

July 29, 2008

Issue 3

TRACKING THE FOREST RIGHTS ACT

STORIES ABOUT THE IMPACT AND IMPLEMENTATION OF THE
ACT FROM ACROSS INDIA

Editorial

Numbers! Numbers!

It's July, seven months since the Forest Rights Act 2006 (FRA) was enacted. There were different visions for what shape the Act would take by this stage. Some prophesied that the claims process would be complete. Others believed that the Act would be a total non-starter. Yet others predicted massive tree-felling by new encroachments. So, here we are, taking stock of progress and the most striking aspect about the FRA's implementation is the abundance of 'numbers'!

Numbers are being cited everywhere. State governments are brandishing claims forms – this many distributed, that many submitted. Politicians are quoting the precise area of land that has been kept aside to “distribute” under the Act. On the sidelines, many NGOs are jittery about the number of trees cut and the acreage of forestland that is being freshly encroached.

Caught in this numerical jamboree, some very fundamental issues seem to be slipping attention. The first of course, is that numbers are misleading. The fact that 38,000 claims have been submitted in Rewa or 12,000 claims in Gajapati don't tell us who has applied for rights or even what types of forest rights they are claiming. And absolute numbers certainly do not reveal that currently the majority of claims being applied for and submitted are for rights to individual land entitlements. In the process, the more important community level rights to protect, manage and access forests are being neglected.

In the last two months, Kalpavriksh has held dialogues with forest-dwelling communities and NGOs in Uttarakhand and Maharashtra. Throughout our discussions, people have expressed that the major focus in submitting claims under the FRA is to obtain rights to forestland under occupation. In Orissa, groups working to implement the Act feel that the state machinery is providing tacit support and encouragement to attaining land rights rather than the host of community resource rights provided by the Act. Similarly, in Mendha and surrounding villages, Maharashtra and Jardhargaon village, Uttarakhand, people felt that community rights need more awareness and attention. Local groups in Himachal Pradesh have repeatedly said that the rush to meet deadlines and submit claims will result in exclusion of community rights within forests. In these discussions, fears for the wellbeing of the forest itself need to be raised.

This is not to casually assert that land rights are unimportant. It is recognized that land tenure security is vital to achieve overall livelihoods security. However, rights to traditional activities such as collection of forest produce, fishing, grazing and protection of the village forest are also critical components of a community's wellbeing. The FRA recognizes both individual land rights as well as community rights. However, the thrust of implementation, either fashioned by the State or manifested in individual aspirations seems to skew the balance.

Editorial

Numbers! Numbers!

Page 1

NATIONAL NEWS

Page 2

NEWS FROM STATES

Page 3

NEWS FROM CRITICAL WILDLIFE HABITATS

Page 10

UPCOMING EVENTS

Page 10

READER'S WRITE IN

Page 10

This imbalance is probably augmented by the host of deadlines in the claims process. The PM has urged a “speedy” implementation. Chief Ministers have demanded that implementation be “time bound” at all levels. And so the three-month deadline to submit claims has arrived before all intended stakeholders are aware about the Act’s provisions. By and large, forest-dwelling communities have relied on NGO and government awareness campaigns. And mostly, these campaigns have been far from comprehensive. Often, SDLC officers training gram sabhas are themselves unaware of the array of forest rights mandated by the Act. The result is that uninformed forest-dwellers are rushing submit claims. Some with the attitude, “first land, then other rights”. Others unknowing that other forest rights are even mandated in the law.

There is an urgent need to question numbers and the assumption that because lakhs of claims have been submitted, that the FRA is being implemented in its full spirit.

NATIONAL NEWS

New Delhi: MoTA clarifies meaning of “forest-dweller”

The Union Ministry of Tribal Affairs (MoTA) has clarified that the phrase “primarily reside in forests” includes those members of Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OTFD) that who either live inside forests by building a house/residence or live outside the forest but cultivate forest land for their livelihood. Earlier, many states has requested clarification on the definition of forest-dwellers as those who ‘primarily reside in forests and are dependent on forests and forest land for their *bona fide* livelihood needs’. Many groups had also expressed concern that the earlier definition, if interpreted verbatim would exclude many forest-dependent communities from benefits under the FRA.

Source: Yash Sharma, *The India Post*, 18.06.08

<http://www.theindiapost.com/?p=2644>

New Delhi: MoTA reviews implementation

MoTA organized a meeting to review the implementation of the FRA across the country. Officials from the State Governments, the Ministry of Panchayati Raj (MoPR), Ministry of Law and Justice (MoLJ) and the MoEF were present. During the meeting, Minister of Tribal Affairs, P.R. Kyndiah expressed concern over the “slow implementation” of the Act. He urged that State Governments should assign the Act their highest priority and ensure that the process is time bound at all stages. Kyndiah also stated that the FRA could “go a long way in improving socioeconomic conditions of States.” Assuring officials from the MoEF, Kyndiah said “vesting land rights would not damage forests as tribals are traditional protectors and very experienced in terms of which human activities can sustain regeneration of forests and biodiversity.” The states of Andhra Pradesh, Chhattisgarh, Gujarat, Maharashtra, Madhya Pradesh, Orissa and Tamil Nadu have already begun verification of claims. An important outcome of the meeting was a “Core Monitoring Group” which has been formed to respond to queries from States. This group consists of officials from MoTA, MoPR, MoLJ, MoEF and Planning Commission.

Source: *Kyndiah stresses on time-bound implementation of Forest Rights Act*, PIB, 27.06.08

<http://pib.nic.in/release/release.asp?relid=39861>

Funds scarcity, a major problem

All States have expressed that the paucity of funds is a major bottleneck in implementing the Act. In response, the Planning Commission has said that since states are already allotted financial aid under Section 275(1) of the Constitution, no extra funds can be provided. However, many states have demanded exclusive funds to implement the FRA’s provisions.

Source: *Funds scarcity main problem in implement Forest Rights Act*, Navhind Time, 28.06.08

http://www.navhindtimes.com/articles.php?Story_ID=062860

New Delhi: MoEF says no to evictions until settlement of rights under FCA is complete

In a press release on '*Measures for sustained growth on forest cover*', the MoEF has requested that "all State/Union Territory Govts. not to resort to eviction of forest dwellers, including tribals, other than ineligible encroachers till the complete survey is carried out for recognition of such people and their right on forest land as provided in the guidelines dated 18.9.1990 issued under the Forest (Conservation) Act, 1980."

Source: '*Measures for sustained growth of forest cover*', PIB, 09.07.08
<http://pib.nic.in/release/release.asp?relid=40158>

NEWS FROM STATES

ANDHRA PRADESH

Guntur: 9 lakh ha of forestland can be "distributed" to tribals

Revenue Minister, D. Prasada Rao stated that a preliminary survey has identified over 9 lakh hectares of forest land which can be "distributed to landless tribals in line with the FRA." The Revenue Minister, who was in Guntur to convene house patta distribution at Brahmanakoduru village, mentioned this in an informal chat with media persons. Rao also stated that the Andhra Pradesh (A.P.) Govt. had issued a G.O. MS No. 166 according to which land holdings up to 80 square yards owned by individuals belonging to Below the Poverty Line (BPL) could be regularised without any penal fee, while those up to 2,000 sq. yards could be regularised with a penal fee. Rao assured that the State Govt. would soon constitute the relevant committees to process claims under the FRA and ensure that land rights are judiciously distributed.

Source: '*9 lakh ha of forestland identified for tribals*', *The Hindu*, 19.06.08
<http://www.hindu.com/2008/06/19/stories/2008061953770400.htm>

Hyderabad: FRA enacted to contain extremist activities

The A.P. Govt. proudly claims to that under the State's Anti-Naxal policy, over 800 Naxalites have been killed in police encounters since 2003. The number of armed Maoists cadres in the state has come down from 1,200 in 2005 to 500 in 2008. However, after the heavy Maoist's attack on the Greyhounds in Orissa's Malkangiri District, officials have expressed alarm at the ease with which Maoists seem to be able to still recruit and source cadre and spur tribal communities. Some officials referred to the FRA arguing that it was enacted by the Centre in hope that once implemented, it will be difficult to spur unrest among tribals. The news report mentions that although the Centre has asked State Govts. to hasten such tribal land reforms, A.P. has responded slowly. In fact, the A.P. Govt. is only now rethinking the implementation of the Tribal Land Reforms Act.

Source: *Sreenivas Janyala, 'Strike on Andhra's pride blows its sense of security'*, *Indian Express*, 09.07.08
<http://www.indianexpress.com/tsearch/search.php?q=forest>

Kawal WLS: Clearing of Reserved Forest causes alarm

Various news sources suggest Reserved Forests are being cleared in the Adilabad District, but more specifically in the Jannaram and Nirmal Forest Divisions surrounding Kawal WLS. DFO, A. Kishan said a total of 93.50ha and approximately 2,310 trees (mostly teak) have been felled in Kawal in the past year. Many forest officers feel that the FRA has enthused people to clear forestland and initiate cultivation in anticipation that their claims to this land under the FRA will be given validity. Reports indicate that this forest-clearing or *bhoo poratam* has been incited and mobilized by Left parties who have launched such land struggles across the region. FD officials allege that while considerable bush clearance and tree felling under *bhoo poratam* has occurred in 2007, Left parties had started this movement three years ago. Some officials say that Left parties had promised locals land as early as fifteen years ago. Range Officer of the Thallapet Forest Division stated, "Most of the agitating people are landless labourers and small farmers

belonging to Scheduled Tribes, Schedules Castes and other backward communities.” Other social activists in the area claim that the people participating in *bhoo poratam* are not traditional forest-dwellers from the region. The A.P. Govt. says it will “act tough” with villagers who believe they can lay claim to land under the FRA by clearing forests. The Collector of Adilabad, Ahmad Nadeem says that preventive measures have been taken and cases have been booked against those involved in *bhoo poratam*. A total of 900 people have been arrested in 180 cases so far. Special caution is being exercise during the FRA claims process and surveyors have been asked to verify the genuineness of claims as per the Act. CCF, K.S. Rao and Tribal Welfare Secretary, V. Nagi Reddy have said that they are planning to send out a strong message to people living in forest areas that fresh encroachments on forest land to not accrue for forests rights under the FRA. A social activist and researcher working in the area expressed concern over the situation and said, “The CPI(M) should know that what they have done has injured traditional tribals and given smugglers a freer hand to destroy and loot the forest.”

Source: Pillalamarri Srinivas, ‘Tree felling continues at Kawal Sanctuary’, *The Hindu*, 03.07.08

N.Rahul, ‘Tree felling: State to act tough’, *The Hindu*, 03.07.08

<http://www.hindu.com/2008/07/03/stories/2008070355150400.htm>

‘Clearing of reserve forest rings alarm bells’, *The Hindu*, 06.05.08

‘Forest Officials moot felling of teak trees’, *The Hindu*, 02.04.08

Author’s communication with local groups in the area who wish to remain anonymous

Vishakapatnam: Claims filed for 6.30 lakh acres of forestland

During a review meeting, Principal Secretary to the Tribal Welfare Department (TWD), V. Nagi Reddy told officials that while “8 lakh acres of forestland was under the control of Girijans and non-Girijans, claims for only 6.30 lakh acres have been submitted so far.” He also stated that the FRA should be implemented in its full spirit and all those having rights over forestland should be issued title deeds before June-end.

Source: ‘Forest Act must be implemented in full measure’, *The Hindu*, 23.06.08

<http://www.hindu.com/2008/06/23/stories/2008062359090500.htm>

CHHATTISGARH

Raipur: BJP proud of distributing land titles under FRA

The Chhattisgarh Govt. has initiated a process for distribution of land ownership deeds under the FRA to 4.5 lakh families of forest-dwellers in the state. The aim is to complete this before the upcoming assembly elections. Currently, 2.5 lakh claims have reached the Sub-Divisional Level Committee (SDLC) and Forest Rights Committees (FRCs) have been set up in 14,864 villages. Chief Minister, Raman Singh stated that a Rs 71-crore scheme was being formulated to develop remote forest villages and Rs 150 crore bonus disbursed to forest-dwellers engaged in the plucking of tendu leaves from the forest. After coming to power in 2003, the BJP-led govt. has also withdrawn over 2.25 lakh cases registered against forest-dwellers, under the Forest Conservation Act (FCA).

Source: Joseph John, ‘Chattisgarh begins distribution of land titles to forest-dwellers’, *Indian Express*, 01.07.08

<http://www.indianexpress.com/story/329581.html>

GUJARAT

Reserved Police Force called to check encroachments

Following reports of massive forest encroachment in Vadodara (Panchmahal, Dahod) and South Gujarat (Banaskantha, Sabarkantha), Surat and Valsad, the Forest Department (FD) has requisitioned two reserves of the State Reserve Police to counter cultivation on the fringe of Reserved Forests (RFs). A senior official in the FD commented that the FRA, which entitles these encroachments of cultivated land with a cut-off date of December 2005, will “complicate the matter further.” The official stated, “There is such confusion over the implementation of this Act that some forest dwelling communities still believe that even if they make fresh

encroachments they will somehow get titles over the land. We want to avoid that situation at any cost.”

Source: ‘Reserved Police to help Forest Department check encroachments’, *Express India News Service*, 16.06.08
<http://www.expressindia.com/latest-news/Reserve-Police-to-help-forest-dept-check-encroachment/323260/>

KARNATAKA

Karnataka Govt. yet to implement FRA

Six months after its notification, Karnataka is still to implement the FRA. State Minister for Social Welfare, D. Sudhakar admitted that Governor’s Rule and subsequent Assembly elections in the State had delayed the Act’s implementation. Sudhakar reassured that that govt. would now “expedite the Act as it would benefit 36 lakh tribal people in state who constitute 6% of the State’s population.”

Source: ‘State yet to enact Forest Rights Act’, *Deccan Herald*, 30.06.08
<http://www.deccanherald.com/Content/Jun302008/state2008063076119.asp>

Confusion mires implementation in Kodagu

In the Kodagu District, local groups complained of long delays and “official apathy” as the major cause of lack of implementation of the Act. Firstly, the information that gram sabhas should be convened on 28th February (as specified in a letter by the PM to State Govts.) reached late. The Kodagu zilla panchayat received a copy of this letter from the Rural Development and Panchayati Raj Department as late as February 26th. Only then was this information passed on to relevant gram sabhas. The delay is in spite of the fact that G.A. Sudarshan, Conservator of Forest, Kodagu wrote the Chief Executive Officer of the zilla panchayat in January itself.

Source: *Jeevan Chinnappa*, ‘Official apathy delays implementation of Scheduled Tribes Act in Kodagu’, *The Hindu*, 21.06.08
<http://www.hindu.com/2008/06/21/stories/2008062154680700.htm>

‘Development through Education’ suggests implementation strategy

Development through Education (DEED) has urged the reigning BJP govt. to hasten the implementation of the FRA in the state. The letter issued a number of recommendations for implementation, such as to urgently constitute FRCs in areas that come under Integrated Tribal Development Programme (ITDP). The letter explained that forest-dwelling tribes were facing problems since most of the facilities under tribal development schemes are extended to tribes in “bayalu seeme” or plains. DEED insisted that certain tribes be empowered by “strengthening gram sabhas and extending rights to land, rights to minor forest produce and right to avail reservation.”

Source: ‘Government urged to address problems faced by adivasis’, *The Hindu*, 30.06.08
<http://www.hindu.com/2008/06/30/stories/2008063057430300.htm>

KERALA

Kochi: Adivasis heated about powers to the “gram sabha”

Adivasis in the state are agitated about the decision to give the gram sabha the pivotal role in the implementation of the FRA instead of the *ooru kootam*, which is the traditional decision-making institution in tribal settlements. Earlier, adivasi groups had urged the State Govt. to elect the *ooru kootam* as the implementing body. However, this recommendation was rejected and the gram sabha was selected, which was their last preference. State SC/ST Welfare Minister, A.K. Balan commented that the gram sabha was selected because it was more democratic than the *ooru kootam*. However, tribal leaders argue that this is the CPM’s ploy to bring tribals in the state under the Govt’s control. Their apprehension is that since in most tribal areas the gram panchayats are ruled by the CPM, the FRA in its current form will allow non-tribals access into the forest, which will be detrimental to the ecology of the state. In this respect, adivasi groups

share the same concerns with FD officials, one of whom said, ““With the implementation of the Act, the role of the Forest Department in conserving the forest will diminish further. So if the Act is not implemented properly, it will lead to the total destruction of forest.”

Source: ‘Adivasis up in arms against power to the gram sabha’, News India Press, 07.07.08

<http://www.newindpress.com/NewsItems.asp?ID=IEX20080707000420&Page=X&Title=Kochi&Topic=0>

MADHYA PRADESH

1.60 lakh claims submitted

The Govt. of India has named Madhya Pradesh (M.P.) as the leading state in the implementation of the FRA. By July 1st, one lakh, thirty two thousand claims have been submitted by tribals and other traditional forest dwellers. The MP govt. has introduced a number of novel initiatives that have aided this process, such as:

- State level software monitoring systems
- Personal Digital Assistant (PDA) gadgets are being used in all districts so that claims forms can be verified speedily. All information about a claimant (photograph, map of land/house etc.) is fed into the gadget and a receipt certificate is issued immediately.
- Claims forms are being accepted even without a caste certificate
- 8 lakh copies of claims forms have been sent to gram sabhas free of cost
- Survey teams have been constituted to verify claims, comprising of officers from the Forest and Revenue departments
- Training on the FRA was imparted to master trainers and members of the survey teams through video conferencing

Table 1: Division-wise break-up of claims received

Rewa	38,981
Ujjain	2,593
Gwalior	31,467
Hoshangabad	6,428
Sagar	3,442
Indore	21,910
Jabalpur	20,236
Chambal	1,953
Bhopal	33,068

Source: ‘1.32 lakh claims submitted under FRA’, Central Chronicle, 02.07.08

<http://www.centralchronicle.com/20080702/0207027.htm>

‘1.60 claims received in MP under forest law’, The Hindu/26.07.08

<http://www.hindu.com/thehindu/holnus/004200807261301.htm>

Bhopal: Govt to review land allotment under Bhoodan Movement

In an effort to remove all obstacles coming in the way of implementation of the FRA, Chief Minister Shivraj Singh Chouhan said that the MP Govt. had decided to constitute a committee to review allotment of land during the Bhoodan movement. The Bhoodan Movement was a voluntary “land-gift” movement started in 1951, where individual owners “gifted” their surplus land to the landless. The MP Govt has stated that action will be taken against those found guilty of transferring land belonging to Scheduled Tribes to non-Scheduled Tribes. Chouhan stated that those who had encroached land by forming cooperatives in the name of farmers and Scheduled Tribes would also be probed.

Source: ‘M.P. Panel to review Bhoodan land allotment’, Press Trust of India, 25.06.08

<http://sify.com/news/fullstory.php?id=14702267>

MAHARASHTRA

FRA upsets a significant segment of forest-dwellers

A.K. Jha, the Tribal Commissioner for Maharashtra has said that any officer, who clears a case of encroachment of land post-2005, will be penalized under the Act. Jha also stated that officers should prima facie disqualify such recent encroachments. In Maharashtra, FD officials have been organizing meetings to discuss the provisions of the Act with forest-dwellers to remove the general misconception that encroached land post the cut-off date would also be regularised. This process has been expedited in Akola, Amravati, Buldana, Washim and Yavatmal districts in Amravati division. Kishor Rithe, a wildlife conservationist, feels that those forest-dwellers, who respected forest laws and did not encroach land in spite of remaining landless, will not avail benefits under this Act. This segment, which is the majority, is then caught in a dubious game between political parties. A forest-dweller from Khatkali Village in Melghat NP said, “Those of us who encroached land on December 13th will not get pattas but those who did on December 10th will get pattas. Is this the price we pay for being honest? We will teach the govt. a lesson in the next elections.”

Source: Vijay Pinjarkar, 'Forest Rights Act fails to impress tribals', Times of India, 28.07.08

http://timesofindia.indiatimes.com/Cities/Forest_Rights_Act_fails_to_impress_tribals/articleshow/3292744.cms

ORISSA

Bhubaneshwar: Retd. Officers file petition against FRA

The Society of Retired Forest Officers has filed a Writ Petition (WP 4933/2008) in the Orissa High Courts against the FRA. Key arguments of the petition are as follows:

- | |
|---|
| <ul style="list-style-type: none">• The FRA fails to distinguish between a 'forest right' and 'illegal occupation'. The petition states, "A right has to have convincing evidence to make it enforceable. The impugned Act treats all occupations of forest land up to 13.12.2005 as a land right which is irrational and does not conform to basic principles of jurisprudence and the rule of law." |
| <ul style="list-style-type: none">• The Act will not only protect illegal occupation but encourage further encroachments, which is against the National Forest Policy 1988 which states, "Encroachment of forest land for cultivation and other purposes continues to be the most pernicious practice endangering forest resources throughout the country." |
| <ul style="list-style-type: none">• Preparatory work, such as the impact of the Act on the environment was not studied prior to notification. |

At the hearing, the High Court has passed an interim order directing the govt. not to issue any pattas or titles until further orders. The Court has also categorically stated that implementation has not been stayed and that the process of determination of rights is to continue as per schedule.

Source: Nageshwar Pattnaik, 'Tribals, retired forest officers in a tussle over forest rights', The Economic Times (Kolkata Edition), 11.07.08

Sankar Panigrahi, 'Abstract of the Writ Petition Filed To Quash Some Provisions in Chapter II, III, IV of 'The Scheduled Tribe and Other Forest Dwellers (Recognition of Forest Rights) Act 2006',

<http://www.fra.org.in/Abstract%20of%20the%20WP%20filed%20by%20Society%20of%20Retired%20Forest%20Officers.pdf>

Sambalpur: People to get land entitlements, not permanent rights

A two-day awareness workshop was organized by the district administration. In the workshop, Julius Lakra of the District Rural Development Agency (DRDA) said, "Any tribal staying on any forest land before 13 December, 2005 would be given entitlement but not permanent land right over that particular land."

Source: 'FRA workshop for tribals', The Statesman, 25.06.08

<http://www.thestatesman.net/page.news.php?clid=9&theme=&usrsess=1&id=210016>

Koraput: Plantation drive hinders implementation

As the villagers of Maliguda hamlet in Pujariguda village, Koraput are submitting their claims under the FRA, the FD (in collaboration with the Japan Bank for International Cooperation [JPIC]) has initiated a plantation drive. Manohar Chauhan from the Campaign for Survival and Dignity (CSD) said that such plantations are a clear violation of the FRA. Chauhan feels that it will be at least a year for the forest-dwellers to submit claims under the FRA. By this time the SDLC verifies these claims, the plantation trees would have grown to such a height that the FD would claim that the land was not agricultural land. "As a result, poor tribals will lose the legal claim on their land due to foul play", says Chauhan. Forest officer, H.K. Dash responded by explaining that the decision to initiate the plantation was decided by the Van Surakshan Samiti (VSS) of Pujariguda two years ago.

Source: 'Plantation drive to pre-empt Koraput tribals' right', *Pioneer*, 01.07.08

http://www.dailypioneer.com/indexn12.asp?main_variable=BHUBANESWAR&file_name=bhub13%2Etxt&counter_img=13

Bhubaneshwar: First meeting of the SLMC

The first meeting of the Orissa SLMC took place on April 3rd, 2008, although its proceedings were made public only recently. During the meeting, there were discussions on the provisions of the FRA, its implementation in Orissa and various bottlenecks that may emerge. Some interesting points of discussion were:

- Balabhadra Majhi, MLA stressed that under the Act, electricity must be supplied to forest villages, although no more than 1ha of forestland can be diverted for this purpose. Majhi said that drawing of High and Low Tension lines for approximately 10km would require more than 1ha. After detailed discussion, it was decided that for linear projects like drawing of electric lines, only 'right of way' was needed and not diversion of forestland.
- Tulasi Munda, MLA stressed the need for black topping forest roads leading to the mines in Keonjhar District. She stated that the excessive dust thrown up by movement of heavy vehicles has made the "leaves of trees unusable for tribals living in the area."
- The SLMC appreciated the FD for having dropped 9,000 pending forest offence cases.
- The PCCF stated that the lack of clear maps of Forest Blocks was a major constraint to support verification of claims by the FRC. It was advised that immediate steps are taken to resolve this issue.
- Steps should be taken to declare forest villages and habitations as Revenue villages before the next SLMC meeting.

Source: 'Proceedings of the 1st Meeting of Orissa State Level Monitoring Committee Held on 3rd April 2008'

RAJASTHAN

Udaipur: Indefinite sit-in for proper implementation of the FRA

Jangal Jamin Andolan (JJA), a network of forest-dwelling communities in Rajasthan organized an indefinite sit-in to negotiate proper implementation of the FRA in Rajasthan. 5,000 forest dwellers from the districts of Udaipur, Dungarpur, Banswara, Chittorgarh, Pratapgarh, Rajsananand, Sirohi and Bhilwara participated in the sit-in. According to JJA, the State Govt. has severe malpractice while implementing the Act. Some of the problems faced by forest-dwellers are as follows:

- Claims forms are not available in sufficient numbers. The State Govt. has only provided claims forms to forest-dwellers who have been cultivating forestland prior to 1980. The FD has identified 9,455 such claimants and informally instructed the sarpanches to handle only these claims.
- The FRC is not getting the chance to physically verify claims and the Sub-divisional Officer has been receiving claims directly from the sarpanch and secretaries.

- In June, the state govt. organized a sub-divisional level camp to receive claims under the FRA. They issued claims forms on the spot and urged people to fill them in. Due to the pressure and haste in which applications were submitted, many forest-dwellers feel that they were not able to write accurate information about land cultivated.

JJA has demanded that the FRA be implemented by its Rules, especially that:

- State Govt. should ensure that sufficient numbers of claims forms are distributed to all forest dwellers, regardless of whether they are cultivating since before 1980, or before 2005.
- FRC should be permitted to physically verify claims.
- The same model of claims submission/verification should be adopted across the entire state.
- No govt. officer should be allowed to reject a claim directly.
- Verification of claims to community rights should occur alongside those for individual land rights.

Source: Statement issued by Jangal Jamin Andolan, 'Negotiations with State Government about Implementation of Forest Rights Act 2006, an indefinite sit-in', 26.07.08

TAMIL NADU

Kalakad Mundunthurai TR: Tribe faces eviction for failing to stop forest fire

The Tamil Nadu FD has issued a notice to the Kani tribes in Kalakad-Mundunthurai Tiger Reserve (KMTR) stating that the forest-dwellers have “forfeited the rights to live in forests” since they did not help the FD to prevent a forest fire. The notice said, “Only those who respect the law and assist the Forest Department are eligible to live and obtain rights in the forest.” The community had sent a letter to the District Forest Officer bringing to their notice the FRA. The DFO responded explaining that area was a tiger reserve and so the Act did not apply.

Source: Nitin Sethi, 'Tribe faces eviction for failing to stop forest fire', Times of India, 06.07.08

http://timesofindia.indiatimes.com/India/Tribe_faces_eviction_for_failing_to_stop_forest_fire/articleshow/3201681.cms

UTTAR PRADESH

Forest-dwellers to be officially registered

The FD of Uttar Pradesh has requested the State Dept. for Social Welfare to conduct a survey of forest-dwellers in the State and register their demographic information. Registered forest-dwellers will receive an identification certificate and be entitled to a public distribution system card. This exercise has already begun in 8 villages in Katarniaghat WLS in Behraich District. Ramakant, Additional Director of the FD said, “Official data about the population of forest-dwellers in the state will help us plan rehabilitation.”

Source: 'Forest-dwellers to get identification certificates', Express India News Service, 26.07.08

<http://www.expressindia.com/latest-news/Forest-dwellers-to-get-identification-certificates/341008/>

NEWS FROM CRITICAL WILDLIFE HABITATS

ORISSA

Range Officer in Badrama WLS writes to villagers about CWH

Translated version of the Letter issued by the Range Officer, Badrama WLS
Letter #233(14), Date 11.05.2008

To
Shri.....
(Chairperson/Secretary)
Bhutel Village, Forest Rights Committee

Subject: Regarding inclusion of village 'Bhutel' and surrounding area in Critical Wildlife Habitat

Vide Letter #7693 dated 04.12.2007, Chief Wildlife Warden; Orissa communicated through Letter #35 dated 05.01.2008, DFO (Wildlife), Badrama.

Dear Sir,

You are hereby informed that your village and its surrounding environment is proposed to be included in a Critical Wildlife Habitat and for this you are requested to convene a gram sabha to discuss in detail forest rights related matters and make a presentation for information of the villagers.

Range Officer, Badrama
Badrama Wildlife Sanctuary

UPCOMING EVENTS

No events are reported

READER'S WRITE IN

In next month's newsletter, we hope to introduce a new column, 'Reader's Write In' where we will feature experiences of those who are currently working in the field on the Act. This section could include anecdotal experiences or reflections about the implications of the FRA in a given region. If you are interested to write for this section, please contact us at the address given below.

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Some questions that we're asking:

- How is the Act being interpreted in its implementation?
- Which are best and worst cases of its implementation?
- What are the implications of 'Critical Wildlife Habitats' and how are they being implemented on the ground?
- What are the implications of Section 3(i) and how are forest-dwelling communities claiming the right to protect and conserve forests?
- How are the provisions of the Act being misused?
- Are fresh encroachments occurring as a result of the Act?
- What is the impact of tenure and livelihoods security of forest-dwelling communities on biodiversity?

Contact us!

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