

COMMUNITY FOREST RIGHTS AT A GLANCE A NEWSLETTER

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SPECIAL FEATURE



09

FOREST RIGHTS AND THE FDCM IN MAHARASHTRA

The struggle in Gadchiroli's Sawalkheda village against the lease given to the Forest Development Corporation of Maharashtra over its Community Forest Resource.

Logged trees from Sawalkheda
Photo: Shruti Ajit

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ABOUT US

The Community Forest Rights-Learning and Advocacy Process was initiated in 2011 to facilitate the exchange of information and experiences and to reinforce national level efforts for evidence-based advocacy on Community Forest Rights (CFRs), as provided by the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA).

TO JOIN CFR-LA, VISIT:

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Towards the beginning of 2016, the Ministry of Tribal Affairs has made no improvement in reporting on the exact status of forest rights claims and titles. The status reports still do not provide disaggregated data on the numbers of claims and titles of community rights under Sec 3(1), community forest resource rights (CFR rights under Sec 3(1)(i)) and claims for diversion of forest land for developmental activities under Sec 3(2) of the FRA. Thus, the exact details of forest land being claimed and handed over to communities for various rights remain more or less unknown to the nodal agency responsible for the implementation of the Act.

In a shocking move, the state government of Chhattisgarh has cancelled the community forest rights title of Ghatbarra village in Surguja District! In a letter jointly issued by the District Collector, Divisional Forest Officer and the Assistant Commissioner of Tribal Development Department, the title given to the community over nearly 1800 ha of forest land was cancelled in January this year, stating that the community was opposing coal mining related activities over the Parsa East and Kente Basan coal blocks, which was not a part of this title. The title that the community received excluded the compartments falling under the leased coal blocks, which the village had claimed as its traditional CFR area in the claim submitted in 2013. The legality of this 'cancellation' has been challenged by many activists. The FRA does not lay out a process of 'cancellation' of rights. Moreover, under Sec 5 of the Act, the gram sabha is responsible for protecting its forests and biodiversity and preventing any destructive activity if it harms the traditional forests. Therefore, the premise on which the rights have been cancelled is itself faulty.

The Ministry of Environment, Forests and Climate Change recently came up with the draft Wildlife Action Plan for the years 2017 through 2031. The draft highlighted the importance of involving communities in conservation efforts and adopting the landscape level conservation efforts. However, instead of focusing on recognizing the CFR rights of communities in the conservation process, the draft plan relies on expanding the protected area network across the country and including 'participatory' forms of community management including strengthening Joint Forest Management and Eco-Development initiatives.

In the special feature, Shruti Ajit writes about how leases given to state and private corporations over forest land are severely affecting communities' rights of access and resource use, as well as going against the ethos of community based forest management. She highlights the struggle of Sawalkheda village in Gadchiroli, Maharashtra where the Forest Development Corporation of Maharashtra has commenced tree felling on traditional community forest areas.

The newsletter also discusses the minutes of the Forest Advisory Committee held in the months of February and March for diversion of forest land under the Forest (Conservation) Act, 1980; and the FACs adherence to the rights recognition and vesting process in the process of diversion of forest land.

-Meenal Tatpati

IMPLEMENTATION UPDATE

The Status Report for the period ending 31st March 2016, like the previous reports from December 2015 and January 2016, fails to give the disaggregated data on the Community Forest Resource (CFR, under Sec 3(1)(i)), community rights (Sec 3(1)) claims and titles and claims for diversion of forests for basic amenities (Sec 3(2)). Earlier, only the states of Orissa and West Bengal reported on CFR claims and titles. But now the claims and titles are all pooled under the category 'community'

Table 1: Total Number of Community and CFR claims & titles

Status Reports	Total No of Community claims Filed	Total Number of Community Titles Distributed
Until 31 st March 2016	1,14,381	42,488

Source: Ministry of Tribal Affairs:

<http://www.tribal.nic.in/WriteReadData/CMS/Documents/2016081602465254288204compressed.pdf>

The Status Report for the period ending 31st March 2016, like the previous reports from December 2015 and January 2016, fails to give the disaggregated data on the Community Forest Resource (CFR, under Sec 3(1)(i)) claims and titles. Earlier, only the states of Orissa and West Bengal reported on these claims.

The status of implementation of FRA is extremely slow and with respect to community rights, very little has been done by most states. Both Madhya Pradesh and Orissa saw a change with claims filed and titles distributed. In Orissa, the number of claims filed has increased by 278 claims and 115 titles have been distributed. In Madhya Pradesh, the total number of claims filed has reduced by 41 claims, whereas, the titles distributed has increased by a whooping number of 1006 titles!

As mentioned before, there has been complete deletion of any figures that may indicate the status of CFR implementation, the only places where CFR was mentioned in the whole report was in the state update for Maharashtra, where the state government has reported carrying out awareness regarding CFR through community radio. With respect to Orissa, there are few regions where the area under CFR and CR are yet to be updated due to which the State has withheld the division of data to be put forth in the status report.

Table 2: State-wise analysis of Claims filed, Titles distributed and the Extent of Forestland covered under Community Titles

State	No of Claims received until 31 st March 2016	No of Titles distributed until 31 st March 2016	Extent of forestland for which Titles were distributed in Acres
Andhra Pradesh	10,959	2,107	
Assam	5,193	860	
Bihar	N.A		
Chhattisgarh	N.A		
Gujarat	7,228	3,875	10,81,583
Himachal Pradesh	283	108	
Jharkhand	2,734	1,434	
Karnataka	6,208	144	26,274.79
Kerala	1,395		
Madhya Pradesh	40,872	22,915	
Maharashtra	7,152	3,436	8,63,478.72
Odisha	13,150	5,151	1,91,131.15
Rajasthan	654	69	482.58
Tamil Nadu	3,361		
Telangana	3,672	744	5,03,082
Tripura	277	55	91.17
Uttar Pradesh	1,124	843	
West Bengal	10,119	747	
Total	1,14,381	42,488	

Source: Ministry of Tribal Affairs

<http://www.tribal.nic.in/WriteReadData/CMS/Documents/2016081602465254288204compressed.pdf>

POLICY UPDATES

1. On the 3rd of February, the MoEFCC called for comments on the draft Wildlife Action Plan for 2017 to 2031. The plans are adopted by the Indian Board for Wildlife.

The draft plan acknowledges that people's support for conservation is very important, while recognizing that exclusionary conservation policies have led to tenurial insecurity amongst communities dependent on resources. However, instead of recognizing the role that laws like FRA and PESA can play in integrating these concerns, it supports Forest Department dominated initiatives like Eco-Development Committees and Joint Forest Management Committees (JFMCs) to take on the role of conservation.

While the draft plan talks of creating more conservation reserves and community reserves under the WLPA which have lesser impacts on community rights than wildlife sanctuaries and national parks, it fails to mention that the process of recognition and vesting of rights needs to be carried out under the FRA, now that the law supersedes the WLPA.

While it highlights that greater participation of people is needed in conservation, it does not mention the CFR provisions of the FRA, which if implemented could help in people based conservation.

The draft closed for comments in February 2016.

(See: http://envfor.nic.in/sites/default/files/NWAP%20-COMMENTS_0.pdf)

NEWS, VIEWS & REVIEWS FROM VARIOUS STATES

ANDHRA PRADESH

1. Tribals from north coastal Andhra and East Godavari districts under the banner of Andhra Pradesh Federation of Adivasi Associations and Kondareddy Girijan Samakhya staged a protest against the tardy implementation of the FRA at Vishakhapatnam on the 11th of March 2016.

Reportedly, only 77,000 titles over 177, 000 acres of land under the FRA have been distributed in this region, whereas 150,000 claimants have applied for titles over 300000 acres of land. In a memorandum submitted to the collector, several issues regarding the implementation of the Act were brought out including, titles provided over lesser area than claimed, failure to review the implementation of the Act despite demands from more than 7000 tribals representing 30 mandals of four districts, violation of the Act in the area of implementation of the Polavaram dam, failure to form Forest Rights Committees, and failure of the Sub Divisional Level Committees and District Level Committees to hold meetings.

(See: <http://www.thehindu.com/news/cities/Visakhapatnam/girijanspourouttheirwoes/article8345011.ece>)

CHHATTISGARH

1. On the 8th of January 2016, the Chhattisgarh government, through a letter jointly issued by the District Collector, Divisional Forest Officer and the Assistant Commissioner of Tribal Development Department, cancelled the recognised Community Forest Rights (CFR) of Ghatbarra village in Surguja District. The village has received a title over 1898.328 ha of forest land in the Hasdeo Arand forests in which Parsa East and Kente Basan coal blocks have been handed over to the Parsa Kante Collieries Ltd. The letter states that the

rights were cancelled because the gram sabha was using the title to oppose mining in coal blocks outside the forest compartments allocated to them as CFR, and that the rights were recognised and vested after the diversion of forest land was already approved by the MoEF.

(See: http://www.business-standard.com/article/current-affairs/chhattisgarh-govt-cancels-tribal-rights-over-forest-lands-116021601327_1.html)

KARNATAKA

1. According to a news report published by The Hindu on the 11th of March 2016, it has been reported that 1449 claims of community forest rights have been filed in Shivamogga District.

The article reports that the District administration has given training about the Act to the Village Forest Committees. A joint survey to demarcate forest land and revenue land is underway in Karnataka (See page 7 of the December-January Newsletter: http://fra.org.in/document/CFR-LA-Newsletter_Dec15-Jan16.pdf) and in Shivamogga 28% of the survey has been completed where boundaries of land have been demarcated and maps are ready for the same. The survey report is to be sent to the Village Forest Committees, based on which they can survey claims under FRA. The claims will then be sent to the Sub Divisional Level Committees.

(See: <http://www.thehindu.com/news/national/karnataka/landsurveyswillbecompletedsoon/article8339673.ece?css=print>).

MADHYA PRADESH

1. Korku residents belonging to Chicholi block of Betul district staged a protest in front of the office of the District Collector in February 2016 demanding that they be declared 'slaves of India' following an incident that occurred in December 2015, where nearly 45 huts belonging to the community were demolished by

the forest department and hundreds of trees planted by them were uprooted.

The tribals have been demanding that their rights under the FRA be recognised and vested. However, the forest department has termed them as encroachers and has started fencing off the area where their huts were demolished.

(See: <http://www.hindustantimes.com/bhopal/mpthesetribalswishtobecalledslavesinfreeindia/storyoKRlcL79FrhtydyGHVWFNI.Html>)

2. A four month campaign to review rejected claims and support fresh claims under the FRA was launched by the Chief Secretary of Madhya Pradesh in February 2016.

The Chief Secretary in a meeting with District Collectors directed that claimants be provided with assistance to gather evidence while filing claims, and that claims are not rejected without a valid reason. It was also decided to constitute a steering committee to review the progress of the campaign at various stages.

(See: <http://www.centralchronicle.com/ensureforestrightletterstoeligibleclaimants.html>)

MAHARASHTRA

1. The District Level Committee of Chandrapur district in Maharashtra in its meeting held in February 2016 deliberated on 54 community rights claims under the FRA. Out of these, 34 claims were approved by the DLC.

However, 20 community rights claims from villages inside the buffer zone of the Tadoba Tiger Reserve have been referred by the DLC to the forest department. The DLC sought an opinion from the forest department on whether these claims were over forest land under the Critical Wildlife Habitat provision under the FRA.

(See: <http://timesofindia.indiatimes.com/city/nagpur/20villagesnearTadobaseekrightsoverforestproduce/articleshowprint/51073196.cms>)

2. In February 2016, 41 villages from several talukas of Gadchiroli, Gondia and Amravati districts, which have received titles over their Community Forest Resources (CFRs), opened the tender process for dealing with tendu leaves during the tendu season of May 2016. The process was facilitated by the Vidharbha Nature Conservation Society and KHOJ. They made a contract with a bidi maker for supplying 6480 standard bags of tendu at Rs. 3.12 crore.

(See: http://www.ehitavada.com/pdfepaper.aspx?lang=6&NB=2016-02-14&spage=VLpage&SB=#VLpage_2)

The process is a continuation of the tendu sale by 18 CFR gram sabhas in these three districts, which began three years ago. (See: page 12 in [http://fra.org.in/document/CFR-LA-Newsletter_April-May-15-Final%20\(1\).pdf](http://fra.org.in/document/CFR-LA-Newsletter_April-May-15-Final%20(1).pdf); page 10 in http://fra.org.in/document/CFR-LA-Newsletter_June-July-2015%20FINAL.pdf).

3. In an order dated 10th December 2015, addressed to the Community Forest Resource Management Committee (constituted under Rule 4(1)(e)) of the Dhamditola gram sabha, the Project Officer-Integrated Tribal Development Programme of Deori taluka, Gondia District has approved Rs. 3 lakh to be transferred to the gram sabha to purchase submersible solar pumps for drinking water supply in the village.

The funds are to be managed by the gram sabha and have been provided through the Tribal Development Department of Nagpur.

In June 2015, the Tribal Development Department of Maharashtra had issued guidelines on the formation and working of the CFRMC. (See page 6,7 of http://fra.org.in/document/CFR-LA-Newsletter_June-July-2015%20FINAL.pdf).

(News shared by Dilip Gode of VNCS. For more information contact: vncs.ngp5@gmail.com).

ODISHA

1. Around 1500 forest people organised under the Jami Jungle Mukti Andolan (JJMA) from five blocks of Nuapada held a protest rally in February at the

district headquarters demanding that their rights under the FRA be recognised. The protestors brought forth many irregularities in the implementation of FRA, especially pertaining to the CFR provisions. They pointed that the 18 titles given to villages in the district as CFR titles were actually rights over developmental activities under Sec 3(2) of the FRA. They also questioned the proposal of the government to declare the 800 sq km Sunabeda Sactuary as a tiger reserve without the processes of recognition and vesting of rights being carried out. Apart from this, in a memorandum the members of JJMA put forward various other demands including halting of plantation programmes, Ama Jungle Yojna and JFMCs in the district. Conversion of all forest villages into revenue villages etc.

(<http://www.orissadiary.com/CurrentNews.asp?id=65085>).

2. In a function organised for the World Forestry Day on the 21st of March 2016 in Bhubaneshwar, the Chief Minister announced that nearly 7000 Van Suraksha Samities (Joint Forest Management Committees) in 23 districts of Odisha would be involved in conserving and restoring about 2.65 lakh ha of degraded forest land in the state through the Ama Jungle Yojna (AJY) initiative. These committees would be strengthened to carry out plantations and would receive financial and facilitative support and alternative livelihood opportunities.

(See: <http://prameyanews7.com/en/mar2016/odisha/18483/257-lakh-ha-degraded-forests-to-be-restored-conserved-under-%E2%80%98Ama-Jungle-Yojana%E2%80%99-%E2%80%98Ama-Jungle-Yojana%E2%80%99Odisha-Odisha.htm?tpl=6>)

According to another news report, the Chief Secretary has also decided to intergrate the Ama Jungle Yojna with the Mahatma Gandhi National Rural Employment Guarantee Act and Livelihood Mission in order to make the AJY more effective.

(See: <http://www.newindianexpress.com/states/odisha/Ama-Jungle-Yojana-to-Be-Merged-with-MGNREGA/2016/03/26/article3346763.ece>)

3. In March 2016, 21 villages out of Simlipal Tiger Reserve that have received CFR titles over the area have prepared their own Community Forest Resource Management and Conservation Plan and submitted the plans to the District Administration of Mayurbhanj.

(See:<http://www.downtoearth.org.in/news/21-villages-inside-simlipal-tiger-reserve-granted-community-forest-rights-53296>).

These are part of the 43 villages inside the TR that have received their CFRs thorough the support of the district administration.

(See:[http://fra.org.in/document/CFR-LA-Newsletter_April-May-15-Final%20\(1\).pdf](http://fra.org.in/document/CFR-LA-Newsletter_April-May-15-Final%20(1).pdf), page 12).

TAMIL NADU

1. The Supreme Court in February 2016 vacated the interim order of the Madras High Court dated 30th April 2008 in which it had issued a stay on the distribution of titles under the Forest Rights Act in the state of Tamil Nadu, also stating that no title could be distributed without the permission of the high court. The apex court passed the order while hearing the writ petition and special leave petition filed by the Ministry of Tribal Affairs against the order of the Madras High Court.

As of now, more than 21,000 claims have been filed in the state, while more than 3000 titles are ready to be distributed.

(See: http://www.business-standard.com/article/current-affairs/sc-vacates-madras-high-court-s-interim-order-staying-patta-under-fra-116020200890_1.html)

TELANGANA

1. Locals from four hamlets in Enkoor mandal of Khammam district have submitted a memorandum to the district collector in March 2016, alleging that their rights under the FRA were violated and that they were prevented from cultivating forest land, despite possessing individual rights titles by forest officials. They have alleged that they are being forced to give up their land for

afforestation programmes carried out by the forest department over the land already granted to them under the FRA.

(See:<http://www.thehindu.com/news/national/tehrangana/tribalryotsseekrighttocultivateonforestland/article8408096.ece>)

Under the guise of the state level Haritha Haraam afforestation program, the forest department has been fencing off forest land under cultivation by farmers. In some cases, titles over this land has already been given to the farmers. For more information on the effects of plantation programmes on communities that have received titles over their land under FRA, please see: <http://www.countercurrents.org/dubey090815.htm> and http://fra.org.in/document/CFR-LA-Newsletter_June-July-2015%20FINAL.pdf.

2. In the first meeting of the District Level Implementation Committee held in March 2016, formed under the National Tiger Conservation Authority guidelines for the Kawal and Amrabad Tiger Reserves in which 25 residents from 5 villages falling in the Kawal Tiger Reserve were present, tribals from 4 villages have agreed to voluntarily relocate outside the reserve. The tribals agreed to relocate since basic facilities like primary health centres, good roads, safety in fields against attacking wild animals and education centres were not available in these villages.

The Deputy Director of the TR informed that the voluntary relocation package involved either 5 acres of land and a house or Rs. 10 lakh. The reserve has 893 sq km as core of the reserve and 1120 sq km demarcated as buffer zone. About 234 families are being planned to be relocated.

(See:<http://www.thehindu.com/news/national/tehrangana/villagersreadytorelocatefromtigerreserve/article8368807.ece>).

WEST BENGAL

1. The Uttarbanga Van Jan Shramajeevi Manch and the Himalayan Forest Villagers' Association in March 2016 called for forest villagers in the North Bengal region to exercise the 'None of the Above' option during the state elections of May 2016, to protest against the complete non-implementation of the FRA in the region. Nearly 250 forest villages exist in the 12 assemblies across the districts of Jalpaiguri, Darjeeling and Alipurduar. (See:http://www.telegraphindia.com/1160322/jsp/siliguri/story_75821.jsp#.VvDJn9J94 5)

1. A workshop on Mapping initiatives of Community Forest Rights was held by Vasundhara and Tata Institute of Social Sciences, Mumbai on the 17th and 18th of January in Mumbai. Representatives from organizations and individuals working on forest rights issues from Odisha, West Bengal, Gujarat, Kerala, Maharashtra, Jharkhand, Chattisgarh, Karnataka participated in this workshop.

The main objective of the workshop was to understand the different methods and tools used by communities to engage with technologies used for mapping their CFRs. and come out with a framework defining methods for resource mapping during pre-claim, making and in the post-claim phase.

(For more information on the workshop and the report contact Bibhor Deo (Vasundhara): bibhor@vasundharaorissa.org).

The Forest Rights Act, 2006 has been seen as a tool of empowerment for those whose livelihood depends directly on the forest resources. Ever since its inception, the Act revolutionized the way natural resources are managed by not only recognizing the rights of those, to whom these resources traditionally belong, but also by placing these communities in a decision-making role for conservation and management of their resources. However, as one has time and again seen, when power which has been centralized for long is disbursed, the State begins to challenge it, and not surprisingly existing power structures within forest resource management have begun working to ensure that the control remains centralised by introducing new and strengthening old policies and institutions. One such example of an institution is that of the Forest Development Corporation of Maharashtra Limited. There was an initiation in the process of conservation and preservation of the forest ever since the colonial times through scientific forestry. The Indian State had adopted a similar approach to conserve the forest; and grew and maintained species of trees that can be used as timber. The institutions that were put in place to continue the process of scientific forestry were exclusive (did not include local communities with respect to natural resource management) and exploitative of the natural resources themselves in most cases. Some of these institutions include, the Forest Department and Forest Development Corporation, established at various States.

The Forest Development Corporation of Maharashtra Limited (FDCM from hereon) was incorporated in 1974, under the Companies Act, 1956. What was first known as a Forest Development Board was an initiative of the Government of Maharashtra, *“converting large blocks of low value mixed forests into valuable stands”*¹. These objectives of the FDCM have recently come in direct conflict with 10 villages in the districts of Gadchiroli and Yavatmal. These villages are Savalkheda, Karadi, Bhagwanpur, Shivpur, Vihirgaon, Chiklireeth, ChikliTukum, Dongargaon, Mortola, Yerandi and Kasari. These villages have claimed customary forest rights under the FRA in 2011 over areas which have continuously been felled for timber. The lease handed over to the FDCM for felling of trees in these areas, was given in 2015 after the villages had already submitted their claims under the FRA, as a compensation to the closing down

¹ Retrieved from <http://www.fdcmln.in/objectives.htm>

of felling compartments inside the buffer zone of Tadoba Tiger Reserve. These compartments of Gadchiroli and Yavatmal fall under the Schedule Five area and are also the customary forests of the communities claimed by them under FRA. This lease was given without informing the villages or even taking their consent. The lease is therefore in clear violation of not just one, but two Central Acts! Particularly one of the fact finding reports² done in Sawalkheda provides evidence on the timber felling despite opposition from the Sawalkheda Gram Sabha. According to the report, two forest compartments lie in the traditional boundary of the village. The village has been given a Community Forest Resource (CFR) title over 261 ha. of forest land. They are in the process of claiming the above mentioned forest as well under CFR.



Felled logs being taken from the community forests of Sawalkheda | Photo: Shruti Ajit

The report also throws light on the inviolate chopping down of trees in the compartment which comes to 3542 trees of which almost 60% of the trees were under 10 years of age. The timber felling included 34 species of trees of which 11 species fell under non-timber forest produce on which the livelihood of the village was dependent on. These species include tendu, mahua, charoli, avla, bel, salai amongst others. Apart from the diversity in the tree species, the forest is also home for leopards, wild dogs, sambar and other wild animals who will be adversely affected with the large scale felling of trees and can also lead to increased human-animal conflicts by driving them further into the human settlements. These are therefore, high density forests with very rich biodiversity.³ Ironically, one of the

stated objectives of the FDCM also requires the company to be responsible for maintenance, conservation and protection of flora and fauna on the land which the company owns or is leased to them.⁴ A previous CAG report of 2011 had stated that the Company did not provide detailed segregated data on the forest areas that were 'encroached' by forest dwellers⁵ as opposed to others for any kind of action to be taken. Hence, communities who have based their livelihood on forest produce for generations were also deemed as encroachers under FDCM reporting.



In conversation with the official from the FDCM carrying out the felling project | Photo: Shruti Ajit

What was even more disheartening was to witness the state machinery to be working in sync with the Company. In early April, 2016, in Sawalkheda, when the villagers confiscated the wood cutting machines on discovering FDCM's activities in the compartment despite their opposition, the Gram Sabha decided to register a complaint against the Company in Armori Police Station. They soon had to face opposition from the concerned authorities who made them give a written declaration that they will not be interrupting the Company's work in the compartments.

Sawalkheda continues to vehemently oppose the exploitation of their forest by the FDCM who have the backing from the State. When there are institutions like these are working in tandem with the State to violate basic human rights and deny people their livelihood and destroy the ecosystem as well, one can witness the State's autonomy over the natural resources.

² Jayesh Kharinar, P. S. (2016). *Exploitative Conservation- Fact Finding Report*.

³ Annexure 4, Jayesh Kharinar, P. S. (2016). *Exploitative Conservation- Fact Finding Report*.

⁴ Ibid

⁵ India C. a. (2011) *Report of the Comptroller and Auditor General of India- Government of Maharashtra* Retrieved from http://aamaha.nic.in/ndfreport/Comm_rep_10_11/AR2010-11-Eng.pdf

TRACKING THE FOREST ADVISORY COMMITTEE (FAC) MINUTES

The Committee in February and March deliberated on 15 projects relating to iron ore, coal and diamond mining, hydropower and irrigation, prospecting, construction and a defense project. The proposals were from Odisha, Chhattisgarh, Madhya Pradesh, Rajasthan, Karnataka, Uttarakhand, Andhra Pradesh, Delhi and Maharashtra.

In February 2016, the FAC took up an important policy issue in case of coal mining projects. It deliberated that test drilling of up to 20 boreholes of maximum 8" diameter per 10 sq km in case of coal, lignite, and metallic ores and test drilling up to 16 boreholes of maximum 6.6" diameter per 10 sq km in case of non-metallic ores excluding coal and lignite that do not require felling of trees, prior approval under the Forest Conservation Act, 1980 will not be required. This means that such projects will not have to undergo the process of forest clearance. Since there would be no deliberation of such projects by the FAC and MoEFCC, there will henceforth be no monitoring of compliance with the August 2009 circular (which asks for documentary evidence to ensure that there is compliance with provisions of FRA, and gram sabha consent for diversion of forest land is taken).

It deliberated on 6 projects, out of which it asked for FRA compliance related documents from the user agency of one project. This proposal was by M/s Tata Steel Limited for the diversion of 199.172 ha of forest land iron ore mining in Katamati mining lease area of Thakurani Reserve Forest in Barbil Range of Keonjhar district of Odisha. The FAC deliberated that the report of compliance with the FRA and MoEFs advisory dated August 2009 has not been submitted by the project.

For the diversion of 413.745 ha of forest land for the Bailadila Deposit-13 iron ore mine in Dantewada, Chhattisgarh, the FAC recommended stage I clearance based on a letter submitted by the state government suggesting that complete compliance of FRA in accordance with MoEFCCs rules has been submitted. It is not clear if gram sabha resolutions have been submitted along with the letter or the nature of the letter itself. The project has received Stage I clearance in November 2014.

For the diversion of 154.42 ha of forest land in favour of Defense Research and Development Organisation for setting up a test facility on sea shore of Bay

of Bengal in Andhra Pradesh, the FAC recommended approval to the project. In its deliberations on the 18th of January 2016, the FAC had observed that while a certificate from the District Collector, Krishna District has been submitted highlighting FRA compliance, gram sabha consent letters and detailed minutes of all meetings held with regard to the project have not been provided. In accordance with the advisory of the MoEFCC dated 4th July 2014 exempting prospecting of minerals from obtaining FRA compliance, the FAC has accepted that the diversion of 113.625 ha of forest land in favour of Shri Bajrang Power and ISPAT Ltd for borehole prospecting in Chhuikhadan ranges of Khairagarh Forest division Chhattisgarh can be deliberated without taking FRA compliance into account.

For diversion of 98.78 ha of forest land in favour of Executive Engineer for the Kaneri Dam project in Madhya Pradesh, which received Stage I clearance in 2007, the MoEFCC revoked Stage I clearance in January 2014 on the grounds that the FRA had not been complied with. However, it has given Stage I clearance again stating the FRA compliance needs to be fulfilled.

Stage I forest clearance was granted for the diversion of 48.144 ha forest land in favour of construction of Pindekepar minor irrigation tank in Bhandara, Maharashtra in 2008. However, the stage I clearance letter mentioned FRA compliance to be submitted as one of the conditions for obtaining Stage II clearance. However, one affected gram sabha out of six gram sabhas rejected the project. The state government of Maharashtra had requested granting of stage II clearance notwithstanding rejection of the proposal by one gram sabha citing larger public interest. Therefore the MoEFCC accepted the request of the state government to grant Stage II clearance subject to the compliance of FRA as per Ministry's advisory from time to time subject following which stage II would be revoked. Vide letter dated 18th Feb 2016, the user agency submitted that since the government is unable to get the consent of the Rapewada gram sabha it has decided to exclude forest land belonging to the village from proposal. Therefore the user agency submitted a new proposal of 45.784 ha excluding the forest land of the village.

The minutes are available at: http://forestsclearance.nic.in/FAC_Report.aspx