

April 1, 2008

Dear Friends,

We are writing to you regarding a new opportunity that has come up for providing legal backing to the efforts by communities such as yours or those you work with, to conserve and sustainably manage forests.

As you would know, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 was enacted on January 1, 2008. This law provides a number of opportunities for strengthening people's livelihoods and forest conservation, but also possible threats that everyone needs to be alert to.

This law is also especially significant in the context of community conserved forest areas (CCAs) or forests that have been traditionally managed by communities. Section 3 (i) of the law states that Scheduled Tribes and other traditional forest dwellers on all forest lands will under this law get "rights to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use." Section 5 "empowers" gram sabhas to conserve forests and wildlife. The Rules under the Act also require gram sabhas to set up committees for forest and wildlife conservation.

These provisions are extremely important for obtaining the much-needed legal backing for CCAs. Forest dwelling communities who have been protecting and managing community forests must be alert to this opportunity to file claims under Section 3 (i) of this law. You may already be acting on this, but in case not, we wanted to sound you out on this opportunity.

The claims process may have already begun in your district. Key steps you may already be aware of are:

- Attending the first Gram Sabha meeting and electing the Forest Rights Committee
- Filing of claims under Section 3 (i) of the law within 3 months of the first Gram Sabha meeting
- Your right to appeal to the Sub-divisional Level Committee and thereafter the District Level Committee if you are aggrieved by the resolution on your claim

Although, the application form for rights as provided in the Rules do not explicitly mention rights to community forests under Section 3(i), the Act is superior to the Rules, and communities must insist that they can indeed claim such rights.

While the opportunities for strengthening CCAs through the Act must be used, it is also important to be aware of possible concerns. Communities and organisation working with them need to be alert to and take immediate action on the following:

- Where the promise of being given rights is being misused by certain elements to incite fresh encroachments of forests; it should be made clear to everyone that these would *not* be eligible under the Act, and any such attempts should be condemned by you;
- Conflicts that may arise between more traditional and recent settlers; it is

important to realise and clarify to everyone that only Scheduled Tribes (as scheduled in your state) who are occupying/cultivating the land before December 2005, and non-ST forest-dwellers from at least 75 years ago, are eligible to claim rights;

- Cornering of rights claims by a few powerful individuals or groups within the village, sidelining the weaker who may in fact be more deserving of the rights; it is important to facilitate the latter in their claims;
- Irreversible damage to community conserved forests by ‘development’ facilities provided for in Section 3(2); the gram sabha needs to ensure that protection of forests is given high priority in deciding about such facilities.

Finally, Kalpavriksh is currently working on a project that tracks the impact of this law across India. We are interested to follow the process of claims under Section 3 (i) in your region. We are also interested to support you in a way that optimises the positive impacts of this law and minimises negative ones.

We would appreciate a response from you on whether you are currently working on the implementation of the Forest Rights Act in your area and if you feel that Kalpavriksh could support you in any way.

Many thanks,

Enclosed:

- 1). Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006
- 2). Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, Rules January 1st 2008.
- 3). Policy Brief on the Forest Rights Act 2006 (Hindi or English)