

COMMUNITY FOREST RIGHTS UNDER FOREST RIGHTS ACT
A Citizen's Report on Status and Recommendations¹

Vasundhara and Kalpavriksh
In collaboration with Oxfam

1. Status of CFR Implementation

The Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereafter called FRA), is in implementation since 2008. Till 29 February, 2012, more than 31.7 lakh claims have been filed and more than 12.54 lakh titles have been distributed (status report of MoTA). As per the government report and also reports from the civil society groups the provisions for community forest rights have remained largely unimplemented. The joint committee of MoEF and MoTA on Forest Rights Act has also clearly indicated that the *progress of implementation of the Community Forest Rights (CFRt) is abysmally low*. As per the latest (for the period ending on 29-02-2012) progress report on MoTA website, the status of CFRs is given in the following table².

State	Claims for CFRs filed	CFR Titles distributed
Andhra Pradesh	6714	2106
Assam	5193	860
Chhattisgarh	4736	775
Gujarat	8723	1608
Karnataka	2785	1
Kerela	1369	-
Madhya Pradesh	8917	-
Maharashtra	3988	423
Orissa	2321	798
Rajasthan	334	45
Tripura	277	55
Uttar Pradesh	1135	814
West Bengal	7824	108

¹ This note is an outcome of contributions of information through the CFR-LA (Learning and Advocacy) Process from multiple Civil Society Organisations and individuals working in implementation of CFRs, observations from CFR case studies undertaken with support from Oxfam and inputs of participants in the National Consultation on CFRs. The National Consultation was organised by Kalpavriksh and Vasundhara on March 10-11, 2012 in Delhi, in collaboration with Oxfam and with support from FES and GEF-SGP.

² Bihar, Himachal Pradesh, Jharkhand have not provided information on how many of the total claims and titles were CFRs. Kerela and Madhya Pradesh have not provided segregated information on how many titles distributed were CFRs.

There is little information available on the extent of area under these claims. Compared to the number of villages reported by Forest Survey of India as having forests (about 170000), with a total of about 32 million ha., it seems that the vast majority of forest dependent villages and communities have not been able to claim or get their CFR rights recognized.

In any case, as per information received from civil society groups, and as concluded also by the MoEF/MoTA Joint Committee, most of the above reported claims (made or accepted) are for developmental facilities (under Section 3(2)), *not* community forest rights (under Section 3(1)), which are so far very few. For example, out of the 750 community claims recognised in Chhattisgarh almost all titles are given for Sec 3(2) barring one or two where few of the MFP rights have been given (as reported by Nadi Ghati Morcha).

As shared by the groups there is incorrect reporting by states as in many states community claims filed are not reported in the status report. Some states are exaggerating status report (e.g. Gujarat). There is no information on rejection of claims.

2. Initiatives on community forest rights

Though the overall achievement of CFRs is very poor, there are a number of states where there has been considerable initiative by communities, civil society organisations or officials in moving the process forward, and in some, successful recognition of the claims. Some examples are given in the annexure.

3. Key issues in recognition of CFR and governance of community forest resources

Inadequate awareness and support to claim making:

There is a general lack of awareness about CFR provisions among local communities, PRI representatives and government officials in most states. There is absence of copies of the Act and rules in local and regional languages. While in some areas there is proactive role, in many others district administration is not actively facilitating process of claim filing by *Gram Sabhas* or providing supporting documentary evidences. In many areas where Forest Rights Act is being implemented the major focus is on individual forest rights, with claim form B (for community forest rights) not even being distributed.

Institutional gaps:

The necessary institutions to support and facilitate the process of recognition of rights under FRA are not in place, or not functioning as they should, at the central level and at the state and ground level. In many cases there is an undue influence of and reliance on the forest department for carrying out the processes of rights recognition. Also, at the ground level the *Gram Sabhas* are held at the Panchayat level in many of the states like Rajasthan and forest rights committees are formed at the Panchayat level. The SDLCs and DLCs are not constituted in many areas whereby the process of implementation has not started (e.g. in Gujarat the tribal department has implemented only in tribal districts leaving out the other parts like Kachchh where local communities, Maldharis of Banni, are demanding their forest rights). Even where formed, in many places the SDLCs and DLCs are not meeting regularly. The State Level Monitoring Committees are not sitting regularly and are not monitoring the implementation on a continuous basis which is why there is a serious gap in dealing with grievance and appeals coming from community level on issues of implementation and violation of rights. The process of CFR recognition has not even started in 'conflict zones' such as regions of Chhattisgarh where villages have been shifted to camps.

In some areas of West Bengal, the SDLC committees have formed a lower level committee to do FRA implementation, which is a Block Level Task Force committee—though this committee has no existence in FRA 2006 implementation process (rule FRA 2006). BLTF, in collaboration with forest department, is finalizing village lists where FRA 2006 would be implemented (here the forest department has total control, they are selecting only permanent forest villages and publicly announcing that only tribal families would receive pattas; interestingly, they are not discussing community claims and very recently the forest minister of West Bengal has announced in a press conference that the tribal population in Darjeeling District would receive pattas, though all villages of this district have not even submitted claim forms.

In Himachal Pradesh, the Tribal Development Department is the nodal agency but it seems to lack in field staff. The revenue and panchayati raj department officials were trained for the implementation at village level. Here community claims have been only filed in Kinnaur and there is no information about any right having been recognized. In Uttarakhand the nodal agency is “Samaj Kalyan Department” which is not interested and/or informed enough about the Act and considers its implementation a huge added responsibility without adequate human power to implement it. In some states, like Chhattisgarh, even if tribal department is the nodal agency it is found that forest department is looking after the implementation the Act. There is a lack of coordination between the tribal department and other concerned departments of forest and revenue affairs; and in states like Maharashtra and Rajasthan an undue say or influence seems to be given to the forest department in decisions regarding claims. At the central minister’s level the necessary support and information mechanism seem to be absent, and the coordination needed between MoTA, MoEF, MoRD and other relevant ministries appears to be weak.

Prescribing invalid procedures for claim filing:

In Chattisgarh, the Secretary of the Nodal Agency has reportedly refused to take the claims containing the NTFP details (Sec 3 (1)), saying that communities must not claim rights over forest produce since they have already been given these under PESA. In Rajasthan, an 11 page format (*kulak*) is being distributed and used for individual rights and CFRs. This requires signature by sarpanches, gram sachivs, patwaris, foresters, FRC members, (FRC, SDLC, DLC members), making it almost impossible for even educated people to get it done without dealing with the rent-seeking bureaucracy. Such invalid and cumbersome procedures deter forest dwellers from seeking recognition of their rights. Moreover, artificial conditions are also being imposed on the extent and kind of claims such as recognizing boundaries only under JFM or in nistar records, or restricting community claims to NTFP collection.

Information gap and lack of transparency:

There is a lack of information regarding status of claims and recognition of CFRs. Even the government website on Forest Rights Act doesn’t provide any break up of what all community forest rights have been claimed, are being processed, recognised or rejected. The claims reported are mostly developmental facilities and claims under section 3 (1) and section 3 (2) are not disaggregated, let alone further disaggregation of the subsections of 3(1). In areas like Chhattisgarh, Rajasthan, Dadra Nagar Haveli and parts of Maharashtra, such as Raigad, only rights under section 3(2) of FRA (i.e. public utilities) are predominantly being received as CFRs. This also appears to be because of a lack of appropriate information to the claimants as well as govt officials. As already pointed out, the procedure for diversion of forest land for community facilities is totally different from the one for claiming rights under sec 3(1).

Not transmitting information about acceptance/ rejection to the claimants can seriously hinder the exercise of rights recognition. In Dediapada and Sagbara tehsils of Narmada district in Gujarat, 23 villages filed for CFR claims (3 (1) (b, c, d, i, k) more than 2 years ago. Although the SDLC has sent

them to DLC for final approval, this has not been communicated to the respective *Gram Sabhas*. The information was only received by the local CSO Arch Vahini upon filing an RTI. No reporting of rejection of claims or the reasons for rejection makes the process non-transparent and discouraging for claimants.

There also seems to be a mismatch between the claims recognized and claims reported in the MoTA status report. For example in Gadchiroli district of Maharashtra 350 villages have got CFR rights over an area of 3.5 lakh acres which is not reflected either in the Maharashtra FRA website, or in the MoTA updates. As another example, the data given for Gujarat (1608 titles as distributed) by the MoTA on its web-site seem to be wrong. As per information available with Arch Vahini, no titles for CFRs have yet been given in Gujarat. This has also been acknowledged by the State Government in an affidavit filed in the Gujarat High Court in their PIL (ARCH v/s state of Gujarat). In West Bengal, as per knowledge of NESPON, though the official records shows that CFR claims have been settled in 12 forest areas in Jalpaiguri district no CFR titles have been distributed to the local communities. There is also little consolidated information available to the claimants regarding the amount of forest area around each village, to guide and support the process of CFR claims.

Rights to protect, conserve and manage community forest resources:

Local communities are not being made aware or encouraged to claim the right to protect, conserve and manage community forest resources under Section 3(1)i in many areas. Even the CFR claim format doesn't mention rights under section 3(1)i. Also there has been improper recognition of Community forest rights according to boundaries of JFM/VSS areas instead of customary boundaries (as in some areas of Kalahandi district of Orissa) which discourages use of local and traditional institutions for forest management and protection.

Rights of other traditional forest dwellers:

Claims from OTFDs are not recognized in most states, partly due to the wrong interpretation that they require to have occupied land for 3 generations (and not only to have resided in the area for this period), partly due to the difficulty in finding evidence, and partly because oral evidences from elders in such villages is not being accepted. In areas like Ranpur block of Orissa community claims by OTFDs have atleast been filed, though not yet considered, in other states such as Andhra Pradesh and Gujarat there have been negligible claims filed by OTFDs. Insistence on documentary evidence for living in the area for 75 years has deterred the process.

There has also been an unfortunate misunderstanding of the Act as a 'Scheme for tribals', neglecting the OTFDs in many cases. e.g. in Gujarat the tribal department has implemented only in tribal districts leaving out the other parts like Kachchh where local communities, Maldharis of Banni, are demanding their forest rights). There have also been reports of officials commenting that the Act will be implemented for STs first and OTFDs later on, as noticed in Ranpur in Orissa.

Rights of PTGs (Particularly vulnerable Tribal Groups), shifting cultivators, nomadic and seasonal pastoralists:

The provisions for community/habitat rights of PTGs, pre-agriculture communities and shifting cultivators, seasonal access of nomadic and pastoralist communities, are not implemented so far. PTG communities have been demanding and claiming their rights in different states, for example in Odisha where habitat rights are claimed by Juangs in Keonjhar and Dongria Kondhs in Niyamgiri.

Rights of nomadic and pastoralist communities such as Mankadias in Simlipal, Raikas in Rajasthan, Van Gujjars in Uttarakhand, Maldharis in Gujarat and Gujjars in Rajasthan among others, also remain unaddressed. There is lack of clarity on mechanism for claiming rights involving multiple *Gram Sabhas* especially in the case of nomadic tribes and seasonal pastoralists. As a specific case, the FRA process has not even been started in Kuchh district of Gujarat. Two local NGOs, Sahjeevan

and Banni Breeders' Association, have launched an awareness programme on FRA with Panchayats of Banni. Now pastoral communities of Banni are becoming aware of FRA and its process for CFR and demanding its implementation. They do not want individual rights as they have been using the Banni grassland (an un-surveyed area gifted to the maldharis by an ex-rajah) as commons since centuries. The Panchayats are also requesting that implementation of FRA in Banni be started as early as possible and that Forest Department stops implementing their Working Plans in the area which violate their traditional grazing rights. Panchayats of Banni are in the process of formation of FRC (Forest Rights Committee).

There is also the problem of rights to shifting cultivation lands being treated as Individual forest rights over currently cultivated plots as happening in Tripura. This is a serious concern because it risks treatment of the rest of the shifting cultivation land customarily used as 'encroachments' by the forest department or other Government departments.

Recognition of CFR in protected areas:

CFRs have been recognized in only a few protected areas like Simlipal Tiger Reserve in Orissa and BRT Tiger Reserve in Karnataka. Recognition of forest rights in protected areas and tiger reserves continue to be a major concern with relocations and evictions reported in from protected areas like Bandipur and Nagarhole National Park in Karnataka, Simlipal in Odisha, Sariska in Rajasthan, Udanti, Achankamar in Chhattisgarh, without any recognition of individual or community rights in violation of FRA. It has also been observed (as in Sariska Tiger Reserve of Rajasthan) that the relocation in practice simply involves including a monetary 'settlement of rights' as 30% of the relocation package instead of recognition of rights and completion of the FRA processes. Such a practice is in violation of FRA. The protocol released by the NTCA on relocation from tiger reserves is not in conformity with the FRA and is apprehended to lead to more violation of forest rights in the tiger reserves. In Tamil Nadu declaration of tiger reserves and elephant corridor in the forests of Satyamangalam, Mudumalai has caused concern among the local communities who fear displacement. In Kumbhalgarh Wildlife Sanctuary, the FRA rights recognition processes are being postponed and discouraged in the pretext of the ongoing process of its conversion into a National Park. In some of the PAs the Supreme Court order on NTFP collection in PAs has been used as excuse to prevent claim process. The provision of declaring CWHs within Protected Areas under FRA also remains unimplemented.

Conversion of forest/ unsurveyed villages:

The provision for conversion of forest/ unsurveyed villages into revenue villages remains unimplemented in most of the forest villages, with some notable exceptions like Gadchiroli in Maharashtra, and three forest villages in Uttar Pradesh. There has been little identification of unsurveyed and unrecorded villages within forests for implementation of FRA. There seems to be no guideline issued by the MoTA for the procedure for such conversion which lower level officials are asking for (although Uttar Pradesh State Government has issued some guidelines for conversion). Further, although the claim for such conversion needs to be a community claim, the claim forms attached to the rules only provide for claiming individual land rights in forest/unsurveyed villages. There has also been ambiguity about procedure for conversion of forest villages into revenue villages because of MoTA circular dated 25 February 2008. This is because the circular requires the conversion process to follow the MOEF guidelines issued in 1990 (FP 5) which require compliance procedure under Forest Conservation Act, i.e, paying the net present value, compensatory afforestation etc. whereas as per section 4 (7) of FRA, forest rights shall be conferred free of all encumbrances and procedural requirements.

Rights in municipal areas:

Rights on forest land in municipal areas are not being considered under FRA in most states. In places like Singrauli, UP, this is a serious problem. MoTA's circular that the FRA does not apply in such areas since SDLC and DLC can not be formed in such areas is discriminatory against those communities who are caught in the middle of rapidly urbanizing processes, even when they continue to be dependent on forest lands. There is also some ambiguity regarding applicability of the Act in Municipal Areas since in MoTA letter dated 21-1-2009, with respect to Municipal and Panchayat Areas of Korba district of Chhatisgarh, MoTA considers occupants applicable for claiming rights under FRA as long as they have a village institution which bears the same meaning as '*Gram Sabha*' as defined in the Act.

Inadequate or inappropriate titles:

It has been noticed in many cases (e.g. Ranpur in Odisha, Dahanu district and Gadchiroli district in Maharashtra) that titles being given are less than the area under customary use. Often only the area under JFM is recognized, and titles given in the name of the JFMCs as reported from the states of Andhra Pradesh, Odisha. Titles in many cases are imposed with conditions which are not in the FRA and violate Sections 3&4 (e.g. that government programmes and rules will continue to operate in CFRs), causing illegal restrictions on rights as in Gadchiroli district in Maharashtra and Kalahandi district in Orissa. Furthermore, instead of being in the name of *Gram Sabha*, there are cases where titles for community forest rights are issued in the names of VSS or FRC or Gram Panchayat or even individuals.

In Gadchiroli, most of the CFR titles that have been issued after Mendha-Lekha and Marda villages, are issued with conditions. Some of these conditions include, "villagers can not obstruct any activity already approved by the state or the central government in the claimed forest", "villagers can not take up new construction work in the area over which other traditional rights have been granted", "all the notifications and rules issued by the Government from time to time would be mandatory for all". Once such titles were received in the district the civil society network provided a coordinated help and facilitated the process of filing an appeal against these grants to the state Monitoring Committee. As on January 2012, it had already been over a year in some villages since these appeals had been filed but no action had been taken.

Problems in exercise of rights and management of community forest resources:

Even where titles have been given, *Gram Sabhas* are faced with a number of hurdles in exercising their rights. This is primarily due to lack of clarity regarding post title governance and management in the contested space of forests. These include:

- There is much ambiguity regarding the role of forest department and other government agencies once CFRs are recognized. This is especially relevant in view of continued operation of forest department control and works, even where communities are objecting to these, such as plantations and working plan activities (in Rajasthan and Odisha, government is collaborating with funders like JICA to implement forestry projects under which plantations are carried out in community lands claimed under FRA. In Kuchh in 2009 FD prepared Banni Working Plan without consulting pastoral communities residing there from centuries. Thereafter, 16 out of 19 Panchayats have sent notices to the chairperson of SLMC of Gujarat state, regarding this matter of FD violating grazing rights of pastoral communities);
- Continuation of JFM or related programmes, including through very recent, new resolutions (e.g. in Odisha and Maharashtra) which may not directly hinder FRA but is in contradiction to many aspects of community forest governance;
- There is also a lack of clarity on what specific powers remain with the *Gram Sabha* for exercise of the granted rights and management of Community forest resources. There has been a refusal of the forest department to authorize *Gram Sabhas* to give transit permits for

transporting the NTFP over which they now have ownership, and inaction by governments to give *Gram Sabhas* the power to issue TPs despite of the letter issued by MOEF dated 21 March 2011 (with the exception of Mendha-Lekha and a few other villages in Gadchiroli in Maharashtra).

- Continued operation of government prerogative in diverting forest lands for non-forest purposes, under the Forest Conservation Act despite the Ministry's own circular of July 30, 2009 (this point is separately dealt with in this note).

The above and other violations of community rights, along with lack of convergence between different forest related laws and policies is taking place partly because the government has not issued any clarification on the relative powers, roles, functions, and responsibilities of the *Gram Sabha* and forest department, despite clear recommendations on this from a number of sources including the MoEF/MoTA Jt Committee and the NAC.

There are serious apprehensions at the community and civil society level regarding the negative impact of the proposed Green India Mission and the REDD mechanisms on the forest rights and local governance.

Diversion of forest lands for non-forest purposes:

Forest land diversions on a large scale (with about 2 lakh hectares diverted since FRA came into operation) are taking place without compliance to the Forest Rights Act and the MOEF circular of 30 July 2009. Cases of diversion of forest land and violation of FRA have been reported from most states. Local communities have protested against forest diversion in cases of POSCO, Vedanta and Renuka dam on basis of non compliance with this circular but clearances given to such projects continue. Further, leases and contracts in forests (eg. For paper mills in Gujarat and Maharashtra) and continued work of plantations by Forest department continue without any consultation or consent of *Gram Sabha*. Both state governments and the central government (MoEF) are in serious violation of the law, in pursuing such clearances.

There are also apprehensions that the proposed Land Acquisition Bill and Mines and Minerals Development Regulation (MMDR) bill will make it possible for government to take away rights recognized under FRA. Overall the existing laws like Forest Conservation Act and Wild Life (Protection) Act as well as policies and programs particularly on forests and MFPS need to be reviewed in view of the rights recognized under FRA and to facilitate exercise of the rights and community management of CFR).

4. Key recommendations

Many previously discussed recommendations along with new suggestions and submissions were submitted to the MoTA on March 10, 2012. A specific suggestion was to issue comprehensive Government Orders to states, specifically focusing on CFRs and containing most of these clarifications.

1. Strengthening national, state and local processes of implementation

MoTA's role in implementation of the Act should be made clear to all different levels of agencies and dependence of forest department officials for implementation should be minimized. MoTA's monitoring and information gathering system needs major improvements such as disaggregated information and a mechanism for verification of state level information. Regular progress reports by districts and states should also be made publicly available.

The MoTA unit dealing with the FRA, should help states to prepare a full list of villages that have forests adjacent to them (using FSI, Census and other data as a base, updating it as necessary), and monitor progress on how many of these are being facilitated to make claims and receive CFR titles.

2. CFR Campaign on mission mode

MoTA in association with state tribal/social welfare departments and civil society networks, needs to launch a fresh CFR campaign on a mission mode. This should include mass awareness programmes using mass media, training sessions for FRC/SDLC/DLC members, production and distribution of *simple, accurate material* especially 'how-to' guide or ready reckoner in multiple languages, and other such activities.

This should also include preparation and distribution of a Form C for claiming right to protect, regenerate or conserve or manage any forest resource (Section 3(1)i). Minor changes in rule 6(1) and 11 should be made for this. In addition, MoTA needs to give very specific instructions to states where no implementation has taken place yet. Where FRA is being implemented MoTA needs to issue instructions (or add to a separate Government order on CFRs) that no artificial restrictions will be placed on the extent of claims and customary boundaries will be respected.

3. Institutional support from central ministries and state governments:

Guidelines need to be issued by MoTA clarifying that *Gram Sabhas* are to be convened at the level of individual compact settlements of the hamlet or village, and for identification of such villages and the procedure for functioning of *Gram Sabhas* to deal with the FRA.

The SLMCs should be activated and asked to meet at regular intervals to guide and monitor the process of implementation, and should involve the tribal research institutes and civil society organizations in the process; to ensure this happens, release of tribal sub-plan funds should be tied to the activation and regular functioning of SLMCs (utilizing also the monitoring results of the proposed National FRA Council).

The DLCs and SDLCs need to be constituted in areas where they are not yet constituted and need to meet at regular intervals to facilitate the FRA process, and should involve civil society groups in the process.

The Joint MoEF-MoTA Committee has recommended appointment of officials dedicated full-time to FRA implementation, at subdivisional and district levels. In addition technical advisory teams, with civil society members, should be created to help SDLC and DLC in their tasks and also at the village cluster level to enable communities to carry out boundary demarcation and mapping of CFRs. These personnel dedicated to FRA implementation can be funded through the tribal sub-plan and other relevant schemes.

4. Facilitating *Gram Sabhas* in claim filing

Clear instructions should go from MoTA to all states, directing that forest, revenue, and district administration officials be instructed to urgently and pro-actively provide all necessary records and evidences to *Gram Sabhas*, to facilitate CFR claims. Where required, FRCs and *Gram Sabhas* can be assisted in boundary demarcation and other processes while making the claims, by the teams mentioned above. There should also be specific focus on explaining and clarifying the differences between CFR claims under section 3(1) and diversion of forest land for public utilities under section 3(2) by the different specified procedures to avoid confusions in claim filing. MoTA also urgently needs to clarify that ward sabhas or pre-existing hamlets in municipal but forested areas are equally eligible for claiming rights under the FRA.

5. Ensuring customary boundaries

MoTA should issue a circular to all states, asking them to ensure that CFR claims and titles follow customary boundaries, and are not artificial restricted by considerations such as pre-existing JFM, Van Panchayat, or other such boundaries set by government agencies.

6. Focusing on nomads, PTGs, shifting cultivators, and women

Particular attention is needed to CFR and habitat rights, and to the needs of disprivileged groups such as PTGs, nomads, shifting cultivators, and women. Guidelines need to be issued for facilitating claims of these sections, including through relevant action by SDLCs. Special processes will be needed in the case of nomadic groups, as they find it difficult to make claims all along their route. In the case of PTGs, recommendations of a national workshop organised by the MoEF/MoTA Jt. Committee in 2010, should be urgently considered by MoTA, especially to issue clarifications to states on the concept of 'habitat'. Rights of PTGS also need to be pro-actively recognized and declared suo moto by the Government using the criteria which had been used to declare them as PTGs in the first place as evidences of their forest rights

7. Rejections of claims

As per the Joint Committee Report of 2010, instructions should be issued clarifying that rejections cannot happen at the SDLC level, its role is only to examine the claims and make necessary recommendation on the draft record of forest rights to the DLC. The Standing Committee of MoSJ has also instructed MoTA to review rejected cases on their merit and undertake at once a sample survey of rejected claims.

Information regarding the recommendations made by SDLC needs to be provided to the concerned *Gram Sabhas* and claimants, to give them opportunity to appeal as required under the law.

8. CFR titles

MoTA should issue clarification to states that CFR titles should be in the name of the *Gram Sabha*, while respecting specific rights to specific families or user groups of forest-dwellers (but not FRCs or VSS or Panchayat or EDC or any other JFM Committee). Additionally, it should direct that titles cannot be issued with any conditions that do not emanate from the FRA itself, and that all such titles issued in the past must be rectified. Titles should be given on all rights claimed and over full area claimed by *Gram Sabha* as per customary boundaries. The recognized forest rights should also be registered in the revenue and forest records.

9. Compliance of FRA in forest land diversion; conversion of July 2009 circular into rule

The July 2009 circular of MoEF, on making FRA implementation and *Gram Sabha* consent compulsory before granting clearance for diversion of forest land, should be expanded to include other forest land uses such as plantations, and be made legally binding through rules under FRA or FCA. While such a legal change is under process, MOTA should issue a circular on this and should ensure that the compliance is monitored through state governments and reported from time to time to the MOTA. The Forest Advisory Committee in MoEF should also be made responsible to ask for adherence of this procedure.

10. Transparency building mechanisms

Regular public consultations and hearings, at various locations accessible to maximum number of forest-dwelling communities should be held, both to communicate status of implementation and to hear grievances. Minutes of meetings of SDLCs and DLCs and regular updates on status of implementation, should be put into public domain (web, and hard copies at SDO/tehsildar/forest offices).

MoTA needs to work out a process by which it assesses compliance with its recent circulars on CFRs and MFP, perhaps by linking with the proposed National FRA Council.

As like MGNREGA the process of Social Audits can be built into the FRA framework to ensure that the process of recognition is monitored by the local communities.

11. Forest Rights in Municipal Areas

MoTA should also issue a clarification that Community Forest Rights can be claimed in municipal areas where customary forest use and forest rights by local or nomadic communities exists since a neglect of such areas will lead to continuation of the historic injustice. Where local implementing institutions of FRA (such as FRCs and SDLCs) are not present or cannot be formed, there needs to be a process by which relevant DLCs can accept and process the claims, and appropriate the rights registered within the municipal records. This has also been recommended by the Joint MoEF-MoTA Committee set up in 2010.

12. Protected Areas (including tiger reserves)

Special focus needs to be given by MoTA and MoEF to implementation of the FRA, particularly CFRs, within protected areas (PAs), since this has been one of the most neglected or obstructed area of implementation. States should be asked why claims have been pending for a long time (in some cases over 2 years) within PAs.

The ongoing relocations from the tiger reserves without implementing FRA must immediately be stopped, and action taken against officials who were involved in such illegal relocation. The protocol released by the NTCA on relocation need to be withdrawn, as it does not ensure such implementation; a revised protocol incorporating inputs already provided by civil society groups should be drafted. The option of staying on has to be communicated effectively to the local communities and the cash compensation option should be withdrawn. The process of recognition of rights and relocation from PAs should be strictly monitored by a committee set up jointly by MoTA and MoEF, consisting of social scientists experienced in relocation-related issues. There should also be regular monitoring to ensure that conservation outcomes envisioned are achieved.

There is also a need to implement the Critical Wildlife Habitat provision for protected areas. However, CWHs should be recognized according to the guidelines proposed by Future of Conservation Network which emphasize the need for a knowledge-based, democratic process of identifying and notifying CWHs. We need to keep in mind the fact that diverse situations require diverse solutions, and exploring all possibilities of co-existence within such Habitats, through consultation with local communities.

13. Particular attention to forest villages

Forest villages and unsurveyed villages should be identified and listed, to be given special attention for recognition of forest rights. MoTA should issue a clarification withdrawing the earlier instruction (in 25 February 2008 circular) which requires the process of conversion of forest villages to revenue villages to follow 1990 guidelines of MoEF under FCA.

14. Facilitating community forest governance

Gram Sabhas should be facilitated in setting up committees to manage and protect forests under Section 3(1)i and Section 5. These committees, however must not be externally imposed, but be decided upon by the *Gram Sabha*, and could well be an existing institution that the *Gram Sabha* has set up if it thinks this is appropriate. Governmental intervention, if any, should be only to facilitate

membership of disadvantaged sections including women, in these committees; and to help build capacity where required and requested. There should also be MFP denationalization with Minimum support price where necessary as well as clarity on *Gram Sabha* powers to issue transit permits.

There should be appropriate FRA rules or FRA amendment to provide clear cut powers and authority to institutions to carry out the role described in Section 3(1)i and Section 5, including powers as given to the forest department. The planning at village level and village cluster level should be done by *Gram Sabhas* and *Gram Sabha* consent for external operations in forests should be built into the FRA rules (as mentioned also in point 9). The relationship of the *Gram Sabha* and its committee with the forest department needs to be clarified (see below, on need for forest governance changes).

15. Forest governance changes at larger levels

Given that CFR implementation cannot happen simply at the individual village level, the FRA requires forest governance changes at various levels from local to national. This includes:

- a) Planning for natural resource management should be at the landscape level but with inclusion of all *Gram Sabhas*.
- b) The role of forest department needs to undergo gradual transformation from that of regulation and control on forests to that of a service agency which monitors forest management and conservation and provides technical guidance and capacity building to local communities for better forest governance.
- c) Forest Development Agencies (FDA) should be replaced by district or landscape level agencies, consisting of *Gram Sabha* forest committees, the forest dept, the tribal department, other relevant departments, and local civil society organizations; such agencies should have the function to monitor and guide forest/wildlife conservation and enjoyment of CFR rights, facilitate landscape level planning and implementation, and facilitate convergence of various schemes towards these objectives.
- d) At the state level also, a forest council or committee should be established, with representation from communities, relevant departments, and civil society organizations; functions would be similar to those listed above.

16. Natural resource funding schemes to be dovetailed with CFRs

A number of programmes that are being run or proposed by MoEF and relevant state departments, relating to natural resources, should be channeled through *Gram Sabhas* and PRIs. Several programmes under the broad ambit of climate change actions, or under innovative financing, such as the Green India Mission, funds under REDD and REDD+, biofuels plantation, Payment for Ecosystem Services, CAMPA, and so on, are currently being processed or pushed without keeping the *Gram Sabha* at the centre, and maintaining centralised power structures, which is undermining the government's own commitment to decentralised governance. All these must be screened from the perspective of the governance changes that the FRA requires.

17. Convergence and consistence in policies of different departments

As also discussed in March 2011 National Workshop on CFRs and stressed by Joint MoEF-MoTA Committee in 2010, a review needs to be carried out of all relevant laws (including the Indian Forest Act, Forest Conservation Act, Wild Life Act, Biological Diversity Act and Panchayat Acts) as well as environment related programmes, to bring them in consonance with FRA, and with each other. A plan also need to be developed for convergence of FRA with schemes and programs like MGNREGA, watershed programs for development of the forest land and community resources for conservation and livelihood enhancement; villages with CFRs should be prioritized in these schemes.

Violation of FRA because of the ongoing interventions on JFM , working plans and forestry programs need to be stayed while the process of recognition is underway. For those forests where the

communities have filed claims (and are under consideration) and those where CFR rights have been granted, the forest department should suspend the earlier working plans. In these areas management plans must be developed by the concerned communities, and if they so desire and demand then forest department should extend supportive role. Similar support can be provided through a number of schemes but with the demand and consent of the concerned communities

With such a convergence in mind, the Standing Committee of Ministry of Social Justice had also asked MoTA in its 10th report to put in place a National Level Coordinating Committee with top officials of all concerned ministries as its members, to meet at regular intervals and review status of various schemes and identify critical gaps.

For further information, please contact Shiba Desor, Kalpavriksh (desor.shiba@gmail.com) or Tushar Dash, Vasundhara (tushardash01@gmail.com).

Annexure 1: Initiatives at claiming CFRs

Andhra Pradesh

(Information from Centre for People's Forestry and Samata- Andhra Pradesh)

Of the 6714 claims filed in the state, 2106 are reported to have been granted. The Tribal Welfare Department, which is the Nodal Agency, has no data on CFR claims as separate from Development claims.

Local communities know the traditional boundaries of the Community Forest under their own grama sabhas, but they do not have the equipment to map and to measure the area. Delays in surveying is a major bottleneck. 27 VSS's claims for CFR have received conditional approval, but they are all governed by JFM (which seems illegal and ambiguous).

(From inputs of Anil Kumar of ITDS West Godavari district, Polavaram and 2 other named mandals):

People of the Kondareddy tribe and the Koyadora tribe (both particularly vulnerable tribal groups) reside in the forest villages of this region. They claimed rights over 39,000 acres of VSS lands of 28 villages, out of which rights over 23,945 acres were conditionally sanctioned (conditions not clear: relating to transfer of rights and right of succession). Community members unfortunately do not have management plans in place – they still need to work out how to utilize VSS forest resources for their livelihoods. There is no information on the development claims made in these areas. The villages depend on NGOs for guidance in filing claims and for following up on them. About 70% of the locals are unaware of CFR, and unless helped by NGOs, they stand to lose their traditional rights.

Chhattisgarh

(Information provided by Nadi Ghati Morcha)

Nadi Ghati Morcha's networks, people's organizations, youth groups have facilitated the process of filing CFR claims.

CFR claims have been mobilized in 10 districts (Gariyaband, Kanker, Surguja, Balrampur, Koriya, Bilaspur, Dhamtari, Kawardha, Korba and Bastar).

The organization works with the nomadic community- Pardhis and four Particularly Vulnerable Tribal Groups (PVTG) the Baigas, the Pahari Korwa, the Kamar and the Birhore for their habitation rights.

While other groups like Adivasi Jan Van Manch, Adivasi Banihar Samiti, Kamar Panchayat and many other people's organization mobilize claims in the forest districts. These organizations are providing help with capacity building, studying forests, taking part in advocacy activities, monitoring and dialogue at the state level.

Gujarat

(Information from Arch Vahini, Sahjeevan and Banni Breeders' Association)

As per the June 2011 Monthly Progress Report prepared by TDD, 1343 CFR Claims & 222 Development Claims Approved by DLCs, although this has not been communicated to the FRCs/ GSs, nor has a single title or Adhikar Patra been issued to them.

Arch Vahini has worked intensively in about 23 villages of Dediapada and Sagbara talukas of Narmada district for the implementation of the FRA both with regards to individual as well as community rights. Interactive meetings /camps with FRC members and others in the villages were held, in which provisions of the Act were threadbare discussed. A small booklet explaining the provisions of the Act and Rules in simple language was prepared. The booklet was in such a huge demand that most of the tribals bought them and thus got widely read. Local government officers also got them from the villagers, as they also did not know much about the Act. In the interactive meetings, details were discussed about the tasks that the GS and FRCs were expected to perform and how to go about them. Apart from intensive engagement in these villages, Arch Vahini disseminated material and held a series of one-day workshops at different places across tribal belt of Gujarat with the help of different organizations working in these areas and with whom we have a close coordination.

Specific actions taken for community claims by Arch Vahini are as under:

- Joint meetings of the FRC members of neighboring villages were held to resolve the conflicts arising from overlapping use of the same forest area by people of different villages. These were potentially explosive meetings, with frequent rise in tempers. But all the conflicts were eventually amicably resolved after 2-3 meetings. Each village was thus able to file claim over clearly demarcated, separate forest area for community rights on different forest resources and also for management of these areas as community forest resources.
- Formats for statements of elders / villagers for all six types of community rights over forest resources (including the right to protect, conserve, regenerate, and manage the forest areas as community forest resource), clearly describing the rights and responsibilities associated with each right were also discussed and finalized and maps delianating the areas over which these rights are claimed were also prepared. People in these villages have also formed Forest Management Committees as required by the Act and the Rules.
- Though the *Gram Sabhas* have not yet been granted CFRs, meetings have continued with a view to preparing all the communities and residents of the villages for protection, regeneration and sustainable use of the forest resources. Since the CFR claims have already been made, they encourage and help villagers maintain that even though the CFRs are not granted, now onwards they should take up responsibility to protect the forest resources. In Pada, a village in Sagbara Tehsil, the villagers have prevented a Paper Mill (JK Papermill) from cutting bamboos and are resisting any compromise, which the Mill and Forest Department are trying to exert on them.
- Through RTI, they gathered information regarding claims received, approved/rejected by SDLCs and DLCs, together with reasons thereof from all SDLCs and DLCs of all 12 tribal districts; and then analysed the information thus gathered, prepared and filed a Public Interest Litigation in the Gujarat High Court, which prays for giving directions regarding, apart from certain directions on the issue of individual claims, expediting the process of granting community forest rights.

The Banni Breeders' Association has reported from Kuchchh district that the FRA process has not even been started there. Two local NGOs, Sahjeevan and Banni Breeders' Association, have launched an awareness programme on FRA with Panchayats of Banni. Now pastoral communities of Banni are aware of FRA and its process for CFR which they want. They do not want individual rights as they have been using the Banni grassland (an un-surveyed area) as commons since centuries. In 2009 FD prepared Banni Working Plan, (without consulting pastoral communities residing from centuries). Thereafter, 16 out of 19 Panchayats have sent notices to the chairperson of SLMC of Gujarat state, regarding this matter of FD is violating grazing rights of pastoral communities. The Panchayats are also requesting that implementation of FRA in Banni be started as early as possible. Panchayats of Banni are in the process of formation of FRC.

Karnataka

Submission by Zilla Budakattu Girijana Abhivruddi Sangha and Ashoka Trust for Research in Ecology and the Environment (ATREE)

Soliga adivasis living within the Biligiri Rangaswamy Temple Wildlife Sanctuary began to actively seek rights under the Forest Rights Act as soon as the act was notified in early 2008. The Zilla Budakattu Girijana Abhivruddi Sangha has been in the forefront of the campaign for livelihoods and rights. By holding a series of meetings in Soliga hamlets (podus) in Chamrajanagar district, ZBGAS members disseminated information on the FRA and helped set up Forest Rights committees. They ensured that there was adequate representation of Soligas in the sub-divisional level committee as well as the District Level committee. The effort by Soliga members on the SDLC and DLC and by ZBGAS resulted in the award of 1516 individual rights in 2010 and 2011.

Soligas applied for rights to NTFP (section 3(1)c) before they applied for individual rights to cultivated land due to the high dependence on NTFP for their livelihoods which the ban on collection had adversely affected. When their awareness of other provisions of the act grew, 25 Soliga *Gram Sabhas* added to their initial claim for NTFP by claiming other CFR rights such as fishing, grazing, conservation and management, rights to intellectual property and the right to worship their nearly 500 sacred sites within the wildlife sanctuary.

The following rights were granted to 25 *Gram Sabhas* formed by 35 podus of BRT in October 2011. The remaining 27 podus are now in the process of claiming similar rights which will cover the entire sanctuary. The 25 *Gram Sabhas* have been given the following community forest rights in three forest ranges out of the five that comprise BRT. The rights include NTFP harvest, fishing, grazing, protection, regeneration, conservation, under section 3(1)i), access to intellectual property, and right to worship at the 489 sacred sites.

With the notification of BRT as a tiger reserve, there has been a tightening of protection and control by the Forest Department which will challenge the ability of Soligas to exercise their rights. The post rights scenario is unclear as the forest department has been indifferent to the CFRs. ZBGAS has been interacting with the District Commissioner and the Conservator of Forest to ensure that CFR rights are respected and Soligas are allowed to use and manage the forests. Soligas have also produced a management plan which is now being circulated amongst the 50 *Gram Sabhas* of BRT for their suggestions and approval. This plan includes conservation practice, livelihood options and governance strategies.

Madhya Pradesh

(information from Mr Balwant of NIWCYD, working in Baiga Chak area, Dindori district)

In this region, where the population of Baiga and Gond communities is very high, 381 CFR claims, covering 126,998 acres of forest land, were filed, and all were sanctioned. But three conditions have been imposed, and the claimants have filed appeals.

The village of Dhaba has received only a photocopy of title deed, and not the original document, and the claimants are pressing for it. There have been other problems with the titles. According to the article published in Down to Earth³, the Baigas have been given titles for their revenue common lands and not forest lands and no effort seems to have been made to facilitate the recognition of the Baigas habitat rights as PTGs despite the fact that records exist of at least a part of the Baigas habitat being recognised as 'Baiga Chak'.

Dhaba has been actively protecting its forest since 10 years. They have mapped their forest, and implemented rules like a ban on tree-felling, regular patrolling by every family of the village. NTFP like fruits can be collected from the forest floor, but may not be harvested actively from the trees. The results have been promising. A tank built by this water-scarce village has supplied adequate water for the last 7 years. The number of animals and trees in the forest has gone up.

Other villages are also starting to put similar systems in place.

Maharashtra

(information collated by Reshma Jathar and Neema Pathak, from Vrikshamitra, VNCS, and other groups)

In Maharashtra, Gadchiroli district has a high number of CFRs filed and titles received. Civil Society Organisations report that 350 villages have got CFR rights over an area of 3.5 lakh acres which is not reflected either in the Maharashtra FRA website, or in the MoTA updates. As per official records of November 2011, 737 CFR titles (which included both under section 3(1) (i) and 3 (2)) covering an area of 1,45,920.68 hectares have been given in this district. Notably Mendha-Lekha and Marda, arguably the first villages to receive CFR titles in the country are also located in this district. Claims have been filed and received in both tribal and non tribal villages. Highest number - all the villages - that have received CFR titles are in Wadsa *taluka* which is predominantly non- tribal with 10% ST population. This district also has little Maoist presence. Villages such as Koregaon, Kurud have a human population of over 10,000, composed of mixed ethnicity. CFR titles have also been received in other villages such as – Shankarpur, Shivrajpur, Nainpur – which do not have any record of rights (*nistar patrak*).

As far as Gadchiroli district is concerned, civil society groups have been facilitating communities with the process of claiming CFRs and achieving titles. Coordinated action of civil society working very closely with the government machinery, has also reacted positively in providing the necessary documents for filing the claims and moving the process ahead.

³ The article referred to here can be accessed at <http://www.downtoearth.org.in/content/baigas-cheated-community-forest-rights>.

However, gaining CFR titles has led to some conflicts arising from villagers demanding their rightful benefits from the forest resources (particularly bamboo) and government yet not ready to take on the role of facilitation and support. To mention a few:

- Government has been leasing out lands for harvest of Bamboo from the forests that have been claimed under CFR (Kakadyelli village);
- Villages have been struggling to acquire transport permit for harvesting bamboo and other NTFP in their CFR areas;
- tree felling without right holders' consent (a particular case of Ghati village)
- and encroachment (Narotichak village) and curtailing CFR areas and leasing it out for mining (Korachi tehsil, Sohale village).
- Problematic conditions attached to claims.

In this district of high concentration of forests and tribal communities, the issue is how can forest governance be looked in a new light with communities as owners of the forests and forest department playing the support and facilitation roles.

On the other hand, in the same state there is a district like Raigad, close to Mumbai, which has been continuously facing the pressure from ever-increasing urbanization, industrialization and changing land-use patterns. As per the information issued on the TRTI website, at the end of April 2011, only one CFR title had been given in Raigad district. 459 claims were received at the *Gram Sabha* level, of which 447 were recommended to the Sub-divisional Level Committee (SDLC), of which only five were accepted and sent to the District Level Committee (DLC), of those five only one has been accepted by the DLC. For such a large number of rejections the reason given is that most of these CFR claims received were under section Sec. 3 (2), and, as per the Act, public utility-related claims are supposed to be filed by the concerned divisions to the forest department. A letter dated May 14, 2008 issued by the Panchayat division regarding implementation of FRA directed Block Development Officer to form Forest Rights Committees and file claims. However, claim format attached with the letter is only related to claims under Sec. 3 (2). It appears that most of the villagers have filed claims as per this letter. The confusion and misunderstanding at the government-level regarding Sec. 3(1) and Sec. 3(2) in the Raigad district has resulted in only one community getting CFR rights under Sec. 3 (1).

Implementation of FRA in PAs in the state is not taking place. Claims filed in protected areas are lying unresponded to for over two years often in the offices of the wildlife wing of the forest department.

A few recommendations for better resolution of issues in Maharashtra are:

- There is a strong need for dissemination of the format prepared by Vrikshamitra, at district level in Maharashtra, along with a training programme of PRIs, revenue officials, tribal department, forest officials and other departments. There is also a need for specific training for SDL and DL committees.
- All districts need to provide the kind of evidences to the concerned communities has have been provided by Revenue and Forest departments in Gadchiroli.
- Need for state monitoring committee to be strengthened and to hold regular stock- taking meetings with relevant officials.

Orissa

(information from Vasundhara and RCDC)

As per report of the ST & SC Development department upto 31st January 2012, 3239 claims are filed at the FRC level from which 798 titles are issued over an area of 54255.40acres. According to RCDC, 244 of these granted 'CFR titles' are under section 3(2).

Community forest rights claimed by communities in the state include a diversity of rights like rights claimed by community forestry groups and federations. About 2137 community claims are filed by community forestry groups with support from the Odisha Jungle Manch (federation of forest protecting groups) of which 71 claims are recognized and titles are issued. The community forestry groups have planned to file more than 5000 claims in the upcoming days. . The community forestry groups and federations like Odisha Jungle Manch have organized consultations on future governance of forest and process and role of the government departments including the forest department. Claims on habitat and larger landscapes by PTGs (Juangs in Keonjhar, Dongria Kondhs in Niyamgiri, . Fishing Right has been recognized and title issued for Primary Fishermen's Co-operative Society (PFCS), Hadagarh over 4876.5 Acre areas of water bodies in Hadagarh Reserve Forest land. The PFCS consists of 542 members out of whom 432 are scheduled tribe and rest is other communities. The cooperative is established in the year 1976 and it is a union of fishermen's who have been depending on fishing in Salandi Reservoir.

Communities who have received community forest rights are managing their forest in the same manner as they had been managing it traditionally. In most of the cases the following systems are in place:

1. Patrolling by the community members
2. Village level meeting in a regular interval
3. Community contribution for village and forest development
4. Ensuring participation of women
5. Comity for dispute resolution
6. Ensuring equity in benefit sharing

Rajasthan

(information from Seva Mandir, Van Uthan Sangh, LPPS, Astha Sanstha and FES-Udaipur)

Seva Mandir and VUS have facilitated the process of filing CFR claims with more than the required number of evidences and after consultations with all the departments. They have filed 87 claims CFR in Udaipur district Sec 3(1). 61 claims have been filed in the Jhadol block and are at the Sub-Divisional Level Committee (SDLC); 11 claims in Kherwada Block and 8 claims filed at the Gogunda block are with the Panchayat Samiti (inspite of FRA prohibiting claims to be lying with committees other than FRCs, SDLCs and DLCs) ; 8 claims from the Kotra block are at the village levels.

Astha has assisted in the submission of around 300 claims for CFR in Rajasthan and is closely tracking implementation of the Act and actively pushing the Tribal Department and District Administration to become more responsive.

Lokhit Pashu-Palak Sansthan has begun the process of filing for CFR especially focusing on grazing rights of the *Raika* community to forests within the Kumbhalgarh Wildlife Sanctuary.

LPPS has facilitated the process of CFR claims Section 3(1) for one village, Latara, in Pali District where it used the *Raika* Biodiversity Protocol as evidence and oral evidence. The villagers of Latara prepared a rudimentary map marking all areas traditionally visited by them with their local names and ascertaining boundaries between them and forests belonging to other villages. The claim is in the final process and was expected to be submitted by February end.

FES in Udaipur has submitted 10 CFR claims but there has been no action and response on the status of these.

Tamil Nadu

(information from Keystone Foundation)

Keystone has helped FRC's file claims in villages of the Kotagiri taluka and Coonoor talukas of the Nilgiri district and in Pillur region of Coimbatore. 17 CFR claims of Sec 3(1) have been filed. 9 of these also have claims under Sec 3(2). The first batches of claims were filed in 2009. The villages under Kotagiri Taluka of the Nilgiri District are Baviyur, Metukkal, Kambaiyur, Godhaghur (Kengarai Panchyat) and Garikkiyur, Nadur, Mallikoppaiyur, Bargur, Kandichet, Karapanai (Aracode Panchyat). Out of these all the villages have filed for claims under Sec 3(1) of the FRA. All the villages in Kengarai have additionally filed Sec 3(2) claims.

The villages, Sengalcombai, Joghicombai, Kavalcombai, Erukamalaicombai (Hulical Panchayat) of the Coonoor Taluka have filed claims under both Sec 3(1) and Sec 3(2).

Additionally, the group of 6 villages (Nellithurai) of Coimbatore District and 14 villages (Kemarampalayam) of Erode District has filed claims under Sec 3(1).

Of the villages mentioned above whose community claims have been facilitated by Keystone, 8 villages have started speaking of post-rights management. A cluster of 4 of them has formed a committee under Sec 5 and are discussing how to patrol the CFR area.

The Alu Kurumba in villages of Nilgiri, Coimbatore and Erode districts (Baviyur, Sengalcombai, Joghicombai, Kavalcombai, Erukamalaicombai, Nellithurai, Kemarampalayam) are discussing how CFR governance across villages can be overlaid with their ancestral domains. The discussion they are involved in is around the concept of 'seemai' or ancestral domains. *Seemai* can be broadly understood as a region. A seemai comprises several *ooru* or habitations. There is a traditional leadership hierarchy that derives from the concept of the *seemai*. It is believed that the Alu Kurumba are among the oldest inhabitants of this region. As other communities started occupying these regions, the concept of the Kurumba *seemai* prevailed even as other communities started demarcating their own regions. Even today, the Irula, Toda, Kota (all ST/PTG) and the Badaga (Indigenous/OBC) recognize Kurumba *seemai*. The traditional *seemai* denoted the area of jurisdiction of the community in matters of marriage, dispute and other aspects such as NTFP collection. Against this backdrop, the Alu Kurumba community is discussing the relevance and feasibility of invoking the concept of *seemai* in the context of CFR specifically NTFP access, grazing grounds, right of way through forests, sacred groves, burial grounds and governance mechanisms. The evidence used has been mainly

- a. presence of physical structures in sacred places and burial grounds
- b. Use of local names for peaks, forests, clearings etc.
- c. Oral evidence.

In the Kalakkad Mundanthurai Tiger Reserve (KMTR), Tirunelveli District, ATREE's Agasthyamalai Community-based Conservation Centre has helped the Kani community to understand CFR rights under Sec 3(1) and Sec 3(2). However, the community in KMTR has filed 159 claims under Sec 3(2) on their own (the correctness of these claims has not yet been ascertained).

Some CFR claims have also been filed in the Sathyamangalam division, Erode district. However, the nature of these claims is not known. Sathyamangalam is TN's biggest NTFP division and NTFP based livelihoods are important to many hundreds of households. According to information obtained by Keystone, the CFR claims for these villages have been submitted as early as in 2009. Now, however, there is some talk that the declaration of the Tiger Reserve is imminent and that the permits are being withheld in anticipation of the declaration. Currently, the DFO in the Sathyamangalam division is delaying the issue of NTFP collection permits for the year. Till the CFR claims are processed, NTFP collection rights cannot be withheld hence Keystone is working with the communities in the region to push for clarification or issue of permits.

West Bengal

(Information from North Eastern Society for Preservation of Nature and Wild Life (NESPON))

NESPON, in close collaboration with the forest dwellers' organization "UTTARBANGA BAN-JAN SHRAMAJIBI MANCH", has been working with community members and make them understand about the importance of CFR management system and CFG in the forest villages of North Bengal. They have facilitated submission of CFR claims by more than 150 forest villages. The villagers are forming their CFG committees under Section 5 of the Act, and in many areas rule-framing at the *Gram Sabha* level is on: the rules and regulations to run the institutional mechanism, resource mapping, preparation of proper management plans etc. They forwarded their resolutions to DLC, SDLC and the concerned departments. Community members have started regular patrolling in many forest areas (forest areas under concerned GS) to protect the biodiversity and save their forests from both legal and illegal destruction. They have started collecting NTFPs in GS level, issuing GS challans, and providing help to market the same.