

COMMUNITY FOREST RIGHTS AT A GLANCE A NEWSLETTER

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SPECIAL FEATURE



TRANSLATING FOREST RIGHTS INTO LIVELIHOODS

Sharing the experiences of Gramsabha based convergence planning process from Madikhol village in Kandhamal District of Odisha.

Women of Madikhol village engaged in a mapping exercise

Photo | Madhab Jena

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ABOUT US

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

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The furor and urgency for the implementation of the Forest Rights Act (FRA) to be taken up in a 'campaign mode' announced by the Prime Minister's Office in the beginning of the year seems to have created no major impact in the actual state of implementation, since the overall status of claims filed remains more or less constant. Additionally, the Ministry of Tribal Affairs (MoTA) has now stopped reporting the status of claims and titles under Sec 3(1), Sec 3(1)(i) and Sec 3(2) differently, but clubs all of these into one category, 'community'.

Violations of the FRA through various policies and pronouncements of different state governments are also continuing. For instance, MoTA seems to have relented on its stand on the Indian Forest (Maharashtra) (Regulation of assignment, management and cancellation of village forests) Rules, 2014 (VFR), since it has given its go ahead to the state government of Maharashtra to notify the rules and carry on with the implementation, provided that in the villages where the rules will be implemented, the gram sabha passes a resolution certifying that rights under FRA have not been claimed, are not pending, and will not be claimed in the future. MoTA's go-ahead to the rules at a time when many gram sabhas have not claimed rights or do not even know about the FRA is a matter of serious concern. These communications of the Ministry have not been put out in the public domain and neither have the amended rules been finally notified by the Government of Maharashtra. News reports suggest that 67 villages have already been issued titles under the Indian Forest Act, 1927 over their village forests. It is unclear how these titles have been distributed without the final notification of the Rules.

On the other hand, in the state of Odisha, massive funds are being channeled into creating more Joint Forest Management Committees (JFMCs) under the Ama Jungle Yojna. Thus, instead of concentrating on empowering gram sabhas through the Community Forest Resource rights (CFR) provisions of the FRA, the state government is looking at funding JFMCs for conservation and management of forests.

Seven Baiga villages in Baiga Chak area of the Dindori district of Madhya Pradesh have received 'habitat' rights titles through a process facilitated by the district administration. However, examination of the titles received reveal that they are CFRs titles (these villages had received titles over CFR in 2009, but the titles were faulty and contained a list of conditions under the Indian Forest Act, 1927¹). The title does not specify the cultural, traditional and religious sites and spaces and other distinguishing bio-geographical features of the habitat of the Baigas. On the other hand, in an encouraging move, nearly 60 Madia Gond adivasi villages from Dhanora taluka of Gadchiroli district in Maharashtra came together to claim habitat rights over their traditional territory of Khutgaon. The claim has been collectively prepared by the community and submitted to the Sub Divisional Level Committee (SDLC).

In this issue of the newsletter, Sanghamitra Dubey from Vasundhara writes about the unique endeavor of the Madhikhol gram sabha in Kandhamal district of Odisha, where the community has prepared its own convergence plan under the FRA for achieving livelihood and food security. The newsletter also contains a brief analysis of the minutes of the meeting of the FAC held in December 2015.

-Meenal Tatpati & Sanghamitra Dubey

¹ See: <http://www.frontline.in/environment/conservation/baigas-battle/article4653458.ece>

IMPLEMENTATION UPDATE

According to MoTA a total of 41, 367 community titles have been distributed till the period ending on the 31st of January 2016.

Table 1: Total Number of Community claims and titles for the months of December 2015 and January 2016

Status Reports	Total No of Community claims Filed	Total Number of Community Titles Distributed
Until 31 st December 2015	1,14,138	41,329
Until 31 st January 2016	1,14,144	41,367
Status Reports	Total No of Community claims Filed	Total Number of Community Titles Distributed

Source: <http://www.tribal.nic.in/Content/ForestRightActOtherLinks.aspx>

However, the two consecutive status reports (December and January) provide no information regarding the present number of CFR claims filed or titles distributed since the status reports have merged the community rights under Sec 3(1); Community Forest Resource rights (CFR) under Sec 3(1)(i) and claims for diversion of forest land for basic amenities as provided under Sec 3(2) into one category 'community'.

From the numbers provided (See table 2), one can infer that either the status reports have not recorded recent data properly or that the states are lagging behind substantially on the recognition and vesting of CFR rights.

Orissa has seen an increase in the total number of 'community' claims filed by 215 claims². The 'community' titles distributed in Orissa have increased from 5000 to 5004 in period ending on 31st December 2015 and then again to 5036 in the period ending on 31st January 2016.

On a larger scale, looking at the Status reports from May 2015 to January 2016, the States of Andhra Pradesh, Assam, Gujarat, Himachal Pradesh and Kerala have consistently seen the same data on community claims, and the number of titles distributed remains the same.

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

State	No of Claims received until 31 st December	No of Claims received until 31 st January 2016	No of Titles distributed until 31 st December	No of Titles distributed until 31 st January 2016	Extent of forestland for which Titles were distributed in Acres (Dec)	Extent of forestland for which Titles were distributed in Acres (Jan)
Andhra Pradesh	10,959	10,959	2,107	2,107		
Assam	5,193	5,193	860	860		
Bihar	N.A		NA			
Chhattisgarh	N.A		NA			
Gujarat	7,228	7,228	3,875	3,875	10,81,583	10,81,583
Himachal Pradesh	283	283	108	108		
Jharkhand	2,734	2,734	1,434	1,434		
Karnataka	6,208	6,208	144	144	26,274.79	26,274.79
Kerala	1,395	1,395				
Madhya Pradesh	40,913	40,913	21,909	21,909		
Maharashtra	7,152	7,152	3,436	3,436	8,63,478.72	8,63,478.72
Odisha	12,866	12,872	5,004	5,036	1,79,663.50	1,85,902.98
Rajasthan	654	654	69	69	482.58	482.58
Tamil Nadu	3,361	3,361				
Telangana	3,672	3,672	744	744	5,03,082	5,03,082
Tripura	277	277	55	55	91.17	91.17
Uttar Pradesh	1,124	1,124	843	843		
West Bengal	10,119	10,119	741	747		
Total	1,14,138	1,14,144	41,329	41,367		

Source: <http://www.tribal.nic.in/Content/ForestRightActOtherLinks.aspx>

² The previous status report (period ending on 31st October 2015) reflected 7754 community rights and 4,897 CFR claims . In the period ending on 31st December 2015, the state has reported that 12,866 claims were filed, while an additional 6 claims have been filed in the period ending on 31th Jan 2016.

Letters, Circulars, Guidelines, Memorandums

1. In an office memorandum dated 8th of December 2016, MoTA has recorded that it has no objection if the Indian Forests (Maharashtra) (Regulation of assignment, management and cancellation of village forests) Rules, 2014, provided the following provisions are incorporated in the rules:

- Issues of forest rights arising with respect to claims already granted under the FRA will be dealt with according to the provisions of the FRA and the rights of those whose claims are pending recognition and those who may be likely to file claims in the future will be protected.
- The statement, '...where there are neither rights claimed, pending or gram sabha has resolved that no future rights are likely to be claimed by forest dwelling ST or OTFD after a resolution is passed by the gram sabha to this effect'; should be added to the rules.

MoTA has also asked the MoEFCC to initiate the process of codification of rules towards sustainable management of forest resources in consultation with the MoTA.

(The letter was received as a response to an RTI query filed by Mahesh Raut of Bharat Jan Andolan. For a copy, write to maheshraut.work@gmail.com).

2. In a letter dated 14th December addressed to the Tribal Development Department of Himachal Pradesh, MoTA has issued guidelines on diversion of forest land for Sec 3(2) under the FRA and for recognition of CFRs in Himachal Pradesh. (See:

<http://www.tribal.nic.in/WriteReadData/CMS/Documents/201512170459205254158LettertoACHimachal.pdf>)

- The diversion of forest land for facilities mentioned under Sec 3(2) of the FRA can be carried out without getting clearance under the FCA provided that such facilities require less than 1 ha forest land, are recommended by the gram sabha, do not involve cutting more than 75 trees, are managed by the government, and are limited to the 13 activities listed in the FRA.
- Diversion of forest land for these facilities can be carried out parallel to or independent of the process of recognition and vesting of rights under FRA. However, it should be ensured that no rights of any forest dweller are affected or he/she is evicted from forest land due to diversion for these activities. Therefore, along with the recommendations, the gram sabha should ensure that rights are not affected and should issue a certificate endorsing that no rights will be affected by diversion.
- Rights already settled and recorded previously in the record of rights or Wazib-ul-Arj also need to be recognised and recorded under Sec 3(1)(j) of the FRA since 'concessions' under the Wazib-ul-Arj, like the concession over MFP are now recognised as rights under the FRA. Modifications should be made in the record of rights and titles should be issued under the FRA.

POLICY UPDATES

1. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Amendment Act, 2015 was passed in parliament on the 21st of December. Under the Act, the wrongful (against the person's will, or without the person's consent, or if such consent has been obtained by putting the person in fear) dispossession of a member of the Scheduled Castes or Scheduled Tribes from his land or premises or interference with the enjoyment of his rights, including forest rights (rights provided under Sec 3(1) of the FRA), by a person who is not a member of the Scheduled Castes or Scheduled Tribes shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years with fine.

2. As part of the ongoing consultations being held to draft the new Forest Policy of India (See: <http://kalpavriksh.org/images/LawsNPolicies/CFRANewsletterOctNov2015.pdf>) one regional workshop (involving Punjab, Haryana, Uttar Pradesh, Delhi, Chandigarh, Rajasthan, Jharkhand and Bihar), and one national stakeholder workshop were held on the 1st -2nd of December and 15th of December in Haryana and Delhi respectively. The workshops were attended by senior forest officers, experts in forestry, members of civil society organizations and researchers. While a number of retired forest officials, researchers, industry representatives and some non-governmental organizations have participated in these consultations, there has been an absolute absence of local community representatives.

(Newsletters for these workshops are available at: <http://www.iifm.ac.in/sites/default/files/documents/ninth%20newsletter%20on%20NFPRR.pdf>; <http://iifm.ac.in/sites/default/files/documents/tenth%20newsletter%20NFPRR%20jan%207.pdf>)

NEWS, VIEWS & REVIEWS FROM VARIOUS STATES

GOA

As per a news report that appeared in the Navhind Times, the State Level Monitoring Committee of Goa met to discuss the implementation of the FRA on the 23rd of Dec. The committee has asked the concerned officers from the Department of Tribal Welfare (DTW) to complete the survey of land claimed by communities under the FRA. The SLMC has also given a go ahead to the proposal from the DTW to take the help of the Directorate of Settlement and Land Records for on ground verification of claims.

The SLMC has also suggested that the TWD ask the panchayat department to issue notices to convene special gram sabhas every month to discuss the status of claims under FRA and to expedite the implementation of FRA in the state.

In South Goa, 356 community claims have been filed.

(See:

<http://www.navhindtimes.in/surveyofforestlandclaimedbystpeopletooutsourced/>)

JHARKHAND

The governments of Jharkhand and Chhattisgarh have asked the central government to lower the Minimum Support Price (MSP) for the kusumi variety of lac. The states have acquired a large quantity of this lac from tribal groups, but fluctuating prices of lac in the market have caused the rates to fall and it is becoming difficult for the governments to ensure that minimum support price can be given to the lac collectors. Lac is one of the 12 minor forest produce for which the central government had approved a central scheme for developing a value chain through MSP in August 2013 (See: <http://pib.nic.in/newsite/erelease.aspx?relid=0>). The Central Government (the Ministry of Tribal Affairs) has however decided against reducing the MSP and has advised the states to hold on to the stock and sell it later when prices stabilize.

The states have also been assured that the center will make good the loss incurred to the states from selling the stock through central funds allotted for the scheme. (See: http://articles.economictimes.indiatimes.com/2016-01-18/news/69870594_1_msp-minor-forest-lac).

KARNATAKA

1. A joint survey team of revenue officials and forest department officials has found that 3.5 lakh ha of 5 lakh ha identified as deemed forest by the forest department in Karnataka has been wrongfully classified, despite this having been notified as forest land. This land will be retained by the forest department (See:

<http://timesofindia.indiatimes.com/city/bengaluru/ForestDepartmentwronglyclassifies35lakhhectaresasdeemedforest/articleshowprint/50299864.cms>).

The Karnataka government has begun a joint survey to identify forest land and to evict illegal encroachments from forest land according to a Supreme Court order of 1996. (See:

http://fra.org.in/document/Community%20Forest%20Rights%20at%20a%20glance_Newsletter_Oct-Nov-2015.pdf; page 7). However, farmers of Heggudlu and Basani villages in Mudigere Taluka of Chikkamagaluru district allege that the forest department has served notices to those farmers that have land titles issued to them in 1980 as well as tribal farmers. They allege that the forest department has marked revenue land as forest land and are issuing notices to farmers to evict the land. The farmers are opposing the notices issued to them to clear encroachments by the forest department.

(See: <http://www.deccanherald.com/content/520704/clearancedrivefarmersopposeforest.Html>).

2. In the DLC meeting held on 15th December 2015, the Deputy Commissioner of Chikkamagaluru district has asked for the immediate disposal of pending forest rights claims. 2164 individual claims and 25 community rights claims have been pending for disposal.

The DLC has stated that community rights towards forest land use for hospitals, schools, anganwadis and other such public purposes should be recognized. Also, rights over MFP should be recognised.

(See: <http://www.deccanherald.com/content/517728/forestrightsdcdirectsquick.html>).

3. According to a news report, the state has received 288,579 claims under the FRA, out of which 5282 were for community rights. Out of the 8,705 titles distributed, only 155 titles are over community rights over 26, 278. 67 acres. Thus, 1, 12, 072 claims have been rejected out of which 2191 are community claims. The average area over which community titles have been distributed is only about 68ha per title.

The Tribal Joint Action Forum is demanding a review of all rejected claims.

(See: <http://www.thehindu.com/news/cities/bangalore/statemovingatasnailspacetomprovelotoftribals/article8059889.ece>).

4. K. Shivamurthy, MLA of Mayakonda in Davanagere district has urged the state government to expedite the process of declaring forest habitations as revenue villages under the Forest Rights Act. Nearly 50,000 settlements on forest, revenue and private lands exist in Karnataka and these belong to the Lambani tanda, Vaddarahatti, Gollarahatti and Hadi tribal communities.

(See: <http://www.thehindu.com/news/national/karnataka/mla%ADexpedite%ADdeclaration%ADof%ADhuman%ADhabitations%ADas%ADrevenue%ADvillages/article8080268.ece>).

KERALA

1. Activists and tribals in Kerala have reported that the forest department is standing in the way of the effective implementation of the FRA in the state. While 100 community claims from Wayand have been approved by the DLC, the titles are over just about 2 acres per claim. Activists claim that the forest department has undertaken mapping of these claims arbitrarily and without

involving the gram sabhas.

CFR claims of 52 oorukoottams (hamlet level tribal councils) in Thrissur have been approved by the DLC but the villages have yet to receive titles over nearly 1 lakh ha of forest land in the District since the DFO is refusing to sign the titles. Further, the forest department is trying to push the convening of Vana Suraksha Samities (VSS) under JFM in Kerala, because of which there is a growing conflict between the roles of the management committee under FRA and the VSS.

(See: <http://www.newindianexpress.com/cities/kochi/Flaws-in-FRA-Implementation-Fail-to-Undo-Historic-Injustice%E2%80%99/2016/01/12/article3223205.ece>)

MADHYA PRADESH

1. The DLC of Dindori district has distributed 'habitat rights' titles to 7 Baiga villages of Baiga Chak³ over a collective area of nearly 9000 ha, on the 29th of December. The titles mention habitat right as been given over minor forest produce, fish and water resources and the right to protect, conserve and manage customary forests. The titles have mentioned compartment numbers over which these rights have been recognised.

(See: <http://www.downtoearth.org.in/news/baiga-tribals-become-india-s-first-community-to-get-habitat-rights-52452>)

The new habitat rights titles appear to be revisions of these titles. They do not mention any sites of religious, social and cultural relevance to the PVTGs, do not recognize the rights over the entire habitat (Baiga Chak) and have been given to 7 villages only.

MAHARASHTRA

1. Kumbhi Wagholi village in Achalpur Taluka of Amravati district has become one of 67 villages to have received a Village Forest under the Indian Forests (Maharashtra) (Regulation of assignment, management and cancellation of village forests) Rules, 2014.

(See:

<http://indianexpress.com/article/india/indianewsindia/avillagethatwantedafor-estandgotone/99/print/>)

A title over 98 ha of forest land has been issued to the village by the Chief Conservator of forests on the 3rd of December 2014.

2. Payvahir village in Achalpur Taluka of Amravati district has received the Maharashtra Wildlife Service Award from Sanctuary Asia, lauding its efforts in regeneration, protection and conservation of its 182 ha

CFR area. For the last five years, the village has been involved in conserving its forests from forest fires, has regulated grazing and carried on afforestation efforts through plating of native tree species, thereby attracting wildlife to the forests. The village has also successfully controlled out-migration by providing livelihoods within the village through sale of custard apples grown in the CFR areas, and other forest protection and conservation activities. The village has been supported by a pilot project of MoTA and the United Nations Development Programme (UNDP) titled 'Strengthening National Capacities in Tribal Areas'. This programme is currently being implemented in 50 villages of 5 districts in Maharashtra⁴.

(See:

<http://timesofindia.indiatimes.com/city/nagpur/Communityforestrightworksw-ondersinPayvahir/articleshowprint/50317357.cms>)

³ The Baiga PVTG community traditionally lived in an area spread across the states of Madhya Pradesh, Chhattisgarh and Odisha. In the early 1900s, the colonial government set aside an area called the Baiga Chak (approx. 1.5 lakh hectares in three blocks of Samnapur, Karanjia and Bajag) where 7 Baiga villages existed. Eventually, many Baiga families and other non-tribal and tribal groups settled here and currently 52 villages are present in the area. Over 300 'community' titles were given in Baiga Chak in 2009, but most of these titles were faulty. Among many other things, these titles were issued on the name of Van Suraksha Samitis, the rights recognised were subject to conditions under Indian Forest Act, 1927 and rights were recognised over much smaller areas than claimed by the villages.

(See detailed case study of CFRs in Baiga Chak here, <http://fra.org.in/document/Citizen%20Report%202013%20on%20CFR%20under%20FRA.pdf>)

⁴The project supported some non-governmental organizations like KHOJ (which has been working in Payvahir) and others to implement effective and sustainable management systems of forests and natural resources to help rural communities whose livelihood was dependent on forests, through the CFR provisions of the FRA.

3. On the 16th of December, a district level meeting of gram sabhas was organised at Girola gram sabha in Dhanora Taluka of Gadchiroli district. The meeting was hosted by the Rekhatola and Girola gram sabhas and supported by gram sabhas from Khutgaon and Dudhamala. All gram sabhas under the fifth schedule and gram sabhas who had received CFR titles were invited for the meeting.

In the meeting, prominent issues such as rights of gram sabhas under PESA and FRA, the violations in the implementation of PESA and FRA, constitutional rights of tribal communities, sustainable use of forest resources, minimum rates of MFPs, rates of minimum wages, resource ownership in tribal areas, violation of human rights and security concerns were discussed. Various proposals put forth by different gramsabha representatives were discussed, and resolutions were passed on the same. Around 3000 people from 295 gram sabhas of 9 blocks of the district attended the gram sabha, along with governmental officials for tribal welfare, forest and rural development departments and other departments.

(Shared by Mahesh Raut, Bharat Jan Andolan on CFR-LA list serve. For more details, contact Mahesh at maheshraut.work@gmail.com)

4. More than 60 Madia Gond village gram sabhas from Khutgaon of Dhanora taluka in Gadchiroli have claimed habitat rights under Sec 3(1)(e) of the FRA on the 21st of January 2016 in a meeting organised in Khutgaon tola. The traditional elders and community leaders were also present in the meeting. Individual and community rights have been recognised in several of these villages; however the community wants to secure complete rights over its traditional customary habitat. The process towards preparing the habitat rights claim began six months ago, with information on the habitat being derived from testimonies of elders. Several meetings were organised of every village gram sabha as well as collectively. The final claim was prepared when each gram sabha had passed a resolution on the claim.

Several local and district level governmental functionaries were also asked to be present for the meeting where the claim was verified and passed. The claim will be submitted to the SDLC soon.



Village members from Khutgaon discussing their habitat rights claim. Photo: Mahesh Raut

The claim includes:

- habitation and cultural rights of the Madia Gond community
- cultural and religious rights over the traditional geographical area
- the right to use, protect, manage and conserve the natural spaces, natural things, and sacred spaces associated with their religious and cultural traditions
- the right to protect spaces of religious, cultural and traditional importance from any kind of change or destruction
- the right over spaces currently in use for the community programmes and traditional festivals and also the right to find new places for such events as decided by community consensus as and when the community requires
- the right to practice traditional/customary forms of farming, and the right to use, protect, manage and conserve forests that they have been seasonally using for livelihood needs
- the right to protect, manage and conserve their community resources in their traditional area
- the right to collectively use all the above mentioned rights with other STs and OTFDs, through recognition of their pre-existing rights.
- Any other rights which may arise out of further study of the habitat

(Shared by Mahesh Raut, Bharat Jan Andolan on CFR-LA list serve. For more details, contact Mahesh at maheshraut.work@gmail.com)

ODISHA

1. The Campaign for Survival and Dignity, while opposing the Ama Jungle Yojna has written to MoTA to withdraw the scheme since it violates the CFR provisions of the FRA.

The scheme aims to help the Forest and Environment Department of the state to take up forest conservation activities by creating 7000 Van Suraksha Samitis under the Joint Forest Management programme which will be funded through the Compensatory Afforestation Fund Management and Planning Fund (CAMPA). The VSS will have to agree to maintain plantations of the forest departments as per the working plans prepared and modified by the forest department. An area of around 50 ha will be assigned to each VSS.

The CSD is of the opinion that instead of promoting JFM, the state government should take positive steps towards recognition and vesting CFR rights to the state's nearly 30,000 villages that occupy forest land. This will ensure that the CFR management committees under Rule 4(1)(e) of the FRA will be operational in forests and can take care of its CFR with technical support from the Forest Department.

(See: <http://www.thehindu.com/news/cities/Delhi/activistsopposeodishasamajungleyojana/article8046801.ece> and <http://orissadiary.com/CurrentNews.asp?id=63787>)

2. Government officers from six states visited Bilapaka village inside Similipal Tiger Reserve in the first week of December to understand how the process of recognition and vesting of rights under the FRA was carried out in this village. The village consists of nearly 400 people mostly belonging to the Kohla and Bathudi tribes. GPS technology was extensively used to properly demarcate boundaries of the village and to prepare maps of the CFR area of the village. These maps were then used by the District administration and the forest department to verify the claims and to issue a CFR title to the village.

(See: <http://www.thehindu.com/news/national/otherstates/odishavillageshowsthe wayinforestrightssettlement/article7956064.ece>)

The village is one of the 42 villages of Jasipur Tehsil of Mayurbhanj District in the Similipal Tiger Reserve which received titles in April 2015 through a district administration led effort to secure rights under the FRA.

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

3. The Athkosia Adivasi Ekta Manch (AAEM) organised a press conference in December 2015 to demand the implementation of FRA in Sundergarh district of Odisha. According to the AAEM, 25 CFR claims filed in Balisankara block, apart for several CFR claims filed in 2013 have yet to be processed by the SDLCs.

(Shared by Manohar Chauhan in the Campaign for Survival and Dignity list serve. For more information contact, chauhanmanohar@gmail.com).

4. The Odisha state government in a report submitted to the House Committee on the Polavaram Dam has claimed that the project of the government of Andhra Pradesh is illegal since it hasn't obtained clearances from the MoEFCC. The state government has also said that gram sabha resolutions from villages that will be submerged in Odisha have not been obtained. According to the state government, 25 habitations will be submerged due to the dam. The committee will be meeting the Prime Minister on this issue and submit a memorandum seeking gram sabha meetings in the affected villages.

(See: <http://www.orissapost.com/polavaramtookoffsansmotagreenclearances/>).

TELANGANA

1. The Mission Bhageeratha water grid project which proposes to create a grid of waterways and pipelines to supply water from already existing irrigation projects to drier areas in the state (See: <http://expresstvindia.com/water-grid-project-to-be-called-as-mission-bhageeratha-from-now-31279.ashx>) will require diversion of 1700 ha of forest land.

The District Panchayat officers and Divisional Forest Officers under the leadership of the Department of Panchayati Raj have been asked to survey and identify land where rights of forest dwellers have been identified under the FRA. Gram sabha meetings will be conducted over such areas to obtain consent for diverting land under this project.

(See:

<http://www.thehindu.com/news/cities/Hyderabad/missionbhageerathabringsof forestlandsinfocus/article8084384.ece?css=print>).

2. According to news reports, the state government of Telangana is set to relocate nearly 24 villages from proposed core areas of the Amrabad and Kawal Tiger Reserves. (See: <http://www.thehindu.com/news/cities/Hyderabad/statetofacilitaterelocationoftribalpeople/article7939263.ece>). The forest officials in Kawal Tiger Reserve claim that 3 tigers from Maharashtra and Chhattisgarh have entered the tiger reserve and may cause major incidences of man-animal conflict, due to which it has become important to relocate villages from the core of the reserve. (See: <http://timesofindia.indiatimes.com/city/hyderabad/Tribalsopposere relocationofvillagesintigerreserve/articleshowprint/50242303.cms>). According to the NTCA guidelines, the district and state level committees have already been created to plan and monitor the relocation.

WEST BENGAL

1. In a public hearing organised on the implementation of the FRA in Gosaba island on the 31st of January in the Sunderbans region of West Bengal, the nearly 200 people from the dalit, adivasi and backward muslim communities from the islands of Shamshernagar, Gosaba, Saatjaliya, Kultali, Bali and Kumirmari gathered together on the made submissions before a panel comprising of experts from academia, law and activists on the various unique issues on the implementation of FRA in the islands.

Some of the issues that were highlighted by the people were the complete lack of implementation of the FRA along with the imposing of fines, false charges etc. on fishing communities and honey collection. Some serious violations of human and forest rights were also brought forth when community members complained of confiscation of forest produce gathered by the forest department and harassment of women community members by the some forest department staff.

(See: <https://sabrangindia.in/article/sunderban-breaking-chains-historic-injustice>)

MEETINGS, WORKSHOPS & CONSULTATIONS

1. Over 500 people associated with different social movements, trade unions and democratic struggles gathered at Jantar Mantar in New Delhi to mark the day of the enactment of the FRA on the 15th of December. Representatives from the Bhoomi Adhikar Manch later met the Minister of Tribal Affairs, Shri Jual Oram and put forth following demands:

- Ensure that the implementation of the FRA is carried out across the country in letter and spirit
- Ensure that collective rights of communities over land and forests are secured
- Ensure that the FRA is not diluted or amended to take away the sovereignty of gram sabhas

(See:

<http://www.merineews.com/article/10yearsoftheforestrightsactsaynotochangeinprogressiveandpropeoplelaws/15911972.html&cp>)

2. A State level workshop on Community Forest Rights was organised on the 3rd and 4th of December at Raipur, Chhattisgarh by Vasundhara in collaboration with several civil society organizations of Chhattisgarh. Participants shared that although reports of implementation of FRA by the state government show that around 8000 'community rights' have been recognized in the state, on ground research points that most of these are claims for diversion of forest land for developmental activities under Sec 3(2) of the FRA.

Apart from this villages in Chhattisgarh are facing problems in recognition of their rights especially in areas facing forest land diversion and in protected areas.

(For more information about the workshop, write to Bibhor Deo, Vasundhara at: bibhor@vasundharaorissa.org).

2. The Community Forest Rights-Learning and Advocacy Process organised its annual National Consultation on the Community Forest Rights and Governance at the India Habitat Centre in New Delhi on the 11th and 12th December at Delhi .Over 80 participants from the states of Andhra Pradesh, Himachal Pradesh, Kerala, Chhattisgarh, Uttarakhand, Rajasthan, Gujrat, Goa, Odisha, Maharashtra, Karnataka, and Madhya Pradesh involved in the implementation of CFRs attended the consultation. Participants included community members from tribal communities, nomadic pastoralists, particularly vulnerable tribal groups, other traditional forest dependent communities, in addition to civil society organisations, jan andolans, researchers and three Members of Parliament.

From the updates and issues that were shared by the participants it was apparent that even after eight years of implementation of the Act recognition of CFR rights remains slow and tardy, except in a few pockets in the country. Participants collectively observed that this was because of extremely weak political and administrative will and support towards implementing the law. Four major underlying reasons were felt to be the cause of this weak will to implement the law were:

- Macro-economic policies in favour of industrial development;
- Strong push from the forest establishment to retain and reassert their control over the forests and towards exclusionary conservation policies; and
- The nodal agencies being weak financially and human resource to deal with the impacts of the above factors.

The report of the consultation is available at http://fra.org.in/document/National%20consultation_11_12%20Dec%202015.final.pdf

A ground report by *Sanghamitra Dubey*

Madikhhol is a nondescript tribal village in Phulbani block of Kandhamal district, its thirty odd households primarily dependent on its community forests for livelihoods. For long, the village faced livelihood distress owing particularly to the lack of secure legal rights over their land and forests. Members of the community still recount memories of the curtailment of traditional rights over forests. Community members in conversations with us had often said, '*Agaru jungle gale forest guard dharuthila, aau jinisha aniba pain daunathile*' (Earlier, when we went to the forest for collection of minor forest produce, the forest guard would threaten us and stop us from taking it).

Recently however, the process of claiming and recognition of their rights under the Forest Rights Act has brought about a remarkable change in the village. The gram sabha of this village had claimed individual as well as CFR rights under FRA and they received titles towards these. The process has empowered the gram sabha to plan its own livelihood development. The gram sabha has prepared a convergence plan to meet the needs of the village, and thereby challenged the trend of departmental dumping of schemes on villages, which is often done without consulting villagers or prioritizing their needs. Madikhhol exemplifies the change which is marked in many other villages in tribal and forest areas of India, where recognition of land and forest rights under the FRA has opened up new opportunities for livelihoods and employment within the village. The FRA by vesting powers with the gram sabhas of forest rights holders and women to prioritize their own livelihoods and development, has departed significantly from the conventional state-led development approach.

Rule 16 of the FRA amendment rules 2012 specifically mandates state governments to provide all government schemes pertaining to land development, land productivity, basic amenities and livelihoods to rights holders under the FRA for their social welfare. This has been done to ensure that rights get translated into gainful livelihoods. The FRA seeks to change the trend marked in ongoing livelihoods programs where planning and implementation is top down, leaving forest dwellers with very little choice in the schemes they may choose to adopt in their villages and forests. Sometimes, this top down approach could also lead to a loss of livelihoods. On the other hand livelihoods approach under FRA is a bottom up process. In the case of Madikhhol, the planning process directly involved members of the gram sabha and the CFR management committee, and also women. Through social and resource mapping processes, they proposed six different plans as per the need of the community. This convergence plan prepared by the gram sabha looks completely different from state-led micro-plans.



Elders and young people of Madikhhol gramsabha engaged in convergence planning
Photo: Madhab Jena

The major thrust of state led plans shows a bend towards schemes like the Indira Awaas Yojna and other rural housing coverage schemes. However, Madhikhhol has prioritized its demands for agriculture, irrigation, Non-Timber Forest Produce (NTFP) processing and training for forest fire protection etc., thereby clearly defining their requirements and needs. The support of the district administration to this process was crucial, and it has set a precedent for all other districts with forest areas in the country. The Integrated Tribal Development Agency (ITDA) being the nodal agency for the implementation of FRA, also took up an initiative to strengthen the process. Six different line departments came together to execute the plan proposed by the Madikhhol gramsabha. A district level convergence committee was formed for the first time in Odisha to take note of the execution of these plans. A continuous process of all line departments taking steps to support forest dwellers has now begun. To strengthen these efforts, the Scheduled Castes & Scheduled Tribes Development Department of Odisha has come out with a comprehensive guideline which has given priority to gram sabha based convergence plans for the enhancement of the livelihood and food security⁵. It talks about strengthening institutional mechanisms to make livelihood planning in forests primarily based on gram sabha planning, and of prioritizing the needs of the communities these processes seek to empower. This endeavor by the Madhikhhol gram sabha and the district administration of Kandhamal will go a long way in building support of the state governments towards rights holders under the Forest Rights Act. (For more information about the process write to: sanghamitra@vasundharaorissa.org).

⁵ Read more about the guidelines here: <http://www.downtoearth.org.in/news/translating-rights-into-benefits-53597>. The guidelines are available at: http://fra.org.in/ASP_OrderCiculars_UploadFile/%7B585a8daf-34c9-46ee-8792-151e9537d44b%7D_Guidelines_Effective_Implementation_comvergence_Programs_FR_Holders_FRA.pdf

TRACKING THE FOREST ADVISORY COMMITTEE (FAC) MINUTES

On the 31st of December, the FAC considered nine projects pertaining to petroleum exploration, hydropower, coal mining, construction of a road and building, irrigation, and a paper and pulp industry from the states of Arunachal Pradesh, Uttarakhand, Telangana and Maharashtra. The FAC has recommended diversion for one proposal, is still considering 4 proposals, and 3 have received Stage I clearance. It has also recommended against grant of clearance for one project.

For the six-laning of the Mumbai Trans Harbour link road in Raigad and Thane districts of Maharashtra, the FAC in its meeting recommend that the project be approved after FRA compliance documents were submitted. However, on the 22nd of January, MoEFCC has granted Stage I clearance to the project, and asked the state government to submit all documents related to FRA compliance before Stage II clearance is granted. In its earlier meetings, the FAC had asked for all documents related to FRA compliance to be submitted. The state government in its response had asked permission to submit compliance documents for one village falling under the municipal limits after Stage I clearance had been granted since no committees under the FRA had been formed in the municipal area. There is no evidence of these documents having been submitted in less than a month's time. The MoEFCC has also suggested that FRA clearance documents should be submitted according to the advisory issued by MoEFCC on the 5th of February 2013⁶. This move is clearly in violation of the office memorandums of MoTA issued on the 7th of March and 27th of August 2014 which have stated that the 5th February 2013 circular of the MoEFCC on linear projects is in violation of the FRA.

Stage I clearance has been granted for the diversion of 139.473 ha of forest land for the Construction of an earthen dam for a minor irrigation scheme, Kholsapada-I in Vasai Taluka of Thane district in Maharashtra on the basis of a certificate from the district collector of Palghar. However, gram sabha resolutions had not been submitted till December 2015. Stage I clearance has also been approved for diversion of 65.976 ha of forest land for the construction of Vidhan Sabha and Sachivalay buildings in Mussoorie forest division of Dehradun in Uttarakhand.

The FAC has acknowledged that the state government has fulfilled all the requirements for documentary evidence of FRA compliance. However, the FRA compliance report has not been made available in the public domain.

The FAC has recommended clearance for the diversion of a total of 776.20 ha of forest land, including 210.54 ha of forest land in favour of Singareni Collieries Company Limited for dump yard of coal mining in Khammam district of Telangana. The proposal had earlier received Stage I clearance for diversion of 565.66 ha of forest land in favour of coal mining excluding the 210.54 ha for a dump yard on the basis of consent certificates obtained from 4 Joint Forest Management Committees and a letter from the District Collector of Khammam certifying that rights have not been recognised over area to be diverted since there are no eligible claimants under FRA and no claims are pending, as compliance with FRA. These documents are in violation of the basic provisions of the FRA and the August 2009 circular issued by the MoEFCC which give the power of decision-making over forest areas to gram sabhas. The FRA amended Rules also mandate that the DLC is responsible for seeking claimants under the FRA and making them aware of the provisions of the Act. Therefore, the certificate from the DC seems like he is abdicating from this responsibility under the FRA.

The FAC has recommended against approval being given for the diversion of 300 ha for a pulp and paper manufacturing unit in Khammam district of Telangana. The plant is located within 10 km of the Kinnerasani Wildlife Sanctuary. The proposal had already been declined approval by the FAC in 2012. However, it was submitted to the Cabinet Committee on Investment in 2013 which sent the proposal to the MoEFCC for reconsideration. In 2013, the MoEFCC reported that FRA compliance had not been sought for the project and that the project fell under PESA area. The sarpanch of Sarakapa village coming under the project has also alleged that the project proponent has already encroached on 200 acres of forest land.

The minutes of the meeting of the FAC are available here: http://forestsclearance.nic.in/FAC_Report.aspx.

⁶ MoEFCC issued an advisory on the 5th of February ([http://forestsclearance.nic.in/writereaddata/public_display/orders/1503732839\\$FRA.pdf](http://forestsclearance.nic.in/writereaddata/public_display/orders/1503732839$FRA.pdf)) pertaining to FRA compliance documents to be submitted for clearances for linear projects, where it said that gram sabha consent is not required to be taken. This stand of the MoEFCC was criticized by the MoTA and deemed illegal through its office memorandums dated 7th March 2014 (<http://tribal.nic.in/WriteReadData/userfiles/file/Picture%20084.pdf>) and 27th August 2014 (http://www.tribal.nic.in/WriteReadData/userfiles/file/fra0001_Part2_Part1.pdf).