOL	593
43.	NO.3 GERGUAJULI L.P. SCHOOL	439
44.	NO.1 JUGIBIL VENTURE L.P. SCHOOL	598
45.	JUGIBIL VENTURE L.P. SCHOOL EAST	652
46.	JUGIBIL VENTURE L.P. SCHOOL WEST	420
47.	GERGUAJULI VENTURE L.P. SCHOOL EAST	867
48.	PAMBASTI FOREST SCHOOL	610
49.	PAMBASTI FOREST SCHOOL	610
50	LALBARHI L.P. SCHOOL	723
	TOTAL VOTERS	32,068

FOREST RIGHTS ACT AND All Bodo Students Union

● PRESENTATION BY:

- Kwrwmdao Wary, Assistant General Secretary &
- Abit Narzary, Assistant Education Secretary

ALL BODO STUDENTS UNION

MOTTO: UNITY, SURVIVAL & PROSPERITY



- What we do and doing for Constitutional Rights and the Legal Rights under the laws.
- Challenges for Forest Rights Recognition ongoing and will continue.
 - NO JUSTICE NO REST
 - DO OR DIE FOR LAND RIGHTS
 - BODOS ARE THE SONS OF THE SOIL

DEMOCRATIC MOVEMENTS



अपना राज्य 4 पूर्वोत्तर



ढेकियाजुली में अब्सू का धरना



ढेकियाजुली, 7 सितंबर (ख.सं.)। शशिपुर जिले के ढेकियाजुली और सतिषा विधानसभा के उतर इलाके में पंचायती राज की मांग करते हुए आज ढेकियाजुली राज्य कार्यलय के सामने

सुबह 5 बजे से 12 बजे तक अखिल असम बोर्डो छात्र संस्था (अब्सू) के सक्रिय कार्यकर्ताओं ने धरना दिया। अब्सू की शशिपुर जिला समिति के अध्यक्ष वीरराव बोर्डो, उपध्यक्ष लख

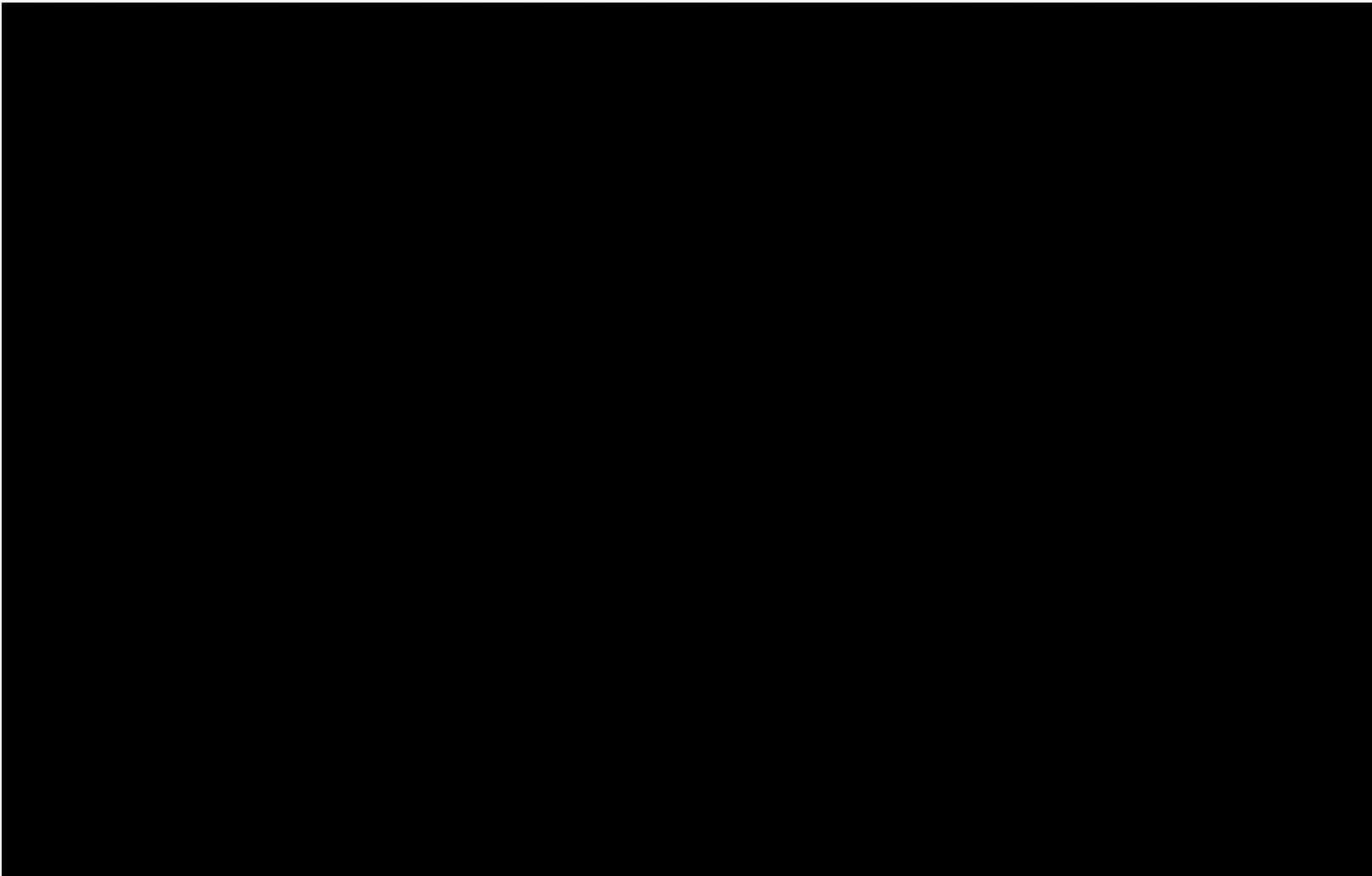
देवारी और सचिव अखिल नजीरी के नेतृत्व में उन कार्यक्रम का आयोजन किया गया, जिसमें अब्सू के केन्द्रीय अध्यक्ष प्रमोद बोर्डो, सचिव लॉस खलारी, एमटीएनबी (पी) के अध्यक्ष

धिरन बोर्डो, अब्सू के सलाहकार सनेश्वर बोर्डो सहित कई अन्य पदाधिकारी भी मौजूद थे। अग्रिम खबर पर अब्सू के केन्द्रीय अध्यक्ष प्रमोद









TOTAL LAND DATA OF BISWANATH DISTRICT.

NAME OF SUB DIVISIONS	TOTAL NO. OF FRC	TOTAL NO. OF CLAIMENTS	TOTAL LAND (in bighas)	NOT YET RECIEVED
GOHPUR	136	9456	35413.87	8062
BISWANATH	46	3789	58043	2810

ALLREADY **2373** CLAIMENTS HAVE RECIEVED LAND CERTIFICATE

TOTAL LAND DATA OF BISWANATH DISTRICT.

NAME OF CIRCLE	TOTAL NO. OF FRC	TOTAL CLAIMENTS	TOTAL LAND (in bighas)	NOT YET RECIEVED
SOOTEA	26	2320	13101.2	2079

BISWANATH DISTRICT	TOTAL NO. OF FRC	TOTAL CLAIMANTS	TOTAL LAND (in bighas)	NOT YET RECIEVED
TOTAL	208	15565	106557.87	12951

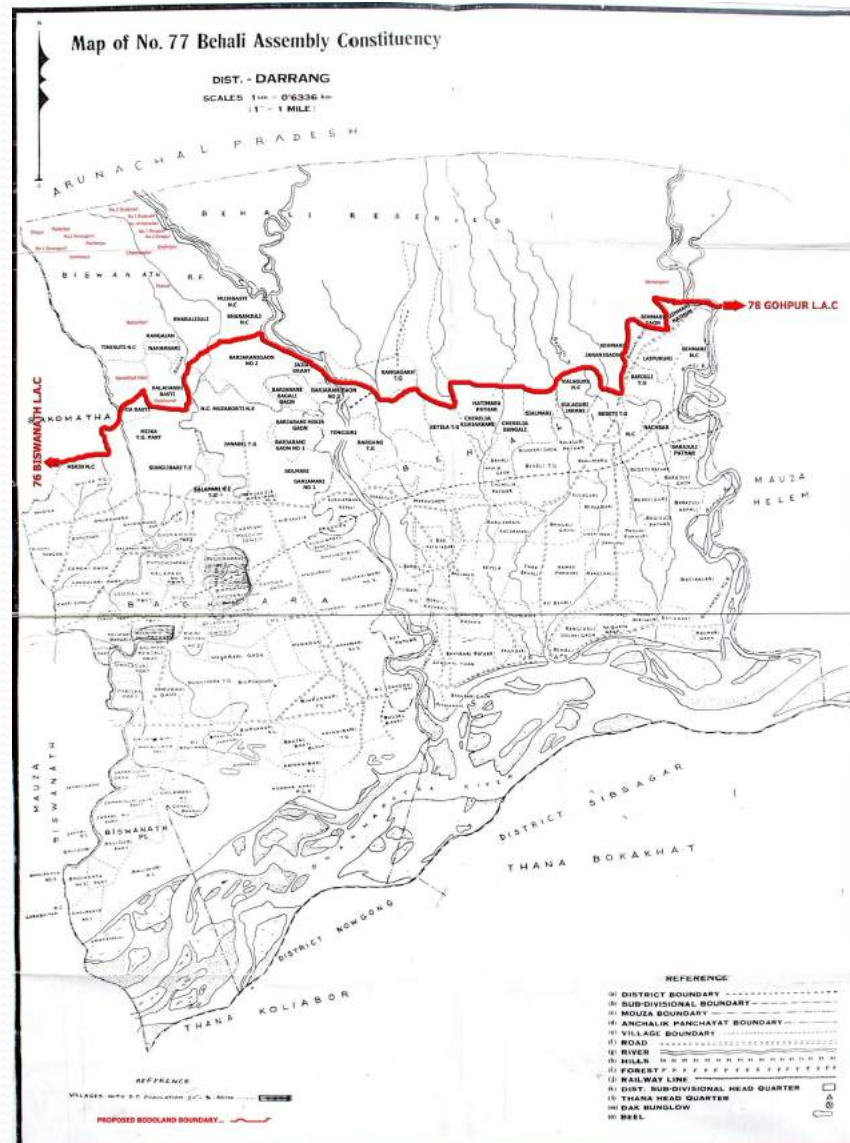
IN BISWANATH DISTRICT ALLREADY **2614** CLAIMENTS HAVE RECIEVED LAND CERTIFICATE

TOTAL LAND DATA OF SONITPUR DISTRICT.

TEZPUR SUB-DIVISION.

NAME OF CIRCLE	TOTAL NO. OF FRC	TOTAL CLAIMENTS	TOTAL LAND (in bighas)	YET TO BE RECIEVED
THELAMARA	5	343	4116	343
DHEKIAJULI	66	8344	98242	8344
CHARIDUAR	81	9002	97681	9002

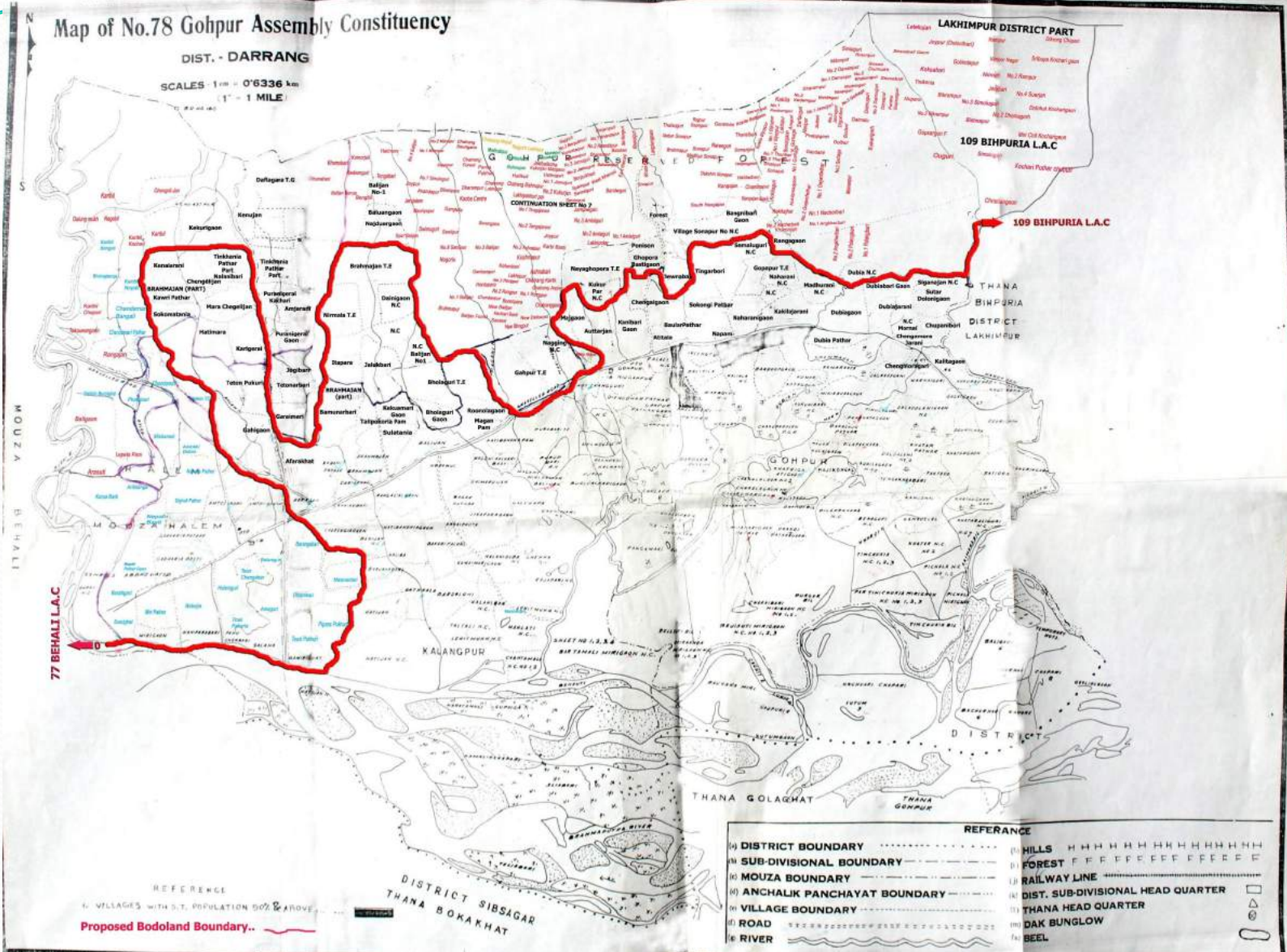




Map of No.78 Gohpur Assembly Constituency

DIST. - DARRANG

SCALE 1 inch = 0'6336 km
1" = 1 MILE



TOTAL LAND DATA OF SONITPUR DISTRICT.

TOTAL NO. OF FRC	TOTAL CLAIMENTS	TOTAL LAND (in bighas	TOTAL RECIEVED	YET TO BE RECIEVED
152	17685	200039	0	17685

DATA COLLECTED BY SONITPUR DISTRICT ALL BODO STUDENTS UNION

VILLAGES NOT INCLUDED IN PANCHAYATS

BISWANATH	81 VILLAGES
SONITPUR	446 VILLAGES

SOME DATA OF GOLAGHAT DISTRICT

NAME OF GP	TOTAL VILLAGE CLAIMED	INDIVIDUAL CLAIMANTS RECEIVED	INDV. NOT YET RECEIVED	TOTAL INDV. CLAIMANTS	COMMUNITY LAND CLAIM RECEIVED	COMMUNITY CLAIM NOT YET RECEIVED
SIMANTA	23	662	420	1082	07	56
SISUPANI	30	821	422	1243	23	53
KACHOMARI	02	0	59	59	0	04
SARUPANI	03	0	53	53	0	00
MV GP	08	278	154	432	0	39
KOPROIGHAT,	29	479	448	972	0	10

GOVT. RESPONSE IN CASE OF SONITPUR ON PAPERS

Action points of the meeting held at 2-30 PM on 10th February 2016 in the Conference Hall of the Chief Minister's Secretariat to discuss issues relating to the implementation of the provisions of the Schedule Tribes and other Traditional Forest Dwellers Act 2006 in the districts of Darrang, Sonitpur and Udalguri.

The meeting was attended by the PCCF, Additional PCCF, Commissioner & Secretary, WPT&BC, Revenue & Disaster Management, Environment & Forest, Deputy Commissioner, Darrang, Sonitpur, Additional Deputy Commissioner, Udalguri, and concerned Conservators of Forest and DFOs of the three districts.

After threadbare discussion following action points emerged.

1. In view of the complaints being received from various quarters including various Social organizations to the effect that the claims of a large number of tribal families for settlement of land under Schedule Tribes and other Traditional Forest Dwellers Act 2006 were rejected by the respective District Level Committee of Darrang, Sonitpur and Udalguri District on arbitrarily and unreasonable grounds, in spite of their fulfilling all the conditions provided in the Act, it is decided that the Deputy Commissioner, Darrang, Sonitpur and Udalguri will immediately convene the DLC meeting to review all such cases, rejected earlier and during review, if any case is found to be rejected on unreasonable ground in spite of fulfilling all the criterias provided in the Act, the committee will take appropriate decision as per the provision of Act and accordingly initiate steps for distribution of land document to the concerned families. The Deputy Commissioners will also ensure that all the land pattas issued earlier in their respective districts are not kept undistributed.

Memo No ACS/CM/7/2016/423

Dated February 11, 2016.

Copy forwarded to

1. Commissioner & Secretary, WPT&BC/ Environment & Forest / Revenue & Disaster Management
2. Principal Chief Conservator of Forest and HOFF
3. Deputy Commissioner, Darrang, Sonitpur and Udalguri.
4. PPS to Chief Minister


Additional Chief Secretary to CM

1 September 2019

GOVERNMENT OF ASSAM
PANCHAYAT AND RURAL DEV DEPARTMENT
DISPUR - GUWAHATI-6

**ORDERS BY THE GOVERNOR
NOTIFICATION**

Dated Dispur the 11th Feb. 2016

No PDA 27/2016/21-A

The Governor of Assam is pleased to declare that the Forest Dwellers covered under the "Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006" and the non-Forest Dwellers who have not been included in the voter list of respective Panchayats will be included in the voter list by following due procedure of Law as prescribed in "the Assam Panchayat Act, 1994" and Rules thereof. The Deputy Commissioners in all districts will start the process of inclusion of such voters with immediate effect.

Further, all the Deputy Commissioners will ensure to include all forest and non-forest dwellers under IAY & MGNREGA scheme as per guidelines.

Sd/- A. Hussain, IAS
Commissioner & Secretary to the Govt. of Assam
Panchayat and Rural Development Department

Dated Dispur the 11th Feb. 2016

No PDA 27/2016/21-A
Copy to :-

1. All. Addl. Chief Secretaries to the Govt. of Assam, Dispur.
2. All. Principal Secretaries/ Commissioners & Secretaries/ Secretaries to the Govt. of Assam, Dispur.
3. Agriculture Production Commissioner, Dispur.
4. The Staff Officer to Chief Secretary, Assam, Dispur.
5. PS to Commissioner, State Information Commission, Assam, Panjabari, Guwahati -37.
6. All Commissioners of Divisions.
7. The Accountant General, Assam, Maidamgaon, Belula, Guwahati -29.
8. The Commissioner & Secretary to the Governor of Assam.
9. P S to Additional Chief Secretary to Chief Minister, Assam.
10. The Deputy Commissioners (All) *Signature*
11. The SDOs (C) (All) *Signature*
12. The Director, Assam Govt. Press, Bagunimaidam, Guwahati-21 for publication of the Notification in the next issue of the Assam Gazette and to submit 200 (two hundred) copies of the Notification to this Dept.
13. The Director, Information & Public Relations, Assam, Dispur.

By Order etc.

Signature
Joint Secretary to the Govt. of Assam
Panchayat and Rural Development Department

Forwarded to all DL Sect for form fill

Signature
2-3-16
Block Development Officer
Sodda Deopara Block

GOVERNMENT OF ASSAM
OFFICE OF THE COMMISSIONER OF PANCHAYAT AND RURAL DEVELOPMENT
PANJABARI :: JURIPAR :: GUWAHATI - 37

NO.PDDP.23/2006/155

Dated Guwahati, the 5th July/2017

To : The Deputy Commissioner,
Sonitpur District.

The Chief Executive Officer,
Sonitpur Zilla Parishad.

Sub : Regarding representation submitted by Forest dwellers under Dhekiajuli
LAC regarding non inclusion of Forest Villagers in the Panchayat Voter List


Ref : Govt. letter No. PDA.356/2016/213, dtd. 04-07-2017

Sir,

In enclosing herewith the Govt. letter No. PDA.356/2016/213, dtd. 04-07-2017 received from the Deputy Secretary to the Govt. of Assam, P&RD, Department Disj Guwahati - 06, I am directed to request you to take necessary action accordingly

Enclo - As stated above

Yours faithfully,


(I. Laskar, ACS)
Joint Director,


O/o the Commissioner, P&RD, Assam

Memo No. PDDP.23/2006/155-A

Dated Guwahati, the 5th July/2017

Copy to :-

✓ Shri Ashok Singhal, M.L.A., Dhekiajuli for information.


Joint Director,
O/o the Commissioner, P&RD, Assam

Copy to :-
L/zt Gate, Dispur, Guwahati-6 for information.

By Order

Election Urgent



ASSAM STATE ELECTION COMMISSION
HOUSEFED COMPLEX, DISPUR, GUWAHATI-781006. Ph. No. 0361-2263210/2220240/2264920
(tele-fax) 2220024 e-mail - secassam@gmail.com

No. SEC. 24/2017/Pt-V/300

Dated Dispur 3rd November, 2018

To

1. The Deputy Commissioner,
Sonitpur District,
Tezpur.
2. The Deputy Commissioner,
Biswanath District,
Biswanath Chariali.

Sub: Representation from All Bodo Students Union – report there of.

Sir,

Please find enclosed herewith a representation dated 02.11.2018 and submitted to the office of the Assam State Election Commission on 03.11.2018 by the All Bodo Students Union, which is self explanatory.

You are requested to kindly examine the prayers therein and submit a report to this Commission on the same at the earliest.

Encls : 16 (sixteen) pages.

Yours faithfully

Under Secretary
Assam State Election Commission
Dispur : Guwahati-6.

Dated Dispur 3rd November, 2018

Memo No. SEC. 24/2017/Pt-V/300-A

Copy to :

- ✓ 1. Sri Pramod Boro, President, All Bodo Students Union, H.O. – Bodofa House,
Kokrajhar, Bodoland. Email id – ruralive111@gmail.com.

hmd
3/11/2018
Under Secretary
Assam State Election Commission
Dispur : Guwahati-6.

ASSAM GOVT. ACTION TAKEN REPORT

GIVEN ON 4TH JULY 2018

3. Settle land rights to Tribal and Indigenous people of Assam before implementation of Aadhar card.	Aadhar Card is no proof of citizenship.
4. Implement the S.T. & other Traditional Forest Dwellers (Recognition of Rights) Act, 2006, and stop the eviction notice to the indigenous tribal people, who are entitled for forest rights recognition by law and inclusion of those villages under Panchayati Raj System.	<p>WPT & BC Department</p> <ul style="list-style-type: none"> For implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, WPT & BC department has instructed the Deputy Commissioners concerned to implement the Act properly and submit report to the WPT & BC department. Government has constituted the Sub-divisional Level, District Level Committee and also instructed the concerned District authority to constitute Forest Right Committee (FRC). All the districts have implemented the ST and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 observing the Hon'ble Gauhati High Court's Order in WP(C) No. 5043/08 and 3840/08. According to the Hon'ble Gauhati High Court's Order the encroachers which do not fall within the category of such persons under the definition as contained in section 2(c) and section 2(o) of the Forest Right Act, 2006, has not been treated as forest dwelling scheduled tribes or other traditional forest dwellers. At the State level, Chief Secretary, Assam has also taken meeting with DC concerned and other officers of State Government for proper implementation of the Act. Hon'ble Minister, WPT & BC and the officials of WPT & BC Department have also taken meeting and video conference for full implementation of the Act. The DC, i.e. the Chairman of District Level Committee has issued the Forest Rights Certificates to the applicants. Forest department with support of Revenue and WPT & BC Departments is carrying out GPS survey of the land allotted to individual Forest dwellers and community certificate holders at present. However, it is stated that the in-situ Forest Right certificate holders are enjoying the land rights of the land held by them on the basis of occupation/possession. The Deputy Commissioners have to ascertain the extent of land under encroachment after rejection of all petitions/applications filed by the petitioners for issue of the Forest Rights Certificates and arrange to evict all encroachers from the Forest areas. The Deputy Commissioners have submitted their report regarding claim received, accepted, disposed, rejected, etc. A statement is enclosed at Annexure-1.

Annexure - 1

Annexure - 2

ANNEXURE - I

Sl. No.	District	Claims filed										Claims Received										Claims pending									
		Individual					Community					Total					Individual					Community					Total				
		ST		OBC		Total	ST		OBC		Total	ST		OBC		Total	ST		OBC		Total	ST		OBC		Total	ST		OBC		Total
		ST	OBC	ST	OBC		ST	OBC	ST	OBC		ST	OBC	ST	OBC		ST	OBC	ST	OBC		ST	OBC	ST	OBC		ST	OBC	ST	OBC	
1	Kokrajhar	12787			670	13457	0		0		0	0				0	0				0	0				0	0				0
2	Chirang					0					0	0				0	0				0	0				0	0				0
3	Goalpara					0					0	0				0	0				0	0				0	0				0
4	Barpeta					0					0	0				0	0				0	0				0	0				0
5	Morigaon	1051		88		1139	527		88		615	0				3954					3900					524					0
6	Hojai	4275		60		4335	428		12		440		6847								3895					0					0
7	Nagaon	2302	3495	158	27	5982	1678		8		1686	0									33	0				4113		123			4263
8	Sonitpur					23138	1545		78		1623	0									21515	0				0					0
9	Biswanath	12637		689		13321	1786		168		3954		1900								4088					5279					0
10	Lakhimpur	3511		82		3593	643		43		686	0	2716								2792	0				152		17			115
11	Dhemaji	17017		573		17590	17017		573		17590	0									0	0				0	0				0
12	Tinsukia	2094		2		2096	305		2		307	0	1789								1789	0				0	0				0
13	Dibrugarh	913		48		961	95		9		104	0									0	0				818		19			857
14	Sivasagar	1372		42		1414	88		22		110	0									3	0				1281		20			1301
15	Jorhat	135		0		135	5		0		5	0	130								130	0				0	0				0
16	Golaghat	35304		1166		36470	8701		150		8851	0	17								27	0				26586		1006			27592
17	Karbi					0					0	0									0	0				0	0				0
18	Anglong					0					0	0									0	0				0	0				0
19	Dima Hasao					0					0	0									0	0				0	0				0
20	Lachar	2095		66		2161	2013		6		2019	0	69								69	0				13		60			73
21	Karimganj	12097		80		12177	3200		80		3280	0	884								884	0				8014		0			8013
22	Hailakandi	402		13		415	247		13		260	0	155								155	0				0	0				0
23	Bongaigaon	261		0		261	90		0		90	0									0	0				171		0			171
24	Chirang	7893		147		8040	2033		147		2180	0									0	0				5860		0			5860
25	Kamrup	6084		337		6421	4915		0		4915	0	1169								1169	0				0		337			337
26	Kamrup Metropolitan					0					0	0									0	0				0	0				0
27	Nalbari					0					0	0									0	0				0	0				0
28	Baksa					0					0	0									0	0				0	0				0
29	Darrang					0					0	0									0	0				0	0				0
30	Jalgaon	198		18		216	0		0		0	0									0	0				18					216
31	Hailakandi	127423	3495	4239	27	153322	47316		0	1399	0	40715	0	14725	0	509	0	36564	0	65122	0	2609	0			68058					

BTAD RESPONSE TO FRA

- At Kokrajhar District 1410 families of 28 villages were distributed land pattas under the FRA

AFTER 18 MARCH 2019

DA
for papers
20/4/19

REMINDER
E-mail
SUPREME COURT MATTER

GOVERNMENT OF ASSAM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND
HEAD OF FOREST FORCE, ASSAM
ARANYA BHAWAN, PANJABARI, GUWAHATI - 781 037.
Phone No.(CH) : 8361-2333252 E-mail: pcfassam@gmail.com
No.FG.54/Recognition Forest right 2006-07/P-VTC Dated Guwahati, the 18th April, 2019

To,
All Divisional Forest Officers under Terrestrial & Wildlife Wings in Assam.
(Except DFO, Nagren South Division & DFO, Dima Hasao East Division)

Subj: - Compliance of Hon'ble Supreme Court order dated 13/02/2019 & 28/03/2019 in Writ Petition
(Civil) No 109/2008.
Ref: - This office letter of even No.dtd. 20th March, 2019.

With reference to the subject cited above, I am directed to ask you to submit requisite report regarding grant of title deeds under Forest Right Act, 2006 in your respective Division as per the enclosed Performa on or before 28th April, 2019 without fail.

Further, you must keep ready all records pertaining to issue of title deeds, rejection of claims, contemplated course of action with respect to claims not found genuine, extent of forest area and the timeframe for such action for each FRC separately within your respective jurisdiction.

Enclosed: As stated above

Deputy Conservator of Forests (M & E)
O/o the Principal Chief Conservator of Forests &
Head of Forest Force, Assam
Panjabari, Guwahati-37

Copy for kind information and needful:-

1. The Additional Chief Secretary to the Government of Assam, Environment & Forest Department, Dispur, Guwahati-6.
2. The Principal Chief Conservator of Forests & CWLW, Assam, Aranya Bhawan, Panjabari, Guwahati-37.
3. The Spl. Principal Chief Conservator of Forests, Karbi Anglong Autonomous Council, Diphu.
4. The Addl. Principal Chief Conservator of Forests-cum-CHD, Forest, BTAD, Kokrajhar.
5. The Chief Conservator of Forests (T), Upper Assam Zone, Guwahati-1.
6. The Chief Conservator of Forests (T), Lower Assam Zone, Guwahati-1.
7. The Chief Conservator of Forests (T), Dima Hasao, Haflong.
8. The Chief Conservator of Forests (T), Central Assam Circle, Guwahati.
9. The Chief Conservator of Forests (T), Southern Assam Circle, Shillong.
10. The Conservator of Forests (T), Northern Assam Circle, Tezpur.
11. The Conservator of Forests (T), Eastern Assam Circle, Jorhat.
12. The Conservator of Forests (T), Lower Assam SF Circle, Bongaigaon.

Deputy Conservator of Forests (M & E)
O/o the Principal Chief Conservator of Forests &
Head of Forest Force, Assam
Panjabari, Guwahati-37

GOVT. OF ASSAM AFFIDAVIT IS UNJUSTIFIED AND INVALID

- ABSU WILL STAND FOR THE BY THE PEOPLE TILL JUSTICE ACHIEVED
- ABSU VERY STRONGLY OPPOSE THE ARBITRARY EVICTION ORDER BY SUPREME COURT
- ABSU WILL BE PART OF THE OBJECTION PETITION TO BE FILED IN SC TO STOP THIS EVICTION ORDER.

NO JUSTICE NO REST

● THANK YOU

● HRLN

● &

● ALL TRIBAL MUSKETEERS
FROM ACROSS THE
COUNTRY

SCHEDULED TRIBES AND OTHER
TRADITIONAL FOREST DWELLERS
(RECOGNITION OF FOREST RIGHTS)
ACT, 2006

IMPLIMENTATION OF THIS ACT IN
THE STATE OF KERALA

DATA REGARDING IMPLIMENTATION OF THIS ACT IN KERALA AS PER TRIBAL DEPARTMENT

- TOTAL NO OF APPLICATION FOR INDIVIDUAL RIGHT = **40214**
- TOTAL NO OF INDIVIDUAL RIGHT ISSUED =**24006**
- TOTAL NO OF APPLICATION FOR COMMUNITY RIGHT = **835**
- TOTAL NO OF COMMUNITY RIGHT ISSUED =**208**
- TOTAL NO OF COMMUNITY DEVELOPMENT APPLICATION=**701**
- TOTAL NO OF COMMUNITY DEVELOPMENT RIGHT ISSUED=**514**

MALAPPURAM DISTRICT

- TOTAL NO OF APPLICATION FOR INDIVIDUAL RIGHT = **1493**
- TOTAL NO OF INDIVIDUAL RIGHT ISSUED = **945**
- TOTAL NO OF APPLICATION FOR COMMUNITY RIGHT = **148**
- TOTAL NO OF COMMUNITY RIGHT ISSUED = **NIL**
- TOTAL NO OF COMMUNITY DEVELOPMENT APPLICATION = **38**
- TOTAL NO OF COMMUNITY DEVELOPMENT RIGHT ISSUED = **38**

KANNUR

- TOTAL NO OF APPLICATION FOR INDIVIDUAL RIGHT =**1037**
- TOTAL NO OF INDIVIDUAL RIGHT ISSUED = **1031**
- TOTAL NO OF APPLICATION FOR COMMUNITY RIGHT = **31**
- TOTAL NO OF COMMUNITY RIGHT ISSUED = **NIL**
- TOTAL NO OF COMMUNITY DEVELOPMENT APPLICATION=**17**
- TOTAL NO OF COMMUNITY DEVELOPMENT RIGHT ISSUED=**7**

WAYANAD

- TOTAL NO OF APPLICATION FOR INDIVIDUAL RIGHT = **7918**
- TOTAL NO OF INDIVIDUAL RIGHT ISSUED = **4398**
- TOTAL NO OF APPLICATION FOR COMMUNITY RIGHT = **321**
- TOTAL NO OF COMMUNITY RIGHT ISSUED = **124**
- TOTAL NO OF COMMUNITY DEVELOPMENT APPLICATION = **176**
- TOTAL NO OF COMMUNITY DEVELOPMENT RIGHT ISSUED = **159**

PALAKKAD

- TOTAL NO OF APPLICATION FOR INDIVIDUAL RIGHT = **5954**
- TOTAL NO OF INDIVIDUAL RIGHT ISSUED = **1450**
- TOTAL NO OF APPLICATION FOR COMMUNITY RIGHT = **120**
- TOTAL NO OF COMMUNITY RIGHT ISSUED = **6**
- TOTAL NO OF COMMUNITY DEVELOPMENT APPLICATION= **46**
- TOTAL NO OF COMMUNITY DEVELOPMENT RIGHT ISSUED= **1**

KOTTAYAM

- TOTAL NO OF APPLICATION FOR INDIVIDUAL RIGHT = **1704**
- TOTAL NO OF INDIVIDUAL RIGHT ISSUED = **1401**
- TOTAL NO OF APPLICATION FOR COMMUNITY RIGHT = **2**
- TOTAL NO OF COMMUNITY RIGHT ISSUED = **2**
- TOTAL NO OF COMMUNITY DEVELOPMENT APPLICATION = **59**
- TOTAL NO OF COMMUNITY DEVELOPMENT RIGHT ISSUED = **5**

IDUKKI

- TOTAL NO OF APPLICATION FOR INDIVIDUAL RIGHT = **13350**
- TOTAL NO OF INDIVIDUAL RIGHT ISSUED = **8039**
- TOTAL NO OF APPLICATION FOR COMMUNITY RIGHT = **9**
- TOTAL NO OF COMMUNITY RIGHT ISSUED = **NIL**
- TOTAL NO OF COMMUNITY DEVELOPMENT APPLICATION=**184**
- TOTAL NO OF COMMUNITY DEVELOPMENT RIGHT ISSUED=**150**

KOZHIKODE

- TOTAL NO OF APPLICATION FOR INDIVIDUAL RIGHT = 20
- TOTAL NO OF INDIVIDUAL RIGHT ISSUED =11
- TOTAL NO OF APPLICATION FOR COMMUNITY RIGHT =NIL
- TOTAL NO OF COMMUNITY DEVELOPMENT APPLICATION = NIL

PATHANAMTHITTA

- TOTAL NO OF APPLICATION FOR INDIVIDUAL RIGHT = **1464**
- TOTAL NO OF INDIVIDUAL APPLICATION ALLOWED=**940**
- TOTAL NO OF INDIVIDUAL RIGHT ISSUED =**895**
- TOTAL NO OF APPLICATION FOR COMMUNITY RIGHT =**20**
- TOTAL NO OF COMMUNITY RIGHT ISSUED =**15**
- TOTAL NO OF COMMUNITY DEVELOPMENT APPLICATION=**11**
- TOTAL NO OF COMMUNITY DEVELOPMENT RIGHT ISSUED=**4**

KOLLAM

- TOTAL NO OF APPLICATION FOR INDIVIDUAL RIGHT = **1214**
- TOTAL NO OF INDIVIDUAL RIGHT ISSUED =**1158**
- TOTAL NO OF APPLICATION FOR COMMUNITY RIGHT =**15**
- TOTAL NO OF COMMUNITY ALLOWED=**15**
- TOTAL NO OF COMMUNITY RIGHT ISSUED =**4**
- TOTAL NO OF COMMUNITY DEVELOPMENT APPLICATION=**24**
- TOTAL NO OF COMMUNITY DEVELOPMENT RIGHT ISSUED=**4**

THIRUVANATHAPURAM

- TOTAL NO OF APPLICATION FOR INDIVIDUAL RIGHT = **6060**
- TOTAL NO OF INDIVIDUAL RIGHT ALLOWED= **4794**
- TOTAL NO OF INDIVIDUAL RIGHT ISSUED = **4633**
- TOTAL NO OF APPLICATION FOR COMMUNITY RIGHT =**169**
- TOTAL NO OF COMMUNITY RIGHT ALLOWED= **97**
- TOTAL NO OF COMMUNITY RIGHT ISSUED = **72**
- TOTAL NO OF COMMUNITY DEVELOPMENT APPLICATION=**146**
- TOTAL NO OF COMMUNITY DEVELOPMENT RIGHT ISSUED=**146**

15

Sub Collector's Office, Mananthavady
Mananthavady (P.O), Wayanad, PIN: 670645
Phone: 04935-240222, Fax : 04935-242622
Email: subcollector@kerala.gov.in

No. K-30/2018
Date: 15.05.2019

Public Information Officer
& Senior Superintendent
Revenue Divisional Office
Mananthavady

Adv. Maria
Human Rights Law Network
Room No 105
Kottamala Building
Kalpetta North (PO)
Wayanad

Sir,

Sub: Right to Information Act 2005- Information issued-reg
Ref: Your application dated 30.03.2019

Please see the reference. The information requested by you is furnished as follows:

1. The Sub Divisional Level Committee (SDLC) constituted under Forest Right Act is functioning under the chairmanship of Sub Collector, Mananthavady and as per records 5543 cases were passed and recommended by this committee and submitted to District Level Committee as on date. The District Level Committee (DLC), functioning under the Chairmanship of District Collector Wayanad is empowered to issue Record of Right to the applicant and after the approval of DLAC, ROR to the beneficiaries were being issued by the project officer ITDP Wayanad. The data regarding the total number of ROR issued may be obtained from the office of PO ITDP, since it is not compiled in this office.

Individual Right

5553 Applications were passed by the SDLC and submitted to DLC for consideration
1369.7268 Hectres of land recommended by the SDLC for issuance of Record of Right

K Development Right

Developmental rights are issued by the concerned Divisional Forest Officers and hence the data are not available in this office

Community Rights

151 applications were received before SDLC for consideration till date

7132.75 Hectres of land proposed for Community rights

13 applications for Community rights were rejected due to duplication

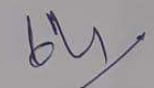
3. Not Scheduled

4. 13 Applications for community rights were rejected by the SDLC till now

5&6. 13 applications were rejected since submitted in duplication. All the above applications were recommended in their original applications. Hence there was no separate communication was needed in this case. But all the applications were informed about it by the Tribal Development Department in direct.

If the above replies are not satisfactory, you can file appeal within 30 days before the Sub collector and appellate authority, Sub collectors office, Mananthavady Post, (Phone 04935240222)

Yours faithfully


Public Information Officer
& Senior Superintendent
Revenue Divisional Office
Mananthavady



Report

Taking Stock and Identifying Challenges in Implementation of the Forest Rights Act in Madhya Pradesh

Indrani Barpujari, Ph.D.

2019

**Atal Bihari Vajpayee Institute of Good Governance
& Policy Analysis**

Taking Stock and Identifying Challenges in Implementation of the Forest Rights Act in Madhya Pradesh

Report

Indrani Barpujari, Ph.D.

2019



Atal Bihari Vajpayee Institute of Good Governance & Policy Analysis, Bhopal

An Autonomous Institute of the Government of Madhya Pradesh

Special Guidance

Shri R. Parasuram, Director General, AIGGPA

Shri Mangesh Tyagi, Principal Advisor, Centre for Governance

Project Team

Study coordinated by

Indrani Barpujari, Ph.D.

Advisor, Centre for Governance

Inputs from the districts

(under the Chief Minister's Young Professionals for Development Programme, in alphabetical order)

Abhishek Latawa, Research Associate (Former), Umaria

Amrita Singh Thakur, Research Associate, Chhatarpur

Anurag Ningwal, Research Associate, Alirajpur

Jibin Jose, Research Associate, Umaria

Mohini Singh, Research Associate, Dindori

Narendra Krishna Tripathi, Research Associate, Jhabua

Priyanka Gajbhiye, Research Associate, Anuppur

Rahul Kumar Mehar, Research Associate, Mandla

Rajneesh Tiwari, Research Associate, Khandwa

Sriram Aditya Pulavarti, Research Associate, Sagar

Tanaya Mohanty, Research Associate, Betul

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Executive Summary

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 also commonly referred to as the Forest Rights Act (FRA) is "an Act to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes (STs) and other traditional forest dwellers (OTFDs) who have been residing in such forests for generations but whose rights could not be recorded...". Madhya Pradesh with the highest tribal population in the country as per the 2011 Census and with a high dependency on forests is one of the most important states from the perspective of FRA implementation. Despite the state taking a lead in the initial years, the implementation of the FRA in Madhya Pradesh has been beset by a number of issues and challenges. It is in this context that this study seeks to take stock of the implementation of the FRA in Madhya Pradesh about ten years after its enforcement while also identifying the challenges and impediments in its effective implementation.

Key Objectives

- (i) Overview of claims accepted and rejected, titles conferred in the context of both individual and community rights over the last ten years. This will be done in the broad context of the state and with a special focus on select ten districts;
- (ii) Understand the primary reasons behind the high rate of rejection as well as the rejection rates at the different stages under the Act;
- (iii) Critically analyse approved claims in the light of the avowed objectives of the Act and whether they have been achieved;
- (iv) Identify bottlenecks and challenges which come in the way of implementation with a special focus on the issues of Particularly Vulnerable Tribal Groups (PVTGs), OTFDs etc.

Methodology

The methodology has involved primary focus on ten districts of the state relevant for the purpose of the Forest Rights Act including both tribal districts and non-tribal districts with high claims -Alirajpur, Anuppur, Betul, Chhatarpur, Dindori, Jhabua, Khandwa, Mandla, Sagar, and Umaria. A survey schedule has been administered on a statistically significant sample (to achieve about 95% confidence level) - 410 claimants in all (218 approved and 192 rejected claims) to understand their experiences with the Act. In addition, community claims at village level have been studied in twenty villages (two in each district) through interviews and FGDs with the relevant stakeholders. Also, interviews have been conducted with the different stakeholders in the districts and noteworthy case studies documented.

Key Findings

The key findings of the study may be summed up under the following heads:

(i) Status of Implementation of the FRA in Madhya Pradesh with Special Focus on Select Ten Districts

As per the Ministry of Tribal Affairs, Government of India, Madhya Pradesh has till April 30th, 2018 received the third highest number of claims under the FRA in India at 6,17,090 (5,77,472 individual and 39,618 community claims) following Chhattisgarh (total- 8,87,665) and Odisha (total- 6,22,876). The percentage of rejected claims in the state has been quite high at 59% which is much higher in comparison with the other states with similar volume of claims- 52% rejection in Chhattisgarh and 24% in Odisha.

Data on status of individual claims in the select ten districts- Alirajpur, Anuppur, Betul, Chhatarpur, Dindori, Jhabua, Khandwa, Mandla, Sagar, and Umaria upto June 2018 indicates that among these districts, Betul has had the highest number of individual claims preferred followed by Umaria and Sagar. Jhabua has had the lowest number of individual claims preferred followed by Chhatarpur, Mandla and Khandwa. In terms of sheer numbers, the highest rejection of individual claims has been in Sagar (14766) and Umaria (14599). The lowest rejections have been in Jhabua (2592) and Alirajpur (3507) though it is quite a significant percentage of the total claims- 66% and 31% respectively. Individual titles have largely been distributed for all the accepted claims in the districts except for Betul where 244 titles are yet to be given, 109 claims in Chhatarpur and 93 accepted claims in Mandla. In five districts- Anuppur, Betul, Chhatarpur, Sagar and Umaria, for which data has been made available on individual claims of Scheduled Tribes vis-a-vis Other Traditional Forest Dwellers (OTFDs), it is seen that individual claims of OTFDs have very low acceptance level- nil in the districts of Chhatarpur and Umaria, .09% in Anuppur, 0.4% acceptance rate in Sagar and 2% acceptance rate in Betul. Further, for the four districts for which year-wise breakup of individual claims is available, that is Alirajpur, Dindori, Jhabua and Khandwa, it is seen that the highest number of individual claims have been preferred during the first three years of implementation of FRA (2008-10), which fell dramatically in 2011-13. There was a revival in 2014-16 which again falls to almost negligible claims from 2017 onwards.

The data on community claims indicates that among the ten districts studied, Jhabua has had the highest number of community claims followed by Mandla. Districts where community claims have been lowest are Khandwa (with just 241 claims preferred), Alirajpur (261), Anuppur (757) and Umaria (798). Umaria has reported zero rejections of community claims. In Mandla and Jhabua too, the rejection rate of community claims is quite low- at about 3% and 9% respectively. Rejections have been higher than the number of accepted community claims in Chhatarpur (79%), as well as in Alirajpur (67% rejected).

Titles have largely been distributed for all the accepted community claims except in Dindori where titles have been given in only 588 of the total accepted community claims of 1263 while in Betul, titles are yet to be given in just 4 accepted community claims. In five districts- Anuppur, Betul, Chhatarpur, Sagar and Umaria for which data has been made available on community claims of Scheduled Tribes vis-a-vis OTFDs, it is seen that Anuppur, Betul, Sagar and Umaria have no community claims from OTFDs while in Chhatarpur, there are no community claims by Scheduled Tribes (which is not a tribal district). In Chhatarpur, only 21% of the OTFD claims have been accepted. 100% of ST community claims in Umaria, 68% in Betul, 59% in Anuppur and 53% in Sagar have been accepted. Along with the data on status of individual claims of STs and OTFDs in the same 4 districts, it may be surmised that there is a higher rejection rate for claims of OTFDs.

As in the case of individual claims, for community claims too, year-wise breakup could be obtained for the 4 districts of Alirajpur, Dindori, Jhabua and Khandwa. The community claims in these districts have been sporadic witnessing a small initial momentum in 2008-2010, trickling off to almost zero claims in 2011-13 while picking up again in 2014-16 and dropping off completely from 2017 onwards. This is attributable according to district officials interviewed to special 'abhiyans' or campaigns at the behest of senior officials in the districts targeted at creating awareness and getting people to file as many claims as possible.

(ii) Findings from Sample Survey on Individual Claims (Accepted and Rejected)

89% of the 410 claimants surveyed are males though in a large majority of the cases (75%), claims have been preferred jointly in the name of the spouse. An overwhelming majority of the respondents are members of Scheduled Tribes (87%) followed by PVTGs (10%), Scheduled Castes and OBCs (2%), and persons belonging to the General Castes (2%). The rejections among the latter two groups are also greater in comparison to accepted claims (of the 16 claims of SC/OBC and General in total, 12 have been rejected). 87% of the total claimants are illiterate or have been educated upto primary level with agriculture, wage labour, collection of NTFPs and animal husbandry constituting the livelihood mainstay of most of the respondents. 63% of the sample population have been resident in the area and using the forests in the vicinity for three generations prior to December 13th, 2005 while another 35% declare that they had occupied/ used forest land in the vicinity before December 13, 2005.

93% of the respondent claimants rate their dependence on forests as medium and above with such dependence being manifold- as a primary source of livelihood (mainly agriculture in forest land, collection of NTFPs), catering to their subsistence needs for firewood, edible roots and shoots, fodder and grazing ground for their livestock and traditional uses such as collection of medicinal plants for healthcare. Despite the traditional dependence of these people on forests - a large majority of whom have been resident in the area for a long time,

there is a high number of people (45% or 192 individuals) who said that they did not have or were not aware of having recognized customary rights (recorded in the village *wajib-ul-arz*) or *nistar* (usufruct) rights prior to the implementation of the FRA. Again, 53% of the respondent claimants or 218 individuals said that they faced difficulty (mainly from the Forest Department) in accessing the forests prior to the implementation of the FRA while the rest reported that they did not face any difficulty.

62% of the total respondents said that they first came to know about the provisions of the FRA as well as the fact that they could claim individual rights through it from the Gram Sabha. Another 35% of the respondents said that they came to know about the same from government officials. In a large number of cases, the respondents said that it was the forest beatguard or *nakedar* who first came to tell them about the FRA. With respect to type of individual right claimed under the FRA, the survey (corroborated to the extent possible through inspection of official records and documents) showed that 59% of the total claims were for forest land occupied for self-cultivation, 28% were for both habitation and self-cultivation and 12% were for forest land for habitation. 90% of the total respondent claimants replied in the affirmative on being asked whether they received any help in preferring individual claims under FRA with such help been provided largely by the Gram Sabha/ Forest Rights Committee constituted by the Gram Sabha (73% of the total respondents). 17% of the total claimants said that they received help in doing so from government officials from the Departments of Forest and Tribal Welfare. A large majority of the people- 309 individuals or about 75% of the total respondents said that they did not face any difficulty in preferring claims under the FRA which indicates pro-activeness on the part of the authorities to smoothen the process. Interestingly, even among the claimants whose claims were rejected, 71% said that they did not face any difficulties in the process of preferring claims.

47% of those with accepted claims (218 in all) said that it took less than a year for the process (from preferring claims to receiving titles) to be complete. About 27% of those with accepted claims said that the process took 1-2 years while in case of 14% of accepted claims; the process took 2-3 years. The survey of 218 respondents with accepted claims indicates that all the respondents have obtained individual titles as well. In case of 72% of these claimants with accepted claims, the title has been conferred jointly along with their respective spouses. On being asked to rate the benefits which they perceive has accrued from the conferment of individual rights under the FRA, 29% of those with accepted claims gave their response as 'medium' while 25% gave their response as 'high' and 14% persons gave their response as 'very high'. 80% of those with accepted claims said that the conferment of titles have helped them in meeting their subsistence and livelihood needs better than before. This is but expected considering that in a large majority of the cases, the right claimed and obtained has been for self-cultivation. About 9% said that it has helped

them avail the benefits of government schemes like Kapildhara, Ujjwala, PMAY, Kissan Credit Card as well as loans from banks.

An attempt to understand the key reasons for rejection of the 192 individual rejected claims shows that a substantial chunk of the claimants (36%) don't know the reasons for rejection of claims with some of them not even aware that their claims have been rejected. In 36% of the cases, the reason for rejection has been failure on their part to provide the requisite or adequate evidence/ documents in support of their claims. In case of 21% of the respondents with rejected claims, the reason has been invalid claim or ineligibility. The highest rejection has taken place at the level of the Sub-Divisional Level Committee at 37% follows by 35% at the Gram Sabha level. In only a miniscule 11% of the rejected claims, the claimants have preferred an appeal. A huge majority of the respondents (136 individuals or 80% of those who have not preferred an appeal) say that they don't know that it is possible to prefer an appeal against rejection of their claims.

(iii) Key Findings on Community Claims- 14 of the villages covered in the studied are occupied primarily by Scheduled Tribes (more than 80% of the total population); 2 villages are PVTG villages with almost 100% Baiga inhabitants; 1 village has about 88% of SC and OBC population while the remaining three have a mixed population. In almost all the villages studied, agriculture is the primary source of livelihood of majority of its inhabitants though in about four villages, a sizeable majority of the people are also dependent on livestock rearing and NTFP collection. Almost all the villages studied reported traditional dependence on the forests which is high even in the present day for subsistence and household needs (firewood, edible roots and shoots etc.), for grazing and fodder for their farm animals and also for NTFP collection. 16 villages have reported that they have been enjoying customary rights on the neighbouring forests before the implementation of the FRA in the form of usufruct (*nistar*) or as recorded in the *wajib-ul- arz*.

A total of 211 community claims have been preferred of which 67% have been accepted and 33% rejected. The highest claims have been under the category of *nistar* constituting about 42% of the total community claims out of which 74 (83 of *nistar* claims preferred) have been accepted. The next highest claims have been with respect to rights over minor forest produce/ NTFPs-53 or about 25% of total community claims preferred. In the case of claims over minor forest produce/ NTFPs, the rejection rate is high at about 60%. This is followed by community claims for uses or entitlements (fish, water bodies, grazing, traditional resource access for nomadic and pastoralist) constituting about 16% of total claims preferred.

Almost all the villages with the exception of two villages reported that help was forthcoming from the Gram Sabha, Forest Rights Committee, officials of the Forest, Tribal and Revenue departments as well as representatives of Panchayati Raj Institutions. Two villages with a larger population of OTFDs respectively reported a high rate of rejection of community

claims while 9 villages reported zero rejections. Most villages reported high level of benefits from the conferment of community rights such as better access to and equitable usage of community resources, reduction in individual disputes and better sharing and management of village resources, community mobilisation, socio-religious benefits etc.

(iv) Implementation Challenges- Madhya Pradesh was one of the few states which took up the implementation of the FRA in mission mode as soon as the Act was enforced and Rules became effective adopting a number of best practices which enabled it to become the first state to issue title deeds under the FRA (School of Good Governance and Policy Analysis, 2012). The strategies on the part of the state government at the initial stage included rolling out of large scale capacity building program, communication and environment building, involving the civil society in implementation, making burden of proof for rights recognition less onerous, use of technology in efficient working etc. (ibid.).

This study has provided an opportunity to assess the situation ten years later on whether these best practices could be sustained over time and how challenges in implementation of the FRA have been dealt with by the government. Most districts reported sustained efforts at awareness generation particularly at the Gram Sabha and Panchayat level though difficulties persist particularly in remote areas and considering that most of the targeted claimants are illiterate. However, in many districts, it was acknowledged that such efforts were maximum during the initial years of implementation of the Act and gradually trickling off. In most districts, considerable seriousness is displayed by the administration with respect to settling claims under the FRA and as officials in many districts observed, maximum help is extended to the claimants and a lenient, facilitative approach is adopted to the extent possible. In most of the districts, officials say that in majority of the rejected cases, the reasons for rejection are given and the claimant is informed of the right to appeal. However, officials do admit that owing to the high level of illiteracy, most claimants fail to understand the matter and so, there are less cases of appeal. Further, in many districts, special efforts are being made to ensure that bonafide claims are not rejected through a process of re-verification. In most districts, however, the officials admitted that OTFDs were not so much a priority for the district (particularly, in the tribal dominated districts) with more efforts being expended to ensure that more ST claims were preferred and their acceptance. Interviewed officials have largely said that an effort is made at the district and block levels to ensure proper record keeping and regular monitoring of the claims though constrained by manpower crunch and other issues. Further, with multiple departments being involved, coordination is a big challenge.

Conclusion and Recommendations

In conclusion, it may be said that it is indeed heartening that despite the challenges, the implementation of the Forest Rights Act in the state has been able to achieve in most instances, the enshrined objectives of the Act and Rules which are to secure a number of

rights including right to cultivation and/ or habitation and others at the individual level and a host of community rights to the claimants. Apart from tangible material benefits (including easier access to benefits of government schemes), the conferment of such rights has also contributed to intangible gains such community mobilization, better access to and management of natural resources, socio-religious gains etc. The tremendous effort at awareness generation and facilitating claims (including through technological solutions), as attested to in the field needs to be acknowledged and the state needs to keep up this good work. It also needs to be applauded that with few exceptions, titles have been mostly conferred in cases of accepted individual and community claims and in quite a reasonable timeframe as the district level data and the survey findings indicate.

At the same time, a thorough overview of rejected claims indicate that rejections are in large part owing to inability to provide the necessary documentary evidence along with invalid claims compounded by the illiteracy of a significantly huge percentage of claimants. The administration has taken a number of steps in the state to address this such as sustained efforts at awareness generation particularly at the Gram Sabha and Panchayat level, extending maximum help to the claimants and adopting a lenient, facilitative approach, re-verification of rejected claims from time to time and other steps. This needs to be maintained. Further, more efforts are required to ensure that the reasons for rejection and the right to appeal are communicated properly to the claimants, keeping in view the fact that a large percentage of such claimants may be illiterate. OTFD claims need to be accorded as much priority. Further, a case is made out for better record keeping in the context of FRA. The records need to be computerised for better monitoring and transparency. Monitoring of FRA on a state level dashboard with utmost transparency may be emphasized upon.

Chapter 1: Introduction

1.1. Background

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 also commonly referred to as the Forest Rights Act seeks to undo the 'historical injustice' meted out to India's forest dwellers. As the Preamble to the Act says, it is "an Act to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded; to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land". The households eligible for claiming rights under the Act are those primarily residing in forest or forest land and are dependent on the same for livelihood with proof of such claim being evidence of residence of three generations (about 75 years) on forest land for other traditional forest dwellers or OTFDs (section 2(o) of the Act) or being a member of a scheduled tribe (ST) and residing in the area where they are scheduled (section 4(1)(a). As per section 4(3) of the Act, the recognition and vesting of forest rights under this Act to the forest dwelling Scheduled Tribes and to the Other Traditional Forest Dwellers in respect of forest land and their habitat shall be subject to the condition that they had occupied forest land before the 13th day of December, 2005.

The rights provided under the Act are at both individual and community level. As per section 3(1)), these include:

- (i) right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers;
- (ii) community rights such as nistar, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;
- (c) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;
- (d) other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;
- (e) rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;
- (f) rights in or over disputed lands under any nomenclature in any State where claims are disputed;

- (g) rights for conversion of Pattas or leases or grants issued by any local authority or any State Government on forest lands to titles;
- (h) rights of settlement and conversion of all forest villages, old habitation, un-surveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;
- (i) rights to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;
- (j) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribal under any traditional or customary law of the concerned tribes of any State;
- (k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;
- (l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in the above clauses but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;
- (m) right to in situ rehabilitation including alternative land in cases where the Scheduled Tribes or other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.

Since the coming into force of the Act in 2007, 41, 98,793 claims have been filed across India till 30th April, 2018 (40, 54, 212 individual and 1, 44,581 community claims) and 18, 66,919 titles (17, 96,755 individual and 70,164 community) constituting about 45% of the total claims have been distributed across the country (Ministry of Tribal Affairs, Government of India, April 2018).

Madhya Pradesh with the highest tribal population in the country as per the 2011 Census (constituting about 15% of the total tribal population) and with a high dependency on forests is one of the most important states from the perspective of FRA implementation. In fact, the state had taken the lead right after the Act came into force in implementing the provisions of the Act through systemic innovations in title verification and distribution targeted at making the process more efficient, transparent and accountable, using GPS enabled survey methods and creation of computerized databases of beneficiaries (School of Good Governance and Policy Analysis, 2012). However, despite the headstart, the implementation of the FRA in Madhya Pradesh has been beset by certain issues and challenges such as limited progress on community rights, limited appeals from claim rejection owing to non-communication of rejection to claimants, special cases of PVTGs, forest dwellers displaced by development and those in and around protected areas not

addressed, grounds for rejection not clear, non-completion of mutation process, neglect of OTFD claims, non-effectiveness of Forest Rights Committees and Gram Sabhas etc. (Pandey and Lele, 2010).

1.2. Objectives

In the light of the above scenario, this study seeks to take stock of the implementation of the FRA in the state of Madhya Pradesh almost ten years after its enforcement while also identifying the challenges and impediments in its effective implementation. The key objectives may be summed up as follows:

- (i) Overview of claims accepted and rejected, titles conferred in the context of both individual and community rights over the last ten years. This will be done in the broad context of the state and with a special focus on the select ten districts covered by the study;
- (ii) Understand the primary reasons behind the high rate of rejection as well as the rejection rates at the different stages under the Act;
- (iii) Critically analyse approved claims in the light of the avowed objectives of the Act and whether they have been achieved;
- (iii) Identify bottlenecks and challenges which come in the way of implementation with a special focus on the issues of PVTGs, OTFDs etc.

1.3. Methodology

The methodology for the study has included a number of research methods including desk review and analysis of data on claims under the FRA; empirical study through administration of survey schedule on claimants, case studies, focus group discussions and interviews with concerned stakeholders including officials of the relevant government departments, representatives of tribal communities and other traditional forest dwellers including PVTGs and others.



Figure 1: Methodology

The study has a primary focus on ten districts of the state relevant for the purpose of the Forest Rights Act including both tribal districts (as listed by the Government of Madhya Pradesh, http://tribalportal.mp.nic.in/Payrolls/Public/List_of_TribalDistricts.aspx, accessed on June 5, 2018) as well as non-tribal districts with high claims (Samarthan and UNDP,

2012). Thus, the districts covered in this study include the districts of Alirajpur, Anuppur, Betul, Chhatarpur, Dindori, Jhabua, Khandwa, Mandla, Sagar, and Umaria. A survey schedule has been

administered on a statistically significant sample (95% confidence level) of claimants-410 in all (218 approved and 192 rejected claims) to understand their perceptions and experiences with the Act. About 40



Field Work in Progress in Umaria

respondents in two blocks (with high claims) in each of the ten districts have been covered in the sample. In addition, community claims at village level have been studied in twenty villages (two in each district) through interviews and FGDs with the relevant stakeholders. In addition, interviews have been conducted with the different stakeholders in the districts and noteworthy case studies documented.

1.4. Organisation of the Report

This Report is organised into a number of chapters.

Chapter 1 is the introductory chapter laying down the background of the study which is the state of implementation of the Forest Rights Act in the country in general and Madhya Pradesh in particular after about ten years since it came into force and the identified challenges. It also elaborates upon the objectives of the study and methodology.

Chapter II provides an overview of implementation of the Forest Rights Act in Madhya Pradesh with a focus on the select ten districts in terms of claims (both individual and community) received and titles conferred since the time the Act came into force till date.

Chapter III is devoted to an analysis of individual claims (both accepted and rejected) in the select ten districts on the basis of the findings of the field survey. It looks at the socio-economic profile of the claimants, their dependence on forests, the nature of the claims filed and their experiences as well as benefits post FRA. It also tries to understand the reasons for rejection of claims.

Chapter IV provides an analysis of community claims in the select ten districts based on FGDs and interviews conducted in twenty villages (also corroborated through official records) in the ten districts covered by the study.

Chapter V deals with a few cases which seek to understand peoples' experience with the FRA in a more detailed manner.

Chapter VI tries to understand the institutional challenges faced in implementation of the Act in the state with particular reference to the districts covered in the study.

Chapter VI is the final chapter which attempts to draw conclusions from the study and offer recommendations.

Chapter II: Status of Implementation of the Forest Rights Act in Madhya Pradesh with Special Focus on Select Ten Districts

2.1. Status of Implementation of FRA in Madhya Pradesh till April 30, 2018

As per the Ministry of Tribal Affairs, Government of India, Madhya Pradesh has till April 30th, 2018 received the third highest number of claims under the FRA in India at 6,17,090 (5,77,472 individual and 39,618 community claims) following Chhattisgarh (total- 8,87,665) and Odisha (total- 6,22,876). After ten years post implementation of FRA, the percentage of rejected claims in the state has been quite high at 59% (3,62,671 claims out of total 6,17,090 rejected as of April 30, 2018). This is much higher in comparison with the other states with similar volume of claims- 52% rejection in Chhattisgarh and 24% in Odisha. While the disposal rate has been quite high at 99.18%, the state is in the 11th position in terms of percentage of titles distributed over number of claims received.

	Claims received till April 30, 2018	Titles distributed till April 30, 2018	Extent of forest land for which titles have been distributed (in acres)	Claims rejected	Claims disposed off	% of claims disposed off with respect to claims received	% of titles distributed with respect to claims received
Individual Claims	5,77,472	2,22,051	8,03,537				
Community Claims	39,618	27,280	13,20,990				
Total	6,17,090	2,49,331	21,24,527	3,62,671	6,12,002	99.18%	40.40%

Table 1: Status of Implementation of FRA in Madhya Pradesh as of April 30, 2018

Source: Ministry of Tribal Affairs, Government of India, *Status Report on Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers Act (Recognition of Forest Rights) Act, 2006* (for the period ending 30.04.2018)

2.2. Individual Claims-Status in Select Districts

	Accepted	Titles Distributed	Area (in hectares)	Rejected
Alirajpur	7656	7656	Not available	3507
Anuppur	3795	3795	2729.107	6838
Betul	11569	11325	35405.316	11912
Chhatarpur	614	505	882.123	7624
Dindori	6719	6719	Not available	5888
Jhabua	1338	1338	1112.586	2592

Taking Stock and Identifying Challenges in Implementation of the Forest Rights Act in Madhya Pradesh

Khandwa	11359	11359	14177.886	3824
Mandla	9841	9748	13630.59	4987
Sagar	2754	2754	Not available	14766
Umaria	6147	6147	3458.663	14599

Table 2: Status of Individual Claims in Select Ten Districts

Source: Data Collected by CMYPDP Research Associate from Office of Assistant Tribal Commissioner in each district

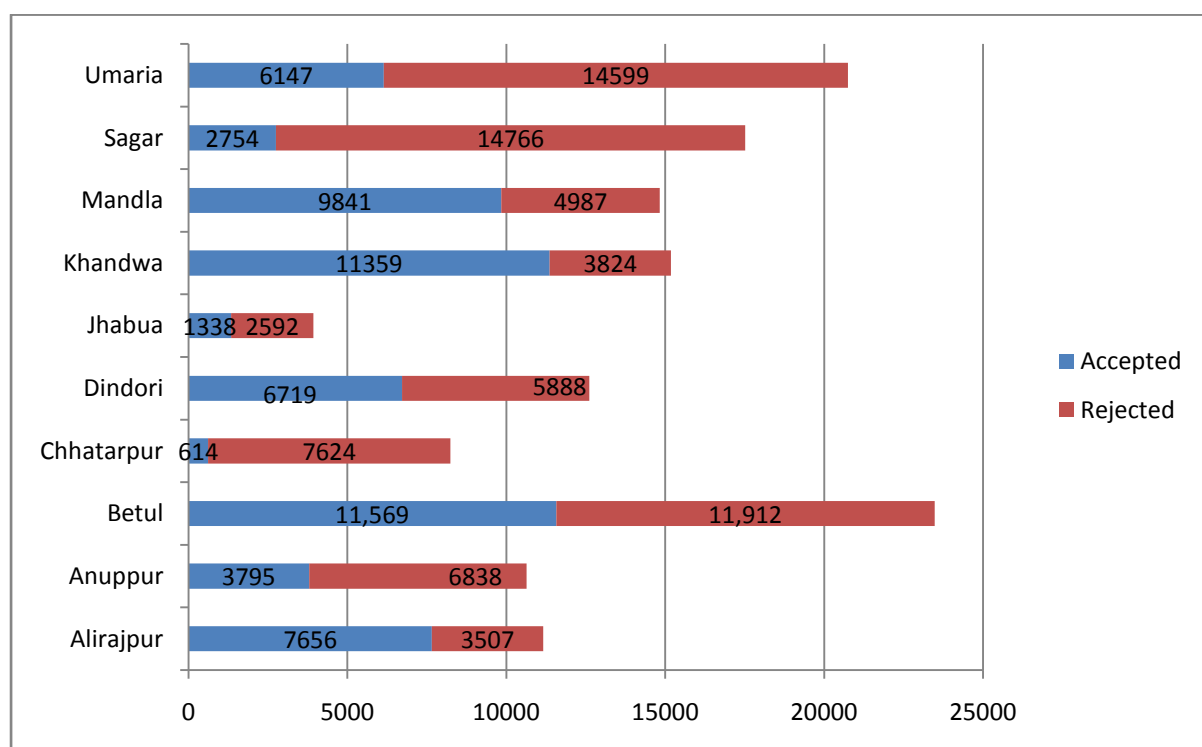


Figure2: Accepted vis-a-vis Rejected Individual Claims in Select Ten Districts

Table 2 and Figure 2 above on status of individual claims in the select districts from the time of implementation of the Act in Madhya Pradesh upto June 2018 indicates that among these districts, Betul has seen the highest number of individual claims followed by Umaria and Sagar. Jhabua has had the lowest number of individual claims (both accepted and rejected) followed by Chhatarpur, Mandla and Khandwa. In terms of sheer numbers, the highest rejection of individual claims has been in Sagar (14766) and Umaria (14599). The lowest rejections have been in Jhabua (2592) and Alirajpur (3507) though it is quite a significant percentage of the total (accepted and rejected) claims- 66% and 31% respectively.

Again, as seen in the above table, in the districts for which data is available, titles have largely been distributed for all the accepted claims in the districts except for Betul where 244 titles are yet to be given, 109 claims in Chhatarpur and 93 accepted claims in Mandla. The area over which individual titles have been granted is the highest in Betul where individual titles have been granted over 35405.316 hectares followed by Khandwa with individual titles granted over 14177.886 hectares.

In five of the districts covered by the study- Anuppur, Betul, Chhatarpur, Sagar and Umaria, data has been made available on individual claims of Scheduled Tribes and Other Traditional Forest Dwellers (OTFDs) respectively which may be presented in Table 3:

	Scheduled Tribes	OTFDs
Anuppur		
Individual Claims Preferred	8454	2179
Individual Claims Accepted	3793	2
Individual Claims Rejected	4661	2177
Betul		
Individual Claims Preferred	20622	2859
Individual Claims Accepted	11509	60
Individual Claims Rejected	9113	2799
Chhattarpur		
Individual Claims Preferred	2334	5904
Individual Claims Accepted	614	0
Individual Claims Rejected	1720	5904
Sagar		
Individual Claims Preferred	8788	8732
Individual Claims Accepted	2719	35
Individual Claims Rejected	6069	8697
Umaria		
Individual Claims Preferred	16953	3793
Individual Claims Accepted	6147	0
Individual Claims Rejected	10806	3793

Table 3: Status of Individual Claims of STs and OTFFDs in Select Five Districts

Source: Data Collected by CMYPDP Research Associate from Office of Assistant Tribal Commissioner in each district

A look at the above table indicates that individual claims of OTFDs have very low acceptance level- nil in the districts of Chhatarpur and Umaria, .09% in Anuppur, 0.4% acceptance rate in Sagar and 2% acceptance rate in Betul.

In many of the districts studied, year-wise breakup of individual claims preferred since the implementation of the Act in 2008 could not be obtained and only aggregate figure was provided. The year wise data on individual claim preferred provided by four districts may be represented in the table 4:

	2008-10	2011-13	2014-16	2017 till date
Alirajpur	4972	1824	860	0
Dindori	9208	0	3399	0
Jhabua	2162	457	1311	0
Khandwa	9660	831	4641	51

Table 4: Year-wise Trends of Individual Claims in Select Four Districts

Source: Data Collected by CMYPDP Research Associate from Office of Assistant Tribal Commissioner in each district

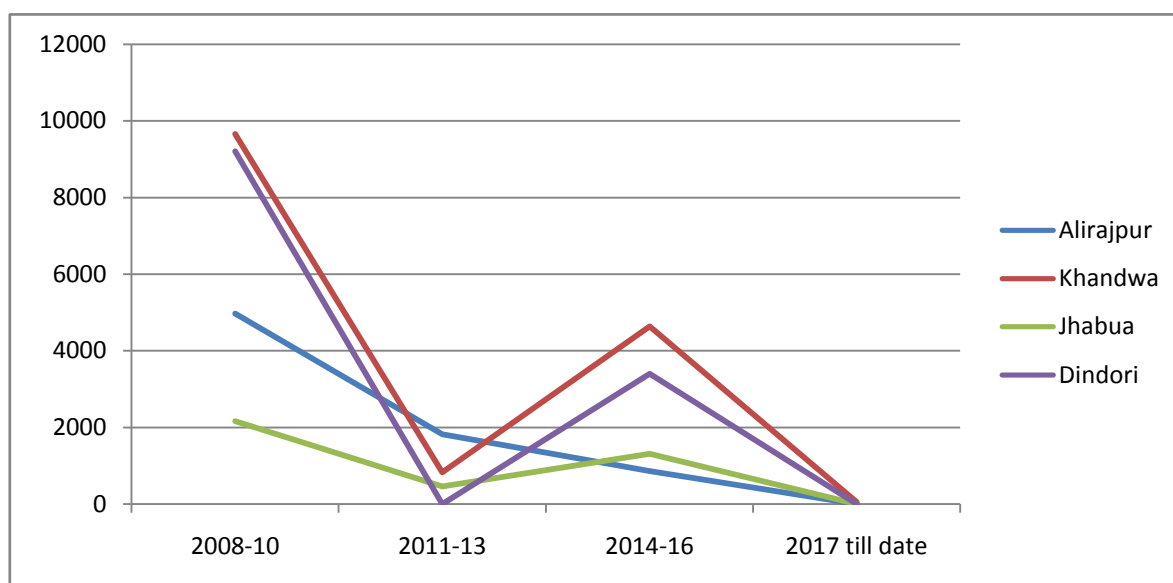


Figure 3: Year-wise Trends of Individual Claims in Select Four Districts

From table 4 and figure 3, it may be observed that the four districts reported the highest number of individual claims preferred during the first three years of implementation of FRA-2008-10, which fell dramatically in 2011-13. There was a revival in 2014-16 which again falls drastically to almost negligible claims from 2017 onwards.

2.2. Community Claims-Status in Select Districts

	Accepted	Titles Distributed	Area (in hectares)	Rejected
Alirajpur	86	86	Not available	175
Anuppur	444	444	1182.663	313
Betul	1017	1013	3467.271	478
Chhatarpur	240	240	212.638	884
Dindori	1263	588	Not available	377
Jhabua	4150	4150	188.33	407
Khandwa	173	173	96.677	68
Mandla	3235	3235	76850	103
Sagar	866	866	Not available	758
Umaria	798	798	Not available	0

Table 5: Status of Community Claims in Select Ten Districts

Source: Data Collected by CMYPDP Research Associate from Office of Assistant Tribal Commissioner in each district

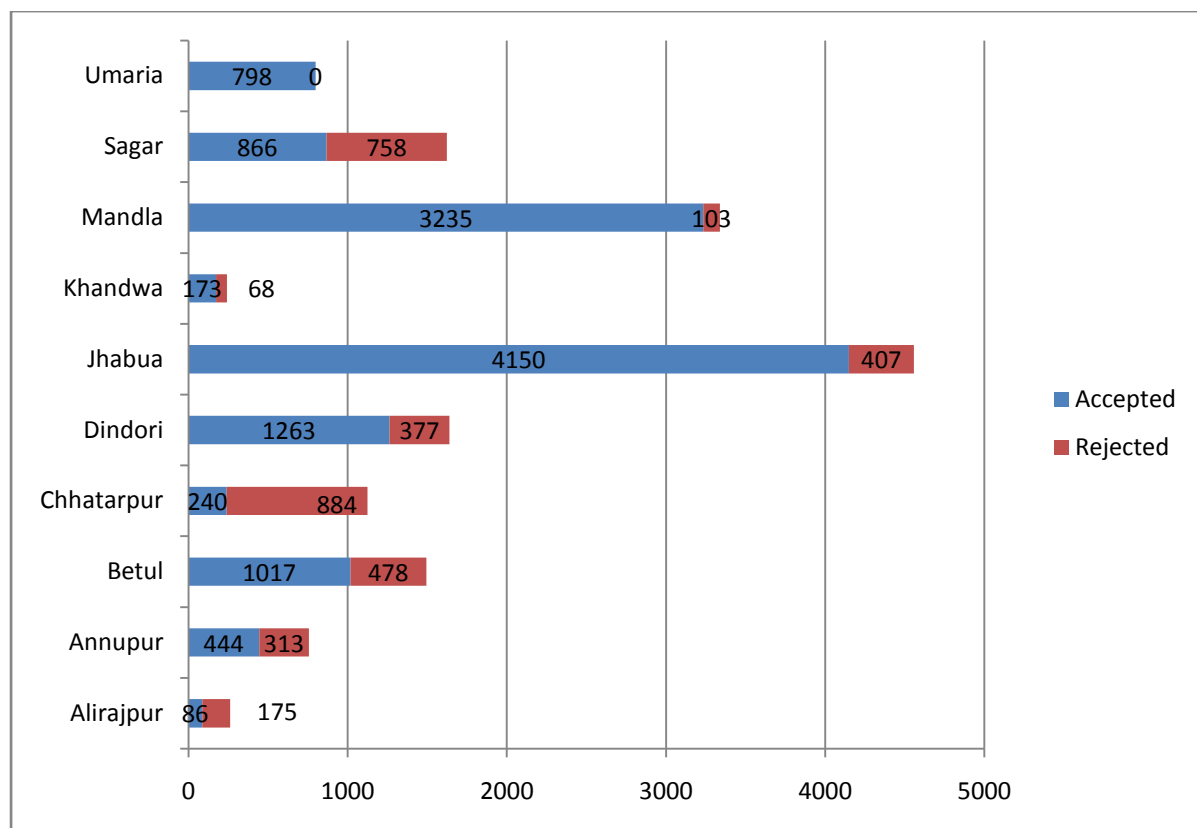


Figure 4: Accepted vis-a-vis Rejected Community Claims in Select Ten Districts

A look at table 5 and figure 4 above indicates that among the 10 districts studied, Jhabua has had the highest number of community claims followed by Mandla. Districts where community claims has been lowest are Khandwa (with just 241 claims preferred), Alirajpur (261), Anuppur (757) and Umariya (798).

Umariya has reported zero rejections of community claims. In Mandla and Jhabua too, the rejection rate of community claims is quite low- at about 3% and 9% respectively. Rejections have been higher than the number of accepted community claims in Chhatarpur (79%), as well as in Alirajpur (67% rejected).

Again, as seen in the above table, titles have largely been distributed for all the accepted claims in the districts except in Dindori where titles have been given in only 588 of the total accepted community claims of 1263 (about 47% of the accepted claims). In Betul, titles are yet to be given in just 4 accepted community claims. The area over which community titles have been granted is the highest in Mandla at 76850 hectares followed by Betul (2531.289 hectares) and Anuppur (1182.663 hectares).

In five of the districts covered by the study- Anuppur, Betul, Chhatarpur, Sagar and Umariya, data was made available on community claims of Scheduled Tribes and Other Traditional Forest Dwellers (OTFDs) respectively which may be presented in Table 6:

	Scheduled Tribes	OTFDs
Anuppur		
Community Claims Preferred	757	0
Community Claims Accepted	444	0
Community Claims Rejected	313	0
Betul		
Community Claims Preferred	1495	0
Community Claims Accepted	1017	0
Community Claims Rejected	478	0
Chhattarpur		
Community Claims Preferred	0	1124
Community Claims Accepted	0	240
Community Claims Rejected	0	884
Sagar		
Community Claims Preferred	1624	0
Community Claims Accepted	866	0
Community Claims Rejected	758	0
Umaria		
Community Claims Preferred	798	0
Community Claims Accepted	798	0
Community Claims Rejected	0	0

Table 6: Status of Community Claims of STs and OTFFDs in Select 5 Districts

Source: Data Collected by CMYPDP Research Associate from Office of Assistant Tribal Commissioner in each district

From the above table, it is seen that Anuppur, Betul, Sagar and Umaria have no community claims from OTFDs while in Chhattarpur, there are no community claims by Scheduled Tribes (which is not a tribal district). In Chhattarpur, only 21% of the OTFD claims have been accepted. 100% of ST community claims in Umaria, 68% in Betul, 59% in Anuppur and 53% in Sagar have been accepted. Along with the data on status of individual claims of STs and OTFFDs in the same five districts, it may be surmised that there is a higher rejection rate for claims of OTFDs.

As already discussed in the context of individual claims, in many of the districts studied, year-wise breakup of claims preferred since the implementation of the Act in 2008 could not be obtained and only aggregate figure was provided. The year wise data on community claims preferred provided by four districts may be represented in table 7.

	2008-10	2011-13	2014-16	2017 till date
Alirajpur	89	0	172	0
Dindori	381	0	1259	0
Jhabua	153	0	4404	0
Khandwa	125	26	90	0

Table 7: Year-wise Trends of Community Claims in Select Four Districts

Source: Data Collected by CMYPDP Research Associate from Office of Assistant Tribal Commissioner in each district

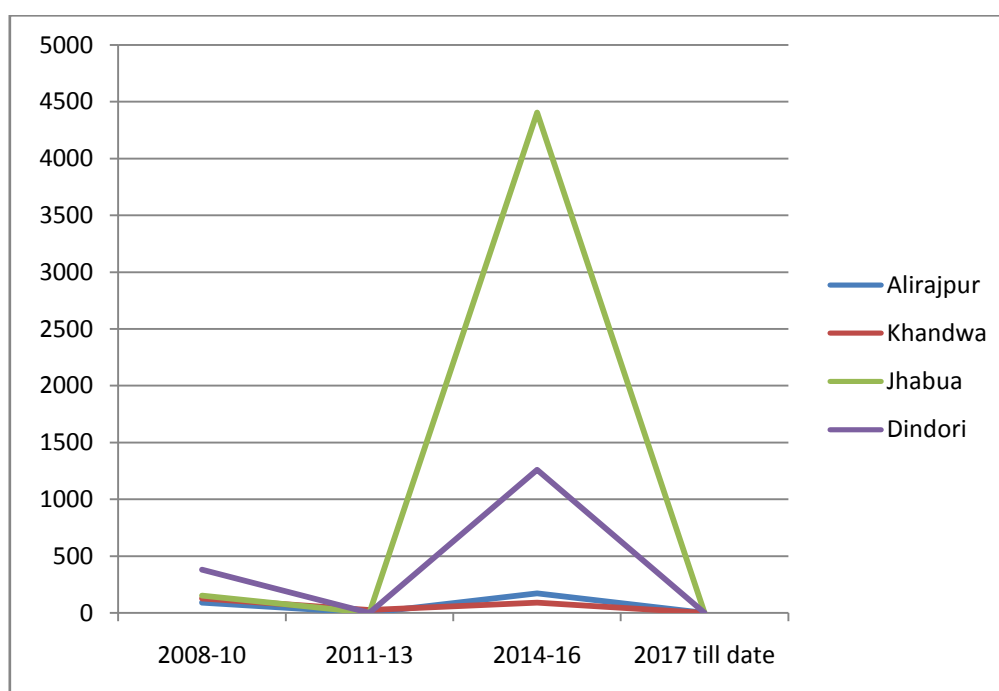
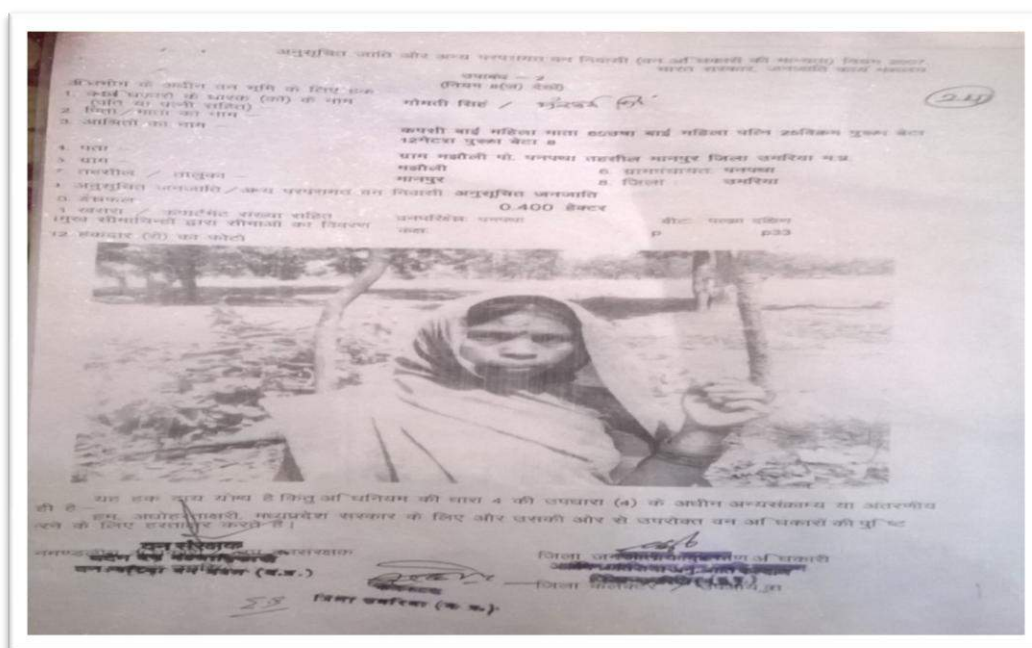


Figure 5: Year-wise Trends of Community Claims in Select Four Districts

Table 7 and figure 5 indicate that preferring of community claims in these districts for which yearly data is available has been sporadic witnessing a small initial momentum in 2008-2010, trickling off to almost zero claims in 2011-13 while picking up again in 2014-16 and dropping off completely from 2017 onwards. A very sharp peak in 2014-16 is discernible particularly for Jhabua and to some extent for Dindori. This is attributable, according to district officials interviewed by the CMYPDP Research Associate posted in the district, to special 'abhiyans' or campaigns at the behest of senior officials in the district targeted at creating awareness and getting people to file as many claims as possible.

Chapter III: An Analysis of Individual Claims (Accepted and Rejected) in Select Districts

In this chapter, an attempt is being made to present the findings of the sample survey conducted on 410 claimants of individual rights under the FRA of which 218 had their claims accepted and the claims of the rest 192 individuals were rejected.



Title in the Name of a Woman Claimant in Umaria

3.1. Socio-Economic Profile of the Claimants

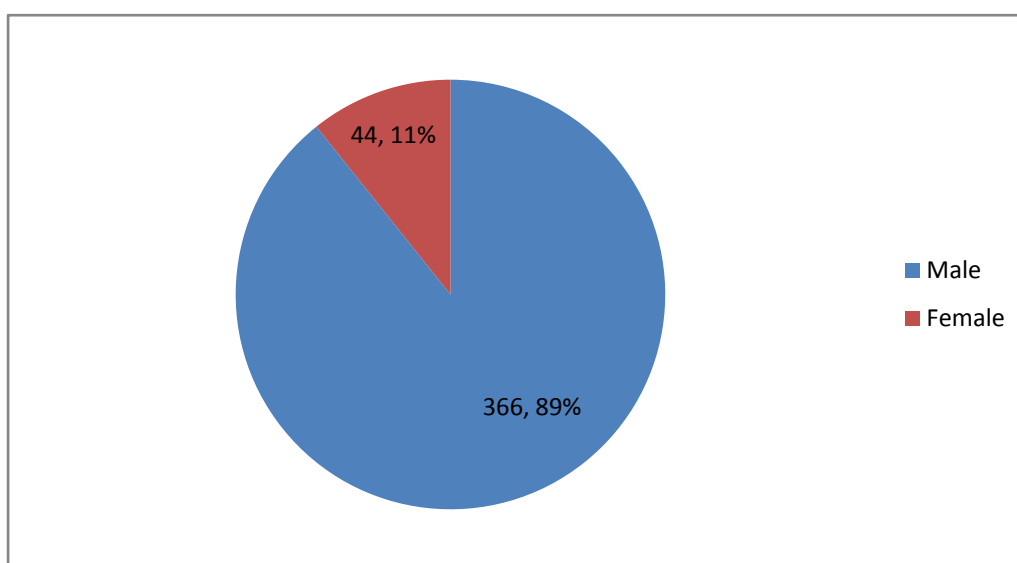


Figure 6: Sex of the Claimants (Accepted and Rejected)

89% (366 persons) of the sample of 410 claimants with both accepted and rejected claims are males with only 11% or 44 persons being females, as seen in Figure 6 above. However, in a large majority of the cases (75% of the total respondents), claims have been preferred jointly in the name of the spouse.

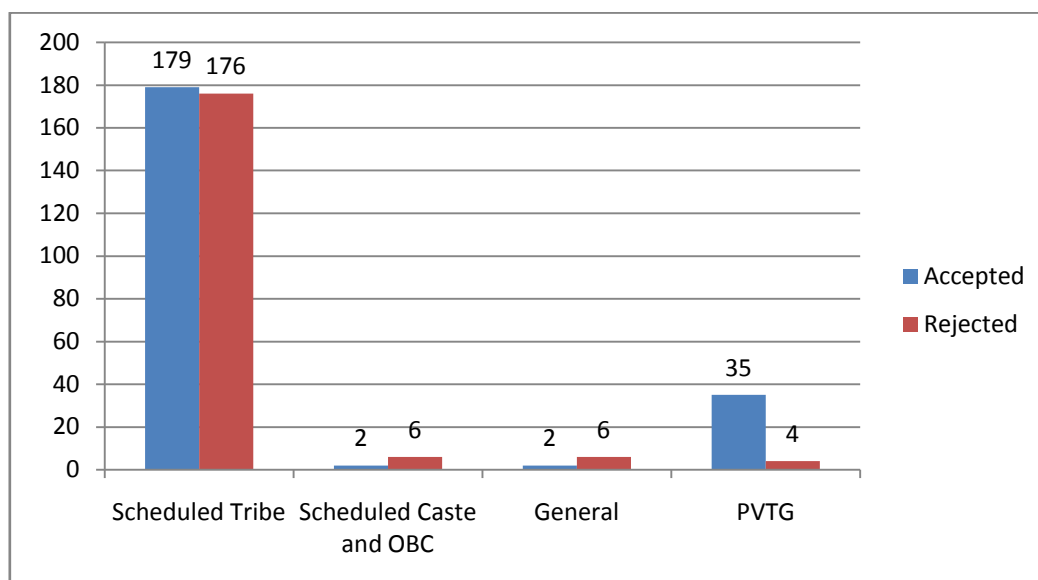


Figure 7: Caste/ Tribe Profile of the Respondent Claimants

As seen in Figure 7 above, an overwhelming majority of the sample respondents are members of Scheduled Tribes (355 persons in total or 87% of the total sample of 410 individuals). About 10% are members of Particularly Vulnerable Tribal Groups (PVTGs) like the Baiga. Scheduled Castes and OBCs, and persons belonging to the General Castes constitute about 2% each. The rejections in both these groups are also greater in comparison to accepted claims (of the 16 claims of SC/OBC and General in total, 12 have been rejected).

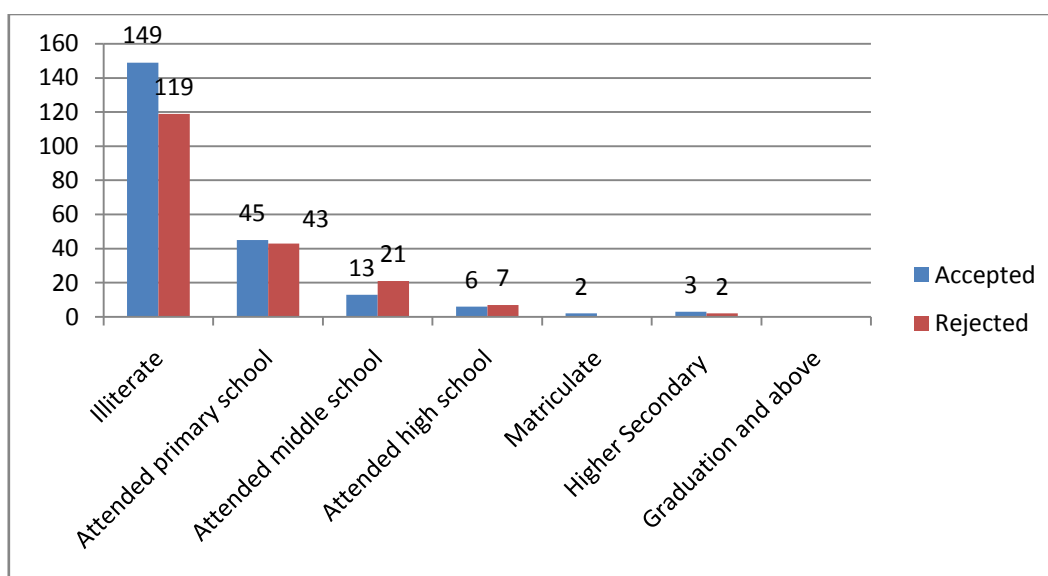


Figure 8: Educational Qualification of the Respondent Claimants

As figure 8 above indicates, 268 persons or 65% of the total claimants (both accepted and rejected claims) are illiterate while another 88 persons or 22% have attended primary school and 34 persons or 8% have attended middle school. The number of claimants who have attended high school and above is considerably less.

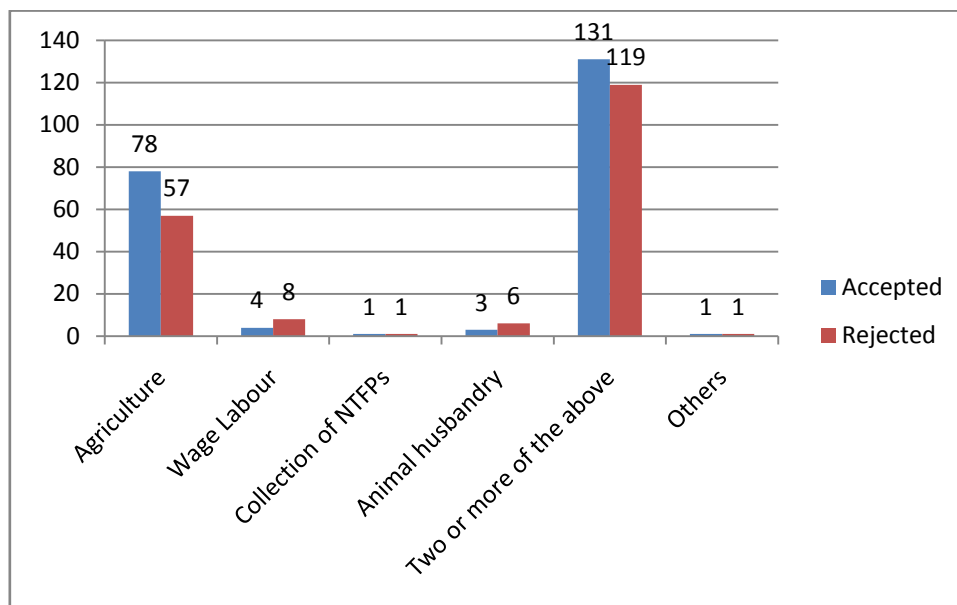


Figure 9: Primary Occupation of the Respondent Claimants

A look at Figure 9 indicates that 250 persons or about 61% of the total claimants are dependent on two or more occupations such as agriculture, wage labour, collection of NTFPs and animal husbandry as their primary sources of livelihood. About 32% of the total claimants have said that agriculture (on forest land) is their primary occupation. It is because of this reason that a large percentage of the individual claims have been for self-cultivation as seen later on in this chapter.

3.2. Dependence on Forests

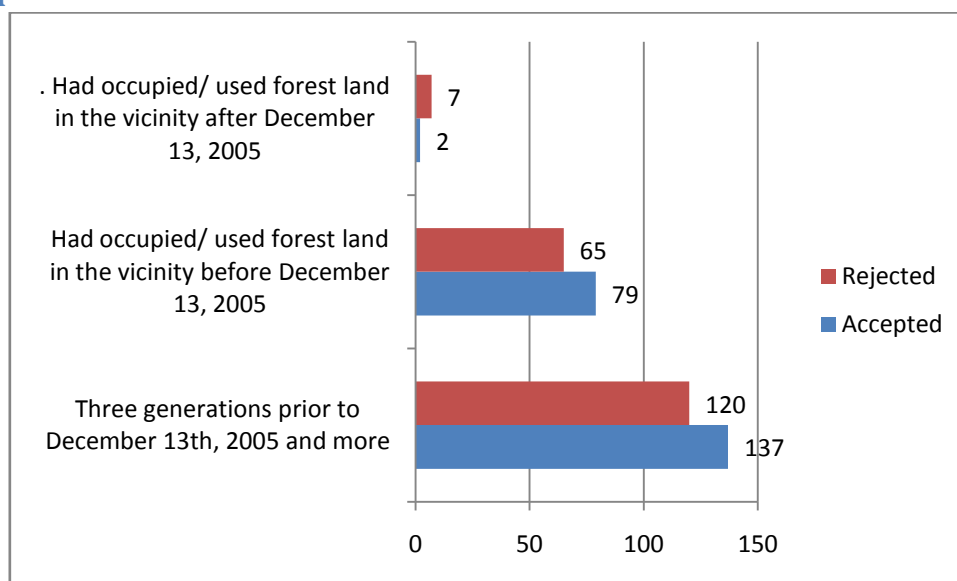


Figure 10: Duration of Residence and Use of Forest Land in the Vicinity

As seen in Figure 10 on duration of residence and use of forest land in the vicinity, a large majority of the claimants with both accepted and rejected claims-63% or 257 persons have been resident in the area and using the forests in the vicinity for three generations prior to December 13th, 2005 and more while another 35% or 144 persons had occupied/ used forest land in the vicinity before December 13, 2005 (these dates have been taken on the basis of the requirements under the Act). Interestingly, 2 persons who had occupied/ used forest land in the vicinity after December 13, 2005 having relocated from elsewhere have had their claims accepted (reported in Narayanganj village in Mandla).

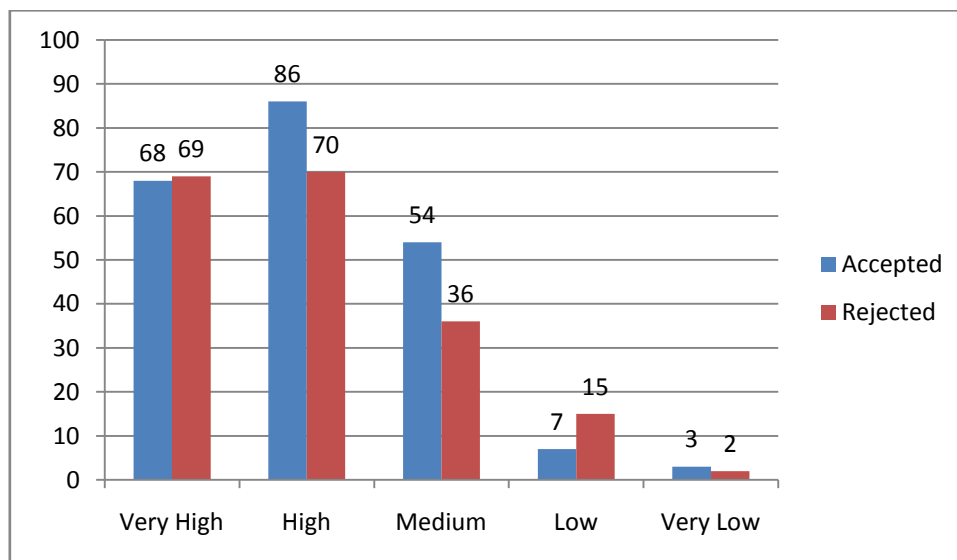


Figure 11: Dependence on Forests

As seen in figure 11, a large percentage of the respondent claimants rate their dependence on forests to be high (38% or 156 individuals) and very high (33.4% or 137 individuals). 90 individuals or 22% report their dependence to be medium. Respondents reporting low and very low dependence are considerably less in numbers.

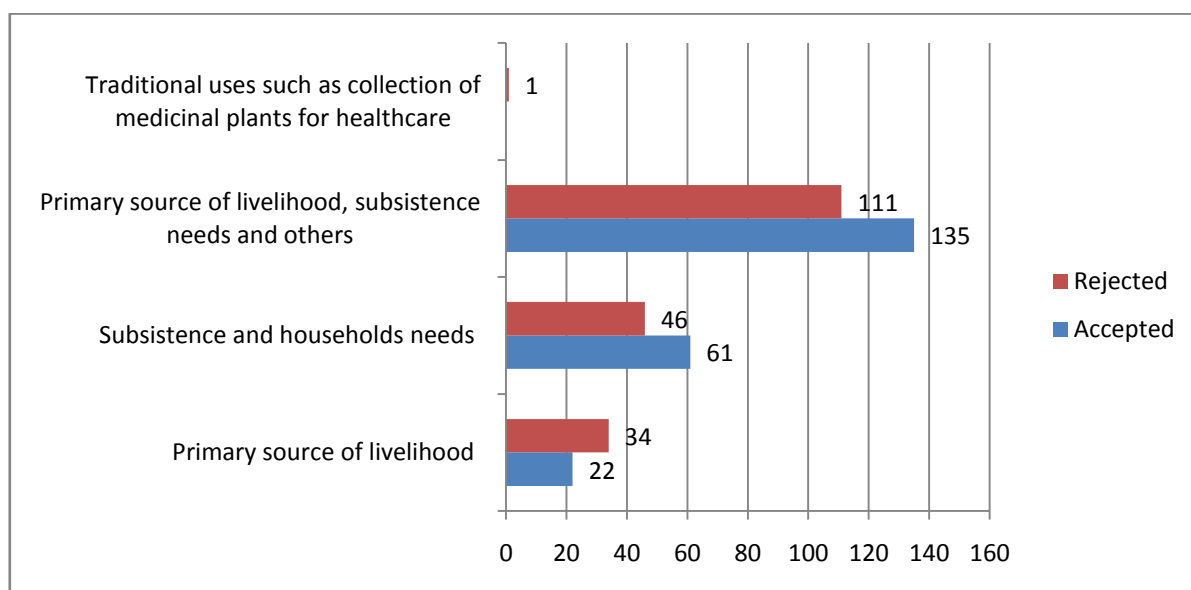


Figure 12: Nature of Dependence on Forests

As seen in Figure 12 above, for a large majority of the people-60% of the total claimant respondents or 246 individuals, the dependence on forests is manifold being a primary source of livelihood (agriculture on forest land and collection of NTFPs) as well as catering to their subsistence needs for firewood, edible roots and shoots, fodder and grazing ground for their livestock and traditional uses such as collection of medicinal plants for healthcare. 26% or 107 individuals responded that their dependence on forests was largely to meet their subsistence needs while about 14% said that their dependence on the forest was mainly to eke their livelihood. This indicates that the claimants, even in the present day, have a high level of dependence on the forests for addressing their various needs.

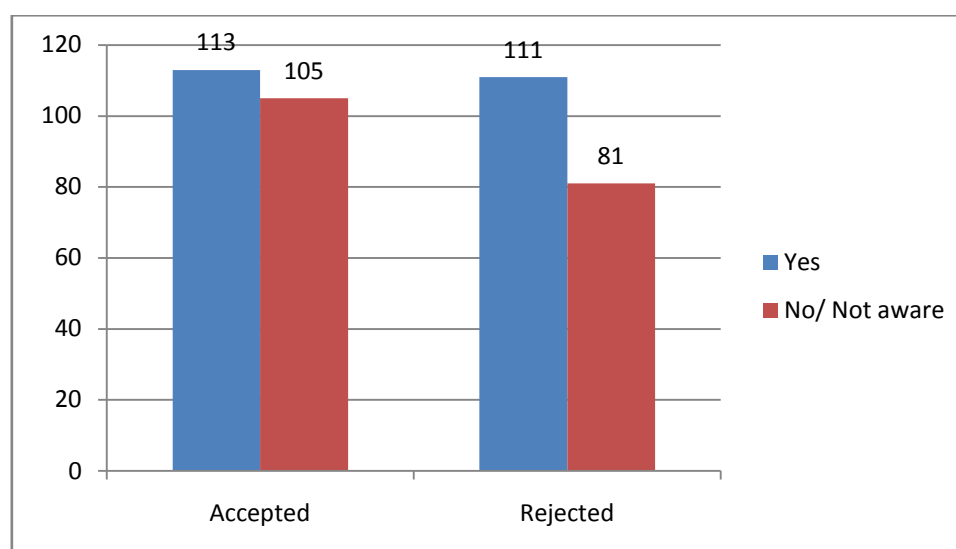


Figure 13: Enjoyment of Recognized Customary Rights/ Nistar Prior to FRA

Despite the traditional dependence of these people on forests - a large majority of whom have been resident in the area for a long time, there is a high number of people (45% or 192 individuals) who said that they did not have or were not aware of having recognized customary rights (recorded in the village *wajib-ul-arz*) or *nistar*(usufruct) rights prior to the implementation of the FRA. The other 55% responded in the affirmative that they had as a community enjoyed such rights prior to the FRA.

Again, 53% of the respondent claimants or 218 individuals said that they faced difficulty (mainly from the Forest Department) in accessing the forests prior to the implementation of the FRA while the rest reported that they did not face any difficulty.

3.3. Individual Rights Claimed under FRA

An attempt was made through this study to understand the issues and challenges as well as help received in the process of claiming individual rights under the FRA by the respondent claimants.

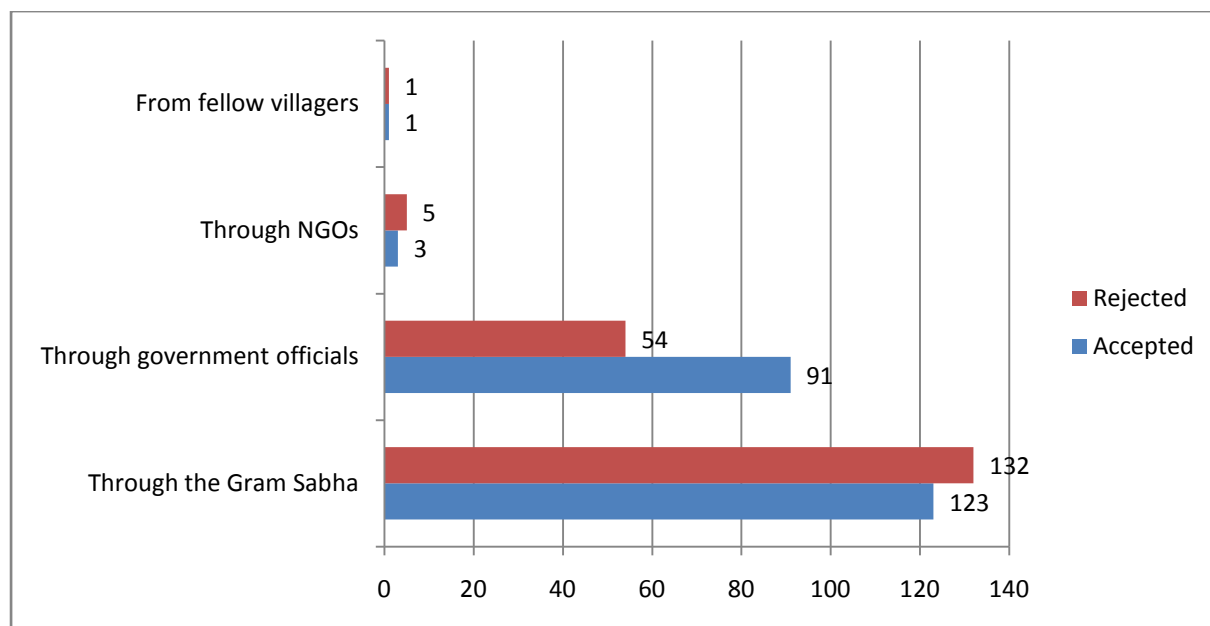


Figure 14: How Did You First Come to Know about the FRA?

As Figure 14 shows, 62% of the total respondents with both accepted and rejected claims or 255 persons said that they first came to know about the provisions of the FRA as well as the fact that they could claim individual rights through it from the Gram Sabha. Another 35% of the respondents or 145 persons said that they came to know about the same from government officials. In a large number of cases, the respondents said that it was the forest beatguard or *nakedar* who first came to tell them about the FRA. A few persons came to know about the same through local NGOs operational in the area while only 2 persons said that they came to know about the FRA from fellow villagers.

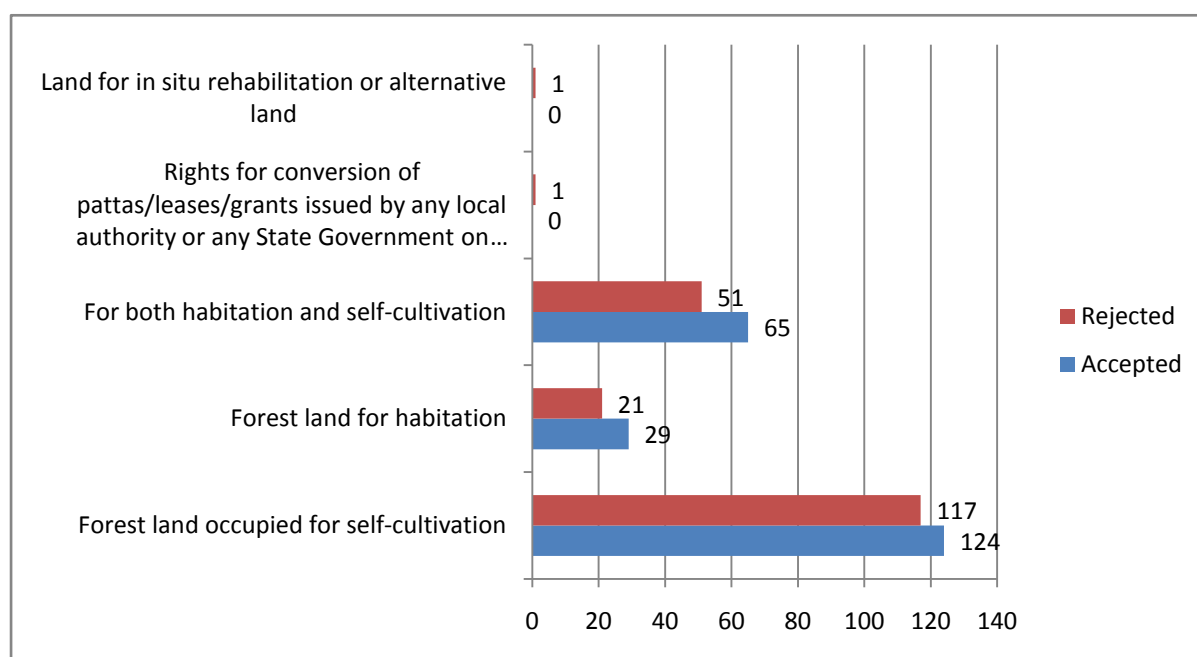


Figure 15: Type of Individual Right Claimed under FRA

With respect to type of individual right claimed under the FRA, the survey (corroborated to the extent possible through inspection of official records and documents) showed that 59% of the total claims or 241 claims were for forest land occupied for self-cultivation, as seen in figure 15. 106 claims or 28% of the total claims surveyed were for both habitation and self-cultivation out of which 51 were accepted. 12% or 50 claims were for forest land for habitation. 1 claim each has been made for land for in situ rehabilitation or alternative land and rights for conversion of pattas/ leases/ grants issued by any local authority/ state government respectively, both of which were rejected.

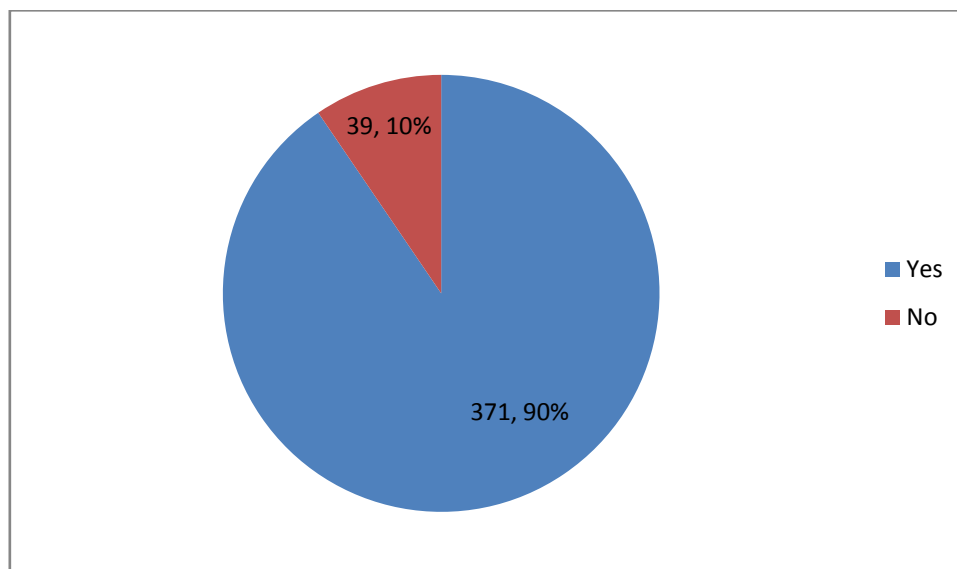


Figure 16: Help Received in Preferring Individual Claims under FRA

90% of the total respondent claimants, as seen in figure 16 above, replied in the affirmative on being asked whether they received any help in preferring individual claims under the FRA. Further, as figure 17 below indicates, such help has been provided largely by the Gram Sabha/ Forest Rights Committee constituted by the Gram Sabha (under Rule 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007). Thus, 73% of the total population or 298 individuals said that they were helped in filing the claims by the Gram Sabha/ Forest Rights Committee. 17% of the total claimants said that they received help in doing so from government officials from the Departments of Forest and Tribal Welfare. Only 2 respondents said that they were helped by local NGOs in the process (their claims were, however, rejected).

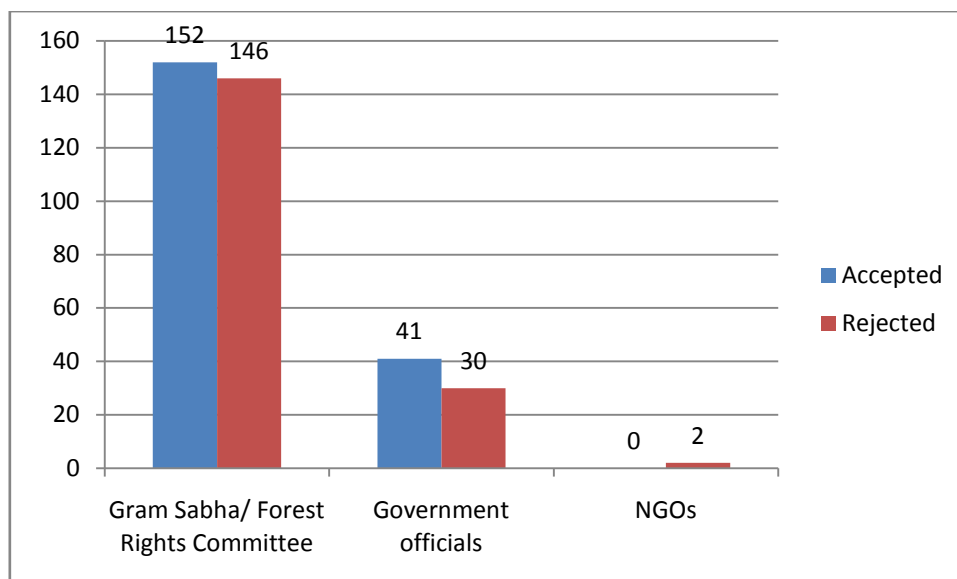


Figure 17: Who Helped You in Preferring Individual Claims?

Further, an attempt was made through the survey to understand the difficulties faced by the people in preferring claims under the FRA. As Figure 18 shows, a large majority of the people- 309 individuals or about 75% of the total respondents said that they did not face any difficulty in preferring claims under the FRA which indicates pro-activeness on the part of the authorities to smoothen the process. Interestingly, even among the claimants whose claims were rejected, 71% said that they did not face any difficulties in the process of preferring claims.

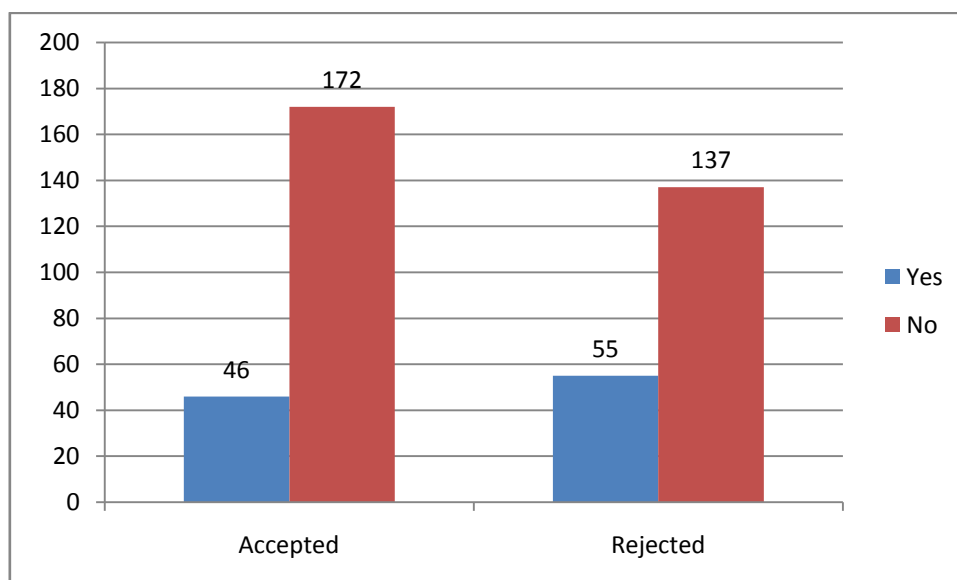


Figure 18: Difficulty Faced in Preferring Individual Claims

Further, as seen in Figure 19, on being asked to rate the level of difficulty faced, the people who had said 'yes' to the above question, gave varied responses. It is seen that 30 people have said that the difficulty faced was 'very high', of which 27 individuals' claims were

rejected. 47 people said that the difficulty was 'high' while another 13 reported it as 'medium' and 10 persons as 'low'.

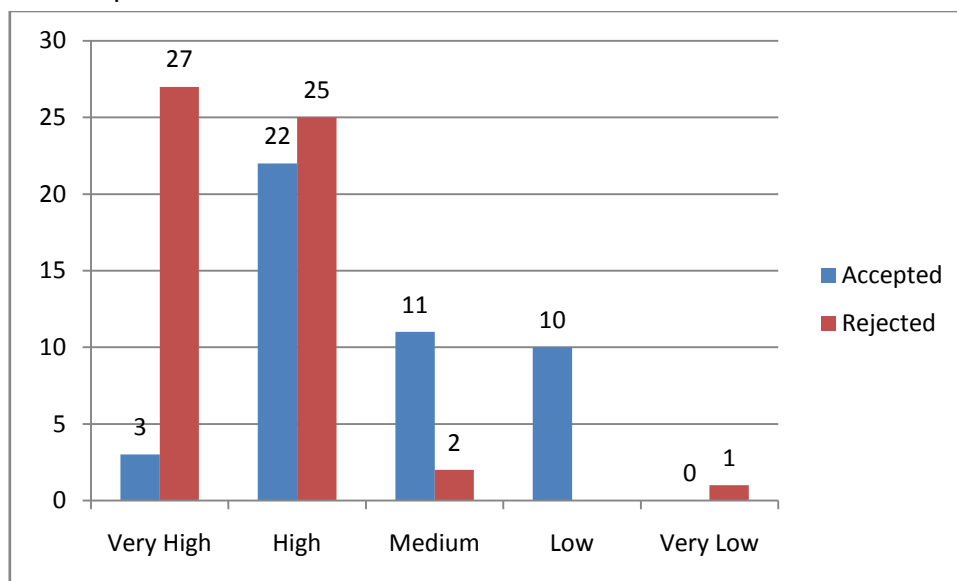


Figure 19: Rating of Difficulty Faced in Preferring Individual Claims

On being asked to elaborate the kind of difficulty faced, varied responses were obtained such as favours asked by government officials (usually at the lowest levels) both at the time of preferring claims and receiving titles, documents requiring to be submitted more than once, journey and expenses for travelling to and from to the Block level office to submit documents more than once, delay in receiving title, documentation requirement very stringent etc.

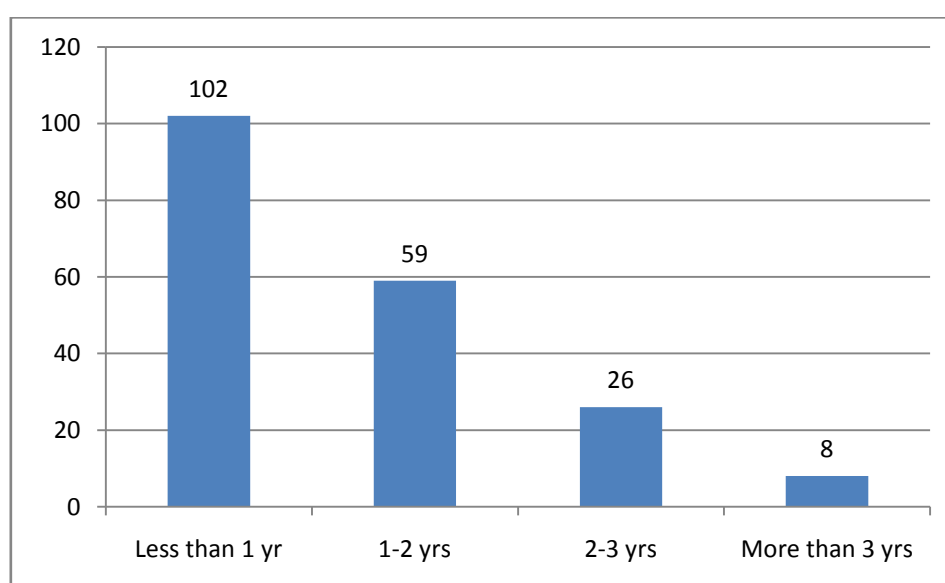
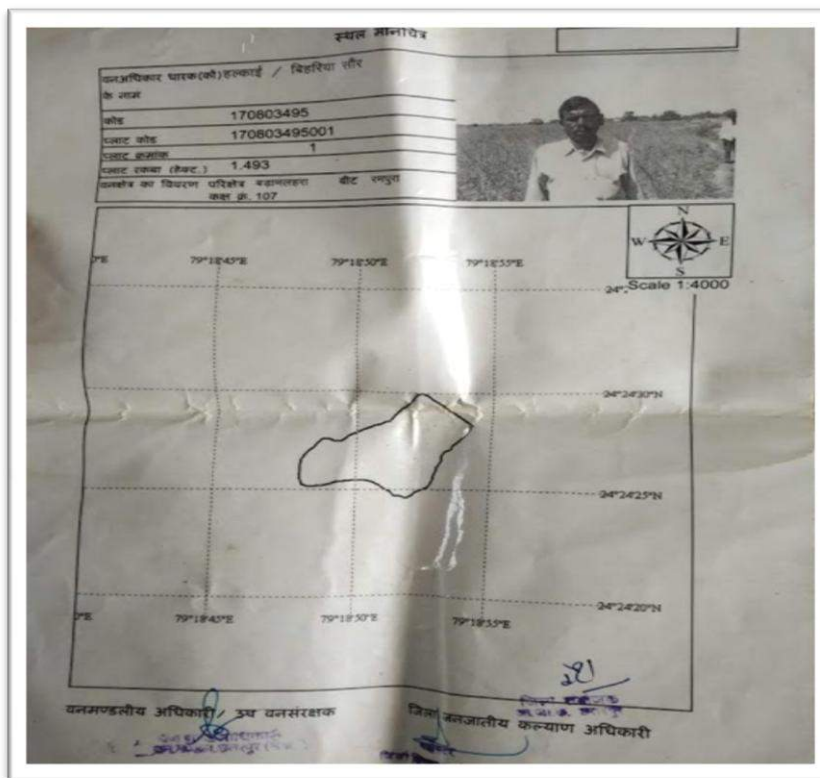


Figure 20: Time Taken for Individual Claims to be Accepted

As Figure 20 a shows, maximum number of people whose claims were accepted-102 persons or 47% of those with accepted claims said that it took less than a year for the process (from preferring claims to receiving titles) to be complete. About 59 persons or 27% of those with accepted claims said that the process took 1-2 years while in case of 26 persons or 14% of accepted claims, it took between 2-3 years. 8 persons reported that the process took more than 8 years.



Individual Title Under the FRA Received in Chhatarpur

3.4. Benefits post Acceptance of Individual Claims

An important objective of this study has been to study whether the conferment of rights under the FRA has translated into benefits for the people for whom it was intended. The survey of 218 respondents with accepted claims indicates that all the respondents have obtained individual titles as well. In case of 72% of these claimants with accepted claims, the title has been conferred jointly along with their respective spouses. As seen in Figure 15, 57% of the accepted individual claims have been for forest land occupied for self-cultivation while 13% have been for habitation and in 30% of the individual claims accepted, claims have been preferred and accepted for both self-cultivation and habitation.

On being asked to rate the benefits which they perceive have accrued from the conferment of individual rights under the FRA, as seen in Figure 21, 29% or 63 individuals gave their response as 'medium' while 25% or 54 individuals gave their response as 'high' and 14% or 31 persons gave their response as 'very high'. 32% of the respondents did not find it very satisfactory with 14% giving their response as 'low' and 18% as 'very low'.

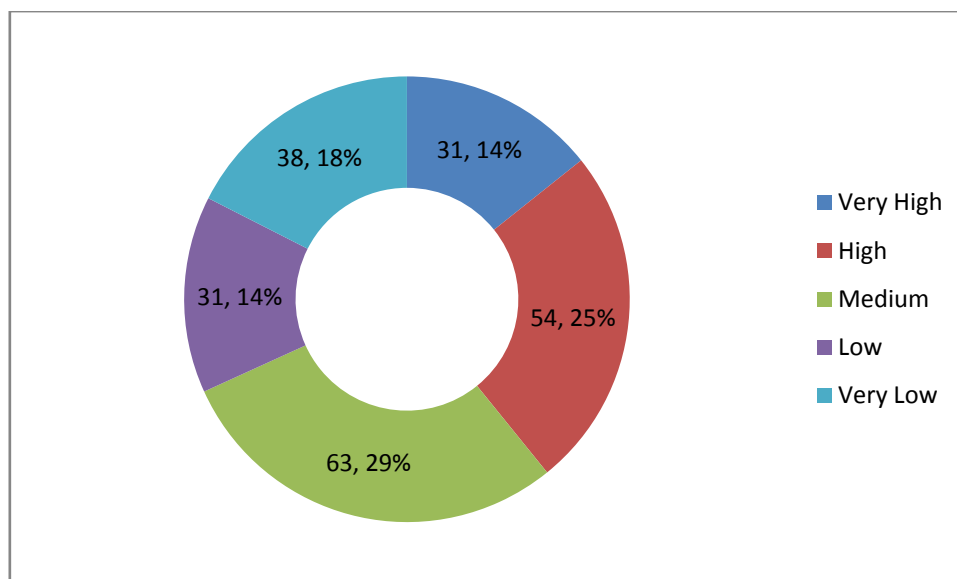


Figure 21: Perception of Benefits Reaped from Individual Right

On being asked to enumerate the primary benefit which they have reaped from the conferment of individual rights, as seen in Figure 22 below, 80% or 175 persons said that the conferment of titles have helped them in meeting their subsistence and livelihood needs better than before. This is but expected considering that in a large majority of the cases, the right claimed and obtained has been for self-cultivation. About 9% or 19 persons said that it has helped them avail the benefits of government schemes like Kapildhara, Ujjwala, PMAY, Kissan Credit Card as well as loans from banks. A miniscule percentage (1% or 2 persons) have reported that the conferment of claims under the FRA have given them intangible benefits- a sense of ownership and identity while 3 persons are not sure.

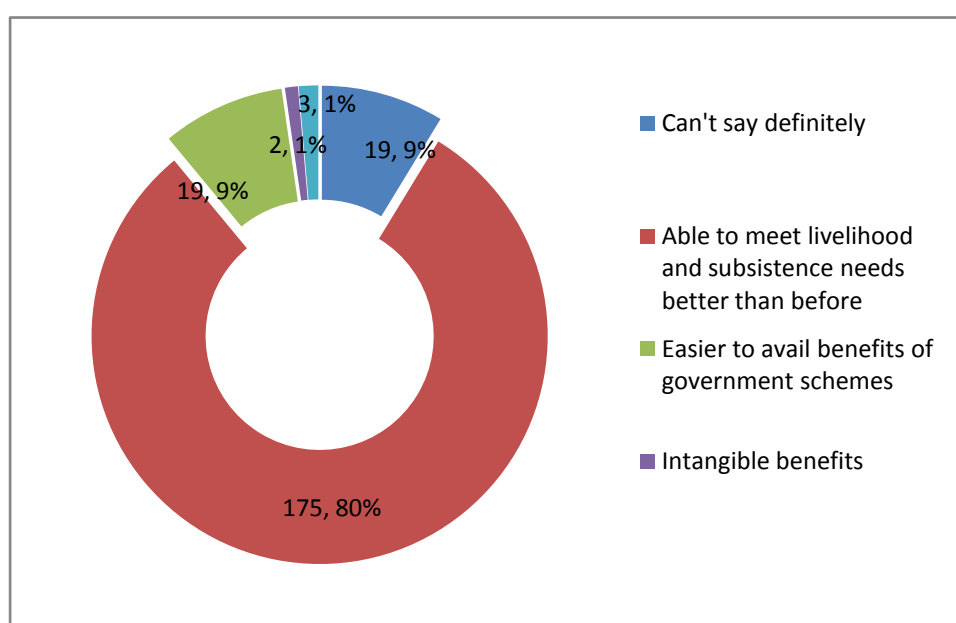


Figure 22: Benefits Obtained from Conferment of Individual Rights

3.5. Reasons for Rejection of Individual Claims

As already discussed earlier in the chapter, 192 rejected claims in the select ten districts were analysed through administration of a survey schedule on the claimants which was corroborated through a perusal of the official records of their claims.

An attempt to understand the key reasons for rejection of these sample individual claims, as evident in Figure 23 below, shows that a substantial chunk of the claimants don't know the reasons for rejection of claims (36% or 45 individuals) with some of them not even aware that their claims have been rejected (which indicates that the same has not been communicated to or properly understood by the respondents). In a substantial chunk of the respondents with rejected claims-44 persons or 36%, the reason for rejection has been failure on their part to provide the requisite or adequate evidence/ documents in support of their claims. In case of 21% of the respondents with rejected claims, the reason has been invalid claim or ineligibility. This category includes cases where claim has been made for rights over land not belonging to the Forest Department; the claimant was less than 18 years of age and, therefore, ineligible and other reasons. In the case of 9 persons or 7%, the land claimed for land was already allotted in the name of another person (usually, a close relative like father, brother or spouse).

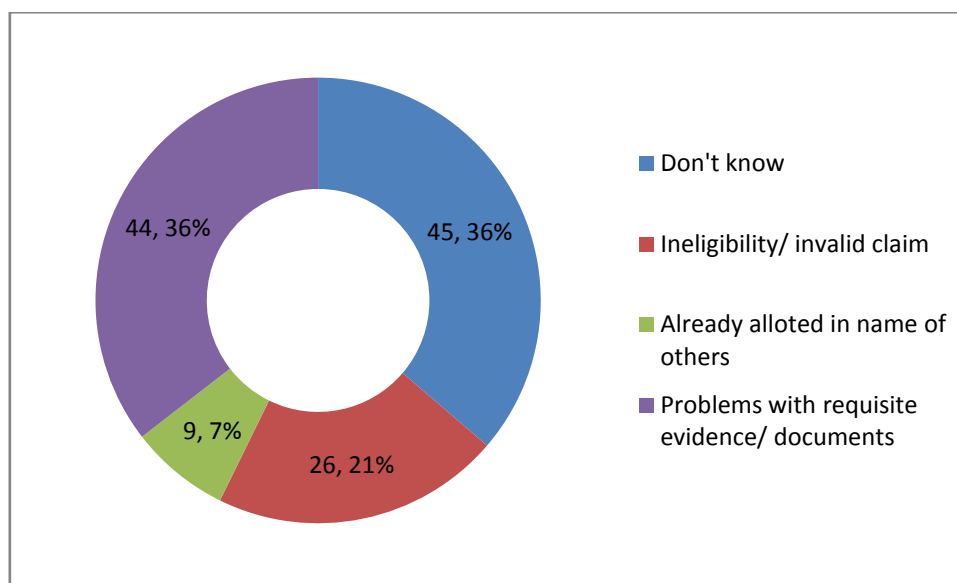


Figure 23: Reasons for Rejection of Individual Claims

As seen in figure 24, rejections have taken place at all levels with the highest rejection taking place at the level of the Sub-Divisional Level Committee (SDLC) after being approved by the Gram Sabha at 37%. Rejections at the initial level itself- Gram Sabha have also been quite substantial at 35% or 68 of the rejected claims. Rejections at the District Level Committee (DLC) have been comparatively low at 28% or 54 of the rejected claims.

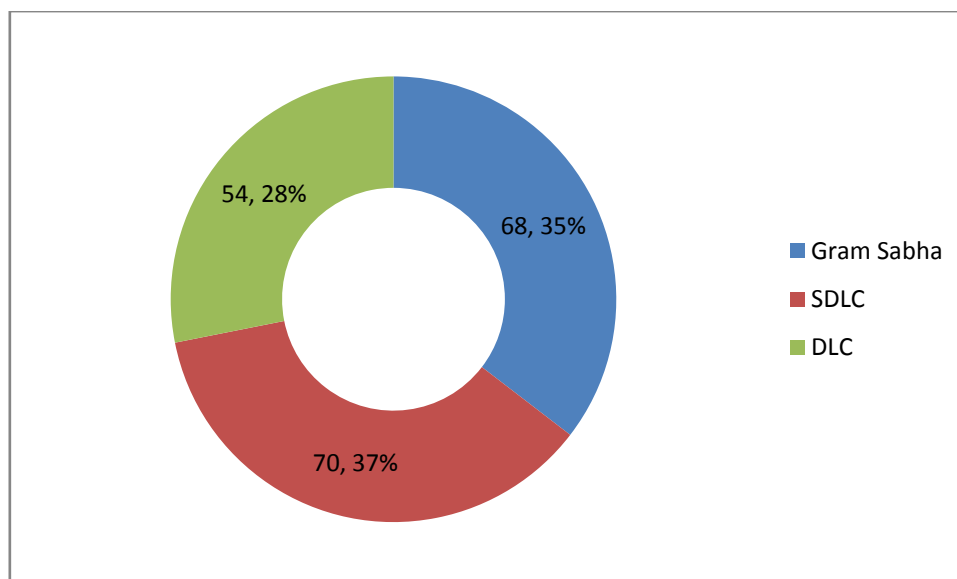


Figure 24: Level at Which Claim Was Rejected

In only a miniscule 11% of the rejected claims studied as seen in Figure 25 below, the claimants have preferred an appeal against the rejection while 89% have not done so.

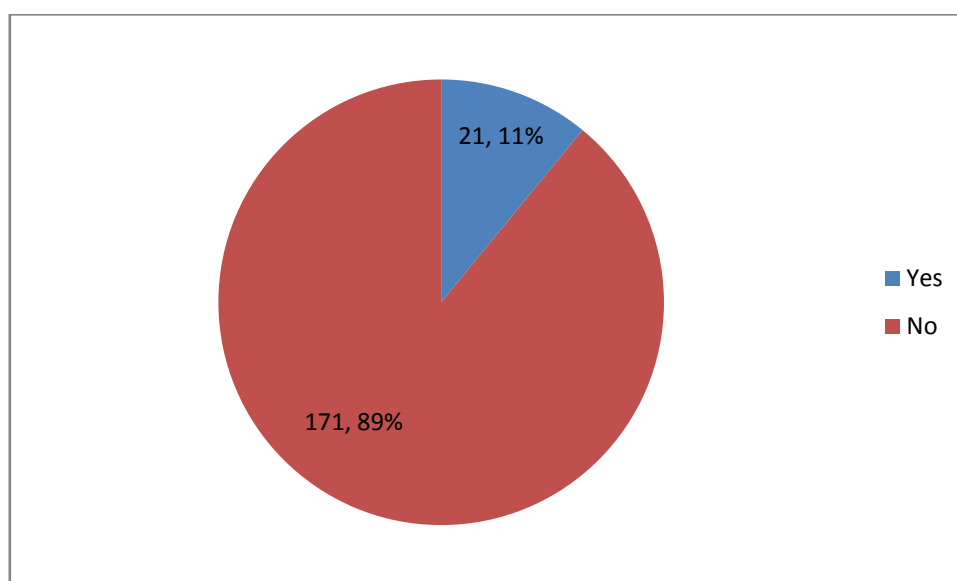


Figure 25: Appeal against Rejection of Individual Claims

On further probing into the reasons for not preferring an appeal against the rejected claim, a number of responses were given which have been presented in figure 26. A huge majority of the respondents (136 individuals or 80% of those who have not preferred an appeal) say that they don't know that it is possible to prefer an appeal against rejection of their claims. 13% are satisfied with the reasons given for rejection while 5% feel that the appeal process is cumbersome and hence, they have not appealed against the rejection. 4 individuals gave other reasons- for instance, one person felt that being a member of a community other than

Scheduled Tribe makes his claim weaker and that he doesn't see much hope in going for an appeal.

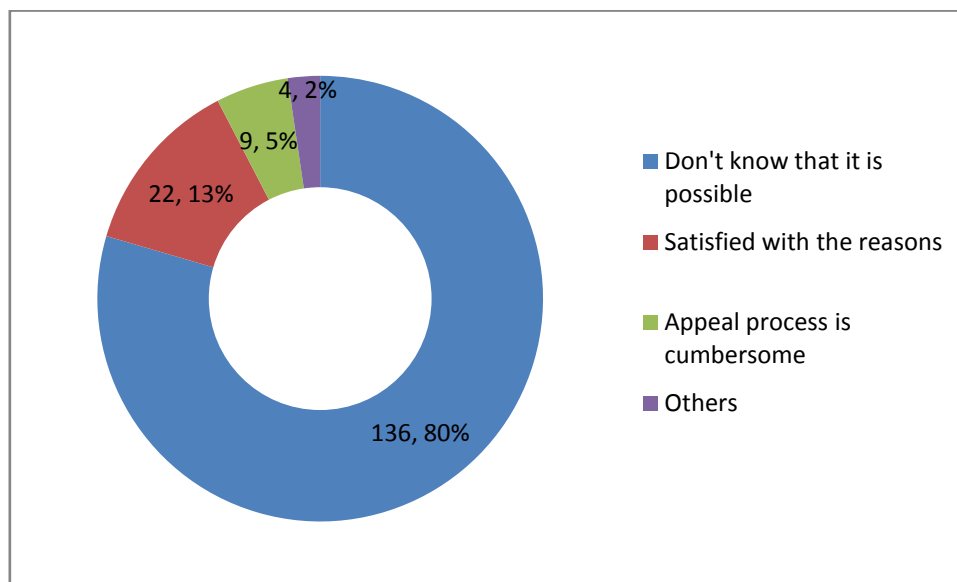


Figure 26: Reasons for Not Preferring Appeal

Chapter IV: An Analysis of Community Claims in the Select Districts

4.1. Introduction

An important focus of this study has been on community claims in the select ten districts which have been studied at village level through interviews and focus group discussions with the *sarpanch* and other members of the respective villages including women, corroborated through the perusal of official records at block level. Community claims from two villages each in the select ten districts were studied; considerable care was taken to ensure that villages with both high and low claims, representative of different socio-cultural profiles, antiquity and other parameters were taken. The villages, thus, covered are represented in the table below:

District	Block	Village	Type of Village	Number of Households	Antiquity
Alirajpur	Sondwa	Keldi ki Mal	Revenue	346	Very old (75 years+)
	Jobat	Gunjeri	Revenue	166	Very old
Jhabua	Jhabua	Runkheda	Revenue	250	Very old
	Rama	Chhapri Ranwas	Revenue	429	Very old
Mandla	Mandla	Tindani	Forest	60	Very New (10 years)
	Narayanganj	Kacheri salaya	Revenue	170	Very old
Khandwa	Khalwa	Jhinjhri	Forest	140	Very old
	Punasa	Choti Takli	Forest	134	Very old
Chhatarpur	Buxwaha	Sidhai	Revenue	170	Very old
	Bijawar	Nayatal	Revenue	512	Old (50-50 years)
Umaria	Manpur	Kuchwahi	Revenue	158	Very old
	Karkeli	Chiruhala	Revenue	200	Very old
Dindori	Karanjia	Thadpatra	Revenue	2400	Very old
	Bajag	Khamhera	Forest	188	Very old
Sagar	Kesli	Pipariya	Revenue	122	Very old
	Malthone	Bamnora	Revenue	273	Very old
Betul	Chicholi	Devpurkotmi	Forest	460	Very old
	Bhainsdehi	Sawalmedha	Forest	300	Very Old
Anuppur	Pushprajgarh	Pondki	Revenue	99	New (1970)
	Jaithar	Pipariya	Revenue	400	Very old

Table 8: Villages Covered for the Study of Community Claims

Those villages which have an antiquity of 75 years or more have been reported as very old with most (17) falling under this category. 1 village which has been reported to be more than 50 years but less than 75 years has been categorised as old. There is one village which was established in 1970 which we have categorised as new and another which is just 10 years (very new).

4.2. Socio-Economic Profile and Dependence on Forests

14 of the villages covered in the study, as seen in Figure 27 below are occupied primarily by Scheduled Tribes (more than 80% of the total population) which are Keldi ki Mal, Gunjeri, Runkheda, Chhapri Ranwas, Tindani, Kacheri Salaya, Jhinhri, Thadpathra, Khamhera, Devpurkotmi, Sawalmedha, Pondki, Pipariya (Anuppur), Pipariya (Sagar). Two villages- Kuchwahi and Chiruhala in Umaria district are PVTG villages with almost 100% Baiga inhabitants; Nayatal in Chhatarpur has about 88% of SC and OBC population. Choti Talki in Khandwa, Sidhai in Chhatarpur while having a large ST population also have a sizeable OBC and SC population at 31% and 29% respectively. Bamnora in Sagar also has a big SC population at about 37.2%.

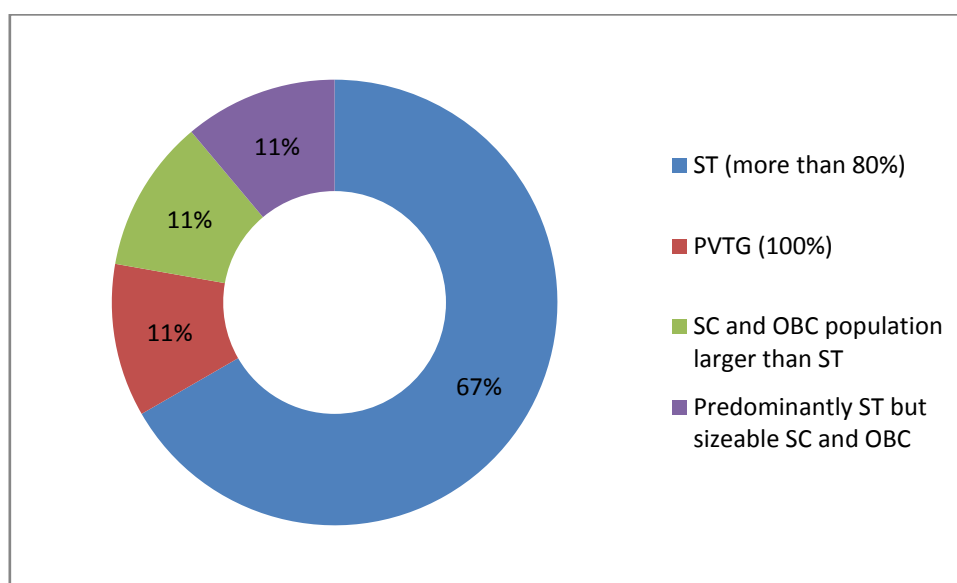


Figure 27: Caste/ Tribe Composition of the Studied Villages

In almost all the villages studied, agriculture is the primary source of livelihood of majority of its inhabitants though in about four villages, a sizeable majority of the people are also dependent on livestock rearing and NTFP collection (particularly in Mandla and Umaria districts). All the villages studied reported dependence on the forest for subsistence and household needs (firewood, edible roots and shoots etc.), for grazing and fodder for their farm animals and also for NTFP collection (which is a primary source of livelihood in 4 villages and a secondary, seasonal occupation for many other villages). The two Baiga villages in Umaria also report dependence on the forests for medicinal plants (traditional knowledge of the Baiga and their reputation as indigenous healers has been reported in

many studies). On being asked to rate the dependence of the respective villages on forests on a scale of very low to very high, as seen in Figure 28, focus group discussions in each village indicate that in 4 villages, dependence is very high while in 8, it is high and in another 5 villages, the dependence is medium. Only 3 villages reported their dependence as low. In only one village in Mandla which was relocated from elsewhere, the dependence is reported as new while in all the other villages, the people have been traditionally dependent on the adjoining forests for their many needs.

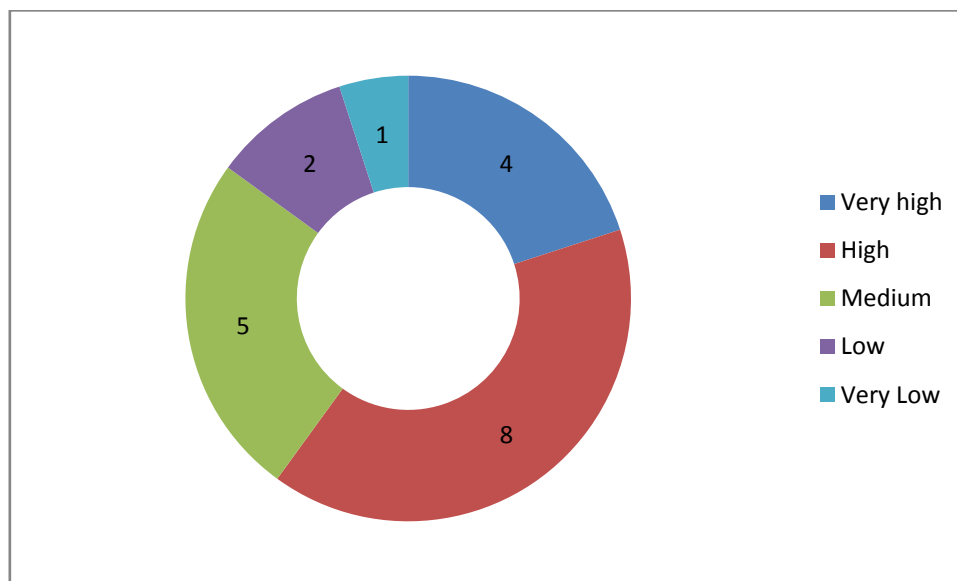


Figure 28: Dependence of the Village Households on Forests

On being asked whether the villages have been enjoying customary rights on the neighbouring forests before the implementation of the FRA in the form of usufruct (*nistar*) or as recorded in the *wajib-ul- arz* of the village, 16 villages have responded in the affirmative and 4 villages in the negative (these include Tindani in Mandla (relocated), Nayatal and Sidhai in Chhatarpur and Piparia in Anuppur).

4.3. Nature and Process of Community Claims

An attempt was made to understand the kind of community claims preferred at the village level in the particular context of the selected villages. Community claims have been preferred in these villages under the various categories as laid down in the Act and Rules, and may be represented in the table below:

Village	Type of Claim	Preferred	Accepted	Rejected
Keldi ki Mal	Community rights such as nistar	5	3	2
Gunjeri	Community rights such as nistar	1	1	0
Runkheda	Community rights such as nistar	1	1	0
	Rights over minor	12	12	0

Taking Stock and Identifying Challenges in Implementation of the Forest Rights Act in Madhya Pradesh

	forest produce			
	Uses or entitlements (fish, water bodies, grazing, traditional resource access for nomadic and pastoralist)	6	6	0
	Other traditional rights	8	8	0
Chhapri Ranwas	Other traditional rights	4	4	0
Tindani	Community rights such as nistar	2	2	0
	Uses or entitlements (fish, water bodies, grazing, traditional resource access for nomadic and pastoralist)	1	0	1
Kacheri salaya	Community rights such as nistar	8	3	5
	Community tenures of habitat and habitation for PVTGs and pre-agricultural communities	15	15	0
	Right to access biodiversity, intellectual property and traditional knowledge	10	10	0
Jhinhri	Other traditional rights	5	4	1
Choti Takli	Community rights such as nistar	4	2	2
Sidhai	Community rights such as nistar	40	9	31
Nayatal	Rights over minor forest produce	6	2	4
Kuchwahi	Rights over minor forest produce	14	14	0
Chiruhala	Rights over minor forest produce	4	4	0
Thadpathra	Community rights such as nistar	7	7	0
Khamhera	Community rights such as nistar	1	1	0
Pipariya (Sagar)	Community rights such as nistar	5	4	1
Bamnora	Community rights	17	5	12

	such as nistar			
	Rights over minor forest produce	8	2	6
	Uses or entitlements (fish, water bodies, grazing, traditional resource access for nomadic and pastoralist)	3	1	2
Devpurkotmi	Community rights such as nistar	7	7	0
Sawalmedha	Other traditional rights (religious place, cremation ground etc.	6	6	0
	Uses or entitlements-grazing(<i>gaathan</i>)	2	2	0
Pondki	Community rights such as nistar	5	3	2
Pipariya (Anuppur)	Community rights such as nistar	4	3	1

Table 9: Categories of Community Rights Claimed in Individual Villages

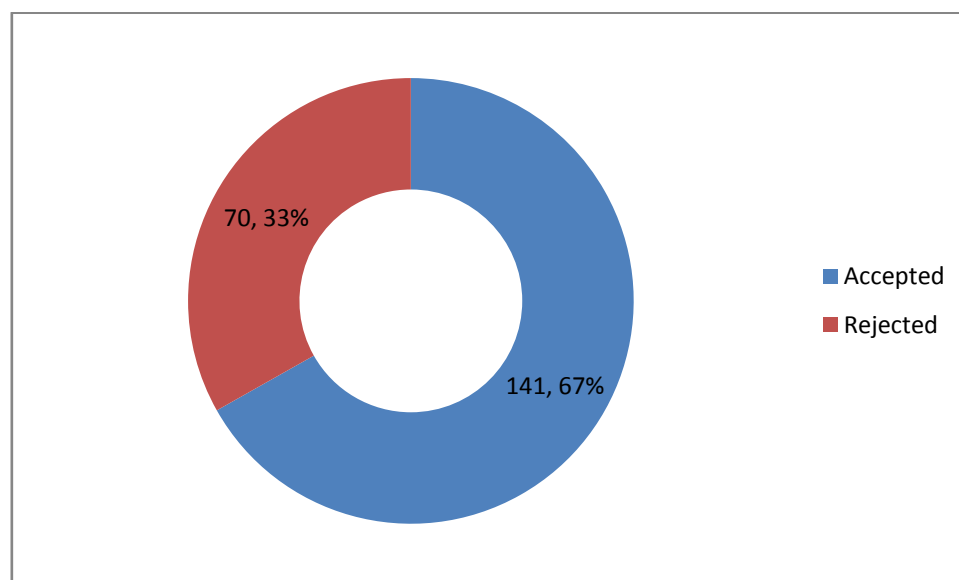


Figure 29: Accepted and Rejected Community Claims in Select Villages

Table 9 and figure 29 above indicate that in the select villages considered for the study, a total of 211 community claims have been preferred of which 67% have been accepted and 33% rejected. Table 10 below gives a further breakup of the total community rights preferred as well as their acceptance and rejection status category wise. It is evident from

table 10 and figure 30 below that the highest claims have been under the category of *nistar* constituting about 42% of the total community claims out of which 74 (out of 89 *nistar* claims preferred) have been accepted. The next highest claims have been with respect to rights over minor forest produce-53 or about 25% of total community claims preferred. In the case of claims over minor forest produce, the rejection rate is high at about 60%. This is followed by community claims for uses or entitlements (fish, water bodies, grazing, traditional resource access for nomadic and pastoralist) constituting about 16% of total claims preferred.

Type of Community Claim	Preferred	Accepted	Rejected
Community rights such as <i>nistar</i>	89	74	15
Rights over minor forest produce	53	21	32
Uses or entitlements (fish, water bodies, grazing, traditional resource access for nomadic and pastoralist)	33	18	15
Community tenures of habitat and habitation for PVTGs and pre-agricultural communities	5	4	1
Right to access biodiversity, intellectual property and traditional knowledge	8	3	5
Other traditional rights	19	19	0

Table 10: Total Community Rights Claimed Category Wise

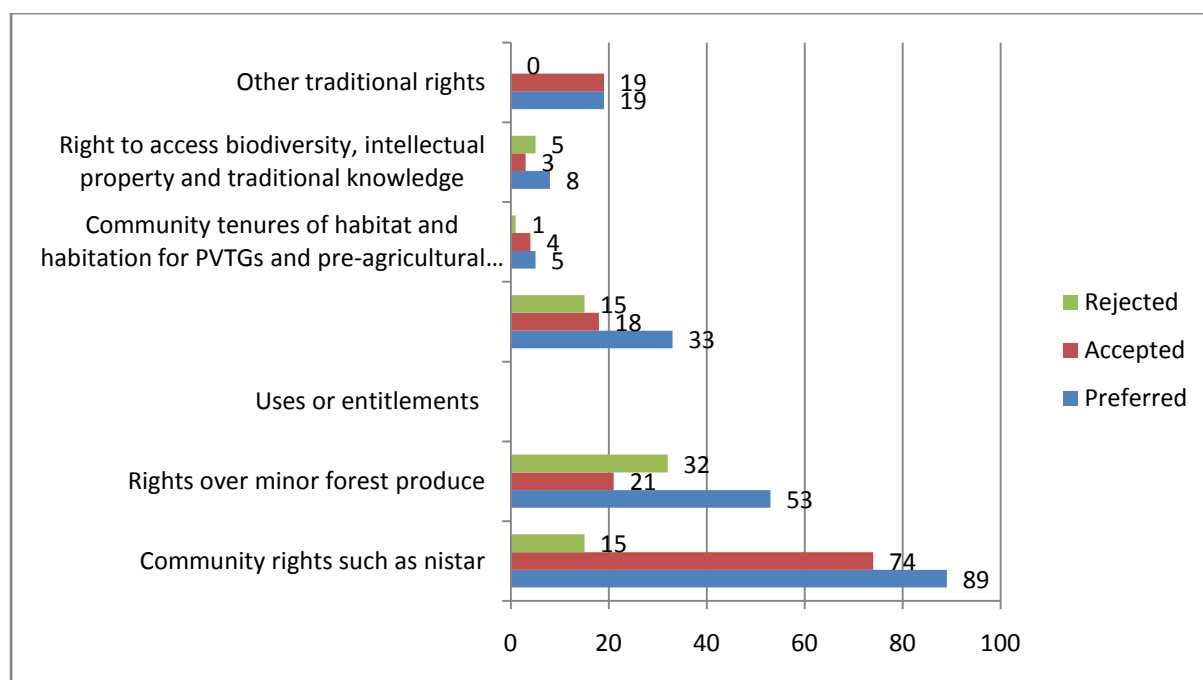


Figure 30: Total Community Rights Claimed Category Wise

In the interviews and FGDs conducted in the respective villages, challenges in claiming community rights were reported in many villages leading to low claims as well as rejections as seen in Figure 31. 8 villages reported that lack of awareness of the provisions of the law as well as the procedure were the main reason for low claims, 3 villages reported that it was difficult to furnish the evidence required and 1 reported difficulty in acting collectively. Interestingly, inhabitants of the 3 villages who reported difficulty in furnishing evidence - Tindani (a new relocated village), Nayatal (with high majority of SC and OBC households) and Pipariya (Anuppur) had also replied in the negative on whether they enjoyed customary rights on the neighbouring forests before the implementation of the FRA in the form of usufruct (*nistar*) or as recorded in the *wajib-ul- arz* of the village. In Kachari Salleya and Piparia in Sagar, it was reported that land was not available for making claim while inhabitants of one village- Bamnora (with high SC population) reported non co-operation from government officials. 2 villages-Kuchwahi and Chiruhala in Umari did not report any challenges- in fact, all the claims had been accepted here which they felt was due to being predominantly PVTG villages with recorded customary rights and owing to the help provided by government officials. Similarly, in Jhabua district, in Runkheda, no challenges were reported (in fact, a high number of community claims were preferred and all accepted). The active involvement of the village secretary and other officials (especially Forest and Tribal Welfare Departments) has been reported to be the main reasons for such high number of claims. In Chhapri Ranwas (Jhabua), it was reported that not many community claims have been preferred in the first place. Since the village has a lot of individual claims accepted, it needed community rights for few things like 'right of way'. Thadpathra in Dindori also did not report any challenge.

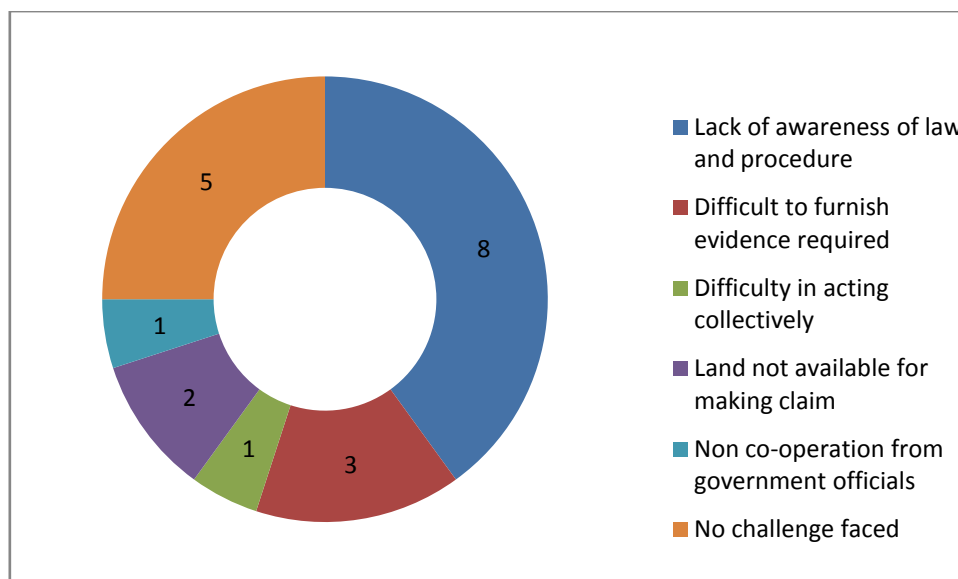


Figure 31: Challenges Faced in Preferring Claims for Community Rights

In majority of the villages-17 in total, the inhabitants first came to know about the provision for community rights through government officials (forest, tribal welfare, revenue departments) indicating pro-activeness on the part of government functionaries in creating awareness on community rights. In 3 villages, the people said that they first came to know about the provisions on community rights from the Gram Sabha and the Forest Rights Committee.

In response to the question whether the inhabitants of the respective villages received any help in preferring claims for community rights, as seen in Figure 32, only 2 villages reported that they did not receive any help while in the other villages, it was reported that help was forthcoming from the Gram Sabha, Forest Rights Committee, officials of the forest, tribal and revenue departments as well as Panchayati Raj representatives.

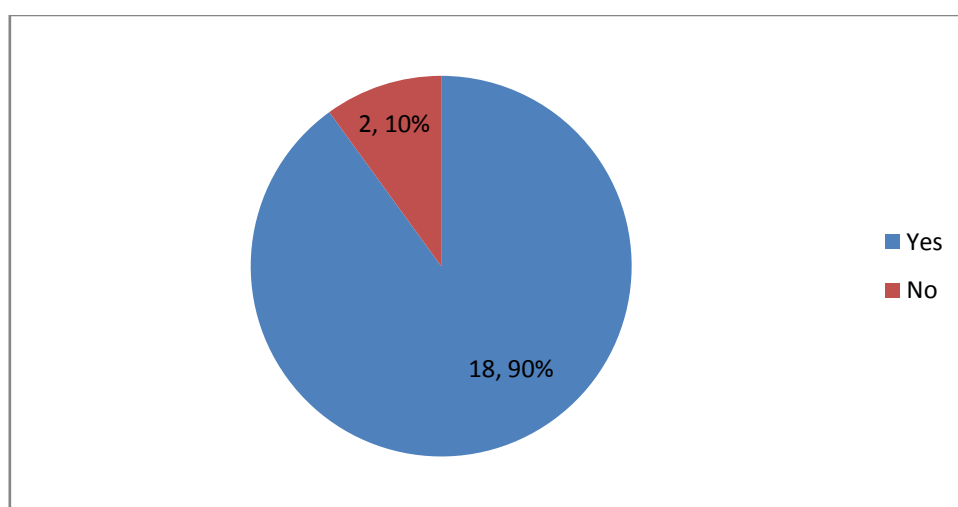


Figure 31: Help Received in Preferring Claims for Community Rights

Two villages- Sidhai in Chhatarpur and Bamnora in Sagar (with a larger population of OTFDs) report a high rate of rejection of community claims, which has also been corroborated through perusal of official records. In the other villages, rejections are not very high-in fact, 9 villages (Runkheda, Chhapri Ranwas, Devpurkotmi, Sawalmedha, Chiruhala, Kuchwahi, Gunjeri, Khamhera and Thadpathra) reported zero rejections. In the rest of the villages with some rejections, as seen in Figure 32, people in about 6 villages responded that they have been furnished reasons for the rejection of their claims; in 2 villages, no reasons were furnished while in the remaining 3 villages, the claimants said that they didn't know whether reasons were provided or not.

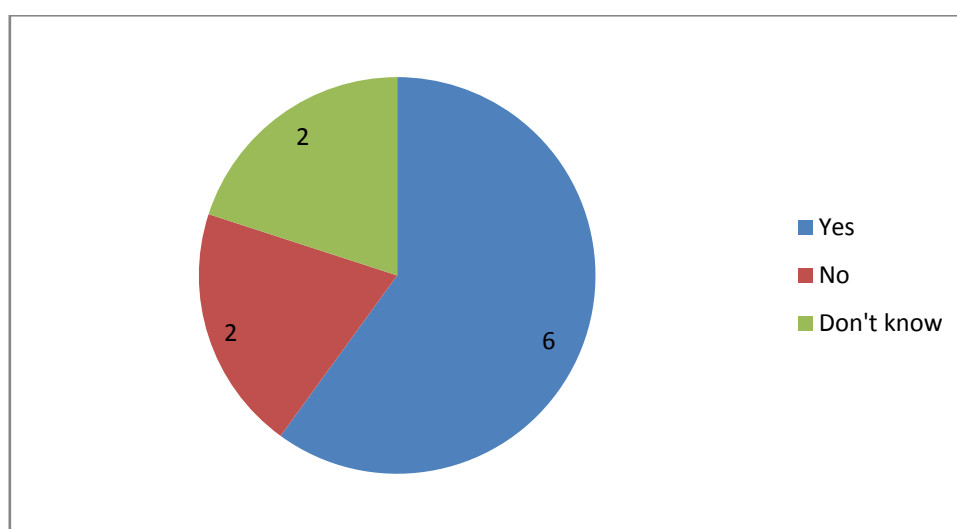


Figure 32: Have Reasons Been Furnished for Rejection of Claims?

Among the 11 villages where some rejected community claims have been found, it is seen from Figure 33 that appeals have been preferred against the rejection by only 4 villages. On being asked the reason for not preferring appeals, inhabitants of 2 villages said that they were not aware that it is possible to appeal while in a number of villages, people were satisfied as many other community claims had been accepted and they believed that the ones that have been rejected were the ones for which they could not produce the requisite documents.

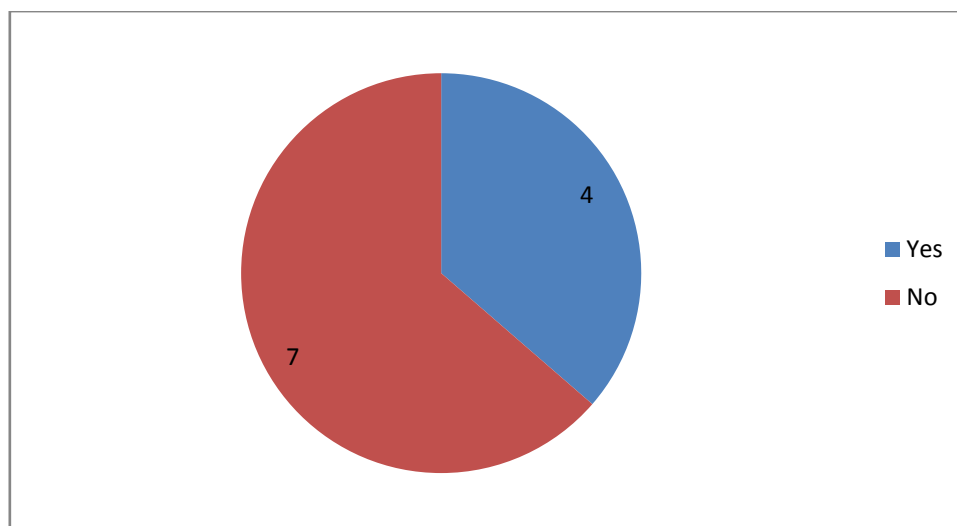


Figure 33: Have Appeals Been Preferred Against Rejection of Claims?

4.4. Benefits of Community Rights

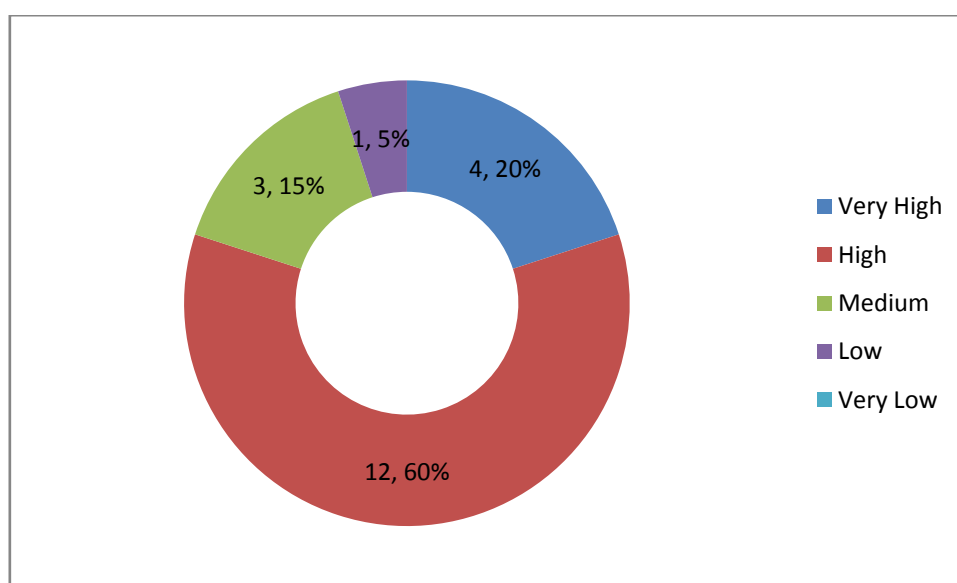


Figure 34: Benefits from Conferment of Community Rights

In the select villages covered in the study, in 4 villages (20%), people reported very high level of benefits received through community claims under the FRA while 12 villages or 60% reported high benefits. Thus, in all, 16 villages or 80% reported high level of benefits. 3 villages (15%) reported medium and just 1 village reported low benefits. Interviews and FGDs in the respective villages indicate that a number of tangible and intangible benefits have flown from the conferment of community rights. For instance, people of Devpurkotmi in Betul district feel that community rights have ensured better access to and equitable usage of community resources. Those who are dependent on livestock rearing as their main livelihood can without difficulty access the grazing areas for their animals. Common sitting

areas could be constructed. Most importantly, as opined by the villagers, community rights have been able to involve all the people in the action plan for protection and conservation of the forest and have brought the community members closer to each other. In Pipariya village in Sagar district, it was reported that conferment of community claims has reduced individual disputes, has led to more equitable sharing of resources and has ensured that all the people have a claim and are responsible for the use of resources. In Bamnora, a new access road to the village could be constructed as well as a new school and anganwadi building. In Nayatal in Chhatarpur, villagers have secured access to approach road, grazing ground, and also the right to collect NTFPs. In Khamhera and Thadpathra in Dindori district, nistar rights have enabled better access to the forest on which they have been traditionally dependent while villages like Keldi ki Mal and Gunjeri in Alirajpur have secured bonafide rights over traditional cremation grounds and access road to temples. Similarly, in Runkheda in Jhabua district, multiple benefits have accrued from the community rights under the FRA- the main benefit being ease of movement in the forest area along with the right of collecting firewood, fruits, gum etc., thus, helping in meeting subsistence needs of the people. The villagers have been able to visit the Baba Dev temple deep in the forest which caters to their spiritual and religious needs. The use of water sources situated in the forest has proved to be a boon in terms of cultivating crops in the area and rearing livestock.

Chapter V: Peoples' Experiences with the FRA: A Few Cases

3.6.1. Rejected Claims in Amba Khodra Village, Jhabua

In most of the districts, it could be learnt in the field that preferring claims for individual rights (along with community claims) is also a collective effort. The case of Amba Khodra village in Jhabua block of district Jhabua is distinctive owing to the unusually high number of rejected claims from this village, as observed by the CMYPDP Research Associate posted in the district. In 2013, as a part of the special 'abhiyan' of the district authorities, the forest beat-guard and other local officials approached the villagers and informed them that they could obtain *pattas* (title) under the FRA to make use of the land lying idle around the village. The people of the village saw this as an opportunity to claim government land and make use of it and accordingly, forms were submitted by a large number of people (including local heavyweights and their relatives) staking claim to the surrounding land. A few villagers also alleged that they had to pay a bribe of Rupees Five Hundred for each form though the allegation could not be substantiated. When these claims went up to the level of the SDLC, the SDM and other district officials who inspected the claimed land found that all the land for which claims were preferred was revenue land and not forest land. Discovery of this fact led to outright rejection of all the claims. However, till the visit of the CMYPDP Research Associate to the village in June 2018, many of the applicants are still not aware that their claim had been rejected. Considering the fact that the claim was not tenable on any account, it was a case where a large group of villagers were lured into a process which was futile. It could also be learnt that whenever the special 'abhiyans' for FRA claims are launched, many of such untenable claims along with claims having some merit enter into the re-verification cycle consuming time and resources of the government machinery, with the end result being rejection. However, as reported in the field, there are also instances when by gathering some political clout and bribing, such claims get accepted. Once accepted, such lands are used by the claimant or even sold illegally to other people.

3.6.2. The Experiences of the People of Chakdhana Village, Betul

Chakdhana is a forest village located about 80 kilometres from the district headquarters and in the vicinity of a Reserve Forest patch. The Van Samiti (FRC) of this village is headed by a woman. Although a meeting with her didn't take place, the CMYPDP Research Associate, Betul had a conversation with some of the village elders and a few young men, who were interested in giving her feedback on the condition/status of the Samiti's functioning and their overall experience with the FRA. The following is an excerpt from an interview with a village elder in his exact words to the extent possible:

".. Here, things are very slow. We stay far away from Bhimpur town and the roads are not that accessible during the rains. There are not many families who are aware or take an interest in how the Van Adhikar Niyam works. We know about it, because if we, the village elders do not take interest, little can be really done. The Samiti is headed by a woman and

many women are members as well. I know that Samiti work involves shouldering numerous responsibilities which is difficult for women members to discharge owing to their numerous chores at home. The village *patwari* and Gram Sabha secretary does most of the work. When FRA was launched in 2007, we got to know about it from the Forest Department (*beatdar*). They wanted to give us *pattas* for the land we held and talked about constituting a Van Adhikar Samiti. Initially, I headed it but, later they wanted a woman to take charge. In 2008-2009, a number of claims were filed on behalf of almost 50% of all the families with people eager to reap the benefits. There were also promises of scheme benefits among others. We are a small village, yet we filed around 60 claims and all the claims were sent to the government office. They said they will process it. We did not get any receipt as such. We got no news; hence, we went about our business. Then, after a year or so, we got a notice that what we had submitted needs to be re-submitted again. They lost our applications and didn't want to accept their fault. This time, fewer people submitted claims. Collecting all the documents for everybody and compiling them is very cumbersome. Further, travelling all the way to the town, getting photocopies of all the documents and then submitting the forms along with the documentation for so many people is very arduous and time consuming. Luckily, there were enough volunteers in the village and we could resubmit our claims. After few months had elapsed, we got the news that some of the claims have been accepted but we got our *pattas* much later. We do not know about the rejection, some people had to go to the offices many times and it costed money and time to get those *pattas*. ... All in all, it took a few years for all of us, who had submitted in the first batch to get our titles and once we got them, few others started claiming. In these ten years, almost everyone who applied has obtained patta. It takes a lot of time and the process of verification is primarily done by the government officials... Our forest protection plan is very good because people are very careful. Everybody is responsible if the forest is under any danger. We have plans and we hold meeting every few months to ensure our forest's well-being..."

3.6.3. The Experiences of the People of Khaira Village, Chicholi Block, Betul

The people of this village reported that for most of the claimants of their village, the 'prakaran' took a long time from preferring claims to receiving titles. According to some persons from the village, forms had to be resubmitted and some claims got rejected owing to the very stringent requirement for documentation. Some of the documents that have been strictly insisted upon are Voter ID, Aadhar and Karmakar Card which many of the villagers are not able to furnish owing to which claims had been rejected. This is despite the Rules clearly stating that the evidence for determination of forest rights includes along with government authorised documents, public documents, government records such as Gazetteers, Census, survey and settlement reports, maps, satellite imagery etc. and also



People in Khaira, Betul Sharing their Experiences with the FRA

physical attributes such as house, huts among others (Rule 13 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007). On bringing up this matter with the representatives of the Forest Department by the CMYPDP Research Associate, the former insisted that it could not be done because it is a lengthy process. The villagers also insisted that they did not receive much help from the Forest Department which did not give them access to maps leading to a lot of difficulties in submission of the claims. Further, in the particular instance of this village (also reported elsewhere in the district), it was reported that the Gram Sabha does not play any role in the process of claim acceptance and verification, with all the claims sent directly to the Sub-Divisional Level Committee, in contradiction to the process laid down in the Act and the Rules.

3.6.4. The Experiences of the People of Chanda Village, Dindori

The remote village of Chanda in Dindori Block of Dindori district is a peculiar case where on record, a large numbers of individual claims have been accepted but on the ground, most of the villagers are unaware about the FRA. According to the villagers, they have always and continue to depend on the forests for addressing their various needs and that they have never faced any restrictions from the Forest Department owing to the remoteness of the region. For most of them, as reported by the CMYPDP Research Associate posted in the district, it is just a government document. On being asked the reason why they preferred the claims, they said that they did so because their neighbours were doing so. Also, people who have had their claims rejected are unaware and are also not bothered saying that maybe their names will come up in subsequent lists. Further, in the case of Chanda village, it was found that on the records, a single community title for nistar rights has been conferred

for a huge area of about 408.0336 hectares of land. However, on the ground, most people are unaware about such a claim or title.

The lack of awareness may be attributed to the very low levels of literacy in the village as also the fact that there has not been much effort invested in creating awareness about the FRA among them.

3.6.5. People's Experiences with the FRA in Few Villages in Chhatarpur



Cultivation on Land Secured under FRA in Bilgayan, Chhatarpur

Bilgayan is a tribal dominated village in Bijawar block of Chhatarpur district situated at a distance of about 50kms from the district headquarters and 12 kms from the block office. Most of the villagers here have received titles for self cultivation though the size of the land holdings is small- about 1.5. acres on an average and none exceeding 2 acres. As such, cultivation on this small patch of land is not adequate to meet the needs of the households and they are dependent on other sources of livelihood such collection of NTFPs and also migrate to town for wage labour. According to them, the other benefits of the FRA are easy access to numerous government schemes. While being largely illiterate, some of the families are nowadays sending their wards to schools and some of them are also living in hostels run by the Department of Tribal Welfare.

The situation of small land holdings is also reported in other villages of Chhatarpur- for instance, in the tribal village of Gadohi in Buxwaha block, many of the claimants have got title but on such small areas that cultivation is not possible even for subsistence. There is a particular case of Komal Bai Chaitua whose area in the record is 0 acres, the reason stated is that it's too small to be captured by the PDA machine (used by the Forest Department to track the latitude and longitude of the area for which claim has been made). People like her

opine that they continue to remain landless as before and that such titles do not serve any purpose.



Heera Bai's House on the Plot for Which Title was Received under FRA

In another village Chanda Dharampura in Bijawar block, the people are living on the margins of poverty. Here, they have largely obtained titles for habitation and not for cultivation. Despite this, they continue to illegally encroach upon forest land to carry on cultivation activities leading to confrontation with the Forest Department.

3.6.6. Experiences of PVTGs in Chiruhala Village, Umaria

Chiruhala is a village of about 200 PVTG (mainly Baiga) households in Karkeli Janpad of Umaria District, Madhya Pradesh. Situated in the close vicinity of hilly wooded area as well as extensive flat land, the villagers all of whom have been residing in the area for generations are dependent on agriculture for their livelihood and collect non timber forest products as well. About 90% of the villagers here have secured titles under the FRA for both cultivation and habitation. Owing to low levels of awareness, it is only in 2015-16 that a large number of them filed claims and that too, owing to the intervention of the administration with local officials like the forest beat guard making them aware of the Act. With most of the people being illiterate, government officials took the initiative to make women co-claimants along with their spouses. It took about a year to receive the titles and since then, they have been using the land for cultivation and habitation. Some have availed other social security benefits such as Pradhan Mantri Awas Yojana on the land allotted while others are trying to get benefits of irrigation facilities and electricity to enhance their agricultural productivity. The villagers have also, with the help of the Gram Sabha, secured four community rights for minor forest produce under the Act, thus, enabling access to the forests.

Chapter VI: Circumventing Challenges in Implementing FRA: Official Perspective

6.1. Official Best Practices in Madhya Pradesh at the Time of Roll-Out of FRA

Madhya Pradesh was one of the few states which took up the implementation of the FRA in mission mode as soon as the Act was enforced and Rules became effective adopting a number of best practices which enabled it to become the first state to issue title deeds under the FRA (School of Good Governance and Policy Analysis, 2012). The strategies on the part of the state government, as documented by this Institute earlier known as the School of Good Governance & Policy Analysis (2012) included the following, among others:

(i) **Large scale capacity building program** rolled out, involving training of nearly 1.5 crore Gram Sabha members, 100000 nodal officers, 1000 SDLC members, 288 DLC members and 500 Master trainers which was completed in January, 2008 followed by a second round of training at all levels in July, 2008 which catalyzed the formation of the Forest Rights Committees by the Gram Sabhas immediately thereafter. Gram Sabhas were further strengthened and incentivised.

(ii) **Communication and environment building-** As the implementation of the FRA in the state involved huge illiterate tribal population speaking different dialects, the Act and Rules were translated into three major dialects-Bhili, Gond and Korku and widely distributed; large number of claim forms printed and distributed free of cost, street play groups engaged to raise awareness throughout the 89 tribal blocks, and large scale publicity campaign was launched through advertisements in newspapers, radio and television.

(iii) **Involving the civil society in implementation-** the not-for-profit organisations were proactively involved in the process and their feedback was factored into the design and helped in making mid course correction and micro-level interventions.

(iv) **Burden of proof for rights recognition less onerous-** As implementation progressed, it was discovered that the tribals were finding it difficult to get caste certificate and two pieces of evidence to attach with the claim form. It was directed that mere mention of caste and the type of evidence by the claimant should be sufficient for verification upto SDLC level. It was made the responsibility of the SDO concerned to attach the necessary documents or otherwise after verifying the facts, consider the case in the meeting of the SDLC. In addition, for the purpose of two piece evidence, the state government issued instructions to the concerned departments to keep relevant old records in ready position and copies to be provided free of cost to the claimants, whenever asked for. In addition, special camps were organised in April-June 2008 for issuance of caste certificates. Further, claims on disputed lands between revenue and forest were resolved at DLC.

(v) **Use of technology in efficient working-** GPS enabled Personal Digital Assistant (PDA) for survey of claimed land was introduced to achieve time and cost efficiency. With latitude and longitude being recorded, the data could easily be transferred to the forest base maps. Photograph of the beneficiary was also recorded on the spot, improving transparency in title verification. PDA data also helped in digitizing the verification records and getting the title deeds printed immediately after the case was cleared by the DLC without doing any additional manual writing or mapping work. Software was also developed for monitoring progress of constitution of FRCs, nomination of members for sub-division and district level committees, and reviewing status of number of claims received.

6.2. An Assessment of the Implementation Challenges 10 Years Later

This study has provided an opportunity to assess the situation ten years later on whether these best practices could be sustained over time and how challenges in implementation of the FRA have been dealt with by the government. This chapter is based on interviews with district level officials particularly from the Departments of Forest, Tribal Welfare and Revenue, and members of SDLs and DLCs on the basis of a loosely structured interview guide in the select ten districts. The findings from the interviews across the ten districts may be summed up under the following points-

Awareness Generation and Facilitating Claims -Most districts reported sustained efforts at awareness generation particularly at the Gram Sabha and Panchayat level though difficulties persist particularly in remote areas and considering that most of the targeted claimants are illiterate. However, in many districts, it was acknowledged that such efforts were maximum during the initial years of the implementation of the Act and gradually trickling off. This, according to one official, is not required any more as the FRA is an old piece of legislation now and that even in the remote parts of the state, people are aware of the Act as attested to by the number of claims (corroborated also through the findings of the field survey). Also, as reported in many districts, special FRA 'abhiyans' or campaigns have been launched from time to time at the behest of senior officials in the district targeted at creating awareness and getting people to file as many claims as possible.

In most districts, considerable seriousness is displayed by the administration with respect to settling claims under the FRA and as officials in many districts observed, maximum help is extended to the claimants and a lenient, facilitative approach is adopted to the extent possible. The Forest Department uses surveys, remote sensing maps, geo-tagging, google maps, determining the age of trees planted by claimants on the land etc. to ensure that bonafide claims are not rejected. Further, in the absence of proper documents to prove residence, claims are entertained on the word of the beat guard, *patwari* and old people in the village. However, as opined by one officer interviewed, use of the later as evidence is faulty as it is not possible for a *patwari*, for instance, posted in recent years to certify that the claimed forest land has been used by the claimant before the cut-off date.

Communication of Reasons for Rejection and Right to Appeal- In most of the districts, officials say that in majority of the rejected cases, the reasons for rejection are given and the claimant is informed of the right to appeal. In many districts, officials say that formal communication of both (reasons for rejection and right to appeal) is made to the claimant in the form of a document and a receipt is duly obtained from the claimants. However, officials do admit that owing to the high level of illiteracy, most claimants fail to understand the matter and so, there are less cases of appeal. The findings of the field survey also indicate that a large percentage of the sample population are not aware of the reasons for rejection and the right of appeal, which could be due to the low literacy levels. It also makes the case for the government officials to step up efforts for better communication of the same over and above merely complying with the technical requirement.

Re-Verification of Rejected Claims- In many districts, special efforts are being made to ensure that bonafide claims are not rejected through a process of re-verification. Districts like Jhabua have reported organising special campaigns to re-consider rejected claims of the past- for instance, in Jhabua, such an exercise was conducted recently to look afresh into the rejected claims dating back to 2009 and more than half of those claims have been accepted after re-consideration. As admitted by a sub-divisional level officer, this has been possible only because of taking a liberal view and looking at the practical realities considering that the administration had been unable to stop these claimants from using the claimed land. Similarly, in Umaria, it was reported that a re-verification (*punarparikshan*) committee had been constituted with the district administration being very proactive in this regard. Similar re-verification efforts are also being reported in Chhatarpur.

पुनः परीक्षण दावों में छानबीन समिति के सदस्यों एवं ग्राम वन अधिकार समिति द्वारा स्थल निरीक्षण

पंचनामा

ग्राम पंचायत: नरमदा तहसील: शिवराज नंद पंचनामा: आमन नंद दिनांक: 01/04/16 को खसत निरीक्षण किया गया: 450

ग्राम पंचायत का नाम: नरमदा ग्राम पंचायत का नाम: नरमदा ग्राम पंचायत का नाम: नरमदा

हस्ताक्षर: नरमदा हस्ताक्षर: नरमदा हस्ताक्षर: नरमदा

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Panchnama Re-verifying Rejected Claims

Persistence of Low Claims and High Rejections among OTFDs- As the district level data as well as field findings indicate, across the state in general and the select districts in particular,

there have been very low claims and high rejections among OTFDs. Neglect of OTFD claims was reported by the MoEF/MoTA Committee on FRA in the initial years of implementation (Pandey and Lele, 2010). The situation hasn't changed much in all these years as the evidence bears out. On trying to find out whether efforts have been made in the concerned districts to address this issue, officials point out that the requirements of the FRA are very difficult to meet for the OTFDs-occupancy for the last 75 years being very difficult to prove. In Chhatarpur, an official interviewed mentioned the case of one OTFD claimant who had documents from 1930 but who could not prove continuous residence till 2005 and hence, his claim had to be rejected. There have been similar claims where OTFDs of a particular area had migrated elsewhere and are now trying to reclaim the land on which their ancestors lived. Such claims had to be rejected. In another district, Umaria, a DLC member interviewed observed that considering the peculiar difficulties for OTFDs, an effort was made to help them as much as possible by making available all the documents and a lenient attitude was adopted, considering as evidence of their residence the word of the forest beat guards and old people in the village. However, despite the leniency, many of the OTFD claims could not be accepted as in most cases, the claims were not valid. In most districts, however, the officials admitted that OTFDs were not so much a priority for the district (particularly, in the tribal dominated districts) with more efforts being expended to ensure that more ST claims were preferred and their acceptance.

Record Keeping in the District- Interviewed officials have largely said that an effort is made at the district and block levels to ensure proper record keeping and regular monitoring of the claims. However, in some districts (Chhatarpur for instance), it was reported that while records of accepted claims are maintained by the Forest Department, the rejected claims are with the Department of Tribal Welfare. It was also admitted that owing to limited manpower, it has been difficult to maintain a proper database that is computerised though all files in hard form are kept safely. In certain districts, the data records were not maintained up-to-date and claims have been lost with the applicants required to file claims a second time. In districts like Sagar, in recent times, records are being digitized which makes it easier to monitor progress.

Coordination Issue between the Key departments- A considerable number of the officials interviewed mentioned that a persistent challenge in implementation of the FRA is the fact that multiple departments are involved and there is a tendency to blame the other departments concerned for the problems. Further, there are coordination issues with each department focussed only on achieving the targets set for it and unwillingness to go beyond that in the larger interest.

Chapter VII: Conclusion and the Way Ahead

The findings of this study which has sought to take stock of the implementation of the Forest Rights Act in the state in the last ten years and identify the challenges which still persist may very briefly be summed up as below:

(i) It is indeed heartening that despite the challenges, the implementation of the FRA in the state has been able to achieve in most instances, the enshrined objectives of the Act and Rules which are to secure a number of rights including right to cultivation and/ or habitation and others at the individual level and a host of community rights to the claimants. Apart from tangible material benefits (including easier access to benefits of government schemes), the conferment of such rights has also contributed to intangible gains such community mobilization, better access to and management of natural resources, socio-religious gains etc.

(ii) The tremendous effort at awareness generation and facilitating claims (including through technological solutions), as attested to in the field needs to be acknowledged and the state needs to keep up this good work.

(iii) It also needs to be applauded that as the district level data and the survey findings indicate, with few exceptions, titles have been mostly conferred in cases of accepted individual and community claims. Also, for a large majority of the surveyed population (47% of those with accepted claims), it took less than a year for the process (from preferring claims to receiving titles) to be complete while for another 27%, the process took 1-2 years and for the rest, it took longer. Thus, efforts are required in the direction of issuing tight deadlines in the settlement of claims and sticking to these.

(iv) At the same time, a thorough overview of rejected claims indicates that rejections are in large part owing to inability to provide the necessary documentary evidence along with invalid claims compounded by the illiteracy of a significantly huge percentage of claimants. The administration has taken a number of steps in the state to address this such as sustained efforts at awareness generation particularly at the Gram Sabha and Panchayat level, extending maximum help to the claimants and adopting a lenient, facilitative approach, re-verification of rejected claims from time to time and other steps. This needs to be maintained.

(v) Though officials interviewed stressed that the reasons for rejection and the right to appeal are communicated, the survey results bear out that such efforts need to be more full-proof and in tune with the fact that a large percentage of the people are illiterate. More efforts are required in this direction.

(v) Rejections have also been more pronounced in the case of OTFD claims-both individual and community than that of ST and PVTG communities owing to the onerous requirement for furnishing proof of residence or use for the last 75 years. This is despite the authorities adopting a lenient attitude in many instances though it may be admitted that OTFD claims have not received much priority. This needs to be addressed to ensure that OTFDs are able to secure rights under the FRA.

(vi) Further, a case is made out for better record keeping in the context of FRA. The records need to be computerised for better monitoring and transparency. Monitoring of FRA on a state level dashboard with utmost transparency may be emphasized upon. This way, the district administration can see more clearly the movement of the claims and take appropriate actions at processing these.

Both individual and community claims in the select districts for which year-wise data is available has followed an almost sinusoidal pattern showing high claims in the initial years of the Act followed by a sudden dip, then a sharp increase and so forth which may be attributed to the district administration's wavering focus on the Act-peaking at one point followed by a lull period. Considering that the FRA is by now an 'old piece of legislation' and the bulk of the claims already made, nevertheless, sustained efforts are required to ensure that every deserving claimant in the state as laid down by the Act is able to secure the rights ensured by the Act in the near future.

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Annexure 1: Survey Schedule for Study of Individual Claims

Part A: General Information and Socio-Economic Profile of the Claimant

- (i) Name of the claimant-
- (ii) Age-
- (iii) Sex-
- (iv) Is your spouse a co-claimant?
 - a. Yes
 - b. No
- (v) Date of claim (preferred and accepted)-
- (vi) Name of the village in which the claimant lives-
- (vii) Type of village in which the claimant lives-
 - a. Revenue village
 - b. Forest village
 - c. Others (please specify)
- (viii) Block and district in which the village is situated-
- (ix) Caste/ tribe of the claimant
 - a. General
 - b. Scheduled Caste
 - c. Schedule Tribe
 - d. Member of PVTG
- (x) Educational qualification of the claimant
 - a. Illiterate
 - b. Attended Primary School
 - c. Attended Middle School
 - d. Attended High School
 - e. Matriculate
 - f. Higher Secondary
 - g. Graduation and above
- (xi) Primary Occupation of the claimant
 - a. Agriculture
 - b. Animal husbandry
 - c. Wage labour
 - d. Collection of NTFPs
 - e. Others (please specify).

Part B- Dependence on Forests

- (i) Type of forest in the vicinity
 - a. Reserved forest
 - b. Protected Area
 - c. Others (please specify)

(ii) Name of forest block

(iii) Since how long have you and your forefathers been occupying or using forest land in the vicinity?

a. Three generations prior to December 13th, 2005 and more

b. Had occupied/ used forest land in the vicinity before December 13, 2005

c. Had occupied/ used forest land in the vicinity after December 13, 2005

(iv) Have you and your household relocated here from somewhere else?

a. Yes

b. No

(v) If yes, in which year have you relocated here?

(vi) Were your rights settled and rehabilitation package provided to you before you were evicted/ displaced from forest land elsewhere?

a. Yes

b. No

(vii) How would you rate dependence of your household at present on the forests?

a. Very High

b. High

c. Medium

d. Low

e. Very Low

(viii) What is the nature of dependence of your household on forests?

a. Primary source of livelihood (please specify)

b. Subsistence and households needs (fodder, firewood, edible roots, fruits and shoots etc.)

c. Traditional uses such as collection of medicinal plants for healthcare

d. Others (please specify)

e. Two or more of the above

(ix) Before the implementation of the Forest Rights Act, did you and/or your forefathers enjoy customary rights (recorded in the *wajib-ul-arz*) or *nistar*(usufruct) rights over the neighbouring forests?

a. Yes

b. No

(x) If yes, what is the nature of the right enjoyed?

(xi) Before the FRA, did you face any difficulty from the Forest Department in accessing the forests for meeting your needs?

a. Yes

b. No

Part C: Individual Claim under FRA (to be corroborated by CMYPDP Research Associate through verification of official record)

(i) What is the nature of the individual right claimed by you? (as per provisions of section 3 of the Act)

- a. Forest land occupied for habitation
- b. Forest land occupied for self-cultivation
- c. Rights over disputed lands
- d. Rights for conversion of pattas/leases/grants issued by any local authority or any State Government on forest lands to titles
- e. Land for in situ rehabilitation or alternative land (in cases where the Scheduled Tribes or other traditional forest dwellers have been illegally evicted or displaced from forest land without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005)

(ii) How did you first come to know about the FRA?

- a. Through the Gram Sabha
- b. Through government officials
- c. Through NGOs
- d. Media
- e. Others (please specify)

(iii) Did you receive any help in preferring claims under the FRA?

- a. Yes
- b. No

(iv) If yes, who helped you in preferring claims under the FRA?

- a. Gram Sabha/ Forest Rights Committee
- b. Government Officials
- c. NGOs
- d. Others (please specify)

(v) Did you face any difficulty in preferring claims?

- a. Yes
- b. No

(vi) If yes, what is the main difficulty faced? (Please specify)

(vii) How would you rate the difficulty faced?

- a. Very high
- b. High
- c. Medium
- d. Low
- e. Very Low

(viii) Have you received the title over the claim accepted?

(a) Yes (b) No

(ix) If no, what are the reasons?

(x) If yes, is it jointly with your spouse?

(a) Yes (b) No

Part D: Benefits post FRA (For Accepted Claims)

(i) Do you think that you have benefitted from the conferment of individual rights under the FRA?

- a. Very High
- b. High
- c. Medium
- d. Low
- e. Very Low

(ii) What, according to you, are the main benefits derived by you?

- a. Able to meet livelihood needs better than before
- b. Able to meet subsistence needs better than before
- c. Easier to access the forest without harassment
- d. Easier to avail benefits of government schemes (please specify the schemes)
- e. Intangible benefits like socio-cultural, religious, sense of ownership etc.
- f. Can't say definitely

Part D: Reasons for Rejection and Appeal (For Rejected Claims)

(i) Are you aware that your claim has been rejected?

- a. Yes
- b. No

(ii) If yes, do you know the reason for rejection of your claim? Please specify.

(iii) What is the stated reason for rejection of this particular claim? (CMYPDP Research Associate to please check in official record).

(iv) At what level was the claim rejected? (if the claimant doesn't know this, please check in official record)

- a. Gram Sabha
- b. Sub-Divisional Level Committee
- c. District Level Committee

(v) Have you preferred any appeal before the SDLC/ DLC against the rejection of your claim?

- a. Yes
- b. No

(xiv) If no, what is the main reason for not preferring an appeal?

- (a) Not aware that it is possible to appeal
- (b) Process for appeal is cumbersome
- (c) Satisfied with reasons given for rejection
- (d) Others (Please specify)

Strengthening Conservation, Livelihoods and Governance through Convergence of laws like FRA/PESA/BDA

Experience of KHOJ
Amravati, Maharashtra



Beyond Community Forest Rights

- CFR offered a unique and historic opportunity to bring the collective of village community together for the conservation, protection, regeneration and sustainable use of their forest and natural resources
- Hundreds of villages in Vidarbha region have received their CFR rights
- Over 60 villages in Melghat got their rights recognised under CFR in phase I between 2012 and 2014
- Of this around 15 villages from Amravati embarked on an exercise to prepare their management plan exercise that allowed the conservation and management plans
- The challenge was to convert the rights into resources that would enrich people's lives
- Besides preparation of management plans, the success of CFR lay in converting rights to resources and hence a process of working towards convergence of various departments began

LEARNINGS FROM AMRAVATI

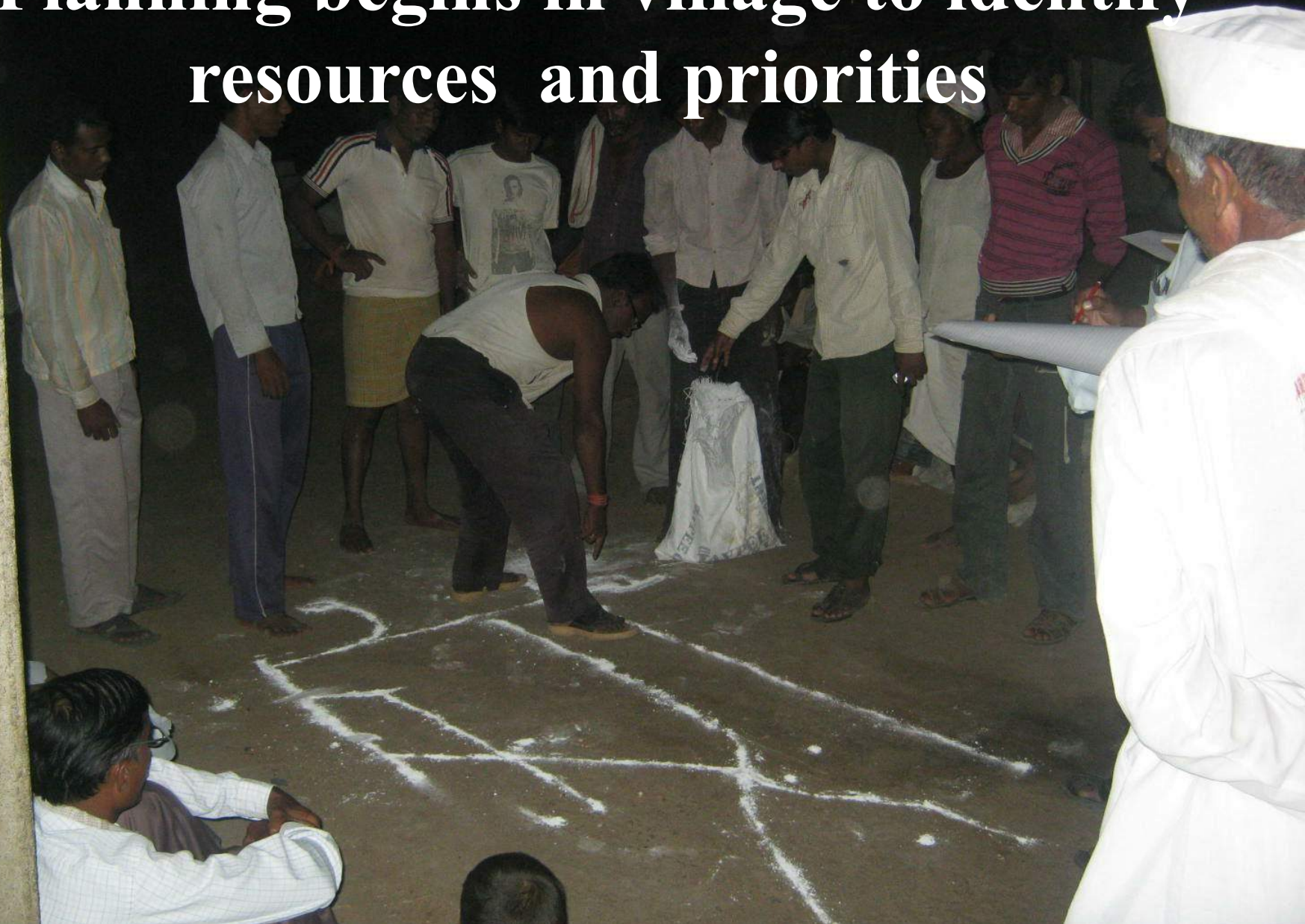
8th June 2012...Payvihir, Nayakheda, Khatijapur and four other villages become the first village outside Gadchiroli to get its CFR Title under the Forest Rights Act, Since then many more villages in the district now have their CFR's recognised





**GRAM SABHA'S SITS TOGETHER TO FORM ITS
COMMITTEE U/S4 (1)(E) AND DECIDES THAT
THERE WILL BE ONE EXECUTIVE COMMITTEE**

Planning begins in village to identify resources and priorities



**OF THE IDENTIFIED WORKS, SEVERAL INITIATIVES ARE
UNDERTAKEN UNDER MGNREGA EVERY YEARS
PREDOMINANTLY THOSE THAT INVOLVE SOIL WATER
CONSERVATION, FOREST REGENERATION AND MANAGEMENT**



PLANTATION IS A RITUAL FOR THE LAST FOUR YEARS FOR WHICH THE VILLAGERS WORK VERY HARD..



**THE SUCCESS IS NOT IN PLANTING BUT IN ENSURING
THAT ALL THAT WE PLAN SURVIVES...**



Results...in 2016



CFR leads to a new process of partnership and convergence



MARKETING OF CUSTARD APPLE FROM THE FORESTS AREA





Biodiversity Park upatkheda and Nursery in Payvahir



Information leads to realisation and understanding that we are not the only ones living in forest and need to care for others...



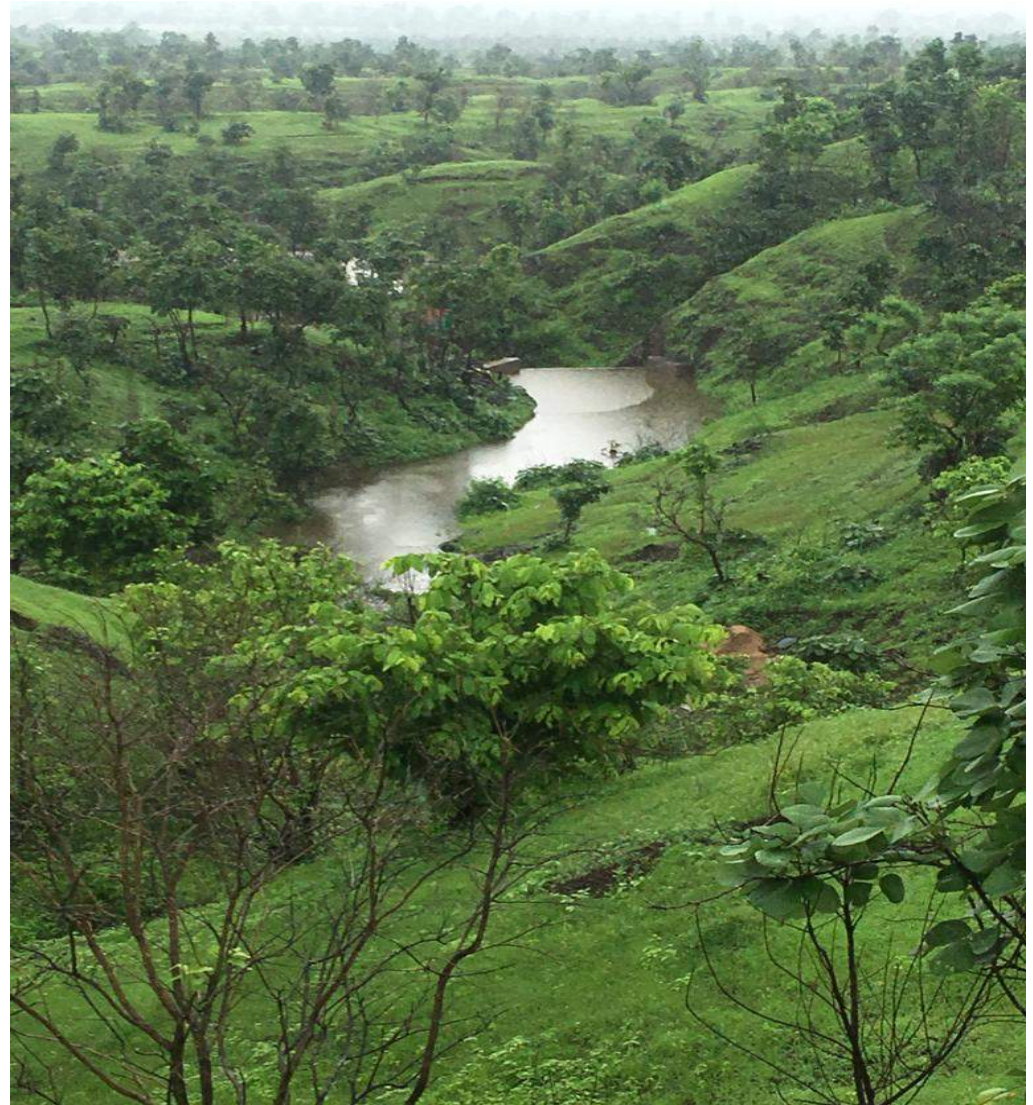
Various other works from revenue camps, to Women taking over Fair Price Shops, Biogas taken up by the communities



Communities Managing over 10000 ha of forest land in 29 villages with CFR Rights



Payvihir



Nayakheda



UPATKHEDA



Khatijapur



Cage Fishing Jaitadehi(CAIM)



Dam Desilting and Drinking water at Khadimal



Payvihir...the forests in four years





People whose visits brings us new hopes and energy



OUR COLLECTIVE DREAM FOR WHICH WE WORK VERY HARD..Young and Old..working towards a dream not of evolving as an excellent example and an island of success but working to create ripples that may at some point create a pond if not an ocean



Change in the period of 4 years



Phase II

- We would like to deepen the process in the 13 villages we worked with and also do a non intensive expansion in neighbouring villages so that the momentum on implementation of laws and programmes is not lost but rather strengthened

Key Strategies

Work with existing legislations empowering tribal's and other forest dwelling communities for conserving and regenerating their natural resources and strengthening their livelihoods, prominently through PESA, FRA, BDA and MGNREGA by

1. Working towards Convergence of existing government programmes by increasing access and utilisation for communities and increasing inter-departmental coordination
2. Facilitating capacity enhancement of the community institutions like Gram Sabha/ thematic committees and groups within the villages to lead these processes through an effective plan and consistent monitoring and follow up
3. Working at redressing policy gaps through public policy advocacy and work with other like-minded organisations
4. Helping create new and strengthen old community institutions to be able to fulfil their responsibilities under law as well as address the needs for livelihoods and sale of the MFP
5. Working towards non intensive expansion of the processes to certain neighbouring villages to build a momentum of the implementation of laws

Activities

- Strengthen the village level Gram Sabha's and local level village committees
- Facilitate the formation of collective of Gram Sabha's working on common areas
- Facilitate effective record keeping/accounts and audit
- Build capacities of the village level focus groups through trainings at regular intervals
- Facilitate livelihoods round the year through livelihood mapping and addressing the gaps
- Address policy and programme level gaps
- Support collaborations and networks working on the similar issues
- Document and share the best practices

Outcomes

Outcome 1 Ensure effective implementation of Acts such as Forest Rights Act and Panchayat (Extension to the Scheduled Areas) Act, 1996, Biodiversity Conservation Act 2002 and MGNREGA etc and build pressure for inclusive regulation for the tribal poor

30

Outcome 2 Create an enabling environment and push the Government for greater public investments to improve the

Phase 2 - Changes

Focus villages plus non intensive expansion

- Tendu Leaves Management
- 29 villages of Amravati decided to manage their tendu leaves themselves. Total collection of 2070 standard bags@Rs 5511 fetching a price of Rs 1,14,07770
- Collectively over 100 villages from 5 districts managed tendu leaves under VLF for a turnover of over 11 crores

Bamboo Harvest



- Rahu harvested its bamboo for a second year this time for a cost of over 90lakhs. Over 100000big bamboo and 40000bundles of bamboo pieces were subjected to an open auction by the Gram Sabha
- The process is not about the turn over, it is more of exerting their rights, managing their forests in a sustainable manner and improving their internal governance through informed collective decision making at the village level

Convergence

- NREGA - Approximately 1.30 crores worth work in these villages
- However people are struggling with banking and poor communication networks that is causing delayed payment of wages, we have been following this up and trying to bring about some systemic intervention to solve the root of the problem
- 1.16 crores mobilised for Interpretation Centre at Payvihir
- Works under Jalyukta Shivar undertaken 50 ha of CCT/WAT works
- 30 toilets cum washrooms constructed with NREGA and KHOJ support

Adivasi Samvad Sansad



- A convention of CFR and PESA villages was organized on 9th and 10th June to facilitate mutual learning and sharing processes on the works done by the Gram Sabha's.
- There were two sessions: one on nutrition from locally available food materials that could be used by children by Dr Jayashri Pendharkar, nutritionist from Nagpur having years of experience of working in melghat and second on Natural Farming by Shri Vasant Futane from Rawala village who himself practices organic farming and use of local seeds
- The programme was also attended by ACS in CMO Shri Praveen Pardeshi, Collector Amravati Shri Abhijit Bangar, CCF Amravati Dr Pravin Chavan and other senior officials



Policy Advocacy

- Tendu management in over 100 villages by Gram Sabha also saw confrontation from the forest and revenue department in Gondia thereby inviting first a stay on the process by TDD Secretary and then the people's struggle to fight the stay and get vacated took almost 2 weeks time in trying to organise meetings and discussions with Secretary and with Tribal Minister
- In Yavatmal also there was confrontation between the local DCF, CEO and the Gram Sabha, which was resolved with great difficulty due to the incorrect understanding of FRA and PESA

FRA- WROGFUL REJECTIONS

Sr No	Type / Details Of Rejection orders	Provision violated	Details Of Violated Provision
1	Partial rejections—only area under standing crop approved ,remaining claimed area under occupation rejected.	Rule 12A(8)	The land rights for self cultivation shall, within the specified limit. include the forest lands used for allied activities ancillary to cultivation, such as for keeping cattle, for winnowing and other post harvest activities, rotational fallows, tree crops and storage of produce.
2	Partial rejections– only area that is mentioned in the documentary evidences like POR, fine receipts, reports of various enquiry committees which are as old as of 1970 to 2002, is approved rejecting the remaining claimed area which is under occupation before 13/12/2005 and which is approved by Gramsabha after verification.	1. Sec 4 (3) 2. Rule 12 A(11) Explanation 1	1. The recognition and vesting of forest rights under this Act.....shall be subject to the condition that such ST or tribal communities or OTFD had occupied forest land before 13/12/2005. 2. Fine receipts, encroachers' lists. Primary offence reports,and similar documentation, by whatever name called,arisen during prior official exercise,or the lack thereof, shall not be the sole basis for rejection of any claim.

Sr No	Type / Details Of Rejection orders	Provision violated	Details Of Violated Provision
3	<p>Claims approved by Gramsabha but rejected by SDLC on the basis of Forest officers' reports which are not supplied to gramsabha but directly to SDLC. Neither claims remanded nor opportunity given to the claimant and gramsabha to examine and oppose the FD report.</p> <p>When appealed to DLC, who remanded them to SDLC for review, who in turn sent them to gramsabhas for reconsideration. But, when gramsabhas again approved the claims, SDLC ignored and again without hearing, rejected the claims on the basis of new evidence of satellite image supplied by FD.</p>	<p>1. Rule 12 A(5)</p> <p>2. Rule 15 (4)</p>	<p>1. No petition of the aggrieved person shall be disposed of, unless he has been given a reasonable opportunity to present anything in support of his claim.</p> <p>2. After receiving DLCs reference, the SDLC shall hear the petitioner and the gramsabha, and take decision on that....</p>
4	<p>Claims rejected on the ground that concrete documentary evidence is not provided although claimants have provided circumstantial, oral and physical evidences in the form of statements of elders, panchanamas of site verification, details and photographs of crops, trees ,bunds, water ways.</p> <p>At the same time, satellite images are held sufficient to reject claims and appeals.</p>	Rule 12 A (11)	<p>The SDLC or the DLC shall consider the evidence specified in Rule 13 while deciding the claims, and shall not insist upon any particular form of documentary evidence for consideration of a claim.....</p> <p>The satellite imagery...may supplement other form of evidence and shall not be treated as a replacement.</p>

Sr No	Type / Details Of Rejection orders	Provision violated	Details Of Violated Provision
5	<p>Claims rejected with one line orders such as ,:</p> <ul style="list-style-type: none"> • 2 concrete evidences not provided • FD recommends rejection • Claimant is not in possession • Claimed land not forest land 	<ol style="list-style-type: none"> 1. Rule 12 A (10) 2. MOTA guidelines (i)(f) 	<ol style="list-style-type: none"> 1. All decisions of SDLC and DLC involving modification or rejection of a gramsabha resolution or.....shall give detailed reasons for such modification or rejection.. 2. All decisions of the SDLC and DLCshould be in the form of speaking orders.
6	<p>OTFD's clams rejected misinterpreting the definition as those cultivating the claimed land for at least three generations instead of those primarily residing in forest for at least three generations.</p>	<p>Sec. 2 (o)</p>	<p>OTFD means any member or community who has for at least three generations prior to the 13th day of December,2005primarily resided in and who depend on the forest or forests land for bona fide livelihood needs.</p>

Sr No	Type / Details Of Rejection orders	Provision violated	Details Of Violated Provision
7	Claims of ST Eksali Lease Patta holders in Bhimashankar Sanctuary area are rejected on the ground that FD has opposed recognition of rights in Sanctuary area.	1.Sec. 2 (d) 2. Sec. 3(1)(g)	1.'Forest land' means land of any description falling within any forest area and includes....., reserved forests, Sanctuaries and National Parks. 2. Rigts for conversion of Pattas or leases or grants.....to titles.
8	Claims of STs are rejected on the ground that the area comes in submergence area of a dam earlier constructed, but not yet filled to its full capacity. The claimants were not rehabilitated prior to 13/12/2005	Sec.3 (1) (m)	Right to in situ rehabilitation including alternative land

Sr No	Type / Details Of Rejection orders	Provision violated	Details Of Violated Provision

A photograph of a person standing in a shallow forest stream. Sunlight filters through the dense green canopy above, creating a bright beam of light that illuminates the person and the water. The person is wearing a plaid shirt and shorts. The surrounding forest is lush with various types of trees and foliage.

PEOPLE'S FORESTS

**IS COMMUNITY GOVERNANCE THE
FUTURE OF INDIA'S JUNGLES?**

Research direction: Chandra Bhushan

Authors: Shruti Agarwal and Ajay Kumar Saxena

Editor: Arif Ayaz Parrey

Design and cover: Ajit Bajaj

Cover photograph: Rohan Mukerjee

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Fax: 91-11-29955879
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PEOPLE'S FORESTS

**IS COMMUNITY GOVERNANCE THE
FUTURE OF INDIA'S JUNGLES?**

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Foreword

Given its vast territory and diverse population, India's founding fathers envisioned democratic decentralization as the ideal form of governance for the country. But the shift from British-era centralization to a new paradigm of local governance has been slow.

Centre for Science and Environment (CSE) has been an advocate of democratic decentralization from its very inception. Way back in 1989, the Centre published a report titled *Towards green villages—a strategy for environmentally sound and participatory rural development in India*. The report was based on the experiences of local communities in managing their natural resources. CSE had argued that there was a need for devolution of powers to local communities for the management of natural resources.

In 2006, The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act became the first legislation in independent India to vest the rights and powers to manage forest resources in local communities. Also known as the Forest Rights Act (FRA), the Act provides for recognition of forest lands as community forest resources (CFR). CFR areas are meant to be a separate category of forests to be governed and managed by communities. As of 2016, a little over 1.1 million hectares (ha) of forestland had been brought under CFR management. Potentially, another 30 million ha of forestland in India can be handed over to communities for management.

Since the enactment of FRA, CSE has been documenting stories of success, conflicts, and challenges in the implementation of the law. Though FRA had defined bamboo as a minor forest produce over which communities had rights of ownership, use and disposal, forest officials stuck to the definition of bamboo as a tree under the Indian Forest Act (IFA) of 1927, and refused community control over it. CSE's extensive advocacy on treating bamboo as a minor forest produce resulted in a letter from the Union Minister of Environment and Forest in 2011 directing state forest departments to respect community rights over it. Since then, the forest-dwelling communities in several CFR areas have been better able to earn livelihoods through bamboo without fear of an official crackdown. Now, with the removal of bamboo from the category of 'trees' in IFA, another page has been turned in the history of forest governance.

Ten years after FRA came into existence, CSE wanted to understand and assess the experiences of communities in managing and governing their CFR areas. We travelled to four states and spoke to the forest-dependent communities about their objectives, aspirations and challenges in governing their CFR areas. We learned that CFRs have created new employment and economic opportunities for communities—experiences which can be repeated in other areas as well to help alleviate poverty and reverse the trend of migration from forest areas. We also came across a number of measures adopted by communities to restore the ecological value of their forests.

Nonetheless, there are a number of impediments faced by communities in managing their CFR areas and benefitting from them. It is crucial that we create support systems for communities to achieve food and livelihood security together with forest conservation. The government will have to play a more enabling role in the process. We also need to build safeguards to ensure that ecological sustainability is not compromised and that there is social equity in CFR management.

I hope the insights on CFR management provided in the report serve as an information tool for policy makers, NGOs, and forest-dependent communities and lead to positive action on the ground that is good for both communities and forests.

Chandra Bhushan

1. Overview

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, also known as the Forest Rights Act (FRA), was hailed as a landmark legislation towards decentralizing and democratizing forest governance in India. The Act recognizes forest dwellers as 'integral to the very survival and sustainability of the forest ecosystem' and seeks to 'address the long standing insecurity of tenurial and access rights' of forest-dwelling communities. FRA puts in place a clear mechanism for recognizing and vesting these rights to provide food and livelihood security for forest-dwelling communities while maintaining ecological sustainability.

Broadly, the rights recognized under FRA can be clubbed into the following three categories:

- i) Individual forest rights (IFR) to legally hold forestlands that the forest dwelling communities have been residing on and cultivating prior to 13 December 2005.
- ii) Community rights (CRs) of ownership, use and disposal of 'minor forest produce', also known as non-timber forest produce (NTFP). CRs include rights of grazing, collection of firewood, fish and other such products from water bodies, as well as rights to biodiversity and intellectual property, including those related to traditional knowledge.
- iii) Community forest resource (CFR) rights under Section 3(1)(i) to protect, regenerate, conserve or manage forest resources for sustainable use, providing for community governance of forests.

FRA rules provides three different forms (Form A, Form B and Form C) and a three-tier process at the village, sub-divisional, and district levels for claiming, processing and formal recognition of the aforementioned rights. Rule 16 of the 2012 FRA Amendment Rules provides for government schemes related to land improvement and productivity, basic amenities, and livelihood measures of various government departments to be provided to communities whose rights have been recognized, paving the way for convergence of governmental schemes towards village and forest development.

It is not the first time that local communities have been recognized as important stakeholders in forest governance in India. In 1988, the National Forest Policy had paved the way for semi-decentralization of forest governance in the country, leading to the emergence of joint forest management (JFM) in the 1990s. However, barring a few exceptions, JFM largely failed in recognizing communities as equal stakeholders in the management of forests, with forest departments retaining the decision-making power and final authority. FRA seeks to redress the issue by recognizing gram sabhas as the authority to protect, regenerate and manage CFR areas (see *Box: CFR versus JFM*).

CFR VERSUS JFM

Starting in 1990, JFM covered nearly 14.4 million ha (18 per cent) of India's forests in the first decade of its implementation,¹ which expanded to 24.6 million ha (32 per cent) by March 2010.² CFR rights, on the other hand, have been recognized over only 1.1 million ha of forestland until July 2016, nearly a decade after the enactment of FRA. If JFM and CFR management were essentially the same, the pace of CFR recognition would probably have been higher. That, however, is not the case.

CSE's interaction with forest department officials revealed that several forest officers continue to think that CFR management was essentially the same as JFM. In sharp contrast, forest-dependent communities articulated the difference between the two management regimes clearly. In Angul district of Odisha (where JFM is practiced in many villages through Vana Samrakshana Samitis (VSSs) and the state government's recently launched Ama Jungle Yojana) the understanding among communities regarding JFM was that forests assigned to their village belonged to the state, over which they only had user rights. On the other hand, in villages where CFR rights have been recognized, communities were clear that the forests belonged to them.

Table 1: Important differences between JFM and CFR

Joint forest management	Community forest resource management
i) Lacking legal sanctity, JFM is an approach to involve local people as partners in the protection and management of forests, implemented through resolutions adopted by states.	CFR rights are provided under a Central legislation, thus, they have legal backing. Guidelines issued by the Ministry of Tribal Affairs in April 2015 require CFR areas to be recorded as a new category of forest area under the record of rights (RoR) maintained by the forest department. ³
ii) The allocation of forestland under JFM is done in an ad hoc manner by the forest department.	Under the CFR provisions of FRA, customary forest boundaries of a village are identified and demarcated by the gram sabha. Often the CFR area of one gram sabha cuts across the areas of more than one JFM group. ⁴
iii) The executive committee of the joint forest management committee (JFMC) is supposed to have a number of official members from the forest department and, sometimes, also the panchayat.	The committees constituted for CFR management comprise members exclusively from the gram sabha with no representation of forest or other officials.
iv) JFM provided for a state-specific benefit-sharing mechanism from the harvest of forest produce. In Odisha, JFMCs are entitled to 100 per cent of intermediate NTFP produce and 50 per cent share from timber at the time of final harvest. In West Bengal, the share from timber is 25 per cent of the net profit.	CRs and CFR rights provide 100 per cent authority over collection and sale of all NTFPs to the gram sabhas. Timber rights are contentious under FRA.
v) Under JFM, communities had usufruct but no tenurial rights over forestlands assigned to them. JFMCs were subject to dissolution if an inspecting forest officer recorded irregularity or illegality in their work.	CFR provisions of FRA provide tenurial rights to gram sabhas over forestlands. FRA does not provide for revocation of forest rights once recognized.

Source: CSE compilation

As elucidated in the table above, JFM allowed forest departments to retain territorial jurisdiction and control over forests and forest resources, while they are transferred to the gram sabhas under the CFR regime. Though JFM envisaged collective decision-making regarding forest management, it suffered from the problem of unbalanced power relationship between the forest department and local communities. The benefit-sharing commitments made under JFM arrangements were often dishonoured. JFM also attracted criticism for being reduced to a short-sighted strategy for the forest department to protect forests in a cost-effective manner by securing the services of local communities.⁵

A 'gram sabha' is an assembly consisting of all adult members of a village. Section 5 of FRA empowers gram sabhas to 'protect wildlife, forest and biodiversity' and 'ensure that adjoining catchment areas, water sources and other ecological sensitive areas are adequately protected'. Rule 4(1)(e) requires gram sabhas to constitute committees for carrying out the provisions of Section 5 of the Act. These committees, also called CFR management committees (CFRMCs), are expected to prepare 'a conservation and management plan for community forest resources in order to sustainably and equitably manage CFR areas'. On 23 April 2015, Ministry of Tribal Affairs (MoTA), the nodal ministry for the implementation of the Act, issued guidelines which require CFR areas to be treated as a new category of forests, and recorded in the record of rights (RoR) maintained by the forest department. The guidelines also recognize gram sabhas as the authority to 'modify the micro-plan or working plan or management plan of the forest department to the extent necessary to integrate the same with the conservation and management plan of the gram sabha'. Thus, FRA Rules and directions from MoTA make the authority of gram sabhas in governing CFRs very clear.

It has been more than ten years since the Act came into force. The implementation, however, has been tardy. FRA provides for the formal recognition of forest rights through the issuance of title deeds. According to MoTA, title deeds for individual forest rights had been issued to 1,759,955 individuals or households over 4,119,650 acres or 1.64 million hectares (mha) of forestland. CRs had been recognized over 9,985,095 acres or 4 mha, as of October 2017.¹

MoTA does not provide segregated data for CRs and CFR areas—all community rights pertain to CRs which might or might not include CFR areas. CFR rights are considered to be formally recognized only when the title deed is issued in the name of a gram sabha, specifically mentioning the right of protection and management under Section 3(1)(i). Though MoTA does not maintain a record of CFR rights separately, civil society organizations (CSOs) in the country have been keeping track of them.

On the basis of data on CFR rights collected from the state tribal welfare departments and CSOs working on FRA, a citizen's report by Community Forest Rights—Learning and Advocacy Group (CFR-LA) has calculated that CFR title deeds had been issued to just a little over 10,500 villages spread over 1.1 mha of forestland till July 2016. The citizen's report has also estimated that the minimum area over which CFR rights can be recognized in India is about 34.6 mha, nearly 45 per cent of the total recorded forest area in the country. CFR rights have, thus, been recognized over less than 3 per cent of the potential area.² The estimated potential area of 34 million ha is also close to the total area of 31 million ha of forests that lies within the boundaries of revenue villages, as calculated by the Forest Survey of India in 2009.³ See *Map: Potential and recognized CFR areas of India*.

Only seven states have formally recognized the rights of forest dwelling communities to manage and govern their forest resources. Among these, too, there are huge disparities. Maharashtra, which has a strong and active presence of CSOs, has issued title deeds over the maximum extent of forestland, 706,524

ha. Odisha, which has historically had a strong community forest management movement, follows Maharashtra, though it lags behind significantly despite having similar CFR potential. Rajasthan has just kickstarted the CFR recognition process and only 152 ha of its forests have been brought under community management till July 2016.

Two states with a huge forest-dependent population and the largest CFR potential, Madhya Pradesh and Chhattisgarh, have not issued a single proper CFR title deed till date. In these states, there are reports of communities exercising their protection and management rights irrespective of the mention of these rights on the title deed. In undivided Andhra Pradesh, CFR title deeds were issued over 3.77 lakh ha in 2010 in the name of the Vana Samrakshana Samitis (JFM committees) and not the gram sabhas, as required by law.⁴ The case is similar with Madhya Pradesh. These rights have, therefore, not been recorded in the assessment of the actual recognition of CFR rights. In West Bengal and other states, communities have come forward to exercise their protection and management rights despite the lack of CFR title deeds.

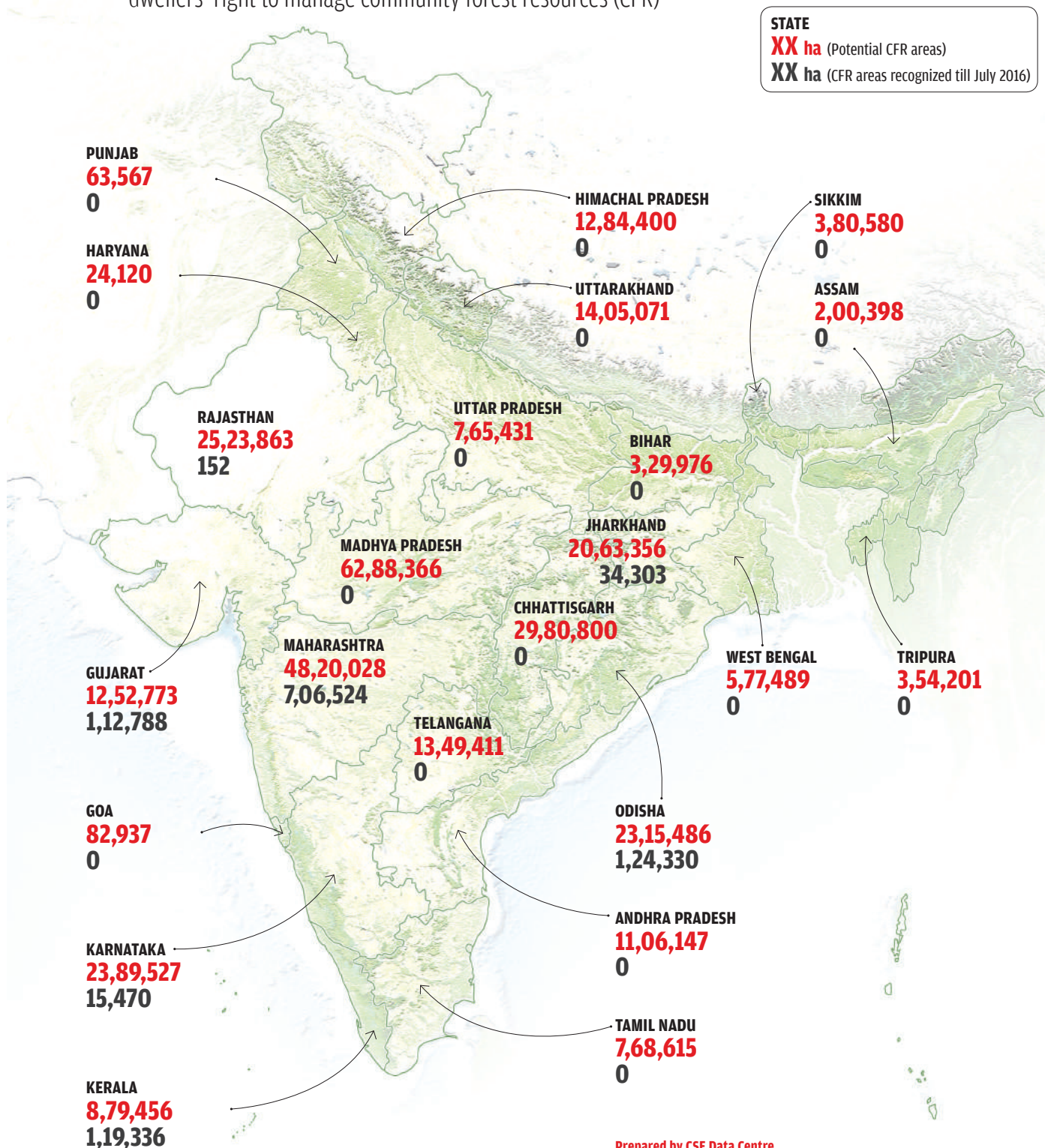
Rule 12(g) of the FRA Amendment Rules of 2012 states that the delineation of CFR approved by a gram sabha will be considered legal formalization and recognition of the powers of the community in access, conservation and sustainable use of such CFR areas. This means that communities do not have to wait for CFR title deeds in order to exercise their protection and management rights. In practice, however, communities have often faced stiff resistance from forest departments in attempts to assert CFR rights despite gram sabhas having approved and filed CFR claims.

India is not the only country to have introduced reforms in policies and legislations to enable greater role for communities in decision making and management of forests. Many countries have started the process of facilitating community ownership of forests much earlier than India. As of 2013, at least 513 million hectares, or 15.5 per cent, of the world's forests were under some form of community control.⁵ In Vietnam, 26 per cent of forestland was brought under the management of local people from 1990 to 2009.⁶ In Nepal, more than 30 per cent of the total forest area has been brought under community forests since 1993, while the estimated potential is about 60 per cent.⁷ Amendments in forest laws in the 1980s have allowed communities to manage nearly 70 per cent of Mexico's 65 million ha of forests.⁸ See *Figure 1: CFR rights around the world*. India, on the other hand, has been slow in recognizing the rights of communities over forests.

Though the state of recognition of CFR rights is poor in India, communities in different parts of the country have started exercising these rights through their gram sabhas. It was against this backdrop that CSE undertook a study to learn about the aspirations of communities for their CFR areas and what these mean for the future of forest governance in India. CSE spoke to members of more than 30 villages in five districts of four states (Maharashtra: Amravati and Chandrapur; Odisha: Kandhamal; West Bengal: Alipurduar; and Gujarat: Narmada). In these villages, gram sabhas have either already developed plans to govern their CFR areas or are in the process of doing so. Detailed case studies are provided in the next chapter.

Map: Potential and recognized CFR areas of India

State governments across the country have been slow in recognizing forest dwellers' right to manage community forest resources (CFR)

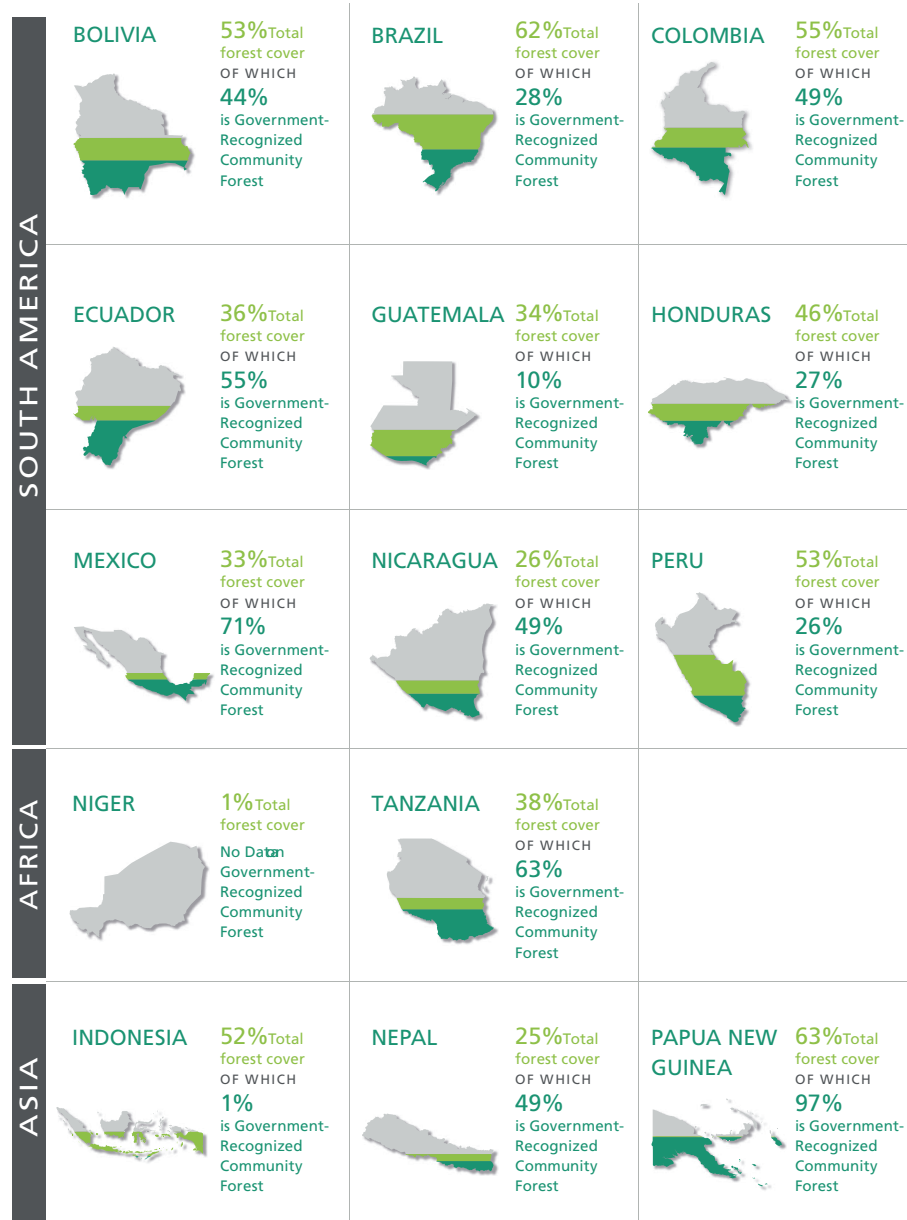


Prepared by CSE Data Centre

Infographics: Raj Kumar Singh

Source: Community Forest Resource-Learning and Advocacy, 2016

Figure 1: CFR rights around the world



Source: World Resources Institute 2014

Group discussions and informal interviews were carried out with members of the gram sabhas and local non-profits facilitating the process, to understand the objectives of CFR management and the initiatives taken or planned to meet these objectives. The study aimed at identifying the challenges of CFR governance and the role of institutions in the process. CSE also interacted with forest department officials in some of these districts to get their perspectives on the management of forestlands by communities. Secondary literature review of CFR governance experiences outside the villages visited was also carried out for the study.



2. CFR management experiences

Initiatives, achievements and challenges

(Case studies)

District geographical area

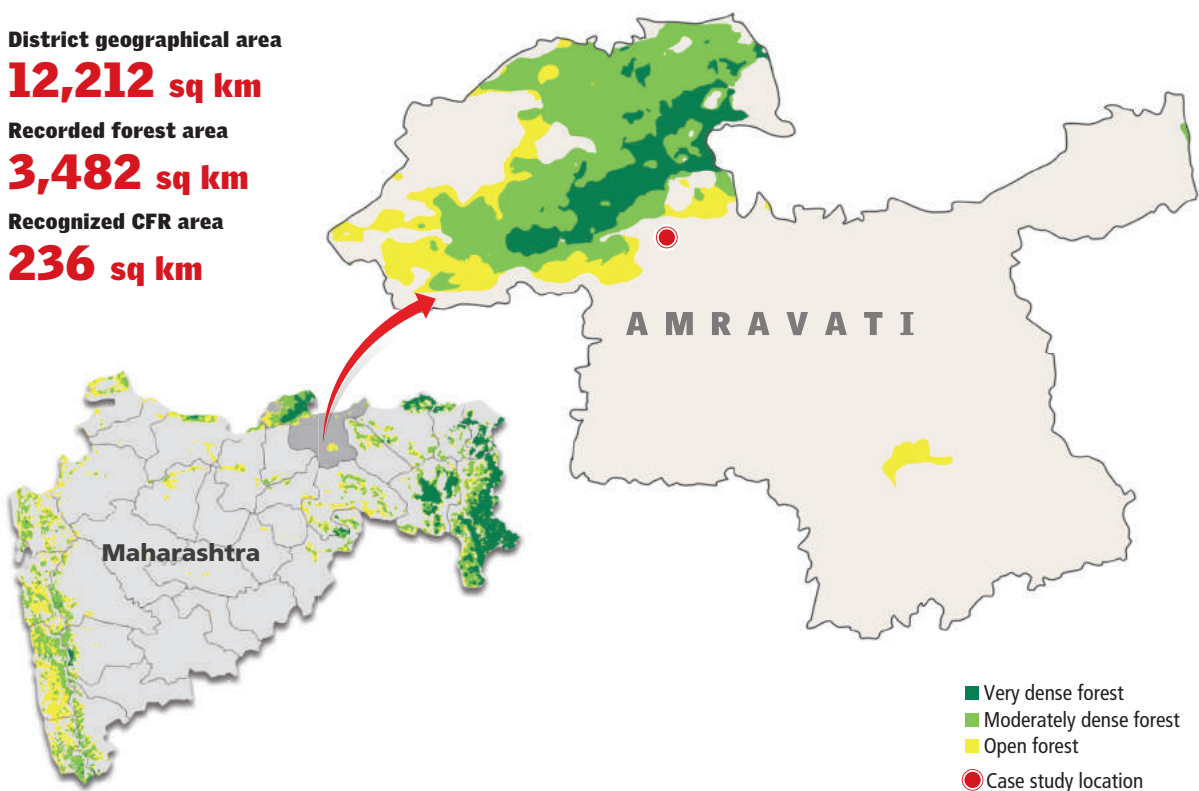
12,212 sq km

Recorded forest area

3,482 sq km

Recognized CFR area

236 sq km



AMRAVATI: Restoring degraded forests

MAHARASHTRA—A BRIEF OVERVIEW

Number of districts: **36**

Geographical area: **307,713 sq km**

Recorded forest area: **61,579 sq km**

Forest cover: **16.45 per cent**

INDIVIDUAL FOREST RIGHTS (IFR)

No. of title deeds: **106,898**

Area under IFR: **577,026 acres or 230,810 ha**

COMMUNITY FOREST RIGHTS (CRs)

No. of title deeds: **5,748**

Area under CRs: **4,435,944 acres or 1,774,377 ha**

In the Paratwada range of Amravati forest division, four villages—Nayakheda, Payvihiir, Upatkhedha and Khatijapur—have started restoration of degraded forests in their CFR areas. In 2012, facilitated by the local non-profit Khoj Melghat, these villages received title deeds for CFR over 990 ha of continuous forest patch.

Socio-economic profile

The villages are located in Achalpur taluk of Amravati district with a heterogeneous population comprising of Korkus, Balavis and Gavlis. Korkus, a tribal community, constitute the dominant population in all the four villages, ranging from 57 per cent in Nayakheda to 80 per cent in Payvihiir. Less than 35 per cent households own agricultural land, of which a majority are marginal farmers owning less than 5

acres of land apiece. A few households practice animal husbandry, especially in Nayakheda. Landless households depend predominantly on labour for livelihood. Emigration had been rampant in these villages.

Status of forests—pre-CFR scenario

The southern dry deciduous forests in the Paratwada forest range are highly understocked, with *palash* (*Butea monosperma*) as the dominant tree species.

The area is hilly with nothing to bind the soil, leading to heavy erosion. ‘These villages have received the worst forests under the FRA,’ said the assistant conservator of forests (ACF), Amravati forest division. The forestland, now recognized as CFR, used to be under the JFM programme of these villages. However, JFM had existed only on paper as the communities were not convinced about the benefits of the programme and the forest department could not solicit their participation in forest management.

The major dependence of the communities on forests now under CFR had been subsistence fuelwood use and livestock grazing. There is not a substantial amount of NTFP in these forests—the primary ones being *sitafal* (custard apple) and *tendu* leaves. Timber is hardly available in the forests, but as more houses are covered under the Indira Awas Yojana, the demand for timber is abating anyway.

Members of the communities recall a time when the forests used to be diverse and dense, and hold themselves responsible for the extent of degradation. ‘The forest department did not bother too much about these forests either,’ said Amit Sonare, member of Payvihir gram sabha. A case of tragedy of the commons.

CFR initiatives

The turnaround came with the recognition of CFR rights in 2012. Sitafal trees in Payvihir’s CFR area used to be auctioned by the forest department at nominal rates. After recognition of the CFR rights, the village resisted when the department announced the auction of all trees in its CFR area at a meagre Rs 1,500. The forest department had to give in and the village began experimenting with marketing the fruits instead of auctioning the trees. Even after deducting the plucking wages paid to the members of the village, the fruit crop earned the village profits of Rs 16,000 in the first year. This marked the entry of the village in the management of its CFR area. The story has been similar in the other three villages.

In the first year, all four villages used *shramdan* (voluntary, unpaid labour) to plant bamboo (*Dendrocalamus strictus*) in their CFR areas and the forest department channelized the forestry funds under (Mahatma Gandhi National Rural Employment Guarantee Act) MGNREGA for soil and moisture conservation work in the CFR areas. In addition to the plantation of mixed species, and soil and moisture conservation work every year, the villages carry out weeding and removal of invasive species such as lantana or non-useful trees like *Acacia Senegal* that had been planted by the forest department for greening these lands.

Sitafal (custard apple) is a valuable resource in the CFR areas of these villages. The villagers have decided to market the fruit to Mumbai and Nagpur, under the brand name ‘Naturals’, instead of auctioning the trees, increasing the profits



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Table 2: Activities taken under CFR management in Amravati, Maharashtra

Village	Area recognized as CFR (ha)	Plantations			Soil and water conservation (CCT and WAT)*	Assisted natural regeneration (weeding, lantana eradication, etc.)
		Area brought under plantations up to 2015–16 (ha)	Species planted	Survival rate		
Payvihiir	193	50	Mixed species	68–70 per cent	70	70
Nayakheda	631	48	Mixed species over 10 ha, teak over 30 ha, fodder over 8 ha	47–57 per cent	25	70
Khatijapur	36.84	5	Mixed species	57 per cent	25	20
Upatkhedha	129.25	30	Mixed species	55–66 per cent	20	70

*CCT: Continuous Contour Trenches, WAT: Water Absorption Trenches

Source: Conservation and management plan of Payvihiir, Nayakheda, Khatijapur and Upatkhedha

The survival rate of plantations of species such as bamboo and teak in CFR areas of Amravati district has been an impressive 70 per cent



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The plantation area is closed for grazing, and the villages patrol the area to prevent grazing or fuelwood collection by neighbouring villages. These villages have also identified forest patches in their CFR areas to be kept untouched from any intervention to observe the biodiversity and evolution of natural flora and fauna that will take place. Payvihir has set aside 15 ha for this purpose. Nayakheda has built watering holes for wildlife in its CFR area.

The most preferred species for plantations are *amla* (*Emblica officinalis*), custard apple and bamboo—short-rotation species that provide assured economic returns year after year, once they are mature enough to harvest. Other useful species such as *mahua* (*Madhuca longifolia*), *hirda* (*Terminalia chebula*), *baheda* (*Terminalia bellirica*), *charoli* (*Buchanania lanzan*), mango (*Mangifera indica*), and *bhilawa* (*Semecarpus anacardium*) have also been planted. Only one of these four villages, Nayakheda, has planted 75,000 trees of teak, which would be ready to harvest after 30–35 years. It emerged from the discussion with the people of this village that they had CFR rights over 631 ha, the highest among the four villages. Allotting as much as 30 ha for teak was an experiment which the village had agreed to undertake based on the forest department's suggestion.

The villages, however, reserve the right to challenge any decision of the forest department concerning their CFR areas. For instance, the forest department had sent karanj (*Pongamia pinnata*) saplings to the villages for plantations, which the gram sabhas refused to plant as the species has no local, economic or ecological use in the opinion of the villagers. The gram sabha of each village has prepared its own ten-year CFR management plan, which includes activities like soil and water conservation, plantation, and assisted natural regeneration. Rule 16 of FRA provides for convergence of resources from government line departments to improve the productivity of forestlands recognized under the Act. In Amravati, a district convergence committee (DCC) has been constituted for this purpose. The DCC is chaired by the district collector and has representatives from panchayat, tribal welfare, forest, agriculture, animal husbandry, irrigation and horticulture departments as well as civil society organizations working on FRA in the district. In the four villages, line agencies have been working closely, through regular meetings (at least once in three months) to support activities developed under CFR management plans. A total of Rs 5.93 crore from different line agencies has been pooled into the CFR development of these villages in the first four years.

Benefits from CFR initiatives

There is an overall improvement in the condition of the forests in the CFR areas as a result of the initiatives. Natural regeneration has led to increased availability of fodder for livestock. So far, *amla* and teak have been the best surviving species in the degraded conditions. Bamboo has done well in Payvihir with a 70 per cent survival rate, but villages like Nayakheda have been struggling in protecting this species because wild boars often damage bamboo plantations. These villages are planning to plant tubers around the periphery of CFR areas, or do some kind of fencing around the bamboo plantations, to protect them from such attacks. Custard apple plantations have mostly failed, and the locals



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Due to the round-the-year livelihood opportunities created under the CFR regime, emigration from these villages has reduced considerably

have come to believe that enabling natural regeneration of custard apple trees would perhaps be the best way to increase its production in their CFR areas.

‘These villages are taking ownership of the CFR areas and it shows in the quality of work they have done on these forests. We had not been able to achieve such impressive results previously,’ the ACF observed. Payvihi gram sabha won the UNDP Biodiversity award in 2014 for its ‘exemplary work on decentralized forest governance’. According to the locals, wildlife has returned to Nayakheda’s CFR areas, and the gram sabha received the Sant Tukaram award for its forest conservation efforts in 2016.

CFR areas provide year-round employment to members of the four villages, where more than 65 per cent of the households are landless. From 2012–13 to 2014–15, MGNREGA generated 38,291 days of employment and wages worth Rs 73.55 lakh in the four villages, which translates into 3,189 wage days and an average payment of Rs 6.13 lakh per village per year. A remarkable achievement of the CFR process in these villages has been the drastic reduction in emigration. The villages are marketing custard apples from their CFR areas under the brand name of ‘Naturals’ to Mumbai and Nagpur and receiving remunerative returns.

Issues and challenges

One of the biggest challenges for these communities has been to restrict neighbouring villages from grazing livestock within their CFR areas. 'Sometimes we have to fine our friends and relatives. That is very difficult,' said Amit from Payvihir. Upatkheda entered into conflicts with people from neighbouring villages when they refused to stop grazing their cattle in its CFR area if Upatkheda was allowing grazing by cattle of its own members. The villagers, therefore, decided to stop grazing their own cattle as well; instead, they now cut fodder from their CFR areas and carry it back to their homes to feed their livestock.

Nayakheda also reported a case of 'encroachment', when a group of outsiders from a nomadic community camped inside the village's CFR with their livestock. The village sent several warnings to the community to leave; which went unheeded. Finally, the village sought the intervention of the forest department to remove the encroachment.

Nayakheda's CFR area is not as abundant in custard apples as the area of other villages. Custard apple plantations have largely failed. The major benefit to the village from CFR has been the creation of employment opportunities under MGNREGA. Their protection efforts have brought wildlife back to the CFR areas—leopard sightings have been reported, and so have cases of cattle killings by these spotted big cats. There are concerns about rise in crop damage by wildlife too. Though the forest administration has been quick to issue compensation to the affected households, the economic benefits from CFR are yet to arrive. If the economic losses from reemergence of wildlife outweighs the benefits from CFR, it is not sure if the interest of the village in CFR management will be sustained.

District geographical area

11,443 sq km

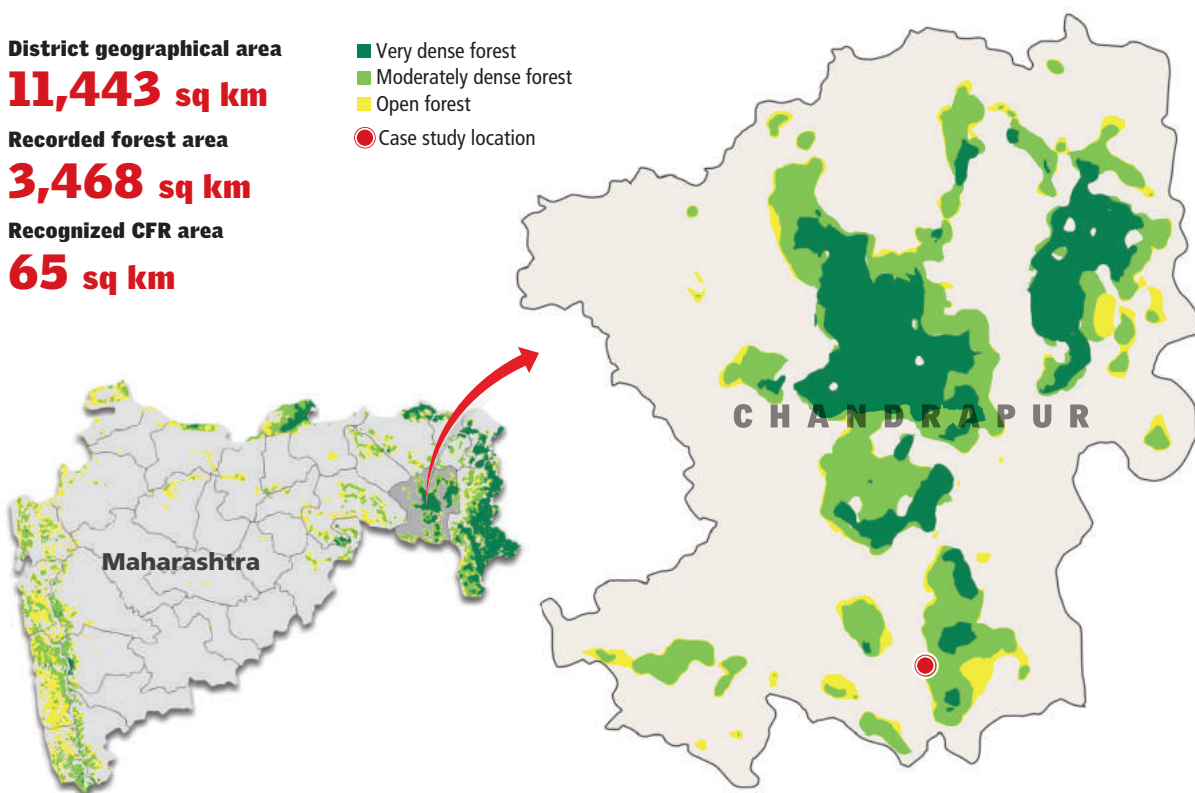
Recorded forest area

3,468 sq km

Recognized CFR area

65 sq km

- Very dense forest
- Moderately dense forest
- Open forest
- Case study location



CHANDRAPUR: A tool for local self-governance

MAHARASHTRA—A BRIEF OVERVIEW

Number of districts: **36**

Geographical area: **307,713 sq km**

Recorded forest area: **61,579 sq km**

Forest cover: **16.45 per cent**

INDIVIDUAL FOREST RIGHTS (IFR)

No. of title deeds: **106,898**

Area under IFR: **577,026 acres or 230,810 ha**

COMMUNITY FOREST RIGHTS (CRs)

No. of title deeds: **5,748**

Area under CRs: **4,435,944 acres or 1,774,377 ha**

In the Chandrapur district of Maharashtra, the gram sabha of Panchgaon is demonstrating the capabilities of communities to sustainably manage resource-rich forests.

Brief socio-economic profile

Located in the Kothari taluk of Chandrapur, Panchgaon is a small village of 60 households where 72 per cent population belongs to the tribal Gond community. The remaining households belong to different communities such as Kunadi, Gadilohar, Beldhar, Katevar, and Phulmadi, which fall within the other backward classes (OBC) category. Less than 40 per cent households in the village own cultivable land. Wage labour on farms or in forests constitutes the most important source of income for a majority of the households. The local population also supplements

their income through the sale of NTFPs such as *mahua*, *charodi*, and *khirni*. Emigration to Hyderabad, Bengaluru and other cities for work was quite common in the village.

Status of forests—pre-CFR scenario

The southern tropical dry deciduous forests of Panchgaon's CFR area were legally classified as reserved forests prior to being CFR. These diverse forests are

home to more than 100 tree species and at least 22 species of grass. Panchgaon's CFR is rich in wildlife, which includes tigers, leopards, sloth bears, bison, *chital*, *sambar*, and striped hyena. The presence of more than 70 species of birds in the CFR areas has also been documented. The gregarious flowering of bamboo in the 1980s led to dense regeneration of the seedlings, scattered in patches throughout Panchgaon's CFR area.

Like most forest-dependent villages in the country, residents of Panchgaon, too, lived in fear of the forest department when they had to go to the forest for collecting fuelwood or other NTFPs. Forests were a paltry source of livelihood only if they were ready to deal with the never-ending harassment of officials, which meant people preferred emigration. The village felt alienated from its forest and there was little sense of ownership towards the forest. The turnaround came with the recognition of CFR rights in 2012.

CFR initiatives

Panchgaon was the first village in the district to obtain CFR rights. The formal recognition came after a long struggle which had united the villagers in the cause of community governance of forests. As a first step, the village mandated that all households would contribute at least five regulations for the management of its CFR area. Once the list of proposed regulations was compiled, which were more than 500, the gram sabha discussed and debated them and finalized 115-odd regulations for CFR management. Thus, the entire village was party to the decisions taken and the gram sabha's success in governing its CFRs can be partly attributed to this inclusive and democratic approach.

The CFR area of 1,006 ha has been divided into 24 units called *tapus*, and given local names recognized by the villagers. For example, *Amla Bhoyar* is the *tapu* which has a cave with one *amla* tree on its top. *Gohru Lavan* is another *tapu* named after a man Gohru who had died there several years ago. The *tapus* are being demarcated by fire lines. The gram sabha has also reserved 34 ha of well-preserved wildlife-rich natural forest called the Panchgaon sanctuary. The sanctuary is a source of perennial streams.

Voluntary patrolling of forests has also been mandated. The villagers have been divided into groups, with the leader of each group selected on a rotational basis. The name of the group leader responsible for patrolling on a given day is displayed on a blackboard in the heart of the village. The groups patrol the area in turns. Absence from patrolling for unexplained reasons can cost a member up to Rs 200. The gram sabha maintains a register which lists, on a daily basis, the names of anyone

Panchgaon has sub-divided its CFR area into *tapus* to extract its bamboo in a systematic and sustainable manner. It has sent villagers to Nagpur to learn how to treat bamboo to make it fit for use in the construction industry. It also sells its bamboo through an open tender



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A part of the profits from the sale of bamboo is being used in development activities, and forest protection and management

and everyone who has entered their forests and the purpose of the visit. ‘If there are genuine needs of other villages for certain kinds of forest produce from our CFR, the gram sabha sits together and takes a decision,’ said a member from the village.

There are rules for sustainable harvest of NTFPs which are abundantly available in the CFR area and have potential market value. Bamboo has already brought huge turnover to the village—close to Rs 1.5 crore from 2012–13 to 2016–17. The gram sabha is, however, cautious to ensure that there is no overexploitation of this valuable resource.

Facilitated by the local non-profit, Paryavarn Mitra, the village prepared a working plan for bamboo in 2012 and submitted it to the district forest administration. The CFR area has been divided into four blocks for bamboo harvesting and each of the four blocks is further sub-divided into three sub-blocks. Panchgaon is practicing rotational felling of bamboo such that one block plus one sub-block forms the area that can be harvested in a given year. The rules in the plan also require that only those bamboo culms that are three years or older be harvested. At least eight culms have to be retained in a clump. Bamboo cannot be harvested between June and September.

‘We learnt the technical skill of cutting bamboo better when we worked in the bamboo plantations of Forest Development Corporation of Maharashtra. A slant cut must be made to the bamboo above the first node,’ the members said.

A significant resolution by the gram sabhas has been the complete ban over removal of *tendu* leaves, forgoing huge revenue from this lucrative NTFP found in abundance in Panchgaon’s CFR area. ‘The collection of *tendu* leaves requires extensive lopping and setting fires in the forest, affecting the growth of trees and, in turn, the production of edible *tendu* fruit. Moreover, *tendu* leaves are used to make *bidis* (country cigarettes) which are not good for health. On the other hand, birds eat the *tendu* fruit; and so do we,’ says Ramesh Tamke, member of the gram sabha.

The village is abundant in several other income-generating NTFPs such as *mahua*, *choradi* and *khirni* but has not sold anything other than bamboo since obtaining CFR rights. 'Our plan is to start marketing these NTFPs when we have a proper facility for storing them,' said Rekha Tamte, another villager. The emphasis on storage is to increase the shelf life of these NTFPs.

In 2016–17, the village also carried out gully plugging at 200 sites within the 1,006 ha CFR area for soil and moisture conservation. The village has proposed bamboo plantations on degraded forest patches. Bamboo saplings will have to be procured from Amravati as there are no nurseries in Chandrapur raising the *Manvel* species (*Dendrocalamus strictus*) of bamboo, which is native to the local forests.

Panchgaon is also experimenting with an innovative model to ensure gender equity in CFR governance. Realizing that mandating the representation of 50 per cent women in meetings or committees is not enough to solicit active participation of women, often due to socio-cultural constraints, where men dominate public fora, the village has decided to hand over the management of their CFRs to men and women on a rotational basis. Starting October 2017, a group of 38 women from the village is responsible for all conservation and management-related decisions for the village's CFR area. The group will manage all aspects of bamboo trade, including stock taking, marketing, book keeping, tax filing, etc. The group will also have autonomy to decide the utilization of profits from bamboo.

Considering that women are already overburdened with their household work, tasks demanding time and physical labour, such as forest patrolling, would be performed exclusively by men. A small honorarium has also been fixed for the women so that their day-to-day livelihood activities are not affected. A conscious decision was also taken to make women a part of the knowledge

Traditionally, tendu collection was done by setting fires in the forests, so that the maximum number of leaves could be obtained easily. After the grant of CFR rights, the village banned tendu collection because the villagers felt it was wasteful utilization of forest resources and the end product (beedis) are also a health hazard



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creation process in CFR governance. Accordingly, a committee of 10 members, eight of them women, was constituted for the purpose of carrying out stock mapping of the vegetation in the CFR area.

Benefits of CFR initiatives

Panchgaon has already reaped significant social and economic benefits from its CFR initiatives. The CFR regime has provided tremendous livelihood opportunities to the villagers—bamboo alone has created a huge fund for the gram sabha, to the tune of Rs 1.06 crore in four years, as described in *Table 3: Turnover and profits from bamboo for the Panchgaon gram sabha*. The annual income from bamboo has averaged Rs 20,000 per household.

The utilization of profits by the gram sabha provides interesting insights into its vision for forests and its people. Some of the profits have been ploughed back to carry out forestry activities such as establishing fire lines and plugging gullies, to improve the health of the CFR area as well as to create employment for villagers. Though emigration still takes place during monsoons, the scale has reduced significantly.

Going a step further, the gram sabha has also invested its profits in sending a few members to Nagpur to learn the skill of treating bamboo to make it fit for use in the construction industry. The equipment required for treatment has already been purchased, and trained members have started treating bamboo in the village. ‘A treated bamboo pole will fetch three times the price of an untreated one,’ says Vijay Dethe from the non-profit Paryavaran Mitra.

Panchgaon has bought 5.5 acres of land to build an office and a bamboo shed for storage of and value addition to NTFPs. The village also spent Rs 2 lakh from its profits in 2015–16 to organize a ‘gram sabha premier league’—an inter-village *kabaddi* tournament to promote sports. Scholarships have been planned for needy students from the village, on the condition that they utilize the lessons learnt from their education for the development of the village. Such decisions are taken collectively by the village in gram sabha meetings.

Panchgaon claims that the forests in its CFR area are much healthier now compared to 2012 as a result of their protection and conservation efforts. ‘The density of forests has increased. *Tendu* trees would not grow this tall in the past,’ says Rekha, pointing to a full-grown *tendu* tree.

Table 3: Turnover and profits from bamboo for the Panchgaon gram sabha

Year	Turnover from the sale of bamboo (in Rs lakh)	Wages for bamboo harvesting (in Rs lakh)	Profit for the gram sabha (in Rs lakh)
2013	6.33	1.25	5.08
2014	33.89	12.86	18.62
2015	61.7	12.05	45.56
2016	51.22	20.42	30.8
Total	153.14	46.58	106.56

Source: Panchgaon gram sabha register

Table 4: Bamboo boom in Panchgaon's CFR area

Year	Long bamboo (poles)*	Bamboo bundles**	Weight of bamboo (MT)	Revenue (in Rs lakh)	Revenue (Rs/ MT)
2013–14	29,578	8,100	249	6.33	2,544
2014–15	136,710	23,200	947	33.89	3,580
2015–16	222,000	12,450	1,177	61.7	5,243
2016–17	337,825	25,248	1,881	51.22	2,723
Total	696,535	60,898	4,004	153.14	

*Long bamboo comprises of poles above 18 ft in length. 40 running meters of such bamboo make 30 kg in Chandrapur

**Bamboo bundles comprise of sticks with length less than 2 m. 70 such bundles make a MT in Chandrapur.

Source: Analysis based on data collected from Panchgaon's Gram Sabha audit registers.

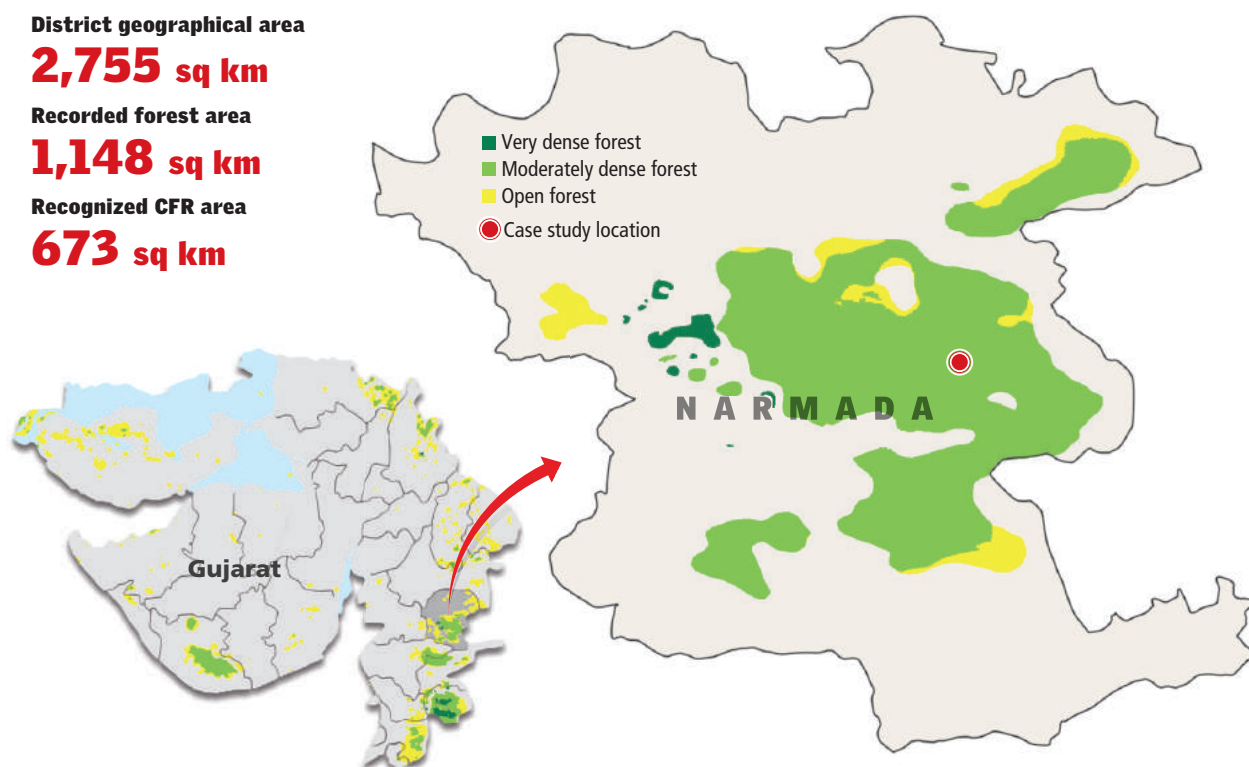
In a significant case of economic empowerment, the village only sells its bamboo through open tender and has successfully managed to negotiate higher prices, from Rs 2,544 per MT in 2013 to more than double at Rs 5,243 in 2015. The biggest user of Panchgaon's bamboo is the agricultural sector, which was badly hit by the drought in Maharashtra in 2016. As a result, the demand for bamboo in 2016 was low and the gram sabha agreed to sell it at a lower price. The village has also paid taxes amounting to more than Rs 8 lakh from bamboo in the form of value added tax and tax collection at source to the government in the first four years of bamboo harvesting.

Panchgaon is also determined to change the power relations between the village and the forest department. 'Whether it is the forest guard or the Chief Conservator of Forests, they have to sign our registers before entering the CFR area,' said the members. Panchgaon is demanding that the funds allotted to the forest department for managing the forests now recognized as CFR should be diverted to the gram sabha. 'After all, our gram sabha is managing these forests now,' its members argue.

Issues and challenges

Panchgaon is a successful CFR model that provides useful lessons for the rest of the country. The village has not had an easy ride, especially when it tried to sell bamboo in the first two years. Conflicts with the forest department were commonplace, though relations have improved now. The department, however, did not seem to understand the paradigm shift in forest governance under CFR. 'Residents of Panchgaon act like the managers of the forest. Our forest guards have to sign their registers even when they are only doing their duty of protecting the forests. The village should also seek our scientific inputs on forest management,' said district officials of Chandrapur forest division.

In fact, the village has not had any government support, financial or technical, in its CFR governance process other than the guidance from the local non-profit, Paryavaran Mitra. While Panchgaon's self-governance has been enabled by formally recognized rights over its CFR, strong leadership and resource-rich forests, the village can benefit further from external support such as convergence of MGNREGA in the CFR area. Panchgaon seems more than capable of developing a convergence plan, if encouraged and supported by the district administration.



NARMADA DISTRICT: Watershed approach

GUJARAT—A BRIEF OVERVIEW

Number of districts: **33**

Geographical area: **196,022 sq km**

Recorded forest area: **19,113 sq km**

Forest cover: **7.48 per cent**

INDIVIDUAL FOREST RIGHTS (IFR)

No. of title deeds: **81,178**

Area under IFR: **127,068 acres or 50,827 ha**

COMMUNITY FOREST RIGHTS (CRs)

No. of title deeds: **3,516**

Area under CRs: **1,161,350 acres or 464,540 ha**

In the Shoolpaneshwar Wildlife Sanctuary located in the Dediapada and Nadod taluks of the Narmada district, the rights of 62 villages over an area of 44,378 ha under FRA were recognized in 2013–14. Of this, IFR titles had been issued to 3,105 households over 3,656 ha as of November 2016. The total area of the sanctuary is 60,700 ha, of which CFR now covers 67 per cent.

Brief socio-economic profile

The number of villages inside and around the periphery of the sanctuary officially totals 103. Only 75 of these villages are inhabited though, as the remaining were either submerged during the construction of the Sardar Sarovar Dam project, or vacated as a result of lack of livelihood opportunities. The approximate population of these villages is 49,000; 85 per cent

population belongs to the tribal communities of Vasavas and Tadvis.

Nearly 70 per cent households own agricultural land used for growing both subsistence and cash crops. The most popular cash crop is corn. A variety of pulses, especially *tur*, are also widely grown. However, agricultural production is insufficient to sustain the economy of the villages, and wage labour constitutes another significant source of income. Seasonal migration to the neighbouring

cities of Surat and Bardoli is common. The locals also supplement their income through the sale of NTFPs, of which *tendu* (known as *timru* in the region) leaves, and *mahua* (known as *mahuda* in the region) seeds and flowers are the most important. A majority of households own cattle, but the incomes from animal husbandry are small.

Status of forests—pre-CFR scenario

The wildlife sanctuary has a rich, diverse ecosystem harbouring both moist and dry mixed deciduous forests and forms the catchment of the Sardar Sarovar Dam. More than 600 plant species as well as 231 bird species, 21 mammal species, 19 amphibian species, 17 species of fishes and 16 species of reptiles live in the area. The sloth bear and leopard are the flagship species in the sanctuary, though the forests are also home to other wildlife such as the barking deer, four-horned antelope, Indian grey mongoose, palm civet, jungle cat, common jackal and Indian fox. There are also several streams and rivulets in the sanctuary supporting a luxuriant vegetation.

The villages in the sanctuary are heavily dependent on forests to meet their subsistence and livelihood needs. Most households are *kuccha* and made from bamboo, with a small amount of timber from the forest thrown in the construction mix. The villages get fuelwood from the forest and use it as grazing ground for their livestock. They also collect NTFPs such as *mahua* and *tendu* from the forest and sell them. The Gujarat State Forest Development Corporation is the biggest buyer of the NTFPs in the state, though local shops in the taluks also purchase small amounts.

Eco-development committees (EDCs) were constituted in the villages to reduce dependence of locals on forest resources and solicit their participation in the protection of forests and wildlife. The performance has been mixed and dependent on the sincerity and sensitivity of individual forest officials. There are three eco-tourism sites in the sanctuary, managed by the EDCs. In the Fulsar range, EDCs have good working relations with the forest department. In the Piplod range, locals complained about high-handedness of forest department officials. ‘They distributed pressure cookers, but only to select households. They laid pipelines in areas where there was no water. The forest department would choose only such people to become the presidents or secretaries who would take orders from the department and execute them without questioning,’ complained members of a few gram sabhas who viewed the functioning of EDCs as corrupt. There was a sense of distrust regarding EDCs among these villages.

Shoolpaneshwar Wildlife Sanctuary harbours a rich, diverse ecosystem and is inhabited by 75 villages dependent on the forests for their sustenance and livelihood



SHRUTI AGARWAL/CSE

CFR initiatives

In the first year, from April 2014 to June 2015, 16 villages inside the sanctuary harvested 96,319 MT of bamboo and earned Rs 185 million in revenue. The huge production of bamboo in the first year was due to its gregarious flowering—in the second year, the quantity of bamboo harvested was reduced to 34,703 MT. Acting on a suggestion by the forest department, 12 of these villages have decided to plough back 30 per cent of the profits into forest protection, while the remainder is used for community development. The other four villages are working together with another 14 villages to develop their own CFR management plans, facilitated by the local non-profit ARCH Vahini.

Though the returns from bamboo marked the entry point of these villages into CFR management, there are rules to prevent overexploitation of bamboo for economic gains. For instance, it has been mandated that only dead or dry bamboo would be removed from CFR areas. Harvesting of green bamboo is strictly prohibited and attracts fines from the gram sabhas. The cut on a bamboo culm has to be made between the first and second node above the ground level so that water is not logged in the culm, which can adversely impact the entire bamboo clump.

It has been less than three years since the recognition of CFR rights, and the villages are yet to implement their CFR management plans. The process has, however, been initiated and the communities are keen to adopt a watershed approach to manage their CFR areas.

The first step was to constitute CFRMCs which would map the CFR boundaries of their villages. Supported by ARCH Vahini, members of at least 18 villages have learnt how to use GPS. The next step was to identify and map areas of intervention in the CFR areas, based on the traditional knowledge and experience of the villagers. One of the most important activities proposed in CFR areas is protection from forest fires. The villages are carrying out stock mapping of vegetation in their CFR areas.

‘The major reason for forest fires is the burning of crop residues after harvesting. This can be checked if people dig pits around their fields before burning,’ said a leader of a CFRMC. ‘In the event of a forest fire, we can trace the field that caused it. If its owner has not taken measures to check the spread of crop fires, they will be fined by the gram sabhas,’ he continued. Fire lines inside CFR areas have also been proposed.

SWC and plantations have also been planned. The idea behind the SWC measures is to slow down the flow of streams before they flow into the river—*nala* bunding where the stream is thin and check dams where the stream expands. Trenches were also proposed along the contours and plantations would be placed below the trenches. The villages believe these measures will benefit forest vegetation tremendously. The preferred species for plantations are bamboo, *tendu*, *sitafal* and *bija* (*Pterocarpus Marsupium*).

The communities are aware that the proposed plantations would have to be protected from forest fires, grazing and damage by wildlife, especially wild



ARCH VAHINI

The remunerative return from the sale of bamboo has generated a sense of ownership and enthusiasm among gram sabhas towards management of CFR areas in Shoolpaneshwar Wildlife Sanctuary, even in villages that are yet to receive economic benefits from their CFR areas

boars and sloth bears. While the first two threats can be minimized through appropriate management strategies, there is no consensus yet on the best way to stop wildlife from damaging new plantations.

Some villages have also proposed other unique activities. For instance, the village Kanjhi has mapped lands which had been encroached upon by members of its gram sabha after 2006 and decided to convert them into plantations. Another village, Mathasar, has decided to close a part of its CFR area, where bamboo flowering had happened a couple of years earlier, to its members, to allow natural regeneration. Previously, these villages used to carry out some of their proposed CFR interventions under MGNREGA through the forest department. However, the villagers said that forest department only carried out 'showcase activities' and would not implement SWC measures deep inside the forest. The gram sabhas, therefore, decided to act on their own and start from the interior of the forest in implementing their management plans.

The leaders also tried to explain the reasons behind the failure of the forest department's plantations inside the sanctuary in recent years. 'The timing of

plantations is not right. It should ideally be done immediately after the first rains, when there is both moisture and warmth in the soil, which any new sapling needs to grow,' they opined. The villages will use this knowledge to carry out plantations in their CFR areas.

Benefits of CFR initiatives

Most CFR initiatives have not been initiated as gram sabhas are yet to receive financial assistance for the implementation of their CFR management plans. It is, therefore, too early to assess benefits. The remunerative return from sale of bamboo has generated a sense of ownership and enthusiasm among gram sabhas towards management of CFR areas; even in villages that are yet to receive economic benefits from their CFR areas. Communities have also learnt to use GPS and are using this skill to identify and map regions requiring intervention inside their CFR areas.

In four years, 31 villages have earned over Rs 28 crore from the sale of bamboo. A paper mill has struck an arrangement with some gram sabhas wherein it undertakes the task of hiring labour and paying wages, while the gram sabhas

Supported by ARCH Vahini, members of at least 18 villages have learnt how to use GPS. The next step was to identify and map areas of intervention in the CFR areas, based on the traditional knowledge and experience of the villagers



ARCH VAHINI

Table 5: Turnover from bamboo to gram sabhas in Shoolpaneshwar in 2013–17

Model	No. of villages	Quantity (MT)	Total income (in thousand rupees)	Wages (in thousand rupees)	Net income to the gram sabha (in thousand rupees)	Average net income per MT (in rupees)	Average wages per MT (in rupees)
Mill-led	18	131,508	2,56,006	1,67,238	88,767	675	1,272
Gram sabha-led	13	10,352	29,360	15,527	13,833	1,336	1,500
Total	31	141,860	2,85,367	1,82,765	1,02,590		

Source: ARCH Vahini, Gujarat

supervise the bamboo harvesting process and receive a fixed royalty of Rs 675 per metric tonne (MT). Every individual involved in the harvesting process is also paid Rs 1,275 per MT by the mill.

Thirteen gram sabhas have decided to experiment with an alternate model wherein they are in charge of the entire process. Instead of receiving a royalty, these gram sabhas negotiate the prices of bamboo with the mill every year. From Rs 2,625 per MT of bamboo in 2014, these gram sabhas had negotiated a price of Rs 2,875 in 2016 with the mill. Despite paying a higher wage of Rs 1,500 per MT to its members, the income to these gram sabhas has been Rs 1,336 per MT, more than double of what the other gram sabhas get in royalty (see *Table 5: Turnover from bamboo to gram sabhas in Shoolpaneshwar in 2013–17*).

Issues and challenges

Lack of convergence in CFR areas: Of the eighteen villages, only five have an abundance of bamboo in their CFR areas and can afford to divert some of the profits into CFR management. Some of the gram sabhas have finalized their CFR management plans and have also prepared budget estimates for carrying out different watershed activities in their CFR areas. Sagai village, for instance, has budgeted Rs 3.92 crore for interventions such as boulder gully plugs, check dams, contour trenches etc. in its CFR area of 878 hectare. Question marks, however, remain on where to source funds for these plans. The district has no convergence plan for FRA.

Power structures: Eighteen gram sabhas in the Piplod and Sagai ranges have almost finished developing roadmaps for sustainably managing their CFR areas. The forest department has, however, shown no enthusiasm to support these villages in CFR management. In a meeting of CFRMC leaders in the last week of November 2016 to discuss CFR management plans, the communities invited the divisional forest officer (DFO) to provide inputs on their plans, which the DFO refused to attend. The latest management plan of the Shoolpaneshwar wildlife sanctuary for the period 2016–26 has also made no mention of supporting gram sabhas in managing their CFR areas.

District geographical area

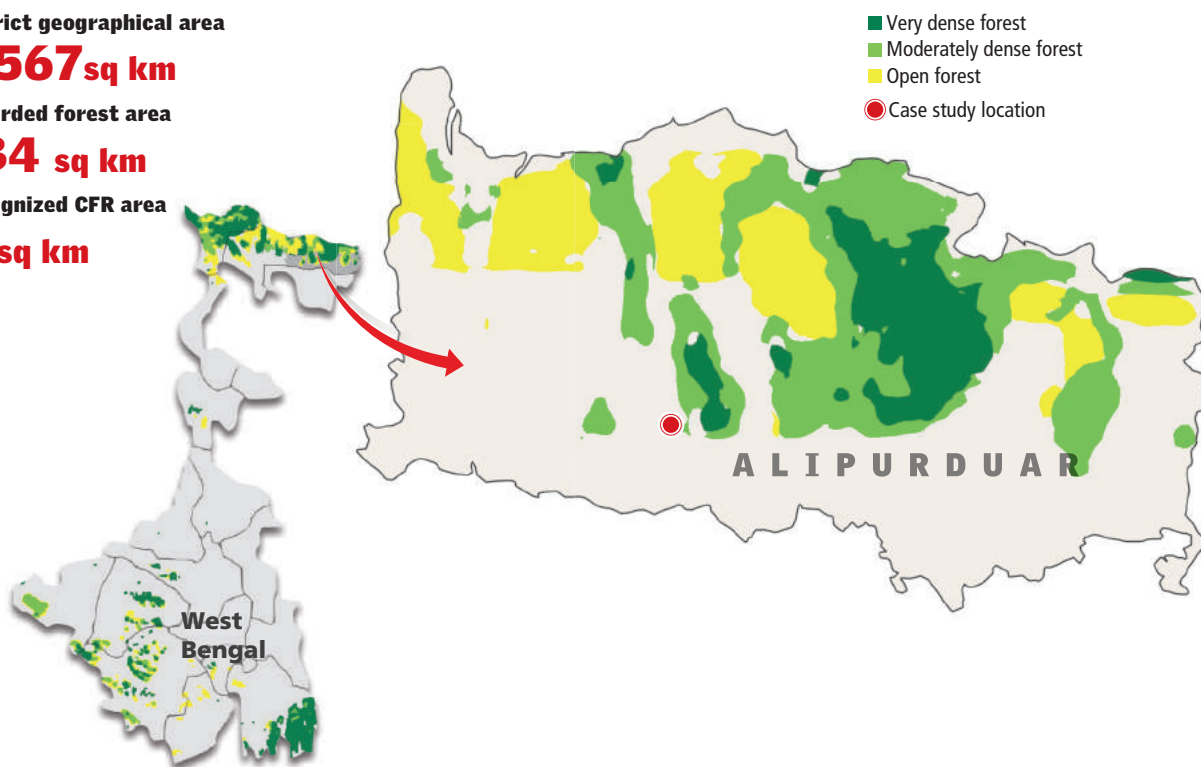
2,567 sq km

Recorded forest area

734 sq km

Recognized CFR area

0 sq km



ALIPURDUAR: 'Scientific' vs traditional

WEST BENGAL—A BRIEF OVERVIEW

Number of districts: **20**

Geographical area: **88,752 sq km**

Recorded forest area: **11,879 sq km**

Forest cover: **18.96 per cent**

INDIVIDUAL FOREST RIGHTS (IFR)

No. of title deeds: **44,444**

Area under IFR: **21,014 acres or 8,442 ha**

COMMUNITY FOREST RIGHTS (CRs)

No. of title deeds: **686**

Area under CRs: **572 acres or 229 ha**

West Bengal is considered the pioneer in introducing community participation in forest management, leading to the evolution of JFM. The state's performance in implementing FRA, however, has been quite poor. In North Bengal, a movement of forest villages to assert their traditional rights on forestland has been quite a struggle as the state refuses to recognize their CFR rights even 10 years after the Act came into force.

Brief socio-economic profile

The forest villages CSE visited are located in and around Jaldhpara national park of Coochbehar forest division comprising predominantly of the tribal community, Rabhas. Bodos and Santhals (called adibasis in the region) are also present and the villages have a varying mix of the different communities.

Traditionally shifting cultivators, these communities were 'settled' into forest villages by the government in the first decade of the 20th century. Each household in the forest villages was allotted a fixed plot of land of less than five acres area. As the population expanded, the landholdings reduced. Most of the households in the forest villages now own small plots of land on which they grow paddy, areca nut, vegetables etc.

Given its proximity to the national park, crop damage by elephants and rhinoceros is rampant, causing heavy revenue losses to the communities. As a means towards improving revenue, a few villages have started experimenting with teak plantations on small patches of their farmland (see *Box: Aspirations from IFR lands*). Landless households obtain livelihood from wage labour in forestry and other sectors. Employment in wildlife tourism operations also sustains a small percentage of the population.

Status of forests—pre-CFR scenario

Situated in the foothills of Eastern Himalayas, the semi-evergreen forests around these forest villages host grasslands, streams and sandy river banks. River Torsha flows through the park. Jaldhapara is famous for its Greater Asian one-horned rhinoceros. Other wildlife includes elephant, swamp and hog deers, boars, gaur, common macaque etc.

The pre-CFR scenario needs to be understood in the context of the history of forest villages in the region. During the British times and until the 1980s, the primary objective of forest management was to maximize timber production. Shifting cultivators were settled into forest villages by the forest department for two reasons: a) to discourage their practice of setting small forest fires for cultivation, seen as a threat to forest department's plantations and, b) to utilize their labour in forestry operations. The forest villages had to provide their labour free of cost in exchange for land allotted for cultivation—a highly unpopular system called *begar*.

Forest villages raised plantations in the jungle through a system of intercropping (also understood as *taungya*). This system called for clearing pre-marked forest coupes and replacing them with plantations of timber species. Seeds of tree species were sown in rows six feet apart and agricultural crops were planted between the rows for three–four years. When the plantations reached the age of six–seven years, two rounds of thinning would happen, allowing the stronger trees to stay standing. From the foresters' point of view, such plantations were considered to be more successful than those raised by paid labour, but they were low in values such as biodiversity and food as the forest department prioritized teak and sal instead of native timber species. The loss in biodiversity in forests also resulted in increased incidence of crop damage by wildlife in the region.

'As a kid, I would take our cattle to the forests for grazing. I have seen rhinos play with *semal* (*Bombax ceiba*) trees and eat the flowers as they dropped. But the forest department said that the thorns of the *semal* trees hurt the rhinos and cut them down. Now the rhinos come to our fields,' recalled a member of the Kurumai basti.

Forest villages in North Bengal were allotted small plots of land for cultivation in exchange for free labour they provided for plantations of the forest department



SHRUTI AGARWAL/ CSE

Meanwhile, the system of *begar* continued in the post-British era too. A huge movement started against this exploitative system across all forest villages in North Bengal, leading to its abolition in 1971. The relations with forest department, however, continued to be strained.

With the enactment of the Wild Life (Protection) Act, 1972, restrictions were placed on the forest villages which depend on forests for fuelwood, grazing, fishing, medicinal plants, small timber and other NTFPs. The advent of JFM in the region under the name of forest protection committees (FPCs) in the 1990s also could not do much to improve the relationship. In most forest villages, huge allocations were made in the name of FPCs but the utilization of funds was poor. Garobasti, for instance, received Rs 27 lakh from 1998 to 2002 for community development activities but managed to spend only Rs 12 lakh. The forest villages say that the plantations raised by FPCs were not very successful, as intercropping was discontinued. Meanwhile, forest villages found their members being implicated for rhinoceros poaching and illicit timber felling—often false charges. The CFR regime provided an opportunity to the forest villages to free themselves from the high-handedness of the forest department.

CFR initiatives

Since 2008, 12 forest villages have been asserting their rights of protection and conservation of forests within the Chilapata forests of the Coochbehar forest division. As a first step, these villages constituted gram sabhas and appointed committees under Section 4(1)(e) of FRA. The gram sabhas filed CFR claims in 2008–09 and passed resolutions under Section 5 of FRA to protect and preserve forests and plantations raised by them from clear felling coupe (CFC) operations of the forest department.

In 2014–15, rotational and voluntary patrolling of forests commenced. Some gram sabhas issued cards to their members, authorizing them to patrol and protect the forests. The gram sabhas also strongly resisted the timber coupe felling operations of the forest department in the forests claimed under CFR and mandated that no felling could happen without their permission. These efforts were partially successful. Most villages managed to successfully oppose the coupe felling operations of the forest department until 2013–14. In 2014, CFC had been planned in 34 hectares of forests claimed under CFR by the village North Khairabari. The forests of the village have traditionally served as corridors for elephants and the disturbance to the existing vegetation was likely to aggravate human–elephant conflict, which had already been increasing in the region. The village compelled the forest department to seek the permission of its gram sabha and carried out a survey of the trees marked by the department for felling. As more than 1,400 trees of native species would be cut down, the gram sabha refused permission to the forest department. Similarly, in 2013, Mantharam successfully stopped CFC in 52 hectares of forests in its CFR area.

These forest villages have unique aspirations from their CFR areas. ‘If we are given CFR rights of protecting and managing forests, we will revive the biodiversity of forests. We will use our traditional system of intercropping to raise plantations of mixed species which are useful to wildlife,’ says Sunder Singh Rava of Kurumaibasti. Trees like *semal* (*Bombax ceiba*), *kadam* (*Anthocephalus*

cadamba), *shisham* (*Dalbergia sissoo*), *khair* (*Acacia catechu*), *baheda* (*Terminalia bellirica*), *jarul* (*Lagerstroemia speciosa*), *chikrasi* (*Chukrasia tabularis*), and *dumur* (*Ficus carica*) are the preferred species for plantations.

The forest villages believe that intercropping is a tested and effective way of raising successful plantations and that mixed vegetation will reduce human-wildlife conflict. They have also proposed a few reforms to their traditional system to make it a more sustainable practice:

- Intercropping should only be done in open forests instead of clearing forests as used to be the case in the past. A patch of open forest cannot be used for more than three-four years for cultivation.
- Care should be taken to ensure that upcoming or regenerating trees are not affected or damaged due to intercropping.
- Crops such as paddy, which demand more nutrients from the soil, should not be allowed in intercropping as they can adversely impact the growth of newly-planted as well as naturally-regenerating trees. Vegetables can be cultivated.
- Households with no or very little land should be allowed to do intercropping in forests.

Intercropping on forestland is a traditional skill of the Rabha community in North Bengal which they now seek to revive under the FRA



SHRUTI AGARWAL/CSE



SWARUP SAHA/ AIFM

Forest villages in North Bengal continue to face harassment from the forest department for collection of forest produce

Benefits of CFR initiatives

‘Our forests are better now. You should have seen them before 2008,’ said Mahesh Rava from Kodalbasti. The termination of coupe felling activities has allowed natural regeneration of native species, say locals. The improvement in the quality of forests has been the most significantly perceived benefit of the CFR initiative. ‘We stopped illegal removal of boulders and sand from the rivers as well,’ Mahesh Rava continued. Forest villages also claim that the incidents of rhino poaching had reduced significantly during the time these villages carried out forest patrolling.

The lack of formal CFR titles has, however, severely curtailed the ability of these forest villages to exercise their rights of protection and management of forests. The long-term benefits of CFR initiatives are, therefore, difficult to assess.

Issues and challenges

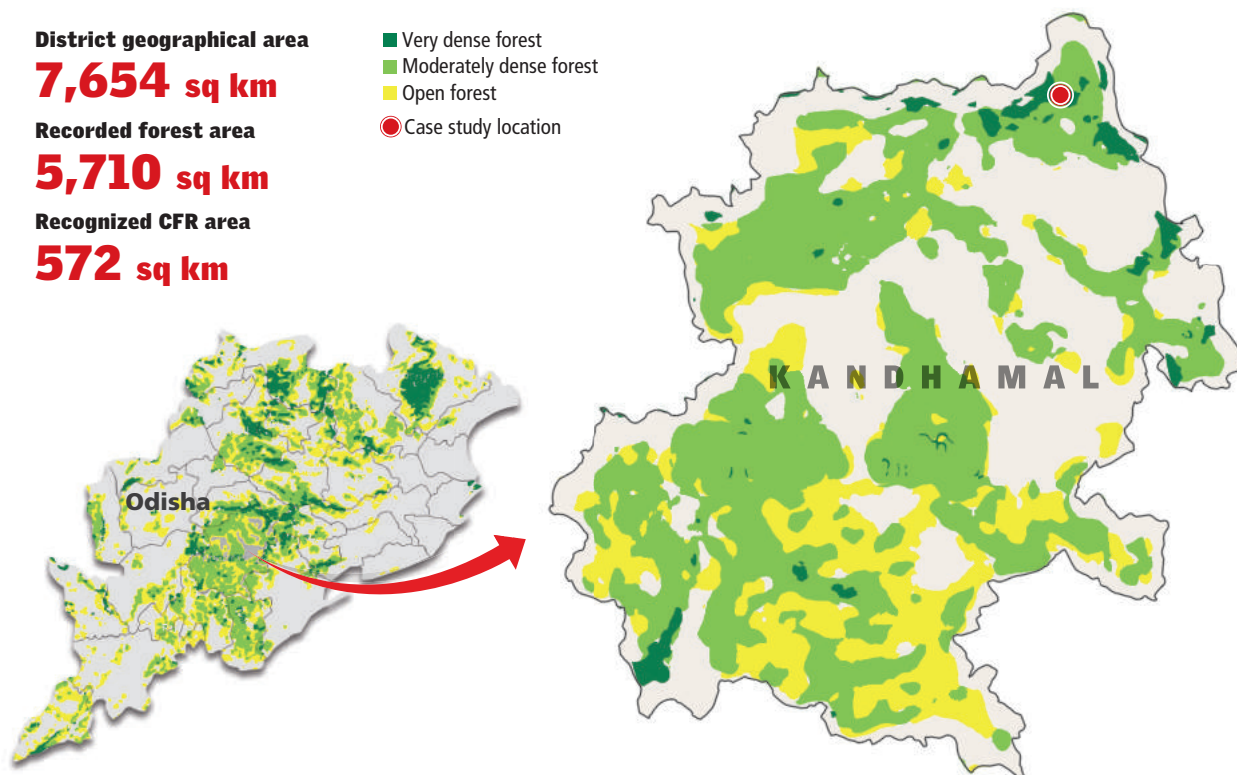
Movement losing momentum: The forest villages in Chilapata have already faced a number of challenges in the exercise of their CFR rights. Eight years after they first started the struggle for rights in forests, there is a sense of disillusionment about FRA. Some of their members are now divided in their stand, especially

with the re-introduction of JFM in 2015. CFR rights have not yet been recognized, the authority of gram sabhas is frequently challenged, livelihood benefits from forests have been negligible, and conflicts have continued. With its promise of benefits such as Indira Awas Yojana for housing, searchlights, tin sheets etc., JFM has gained popularity among these members. Other members view JFM suspiciously as a parallel institution created to undermine FRA and continue to resist the constitution of JFMCs in their villages. The heterogeneity of the population has also played a role in the breakdown of unity in some villages and a once strong movement is slowly losing momentum.

Discouragement and harassment by the forest department: Forest department officials harass and threaten villagers for carrying out voluntary patrolling of forests, stating that it is the department's job. In some villages, police cases have been filed against leaders of the gram sabhas. Kodalbasti, for instance, had put up a community forest signboard prohibiting felling in and entering into forests claimed under CFR without the gram sabha's permission. The forest department filed a case against leaders of the village for putting a board on government property in 2010–11—the case was pending before the court as of March 2017. Leaders of Mantharam village were also charged with non-bailable offences under Indian Penal Code for resisting forest department's CFC operations.

Lack of livelihood benefits from CFR: Some forest villages reported restrictions and harassment in using the Chilapata forests for fuelwood, grazing, fishing or even NTFP collection. CFR claims of many forest villages fell within Jaldhapa wildlife sanctuary, which was notified as a national park in 2012, further aggravating the situation. 'Even though we know that we have rights in forests, the situation is the same as it was before FRA. People are scared of facing charges of illicit felling or poaching if they venture into forests. Forests are now patrolled by Central forces (CRPF),' said leaders of the Salkumar forest village, a member of which was framed for poaching in November 2016. The forest villages claim that forests provide enough to build a sustainable NTFP-based livelihood model, but the restrictions on NTFP collection have discouraged many from making full use of these opportunities.

Lack of conversion into revenue villages: Forest villages have long demanded conversion into revenue villages, which is provided for in Section 3(1)(h) of FRA. 'More than anything else, it would be freedom from the forest department,' say members of these forest villages. However, this provision too, has hardly been implemented. This has further shrunk the hopes of forest villages from FRA.



KANDHAMAL: Women-led NTFP collectives

ODISHA—A BRIEF OVERVIEW

Number of districts: **30**

Geographical area: **155,707**

Recorded forest area: **58,136**

Forest cover: **32.34**

INDIVIDUAL FOREST RIGHTS (IFR)

No. of title deeds: **411,082**

Area under IFR: **611,833 acres or 244,733 ha**

COMMUNITY FOREST RIGHTS (CRs)

No. of title deeds: **5,891**

Area under CRs: **894,189 acres or 357,675 ha**

In 2016, CFR rights of Madhikol, located in the Kandhamal district of Odisha, were recognized over 165.43 ha of forestland. Subsequently, tribal women from 12 villages of Jamjhuri panchayat in the Phulbani block of the district have organized themselves into collectives for trading NTFPs.

Brief socio-economic profile

Madhikol is a small village of 32 households comprising entirely of the tribal Desia Kondh community. Traditionally shifting cultivators, the Desia Kondhs now practice settled agriculture.

Almost all households own small plots of land averaging 1 acre on which a variety of millets, pulses and vegetables are grown, primarily for subsistence. The small landholdings do not produce surplus for sale, thus rendering agriculture inadequate as a source of cash income.

The village is heavily dependent on sale of NTFPs such as *mahua*, *tendu* leaves, *siali*, sal seeds, etc. for livelihood, supplemented by wage labour opportunities under MGNREGA. There is also a small trickle of emigration.

Status of forests—pre-CFR scenario

Madhikol's CFR area is surrounded by small hillocks that support dry deciduous forests of mixed vegetation. NTFPs, although diminishing, are found in abundance in its diverse forests. More than two decades ago, the bamboo in Madhikol's CFR area was leased out to J.K. Paper Limited at concessional rates by the state forest department. Bamboo is hardly available in the CFR area now. There is no significant wildlife presence in the area.

The lives and livelihoods of the tribal population in Madhikol are embedded in the forests. In addition to fuelwood for cooking, small timber for housing, and NTFPs for livelihoods, forests are also a source of food and medicinal plants. Prior to the area being earmarked as CFR, the members of the village would collect and sell NTFPs to local traders in individual capacities, though there was constant fear of the forest department. One of the most important NTFP, *tendu* leaves, was sold only to the forest department as it is a state monopoly. 'We would be encouraged by the forest department to set small fires to the *tendu* bushes before the plucking season,' said women from the village. Fires are believed to catalyze the production of fresh, green *tendu* leaves. 'If the forest department, with its mandate to protect forests, did not bother about these fires, we did not either,' the women continued.

CFR initiatives

In 2013, Madhikol was issued CFR title over an area smaller than what the village had claimed as its traditional boundary. The village filed a petition for review of the title and the corrected title over 165.43 ha was finally issued in 2016. During this time, the gram sabha constituted a committee comprising six women and six men for the protection, management and conservation of the CFR area. Rules were framed for the protection and management of the CFR, which included voluntary patrolling of forests, protection from forest fires and sustainable harvest of NTFPs.

In a significant move, the gram sabha passed a resolution to stop the practice of setting fires to *tendu* bushes in its CFR area before the plucking season. 'Fires destroy the new, upcoming plants of other important species. It is not worth it for obtaining just one forest produce,' the women of the village said.

Another major income-generating NTFP for the tribal women is *siali* leaf plates. Prior to being granted the CFR title, the women would stitch the leaves into plates and sell them to middlemen at throwaway prices of Rs 10 for 80 plates. In 2016, the village learnt about the demand for *siali* leaf plates from the German company,

Following the development of a liaison with Leaf Republic, a German green company, through the good offices of Vasundhara, a Bhubaneswar-based non-profit, the women collectives have started to obtain proper remuneration for the siali leaf plates they produce



SHRUTI AGARWAL/CSE

Leaf Republic through the Bhubaneswar-based non-profit, Vasundhara. Leaf Republic was willing to pay Rs 1 per plate to these women—an improvement of 92 per cent over the prices offered by middlemen. Facilitated by Vasundhara, tribal women from Madhikol formed a women's collective for marketing *siali* leaf plates. Together with women collectives from other villages of Jamjhuri panchayat, these women collectives earned Rs 50,000 from the export of *siali* leaf plates in 2016. 20 per cent of the revenue has been put aside as revolving funds.

Madhikol is also exercising its rights of protection of forest resources from any practice they deem destructive for its CFR area. For instance, *siali* is a climber, and often communities from neighbouring villages come to collect the bark of the tree, which is used for making ropes. In the process, they cut down the entire climber for its bark, destroying the leaves too. 'We have mandated that the leaves of *siali* have to be removed without cutting the bark or disturbing the climber. Those found violating this ruling, whether from our village or others, will be fined up to Rs 500,' the women said.

In 2016, the village also decided to experiment with the Centrally-sponsored scheme mandating minimum support price (MSP) for minor forest produce (MFP), launched in 2014 to ensure 'fair and remunerative prices to MFP

Women from the Desia Kondh Community have organized themselves into groups for the sale of NTFPs such as tamarind and are benefitting from the minimum support price scheme for minor forest produce



MADHAV JENA/VASUNDHARA

gatherers'. Until then, tamarind trees used to be leased to private traders at nominal rates—earning less than Rs 5 per kg of produce. The scheme fixed the MSP for tamarind at Rs 22 per kg—a whopping 340 per cent increase over what private traders offered. The women collectives decided to avail it. As they mobilized, and their member households in Madhikol and other villages in the panchayat began to sell tamarind to the authorized agency under the scheme, private traders began to panic and offered even higher prices than the MSP. Women collectives from the 12 villages in the panchayat finally sold 80 quintals (8 MT) of tamarind at Rs 25.50 per kg, bringing them an income of Rs 2,04,000. Realizing the potential of collective bargaining, Madhikol's gram sabha has decided that all major NTFPs would be sold exclusively through its women collective in the future.

The gram sabha also prepared and submitted a convergence plan for both IFR and CFR lands to the district administration in 2016. In its plan, the village has asked for support to regenerate bamboo and hill broom in its CFR area. 'Bamboo shoot is a delicacy for us but we have to travel long distances to collect it. We want our forests to be abundant with bamboo once again,' say the women. The village has also sought training under MGNREGA for protecting its CFR area from fires and asked for an NTFP storage and processing shed. Asked if they were interested in planting teak or eucalyptus in their CFR area, the women replied, 'If we plant these trees in our CFR area, the forest department will stake claim on them and find a way to disrupt our community-based forest management. Besides, mushrooms and tubers cannot grow under them. We are better off without such trees.'

Benefits of CFR initiatives

One of the biggest benefits of CFR in Madhikol has been the empowerment of tribal women. Working as a collective, these women are leading the CFR initiatives in the village. 'The women are now invited to monthly panchayat meetings to provide their views on plans to revive forest-based livelihoods,' states a Vasundhara report. The NTFP collectives are now active in at least 15 of the 22 villages in the panchayat.

Most CFR initiatives are new and the bigger impacts on local ecology and livelihoods will be visible only in the years to come. A few changes have already been noticed, though. The district administration has approved the convergence plan of the gram sabha and expressed its commitment to support it. Collective bargaining power has improved the economic returns from NTFPs with private traders offering better prices for NTFPs previously procured at incredibly low rates. As a result of stopping the practice of setting fires to *tendu* bushes, the natural regeneration of other species has improved. Women, the primary gatherers of *tendu* leaves, also felt that *tendu* production had not gone down despite discontinuing the practice of forest fire. The incidence of forest fires has also abated in the village.

Issues and challenges

Madhikol is turning out to be a model CFR village offering useful lessons for CFR governance. The issues in CFR management are mostly government-related, as discussed below.



SHRUTI AGARWAL/CSE

Madhikol gram sabha has listed regeneration of bamboo and hill-broom grass in their CFR management plans

Lack of convergence on CFR lands: The focus of convergence programmes after the recognition of forest rights has been limited to IFR lands. While MGNREGA funds have been directed for improving the productivity of IFR lands, no such external support has been sanctioned for CFR lands yet. In fact, the nature of convergence on IFR lands had come under criticism for the attitude of the government to dump schemes that are not always locally appropriate. For instance, the horticulture department cut down *mahua* trees on IFR lands of some right holders in order to plant hybrid mango trees on them. Tribal women of Madhikol consider *mahua* the most important NTFP and its cultural importance to the tribal community has been well-documented. With the potential of every mature tree to generate more than Rs 30,000 per year, the loss of even a single tree can be detrimental to local livelihood. It is hoped that the district administration is sincere about its commitment to implement the convergence plan prepared by the gram sabha.

Setback for the MSP scheme in 2016 guidelines: The guidelines for MSP on MFP, revised in October 2016, have reduced the MSP for important NTFPs. For instance, the MSP for tamarind has gone down from Rs 22 to Rs 18 per kg. This can be discouraging for tribal communities who had managed to negotiate a much better deal with private traders on account of the MSP scheme. While the government can perhaps brush off the change as a small reduction, it will definitely hurt the tribals whose journey towards economic empowerment had only just begun.

3. Insights into CFR governance

The case studies, though few in number, present a panoramic view of the aspirations and capabilities of communities in managing their forest resources. Enabled by the FRA, forest-dependent communities seek and have already started to derive multiple benefits from their management practices in pockets of the country. A range of factors such as local needs, livelihood benefits, traditional skills and knowledge, nature of dependence on forests, availability of forest resources, perceived threats to forest resources etc., have influenced the variety of objectives of CFR management in the districts visited by CSE.

In Amravati, CFR has created new economic opportunities for communities whose dependence on forests has been relatively small. The Panchgaon CFR experience is a good example of communities balancing their rights and responsibilities over forest resources to achieve both livelihood and ecological security. CFR rights in Shoolpaneshwar Wildlife Sanctuary have become a tool to demonstrate the impact of watershed approach on increasing the production of locally important species. Tribal women in Kandhamal are looking at CFR as a means to ensure food and livelihood security. In North Bengal, forest villages want to use CFR to maintain and restore diversity of forests so that damage to their crops from wildlife is reduced, and are confident of using their traditional skills of intercropping to raise plantations that are useful to wildlife.

It was also observed that the CFR management plans developed are very diverse, innovatively responding to local conditions. They range from a set of rules to be followed by all members of gram sabhas for the utilization, protection and management of forests and forest resources in Kandhamal, Chandrapur and North Bengal, to detailed and technical ten-year plan in Amravati, bearing similarity to the working plans of the forest departments.

In terms of forest resources for livelihood security, communities in the villages visited are interested in annual and short-rotation crops such as bamboo, *amla*, custard apples, *mahua*, *tendu*, *siali* etc. which will provide assured returns year after year. Long rotation crops of timber species did not emerge to be the preferred choice for plantations in the CFR areas for multiple reasons (see *Box: The timber debate in CFR management*).

Only one among the three dozen villages visited in the five case study districts had undertaken large-scale teak plantations in its CFR area. In North Bengal, where communities were keen to raise plantations of mixed species, including those with timber value in their CFR areas, native species such as *semal* and *khair* were preferred to high-value species such as teak or exotic species such as eucalyptus.

CFR rights were envisaged to achieve the dual objectives of livelihood security and forest conservation. When analyzed through this lens, the case studies suggest that CFR management is moving in the right direction.

THE TIMBER DEBATE IN CFR AREAS

Communities in the study area are not viewing their forests from a commercial timber perspective and, as such, timber did not emerge to be as highly valued as NTFPs. Members of most gram sabhas were of the opinion that there was enough timber in their CFR areas to meet local needs and that the protection of forests would lead to an increase in the timber availability in their CFR areas without the need for additional plantations. Plantations of timber species assume longer rotation cycles and provide one-time return after several years of protection and management. Certain species such as *dhawda* (*Anogeissus latifolia*), mango (*Mangifera indica*) and jackfruit (*Artocarpus heterophyllus*) are both a source of timber and NTFPs or forest food. Timber from forests is also the property of the state government and has not been listed explicitly as a right under FRA yet. These could also be factors for communities to prioritize NTFPs over timber in their CFR areas.

Within the network that works on FRA, it has been argued that the right to protect, manage and conserve a forest area cannot exclude the right for collection and sale of timber. There continues to be lack of clarity on whether gram sabhas can undertake the removal and sale of dead and dry trees of timber species from their CFR areas, if it has been incorporated in their CFR management plans already. At the time of reporting, no records were available on gram sabhas undertaking the sale of timber from their CFR areas. Meanwhile, states such as Maharashtra and Madhya Pradesh have issued village forest rules (VFR) to provide legal rights to JFMCs over forest products, including timber from forest areas designated as village forests or protected forests. Forest rights groups have argued that providing communities the rights over timber in villages governed under VFR while denying them in CFR areas could lead to discontent in villages governed under FRA.

FRA recognizes the right of forest communities to collect and sell NTFPs but not timber, which is the exclusive right of the forest department. However, several species of trees in the forest are a source of both timber, and NTFPs and food; this leads to legal and administrative complications



SHRUTI AGARWAL/ CSE

Is CFR governance helping forest conservation?

Forest-dependent communities in the study area have adopted a set of practices to manage their CFR areas, among which protection from forest fires and the protocols for sustainable harvest of NTFPs are common to most gram sabhas. For subsistence-based NTFPs and forest foods, especially in Odisha, the traditional methods of collection are considered sustainable. Patrolling of forests throughout the year, especially during the fire season, and creating fire lines in CFR areas are documented practices under the management plans, rules and resolutions of these gram sabhas. In Shoolpaneshwar, gram sabhas have mandated the collection of only dead and dry bamboo. In Panchgaon, the rotational felling of bamboo is practiced in a way so as to allow eight culms of bamboo per clump to be retained. The practice of setting fires to the economically lucrative *tendu* bushes to enhance *tendu* leave production has been discontinued in Kandhamal and rules have been established regarding the harvest of *siali* leaves without destroying the climber. Gram sabhas in Amravati and Chandrapur have also reserved forests within their CFR areas to be kept free from all kinds of biotic pressures to allow local biodiversity and wildlife to flourish. There are restrictions on grazing in areas where plantations have been carried out or natural regeneration of locally important species is happening. In Amravati, villages have removed invasive species *Lantana camara* to promote the growth of native species. In North Bengal, forest villages have been opposing timber coupe felling operations of the forest department, which they believe adversely affect local biodiversity and wildlife.

Members of these gram sabhas have reported an improvement in the health and density of their forests as a result of their management practices. There are fewer reported incidents of forest fires, and natural regeneration of local species is resulting in an increased abundance of all kinds of forest resources useful to communities for subsistence and livelihoods. According to local communities, wildlife not seen in years has returned to CFR areas in Amravati. A scientific assessment would be needed to evaluate if CFR management is actually sustainable and whether the rate of extraction of forest resources is less than their production or regeneration rate. However, the community management practices and perspectives are indicative of the fact that there is a concerted effort to sustainably manage and conserve forest resources.

Is CFR governance providing livelihood security?

Never before in the history of Indian forest administration had forestry emerged as a major source of livelihoods for forest-dependent communities like it has under FRA. It is also the first time that the right to benefit from economically important NTFPs, including bamboo, have been devolved to the communities. CFR rights have also ushered in an era of collective bargaining which has benefitted these communities immensely.

As the case studies have shown, gram sabhas have received more remunerative prices for custard apples (Amravati), bamboo (Shoolpaneshwar and Chandrapur), *siali* leaves and tamarind (Kandhamal) compared to the pre-CFR scenario. Bamboo, especially, fetches these gram sabhas huge economic returns with the annual turnover exceeding Rs 50 lakh for some of them. The profits from bamboo have been ploughed back to meet the development needs

ASPIRATIONS FROM IFR LANDS

This study does not focus on aspirations of people for IFR lands. However, some observations are in order. In the Shoolpaneshwar Wildlife Sanctuary, IFR title holders were confident that if support was provided for activities like land levelling and bunding, the productivity of their lands would significantly increase. Rule 16 of FRA provides for integrating forest rights holders into all government schemes, including those related to land development and productivity, basic amenities and other livelihood measures. The local population is keen to take up bamboo plantations on the slopes of their IFR lands, while hoping to improve the production of traditional food crops such as *tur* and corn.

In Kandhamal, the tribal community is leveraging convergence programmes on their IFR lands. Hence, in addition to subsistence crops of millets, pulses etc., a few households have planted mango and cashew provided by the National Horticulture Mission on their lands. Villages in Amravati district of Maharashtra are experimenting with custard and *amla* plantations on small patches of their land.

Timber species, however, did not emerge to be a preferred choice as a commercial crop for plantations on IFR lands. A probable reason for the lack of enthusiasm for timber plantations on IFR lands could be that there is little awareness and exposure provided to these communities on the prospects of plantations of popular relatively short-rotation farm-forestry or agro-forestry species such as teak, poplar and eucalyptus. In regions where such exposure is available, as in the case of North Bengal, agro-forestry has been steadily gaining popularity.

Rise of teak on IFR lands in North Bengal

The forest villages in Alipurduar district of North Bengal have been quite vocal about their opposition to teak plantations in the surrounding forests. Teak, grown as a monoculture, has replaced mixed natural forests in the region. Alipurduar district hosts two protected areas—Jaldhapa National Park and Buxa Tiger Reserve—and is home to several wildlife species such as elephants and the Asiatic one-horned rhinoceros. Forest villages around the Jaldhapa National Park have been witnessing increasing incidences of crop raiding by rhinoceros and elephants.

As a means to protect their agricultural fields from depredation by wildlife and improve revenue, almost all households of Mendhabari forest village in the Chilapata range of Jaldhapa Wildlife division have planted teak on a part of their farmlands. In fact, teak plantations on private

in some of these villages. Communities are learning to carry out competitive bidding of their NTFPs, as well as negotiating with buyers for better prices every year, resulting in economic empowerment of the communities.

In addition to revenue from NTFPs, the employment opportunities in CFR areas have also increased manifold under FRA, with evidence from Amravati and Panchgaon in our study to support the argument. In Shoolpaneshwar, too, gram sabhas are confident that the implementation of their management plan will create huge employment for its members in the CFR areas. In Kandhamal, the tribal population has demanded work under MGNREGA for fire protection and regeneration of bamboo and broom grass. The unique thing about such an employment model is that gram sabhas decide the work to be undertaken in their CFR areas—a bottom-up approach for livelihood development.

Though there is little doubt that CFR is creating economic opportunities and leading to livelihood benefits for the forest-dependent communities, it was

lands have become a trend among farmers in the last few years. Paddy fields interspersed with patches of teak trees is a common sight in the region now.

Based on the discussion with a few teak farmers from the village, it emerged that the practice has been to use one-fourth or less of the least fertile agricultural land for teak. As a general practice, 300 trees are planted on 3 *bighas* (1 acre) of land at a spacing of 12 ft x 12 ft. The final harvest is expected to happen at the end of 25 years. The locals estimate that at the time of the final harvest, only one-third of the crop would remain, i.e., 100 trees per acre. The volume of a 25 year old teak tree has been estimated at 35 cft or 1 cum. While studies suggest that the volume of 1 cum per tree can be obtained in prime quality teak only at the age of 45 years,¹ timber merchants in Alipurduar confirmed the estimation of the locals. Thus, one acre is expected to yield 100 cum in 25 years. When converted to hectares, the productivity of teak works out to 250 cum per ha in 25 years or 10 cum per hectare annually. This is an improvement over the highest productivity recorded from teak plantations in forests of India, which ranges from 0.7–7 cum per hectare annually.²



SHRUTI AGARWAL/ CSE



SHRUTI AGARWAL/ CSE

Teak plantations on farm lands have been gaining popularity in North Bengal

beyond the scope of this study to assess if these benefits were being shared equitably within the communities.

The success of CFR management in the villages visited needs to be attributed to the building of strong local leadership by local non-profits. The leaders were aware of rights over forest resources and the sense of ownership and responsibility towards forests was articulated clearly.

CFR governance experiences in other parts of India

CSE's study was limited to a sample number of villages, but in other parts of the country where CFR rights have been granted, communities are using a wide variety of intelligent approaches to sustainably manage their forests.

Among the first initiatives towards CFR management under the FRA framework was the development of a community-based tiger conservation plan in 2011 in the Biligiri Rangaswamy Tiger Reserve, Karnataka. The plan prepared by



AMITHA BACHCHAN/WGHE

Youth from the Kadar community have been trained by the Western Ghats Hornbill Foundation to carry out ecological monitoring of their forests

the Soliga community from 61 tribal hamlets, with the support of non-profits, included aspirations and support for three crucial aspects of CFR management—forest conservation, livelihood development and governance mechanism. The plan, however, did not see the light of the day due to the exclusionary approach of the forest department in the management of protected areas.¹

Aspiration and approaches

In the Vazhachal forest division of Kerala, youth from the particularly vulnerable tribal group (PVTG) of Kadars have been trained to carry out ecological monitoring as part of the ‘hornbill conservation programme.’ The community has mapped the distribution of the two most economically important NTFPs in their CFR areas—black dammar (*Canarium strictum*) and wild nutmeg (*Myristica fragrans*) and regulated the extraction levels of these NTFPs to ensure sustainability. The overall density of black dammar and wild nutmeg trees was found to be 5.2 per hectare and 14.2 per hectare respectively. The extraction rates, on the other hand, were found to be 0.4 per hectare and 0.57 per hectare respectively for the two species.²

In *tendu*-rich CFR areas of Gadchirolli, Gondia and Amravati in Maharashtra, more than 100 gram sabhas have passed resolutions to ban ecologically unsustainable practices of setting small fires and bush cutting to boost the production of *tendu* leaves.³ Similar to the case in Panchgaon, Mendha Lekha in Gadchirolli district, the first village in the country to receive CFR rights, has reserved 180 ha of its CFR area as ‘*Penegada*’ (forest of god).⁴ Several other villages in Gadchirolli, such as Temli, Yerandi and Lavari, have undertaken plantations of mixed species, especially bamboo, and SWC measures in their CFR areas.

Using CFR rights to ensure food security is also gaining traction. The village Dumerjor in Balangir district of Odisha has identified 97 forest foods whose availability has reduced in its CFR area. These include 13 species of tubers, 14 species of mushrooms, nine species of edible flowers, 26 species of fruits and 32 species of leafy vegetables.⁵ After the recognition of CFR rights, the communities have been sowing seeds of leafy vegetables in their CFR areas and conserving tubers towards the aforementioned objective. The CFR management plan of Bilapaka gram sabha in Mayurbhanj district of Odisha includes plantations of jackfruit species. In addition to being a source of food for the tribal communities in the region, the trees of jackfruit are considered good for water retention and enriching soil nutrients.⁶ Similar to the experience of forest villages in North Bengal, the resistance to timber coupe felling operations of the forest department has also been common in these CFR areas. In the Baigachak region of Dindori (Madhya Pradesh), the PVTG of Baigas has been protesting against such operations since 2004. Baigas are heavily dependent on forests and the community links the reduction of locally important species such as *mahul bel* (*Bauhinia vahlii*) in the forest and the drying up of water sources to coupe felling operations.⁷ In the Rajnandgaon district, the gram sabha of Sanauli did not allow the Chhattisgarh Rajya Van Vikas Nigam to carry out thinning in the forests recognized as the gram sabha's CFR area. The thinning exercise was removing native species such as *ain* (*Artocarpus hirsutus*) and *dhawda* (*Anogeissus latifolia*), which the Gond community of Sanauli viewed as useful to the local ecosystem.⁸

Other communities have been waiting for CFR title deeds for years now, despite submitting claims several years ago. Some of them have prepared management plans for the forest areas claimed under CFR. For instance, in the Banni grasslands of Gujarat, 47 Maldhari villages have claimed 2,500 sq km of the largest single stretch of grasslands in India. Traditionally pastoralists, the Maldharis have extensive understanding of the different grasses that grow in Banni and categorize grazing patches on the basis of soil types, salinity and the quality of water. The invasion of *Prosopis juliflora* in Banni, which was planted by the forest department to check the advance of the Rann,⁹ has adversely affected the distribution, abundance and productivity of different native grass species. The CFR management plans of the Maldharis include removal of this invasive species and regenerating local grasses sustaining livestock.¹⁰

As of December 2016, several tribal villages in the Daringbadi taluk of Kandhamal were in the process of filing CFR claims. These

Food security is an important objective of CFR management



APARNA PALLAWI CSE

villages are looking at CFR rights as a means to stop the state forest department from undertaking plantations of teak and eucalyptus on forestlands in the name of compensatory afforestation, as is rampant in their neighbouring areas.

Some of these villages have already started benefitting from CFR initiatives. In Baigachak, for instance, villagers have reported natural regeneration of *char*, *tendu*, medicinal plants, fuelwood, fodder and mushrooms as a result of discontinuation of coupe felling activities. One of the villages, Pondi, claims that forest protection has revived the perennial flow of streams in the Kasai Kund area of its forest.¹¹

Livelihood benefits

A 2006 study by the Institute of Economic Growth, New Delhi had estimated the all-India average value of NTFP extraction to be Rs 1,672 per hectare.¹² Assuming a conservative inflation rate of 5 per cent per annum, per hectare valuation of NTFPs in 2017 works out to Rs 2,859. In the CFR potential areas alone, the estimate of the gross value of NTFPs would be over Rs 9,890 crore, which is more than the combined budgets of the MoTA and the MoEF&CC for 2017. The potential of NTFPs to transform the economy of forest dwelling communities, thus, is immense. More evidence of this potential has also emerged from villages outside the CSE's study radius.

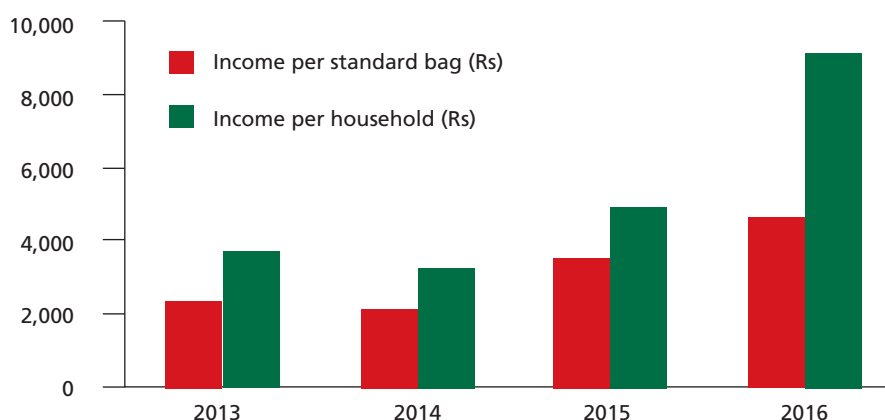
Mendha Lekha (Gadchirolli) witnessed a 43 per cent increase in the price of long bamboo in less than two years of trade, from Rs 23 per pole in 2011 to Rs 33 in 2012.¹³ The village also undertook activities like SWC and plantations under MGNREGA, which earned 80 households in the village nearly 7,523 wage days of employment in six months during 2012–13. This translates into 15 days of employment per month per household. Nine other villages from the same district, managing 7,919 hectare of forestland under CFR, earned over Rs 3.7 crore from the sale of bamboo alone in 2015–16. The details of turnover for these nine villages are provided in *Table 6: Bamboo turnover in Gadchirolli district in 2015–16*.

Table 6: Bamboo turnover in Gadchirolli district in 2015–16

Village	CFR area (hectare)	Turnover from bamboo in 2015–16 (Rs)
Bhimanpayli	1,973	40,53,960
Sonpur	347	5,73,610
Sawargaon	936	12,38,340
Dongargaon	265	8,84,640
Padyalajob	1,490	16,09,205
Mayalghat	1,068	1,17,78,670
Murkuty	440	9,13,995
Lakshmipur	662	1,43,40,535
Jhankargondi	738	20,96,080
Total	7,919	3,74,89,035

Source: Srishti, Gadchirolli, Maharashtra

Figure 2: Trend in the trade of tendu leaves by gram sabhas under CFR in Maharashtra



Source: Vidharbha Nature Conservation Society

In 2017, 140 villages in the Korchi, Dhanora and Gadchirolli taluks of Gadchirolli district organized themselves into a *Mahasangh* and carried out the auction of *tendu* leaves, fetching them Rs 17.1 crore in the first year. In Gondia district of Maharashtra, gram sabhas have been auctioning *tendu* leaves profitably under CFR since 2013. From 2013 to 2016, the turnover from *tendu* leaves exceeded Rs 3 crore and the average annual earnings for a village was a little over Rs 4 lakh. In 2013, 24 gram sabhas earned 47.92 lakh from the sale of 2,003 standard bags of *tendu* leaves, earning close to Rs 2,391 per standard bag. In 2016, 23 gram sabhas sold 3,277 standard bags for Rs 1.54 crore, fetching approximately Rs 4,710 per standard bag.¹⁴ One standard bag in this arrangement equals 1,000 bundles of 65 leaves each. Contrast this to the collection rate per standard bag paid by the Chhattisgarh State Minor Forest Produce Cooperative Federation Limited which was increased from Rs 1,500 in 2016 to Rs 1,800 in 2017, where every standard bag has 1,000 bundles of 50 leaves each.¹⁵ Even at the higher 2017 prices, the average price paid by the Chhattisgarh forest department per standard bag is almost half of that earned by the gram sabhas through the CFR arrangement.

The average household income from *tendu* leaves also increased from Rs 3,630 in 2013 to Rs 9,164 in 2016. While *tendu* prices are volatile and subject to factors like demand and production, one cannot dismiss the fact that gram sabhas are getting better at negotiating prices with traders for *tendu* leaves. *Figure 2: Trend in the trade of tendu leaves by gram sabhas under CFR in Maharashtra* illustrates the upward trend shown by the income from *tendu* leaves.

4. Government and CFR governance

State governments have played a facilitative role in supporting CFR management in a few cases. For instance, in April 2016, Odisha issued guidelines laying down directions for gram sabha-based planning of convergence programmes for the development of IFR and CFR areas. The guidelines have advised setting up district level convergence committees (DCCs) to facilitate planning and implementation of convergence programmes.¹ A number of gram sabhas, including Madhikol (Kandhamal), have already submitted and received approval for such convergence plans.

Similarly, the Maharashtra Tribal Development Department (TDD) issued a resolution in October 2016 for constituting DCCs for implementation of conservation and management plans for CFR areas. Under DCCs, the Maharashtra TDD has provided funds of Rs 56.80 lakh to 50 gram sabhas in Gondia, Gadchiroli, Nagpur, Amravati and Yavatmal.² In 2017–18, the Maharashtra government also received approval for release of Rs 12.86 crore from the MoTA under the tribal sub-plan. The proposal is to use the funds for scaling up and supporting CFR management in the state. It remains to be seen how the funds are actually going to be utilized, but the plan for fund utilization reveals a genuine intent on the part of the Maharashtra government to support sustainable management of CFRs (see *Table 7: Funding allocation for FRA implementation from tribal sub-plan for 2017–18*). As the table shows, only four other states have sought and received approval for a total of Rs 13.66 crore for implementation of FRA from MoTA under the same plan.

In 2016, in a first of its kind, the DCC for FRA in Mayurbhanj (Odisha) had also sanctioned Rs 13.5 lakh exclusively for training members of 30 CFR villages on how to implement CFR management plans in the Similipal biosphere reserve.⁴ In Maharashtra, the State Cooperative Tribal Development Corporation has provided financial support for starting and managing *tendu* leave collection and storage centres in Gadchiroli and Gondia.⁵ Such positive examples are, however, few in number and limited to states like Maharashtra and Odisha.

In Maharashtra, regulatory changes have also been brought to synergize multiple legislations on NTFP with FRA. In 2014 and 2015, the governor's office issued two notifications to deregulate bamboo and *tendu* leaves in the state, granting gram sabhas the rights of conservation and sale of these NTFPs in the state. It also issued a notification to remove the section in Indian Forest Act, 1927 which lists bamboo as a tree.⁶

There are also a few isolated examples where the forest department has played a supportive role in CFR management. In the Amravati forest division of Maharashtra, the forest department has directed MGNREGA and other funds towards CFR development. The communities also sought the department's help in removing "encroachers" from their CFR areas. In the Kandhamal forest division of Odisha, the forest department provided communities with a plan for sustainably harvesting bamboo from their CFR areas. In addition, the

Table 7: Funding allocation for FRA implementation from tribal sub-plan for 2017-18

State	Activity	Total grant approved (in Rs lakhs)
Madhya Pradesh	Training and workshop on PESA and FRA	44.35
Maharashtra	Preparation of CFR conservation and management plan in 200 villages	356
	Resource centre for micro-planning and resource management for livelihoods under PESA and FRA	340
	Creating consensus-based regulatory structures for groups of gram sabhas for sustainable NTFP management in 5,748 CFR approved villages	375
	Creating a diploma course in sustainable management of NTFPs under FRA and PESA for CFR-approved villages	215
Odisha	Implementation of Forest Rights Act	300
Gujarat	Training and awareness building on FRA	300
	Demarcation of forest land approved under FRA	200
	Post-claim support (scientific development of land, minor irrigation, drinking water, and training on scientific management of NTFPs)	500
Tripura	Study on implementation of FRA and its impact on indigenous people in Tripura	22
Total		2,652

Source: Ministry of Tribal Affairs

department has also directed funds from CAMPA for fire protection work in the CFR areas. In the Wadsa division, the Maharashtra forest department has provided technical and financial help to a number of gram sabhas in Gadchirolli in the harvest and sale of bamboo from their CFR areas.⁷ In Khammam (Andhra Pradesh), the forest department supported the gram sabha of Srisanapaali to conduct the programme when 36 bidders arrived at the first-ever bamboo auction called by the village in 2014.⁸

5. Issues and challenges

Despite a number of encouraging examples of CFR governance in the country, the implementation of CFR rights has been laggard. Though a little over 10,500 CFR title deeds have been issued in at least eight states of the country, only a handful of gram sabhas are actively exercising their CFR rights in the spirit of the Act. Even this little progress has only been possible in areas where people's movements and local non-profits are actively facilitating FRA implementation and recognition of CFR rights. The scope and coverage of such local groups and movements is limited. Most gram sabhas eligible for CFR rights are not aware of the full potential of CFR rights. In Chandrapur (Maharashtra), for instance, CFR rights of 103 gram sabhas were recognized in 2016 but these rights have been limited to the title deed.¹ There have been cases where, in the absence of title deeds, a gram sabha's efforts to protect its forests has met with resistance from the forest department. In general, the state and district administration have taken little initiatives to scale up the recognition of CFR rights or support CFR management in the country.

Some of the challenges faced by gram sabhas in the exercise of rights under FRA which we discovered during this study are discussed in the following sections.

Conflicting legislations and orders

The implementation of community forest rights and community forest resource rights in India has often been handicapped by a number of contradicting provisions in various forest governance-related legislations. Section 26 of the Indian Forest Act (IFA), enacted during the British era in 1927, prohibits (and prescribes punishment) for activities such as grazing and removal of forest produce. IFA's definition of forest produce includes both timber and non-timber forest produce. FRA, on the other hand, legitimizes the use of forests for grazing and collection and sale of NTFPs. Another instance of conflict between the two legislations is the listing of bamboo, canes, stumps and brush—Section 2(7) of IFA lists them under the category of 'tree', whereas FRA defines them as minor forest produce (or NTFP). Bamboo has only recently (in 2017) been removed from the definition of 'tree' in IFA. However, the confusion and debate over rights over bamboo grown in forest areas continue even after the IFA amendment. Section 41 of IFA empowers state governments to make rules to regulate transit of forest produce. FRA Amendment Rules of 2012, on the other hand, provide gram sabhas the authority to issue the transit permit to NTFPs. In practice, however, forest departments have mostly retained the authority to issue the transit permit to gram sabhas for transportation of NTFPs such as bamboo and *tendu* leaves outside CFR areas.

The Wild Life (Protection) Act (WLPA) of 1972 imposed stricter restrictions on communities' rights of access and use of forests inside protected areas (PAs). Though Section 2(d) of FRA includes national parks and wildlife sanctuaries in the definition of forestland, the recognition of CFR rights in these protected areas has been quite poor. CFR claims made inside PAs are mostly pending and the restrictions on access to forests have continued, as seen in North Bengal.



KUMAR SAMBHAV SHRIVASTAVA/ CSE

Though FRA vests the authority of issuing transit permits in the gram sabhas, forest departments have, in practice, retained this authority, even in CFR areas

Reports of charges being filed against communities for carrying out activities termed illegal in the WLPA are a regular occurrence.²

National Tiger Conservation Authority issued an order in March 2017 denying forest rights in critical tiger habitats. The order has already had implications in the CFR recognition process in two tiger reserves, where the rights had been approved in principle by the DLC but have been put on hold now.³ Such 'temporary' orders, issued arbitrarily by the government, also impact the CFR recognition and management process.

Collection and trade of NTFPs are also governed by different legislations in every state. For instance, state governments have been empowered to nationalize certain NTFPs, providing them the monopoly over the trade of such forest produce. On the other hand, Section 3(1)(c) of FRA empowers gram sabhas to collect, use and sell NTFPs. These contradictory legal provisions have also led to conflicts. In Kalahandi district of Odisha, the transaction of gram sabhas with a private trader for *tendu* leaves was termed illegal and opposed by the forest department before it gave in to the six month-long protests of these villages.⁴ In Madhya Pradesh, the forest department confiscated *tendu* leaves from tribal women who were selling them to buyers other than the forest department. In both these states, *tendu* leaves have been nationalized.⁵

Multiple committees on the same parcel of forestland

In North Bengal, forestlands claimed as CFR in 2009–10 by forest villages have been brought under JFM in 2015–16. In Shoolpaneshwar, EDCs are carrying out the protection and management of CFR areas in some villages of the Fulsar range. In Baigachak, the title deeds for community forest rights have been issued to VSSs instead of the gram sabhas. In Odisha, a proposal was floated in 2017 to convert VSSs into CFRMCs, triggering resistance from forest rights activists.⁶

MoTA has clarified that it does not consider desirable that existing JFM areas or JFMCs become automatic CFR areas or CFRMCs, as their roles and mandates are different. Within the FRA network, opinions on the subject differ. One opinion is that as long as a gram sabha is at the helm of affairs, these committees can work in a collaborative manner as different schemes bring different powers to a community.⁷ Another opinion is that the existence of parallel institutions in the same village and the differential treatment in terms of technical and financial support to the VSSs or JFMCs over its CFRMCs will divide the villages, as has happened in North Bengal.

The larger questions, however, remain unresolved. Should the JFM committees automatically get dissolved when the village's CFR rights are recognized? Or should the gram sabhas decide the fate of these committees and the nature and extent of collaboration with them after CFR recognition?

Lack of convergence in CFR areas

In Amravati (Maharashtra) and Kandhamal (Odisha), CFR-approved villages are benefitting from the constitution of DCCs which have directed or agreed to direct funds for the development of CFR areas based on the needs articulated by the gram sabhas. These include funds for training communities and building the capacities of committees to prepare and implement CFR management plans and working capital to set up collection and storage centres for NTFPs. This has not been the situation in Chandrapur or Narmada though, and several other districts where CFR rights have been recognized.

An official memorandum issued by MoTA on 23 April 2015 states that 'the state government shall make available through its departments, funds available under the tribal sub-plan, MGNREGA, funds for forestry available with the gram panchayat, and funds under CAMPA to the committee at the gram sabha constituted under Rule 4(1)(e) for development of CFR.' In 2017–18, five states have received approval for funds under tribal sub-plan for the implementation of FRA and CFR. MGNREGA funds have been used in some cases, but the scope is huge and remains largely unexplored.

Fencing off CFR areas

In most of our interactions, communities expressed the need to protect their CFR areas from neighbouring villages. This has sometimes led to fencing off of CFR areas with the right-holding village retaining the authority to deny or regulate the use of its forest resources by other villages. For instance, a CFR-approved village in Rajnandgaon district of Chhattisgarh had erected a wired fence all around its CFR area to keep out cattle from neighbouring villages. This

can lead to tension between villages, especially if these neighbouring villages have been traditionally dependent on CFR areas of the right-holding villages for grazing and do not have their own CFRs. This was also recorded in the Paratwada range of Amravati, Maharashtra.

Change of the forest department's role and subsequent conflicts

Except CFR-approved villages in Amravati, none of the other villages CSE visited were working with the forest department on implementation of the CFR management plans. The forest officials CSE interacted with expressed discontent about the lack of consultations with the department in the development of CFR management plans. In their opinion, this is only a recipe for conflict. Interestingly, none of the forest officials expressed doubts about the capacities of the communities in managing CFR areas. The concerns were related to lack of 'scientific' approach in CFR management and the sustainability of forest resources in CFR areas. It emerged that forest officials were unaware of the provisions related to sustainable harvest protocols and protection of forests in the CFR management plans of villages. The assumption was that these plans only pertained to the harvest of forest products for livelihood purposes. Some officials also highlighted that the IFA 1927 and FRA 2006 had several contradicting provisions which were causing conflicts and that they had no guidelines or instructions on their role in CFR management. Conflicts have also been reported when the forest departments tried to implement their working plans in forestlands claimed or recognized as CFR areas. More recently, cases

Forest-dwelling communities and the forest department have often come in conflict when the forest department has tried to implement its Working Plan in CFR areas



SAYANTAN BERA/ CSE

of forest diversion for compensatory afforestation on lands claimed under CFR are also emerging, leading to further conflicts between communities and the department.⁸

Beyond the integration of CFR management plans into the working or management plans of the forest department, FRA does not mandate the involvement of the forest department in the CFR management process. Forest rights groups and communities have been skeptical about the involvement of the forest department in the process (and dictating the terms of CFR management), thereby sabotaging the democratic governance of forests envisaged in FRA. In the Shoolpaneshwar wildlife sanctuary, for instance, the forest department has mandated that the gram sabhas in the Fulsar range utilize 30 per cent of the revenue from bamboo for forest protection work. In some other CFR-approved villages of the sanctuary, gram sabhas have collectively decided to utilize the profits from bamboo for development work in their villages. On the one hand, the forest department has complained about lack of consultations between communities and the department, and on the other hand, the department also wants to hold these consultations on its terms. In Shoolpaneshwar, forest officials turned down the invitation of gram sabhas to attend their meeting to discuss the CFR management plans and reportedly talked about calling for a training of communities to develop these plans. This power politics does not help improve the ground situation.

The concerns of forest rights groups are, therefore, not entirely unfounded, particularly in the light of widespread failure of JFMs, where forest department retained the decision-making authority. There are also doubts about the

CONSERVATION, MANAGEMENT AND SUSTAINABLE USE OF CFRs

MoEF&CC has prepared draft guidelines for 'conservation, management and sustainable use of community forest resources' in September 2016. Spread over six chapters, the guidelines aim to facilitate gram sabhas in the development and implementation of their CFR management plans, resource planning and monitoring, financial aspects and settlement of disputes.

Key provisions of the draft guidelines relevant to CFR management:

- **Constitution of CFRMC:** The gram sabha shall constitute a CFRMC under Rule 4(1)(e) of FRA to carry out functions on behalf of and as assigned by the gram sabha.
- **Role of CFRMC:** It will be the responsibility of the CFRMC to prepare a five-year conservation and management plan for CFRs. The plan should fulfil the objectives of protecting forests, wildlife, biodiversity, catchment areas of streams, water bodies, ecologically sensitive areas and habitat conditions of forest dwelling communities. The plan is required to be placed before the gram sabha for approval. The CFRMC will implement the plan subject to monitoring and control of the gram sabha. The CFRMC should submit an annual report on completion of the financial year to the gram sabha regarding the development in CFRs.
- **CFR management plan:** The plan will be based on documentation of community forest resources, tenurial rights, and relevant socio-economic and traditional practices. CFRMC is required to carry out the documentation, which would include 'aspects such as assessment of current status, regeneration capacity, pressure of demands on the resources, sustainable harvest potential of various forest products including minor forest products, potential of bridging deficit of adequate regeneration of forest produce etc.' The guidelines have also provided annexures for mapping demand, pressure and threats to forest resources, resource use practices and listing of potential and opportunities for development of forest resources in CFRs. The CFRMC will compile annual demand of various forest produce.
- **Role of forest department:** The forest department will be responsible for providing the CFRMC with necessary technical and documentary material for documentation and planning. Once the plan is ready, the gram sabha is required to forward it

ecological sustainability of certain management practices of the forest department. For instance, communities have often opposed coupe felling of timber by the department as the trees cut down are a source of NTFPs and linked to the local forest ecology in a number of ways. In Kandhamal, the gram sabhas have discontinued the practice of setting small fires to the forest for maximizing the production of tendu leaves—a practice that was encouraged by the forest department.

Conflicting guidelines on CFR management

FRA has clearly laid down provisions for the recognition of CFR rights. However, it is relatively silent on the post-recognition process. MoTA has issued a number of circulars to provide clarity on the mechanism for CFR governance; the most recent being the directive issued on 23 April 2015 which states that 'each gram sabha shall be free to develop its own format for conservation and management of the CFR which its members can understand with ease and which may also comprise of rules and regulations governing forest access, use and conservation.' On the other hand, MoTA has also outsourced the task of developing comprehensive guidelines for conservation, management and sustainable use of CFRs to Ministry of Environment, Forest & Climate Change (MoEF&CC). The draft guidelines developed by MoEF&CC require communities to collect and include reams of data pertaining to resource availability and use etc. in their CFR management plans. Such densely technical guidelines will make the entire process of preparing CFR management plans burdensome for communities in the absence of appropriate technical and financial support (see *Box: Conservation, management and sustainable use of CFRs*).

to the forest department for inputs and feedback. The concerned officer has to revert with suggestions within four weeks of receipt of the plan. The gram sabha should consider the suggestions. If the suggestions are not received within the stipulated time frame, the gram sabha can go ahead with finalizing the plan.

- **Role of government:** The conservation and management plan approved by the gram sabha will be incorporated by the forest department in its working plan and also by other line departments into the planning and resource allocation for these areas. Funds under tribal sub-plan, MGNREGA, CAMPA, and those available for forestry through the gram panchayat, will be made available to CFRMC for the development of the CFR. The state government will play an important role in the capacity building of gram sabhas and CFRMCs to implement CFR management plans and provide them with adequate support and technical knowhow for forest protection, multiple use forestry, marketing etc.

Will the draft guidelines support CFR management?

The draft guidelines raise important concerns. CFRMCs are expected to collect a lot of data and document practices, threats, potential etc. related to resource use in CFR areas. Most CFRMCs do not have the required expertise and might not be able to carry out the documentation to the extent desired in the guidelines due to time and resource constraints. For instance, compiling annual demand of various forest produce is itself a big research topic. The product, if developed at all after ample capacity building and facilitation, is most likely to be incomprehensible to a majority of the villagers. This could also cause CFR management to be dominated by a few members who understand the plan and subsequently translate into elite capture of benefits. On the other hand, not much clarity has been achieved regarding the roles of other government departments, especially the forest department, in supporting the communities in their CFR governance process. The draft guidelines, thus, require very technical CFR plans and are likely to make CFR management an onerous responsibility for some gram sabhas. This also raises the concern that the forest departments may use this shortcoming to prove that gram sabhas are incapable of managing their CFR areas. The examples of CFM in countries such as Bolivia and Philippines bear testimony to the fact that the requirement of technically obscure management plans for harvesting forest resources leads to the gradual demise of CFM. India would fall into the same trap by adopting similar guidelines.

NTFP transporting, marketing constraints and challenges

Once new vistas became available under FRA, villagers have to learn to grapple with the complexities of the trade. Right now, their capacity to influence market actors and vested interests is limited. For instance, some CFR villages (such as Padyaljog in Maharashtra) had to relinquish the rights to harvest and sell bamboo to paper mills after initially demanding to stop bamboo felling by the same mills. It was reported that paper mills had put these villages under pressure to withdraw their demands.⁹

There is also reluctance on part of the forest departments to issue transit permits (TP) for the transportation of bamboo outside CFR areas. In November 2017, the DFO of Kalahandi refused to issue a transit permit for movement of bamboo to the village Pipadi, stating that the CFR title deed specified carrying NTFPs by head loads and bicycles only.¹⁰

In a concept note for the development of the bamboo sector in Gujarat, the state forest department noted that ‘it may not be necessary or desirable to authorize the gram sabha to issue transit passes. Such acts may send a signal that may favour common property resource (CPR) syndrome over forestland, causing irreversible damage to the ecology of the region.’¹¹ Other gram sabhas in Maharashtra continue to face challenges in the bamboo trade even after receiving transit passes. Some of them wrote letters to government officials seeking guidance on bamboo trade but got no response. This has led to exploitation of gram sabhas by contractors and their cartels on a number of occasions.¹²

It has also been a challenge for various gram sabhas to deal with procedural hurdles and vested interests in trading other lucrative NTFPs. The sale of *tendu* leaves by gram sabhas in the Gondia district (Maharashtra) came under scanner in March 2017 when the state government stayed the auction of *tendu* leaves by 38 gram sabhas on the grounds that these gram sabhas had not followed the due process of carrying out e-tendering of the leaves. These gram sabhas had instead carried out advance sales of leaves to one trader who offered a good price for their produce. It took a series of representations to the government to get the stay revoked.¹³

6. Lessons from similar experiences

Community Forest Management (CFM) is not new to India. There are a number of self-initiated, government-sponsored or externally-supported CFM initiatives across the country. Several of them, however, collapsed or became defunct despite their initial success. It is commonly agreed upon that a single CFM model cannot be applicable to the entire country, as the needs and aspirations of communities and ecology are extremely site-specific.

As Indian forest management moves towards a new CFM framework under FRA, it will be important to gain insights and learn from the various CFM models that India and other countries have implemented with varying degrees of success. A few important ones are discussed as follows.

Van panchayats in Uttarakhand

These were among the first formal CFM institutions in the country wherein communities managed legally demarcated village forests. Started in 1931, van panchayats manage nearly 5,450 sq km of forestland in Uttarakhand today.¹ A van panchayat used to have all the powers of forest officers and was in full control of the use of its income from all forest products, except resin. However, the autonomy of van panchayats in decision-making and benefits-entitlement suffered due to the periodic changes in the rules relating to them. Some van panchayats also suffered from imposition of the JFM scheme in the state. Despite these challenges, a large number of Uttarakhand's van panchayats have survived till today and their forests have continued to meet fuelwood and fodder needs of communities.²

Joint forest management in India

Launched in the 1990s, JFM was an initiative to solicit large-scale participation of communities in forest management. By 2010, more than 24 million hectare of forestland was brought under JFM. JFM programmes generated mixed outcomes. Positive results were increased availability of NTFPs and fuelwood and improved forest protection.³ JFM also provided much needed institutional support to some self-initiated CFM initiatives.⁴

JFM had several limitations though. Decisions were invariably controlled by the forest department. In many cases, the focus on planting trees did not meet the fuelwood or NTFP augmentation goals. The forest department was reluctant in sharing the promised rights of forest products, especially from the major forest produce, i.e., timber. Often, JFM programmes were funding-driven, bringing the protection efforts of the villagers to a halt when the funding stopped.

The lack of tenurial security and poor institution building was also the cause of the ultimate failure of JFM programmes that had started successfully, as had happened in Harda forest division (Madhya Pradesh)⁵ and Satara Tukum (Maharashtra).⁶



FLICKR HAVE MIND

Nepal's community forestry programme is hailed for its positive impact on forests and biodiversity, local livelihood, improvement in availability of forest products and strengthening the process of decentralized decision-making

Tree growers' cooperatives in India

Tree Growers' Cooperative Societies (TGCSs) was a cooperative model created to establish and manage tree plantations on an average of 40 hectare of degraded land. Under the TGCS model, rural cooperatives were formed and provided with long-term leases valid for 15–25 years on state-owned common lands (officially 'revenue wasteland') for developing tree plantations and increasing fodder production. The cooperatives received financial and technical support from the National Tree Growers Cooperative Federation for restoring these lands.

The impact of TGCSs on local livelihoods was only marginal at various places as small parcels of leased land could not generate long-term substantial livelihoods.⁷ The institutional framework under which TGCSs operated has been documented to have become less democratic with time, where rules of access and use, and processes like auctioning of forest produce from the plantation areas, often exclude the poor. However, land restoration efforts of TGCSs have ensured sustained supply of tree fodder and fuelwood from the plantation areas, and groundwater recharge. This perhaps explains why most TGCSs have not become defunct even today despite the fact that it has been more than a decade since external support to TGCSs was withdrawn. Several TGCSs in Gujarat and Rajasthan are keen to renew their leases for the allotted land and are also leveraging MGNREGA funds to improve the productivity of their lands.⁸ However, TGCSs in Rajasthan are facing various challenges, including threats from illegal stone mining and encroachment pressures on allotted lands, and are struggling to fight these forces in the absence of external support, particularly from the government.⁹

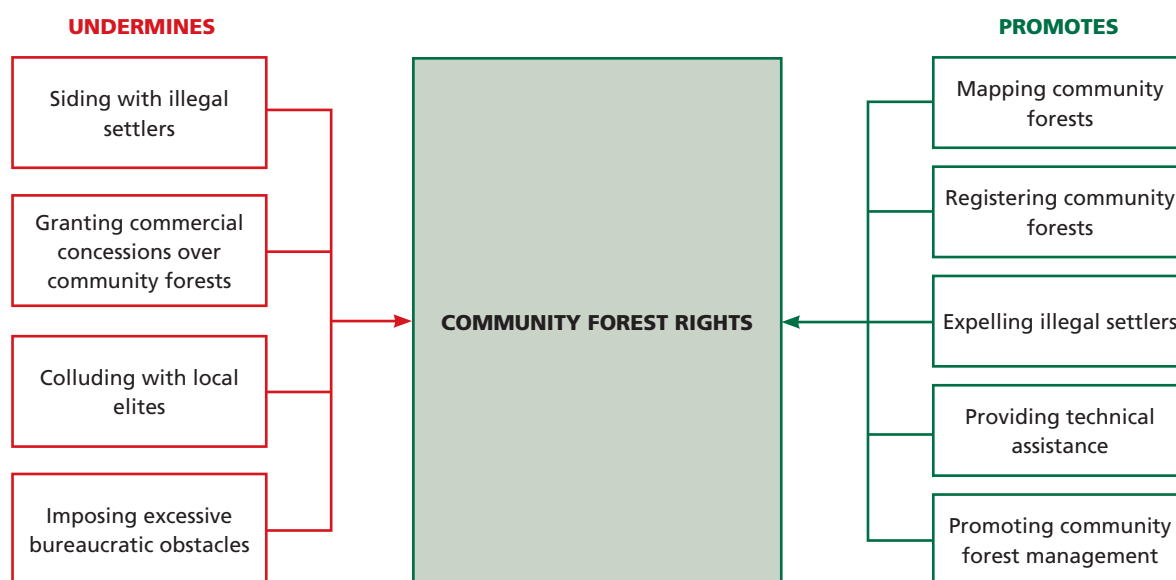
Community forestry in Nepal

In the 1980s, the government of Nepal adopted a decentralized approach to the management of forests after realizing the failures of a protectionist approach and centralized government forest programmes. After piloting community forestry in the 1980s, the Forest Act of 1993 introduced community forests (CFs), which comprise 30 per cent (~1.8 million hectare) of Nepal's total forest area; managed by 19,361 community forest user groups (CFUGs) benefiting 2.4 million households.¹⁰ Local communities are considered to be forest managers, not merely labourers and consumers. Foresters are considered advisors or facilitators rather than administrators and regulators.

Nepal's community forestry programme is hailed for its positive impact on forests and biodiversity, local livelihood, improvement in availability of forest products, and strengthening the process of decentralized decision-making. CFUGs have the rights to utilize forest products and fix the price for their sale. An average CFUG is estimated to earn US \$2,900 per year from the sale of forest products and generate 640 days of employment per year.¹¹ A study conducted in 47 districts covering 137 CFUGs reported improved forest conditions in 86 per cent of CFUGs since their handover to the communities.¹² CFUGs have also formed a nation-wide network, Federation of Community Forestry Users, Nepal that has played a key role in forest policy debates as well as capacity-building and awareness-raising of forest user groups.

Nevertheless, this rather successful model has also been criticized for elite capture of benefits, financial irregularities and its inability to significantly contribute to livelihoods due to its conservation-oriented approach. In 2014, the government of Nepal developed the *Community Forestry Development Guidelines* to address some of these issues. The *Guidelines* instruct categorization of CFUG members into at least three categories based on wealth to identify and prioritize poor

Figure 3: Government action that can promote and undermine CFR



Source: World Resources Institute, 2014

households for livelihood development activities. At least 50 per cent members of the executive committee must be women, while the remaining 50 per cent should include proportionate representation of excluded groups and poor households. For promoting transparent mobilization of CFUG funds, the *Guidelines* direct each executive committee to audit their annual income and expenses and to share the report during the CFUG general assembly, and with the DFO.¹³

A recent study showed that community forest has significantly higher positive impact on equity in benefit-sharing at the household level than that of government-managed forest commons.¹⁴ While this is encouraging, new challenges are also emerging. The legal autonomy of CFUGs is being curtailed by a series of administrative orders, circulars, and other decisions. For instance, CFUGs are required to carry out initial environmental examination (IEE) and environmental impact assessment (EIA) to ensure sustainable harvesting of forest products. Similarly, the government, in an attempt to introduce the principles of scientific forest management, mandated that the CFUGs develop a forest inventory in preparing an operational plan. Many CFUGs are not able to review their management plans due to lack of resources and technical support and impractical standards.¹⁵ In some countries, such administrative requirements have led to the slow degeneration of CFM.

Other global examples

In Bolivia and Philippines, new forest policies have led to devolution of forest management rights to local communities. However, the commercial use of forest resources are subject to the approval of the forest administration or require the application of annual resource use permits. Communities in Bolivia are finding it difficult to follow the complex regulatory framework of developing management and operating plans without technical assistance from external sources, which often means high costs, unless subsidized by NGOs. The government does not support community forest management initiatives due to lack of staff and funding.¹⁶ China's national policy on the ownership and management of forestland had changed four times in the quarter-century before 1978, and forest taxes rose from negligible to 35–60 per cent of timber revenues, creating disincentives for communities to participate in forest management. In Indonesia, the rapid pace of decentralization of forest governance without building capacities and support increased local conflicts and institutional complexities.¹⁷

These global examples suggest that whenever the flow of benefits like rights over forest resources and their transparent and equitable sharing, availability of forest products for subsistence needs or economic gains, and other intangibles suffer for reasons such as conflicts with forest department, lack of tenurial security, burdensome regulations, underdeveloped markets, external threats or inadequate support and capacity of local institutions, CFM falls short of being a success. While FRA does address some of these concerns through the provision of tenurial and management rights and greater devolution of decision-making powers to communities, a lot will still need to be done to scale up CFR governance in India for sustainable and equitable forest management.

7. Discussion and recommendations

FRA provides for a rights-based, democratic and decentralized governance of forests like no other legislation or policy in India. The introduction of CFR rights is the most comprehensive forest tenure reform in the country ever. Our overall assessment is that CFR is revitalizing the forest economy to create new employment and economic opportunities for forest-dwelling communities like never before. Communities are using diverse approaches to enhance their food and livelihood opportunities from forests. This is not happening by unsustainable extraction from the forests. Instead, communities are adopting a number of measures to maintain the ecological sustainability of their forests. The impact of community governance of forests on the livelihoods of forest dwelling people has been positive in most cases, and transformational in others. In several resource-rich villages, the CFR regime has enabled local self-governance too. While it is too early to comment on the changes in the health of forests in CFR areas, community perception in most CFR areas has been that the quality of forests has improved as a result of community efforts.

CFR governance experiences suggest that a new future of democratic forest governance is emerging and create confidence in the ability of communities to manage and conserve their forests if empowered to do so and offered support in doing so. The potential of CFR to generate a sustainable business model based on forest resources, create employment, alleviate poverty, and even reverse the trend of migration from forests is immense. However, to achieve this, CFR rights of the communities will have to be recognized. Currently, only a little more than 1.1 million hectares of forestland has been recognized as CFR. The potential is many times more.

CFR governance will be successful only if communities are able to derive benefits from managing their CFR areas in a sustained and uninterrupted manner. In the existing scheme of things, India does not have the most enabling environment to support this empowering process. Most communities need initial handholding to develop and implement their CFR plans, and are, therefore, dependent on external agencies. The process has been led and supported by civil society groups and, in general, there has been little support from the government for the post-rights process in CFR areas. Forest departments have largely failed in their role as facilitators. As a matter of fact, there have been instances where the role of the authorities can only be described as obstructive. This situation is not helped by the fact that a number of contradicting forest policies and legislations have not yet been synergized with FRA. MoEF&CC has been indifferent, reasoning that the implementation of the Act is the concern of MoTA. State Tribal Welfare departments also need to do more.

A CFR regime is historically inevitable and a significant chunk of India's forestlands should be brought under community governance in the years to come. It is of paramount importance that communities are supported and capacitated to manage their CFR areas and the benefits from them. CFR governance will also require the different stakeholders—communities, forest

department, and local governments—to gain experience in their new roles. At the same time, safeguards need to be in place for sustainable forest management and equitable benefit-sharing in CFR governance so that the dual objectives of FRA—livelihood security and forest conservation—can be achieved.

The big question is whether mere enactment of FRA and the recognition of CFR rights over forestland will be enough to enable successful community governance of forests. Learning from the previous experiences of CFM and the existing CFR management experiences, it is clear that a lot will need to be done to create an enabling environment for CFR governance in India, where both forest dwelling communities and forests prosper. The willingness, commitment and action of government to support gram sabhas in governing their CFR areas will play a crucial role in achieving the multiple objectives of FRA.

In order to improve and scale up CFR governance in India, CSE makes the following recommendations.

Amend Indian Forest Act of 1927 to align it with FRA

It is of utmost importance that IFA and the corresponding state forest acts are amended to synergize their provisions with FRA. MoEF&CC has already constituted a committee in September 2016 to review the IFA. One of the important objectives of this committee must be to address the contradicting provisions between IFA and FRA. Examples of some changes required are:

- Now that bamboo has been removed from the category of ‘tree’ in IFA, communities should be encouraged to sustainably grow and harvest bamboo in forest areas. The confusion over transit and trade of bamboo from forest areas should be resolved.
- Section 26 of the Act, which lists the ‘activities prohibited’ in reserved forests, should be amended to delete activities such as ‘pastures cattle’ in sub-section (d) or ‘removes any forest produce’ in sub-section (g) because they are permissible under FRA.

Review state legislations and policies governing NTFP trade to synergize with NTFP rights under FRA

Multiple legislations govern NTFP trade and transit in each state, causing conflicts with rights over NTFPs recognized under FRA. It should be mandated that every state review its policy and legislation on NTFPs and align them with FRA within a stipulated time-frame. For instance, states should follow the example of Maharashtra and deregularize economically important NTFPs such as bamboo and tendu leaves and provide a support mechanism to facilitate private NTFP trade by communities.

Develop guidelines for the role of government departments in CFR areas

MoTA should develop guidelines detailing the kind of technical, financial, protectionary and facilitative roles that government agencies at state, district and panchayat levels should provide to support CFR governance processes without undermining the autonomy and authority of gram sabhas. The guidelines should lay down the dos and don’ts for government agencies in this regard. Forest departments will have to take on the role of a facilitator instead

of a regulator in CFR areas. There will be instances where gram sabhas would require the support of the forest department to book offenders, poachers and timber mafia, and to auction NTFPs etc., hence the role of forest departments in CFR areas would need to be demand-based and more adaptive. The guidelines should also provide a mechanism to enforce these rules.

Develop a new framework for CFR governance

The draft guidelines on CFR management developed by MoEF&CC should be withdrawn as their adverse effects on the CFR process outweigh their benefits. Instead, MoTA should develop a framework to ensure ecological sustainability, financial transparency and social equity in CFR governance. As a number of CFR management initiatives have already taken off, the framework should be informed and guided by these experiences, and finalized after consultation with different stakeholders. The framework could include simple yet important indicators such as forest cover and species diversity for monitoring ecological changes. Similarly, some simple indicators for equity are representation of women and marginalized households in the constitution of CFRMCs, special provisions for these groups in CFR management rules and plans, and benefits accrued to them etc. Financial transparency can also be ensured through periodic audits monitored by the DCCs or any other body appointed by gram sabhas. In any case, the monitoring mechanism should be transparent and carried out in consultation with the CFRMCs.

Ensure convergence of resources and programmes for CFR development

The constitution of DCCs consisting of representatives from different line departments should be made mandatory once CFR rights are recognized in any village of a district. CFR management should be integrated into existing government's programmes like MGNREGA, National Bamboo Mission, National Horticulture Mission etc. so that the flow of funds to gram sabhas becomes an institutionalized practice. Gram sabhas should be empowered to mobilize these funds according to their plans. It will also be important to ensure that these funds do not have too many strings attached to them and their micro-management by government should be eschewed.

Build capacity and leadership of CFRMCs

Any CFR management initiative is unlikely to be successful if the social base for collective action is not strong. Strong local institutions are important to resolve internal contradictions regarding transparency and accountability as well as external pressures such as overuse of forest resources by other villages and exploitative market forces. It is absolutely imperative for district administrations to prepare a programme for building the capacities and leadership of gram sabhas, especially the CFRMCs, to manage forest areas soon after their rights have been recognized. These training and capacity building programmes should be intensive and designed towards making gram sabhas aware of their rights and responsibilities in CFR areas, and provide them information on the best methods to tap the potential of these areas to improve their livelihoods as well as health of the forests. Separate funds should be channelized towards such exercises. India will also benefit from a national network of leaders from CFR-holding villages working as resource people for capacity-building of gram sabhas across the country.

Build and strengthen NTFP-based enterprises in CFR areas

Grant of ownership and management rights over NTFPs to villagers will go a long way in improving the economic well-being of forest-dependent communities in CFR areas. The full potential of the rights over NTFPs can only be realized if gram sabhas are able to undertake storage, processing and value addition of these NTFPs. This requires hand-holding in the form of training communities, working capital, market linkages etc. to make the model self-sustaining in the long run. Already, a number of initiatives are underway towards the development of NTFP-based enterprises in the country. For instance, MoTA's guidelines for MSP on NTFP, which also lay down provisions for storage, processing and value addition of NTFPs as well as marketing support, need to be implemented on a mission mode in CFR areas. E-tendering and other such ways to modify procedural requirements for trading economically important NTFPs to accommodate local capacities need to be discussed and implemented.

Resolve the timber debate in CFR areas

CSE believes that timber cannot be the property of forest departments alone inside formally recognized CFR areas and recommends that gram sabhas be allowed to sustainably harvest and sell timber in their CFR areas, if specified in their management plan. However, checks and balances need to be put in place to ensure that illegal timber exploitation does not happen inside CFR areas, as the capacities of communities to deal with strong timber mafia in the face of commercialization remain untested at this point of time.

Develop a multi-tier FRA monitoring and information system

Currently, monitoring of FRA implementation is done mechanically by MoTA and this provides little information on such a large-scale countrywide programme. To ensure successful implementation, disseminating cross-learning and monitoring the impact of FRA initiatives on local livelihoods and forest health, a rigorous well-designed web-based information system is needed. Various ecological, economic and social indicators should be defined and included in the periodic assessment of FRA implementation and achievements recorded at local, state and national levels.

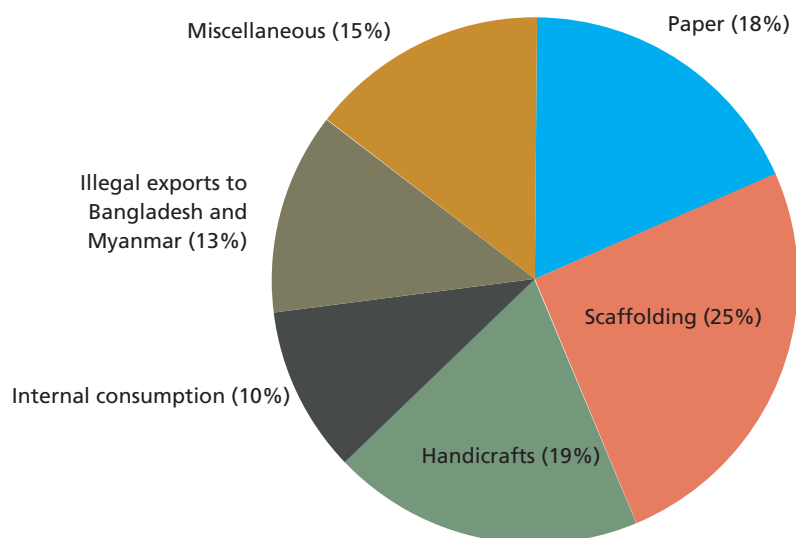
Annexure

Can CFR areas meet India's bamboo demand?

Bamboo emerged as one of the most valued forest produce from CFR areas (both recognized and potential) in our study. During interactions with CSE, members of almost all gram sabhas expressed interest in improving the production of bamboo in their CFR areas—not only for economic purposes but also for local uses as food etc. CSE's study also found out that bamboo has tremendous potential in building a forest economy in India that provides sustained employment to forest-dependent communities.

The applications of bamboo are versatile, ranging from local use as food, medicine, bamboo-ware and construction material, to industrial use in the pulp and paper sector, scaffolding, plywood, furniture, and the handicraft industry. In the northeastern states, bamboo is a popular construction material too. It is capable of growing in an extremely diverse range of conditions—varying from organically-poor to mineral-rich soils—and moisture levels—from drought-stricken to water-logged. Bamboo plays an important role in carbon sequestration and biodiversity conservation as well. It is considered a viable alternative to timber in the country, to deal with the growing demand.¹ Given that communities are interested in bamboo with its wide-ranging social, economic and ecological uses and benefits, CSE's study examined in some detail the potential of CFR areas to meet the bamboo demands of the country.

Figure: Bamboo usage in India



Source: National Bamboo Mission

Bamboo—the national picture

Although there is disagreement over the extent of bamboo-bearing forests and growing stock in India, the country is second only to China with regard to total bamboo resource. The National Bamboo Mission (NBM) puts these figures at 8.96 million hectares and 80.43 million MT respectively² while the 2011 State of Forest report has estimated that bamboo is spread over nearly 13.9 million hectares of forestland in India, with a growing stock of 169 million MT.³ India has 125 indigenous and 11 exotic species of bamboo with different properties, uses and productivities.⁴

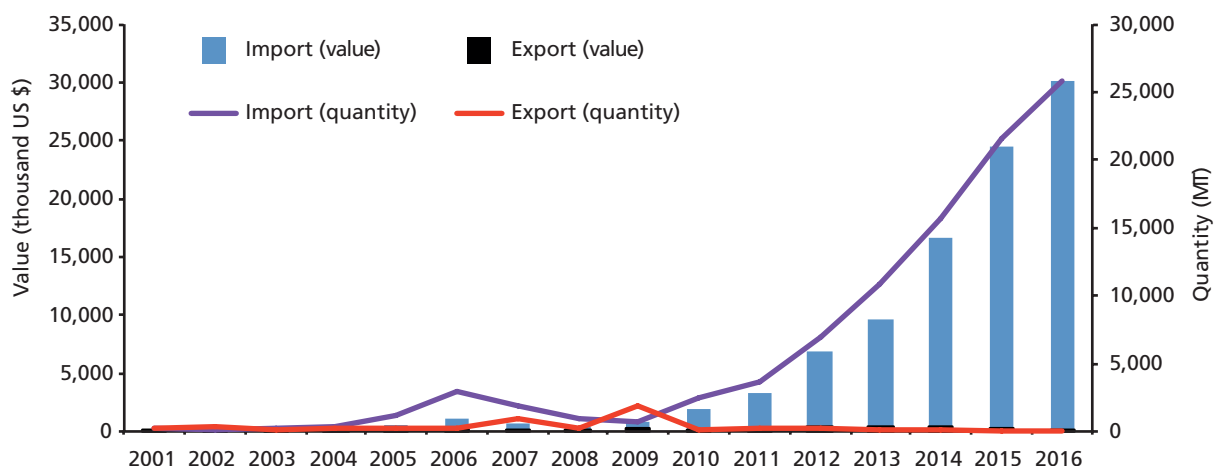
Despite the impressive growing stock of bamboo in the country, India has been struggling to meet its domestic demands. The annual production of bamboo in India is 3.23 million MT as per NBM estimates, making its productivity 0.36 MT per hectare.⁵ According to the 2016 estimates by Niti Aayog, the domestic production of bamboo is only sufficient to meet half the demand in the country.⁶ The country has been importing bamboo and its products from neighbouring countries to cater to the rest of the demand.

India's share in the global bamboo market is also very low at 4.5 per cent.⁷ The country has exported only 5,421 MT of bamboo from 2001 to 2016, as opposed to 95,475 MT of imports of bamboo and bamboo products during the same period.⁸ The corresponding value of imports is US \$97.16 million, as opposed to US \$2.75 million for exports.

Bamboo productivity in CFR areas

Mendha Lekha was the first village in the country to receive CFR rights and be issued a transit passbook to transport bamboo out of the forest in 2011. The village has reported an increase in bamboo productivity in its CFR, from 450 culms per hectare (80 per cent long and 20 per cent medium) to 850 culms per hectare (90 per cent long and 10 per cent medium) from 2011 to 2014.⁹ This translates into change in bamboo productivity from 2.7 MT per hectare to

Figure: Import and export of bamboo and bamboo products (2001–16)



Source: International Trade Centre/UN Comtrade

5.7 MT per hectare during this period (where 40 running meters is equivalent to 50 kg for the bamboo species *Dendrocalamus strictus* in the region). The gram sabha leveraged funds under MGNREGA to carry out SWC activities in the bamboo-bearing areas, which has resulted in an improvement in bamboo productivity.

In comparison, the annual productivity of bamboo from forests in India is less than 1 MT hectare, as calculated from NBM estimates. Mendha Lekha's impressive improvement in bamboo productivity in its CFR area can be studied further and replicated in CFR areas across the country. Several other villages in the same district have started collection and sale of bamboo in the last two years. Data on the quantity of bamboo collected and sold by nine gram sabhas in 2015–16 in the district reveals an average annual productivity of 1 MT per hectare, which is higher than the national average. For the bamboo production details of the nine villages in Gadchiroli in 2015-16, see *Table: Bamboo productivity in CFR villages of Gadchiroli, Maharashtra*.

In Maharashtra, more than 85 per cent of the bamboo production comes from Gadchiroli district alone.¹⁰ Most of these forests are in the process of being handed over to the local communities for management under FRA. It is safe to predict that the CFR areas of Gadchiroli would continue to be major suppliers of bamboo in the state in future too. The protection efforts of these gram sabhas are likely to have a positive impact on bamboo productivity in a few years.

In Andhra Pradesh, CFR implementation has been quite tardy. Several villages have filed CFR claims over the area that was assigned to them under JFM in the 1990s. Known as Vana Samrakshana Samitis (VSSs) in the state, these committees had been allotted degraded and understocked forests for protection and regeneration. The results were visible soon thereafter. The degraded forests were converted into mixed forests with bamboo as the dominant species. Data obtained from 90 villages in two forest divisions of the state reveal that these villages had achieved an average annual bamboo productivity of 1.38 MT

Table: Bamboo productivity in CFR villages of Gadchiroli, Maharashtra

Village	CFR area (hectare)	Bamboo bundles*	Weight of bamboo (MT)	Per hectare production of bamboo (MT)
Bhimanpayli	1,973	46,017	837	0.4
Sonpur	347	6,038	110	0.3
Sawargaon	936	14,732	268	0.3
Dongargaon	265	9,312	169	0.6
Padyalajob	1,490	16,939	308	0.2
Mayalghat	1,068	123,986	2,254	2.1
Murkut	440	9,621	175	0.4
Lakshmipur	662	150,953	2,745	4.1
Jhankargondi	738	22,064	401	0.5
Average	880	44,407	807	1.0

*Bamboo bundles comprise of sticks with length less than 2 m. In Gadchiroli, 55 bamboo bundles make a MT.
Source: Analysis based on data provided by Srishti, Gadchiroli, Maharashtra

Table: Bamboo productivity in VSS areas of Andhra Pradesh

Forest division	Forest range	Number of VSSs protecting bamboo forests	Total area under VSSs (hectare)	Bamboo production in three years (MT)			Total production in three years (MT)	Annual productivity (MT per hectare)
				12–15cm	16–18 cm	19–22 cm		
Srikakulam	Kasibugga	32	6,850	7,245	11,500	4,436	23,181	1.13
Srikakulam	Palakonda	28	6,350	6,643	10,545	4,067	21,256	1.12
Vishakapatnam	Chodhavaram	30	4,256	7,529	11,951	4,610	24,089	1.89
Average			5,819	7,139	11,332	4,371	22,842	1.38

Source: Centre for People's Forestry, Andhra Pradesh

per hectare through restoration of degraded forests, which is better than the national average as well as the state average. *Table: Bamboo productivity in VSS areas of Andhra Pradesh* provides details of bamboo production from the two forest divisions.

The VSSs demanded their right to harvest bamboo and share benefits as promised under JFM. The forest department, however, refused on the ground that they had no record of bamboo in their working plans for these areas. With support from a local non-profit, Centre for People's Forestry, the villages had to convince the divisional forest officer (DFO) to visit the sites and confirm that bamboo existed as claimed and was ready to harvest. Subsequently, it was decided that working schemes regarding bamboo would be prepared for these sites. The forest officials maintain that these working schemes have been submitted to the regional office of MoEF&CC in Bengaluru and their approval is awaited.¹¹ Since then, more than 10 years have passed. FRA has provided a chance to these villages to get these forests recognized under CFR but, unfortunately, the district administration is yet (as of March 2017) to act on their CFR claims.

Bamboo potential from CFR areas

The aforementioned examples from Maharashtra and Andhra Pradesh make it evident that gram sabhas are capable of improving bamboo productivity in their CFR areas. The annual productivity has ranged from 1–5.7 MT hectare in CFR areas where conscious efforts have been made to improve it. It is difficult to estimate the average productivity of bamboo that can be achieved in CFR areas of the entire country based on the small sample size. However, we can safely assume that gram sabhas can achieve an annual bamboo productivity of at least 1 MT per hectare in mixed forests of their CFR areas.

After northeastern states, the largest bamboo-bearing forests are found in the central states of Madhya Pradesh, Chhattisgarh and Maharashtra, followed by Odisha, Andhra Pradesh, Karnataka and Gujarat.¹² The CFR potential of the aforementioned states is 21.15 million hectare. At the minimum average annual productivity of 1 MT hectare, even if half the potential area under CFR

Table: Potential of bamboo production from CFR areas in the country

State	Extent of forests under bamboo (hectare)*	Average annual bamboo production (MT)**	Existing bamboo productivity (MT per hectare)	CFR potential (hectare)	Bamboo production potential from CFR areas (MT)
Andhra Pradesh	818,400	140,509	0.17	1,106,147	553,073
Chhattisgarh	1136,800	52,000	0.05	2,980,800	1,490,400
Gujarat	409,100	NA	NA	1,252,773	626,387
Karnataka***	818,600	22,605	0.03	2,389,527	1,194,764
Madhya Pradesh	1305,900	124,343	0.05	6,288,366	3,144,183
Maharashtra	1146,500	80,200	0.07	4,820,028	2,410,014
Odisha****	1051,800	100,000	0.09	2,315,486	1,157,743
TOTAL	6687,100			21,153,127	10,576,564

*Source: State of Forest Report 2011

** The average has been calculated for the period 2006–10 using the information provided in Forest Statistics Report 2011

*** For Karnataka, one-time production data has been taken from the state Forest Statistics Report 2013

****Source: www.odishafdc.com

areas were used for bamboo production, these seven states alone could produce 10.57 million MT of bamboo annually. This would be more than three times the current production of bamboo in the entire country. *Table: Potential of bamboo production from CFR areas in the country* gives details of the production potential of the seven states.

Coupled with production from the northeastern states, which hold nearly 66 per cent of the growing stock of bamboo in India,¹³ India can use CFR areas as a tool to not only meet its domestic bamboo demands but also become an exporter of bamboo. In Mexico, where land reforms initiated in the 1980s translated into transfer of 70 per cent of Mexico's 65 million hectare forests to communities, 80 per cent of the timber production in the country comes from community forests.¹⁴ India can learn from the Mexican example to make gram sabhas the major producers of bamboo and other forest products. This will significantly boost the local economy, while ensuring sustained supply of bamboo for local needs as well as for industrial demand.

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First came the forest, followed by the people, and then the government. Does this chronology allow the newest entrant in the scheme to determine the relationship between the two older entities? In other words, does the new regime of Community Forest Resource (CFR) bequeath rights or is it merely a recognition of unalienable rights already vested in the communities living in forests?

This question is at the heart of the investigation carried out in this report as it examines the processes of the CFR regime and their implementation through case studies from four states.

Can a recognition of the historical bond of people with the forests unearth a willingness to make forests wholesome again (for example, by avoiding monocultures), create more egalitarian forest communities, and ensure that the forest meets (almost) all the needs of its citizens, not the least their need for livelihood?

The answer seems to be in the affirmative—and why should it not be? After all, if a tree falls in the forest, the people living in the forest are the first to hear.



Centre for Science and Environment
41, Tughlakabad Institutional Area, New Delhi 110 062
Phones: 91-11-29955124, 29955125, 29953394
Fax: 91-11-29955879 E-mail: shruti_agarwal@cseindia.org
Website: www.cseindia.org

2017

MAHARASHTRA

PROMISE AND PERFORMANCE

**10 YEARS OF THE
FOREST RIGHTS ACT
IN INDIA**

CITIZENS' REPORT

Produced by
CFR Learning and Advocacy Group Maharashtra

As part of
**National Community Forest Rights-Learning and Advocacy
(CFR-LA) process**

**Information contributed by CFR-LA Maharashtra Group
(In alphabetical order):**

Arun Shivkar (Sakav)
Devaji Tofa (Mendha-Lekha Gram Sabhas),
Dilip Gode (Vidabha Nature Conservation Society),
Geetanjay Sahu (Tata Institute of Social Sciences),
Gurvant Vaidya
Hanumant Ramchandra Ubale (Lok Panchayat)
Indavi Tulpule (Shramik Mukti Sanghatna)
Keshav Gurnule (Srishti)
Kishor Mahadev Moghe (Gramin Samasya Mukti Trust)
Kumar Shiralkar (Nandurbar)
Meenal Tatpati (Kalpavriksh)
Milind Thatte (Vayam)
Mohan Hirabai Hiralal (Vrikshamitra)
Mrunal Munishwar (Yuva Rural Association)
Mukesh Shende (Amhi Amcha Arogyasathi)
Neema Pathak-Broome (Kalpavriksh)
Pradeep Chavan (Kalpavriksh)
Pratibha Shinde (Lok Sangharsh Morcha)
Praveen Mote (Vidharba Van Adhikar Samiti)
Purna Chaurashe (Tata Institute of Social Sciences)
Purnima Upadhyay (KHOJ)
Roopchand Dhakane (Gram Arogya)
Sarang Pandey (Lok Panchayat)
Satish Gogulwar (Amhi Amcha Arogyasathi)
Shruti Ajit (Kalpavriksh)
Subhash Dolas (Kalpavriksh)
Vijay Dethe (Parvayaran Mitra)
Yagyashree Kumar (Kalpavriksh)

Compiled and Written by

Neema Pathak Broome and Shruti Ajit (Kalpavriksh, Pune)
Mahesh Raut (Campaign for Survival and Dignity, Maharashtra)
Geetanjay Sahu and Asavari Sharma (Tata Institute of Social Sciences, Mumbai)
Sharachandra Lele and Anuja Date (Ashoka Trust for Research in Ecology and the Environment, Bangalore)

Please send your comments and suggestions to

Neema Pathak Broome (neema.pb@gmail.com)
and

Shruti Ajit (shrutiajit16@gmail.com)

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Special Contributions

Methodology and Calculation for data on Potential CFR Forests - Sharachchandra Lele and Anuja Date (ATREE)

Data analysis for assessing performance - Shruti Ajit (Kalpavriksh)

Role of Adivasi-led Movements in Maharashtra in the Promulgation of the Forest Rights Act, 2006 - Pradip Prabhu (Kashtakari Sangathana)



The Community Forest Rights-Learning and Advocacy (CFR-LA) process was initiated in 2011. It facilitates the exchange of information and experiences related to the Community Forest Rights provisions of the Forest Rights Act. It encourages people-to-people learning, awareness and training programmes, and provides need-based and site-specific help. As part of CFR-LA, evidence-based advocacy on CFR is done on state and national levels by holding dialogues, writing petitions, producing citizens' reports, newsletters, state reports, and by organizing consultations. Website <http://fra.org.in> and discussion group <https://groups.google.com/forum/#!forum/CFR-la> have been created, which include over 400 participants. Local community members, their sangathanas, civil society groups at local, state and national levels, researchers and academics are part of the CFR-LA process.

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Abbreviations

CAF- Compensatory Afforestation Fund
CAMPA- Compensatory Afforestation Management and Planning Authority
CBD- Convention on Biological Diversity
CFR-LA- Community Forest Rights Learning and Advocacy
CFRMC- Community Forest Rights Management Committee
CFRs- Community Forest Resource Rights
COP- Conference of the Parties
CRs- Community Rights
CSD- Campaign for Survival and Dignity
CTH- Critical Tiger Habitat
DCC- District Convergence Committee
DDC- District Divergent Committee
DLC- District Level Committee
DRDA- District Rural Development Agency
FAC- Forest Advisory Committee
FD- Forest Department
FDC- Forest Development Corporation
FDCM- Forest Development Corporation of Maharashtra
FRA- Forest Rights Act (Also known as the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act))
FRCs- Forest Rights Committees
FSI- Forest Survey of India
GGS – Group of Gram Sabhas
GRs- Government Resolutions
IFA- Indian Forest Act
IFRs- Individual Forest Rights
JFMC- Joint Forest Management Committee
MFPs- Minor Forest Produce
MGNREGA- Mahatma Gandhi National Rural Employment Guarantee Act
MoEF- Ministry of Environment and Forests
MoEFCC- Ministry of Environment, Forests and Climate Change
MoTA- Ministry of Tribal Affairs
MREGS- Maharashtra Rural Employment Guarantee Scheme
MVFR- Maharashtra Village Forest Rules
NTFPs- Non-Timber Forest Produce
OTFDs- Other Traditional Forest Dwellers
PESA- Panchayat Extension to Scheduled Areas
POR- Primary Offence Report
PTGs- Primitive Tribal Groups
PVTGs- Particularly Vulnerable Tribal Groups
RF- Reserved Forests
RoR- Record of Rights
SDLC- Sub Divisional Level Committee
SHG- Self-Help Groups
ST – Scheduled Tribe
TATR- Tadoba-Andhari Tiger Reserve
TCP- Tiger Conservation Plan
TDD- Tribal Development Department
TP- Transport Permit
TRI- Tribal Research Institute
VLF- Vidharba Livelihood Forum
VSS- Van Suraksha Samiti
ZZKS- Zabran Zot Kruti Samiti

Executive Summary

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA 2006) was enacted ten years ago in December 2006. This Act recognises the historical injustice that Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OTFDs) have been subjected to and seeks to secure their rights over the traditionally accessed and managed forest land and community forest resources. It also aims to move forest governance in the country to a democratic and community-based model. It recognises fourteen pre-existing rights of forest dwellers on all categories of forest lands, including protected areas. These rights are **Individual Forest Rights** (IFRs) and **Community Forest Rights** (CFRs) to use and access forest lands and resources, **Community Forest Resource** (CFR) Rights to use, manage and govern forests within traditional village boundaries. This report focuses on the CFR provision, recognising this as one of the most significant and powerful rights in the FRA.

The Objectives

- Make a quantitative estimate of maximum, mid-range and minimum forest land that has the potential to be recognised as CFR area, and compares it to the actual forest area recognised as CFRs across the state
- Document the positive and negative trends emerging during the implementation of the Act, including narrating situations on the ground towards making a qualitative difference in economic, food and livelihood security and biodiversity conservation
- Identify the major institutional and procedural bottlenecks in FRA implementation
- Suggest the way forward.

The Promise

This report estimates the **maximum CFR potential** for Maharashtra to be the same as the total forest area i.e. **61274 sq km**. The **absolute minimum CFR potential** is estimated to be **36,209 sq km** (59% of the total forest area). A **mid-range estimate** of CFR potential is estimated to be **50,766 sq km** (83% of the total forest area). **26 million people** are estimated to benefit from FRA implementation.

The Performance

Maharashtra emerges as a leading state in recognizing CFRs in the country i.e. **12% of the maximum potential, 14% of the mid-range potential and 20% of the minimal potential**. By November 2016, a total of **5741 CFR rights** claims had been recognised over an area of **7260.58 sq km** in the state.



Performance Rate	District
High Performing District (>66% of total Potential achieved)	Gadchiroli
Average Performing Districts (33%-66% of total Potential achieved)	Nagpur, Nanded
Poor Performing Districts (0%-33% of total Potential achieved)	Ahmadnagar, Amravati, Chandrapur, Gondiya, Jalgaon, Nandurbar, Nashik, Thane and Yavatmal
No Implementation Districts (0% of total Potential achieved)	Akola, Aurangabad, Bhandara, Bid*, Buldana, Dhule, Hingoli, Jalna* ¹ , Kohlapur, Latur*, Osmanabad*, Palghar*, Parbani*, Pune, Ratnagiri, Sangli, Satara, Sindhudurg*, Solapur*, Wardha, Washim

The data indicates huge disparity in the implementation of the Act across the districts, with 21 districts with near zero CFR recognition and over 60% implementation in districts like Gadchiroli.

Emerging Positive Trends

- Efforts by Gram Sabhas towards local and sustainable governance, management and conservation of forests through CFR Management Committee.
- Gram Sabhas evolving formal and informal CFR management Strategies/Plans
- Support by government agencies towards filing claims, and supporting drafting and implementation of CFR management plans.
- Gram Sabhas exercising rights over Non-Timber Forest Produce (NTFP), particularly Bamboo and Tendu to enhance local economies and livelihoods.
- PVTGs group Madia Gonds filing Habitat Rights claims
- Gram Sabhas reclaiming water bodies as CFRs and managing them.
- Few but significant processes of gender empowerment using FRA
- Co-ordinated action towards facilitating CFR by Government and non-government agency in some districts

Emerging Negative Trends

- Notification and implementation of Maharashtra Village Forest Rules under the Indian Forest Act 1927.
- Potential and recognised CFR areas leased to Forest Development Corporations.
- Continuation of diversion of potential and claimed CFR area for development projects such as mining and dams.
- Slow implementation in Protected Areas and continuation of relocation.

¹* All these districts do not have a record of CFRs in the Tribal Commissionerate Office of Maharashtra.

Hurdles and Challenges

- Disproportionate implementation across the districts.
- **Institutional Challenges** such as continued lack of awareness particularly provisions about CFRs, habitat rights and rights of pastoralist communities at all levels of implementing agencies and Lack of dedicated staff at SDLC and DLC levels in many districts,
- **Procedural Challenges** such large scale rejection of claims or pending claims, incorrect or conditional titles, record of rights not revised, disaggregated data on women title holders, CRs and CFR, not available.
- Challenges emerging from **interference and lack of co-operation from the Forest Department** in recognising the CFRs claims and management of CFR.
- Hurdles created due to Conflicting and Divergent forest related Policies
- Hurdles related to CFR management and governance including during sale of major non timber forest produce such as tendu and bamboo.

Way Forward

- Drawing a roadmap to move towards 100% implementation.
- CFR claims filing process is started in 21 laggard districts in a time bound campaign mode co-ordinated with the civil society group or tribal *Sangathanas* working on FRA.
- The discrepancies in CFR titles including incorrect area, titles being issued to institutions other than Gram Sabhas and titles being issued with conditions are addressed.
- Ensuring that laws and policies conflicting with FRA are not notified, encouraged and supported
- Funds such as CAMPA and others coming to the Forest Department are not use for any activity in PESA and recognised or potential CFR areas without the consent of the concerned Gram Sabhas.
- Such funds are not used for relocation from Protected Areas but are used for facilitating CFR and co-existence process in around protected areas.
- CFR management by Gram Sabhas is systemically and proactively strengthened through block and district level institutions and dedicated liaison personnel. Kind of support opportunities which are currently available in few districts through District Convergence Committees is extended to all districts.
- A minimum support price mechanism for sale of non-timber forest produce (NTFPs) such as bamboo and tendu patta is ensured to stop exploitation of Gram Sabhas by contractors lobby.
- E-tendering facilities are extended to all CFR Gram Sabhas for transparent auctioning of NTFPs
- Ensuring women's empowerment through CFRs

Section: I

1. Introduction

1.1 About Maharashtra

Maharashtra, situated in the western region of India, is the third largest state by area and the second most populated state in the country. The coastal region of Konkan along the Arabian Sea is separated from the Deccan plateau by the Sahyadri range of the Western Ghats, while the Satpura hills on the north and Bhamragad-Chiroli-Gaikhuri ranges on the east serve as natural borders. The state has 36 administrative districts.

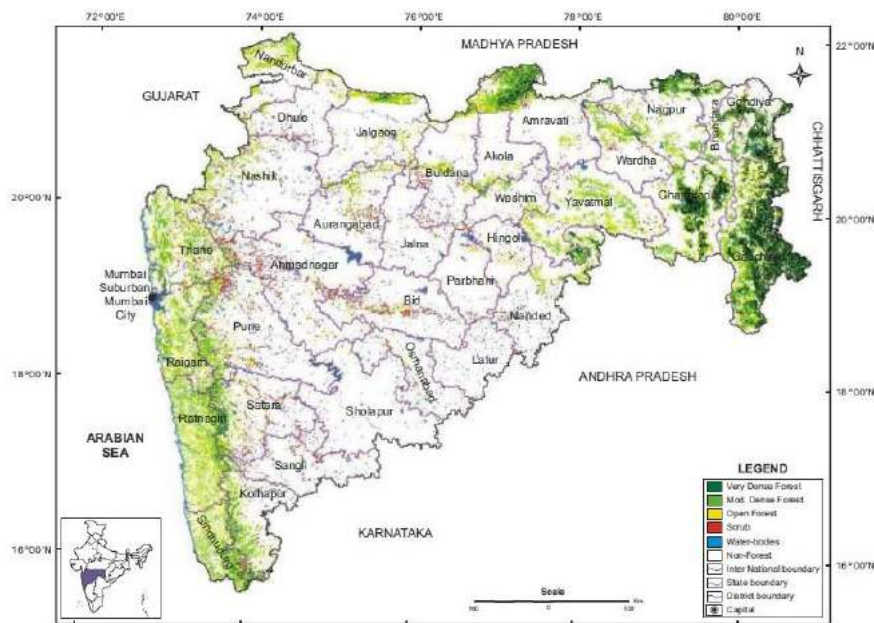


Figure 1. Forest Cover Map of Maharashtra - FSI

	Area (km sq)	% of Geographical Area
Total Geographic Area	307,713	100
Total Recorded Forest Area	61,579	20
Reserved Forest Area	49,546	16
Protected Area	6733	2
Unclassed Forests	5300	1

Table1. Forest Area in Maharashtra

The state has a significant forest cover of about 20 percent (FSI), in various legal categories (Table 1). These forests are primarily located along the Western Ghats (Sahyadris), northern edge of the Satpura hills and eastern end of the state (Gondwana region) (Figure 1). These forests are home to several forest dependent communities, including over 47 Adivasi (tribal) communities. Prominent forest dwelling Adivasi communities include Bhils, Gonds, Mahadeo Kolis, Pawras, Thakurs and Warlis. Three Particularly Vulnerable Tribal Groups (PVTGs) have been identified in the state - Kolams, Katkaris and Madia Gonds. Adivasis constitute over nine percent of the total population, and along with other traditional forest dwellers (OTFDs) constitute a major forest-dependent community.

1.2 What this Report Seeks to Do

This report aims to be a concise yet comprehensive and reflective analysis on the implementation of one of the key provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (here on Forest Rights Act or FRA) – the Community Forest Resource (CFR) Rights in Maharashtra. Based on the information received from grassroots organizations, researchers and government agencies, the report gauges the performance of the state in recording and recognising CFR Rights, which according to the FRA are already vested with the communities living in and/or dependent upon forest resources. The report highlights the potential for implementation of CFRs and assesses the extent to which the potential has been realized. It narrates the experiences from areas where CFR Rights have been recognised, documents the emerging trends and hurdles faced during implementation, the strategies adopted, support received and challenges faced by the Gram Sabhas and suggests the way forward.

It is hoped that the report will be of use to government agencies directly and indirectly involved with the implementation of FRA, policy makers, people's representatives from the concerned constituencies, grassroots conservation organizations, and practitioners to set a road map towards the effective implementation of FRA to achieve local ecological, social, economic and political benefits and justice.

1.3 Objectives and Outline

Objectives of the report are to

- Make a quantitative estimate of forest land that has the potential to be recognised as CFR area, and compare it to the actual forest area recognised as CFRs across the state
- Assess if there are trends indicating a qualitative difference because of implementation of FRA for food and livelihood security, biodiversity conservation and forest governance
- Identify the major institutional and procedural bottlenecks in FRA implementation and
- Identify the way forward.

This report is divided into four sections.

- In the first section, after a **background** to Maharashtra, we have outlined the key **objectives** and **methods** employed, and stated the **limitations** of the study.
- The second section provides **key features** of the Forest Rights Act, a brief **historical perspective** of the forest and land right struggles in the state, and **more recent civil society** and **the state government's** processes towards facilitating CFR implementation.
- The third section is a quantitative assessment of the **potential** CFR area, that is, the **promise**, and the actual implementation, that is, **the performance**, analysing the overall state performance in comparison with other states as well as district-wise performance within the state.
- The fourth section focuses on the **positive** and **negative trends** emerging from the analysis of the data, understanding variations in implementation and the factors contributing to the same.
- The fifth and last section identifies key **issues** and **challenges** in the implementation and looks ahead giving **policy recommendations** and suggests specific **interventions**, at the operational as well as institutional level, to strengthen CFRs in the state.

1.4 Definitions and Terminology

Gram Sabha: Gram Sabha, as per the FRA, is the village assembly of all adult members in the village. The ‘village’ includes all areas referred to as village in any State law related to Panchayats, as well as habitations, settlements, forest villages, traditional villages such as *Padas*, *Tolas*, etc. The Gram Sabha has been empowered to use, access, manage and govern forests within the traditional village boundaries. It is responsible for the conservation and protection of biodiversity and their natural and cultural heritage. Gram Sabha in Scheduled Areas or the PESA Gram Sabha, according to the Maharashtra Village Panchayats Extension to Scheduled Areas (PESA) Rules, 2014, is the village assembly comprising all persons whose names are included in the electoral rolls for the Panchayat at the village level.² Village is defined as “a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs, and which is declared as a village in the prescribed manner...”

Community Forest Resource Rights (CFR Rights): Community forest resource rights include the rights to “protect, regenerate or conserve or manage” the customary common forest land to which the community traditionally had access. The provisions under the CFR Rights are vested in the Gram Sabha through Sections 2(a), 3(1)(i), 5 of the FRA and through Section 12 B (3) of the FRA Rules.

Community Forest Rights (CRs): All community rights in Section 3(1) of the FRA which include *nistar* rights (customary rights), rights over NTFPs, water bodies, grazing lands, seasonally used lands, rights of PVTGs over community tenures, rights to convert forest villages to revenue villages, access to biodiversity and intellectual property rights. In theory, CRs can be larger than CFRs, as they would include forest areas outside village boundaries which seasonally or regularly accessed.

Individual Forest Rights (IFRs): The inheritable but inalienable right held by a forest dweller, to live in or cultivate forest land that was occupied by the person prior to December 13, 2005, is called an Individual Forest Right. It includes rights over disputed lands, *pattas* and leased lands.

Development Rights (3(2) Rights): Section 3(2) under the FRA provides for the diversion of forests land for development of village infrastructure such as schools, hospitals, tanks, electricity lines, roads and community centres. These rights are referred to as ‘Development Rights’. These rights are distinct from CFR rights and need to be proposed by the government agency developing the facility, with a resolution from the concerned gram sabha. This proposal has to go to the local forest department.

² C No. RB/DB/11019(15) (2014) *Compendium of Instructions, Notifications and GRs effective implementation of PESA*. Accessed at: <http://ahmednagar.nic.in/Pesa-Act-1996.pdf>

1.5. Methodology

1.5.1 Estimation of CFR Potential

Estimating the potential area which can be claimed as Community Forest Resource under Section 3(1)(i) of the Forest Rights Act is a difficult task. The upper bound or **maximum** on this could be the entire legally notified forest area in the state, in addition to the area recorded as 'unclassified forest' (including *zudpi jangal*, etc) which is not controlled by the Forest Department. The data on this can be obtained from Forest Survey of India, 2013.

The **minimum** potential over which CFR Rights can be immediately recognised have been taken as the forest land within the revenue village boundaries of the villages. This has been obtained from the Census of India, 2011. The rationale is that the forests within the revenue boundaries of a village are already established to be traditional forests and need no further proof.

However, considering that the revenue boundaries do not necessarily tally with the actual traditional boundaries of the villages in many parts of the state, a mid range data has been estimated. A **mid-range** estimate can be arrived at by considering the forest areas up to two km radius outside the revenue village boundaries and the area in fully-forested uninhabited revenue villages. **This mid range estimate is what we have used to assess performance.**

1.5.2 Estimating Human Population Benefiting from CFRs

The potential human population that could benefit from implementation of CFRs has been calculated by identifying two sets of villages, those villages adjacent to the forests and those villages that may not be adjacent to the forests but have forests within revenue boundaries (excluding towns and cities). The latter is particularly so in Thane, Palghar, Raigad and Nashik.

1.5.3 Assessing the Performance

The Tribal Commissionerate in Nashik, which is the State nodal agency, maintains a record of all stages of implementation from claims filed till distribution of titles. This data has been used here for analysis of performance of the CFR recognition process. Two data sets have been used in the report to calculate the performance in each district—

- 1) Status Report updated June 2016, and
- 2) Status Report updated November 2016.

The emerging trends, issues and challenges and case studies have been compiled with inputs from individuals, community based organisations, Gram Sabhas, NGOs working in the field. Minutes of the meetings of various state level NGO forums have also been used. Information has been collected from the offices of the implementing agencies at the state and district levels.



1.6. Limitations

Some of the limitations of this report are:

The mandate of this study is limited to assessing the implementation of Community Forest Resource (CFR) rights recognition and does not address the issues related to recognition of Individual Forest Rights (IFR) in the state.

Separate data on the number of villages which have received CFR and those which have received only CRs is not available. The state level performance report does not cover such disaggregated detail. The performance therefore is **maximum** performance as it includes both CRs and CFRs.

Gender disaggregated data is not available with the nodal agency. This has limited the possibility of making a realistic assessment of the achievements of FRA contributing to gender equity. Such data was not very easily available from the civil society groups also.

Data specific to recognition of rights of pastoralists and PVTGs is unavailable. It is not clear from the data if any such rights have been granted.

Data has been collected to the best of the Compilation team's capacity but may still have missed out some crucial bits of information or detail.

Section: II

2. Background

2.1 Forest Rights Act - Highlights

In its preamble, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Forest Rights Act for short), recognizes the historical injustice meted out to Scheduled Tribes (ST) and other traditional forest dwellers (OTFDs). It seeks to secure traditional rights over forest land and community forest resources (CFRs), and establish democratic community-based forest governance.

FRA emerged as a legislative response to a national grassroots movement to record the rights of forest dwelling communities whose rights were not recorded during the consolidation of state forests in the colonial regime and in the post-Independence period. Many of these forest dwellers have been displaced for industrial and conservation projects without rehabilitation due to being labeled 'encroachers' on forest land. Section 4(5) of the Act requires that no member of the forest dwelling Scheduled Tribes or Other Traditional Forest Dwellers (OTFD) shall be evicted or removed from forest land under his occupation till the recognition and verification process is complete.

The process of recognition and verification laid out in FRA is currently the only legal process for determining the genuine forest rights holders; it recognizes 14 pre-existing rights of forest dwellers on all categories of forestland, including PAs. The major rights are:

- Individual Forest Rights (IFRs) and Community Rights (CRs) of use and access to forest land and resources;
- Community Forest Resource (CFR) Rights to use, manage and govern forests within the traditional boundaries of villages; and
- Empowerment of right-holders, and the Gram Sabha, for the conservation and protection of forests, wildlife and biodiversity, and their natural and cultural heritage (Section 5, FRA).

The law is significant in seeking to democratize the process of rights recognition by making the Gram Sabha the key authority in the rights recognition process. FRA has also created space for Informed Consent of the Gram Sabha for diversion of forest land³.

The implementation of these rights and empowerment of the Gram Sabha can transform and radically democratize forest governance and conservation regimes in India. For the millions treated as 'encroachers' on their forested habitats and others who were deprived of any say in the matters related to the fate of forests on which their cultures and livelihood depend, FRA implies restitution of their citizenship rights and a right to live with dignity.

³ F. No. 11-9/1998-FC (pt) (2009) *Diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 - ensuring compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006*. Accessed at: http://envfor.nic.in/mef/Forest_Advisory.pdf



The CFR provision, taken together with Section 5, is the most significant and powerful right in FRA, as it recognizes the Gram Sabha's authority and responsibility to protect, manage and conserve its customary forests for sustainable use and against external threats. This report, therefore, has a special focus on CFR rights.

2.2 Emergence and Implementation of the Forest Rights in Maharashtra- Historical and Current Contexts

Alongside elaborating on the historical context, this section analyses reasons which may be impacting the comparatively higher performance of the state in implementing FRA as compared to other states in the country; the disparity in implementation among and within the districts; emerging trends in the processes related to filing claims, verifying claims, dealing with rejected claims, appeals for grievances; Gram Sabhas asserting rights while waiting for their claims to be recognized; Gram Sabhas devising governance, management and conservation strategies, and dealing with hurdles during all these processes.

There are many reasons for Maharashtra's comparatively higher implementation of FRA, of these, the important ones are

1. Strong grassroots mass movement
2. Presence of civil society groups and committed individuals involved with the implementation of the Act.
3. Periodic push from responsive and proactive individuals within the government agencies at all levels, including district collectors, secretaries of the Tribal Department, and the Governor's office.

The success, however, has been varying in different districts depending on local factors, socio-political histories and other circumstances.

2.2.1 Role of Adivasi-led Movements in Maharashtra in the Promulgation of the Forest Rights Act, 2006

Ownership, use and management of forested landscapes in Maharashtra have a contentious and contested history owing to its vast geographic coverage, diversity in the resources and diversity in human communities. A common strand, however, is the colonial conquest of these landscapes. Large swathes of Maharashtra's lands were brought under the legally determined category of 'forest land' to serve as a direct source for timber or as lands for developing plantations for timber during British colonial times. The rights of people living in or off the lands now called 'forests' were often not recognised, improperly settled, or partially settled. Without access to lands or resources, these communities faced social and economic marginalisation. Their discontentment led to several movements including various tribal uprisings and movements in Gadchiroli, Shahada, Dhule, among others, in the pre-Independence era. However, despite these struggles, the forest-dwellers continued to be labelled as encroachers of forest landscapes in several areas of the State. Through various government orders in the 1950s and 1960s, the Government of Maharashtra worked toward settlement of land rights of Adivasis, but they were often localised and piecemeal solutions.

One of the key moments in the history of struggles for forest rights in the country and in Maharashtra was the nation-wide Adivasi Movement for promulgation of the Forest Rights Bill in 2005.⁴ The Adivasi Movements based in Maharashtra played an important role in this. The process of building alliances among Adivasi Movements began much earlier in Maharashtra. In June 1978, reacting to the oppression and marginalisation faced by the Adivasi people under the colonial forest laws, activists from the Bhumi Sena, Kashtakari Sanghathana and Jabran Jot Andolan came together. They decided to form a collaborative process on the question of tribal rights in forests. This group came to be known as 'Zabran Zot Kruti Samiti' (cultivation by force) or ZZKS. The process was later renamed 'Soshit Jan Andolan' and agitations were led by several organisations from Vidharbha, Thane, Raigad and smaller scattered groups from Amravati. They focused on legal recognition or regularisation of forest lands being cultivated by forests dwelling communities. They demanded that all forest lands which were occupied for cultivation prior to 1978 should be regularised, using not only Primary Offence Reports as evidence but also land-based activities and testimonials of village elders as proof of occupation.

Subsequently, the Government of Maharashtra passed a resolution on 27th December, 1978 (Government Resolution No. LEN -1078/3483/J -1) to regularise encroachment on Government owned fallow land, revenue and forest land, forest land in charge of the Forest Department in Nashik and Thane Districts and *gairans* (grazing lands). Prior to this resolution, several orders had been passed for regularising such encroachments.

The main features of this Government Resolution were

1. It was applicable only to tillers who were Scheduled Castes, Scheduled Tribes, Nomadic Tribes, Vimukta Jati⁵ or a Nav Bauddha⁵.
2. If the aggregate income of the families was more than Rs 3600, such cases should be forwarded to the State Government for orders.
3. The beneficiary should be residing within 8 km of the encroached land.
4. The beneficiary should be landless and any Jirayat land held should not exceed 2 ha.
5. Only the land tilled and in the possession as of 31st March 1978 would be regularised.
6. If the tiller was tilling forest land of an inclination of more than 10 percent, the tiller would be provided with alternate land.
7. To give effect to the clause pertaining to the transfer of grasslands to the tiller, the Government Resolution specifically directed the Collector to acquire the said grazing land and to thereafter regularise them as per Section 51 of the Mumbai Village Panchayat Act, 1958.

Meanwhile, through ZZKS and independently, the 'cultivation by force' movement had gathered momentum, with Kashtakari Sangathana in Thane, Zamin Kranti Sangathan in Raigad, Jagruk Kashtakari Sanghatana in Karjat, and Sarvahara Jan Andolan and Shramajeevi Sangathana.

⁴Prabhu, P. (2005, August). *The right to live with dignity*. Retrieved from India-Seminar: <http://www.india-seminar.com/2005/552/552%20pradip%20prabhu.htm>

⁵ Vimukta Jati, also known as the Denotified Tribes(DTs), were tribes who were originally listed under the Criminal Tribes Act of 1871 which was repealed in 1952, thereby making them denotified. The Nav Buhhas were people who were part of the Dalit Buddhist Movement, where they converted to Buddhism as a way of rejecting the caste based system.

To address the issue of large scale evictions that had begun during the Emergency, Justice PN Bhagwati asked Pradip Prabhu from the Kashtakari Sangathana for a detailed note on eviction from forests, which he then converted to a petition, and gave orders in 1980 to halt evictions.

In 1981, to address the issue of providing evidence for the regularisation process, the Forest Department appointed two committees. These committees were dissolved when the Supreme Court objected to them. In the Pradip Prabhu vs State of Maharashtra case⁶, a second enquiry committee was set up by the Supreme Court which submitted its report. Chief Justice Ranganath Mishra, based on this report and the December 1978 GR, passed an order stating that even when the claimant has no documentary evidence to support his claim, it is the responsibility of the competent authority to enquire into the claim and provide other forms of evidence. This led to local committees being formed comprising the Maharashtra Forest Department and the *patwari* (a revenue official who keeps records regarding the ownership of land) to look into the issues of claims. **This was a historic step as it changed the discourse from the issue of 'encroachment of forest land' which is a criminal offence, to 'settlement of forest rights'.**

Under this process four categories of claimants were identified by the preliminary committee report –

1. Claimants who had documentary evidence
2. Claimants who had no documentary evidence, but *Panchayat member* and *patwari* had visited the spot and verified evidence
3. Either *pancha* or *patwari* disagreed on claimants assertion
4. Both *pancha* and *patwari* disagreed with claim on the ground that the land was occupied after 1978.

Dr. Saldhana, a member of the Supreme Court Committee⁷, put in a dissenting note in the report. He argued that the very existence of a landless Adivasi living a life within the boundaries of the law in a forest area is sufficient evidence that he is subsisting on cultivation. This was an argument which was used later for the FRA.

At this point, two key responsibilities were identified by the Soshit Jan Andolan for member organizations:

1. Mobilise consciousness and strength of communities, resist evictions, assert rights and dissent peacefully
2. Find new legalities to recognise labour, living and subsistence on land as a valid reason for recognition of rights.

Thus, a larger philosophical level argument for policy and discourse changes against colonial forest classification, which had criminalised thousands of tribal communities, began to gain momentum within the movement.

⁶Writ Petitions (C) No. 13696-700 of 1983⁶ Gol (2002). Tenth Five Year Plan (2002-2007). Government of India.

⁷Data collected through personal communication with Pradip Prabhu in February 2017.

In 2002, Harish Salve, the then Amicus Curiae, gave a representation to the Supreme Court on the subject of encroachments. Based on this, a circular was issued by the Ministry of Environment and Forests (MoEF) to all state governments, ordering a time-bound eviction of 'encroachments'. This resulted in the eviction of nearly 300,000 families from about 150,000 ha of forest land between 2002-2004⁸, accompanied by brutalities like burning of houses and trampling of standing crops by elephants, amongst others⁹. It was at this point that the Soshit Jan Andolan decided to launch a nation-wide campaign, which came to be known as the Campaign for Survival and Dignity (CSD). CSD organised a number of People's Hearings and released a report called 'Endangered Symbiosis'. CSD also challenged Harish Salve and VK Bahuguna, IG-Forests, MoEF in the Supreme Court.

The Soshit Jan Andolan requested RTI activist Aruna Roy to facilitate a meeting with the then Prime Minister Manmohan Singh, where the Adivasis' problems could be presented and discussed. An Inter-Sectoral Committee on Tribal Issues, chaired by Dr Balachandra Mungekar from the Planning Commission, identified two reasons for growing unrest in the tribal areas, which needed to be resolved.

- i. Failure to recognise forest rights of the tribal people
- ii. Issues of displacement and rehabilitation.

On January 19 2005, the Prime Minister called a meeting at his residence, which included security advisors, PMO staff, Montek Singh Ahluwalia from the Planning Commission, the Minister of MoEF, secretaries from other ministries, and Pradip Prabhu from the SJA was asked to elaborate on the problems concerning Adivasi forest rights. In this meeting, he suggested that a bill for the recognition of rights for forest people be drafted, and this suggestion was accepted immediately. The final drafting committee comprised Praveen Kumar, Madhu Sarin, Sanjay Upadhyay and Pradip Prabhu.

2.3. Implementation Trends Immediately after the Enactment of the FRA

The fact that Adivasi groups in Maharashtra had an important role to play in the processes related to drafting and enactment of the FRA, also ensured that the push for its implementation came very soon after the enactment of the Rules in January 2008. The implementation of the Act in Maharashtra started on the 1st of May, 2008, when the Government of Maharashtra directed the Gram Panchayats to start with the implementation of FRA. Accordingly, meetings were held in 65 Gram Panchayats across the state, and Forest Rights Committees (FRCs) were constituted. In the meanwhile, a number of training programmes were organised by the Tribal Research Institute (TRI), Pune (then the nodal agency), involving Adivasi Mass Movements, NGOs and others. TRI also started radio and television campaigns about FRA. Despite this initial push however, the implementation of the Act in general and CFR provisions in particular, remained very slow in the initial stages because of a number of reasons, some of which were

- These FRCs were constituted at the Gram Panchayat level and not at the level of the revenue villages and associated hamlets. This led to confusion and the claim filing

⁸Lele, S., Springate-Baginski, O., Lakerveld, R., Deb, D., & Dash, P. (2013). Ecosystem Services: Origins, Contributions, Pitfalls and Alternatives. *Conservation and Society*, 11(4), pp. 343-358.

⁹ Ibid

processes could not start in villages which were part of group Gram Panchayats or which were smaller hamlets.

- Most training programmes about the Act were organised at centralized places such as Yashada or TRI in Pune or at district headquarters. Only a limited number of people could go for these meetings and there was no process by which these people would take the information down to sub divisional or village levels.
- Consequently, understanding about the law and claim filing process among the implementation agencies at all levels and Gram Sabhas members remained poor. This continues to be the situation even ten years later in some districts, particularly where Adivasi movements or civil society groups are not present.
- Evictions due to land rights insecurity was one of the important factors for the Movement leading to the enactment of the Act, as in the initial years there was considerable focus only on claiming individual land rights.
- Most communities and individuals found it difficult to find evidence, as the implementing agencies insisted on certain kinds of evidence only, particularly evidence related to filing of Primary Offence Report (POR).
- Filing of claims remained restricted to areas where *jansangathanas* or civil society groups were active.
- The districts where individual land rights claims were filed reported large scale rejection of claims by the Sub Divisional Level Committees (SDLCs)
- There was little awareness at all levels about CFRs and little effort from the government to create awareness. Implementing agencies were insisting on attaching documents related to *nistar* rights with CFR claims.
- In a few districts where CFR claims had been filed, they were not being processed.

In March 2011, Adivasi Movements in Maharashtra called for a rally to draw attention towards the slow implementation of the Act. Thousands of people walked hundreds of kilometers from different parts of the state, and the rally converged in Mumbai. Faced by this situation, the then Chief Minister of Maharashtra made many promises towards implementation of FRA in writing. Some of these included, immediate action towards review of the rejected claims, direction to the implementing agencies on not insisting on only a certain kind of evidence to be provided along with the claim forms, and promising to start a campaign for creating awareness and filing claims for CFRs.

2.3.1 Processes in Gadchiroli

In the meanwhile, a campaign was building in Gadchiroli district towards mass filing of CFR rights claims. An important reason for this as mentioned above was collective action from the grassroots level, effective, collective and consolidated advocacy and technical inputs from mass movements and civil society groups; and a responsive and proactive administration, led by a number of sensitive district collectors. This led to multiple learning processes by actors at the district, taluka and village levels to understand and discuss the provisions of the law and its implication for supporting long standing local struggles for resource use and governance rights. Through these study circle processes, groups in Gadchiroli gained clarity on the FRA. They collectively demanded to form FRCs at revenue village and hamlet level in Gadchiroli district.

In mid-2008, the CFR claim making process was initiated for the villages of Mendha-Lekha and Marda. By 15th August 2009, Mendha-Lekha and Marda became the first villages in the country to have their CFR rights recognised.

In the meanwhile, as part of the district level study processes, a series of training programmes were initiated for implementing agencies at all levels in a campaign mode. Prior to 2012, no format was available for filing CFR rights. Based on the experience of filing claims at Mendha-Lekha and Marda villages, a format was prepared by Vrikshamitra in consultation with all members of the district level study group. This format ensured a uniform and correct process of filing claims, and was distributed to all Gram Sabhas in the district and elsewhere in the state. The district level campaign also ensured that Gram Sabhas asked the district administration to send all relevant documents to the Gram Sabhas which could be used as evidence towards their CFR claims. The district administration responded by ensuring that records of forest and revenue departments relating to a particular Gram Sabha were posted to them. The uniform format for filing claims and evidence provided based on the documents sent by the district administration ensured that a large number of CFR claims were filed in the districts by 2009.

Within Gadchiroli, a district level pressure group, monitoring the implementation and various hurdles that emerged while implementing the Act and exercising the rights, continued. After the Maharashtra Rules under Panchayat (Extension to Scheduled Areas) Act were notified in Maharashtra in 2014, a district level PESA monitoring group was constituted including Gram Sabha members, civil society groups and the district administration. This monitoring group has since then been acting as a pressure group for the joint implementation of PESA as well as FRA

2.3.2 Processes in other Districts

In the rest of the state, the implementation of the Act in general and CFRs in particular continued to be very poor. In order to address this, a meeting was organised on “CFRs: Status, Trends and Way Ahead”, by the Vidarbha Livelihoods Forum (particularly KHOJ and Vidharba Nature Conservation Society), Vrikshamitra, Kalpavriksh and Tata Institute Social Services in Mumbai in January 2013. The meeting was attended by people engaged in CFR activities across the state and Secretaries of all relevant government departments, including the Tribal Department and Forest Department. This led to sharing of experiences and some recommendations to push for CFRs. However, barring a few such state level processes, actions and advocacy related to implementation of FRA have largely been focused at the district level.

2.3.3 Role of Tribal Development Department (TDD)¹⁰

Tribal Development Department (TDD) is a nodal agency responsible for overall policy, planning and development for Scheduled Tribes. In the last few years, TDD has tried to encourage and support projects and programs related to the development of the STs through technical, human and financial resources. In the last few years, recognizing the potential of PESA and FRA the Department has taken up programs related to them in a mission mode.

¹⁰Information shared by Tribal Development Department Maharashtra, March 2017



This was done in conjunction and coordination with all stakeholders such as related line departments, civil society organisations, academicians and technical agencies. Efforts and initiatives of the TDD has also been acknowledged by the MoTA.

For FRA, the TDD has placed an emphasis on management plans preparation with the involvement and assistance of local CSOs and subsequent convergence with local administration in implementation of village Management plans. TDD considers it one of its pioneering and successful initiatives. MoTA-UNDP assistance and technical guidance to CSOs and Gram Sabhas for drafting management plans in 50 Villages as a pilot programme, led to TDD supporting 145 villages in the subsequent phase.

In the last few years many Government Resolutions (GRs) have been issued to support claim filing and management of CFRs. These include a GR for constituting 'District level Convergence Committee for implementation of the conservation and Management Plans for Community Forest Rights Areas.'¹¹ Another GR was issued in order to constitute a State level Steering Committee¹² These GR's aimed at effective implementation of CFR provision; effective CFR planning and management and strengthening of the Gram Sabhas; and monitoring, guiding, reviewing and evaluating the projects implemented by the civil society organisations.

Besides the above two, a set of guidelines were issued to help the Gram Sabhas constitute a CFR management Committee (CFRMC), as per Section 4(1) e of FRA Rules and Section 5 of the Act.¹³ As per this GR the committees are to be executive committees of the Gram Sabhas for the purpose of planning for the management and conservation of the CFR, manage the revenue being generated from the management of community resources, management of funds being received from the government, keeping accounts of the funds that have been deposited and spent, and to carry out all administrative responsibilities related to FRA.¹⁴

In the interest of the FRA and to grant rights of ST and OTFD's in urban areas, TDD also issued a GR for implementation of FRA under the Wards of the Municipality Areas. The GR provided for a committee to be formed to initiate, process and finalise the scope of CFR & IFRs in areas under the Municipalities.¹⁵

Under district convergence committees, TDD has provided funds of Rs. 56.80 lakhs to 50 Gram Sabhas in Gondiya, Gadchiroli, Nagpur, Amravati and Yavatmal. These Gram Sabhas had earlier received funds under the MoTA-UNDP programme for drafting Management Plans for their CFRs.

Besides, funding for the implementation of the plans, TDD is also funding 75 additional GS to draft management plans with support of NGOs working with them. These funds are directly transferred to the accounts of the NGO's. For this programme Gram Sabhas have been selected from Gadchiroli, Gondiya, Amravati, Yavatmal, Thane, and Raigad. A total amount of Rs 1.69 crores has been sanctioned under this programme.

¹¹Tribal Development Department Government Resolution, dt. 1st October 2016

¹²Tribal Development Department Government Resolution, dt. 5th March 2014

¹³Tribal Development Department Government Resolution, dt. 24th June 2015

¹⁴ Tribal Development Department Government Resolution no. व॰ह॰का-२०१४/प्र.क्र.६६/का-१४, dt 24th June 2015

¹⁵ Tribal Development Department Government Resoulution क.व॰ह॰का-2015/प्र.क्र.६१/का-14, dt. 8th September 2015

TDD has also provided revolving funds to the Gram Sabha's, managing their rights on a pilot basis. This has subsequently been regularised in schemes of the Human Development Mission under the Rural Development Department. Through the Tribal Development Corporation, the TDD has also supported the process of *tendu* leaves collection and sale collectively by the Gram Sabhas, with help from organisations such as VNCS and KHOJ.

2.3.4 Role of Governor's Office

Since 2014, when the Rules under Panchayat Extension to Scheduled Areas (PESA) Act, were notified, the Hon. Governor's office started taking a special interest in the implementation of the rules in PESA area. Taking the position that the PESA and FRA are closely linked and together strengthen local rights and livelihoods, the governor's office coordinated with the TDD to facilitate, implementation of PESA and FRA, particularly in the PESA areas. The Governor's office has been instrumental in appointment of FRA coordinators by the TDD in many districts and blocks in order to maximise the outreach and help communities file claims¹⁶. A Tribal Cell has been set up at the Governor's office to nurture any innovative ideas and processes in tribal areas of the State. Collectively, the Governor's office and TDD have been engaged in a constant process of reviewing current implementation, advocacy, capacity building and addressing gaps and incorrect rejections through regular video conferencing.

Under sub-paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor may, by public notification, direct that any particular Act of Parliament or of Legislature of the State shall not apply to a Scheduled Area referred to in clause (1) of Article 244 of the Constitution of India or any part thereof in the State or shall apply to a Scheduled Area or any part thereof in the State subject to the exceptions and modifications specified in the notification. The Governor's office in Maharashtra has used this Constitutional power to facilitate modification of laws and policies which could harm the interest of tribal communities in Scheduled Areas in Maharashtra, including changes in the Village Forest Rules 2014 of Maharashtra to ensure that these Rules will not be applied in the Scheduled Areas. Using this power, a notification has been issued by the Governor's office to modify the FRA in its Section 3, sub-section (2) after the clause (m), to add:

- (i) "(n) godowns, warehouses, cold storages and Haats (Markets) to be operated by the Government of Maharashtra or its subsidiaries;" and
- (ii) "(o) cremation grounds/ burial grounds."

Additionally, many other interventions complement provisions of the FRA. Some specific interventions from the Governor's office in Maharashtra include:

- a) Freeing Bamboo from state monopoly where the Governor's office issued an amendment on 19th August 2014, on the definition of MFPs to be in line with that defined in the FRA, thus including bamboo allowing Gram Sabhas to have rights over conservation and sale of bamboo. It also issued a notification to cancel the section from the IFA (section 2-vii) where bamboo was listed as a tree.
- b) In 2014, rules for PESA were issued which included directives for Hamlet level village formation and provision of a working capital to each village.
- c) Devolution of 5 percent of the funds from the Tribal Sub Plan to the Gram Panchayats in Scheduled Area, releasing Rs 250 crore annually.
- d) Capacity building through PESA co-ordinators at the District and Taluka levels, FRA managers at the Taluka level and also appointing women Self Help Groups (SHG) as PESA mobilizers.
- e) One time financial aid to increase Minor Forest Produce, small fishery harvest.
- f) Ensuring Gram Sabha control over institutions and budgeting, and clarity on income distribution.¹⁷

¹⁶ Can be accessed at http://rajbhavan-maharashtra.gov.in/rajbhavan/Pages/frm_governor_responsibilities.aspx

¹⁷ Can be accessed at http://rajbhavan-maharashtra.gov.in/rajbhavan/Pages/frm_governor_responsibilities.aspx

Section: III

3. Potential and Performance Of CFR Implementation in Maharashtra

3.1 Potential for Recognising Community Forest Resource Rights in Maharashtra

3.1.1 Estimated CFR Potential

Estimating how much forest area is likely to be claimed as a CFR u/s 3(1)(i) is a difficult task. The *upper bound* on this would be the entire **legally notified forest area** in the state, plus those areas that are recorded as '*zudpi jangal*' or other such categories considered eligible by the FRA but not currently controlled by the Forest Department. Fortunately, the term 'recorded forest area' in Maharashtra includes the latter categories also under 'unclassified forest'. So we use data on recorded forest area to estimate the maximum CFR potential.

- This **maximum CFR potential** estimate for Maharashtra comes to ~ **61274 sq km**.¹⁸

On the other hand, the *minimum potential* is the area of forest land *within* revenue village boundaries. This area is available in the Census data. Although there are some inaccuracies, this is the best available dataset. The absolute minimum potential is estimated simply by totaling the "Forest" column in the Census 2011 village amenities table. In this calculation, we excluded revenue villages which had zero population, except if they were not fully forested.¹⁹

- This **absolute minimum CFR potential** came to **36,209 sq km**, and exists in **33 districts**.

To get a more realistic *mid-range estimate*, we noted that a significant area of forests in Maharashtra exists *outside* revenue village boundaries. This is especially true in northern (Nandurbar, Dhule, Jalgaon, Akola, Amaravati) and eastern (Nagpur, Chandrapur, Gondiya, Gadchiroli, Bhandara) districts. The extent of such (forest patches outside revenue village boundaries) area is estimated (from GIS data) to be about **16,990 sq km**. To this, we also added revenue villages that were uninhabited and fully forested (42 villages, with 220 sq km), to get a total of **17,210 sq km**. The locations of these areas across all Maharashtra are shown in Figure 2 below.

¹⁸ Forest Department, 2013, "A Statistical Outline: Current Salient Forest Statistics", Government of Maharashtra p.9. The figure does not include 84.2 sq.km. of notified forest within Mumbai City and suburbs.

¹⁹ The idea being that the fully forested ones get added to the 'forest polygons' in the next estimate, and the ones that are not fully forested, even if showing zero population, will presumably have some human presence, such as cultivators coming from neighbouring villages.

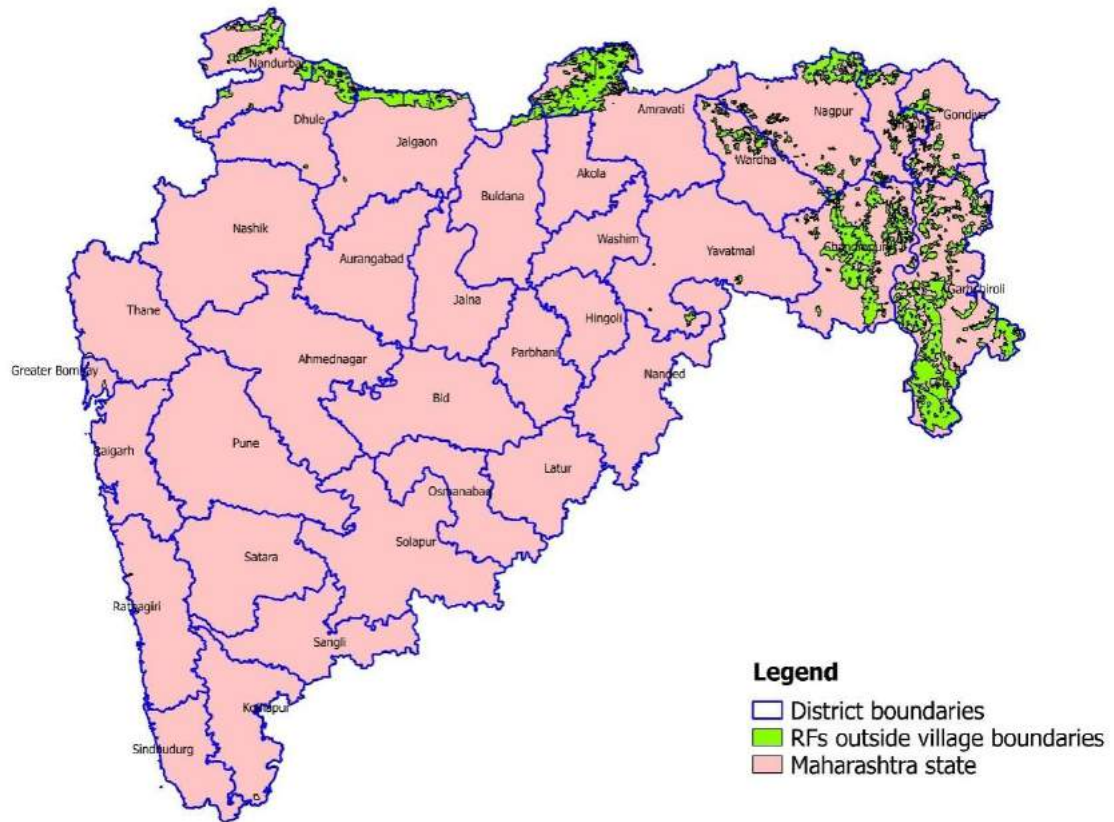


Figure 2. Location of Large Forest Patches outside Revenue Village Boundaries in Maharashtra

The question is how much of this area is likely to be claimed as CFRs. As an approximate thumb rule, we assumed that CFRs in these forest polygons would be claimed by villages that are adjoining the polygons, and that each village would claim up to 2km into the polygon. So we ‘buffered inwards’ each forest polygon up to 2km, and the area in this 2km buffer turns out to be **14558 sq km**.²⁰ An example of such ‘buffering’ is indicated in Figure 3 below. When combined with the forest area within villages:

- This **mid-range estimate** of CFR potential comes to **50,766 sq km** across 33 districts.

²⁰ Note that this is actually 85% of the forest polygon area. This essentially means that most of the area of these RF polygons would also get claimed if villages claim up to 2km into the RF area.

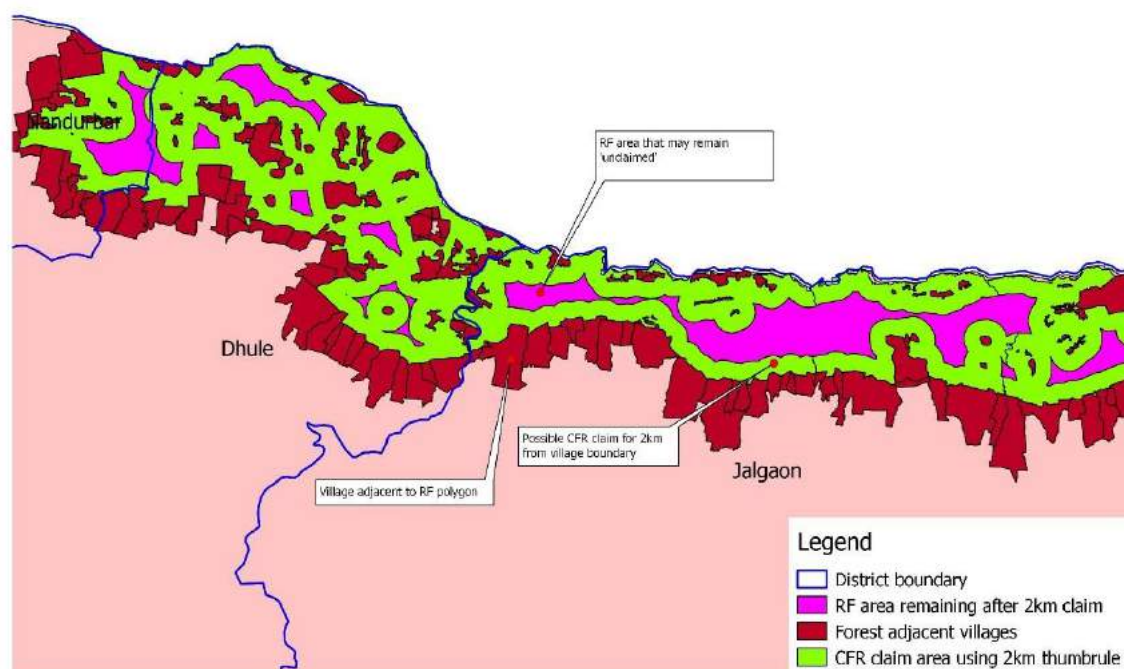


Figure 3. Illustration of 2km CFR Claim into Reserved Forest Area

The above data indicates that the minimum area of forest that can be recognised as CFRs on the basis of the census data itself is about **59 percent of the total recorded forest area** of the state. However, considering that in many districts in the state, the area traditionally falling within the boundaries of a Gram Sabha lies outside the revenue boundaries, the mid range potential for recognising CFR Rights is nearly **83percent of the recorded forests**. (See Table 2, Annexure 1 for data used for analysis in this section).

3.1.2 Estimated Population of Schedule Tribes and Other Traditional Forest Dwellers Population benefiting from FRA

It is estimated that approximately 257,70,418 or nearly 26 million people including 58,53,128 Scheduled Tribes (STs) and 26,60,057 Scheduled Castes (SCs) can potentially benefit from the implementation of CFR Rights.(See Table 3, Annexure 1)

3.2. Estimating the Performance of Implementation of Community Forest Resource Rights in Maharashtra

3.2.1. Estimating CFR Performance in the State

As per the data received from the Tribal Commissionerate of Maharashtra (The Nodal Agency for implementation of Forest Rights Act in the state), till November 2016, a total of 5741 Community Forest Resource Rights titles had been handed over to the concerned communities. From the data it is not clear if these are only CFR Rights or all community forest rights under Section 3 (1) of FRA. Here we are assuming all of these to be CFR Rights and hence this is a **maximum estimated performance** of CFRs implementation in the state. Total amount of forest area recognized as CFRs in the state as per this data is **1794130 acres or 7260.58 sq km**. (See Table 4, Annexure 1)

3.2.2 Comparing Maximum Performance with Maximum, Mid-Range, and Minimum Potential for Recognising CFR Rights in the state

As shown in Table 5, *the state has so far recognized only 12 percent of the maximum potential of CFRs, only 14 percent of a mid-range potential of CFRs and 20 percent of the minimum potential of CFRs*. For all subsequent district-wise analysis we have used **minimum potential for CFR implementation** to compare with the **maximum estimation of CFR recognised** to keep it uniform with the National level report. Comparing performance against mid-range and maximum potential will have very different picture indicating fairly low level of implementation in Maharashtra.

Table 5. Comparison of Maximum, Minimum and Mid-range Potential of CFR Rights Recognition in Maharashtra with Maximum Forest Area Recognised as CFR till November 2016

	Forest area in sq km	Maximum forest area recognised as CFRs till November 2016 in sq km	Percentage
Maximum Potential for CFRs in Maharashtra	61,274	7260.58	12%
Mid-range Potential for CFRs in Maharashtra	50,766	7260.58	14%
Minimum Potential for CFRs in Maharashtra	36,209	7260.58	20%

Maharashtra has the highest number of CFRs being recognised in the country with almost 14 percent of the total potential CFRs being recognised followed closely by Kerala, Odisha and Gujarat. This can be attributed to the presence of civil society as well as *sangathanas* and various Adivasi groups who became pressure groups during and after the FRA was formed, enacted and implemented. (Table 6, Annexure 1)

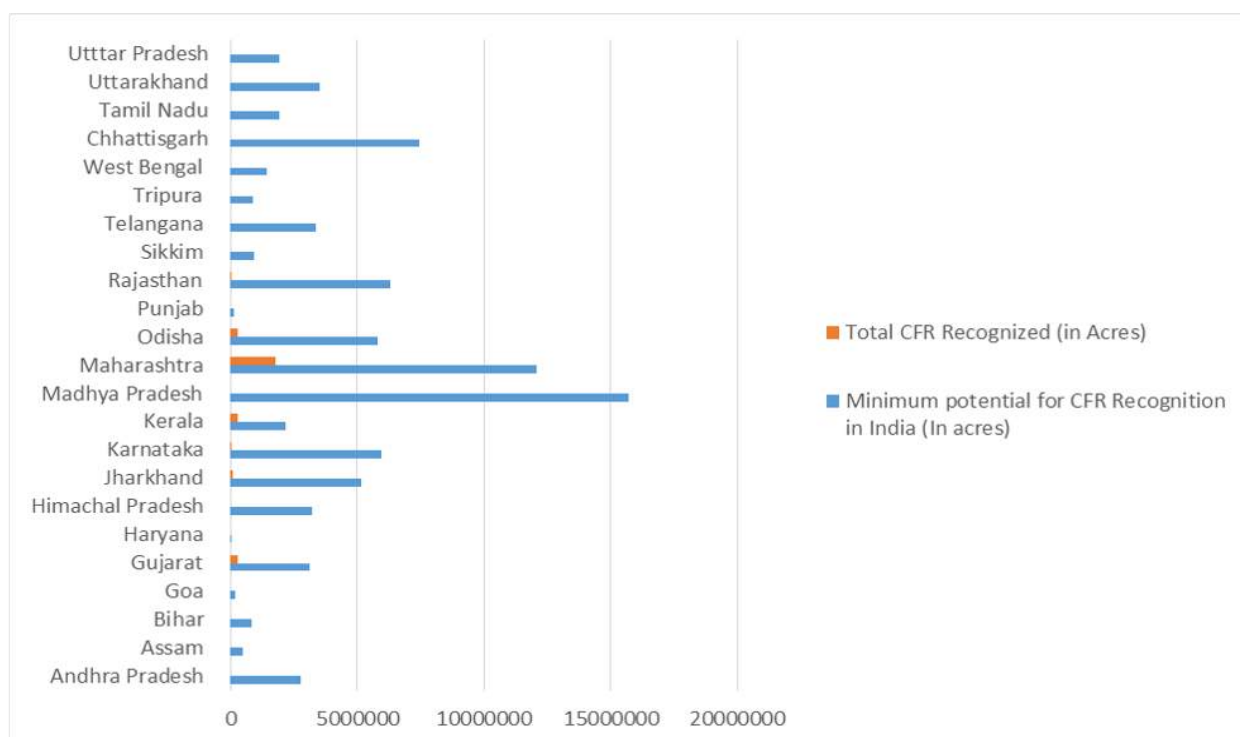


Figure 4. State-wise Comparison of the Potential CFR to be Recognised and Total CFRs actually being Recognised in India

3.3.3 District-wise Performance Data

While at the national level, Maharashtra emerges as one of the leading states in the implementation of CFR rights, a district-wise analysis shows that this is mainly because of the high rate of recognition in a few districts, particularly Gadchiroli.

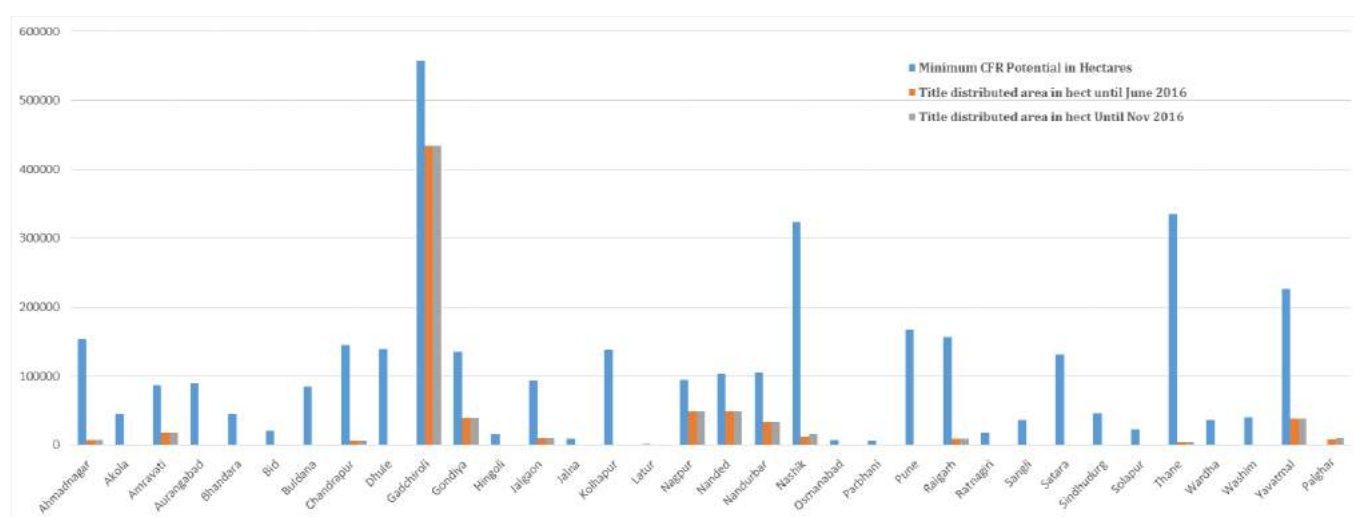


Figure 5. District-wise Comparison of Minimum Potential of CFRs to be Recognised with the Total CFRs Recognised until June 2016 and November 2016

The district-wise data analysis in fact gives a very skewed picture of CFR implementation in the state with one district - Gadchiroli - implementing as high as over 60 percent of its minimum potential, only two districts with above 33 percent implementation, nine districts with less than 30 percent implementation and 21 districts with zero or near zero implementation (see Table 7 below and Table 8, Annexure 1 for details). In fact, some of the districts with a very high potential for CFR implementation have near zero actual implementation, these include Ahmednagar, Chandrapur, Dhule, Gondiya, Kolhapur, Nashik, Pune, Raigad, Satara, Thane and Yavatmal. Of these only Gondiya and Yavatmal show some level of implementation. ***In fact if Gadchiroli is taken out of the picture, Maharashtra's average performance of CFR implementation as compared to the minimum potential would be approximately 10 percent.***

Table 7. District-wise Analysis of Claims Received, Pending, Approved and Rejected at Various Levels

Performance Rate	District
High Performing District (>66% of Total Potential achieved)	Gadchiroli
Average Performing Districts (33%-66% of Total Potential achieved)	Nagpur, Nanded
Poor Performing Districts (0%-33% of Total Potential achieved)	Ahmadnagar, Amravati, Chandrapur, Gondiya, Jalgaon, Nandurbar, Nashik, Thane and Yavatmal
No Implementation Districts (0% of Total Potential achieved)	Akola, Aurangabad, Bhandara, Bid*, Buldana, Dhule, Hingoli, Jalna* ²¹ Kolhapur, Latur*, Osmanabad*, Palghar*, Parbhani*, Pune, Ratnagiri, Sangli, Satara, Sindhudurg*, Solapur*, Wardha, Washim

The objective of this district-wise data analysis is to understand trends on the rates of CFR rights and CR rights rejection at every level of verification.

²¹ * All these districts do not have a record of CFRs in the Tribal Commissionerate Office of Maharashtra.

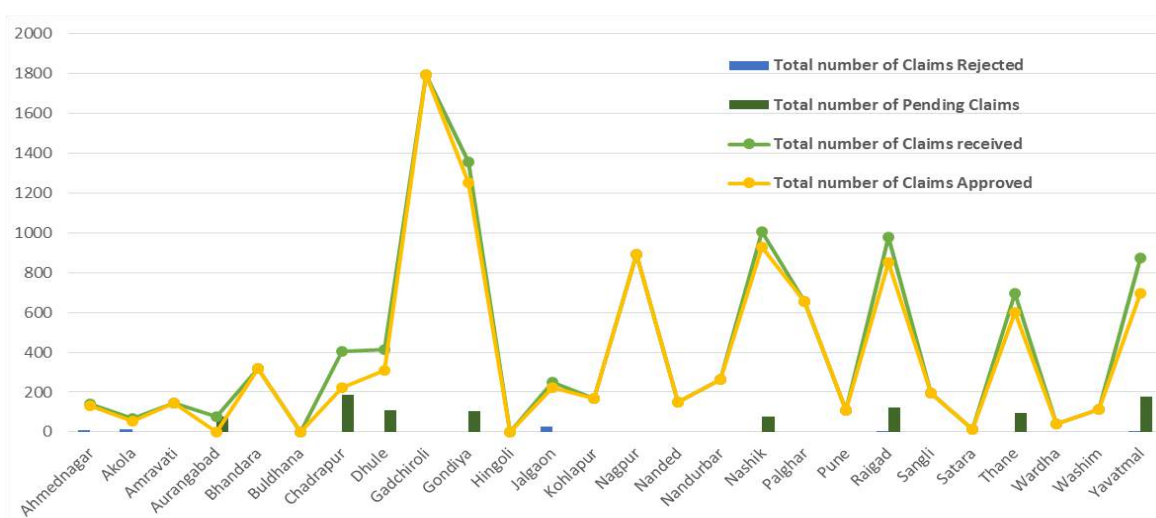


Figure 6. District-wise analysis of Claims received, pending, approved and rejected at Gram sabha level
(Source: Tribal Commissionerate of Maharashtra, until November 2016)

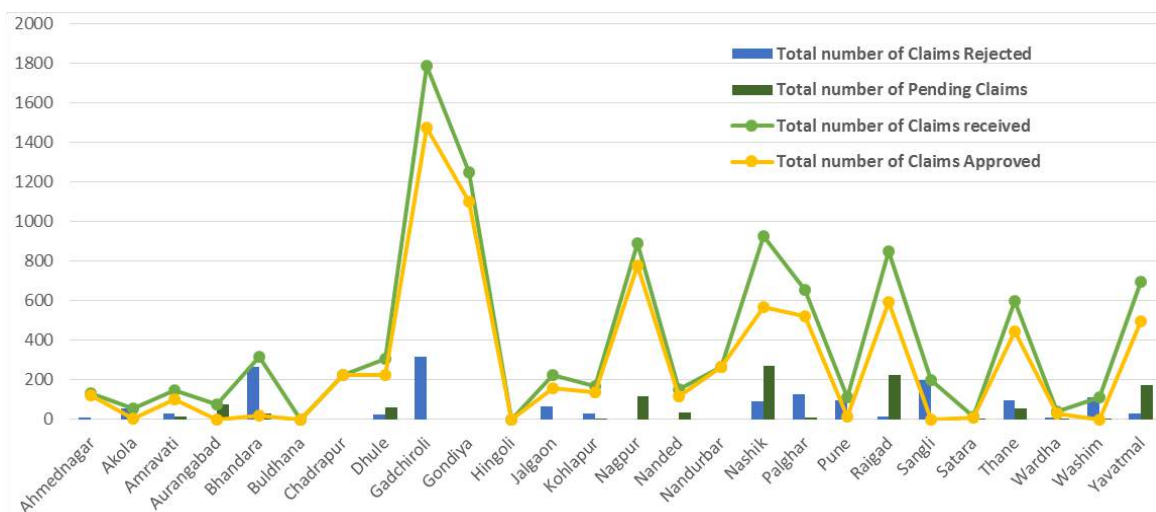


Figure 7. District-wise Analysis of Claims Received, Pending, Approved and Rejected at the SDLC Level
(Source: Tribal Commissionerate of Maharashtra, until November 2016)

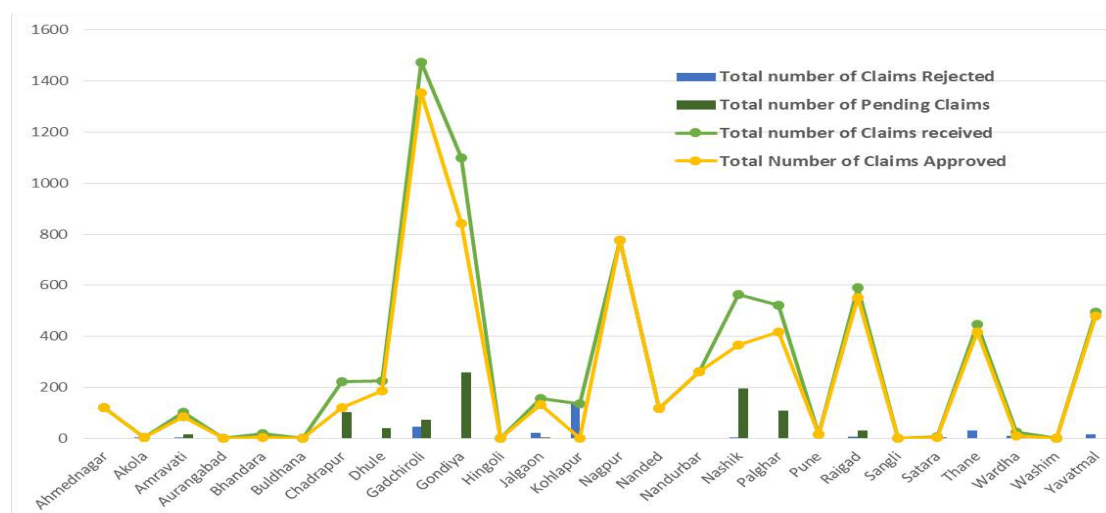


Figure 8. District-wise Analysis of Claims Received, Pending, Approved and Rejected at the DLC Level (Source: Tribal Commissionerate of Maharashtra, until November 2016)

Analysis of November 2016 data shows that 90 percent of the claims received at the Gram Sabha level have been approved by the Gram Sabhas, except in Ahmednagar, Akola and Jalgaon where the Gram Sabhas have rejected claims. In districts like Aurangabad, Chandrapur, Dhule, Gondiya, Nashik, Raigad and Yavatmal, a large number of CFR and CR claims are still pending approval at the Gram Sabha level. In Chandrapur, almost 45 percent of the claims received were pending at the Gram Sabha level, as of November 2016 (See Figure 6 and Table 9, Annexure 1).

At the SDLC level, 72 percent of the claims received from the Gram Sabhas were approved. Nearly 15 percent of the claims were rejected at the SDLC level, while 12 percent of the claims were pending. There seems to be a high rate of rejection at the SDLC level, with districts like Sangli, Washim, Pune and Akola having rejection rates of more than 80 percent. In districts like Nanded, Nashik, Raigad and Yavatmal, more than 20 percent of their claims are pending at SDLC. Although the Act clearly specifies that the claims cannot be rejected at the SDLC level, the SDLC is responsible for either sending the claims back to the Gram Sabha indicating any procedural lacunae in filing the claims or forwards the claims to the DLC where the final decision is to be taken. It could not be ascertained whether the rejection shown at the SDLC level are final rejections or Gram Sabhas have been asked to resubmit the claims with corrections (See Figure 7 and Table 9, Annexure 1).

Of all the claims reaching the DLC, 85 percent have been approved. 11 percent of the total claims are pending decision at this level. The districts of Gondiya, Chandrapur, Nashik, Palghar and Wardha have high rates of pending cases, where Chandrapur tops with almost 46 percent of its claims pending at the DLC level. Districts like Jalgaon, Kolhapur and Wardha having high rates of rejection at DLC (See Figure 8 and Table 9, Annexure 1).

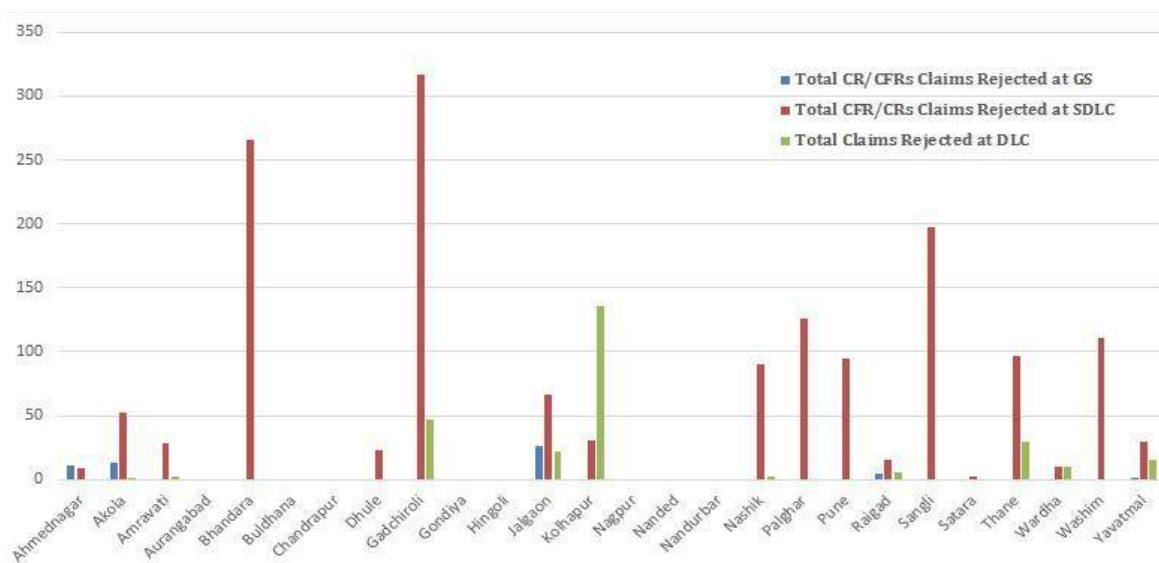


Figure 9. District-wise Analysis of Claims Rejected at Various Levels until November 2016

As per the data analysis, there are high levels of rejection at the SDLC level. This has also been reflected in the district-wise rejection rates data where in most districts the claims are rejected at SDLC level with the exception of Ahmednagar, Kohlapur and Wardha. Akola, Bhandara, Gadchiroli, Jalgaon, Nashik, Palghar, Pune, Sangli, Thane and Washim are the districts which have highest rate of rejection at SDLC levels. (See Table 9, Annexure 1).

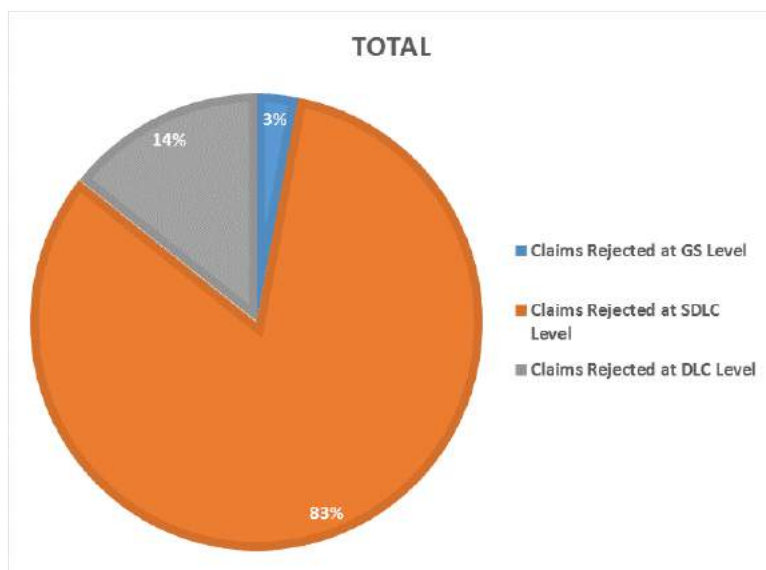


Figure 10. Overall Analysis of Claims Rejected at Various Levels

It is not clear whether these have been returned to Gram Sabhas for correction or have been completely rejected.

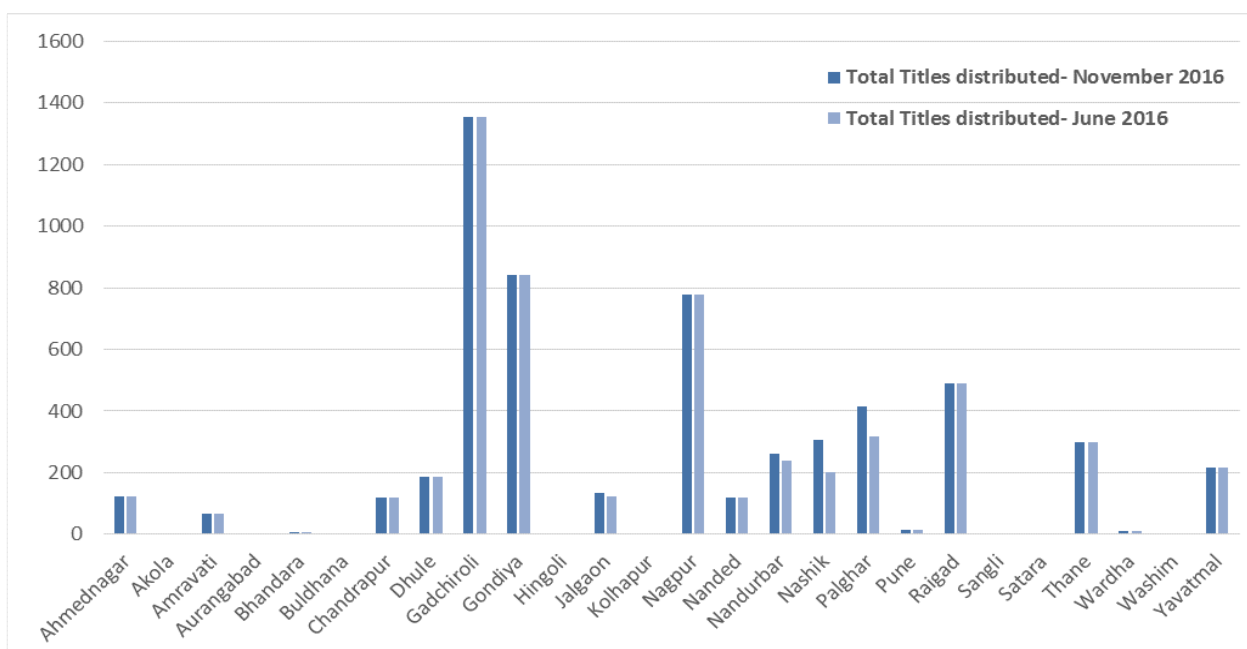


Figure 11. Comparative Analysis of Titles Distributed between June and November 2016 (Source: Tribal Commissionerate of Maharashtra)

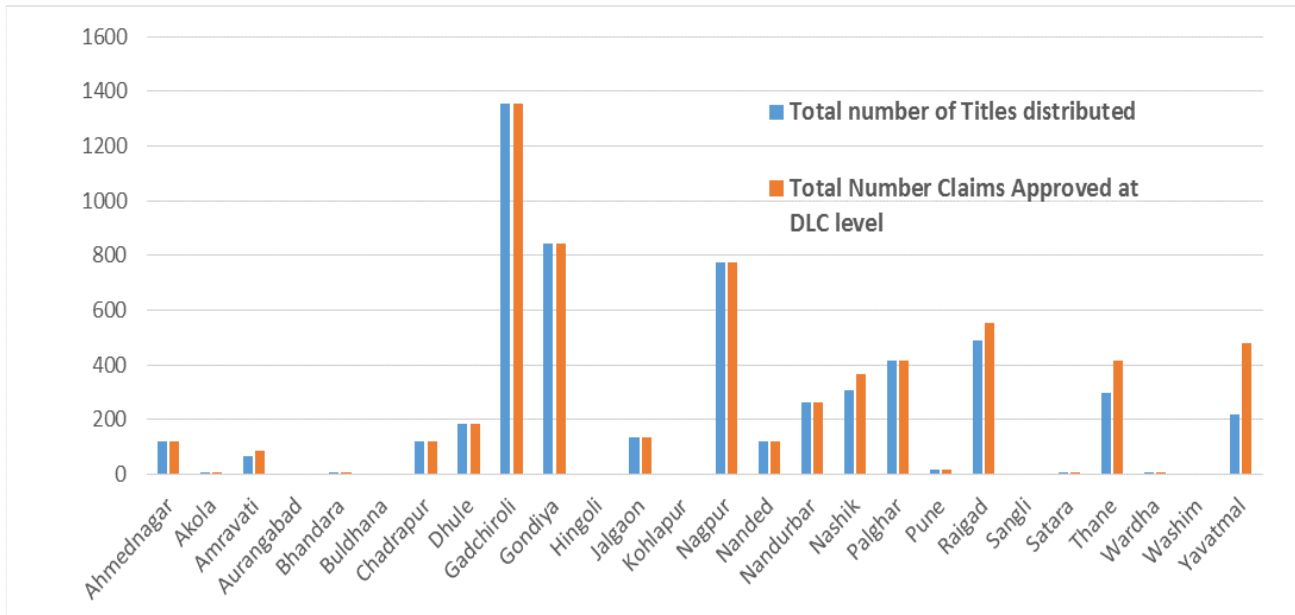


Figure 12. Total number of Claims approved at the DLC Level and the Total Number of titles Distributed until November 2016 by the Tribal Commissionerate of Maharashtra

Of the total 6264 claims that were approved at the DLC level, 5741 titles have been distributed with 523 titles yet to be distributed. Districts like Yavatmal and Thane have more than 60 percent of the titles which are yet to be distributed. It is not clear why titles for such a large number of approved claims have not been distributed yet. (See Figure 12)

Comparison of data between June and November 2016 shows little change in status except in Nandurbar, Nashik and Palghar, where 234 new titles were distributed during these months covering over 17,277 ha of land. FRA coordinators were appointed in some talukas in these districts by the TDD supported by the Governor's office. (See Figure 11 and Table 4, Annexure 1).



Section: IV

4. Emerging Trends and Hurdles

4.1 Emerging Positive Trends

The analysis of ten years of implementation of FRA in general and CFR in particular, shows the emergence of various trends. These trends need to be seen in the context of the history of FRA in Maharashtra. The trends have emerged particularly in areas where CFR rights have been claimed and Gram Sabhas have started asserting these rights towards governance and management of CFR Forests. These trends, some progressive and some regressive have enriched the process of implementation of CFRs in the state, and range from struggles for rights, community initiatives, Gram Sabha lead conservation practices, uses and management of forest resources by communities and steps taken by communities, by administration, by *sangathans* and NGOs.

4.1.1 Local and Sustainable Governance, Management and Conservation of Forests

Mendha-Lekha village in Gadchiroli district of Maharashtra, where self-rule and forest conservation date back a few decades, was one of the first to have claimed and received CFR rights over 1800 ha of forests in 2009. Mendha Gram Sabha, represented by all adult women and men, prepared a comprehensive forest management strategy, which included need based extraction and sale of forest produce such as bamboo, establishment of no go zones for wildlife protection, and drafting a village biodiversity register. Village development and forest management activities were linked to the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)²² ensuring that all villagers would have employment throughout the year, ensuring zero distress outmigration. Amongst the most significant actions taken by the village in recent times has been declaring all village land (community or privately) as village owned under the Gramdaan Act of Maharashtra, with the intention of preventing land alienation under distress. Through the strength of their institutions and systems, the village has been able to ensure effective village and forest governance leading to security of livelihoods, financial security, food security, secured access to natural resources, and cultural and ecological security. This village has become an example for many villages across the state and other parts of the country to learn effective village governance and forest management.

Payvihi village of Maharashtra's Amravati district, claimed and received CFR title in 2012, subsequent forest management and governance has led to uniting a conflict-ridden village towards a visioning and planning process. The village envisioned and prepared a village development plan to avail of financial resources from various local government line-department schemes. They ensured that any forestry related activities would be locally and ecologically appropriate and leading to forest conservation. The result is that today, their CFR has regenerated with increased forest produce. The village also trades in custard apple and

²² शासननिर्णयक्र. मप्रोरा - २०१२/ प्र. क्र. २५/ रोहयो - १, दिनक- ११ अप्रैल २०११

tendu patta, contributing to the local economy. During the last few years, the village has seen substantial reduction in distress out-migration for employment and revival of its near degraded forests (see Case Study 1, Annexure 2). Consequently, in Melghat Tiger Reserve and adjoining areas, dozens of villages are now protecting and regenerating their lost forest and wildlife habitats.

Pachgaon village on the outskirts of Tadoba Tiger Reserve in Chandrapur district of Maharashtra after receiving CFR rights in 2012 is nearly self-sufficient in generating local livelihood from regulated bamboo harvest. To maintain the biodiversity of their forests the villagers decided not to harvest *tendu patta*²³ (which was traditionally an important non timber forest produce (NTFP) earning substantial revenue), this they said will reduce forest fires, allow for the regeneration and also provide *tendu* fruits to wildlife. In addition to devising rules and regulations of use for their entire 2486.90 acres of CFR, the village now protects 85 acres as a strictly protected and managed critical zone for wild, including tigers, which are regularly sighted (see Case Study 2, Annexure 2). Inspired by this and other villages in Gadchiroli, whose CFR rights have been recognised and which are located in the buffer zone of Tadoba Tiger Reserve are now seeking help to develop conservation and development plans, and community biodiversity registers.

In Yawal wildlife sanctuary in North Maharashtra, the local tribal *sangathan* (collective), is using FRA along with other relevant Acts to initiate a number of social, ecological and economic processes in villages in and around the sanctuary²⁴. Interestingly, the Yawal wildlife sanctuary has been regularly in the news for claims of large scale forest land occupation post FRA enactment. Yet Yawal is where a collective process by local Gram Sabhas, local tribal sangathanas and forest and other government departments has led to reduction in new forest land occupations after the land and forest rights claims of the local people were filed and recognised²⁵.

In Thane, Shramik Mukti Sanghatna has helped villagers fight against construction of the Kalu dam, which would submerge their CFR forests. Subsequently, four of these villages have received CFR rights and are currently involved in drafting and implementing their biodiversity management and conservation plans.²⁶

Box-I: Thanepada Village Gram Sabha, Nandurbar

Thanepada village in Nandurbar District is a large village with 800 households, majority of who belong to the Pawara tribe. In 2012, although they claimed CFR rights, they got a title for community rights (CR) with certain conditions from the FD. However, people decided to continue with the JFM committee towards conservation of forests. Consequently, for effective implementation of the *Jalyukt Shivir* Scheme (Soil and Moisture Conservation programme), the village was given an award at the district level. On 26 January, 2013 the village Gram Sabha passed a resolution to reclaim CFR rights. Finally, after a continuous struggle for three years in September, 2016, Thanepada received its CFR rights title over 1400 ha of forest. Subsequently, the village prepared a conservation and village development plan for the following ten years. The district collector of Nandurbar has directed that a committee be formed to ensure that adequate resources are provided to the village to implement its conservation and development plan which also includes an eco-tourism plan.²⁷

²³ *Tendu* or *Diospyros melanoxylon* leaves are used for making *bidi* (local Indian cigarettes)

²⁴ Jathar, R., & Pathak-Broome, N. (2013). Case Studies on CFR- Maharashtra. In S. Desor, *A National Report on Community Forest Rights under Forest Rights Act: Status and Issues* (pp. 19-57).

²⁵ Mokashi, S., Kumar, Y. & Pathak Broome, N. (2015). *A Process Documentation by Kalpavriksh for Conservation and Development Micro-Planning Process for villages in and around Yawal Wildlife Sanctuary, Jalgaon, Maharashtra Led by Lok Sangharsha Morcha*. Unpublished report.

²⁶ Personal Communication with Indavi Tulpule in March 2017

²⁷ Kumar, Y. and Shinde, P. (2016) Field notes collected during on-site research in Nandurbar, Maharashtra

Over 200 CFRs have been recognised in Palghar district, which are also at various stages of management and planning and adopting different systems of management in collaboration with partners including government agencies, NGOs and also corporate bodies through their CSR funding. These include, three villages, Doyapada, Kaspada, Aliwpada, whose collective rights over 150 ha of forests were recognised. Of these, Doyapada has a share of 47 ha, of which they have decided to fence and protect two-thirds of the area. Grazing and felling has been banned in this area through a Gram Sabha resolution, while these activities are allowed in the remaining area. The village has a CFRMC that is registered and has a bank account. The CFRMC holds a monthly pada sabha (also pending a status of Gram Sabha under PESA), the CFRMC has received funds from a CSR foundation. The village also has a JFMC and the DCF has transferred Rs. 7.5 lakh for developing the Community Forest Produce Processing center. This proposed center consists of an oil expeller (for mahua), solar dryers (for drying forest fruit and veg), pulverizer (for making powder of dried products), and a *patrawali* (leaf-plate) machine. The dryers have been procured and are in use. Kokanpada Gram Sabha, also in Palghar, has enclosed 5.5 ha. of its 22 ha., as CFR forest, where grazing and felling is not allowed. This village is part of a tri-partite project involving BAIF, Vayam, and Kokanpada Gram Sabha and is being funded as a habitat conservation project under Maharashtra Gene Bank. Kokanpada villagers have planted about 7000 trees (including 1500 Bamboo) in this enclosed area. Through the Manav Vikas fund of the TDD they have received funds for drying forest produce. Both villages are now earning income from selling the dried forest and farm produce.²⁸

4.1.2 CFR Management Strategies and Plans

Section 5 of the FRA, empowers the Gram Sabha, with the right and responsibility

- To protect wild life, forest and biodiversity,
- To ensure that Community Forest Resource (CFR) area is used sustainably and access to it is regulated
- To protect ecologically sensitive areas and to prevent any destructive practices that may affect their cultural and natural heritage.

Rules 4 (1) (e) and (f), empower Gram Sabhas to constitute a committee (henceforth termed as 4 (1) (e) committee) to fulfil above responsibilities. This committee is mandated to prepare a conservation and management plan for the CFR in consultation with the Gram Sabha. As per the preamble of the Act, vesting of responsibility and authority with the Gram Sabha for sustainable use, conservation of biodiversity and maintenance of ecological balance would strengthen the conservation regime of the forests while ensuring livelihood and food security.

As more and more Gram Sabhas claimed CFR rights in Maharashtra, particularly in districts like Gadchiroli, Gondiya, Nagpur, Amravati and started exercising their rights to harvest and sell non timber forest produce, a need was felt to devise formal and informal plans and strategies to take decisions on such harvesting practices. This led to the Gram Sabhas adopting different strategies in different places. In villages like Mendha-Lekha, the Gram Sabha constituted a

²⁸Information shared by Milind Thatte, Vayam, Jawar Mokhada, Palghar on 17.03.2017

team from the village, sought help from outside experts like Dr. Madhav Gadgil and started the process of collecting data and drafting the management plan, using the Working Plan code of the Forest Department as a base. Simultaneously, through Gram Sabha discussions they arrived at a sustainable system of harvesting bamboo, which involved identification of coupes which could be harvested in a particular year, monitoring the harvesting process, ensuring that the harvesting does not cause damage to the forests and bamboo clumps and ensuring equitable and fair wages to all.

After the initial years of harvesting, Mendha Gram Sabha decided not to continue with bamboo harvest but to move towards forest management. This would mean only need based harvesting of the bamboo through the year, while focusing on clump management, soil and moisture conservation and mulching for livelihoods. Forest management activities were linked with NREGS to provide sustained wages to all villagers throughout the year. The Mendha experience in management and governance of forests and the process of Gram Sabha drafting their management plans, with the help of experts from within the village and outside, was eventually used to produce a set of guidelines (*Margdarshika*) for others who wanted to follow a similar path process.

Bhimanpayli, a small village of 11 households in Gadchiroli district had claimed an area of 2067 ha as their CFR. In 2012, when their right over this bamboo rich forest was recognised, they began discussions on bamboo harvesting. They visited Mendha-Lekha village to understand their process of bamboo management. After considerable discussion within the village, the Gram Sabha decided to use the existing Working Plan of the Forest Department to identify the bamboo coupes for harvesting and the cycle of harvest. The village continues to follow this process, while decisions on wages, labour and other issues are taken in the Gram Sabha (See Case Study 3, Annexure 2). In villages like Panchgaon, the Gram Sabha worked out a set of over 120 oral rules and regulations to follow for conservation and management of their CFR forests. Decisions regarding bamboo harvesting and sale are taken informally in the Gram Sabha as and when needed. Harvest and sale of bamboo through decisions taken by the Gram Sabhas is among the most common management strategies being followed by over 300 hundred villages in South Gadchiroli district (see Case Study 5, Annexure 2). Rekhatola and Mohagav villages in East Dhanora Tehsil have also self-mobilized and established systems for bamboo harvesting in 2013-14 and Tendu in 2016 (See Case Study 5, Annexure 2) In Korchi tehsil, Temli village has managed to form a '*Van hakka nityantran samiti*' was formed to effectively harvest bamboo and in 2015, managed the sale of bamboo independently without the help of the FD (See Case Study 4, Annexure 2)

In the meanwhile a more formal process of drafting management plans began in some districts in the Vidarbha region after the Ministry of Tribal Affairs (MoTA) in partnership with the United Nations Development Program (UNDP) instituted a joint project, "Strengthening National Capacities in Tribal Areas" to advance tribal development and forest rights in the country. Members of Vidarbha Livelihoods Forum (VLF) led by KHOJ wrote a proposal under this program to facilitate improved governance of forest and tribal villages in the Vidarbha region of Maharashtra through the effective use of FRA. Of the 600 villages which has received CFR

titles in villages where members of VLF were working, 50 were selected for this proposal, which was supported by the Principal Secretary of TDD. This six month process was facilitated by the members of VLF and involved training programmes for Gram Sabha members, meetings with relevant government agencies at all levels, forest stock analysis, and identification of individual and community development needs, among others.²⁹ After completing the initial pilot project, a hundred more villages were selected from the districts of Gondiya, Gadchiroli, Nagpur, Amravati, Yawatmal, Thane and Raigad, where the process of drafting management plans began in the second phase supported by TDD. (See Section 2.3.3)

In Thane district, CFR rights have been approved for nearly 230 hamlets. Of these, under the above programme supported by TDD, ten CFR holder hamlets in Murbad taluka have been in the process of drafting management plans since April 2016, facilitated by Shramik Mukti Sanghatana. Four of these are the Gram Sabhas that fall in the submergence area of the proposed Kalu Dam, which they have been successful in holding back for the last five years. In June 2016, these Gram Sabhas undertook plantation of trees of their choice under the Forest Department's tree plantation campaign and a total of around 2500 bamboo and 7500 other fruit bearing trees were planted.

In Korchi Tehsil of Gadchiroli district, five villages have received CFR titles over approximately 1500 ha of land and have been working on regenerating the forest through mixed plantations in 100 ha of forest land. The process began in 2014, and is going on for the last three years. The villages are Salhe, Bharritola, Kale, Zendapar and Nandali.

4.1.3 Implementation of Plans through District Convergence Committees

In 2013, as an outcome of various discussions and debates related to forest encroachments in and around Yawal wildlife sanctuary, a meeting was called by then Principle Secretary Forest and Principle Secretary Tribal Development with members of Lok Sangharsh Morcha (LSM). In order to resolve the issues of post 2005 and pre-2005 forest land occupation and to initiate a micro planning process in fifteen villages in and around Yawal wildlife sanctuary, it was decided that the IFR and CFR claims filed by these villages be verified. This process was completed with the Gram Sabha members, members of LSM and some help from other organizations from outside. A decision was taken to facilitate implementation of these plans by converging resources from all relevant departments coordinated by the District Collector. A district level committee was set up by then district collector including representatives from the concerned Gram Sabhas, members of LSM, and representatives from all departments such as Revenue department, Forest Department, Agriculture department, Maharashtra Rural Employment Guarantee Scheme (MREGS), Department of Women and Child Development, District Rural Development Agency (DRDA), Animal Husbandry. As part of this implementation of plans developed by the Gram Sabhas are currently being implemented in some villages.³⁰

In 2015, as a follow up to the management plans being prepared in 100s of villages in some districts under the project being supported by the TDD and facilitated by KHOJ on behalf of VLF, a GR was issued. This GR provided for constitution of district level convergence

²⁹Mokashi, S., & Pathak Broome, N. (2015). *A Process Documentation by Kalpavriksh of UNDP-MoTA Project on Improved Governance of Forest and Tribal Villages, through the Effective Use of Forest Rights Act in Vidarbha, Maharashtra*. Amravati, Maharashtra: KHOJ

³⁰ Mokashi, S., Kumar, Y. & Pathak Broome, N. (2015). *A Process Documentation by Kalpavriksh for Conservation and Development Micro-Planning Process for villages in and around Yawal Wildlife Sanctuary, Jalgaon, Maharashtra Led by Lok Sangharsha Morcha*. Unpublished report.

committees for the districts where these management plans were being prepared. The priority was to be given to the village where drafting of management plans was under the TDD support. The objective of this GR was to ensure that the management plans prepared under the project are subsequently implemented and the state departments are held accountable for ensuring support to such village.³¹ This along with an initiative was taken by the TDD to provide revolving fund to the Gram Sabhas managing their CFRs through the Human Development Mission under Rural Development Department (Manav Vikas Fund). Many of the villages in Gondiya, Gadchiroli, Amravati, Raigad, Palghar and Thane are currently being supported under this scheme. In Thane out of the 10 Gram Sabhas which drafted their management plans, eight have received money under the Human Development Mission.

4.1.4 Assertion of Rights over Non Timber Forest Produce (NTFP)

In its definition of minor forest produce, Section 2 (i) of the Forest Rights Act 2006 has clearly included two of the most lucrative non timber forest produce (NTFP) – bamboo and *tendu* leaves, among others. Section 3(1) c of the Act further recognises the rights of collection, use and disposal of these NTFPs by the forest dwelling communities eligible under the Act. While the clarity in the definition should have made it quite straightforward for the communities to harvest and sell these NTFPs, in most states including Maharashtra, Gram Sabhas constituted under the Act have faced bureaucratic hurdles from the Forest Department in the process. The stiffest resistance has come in the form of transit pass books for the movement of these NTFPs outside forests for sale. Additionally, the Gram Sabhas have also faced numerous hurdles in the process of auctioning and in some cases ensuring initial capital for the harvest in the initial stages. Given below is an account of the trends that have emerged with respect to Bamboo and *Tendu* through these struggles and subsequent efforts of the Gram Sabhas in some cases also supported by NGOs and government agencies.

Bamboo Harvesting and Management

In Maharashtra, the district of Gadchiroli alone contributes to 85 percent of the total bamboo production in the state. In 1968, the Maharashtra Government had leased most of its bamboo forests to Ballarpur Industries Limited (BILT). In November 2011, the Forest Department gave the paper mill permission to fell bamboo in all the patches ready for harvest. This included many villages whose CFR rights were already recognised. Some villages successfully campaigned against the felling of bamboo by BILT from their CFRs. After much struggle and negotiation, the district administration issued an order in April 2012 cancelling the government leases and contracts inside CFRs.³² Subsequently, in a meeting organised by the National Bamboo Mission in 2014 to discuss bamboo productivity in India, the Maharashtra bamboo mission director admitted that most of the bamboo forests in the district were in the process of being handed over to communities under the FRA³³ This could mean that the Gram Sabhas whose CFR rights have been recognized in Gadchiroli will become the biggest producers of bamboo in the state. However, the facilitative processes to ensure this have come after much struggle and have been implemented rather slowly.

³¹ Mokashi, S., & Pathak Broome, N. (2015). *A Process Documentation by Kalpavriksh of UNDP-MoTA Project on Improved Governance of Forest and Tribal Villages, through the Effective Use of Forest Rights Act in Vidarbha, Maharashtra*. Amravati, Maharashtra: KHOJ

³² Shrivastava, K. S., & Mahapatra, R. (2013). *Bamboo Rising*. Down to Earth. Can be accessed at: <http://www.downtoearth.org.in/coverage/bamboo-rising-40053>

³³ Institute, F. R. (2014). *Proceeding of National Seminar "Bamboo Productivity in Forest and Non-Forest Areas"*. Can be accessed at: <http://nbm.nic.in/PDF/NationalSeminaronBamboo30-31Jan-2014.pdf>

In August 2009, two villages in the Gadchiroli district of Maharashtra, Mendha-Lekha and Marda created history by becoming the first villages in the country whose community forest rights had been formally recognized.³⁴ In 2010, Mendha-Lekha Gram Sabha sought to exercise its right of collection and sale of Bamboo from its bamboo rich CFR, spread over 1800 ha. The village approached the Forest Department to issue transit pass for the movement of bamboo out of the forests, but the department refused. Instead the department invited the village to fell bamboo as per its working plan and receive wages for the same, which the village refused. After almost a year of correspondence with the Forest Department officials over transit passes which yielded no results, the village staged a novel protest to assert its complete rights over bamboo in February 2011.³⁵ One adult from each of the 80 families in the village felled one bamboo from the forest and organized a symbolic sale of bamboo to individuals present.

Mendha-Lekha found support from the then Minister of Environment and Forests, Mr. Jairam Ramesh, who through a letter dated 21st March 2011, asked the chief ministers of the state to direct State Forest Departments to treat bamboo as a Minor Forest Produce and respect the rights accrued to communities under FRA. The letter further stated that in areas designated as CFRs, the Forest Departments must give the Gram Sabha the right to issue transit passes for bamboo. Finally on April 27, 2011, the state Forest Department handed over a transit passbook to the village community leaders, signifying the village Gram Sabha would henceforth exercise the power to issue transit passes for selling bamboo harvested from its CFR.³⁶ This event marked the start of change in the bamboo regime in the state.

Meanwhile, the Rules of the FRA were amended in July 2012. The amended rules stated that *'The transit permit regime in relation to transportation of minor forest produce shall be modified and given by the Committee'* constituted under Section 4(1)(e) of the Act or the person authorised by the Gram Sabha. Further, the procedural requirement of transit permit would in no way, *'restrict or abridge the right to disposal of minor forest produce.'* Despite the clarity on the authority of issuing transit passes in the amended rules, bamboo battles in CFRs have continued.

While Mendha-Lekha's successful struggle inspired many other villages in Gadchiroli to claim and assert their rights over bamboo, the battle has not been easy for other villages. As of December 2016, 1355 CFR title deeds have been issued to 1191 villages over 434,181 ha of forest lands in Gadchiroli. More than 150 of these villages have bamboo in abundance in their CFRs.³⁷ However, transit permits continue to be denied or issued late. Some Gram Sabhas in South Gadchiroli district have now decided to print their own Transport Permit (TP) to avoid unnecessary delays, follow the government's system of issuing four copies of each TP, one of which will be given to the FD for transparency and for their reference.

Gram Sabhas have continued to face other challenges in the bamboo trade, including unfamiliarity with the tendering and auction process. Some Gram Sabhas from South

³⁴Narayanan, S., & Pallavi, A. (2009). Two tribal villages get 2,349 hectares. Down to Earth. Can be accessed at <http://www.downtoearth.org.in/news/two-tribal-villages-get-2349-hectares-3811>

³⁵Pallavi, A. (2011). *Bamboo sale for bamboo rights*. Down to Earth. Can be accessed at <http://www.downtoearth.org.in/news/bamboo-sale-for-bamboo-rights-33167>

³⁶DTE Correspondent. (2011). *Rural communities win right over bamboo, finally*. Down to Earth. Can be accessed at <http://www.downtoearth.org.in/news/rural-communities-win-right-over-bamboo-finally-33392>

³⁷Raut, M., (2016). Field notes collected during on-site research in Gadchiroli, Maharashtra

Gadchiroli wrote letters to government officials seeking guidance on bamboo trade but got no response. This led to selected contractors hijacking the trade in some cases, and not delivering their promises.³⁸ As a result till 2015, while some Gram Sabhas like Mendha-Lekha and Panchgaon and a few others in Kurkheda taluk were successful in selling bamboo through competitive bidding/auction to contractors. Many Gram Sabhas continued with advance sales to BILT. In 2016, however over 150 Gram Sabhas in South Gadchiroli decided to experiment with auctioning bamboo through open bidding process and have been successful in doing so (see Case Study 5, Annexure 2).

In 2017, the CFR Gram Sabhas in South Gadchiroli used past data and fixed a minimum auction price on tendu leaves. Such Gram Sabhas had not found a buyer till the end of April. Although similar and higher prices were paid by the contractor to Gram Sabhas which did not insist on a transparent process.

In Chandrapur district, the Forest Department filed a case of offence in 2014 against the village Panchgaon for felling bamboo from its CFR without a working plan. The Forest Department also issued an order for seizing the felled bamboo in May 2014 and refused to issue fresh transit passes for bamboo. A massive protest followed, and the entire village blocked the roads for the movement of the 'seized' bamboo. Panchgaon village prepared a bamboo working plan and submitted it to the district forest administration.³⁹ The village eventually won the battle and has been successfully and profitably harvesting and marketing bamboo every year since 2014.

Livelihood and Bamboo Management

Despite its challenges, bamboo is proving to be a huge livelihood opportunity for Gram Sabhas in Maharashtra. In 2015-16, the revenue from bamboo in CFRs ranged from Rs.76,000 (Bhimanpayli) (See Case Study 3, Annexure 2) to Rs.1.14 crores (Mayalghat).⁴⁰ Gram Sabhas like Mendha-Lekha and Panchgaon earned over one crore in the first couple of years of bamboo trade. Most of these Gram Sabhas have met the operational costs of harvesting bamboo including wages to its members from the turnover generated from bamboo. The wages for bamboo are decided by the Gram Sabha and have been higher than those provided under MGNREGA. Panchgaon, for instance, decided to pay Rs.385 to its members in 2016 when the MGNREGA wages stood at Rs.192. The profits have been ploughed back to meet the development needs of the village, thus paving the way for self-governance. A part of the funds have also been utilised to improve the production of bamboo and other NTFPs in CFRs valued by the locals. Several villages like Temli, Yerandi and Lavari in the district have carried out plantations of bamboo and other mixed species like mango, *mahua*, *hirda*, *behera*, *char*, etc in their CFRs. In some cases like Temli, the Forest Department provided 5,000 bamboo saplings to the Gram Sabha for plantation in its CFR free of cost, while the wages were met from the bamboo turnover.⁴¹ Bamboo with its widespread local and commercial use has also become an incentive for Gram Sabhas to use and manage this valuable resource sustainably. Several Gram Sabhas have developed rules for the harvesting, management and regeneration of bamboo in their CFRs. Most of them practice rotational felling of bamboo to allow its natural regeneration. There is a cap on the number of bamboo culms that can be harvested by a member of the Gram Sabha in one day to avoid over-exploitation of the resource. There are also conditions on the age and length of bamboo that can be harvested to ensure sustainable extraction of the resource. Panchgaon, for instance, has decided that only clumps that are three years or older can be harvested by its members.

³⁸Shrivastava, K. S., & Mahapatra, R. (2013). *Bamboo Rising*. Down to Earth. Can be accessed at: <http://www.downtoearth.org.in/coverage/bamboo-rising-40053>

³⁹ Pallavi, A. (2014). *Village bullied for using its forest*. Down to Earth. Can be accessed at: <http://www.downtoearth.org.in/news/village-bullied-for-using-its-forest-44365>

⁴⁰Personal communication with Keshav Gurnule in February 2016, and Ajit, S. & Pathak Broome, N. (2016). Field notes collected during on-site research in Gadchiroli, Maharashtra.

⁴¹ See http://www.mahaforest.nic.in/fckimagefile/CFR%20Wadsa%20Dn_.pdf

Mendha-Lekha in the meanwhile has decided to move towards management of bamboo forest rather than regular harvest (see section above for details). They have also leveraged funds from MGNREGA to manage the resources in their CFRs including bamboo. Youth from these villages have been trained to carry out soil and water conservation measures in the CFRs and a total of 4,310 man days were created under MGNREGA resulting in a payment of Rs. 5,92,670 to 85 families in less than one year. In addition to creating employment, the result of the SWC measures also led to an increase in the productivity of bamboo in Mendha-Lekha's CFR from 450 clumps/ha (80% long and 20% medium) to 850 clumps/ha (90% long and 10% medium)⁴². This highlights the potential of CFRs to improve the productivity of bamboo if adequate support is provided to the Gram Sabhas, while ensuring conservation of other species in the forest.

Harvesting and Management of Tendu Leaves

The debate related to extraction and marketing of bamboo in Gadchiroli resulted in paving the way for a number of circulars and orders facilitating bamboo extraction and sale by the CFR villages. Similarly, civil society organizations have been lobbying for a Gram Sabha-led process for harvesting and sale of *tendu patta*. Prior to FRA, the harvest and sale of *tendu* leaves was under the jurisdiction of the Forest Department. The department employed communities to collect *tendu* on daily wages and sell it to traders directly.

In 2013, 74 villages of Gadchiroli and 30 villages in Gondiya district with CFR titles were taken off the list of *tendu* auction units of the state Forest Department. As a result of negotiations and lobbying with relevant state agencies, the state government as per a letter written by the forest secretary of the state to the Principal Chief Conservator of Forests (PCCF) dated 8th April 2013, took a decision that all forest areas where CFR rights have been recognised will be excluded from the Forest Department's *tendu* auction notice. Such villages would be free to opt for the government agents, if they chose to do so.

Box-II: Collection and sale of *tendu* leaves by Gram Sabhas in Vidharba

Tendu leaves are a major source of livelihood for over 450,000 families in rural eastern Maharashtra State. The state Forest Department was managing collection and sale of *tendu* leaves under "Maharashtra Forest Produce (FP) (Regulation of Trade) Act, 1969 and Maharashtra FP (Regulation of Trade in Tendu Leaves) Rules, 1969. This process continued even after FRA came into force in 2006. In 2013 collection of 6,81,650 standard bags of *tendu* leaves was targeted by the FD seven forest circles through 457 units at an estimated cost of Rs. 140-150 crore. Some of these were Gram Sabhas which had already received their CFRs. Groups like VNCS and KHOJ working with these villages brought this to the notice of the then State Principal Secretary of Forest, who called a meeting under Chairmanship of the State Chief Secretary at Mumbai on 18th February 2013, including officials from the Department of Tribal Development, Revenue and Law & Judiciary. It was agreed that *tendu* leaves should be collected and sold by Gram Sabhas and contradictory rules obstructing this would be

⁴²Personal communication with Subodh Kulkarni in 2015. In Tatpati, M. (Ed). (2015). *Citizens' report 2015: Community forest rights under the Forest Rights Act*. Pune, Bhubaneswar and New Delhi: Kalpavriksh and Vasundhara in collaboration with Oxfam India as part of Community Forest Rights Learning and Advocacy Process.

accordingly amended. A letter was issued by Deputy Secretary (Forests) on 10.05.2013 recognizing Gram Sabhas as the Agent (Abhikarta) of the FD to collect tendu. Gram Sabhas refused to work as the Agents of FD when they had complete rights to collect and sell under the FRA. 18 Gram Sabhas decided to collect and sell tendu leaves from their CFR and other areas, from where they have been traditionally collecting the leaves.

Following this a group of Gram Sabhas (GGSs) was formed based on their traditional areas of collection of *tendu* leaves, dividing 18 villages into 4 units. A Technical Advisory Committee was set up comprising two members each from 18 GGSs, representatives from VNCS and KHOJ, Chief Conservator of Forests, District Conservator Forests, and a Technical Adviser, the representatives of lead banks were nominated as the members of this committee to guide and monitor the process. Tender document was prepared through a joint consultation of Technical Experts, VNCS team, members of the Gram Sabhas and finally signed and issued by the representatives of the Gram Sabhas. This was then published in major newspapers and was also uploaded on the website of Chief Conservator Forests, Gadchiroli.

TDC provided Rs. 70,00,000 as an advance to the Gram Sabhas from time to time. However, after the leaves were plucked, dried and packed the TDC refused to pay Rs. 3500 per standard bag being asked by the Gram Sabhas. With help from VNCS and KHOJ the leaves were then sold in the open market at Rs 3600 to 3200 per standard bag depending on the quality of leaves. Gram Sabhas of Dhamditola Unit in Gondiya became the first few villages to return Rs. 28,00,000 advance that they had received from the TDC, having covered all their costs and profits.

Based on the bundles of *tendu* leaves deposited by the pluckers and approved by the checker/Phadi Munshi and representatives of Gram Sabhas, payments for collection of *tendu* bundles were deposited in the bank account of respective Gram Sabha of that center by the group of Gram Sabhas from their main account. Gram Sabhas disbursed collection charges at Rs. 195 per 100 bundles (Rs. 1950 per standard bag) to the pluckers. Collectively the leaves were sold for Rs.69,82,502 and Rs. 41,55,816 was paid to 1449 families as collection charges. It was decided that the balance after deducting plucking charges and management cost will also be paid to the plucker as bonus. Accounts were audited by an external Auditor. These audited statements will be presented in all respective Gram Sabhas and individual families involved in plucking.

This is a great leap with respect to Gram Sabhas empowering themselves both economically and politically by claiming their right over the NTFP. There continues to be hurdles in the process including FD officials coercing people in the village to sell *tendu* in a run-up auction. Also as advertising for an auction for traders in newspapers becomes very expensive, Gram Sabhas are looking at e-tendering, where the FD is expected to help. The FD contests that no applications have come in for e-tendering, although there have been several reports which show GGSs being rejected when they approach for e-tendering process. In recent times, villages in Amravati like Upkheda Payvihi have consciously chosen to stop *tendu* collection due to its ill effects on health and have started concentrating on their work on soil and water conservation.⁴³

Source: Wasudeo Kulmethe and Rajesh Prasad, VNCS, Nagpur

⁴³ Bhattacharya, A. (2016). *Adivasis have taken charge of the tendu auction in Gadchiroli, but there's room for improvement*. Scroll.in.

Following the notification of rules of Panchayat (Extension to Scheduled Area) in 2014 (also called PESA), the Governor of Maharashtra issued a notification on 19th August 2014, overruling all State Acts preventing rights of PESA villages over *tendu*, bamboo and other MFP (as stated in the definition of MFP in FRA) and bringing it in accordance with Sec 3(1)(c) of the FRA.⁴⁴ Another notification, dated 19th of January 2015, under the PESA rules, calls for organizing special Gram Sabhas to hand over control of NTFP like *tendu* and *apta* leaves to the villages. The Gram Sabhas can, through a resolution, either ask the Forest Department to carry on the sale of *tendu* (although the rights remain with the GS), or can manage the sale on its own and ask for support from various government departments. To address the problems encountered during collection, processing and sale of *tendu*, a district committee must be formed. Members of the resource management committees under PESA and Rule 4(1)(e) committees under FRA are to be elected in case of any option chosen by the GS to carry out the sale of *tendu*.⁴⁵

Despite these GRs, the journey of the Gram Sabhas in South Gadchiroli has been slightly different as no civil society group is active in this area. Some Gram Sabhas mobilised and decided to collect and sell NTFP under PESA in early 2016. They submitted a request to the District Collector to help them in the e-tendering process but the district administration expressed its unwillingness to do so. Many Gram Sabhas decided to auction *tendu* on their own. They floated an advertisement and tender notice, and the auction process was conducted successfully in 2016. The Gram Sabhas earned a royalty of Rs 6300 per standard bag (1000 bundles of *tendu* leaves) and distributed wages for collection at the rate of Rs 310 (for per 100 bundles of *tendu* leaves). This was a sharp increase in total income from *tendu* collection both for the Gram Sabhas collectively and villagers individually as compared to previous years when *tendu* was collected and sold by the Forest Department. Collectively in South Gadchiroli, the Gram Sabhas earned a profit of about Rs 35 crores in 2016.⁴⁶ This has been a leap with respect to Gram Sabhas empowering themselves economically and politically by claiming their right over the NTFP. Over 300 villages in South Gadchiroli have also received CFR rights.

Some Gram Sabhas involved in *tendu* collection and sale maintain meticulous records of harvest, sale, wages paid and profits earned either on their own or with the help of NGOs and convey them to the government agencies. Temli Gram Sabha in Korchi tehsil in Gadchiroli district also maintains detailed data on harvest and sale. (See Table 10 below and Case Study 4, Annexure 2).

⁴⁴No. RB/TC/e-11019 (15) (2014)/Notification-3/Bamboo-MFP/741, dated 19th August 2014 from the Governor, Government of Maharashtra

⁴⁵Letter No: PESA-2012/ No. 65/-2, dated 19th January 2015 from the Rural Development and Water Conservation Department, Government of Maharashtra (Taken from Citizen's Report 2015: Community Forest Rights under the Forest Rights Act)

⁴⁶Bhattacharya, A. (2016). *Maoist Belt Gram Sabha rake in crores*. The Statesman. Can be accessed at <http://epaper.thestatesman.com/c/12633141>

Table 10. Collection and Sale of Tendu Leaves in May, 2016 by Gram Sabhas under CFR

District/Taluka	No. of CFR Villages	Standard Bags collected	Rate (per Std. bag)	Amount paid by trades (lakhs INR)	No. of families	Man days created
Gondiya/Deori	8	1976.8	5500	108.72	719	24700
Gondiya/Sadak arjuni	6	550	5200	28.6	275	5750
Gadchiroli/Armori	9	751.492	4100	30.81	692	9400
Total	23	3278.29		168.13	1686	39850

(Source: VNCS, Nagpur)

All Gram Sabhas, however, do not have the capacity to do so and hence are not able to maintain such records. Many Gram Sabhas have also imposed rules for protecting and managing *tendu* leaves. In some Gram Sabhas only naturally grown and available stock of *tendu* leaves is allowed for harvesting. Using ecologically un-sustainable practices like forest fire and bush cutting to get better harvest have been banned in these Gram Sabhas, though bush cutting is officially allowed by the Forest Department.

4.1.5 Issues of the Particularly Vulnerable Tribal Groups (PVTGs) and Habitat Rights of the Madia Gonds

The UN describes indigenous communities thus: “Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system.”⁴⁷

Section 3 (e) of the FRA recognises the ‘Rights including community tenures of habitat and habitation for primitive tribal groups and Pre-agricultural communities’. ‘Habitat’ is described as “the area comprising the customary habitat and such other habitats in reserved forests and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling Scheduled Tribes”. The Ministry of Tribal Affairs has further clarified the scope and extent of the definition of Habitat Rights in 2002 as “the right to community tenures of habitat and habitation may be recognized over customary territories used by the PTG for habitation, livelihoods, social, economic, spiritual, cultural and other purposes.”

Maharashtra has three Particularly Vulnerable Tribal Groups (PVTGs) (mentioned in government records as Primitive Tribal Groups), the Katkaris, Kolams and the Madia Gonds. The Madia Gonds in Maharashtra almost exclusively reside in Gadchiroli district.

There are many traditionally identified *Ilakas* or “habitats” that different groups of Madia Gonds identify for themselves in Gadchiroli. One of them is the *Ilaka* of the 60 Madia Gond village Gram Sabhas from Khutgaon in Dhanora Taluka in Gadchiroli. Khutgaon *Ilaka* filed their Habitat claim under Sec 3(1)(e) of the FRA claim on 21st January 2016. They have thus become the first PT Group to file such a claim in Maharashtra. The traditional elders and community leaders were present at the meeting. IFRs and CFRs have already been recognised

⁴⁷See <http://hrlibrary.umn.edu/edumat/hreduseries/TB7/Chapter%202%20P7-P14.pdf>



in several of these villages. The process towards preparing the habitat rights claim began in April 2015, with collation of information on the habitat based on testimonies of traditional elders. Each of the Gram Sabhas organised several meetings to understand the claiming process and for collection of evidence. Several meetings were also organised at the *Ilaka* level. The final claim was prepared when each Gram Sabha had passed a resolution to this effect.

Several local and district level governmental functionaries were also asked to be present for the meeting where the claim was verified and passed. The claim was subsequently submitted to the SDLC. The claim includes:

- Habitation and cultural rights of the Madia Gond community
- Cultural and religious rights over the traditional geographical area
- The right to use, protect, manage and conserve the natural spaces, nature, and sacred spaces associated with their religious and cultural traditions
- The right to protect spaces of religious, cultural and traditional importance from any kind of change or destruction
- The right over spaces currently in use for the community programmes and traditional festivals and also the right to find new places for such events as decided by community consensus as and when needed
- The right to practice traditional/customary forms of farming, and the right to use, protect, manage and conserve forests that they have been seasonally using for livelihood needs
- The right to protect, manage and conserve their community resources in their traditional area
- The right to collectively use all the above-mentioned rights with other STs and OTFDs, through recognition of their pre-existing rights
- Any other rights which may arise out of further study of the habitat.

In addition to Khutgao Ilaka, claim processes are underway in other parts of Gadchiroli. These include Jhada-Papada Ilaka in Dhanora Block, Surajagad Patti in Etapalli Block, Bhamragad Patti in Bhamragad block, among others. Of all these, only Khutagao Ilaka has been submitted to the SDLC and is currently pending decision at the DLC.

Although Habitat Rights have not been filed in any other part of the state, in Thane district, 133 claims for homestead for the Katkari tribe have been approved under Section u/s 3(1) g of FRA. The Shramik Mukti Sangathana working with the Katkaris has demanded that these Katkari hamlets should also get the surrounding forest area which is in their community possession, as CFR. DLC has accepted this demand and is currently in the process of measuring these areas.

4.1.6 Reviewing and Correcting faulty CFR Titles

Till 2012, the titles that were issued to the Gram Sabhas were in most cases not as per the Act and had a number of defects. These included: Titles being issued given along with some conditions, the area recognised under CFR was much less than the area claimed, titles were issued in the name of individuals and not the Gram Sabha, in districts like Thane, *suo moto* CFR titles were given to the Gram Sabhas, who had never filed the claims, over a very small forest

area. After consistent lobbying by the Adivasi sangathanas and civil society groups in most districts, some of these titles have been withdrawn with the promise to issue correct titles as per the MoTA directives. In cases like Thane, where around 100 CFRs were issued *suo moto* over a forest area of 1 to 10 hectares each, they have been ordered to be reviewed and sent back to the SDLCs for re inquiry. In nearly all cases, the Gram Sabhas however have not received the titles back yet. Similarly in South Gadchiroli, CFRs were recognised *suo moto*, subsequently over 300 Gram Sabhas have filed fresh CFR claims as per what they consider their traditional boundaries and have returned the earlier titles for correction.

4.1.7. Reclaiming the Resource- Water Bodies as CFRs in Control of Gram Sabhas

Apart from the land and minor forest produces, CFR rights have also helped reinstate the rights of the Gram Sabhas over the water bodies and minor minerals. Though most of the struggles and mobilisations take place as and when the conflict arises, this it is treated as a good sign to carry out collective action.

The villages of Jaitadehi and Upatkheda, struggled to ensure rights over the water bodies that were built on their forest land. The process of recognition was itself not easy, as till then such rights were barely recorded under CFR in the State or in the country. After having proved that the submerged forest was part of the CFR area, Jaitadehi's right to fishing the 250 ha waterbody and that of Upatkheda to a 29ha water body were recognised.

A second struggle began when the communities demanded cancellation of all fishing licences issued by the department of fisheries on these water bodies. When these leases were terminated in view of the CFR's, they were challenged in the High Court of Mumbai, Nagpur bench. The Gram Sabha intervened and ensured that their hard earned rights were upheld. The Court remanded the case to be heard by the Fisheries officials. The Assistant Fisheries Commissioner upheld the rights under FRA and thus the decision was put to rest and the Gram Sabha now had full rights over the water bodies. For the last three years, they have now been fishing. Jaitadehi, a village evicted by the dam, now had a new source for survival and livelihood. Having started with four people, today over forty people go fishing in the dam. Every year, the numbers are increasing. However, they are still short of resources for investment, and have not realised the full potential. Upatkheda, too has been experimenting with management of fishing rights in the water body. They derive an annual income from a lakh to three lakh rupees as they learn and move forward. Today, these stand out as examples of people's struggle and persistence from the field to the courts. Many challenges emerged, but the collective will and efforts and the rule of law prevailed.

In Vihirgaon village in Gadchiroli, the Panchayat Department continued to auction the pond for fishing to outside contractors. After their CFR right was recognized, the villagers realised that the fish in the pond had been auctioned without their consent. After detailed study of the Act with the help of the civil society groups, the villagers filed a complaint with the District Collector. In adherence with the provisions under FRA, the District Collector issued an order in April 2012 that all the rights of control and decisions are deemed to be with the Gram Sabha and the same shall be followed by the Panchayat Department as well. It also directed all departments to withdraw any permits provided on lands /water bodies which legally fall in the purview of Gram Sabha.

In Murumbodi village of Bhikarmaushi Gram Sabha in Gadchiroli, a lake in the CFR area of the village continued to be given on lease to a fishing society of another community by the Block Development Officer (BDO), without any discussion with the Murumbodi villagers. After much petitioning, the society has complied with the demand of the GS and 50 percent of the benefits are presently shared with the village.

4.1.8 Engendering Forest Governance through FRA

FRA gives significant emphasis to gender equity. It requires that land titles for IFRs are issued in the joint names of both spouses, or in the name of a single household head, irrespective of gender. The Act, thereby, equally entitles women-headed households. In case of community rights, including the critical CFR right, all adult women implicitly gain equal right to access and participate in gram sabha decisions related to CFR management. FRA also mandates the representation of women in the Act's implementation in institutional structures of the gram sabha, FRC, SDLC, DLC and SLMC. At least one-third of the minimum quorum for gram sabha meetings must consist of women and at least one-third of FRC members must be women. In SDLCs, DLCs and SLMCs, at least one of the elected members must be a woman. Thus, FRA creates space for inclusion of women in forest governance and decision making through secure forest rights and representation in the institutional structure. However, there is a need for more work to challenge deeply entrenched processes of patriarchal dominance including state institutional structures, and socio-cultural practices and taboos.

To what extent these gender empowering provisions and spirit of the Act has been implemented on the ground has been difficult to assess because of lack of information both at the official level as well as from civil society actors on the ground. A few experiences that are available are important to mention, even though they may not directly relate to CFRs.

In Northern Maharashtra, women members of Lok Sangharsha Morcha have not only been active in the Movements for enactment of FRA but have struggled for equal rights for women. In 2008, 200 women filed IFR claims over land which was under their occupation prior to 13th December 2005. These claims were repeatedly rejected on the grounds that the women were not 'widowed' and hence cannot claim rights in their names. After much struggle finally their rights were recognized as joint right holders with the women being the first right holder. In 20 villages, in the same region, women have been appointed President of the CFR management committees constituted under Rule 4(1)(e) of FRA. This would arguably be the only example of this kind anywhere in the state so far.⁴⁸

In Korchi block of Gadchiroli district, women from Temli village got together to discuss their role in Gram Sabhas and implementation of FRA. One of the key points that came out was that their region is a proposed site for mining which implies displacement for the communities. The women will be the most affected by destruction of their forests as they were exclusively dependent on the forests for their livelihoods and sustenance. Women realized and asserted that CFR rights give them the power to protect their resources and their homes from being taken away in the name of development, in this case, mining.

⁴⁸Kumar, Y. and Shinde, P. 2016. *FRA Status in North Maharashtra – A Report*. Lok Samanvay Pratishthan, Jalgaon. (Unpublished Report)

Box-III: Gender empowerment through FRA in Korchi block of Gadchiroli

In September 2016, a program was organised in the Temli village of Korchi block of Gadchiroli district on "Women's Rights and Role in Gram Sabha and Implementation of FRA Provisions" by the women engaged in SHGs and Gram Sabha activities. Some of the issues discussed and raised in the programme were –

- 1) It was found that women seldom participated in Gram Sabha meetings. Despite reservation, there was only token representation of women in formal institutions. Most women shy away from actively taking part in the meetings due to the pressures created from within. However, in some villages, to ensure that women voices are heard, women Gram Sabhas are held to discuss issues that concern the community and key decisions are put forward in front of all members of the village. Through such changes in the governance mechanisms, women are able to ensure that their voices are heard and opinions taken into account before any key decision is made.
- 2) Women are only allowed to participate in physical work but are not given importance in decision making. This prompted the demand for active involvement of women in key decision making bodies of the village and other institutions.
- 3) A common phenomenon was that men disturbed Gram Sabha meetings after consuming alcohol. Alcohol also affected people lives through increased cases of domestic violence. Therefore, the women of Korchi block gathered in March 2016 and protested against this and started a movement to ban liquor consumption. A letter was given to the Police station to seek their active involvement in ensuring that the ban was effective. However, the police said that they were busy quelling naxal trouble in the area and hence could not help.
- 4) The area is also a proposed mining site and the issues with respect to displacement have critically affected the women. There is direct dependence on forest resources for the sustenance of the family. NTFP collection, fuel wood and water for cooking, farming, and forest protection are some of the activities, which are mostly carried out by the women of the village. Mining would take away these vital forest resources and therefore the women demanded that any developmental activities involving displacement should be withdrawn from this region.

Source: Mukesh Shinde, Amhi Amchi Arogya Sathi, Korchi, Gadchiroli

4.2. Emerging Negative Trends

As narrated above CFR rights have led to many positive trends, particularly towards mobilisation and collective action of Gram Sabhas towards realising the potential of FRA for political, social ecological and economic self-empowerment. Simultaneously, there have also been efforts, particularly from the state Forest Department to subvert or obstruct implementation of the Act or governance and management by the Gram Sabhas.

Between 2009 and 2012, immediately after some Gram Sabhas received their CFR titles, many conflicts emerged with the Forest Department. Most of these had to do with the conflict over who had the jurisdiction over the CFRs. Some Gram Sabhas like Ghati and others in Gadchiroli, stopped selective timber felling and timber being transported out by the Forest Department from their CFRs. The timber was being felled by the Forest Department as per their existing working plan. In many such areas, the Forest Department continued to insist on implementing its own working plans in now recognised CFRs. Similarly, the lease given by the Forest Department to BILT for Bamboo extraction from the forests which were now CFRs continued despite opposition from the Gram Sabhas till 2012. The Forest Department also continued to auction *tendu* leaves from forests which had already been recognised as CFRs till 2013.

After the FRA Rules were revised in 2012 and clearly specified, CFR management committees were constituted and Gram Sabhas were to draft the plans for the CFRs, such conflicts reduced. However, many others continued, some significant ones are listed below:

4.2.1 Maharashtra Village Forest Rules Undermining Forest Governance by Gram Sabhas

The Indian Forests (Maharashtra) (Regulation of assignment, management and cancellation of village forest), 2014, mentioned here on as VFR 2014, were notified on 13th May 2014. Apart, from many tribal Gram Sabhas and civil society groups, these Rules were also strongly opposed by the Governor of Maharashtra. Among the many objections raised was need for notifying VFR Rules 90 years after the colonial government enacted the Indian Forest Act. This was particularly significant when both FRA and PESA had already been enacted to address the historic injustice against Scheduled Tribes and OTFD by colonial laws like the Indian Forest Act 1927. It was also ironical that these Rules were being implemented in Maharashtra, which was emerging already as a leading state in the implementation of FRA. Questions were raised about the undemocratic manner in which these Rules were notified without any public consultation. Immediately after their notification, concerted efforts were made in various districts for the speedy implementation of these Rules. This was being done by getting the Gram Sabhas to accept the Rules *suo muto*, particularly in Scheduled Areas and areas where CFRs had been claimed. Efforts included encouraging the Gram Sabhas to pass resolutions adopting these rules on the 15th of August 2014. These resolutions, drafted by the Forest Department handed over all rights of the Gram Sabhas to the Forest Department. The Rules were particularly pushed in districts such as Gadchiroli, where maximum number of CFRs had already been vested and many village communities were in the process of formulating systems of forest governance and management.

Apart from procedural issues and serious contradictions with the FRA, legal issues were also raised regarding process of notification of these Rules “The provisions under VFR 2014 are violative of the superior rights granted by these two central legislations with non-obstante clauses. Even the saving clause (VFR 2014 (3)) will ensure that a right which lies with the STs, OTFDs, or Gram Sabha can be taken away by a written order, or agreement made by the State Government.”

Responding to these concerns the Ministry of Tribal Affairs (MoTA) took cognizance of the Rules and issued an order on 27th November 2015, for these Rules to be kept in abeyance (ref. F. No. 23011/17/2014-FRA, dated 16.04.2015), which MoTA further re-emphasised on 27.11.2015 (ref. No. 23011/17/2014/FRA). These two orders were issued after seeking legal opinion and clearly stated that:

1. The VFR encroach upon and are irreconcilable with the provisions of the Scheduled Tribes and Other Traditional Forests Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) and the Panchayat (Extension to Scheduled Areas) Act, 1996 (PESA).
2. The VFR encroach upon a field of law already occupied by the FRA, which is a Central Government legislation.
3. There are numerous contradictions between various provisions of VFR and FRA

4. The said rules, have not obtained the consent of the President (considering that they occupy the same field of law as a central legislation), hence are contrary to the mandate of Article 254 of the Constitution of India.

Despite the objections, the Government of Maharashtra continued to implement the VFR Rules. Subsequently, as reported in media, MoTA's position changed after an intervention from the Cabinet Secretariat. This intervention came after a CS meeting held on 17th November 2015 was supported by the Prime Minister's Office. MoTA then issued an office memorandum (dated 8th December 2015), endorsing the VFR after suggested amendments "*Once the Gram Sabha in its wisdom resolves that no rights are either claimed, or are pending and also that no future rights are likely to be claimed by the forest dwelling scheduled tribes and other traditional forest dwellers, and passes a resolution to that effect, there may be no object on the part of this Ministry, if the provisions of MVFR are implemented in such area*". This would have meant that VFRs could not be implemented in areas where CFR rights have been recognised, are pending recognition or are likely to be claimed in the future. Also that in areas where CFR claims have not been filed yet, VFRs could only be implemented if the concerned Gram Sabhas passed a resolution saying that no rights have been claimed and recognised, no filed claims are pending recognition, and no claims are likely to be filed in the future. On 18th June 2016, the Government of Maharashtra again notified VFRs with two amendments,

- a) The MVFR will not be applied in Scheduled Areas (as insisted by the Governor's office),
- b) In the non scheduled areas forest rights claimed under FRA and which may eventually be recognised and vested, shall be dealt under FRA and in no way be abridged by VFR.

These amendments provided for a blanket applicability of VFRs in all non scheduled areas where CFR rights have been claimed, where CFRs have been recognised and where they may be claimed in the future. The Amendments do not say that the VFRs will not be applied in areas where CFR rights have been claimed, pending recognition or likely to be claimed in the future, as was required by the MoTA Directions. The Amended notification does not talk about requirement of the Gram Sabha resolution as directed by MoTA. The amendment says that the rights recognised under FRA shall not be abridged. However, application of VFRs itself is abridgement of the rights recognised under FRA. FRA not only recognises the rights to use and access forest resources but Section 5 of the Act and Section 4 (1) of the Rules empower the *Gram Sabha*, with the right and responsibility

- to protect wild life, forest and biodiversity
- to ensure that CFR area is used sustainably and access to it is regulated
- to protect ecologically sensitive areas
- to protect their habitat from any form of destructive practices that may affect their cultural and natural heritage.

Rules 4 (1) (e) and (f), empower Gram Sabhas to constitute a committee to fulfil the above responsibilities. This committee is also mandated to prepare a conservation and management plan for their CFR. These management plans after being approved by the Gram Sabhas are to be integrated with the micro plans, working plans or management plans of the Forest Department. By implementing VFRs in areas where CFRs have been recognised, about to be recognised, or could be claimed in the future, all the rights mentioned in point 2 (c) above will be violated. The MVFRs however continue to be implemented in the state.

4.2.2 Forest Compartments Leased to Forest Development Corporation (FDC)

Forest Development Corporations (FDCs) were set up in 1970s in nineteen states to convert “low value” forests to high yielding revenue generating forests through forestry programmes including large scale timber plantations. In Maharashtra, the forest area currently leased out to the FDCM is 3,67 lakh ha, about six percent of the total forest area of the State.⁴⁹

In keeping with FRA, the leases to FDC should have been null and void as soon as the said compartments were claimed as CFRs by Gram Sabhas. However, in Maharashtra, there has been a reverse trend of allocating to the FDCM, forest compartments which are either under CFR claim or are potential CFRs. Some of these leases have been granted as late as in 2015 but without any free prior informed consent of the local Gram Sabhas. Large scale clear felling of timber in these forests patches have led to intensified conflict between the Gram Sabhas and the Forest Department.

In 2013, 63,000 ha of reserve forest was transferred to FDCM, an area equivalent to the area of Tadoba-Andhari Tiger Reserve (TATR). In 2015, over 1500 ha of forest was leased to FDCM in Gadchiroli district falling under the Brahmapuri forest division and 20,000 ha in Bhandara district, among others. As per official documents some of these forests have been leased out to the FDCM as compensation for having stopped their activities in forests compartments now falling under the buffer zone of Tadoba-Andhari Tiger Reserve. Apart from being potential CFR area, some of these forests also fall under Scheduled V of the Constitution where PESA applies.

There has been widespread opposition by the local villagers against these leases, which they claim would lead to destruction of these dense, diverse and old growth forests, while seriously impacting long term local livelihoods, food security, and interests of the future generations.⁵⁰ These include opposition by over twenty Gram Panchayats in Bhandara, which came together to oppose handing over of 20000 ha of forests in their region⁵¹. Over ten Gram Sabhas in Gadchiroli district have also opposed leases granted in 2015 over their forests. Many of these Gram Sabhas had already filed CFR claims in 2011⁵², some of these are still pending decision. These Gram Sabhas include Vihirgaon in Gadchiroli districts, which had filed a CFR claim over 312 ha of forests, of which the rights were recognised only over 252.56 ha. The appeal by the Gram Sabha to review the title is still pending with the SDLC. Similarly, Sawalkheda also in Gadchiroli had filed claims over five compartments (some of which have been leased out to the FDCM) of which rights were recognised only over one compartment covering 261.79 ha.

⁴⁹See <http://www.fdcn.nic.in/Area-of-Operation.aspx>

⁵⁰Ajit, S. & Pathak Broome, N. (2016). Field notes collected during on-site research in Gadchiroli, Maharashtra. And Agarwal, S. (2016). *Planting problems*. Down to Earth. can be accessed at <http://www.downtoearth.org.in/news/planting-problems-56169>

⁵¹Pinjarkar, V. (2016). *20 GPS oppose state move on Bhandara forest to FDCM*. Times of India. Can be accessed at : <http://timesofindia.indiatimes.com/city/nagpur/20-GPS-oppose-state-move-on-Bhandara-forest-to-FDCM/articleshow/55694254.cms>

⁵²Ibid

The situation is very similar in other villages, namely, Karadi, Bhagwanpur, Shivpur, Chiklireeth, Chiklitukum, Dongargaon, Mortola, Yerandi and Kasari, all in Gadchiroli. In April 2016, after many other forms of opposition, Sawalkheda village tried to physically stop FDCM by confiscating the tree cutting tools and lodging a police complaint. The police, however, did not support the Gram Sabhas and instead under pressure got the community members to give a written declaration that they will not interfere with the FDCM's activities. Some of the local leaders were arrested and cases were filed against them. In the meanwhile, a PIL was filed by the affected villages on the violations by FDCM in the Nagpur Bench of Bombay High Court which was later transferred to the National Green Tribunal in Pune and currently remains there without being brought for hearing.

Despite opposition, the FDCM continued its activities and by June 2016, had already cleared 385 ha of dense forest. A fact-finding study⁵³ conducted in the region shows that almost 3542 trees were felled, 60 percent of which were under ten years of age. The felling included eleven species such as *Tendu*, *Mahua*, *Charoli*, *Avla*, *Bel*, *Salai* amongst others, extremely important NTFP for local livelihood and development. Apart from the diversity in the tree species, the forest is also home to leopards, wild dogs, sambar and other wild animals, who will be adversely affected with the large scale felling of trees, which in turn will drive them further into the human settlements and lead to increased human-animal conflict.

4.2.3 Continuation of Forest Diversion in Violation of FRA

The FRA provides for communities under Section 5 to protect forests, wildlife and biodiversity and empowers them to preserve natural and cultural heritage from destructive activities. In August 2009⁵⁴, the MoEF issued a circular that lays down certain procedures to complete recognition and vesting of rights under FRA, and to seek free prior informed consent from affected Gram Sabhas of forest dwellers over forest land required to be diverted for various developmental and infrastructural activities⁵⁵. The letter and spirit of this provision is being violated in many parts of Maharashtra. In Thane, villagers are fighting against illegal construction of the Kalu dam (being constructed to provide water to Navi Mumbai), with the help of Shramik Mukti Sanghatana. The dam is being constructed without completing legally binding processes under the FRA. Many affected villages have already filed CFR claims, thus asserting their community rights over the forests which are being diverted for the project. The project proposal was initially rejected by the Central Government on the grounds that included non-compliance of FRA. A fresh proposal was subsequently presented by the project proponent to the Government of Maharashtra, which was forwarded to the central government in March 2013. On April 4, 2013, the FAC (Forest Advisory Committee) recommended that the project be given forest clearance, despite the fact that all the Gram Sabhas had passed resolutions rejecting the project. In the meanwhile the villagers continue to await hearings on the case filed by Shramik Mukti Sanghatana in Bombay High Court.

⁵³ Kharinar, J., & Sawalkar, P. (2016). *Exploitative Conservation- Fact Finding Report*. Report supported by Amhi Amcha Arogyasathi.

⁵⁴ Circular available at: http://envfor.nic.in/mef/Forest_Advisory.pdf

⁵⁵ Diversion of forests for any non forestry purposes in India is regulated by the Forest (Conservation) Act, 1980. This Act provides for a process for applying for and clearing such diversion.

In another example, forest clearance was granted to the windmills project in 2009 within the boundaries of fourteen villages in Pune District and situated within a 10 km radius of Bhimashankar Wildlife Sanctuary without Gram Sabha consent. The consent letters attached with the proposal had signatures of the Forest Rights Committees of a few villages, which the villagers allege were forged.

In Gadchiroli district around over 25 mining areas have been identified for exploration and exploitation of iron ore and other minerals. These mining areas are likely to impact approximately 15,000 ha of dense forest area directly under mining and around 40,000 acres of forest land for mining related and other activities. At one of these sites, at 'Surjagad Hills' of Etapalli block, Lloyd Metals and Engineers Ltd, Mumbai has initiated mining despite strong resistance from over 70 Gram Sabhas of Madia Gonds, a PVTG community for whom these are traditional lands and who consider these Hills sacred.

Similarly, construction of transmission lines in Gadchiroli district, has affected several villages as it involved cutting down of NTFP in their existing and potential CFRs. None of the Gram Sabhas were consulted before cutting the trees under the transmission lines. Lavari Gram Sabha resisted the cutting of trees from their CFR⁵⁶, which they alleged were over 1600 as against the 960 claimed by the Forest Department. Eventually, a decision was taken to pay compensation to the Gram Sabhas which had lost important NTFP trees for transmission lines.

Box-IV: Mining in Surjagad – the Sacred Hills of the Madia Gond

In 2007, Lloyd Steel—a Mumbai based Private company, received clearance for over 348.04 ha of forests to mine iron ore in Surjagarh hills of Gadchiroli, predominantly inhabited by the PTG group, the Madia Gonds. Of the estimated 270 MT of iron ore in the state of Maharashtra, Gadchiroli has about 180 MT. However, even after approval, the project has been stalled multiple times primarily for two reasons; protests by local villagers, and a strong Naxalite (a banned organization, and an armed group) presence in the area. Owing to the presence of Naxalites, the region has been heavily militarized by deploying paramilitary troops for 'industrial security'. Although this conflict is being projected as a debate between processing the ore within the region or transporting it out and Naxal activities, the real issue is that the local Adivasi groups are opposing mining in these forests. There are multiple reasons why the local Adivasi community has been protesting against the mining operation, despite strong state repression. These include loss of physical space, dispossession and displacement, loss of cultural ways of living, and fear of further economic marginalization.

Local Adivasi leaders say that the socioeconomic condition of the Gadchiroli tribals is not bad, and that "no one ever hears of deaths related to malnutrition". Additionally, the income earned by the local Gram Sabhas from bamboo and *tendu* sale during the preceding year (mention year) far outweighs any economic incentives that the industrial development in this region can bring.

If anything, mining will lead to pollution of currently abundant water sources available for agriculture; destruction of farm lands getting covered under flying red ore and destruction of forests which are now an important source of economic empowerment.

Culturally, these hills are associated with the stories of origin and sacredness, particularly the mountain and shrine of Thakurdeo—the God of Gods, to the Madia Gond community. The currently ongoing mining is at the heart of this sacred hill. The Surjagad mountain range, which houses Thakurdeo, is the location where people from 70 villages gather for an annual celebration to express gratitude for their well-being and to pray for a good year ahead. The villagers and activists have been demanding cancelation of 24 sanctioned and proposed mining leases over 15,000 ha of diverse and dense forests in Gadchiroli. These forests are the traditional habitat of many tribal and non-tribal forest dependent communities.

Source: EJAtlas

⁵⁶ Agarwal, S. (2016). *A village in Maharashtra stands up for its rights*. Down to Earth. Can be accessed at <http://www.downtoearth.org.in/blog/a-village-in-maharashtra-is-standing-up-for-its-rights-54682>

4.2.4 Implementation in Protected Areas

The Convention on Biological Diversity (CBD) is amongst the most important international treaties on biodiversity conservation. Being a signatory, India is legally bound by the treaty and all its subsequent decisions adopted at the Conferences of the Parties (COP). Element 2 of CBD strongly emphasizes:

- Recognition and respect for indigenous peoples' and local communities' knowledge and practices in general and those relating to biodiversity conservation and the sustainable use of natural resources in particular;
- Recognition and respect of the rights of indigenous people and local communities in protected area establishment and management; and
- Promotion of effective and equitable governance of protected areas (including indigenous peoples' and local communities' full and effective participation with respect for their rights).

Recognition of individual and collective rights and Gram Sabha empowerment, both inside and outside protected areas under FRA, are all in the direction of meeting CBD goals and targets of conservation with full and effective recognition and respect of rights, protection of traditional knowledge and knowledge systems and participation in conservation governance. However, implementation of FRA in protected areas is very slow in the state. Few CFRs have been recognised in Melghat, Tadoba, and Nawegaon Tiger Reserves, some after much struggle by the Gram Sabhas.

There have been no efforts towards devising co-existence plans in any of the protected areas in the state. However, relocation from the protected areas, particularly tiger reserves has continued over the last decade, often in violation of FRA. In Melghat Tiger Reserve, the official Tiger Conservation Plan (TCP) gave some information on the status of claims under FRA received between 2009 and August 2011 in a tabular format. The table neither gave information on whether the claims were filed for land under cultivation/occupation or community forest resource, nor did it explain why the rights were not recognised and at what level were they pending. As per a National Tiger Conservation Authority (NTCA) document, 28 villages within the Melghat Critical Tiger Habitat had to be relocated and a relocation plan for 16 villages had already been submitted. Till 2014, three to four villages had been relocated on the basis of a certificate signed by the collector stating that settlement of these villagers' rights had been completed. While no relocation took place without the consent from the families being relocated, discussions with the villagers revealed that often consent was sought individually and not in a Gram Sabha. The process of recognition of rights had also not been completed in any of the villages in the CTH. According to KHOJ (an organization working in the area), out of the villages still remaining within the CTH, six to eight had filed for CFR claims. In June 2013, a CFR claim from Madizadap village was rejected by the SDLC, citing a letter from Assistant Conservator of Forest dated 16th December, 2011 saying that rights were

extinguished in 1994 (even though villagers had attached grazing passes issued on subsequent dates, - in the year 2007 - along with their claims). Claims were filed by villagers of the now-relocated village Vairat (and also officially acknowledged) but it is clear that relocation happened without recognition of rights claimed under FRA as no titles were distributed.⁵⁷

The Tadoba-Andhari Tiger Reserve (TATR) in Chandrapur district has only five villages still located inside the CTH, though the CFR areas of many other villages fall under the CTH. Grazing, access to Tadoba temple (an old sacred site), and putting up of gates and restrictions on NTFP collection continues within the core. Kolsa village located inside the CTH was planned to be relocated, a few families (particularly landless families) were shifted out but others have rejected the relocation plan and have refused to move. Kolsa Gram Sabha filed a CFR claim in 2010 which remains pending at the DLC.⁵⁸

Many Gram Sabhas in the buffer area of TATR have filed or are in the process of filing CFR claims. One such village Wadala-Tukum, which is located on the western boundary of the national park, had sent notices to the concerned departments (including FD) for joint verification after filing their claims. Joint verification however could not take place because Forest Department officials remained absent on the set date. In March 2013, the claim was rejected on the grounds that the area claimed bordered the CTH, and any human activity in the area was liable to irreversibly affect wildlife and exacerbate man-animal conflict, and the rights conferred would interfere with⁵⁹ the main objective of the Tiger Reserve, that is, to protect and conserve the tiger and its habitat. On 3rd May 2013, the GS appealed to DLC. In 2016 however CFR rights for five villages in the buffer zone were recognized including Wadala-Tukum, Ghosari, Sitarampet, Kondeggaon and Kuthwanda⁶⁰.

Maharashtra also has a unique example of Totladoh village fighting a case against its illegal relocation from Pench National Park. The village won the case and was provided some compensation in the form of housing, etc. In 2010, they filed a CFR claim and a right to continue fishing in Totladoh reservoir, the claim is still pending at the DLC. The villagers however have already started asserting the right by fishing in the reservoir.⁶¹

⁵⁷Desor, S. (2014) *Making of a Tiger Reserve - A study of the process of notification of Tiger Reserves, in accordance with WLPA 2006*. Unpublished. Kalpavriksh and Action Aid, India.

⁵⁸Personal communication Satish Shidam, Kolsa village in February 2017

⁵⁹Desor, S. (2014) *Making of a Tiger Reserve - A study of the process of notification of Tiger Reserves, in accordance with WLPA 2006*. Unpublished. Kalpavriksh and Action Aid, India.

⁶⁰Personal Communication with Shankar Bharde, Paryavaran Mitra in March 2017

⁶¹Personal communication with Vinod Gajbhiye convener of Jan Van Andolan, in February 2017

Section: V

5. Hurdles, Challenges, and Way Forward

5.1 Hurdles and Challenges

5.1.1 Disproportionate Implementation across Districts

Two important facts emerging from the analysis of the quantitative data include that Maharashtra is ahead of all the states in the country in implementing FRA, meeting 20 percent of its minimum potential, 14 percent of mid-range potential and 12 percent of maximum potential of implementation. This is commendable and indicates coordinated action by Gram Sabhas and government and non government agencies in some areas. Within the state, however, there are some districts where the implementation of FRA is much higher than in the others. There is also disparity in implementation within a district, with some parts performing better than the others.

As the data analysis shows, if Gadchiroli district is taken out of the picture Maharashtra's average performance of CFR implementation as compared to the minimum potential would be approximately 10 percent. Implementation of FRA is almost non-existent in districts like, Akola, Aurangabad, Bhandara, Buldhana, Kolhapur, Pune, Sangli, Satara, Wardha and Washim. This is despite a very high potential for implementation in most of these districts. While districts like Gondiya, Nagpur, Yavatmal, Raigad, Nashik, Nandurbar, Palghar and Thane have performed well, Gadchiroli district is way ahead of all other districts. One of the biggest challenges facing implementation of the Act is this disparity. Among the major reasons contributing to this disparity are some institutional challenges, operational challenges, and conflicting forest related laws and policies.

5.1.2. Institutional Challenges

The national level report on Promises and Performance: Ten Years of Community Forest Rights Implementation in India⁶², reveals that absence of political and administrative will was a key obstacle in achieving the potential of FRA at the national and state levels. Institutional challenges have affected the overall implementation of CFR across all states, including in many districts of Maharashtra. Some of these institutional challenges/hurdles being experienced in Maharashtra include:

Continued Lack of Awareness about CFRs in Many Districts

In many districts there continues to be lack of awareness, particularly at the SDLC level and other relevant government departments, about different provisions of FRA in general and CFRs in particular. Distinction between CFR rights under Section 3 (1) I, Community Forest Rights under Section 3 (1), rights for development facilities and individual rights, as also procedures for filing claims are not clear to the concerned staff.

⁶² Can be accessed at <http://fra.org.in/document/Promise%20and%20Performance%20Report.pdf>

Functioning of DLCs and SDLCs

In some districts and talukas the membership of DLCs and SDLCs is still not clear. Till 2015, the SDLC in Khed taluka of Pune district was not constituted and no meetings of the SDLC were held. In some cases, the composition of DLCs/SDLCs violates the statutory requirement with over representation of officials and less representation from elected representatives. In some districts meetings of DLCs/SDLCs are not regular and instead of deciding on claims in a meeting, they are sent to different departments, particularly to the Forest Department for their approval.

Lack of Dedicated Staff at SDLC and DLC Levels

In districts like Pune, it has been extremely difficult to coordinate with the over-worked staff at the SDOs office, who have been handling FRA responsibility as an additional task. There is little enthusiasm or capacity to take on a sustained campaign for either awareness or filing claims. The claims filed by some villages since 2009 remain unapproved because of lack of staff. Often sustained efforts are not possible because of transfers of concerned officials.

Lack of Trust between Gram Sabhas and Forest Department

There are serious ideological differences between the Forest Department and local communities. In spite of rights provided by law to the communities, the Forest Department continues to distrust the Gram Sabhas' capability to manage and conserve forests. In districts like Nandurbar, the Forest Department continues to regulate the management and conservation process of forests though the communities have CFR rights (see box 3 for reference).

Box-V: Legaani village

People from Legapani village received IFR titles in 2010 and CFR titles in 2014. It's been two years since the village is managing their forest which is now 'officially authorized' to the villagers. Still there are instances when it was found that officials of forest department are ignoring these rights and oppressing people by imposing fines with no legal validations. Chilya Gambhir Nayak (65) of this is one of the victims of this behavior of forest department. On 22nd July, 2016 he got charged for grazing on his own land. He was charged Rs. 2000/- against illegal grazing and Rs. 3100/- against others columns of fine slip. He had to pay Rs. 5100/- to forest department as fine to access his own land.

Source: Lok Sangharsha Morcha, Nandurbar

5.1.3. Operational Challenges

Some of the operation hurdles facing implementation include:

Pending Claims

A large number of claims are pending at various levels all over Maharashtra. In districts like Pune, some claims have been pending since 2009 and in protected areas such as TATR since 2010. As per November 2016 data, 946 claims at the Gram Sabha level, 1238 claims at the SDLC level and 850 claims at the DLC level are pending across the state. In many cases CFR claims are pending due to objections raised by the Forest Department at SDLCs or DLCs.

As of November 2016, 522 CFR titles were yet to be distributed after being approved by the DLCs. It is not clear why such a large number of approved claims have not been distributed to the concerned Gram Sabhas.

High Rate of Rejection of CRs and CFR Rights at SDLC

November 2016 data shows that 83% of the CRs and CFR rights claims have been rejected at SDLC level. Akola, Bhandara, Gadchiroli, Jalgaon, Nashik, Palghar, Pune, Sangli, Thane and Washim are the districts with highest rejections at the SDLC level. Civil society actors on the ground say that no written explanation or reasons are given by the authorities for rejecting claims of either IFR, CR or CFR. Orally the reasons are communicated as faulty paper work but these claims are not sent back to the Gram Sabha for correction as is required by law. As per FRA claims cannot be “rejected” at the level of SDLC, if sufficient information does not exist then the documents are to be sent back to the Gram Sabha with a request to file again. Claims can only be rejected by the DLC, and conveyed to the concerned Gram Sabha with appropriate reasons for rejection.

CFR area claimed different from area recognised

Many examples were reported where total area claimed under CFR was very different from the actual area recognised. Customary boundaries delineated by the Gram Sabha are not accepted or are changed by revenue and Forest Department functionaries during field verification. In cases where Gram Sabhas have appealed against this, their appeals are still pending.

Delays in IFRs Impacting Enthusiasm for CFRs

In districts like Thane, the process of IFR claims has been very slow and there have been high rates of rejection. This has led to dejection and lack of enthusiasm about filing CFRs.

Discrepancies in the Titles and Title Correction

In the absence of a uniform format for CFR titles, CFR titles have been issued with many incongruencies, including titles with conditions (to follow the Forest Department’s working plans), titles in the name of Gram Panchayats or individuals in the village instead of Gram Sabhas, titles in the name of Joint Forest Management (JFM) committees, titles with incorrect area of the CFR, among others.

In some districts like *Gondiya* and *Gadchiroli*, titles have been taken back by the district administration for corrections but have not been returned yet (See Case Study 3, Annexure 2). For example, the CFR committees in *Deori* and *Sadark Arjuni Taluks* of *Gondiya* district have already appealed to the district administration to speed up the process and give the titles back to the Gram Sabha, but the titles are yet to be reissued.

Conversion of Forest Villages into Revenue Villages

Conversion of forest villages and other settlements to revenue villages under Section 3(1) h remains largely unimplemented across the state. In districts like *Nandurbar*, *Jalgaon* and *Dhule*, the process was initiated by the district administration but has been very slow and incomplete. Officials from various departments are often unaware of the provisions under Section 3(1) (h). Some villages such as *Langda Amba* and *Uttam Nagar* in *Jalgaon* are struggling to convert their status into revenue villages, while many others are yet unaware of the provision and its implication.



5.1.4 Hurdles Related to Handholding and Management of CFRs

State and District Level Support System

As mentioned in section 2.2.2 and 4.1.3 above, since 2015, there have been efforts by the state government particularly the TDD towards systemic support for CFRs, including by issuing the GRs for constituting CFR Management Committees, District level Convergence Committees and a State level Steering Committee. In some talukas FRA coordinators have also been appointed. All of this has had desired positive impacts in some districts or in some parts within the districts (pl see section 4.1 on positive trends). This support however is not uniform across districts and within the districts as is illustrated in the section 4.1.4 and 4.2 above. Many Gram Sabhas are still unaware of CFR provisions, have not started the process of filing claims, where filed their claims are still pending or rejected without reason. Many are also struggling to find hand holding support for CFR management when most needed (See Section 4.1.4), or are struggling against FDCM (including police cases filed against them) or mining or relocation from protected areas. Unless there is help from Adivasi Movements or civil society organizations, the Gram Sabhas often do not know how and where to avail help in these situations for filing claims, or managing CFRs.

Interference from the Forest Department

The Forest Department has resources meant for forest development. The Forest Department, however, is not always supportive of CFR management committees and often insists on the Forest Department's institutions such as Joint Forest Management Committees (JFM) to receive support even if CFR committees already exist in the village. In districts where awareness about CFRs is low, lack of resource for CFRs and resources available through JFM discourage and restrict the claiming process. Many villages where JFM is being promoted are getting confused because of multiple committees. Aggressive promotion of JFM is hampering the effective implementation of CFR and constitution of CFR management committees under Rule 4 (1) e of FRA. This is more so as JFM comes with financial allocation, whereas there is no such committed allocation for CFRs.

As per the law and the directions issued from time to time by the government, the Gram Sabhas are entitled to get Transport Permit (TP) for transportation of NTFP managed and collected by them. However, Gram Sabhas continue to face problems and delays in getting TP from the Forest Department and are often forced to make multiple trips to the local forest office.

Maintaining Records for NTFP Harvest and Sale

Some Gram Sabhas, particularly those which have literate members in the village or help from civil society groups are able to maintain meticulous records of the NTFP harvest, sold, royalties received, wages paid, profits earned and so on. Such records are useful in deciding future management strategies, in avoiding internal and external malpractices, ensuring fair prices and negotiations with the contractors and general evidence for the future. However, the situation is difficult for those Gram Sabhas which do not have people trained to maintain such records. The Forest Department maintained such records in the past but are unwilling to help communities where needed.

5.1.5 Hurdles Caused by Conflicting and Divergent Policies

The huge gap between the promise and performance of FRA can also be attributed to conflicting and divergent laws, policies and programmes. These state laws, policies and programmes are directly conflicting or seriously undermine the provisions of FRA. Some such policies are mentioned below.

Notification of Village Forest Rules

The Indian Forests (Maharashtra) (Regulation of assignment, management and cancellation of village forest), 2014, mentioned here on as VFR 2014, were notified on 13th May 2014 and amended Rules were notified in May 2016. As has been mentioned in section 4.2.1, implementation of these Rules will have a long term impact on implementation of CFRs in non scheduled areas. Without verifying whether or not CFRs are applicable for a Gram Sabha or not and clearly specifying how not the VFRs are already being implemented in various districts across the state, including states with high CFR potential, such as, Dhule, Jalgaon, Bhandara, among others. Considering a lack of systemic and *suo moto* support to CFRs, VFR will have financial power in areas where Gram Sabhas are not sufficiently aware. All the forest development funds coming to the Forest Department, including through CAMPA are likely to be spent by creating VFR institutions rather than supporting CFRs (see section 4.2.1 for details)

Compensatory Afforestation Fund Act 2016 (CAMPA)

The CAF Act, 2016, has paved the way for releasing around Rs 42,000 crore to the states for carrying out compensatory afforestation, primarily in lieu of diversion of customary forests of STs and OTFDs. The state institutions set up under the CAF Act are dominated by forest bureaucracy with no representation of forest dwellers. The CAF Act also provides incentives to displace forest dwellers from protected areas by making specific provision for funding relocation. Forest dwellers and STs have widely opposed the CAF Act for not requiring consent of the Gram Sabhas to use their traditional lands and forests for compensatory afforestation.

In many areas, the Forest Department has started measuring land being cultivated by people based on encroachment records available with the Forest Department, disregarding that these areas are under claim. No information is shared with Gram Sabhas prior to or during such demarcation.

Guidelines for Privatisation of Forests

MoEFCC issued guidelines in August 2015 to lease 40 percent of degraded forests in the country to private companies for afforestation. Considering that a minimum of 59 percent and a mid range estimation of about 83 percent of total forest area in Maharashtra is estimated to be the potential CFR area (see section 3.1.1), these guidelines stand in complete violation of FRA. They disregard the fact that most of these forests are either already recognised CFRs, are in the process of being claimed as CFRs, or are potential CFRs to be claimed in the future. It is therefore unclear how 40 percent of area can be handed over to the companies without impacting the forest rights of hundreds of Gram Sabhas.



Leasing of Forests to Forest Development Corporations (FDCM)

As explained in detail in section 4.2.2. above, the Forest Development Corporation (FDC), set up since the 1970s, hold over six percent of states forests and new leases continue to be given to FDCM over potential CFR forests, leading to conflict with the surrounding Gram Sabhas (see section 4.2.2 for details).

Protected Areas and Relocation

Forest dwellers continue to be forcibly relocated from tiger reserves, in violation of FRA and provisions of the Wildlife Protection (Amendment) Act, 2006 (see section 4.2.4 for details)

Violation of FRA or Slow Implementation in Areas Marked for Forest Diversion

There are various incidents where forests have been diverted for various developmental projects without the consent or consultation of the Gram Sabhas. These include forests in Thane where Gram Sabhas are resisting submergence of their CFRs under the Kalu Dam and hundreds of villagers in Gadchiroli, who have been demanding cancelation of over 25 sanctioned and proposed mines over 15,000 ha of diverse and dense forests across (see section 4.2.3 for details).

5.1.6 Habitat Rights and Rights of Pastoralist Communities

Of the three PVTG communities in Maharashtra Habitat claim has only been filed by one group of Madia Gonds in Gadchiroli (see section 4.1.5. for details). No substantial work has been done by the state administration in recognition of Habitat Rights for PVTGs. In Gadchiroli, Gram Sabhas are coming together to file for habitat rights, but administrative support is lacking so far. The areas which are traditional habitat of PVTGs are under great threat from proposed and sanctioned mines in the district.

No claims have been filed by the pastoral communities in the state yes, no concerted action is being taken to facilitate such claims under Section 3(1) d.

5.1.7 Gender Concerns

Neither MoTA nor the TDD maintains gender disaggregated data on FRA. There is little available information on whether all IFR titles are being issued in the joint names of both spouses. It is also not known if single women have had their rights recognised. There is no reporting on whether one-third of the FRC members are women, or how they were selected and whether the Gram Sabha's quorum has indeed had at least one-third presence of women. Reporting from some districts by civil society groups mentions low or no representation of women at the SDLC and DLC levels. Though there are elected women representatives in SDLC and DLC, they are not informed or empowered sufficiently to participate effectively in the meetings.

5.2. The Way Forward

The above analysis of several documents, facts and experiences from different districts in Maharashtra suggest that the state of Maharashtra stands out as one of the best performing states across the country as far as the process of recognition of community forest rights claims and activities in the post-recognition phase is concerned. Nevertheless, there are a number of issues and challenges that do impede the effective and uniform implementation of CFRs. This section outlines the ways through which the government machinery can address various challenges and intervene at appropriate level.

5.2.1. No Encouragement and support to Conflicting Policies

1. Ensuring that **CAMPA funds are used to strengthen CFR management and governance** by Gram Sabhas under FRA. That these funds are provided under District Convergence Scheme to all Gram Sabhas which submit a proposal for managing their CFRs by constituting CFR Management Committees under Section 4e of FRA.
2. Ensuring that **CAMPA funds are not used** for any other activity in Scheduled V areas and all areas where the Community Forest Rights (CFRs) are legally applicable (including areas where CFRs have been recognised, CFR claims have been filed but pending recognition and CFRs are likely to be filed in the future) **without a written Free Prior Informed Consent** of the Gram Sabhas in these.
3. Ensuring **CAMPA funds are not utilised for relocation** from in and around Protected Areas. Ensuring that **CAMPA funds are utilised** for facilitating CFRs in and around Protected Areas and in Wildlife Corridors and for processes **towards co-existence** as provided under Section 38V4(ii) (v) of Wildlife Protection Act.
4. Ensuring that **all leases for mining, FDCM, dams** in Schedule V areas and areas where the Community Forest Rights (CFRs) are legally applicable as per the FRA (including areas where CFRs have been recognised, CFR claims have been filed but pending recognition and CFRs are likely to be filed in future) **are cancelled**. No such leases are given without the Free Prior Informed Consent of the concerned Gram Sabhas whose CR rights, CFR rights or Habitat rights include such forest areas.
5. Ensuring **JFM and VFRs are not imposed or pushed** by giving priority in Schedule V areas and areas where the Community Forest Rights (CFRs) are legally applicable as per the FRA (including areas where CFRs have been recognised, CFR claims have been filed but pending recognition and CFRs are likely to be filed in the future).

5.2.2. Strengthening Implementing Agencies and Claims Filing Process

1. Ensure dedicated **full-time staff** for FRA implementation at **all sub-divisional and district levels**, similar to PESA coordinators in Schedule V areas. Such staff must work in close coordination with the tribal *sangathanas* and civil society groups working on FRA in the district. Staff must include women. Extra efforts must be taken to include women members in SDLCs and DLCs
2. Ensure **continuous and regular training and capacity-building** for implementation agencies at all levels in all districts. Such training programmes must include special modules for gender empowerment through CFRs. Special training programmes must be conducted for women FRA staff and women members of FRCs, SDLCs and DLCs.
3. Ensuring a **time bound awareness campaign for Gram Sabhas** for filing and review of claims. This should be done following all prescribed procedures in the law, using formats provided under FRA, and with specific timelines. Special awareness programmes must be organized for women in general or for their collectives such as self help groups (SHGs)
4. Ensuring a **time bound review and decision** by the SDLCs and DLCs, after the CFR claims have been filed.
5. Special efforts need to be made towards ensuring habitat rights and pastoralist rights claims.



6. Streamlining the functioning, accountability and transparency of SLMCs, DLCs and SDLCS by ensuring **regular review and monitoring and uploading meeting minutes and actions taken on websites** for public access.

5.2.3 Addressing Discrepancies in CFR Titles

1. Ensuring a uniform format for CFR titles is adopted officially for rights being recognised under Section 3 (1) i of FRA.
2. Ensuring that titles are free of all conditions.
3. Correcting the titles where the CFR titles have been recognised but in the name of FRCs, VSSs, *panchayat*, Eco-development Committees, JFMCs or any other committee instead of the Gram Sabha
4. Correcting titles which mention the area of the CFR wrongly.
5. Ensuring that titles taken back for correction are return in a time bound manner.

5.2.4 Revising Record of Rights and Boundary Demarcation

The legal requirement of final mapping of forest land and incorporation of the rights in the Record of Rights (R & R) is yet to be initiated in the state. This has resulted in confusion about the areas and jurisdiction of the Gram Sabhas. The nodal agency needs to clearly specify a timeline for revising the Record of Rights once the titles have been received by the Gram Sabhas. Once the RoR has been revised, it must be ensured that a copy of the same is sent to all relevant departments and the concerned Gram Sabhas.

5.2.5 Database on Recognised Rights

There continues to be a number of inconsistencies in the data available at the district level, state level and National level. The district-wise data still does not segregate information about CR or *nistar* rights under Section 3 (1) and the right to govern and manage under Section 3(1)(i). Gender specific data is also not available. These inconsistencies and data gap need to be plugged.

5.2.6 Creating District Level FRA cells and FRA Coordinators

The state government in Odisha has taken special interest in constituting a FRA Cells in each district to speed up the process of recognising claims under FRA. The Cell provides detailed information about the status of claims to the beneficiaries. Similarly, a welfare officer has been appointed in each block of Odisha to facilitate between the district administration and local community related to forest rights activities. Other states like Jharkhand and Madhya Pradesh are now taking similar steps. It is also clear from the narratives and data that appointment of FRA coordinators in some *talukas* in Maharashtra has been very useful in ensuring that Gram Sabhas are informed about CFRs and their rights are recognised.

The nodal agency in Maharashtra could ensure creation on **FRA Cells, appointment of block level welfare officers and FRA coordinators in all talukas** and blocks to take CFR implementation to a campaign mode. These Cells, functioning in close coordination with local

Gram Sabhas, Adivasi Movements, and CSOs, could liaison between the Gram Sabhas requiring any kind of help for CFR governance and management and government agencies that can provide the help.

5.2.7 Operationalising District Convergence Committees in all Districts

1. District Convergence Committees (DCC) similar to the ones already set up by the TDD in some districts need to be set up and actively operationalised in all districts.
2. In order to make the DCCs more effective and accountable, the State Government needs to issue guidelines clearly specifying the roles and responsibilities of the DCC and criteria to prioritise and approve the work plans/Gram Sabha resolutions as submitted by the Gram Sabhas.
3. All Gram Sabhas through *gram sevaks* need to be made aware about presence of the DCC and its role in supporting CFR management and governance, including financial and technical help (e-tendering, documentation, auditing, etc.), if needed.
4. Process for applying for these should be clearly informed to the Gram Sabhas directly through regular Gram Sabha meetings.
5. The Gram Sabhas should be able to make a request for help through a simple resolution passed at the Gram Sabha.

5.2.8 Technical and Financial support to CFR gram sabhas, including for NTFP trade

Hundreds of CFR gram sabhas in districts like Gadchiroli, Gondia, Chandrapur, Amravati, and others are exercising their rights to harvest and sell major NTFP such as tendu patta and bamboo. These gram sabhas are adopting a number of processes for facilitating such sales, including seeking help from civil society groups, as individual gram sabhas entering into direct agreements with the traders and contractors, as clusters of gram sabhas independently calling for open tenders, or as clusters of gram sabhas specifying a minimum auction price and calling for open tenders. In these situations while they are learning from their experiences, they are also facing high handedness and exploitation by contractors and traders lobby. Particularly the individual agreements with gram sabhas, many of which are non transparent and involve many middle agents kick backs. This lobby is also ensuring that gram sabhas that are seeking transparent and collective actions are isolated and not allowed to succeed. In these situations the gram sabhas have demanded that the state government helps overcome such exploitative methods adopted by the contractors, traders and middle agents. Little help has been extended thus far, some of the demands for technical and financial help in these situations to strengthen gram sabhas include:

Providing facilities for e-tendering of NTFP to any gram sabha that asks for it.

1. In consultation with the gram sabhas developing a minimum support price mechanism for traded NTFPs. This mechanism should also ensure that guidelines put in place by gram sabhas for sustainable harvest and transparent functioning are respected by all contractors and traders.
2. Proving direct funds coming for forestry sector and CAMPA to CFR gram sabhas through their section 4 (1) e committees.
3. CFR gram sabhas should be the primary implementing agency for MNREGA. MNREGA, in addition to desilting of water bodies, should also include the entire ridge to valley planning and its implementation.

5.2.9 Ensuring women's empowerment through CFRs

This can be done by enabling women to play an active role in all post CFR processes.



6. Conclusion

This report indicates that the minimum forest area in Maharashtra over which CFR rights should be recognized is 3620900 ha. This represents almost 59 per cent of the state's total forest land. Ten years after FRA's enactment, 20 per cent of this minimum potential has been achieved in the state. This makes Maharashtra one of the leading states in the country in implementing FRA, having met 20 percent of its minimum potential, 14 percent of mid-range potential and 12 percent of maximum potential of implementation. This performance can be attributed to the historical roots of resistance in the state and also to the more recent combined efforts by Gram Sabhas, Adivasi Movements, Civil Society Groups, Tribal Development Department, Governors office, Block and District administrations in many districts.

This performance however is not uniform across the state or within the districts. While some districts like Gadchiroli have achieved over 60% of their potential, 21 out of 36 districts are lagging behind with near zero performance. In many districts there continue to be institutional and operational hurdles impacting the implementation process. These range from lack of awareness about the Act at all levels to lack of financial and dedicated human resources for implementation of the Act.

By recognizing individual and collective rights of forest dwellers, FRA supports access to critical life-sustaining resources that support subsistence, livelihood, food and water security together with socio-cultural integrity for over 26 million people in Maharashtra. In doing so, it also conforms with country's commitments under the Convention on Biological Diversity and those related to climate change. Positive examples of assertion of CFR rights, poverty alleviation, sustainable and equitable forest use and management based on democratic decision-making have been cited in the report.

These examples illustrate that Maharashtra has also emerged as a leading state in setting examples for the rest of the country in a number of positive ways. Most important of these being the various ways in which the Gram Sabhas have struggled sometimes with the administration, at times with neighbouring villages where two would share the boundaries, sometimes with the external developmental pressure and at times within the community itself. They have struggled sometimes supported by the administration, sometimes by tribal *sangathanas*, sometimes by the civil society groups and sometimes on their own. Through these multiple, complex and dialectic processes the Gram Sabhas are now using the FRA (where applicable in combination with PESA) to arrive at:

- Local, formal or informal, sustainable, governance, management and conservation strategies;
- Strategies for enhancing and strengthening local livelihoods by exercising rights over Non Timber Forest Produce (NTFP), particularly Bamboo and Tendu;
- Experimenting with complex processes such as tendering, auctioning, maintaining accounts, among others;
- Have sometimes entered into detailed internal dialogues and self-reflection to understand their own worldviews and notions of development through the process of filing Habitat Rights or by resisting against mining, commercial and extensive timber felling;

- In some cases women have begun to discuss their own role in society and meaning of forests to them

Institutional support at multiple levels has also been crucial for successfully recognizing and subsequently supporting CFRs in the state. Districts like Gadchiroli, Amravati and others are indicating that community mobilisation and collective action of Gram Sabhas has immense potential to achieve social, ecological and economic wellbeing. However, it is also clear that such mobilized collective actions are less effective if the government institutions are hostile to the local methods of governance, mobilization and resource management. The efficiency of local collective action is further reduced when government agencies, particularly the forest department are not supportive at crucial points such as helping in NTFP auction and marketing, providing initial financial help, not supporting the wish of the community of their forests being diverted for non-forestry purposes or to FDCMs, among others.

The assertion of rights by organized Gram Sabhas, even where these are yet to be recognized formally, is changing the balance of power between the Gram Sabhas and, the forest bureaucracy. In some cases unfortunately this same change in power structure is becoming a reason for greater hostility than support from the forest bureaucracy. Wherever forest dwelling communities have successfully challenged non-consultative diversion of their customary forests for non-forest use, or relocation from protected areas, efforts have been made to directly and indirectly create hurdles and obstructions for them.

In the last few years several attempts have been made in the state to dilute and bypass the provisions of FRA. These include: notification on Village Forest Rules (VFRs) in Maharashtra, leasing out forest lands to FDMC without Gram Sabha's consent, supporting JFM Committee in recognised CFR villages and more recently, diversions of forests for non-forest purposes against the wish of the affected Gram Sabhas. Despite several protests and appeals, including those from the MoTA and Hon. Governor's Office, Maharashtra, the state government has allowed these conflicting policies to be implemented. These policies will reinforce the traditional centralised governance of forests by the Forest Department, seriously impacting both access and conservation rights of Gram Sabhas. There is an urgent need to stop encouraging all kinds of conflicting policies which are against the letter and spirit of the Forest Rights Act.

The TDD as the nodal agency has taken many steps to support filing of CFRs claims and to support CFR management and governance in some parts of the State. Their supportive role has added to the efforts of the Gram Sabhas and civil society groups to achieve the 20 percent potential in the state. However, to ensure that the promise of remedying historical injustice to the most marginalized forest dwelling communities is truly realized, the state government needs to urgently address the hurdles in the way of recognizing these pre-existing rights. This needs to be done particularly by ensuring the filing of CFR claims in a campaign mode in districts lagging behind; supporting Gram Sabhas more effectively where their rights have been recognized; and most importantly by ensuring that their traditional forests are not diverted for mining and other commercial activities or taken over by policies which dilute their powers and authority.



Annexure 1- Data Tables

Table 2. District-wise Potential Data

S.n.	District Name	Total Geographic Area	Step 1: Minimum CFR Potential	CFR Potential (within village Boundaries)	Minimum CFR Potential	Step 1: Mid-range CFR Potential	Mid-range CFR Potential	Maximum CFR potential
			Area of forests in uninhabited villages, with cultivation			Area of 2 km buffer around forest areas		
1	Ahmadnagar	1,704,800	-	154,306	154,306	-	154,306	190,488
2	Akola	539,000	3,409	41,505	44,913	1,791	46,704	49,907
3	Amravati	1,221,000	6,964	79,686	86,650	203,619	290,269	348,230
4	Aurangabad	1,010,700	-	89,946	89,946	-	89,946	92,452
5	Bhandara	358,800	7,017	38,581	45,598	78,515	124,113	163,306
6	Bid	1,069,300	160	20,564	20,724	-	20,724	25,683
7	Buldana	966,100	3,069	81,802	84,871	19,865	104,736	116,826
8	Chandrapur	1,144,300	12,144	132,530	144,674	249,185	393,859	346,815
9	Dhule	718,900	17,240	122,726	139,966	63,431	203,397	205,994
10	Gadchiroli	1,441,200	16,455	540,682	557,137	454,686	1,011,823	1,426,476
11	Gondiya	573,300	224	135,633	135,857	49,427	185,284	236,557
12	Hingoli	468,600	-	16,226	16,226	-	16,226	29,081
13	Jalgaon	1,176,500	2,142	91,431	93,573	68,508	162,081	199,487
14	Jalna	771,800	7	9,079	9,087	-	9,087	10,118
15	Kolhapur	768,500	1,143	137,395	138,537	-	138,537	174,583
16	Latur	715,700	-	2,320	2,320	-	2,320	4,006
17	Nagpur	989,200	10,273	85,062	95,334	116,261	211,595	252,305
18	Nanded	1,052,800	1,763	101,138	102,901	-	102,901	129,914
19	Nandurbar	596,100	4	104,944	104,948	90,991	195,939	239,382
20	Nashik	1,553,000	-	323,340	323,340	-	323,340	344,217
21	Osmanabad	756,900	-	6,675	6,675	-	6,675	7,177
22	Parbhani	635,500	-	6,393	6,393	-	6,393	10,179
23	Pune	1,564,300	213	167,213	167,426	-	167,426	202,899
24	Raigarh	715,200	342	156,411	156,753	114	156,867	174,832
25	Ratnagiri	820,800	805	18,062	18,867	-	18,867	6,995
26	Sangli	857,200	837	34,739	35,576	-	35,576	55,231
27	Satara	1,048,000	226	131,027	131,253	-	131,253	159,079
28	Sindhudurg	1,489,500	-	46,628	46,628	-	46,628	55,567
29	Solapur	520,700	-	22,886	22,886	-	22,886	37,775
30	Thane	955,800	680	334,626	335,306	-	335,306	388,101
31	Wardha	630,900	3,664	32,007	35,671	48,573	84,244	107,522
32	Washim	518,400	2,167	37,728	39,895	-	39,895	33,095
33	Yavatmal	1,358,200	12,865	213,758	226,624	10,839	237,463	303,083
	Total	30,711,000	103,813	3,517,048	3,620,861	1,455,805	5,076,666	6,127,362

Table 3. Scheduled Tribes and Other Traditional Forest Dwellers Population benefiting from FRA

S.no	District Name	Estimate d No of villages under CFR	Total Population benefiting from CFR	Total Populatio n of Scheduled Caste	%	Total Population Scheduled Tribe	%	Total Population of All Others	%
1	Ahmadnagar	794	1,800,575	198,853	11	221,896	12	1,379,826	77
2	Akola	280	328,101	69,984	21	46,579	14	211,538	64
3	Amravati	768	766,066	110,511	14	224,232	29	431,323	56
4	Aurangabad	372	688,599	75,017	11	48,102	7	565,480	82
5	Bhandara	175	286,914	35,276	12	4,190	1	247,448	86
6	Bid	571	576,369	95,210	17	62,786	11	418,373	73
7	Buldana	356	507,213	88,157	17	61,993	12	357,063	70
8	Chandrapur	1,184	944,873	127,876	14	235,796	25	581,201	62
9	Dhule	386	905,849	46,343	5	393,977	43	465,529	51
10	Gadchiroli	1,590	908,382	96,809	11	392,206	43	419,367	46
11	Gondiya	782	902,567	114,508	13	186,217	21	601,842	67
12	Hingoli	100	341,471	32,720	10	118,790	35	189,961	56
13	Jalgaon	486	863,035	78,044	9	135,998	16	648,993	75
14	Jalna	99	159,065	19,737	12	3,295	2	136,033	86
15	Kolhapur	516	821,659	101,848	12	3,907	0	715,904	87
16	Latur	85	200,850	40,939	20	5,590	3	154,321	77
17	Nagpur	1,212	924,635	145,423	16	153,917	17	625,295	68
18	Nanded	434	725,755	122,787	17	126,973	17	475,995	66
19	Nandurbar	456	640,465	9,246	1	561,741	88	69,478	11
20	Nashik	1,174	1,917,683	103,919	5	978,279	51	835,485	44
21	Osmanabad	139	325,100	53,766	17	6,650	2	264,684	81
22	Parbhani	59	94,168	11,200	12	5,363	6	77,605	82
23	Pune	1,212	2,047,643	181,434	9	194,853	10	1,671,356	82
24	Raigarh	1,258	1,136,987	45,481	4	219,010	19	872,496	77
25	Ratnagiri	297	266,448	12,573	5	4,587	2	249,288	94
26	Sangli	244	745,548	94,195	13	5,278	1	646,075	87
27	Satara	856	1,162,707	119,865	10	11,776	1	1,031,066	89
28	Sindhudurg	293	307,709	21,406	7	2,091	1	284,212	92
29	Solapur	220	627,835	101,576	16	8,281	1	517,978	83
30	Thane	1,348	1,713,996	39,599	2	1,038,695	61	879,127	51
31	Wardha	870	688,838	89,981	13	98,888	14	499,969	73
32	Washim	232	317,666	52,511	17	39,901	13	225,254	71
33	Yavatmal	998	1,125,647	123,263	11	251,291	22	751,093	67
	Total	19,846	25,770,418	2,660,057	10	5,853,128	23	17,500,658	68



Table 4. District-wise Titles Distributed and the Forest Area for the Titles Recognised for June 2016 and November 2016

Districts	Total Titles distributed(Nov 2016)	Total Titles distributed (June 2016)	Total Area of Title distributed (Nov 2016)	Total Area of Title distributed (June 2016)	Forest Area (In Acres pertaining to the claims approved by DLC) –Nov 2016	Forest Area (In Acres pertaining to the claims approved by DLC)June 2016
Ahmednagar	121	121	17139.36	17139.36	17139.36	17139.36
Akola	3	3	4.36	4.36	4.36	4.36
Amravati	65	65	46301.6	46301.6	58988	46301.55
Aurangabad	0	0	0	0	0	0
Bhandara	5	5	10.09	10.09	10.09	10.09
Buldhana	0	0	0	0	0	0
Chandrapur	119	119	16167.67	16167.67	16167.67	16167.67
Dhule	186	186	709.4	709.4	709.4	709.4
Gadchiroli	1355	1355	1072425.9	1072425.9	1072425.9	1072425.9
Gondiya	843	843	96683.9	96693.9	96683.9	96683.9
Hingoli	0	0	0	0	0	0
Jalgaon	133	122	25435.25	24243.65	25435.25	24243.65
Kolhapur	0	0	0	0	0	0
Nagpur	777	777	121757.1	121757.1	121757.1	121757.1
Nanded	118	118	121598.08	121598.08	121598.08	121598.08
Nandurbar	262	240	85062.02	83770.58	85062.02	83770.58
Nashik	305	202	39771.66	30437.7	45593.26	43474.43
Palghar	416	318	24131.9	18936.68	24131.9	18936.68
Pune	15	15	4.61	4.61	4.61	4.61
Raigad	491	491	22711.25	22711.25	37631.4	37631.4
Sangli	0	0	0	0	0	0
Satara	3	3	2.24	2.24	2.24	2.24
Thane	298	298	9609.96	9334.8	23744.29	17728.63
Wardha	9	9	15.72	15.72	15.72	15.72
Washim	0	0	0	0	0	0
Yavatmal	217	217	94587.93	94587.93	277782.95	277782.95
Grand Total	5741	5507	1794130	1776852.62	2024887.5	1996388.3

Source: Tribal Commissionerate of Maharashtra, Nashik

Table 6. State-wise Analysis of Promise and Performance

State Name	Minimum potential for CFR Recognition in India (excluding five NE States and J&K) (In acres)	CFR Recognized (in Acres)	% of Potential Achieved
Andhra Pradesh	27,65,367	0	0%
Assam	5,00,996	0	0%
Bihar	8,24,940	0	0%
Chhattisgarh	74,52,000	0	0%
Goa	2,07,342	0	0%
Gujarat	31,31,933	2,81,970	9%
Haryana	60,300	0	0%
Himachal Pradesh	32,11,000	0	0%
Jharkhand	51,58,389	85,578	2%
Karnataka	59,73,818	38,676	1%
Kerala	21,98,639	2,98,340	14%
Madhya Pradesh	1,57,20,915	0	0%
Maharashtra	1,20,50,071	17,66,310	15%
Odisha	57,88,714	3,10,824	5%
Punjab	1,58,917	0	0%
Rajasthan	63,09,957	380	0%
Sikkim	9,51,449	0	0%
Tamil Nadu	19,21,537	0	0%
Telangana	33,73,527	0	0%
Tripura	8,85,503	0	0%
Uttarakhand	35,12,678	0	0%
Uttar Pradesh	19,13,577	0	0%
West Bengal	14,43,722	0	0%
Total	8,56,05,944	27,82,078	3%

S. n.	District Name	Total Geographical Area	Minimum CFR Potential	Total titles distributed	Total area of Titles distributed in ha	Total Titles distributed	Total area of Title distributed in ha	% of MIN Potential recognised until June 2016	% of MIN Potential recognised until Nov 2016
				Until June 2016		Until November 2016			
1	Ahmadnagar	17,04,800	1,54,306	121	6,939	121	6939	4.5%	4.5%
2	Akola	5,39,000	44,913	3	2	3	2	0.0%	0.0%
3	Amravati	12,21,000	86,650	65	18,746	65	18746	21.6%	21.6%
4	Aurangabad	10,10,700	89,946	0	-	0	0	0.0%	0.0%
5	Bhandara	3,58,800	45,598	5	4	5	4	0.0%	0.0%
6	Bid	10,69,300	20,724				0	0.0%	0.0%
7	Buldana	9,66,100	84,871	0	-	0		0.0%	0.0%
8	Chandrapur	11,44,300	1,44,674	119	6,546	119	6546	4.5%	4.5%
9	Dhule	7,18,900	1,39,966	186	287	186	287	0.2%	0.2%
10	Gadchiroli	14,41,200	5,57,137	1355	4,34,181	1355	4,34,181	77.9%	77.9%
11	Gondiya	5,73,300	1,35,857	843	39,147	843	39,143	28.8%	28.8%
12	Hingoli	4,68,600	16,226	0	-	0	-	0.0%	0.0%
13	Jalgaon	11,76,500	93,573	122	9,815	133	10298	10.5%	11.0%
14	Jalna	7,71,800	9,087				0		0.0%
15	Kolhapur	7,68,500	1,38,537	0	-	0			0.0%
16	Latur	7,15,700	2,320						0.0%
17	Nagpur	9,89,200	95,334	777	49,294	777	49,294	51.7%	51.7%
18	Nanded	10,52,800	1,02,901	118	49,230	118	49,230	47.8%	47.8%
19	Nandurbar	5,96,100	1,04,948	240	33,915	262	34,438	32.3%	32.8%
20	Nashik	15,53,000	3,23,340	202	12,323	305	16,102	3.8%	5.0%
21	Osmanabad	7,56,900	6,675					0.0%	0.0%
22	Palghar			318	7,667	416	9770		0.0%
23	Parbhani	6,35,500	6,393						0.0%
24	Pune	15,64,300	1,67,426	15	2	15	2	0.0%	0.0%
25	Raigarh	7,15,200	1,56,753	491	9,195	491	9195	5.9%	5.9%
26	Ratnagiri	8,20,800	18,867				0	0.0%	0.0%
27	Sangli	8,57,200	35,576	0	-	0		0.0%	0.0%
28	Satara	10,48,000	1,31,253	3	1	3	1	0.0%	0.0%
29	Sindhudurg	14,89,500	46,628					0.0%	0.0%
30	Solapur	5,20,700	22,886					0.0%	0.0%
31	Thane	9,55,800	3,35,306	298	3,779	298	3891	1.1%	1.2%
32	Wardha	6,30,900	35,671	9	6	9	6	0.0%	0.0%
33	Washim	5,18,400	39,895	0	-	0	0	0.0%	0.0%
34	Yavatmal	13,58,200	2,26,624	217	38,295	217	38,295	16.9%	16.9%
	Total	3,07,11,000	36,20,861	5507	7,19,374	5741	726368	19.9%	20.1%

Table 8. District-wise Comparison of Minimum CFR Potential with the CFRs/CRs Titles recognised by the State

Table 9. District –wise Claims Received, Approved, Pending and Rejected at Gram Sabha, SDLC and DLC Levels

Row Labels	Claims received	Claims Rejected	Claims Approved	Pending Claims	Claims Received	Claims Rejected	Claims Approved	Pending Claims	Claims Received	Claims Rejected	Claims Approved	Pending Claims
	Gram Sabha				Sub Divisional Level Committee				District Level Committee			
Ahmednagar	141	11	130	0	130	9	121	0	121	0	121	0
Akola	69	13	56	0	56	52	4	0	4	1	3	0
Amravati	145	0	145	0	145	28	102	15	102	2	84	16
Aurangabad	77	0	0	77	77	0	0	77	0	0	0	0
Bhandara	316	0	316	0	316	266	20	30	20	0	5	15
Buldhana	0	0	0	0	0	0	0	0	0	0	0	0
Chandrapur	406	0	222	184	222	0	222	0	222	0	119	103
Dhule	415	0	307	108	307	23	225	59	225	0	186	39
Gadchiroli	1791	0	1791	0	1791	317	1474	0	1474	47	1355	72
Gondiya	1357	0	1251	106	1251	0	1100	151	1100	0	843	257
Hingoli	0	0	0	0	0	0	0	0	0	0	0	0
Jalgaon	248	26	222	0	222	66	156	0	156	22	133	1
Kolhapur	168	0	168	0	168	31	136	1	136	136	0	0
Nagpur	891	0	891	0	891	0	777	114	777	0	777	0
Nanded	152	0	152	0	152	0	118	34	118	0	118	0
Nandurbar	262	0	262	0	262	0	262	0	262	0	262	0
Nashik	1005	0	927	78	927	90	565	272	565	2	367	196
Palghar	655	0	655	0	655	126	523	6	523	0	416	107
Pune	110	0	110	0	110	95	15	0	15	0	15	0
Raigad	976	5	850	121	850	15	591	244	591	6	553	32
Sangli	197	0	197	0	197	197	0	0	0	0	0	0
Satara	13	0	13	0	13	3	8	2	8	0	3	5
Thane	696	0	599	97	599	97	446	56	446	30	416	0
Wardha	39	0	39	0	39	10	26	3	26	10	9	7
Washim	113	0	113	0	113	111	0	2	0	0	0	0
Yavatmal	872	1	696	175	696	30	494	172	494	15	479	0
Grand Total	11114	56	10112	946	10189	1566	7385	1238	7385	271	6264	850

Source: Tribal Commissionerate of Maharashtra, Nashik

Annexure II- Case Studies

Case Study 1: Payvahir: An Incredible Journey to Rights Recognition⁶³

Payvahir, a village located in Achalpur tehsil of Amravati district is a successful example of how a community can be empowered through decentralised governance mechanisms that lead to effective conservation and secure livelihood. The census report states that it has 110 households and a total population of 490 people of whom 80 percent belong to the Korku tribe and the other 20 percent to Balai, a SC community. Payvahir got its CFR over 192 ha of forest land in June 2012. Through a combination of schemes and governance systems, the village has undergone an incredible journey to conserve forests that were once degraded.

With the help of KHOJ, a NGO working in Melghat, the village got together and filed for CFR and drafted a management plan that looked at the short term as well as long term means of protecting the forests and ensuring a sustainable livelihood. A process that started in 2009, had the youth as well as the village elders coming together to discuss the problems that the village faced, which included degraded forests due to large scale felling of timber, rampant migration rates and heavy dependence on the Forest Department for sale of NTFPs.

In June 2012, once they got their CFR, the village actively got together to ensure that the management plans that they had devised were implemented right away. With MGNREGA, they started work soil and water conservation, planted a mixed variety of trees that included *amla*, teak, custard apples, *jamun*, bamboo, *mahua* and medicinal plants, planned for forest protection from fires and grazing and boundary demarcation. This ensured employment through the year and reduced the out-migration of villagers. The village decided to ban cutting of timber and collect only dead or dying timber after the thinning activities for fuel wood consumption. They demarcated over 160 ha of land as non-grazing region. Over 40 ha of land were set aside for natural regeneration, of which 15ha of forest land formed a non-intervention zone. With the help of the tribal department, the village is soon shifting towards a biogas project that will lessen their dependence on fuelwood. Most houses are covered under Indira AwasYojana and hence less wood is needed for construction. They have dug water trenches in the forest for wildlife which ensures respite during the harsh summer months.

In 2014, Payvahir received a United Nations Development Programme (UNDP) biodiversity award for the decentralized governance category⁶⁴. The women's self-help group is running a ration shop and the village has become *guthka* and liquor-free. Over the last few years, there are traces of forest regeneration, which has also brought back many species of wildlife found in the region. Sambar, deers, wild boars, jackal and hyenas have been seen in the forest. Collection of custard apples have become a major source of income for the village and have been sold under the brand, 'Naturals Melghat'⁶⁵ in Mumbai for Rs 200-300 per dozen and has seen a turnover of 5 lakhs.

⁶³Data collected from Management Plans drafted by Payvahir Gram Sabha in collaboration with KHOJ

⁶⁴ Source : <http://www.in.undp.org/content/india/en/home/presscenter/speeches/2014/05/22/biodiversity-awards-2014.html>

⁶⁵ Source: <http://timesofindia.indiatimes.com/city/nagpur/melghats-payvahir-brands-its-forest-produce-to-success/articleshow/56766788.cms>

Case Study 2: Panchgaon: Towards Community-led conservation and decentralised governance⁶⁶

Following the footsteps of Mendha-Lekha, Panchgaon has managed to conserve and manage its forest post recognition of CFR claims in 2012. Panchgaon is located in Gondpipri taluka and has a population of 60 households consisting of 72 percent Gond tribe, 28 percent Kunbi and Marar community who belong to the Other Backward Castes (OBC) category. **It was the first village in Chandrapur district to receive the CFR title over 1006.416 ha of forest land.**

Prior to the CFR recognition, the village often faced severe repression from the Forest Department, which had monopoly over their forest. Farming as a source of livelihood was not possible as the inputs could not be afforded and thus remained small scale. There was distress migration as there were no employment opportunities. The sale of the NTFP collection done under JFM would go directly into the Forest Department's account and they restricted the village members from grazing in the forest land or collecting firewood and also extorted bribes from the villagers. With the help of local NGO, Paryavaran Mitra, Panchgaon was availing work that was provided under MGNREGA from 2007 to 2012. However, they soon learnt about the provisions of CFRs under FRA, which would enable them to govern their own forest, breaking the years of oppression that they had been facing in the hands of the Forest Department. They filed for their claim in December 2009 and after years of struggle, they received their title in June 2012.

Post CFR-recognition, the village played an active role in managing and conserving the forest that it had control over. Nearly 85 acres of forest land have been specifically set aside as a critical habitat for wildlife, which is declared as a *devrai*. In this region, no bamboo cutting or grazing is allowed, even a leaf cannot be plucked so that there is no human intervention. There has been an increase in the wildlife as documented by the sightings by the village members. The CFR has also led to greater political participation within the Gram Sabha, whose members involve themselves in the management processes actively.

Sale of Bamboo and its management is one of the key sources of livelihood for the Gram Sabha, which happens throughout the year barring the monsoon season. Panchgaon has put in place an effective bamboo management plan to ensure sustainable extraction. As bamboo requires three years to grow, the region has been divided into three zones and bamboo is cut from these zones on a rotational basis once in three years, which enables regeneration of bamboo stalks. The Gram Sabha auctions the Bamboo independently and the proceeds from its sale go into the GS account. The money is then distributed as wages for those who helped with the bamboo cutting. Nearly 10 percent of the wages are retained by the GS to give to the people when bamboo cutting is stopped for four months.

As bamboo management has improved the livelihoods of those in the village, the migration rates have dropped drastically. They have also stopped collecting *tendu* and *mahua*, citing health problems that are caused by the products of these forest resources.

⁶⁶Gututia S., Chowdhary, K, and Patil, R. (2016). Field notes collected during on-site research in Chandrapur, Maharashtra. Unpublished Case Study. and Agarwal, S. (2016). *Balancing rights and responsibilities: community-based forest governance in Maharashtra*. Down to Earth. Retrieved from <http://www.downtoearth.org.in/blog/balancing-rights-and-responsibilities-community-based-forest-governance-in-maharashtra-56435>

Case Study 3: Bhimanpayli : Gram Sabha of 11 households managing 1973 ha of forests⁶⁷

Bhimanpayli, a village in the Kurkheda Taluka of Gadchiroli district, covers a geographic area of 2067 ha and has eleven households according to the Census 2011 report. On 30th March 2012, Bhimanpayli received its CFR title, which stated that its rights are recognised over 1973 ha of forests. In 2014, the District Conservation Committee had taken back the *patta* (title) citing changes. The village is yet to get the updated title. However, the village continues to assert its rights over the title that it had claimed initially. The villagers constituted their 4(1)(e) Committee under FRA in 2014 and visited Mendha-Lekha in 2015 to understand the different governance mechanisms for proper management of the forests.

As there are only eleven households, **all members of the village are involved throughout the year with bamboo management.** Often there are people from other villages who come here to work on bamboo cutting.

In 2014-15, almost 13,000 long bamboos and 3,555 bundles of smaller bamboo were sold at Rs 10/bamboo and Rs 20/bundle as wage rate respectively. The money that Bhimanpayli receives from the sale of Bamboo comes into the Gram Sabha account and is used in the future to pay for labour from outside for bamboo cutting and for other village requirements such as building check dams, plantations and nurseries.

In 2015-16, the wage for long bamboos and bundles increased to Rs60/bundle and Rs20/bamboo respectively. There is no written rule in the village, however, based on traditional knowledge, the villagers know that they should cut bamboo that is three years old. One can notice an informal management system set in place for sustainable bamboo cutting. The labour comes from Wakdi, Lendhari, Kurkheda, Bhattegaon and Sonpur. At present, the village supervises 105 workers everyday for bamboo cutting. Each labourer is also given Rs1000/- as bonus.

With CFR being recognised, there is very little dependence of the village members on the Forest Department due to which there is growing resentment in the department for losing control over forests. As a result the village is seeing the unreasonable ways in which the State operates, for instance, how it delays tenders to sell bamboo due to which 8000-9000 bundles were burnt during previous years.

⁶⁷Personal communication with Keshav Gurnule in February 2016, and Ajit, S. & Pathak Broome, N. (2016). Field notes collected during on-site research in Gadchiroli, Maharashtra.

Case Study 4: Temli Gram Sabha: Generating huge labour opportunities and maintaining transparency in the documentation and records of finance⁶⁸

Temli, a village 8 km away from the Korchi tehsil in Gadchiroli district of Maharashtra, has 133 families, a population of 630, 293 male and 337 female. Most of the families in the village belong to Scheduled Tribes (Gond, Kanvar) and some to Scheduled Castes. Temli is surrounded with dense forest. Villagers are traditionally forest dwelling and till today, their livelihood depends on forest produce.

Temli Gram Sabha's claim over 854.71 hectares was recognised. Under the FRA, there are provisions which give rights to *nistar*, collection and use of forest produce, protection, conservation, regeneration and management of forest. Temli Gram Sabha is practicing and using its rights over forest.

After recognition of CFR in 2011, Gram Sabha members had not started any work in the forest. But the Forest Department extracted bamboo illegally from the CFR area of Temli Gram Sabha. This act of the Forest Department was opposed by the Gram Sabha members with the guidance and support of Amhi Amchya Arogyasathi (CSO) based in Kurkheda, Gadchiroli district. People called meetings with officials from the Forest Department over illegal bamboo extraction and the Forest Department apologised to the Gram Sabha and agreed to return 20000 bamboos to the villagers. The Forest Department was ready to help people extract and sell bamboo. So the villagers formed the "van hakka niyantran samiti" and the work of the Gram Sabha started here. But it was not a nice experience with the Forest Department. In 2015, the Gram Sabha decided to work independently for the clump management of bamboo.

The villagers called the Gram Sabha in the month of January and decided the nature of the work to be undertaken. Men and women participated equally in the Gram Sabha and decided that one person from each family would take up work. Wages were to be the same for women and men - Rs. 200 per day. Any decision regarding forest and other work in the village could not be taken without the Gram Sabha. After the Gram Sabha discussed an issue and took a decision, it had to be noted in the proceedings register of the Gram Sabha. In 2015, Temli Gram Sabha worked independently on the bamboo clump management in one of the compartments of its CFR area, where 9278 bamboo bundles and 2400 long bamboo were extracted and their earning amounted to approximately 9 lakh rupees. Bamboo was auctioned. Temli is the only Gram Sabha which auctioned the bamboo independently and completed the process successfully. Bamboo clump management work was undertaken by the villagers who cleaned 6211 bamboo clumps and filled soil in them.

In 2013, the Gram Sabha (by Van hakka niyantran Samiti) worked with the Forest Department and earned approximately 10 lakh rupees. With this amount, the Gram Sabha planted 5000 bamboo on 10 hectares in its CFR area. The Gram Sabha has maintained transparency in the documentation and records of finance. Responsibilities are given to different people for different roles. In 2015, the Gram Sabha generated huge labour opportunities in the village, nearly 4675 jobs.

In 2016, the Gram Sabha harvested 20000 bamboo bundles and 2800 long bamboo from which it earned approximately 16 lakh rupees. Each family could earn Rs. 8000 as wages for bamboo harvesting. This was the big change in their source of income.

Now the Gram Sabha is preparing a working plan. Gram Sabha members have asked for technical support from the Forest Department and Amhi Amchya Arogyasathi. In 2015-16 Gram Sabha started framing a working plan for bamboo and the extraction will start this year.

⁶⁸Contributed by Mukesh Shende and Mahesh Raut

Case Study 5: Village Self Republics: Bharat Jan Andolan and Experiences from Mohagav and Rekhatola Villages⁶⁹

From the administrative block of Dhanora, there are around 130+ CFR claims that have been sanctioned (District CFR Reckoner, 2012) till date. Each one has a history of struggle and it follows a distinct procedure. At times, this struggle stands with the administration, at times with neighbouring villages where two would share the boundaries, at times with the external/ internal influencing factor, and at times from within the community itself. While there are a number of permutations and combinations of the cases, success and agents, it is quite a task to identify a more generalising, sustaining and steadily percolating model of development that can provide greater support to the villagers as and when required. It needs to be pursued at a macro level for scaling up of the exercise.

As we had the Mendha-Lekha illustration, where consistent external support with highly technical and legal capabilities was available throughout the process, we find another model which works on the basis of people's own mobilisation and attempts to provide local leadership and bring about a quantitative difference -the work of Bharat Jan Andolan (BJA) and people's own mobilisation process. Many villages from Dhanora block and attached areas are associated with Bharat Jan Andolan, *sangathan karyakartas* learned and trained under the guidance of Dr. B D Sharma over PESA and its connotation for this area. The BJA mobilised many villages, achieved the CFR claims, and initiated the moisture conservation treatment by building watershed structures on forest lands through village level built institutions for its construction, protection and management. Mohagao and Rekhatola are successful examples of village self-rule using the provisions of FRA and PESA.

Rekhatola successfully managed the sale of bamboo in 2013-14 and *tendu* in 2016. Villages have well functioning Gram Sabhas and trained 4 (1)(e) committees under FRA. The Gram Sabhas have initiated various development works in the village. The Gram Sabha in Rekhatola has renovated the village pond and initiated collective work on developing organised fishing practices in their village. The Gram Sabha has constructed various small water bodies, which helped to secure one season crop and also small crops for the second season. Mohagao village located on the eastern Dhanora bordering to Chhattisgarh, has rights established under CFR and PESA. And they are managing their own resources. Forest conservation, management, auctioning of MFPs were undertaken by Mohagaon Gram Sabha. But they showcased a real fight for their rights when the Revenue Administration tried to overlook Gram Sabhas under PESA. Continuous illegal prohibitions were imposed by the administration on the use of Minor Minerals, and fines were imposed on a few villagers who were using sand and other minor minerals as per their traditional rights over resources. The Gram Sabha opposed it. They have summoned all the departments to attend their Gram Sabha. When they found out that there are no clear rules or guidelines in PESA on the use of minor minerals, the Gram Sabha have framed their own rules and procedures for using minor minerals.

⁶⁹Compiled by Mahesh Raut

PROMISE AND PERFORMANCE

**10 YEARS OF THE
FOREST RIGHTS ACT**

IN INDIA



Analysis of District-wise disposal of claims received (individual and community)

Status Report on Disposal of Accepted and Rejected Claims of Schedule Tribe and Other Traditional Forest Dwellers under (Recognition of Forest Right) Act 2006

S. No.	District	Type of Forest Dweller	No. of Claims received		No. of accepted Claims		No. of rejected Claims	
			Individual	Community	Individual	Community based	Individual	Community based
1	2	3	4	5	6	7	8	9
1.	Chitrakut	S.T	0	0	0	0	0	0
		O.T.F.D	808	50	140	8	668	42
2.	Sonbhadra	S.T	32431	769	11251	769	21180	0
		O.T.F.D	32340	0	0	0	32340	0
3.	Bahraich	S.T	0	0	0	0	0	0
		O.T.F.D	1007	19	93	19	914	0
4.	Balrampur	S.T	159	0	121	0	38	0
		O.T.F.D	0	0	0	0	0	0
5.	Mirzapur	S.T	266	0	67	0	199	0
		O.T.F.D	3147	0	218	0	2929	0
6.	Lalitpur	S.T	1971	211	832	28	1139	183
		O.T.F.D	0	0	0	0	0	0
7.	Chandauli	S.T	0	0	0	0	0	0
		O.T.F.D	14000	72	72	18	13928`	54
8.	Lakhimpur Khiri	S.T	844	20	475	0	369	0
		O.T.F.D	102	0	90	0	12	0
	Gorahpur	S.T	0	0	0	0	0	0
9.		O.T.F.D	561	02	501	0	60	02
10.	Maharajganj	S.T	0	0	0	0	0	0
		O.T.F.D	3956	18	3796	18	160	0
11.	Gonda	S.T	0	0	0	0	0	0
		O.T.F.D	162	01	157	01	05	0

12.	Bijnaur	S.T	47	0	0	0	0	0
		O.T.F.D	05	0	0	0	05	0
13.	Saharanpur	S.T	0	0	0	0	0	0
		O.T.F.D	462	0	151	0	311	0
14.	Total		92268	1162	17964	861	74257	281
15.	Grand Total		93430		18825		74538	
16.								

Note : out of 13 district 47 individual claims of Schedule Tribe(Buksa) and in District Khiri 20 community claims are pending

Status Report on disposal of Accepted and Rejected Claims under the Forest Right Act 2006 in Compliance of the order dated 28.02.2019 Of Hon'ble Supreme Court in a writ petition no 50/2008 and 109/2008.

District Mirzapur

	Description	Forest Dwellers		Other Traditional Forest Dwellers	
1	Related to Gram Sabha Level Committee	Individual	Community	Individual	Community
2	Number of Claim Received at Gram Sabha Level	266	-	3147	-
3	Number of Claim Accepted at Gram Sabha Level	266	-	-	-
4	Number of Claims rejected at Gram Sabha level	-	-	-	-
5	Have the claimants of the rejected Claims been informed at the gram sabha level. (Yes or No)	Yes	-	Yes	-
6	Number of Appeals Submitted before the sub division level committee against the rejected claims at the gram sabha level	Nil	-	Nil	-

7	Number of appeals disposed of against the appeal received at the sub division level	-	-	-	-
8	Whether the claimants of the rejected appeals were finally informed related to the appeal received at the subdivision level. (Yes or No)	-	-	-	-
	Related to Subdivision level committee	-	-	-	-
1	Number of claims sent to the sub-divisional level committee after the acceptance of gram sabha	266	-	3147	-
2	Number of Claims accepted by the subdivision level	67	-	218	-
3	Number of claims rejected by the subdivision	199	-	2929	-
4	Whether the rejected claims of the claimant have been informed by the subdivision.(Yes or No)	Yes	-	Yes	-

5	Number of appeal submitted before the district level committee against the rejected claims at the subdivision level	Nil	-	Nil	-
6	Number of final disposed off appeal received at District level	-	-	-	-
7	Whether the claimant were informed of the finally rejected appeal related to the appeals received at the district level. (Yes or No)	-	-	-	-
8	Area of occupied forest land related to rejected claims.(In hectare)	-	-	-	-
9	Total Number of accepted claims	67	-	218	-
10	Area of forest land granted for occupancy related to accepted claims	45.551 acre	-	44.508 acre	-
11	Number of Forest right committee	-	-	-	-
	Number of Gram Sabha	-	-	-	-

	Number of Subdivision level committee	08	-	04	-
	Number of District Level committee	01	-	01	-

Status Report on disposal of Accepted and Rejected Claims under the Forest Right Act 2006 in Compliance of the order dated 28.02.2019 Of Hon'ble Supreme Court in a writ petition no 50/2008 and 109/2008.

Tehsil Chakiya

District- Sonbhadra

	Description	Schedule Tribe Residing in Forest		Other Traditional Forest Dwellers	
1	Related to Gram Sabha Level Committee	Individual	Community	Individual	Community
2	Number of Claims Received at Gram Sabha Level	-	-	14000	72
3	Number of Claim Approved at Gram Sabha Level	-	-	4985	18
4	Number of Claims Rejected at the Gram Sabha Level	-	-	9015	54
5	Have the claimants of the rejected Claims been	-	-	Yes	Yes

	informed at the Gram Sabha level. (Yes or No)				
6	Number of Appeals Submitted before the sub division level committee against the rejected claims at the gram sabha level	-	-	-	-
7	Number of appeals disposed of against the appeal received at the sub division level	-	-	-	-
8	Whether the claimants of the rejected appeals were finally informed relative to the appeal received at the subdivision level. (Yes or No)	-	-	-	-
	Related to Subdivision Committee				
1	Number of claims sent to the sub divisional level	-	-	4985	18

	committee after the acceptance of Gram Sabha				
2	Number of Claims accepted by the subdivision level	-	-	72	18
3	Number of claims rejected by the subdivision	-	-	4913	-
4	Whether the rejected claims of the claimant have been informed by the subdivision. (Yes or No)	-	-	Yes	Yes
5	Number of appeal submitted before the district level committee against the rejected claims at the subdivision level	-	-	34	-
6	Number of final disposed off appeal received at District level	-	-	-	-
7	Whether the claimant were informed of the	-	-	Yes	Yes

	finally rejected appeal related to the appeals received at the district level.				
8	Area of occupied forest land related to rejected claims. (In hectare)	-	-	3902.944 Hectare	
9	Total Number of accepted claims	-	-	72	18
10	Area of forest land granted for occupancy related to accepted claims	-	-	1202.22 Hectare	
11	Number of Forest right committee	-	-		
	Number of Gram Sabha	-	-	56	
	Number of Subdivision level committee	-	-	02	
	Number of District Level committee	-	-	01	

Note: In past 72 claims were accepted then again on the order of Principal secretary 4913 claims which were rejected on site verification is being done again. Out of which 89 claims is eligible for approval. District Level committee is taking action in this regard.

Tehsil –Dudhi**District -Sonbhadra**

	Description	Forest Dwellers		Other Traditional Forest Dwellers	
		Individual	Community	Individual	Community
1	Related to Gram Sabha Level Committee				
2	Number of Claims Received at Gram Sabha Level	17349	512	15022	-
3	Number of Claim Approved at Gram Sabha Level	3865	512	-	-
4	Number of Rejected at Gram Sabha Level	13484`	-	15022	-
5	Have the claimants of the rejected Claims been informed at the gram sabha level. (Yes or No)	Yes	-	Yes	-
6	Number of Appeals Submitted before the sub-divisional level committee against the rejected claims at the gram sabha level	0	-	0	-
7	Number of appeals disposed of against the appeal received at the sub division level	N/A	-	N/A	-

8	Whether the claimants of the rejected appeals were finally informed relative to the appeal received at the subdivision level. (Yes or No)	N/A	-	N/A	-
	Related to Subdivision level committee	Yes	-	-	-
1	Number of claims sent to the sub-divisional level committee after the acceptance of gram sabha	3865	512	-	-
2	Number of Claims accepted by the subdivision level	3725	512	-	-
3	Number of claims rejected by the subdivision	201	0	-	-
4	Whether the rejected claims of the claimant have been informed by the subdivision.(Yes or No)	N/A	N/A	N/A	-
5	Number of appeal submitted before the district level committee against the	0	0	0	0

	rejected claims at the subdivision level				
6	Number of appeal finalized related to the appeals received at the district level	0	0	0	0
7	Whether the claimant were informed of the finally rejected appeal related to the appeals received at the district level.	N/A	N/A	N/A	-
8	Area of occupied forest land related to rejected claims.(In hectare)	0	0	0	0
9	Total Number of accepted claims	3664	612	-	-
10	Area of forest land granted for occupancy related to accepted claims	722.280	22029.4665	0	-
11	Number of Forest right committee	129	-	-	-
	Number of Gram Sabha	141	-	-	-

	Number of Subdivision level committee	01	-	-	-
	Number of District Level committee	01	-	-	-

Tehsil- Ghorawal

District-Sonbhadra

	Description	Forest Dwellers		Other Traditional Forest Dwellers	
1	Related to Gram Sabha Level Committee	Individual	Community	Individual	Community
2	Number of Claims Received at Gram Sabha Level	945	-	4321	-
3	Number of Claim Approved at Gram Sabha Level	945	-	4321	--
4	Number of claims rejected at the gram sabha level	-	-	-	-
5	Have the claimants of the rejected Claims been informed at the gram sabha level. (Yes or No)	-	-	-	-
6	Number of Appeals Submitted before the sub-divisional level	-	-	-	-

	committee against the rejected claims at the gram sabha level				
7	Number of appeals disposed of against the appeal received at the sub division level	-	-	-	-
8	Whether the claimants of the rejected appeals were finally informed relative to the appeal received at the subdivision level. (Yes or No)	-	-	-	-
	Related to Subdivision level committee	-	-	-	-
1	Number of claims sent to the sub-divisional level committee after the acceptance of gram sabha	945	-	4321	-
2	Number of Claims accepted by the subdivision level	577	-	-	-
3	Number of claims rejected by the subdivision	368	-	4321	-
4	Whether the rejected claims of the claimant	Yes	-	Yes	-

	have been informed by the subdivision. (Yes or No)				
5	Number of appeal submitted before the district level committee against the rejected claims at the subdivision level	-	-	-	-
6	Number of appeal finalized related to the appeals received at the district level	-	-	-	-
7	Whether the claimant were informed of the finally rejected appeal related to the appeals received at the district level.	-	-	-	-
8	Area of occupied forest land related to rejected claims.(In hectare)	-	-	-	-
9	Total Number of accepted claims	577	-	-	-
10	Area of forest land granted for occupancy related to accepted claims	347.585	-	-	-

11	Number of Forest right committee	-	-	-	-
	Number of Gram Sabha	28	-	28	-
	Number of Subdivision level committee	01	-	01	-
	Number of District Level committee	01	-	01	-

Tehsil- Robertsganj

District-Mirzapur

	Description	Forest Dwellers		Other Traditional Forest Dwellers	
1	Related to Gram Sabha Level Committee	Individual	Community	Individual	Community
2	Number of Claims Received at Gram Sabha Level	14137	256	12897	-
3	Number of Claim Approved at Gram Sabha Level	7779	-	-	-
4	Number of rejected Claim at Gram Sabha Level	6358	-	-	
5	Have the claimants of the rejected Claims been informed at the	No	-	-	-

	gram sabha level. (Yes or No)				
6	Number of Appeals Submitted before the sub-divisional level committee against the rejected claims at the gram sabha level	04	-	-	-
7	Number of appeals disposed of against the appeal received at the sub division level	04	-	-	-
8	Whether the claimants of the rejected appeals were finally informed relative to the appeal received at the subdivision level. (Yes or No)	Yes	-	-	-
	Related to Subdivision level committee	-	-	-	-
1	Number of claims sent to the sub-divisional level committee after the acceptance of gram sabha	7779	-	-	-
2	Number of Claims accepted by the subdivision level	7010	-	-	-

3	Number of claims rejected by the subdivision	769	-	-	-
4	Whether the rejected claims of the claimant have been informed by the subdivision. (Yes or No)	No	-	-	-
5	Number of appeal submitted before the district level committee against the rejected claims at the subdivision level	-	-	-	-
6	Number of appeal finalized related to the appeals received at the district level	-	-	-	-
7	Whether the claimant were informed of the finally rejected appeal related to the appeals received at the district level.	-	-	-	-
8	Area of occupied forest land related to rejected claims.(In hectare)	-	-	-	-

9	Total Number of accepted claims	7010	256	-	-
10	Area of forest land granted for occupancy related to accepted claims	3640.675 hectare	27163.2188	-	-
11	Number of Forest right committee	107	-	-	-
	Number of Gram Sabha	214	-	-	-
	Number of Subdivision level committee	01	-	-	-
	Number of District Level committee	01	-	-	-

Progress Report on the Forest Rights Act 2006

In writ petition no 50/2008 and 109/2008 in the Hon;ble Supreme Court an order was passed on 28.02.2019 for the disposal of the received and rejected claims under the Forest Rights Act 2006 in compliance of the order which updated information .

Analysis of District-wise disposal of claims received (individual and community)

Status Report on Disposal of Accepted and Rejected Claims of Schedule Tribe and Other Traditional Forest Dwellers under (Recognition of Forest Right) Act 2006

Analysis of District Wise Received Claims(Individual and Community) for Disposal

(Month June 2019)

S. No.	District	Type of Forest Dweller	No. of Claims received		No. of accepted Claims		No. of rejected Claims		Area covered with distributed title (in acres)
			Individual	Community	Individual	Community based	Individual	Community based	
1	2	3	4	5	6	7	8	9	10
1.	Chitrakut	S.T	0	0	0	0	0	0	169.880
		O.T.F.D	808	50	140	8	668	42	
2.	Sonbhadra	S.T	32431	769	11251	769	21180	0	132483.378
		O.T.F.D	32340	0	0	0	32340	0	
3.	Bahraich	S.T	0	0	0	0	0	0	313.878
		O.T.F.D	1007	19	93	19	914	0	
4.	Balrampur	S.T	159	0	121	0	38	0	398.310
		O.T.F.D	0	0	0	0	0	0	
5.	Mirzapur	S.T	266	0	67	0	199	0	222.490
		O.T.F.D	3147	0	218	0	2929	0	
6.	Lalitpur	S.T	1971	211	832	28	1139	183	559.395
		O.T.F.D	0	0	0	0	0	0	
7.	Chandauli	S.T	0	0	0	0	0	0	352.895
		O.T.F.D	14000	72	72	18	13928`	54	
8.	Lakhimpur Khiri	S.T	844	20	475	0	369	0	772.783
		O.T.F.D	102	0	90	0	12	0	
9.	Gorahpur	S.T	0	0	0	0	0	0	226.769
		O.T.F.D	561	02	501	0	60	02	
10.	Maharajganj	S.T	0	0	0	0	0	0	265.841(Ind) 265.841(Com)
		O.T.F.D	3956	18	3796	18	160	0	
11.	Gonda	S.T	0	0	0	0	0	0	47.200

		O.T.F.D	162	01	157	01	05	0	
12.	Bijnaur	S.T	47	0	0	0	0	0	0.00
		O.T.F.D	05	0	0	0	05	0	
13.	Saharanpur	S.T	0	0	0	0	0	0	40.680
		O.T.F.D	462	0	151	0	311	0	
14.	Total		92268	1162	17964	861	74257	281	139625.485
15.	Grand Total		93430		18825		74538		
16.									

Note : Note : out of 13 district 47 individual claims of Schedule Tribe(Buksa) and in District Khiri 20 community claims are pending

List of Participants

Sl. No.	Name	Contact Nos.	Email ID (Capital Letter)
1.	Karu Lal Kotde	9928741012	
2.	Mangilal Gurjar	7073295369	mlgurjar@gmail.com
3.	Dharam Chand Khair	7728974246	
4.	Sabbir Ahmed	9955187792	graphicomyna@gmail.com
5.	Ankita Wilson	7838502998	ankita.16wlsn@gmail.com
6.	Aman	8010275927	aman@hrln.org
7.	Bertyl Verma	9891298111	bertyl@hrln.org
8.	Milan Mandi	6295922239	milanmandi3247@gmail.com
9.	Ruehila Ruhello	8806829940	rushila@hrln.org
10.	Rajendra Garhwal	9424471101	sasbetul@yahoo.com
11.	Fagram	7869717160	
12.	Shamim Medhani Modi	9326094822	shamim@tiss.edu
13.	Shaoni Mukherjee	9874738133	shaoni@hrln.org
14.	Md. Shams Tobrez Ahmed	7004951289	shamssbg1@gmail.com
15.	Shruti	8800697929	shruti2644@gmail.com
16.	Anupradha	8448503772	anupradhasingh27@gmail.com
17.	Pramod Kumar Singh	9431419356	hungerfreebiharcampaign@gmail.com
18.	Harini Raghupathy	7667299547	raghupathiharini@gmail.com
19.	Rajni Soren	8982844625	rajni.soren@yahoo.com
20.	Sukhwaro		

21.	Siddharth Seem	9999019270	siddharth@hrln.org
22.	Vikram Katara	7568737962	vkataras53@gmail.com
23.	Sunil Hansda	9038986375	sunilhansda517@gmail.com
24.	Lakshmi Kanta Hansda	9933620750	adibasisebamission@gmail.com
25.	Sandeep Salam	7587876005	kanohurra@gmail.com
26.	Lix	9122191872	lixroj1@gmail.com
27.	Maharshi Tigga	7482827017	
28.	Purnima K.	9422917732	khojmelghat@gmail.com
29.	Prakash Thakur	9424283959	prakashthakur225@gmail.com
30.	K. Chitravathy	9845585403	rdo_dbpora@yahoo.co.in
31.	Swapnil Shukla	7838108301	swapnilsshukla93@gmail.com
32.	Kriti Venhateggh	7568008117	
33.	Indavi Tulpule	7588491816	Indavi62@gmail.com
34.	Gayatri Singh	9820091871	gayatrijsingh@gmail.com
35.	Kuljeet Singh	9804377236	debatcomonia@gmail.com
36.	Shaheen	9654240057	
37.	Billeswar Singh	9547688877	advbilleswar@gmail.com
38.	Saradindu Biswas	9836078538	saradindub@gmail.com
39.	Laichaw Zoglong	7002595491	laichawzlong@gmail.com
40.	Balindra Saikin	9435209662	balindra@rediffmail.com
41.	Simeon Rongphan	6001960894	simeonrongphan308@gmail.com
42.	Dhiraj Diphusa	8471803010	dhirajdiphusadsu@gmail.com
43.	Thangshi Jinling Rengma	9859000060	atlongpoling10@gmail.com
44.	Amin Khan	9926516629	aminkhan9926@gmail.com
45.	Sunny Taejang	8375992253	sunny.taejeng@gmail.com
46.	Sachin	9582876639	
47.	Suravi Barik	9679747633	bariksuravi@gmail.com
48.	Monika Berman	9609301553	monikaadvslg@gmail.com

49.	Sarita Barapanda	9999319580	sarita@hrln.org
50.	Danish	9911487953	Danish@hrln.org
51.	Sevali Sorm	9437388890	sevali.sorm@yahoo.com
52.	Tenzin Chodon	8527789877	tenzechoe@gmail.com
53.	Chubalemla Chang	9971465462	chubalemlachang@gmail.com
54.	Aishwarya Adhikari	9717285683	aishwarya@hrln.org
55.	Deepak Dhiman	8800756092	Tech.request@hrln.org
56.	Subash kananakanan	9350208902	subash@hrln.org
57.	Birendra Kumar	9934294229	birendra.ekta@gmail.com
58.	Saumitra Karmakar Chakraborty	8617734720	saumitra.chakraborty91@gmail. com
59.	Nandita Deka	9085260961	nanditadeka87@gmail.com
60.	Aditi Gupta	9868519584	aditi.gupta@hrln.org
61.	Mukesh	7574874487	mukeshcar@gmail.com
62.	Dinkar Kapoor	9450153307	aiptr.org@gmail.com
63.	Rajesh Sachan	9450153307	rajesh.sachan53@gmail.com
64.	Asha Singh	7049001792	
65.	Samudhan Patil	8982206613	samudhan060@gmail.com
66.	Sanjay Shrivastava	9826441595	sanjayshrivastava003@gmail.co m
67.	Anoushka Mathews	9871496601	anousha.mathews@gmail.com
68.	Sparsh Goel	9999060694	sparsh.goel.22@gmail.com
69.	Lakhinda Murmu	8900604405	lakhindamurmu.2011@gmail.co m
70.	Purdoi Muanu	9734625593	
71.	Margaret D'britoo	9422372435	margaretdbritto@gmail.com
72.	Brijmohan	9414428431	sardsirohi@gmail.com
73.	Dr. K.P. Singh Bhadawna	9826278951	kp2010only@gmail.com
74.	Gaurav Singh	7049474503	
75.	Raju Pandhara	8698505535	rajupandhara@rediffmail.com

76.	Shubham	8568782062	
77.	M.P. Dubey	7982232282	publications@hrln.org
78.	Jaya	7838619943	jaya@hrln.org
79.	Laxman Bhai	9437938153	
80.	Hiralal Majhi	9937069474	
81.	Thumray Surin	8210829790	
82.	Sujatarani Dash	9178423419	
83.	Arun K.	8882197957	
84.	Sukhdev	9418425543	
85.	Mitthal Kunwar	9588956518	
86.	Heerji	7357255328	
87.	Prabir Mardi	6295931449	
88.	Tongthong Trishol	7002307847	
89.	S. Bosu Mallick	9431103041	sanjay_samar@hotmail.com
90.	Sonal	9538161195	sonaltiwary00@gmail.com
91.	Abit Narzary	9954483111	wwwabitnorzary@gmail.com
92.	Kurwundao Wary	9435120001	agrabru2017@gmail.com
93.	Gulab Chandan	9934169775	gulab2jan@gmail.com
94.	Dhanmati Majhi	7656986534	
95.	Mrinalini A. Tete	8969038054	mrinalini.tete@gmail.com
96.	Deepak	8287716157	deepak.singh@hrln.org
97.	Degree Pd. Chouhan	8889326269	chouhandprasad@gmail.com
98.	Parmananda Megh	8895936051	megh.parmananda@gmail.com
99.		
100.	Onkar Vishwakarma	9934520602	onkar.670@gmail.com
101.	Tushan Dashvi	9439542176	tushandashvi@gmail.com
102.	LINGARAJ	9437702358	lingarajazad@gmail.com
103.	Heenu Jurghum	9719577702	mks.usnagar@gmail.com
104.	Sankar Prasad Sahu	7008652125	komalsankar@gmail.com
105.	Sneha Mukherjee	9999602308	sneha@hrln.org

106.	Philip C. Philip	9920672802	philip@hrln.org
107.	Philip C.J.	9946471101	philipcj@gmail.com
108.	Prajanth R.K.	9656363838	prasanthr52@gmail.com
109.	Preetha K.K.	9447636558	advpreethakk@gmail.com
110.	Maria	9447358582	advmaria@gmail.com
111.	Ferha Azeez	8589038232	ferha@hrln.org
112.	Lakshmanan	9496830193	
113.	Ashok M.R.	9539176017	
114.	Sanjit Kumar Tunk	9437472632	psssanjitkumar@yahoo.com
115.	Debasish G. Hansda	8917584281 8596827418	debasish.hansda@gmail.com
116.	Sankar Prasad Sahu	7008652125	kamalsankar1@gmail.com
117.	Awadh Kr. Singh	7992339805	vskawadlsingh@gmail.com
118.	Chaturgun Mu.		
119.	Nishant Alag	9910810032	alagnishant@gmail.com
120.	Deme Oraon	9438539549	oraondeme@gmail.com
121.	Pragya Gunjan	9711599353	
122.	Rajesh Bhasin	9811357462	raj1969@gmail.com
123.	Anshdeep Kaur	9910469668	anshdeepkaur@gmail.com
124.	Sumit		accounts@hrln.org
125.	Ambika Pandit	8810564088	ambika.apandit@gmail.com
126.	Clara D'souza	8763121337	claradsouzahm@gmail.com
127.	Sabrina Z.	9867502175	zoliansangisabrina@gmail.com
128.	Tarun Joshi	9412438114	vanpanchayat@rediffmail.com
129.	Gopal Lodhiyal	9012440550	lodhiyalgopal@gmail.com
130.	Kishal Choudhri	8980089145	pvpkahr@gmail.com
131.	Trupti Parekh	9427591540	truptiparekh1@hotmail.com
132.	Snigdha Tiwari	7060743877	snigdhatiwari20@gmail.com
133.	P.C. Tewari	9412092159	tewari.puran@gmail.com
134.	Gunjan Singh	9643500529	gunjan@hrln.org
135.	Meenaz Kakalia	9819493724	meenaz@hrln.org

136.	Fazal Abdali	9891463167	fazal@hrln.org
137.	Shashwat	8527809671	sshashwat8@gmail.com
138.	Vishal Kr. Singh	9473397715	vish27law@gmail.com
139.	Ashish Beck	8878181110	ashishbeck@gmail.com
140.	Sheleen	8126896663	23995sh@gmail.com
141.	Harshita Gautam	8860008449	gautamharshita.97@gmail.com
142.	Mythreyee Iyer	9011773728	mythreyee.ramesh@thequint.com
143.	Bijaya K. Panda	9575179588	muktimep@gmail.com
144.	Benedict Damor	9425413603	acsssjha@hotmail.com
145.	Iswarya Subbaih	8104706301	Iswarya.subbiah@gmail.com
146.	Bijeta	9999632341	sushreebijeta.mohanty@gmail.com
147.	Adv. Rahul Shrivastava	8435452768	rahul.samridd26@gmail.com
148.			
149.	Shyam Kumar Dhurve	8463000526	
150.	Ujjaini Chatterji	8860799513	ujjaini.chatterji@gmail.com
151.	Raju Hembram	9123436540	raju.jule21@gmail.com
152.	Sajab Yadav	8319398680	sajabyadav07ss@gmail.com
153.	Prem Ballabh		
154.	Surendra	9868492887	ssrawat8283@gmail.com
155.	Vikrant Singh	9958289523	admin@hrln.org
156.	Sunilbhai Chandubhai	8980477783	sunilbhai2191@gmail.com
157.	Gulzar Singh Markam	8989717254	gulzarsinghmarkam@gmail.com
158.	Hirabhai Sajbabhai Nayak	9712147922	

159.	Natubhai Rupsingh Nayak	9727525839	
160.	Haider Ali	9711706434	
161.	Ramakash Sharma	9425766307	
162.	Arvind Aadivasi	9669730287	
163.	Dwarika Aadivasi	7898806829	
164.	Surya Kumar Pahariya	6299008086	suryakumarpahariya0175@gmail.com
165.	Rakesh Singh	9717788992	rakeshsingh281975@gmail.com
166.	Manoj Kumar Dangi	9939298583	rjss@rediffmail.com
167.	Sailendra Samad		sailendrasamad85@gmail.com
168.	Dhanesh Ravindran	9946149520	dhaneshravindran421@gmail.com
169.	G.N. Rajashekara Naidu	9448042343	gnrajashekaranaidu@gmail.com
170.	Nitesh Kumar	9492054962	niteshkumar03@gmail.com
171.	Yogesh	9210126211	yogesh18@gmail.com
172.	Pramod	9314567823	
173.	Aghor Mukherjee	9496454432	amukerjee@yahoo.com
174.	Ashutosh Dutta	9149634211	ashutoshd@gmail.com