

LEARNING WORKSHOP ON COMMUNITY FOREST RIGHTS

Organized by Vasundhara and Kalpavriksh

2nd – 4th November, 2012, DRTC-CYSD, Bhubaneswar.



A Learning workshop on Community Forest Rights (CFR) was organized by Kalpavriksh and Vasundhara in collaboration with Oxfam India, primarily for Oxfam India CSO partners from Odisha, Maharashtra (Vidarbha), Chhattisgarh and Jharkhand from 2nd – 4th November, 2012. Its key objective was to help orient organizations working with/amidst forest-dwellers who had recently started the Forest Rights Act (FRA) process, discuss possible ways of overcoming hurdles in making claims or getting them accepted, and learn lessons from cases where CFR claims have been successfully filed and recognized.

Experience on CFR claims and issues were shared by the CSO partners. Orientation was given on CFRs in FRA, procedures of claim making, the Amendment Rules 2012, and other legal aspects, especially for participants who were at an early stage of the process. As a way forward immediate advocacy issues and required strategies for collective action and future action plans were identified.

Summary of key Issues and developments from the states as shared by partners:

Maharashtra

- About 1856 CFR claims have been recognized and titles given in Gadchiroli (805 villages), Gondia (1042 villages), Amravati (7 villages), Chandrapur (2 villages) over an area of 6,25,890.89 acres; the vast majority of these however are in Vidarbha, with hardly any progress in the rest of Maharashtra.
- In Gadchiroli not only nistari villages but also non nistari villages have received CFR titles.
- Except for few most of the CFR titles issued are conditional (7-8 conditions imposed) including conditions that require gram sabhas to follow working plan prescriptions in managing community forests. CSOs working in the area have taken up the issue with the nodal department/local administration and a committee has been constituted at the district level, which is looking at the discrepancies in the CFR titles.
- Areas of CFR have been decided on the basis of existing boundaries of the compartments which are also reflected in the nistar documents.
- Format of CFR claim process in some villages (like Mendha) have been followed in the claim process in other villages.
- In Gondia 60 villages around Melghat Tiger Reserve have received CFR titles.
- Community rights for fishing have been recognized in some villages and post recognition order has been issued by the local administration (Amaravati) to cancel leases granted earlier for fishing in the areas recognized under CFR.
- During the claim process in some villages gram sabhas have stopped encroachment of common land by elite and influential groups.
- The procedure of selling minor forest produce through tender has not been uniform and there have been some concerns and issues regarding transparency in management and accountability.
- District and taluk level groups have been constituted to study management and marketing of MFP.
- Order has been issued to cancel leases issued to paper mills for harvesting of bamboo in areas recognized as CFR, but there are instances of conflicts of local community with paper mill agents in some villages.

- FRA/CFR has been used along with other laws like Biodiversity Act (BDA), National Rural Employment Guarantee Act and its scheme (MGNREGA), for overall development of the village and natural resources. Villages have initiated developing plans for management of forest, water and land and have made use of watershed development programs.
- CSOs have come up with common advocacy strategy at Vidarbha through common forum to support CFR process. Engagement with the political process and lawmakers on FRA has helped in implementation of the law.
- The idea of making CFR management plan part of the working plan as '*CFR overlapping circle*' has been discussed.
- There have been some conflicts on the rights of pastoralist communities (*Dhangar*) seasonally accessing forests in other areas.
- There is constraint with regard to provision of resources/funds directly to the gram sabha to help in management of community forest resources, and absence of any institutional mechanism for the same has been used by the forest department to impose their institutional structure like JFM, BDA etc.

Odisha

- Total 545 no CFR titles have been issued under section 3.(1) and the CFR process is moving in very slow pace in the state except in Kandhamal district.
- In Keonjhar fishermen communities have received community rights for fishing on a reservoir in Hadgarh reserve forest over an area of 4867.50 acres .However the title has been issued in the name of President, Hadgarh Primary Fishermen Cooperative Society.
- Coordination between local administration and CSOs has helped CFR process in some district like Kandhmal where more than 2000 CFR claims has been finalized at the DLC level.
- In the district of Kalahandi most of the CFR recognized are on JFM areas. Promotion of JFM under CAMPA is working counter to the FRA and CFR process.
- Communities have used FRA and CFR provisions to assert rights and authority to deal with situations like diversion of forest land for projects, imposition of JFM, working plans and eco-tourism project etc.
- Shifting cultivation areas have not been recognized under FRA (Kandhmal).
- Diversion of forest lands for mining and industry is a major issue. CFR claims in Gandhmardan hills in Bargarh district (prospective mining area) have not been received by local authorities.
- In some villages in Nabrangpur district forest land has been diverted under FRA (Section 3(2)) for community purpose and has been successfully used to develop water channels for irrigation.

Chhattisgarh

- Even as communities are filing claims, forest lands are being illegally occupied by private companies (BALCO), e.g. in the district of Janjgir Champa coal blocks have been allocated to private companies for power plants. 93 thousand hectares of land is under mining lease in the state.
- Acts and Rules are not made available in local language and training programs are not held.
- Rights of PVTGs like Baigas, Hill Korbas and Birhor are not recognized.
- Claims have been opposed by forest department on the ground of crown density.

- Social conflict has been created by a policy of divide and rule adopted by forest department which is creating conflict between habitations in plains areas and hill tribes to obstruct implementation of FRA.
- Decision by tribal advisory council of the state to settle families living in the relief camps in lands coming in the 'orange areas' has created concerns.
- Sarpanches in many villages are deciding FRCs and influencing the FRC process.

Jharkhand

- FRCs are mostly non functional.
- There is no awareness on CFR.
- CFR claims filed in districts like Ranchi have not been recognized due to objection from forest department on the rights on KL (kendu leaf).
- CFR titles are issued to individual families in some districts, leading to inflated numbers of accepted CFRs in the status report.
- There is a state of confusion on implementation of FRA vis-à-vis Chhota Nagpur Tenancy Act (CNTA) and Santhal Pargana Tenancy Act (SPTA). State govt has informed MOTA that slow progress of FRA is due to the fact that rights are already recorded under CNTA and SPTA Acts. Civil society is also not unanimous on whether the FRA should be pursued in the CNTA and SPTA areas.
- Diversion of forest land for industries continues without FRA implementation.
- There is no collective forum in the state to track FRA related developments.

Common issues which came up during discussions

- Although claims are made on community rights on access to biodiversity, intellectual property, etc under Section 3(1)k, there is a lack of understanding on the scope and implication of this provision which require further study.
- Institutional possibilities for marketing of MFP post recognition of rights needs to be worked out on a pilot basis.
- Convergence of existing programs and projects like NRLM, MGNREGA, etc need to be worked out.
- Scope of claims on habitat rights of PVTGs (Madia/Kolam, Baigas, Abujmaria) need to be explored in the states.
- Seasonal access rights of nomadic communities (Mankadias) are not recognized and need further learning and work.
- The provision for rights of STs/OTFDs displaced due to various state development interventions has not been implemented.

CFR in protected areas

- In many PAs, CFRs have not even been claimed, both due to lack of knowledge and capacity amongst communities, or because they have been misled into thinking that the FRA is not applicable within PAs. Where CFRs have been claimed, they have been pending for a long time. Additionally, relocation is taking place (especially from tiger reserves) without having completed the recognition process under the FRA, which is illegal.

- A village, Jami, has been relocated from buffer areas of Kanha tiger reserve in MP.
- Relocations in violation of the FRA have been reported from tiger reserves in Maharashtra (from Melghat, Navegaon)

Action Points and Way Forward:

1. All state level government orders, circulars, guidelines, advisories on FRA (and particularly on CFR) to be shared for uploading on the website- www.fra.org.in.
2. A checklist for filing claims and titles to be shared to limit the chance of rejection. Vasundhara will circulate as they have already developed a checklist.
3. A document to be prepared of cases where provisions under FRA are being used for asserting rights by gram sabhas and local communities to deal with issues of diversion of forest land for mining, plantations etc which will be circulated. Cases will be shared by participant organizations with Vasundhara for compilation.
4. State level meetings on status of CFRs to be organized in Maharashtra on 15th/16th December and in January, 2013 in Jharkhand which will also include partners from Chhattisgarh and Madhya Pradesh
5. Vasundhara informed that they are preparing a training module for MoTA and UNDP for all the officials on CFR. The partners can make use of these.
6. Various state level networks to be strengthened and activated such as the *adivasi jan van manch*, *sanjha manch*, *ajvam*, FRA alliance and OJM
7. Clarificatory note in the Amendment Rules 2012 and the provisions on CFR, PVTGs, forest villages to be demanded and a joint letter to MoTA to be written.
8. A demand for resource allocation directly to the gram sabhas for management and development of community forest resources will be made with the tribal department under existing plans and programs.
9. A demand to MoTA to convene tribal advisory council of all states.
10. An appeal by Chattisgarh partners to write to the State Government for report updated information on CFR claims to MoTA according to the new format since from 2009 the status has not been updated.
11. Find out the possibility of getting some study references on the status of budget utilization pattern for implementation of FRA in the section 275 of TSP, from the TSP study initiated by IPAP JP programme, some content used for sharing through the CFR LA.
12. Conduct exposure visit/exchange program by partners from Jharkhand and Chhattisgarh to Maharastra and Odisha where CFR claims have been successful for cross learning.

LIST OF PARTICIPANTS

Sl. No.	Name of the Participants	Name & Address of the Organisation , Email Address	Phone No.
1.	Rajsekhar Patnaik Project Coordinator	Centre for People's Forestry At: Gulipatna Po: Umerkote Dist: Nabarangapur Odisha Email: raj@cpf.in	9438191217
2.	Aurobindo Rout Programme Officer	RCDC, A/68, Saheed Nagar, Bhubaneswar Odisha Email: aurobindor@gmail.com	09437107407
3.	Navin Kumar Secretary	DALIT VIKAS VINDU KODERMA, JHARKHAND Email: dalitvikasvindu@gmail.com	09934430540
4.	SANJAY KUMAR Programme Manager	DALIT VIKAS VINDU KODERMA, JHARKHAND Email: dvvoxfam@gmail.com	09334396717
5.	PRAFUL LAKRA Programme Coordinator	Chaupal Gramin Vikash Pratisthan Evan Sodh Sansthan, Ambikapur Surguja, Chhatisgarh	09753311151
6.	Duryodhan Bishu	Manaba Adhikar Seva Samiti (MASS), Dist – Bargarh, Odisha, massodisha@gmail.com	09777639274
7.	Manoranjan Seth	"MASS" Sambalpur At / Po – Dhunupani Dist: Sambalpur Odisha	09937991928
8.	Sharmistha Bose	Oxfam India (Delhi)	09811592955
9.	Chandrakant Deekar	Oxfam India	09423570197
10.	Vijendria	Oxfam India	08879111286
11.	Rebena S. David	Oxfam India, Mumbai	09967088513
12.	Ashish Kothari	Kalpavriksh, Punde	020-25675450
13.	Prakash Gardia	Oxfam India, Patna	09771494423
14.	Sudhansu Sekhar Deo	Vasundhara, A/70, Saheed Nagar, Bhubaneswar, Odisha	09937172630
15.	Tarun Kumar Pradhan	Vasundhara, A/70, Saheed Nagar, Bhubaneswar, Odisha	08895084280
16.	Dillip Gode	VNCS, Nagpur	09421707110
17.	Gargi Das	CPF, Secunderabad	09032251247
18.	Pravat Ku. Mishra	RCDC, A/68, Saheed Nagar, Bhubaneswar, Odisha Email: pravat@rcdcindia.org	09937607379
19.	Anand Sethy	RCDC, A/68, Saheed Nagar, Bhubaneswar, Odisha Email: anand.sethy@yahoo.in	09438492570
20.	Pitabash Behera	RCDC, A/68, Saheed Nagar, Bhubaneswar, Odisha Email: bpitabash@yahoo.in	09437838068
21.	SHEKHAR	BADLAO FOUNDATION,	09830217816

	CHATTERJEE	JADATARA, JHARKHAND badlaofoundation@rediffmail.com	
22.	Dewrao Thengari	Srishti, At: Gadchiroli Maharashtra	09657872645
23.	Babu Bhai	Gram Mitr	09926
24.	Muniv Shukla	Gram Mitr	09424161505
25.	Tarique Ahmad	BADLAO FOUNDATION, MINIJAM Email:	07739680272
26.	Keshav Gurnule	SRISHTI, Kurkheda, Dist: Gadchiroli Maharashtra	09420114035
27.	Chandra Pratap Singh	Navrachna, A- 102, Sai Niwas Terwa Bilaspur, Chhatisgarh	09407779115
28.	Hira Maravi	Navrachna, B- 102, Sai Niwas Terwa Bilaspur, Chhatisgarh	07587033988
29.	Manohar Chouhan	Vasundhara, A/70, Saheed Nagar, Bhubaneswar, Odisha	09437629375
30.	Bhimashankar Dhale, Proj. Coordinator	Gramin Samassya Mukti Trust (GSMT), Vani, Dist: Yavatmal, Maharashtra	09420191775
31.	Parasnath Yadav	Samerth, Chhatisgarh Paras.yadav1984@gmail.com	09754669566
32.	Khilawan Yadav	Samerth, Chhatisgarh	09407652805
33.	Adil Fasini	Nari Utthan Baihar Balaghat (M.P) Email: Amaanfasini@gmail.com	09827855864
34.	Kailash Sonwani	Nari Utthan Baihar Balaghat (M.P) Email:	09977231681
35.	Dhaneswarapatna	SEVA BHARATI At/Po: Mundiguda Via : Tumudibandha Dist: Kandhamal , Odisha	09437440868
36.	Akshaya Kumar Pany	Adivasi Kranti Sangathan SRUTI, Loknathpur, Kamakhyanagar, Dhenkanal, Odisha – 759039 akpany320@gmail.com	09437426819
37.	N. Sudhakar	Oxfam India, Hyderabad Office,	09705863001
38.	Ram Swarup	Naya Savera Vikash Kendra Hazaribagh, Jharkhand	09934338448
39.	VANITA	Oxfam India	09899791517
40.	Ranjita Pattnaik	Vasundhara, A/70, Saheed Nagar, Bhubaneswar, Odisha Email: ranjita@vasundharaorissa.org	09861447756
41.	Shyam Sundar Sahu	Vasundhara, A/70, Saheed Nagar, Bhubaneswar, Odisha Email:	09040144584
42.	Tushar Dash	Vasundhara,	09439542176

		A/70, Saheed Nagar, Bhubaneswar, Odisha Email:	
43.	Kailash Dash	RCDC, A/68, Saheed Nagar, Bhubaneswar, Odisha Email:	09938066010
44.	Sankar Prasad Pani	Natural Justice, Bangaluru	09437279278
45.	Pratap Kishore Mohanty	Vasundhara, A/70, Saheed Nagar, Bhubaneswar, Odisha Email:	09437219025
46.	Prasant Mohanty	NIRMAN	09438294412