

COMMUNITY FOREST RIGHTS AT A GLANCE A NEWSLETTER

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SPECIAL FEATURE



WOMEN'S RIGHTS AND THE FRA

The Forest Rights Act makes special provisions for the recognition of women's right to land and forest resources. How have these provisions been implemented?

Women on forest protection duty in Saigata village of Chandrapur District, Maharashtra

Photo | [Ashish Kothari](#)

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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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Despite the campaign announced by the Prime Minister's Office on the Forest Rights Act (FRA) in April this year, the overall status of claims filed and titles distributed as reported by the latest status report from MoTA, remains more or less the same since May 2015. Except Odisha, all other states continue to make no distinction in reporting between community claims under Sec 3(1), community forest resource rights claims under Sec 3(1) (i) and claims relating to diversion of land for developmental activities under Sec 3(2).

The confusion on the applicability and implementation of the Maharashtra Village Forest Rules (MVFR)¹ continues to play out on the ground. Due to petitions against the rules from civil society members and local villagers², the rules were put in abeyance by MoTA in August 2014³. There was tremendous pressure from the government of Maharashtra to make the rules operational again, even as MoTA continued to state that the MVFR violated the basic provisions of FRA⁴. However, with latest office memorandum from MoTA in November 2015, it seems like the ministry has relented to pressure from the government of Maharashtra. In the letter, while it maintains that MVFR should be implemented only after the processes of recognition and vesting of rights under FRA are complete, it has suggested that the Ministry of Environment, Forests and Climate Change (MoEFCC) and MoTA should jointly come up with a model rules towards management of forests to prevent an overlap of provisions in VFRs and CFRs for forest management!

Karnataka has become the fifth state after Himachal Pradesh, Jammu and Kashmir, Odisha and Telangana to start demarcating and evicting 'encroachments' over forest land⁵ in several district through the joint participation of the forest department and the revenue department, without completing the process of recognition and vesting of rights.

Two important policy decisions have been taken by the Government of Maharashtra which can have a bearing on the effective implementation of the FRA in protected areas. The government has decided to pay a compensation package, over and beyond the rehabilitation package to families who are willing to relocate from Wildlife Sanctuaries and National Parks. The package will utilize CAMPA funds. On the other hand, the government will facilitate the creation of 'nature conservancies' around tiger reserves, where land owners around protected areas will be given compensation to give up their land to facilitate conservation. Meanwhile, plans for relocating villages within Similipal tiger reserve in Odisha and Amrabad and Kawal tiger reserves in Telangana are afoot. As previously reported in this newsletter, the process being followed to relocate people and 'settle' rights under the FRA, especially in Similipal TR has been illegal (See http://fra.org.in/document/CFR-LA-Newsletter_Aug-Sept_2015.pdf; page 12). In Amrabad, reports suggest that the authorities are already claiming that rights have been settled, when no titles have been distributed. (See Telangana section in News, views, reviews from the states).

¹ The Maharashtra government passed the Maharashtra Village Forest Rules in May 2014. These were opposed by civil society groups and community members on the grounds that they violated the fundamental provisions of the FRA as well as the Panchayats (Extension to Scheduled Areas) Act, 1996 or PESA; by making the JFMCs and not the gram sabhas as the primary forest management bodies and giving control of forests to the Forest Department (FD). These rules were put in abeyance by MoTA in August 2014.

² See: <http://kalpavriksh.org/images/LawsNPolicies/PetitionaganistVFRSept2014.pdf>; <http://www.thehindu.com/sci-tech/energy-and-environment/ngo-accuses-maharashtra-govt-of-diluting-forest-rights-act/article6408273.ece>

³ See: http://fra.org.in/ASP_OrderCiculars_UploadFile/%7B931ecd36-cdc1-4340-a489-701d34580b31%7D_Maharashtra%20Circular_13th%20Aug%2014pdf.pdf

⁴ See letters sent by MoTA to the Government of Maharashtra on Village Forest Rules: http://fra.org.in/ASP_OrderCiculars_UploadFile/%7B7f5c5aee-be78-4076-b5f6-08d05d598e14%7D_Maharashtra%20Circular_5th%20Dec%2014.pdf; http://fra.org.in/ASP_OrderCiculars_UploadFile/%7B39ba60f3-eebd-4e62-b237-ae4a9d67d83b%7D_MoTA%20letter%20to%20Mahashtra%20Govt%20regarding%20Village%20Forest%20Rules.pdf;

⁵ Please see special feature, 'Reopening the encroachers debate' in the June-July newsletter. Available at: http://fra.org.in/document/CFR-LA-Newsletter_June-July-2015%20FINAL.pdf

FROM MoTA'S DESK

The controversial mining project in the Niyamgiri hills for the bauxite refinery run by the Vedanda Alumina Limited has surfaced yet again, with the Odisha Mining Corporation approaching the Supreme Court to reopen deliberations on whether bauxite mining should take place in the hills. Between July-August 2013, 12 gram sabhas within the Niyamgiri hills had rejected the project, on an April 2013 order of the Supreme Court which has asked the state government to take the deliberations of the project to the gram sabhas, upholding the FRA.

All of these issues have been reported in this edition of the newsletter. In addition the newsletter features 'Women and FRA', a special note by Sonali Pattnaik, narrating how processes in Kandhamal district of Odisha are helping women to assert their rights under the FRA. The newsletter also includes a brief report on the deliberations carried out by the Forest Advisory Committee in September and November 2015.

IMPLEMENTATION UPDATE

Comparing the status reports for the period ending on 31st August and 31st October 2015 it can be seen that the total number of CFR claims filed has increased marginally by 54 claims, but the total number of CFR claims distributed remains the same. (See Table 1).

Status Reports	Total No of Community claims Filed	Total Number of Community Rights Titles Distributed	Total Number of CFR claim filed	Total Number of CFR titles Distributed
Until 31st August	111,664	37,303	4,843	2,148
Until 30th September	108,999	38,685	4,892	2,148
Until 31st October	109,026	38,973	4,897	2,148

Table 1: Total Number of Community and CFR claims and titles in August, September and October 2015

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

With the exception of Odisha and West Bengal, most states still do not reflect separate figures for 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) of FRA⁶.

Jharkhand has registered a remarkable increase in the number of community rights claims filed from 864 (in the period ending on 31st August) to 2,734 claims (in the period ending on 30th September). The state also saw an increase in the total number of titles over community forest rights distributed from 494 (till the end of August) to 1,434 titles (to the end of October).

Madhya Pradesh also saw an increase in the number of community claims filed by 298 claims⁷. It saw an increase in the total number of titles distributed by 442 titles until 30th September and again by 103 titles until 31st October.

In Tripura, although the number of titles distributed remains the same, the extent of forest land for which titles were distributed has increased from 56.79 acres to 91.17 acres!

There are still no data being provided for most of North-Eastern States (with the exception of Assam and Tripura), and Bihar, Goa and Chhattisgarh.

Meanwhile, Andhra Pradesh, Assam, Gujarat, Himachal Pradesh, Karnataka, Kerala, Maharashtra, Rajasthan, Telangana and Uttar Pradesh have seen no changes in the total number of claims and titles since May 2015.

⁶ Odisha has been reporting both the number of CFR claims filed and CFR titles distributed, whereas, West Bengal only reports on the number of CFR titles distributed.

⁷ Where the August Status Report for the State of Madhya Pradesh shows total of 40,615 claims and the titles distributed were 21,285.

Table 2: State-wise analysis of Community rights claims filed, titles distributed and the extent of forestland for September and October 2015

STATE	No of Claims received (Sept)	No of Claims received (Oct)	No of Titles distributed (Sept)	No of Titles distributed (Oct)	Extent of forestland over which titles distributed in Acres (Sept)	Extent of forestland over which titles distributed in Acres (Oct)
Andhra Pradesh	10,959	10,959	2,107	2,107	-	-
Assam	5,193	5,193	860	860	-	-
Bihar	-	-	-	-	-	-
Chhattisgarh	-	-	-	-	-	-
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	21,727	21,830	-	-
Maharashtra	7,152	7,152	3,436	3,436	8,63,478.72	8,63,478.72
Odisha	7,727 (Community) 4892 (CFR)	7,754 (Community) 4897 (CFR)	2,910 (Community) 2090 CFR	2,910 (Community); 2090 CFR	1,09,391.46	1,09,391.46
Rajasthan	654	654	69	69	482.48	482.48
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	373 (Community) 58 (CFR)	558 (Community) 58 (CFR)	-	-
Total	108,999	109,026	38,685	38,973	-	-

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

Letters, Circulars, Guidelines, Memorandums

1. In an office memorandum issued to the Chief Secretaries of Sikkim and West Bengal dated 8th October 2015, MoTA has issued a clarification about the competent authorities to implement FRA in the Gorkhaland Territorial Administration (GTA) area of Darjeeling. MoTA, has clarified that:

(i) Mouza as defined in Sec 2(13) of the West Bengal Panchayat Act, 1973, can be adopted as the gram sabha under Sec 6 of the FRA in Darjeeling for initiating the processes of recognition and vesting of forest rights.

(ii) The elected representatives of the GTA (under the GTA Act, 2011) can be substituted for the members of block and district panchayats for the formation of the Sub-Divisional Level Committees and District Level Committee.

(See: [http://www.tribal.nic.in/WriteReadData/CMS/Documents/2015121704554605117540M\(1\).pdf](http://www.tribal.nic.in/WriteReadData/CMS/Documents/2015121704554605117540M(1).pdf))

2. An Office memorandum dated 27th November 2015 was issued by Ministry of Tribal Affairs to the MoEFCC and Chief Conservator of Forests of Maharashtra (GoM) regarding the implementation of the Maharashtra Village Forest Rules, 2014 (MVFR). The memorandum states that:

- State governments are free to vest rights/privileges/usufruct rights over and above those mentioned in the FRA to all stakeholders or rights holders. However, this can only be possible after the process of recognition and vesting of rights under FRA is complete. As the process of recognition and vesting of rights in Maharashtra is still underway, especially with regards to CFR, the state government can begin the process of vesting any other rights above and beyond those given under the FRA once the processes under FRA are complete and this is recorded by the gram sabhas.
- Any legislation that allows for surrender or cancellation of rights already provided under FRA is fundamentally in violation of the FRA since rights once vested under the FRA cannot to be transferred, surrendered, cancelled or taken away by subsequent legislations or executive instruction.

POLICY UPDATES

• Preamble of the FRA, read with Sec 3(1)(i) and 5 of the Act and Rule 4(1)(e),(f) of the Amendment Rules, 2015 states that the gram sabha of forest dwellers is the authority which ensures sustainable use, conservation of biodiversity and maintenance of ecological balance to strengthen the conservation regime of forests while looking out for livelihood and food security. However, there is an overlap between these provisions of the FRA and some provisions of the MVFR. There is a need to codify a regime for the protection of wildlife, forests and biodiversity and the plan to be prepared for the conservation of CFR under Rule 4 of the FRA Amendment Rules 2014 which is to be integrated with the management/working/micro plan of the FD. Therefore, MoEF and MoTA should jointly develop model rules to facilitate better functioning of village level committees. Till the model rules are formulated and adopted, the micro/management/working plans of state forest departments should be implemented in harmony with IFR/CFRs and Community rights vested in gram sabhas.

This memorandum has not been made available in the public domain by MoTA. There is also no clarity if GoM has accepted the suggestions that MoTA has given about the rules from time to time. In the absence of a notification about the amended rules, there continues to be confusion regarding the implementation of these rules on the ground.

(The memorandum was obtained through an RTI filed by Mahesh Raut of Bharat Jan Andolan. It was shared on the CFR-LA list serve on 7th October 2015. It has not been made available on public domain by MoTA. See: [http://fra.org.in/ASP_OrderCiculars_UploadFile/%7B34962757-68d0-46a1-88dc-3b51b3b9b18e%7D_Memorandum%20to%20Maharashtra%20Government%20regarding%20VFR_27th%20Nov15\).pdf](http://fra.org.in/ASP_OrderCiculars_UploadFile/%7B34962757-68d0-46a1-88dc-3b51b3b9b18e%7D_Memorandum%20to%20Maharashtra%20Government%20regarding%20VFR_27th%20Nov15).pdf)).

1. As part of the ongoing consultations being held to draft the new Forest Policy of India (See:http://fra.org.in/document/CFR-LA-Newsletter_Aug-Sept_2015.pdf), four regional workshops were held between from 5th October and 24th November in Dehradun, Shillong, Bangalore and Bhopal to discuss forestry issues and policy interventions in the himalayan, north-eastern, western ghats and central indian and desert regions. The workshops were attended by senior forest officers, experts in forestry, members of civil society organizations and researchers. In the workshop on the Himalayan region, issues like protection of rights of forest dwelling communities, and development of participatory management and governance mechanisms to enable local communities to co-manage forests were discussed. It was also discussed that the role of communities in decision-making and the changing role of the forest department as a technical support agency and public trust as envisaged under the FRA would need to be addressed in the upcoming forest policy.

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/fifth%20newsletter%20NFPRR%20oct%208th.pdf>; <http://www.iifm.ac.in/sites/default/files/documents/sixth%20newsletter%20of%20NFPRR.pdf>; <http://iifm.ac.in/sites/default/files/documents/Seventh%20newsletter%20of%20National%20Forest%20Policy%20Review%20and%20Revision.pdf>; <http://iifm.ac.in/sites/default/files/documents/eighth%20NFPRR%20newsletter%20dec%203.pdf>)

NEWS, VIEWS & REVIEWS FROM VARIOUS STATES

CHHATTISGARH

According to a news report that appeared in Chhattisgarh Patrika on the 26th of November 2015, nearly 60% of all the FRA claims filed in Chhattisgarh have been rejected in the last seven years, owing primarily to the growth of industry in the state. The report states that nearly 75,000 hectares forest land has been diverted for non-forest use in the state in the past 5 years, without the due recognition and vesting of rights under the Forest Rights Act.

(Shared by Vijendra Ajnabi on the CFR-LA list serve).

GUJARAT

Adivasi Mahasabha and Adivasi Ekta Parishad held a rally on the 21st of September in Shoolpaneshwar against the proposed eco sensitive zone (ESZ) around 7 km of the Shoolpaneshwar Wildlife Sanctuary encompassing 121 villages. The state government has said that the proposed ESZ will promote non-polluting industries in the area and the final plan for the development of the ESZ will be prepared in 'consultation' with all departments.

However, activists and locals fear that the proposed ESZ will be used to develop tourism activities around the Sardar Patel statue that is to come up near Shoolpaneshwar⁸. They also stated that there was no initiative from the district administration to recognise and vest community rights to the villages or to get gram sabha consent under FRA for this plan.

(See:
<http://www.counterview.net/2015/09/notribalrepresentationinorder.html>)

KARNATAKA

Acting on the decision of the state government to identify and remove any 'encroachment' on forest land, the state forest department has identified forest land under encroachment and has filed an affidavit before the High Court (HC) to take a decision on these cases. The forest department has submitted a timeline to the HC, giving details on the method of removing the encroachment and

the time required for each case. This decision of the state government is based on the 1996 order of the SC which ordered the eviction of illegal encroachers on forest land. The HC has allowed for all encroachments above 3 acres to be removed in the first phase following which 42 such cases of encroachment over 750 acres in Dakshina Kannada, Udupi and parts of Chikkamagaluru and Shivamogga districts have already been removed. While the forest department has said that people who have claimed land under the FRA will not be removed, it is not clear from the news report if the process of filing claims under the FRA has been initiated in these districts.

(See:<http://economictimes.indiatimes.com/news/environment/florafauna/reclaimingencroachedforestlandinkarnatakasstartedpcccf/articleshow/49694039.cms>)

MAHARASHTRA

1. The Revenue and Forest Department has vide a Government Resolution issued on the 12th of October 2015 mandated that families affected by projects undertaken by the forest department including creation of national parks and sanctuaries will get additional compensation along with the rehabilitation package if they give full, voluntary consent to relocate. Such families will be entitled to get entire cost of their land as well as the state rehabilitation package. The funds required over and above the relocation package will come from state CAMPA funds.

(See:
<https://www.maharashtra.gov.in/Site/Upload/Government%20Resolutions/English/201510131100237319.pdf> and
<http://timesofindia.indiatimes.com/city/mumbai/Forestdwellerstobegivenadditionalcompensation/articleshow/49360012.cms>).

2. The state government on the 21st of October has issued guidelines for establishing 'Community Nature Conservancies' with an objective to provide

⁸ See: http://articles.economictimes.indiatimes.com/2015-04-26/news/61542753_1_farm-land-new-land-acquisition-bill-cultivable-land

greater protection of ecosystems and develop eco-tourism around protected areas

(See: <https://www.maharashtra.gov.in/Site/Upload/Government%20Resolutions/English/201511031728572719.pdf>).

Farmers around protected areas will be encouraged to give up farming in return for compensation and carry out schemes like plantations, meadow development, protection of existing water bodies and construction of new water bodies on this land, either individually or as cooperatives.

The guidelines allow for private companies or corporate groups to undertake such projects on private lands inside tiger reserves and adjoining areas of national parks and wildlife sanctuaries. Corporations can avail of financial support from Tiger Conservation Foundations provided such projects are implemented in partnership with local individuals and 80% jobs are provided to local people.

The initiative has been launched in Umred-Karhandla Wildlife Sanctuary. The funds for the scheme are likely to come through global developmental banks.

(See: <http://timesofindia.indiatimes.com/City/Nagpur/CorporatesnowallowedtohelpdevelopforestsnearPAs/articleshow/49531240.cms>)

3. According to a news report that appeared in the Indian Express, 593.52 ha of tribal land has been illegally transferred to non-tribals in Pune district in the last four years. Under the Maharashtra Land Revenue Code, 1966, the transfer of tribal land to non-tribals needs to be sanctioned through the SDOs and DCs through legal processes. In Pune, tribal land is concentrated in the Ambegaon and Junnar Talukas and pockets of Mulshi, Khed, Maval and Shirur talukas.

312 unauthorised land transfer cases have been recorded in the district. Ironically, the transfer of such land back to tribals has proved to be difficult since tribals do not have land titles proving occupation or ownership of this land.

(See: <http://indianexpress.com/article/cities/pune/tribal-land-in-pune-in-last-four-years-over-580-hectares-transferred-illegally/>)

4. 6,724 ha of forest land has been diverted for developmental projects like construction of highways and large hydropower dams in Maharashtra since 2012. The total forest cover of the state is currently 61,939 sq km, which is about 20% of the land area of the state.

(See: <http://timesofindia.indiatimes.com/india/Projects-consume-over-6k-ha-forest-land-in-Maharashtra-in-3-years/articleshow/49623556.cms?>)

ODISHA

1. On the 21st of October, the National Commission for Scheduled Tribes (NCST) has sent a notice to the Government of Odisha to provide information on the action taken by the government for the protection of tribals and their land. This notice has been sent as a result of a petition placed before the NCST by the Campaign for Survival and Dignity (CSD) regarding violations made by the state with regards to the implementation of the Forest Rights Act.

(See: <http://www.orissadiary.com/CurrentNews.asp?id=63087>)

2. In an effort to reintroduce the proposal for bauxite mining of the Niyamgiri hills in Kalahandi and Rayagada districts, the state government of Odisha has written to the Ministry of Environment, Forests and Climate Change (MoEFCC), proposing to rehold gram sabhas. The state government has stated that since the previous proposal was a joint venture between Vedanta and OMC (which was rejected by the MoEFCC following the Supreme Court order in April 2013 and subsequent rejection of the proposal by 12 gram sabhas, See: <http://www.downtoearth.org.in/coverage/niyamgiri-answers-41914> and http://www.businessstandard.com/article/printerfriendlyversion?article_id=115101500923_1); it will seek to re-launch the proposal only through Orissa Mining Corporation (OMC) since the gram sabhas had rejected the mining by the joint venture between OMC and Vedanta Industries Limited. (See: http://www.businessstandard.com/article/printerfriendlyversion?article_id=115101500923_1)

Meanwhile, inside the Vedanta Aluminum Limited's alumina refinery in Lanjigarh Kalahandi, activists have alleged that the diversion of 26.244 ha of revenue forest land district is being approved by the Regional Empowered Committee under the Forest (Conservation) Act, 1980, without the mandatory gram sabha consent and completion of the process of recognition and vesting of rights under the FRA. Activists allege that the land has traditionally been used by 7 villages of Lanjigarh tehsil and their rights should be addressed before the land is diverted for any non-forest use.

(See:<http://www.thehindu.com/news/national/otherstates/frabeingviolatedtodivertforestlandforvedantaactivist/article7771931.ece>).



Meeting of the Niyamgiri Surakshya Samiti, Gorota village. (Photo: Meenal Tatpati).

3. The Statesman on the 7th of October has reported that the forest department in Similipal Tiger Reserve will relocate Kabatghai and Bakua villages from the core of the TR. The relocation plan was prepared in 2008 and phased relocation of Jenabil, Upper Barhakamuda, Bahagar and Jamunagarh villages was carried out in 2010, 2013 and in September this year.

The director of the reserve has said that residents of Kabatghai and Bakua have agreed to relocate.

(See:<http://www.thestatesman.com/news/odisha/forest%ADdept%ADto%ADrelocate%ADvillages%ADto%ADvacate%ADstr%ADcore%ADarea/95314.html>)

4. On the 29th of October, 10 villages in Jasipur Tehsil of Similipal Tiger Reserve have received titles over their CFRs, over a total area of 1227.23 ha

forest land. The titles were distributed by the Chief Minister of Odisha in a function in Baripada in the presence of several ministers and the tribal department. However, 68 CFR titles are still in possession of the DLC since the DFO has refused to sign the titles.

(Shared by Bibhore Deo of Vasundhara on the 31st of October on the CFR-LA list serve).

RAJASTHAN

Through an amendment made to Sec 41 of the Rajasthan Forest Produce (Transit) Rules 1957, the transport and sale of NTFP (non-timber forest produce) like tendu, awla, mahua seeds and flowers, beheda, honey and several more will now be free from the requirement of the transit permit of the Forest Department. Gram sabhas in scheduled areas can issue their own transit permits. The amendment has provided much relief to the tribals since the process of securing a transit permit from the forest department to transport and sell NTFP in markets was very tedious and the tribals were forced to sell their produce to middle-men at very low prices.

(News appeared in the Rajasthan Patrika on 7.10.15).

TELANGANA

By an order issued on the 28th of November, the Environment, Forests, Science and Technology Department of the Government of Telangana has constituted the State Level Monitoring Committee and District Level Implementation Committees for the relocation of people from the core/critical tiger habitats of the Amrabad and Kawal Tiger Reserves, according to the guidelines for relocation of the National Tiger Conservation Authority.

(See:<http://www.thehindu.com/news/national/telangana/panel-to-look-into-relocation-of-villages/article7929054.ece>)

As per a news report, consent letters have been obtained from by nearly 80 Chenchu⁹ families following gram sabhas for discussion on voluntary relocation held by the Forest Department in Sarlapally and Kudichintalabailu villages in Mahbubnagar district of the Amrabad Tiger Reserve. However, activists of the Cenchu Rakshana Samiti have stated that majority of the

⁹ The Chenchus are a Particularly Vulnerable Tribal Group staying in the Nallamala Forest Range of the Amrabad Tiger Reserve.

MEETINGS, WORKSHOPS, CONSULTATIONS

Chenchu families are not willing to relocate outside the reserve, and consent letters have been taken from people from the plain areas who have settled in the forest land over several years and not the Chenchu people.

(See:<http://www.thehindu.com/news/national/telangana/projecttigermayevictchenchus/article7917406.ece>).

Meanwhile, the forest department has suggested that recognition and vesting of forest rights under the FRA has been completed since rights were already vested to all Chenchus and Lambada community members in these tiger reserves. However, data on implementation from the ITDA shows that out of 662 IFR claims that were forwarded to the DLC, only 76 have been approved whereas out of 42 community claims, only 11 have been approved by the DLC. No titles have been handed over to the communities yet.

(See:<http://www.thehindu.com/news/national/andhrapradesh/forestrightsarea-distant-dream-for-them/article7917408.ece>).

UTTARAKHAND

1. In a high level meeting to review the implementation of the FRA in the state, the chief minister has asked the forest department and the Social Welfare Department to conduct awareness campaigns to inform forest dwellers about the Act. In the meeting it has been decided that forest dwellers will be categorized into four categories considering the situation of forest occupancy in Uttarakhand for implementation of the Act. The four categories are:

- Large populations settled in forest areas over time where relocation would be difficult.
- Population settled on plots leased by the forest department, 75 years ago, for which documents will be available with the forest department.
- Settlements in forests in recent years, which could be resettled on degraded forest land.
- Forest villages settled by forest department for forestry activities.

(See:http://www.dailypioneer.com/print.php?printFOR=storydetail&story_url_key=rawatreviewsimplementationofforestrightsact§ion_url_key=stateeditio ns).

1. A state level consultation on Community Forest Rights was organised in Dehra Dun, Uttarakhand on the 19th and 20th of October by Van Panchayat Sangharsh Morcha and Kalpavriksh. Over 50 participants including community members, members of civil society organizations, and researchers from 6 districts of Uttarakhand as well as national level activists participated in the Consultation. From the updates and experiences shared by participants, it was clear that the situation of recognition of rights is very poor in Uttarakhand since claims are pending with SDLCs and DLCs from as early as 2009. Various reasons were listed for this, including:

- lack of awareness regarding FRA and its provisions at all levels, including among communities, civil society organisations and official agencies.
- insistence on 75 years occupation of forest land for Other Traditional Forest Dwelling Communities.
- interference of the Forest Department in claiming and recognition processes, especially in and around Protected Areas
- lack of clarity between existing Van Panchayats and the new provision of CFR rights under FRA .

On the 20th, a training session on FRA was carried out where all the provisions and processes of the act including filing of community rights claims were discussed, in the context of Uttarakhand.

(For a detailed report of the meeting, please write to Neema Pathak Broome, Kalpavriksh at neema.pb@gmail.com).

SPECIAL FEATURE: WOMEN'S RIGHTS & THE FRA

By Sonali Pattnaik (sonali@vasundharaorissa.org)

A significant part of the lives of women in forest dwelling communities are spent in the forests, gathering forest resources, particularly for food, fuel and materials for crafts among other things.¹⁰ A strong gender dimension is also seen in many community driven forest protection initiatives where women play a greater role in protection activities as well as in conservation and regeneration of forests.¹¹ However, when it comes to active decision-making regarding forest access, use and conservation, women by and large remain uninvolved due to the patriarchal construct prevalent in many societies. Modern conservation regimes have also failed to make women integral to the legal and institutional set up of forest management and access. Insecure tenure rights over forest land have created a situation where women are further disadvantaged when deprived of their forest lands due to eviction of communities from protected areas or displacement due to mining and infrastructure building.¹²

The Forest Rights Act provides for the active participation and involvement of women in the socio-political decision-making regarding forest access.

- Section 2(g) of the Act and Rule 4(2) of the FRA Amendment Rules, 2012 provide for the full and unrestricted participation of women in the Gram Sabha (village council) meetings where the quorum requires one-third of the members present to be women.
- Rule 3(1) provides for one-third of the members of the FRC to be women.
- Rule 5(c) requires that at least one of the three members of the panchayati raj institutions nominated to the Sub Division Level Committee is a woman,
- Similarly, Rule 7 (c) requires that out of the three members of the panchayat to be nominated to the District Level Committee, at least one is a woman.

The FRA also aims at securing the social and economic well being of women by providing that titles over individual claims are in the name of both the spouses, and in the name of the woman if she heads the household (Sec 4(4)).

Situation on the ground

However, studies show that these provisions of the FRA are being ignored¹³. While their role in forest protection and management within the community continues, power dynamics in decision-making has ensured that the participation of women is hampered in claim-making as well as post-claims processes, and decision-making in the SDLC, DLC and SLMC meetings. In order to assess the issues and concerns regarding the rights of women under the FRA, Vasundhara, an NGO based in Odisha, has been organizing state and national level meetings of groups working towards rights of women. A National Level Consultation was organized in Bhubaneswar where civil society groups and community members from 6 states namely, Maharashtra, Rajasthan, Gujarat, Jharkhand and Andhra Pradesh and Odisha came together to share experiences and analyze the challenges that women have been facing.¹⁴ The discussions during the consultation revealed that:

- There is a general lack of awareness amongst women regarding their rights under the Forest Rights Act and about the process for claiming those rights. This has led to their inadequate representation in the FRCs and Gram Sabhas. This lack of awareness also pervades governmental institutions responsible for the implementation of FRA. Thus, titles issued on forest land by the DLC are issued only in the name of men. Similarly, except for a few isolated cases, single women, who are also the most vulnerable, are not provided forest land rights. There is no disaggregated information available with the government on the status of recognition of rights of women under the FRA.

¹⁰See: https://www.researchgate.net/publication/263634517_Opportunities_for_Enhancing_Poor_Women%27s_Socioeconomic_Empowerment_in_the_Value_Chains_of_Three_African_Non-Timber_Forest_Products_NTFPs

¹¹ See: http://www.cifor.org/publications/pdf_files/Books/BCIFOR1303.pdf and <http://vasundharaodisha.org/DiscussionPapers-e.asp>

¹²See: http://www.cifor.org/publications/pdf_files/articles/ACIFOR1104.pdf and http://www.bothends.org/uploaded_files/inlineitem/151123_HR_India_def.pdf

¹³Studies were carried out by the author in parts of Kandhamal, Nayagarh, Mayurbhanj, Deogarh districts of Odisha. For references write to the author.

¹⁴https://www.researchgate.net/publication/289534063_Report_on_National_Consultation_-_Women_Forests_Forest_Rights_India

- If rights over Community Forest Resources (CFRs) are recognised, they can potentially provide a major source of sustenance and livelihood for women. However, the recognition rate of these rights remains low in all states. Ownership and usufruct rights over minor forest produce (MFP) are not realized on the ground and the provision for minimum support price mechanism for MFPs is not properly implemented. For example, collection and sale of tendu, a major source of livelihood for women remains under state monopoly. Due to this, many women's organizations engaged in collection and marketing of MFPs (such as cooperatives and self help groups) are not able to access the benefits from the collection and sale of MFP.
- The non-recognition of the rights of other traditional forest dwellers particularly affects women from marginalized communities including dalits. A serious and often overlooked problem is the harassment women face from forest officials while going to the forests to collect forest produce. The forest department continues to exercise control through interventions that are in contravention to the FRA, like plantations and induced relocations from protected areas. Such interventions have affected women and their land rights adversely.



A meeting on women's rights on forests and FRA in Patia gram panchayat of Ranpur block Nayagarh Odisha. (Photo. Nilamani Mahapatra).

Initiative for Women Rights under FRA

In the above context, Vasundhara in partnership with the District Administration at Kandhamal has launched a program named Sambhavna¹⁵ that aims at securing tenure rights, ecological rights and livelihood rights of women by creating awareness about women's role in the assertion of land rights; and the necessity of their participation in pre-and-post claim processes under the FRA. Under this program, orientation workshops are held at the gram panchayat level for women, panchayati raj institution members, forest rights committees, self help groups and other government officers. These workshops facilitated dialogues which led to a process of networking and federation building amongst the women groups creating enabling spaces for the groups to work towards achieving legal recognition of forest rights of women. This process links up with networking at the state level with a state level group of women leaders and organizations who work on this issue. The process of consultations and federation building will go hand in hand with a participatory process of documentation of the status of FRA with specific focus on women and their participation and case-studies highlighting impact of the FRA process on women.

As a result of this effort, women along with men in Jamjhari G.P. of Kandhamal District are engaged in creating forest fire controlling mechanisms resulting in regeneration of the forests. The process has helped many women to emerge as community resource persons taking the message of the importance of women's participation in assertion of rights under FRA and also strengthening their role in effective management of forests to different villages.

¹⁵https://www.researchgate.net/publication/298722915_Examples_towards_Women%27s_Equitable_and_Secure_Land_Rights_-Voluntary_Guidelines_and_the_World_Bank_-_Gender_Equitable_Land_Governance_in_Odisha

TRACKING THE FOREST ADVISORY COMMITTEE (FAC) MINUTES

A total of 26 projects were discussed by the FAC during its meetings held on the 30th of September and 24th of November 2015 from the states of Odisha, Madhya Pradesh, Maharashtra, Jharkhand, Andhra Pradesh, Chhattisgarh, Karnataka, Himachal Pradesh, Tripura and Rajasthan. Out of these, 16 proposals were related to mining, 2 for irrigation, 2 for defense, and one each for road, railway, port, wind energy, rehabilitation of people from a tiger reserve and thermal power.

The FAC has recommended approval for diversion of forest land for a railway line in Agartala and Udaipur districts of Tripura (9.94 ha). The minutes of the meeting show that there has been no deliberation on compliance with FRA provisions in this case.

The FAC has recommended approval to the Panchpatmali South Block bauxite mine in Koraput district of Odisha, on the condition that all documents related to FRA compliance are provided by the state government. The documents submitted by the Odisha government include gram sabha resolutions about the proposal and a letter from the District Collector of Koraput. The FAC in its meeting has deliberated that from the resolutions submitted by the Odisha government, it is unclear if the gram sabhas have consented to or rejected the project. Thus, it seems at this point that the FAC has already taken a decision to approve the project and is asking for FRA compliance and gram sabha resolutions to ensure that the checklist of documents needed for clearance is complete. On the other hand, the FAC has constituted a committee to look into the fraudulent gram sabha consent resolutions submitted by the district collector of Keonjhar for the diversion of 1177.2110 ha of forest land for iron-ore mining in the Gandhamardhan Block B mining lease. The villagers of one village have written to the FAC stating that gram sabha meetings to deliberate on the diversion of forest land for the project have not been held and that the gram sabha resolution has been forged.

The FAC has also recommended diversion of 300 ha of reserve forest land in near Pewara village of Warora taluka, Chandrapur district of Maharashtra for the rehabilitation of Palasgaon (Shingru) village of Tadoba Andhari Tiger Reserve, provided complete FRA compliance report is submitted by the state government. The state government has submitted a resolution of the Palasgaon gram sabha in favour of rehabilitation; and a letter from the district collector for 'FRA compliance' over the 300 ha. However, the details of this letter from the collector are not clear from the minutes. It is also unclear if the process of settlement of rights under the FRA has been carried out in both the villages.

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