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Issue 7

TRACKING THE FOREST RIGHTS ACT

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

Editorial

The FRA as an election issue

With the 15th Lok Sabha elections in progress, the Forest Rights Act has made its way into a number of party manifestos, campaign rallies and speeches by electoral candidates. This issue of the newsletter mentions how the Congress (in Andhra, Arunachal and Orissa) and CPI(M) (in Himachal) manifestos explicitly refer to the Act as a landmark pro-poor legislation championed by the parties respectively. In Karnataka, federations of tribal communities have outspokenly declared that they will support the political party that implements the Act effectively. Some elections analysts even predict that the tribal vote here will be crucial in deciding the winning candidate, especially in cases where there is a close contest.

In a recent article in an online journal *Him Vani*, Tikendar Singh Panwar, a CPI(M) leader from Himachal Pradesh said the following:

“The Left, particularly the CPI(M), has played a pivotal role in the struggle for equality of the Dalits and tribals. Of the total land that has been distributed in the country, the Left ruled states account for more than 70%. The Forest Tribal Act that enables the ST to own a patta on land would have never seen the light of the day in the absence of Left support. It is with the intervention of the Left that the cut-off date in the forest Tribal Act was changed from 1980 to December 2005. Also with the amendment from Left the critical wild life definition was made scientific and not left to the Forest Department. Besides, the ceiling was raised to four hectares. The rights to minor forest produce also got strengthened. For the first time the women would also hold land in the tribal regions under the Act. It was for the last minute intervention of the Congress party that the three-generations clause for forest dwellers, mainly who Dalits, was put in which has forced the dwellers to remain under the definition of encroachers and will be able to own pattas only if they are able to show their possession for the last 75 years, which is almost impossible. The CPI(M) vows to change the clause to one generation.”¹

While it is understandable that parties are using election platforms to raise their own profile vis-à-vis the FRA, it is unfortunate that they are not stressing the long-term conservation aspects as much as those of rights to land.

While forest-dependent populations could definitely use the election tempo to negotiate with their leaders, it would be advisable to view the Forest Rights Act in a long-term perspective. It is important to recognize that this Act has emerged not only because of the interests of political parties but also, and more importantly, through the demands of millions of forest-dependent communities across the country. The securing of forest rights, integration of conservation activities and democratic forest management are beyond the scope of just a single party's tenure. Moreover, history demonstrates that the bulk of promises made during election season are rarely lived up to when the party comes to power. Often in fact electoral populism creates ecological and livelihood problems because of its short-sighted nature. In this light, it is crucial to find effective mechanisms of achieving democratic forest management without relying solely on political patronage. This requires local institutions and

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¹ <http://www.himvani.com/news/2009/04/14/'bjp-congress-in-himachal-follow-feudal-policies'/2668/>

capacities, by which communities, government officials, civil society organisations can jointly work out sustainable conservation and livelihood strategies. Once again, as we had stressed in the previous issue of this newsletter, this necessitates the much greater use of the community rights provided for in the Act, rather than the predominant focus on individual rights.

NATIONAL NEWS

MoTA: Status of implementation

A meeting of the Cabinet Committee on Tribal Affairs under the Chairmanship of P.C. Chidambaram was held on Feb 18th 09 in New Delhi to review the implementation of the Act. Later in the month, MoTA released a status report on the Act. Some national level issues detailed in the meeting and reports are as follows:

- **Court cases filed against the Act**

The following decisions were taken regarding court cases:

- States where no court cases have been filed are urged to complete the award of titles at the earliest.
- MoEF and Ministry of Rural Development are to file their respective Counter Affidavits in the Supreme Court supporting the Counter Affidavit filed by the MoTA in respect of the two Supreme Court cases, WP No. 50 of 2008 and WP No. 109 of 2008 within two weeks.
- States and UTs that have not yet filed their Counter Affidavits in the Supreme Court so far are to do so immediately.
- MoTA should impress upon the Advocate on record for the Ministry of Tribal Affairs in the Supreme Court to take immediate steps for getting the Transfer Petitions listed in the Supreme Court at the earliest.
- Against the Interim Order dated 19.8.2008 of the High Court of Judicature of Andhra Pradesh at Hyderabad in WP No.21479 of 2007, MoTA shall file an appeal in the Division Bench of the High Court or the Supreme Court, as the case may be, for lifting the stay; so too for the two cases filed in Orissa and Tamil Nadu.

- **Status of implementation of the Act**

- As of 28th of February, 2009, more than **19.40 lakh claims have been filed**
- **1.37 lakh titles have been distributed**
- **1.70 lakh titles are ready for distribution**
- States of Andhra Pradesh, Chhattisgarh, West Bengal and Orissa have reached full potential of receiving claims. Therefore, focus in these states is on issuing of pattas.

- **Guidelines for diversion of forestland for facilities under 3(2)**

The guidelines for diversion of forestland for facilities managed by the Government under section 3(2) of the FRA are yet to be notified. As per the decision taken in the meeting held with the Ministry of Law & Justice on 13.1.2009, MoTA has circulated a draft procedure/guideline to the MoEF, Ministry of Panchayati Raj and Ministry of Rural Development on 26.2.2009 for their concurrence. The guidelines would be notified as soon as the concurrence of these Ministries is received.

Source: Government of India, Ministry of Tribal Affairs, 'Status report on implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 [for the period ending 28th February 2009]

CPI(M) Manifesto for 15th Lok Sabha elections

The CPI(M) Manifesto for the 15th Lok Sabha elections contends that crucial role that the party has played by acting as "sentinels of the people's interests vis-à-vis the UPA government." The manifesto states that at least two major legislations, the NREGA and the Forest Rights Act would not have come about in the present form without the CPI(M)'s intervention. It was the sustained intervention by the Left that led to the enactment of the FRA. If elected, the party also proposes to implement the FRA in full and amend the Act to "include a more reasonable definition of traditional forest dwellers."

Source: 'CPI(M) Manifesto for the 15th Lok Sabha Elections', Kerala Politics and Elections, 15.3.08
<http://politicskerala.com/cpim-manifesto-for-elections-2009/>

NEWS FROM STATES

ANDHRA PRADESH

Hyderabad: Congress manifesto for Andhra

The Congress manifesto for the state, released by the Andhra Pradesh Congress Committee (APCC) promises to continue welfare programmes in full swing. Amongst these, the party vows to implement the 'Forest Land Rights Act' passed by the UPA.

Source: 'Congress promises to up industry's share in GSDP', Business Standard, 24.3.09

<http://www.business-standard.com/india/news/congress-promises-toindustry-share-in-gsdp/352666/>

ARUNACHAL PRADESH

Roing: FRA is a watershed in the prolonged struggle of tribal people

In an early campaign for parliamentary elections, Congress party MPs, Ninong Ering and Mukut Mithi spoke on the plight of poor tribal people living in the Reserved Forests of Arunachal Pradesh. Mithi appreciated the efforts of the UPA govt. to pass the FRA, which would safeguard forest-dwelling tribals who would have otherwise faced displacement. The Forest Rights Act "marks a watershed in the prolonged struggle of tribal people in the country and it is not only intended to correct historical injustice but also to give forest dwelling communities the role primary in forest management. This marks a significant point in the context of local tribals who are presently occupying vast tracts of forestland areas under the Dibang Reserved Forest." MP candidate, Ninong Ering also mentioned the Congress's intention to bring the state under the 6th Scheduled fold and define an appropriate nomenclature for tribes in Changlang and Tirap who often face difficulty availing govt. benefits due to inappropriate nomenclature.

Source: Veracity, 'Congress party promises a slew of developmental works', Roing News, 8.4.09

<http://roingnews.blogspot.com/2009/04/congress-party-promises-slew-of.html>

HIMACHAL PRADESH

Kinnaur: Tribals in distress over forest rights, demand implementation

Tribals and other forest dwellers in Himachal Pradesh have recently protested against non-implementation of forest rights in Kinnaur. The protestors alleged that the government of Himachal Pradesh is not implementing the FRA. "The government is not serious about implementing the forest tribal act. The way it is scaring the tribal people that a legal action would be taken against them. We want to tell the authorities that it is implementation of law that we are seeking. We want to educate the tribals about their rights," said Tikender Panwar, President, Himachal Kisan Sabha (HKS). Panwar also stated that the FRA has been modified such that in Himachal, the maximum land area to which rights can be recognized is 1.5ha. The tribal community in Kinnaur has opposed the deadlines to submit claims forms as imposed by the State Government. While earlier, the deadline was fixed at 31st January 2009, it was extended to March 15th 2009 under pressure from HKS. HKS is currently demanding the extension of dates to 30th June 2009 since much of the land occupied is under snow and it is not feasible to measure such at short notice. The protestors also demanded that the government should withdraw forest-eviction cases filed against the tribals. HKS has conducted a massive campaign and demonstrations covering more than 24 village panchayats in a period of 20 days. HKS has resolved to enter the forests enmass after March 13th for lopping of trees and this call has been made public to the police and forest officials as well.

Source: Tikendar Singh Panwar, 'Kinnaur tribals in distress over forest rights', 23.2.09

Shimla: CPI(M) demands BJP, Congress stand on FRA

The Himachal unit of the CPI(M) challenged the ruling BJP party and the opposition, Congress party for a debate on the main issues concerning the people in the State. The Left accused the two parties of avoiding critical issues and keeping themselves busy fielding film actors and cricketers to glamorise the upcoming elections. Raising 'peoples' issues, State Secretariat members, Kuldip Tanwar and Tikendar Singh said at a press conference that the State Government's and opposition's stand and support for the Forest Rights Act was unclear. They accused the State Govt. of refusing to implement that FRA while willingly giving 250 bighas of land to J.P. Industries for a hydel project.

Source: 'CPI(M) dares BJP, Congress to a debate', The Hindu, 25.3.08

<http://www.hindu.com/2009/03/25/stories/2009032555760700.htm>

KARNATAKA

Mysore: Tribal vote will make or break fortunes

The tribal population in Mysore, H.D. Kote and Chamarajanagar districts who have been historically denied rights form a sizeable chunk of voters and can therefore influence the election of a candidate. Aware of this, the tribal communities have collectively released a charter of demands. They have stated that they will support a party that will meet their demands. Elections analysts in the state predict that the tribal votes will be decisive if there is a close contest or a triangle contest. Some of the demands in the charter include:

- Implementation of the "Tribal Forest Rights Act"
- Reservation meant for tribals should be given to non-tribals
- Proper rehabilitation of displaced tribal families in Bandipur and Nagarhole National Parks
- Nomination of a ST representative to the legislative council
- Political leaders must clarify their stand on collection of minor forest produce

Sreekanth from DEED, an organization working for tribals, said, "We will decide on the candidate that we will support based on the response from political parties and their candidates to our demands."

Source: K. Shiva Kumar, 'Tribals will make or break fortunes', Indian Express, 10.4.09

<http://www.expressbuzz.com/edition/story.aspx?Title=Tribals+will+make+or+break+fortunes&artid=axVg7F0R8fk=&SectionID=7GUA38txp3s=&MainSectionID=fyV9T2jla4A=&SectionName=zkvYRoWGpmWSxZV2TGM5XQ==&SEO=>

KERALA

Palakkad: Demand to strengthen Forest Rights Act

At a conference on development of tribals in Kerala, speakers recommended that the Government of Kerala conduct a survey of the non-tribal population residing in tribal and or forest areas and initiate action to secure the rights of tribal in these areas. P.R.D. Mathur (Secretary of the L.K. Ananthakrishna Iyer International Centre for Anthropological Studies) urged the Govt. to verify the false certification of non-tribals as tribals. Mathur said, "The rights of tribals should be protected in an ethical manner to avoid conflict with the rest of the population. The Forest Rights Act can be implemented in this way without hindrance to cultural diversity of the tribal communities of Kerala."

Source: 'Call to strengthen Tribal Act', Express Buzz, 20/2/09

<http://www.expressbuzz.com/edition/print.aspx?artid=033Xdqzsbys=>

Mananthavadi: "Each family will get one acre": CM

Chief Minister, V.S. Achuthanandan has said that Kerala is the first state in the country that has successfully implemented the FRA. He was inaugurating a function where provisional deeds were disbursed to tribal communities in the district as per the Act and the Bhoomi

Keralam Project, a project of the newly constituted Land Information Mission. The CM said that his government would provide at least one acre for each tribal family in the state. The CM said that as per ongoing land re-surveys, the State meets huge financial losses because thousands of acres belonging to the government is illegally possessed by private individuals in the State. New land surveys and clear land records will mitigate such losses and ensure livelihood security for tribals in Kerala.

Source: 'Each family will get one acre: VS', Kerala Online, 22.2.09
http://keralaonline.com/news/tribal-family-acre_22643.html

ORISSA

Bhubaneswar: Consultation on issues & concerns on implementation in Orissa, RCDC & FGLG

A national level consultation was organized by RCDC and Forest Governance Learning Group (FGLG) (IIFM) on February 21st in Bhubaneswar. It was attended by over 70 representatives from the government, NGOs, people's organization and members of SDLC and DLC. A memorandum was submitted to the Government of Orissa regarding proper implementation of the FRA. Biswajeet Mishra (Addl. Secy. SC & ST Department, Govt. of Orissa) stated that a total of 2,37,899 claims have been submitted by gram sabhas across Orissa. Of these, 1,53,478 claims have been forwarded to the SDLC and 20,000 claims are ready for title deeds. Only 15,285 community claims have been submitted in the entire state. Some major issues that are emerging in the implementation process are as follows:

- Inadequate initiative to implement the Act in inaccessible areas
- Lack of field verification by SDLC in special situations, such as individual claims in revenue forests. **Therefore, Joint verification by FRCs and the Revenue Department for individual as well as community claims should be made in all types of forest like rights in PAs, RFs and revenue forests.**
- Claims process is currently unsystematic. The pace and agencies involved vary greatly from district to district, rather than following a specific method. **Therefore, a special cell should be constituted for depositing claims and dedicated officers should be recruited to expedite the process.**
- Non-verification of claims in project areas implemented after December 13, 2005
- Non-verification of claims of 'Other Traditional Forest Dwellers' due to lack of recorded evidence of 75 years. At present, oral statements of elders is not being accepted.
- Claimants do not have an understanding of different community forest resources. Currently, claimants, Panchayati Raj Institutions, SDLC, Forest Department and facilitating agencies are not prioritising community claims. **Therefore, sensitization programmes should be conducted involving the Forest Rights Committee members, Tehsildars, Revenue Inspector and Forest Department officers.**
- Since demarcation of forest village boundaries have not yet been demarcated, conflicts are arising amongst neighbouring villages regarding resource use from the forest.
- After verification of claims, the report is not being presented to the palli sabha. As a result, claimants have not had the chance to appeal. **Therefore, a copy of the verification report should be submitted to the palli sabha.**
- In spite of the FRA being in force, community rights within Protected Areas, such as grazing, rights over water bodies, collection of NTFP and community forest rights are not being permitted as per WLPA guidelines. **Therefore, a circular should be issued to denationalise kendu leaf and bamboo.**
- The process to determine the habitat for Primitive Tribal Groups should be developed.

Source: Consultation on Issues & Concerns on Implementation of FRA in Orissa, Orissa Diary, 21.2.08
<http://www.orissadiary.com/ShowEvents.asp?id=10960>

Koraput: Sonia blames Naveen Patnaik govt. for problems faced by adivasis in Orissa

At an election rally in Lumburi village in Koraput, Congress president Sonia Gandhi blamed the Naveen Patnaik govt. for the plight of adivasi communities in Orissa. Gandhi claimed that the UPA govt. at the Centre had enacted the "Forest Land Rights Act" for the benefit of the people living in forests for generations. Gandhi said, "While the Centre provided funds for different welfare schemes, the Orissa govt. failed to utilise them properly. She asked the people to bring back the Congress to power for the development of tribals in Orissa.

Source: 'Sonia blames Naveen Patnaik govt. for sufferings of adivasis', *Times of India*, 2.4.09
<http://timesofindia.indiatimes.com/India/Sonia-blames-Naveen-Patnaik-govt-for-sufferings-of-adivasis/articleshow/4351099.cms>

JHARKHAND

Jamshedpur: Road plan obstacles are resolved using FRA

The forestland hurdle in the construction of a road in Kharkai, Jamshedpur has been resolved. Following a directive from the Seraikela-Kharsawan District Administration, Commissioner of Ward No. 15 of Adityapur Municipal Council Vinita Sahay convened a meeting of residents today and recommended transfer of 69 decimal forestland to the state for construction of the road. The FRA has a provision that if forestland to be acquired is less than an acre and there are less than 75 trees on it, then the gram sabha has the right to recommend its acquisition. Although the clearance for the acquisition of the forest land has to be made by the Centre, the Forest Department has said that it will not put any objection once gram sabha gives a recommendation for the same. "I have recommended the transfer of forest land to the state government. The problem of forestland acquisition has been solved." said Sahay.

Source: *Kumud Jenamani, 'Road plans steers clear of land block', The Telegraph, 27.2.09*
http://www.telegraphindia.com/1090228/jsp/jharkhand/story_10602606.jsp

WEST BENGAL

Siliguri: NFFPFW alleges that patta distribution is faulty

The North Bengal wing of the National Forum of Forest People and Forest Workers (NFFPFW) has decided to move to the Calcutta High Court over a recent distribution of land titles by the State Government in the Dooars. The Administration has so far distributed about 150 land titles amongst tribal communities. However, NFFPFW alleges that the distribution was "in violation of the Forest Rights Act 2006 that requires a mandatory conversion of forest villages to revenue villages before land titles can be issued in any forest area." Soumitra Ghosh from the NFFPFW said, "Twisting the Act, the administration is issuing titles on piecemeal plots and that too without the consent of the concerned gram sabhas established under the Act." Around 50 such gram sabhas plan to jointly challenge state action before the High Court. State Backward Classes Welfare Minister, Jogesh Chandra Barman called NFFPFW's allegation false and pronounced the administration's firmness in going ahead with land title distribution in forest areas. He said, "We are very much within the limits of the FRA and if any organization has any problem over the Act's interpretation, they are welcome to sit with the District Magistrate for a debate. The fact is that NFFPFW's allegations are motivated by vested interests with an eye on foreign funds in the name of tribal welfare." The minister also accused the organization of misleading a section of the Dooar's forest-dwellers over the issue.

Source: 'Forest dwellers allege patta distribution faulty', *The Statesman*, 5.3.09
<http://www.thestatesman.net/page.news.php?clid=10&theme=&usrss=1&id=246019>

Siliguri: Fact-finding team: State govt ignoring FRA in the Dooars

An independent fact-finding team of teachers, human rights activists and political personalities heavily reprimanded the State Govt. for allegedly flouting the FRA in the Dooars region of Jalpaiguri. The fact-finding team said that the state administration was twisting the FRA when implementing it in the Dooars. They accused the administration of depriving forest-dwellers of their constitutional rights. "We visited several villages in the Dooars three times from April 2008 and witnessed the FRA provisions being flouted so that the forest

department and local panchayats could retain their control over the forest-dwellers," said the fact-finding team's coordinator, Ajit Roy. Roy, who teaches commerce at the North Bengal University, was joined by two retired NBU teachers, Ranjit Pal and Shukla Pal. They were all part of the voluntary 12-member fact-finding team. The team observed Major anomalies. These included the inclusion of forest and administrative staff in gram sabhas or village committees, the civil administration's issuance of deadlines to forest dwellers for submitting land occupancy claims, and the distribution of land titles or pattas bypassing the gram sabhas. "As per the FRA provisions, no government officials should be a part of the gram sabha. It has been declared the supreme authority to record land claims and settle them accordingly," said Roy. "Besides this, by imposing upon the forest dwellers the administration is insisting on the formation of one gram sabha for a cluster of villages. But the FRA makes it clear that each forest village or basti must have a gram sabha in place," said Pal. The team also criticised the state backward classes welfare minister, Jogesh Barman. Their criticism centred on Mr Barman's accusation that the National Forum of Forest People and Forest Workers (NFFPFW) was hampering the FRA's implementation by misleading forest-dwellers in Dooars. The fact-finding team, which last visited the Dooars forests in December, will soon submit its findings to the District Magistrate of Jalpaiguri.

Source: 'State Government ignoring the Forest Rights Act in the Dooars', *The Statesman*, 13.3.09
<http://www.thestatesman.net/page.news.php?clid=10&theme=&usrssess=1&id=246780>

UTTARAKHAND

Dehradun: Van Gujjars denied customary forest rights

While the rights of forest-dependent communities across the country are being recognized under the FRA, the Van Gujjars of Uttarakhand have been denied entry into their traditional grasslands in Uttarkashi district. Earlier in the month, they had left for their summer resident in the high altitude grasslands in Govind Pashu Vihar National Park. However, at present, the tribesmen are stranded on the road with their families and cattle since forest officials have denied them entry. Reports state that with temperatures rising, their cattle are on the verge of starvation with no fodder and water and their family members are also falling ill. Although, several delegations of the community have met with officials, there has been no response from the govt. to reverse action. The community alleges that this restriction was planned by the Uttarakhand govt. in advance. Firoz Kasana, a Gujjar leader said, "While every year, we receive receipts for grazing tax and lopping tax from the Forest Department, last year we were not issued these despite paying the taxes. This was a deliberate move by officials to prevent us from going to highland pastures this year." Munesh Sharma, field coordinator at SOPHIA (an NGO working for the Gujjars) says that this was a ploy to deny proof to the Van Gujjars and set back their process of filing claims under the Forest Rights Act. It is alleged that this move is an attempt to deprive 100-odd Van Gujjar families of their migration and grazing rights so they are unable to lay a claim to traditional forest grazing lands under this Act in Uttarakhand. "This last-ditch strategy of the Forest Department to terminate the rights of poor forest-dependant communities so that they cannot claim any right on minor forest produce under the Act is illegal and an insult to the Van Gujjar community and marginalised sections," alleged Parveen Kaushal of SOPHIA. A Van Gujjar delegation has also met officials of Rajaji National Park and pleaded for their claims on forest rights as well as permission to journey through the park to grasslands in the hills. However, Forest Dept. officials argue that these Van Gujjars are not residents of the State but residing in Uttar Pradesh. Sabran Lal, Deputy Director of Rajaji National Park said, "We have neither given them permission nor stopped them. A decision is pending." While in neighbouring state of Uttar Pradesh, Van Gujjars have been elected members of Forest Rights Committees, there has been no move to implement the Act in Uttarakhand.

Source: SMA Kazmi, 'Van Gujjars in nowhere land', *The Tribune*, 2.4.09
<http://www.tribuneindia.com/2009/20090402/dplus.htm>

NEWS FROM CRITICAL WILDLIFE HABITATS

No news

UPCOMING EVENTS

No upcoming events

READER'S WRITE IN

Forest Rights Act – Emerging Issues in Bhimashankar Wildlife Sanctuary

Pradeep Chavan,
Kalpavriksh, Pune

The Forest Rights Act is a good step towards the securing and establishing the traditional forest rights of tribal communities. In this regard, many NGOs, government departments, individuals as well as indigenous people across India are engaging in the process of claiming the legal rights to the forest. In Bhimashankar Wild life Sanctuary in Pune District, the implementation process of the Forest Rights Act is proceeding very slowly.

Moreover, many forest-dependent individuals within Bhimashankar WLS are not ready to fill the forms to claim their rights. According to them, these forms could be used by Forest Department to prove that tribals are causing destruction by accessing forests in the form of NTFP, fuel wood and timber for their basic needs. Since the creation of the Sanctuary, people have felt the threat of eviction from the Sanctuary in the name of protecting the forest and wildlife. Most forest officials and workers also always added more fuel to existing fears, which has pushed people to oppose the sanctuary even further. Additionally, people also fear that someone, under the guise of claiming forest rights, will collect information from them and send it to the Forest Department for further action to drive them away from their own land. In context of this issue, some NGOs working in Bhimashankar on the Forest Rights Act, tried to convince them about the real spirit of the Act, including explaining that the Act is clearly applicable on all forested areas including all Wildlife Sanctuaries.

An additional issue that we have faced while working in Bhimashankar is that some villagers within Bhimashankar don't gather for meetings, discussions and gram sabhas. This has also caused significant delay and reluctance in starting the process. In some villages where processes have started, they are very slow due to less facilitation, informational support, less availability of government forms and lack of local leadership.

Finally, an important issue is the role of government departments or Nodal Agency. As the representative of Nodal Agency, the Integrated Tribal Development Project (ITDP) office is responsible for the implementation of the FRA on ground. However, as per the discussions with the ITDP based in Ghodegaon, we realized that they don't have adequate knowledge and information, which is the most fundamental part of the claims process. As per records, ITDP, Ghodegaon has organized trainings programmes for Forest Rights Committees in all villages in Bhimashankar Wildlife Sanctuary. Yet, on the ground most of the villages have not yet formed the committees. ITDP also claims to have under taken trainings of gram sevak to help to Forest Rights Committee. However, in many places gram sevak are not doing anything to support the committees.

These are the major issues vis-à-vis implementation of the Forest Rights Act in Bhimashankar area.

FRA implementation: update from North Bengal and a call for solidarity

Soumitra Ghosh

North Eastern Society for the Protection of Nature (NESPON)

The Government of West Bengal has started the end-phase of their typical implementation of the FRA in style, so to say, before the Parliamentary Elections. 'Pattas' are being distributed to some of the ST families in the forest villages of North Bengal, keeping in mind that only those villages are selected in the initial stage where the CPI(M) has a footing. As far as could be ascertained, in the last one month, pattas have been issued to the villagers in Lataguri area near the Gorumara National Park, and then, to a handful of villagers in the Moraghat Range of the Jalpiguri Forest Division. One hears that the process will also take off in the Buxa region soon.

There are two noteworthy items in this 'patta' process.

One, the villagers have not been informed about the community claims, or, for that matter the role of gram sabha in processing those or the individual claims. Claims that have been submitted to the Block Office/Forest RO/Panchayat so far have not been endorsed by the concerned gram sabhas, and in fact the gram sabha has not met to process or endorse those claims. What then is the legal basis of the 'patta', one asks, and in vain. Apparently, the gram sabha has met 'in camera' and forwarded the proposal in a clandestine manner, or, so the SDLC/DLCs have decided. Otherwise, how could they have entertained those claims which resulted in pattas?

(The Pattas given away could not be studied yet. What we heard is that pattas are being given on the amount of land the local forest staff decided the villagers are entitled to, and not on basis of actual possession).

Two, most of the forest villagers in North Bengal have so far braved a planned and concerted attack by the forest department, the district administration and the vested political interests to assert their rights over the forests. They clearly conveyed, in writing, that they consider West Bengal Government's way of implementation wrong, and they want complete rights, and not just pattas. In an agitation that has now been continuing for more than a year, the forest villagers of North Bengal, especially, the ravas, the indigenous forest community of the area, has effectively challenged the authority of the forest bureaucracy. In many areas, community conservation efforts have started spontaneously, and the commercial forestry operations were brought to a complete halt by the gram sabhas in Coochbehar and Kurseong Forest Divisions, where the gram sabhas invoked the section 5 of the FRA to stop CFC and other commercial operations.

This naturally led to an 'overall' situation which the forest department disliked intensely. So did the political parties, as the new-found sense of being empowered by the FRA helped the villagers to challenge their political hegemony, and their design with the FRA has been exposed for what it is: an politically motivated electoral exercise. Expectedly, in sort of a counter-offensive, the administration and political parties started blaming 'maoists, foreign-funded NGOs and a certain organisation in Siliguri(meaning NESPON) in turn for the FRA impasse. This blame-game became more ominous and intimidating when the State Backward Classes Welfare(WB version of Tribal Welfare) Minister Jogesh Burman, and his colleague Ananta Roy started naming NESPON and its Secretary(me) personally in public as the 'bad', 'designing' NGO and force who are misleading the 'innocent, simple-minded Rava villagers' , and charged this 'agency' with the crime of playing 'vile and dirty games'. Jogesh Burman promised 'drastic action' against this agency.

It is utterly incomprehensible(or is it) why the party which championed the JPC Report and welcomed the FRA will take a stand that effectively reduces the historic act to a mundane, bureaucratic exercise of patta-giving, and why the government run by the party will issue a

new circular(December 2008) for legitimizing JFM in the post-FRA situation. The circular challenges everything that is written in the FRA(particularly section 5, and all forest rights in Section 3 other than land, including community rights), and is now being used to organise non-forest village populations against the forest village gram sabhas. The Forest Department is blackmailing the forest villagers with withdrawing development projects(Funded by the central Forest Village Development and other tribal schemes) if JFMCs are not formed, and gram sabha ban on CFC is not revoked.

Who is misleading, confusing, threatening the people? Who is playing 'dirty', 'political games'?

While the forest villagers in North Bengal and their organisation NFFPFW justifiably ignore the slanders, and promise to strengthen their struggles, we call upon everybody to condemn CPI(M)'s efforts in West Bengal to politicize the FRA for electoral benefits, and its pointless attack on a particular organisation or a person. A NGO or a person can be slandered, attacked or be subject' of 'drastic actions'. An issue and a peoples struggle cannot be thus silenced.

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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