



A National Report on
Community Forest Rights under
Forest Rights Act: Status & Issues

By
Vasundhara & Kalpavriksh

In collaboration with
Oxfam

An output of the
Community Forest Rights Learning and Advocacy Process (CFR LA)

CREDITS

- Knowledge Partner : Oxfam India
- Project Coordination : Tushar Dash (Vasundhara), Ashish Kothari and Shiba Desor (Kalpavriksh)
- Report Compilation & Editing : Shiba Desor
- National level CFR status review:
- Collation* : Meenal Tatpati & Anuradha Arjunwadkar, with help from
Neema Pathak Broome
- Inputs* : Keystone Foundation, ATREE, Seva Mandir, Astha Sansthan, Lokhit Pashu Palak Sansthan, Foundation for Ecological Security, Nadi Ghati Morcha, Lok Vigyan Kendra, Centre for People's Forestry and Integrated Tribal Development Society, Arch Vahini, Sahjeevan, National Institute of Women Child and youth Development (NIWCYV) (See Annexure 2 for details)
- Maharashtra level report :
- Coordination* : Neema Pathak Broome
- Case studies* : Reshma Jathar
- Inputs* : Mohan Hirabai Hiralal, Dilip Gode, Devaji Tofa, Subodh Kulkarni, Keshav Gurnule, Shyam Devanji, Pratibha Shinde & Brian Lobo (See Annexure 1 for details)
- Odisha level report :
- Coordination* : Tushar Dash
- Case studies* : Sudhansu Sekhar Deo & Sujata Das
- Karnataka (Biligiri Rangaswamy Temple Tiger Reserve) level report:
- Coordination* : Nitin Rai
- Case study* : C. Madegowda

ACKNOWLEDGEMENTS

Project team (Ashish Kothari, Shiba Desor, Tushar Dash, Y. Giri Rao): We are grateful to our knowledge partner Oxfam for supporting the process of CFR learning and advocacy and to all members who have been part of the CFR LA process and who are directly or indirectly involved in trying to understand or facilitate the processes of recognition of CFRs. We would like to thank Sharmistha Bose and Vanita Suneja from Oxfam for their inputs in the review of this report.

National CFR Review (Meenal Tatpati and Anuradha Arjunwadkar): We are grateful to Rahul Saxena (Lok Vigyan Kendra, Himachal Pradesh), Balwant (NIWCYD, MP), G. Anil Kumar (Integrated Tribal Development Society, AP) and Suresh (Centre for People's Forestry, AP) for providing valuable information about the on-ground situation in their states. We would also like to thank Trupti Parekh and Ambrish of ARCH-Vahini, Sabyasachi Das and Ramesh Bhatti of Sahjeevan, Gujarat. For the state review of Rajasthan we appreciate inputs of Madhav Tailor from Seva Mandir, Aastha Sansthan, Yash Sethia from FES and Tilottama Sarkar who worked with LPPS for filing CFR claims in a village. For Tamil Nadu study we acknowledge the information provided by Archana from Keystone Foundation and M. Mathivanan from ATREE's Agasthyamalai Community-based Conservation Centre. We thank Gautam Bandopadhyaya and Rajat Choudhary from Nadi Ghati Morcha for their contribution to the Chhattisgarh case study.

Maharashtra case study (Reshma Jathar and Neema Pathak Broome): We are grateful to the community members, civil society organisations and all others who contributed towards making of this either by providing direct information or through interviews. We are also grateful to Vrikshmitra, Jnyanprabodhini, Srishti, Aamhi Aamchya Aarogyasathi, Gram Aarogya (all in Gadchiroli), Vidarbha Nature Conservation Society (Nagpur), Ankur Trust (Raigad) and Lok Sangharsh Morcha (Nandurbar) for their valuable suggestions, time and active support to this study. Many thanks to Subodh Kulkarni and Mohan Hirabai Hiralal for providing enormous information about the documents that they have diligently collected over the years and giving much time for clarification of data. We also thank Brian Lobo for providing valuable information on Thane district through interview.

Odisha case study (Sujata Das and Sudhansu Sekhar Deo): We are grateful to community members of the villages Lamer in Kalahandi and Brahmanakumei of Nayagarh for their contribution to the case study. We are also thankful to Kalhandi Zilla Jungle Mancha, Odisha Jungle Mancha and Maa Maninaga Jungle Suraksha Parishad for their input and support.

BRT case study (C. Madegowda and Nitin Rai): We would like to thank Sanna Madegowda, C.Madappa, Konuregowda, Mahadevaiah, Sanna Rangepowda, and Bedegowda for help with the information and field assistance.

TABLE OF CONTENTS

S.No.	Contents	Page No.
A	CFRs: Introduction and National Review	4
1	Context	5
1.1	<i>Background</i>	5
1.2	<i>Significance of CFR provision of FRA</i>	5
1.3	<i>Need for the study</i>	6
1.4	<i>Methodology</i>	7
2	National and state level CFR status review	8
2.1	<i>National CFR status: A review of MoTA status report</i>	8
2.2	<i>CFR status in seven states of India: A quick review</i>	9
B	Case Studies on CFR	18
3	Case study 1: Maharashtra	19
3.1	<i>Introduction</i>	19
3.2	<i>Limitations</i>	19
3.3	<i>Status of CFRs implementation in Maharashtra</i>	19
3.4	<i>District level case study: Gadchiroli</i>	21
3.5	<i>Individual case study 1: Mendha Lekha</i>	35
3.6	<i>Individual case study 2: Kakadyelli</i>	38
3.7	<i>Individual case study 3: Murumbodi</i>	40
3.8	<i>Individual case study 4: Narotichak</i>	42
3.9	<i>Individual case study 5: Bodadha</i>	44
3.10	<i>Individual case study 6: Shankarpur</i>	46
3.11	<i>Individual case study 7: Kasaari</i>	48
3.12	<i>Individual case study 8: Ghati</i>	49
3.13	<i>District level case study: Raigad</i>	51
3.14	<i>Individual Case Study: Adivasi-wadi, Mool Velas village</i>	55
3.15	<i>State level conclusions and recommendations</i>	57
4	Case study 2: Odisha	58
4.1	<i>Introduction</i>	58
4.2	<i>Status of CFR recognition in Odisha</i>	58
4.3	<i>Assertion of Community Forest Rights through Community Initiatives</i>	60
4.4	<i>Individual case study: CFR process of LAMER village, Kalahandi</i>	61
4.5	<i>CFR process in Brahmankumei village in Ranpur, Nayagarh</i>	65
4.6	<i>Prominent issues in Odisha pertaining to CFR</i>	70
5	Case study 3: BRT Tiger Reserve, Karnataka	70
5.1	<i>Introduction</i>	70
5.2	<i>Rights recognition process in BRT</i>	72
5.3	<i>Challenges and recommendations</i>	78
C	Issues and Recommendations	79
6	Key Issues	79
7	Key Recommendations	85
	Annexure 1: List of organizations consulted for the individual case studies of Maharashtra state study	89
	Annexure 2: List of organizations consulted for state-wise information for the National CFR review	91

A. CFRS: INTRODUCTION AND NATIONAL REVIEW

This section describes the context of the study, the relevance of Community Forest Rights (hereafter referred to as CFRs) provision and a national review of status of CFRs. The National review on CFRs draws information from MoTA website, published status reports and inputs from various grassroots level organizations engaged in advocacy or facilitation for CFR implementation.



Villagers and government officials in Udaipur district, Rajasthan, near regenerating forest on which CFR claims have been made ©Ashish Kothari

1. CONTEXT

1.1 Background

The local communities living in and around forests in India have had a history of conservation and sustainable use of the forests as a resource base arising from their dependence on the same. This relationship has led to formalized or informal customary rules of use and extraction, often governed by spiritual or ethical beliefs and practices that have ensured that forests are not too degraded.

However, with the advent of the British, the focus shifted from the forests being used as a resource base for sustenance of local communities to a State resource for commercial interests and development of land for agriculture. Acts and policies such as the Indian Forest Act of 1865 and 1927 curtailed centuries-old, customary-use rights of local communities and consolidated the government's control over all forests. Thus forest use by villagers was in many cases not a right anymore but a *privilege* or a concession given by the government (exceptions being where local people collectively struggled to retain their forest use rights and get these recognised).

The Post-Independence forest policies and laws like the Forest Policy of 1952, Wild Life (Protection) Act of 1972 and the Forest (Conservation) Act of 1980 did little to alleviate the problems of the forest dependent communities. Local uses were further curtailed, thereby further alienating village communities from their age-old, symbiotic relationship with forest, even labelling these communities as “encroachers” or “illegal” users. Post 1990s neo-liberal economic policies led to increase in extractive industries like mining which caused large scale displacement.

Consequently, over the last couple of decades several people's movements have emerged against the process of rights deprivation and marginalization of forest communities. Finally, under much civil protests and pressure, the Scheduled Tribes and Other Traditional Forest Dweller's (Recognition of Forest Rights) Act, was enacted in 2006 and came into force in 2008. This Act (according to its preamble) aspires to undo years of injustice to these communities by recognizing and vesting the rights to use, manage and conserve forest resources and to legally hold forest lands that they have been residing in and cultivating. By recognizing community rights over forest resources it attempts to ensure livelihood and food security while empowering them to use biodiversity sustainably and conserve it to maintain ecological balance.

Sec 3(1) of FRA includes the rights for habitation and cultivation, community rights such as *nistar* or those used in intermediary regimes such as *Zamindari*, right of ownership i.e. access, use and disposal of non-timber forest produce (NTFP), rights over the products of water bodies and grazing grounds amongst other rights. These rights can be claimed both as individuals and as a community. These rights when claimed as a community are referred to as Community Forest Rights or CFRs. Sec 3(2) authorizes the government for diversion of forest land to provide the communities with the facilities towards education, health, connectivity.

1.2 Significance of CFR provision in FRA

The Act has particular significance in taking a historic step in providing for community rights to “protect, regenerate, conserve and manage” any community resource for sustainable use. The provisions of section 3(1)i and section 5 of the Act together with Rule 4e give rights and responsibility to the Gram Sabha for sustainable use, conservation of biodiversity & wildlife, ensuring that internal and external factors do not destroy their community forests and maintenance of ecological balance. This is recognition of the fact that

Community Forest Resource

Chapter 1 Sec 1(a) of the Act defines “community forest resource” as, “customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access.”

Section 3(1)i, Section 5 and Rule 4e:

Sec 3(1)i provides the “right to protect, regenerate, conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use”.

Section 5 of FRA empowers the holders of forest rights, gram sabhas and village level institutions to protect the wildlife, forest and biodiversity and to regulate access to community forest resources and stop any activity that may adversely affect the same. The Gram Sabha is also empowered to ensure that the ecologically sensitive areas are adequately protected and the habitats of forest dwelling communities are preserved from any form of destructive practices that may affect their cultural and natural heritage.

Rule 4e under the Act states that communities which claim rights under the Act have a right to “constitute Committees for the protection of wildlife, forest and biodiversity, from amongst its members, in order to carry out the provisions of section 5 of the Act”.

The CFR provisions are crucial for changing the manner in which forest have been viewed and governed thus far. These have a potential to change the top-down centralised governance of forests towards greater decentralisation and site-specificity, and for providing collective livelihood security to communities. This however is a process which essentially faces a number of challenges. Certain systems, processes and support structures will thus need to be in place for these provisions to realise their full potential.

1.3 Need for the study

CFR provision of the Act is extremely important for supporting community forest governance and conservation where it is already happening, and also for situations where communities are willing to take up conservation and management of their common resources. Despite the potential of CFR provision, it has been noticed that there has been an emphasis only on a few provisions of the Act rather than the Act in its entirety. The thrust of the implementation in most parts of the country so far has been on claiming individual rights to land while rights over community forest resources (CFRs) have been largely ignored. Over the last two years this lacuna has been recognized by many government and non government agencies. However, the actual step of communities claiming these rights is easier said than done. For a number of reasons such claims are not being made across the country. It is very difficult to get a national picture on status of CFR rights since little disaggregated data is available even with the Ministry of Tribal Affairs for making proper assessments at State level. Even where titles have been issued, there have been confusions and problems in some areas regarding the conditions and restrictions mentioned in the titles. Further, being a recently enforced Act, the post rights-recognition scenario is unclear and various problems are being faced in assertion of community voices in forest governance and decision-making.

CFR Learning and Advocacy Process: the idea and the approach

In view of the significance of the provision, a need has been felt for quite some time by the many international, national and local organisations involved in advocacy and facilitation for the CFR provision for learning from different experiences in implementing this provision. Keeping this in mind the CFR Learning and Advocacy process has been initiated by Kalpavriksh and Vasundhara in collaboration with Oxfam India. . A National Brainstorming Meeting was organised on 17th December 2011 during which it was decided to initiate a collective exercise for learning and advocacy towards better and effective implementation of CFR provisions of the Act. The exercise, called CFR Learning and Advocacy Process (CFRLAP), involves grass root level organisations and people's networks working with communities on FRA and CFR and other support groups like legal advisors and individuals involved in research. The objective of CFRLA process is to facilitate exchange of information and experiences and reinforce national level efforts for evidence-based advocacy on CFRs. A National Consultation on CFRs, in which the Minister of Tribal Affairs, Shri V. Kishore Chandra Deo participated, was also organised on 10th and 11th March as part of the process.

This study aims at consolidating information on CFR status and issues in different states in India collected from groups and organizations working in the states including the lessons from the March 2012 consultation, in order to understand the ground level situation regarding their implementation and to provide an assessment based on the collected information about the same.

1.4 Methodology

This study used a combination of different research approaches and sources such as

- review of secondary sources like MoTA website, Joint MoEF-MoTA Committee report 2010¹, NAC recommendations report²,
- collection of regional information from members of the CFRLAP through a designed information format,
- field visits and interviews
- Proceedings of the Brainstorming meeting for CFRLAP (held on 17 December 2011) and National level CFR consultation (held on March 10-11, 2012).

For the purpose of the study:

1. A national level review on CFR status was undertaken. For this, state level information was collected through secondary sources, telephonic interviews and filled information formats.
2. Detailed case studies involving field visits were compiled for the state of Maharashtra, Odisha and Biligiri Rangaswamy Temple Wildlife Sanctuary, Karnataka³.
3. Inputs from many organizations, information from the above two studies and perusal of different reports were used to bring out key issues and recommendations.

¹MoEF-MoTA Committee 2010, 'Manthan-Report of National Committee on Forest Rights Act', December.

²NAC 2011, Summary of Recommendations, NAC Working Group on Tribal Development, February.

³The BRT case study was conducted by ATREE, for the purpose of this study

2. NATIONAL CFR STATUS REVIEW

2.1 National CFR status: A review of the MoTA status report

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, is in implementation since 2008. Till 30 April, 2012, more than 31.8 lakh claims have been filed and more than 12.56 lakh titles have been distributed (status report of MoTA). As per the latest (for the period ending on 30-04-2012) progress report on MoTA website, the status of CFRs is given in the following table⁴.

As shared by several groups which are part of the CFR Learning and Advocacy Process (CFRLAP) there is incorrect reporting by states. In many states community claims filed are not reported in the status report. Some states are exaggerating the status (e.g. Gujarat). There is no information on rejection of claims. 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. 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 1,70,000), with a total area 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.

State	Claims for CFRs filed	CFR Titles distributed
Andhra Pradesh	6714	2106
Assam	5193	860
Chhattisgarh	4736	775
Gujarat	8723	1608
Karnataka	2785	1
Kerala	1369	-
Madhya Pradesh	8972	-
Maharashtra	5062	941
Orissa	2331	860
Rajasthan	334	45
Tripura	277	55
Uttar Pradesh	1135	814
West Bengal	7824	108

⁴Bihar, Himachal Pradesh, Jharkhand have not provided information on how many of the total claims and titles were CFRs. Kerala and Madhya Pradesh have not provided segregated information on how many titles issued were CFRs

2.2 CFR status in seven states of India: A quick review

For the purpose of this report, it was decided to conduct a review of implementation status of CFRs in a number of states. Questionnaires were specifically developed for civil-society groups working towards FRA in different states and circulated via email followed by telephonic interviews conversations with members and State Level Monitoring Committee members from different states

A review of only seven states of India could be carried out satisfactorily. These are Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Madhya Pradesh, Rajasthan, Tamil Nadu. Apart from these seven states, description of the CFR scenario of two states (viz. Odisha and Maharashtra) is given in their respective case studies in Section B of the report. Information gathered through responses, along with information received through a study of secondary literature (mainly FRA implementation reports) has formed a basis of the following state level review. Annexure 2 gives a list of the organisations which provided information. The information received from these states regarding the status of CFR implementation, status of CFR claims filed, management of areas over which rights have been granted and problems encountered in the process is discussed below.

State review 1: Andhra Pradesh

Nodal Agency in Andhra Pradesh is *Tribal Welfare Department*.

Status of claims:

According to official figures, 6,714 community forest claims were filed. Titles for 2,106 of these claims, covering an area of 34,286 acres, have been issued whereas 3,554 claims are reported to have been rejected.

As per civil society groups Centre for People's Forestry (CPF) and Integrated Tribal Development Society (ITDS), the CFR status in Andhra Pradesh is:

1. CFR claims were filed in Srikakulam and Visakhapatnam districts. Out of 238 CFR claims filed, 43 CFR titles have been sanctioned. 27 of these 43 titles have the condition attached that "Management must be under JFM/CFM and FRA 3(1)i".
2. 43 CFR claims were filed in Polavaram Mandal, Buttaigudem Mandal, and Jeelugumilli Mandal in West Godavri District, covering 39,000 acres. Conditional titles (not allowing transfer of rights to children/ family members after death of right holder) for 29 of these CFR claims have been sanctioned to Van Samrakshana Samitis covering 23,945 acres of forest land.

CFR scenario in Andhra Pradesh

In Andhra Pradesh it is mainly those areas which are under JFM and managed by Van Samrakshana Samitis (VSS) which are being considered for granting title under CFR. Although local communities know the traditional boundaries of their CFR under Gram Sabha, they do not have technical know-how and equipment to measure the area. Some of the conditions being imposed in the CFR titles, as reported by civil society organisations above, also seem to be invalid and problematic.

State Review 2: Chhattisgarh

Nodal agency in Chhattisgarh is *Tribal Secretariat (Tribal Development Department)*.

Status of claims

According to MoTA status report, 4,736 community claims have been filed at Gram Sabha level. Out of these how many are Sec 3(1) or Sec 3(2) is not shown. 775 community titles have been distributed.

As per civil society group (Nadi Ghati Morcha), out of 4,736 CFRs claims filed only 750 have been distributed. Almost all titles are issued for development Sec 3(2) barring one or two where a few of the MFP rights have been recognised.

CFR scenario in Chhattisgarh

Despite the Tribal Department being the nodal agency, FRA implementation seems to have been largely controlled by the Forest Department, at least in the initial period of implementation. The Secretary of the Nodal Agency has been refusing 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 this under the PESA Act. There are reports that suggest that the functioning of the Gram sabhas and FRCs and decisions with regard to claims are being interfered by officials rather than the Gram Sabha. Recently Chhattisgarh State circulated a notice that claims will be entertained from 15th January to 15th February 2012. And from 15th February onwards a special Gram Sabha will be organized to process the claims.

In Chhattisgarh, naxalism is claimed to be a major deterrent for the lagging behind in implementation of FRA since at least 40 out of 85 blocks have been affected by it. In the south of the state 640 villages are yet to be surveyed and none of FRA related activities are taking place because of it being a conflict zone. Still, there have been some positive developments since 2009. The focus has shifted to claiming rights over community forest resources. There are many instances where without gaining CFR titles or without being under JFM, communities are defining their customary forest boundaries and managing the forests well.

State Review 3: Gujarat

Nodal Agency for FRA implementation in Gujarat is the *Tribal Department*.

Status of claims:

There is much discrepancy in figures given by different sources for CFR claims and titles in Gujarat (including among the different official sources)

From all of Gujarat, according to the data provided by the website, only 27 claims for Community Forest Rights have been filed, all from the Valsad district. They cover an area of 18,643.87 ha. All 27 of these claims have been recognized.

On the other hand, according to Status report available on the website <http://tribal.nic.in>, 8,723 community claims have been filed in Gujarat. Out of these, only 1,608 claims, covering an area of 37,923 acres, have been sanctioned. The website, however, also cautions that Gujarat is one of the states that have not been furnishing updated information in this regard. 8,723 CFR claims were filed in all districts of Gujarat put together, according to the District-wise Monthly progress report for implementation of FRA, dated June 2011. 3,814 of these claims are reported to have been rejected, while 3,566 claims are pending at different levels. 1,343 claims are reported to have been approved at the DLC level. (It is not clear whether all these claims are under Section 3(1) i.e. are CFR claims or not).

A Gujarat FRA report⁵ by the MoEF-MoTA Joint Committee says that the number of claims for Community Forest Rights approved by DLC was 334 (covering 31,456 ha.).

As per civil society organisation Arch Vahini, CFR Claims to 24,508.90 ha of forest land were filed in Dediapada taluka of Narmada district. The communities of 69 of the villages have claimed all six major Community Rights over Forest Resources, including the right to manage them as CFR (Section 3(i)). The SDLC has approved these claims, but they have not yet been put before DLC, as the FD has objected to specifying Compartment Nos. and Area. It is claiming that people are already enjoying all these rights and there is no need to mention these details. Other villages of Narmada might also have claimed these rights, but their details are not yet provided by the SDLCs.

CFR scenario in Gujarat

As regards the overall progress in CFR implementation in the state, it is reported in the joint MoEF-MoTA Committee report of 2010 that "There has not been much progress on CFRs, as the state decided to process these only after IFRs. There may have been grounds for this such as lack of staff, but as in the case of several other states this kind of phased implementation is a serious mistake as it discourages attempts by communities to sustainably manage and protect forests around them, and also leaves open the possibility of fresh encroachments in areas that would otherwise be the forest commons of the village."

The Act's implementation also became largely controlled by the Forest Department instead of the state nodal agency. Meanwhile the Sub-Divisional Level Committees have been insisting on production of fine receipts as proof for claims, and, in the case of some claims, sending rejected claim forms back to individual claimants rather than the Forest Rights Committees or the gram sabhas. As of October 2009, reports indicated that the SDLCs had begun rejecting claims even when they are accompanied by fine receipts – only those claims that are listed on the FD's "eligible encroacher" lists are being accepted.

Pastoral communities of Banni want to claim CFRs on the Banni grassland which has been used by them as a common property resource for centuries. In 2009 FD prepared a Banni Working Plan, (without consulting pastoral communities residing there for many centuries), that violates rights of pastoral communities. Furthermore, unsurveyed areas are being taken over for plantation by the forest department, in Banni, without consulting local traditional pastoral communities. Therefore, 16 out of 19 Panchayats have sent notices to the chairperson of SLMC of Gujarat state regarding violation of grazing rights of pastoral communities by forest department, and demanding implementation of FRA for grasslands. The Panchayats have also requested SLMC to recognition of their rights over the Banni start implementation of FRA in Banni as early as possible.



Forests of Mundhiari (dist. Vadodara), Gujarat, claimed by villagers as CFR ©Ashish Kothari

⁵ MoEF/MoTA Committee on Forest Rights Act, Consultations and field visits in Gujarat, 27-29 November 2010, available on <http://fracommittee.icfre.org/TripReports/Gujarat/Gujarat%20report%20%28Revised-FINAL%29.pdf>

State Review 5: Himachal Pradesh

Nodal Agency for FRA in Himachal Pradesh is *Tribal Development Department*. It was reported that the Tribal Development Department is severely constrained in terms of field staff and it is the Revenue and Panchayati Raj department officials who have been trained for the implementation of FRA at village level.

Status of claims:

The MoTA website reports that from all of Himachal Pradesh only 21 claims for Community Forest Rights have been filed, all of them in Pangi subdivision of Chamba district. Of these, 3 are pending at the gram sabha level, and 16 at the district level. The remaining 2 claims, covering an area of 8.093 ha., have been approved at the district level. As per information received from the civil society group Lok Vigyan Kendra, only the claims made in Kinnaur district (which have not even been mentioned in MoTA reports) are reportedly community claims, all other claims being development claims; and none of them have been granted at the state level to the best of their knowledge till Feb. 2012.

CFR scenario in Himachal Pradesh

The considerable population of nomadic pastoralists of Gaddis and Gujjars, who are scheduled as tribes in this state, either lives outside these districts or visits their alpine pastures only seasonally. It is this section of the population which could benefit considerably through clear recognition of their rights both to their seasonal pastures and their migratory routes. However, the rules do not provide any clarity about the procedure to be followed for recognising the rights of such nomadic communities which pass not only through multiple gram sabhas but also multiple districts and sometimes through 2 or 3 states.

Civil society organisations like Lok Vigyan Kendra and Himlok Jagriti Manch, are providing information to local communities about the possibility of using FRA as a tool for preventing imposed forest diversion in areas where people are struggling against unsustainable industrial and hydropower development.

State Review 4: Madhya Pradesh

The nodal Agency in Madhya Pradesh is the *Tribal Welfare Department*

Status of claims:

From all of Madhya Pradesh, according to the data provided on the website <http://forestrights.nic.in/>, only 3 claims for Community Forest Rights have been filed, one each in Anuppur, Guna and Jabalpur districts. Of these, 2 are still pending with the Gram Sabha, while no further information is available on the third one. According to the Status report available on the website <http://tribal.nic.in>, 8,972 community forest claims were made in Madhya Pradesh. No information about titles is available.

As per figures given by a civil society group (National Institute of Woman Child and Youth Development NIWCYD) 381 CFR claims (covering 126,998 acres) have been filed in the Dindori district and have been recognized, but three conditions have been imposed. The group doesn't have information about claims in other areas.

CFR Scenario in Madhya Pradesh

According to the Madhya Pradesh trip report⁶ of the MoEF-MoTA Joint Committee, "There is a lot of confusion in the minds of the implementing agencies between development rights and CFRs. There is also lack of awareness about the CFR provision among local communities." Civil society groups report that in Madhya Pradesh, the Forest Department (FD) interferes in the claims process, insisting that claimants produce "fine receipts" issued by the department or their names appear as an entry on "its eligible encroachers" list (put together in 1994) as evidence of their residence in the forest.

Forest dwellers in certain parts of Madhya Pradesh have taken the first step to reclaim community-owned forestland that was taken away by the government after independence. 1,300 revenue villages (Betul district) held separate meetings and passed resolutions stating that their rights, dating back to pre-independence era, should be recorded in the village registers maintained under the FRA.

In some villages, like Dhaba of Dindori district, forest management in collaboration with CSOs has been under way for over 10 years. Rules include a ban on felling trees, and involvement of the entire village in regular patrolling of the forest area, which they have also mapped after ascertaining the boundaries. They have made provisions for fire prevention and have imposed conditions on NTFP collection. Seven years ago they built a village tank, as a result of which there has been a rise in the availability of water, and also in the number of grazing animals supported by the area.

In Dhaba, CFRs have been granted but (as of February 2012) the community has not received the original title deed (dated Nov. 2009) for the CFRs. Only a photocopy had been handed over to them in Nov. 2010. The village had appealed for rights under section 3(1)i but has received no response. All CFR titles issued in Dindori are subject to three conditions. The conditions state that the title has been granted subject to provisions of three different laws: the IFA 1927, the MP Van Suraksha Adhiniyam, 1977, and the Van Suraksha Samiti Act of 1990, implemented in 1994). An appeal against these conditions has been filed. There are other villages in the same district that have been engaged in managing their own forest and have claimed CFR. But they face problems like inability to mark own forest boundaries and to measure the areas.

State Review 6: Rajasthan

Nodal Agency in Rajasthan is the *Social Justice and Empowerment and Tribal Area Development Authority*

Status of claims

According to the MoTA Status report for the period ending 30th April, 2012, 334 community claims were recommended by Gram Sabhas to SDLC and 45 titles have been issued (it is not clear whether these are CFRs or developmental claims).

As per civil society group Seva Mandir, 334 developmental claims (under section 3(2) have been filed and out of these 39 have been issued. With facilitation from Seva Mandir and Van Utthan Samitis, 87 claims for CFRs (under section 3(1)) have been been filed in Udaipur district (or are in process of being filed). 61 claims have been filed at 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; 8 claims from the Kotra block are at the village levels. FES in Udaipur has facilitated 10 CFR claims but there has been no action and response on the status of these. LPPS has facilitated the process of CFR claims Section 3(1) for one village, Latara, in Pali district focusing on grazing rights of the *Raika* community to forests within the Kumbhalgarh

⁶ The report is available on the website <http://fracommittee.icfre.org>

Wildlife Sanctuary. The Raika Biodiversity Protocol has been used as an evidence for forest-people interactions among the Raikas. The villagers of Latara prepared a rough map marking all areas traditionally visited by them with their local names and ascertaining boundaries between those and forests belonging to other villages. The claim is in the final process (as of February 2012).

CFR scenario in Rajasthan

Mobilization on community rights has taken place in large parts of the State, though the government continues to ignore them in implementation. The MoEF-MoTA Committee's interactions (as per the 2010 report) suggested that many villages are in the process of making CFR claims. One widespread problem is that villagers are being told they do not need to file CFRs, since they already enjoy benefits from JFM. In many places where claims are being made, they are being restricted to the extent made available under JFM scheme, rather than what the village has been traditionally using or managing or being made in the name of the Van Suraksha Samiti (JFMC).

Since the area claimed under CFR often ends up being a big stretch of forest area, especially for pastoralists, no one knows the *khasra* (demarcation made by the Revenue Department on land, numbering each plot of land) numbers of these stretches better than the Forest Department. The Patwari is usually not aware of the details of land that falls under the jurisdiction of the Forest Department. Furthermore, the requirement of furnishing documentary evidence for residence of more than 75 years is also problematic in cases like the village of Latara (in Kumbhalgarh Wildlife Sanctuary) which was listed as a *Khalsa village (during the princely state era, khalsa land revenue was collected directly by the princely state) leading to a near absence of any historical records with the villagers or else records in a dialect which has now fallen into disuse*. In such cases, the absence/non-cooperation of the Forest Department (which is the situation in most cases) in the process of claiming rights is liable to hinder the delivery of such rights. These could be small impediments that hamper the overall success of claiming CFR. Thus there is a strong need to work on the perceptions of the Forest Department towards this Act.

The CFR process in Rajasthan has been further discouraged by the following events:

1. In June 2008, the Tribal Welfare Department issued a circular that confusingly referred to 9455 families identified in a 1995 government survey as "eligible" persons (i.e. people who had been identified as having cultivated land from prior to 1980). The circular stated that for these persons, claims should be submitted before June 30th, and rights finalized before 20th July 2008. This led to considerable confusion and was in violation of the Forest Rights Act. After meetings with organizations, this circular was clarified by orders stating that the Act's provisions should be complied with for all applicants. On July 25th, 2008, around 5,000 people joined a *Jangal Jameen Jan Andolan dharna* against these illegalities. At the end of the day the Tribal Commissioner gave a written commitment saying forms for both community and individual rights would be freely distributed.
2. The state government issued a new 11 page *kulak* (claim form set) for filing claims, requiring claimants to not only fill in the forms prescribed by the FRA Rules, but also to get endorsements from a number of officials such as the *patwari, tehsildar, district authorities, forester and RFO, and president and secretary of Gram Sabha* which is totally illegal. In January 2009, following mass demonstrations, the government withdrew the 11 page performa, but then later said that it would continue but officials would be required to fill the form instead of people.

- 3 In June 2010 the Bhilwara District Collector decided not to extend rights to *tendu patta* and gum, and gave FD the power to close off the area from any local use for 5 years

In case of protected areas:-

1. There was no awareness creation about the Act in Kumbhalgarh sanctuary and Sariska Tiger Reserve. A CFR claim by Haila village inside Kumbhalgarh Sanctuary was rejected, despite the village having a history of forest protection.
2. In Kota district, Sariska Tiger Reserve and Ranthambore Tiger Reserve, villagers are being subjected to harassment and eviction notices. There are continued efforts to relocate villagers. In Sariska, the FRA has not been implemented hence this relocation is in clear violation of law.
3. In Phulwari Ki Nal Sanctuary 13 CFR claims have been pending for several months.
4. An issue needing immediate attention in the region is the decision to change status of the Kumbhalgarh wildlife sanctuary to that of a national park. Local communities both tribal and non-tribal in the region are greatly worried at what this change in status would entail. Moreover the move is likely to further complicate the process initiated by the Raika (pastoral) community and villages in the vicinity of the park to claim the right to graze in the protected area under the CFR.



Public hearing on FRA in Kumbhalgarh Wildlife Sanctuary, Rajasthan, where villages have filed CFR claims ©Ashish Kothari

State Review 7: Tamil Nadu

Nodal Agency for Tamil Nadu is *Department of Adi Dravidar and Tribal Welfare*.

Status of claims:

According to the Status report on implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 [for the Period ending 29th February, 2012], Government of India, Ministry of Tribal Affairs:

1. 3,361 community claims had been filed at the Gram Sabha Level. Out of these how many are Sec 3(1) or Sec 3(2) is not shown. A total of 3,723 claims have been approved and titles are ready to be distributed by the DLC. Out of these, which are community claims and which are individual claims are not known.
2. Tamil Nadu has not distributed any titles so far. No community in Tamil Nadu has been granted CFR rights due to the restrictive High Court Order.

Figures as per civil society groups (Keystone Foundation and ATREE) are:

1. In Kotagiri and Coonoor Taluka of the Nilgiri District, Coimbatore District and Erode District 17 CFR claims under Sec 3(1) have been filed.
2. Some CFR claims have also been filed in the Sathyamangalam division, Erode district. However, details about these claims could not be collected.

Restrictions on access to forest resources

Under the state Joint Forest Management Programme initiated in 1997, JFM areas were cordoned off to prevent grazing and a number of other local uses. More than a decade later, these forests have still not been allowed access; impacting a number of rights. This has affected the grazing system followed by sheep/cattle herders in Madurai, Virudhunagar, and Tirunelveli Districts.

In Srivilliputhur Sanctuary area (in Virudhunagar and Madurai Districts) Malaimadu cattle herders are regularly harassed by sanctuary authorities in spite of FRA 2006 which recognizes grazing rights of pastoralist communities in forest lands including wildlife sanctuaries. Sathyamangalam is TN's biggest NTFP division and NTFP based livelihoods are important to many hundreds of households. There are plans to declare the Sathyamangalam Wildlife Sanctuary in Erode District as a Tiger Reserve. The communities in Sathyamangalam division have filed CFR claims as early as in 2009 but the NTFP permits are being withheld in anticipation of declaration of the tiger reserve. 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. However there is a mounting resentment among tribals living on the fringes against attempts of the forest department to curb access to the forests to collect forest produce and graze cattle⁷. Recently 19 tribal majority gram sabhas have passed resolutions opposing the declaration of the Sanctuary as a Tiger Reserve and claiming that the Forest Department had not consulted them on this subject⁸.

⁷ 'Tribals spot danger in Tiger Reserve plan' by K. A. Shaji, Feb 22, 2012, Times of India, <http://timesofindia.indiatimes.com/city/coimbatore/Tribals-spot-danger-in-tiger-reserve-plan/articleshow/11986263.cms>

⁸ 'Tribal villages oppose Tiger Reserve in Sathyamangalam' by K. A. Shaji, May 3, 2012, Times of India, http://articles.timesofindia.indiatimes.com/2012-05-03/developmental-issues/31555560_1_tiger-reserve-grama-forest-rights-act

CFR scenario in Tamil Nadu

On 21 February 2008, the Madras High Court issued a stay order⁹ against any issuing of pattas or felling of trees (under section 3 (1) and 3 (2) of the FRA). On 30 April 2008, after an application for vacation of this order was moved by a tribal organization, the High Court clarified that implementation of the Act should proceed, but the title for any rights should be granted only after obtaining orders of the Court. There is a great amount of confusion regarding this order among official agencies and efforts are on by civil society groups to explain procedures under this process, which does not restrict anyone from initiating the process of filing the claims. Once the claims have been filed and verified, they can be granted subject to the Court's approval.

Communities are now attempting to claim rights over these forests under FRA but have been discouraged because of the Court Order. Across several areas including protected areas, tribals have staged protests on evictions and have demanded that their CFR rights be recognized and granted. On 20 October 2009, adivasis from Kodaikanal hills protested in Dindigul District against evictions and eviction threats, false cases, prevention of collection of forest produce such as honey and firewood and demanded implementation of FRA.

In Kanyakumari and Tirunelveli districts, mass efforts at claiming community forest resources have begun. In Gudalur in the Nilgiri District, more than 50 villages have declared their community forest resource boundaries and have put up sign boards with their boundaries marked, listing the resources in the village, the area covered, and the fact that violations of community decisions in these areas would be an offence under the Forest Rights Act¹⁰.

Of the villages mentioned above whose community claims have been facilitated by Keystone Foundation, 8 villages have started thinking of post-rights management. A cluster of 4 of them has formed a committee under Section 5 and are discussing how to patrol the CFR area. The *Alu Kurumba* community, believed to be the oldest inhabitants of the region, 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 or 'seemai' (*Seemai* is a region comprising of several *ooru* or habitations). There is a traditional leadership hierarchy that derives from the concept of the seemai. Even as other communities started occupying these regions, the concept of the *Alu Kurumba seemai* has prevailed. Even today, the *Irula*, *Toda*, *Kota* (all ST/PTG) and the *Badaga* (Indigenous/OBC) recognize *Alu 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.

http://articles.timesofindia.indiatimes.com/2012-05-03/developmental-issues/31555560_1_tiger-reserve-grama-forest-rights-act

⁹ Order can be obtained from <http://www.forestrightsact.com/madras-high-court> or from Keystone Foundation.

¹⁰ Source: <http://www.forestrightsact.com/current-situation>

B. CASE STUDIES ON CFR

Three detailed case studies on site-specific CFR situation were undertaken as a part of this study. The purpose of the case studies was to augment the CFR Learning and Advocacy process. Out of these, two were state level studies (on Odisha and Maharashtra) and one individual site study (for Biligiri Rangaswamy Temple (BRT) Wildlife Sactuary in Karnataka). The BRT case study was taken up since it was one of the first cases where CFRs had been granted in a Protected Area, to study what have been the problems, processes and implications of the provision for the people and the area.

Site selection for the state studies:

Maharashtra: The areas in which study would be carried out were identified based on available information on districts where this provision was being implemented, and where the study team could tie up with the local partners. Attempts were made to cover both types of districts, those where a number of claims have been granted and those where this process has not gained momentum yet. Geographical criteria were also kept in mind.

Odisha: The Odisha state study uses case studies on CFR in Nayagarh and Kalahandi. The areas were selected on the basis of following considerations.

- Brahmakumein in Nayagarh district: to study how the community forestry groups have used the CFR provisions, what are operational difficulties and what are strategies at the community level post recognition of CFR.
- Lamer village in Kalahandi district: the issue of conversion of JFM areas as CFR rights and ignorance of traditional boundaries was studied in villages which had received CFR titles.

Methodology

Information formats were created for state level CFR information as well as individual case studies to investigate the process of CFR claims and to get a preliminary idea of the communities' understanding of conserving their forest resources.

- Following methodology was adopted to carry out the case studies:
- In identified areas local partners were selected who in turn helped in the identification of specific sites to be visited within these areas. Efforts were taken to ensure that villages at different stages of CFR claims were selected.
- Detailed discussions were held with local partners, NGOs, local communities.
- Documents provided by the villagers and the NGOs were perused.

Discussions within the team were carried out at each stage.

3.1 CASE STUDY 1: MAHARASHTRA¹¹

3.1 Introduction

This study was commenced to investigate the status of implementation of CFR provisions in the state of Maharashtra, including, to answer the following questions:

- Whether or not CFRs are being claimed and why?
- How much forests have actually been claimed, how much area in the state is now under CFR?
- Are these CFRs being used, managed and conserved? If yes, how? If not, why not?
- What are the issues emerging because of the emergence of this new category of governance of forests?
- What is the relationship of these CFRs with the conventional managers of these forests, namely the forest department?
- What kind of support is being received or demanded by communities in management of forests?

3.2 Limitations

Because of limitation of time and resources, field visits could only be carried out in the districts of Gadchiroli and Raigad. A few other districts were also covered through telephonic interviews. Team members however could gain a fairly good understanding of CFR implementation and post implementation practices in Gadchiroli and could not do the same for the rest of the districts. Even in Gadchiroli and Raigad, only one or two day field visits to each of the villages were carried out; thus it was not possible to gauge the communities' understanding of natural resource management in any depth. In a few cases relevant documents, photocopies of CFR claims that have been filed, government circulars were not available for perusal, and we had to rely on the verbal information provided by the villagers.

3.3 Status of CFRs implementation in Maharashtra

According to the FRA Status Report for information till 30 April, 2012, 5062 claims have been filed and 941 titles granted. As per the information¹² issued by the Tribal Research and Training Institute (TRTI), at the end of April 2011, 376.13 acres of forest land has been diverted for the purposes mentioned in Sec. 3(2) in eight districts – Thane, Nasik, Nandurbar, Nanded, Washim, Wardha, Nagpur and Chandrapur. There is little detailed information on CFRs in Maharashtra in the public domain. However, in Gadchiroli, Vrikshmitra has obtained a copy of taluka-wise information on CFR titles that have been granted by November 2011 from the district collector's office though it does not classify the number of titles granted under Sec. 3(1) and Sec. 3(2). As per the estimate given by CFR activists in the district 400 titles must have been granted under Sec. 3(1) in 12 *talukas* of the district approximately. Implementation of FRA, CFR claims in particular, in Protected Areas, has not been reported anywhere in the state. Claims filed in protected areas are lying un-responded to for over two years often in the offices of the wildlife wing of the Forest Department. Information regarding Gadchiroli and Raigad will be given in their respective case studies. The status in some other districts of Maharashtra is as follows:

¹¹ This report has been prepared by Reshma Jathar with help from Neema Pathak. Gadchiroli district report was prepared by Reshma Jathar and Neema Pathak with help from Subodh Kulkarni and Mohan Hirabai Hiralal

¹²Source: http://www.trtimah.gov.in/forest/static_pages/FRA_MPR_April_2011.pdf

Thane¹³: In Thane district, Kashtakari Sanghatna (KS) has been playing a role of facilitator in four talukas – Dahanu, Jawhar, Vikramgad and Mokhada – for the implementation of FRA. The organization conducted an exercise of mapping CFR areas and assessed peoples' dependence on forests by helping them prepare lists of NTFP, water bodies, pathways and sacred places. However, only 16 to 20 CFR claims have been filed from Dahanu and Jawhar talukas, and all of them are pending at the Sub-Divisional Level Committee.

Communities here have filed individual claims, in which, they have demanded rights over land under cultivation as well as over a patch of land from where they extract biomass for burning on their farming land to prepare it for cultivation. However, many such claims have been rejected. Since the individual claims were rejected, KS believes, communities lost faith in the FRA and hence are not willing to file CFR claims.

In addition, the district collector had issued a circular directing *talathis* to file CFR claims; however, it emphasized on Sec. 3(2) and to some extent Sec. 3(1) a and g; which are related to land holdings. As a consequence of this circular, in Dahanu *up-vibhag* 180 CFR claims have been filed without local communities' consent and titles have been granted over 10 hectares of land for each CFR claim.

Nandurbar and Jalgaon¹⁴: 123 and 67 CFR claims under Sec. 3(1) have been filed from Nandurbar and Jalgaon districts respectively. Claims in Nandurbar are pending with SDLC while those in Jalgaon are at the DLC level.

Lok Sangharsh Morcha has played the role of a facilitator in helping communities file CFRs. The process was started in March 2011. Pavara and Bhil communities from these two districts participated in a state-wide *padyatra* that was organized on March 10, 2011 by the civil society groups working in different parts of Maharashtra. More than 5,000 community members participated in the 580-km long *padyatra* that was arranged in order to pressurize state government to speed up the implementation of FRA. Emphasis on CFR implementation was also on the agenda. At the end of this *yatra* representatives from communities and civil society groups met the Chief Minister, and the minister agreed to their demand of conducting training sessions at district level for CFR implementation. Accordingly, in April 2011, Mohan Hirabai Hiralal of Vrikshmitra was invited to Nandurbar, as a resource person, and a training session was conducted for officials from district collector's office, Forest Department, Tribal Department and civil society groups.

At present, degraded forests cannot provide them with their livelihoods. As a result, a large number of families emigrate for wage labour; migrant labour and agriculture now being the main sources of livelihood. Since mid-1970s forests in Nandurbar district have undergone severe degradation. Large forest areas have been converted for non-forest purposes under various development projects such as Sardar Sarovar, Suzlon among others. The changing land-use pattern has alienated communities from their forest resources. But, there has been a process of community mobilization in areas where LSM has been active for almost two decades. A certain level of awareness that has been created over these years has led to a considerable number of CFR claims from these two districts. Two villages – Gorjabari in Akkalkuva *taluka* in Nandurbar district and Jamanyagadraya village in Yawal *taluka* of Jalgaon district – have formed committees under Sec. 5 of FRA. Implementation of Joint Forest Management (JFM) in the past in the district has led to clashes among villagers. Aatgaon village from Chopda *taluka* of Jalgaon district is one such village. In this village, though FRC was formed successfully, the committee did not approve any individual as well as CFR claims. LSM has appealed against FRC to the state monitoring committee.

¹³This data is based on a brief conversation held with Mr. Brian Lobo of Kashtakari Sanghatna. A copy of this circular and any other relevant documents was not available for perusal.

¹⁴This data is based on a brief tele-communication held with Ms. Pratibha Shinde of Lok Sangharsh Morcha. Copies of relevant documents were not available for perusal.

3.4 District level case study: Gadchiroli

Introduction to the district:

Gadchiroli: Gadchiroli district has a high number of CFRs filed and titles received. By November 2011, 737 CFR titles had been given in Gadchiroli, as per the information issued by the district collector's office. No exclusive data has been made available by government agencies on the number of CFR titles that have been granted under section 3(1) in the 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. Coordinated action of civil society groups working very closely with the government machinery, has also worked positively in providing the necessary documents for filing the claims and moving the process ahead. However, granting 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

The district is spread over 14,412 sq km of area and for administrative purpose it is divided into three sub-divisions i.e. Gadchiroli, Aheri and Desaijanj; each sub-division has four talukas, thus the district is divided into 12 talukas and 12 Panchayat Samitis. According to 2011 Census, total population of the district is 10,91,795, of which 5,42,813 are males and 5,28,982 females while the population density of the district lowest - 74 per sq km.¹⁵ The Scheduled Castes and Scheduled Tribes population is 1, 08,824 and 3,71,696 respectively. ST population being approx 34% of the total population (Census 2001).¹⁶ The district is categorized as Tribal District with Gond, Madia, Pardhan and Kolam being the major tribal communities in the district.



Forests cover 75.95% of the geographical area of the district. In 2009-2010, out of 14,412 sq km area of the district Gadchiroli, 10,947 sq km area was under forest cover; of which 162.21 sq km is being administered by Maharashtra Van Vikas Mahamandal, while rest by the Forest Department. Of the Forest Department's area, 7839.79 sq km falls under the reserved forest category, 2791 sq km under the protected forest category and 154 sq km is unclassified. Forests have contributed Rs 683.43 crore to the district's revenue in 2009-2010. Forest produce includes timber, fuel wood, bamboo and other NTFPs. Revenue generated in 2009-10 from timber was Rs 179.03 crore, Rs 0.99 crore from bamboo and that from Tendu leaves was Rs 13.96 crore¹⁷. The forests are of the "group 5A Southern tropical dry deciduous forests" and "group 3B South Indian moist deciduous forests" categories as per the revised classification of forest type of India by H G Champion and S K Seth. Besides world famous teak there have been large numbers of Mahua, Beeja, Ain, Dhawada trees. Bamboo and Tendu leaves are the main, commercially important NTFPs that are abundant in the forests. Agriculture with Paddy as the main crop, wage labour and NTFP collection are the main sources of livelihood for majority of the population. They also depend on forests for fuel, fodder and some NTFPs for household purposes. Following is the village-wise forest area (as per Census 2001).

¹⁵ Source: http://censusindia.gov.in/2011-prov-results/data_files/maharashtra/6-%20Chapter%20-%203.pdf

¹⁶Source: <http://gadchiroli.nic.in/>

¹⁷ Source: http://mahades.maharashtra.gov.in/ppUpdateView.do?publication_id=DSA-2010-0010

Sr. no.	Taluka	No. of Villages	Village Area (in Hectares)	Population	Forest (in Acres)
1	Wadsa	36	19825	51361	13628.02
2	Armori	104	41622	90846	28709.01
3	Kurkheda	128	68100.12	77936	98171.36
4	Korachi	139	54346	40736	84627.75
5	Dhanora	321	116082	77346	207143.61
6	Gadchiroli	125	50795.23	83845	64221.61
7	Chamorshi	207	77327.21	165514	61066.94
8	Etapalli	200	182894	70627	387819.48
9	Bhamaragad	131	84145	31679	164178.73
10	Aheri	187	90625	103759	165139.21
11	Sironcha	151	38662	69773	14659.84
12	Mulchera	69	22034	39611	29329.49
	Total	1798	846457.56	903033	1318695.05

Forests of the entire Gadchiroli district are managed by the Gadchiroli circle of the Forest Department.

CFRs in Gadchiroli district – A background:

Gadchiroli has a high number of CFRs filed and titles received. As per the information issued by the District collector's office 737 villages had received titles by November 2011. These include districts like Wadsa where all villagers have filed CFR claims and received community titles for the forests around them. This is likely to be the highest number of CFRs filed and titles received in the country. Notably Mendha-Lekha and Marda, arguably the first villages to receive CFR titles in the country are also located in this district.

This district was chosen for this state level study to understand why there were such high number of claims and titles? How was this district different from other districts in the state and the country? How has the forest governance been affected by granting of such high number of titles? What changes have been made in the government systems, community functioning and civil society movements to accommodate this new situation? How has receiving these rights impacted the lives of the concerned communities and status of wildlife and biodiversity?

In conversation with some civil society groups, government officials and others interested in the issue before starting the study, the predominant belief was that Gadchiroli had a high number of CFR titles because of the political situation created due to Maoism. It was also believed that because of this district being an old

Zamindari in Central Provinces and Berar Presidencies of the British, adequate evidence was available for making a claim in the form of the *nistar patrak* (record of rights). These arguments may not seem very strong if looked in the light of the fact that in Gadchiroli not all *talukas* have Maoist activities, neither do all villages have *nistar patrak*. In fact, Wadsa taluka where all villages have been granted titles is populated by a predominantly non-tribal population with no record of rights! On the other hand there are many states and districts in the country where Maoists are much more active and records of rights are also available and yet there have been nearly no claims filed and titles received. 150

During a ten day visit to the district we visited 8 villages (include those which had received titles, those which had not and those which had received them but were not happy with what they had received), interacted with gram sabhas and panchayats, spoke with civil society actors and government officials. These interactions and field visits revealed to us that the reasons for high number of CFR claims lay in the coordinated civil society action, a fortunate presence of a supportive and proactive Collector and local communities that are comparatively more mobilised because of historic reasons.

Current status of CFRs in Gadchiroli:

The Tribal Research and Training Institute website still reflects data as on April 2011, as per which, 691 CFR

Claims granted (taluka wise information):

Sr.No.	Tehsil	No. of villages which received CFR titles	Total area given as CFR forest (in ha.)
1	Kurkheda	98	24,229.57
2	Korachi	85	30,619.53
3	Gadchiroli	57	19,014.9
4	Mulchera	86	5,269.053
5	Chamorshi	7	6.933
6	Dhanora	68	26,634.51
7	Wadsa	22	7439.19
8	Armori	64	24084.42
9	Aheri	90	7013.95
10	Etapalli	55	1350.86
11	Bhamaragad	49	137.27
12	Sironcha	56	120.45
13	Gadchiroli dist.	737	1,45,920.68

titles had been given in Gadchiroli district. However, a more updated information was collected from the District Collector's office according to which by November 2011, 371 villages had been granted CFR titles in the district. These included both tribal and non tribal villages.

The only taluka in which all villages have received CFR titles is Wadsa *taluka* which is predominantly non-tribal with 10% ST population, with no Maoist problem, villages such as Koregaon, Kurud have a human population of over 10,000, composed of mixed ethnicity, then there are three villages – Shankarpur,

Shivrajpur, Nainpur - with no *nistar patrak*.

The area for which CFRs have been recognised is 1459 sq km which is just one percent of the total forest area (10,947).

History of community mobilization in Gadchiroli:

The present situation seems to have its root in 1978, when a few youth including Mohan Hirabai Hiralal, Dr. Satish Gogulwar, Subhada Deshmukh and others were part of the *Chatra Yuva Shangharsh Vahini* (student's movement) initiated by Jayaprakash Narayan. Moved by the condition of tribal and non tribal communities in Gadchiroli, these youth decided to intervene by trying to address the issue of local livelihoods and exploitation by the system. They used the Employment Guarantee Act of 1977 with the focus on helping the communities. A study circle was formed in each village to understand the Act, and, formed a legally registered *Bandhkam va Lakud Kamgar Sanghatna*. Many elderly villagers we met were members of this *Sanghatna* when they were young and it helped them get guaranteed employment. Gadchiroli was then one of the *talukas* of Chandrapur district and these youth located their actions in the Wadsa region. Around mid 80's after much thinking and discussions, they realized that although their aim was the same - well-being of local communities- their interests and paths were different. Accordingly, a decision was taken that they would all local themselves in different parts of Gadchiroli and working with the communities through their own chosen paths. Dr. Gogulwar took the path of community and local health and strengthening local health knowledge systems and practices, establishing Amhi Amchya Arogyasathi. Subhada Deshmukh followed her strength and interest and began working on women's empowerment in and around Kurkheda. Dr. and Mrs. Bang began their work on community health in Bhamragad. Mohan Hirabai Hiralal followed his interest in forests and people interface and settled in Mendha-Lekha village of Dhanora.

The decision was to work independently but to come together regularly for study circle meetings to discuss issues affecting the district in general and learning from each other's experiences. Since then this *Wainganga Abhyas Gat* (Wainganga study group) has regularly met to discuss and then implement effectively every scheme or law that they thought would lead to empowerment of local communities and betterment of surrounding forests.

Given its history of a struggle and move towards tribal self rule and forest conservation¹⁸ (for details please see *Tribal Self-Rule and Natural Resource Management*, author Neema Pathak) Mendha-Lekha village under the leadership of Devaji Tofa, Dukku Dugga, Mahangi Dugga and other elders and guided by Mohan Hirabai Hiralal, decided to implement the Joint Forest Management scheme in their village in 1991. Their hope was that this would lead to a greater sharing of decision-making power and benefits from the forests between the forest department and the local people. Disappointed about this not happening even after years of implementation of the scheme, the village was initially not very hopeful that the FRA will be very different. Over many years of interaction with the government system in general they felt disillusioned, yet they decided to give it a try to use the FRA to establish their rights over their traditionally protected forests (1800 ha). Because of maintaining a continuous pressure and regular follow up, Mendha (along with Marda) became among the first villages in India to receive their community title on the 15th of August 2009.

¹⁸ Pathak, N. and Gour Broome Vivek. 2001. *Tribal Self-Rule and Natural Resource Management: Community Based Conservation at Mendha-Lekha, Maharashtra, India*. Kalpavriksh and IIED. London and Pune.

During this time a national debate on lack of implementation of CFR provisions of the FRA was gaining momentum among the civil society organizations and groups working in Vidarbha. Vidarbha Nature Conservation Society (VNCS), Vrikshmitra, Aamhi Aamchya Aarogyasathi (AAA), Khoj among others - especially seven partners working on an Oxfam project – held a meeting, in which they decided to push for CFRs in their areas. Having gained the experience of successfully filing the CFR claims Mendha villagers supported by Mohan Hirabai Hiralal, Subodh Kulkarni, and National Centre for Advocacy Studies (NCAS) organized a national workshop for understanding and implementing the CFRs in April 2010. This workshop was attended by the VNCS, AAA among other groups working in Maharashtra and a few working in other states such as Orissa.

Similarly, other groups like VNCS and Gram Aarogya Sanstha have also been involved in mobilizing communities towards natural resource management and biodiversity conservation in their respective areas. Especially VNCS adapted a different approach, in which, CFR has been considered as a part of integrated village/cluster development plan. It is discussed in detail in individual case studies of Murumbodi and Narotichak villages.

District level processes and its results:

On the occasion of Maharashtra day, May 1, 2008, the government of Maharashtra directed the Gram Panchayats to start with the implementation of FRA in the district. Accordingly, official meetings were held in 65 Gram Panchayats, and Forest Rights Committees (FRCs) were formed. These FRCs were formed at the Gram Panchayat level and not at the level of the hamlets. Since most villages were part of group gram panchayats, the FRCs were not able to take the process forward. Neither was there any clarity among the villagers about the Act. Even where the process moved ahead it focused exclusively on individual land claims.

Mid-2008, the Wainganga Abhyas Gat and all other groups working in different parts of the district, decided to come together for a study circle session on FRA in Mendha-Lekha village. Subsequently, Mendha started with the CFR process, but in the rest of the district, initially the focus continued to be on individual land claims for some time to come. In the study circle meeting, however, the groups gained clarity on some of the following issues and decided to launch a district level coordinated effort towards ensuring those. These included,

FRC could be formed at the hamlet or village level and not necessarily at the panchayat level. All the groups together then demanded that FRCs be formed at village and/or hamlet level in Gadchiroli.

It was the responsibility of the government to provide for necessary documents related to evidences. Accordingly, a format (a copy is available with us) was prepared by Vrikshmitra, and study group members advised the villagers in their respective areas to write letters to all the departments to provide them with all relevant documents. Villages filed these applications and soon received huge documents from the forest department, zilla parishad and revenue department of the government, which could be used as evidence to file claims. These records are available in all villages even now for any future reference.

They started a process of collecting evidence where available for example all groups collected information about the village and forest boundaries from the census records of the district.

This network of NGOs also worked closely with the government officials involved in the process. The then Collector of the district, Mr. Niranjankumar Sudhanshu was supportive of the process and issued a circular asking all the departments to come together and help communities for effective implementation of FRA. Members of this network such as Srushti, in November 2010, were asked by the Government to organize a Sub District Officer (SDO) level meeting in Wadsa. Implementation of the FRA in Kurkheda, Wadsa and Armori talukas were discussed in great detail in this meeting. This was followed by training sessions at *panchayat samiti* and *prabhag* levels. The study circles of the youth from the villages were established to discuss the implications of filing the claims. With all the experience gained, Vrikshamitra developed a format (copy is available with us) for filing CFRs, which was used by all the members of the network to sit in the concerned villages and file the claims. The format thus developed was almost foolproof and the evidences were collected meticulously giving no chance to the committees to reject the claims.

This coordinated civil society action at all levels from Collector to sub divisional level to gram sabha level is one of the main reasons why such high number of claims were filed, official support received and claims granted. According to the civil society network members, this kind of process is essential for a number of reasons, including the fact that often local villagers are not aware of what this Act contains, or they do not immediately realize the importance of CFR provisions and finally even if convinced that they must file the claims the paper work involved and evidences to be provided are often too daunting for them to take on without any external help.

Post Claims scenario:

Titles received but conditional: Mendha and Marda villages were the first ones to receive their titles. After receiving their titles Mendha village decided to harvest the bamboo in its forests, they also developed a working plan and then requested to be given the transit permit for transporting the bamboo. Since this was a major shift in the manner in which forest produce and bamboo in particular was harvested and sold thus far (through the Forest Department), this generated much controversy and debate (for details please see a section on 'Transport permit for bamboo and other NTFP' below). As a result, the subsequent titles were granted more cautiously and with conditions to ensure that conventional systems of forest working are not impacted. This also indicated that within the government now there was a greater understanding of the potential these provisions had to upturn the conventional methods of forest management and governance. Some of these conditions included, "villagers can not obstruct any activity already approved by the state or the central government in the claimed forest", "villagers cannot 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".

The FRA itself does not allow for the conditional grant of rights. Once such titles were received in the district the civil society network became active again and 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.

In addition, in some villages the titles received are over much less area than what had been claimed, which included a combination of nistar forests, JFM forests and revenue forests which the village has traditionally been using. .

Only one of the visited villages, Kasaari, had tried to follow up on this by filing an RTI inquiry. The village was granted conditional CFR titles in January 2010. Villagers appealed against the conditions and 60 days after

filing an appeal, when no action was taken, villagers filed the first RTI inquiry. In the reply to it, villagers were asked to check with the Tribal Research and Training Institute, Nasik, which they did and as nothing happened further, they filed another RTI. This time they were directed to the district officials.

As per the latest information, in a meeting of representatives of civil society groups and local communities with the state Forest Secretary Mr. Praveen Pardeshi in Gadchiroli on 9th March 2012, it was decided that a committee, with member representatives from Revenue Department, Forest Department, Tribal Department and Civil Society Organizations, would be formed. This committee would prepare a format for CFR titles. All the villages, including those which have already been given conditional titles, would be given CFR titles again as per the new format.

Conflicts as a result of the claims:

As mentioned above claiming of these rights and gaining titles have impacted the conventional ways of forest management and governance. As there was little preparedness for this situation, it has led to some conflicts arising from villagers demanding their rightful benefits and government yet not ready to relinquish power and take on the role of facilitation and support alone. Some of the examples below illustrate this point:

1. Government leases for harvest of Bamboo from the forests being claimed:

Some villages in Dhanora taluka have filed for CFR claims over their surrounding forests. The claims are currently under consideration and hence villagers have not received titles yet. In some cases the titles have been received but the transit permits for the bamboo have not been received. The spirit of the Act would suggest that no harvesting of forest produce should be undertaken by the government agencies without the consent of those who have filed claims over these forests. The forest department, however, has continued with the leases given to paper industry for harvesting bamboo from these forests. Many villagers have raised an objection against this action, and at least three villages – Shivani and Yerandi in Wadsa tehsil and Padyaljog in Korachi tehsil - have physically stopped bamboo being harvested, leading to a situation of conflict.

2. Transport permit for bamboo and other NTFP:

Mendha-Lekha received the CFR titles on December 15, 2009 over 1800 hectares of forest. Around April 2010 village gram sabha approached the forest department for transit passes to allow them to cart bamboo out of the forest. The officials refused saying that CFR are nothing but confirmation of already existing Nistar rights, i.e. rights to collect NTFP for personal use, and, harvesting and marketing bamboo is not included in the rights of gram sabhas. Pointing out that villagers have got management rights through CFR, they suggested that forest department buy the bamboo from them and deposit funds it gets from bamboo harvest with the gram sabha. Forest department did not reply to villagers' suggestion. The department then claimed that transit passes cannot be issued as the village is not ready to follow the department's working plan for harvesting bamboo. The department invited villagers to

participate in department's bamboo felling activity and accept wages for it. The gram sabha replied to this offer by citing various sections of FRA, which have granted them ownership over bamboo and other NTFPs. After struggling for almost a year to get transit passes, villagers decided to stage a protest by organizing bamboo sale in the village. In February 2011, an adult member from each of the village family went to the forest, felled a bamboo pole from the coupe that was due for felling in 2011. Next day, on February 15, a sale was organized.

The then Union Minister of Environment and Forests Mr Jairam Ramesh took a serious note of this protest and issued a letter on March 21, 2001. The letter directed the states to ask their forest departments to treat bamboo as a minor forest produce. It also stated that Gram Sabhas will develop a management plan for commercial harvesting of bamboo in consultation with the forest department.

However, in Mendha, the forest department did not co-operate or help the villagers. During their first commercial harvest in April 2011, villagers managed to get a buyer for Rs. 23/- per pole, as against the price of Rs. 20/- per pole, that is the maximum price at which the department has ever sold bamboo.

For the second harvest the villagers were much better prepared, they had worked out a coupe system and a detailed 3-4 year harvesting cycle for each coupe. They requested the department to help them with floating the tender without success. With the help of civil society friends from outside and members of Vrikshamitra, they finally floated the tender on their own. The tender form was to cost Rs. 2000/-. Four contractors showed interest and submitted their tenders. Of which, villagers selected the tender that was best suited to their criterion of sustainable harvest, they rejected the highest bidder as he was not ready to adhere to the conditions of sustainability. Village discussed and worked out a set of rules and regulations for bamboo harvest and wildlife conservation (for details please see a case study on Mendha-Lekha). Four elderly and experienced villagers were hired as supervisors to decide the extraction levels of bamboo. They were paid Rs 650/- each for a day. Wage labour was hired from their own village as well as from the surrounding villages. Wages were fixed at Rs. 13/- per full length pole, and one person is allowed to cut only not more than 50 poles a day. Notably, forest department pays Rs. 13/- a bundle (1 bundle ~ 20 poles).

When we visited Mendha, villagers had organised a two day gram sabha to carry out the accounts for over one million worth of bamboo they have sold. Salaries were being distributed in the presence of all. They had employed about ten people for accounting from the village and volunteers from educational institutes were helping them with the accounts, which were being operated through the banks. The village aims to shift completely to "no cash" system in near future to maintain total transparency.

In a step, which could be considered as a consequence of Mendha-Lekha process, the Wadsa forest division has prepared a list of 21 villages (details in table below) in their jurisdiction, which would be given Transport permits for harvesting bamboo.

Sr. No.	Village	Taluka	CFR area in hectares
1.	Yerandi	Kurkheda	649.59
2.	Shivani	Kurkheda	426.17
3.	Bortola	Kurkheda	550.4
4.	Lendhari	Kurkheda	770.8
5.	Aandhali	Kurkheda	436.45
6.	Kasaari ¹⁹	Kurkheda	224.36
7.	Jamtola	Kurkheda	317.5
8.	Yedarakuhi	Kurkheda	36.9
9.	Dongargaon	Kurkheda	265.4
10.	Jhankargondi	Korachi	738.24
11.	Lekurbodi	Korachi	1656.14
12.	Murkuti	Korachi	1188.28
13.	Padiyaljog	Korachi	1489.9
14.	Vetkathi	Korachi	526.07
15.	Temli	Korachi	874.81
16.	Maseli	Korachi	1227.24
17.	Bonde	Korachi	497.08
18.	Lakshmipur	Korachi	661.65
19.	Bodena	Korachi	493.73
20.	Kukdel	Korachi	274.37
21.	Phulgondi	Korachi	1320.49

3. Timber struggle at Ghati:

Ghati village had claimed CFR rights over 913 hectares, however, titles have been granted only over 521 hectares. After the titles were granted, the forest department in accordance to their working plan felled timber trees from their CFR, without either informing or consulting the villagers. Angered by this the villagers physically stopped the felling operation and did not allow the timber to be

¹⁹ This is a different village with the same name, the one we visited is from Wadsa Desaijanj taluka.

transported out. They also fined the association that had taken the contract to fell the trees. Villagers' point out in their arguments in support of their actions that though CFR doesn't give them rights over timber, it has given rights over NTFPs, besides they also have the right to protect and conserve their forest. The department had been felling NTFP trees, which is illegal according to the CFR. Their demand is that no such operations are carried out in their forest without consultation with them and without their consent. For the trees which have already been felled the villagers demand that the timber should be first used to meet the bonafide requirement of the villagers (for which otherwise they would have to again cut some trees in near future) and 50% benefit from the sale of the remaining timber. The department in the meanwhile has continued to push for taking possession of the felled timber. To resolve the conflict a meeting was held at the district collector's office where along with the district officials, foresters and villagers were called on April 19, 2004. In this meeting officials agreed to the idea of setting up a timber depot in the village for meeting their bonafide needs, however, in early January 2012, villagers received a letter, which only informed that forest department is planning to move the timber out of the forest. This letter did not mention the agreement reached during the April 19 meeting. Villagers wrote back to the forest department reminding about agreement; as a result later in January 2012 they received a letter, in which the department proposed to set up a depot and offered 20% benefit sharing on the basis of JFM GR of October 5, 2011. However, in a Gram Sabha held on January 26, villagers discussed that as per the *nistar patrak* they should be given timber free of cost for their bonafide needs; while CFR titles have granted them 100% rights over management. And, hence they have been thinking of writing to the department to ask for the same

4. Encroachment at Narotichak:

Narotichak village had claimed 755 hectares, of which 247 hectares have been granted under CFR. The titles are conditional and survey or compartment numbers for the land given are not mentioned. Villagers received the titles in April 2011, and they have appealed against conditions in October 2011. Meanwhile, villagers have decided to practice their CFR rights over the entire forest that they have claimed including the area under JFM and remaining 117 hectares of land that they had claimed. They claim that the compartment numbers are not given in the title hence they are not clear on which area has been denied to them and where their rights exist, , until this is clarified and their appeal responded to, they will continue to protect all the forest that they had claimed.

The 117 hectares area mentioned above is under dispute. The revenue department claims to have handed it over to the forest department, while forest department seem to have not taken charge of it yet. Taking advantage of the conflicting status of land, relatives of some politically influential people from Armori and Bhandara have been trying to encroach upon it since 2009. They have cut down a large number of trees from about 100 acres, and sold the timber in the Armori market.

Villagers have been opposing this encroachment as they consider it to be their CFR. The forest being 8 to 9 km away from Narotichak village, they are not able to protect it effectively. Supported by the

NGO Vidarbha Nature Conservation Society, however, the villagers continue to resist the attempts of encroachment and foil them when possible. Villagers have also challenged the encroachers in Court and have won the case although on the ground the court order has not influenced the encroachers who continue to carry out their activities. As of now the conflict between the villagers and the politically powerful individuals continues.

5. Proposed mining in Korachi tehsil:

In Korchi taluka the government has excluded the forests that are under proposed mining while settling the claims, the villagers have started a movement against this. Sohale village had claimed CFR rights over 335 hectares, however, the village has been given titles over 20 hectares of land, while areas, on which Jhendepar and Nandali villages have been practicing their *nistar* rights are curtailed. Villagers, with the help from civil society organizations, have later found out that the areas that have been denied to them under CFR is leased out to Ajanta Minerals for iron ore mining. Villagers have been protesting against the decision of leasing out their CFR area for mining. With the help from Civil Society Organizations they have also been writing to the concerned departments, and considering the possibilities of taking the matter to the court. However, detail information is not available as these villages could not be visited during the survey because of Maoist activity.

6. Issues related to CFR and JFM:

In almost all the villages we visited in Gadchiroli, JFM has been implemented, even after the CFR titles have been granted. The reason given by facilitators is that for works taken up under JFM, funding is provided by the forest department. CFR rights come with the responsibility of protecting, conserving and regenerating their forests, however, there is no provision of funding for work related to these responsibilities. Also, though the CFR titles have been granted, the forests given under CFR to many villages do not have bamboo or any other NTFPs, which could help communities earn livelihood.

In Murumbodi village, at present CFR forest does not have sufficient resources to provide villagers with the livelihood. Hence, villagers with the help from facilitator organization, are using JFM and EGSs as tools to acquire funds and employment.

There are three different committees formed in the village; BMC under Biodiversity Act 2002, and Rules 2004, JFMC under JFM scheme and Forest Rights Committee under FRA. All these committees plan to work in co-ordination to execute the decisions taken by the Gram Sabha. - - - Narotichak village did not have common forest of its own till they formed the JFMC in 2005. For implementing JFM, 340 hectares of area was given to them, which they have been patrolling. They have built 40 check dams, a few ponds and also have planted bamboo, teak under JFM. They have also planted NTFP species on a barren patch of land inside their forest. However, their forest resources are still not in a condition to provide villagers with the sustained employment. -Shankarpur village has been implementing JFM since 2004. That has provided employment to the 50 per cent of villagers. They were patrolling their forest till recently; however, they stopped it as the funds under JFM were not

released. Villagers pointed out that though CFR gives them 100% ownership over their forest resources, they have no clue how they can get funds for carrying out works under CFR or even BD act, whereas in JFM government provides the funding.

These issues are not yet sorted out as the civil society organizations and individuals in the district have been helping communities file claims and receive CFR titles till recently. After, the titles have been granted there is huge task of filing appeals against conditional titles, and dealing with the various conflicting situations. Hence, there has been little time to concentrate on post-claims management of CFR areas. However, they do consider this as an important task to be done in near future.

7. *Conservation in CFR areas:* The focus of discussions often was restricted to livelihood opportunities than wildlife and conservation. From the little discussions that were held with the villagers and short visits to the forests it appeared that there was a healthy wild life population in some of the forests, while a few others appeared to be in a degraded state. As many of these have been managed under JFM over the years and villagers have been patrolling the forests, this has resulted in good regeneration in some villages. This is despite the fact that the focus of JFM has largely been on plantation of commercial species and not necessarily enrichment of local biodiversity. Presently there are few or no studies on biodiversity of the forests in Gadchiroli and particularly the ones claimed by the villagers as CFR. These forests need a detailed study on ecological and biodiversity aspects, which would also be important for the villagers to work out future conservation and management plans. Discussions with the villagers revealed that villagers felt a need to external facilitation for discussions on the matters of biodiversity conservation and management.

Conclusions and Recommendations:

The sections above clearly indicate that in the last two years Gadchiroli has become one of the few districts in the country to have filed for and received a large number of CFR claims under the Forest Rights Act 2006 and Rules 2008. Over 400 of these claims pertain to section 3 (1) including 3 (1)i of the Act, namely, "Right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use". Various factors have contributed to this high number of claims and grants, including coordinated civil society efforts and supportive government machinery. Although the forests thus claimed as community forests are still a small fraction (a little over one percent) of the total forest area of the district, they are facing many challenges. This study during various consultations with the village communities and civil society groups clearly indicated that a different approach towards forest governance is currently the need of the hour. There are few examples in the country where village communities have a right to manage, govern and conserve their own forest resources. This unprecedented situation also calls for a fresh and new approach that must be well thought out and discussed locally and at the district level.

While a number of villages in the district are empowered and supported from well wishers to guide them on how to deal manage and govern CFR forests for conservation and village development there are many

others which currently feel at a cross roads not very clear on which direction to take. Additionally, while some CFR areas are rich in economically valuable species such as bamboo, *tendu patta* and others, other villages have CFR areas which are highly degraded or do not have major NTFP to earn revenues from. Currently there are two kinds of situations that need urgent attention in the district:

1. Procedural issues related to title deeds not being proper, appeals not being heard, pending claims not moving ahead, area granted being much less than the area claimed, leasing out CFR areas to papermills and mining companies and so on.
2. Management and governance of the CFRs where the rights have been granted.

Towards the first the relevant district agencies, can take some immediate steps, such as:

1. Transport Permit (TP) for all NTFP must be given to all gram sabhas which have received CFR titles.
2. In all areas where CFRs have been recognized, any existing leases and contracts should stand terminated immediately. This would include the extraction of bamboo by Ballarpur Industries Ltd (BILT) and working plan operations by the Forest Department (FD).
3. Existing working plans of the FD are to be suspended in areas granted CFR titles. New working plans to be developed by the gram sabha for such forests, with appropriate technical support from the FD and others (if villagers so request).
4. All the CFR titles issued on certain conditions should be revised and reissued as conditional grant of rights is illegal.
5. In areas where CFR titles have been granted, institutions for the management of the forest should be constituted by the gram sabha (under section 5 and rule 4e of the Act).
6. Government should establish a purchase mechanism for the NTFP that the villagers would want to sell and declare a support price for NTFP from the CFR forests. This would help avoid exploitation of those gram sabhas which may not be able to strong enough to fight of the contractors lobby in adverse situations.
7. The government and the civil society should help communities in developing management plans if they so desire. The community plan should be incorporated into the working plan for the relevant forest division.
8. Training for all villages which have received CRF titles along with relevant government officials on effective management and conservation of CFRs, which would involve livelihood generation and biodiversity conservation.

Subsequent to this study and somewhat as a consequence, in March 2012 a meeting was organized at the behest of Forest Secretary of Maharashtra Parveen Singh Pardeshi. The meeting was attended by the forest department, district administration, civil society groups and representatives of the villages where CFR rights have been granted, to understand and resolve some of the challenges faced by these communities. This meeting was also expected to deliberate on ways of effectively supporting these communities such that they are able to conserve and manage their forests as also derive sustainable livelihoods.

Some of the decisions agreed on during this meeting included the following:

1. Transport Permit (TP) for all NTFP to be issued by the Gramsabha (GS). A common format for the T.P. to be developed and handed over to the GS.
2. The GS can print this T.P on their own and can also charge a fee for the T.P.
3. Forest Department (FD) has been issuing T.P. to the gram sabha till now and charging Rs. 100 per T.P. FD should return this money to the GS.
4. In all areas where CFRs have been recognized , any existing leases and contracts should stand terminated immediately.
5. Training for all villages which have received CRF titles along with relevant government officials to be organized in Mendha on effective management and conservation of CFRs.
6. Existing working plans of the FD are to be suspended in areas granted CFR titles. New working plans to be developed by the GS for such forests, with appropriate technical support from the FD and others (if villagers so request).
7. It was clarified that GS for all implementation purposes would mean GS as defined by the recognition of the Forest Rights Act 2006.
8. All the CFR titles issued on the conditions will be revised to withdraw the conditions and issue corrected titles. A standard title format for the district will be developed by the committee constituted of the Additional Collector, FD and Tribal Department officials, NGOs and village representatives.
9. In areas where CFR titles have been granted, institutions for the management of the forest will be formed by the gram sabha. GS can also dissolve the existing JFM committees and constitute their own institutions. GS will also decide whether or not the forest official should be the member secretary or not.
10. The state will provide a minimum support price for sale of NTFP including bamboo in the district.

Subsequently, the Rural Development Minister Mrs Jairam Ramesh visited the district in March 2012 and further announced that gram sabhas will be issued T. P. for all NTFP including Bamboo²⁰. A letter was also issued by Jairam Ramesh to the CM of Maharashtra asking to expedite the CFR process and address concerned issues²¹.

While NTFP and Bamboo would generate resources both to ensure local livelihoods and forest management and conservation activities in many villages in Gadchiroli, there will still be many villages which either have degraded forests or do not have commercially important NTFP or bamboo. In case of latter resources will need to be generated by using integrated approach of effectively using funds from various available government and non-government schemes, funds can also be made available for biodiversity conservation by the State and Central government in the same manner as Forest Department would be provided. The processes and systems by which communities can access such resources and manage them will need to be systemized in areas where systems do not exist already.

²⁰ See <http://www.indianexpress.com/news/jairam-bats-for-villagers/928062/1> for details

²¹ See http://fra.org.in/new/document/MoRD_CMMaharashtra_150312.pdf for details

On the issue of governance and management of CFR forests detailed discussions and thinking needs to be done by communities, civil society groups and relevant government agencies to arrive at a transparent and effective support mechanism. This could be in the form of a diversely represented support group at the district level which will support and help communities which are for the first time taking charge of their forests. Such a support group would help communities set systems in place as well as socially and ecologically monitor the impacts of their governance practices.

Agencies such as the forest department which have till now exclusively managed many of these forests will then be an important part of this support/extension system. Years of experience, information and documents if shared with the new governing bodies of these forests, will be of immense value to these communities. The role of the forest department in this case may be politically and administratively less powerful but would gain confidence and respect of the people because of the positive support that it would extend. Can the department bring about systemic changes to play this role, is yet to be seen?

We hope that local communities, civil society and government agencies will continue to work in tandem to find path-breaking solutions and paving a way towards a new paradigm for forest governance, not only in the district but also for the rest of the country.

3.5 Individual Case Study 1: Mendha-Lekha

Introduction

- Location of the village: Teh. Dhanora, Dist. Gadchiroli, Gram Panchayat: .
- Population and community composition: 90 households with a total population of 400-odd belonging to 'Gond' Scheduled Tribe.
- Main sources of livelihood of the village: The sources of livelihood are farming; average land-holding being five acres. Rice is the main crop. Pigeon peas and different varieties of pulses are grown. NTFP collection is another major source of livelihood. They also work as wage labour with government and private agencies.
- Dependence on forests for household/commercial purposes: The total area of the village is about 1900 ha of which 80 per cent is forest. Villagers heavily depend on the forests for food, fodder, fuel, timber and NTFP.
- Experiences of JFM in the village (prior to FRA): Mendha was also among the first villages in Maharashtra to get into the Joint Forest Management with the forest department after the resolution was adopted by the state government. By doing so it also played an important role in extending this scheme to standing natural forest as against degraded forests for which it was initially intended. Villagers however, continued to feel frustrated as the 50% benefit from the forests that the villagers had been demanding was continuously ignored by the department. Villagers have made an extra effort to ensure that the forest area was not encroached upon for individual needs as they considered it their community resource.
- Any other remarks about the village in particular: The situation as described in detail by '*CCA/Maharashtra//Gadchiroli/Mendha-Lekha/Forest Protection and Self Rule*' (http://www.kalpavriksh.org/images/CCA/Directory/Maharashtra_CaseStudy_Mendha_LekhaVgeGadchiroli.pdf)- Efforts towards forest protection started in 1987 through various discussions in the Gram Sabha. Several decisions were taken, some of these include:

All domestic requirements of the village would be met from the surrounding forests without paying any fee to the government or bribes to the local staff,

Approval of a set of rules for sustainable extraction,

No outsider, including government contractors and agencies, would be allowed to carry out any forest use activities without the permission of the Gram Sabha.

If someone was caught doing so, the material would be seized by the village and the offender would have to accept any punishment decided by the village.

No commercial exploitation of the forests, except for NTFP, would be allowed,

Villagers would regularly patrol the forest,

Villagers would regulate the amount of resources they could extract and the times during which they could extract resources from the forests.

To implement these and other minor decisions regulating extraction, an unofficial *van suraksha Samiti* (forest protection committee) was formulated, including at least two members from each household in the village. Originally, a procedure for collecting fines from those who did not adhere to the village forest protection rules was established, but this failed to work because people did not want the responsibility of collecting fines and, most often, fines were not paid.

As a result, the system for applying sanctions to Mendha village members became one of peer pressure, creating family shame and social ostracism. In the commercial sphere, the *gram sabha*—representing a strong and united village—succeeded in stopping the paper industry's bamboo extraction from their forest in the late 1980s/early 90s.

Despite all the forest management and protection effort of the village, in 1992 a large part of Mendha forests were declared Reserved Forests on paper asserting a greater authority and right of the forest department. On ground however things did not change much and Mendha villagers continued to consider the entire 1800 ha as 'belonging' to them.

Since April 2010, villagers have been harvesting bamboo on their own. They have come up with a set of rules and regulations for the sustainable extraction, some of these include:

Extraction would be carried out as per the guidelines given by the supervisor that has been appointed by the gram sabha.

Extraction levels would be decided by the supervisor.

Only the matured poles would be extracted by cutting each of them at one foot height from the ground, and without harming the other poles which are often closely packed around.

At least eight matured poles would have to be retained in each *Ranjhi* (an island formed by closely packed bamboo poles).

One person would extract not more than 50 poles per day.

No activity that could harm water bodies and wild life would be allowed inside the forest.

Each villager while working in the forest would keep check on forest fires.

Status of CFR claims: CFR titles have been granted over 1800 hectares.

Pre-claims:

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 came into force from January 2008. However, since villagers have been already protecting their forests it was not difficult to make them realise the importance of this Act. Also, Gadchiroli district has a history of community mobilization. Various civil society groups working in different areas of the district have formed a study circle – Wainganga Abhyas Gat – and been meeting from time to time to discuss effective implementation of various laws and government policies that are relevant to tribal well-being and community ownership over natural resources (for details please see Gadchiroli – district level case study). As a convention, the FRA was read and explained in the Gram Sabha by the facilitating NGOs and individuals including Mohan Hirabai Hiralal of Vrikshmitra, Subodh Kulkarni of Dnyanprabodhini, Nitin Barsinge of Vedh, Shivaji Narote and Manda Tofa, Keshav Gurnule of Srushti, Dilip Gode of Vidarbha Nature Conservation Society and Shubhda Deshmukh and Dr. Satish Gogulwar of Aamhi Aamchya Aarogyasathi. After this meeting, while in the rest of the district the focus continued to be on individual land claims, Mendha started with the CFR process.

Filing claims:

FRC was formed and village level meetings were held, after which villagers filled the CFR application forms. Villagers did not attach any copies of government maps, documents prepared under the Biodiversity Act as these being government documents are expected to be already available with the government. The application forms were given to the FRC, which called for a Gram Sabha meeting for verification of the claims. Mendha-Lekha being a well known strong village-institution government officials were present in the Gram Sabha for verification. FRC accepted the verified claims and further submitted to the Sub-Divisional Level Committee. However, SDLC did not accept the form immediately; instead, it asked villagers to attach a couple of documents from Tehsil office and forest department. When villagers crosschecked the issue with the Tehsil office; they clarified that no such documents are required and issued a letter mentioning the same. Then SDLC finally accepted the claims. Subsequently, the District Level Committee objected to fact that the application forms were hand-written. But, the advisory committee formed by the DLC announced that since the villagers did not have a photocopy machine, they have written down the format as it is. It can be verified with the original format and cannot be rejected. The DLC accepted the claims and later issued the title. The procedure of claiming CFR was started by FRC in June 2009 and it took three months to finish. The title was prepared on August 28, 2009 and was issued to the villagers on December 15, 2009.

Post claims:

Mendha-Lekha received the CFR titles on December 15, 2009 over 1800 hectares of forest. Villagers have planned to continue with their present system of managing community forest.

In our previous visit to Mendha-Lekha in April 2010, villagers had said that they were working out on the plans to implement Sec. 5 of FRA. They had also mentioned that they have been considering completely closing around 10% area of their forests as an inviolate zone. However, after the CFR titles were granted villagers have been busy with the task of Bamboo harvest, and they are yet to discuss which area they would demarcate as an inviolate zone, whether it would be a continuous patch or a few pockets scattered all over their forest.

Bamboo harvest:

Around April 2010 village gram sabha approached the forest department for transit passes to allow them to cart bamboo out of the forest. The officials refused saying that CFR are nothing but confirmation of already existing Nistar rights, i.e. rights to collect NTFP for personal use, and, harvesting and marketing bamboo is not included in the rights of gram sabhas. After struggling for almost a year to get transit passes, villagers decided to stage a protest by organizing bamboo sale in the village. The then Union Minister of Environment and Forests Mr Jairam Ramesh took a serious note of this protest and issued a letter on March 21, 2001. The letter directed the states to ask their forest departments to treat bamboo as a minor forest produce. And, then the forest department issued the transport permits (for details please see Gadchiroli district level case study).

Conclusions and Recommendations (including those suggested by villagers and other local actors):

Mendha emerges as a village which has taken a lead in initiating the process of filing the claims, following up. Post receiving the claims they have continued to fight for getting the real benefits of the rights that they have received. They have also put in place many systems for sustainable harvest and sale of bamboo from their forest and use of resources thus generated for livelihood development and forest governance and conservation. There is much to learn from the experience of the village both for the local communities which have received CFR titles and the government agencies. A series of workshops in Mendha for community members towards putting systems in place for marketing of NTFP, accounting and management of forests. Government officials can be trained for understanding how such processes can be facilitated in other villages and communities are empowered, preferably such training programmes should be joint training programmes.

3.6 Individual Case Study 2: Kakadyelli village

Introduction

- Location of the village: Teh. Dhanora, dist. Gadchiroli, Gram Panchayat: Dudhmala.
- Population and community composition: A homogenous village with all Schedule Tribe families belonging to 'Gond' tribe, with an adult population of 433 individuals, staying in three hamlets.
- Main sources of livelihood: The sources of livelihood are farming; Rice is the main crop. NTFP collection and sell is a major source of livelihood. They also work as wage labour with government and private agencies; includes bamboo cutting during the harvest period. Each labourer gets paid Rs. 13 per bundle of bamboo, while wages were fixed at Rs. 13/- per full length pole in neighbouring Mendha-Lekha village (for details please see Gadchiroli district level case study).
- Dependence on forests for household/commercial purposes: Heavy dependence on forest for both personal requirements and livelihood. Villagers depend on the forests for food, fodder, fuel, timber and NTFP. The NTFP includes Mahua, Tendu, Charoli, Amla, Hirda, Behda, bamboo (extraction by the paper mill) mainly for commercial purpose.
- Description of the forest (based on the field visit and/or any available study of secondary source): Could not visit the forest because of time constraint, but forests of this region are dry deciduous dominated by bamboo. Other species include Teak, Tendu patta, Mahua, Terminalia sp among others. Villagers reported presence of bears, nilgai, sambhar and wild boars in their forests. Crop damage by wild boar was also reported.

- Any other remarks about the village in particular: The village is adjacent to Mendha-Lekha village and hence we were curious to learn about the effects of the developments in Mendha on its neighbours. No civil-society group is involved in the village and follow up by the villagers about the status of claims filed by them appeared to be limited.
- Status of CFR claims: Pending with the District Level Committee (DLC).
- Joint Forest Management (JFM) and its impact on CFR: Villagers have been involved by the Forest Department to extract bamboo from their forests; however details on whether JFM has been implemented were not discussed.

Claiming CFR Rights

Pre-claims:

Villagers visited the neighbouring Mendha-Lekha village to understand the process for filing claims. Other than that there were no civil society organizations or any individuals to help them file the claims and follow up.

Filing claims:

Village has filed CFR claims over 825 hectares of land. Villagers have claimed rights over sacred places, burial ground, streams, *dhorphodi* (place to dump dead cattle) and play ground, a place for *Shankarpat* (bullock race), but any photocopies of CFR claims and evidences were not available for perusal. They have also filed 30 individual claims, status of which is unknown.

Post claims:

The claims are pending with the DLC. Villagers said that they have been following up the matter with the Collector's office, however, a Mendha villager who accompanied us, claimed that their claims did not get settled because of lack of follow up after filing the claims.

Even though the CFR claims are not settled, the Forest Department has continued its lease on the forest area that the villagers have claimed, to the paper mill. The villagers initially protested against this move but were told that till they receive the CFR title the lease will continue. Not wanting to lose the labour that they would get from this year's harvest, the villagers decided to not oppose any further till they received the title. On the issue of management of the CFR, the villagers said that any protection and/or management plan for the forests can be prepared only after the CFR titles have been received.

Conclusions and Recommendations (including those suggested by villagers and other local actors):

Mendha-Lekha villagers who accompanied us to the village said that only filing claims is not enough, and, the Kakadyelli villagers need to follow up with the district officials until their claims are settled.

A visit to the village clearly indicated that claiming of CFR rights, discourse and thinking on post-title management often requires facilitation either from local leaders or civil society groups. In the absence of such facilitation, being a neighbour of a village where such processes are happening is not enough for the positive actions to spread, even though in this case Mendha villagers have attempted the help these villagers both in the process of filing and follow up. This situation also indicates that the follow up and post title preparation is likely to be stronger in villages which have a history and culture of community mobilization and action. Some may get mobilized because of the Act and remain mobilized but many which were already not mobilized may require external support and help.

3.7 Individual Case Study 3: Murumbodi village

Introduction

- Location of the village: teh. Gadchiroli, dist. Gadchiroli, Bhikarmaushi group Gram Panchayat for four villages.
- Population and community composition: 46 families, of which three belonging to Other Backward Classes and the rest are of Scheduled Tribe families belonging to the 'Gond' tribe.
- Main sources of livelihood of the village: Villagers work as wage labour for various developmental works being carried out under the government's employment guarantee schemes. However, this has been their main source of livelihood only for the last couple of years. Prior to that out-migration for livelihood and brewing and selling Mahua liquor were predominant sources of income. Average land holding is seven to eight acres, but lack of water prevents them from getting enough yields to sustain themselves for a year. Rice and Tuar dal are main crops. There are 10 to 12 landless families in the village.
- Dependence on forests for household/commercial purposes: Villagers depend on the forests for fodder, and fuel wood. They have shrubby forests, from which they get a few seasonal wild vegetables, fruits, and medicinal plants. Some villagers sell a few NTFPs but dependence on forest for livelihoods is not very high. Implementation of various schemes by the Forest Department provides wage labour to the villagers.
- Description of the forest (based on the field visit and/or any available study of secondary source): Villagers said some five-six decades ago their forests had a large number of Mahua trees; however they were cut down for fuel wood and timber. At present they have shrubby forest which cannot provide much livelihood.
- Any other remarks about the village in particular: The village has *Murum* (soil) on revenue land and the village being in a schedule V area has claimed the rights to sell it under PESA. There has been an incident of villagers ceasing a tractor-load of soil that was sold without their consent by construction material suppliers from a near-by Ambeshivani village. Villagers received CFR titles in April 2011; they had claimed and are given the rights of management over the lake in their village. On August 31, 2011 an auction was conducted for fishing from the lake by the Block Development Officer, and the lake was leased out to a Co-Operative Fishing Society of Dihvar community in October 2011, for a period of one year. However, villagers refused to allow the Society to carry out fishing, citing the reason that as per the FRA, the community has to be consulted before leasing out a forest resource, over which they have been granted rights. Villagers demanded that if the Society is willing to carry out fishing then it has to share 50 per cent of their benefit with the village. The Society agreed to the demand and then has been allowed to carry out fishing.
- Status of CFR claims: CFR titles have been granted but with the conditions imposed. Villagers had claimed rights over 533 hectares, of which only 97 hectares have been granted to them under CFR; however compartment numbers have not been mentioned. Village has appealed against the conditional grant in February 2012. No action has been taken on this appeal.
- Joint Forest Management (JFM) and its impact on CFR: The village has been under JFM since 2011. In 2011 the JFM Committee (JFMC) has been constituted again under the new GR of October 5, 2011.

With the help from the VNCS, villagers have prepared a village development plan; the implementation of which requires co-ordination between villagers, Agriculture Department, Forest Department and Gram Panchayat. Accordingly, VNCS has been helping them implement it by tapping funds under JFM and Employment Guarantee Schemes (EGSs). The works involve watershed development through digging ponds and *bodis* (smaller lakes), nursery and plantation, jungle shielding (Jungle clearing).

Villagers have planned to cultivate vegetables on irrigated lands and the produce will be sold through the village women' co-operatives.

As their CFR forest at present does not have sufficient resources to provide them with the livelihood; JFM and EGSs are tools to acquire funds and employment. Also, villagers have fixed the amount of wages for all these works.

There are three different committees formed in the village; Biodiversity Management Committee under the Biodiversity Act 2002, and Rules 2004, JFMC under JFM scheme and Forest Rights Committee under FRA. All these committees plan to work in co-ordination to execute the decisions taken by the gram sabha.

When asked; FRA gives them 100% ownership over their resources while JFM offers benefit sharing with the Forest Department, then why don't they focus on managing their CFR forests instead of working under JFM; villagers pointed out that their CFR forest is a shrubby forest and does not have NTFPs especially bamboo, which they could harvest to earn money, while the developmental works taken under other schemes has been helping them get employment with wages as high as Rs 214/- a day.

Claiming CFR Rights

Pre-claims:

For almost a decade the village did not have sources of livelihood except making and selling Mahua liquor. In 2009, VNCS came to the village and informed them about the FRA and also, suggested ways to earn livelihood. As a part of VNCS's integrated approach to village development, villagers have claimed CFRs.

Filing claims:

For filing claims, the village has used the format that was circulated in the district by Vrikshmitra.

Post claims:

Villagers had claimed CFR rights over 533 hectares, but have been given only 97 hectares , and the conditions are imposed such as, "villagers cannot obstruct any activity already approved by the state or the central government in the claimed forest", "villagers cannot take up new construction work in the area over which other traditional rights have been granted" . They have appealed against the conditional CFRs in February 2012 to the State level monitoring committee. No further action has been taken on the appeals.

The village has not yet formed any committees under sec. 5 of FRA.

There has been no forest conservation system in place prior to claiming the rights. Villagers are very well aware of the fact that their forest is degraded and it requires time to regenerate. After the VNCS's intervention villagers have started patrolling, and as per the foresters' guidance they have taken up works for creating fire lines and jungle clearing.

Conclusions and Recommendations (including those suggested by villagers and other local actors):

Follow up with the Forest Department over benefit sharing issue of the JFM needs to be taken up. Village has been part of the JFM scheme for a few years but have not received the 50% benefit as promised in the scheme. This has been the situation for all the villages under JFM in the District. In the recent times some villages have begun to raise this issue with the forest department. Villagers receiving their share for the works that have been carried out under JFM would be an encouragement for them to protect their forest in future. Mr Dilip Gode of VNCS said that the organisation has strategically taken the follow up with the department over this issue.

VNCS has helped the villagers come up with integrated development approach. This approach is based on the villagers undergoing a detailed development and conservation planning process for their village. The planned activities are then linked to various available government schemes. However, this process has started in the village only since 2009 and the village is in the preliminary stages of implementing this approach, and hence, it would be interesting to see how effectively it would be for conservation of the resources they have been granted under CFR in near future.

3.8 Individual Case Study 4: Narotichak village

Introduction

- Location of the village: teh. Armori, dist. Gadchiroli, Gram Panchayat: Sirsi
- Population and community composition: 140 families, of which 65 belonging to the 'Gond' Scheduled Tribe and the rest are Other Traditional Forest Dwellers.
- Main sources of livelihood of the village: 75% of the village families have marginal land holdings while three families are landless. Agriculture is mainly rain-fed with average land holding being two to three acres. Rice and Harbhara are the main crops. Out-migration for wage labour was a predominant source of income, however, with the help from facilitator organization, villagers are carrying out various development works under employment guarantee schemes.
- Dependence on forests for household/commercial purposes: Villagers depend on the forest mainly for fodder and fuel wood. They also get some wild vegetables and fruits seasonally.
- Description of the forest based on the field visit and/or any available study of secondary source: The village has been under Joint Forest Management (JFM) since 2005. Their JFM forest is spread over 340 hectares, and is being protected since then. The vegetation gets thicker as one goes uphill inside this forest. A large number of Teak saplings are seen; and villagers have also planted bamboo under JFM. They have also planted a few native species, mainly those of commercial importance. Villagers said that their forest has some natural bamboo but it is not of a good enough quality to be sold in the market.
- Any other remarks about the village in particular: Till the year 2005 this village did not have access to any forest. In 2005, when JFM Committee (JFMC) was formed in the village, 340 hectares of forest area within the boundary of 5 km from the village, was given to them for the implementation of JFM. While collecting the evidences, with the help from VNCS, for filing the CFR claims, villagers came to know that 117 hectares of forest at a distance of approximately eight-nine kilometers from the village has been demarcated for them to practice their Nistar rights.

- Status of CFR claims: Village has been granted the conditional CFR titles. Of the 755 hectares claimed by the villagers, CFR titles are granted over 247 hectares. Conditions imposed are similar to those imposed in the cases of other villages, with one particular condition being a matter of concern i.e. "villagers cannot obstruct any activity already approved by the state or the central government in the claimed forest". Also, survey or compartment numbers for the land given are not mentioned. Villagers received the titles in April 2011, and they have appealed against conditions in October 2011.
- Joint Forest Management (JFM) and its impact on CFR: JFMC was formed in the village in September 2005. This village did not have common forest of its own, hence 340 hectares of area was given to them under JFM, which they have been patrolling since 2005. They have built 40 check dams, a few ponds and also have planted bamboo, Teak under JFM. They have planted some native species on a barren patch of land inside their forest. Village has appointed a watchman to look after this patch of forest. The guidance for all this work has been provided by the VNCS. These works have been helping villagers get steady source of employment.

Claiming CFR Rights

Pre-claims:

The VNCS has taken a cluster-development approach for the Narotichak village along with the other four villages – Narotimal, Mohtola, Kukdi and Vihirgaon. These villages came to know about the FRA and CFR provision in particular via VNCS. While checking land records for filing CFR, villagers with the help of VNCS realized that 117 hectares of forest located close to Vihirgaon has been recorded as their Nistar forest. Villagers filed a claim over both the forests; one under JFM and the other recorded as their Nistar area.

Filing claims:

Villagers formed Forest Rights Committee separately in addition to the already existing JFMC.

Villagers had claimed CFRs over 755 hectares, but their first application was rejected, the reason being incorrect format. The copy of this format is not available. Later, they filed the CFR claims again as per the format circulated by Vrikshmitra.

They had filed 22 individual claims of which 18 have been granted, and four have been rejected as proper evidences were not provided by the claimants.

Post claims:

Of the 755 hectares claimed, CFR titles are granted over 247 hectares. The conditions are imposed and survey or compartment numbers for the land given are not mentioned.

Villagers received the titles in April 2011, and they have appealed against conditions in October 2011. Meanwhile, villagers have decided to practice their CFR rights over JFM area as well as a part of 117 hectares of land that they had claimed. This patch of land is under dispute. The Revenue Department claims to have handed it over to the Forest Department, while Forest Department says it never got the charge for the same. Taking advantage of the conflicting status of land, relatives of some politically influential people from Armori and Bhandara have been trying to encroach it since 2009. They cut down a large number of trees spread over 100 acres, and sold the timber in the Armori market.

Villagers have been opposing the encroachment saying that they have been granted CFRs on this area. However, the forest being eight-nine km away from Narotichak village, they are not able to carry out regular patrolling as of now.

Villagers and VNCS members said that the disputed land once had a thick forest. At present there are dead trees and timber scattered around, remnants of trees and markings of plough used recently. Villagers challenged the encroachers in the court and have won the case. However, the court order does not seem to have affected the encroachers, who continue to destroy the forests.

Villagers have also decided to completely close around 18 hectares of area of their JFM forests as a no-use zone.

Conclusions and Recommendations (including those suggested by villagers and other local actors):

Encroachment issue needs urgent attention and an effective solution for long term. It is important that the revenue department and the forest department resolve the issues related to ownership of the land and villagers are given a clear title.

This village like many others in the district has appealed against conditional titles; however there has been limited or no follow up on the appeals. Although, the situation may change post the meeting in March of various departments, civil society groups and community representatives where an agreement was reached that conditional titles will be revised (see Gadchiroli District case study for details).

3.9 Individual Case Study 5: Bodadha village

Introduction

- Location of the village: teh. Wadsa Desaiganj, dist. Gadchiroli, Group Gram Panchayat for three villages including Ravanwadi, Ravanwadi tola
- Population and community composition: 2,334 individuals, of which approximately 28 belongs to the Scheduled Tribe 'Gond', 25 belongs to Scheduled Castes, some 300 to 400 belongs to Kohodi community i.e. Other Backward Class, about 400 belongs to Dhivar – a fishing community which falls in the category of Nomadic Tribe, and rest is the Govari community which is considered as a Special Backward Class.
- Main sources of livelihood of the village: In 1980s civil society groups working in the district informed the villagers about the –Employment Guarantee Act of 1977 and the schemes that were being implemented under the Act. Villagers were explained that they are entitled to the guaranteed employment under the Act. And then, to acquire steady employment some of the villagers became a part of *Rojgar Hamee Kamgar Sanghatna* in 1984. Since then wage labour is the main source of livelihood for this village. They have agricultural land but farming is outsourced at the rate of Rs. 1600/acre. Average land holding is eight to nine acres.
- Dependence on forests for household/commercial purposes: Villagers are dependent on forest mainly for fodder and fuel. Also, the dependency of the poorer sections of the village is more than that of the rich villagers. Almost 70% population of the village belongs to the Dhivar and Govari communities which are poorer and heavily dependent on forests, while Kohodi community is rich.
- Description of the forest (based on the field visit and/or any available study of secondary source):

Could not visit the forest because of time constraint. Villagers said that the forest has Mahua, Hirda, Behda, Amla. The bamboo doesn't occur naturally in their forest, but they're willing to plant it, as they have now heard about the benefits Mendha (for details see Mendha-Lekha case study) has received because of its bamboo forests.

- Any other remarks about the village in particular: Villagers were not keen about wildlife conservation; they were not able to relate to the idea of co-existence of humans and wild animals. However, they did mention that their older generations practiced a few rituals in which they used to worship animals like tigers and boars.
- Status of CFR claims: Conditional CFR titles granted over 764 hectares. Villagers have appealed against these conditions in November 2011.
- Joint Forest Management (JFM) and its impact on CFR: Village has formed JFM Committee (JFMC) in 2006, and started taking up JFM work in 2009. They have carried out Teak plantations under Maharashtra Rural Employment Guarantee Scheme in their JFM forest. They have also built waterholes for wild animals. They are patrolling their forest; at present patrolling is carried out only by the poorer sections of the village (who constituted most of the people present in the meeting). However, the more dependent people now believe that rich must be involved in protecting forest as they also depend on forests to some extent. They plan to ask them to come for patrolling and if they don't wish to, then they would be asked to pay Rs. 200 a day for labour to patrol the forests on their behalf. Under JFM they have worked for jungle shielding (jungle clearing) this year in their CFR forest.

Claiming CFR Rights

Pre-claims:

The village came to know about the FRA and CFR provision in particular through a district-wide civil society awareness movement that was being conducted by Keshav Gurnule as per the guidelines that were decided by the Wainganga Abhyas Gat (for details please see the Gadchiroli district level case study).

Filing claims:

Villagers had filed CFR claims over 764 hectares of land in October 2010. They also filed 377 individual claims. However, after submission of CFR claims to the Sub-Divisional Level Committee, for one year nothing happened. Then the facilitator organization - Srishti filed an inquiry under the Right to Information Act, and as an effect along with Bodadha other 29 villages in Wadsa tehsil were given CFR titles.

Post claims:

Village has received CFR titles for 764 hectares that they had filed the claim for; however, conditions have been imposed. Villagers have appealed against these conditions in November 2011. After the FRA has been enforced, there have been incidences of new encroachments over forest land; however, Gram sabha has been trying to keep check over them. It issues notices to the encroachers with a copy marked to the Forest Department. In a couple of incidences it has punished the encroachers, and released them only after taking a written apology from them.

Conclusions and Recommendations (including those suggested by villagers and other local actors):

Thought out planning will be required in such villages where there is huge caste and economic disparity to ensure that the poor and more dependent get maximum benefits from the claims filed. Civil society and government agencies can play an important role in ensuring this through mutual dialogues.

3.10 Individual Case Study 6: Shankarpur village

Introduction

- Location of the village: teh. Wadsa Desaiganj, dist. Gadchiroli, Gram Panchayat: Shankarpur.
- Population and community composition: 1200 individuals, two families belonging to Scheduled Tribes; while rests all are the Other Traditional Forest Dwellers (OTFDs).
- Main sources of livelihood of the village: Agriculture and wage labour are the main sources of livelihood. Villagers were a part of *Bandhkam ani Lakud Kamgar Sanghatna* (for details please see Gadchiroli district level case study), this helped them get employment through Employment Guarantee Schemes (EGSs). In 2005, following the directions of collector's office, Gram Panchayat prepared a management plan for the village. There were some 60 works planned, of which 30-35 have been completed. And, the village has been renewing their demands for the remaining works every year. The works involve those related to Irrigation Department, Public Works Department, Forest Department and Zilla Parishad. Villagers have formed an EGS committee, which in consultation with the Gram Panchayat takes decision on the works to be undertaken. The labour for carrying out EGS works is divided such that maximum numbers of villagers get employed, special focus is given to the needs of the poorer in the village; e.g. when they recently constructed a dirt road, 75 per cent work was given to the families having bullock-carts (indicating economically less privileged status) while 25 per cent was given to the tractor owners.
- Dependence on forests for household/commercial purposes: Villagers depend on the forests for fodder, fuel and poorer communities have greater dependence than the economically well off.
- Description of the forest (based on the field visit and/or any available study of secondary source): Could not visit forest because of time constraint.
- Any other remarks about the village in particular: This is a village having OTFDs as a majority of population, and does not have a Nistar patrak.
- Status of CFR claims: CFR titles have been granted over 598 hectares, while villagers had claimed rights over 990 hectares. One claim under the sec 3(2) has been granted.
- Joint Forest Management (JFM) and its impact on CFR: Villagers have carried out plantations thrice under JFM between 2004 and 2007. That provided employment to the 50 per cent of villagers. Villagers have been protecting and patrolling their forest till recently. For last few years the funds under JFM have not been received, patrolling therefore has stopped as villagers kept mentioning that the Forest Department staff gets paid to patrol so they should be the ones patrolling.

Claiming CFR Rights

Pre-claims:

The Gram Panchayat came to know about the FRA and CFR provision in particular through Keshav Gurnule of NGO Srishti. They said because of Srushti's initiative they came to know about FRA and realized the importance of claiming community rights.

Filing claims:

The two villages Shankarpur and Dongarmendha come under Shankarpur Gram Panchayat. These two villages together passed the gram sabha resolution for claiming CFRs.

The village has used the same format that was circulated by Vrikshmitra. This village does not have a Nistar patrak, yet they have referred to it in their claim form. However, according to Keshav Gurnule, it didn't make any difference as villagers had attached other evidences such as revenue map, forest map etc. as suggested in the Vrikshmitra format.

Post claims:

The village had claimed CFR over 990 hectares but the area recognised in the title is 598 hectares. They had filed 32 individual claims, all of which were granted. Also, one claim under the sec 3(2) has been granted over one hectare land for building *Gram Sachivalay*.

The village already has a number of committees such as JFMC, FRC (though only for filing claims) and Biodiversity Management Committee (BMC) under the Biodiversity Act 2002 and Rules 2004 in addition to the EGS committee mentioned above. The BMC which was constituted in 2009 also does not have any financial resources to carry out biodiversity conservation activities. Although this village has received titles for CFR and they are aware that this gives them 100% ownership over their forest resources, they are not sure how to go about managing this and where the finances come from. They mentioned that since these forests are not rich in bamboo or other commercially valuable species, the forest cannot generate resources. The experience of having a BMC without any resources and hence not being able to do much appeared to be dominant in their thinking. Villagers were of the opinion that various committees need to work as working groups under the panchayat (and gram sabha), which should be the final decision making body. The funds coming under JFM should be under the supervision of a joint committee constituted with members from BMC, JFMC, panchayat, and CFR committees and should not have the forester as one of the signatories. The villagers also mentioned that few people were aware of how much money comes under JFM and how it is spent because of a total lack of transparency. Discussions during the meeting brought up the need for the villagers to be able to manage all the natural resources and biodiversity and work for their conservation as well as their use for livelihoods. This led to the discussion on river mining and need for villagers banning outsiders from mining the sand but using for their own needs. Police Patil pointed out that sand dredging has been going on in the village river, and the issue was discussed in the context of how the CFR provision can help them stop illegal sand extraction, and in general, need for villagers to formulate a set of rules and regulations to make sustainable use of their forest resources to fulfil their bonafide needs.

Conclusions and Recommendations (including those suggested by villagers and other local actors):

Keshav Gurnule pointed out that many villages in the tehsil have got the CFR titles easily; by simply following the format that was circulated by Vrikshmitra, and hence they do not realize or know what exactly CFR means and how they can use it to conserve and protect their forest resources as there has not been a

process of forest management before. Therefore a similar process as was launched for filing the claims in the district needs to be initiated, with active participation of government agencies, civil society and concerned communities, towards putting in place and strengthening systems for CFR governance and management.

Shankarpur is one of the villages where more than one committees has been formed under various schemes and/or legal provisions, however, for practical purposes there has to be clarity on how these multiple institutions can function together for effective management of common resources.

3.11 Individual Case Study 7: Kasaari village

Introduction

- Location of the village: teh. Wadsa Desaiganj, dist. Gadchiroli, Gram Panchayat: Kasaari.
- Population and community composition: 1077 individuals; of which 115 belonging to Scheduled Castes, 467 belonging to Scheduled Tribes and 495 belonging to Other Backward Classes.
- Main sources of livelihood of the village: Agriculture, wage labour and NTFP collection and sell.
- Dependence on forests for household/commercial purposes: Along with the Scheduled Tribes, 50% of Other Traditional Forest Dwellers population depends on forest for livelihood. They depend on the forests for fodder, fuel and minor forest produce.
- Description of the forest (based on the field visit and/or any available study of secondary source): A huge forest area surrounds the village, however, the part of forest we visited was not dense; but commercially important NTFP species were in abundance. Villagers said that there are large numbers of Mahua trees and also bamboo in their forest. There is a lake spread over 65 hectares; which provides irrigation to farming lands and, also supports a number of aquatic life forms. Presence of waterbirds such as ibis, cranes and animals like wild boars in the lake area has been reported. According to the villagers, in recent years, number of wild animals in their forest is on the rise; this is because there has been an increase in the incidences of animals marauding their crops.
- Any other remarks about the village in particular: In this case, the village has been granted CFR titles over 1148 hectares, which they had not claimed for. They had claimed only 225 hectares.
- Status of CFR claims: CFR titles have been granted over 1148 hectares, and the compartment numbers are given while the conditions are imposed. The area that has been granted is more than what villagers had demanded. Villagers had asked for CFRs over 225 hectares of forest. Villagers had appealed against the conditions and also filed enquiries under Right to Information (RTI) Act (for details please see Post-claims section below).
- Joint Forest Management (JFM) and its impact on CFR: JFM Committee in the village was formed in 2005. Since then villagers have been patrolling the forest. Villagers had planted 1500 trees, of which 50% survived. Plantations were carried out under the Panchayat Samiti's '*Zhaade lava zhaade jagava*' scheme. The species were decided by the Block Development Officer and include natives such as Chinch, Karanj, Neem, Amla and exotic such as Gulmohor.

Claiming CFR Rights

Pre-claims:

Aamhi Aamchya Aarogyasathi has been working in the village for more than a decade, so the village was in touch with Keshav Gurnule (who is now with the NGO Srishti). He informed villagers about the FRA and CFR provision in particular.

Filing claims:

Village has used the same format that was circulated by Vrikshmitra.

Post claims:

The village claims to have received CFRs over the greater area than what was demanded. They had demanded 225 hectares while they have been granted 1148 hectares. They had filed 125 individual claims, of which 75 have been granted.

The village has formed Biodiversity Management Committee and three Mohalla Committees, however no committees have been formed under Sec 5 of FRA as of now.

The CFR titles have been granted in January 2010 (although with some conditions). Villagers had appealed against the conditions to the State Monitoring Committee. After 60 days, when no action was taken, villagers, with the help from the facilitator organization, filed the first RTI enquiry at the State Monitoring Committee. The committee in its reply to it directed the villagers to the Tribal Research and Training Institute (TRTI), Nasik. Villagers filed another RTI enquiry at TRTI. This time they were directed to the district officials, and after that nothing has happened.

Conclusions and Recommendations (including those suggested by villagers and other local actors):

Like many other villages in the tehsil, Kasaari has received the CFR titles easily; by simply following the format that was circulated by Vrikshmitra and becoming a part of the District level movement (see the district case study for details). Besides it has been granted titles over 1148 hectares of land, while they had demanded only 225 hectares. And, hence they need to be provided with the help and guidance to conserve, protect their forest resources spread over 1148 hectares. It appears that Kasaari and its three neighbours had filed claims together and some of the forests which were actually claimed by neighbours including Shankarpur, have been given to Kasaari. Informally there is a clear understanding among the three villages about their boundaries and they were in the process of discussing how to deal with this situation at the time of the visit to the village.

In villages such as Kasaari where previous committee under JFM, Biodiversity Act, etc. already exist there is a need to facilitate processes which will help villagers discuss the legal positions of all of these and gain a clarity on how these multiple institutions can function together for effective management of common resources or arrive at single committees for forest and biodiversity management.

3.12 Individual Case Study 8: Ghati village

Introduction

- Location of the village: teh. Kurkheda, dist. Gadchiroli. Gram Panchayat: Ghati.
- Population and community composition: 1250 individuals of which 30 per cent belonging to the Scheduled Tribes - Gond and Rajgond, 30 per cent are Scheduled Castes and 40 per cent Other Backward Classes.

- Main sources of livelihood of the village: Agriculture, NTFP collection and sell, and wage labour.
- Dependence on forests for household/commercial purposes: Villagers heavily depend on forests for livelihood.
- Description of the forest (based on the field visit and/or any available study of secondary source): A part of forest we visited has a large number of NTFP species and a few medicinal species in ground vegetation. We could not go deep inside their forests; however, harvested timber that was lying around in the forest had huge logs, indicating presence of very well-grown trees.
- Any other remarks about the village in particular: This village came up with an interesting interpretation of the CFR provision. Villagers pointed out that the CFR provision has given them rights over NTFPs; they cannot collect NTFP if the NTFP trees are felled. Their argument has further led to two-year long struggle with the Forest Department over timber (for details please see Post-claims section below).
- Status of CFR claims: Villagers had demanded CFRs over 913 hectares, however, titles have been granted over 521 hectares. Also, the conditions are imposed. Villagers have appealed against conditions in September 2010.
- Joint Forest Management and its impact on CFR: JFM has been implemented in the village since 2003. The gram sabha was held in 2003 to discuss implementation of JFM, in 2005 JFM Committee was formed and registered, and in 2007 the agreement was signed with the Forest Department to carry out works under JFM. Though not on the regular basis villagers have been carrying out patrolling as and when they find it necessary.

Claiming CFR Rights

Pre-claims:

Villagers came to know about the FRA and CFR provision in particular through Vrikshmitra's district-wide awareness campaign. Gram Aarogya played the role of facilitator.

Filing claims:

This village used the same format that was given out by Vrikshmitra and filed their claims in December 2010.

Post claims:

Villagers had claimed CFR rights over 913 hectares, however, titles have been granted over 521 hectares. Titles, with conditions imposed, were given in May 2010, and villagers have appealed against conditions in September 2010.

Even though the village had filed CFR claims, the Forest Department as per the earlier working plan carried out tree felling operation in these forests. Villagers were upset about not being consulted or informed about felling operations. They forced stopped the felling operations and fined the labour association that had taken the contract to fell the trees. The villagers have also prevented the Forest Department so far from taking the timber away. Villagers' pointed out that though CFR doesn't give them rights over timber, it has given rights over NTFPs, they cannot collect NTFP if the NTFP trees are felled. Additionally, they also have the right and responsibility to protect and conserve their forest. Hence, they forced the department to stop felling trees, and their demand was that they should be given 50 per cent of cost of timber harvested so far

from their forest or before selling timber preference should be given to the villagers' bonafide needs, a depot should be set up in the village, after villagers' needs are fulfilled, the department may take away the remaining timber.

A meeting was held with the district officials and foresters at the collector's office on April 19, 2011. In this meeting officials agreed to the idea of setting up a depot in the village, however, in January 2012, villagers received a letter, informing them that as per decided in the April 19 meeting, the Forest Department is planning to move the timber out of the forest. However, this letter did not mention anything about benefit sharing that was discussed and agreed upon in the same meeting. Hence, villagers wrote a letter to the Forest Department, pointing out that the agreement was made at the collector's office in April 2011. The department replied to it in February 2012, and asked villagers how much timber they would require for their bonafide needs. The issue was again discussed in the gram sabha, and it demanded all the timber that was harvested. The gram sabha has, now, pointed out that their Nistar patrak gives them the rights over it. The Forest Secretary Mr Praveen Pardeshi has in principle agreed to their demand, in a meeting that was held in Yerandi village on March 9, 2012. However, no steps have been taken to implement the decision since then.

Conclusions and Recommendations (including those suggested by villagers and other local actors):

For the villagers to practice CFRs; to manage, protect and conserve their forest resources, support and help needs to be provided by the government agencies. The lacking interface between the departments and people may lead to conflicting situations. There needs to be a proper support system in place.

The forest has been managed under JFM over the years and villagers have been patrolling the forests, this has resulted in good regeneration to some extent. Also, it seems to have led to community mobilization which proved to be of great help in the times of timber struggle.

It was observed in this case study that in-principle approvals/decisions from the higher authorities alone do not serve the purpose; the implementation requires constant follow-up by villagers with the help from facilitating organizations.

3.13 District level note: Raigad

Raigad: Raigad district is close to Mumbai and has been continuously facing the pressure from 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 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. The confusion and misunderstanding at the government-level regarding Sec. 3(1) and Sec. 3(2) and lack of focus on implementation of CFR by civil society groups in the Raigad district has resulted in only one community getting CFR rights under Sec. 3 (1) (for details please see Raigad district level note).

Introduction to the district:

Raigad district is situated in South-Western Maharashtra between 17.51' to 19.80' north latitude and 72.51' to 73.40' east longitude. The district is bounded by Mumbai harbour to the north-west, Thane district to the north, Pune district to the east, Ratnagiri district to the south and Arabian sea to the west.

The district head-quarter is situated at Alibaug which is situated at a distance of 140 km from Mumbai by road.

The district is spread over 7,148 sq km of area and for administrative purpose it is divided into four revenue sub-divisions i.e. Alibaug, Panvel, Mangaon and Mahad, further there are 15 tehsil offices and 11 municipal councils; and 821 Gram Panchayats and 1919 villages.

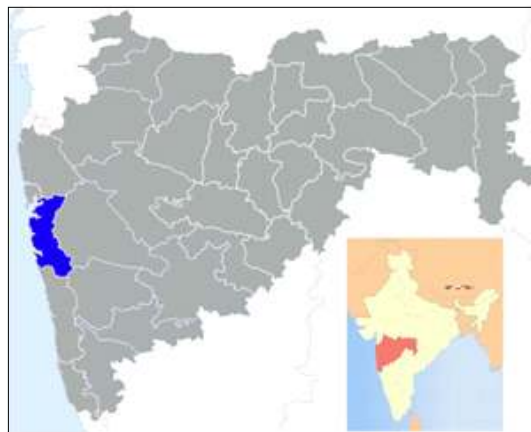
According to 2011 Census, total population of the district is 26,35,394, of which 13,48,089 are males and 12,87,305 females while the population density of the district is 368 per sq km.²² The percentage of Scheduled Castes and Scheduled Tribes population is 2.4 and 12.2 per cent respectively.²³ Katkari, Thakur and Mahadev-koli are the major tribal communities in the district.

The forests cover 1,682.89 sq km of the geographical area of the district. Of which 1,398.30 sq km area falls under the reserved forest category, 159.26 sq km under the protected forest category and 125.33 sq km is unclassified. 341.53 sq km area is known to have dense forest, while 571.40 sq km has medium/rare forest. There is a wildlife sanctuary and a bird sanctuary in the district, however, no CFR claims have been reported in any of these protected areas.

CFRs in Raigad district – A background:

As per the information issued by the Tribal Research and Training Institute, at the end of April 2011, only one CFR claim has been accepted by the District Level Committee (DLC) in Raigad district. It is possible that some may have been filed and granted subsequently but are not reflected in the official records yet.

This district was chosen for this state level study to understand why so few CFR claims have been filed and/or granted in the district? Why only one CFR claim has been granted? To what extent it is possible to effectively implement the CFR provision in the areas which are close to the mega/metro-cities, and have been continuously facing the pressure from ever-increasing urbanization and changing land-use patterns, and ever increasing real estate value? What changes have to be made in the approach of the government systems, community functioning and civil society movements to accommodate the new situations that have come up after FRA? To what extent the communities living in these areas depend on the forests for their livelihoods? To what extent the forests can cater to their bonafide needs? Are these communities willing to take up management and conservation of their forest resources? How receiving these rights can impact their lives and status of wildlife and biodiversity?



Historically, the tribal communities in the district were leased out patches of forest land for 'slash and burn' cultivation and related bonafide needs. These were annual leases and where they were granted to individuals were called '*Eksali*' leases, while where they were granted to communities were called '*Dalhi*' assignments²⁴. Some civil society groups and individuals interested in the issue said that they have been trying to co-relate the implementation of the CFR provision with the '*Dalhi*' system that communities are familiar with.

²² Source: http://censusindia.gov.in/2011-prov-results/data_files/maharashtra/6-%20Chapter%20-%203.pdf

²³ Source: <http://raigad.nic.in/htmldocs/overview.htm#scp>

Current status of CFRs in Raigad:

As per the information issued on the Tribal Research and Training Institute 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 DLC, of those five only one has been accepted by the DLC.

No. of Individual and CFR claims in Raigad district:

Claims	Gram Sabha		Sub-Divisional Level Committee		District Level Committee		
	Total no. of claims	No. of claims	Total no. of claims	No. of claims	Total no. of claims	No. of claims	No. of claims
Individual	18,716	3,187	15,529	11,024	4,505	180	4,325
Community	459	12	447	442	5	4	1
Total	19,175	1,199	15,176	11,466	4,510	184	4,326

According to the information given by the SDLC member (he was interviewed in April 2011), most of the CFR claims received were under section Sec. 3 (2).

Claims rejected at the DLC:

Sr. No.	Tehsil	Village	Reason
1	Pen	Borawadi	It being a claim for construction of a road under Sec. 3(2), DLC rejected it, and directed the community to prepare a proposal as per the guidelines issued by the MoTA in a letter no. 23011/15/2008 -S.G. II, dated 18/5/09, and submit it to the forest department.
2	Khalapur	Dhamani, Katkari wadi	It being a claim seeking primary school, DLC did not consider it as a CFR claim [under Sec. (3)1].
3	Panvel	Gulsunde, Katkar wadi, Phalatwadi	It being a claim seeking balwadi, samaj mandir and toilets,), DLC rejected it, and directed the community to prepare a proposal as per the guidelines issued by the MoTA in a letter no. 23011/15/2008-S.G. II, dated 18/5/09, and submit it to the Divisional Forest Officer.
4	Mahad	Nandgaon khurd (Adivasi wadi)	It being a claim seeking samuhik samaj mandir, DLC did not consider it as a CFR claim [under Sec. (3)1].

(Source: <http://raigad.nic.in/ZNS/vanhakk-Claims.html>)

²⁴ Source: 'In Search of Justice, Tribal Communities and Land Rights in Coastal Maharashtra' – by Surekha Dalvi and Milind Bokil, Economic and Political Weekly, August 2000

As per the Act, public utility-related claims under Sec 3 (2) 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 FRCs 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. When pointed out this to the SDLC official, he admitted that 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).

Conclusions and recommendations:

The Gadchiroli district has history of community mobilization (for details please see Gadchiroli district level case study) and it is categorized as a Tribal District. In Gadchiroli, communities are heavily dependent on forests for livelihood; also the forests are comparatively in a good condition to provide them with their traditional needs.

The situation in Raigad district is very different from that in Gadchiroli district. In Raigad district tribal communities are in minority. The district is close to and easily accessible from Mumbai metropolitan region. It has been continuously facing the pressure from urbanization and changing land-use patterns, livelihoods are heavily dependent on various market operations and are largely non forest based.

As mentioned above, the district has a history of communities' struggle to get rights over their '*Dalhi*' lands. Civil society groups working in the district are exploring the possibilities of acquiring rights over and managing *Dalhi* plots under CFR provision. However, no such claims have been reported from the district as of now, while, a large number of individual claims are reported from the district. Also, civil society groups have been following up with the administration, separately and collectively, to get the individual claims settled. Though, implementation of CFR has remained a point of concern for them, lack of focus on it has resulted in a very few number of CFR claims. Why there has been lack of focus on CFRs remains unclear.

The tribal and other traditional forest dwelling communities in most parts of the district have moved away from their traditional lifestyles. Therefore, effective implementation of CFR provision in such areas would require assessment of peoples' dependence and desires to establish rights over their resources and govern and manage them. Such an assessment will need to address following questions - to what extent the communities living in these areas depend on the forests for their livelihoods, to what extent the forests can cater their bonafide needs, and, how receiving these rights can impact their lives and status of wildlife and biodiversity conservation, to what extent systems of management and governance still exist and to what extent are communities see a value in investing time, energy and resources in creating systems for governance and management of common resources. The time period of this study was too short to understand these factors.

(Note: Some of the information given in this note is based on the work carried out by Reshma Jathar under CSE fellowship in April 2011. However, the situation has not changed much since then. Due to time and resource constraint it was not possible to get clarity on some of the issues mentioned above in the section 'CFRs in Raigad district: A background.')

3.14 Individual Case Study: Adivasi-wadi, Mool Velas village

Introduction

- Location of the village: Adivasi-wadi is a small hamlet of Mool Velas village, teh. Shreevardhan, dist. Raigad. Gram Panchayat: Velas.
- Population and community composition: five-six families of Katkari community which is a Primitive Tribe Group, of which three-four families out-migrate for wage labour, thus leaving only a couple of families to stay in the hamlet.
- Main sources of livelihood of the village: Mainly wage labour; and to some extent farming and fishing.
- Dependence on forests for household/commercial purposes: The residents of the main village do not depend on the forests. The community in particular depends on the forest mainly for fuel wood, and to a very small extent for NTFP collection.
- Description of the forest (based on the field visit and/or any available study of secondary source): The forest that has been granted to them under CFR is a small degraded patch of forest, having shrubby vegetation. As per the Forest Department classification it is a reserved forest.
- Any other remarks about the village in particular: The CFR area that has been granted is close to the road connecting Dighi port to the National Highway. And, the road is being considered for widening.
- Status of CFR claims: Villagers had demanded 41 hectares under CFR, however, titles have been granted over three acres only.
- Joint Forest Management (JFM) and its impact on CFR: JFM was implemented in the village a few years ago, but villagers do not recollect whether *Katkaris* were involved in the works that were carried out under JFM. The community members who were present at the meeting do not depend on the forests nor do they live in the hamlet. They reside in the main village; hence they did not know whether other community members residing in the Adivasi-wadi were involved in the works that were carried out under JFM.

Claiming CFR Rights

Pre-claims:

The community came to know about the FRA and CFR provision in particular through tribal rights activist, Ulka Mahajan. Also, Gram Panchayat received a circular from tehsil office, which directed them to initiate the CFR process. A copy of that circular was not available; however, during previous visit i.e. in April 2011, Ankur Trust has given a copy of similar circular (for details please see Raigad district level note). The forest dwelling community here is in minority; however, Gram Panchayat initiated the process of CFR claims and helped them acquire titles. Villagers did not file CFR claims for themselves as they do not depend on forests for livelihood.

Filing claims:

The first gram sabha was held in February 2009, in which the draft application for claiming CFR was read and finalized. The CFR area was marked in the reserve forest surrounding village. Villagers had filed two individual claims, both of which have been rejected as they did not provide appropriate evidences. CFR claims were filed for fuel wood, NTFP – Gum, Cashew and Mangoes – collection.

They have attached 7/12, caste certificate, assessment *utara* issued by Gram Panchayat, ration card and domicile certificate as evidences.

Post claims:

Community had claimed CFR rights over 41 hectares of reserve forest land. The claims have been granted over approximately three acres; and no reasons or clarifications have been given for the reduction in the area. When the titles were granted, no separate letter was given to the community; instead Gram Sevak was asked to visit the tehsil office with the FRA register that has been maintained at the Gram Panchayat office. The details of the titles given have been written in the register, and a copy of 7/12 has been given to the community.

Notably, before filing the claims and also at present, the community does not have any practices on the land that has been granted to them. Now, after the titles are given, they plan to carry out plantations, though, they have not discussed the details, they wish to plant commercially important species such as Mango and Cashew. Community members say they filed claims because that land belonged to nobody in the village, and is close to the road, and hence it is easily accessible.

The road goes to the Dighi port, which is 10-12 km from Velas. The Dighi port is undergoing expansion, and hence, this road is being considered for widening.

In a discussion that was held with a forester and a tehsil official, they said that though they are aware of the CFR titles, they do not know how the rights would be practiced. When, asked about the road widening issue, they said, the community would be compensated with a piece of land elsewhere.

Conclusions and Recommendations (including those suggested by villagers and other local actors):

The situation in Raigad district is very different from that in Gadchiroli district. In Gadchiroli, communities heavily depend on forests for livelihood and forests are comparatively in a good condition to provide them with their traditional needs. Additionally, Gadchiroli district has a history of community mobilization (for details please see Gadchiroli district level case study) and it is categorized as Tribal District.

On the other hand, in Raigad district tribal communities are in minority. Also, the district is close to and easily accessible from Mumbai metropolitan region. It has been continuously facing the pressure from urbanization and changing land-use patterns. As a consequence, the tribal and other traditional forest dwelling communities here have moved away to a large extent from their traditional lifestyles. Therefore, effective implementation of CFR provision in such areas would require assessment of peoples' dependency on forests resources. Such an assessment would need to address questions such as, to what extent the communities living in these areas depend on the forests for their livelihoods, to what extent the forests can cater their bonafide needs, and, how receiving these rights can impact their lives and status of wildlife and biodiversity conservation, and what support systems can be built to ensure that CFRs lead to better livelihood generation and biodiversity conservation options in this area.

3.15 State-level Conclusion and Recommendations

In Maharashtra, Gadchiroli district has a high number of CFRs filed and titles received. Under the guidance from Vrikshmitra, Lok Sangharsha Morcha has initiated process of filing CFR claims in Nandurbar and Jalgaon. On the other hand, there are districts like Raigad and Thane, where it appears that there has not been enough focus and follow-up on CFR claims, this perhaps has led to less number of CFR claims and almost no CFR titles.

This study suggests that Gadchiroli district - especially northern *talukas* – can be developed as a model for implementation of CFR provision, from which other districts can take guidelines for claiming CFRs. However, it cannot be considered as a representation of Maharashtra state when it comes to investigation of the status of CFR implementation. Because, as per the data that has been issued by TRTI - the nodal agency for implementation of FRA in the state - of total 35 districts in Maharashtra, Gadchiroli is the only district known to have received such high number CFR titles. Gadchiroli experience as detailed out in the subsequent sections on the district indicates that taking following steps could help speed up the process in some other districts:

- A concentrated and coordinate drive from civil, community members and relevant government officials in understanding the provision, its implications and procedures.
- Preparing relevant documentation
- Using the format developed by Vrikshamitra (or adapting it for concerned district).
- Organise a series of training programme of PRIs, revenue officials, tribal department, forest officials and other departments.
- Organise focused training for SDL and DL committees.
- Push for Revenue and Forest departments to provide relevant evidences to the communities as was done in case of Gadchiroli.
- Need for state monitoring committee to be strengthened and to hold regular stock- taking meetings with relevant officials.
- A similar drive and series of discussions and community level meetings on future governance and management of CFRs, where possible facilitating experience sharing exchange visits of communities to those sites where CFR forests are being managed and governed well.
- At the state level discussing the possibility of ensuring the CFR villages where more than one committees exist for management of forests and biodiversity under various schemes and/or legal provisions, a clarity needs to be arrived on how these multiple institutions can function together. Also how effectively resources can be generated by incorporating CFR related conservation works in various existing schemes such as NREGS, without these schemes imposing external conditions, and institutions

4. CASE STUDY 2: ODISHA

4.1 Introduction

The recorded forest area of the state is 58,136 km square which is 37.34 percent of the total geographical area. The reserved forests constitute 45.29 percent, protected forests 26.70 percent and unclassed forest constitute 28.01 percent. Odisha has 2 national parks and 18 wildlife Sanctuaries covering 9110.78 km square which constitute 5.85 percent of the total geographical area of the state.

There are 30 districts, 58 subdivisions, 316 tehsils, 314 community development blocks, 103 local urban bodies, 6234 gram panchayats and 47,529 inhabited villages. Total population is 36,706,920, out of which ST and SC constitute 22.1 and 16.5 percentages respectively as per 2001 census. There are 62 tribes in the state.

Forest plays a vital role in life and livelihood of the majority of the population as directly it provides different services to the local population particularly the marginal section in terms of non timber forest produces, fodder, medicine and timber for various needs. There are about 29302 forest fringe villages in the state and 40% of the total population depends on forests for livelihoods.

Odisha has its own identity for self initiated Community Forest Management (CFM) where villages and group of villages protect and manage forest according to their own set of rule and regulation. But it has no legal recognition. FRA has paved way for the legal recognition of community forest management. CFR recognition according to FRA-2006 has importance in the context of Odisha as it will pave way for legal recognition of existing CFM practices and promote good practices of CFM in other areas which will lead to better conservation of the biodiversity, habitat and livelihood enhancement of the marginalized section.

4.2 Status of the CFR recognition in Odisha

Figures

By 31.01.2012 a total of 3239 Community claims under section 3(1) and developmental claims under section 3(2) have been received by the FRCs. Out of them 2321 claims have been verified by FRCs submitted to Gramsabha, out of them 1442 number of claims have been approved by the Gramsabha and sent to the SDLC, out of them 991 claims have been approved by the SDLC to DLC, number of community claims approved by the DLC for titles are 902 and total no of certificates issued are 798 (ST & SC Development Department).

Total number of certificates recognizing Community Forest Right according to section 3(1) distributed in Odisha is 558. Total forest area on which community right under section 3(1) has been recognized is 53999.11 acres. CFR titles have been issued in 16 districts of Odisha (with the highest number of 140 in Kalahandi district). In 14 districts no CFR titles have been issued.

District wise data on the certificates issued in Odisha recognizing the community rights as on 31.1.2012 according to section 3.1 of the act has been mentioned below.

Sl.No	Name of the district	No of titles distributed	Area of forest in acres.
1	Balasore	2	52
2	Cuttack	2	4.84
3	Mayurbhanj	42	19393.89
4	Nayagad	2	500
5	Deogad	6	13.56
6	Dhenkanal	9	Data not available.
7	Koenjhaar	122	7167.90
8	Sambalpur	37	325.15
9	Gajapati	20	3342.75
10	Ganjam	24	129.78
11	Kalahandi	140	18534.60
12	Koraput	51	1780.87
13	Malkangiri	68	2203.31
14	Nawapara	5	20.02
15	Nawarangpur	20	408.25
16	Rayagada	8	14.85

Slow CFR recognition process

Though the implementation of the FRA-2006 has started in the year 2008, only 558 titles have been distributed as on 31.1.2012 which if compared to the 29302 forest fringe villages is not very encouraging. The comparison of the process of status of CFR process between 31.12.2010 and 31.1.2012 which has been given below reveals the real pace of CFR recognition process in the state.

Comparative table of CFR process of odisha between 31.12.2010 and 31.1.2012.

	Status as on 31.12.2010	Status as on 31.1.2012	Improvement of status of CFR between 31.12.2010 and
No. of claims received by FRCs	2712	3239	527
No. of claims verified by FRC and submitted to gramsabha	2148	2321	173
No. of claims approved by the gramsabha and sent to SDLC	1213	1442	229
No. of claims approved by SDLC and sent to DLC.	776	991	215
No. of claims approved by DLC for title.	704	902	198
No. of certificates distributed both under section 3.1 and 3.2	655	798	143
No. of certificates issued on CFR right under section 3.1	Data not available	558	

Information mismatch between MoTA status reports and ground data.

In Odisha the government data on the CFR process differs from the ground reality and some the examples are sited below.

As per the status report prepared from the ground by Vasundhara in Ranpur, number of CFR claims received by the FRC as on 31.1.2012 but as per the govt. data only 91 CFR claims have been received by FRC in the whole district.

As per the ground report from Odisha Jungle Mancha, in Mayurbhanj district 59 claims have been submitted to SDLC with active participation of district federation leaders and out of them no titles have been issued. The government data as on 31.1.2012 reveals that in Mayurbhanj number of claims forwarded by the Gramsabha to SDLC is 45 and number of CFR certificates issued is 42. So the ground data of the Mayurbhanj differs from the government report.

As per the ground report from Balasore district, with the active participation of the leaders of Balasore district forest federation, 99 claims has been submitted to the SDLC and out of it no CFR certificate has been issued. But the government data reveals that only 40 claims have been submitted to SDLC by the *gram sabhas* by 31.1.2001.

4.3 Assertion of Community Forest Rights through Community Initiatives:

Though not recognized and reported in government reports but communities with support from civil society groups have claimed CFR rights in large numbers in different parts of the state. 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 including 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.

Assertion of rights through FRA

While the claims process is underway communities have used FRA to assert community rights in many places. Some of the examples are:

- Communities asserting forest rights to protest diversion of forest land in Niyamgiri.
- Opposition to bamboo extraction by the forest department and leasing out to private companies in Kandhamal district.
- Opposition of the community to ecotourism project in CFR claimed forest near Baripada town of Mayurbhanj district.
- Opposition of the community to the forest department for making fire line in CFR claimed area in Nayagarh district.

Initiatives in Post CFR rights management-

Along with the claims process, 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. Communities have also started asserting their right over the CFR in different parts of Odisha.

In Brahmankumei and Dimiribadi village of Ranpur block, Nayagarh district villagers have formed forest management committees according to section 5 of the FRA-2006, have dissolved the JFMC and started planning for the management of the CFR.

In Jamguda village of M Rampur block and Borguda village of Junagarh block of Kalahandi district gramsabhas have dissolved the JFMCs and are planning to form the committee according to section 5 of FRA. The protection of the forest by villagers is continuing like before. Jamguda and Lamer villagers of M. Rampur block of Kalahandi district have visited Mendha lekha of Maharashtra to learn the process of management of forest and bamboo harvesting and marketing. These two villages have initiated planning process for harvesting of Bamboo.

4.4 Individual case study: CFR process of LAMER village, Kalahandi

CFR status in Kalahandi-

Kalahandi, a district of Odisha has its own identity in the world for the poverty. The forests in the district are dry, deciduous and play a vital role in the life and livelihood of the residents. According to the 'India State of Forest Report 2011' published by Forest Survey of India total forest area of the district is 2331 sq. km which is 29.43 % of the total geographical area of the district. In comparison to 2009 there is an increase in recorded forest cover of the district by 25 sq km.

There are 2068 villages in Kalahandi district out of which there are 1457 adjoining to forest. The role of the villagers in enhancement of the forest cover in the district cannot be underestimated. As per the latest data of the Kalahandi District Forestry Federation 815 villages are protecting and managing forest without any support from the forest department. De-facto access and control of the villagers over the forest secures the life and livelihood of the community. There are a lot of instances of conflicts of the forest dependents with secondary players on the forest including the forest department.

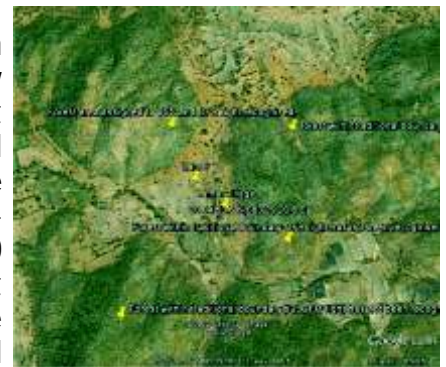
Forest Right Act 2006 has paved way for the legal recognition of right, access and control of the forest dependents on the forest and forest products and created scope to end the conflicts with the other players. Implementation of the Forest Right Act has been started in the district from the year 2008.

Status of the CFR in Kalahandi

As per the latest report of the government of Odisha Forest Rights Committees have been formed in all the villages of the district. 169 CFR claims have been received by the FRCs which has been approved and forwarded to SDLC. SDLC has approved and sent all the 169 CFR claims to DLC. DLC has approved 155 claims for title. 140 certificates of community titles have been distributed. The total area of forest over which CFR right has been recognized is 18534.60 acres. The highest area of 1474.76 acres has been recognized in the name of the village Pajibahali of M Rampur block and the lowest one is 3 acres in Piringuda village of Bhawanipatna block. The process of the CFR recognition has been facilitated by the government.

Area of study

Lamer is a remote village in Barabandha Gram Panchayat, Madan Rampur block of Kalahandi district, Odisha. The village is surrounded by hills and forest on all sides. It is approximately 65 km from the district head quarter and 12 km away from the block head quarter connected with rough motor-able roads. There is no bus service to the village. The nearest bus stop is M. Rampur or Tolapada which is on the Cuttack - Bhawanipatna road 12 km from the village. The place is more than 400 kilometers from Bhubaneswar, the state capital of Odisha. Nearest railway station is Narla road which is approximately 40 km from the village. The figure below gives the Google earth image of Lamer, marked with forest areas where CFR rights have been recognised, and forest areas that fall within traditional boundaries.



Location of forests where CFRs have been recognised, and where CFRs haven't been recognised but claimed by villagers of Lamer. Source: Google earth

Demography

The village consists of 72 households out of which 51 are tribals, 5 are Scheduled Caste, 15 are Other Backward Castes and 1 is from general caste.

Name of the caste	House hold no	Male	Female	Total
Tribals	72	291	282	573
Scheduled caste	5	13	18	41
OBC	15	26	36	62
General caste	1	2	1	3

Livelihood Pattern

Agriculture, labour work in agricultural fields and labour work in construction fields are main sources of livelihood. The agriculture is rain fed. Paddy is the only crop cultivated. Locally labour work is available in the government construction works and private house construction works in M Rampur, the block head quarter. Also, in the lean period a few families adopt manual stone crushing as a means of earning.

Migration to Gujarat in lean period (from January to June) is a common phenomenon. This year youth from 20 families have migrated for labor work to Rajkot in Gujarat.

In rainy season each family earns Rs 1000 to Rs 2000 by selling forest produces like tender bamboo sprout, mushroom and green leaves in the local market within a span of 2 weeks to 1 month. Two tribal families headed by Miruka Majhi and Bailochan Majhi are making baskets of bamboo to sell in the local market which is the means of livelihood along with agriculture. All the villagers know the technique of bamboo basket making but they make baskets only for their own household use. Bamboo has multifarious use as it is abundantly available in the village.

Forest dependency

Forest plays a key role on the life of the villagers. They depend on the forest for fire wood, poles of bamboo and other tree species for construction of houses, household implements, and agricultural implements. Green leaves, mushroom and tender bamboo sprouts are the source of food in rainy season and tubers are collected in winter used as food by all the households. Bamboo shoot, mushroom and green leaves also contribute towards earning of almost all the families in the village.

Forest protection and management

Villagers have started protecting forests from the year 1985. Outsiders were restricted to take green Bamboo and timber from the whole forest area. The rule for the villagers is each household can take the timber and bamboo for household use only. There is no restriction for non timber forest produce collection. They also protect the forest from fire by extinguishing the fire together.

From 1992 a youth club was formed in the village which has spearheaded the forest protection in the village. On rotation basis 5-10 persons were moving around the forest in the early days of protection.

A VSS was formed by the forest department in the year 1999 and an area of 66 hectares has been assigned to the VSS as the certificate issued to the villagers. But the villagers are not aware of the fact and they consider the whole forest around the village as their own forest. When in the focused group discussion the area of

the forest assigned was discussed they indicated that one hillock where some activities of soil moisture conservation and plantation had been undertaken by the forest department might be the assigned area under VSS.

Function of the VSS and support of the government

According to the villagers a generator was provided to the VSS as an incentive for villagers to be a part of JFM. The area of the forest assigned to the VSS as mentioned in the MOU is 66 hectares. The villagers (including the president of the concerned VSS) are not aware of the cost of the generator as the concerned forest guard has not submitted the bill to the VSS. Even soil moisture conservation activities and teak plantation has been taken up by the forest department on the foot hills of the assigned area to the VSS. In the planning and implementation of the activities by the forest department there is no role of the VSS and the villagers. The VSS leaders are not aware about the cost of the plantation. One guard has been appointed by the forest department for protecting the teak plantation who is being paid by the forest department directly.

Till 2008 the villagers were protecting all the hillocks around the village. Because of abundance of bamboo in the forests, villagers had verbally requested the DFO in a meeting to allow the villagers to sell the bamboo locally. But the DFO refused it insisting that it would be illegal.

Conflict with regard to forest

In 1991 there was a conflict with a village named Patangapada where villagers had to face a court case. A few villagers of Patanga pada were stealing timbers of piasal (*Pterocarpus marsupium*) which was confiscated by the villagers of Lamer. The forest department personnel also supported the Patangapada village. Patangapada villagers registered a false case in the name of few villagers. In the court the villagers of Patangapada could not proof their allegations and the persons were declared free.

In 2008 there was a conflict with a village called Balipada which is the local market place for the villagers. Some of the villagers of Balipada were collecting Bamboo without permission of the village which was confiscated by some youth. the next day the villagers of Balipada attacked the concerned forest guard and threatened the youths concerned. After that the village stopped restricting other villagers for collecting Bamboo.

Impact of the conflict on the forest protection and management

The conflict created fear psychology within the villagers and they are not daring to stop the nearby villagers to take bamboo from the forest Since 2008, villagers from 24 nearby villages are taking bamboo for their household needs without the permission of the village. Green felling of trees is also taking place but not in front of the villagers. Now anthropogenic pressure on the forest has increased manifold.

CFR claim making and recognition process

Formation of FRC committee-

According to the president of the FRC committee Hara Majhi a FRC committee was formed earlier but as it was not active and the members did not attend the meetings and trainings of the government a new FRC committee was formed on 18.10.2010. In the resolution book it has been mentioned that the members of the FRC had been selected but the concerned resolution was followed by only three signatures (of the president and secretary of the FRC committee and one villager). Besides a printed list of members and office bearer of FRC has been reflected as countersigned by the Panchayat extension officer and forest guard. According to the list there are 15 members including 4 women. Out of 15 members 9 are tribals including the

president and secretary. All these evidences imply that the required procedures of involvement of the whole village, with an essential quorum, were not fulfilled for the formation of FRC.

CFR claim making process-

Villagers are not aware about their community rights under FRA-2006 and the process of CFR claim. The villagers could not inform anything about the determination process of CFR, filing of claim form and the verification process. In the resolution book of the gramsabha which was available in the village there was no resolution about the CFR or individual claim making process.

CFR recognition-

According to the RTI information collected on the CFR titles issued in Kalahandi district, Lamer is included and the copy of the CFR title is available. But the villagers have not received the titles. In the titles right under the section 3.1(C),(d),(i),(L) of the Forest Rights Act 2006 have been listed. In the title collection, use and sale of NTFP has been allowed with head load, shoulder load, cart and bicycle. In the title, area of the CFR area has not been mentioned.

But from the secondary data collected from SDLC and district administration by Vasundhara, the total CFR area of the village is 163.02 acres. In the MoU of VSS the area mentioned is 66 hectares which is equal to 163.02 acres. Thus it seems that simply the area under VSS has been issued in the CFR title, instead of recognizing customary boundaries of forest use.

Opinion of villagers on future management of CFR-

Villagers were informed by the research team about the community right, title in the name of the Lamer villagers and scope of management of the forest by the gram sabha.

The villagers informed that they would think of reviving the old method of protection. Besides they will plan for harvesting of matured Bamboo which they were thinking of in the past years.

Conclusion

The CFR recognition process has not been undertaken properly. That the concerned authorities have issued the CFR title without making an attempt at raising awareness about the Community rights process is a matter of concern.

The area of CFR as recognized on the title is much lesser than the traditional boundary as according to the perception of the villagers the area of one hillock will be 66 hectares where as the village is surrounded by several hillocks. Since CFR area recognized to the village is matching with VSS area, it appears that arbitrarily the title has been prepared by the authorities concerned and VSS area has been taken as the CFR area irrespective of the traditional boundary. As a sample basis M Rampur block was taken for comparison of the area recognized under FRA and area assigned to VSS. All the 20 villages which have been recognized the CFR right has VSS. The VSS area of 17 villages matches with the CFR area as ensured according to FRA-2006. As per information collected by Vasundhara from the district administration in case of 2 villages named Lundrubaru and Taprang the area recognized is less than the VSS area. In case of one village named Pajibahali the area is more than the VSS area (to the VSS 125 acres have been assigned (forests allotted by the forest department to the JFM committee of the village) but according to FRA 1474.76 acres has been recognized). This implies that in many areas of Odisha, CFR titles are being issued for VSS area rather than the areas customarily used and managed by those villages.

Since Bamboo is abundant within the traditional boundary of the village the villagers now have the legal right to harvest and sell it. There is scope of value addition to the bamboo and bamboo shoot which can emerge as a means of livelihood.

The villagers are asserting that the legal right will strengthen them to protect and manage the forest in better way. They feel that it can enhance the biodiversity and productivity of the forest and add to the economy and livelihood of the villagers.

But there is the need of an initiative from the government to recognise the right of villagers on the whole forest area within the traditional boundary of the village instead of simply the VSS area.

4.5 CFR process in Brahmankumei village in Ranpur, Nayagarh

Introduction

Brahman Kumei is a revenue village in Bandhamunda GP of Ranpur Block. It is 25 kilometres away from the block head quarter. This village is a tribal village. According to 2001 census total number of households is 11 and total population of the village is 73. Total revenue land is 30 hectors and total revenue forest land is 1.36 hectors. According to the survey conducted by Vasundhara in 2011 total number of households in the village is 13 and total population of the village is 80.

According to the village community, the forest is dominated by Bamboo. Except bamboo, the other tree species found in the forest are Mahe, Kasi (*Bridelia retusa*) Bela, Sal (less trees in number) Jamun, Kendu, Kochila (*Strychnos nux-vomica L*), Sesam, Pia Sal or Beeja (*Pterocarpus marsupium*), Bandhan, Karda, Karanj, Limbru (*Zanthoxylum armatum*), Dhanura (*Anogeissus latifolia*), Sidha, Bindhya vardhan, Jauth, Jari (*Ficus retusa*), Salibo baas (*Bambusa vulgaris*), Dhaman, Gundi, Char, Harda, Baheda, Ashoka (*Sarca indica*) and Kondh.

The major source of income is agriculture and forest based livelihoods. They collect Mahua, char, *Siali* leaf, Sal leaf, Sal seed, fruits and tubers (for selling and eating) and medicinal plants for medicines. They also depend on the forest for cattle grazing and fuel wood in all the year.

Then the dependency on cash income is fulfilled by migration and dependency on livestock. Migration is very less; it is 8 persons (out of a population of 80 persons or 13 families) at a time. They usually work as wage labourers and go to places in Kerala, , Bangalore, Chennai and Hyderabad.

History of the village and forest protection

This village came into existence more than 250 – 300 years ago. It used to be a dense forest with diverse flora and fauna. The name of the village Brahmankumei has its roots in the fact that earlier a Brahmin family used to live here. After the migration of Brahmin, a family of Kondh tribe, requested for agriculture land to the local king. The king agreed and allowed them. First they were practicing shifting cultivation in around 3000 acres. After the survey settlement people are doing settled cultivation. In Brahman kumei only two household is migrant out of 13 households. The remaining 11 are from a single ancestor.

According to the villagers, fifteen to twenty years ago the 'Tangia lease' was a very common practice in the Mal Reserve Forest. In the name of Tangia lease big trees were gradually being cut down and the timber mafia became active in that area. The rampant degradation and harassment by the forest officers forced the villagers to think about the protection of forest. In 1987, a formal joint protection constituting 7 villages had been initiated by the forest department. These villages are Sirikuti, Bandhmunda, Woapara, Tabari, Ukutikumei, Nuagau and Brahmankumei. The reason behind constituting this was to protect the forest and receive financial help from forest department. This formalized system of forest protection by the community went defunct due to not receiving any help by the forest department to punish the offender; many times they were harassed by the forest department when they went inside the forest for collection of NTFP and collection of wood for their household purposes. The other villagers constituted Vana Surakhya Samiti with the help of forest department. Then in 2001 gradually the formalized protection shifted to informal *thenga palli* (a rotational protecting system with a stick), practiced by the community at Brahmankumei village. The forest department has reportedly come to the village thrice and requested them to form a VSS in their village, but the villagers asserted their wish for independent protection.

The name of the forest protection group Maa Pitabali Jungle Suarkhya committee. The executive committee consists of 12 members, out of which 2 are women. FPC is working for Thengapalli, fire protection and collection and management of forest produces.

*Pre-claims:*Claiming CFR Rights

Vasundhara along with the federation of forest protecting committees of different villages (Maa Maninaga Jungle Surakhya Parishada or MMJSP) had conducted an awareness programme on FRA-06 in 2009 with participation of 2-3 persons from each village. Through that workshop, villagers of Brahmankumei became aware about the Act and its provisions. Despite being involved in forest protection through local institutions for 23 years, the villagers used to feel a lack of proprietorship and a sense of fear about being caught by the Forest Department while in process of NTFP collection. Because of this, the villagers considered CFR as a tool to get a better sense of security about forest use for their livelihoods.

*Filing claims:*Formation of Forest Rights committee

On 23.03.08 the first Gram Sabha was held at Brahman Kumei village for formation of Forest Rights Committee. The meeting was presided by Mr. Gangadhara pradhan and information regarding the Act was provided by Mr. Bharat Chandra pradhan who was the assistant teacher of the Bandhamunda Primary school. The forest right committee of 15 members was formed during the proceedings of the Gram Sabha.

CFR process at Brahman Kumei

The following processes are followed by the Community for their CFR process-

- Discussion on community forest rights in the village Gram Sabha by the FRC members.
- Collection of village history and demographic profile of the village.
- Mapping of community rights
- Claim form fill-up
- Finalization of a date of verification of community right.
- Send notice to SDLC and DLC and other resource dependant villages to participate in the verification process
- Verification of the CFR and report preparation by the FRC members
- Final Gram Sabha and sending claims it to SDLC.
- Verification of claim by the Joint Verification Team
- No objection certificate by the nearby villages that are depending on the resources

Discussion on community forest rights in the village Gram Sabha by the FRC –

A Gram Sabha was called by the FRC to regarding community forest rights and for a better understanding on the steps to be followed according to the provisions under FRA -06. This meeting was presided by the president of FRC Mr. Dibakar pradhan. In that meeting two volunteers of Vasundhara were also present. Since the individual claims had already been submitted to FRC, the discussion focused on how to fill up claim form B (for CFRs) and the evidences required. Then the villagers decided to first document the history of their village and fixed a date for mapping their community forest area.

Documentation of history of the village

The FRC sat with the community, particularly village elders. They discussed how the village was established; on which basis the name of the village was decided and what was the condition of forest at different historical periods.

According to pradhan before 1970s the Mal reserve forest full of big trees and full of Wild animals and villagers used to avoid going through the forest at night. At that time, villagers enjoyed Nistari rights and didn't have to pay any nistari cess to the Ranpur king.

Kandhas of Mal Area enjoy the following concessions

1. Right to collect dry fallen branches of any species for fuel free and without permit
2. Right to collect edible roots, fruits, leaves creepers and grass for their own use only free and without permission.
3. The right to take wood and bamboos for agricultural implements and house construction free on permit.

These are also mentioned in the 'Original Survey and Settlement Operation of Ranpur Ex-State area 1943-52 by Sri G.N. Singh'. This documentation helped the villagers to fill up their claim in the Nistari Rights.

CFR Mapping Process of Brahman Kumei Village

The villagers took three days for mapping their community forest area. They first discussed about their community's relationship with and dependency on forest resources, the management issues, and the available resources. With this, participatory mapping of community forest resources for claiming CFR Rights under FRA 2006 started at the village level. They prepared a detailed list of roots and tubers, fodder, wild edible fruits and other minor forest produce; medicinal plant etc which the villagers are collecting. Then on the next day the villagers visited the areas from where the listed forest products were collected by them and identified other relevant areas like positions of temple, road, sacred trees, groves and ponds or riverine areas, burial or cremation grounds etc. Then community members developed their areas by creating maps on the floor and then on a large piece of paper. These maps reflect

- the locations of villages, revenue and traditional boundaries;
- forests, agricultural land, water resources, grazing grounds;
- areas for collection of roots and tubers, fodder, wild edible fruits and other minor forest produce; fishing grounds;
- irrigation systems;
- sources of water for human or livestock use;
- medicinal plant collection territories of herbal practitioners;
- sacred trees, groves and ponds or riverine areas;
- burial or cremation grounds etc.

The villagers are traditionally collecting NTFPs from Uppartaila, Banakulei pathara, Dumdumi Pathara, Nuagaon bata, Bada nai, Dalakabila, Badachakunda jhara, Majhi bata, Hati pathara, Ghatamundia forest.

The community has been protecting Midsal forest, Sana Kulei and Poda Ambakhola forest from Nuagaon Square to Chakunda Jhara square for years.

Preparation of Claim for CFR by FRC

After the mapping process the FRC along with the villagers filled-up the claim form-B and attached the following evidences:

1. Statement of elders other than claimants, in written form
2. Government authorized documents such as Voter List
3. Forest inquiry report
4. Forest map (hand made) with physical attributes and land marks.

Verification of Claim by FRC

After the preparation of claim by FRC on 12.10.08 Gram Sabha fixed a date for verification of CFR claim. Then according to rule 12 the FRC intimated the other Gram Sabha members, the SDLC and Forest department 15 days before the decided date of verification. On the scheduled verification date no Government official came to that village. Then the FRC along with other Gram Sabha members physically verified the nature and extent of claim and the evidences.

Villages who had participated in the meeting finally decided to send the claim form to SDLC. Then the FRC members sent the all claim forms (Individual and community claims) to the SDLC, with all Gram Sabha resolutions.

Verification of Claims by the Joint Verification team

On 08.12.09, joint verification of all the claims (Individual and community claims) filed under FRA-06 of Brahman Kumei village took place. On the verification date Revenue Inspector, Panchayat Extension Officer-Bandhamunda panchayat, Concern Ranger, Section Forester and WEO was present. Then the villagers showed their area of protection. After that the ranger said to the villagers that they can't claim more than 250 acres as CFR rights. But area which was under the protection of the community was around 500 acres. However the villagers agreed to take those 250 acres because first time in Nayagarh districts their village CFR was going to be demarcated and ranger said to the WEO if they will measure more than one 250 acres then the department will not put signature in the title deed. Then the amin (revenue official who measure land) demarcated the land by the chain after the instruction given by the ranger in the presence of WEO. The villagers remained silent in the whole process. The demarcation process taken completed in two days. After completion of verification on 10.12.09 the WEO carried out the Gram Sabha and declared that the village is going to get right over 250 acre as their CFR right.

After the verification one final Gram Sabha was called by the panchayat secretary on 10.12.09 and on the schedule dates other resource dependant Gram Sabha's also invited to participate in the final Gram Sabha. With the suggestions of other Gram Sabha one no objection resolution also made. In this way the process of final verification was completed in the Brahman Kumei village.

Post claims scenario-

On 26.08 2010 the village Brahman Kumei got the CFR title. Rights mentioned in the title are minor forest produce, grazing, protection and management.

But villagers are protecting 500 acres. Other 250 acres on which they were not able to get their right is just behind their village. The wild life presence is more on that patch of forest. After getting rights forest protection committee and wild life protection committee has been formed under section 5 of FRA and a copy of the resolution has been sent to the SDLC. Forest protection is planned to be done through *thenga palli*. To assist in managing the forest in a better and scientific way the villagers wanted help of Vasundhara. The management plan is in process and Vasundhara is providing assistance to the villagers.

But there are some issues like less area has been issued to the villagers than the area protected by the villagers. The forest department is more dominant than the Gram Sabha, and tends to undermine the decisions of Gram Sabha in forest management and use. After realising this the villagers have appealed to DLC and SDLC. But no step has been taken by the district administration till date. After that an appeal in regard to the violation of FRA by the government officials under section 7 in the community forest right verification process has been sent to the SLMC



Villagers of Brahmakumein discussing post-rights scenario issues with field staff of Vasundhara

4.6 Prominent issues in Odisha pertaining to CFR

A state level workshop on CFR issue was organized on 20-21 December 2011 by Vasundhara and SPREAD at Bhubaneswar where the following issues were identified:

- Initiative of government for sensitization and awareness on CFR claim is poor.
- Support of the govt. authorities to gram sabha is very poor.
- In most of the cases proper process has not been followed for the CFR recognition process for the villages where titles have already issued.
- JFM area considered as CFR in most of the cases.
- Nature and types of rights has not been clearly reflected in the titles.
- The claim of CFR by community is not exactly reflected in the title.
- Most of the titles issued are conditional.
- Most of the CFR titles issued are for developmental facilities u/s 3(2), which is not CFR claim of the OTFDs villages are neglected only tribal villages are focused.
- CFR title approved by DLC has not been issued to the villagers. Status report updated the distribution of CFR title but the gramsabha/villagers have not received titles.
- Very minimal number of CFR titles issued till today.
- The claims which have been in different stages of recognition are not properly reflected in the status report of the State.
- Government of Odisha is trying to Impose JFM on FRA process by converting JFM areas into CFR is evidenced by the fact that JFM resolution 2011 has been passed and a guideline has been sent to MOTA for approval where it has been reflected that the area assigned to VSS will be considered as Community forest resource.
- Continued implementation of forest working plans in CFR claimed and recognized forest area.

5. CASE STUDY 3: Biligiri Rangaswamy Temple Wildlife Sanctuary, Karnataka

5.1 Introduction

On 2nd October 2011, Soliga adivasis of 25 Gram Sabhas within Biligiri Rangaswamy Temple Wildlife Sanctuary were granted community forest rights under the FRA. This case study describes the processes that led to the granting of the rights and discusses the ongoing efforts by Soligas living in BRT to exercise their community forest rights of conservation and management. The study covers 61 Soliga tribal *podus* located in the Biligiri Rangaswamy Temple (BRT) Wildlife Sanctuary in Chamarajanagar district, Karnataka. Twenty two *podus* are located inside the boundaries of the wildlife sanctuary and 39 *podus* are on the periphery of the sanctuary. The area of the sanctuary is 540 sq km. In January 2011 BRT was declared a tiger reserve through a state government notification despite protests by Soligas anticipating displacement from the core area. The wildlife sanctuary is spread over three *taluks* of the district: Yelandur, Kollegal and Chamarajanagar with 10, 26 and 25 *podus* respectively in each *taluk*.

Following consistent pressure and effort by Soligas and their welfare organisation, the Budakattu Zilla Girijana Abhivruddi Sangha (ZBGAS), individual rights to cultivated land and community forest rights under Section 3(1) of FRA have been granted. Individual rights to land and habitation have been recognised for 1516 households while CFRs have been granted to 25 gram sabhas covering 35 *podus* (settlements). CFR

claims were filed in 2008 and the rights were only granted in 2011. The process commenced with a workshop organised by ZBGAS, Ashoka Trust for Research in Ecology and the Environment (ATREE), Vivekananda Girijana Kalyana Kendra (VGKK), and Kalpavriksh in 2007 even before the notification of FRA rules.

The immense interest in the FRA was primarily due to the ban on NTFP collection that was implemented in 2006 following the 2002 amendment to the WLPA. The hardship that this ban imposed on the Soligas was severe due to their high dependence on forest produce. Socio-economic surveys have shown that across the sanctuary 32 to 60 percent of total household cash income was derived from the sale of NTFPs. When they realised that the FRA could give them rights to NTFP collection they began to file their CFR claims even before claiming individual rights. Such has been the impact of the WLPA's stringent provisions on Soliga livelihoods.

Population and social structure

The 62 *podus* are home to a population of 16,500 Soligas. The Soligas are a scheduled tribe and the dominant community living in the sanctuary. A few members of other communities live in revenue lands within the sanctuary and are engaged in labour in the coffee plantations or associated with activities surrounding the temple. The social structure of the Soligas is clan based. Soligas living in BRT belong to 6 clans. Clans have over generations demarcated the forest into areas that they call *yelle* or *jaaga* that are specific to a clan. Each *yelle* contains 6 types of sacred sites such as burial sites, stone shrines, god and goddess sites. There are 46 *yelles* in BRT and 489 sacred sites all of which have been mapped by Soligas with the support of ATREE. The map that was produced as a result of this effort was used as evidence by gram sabhas while claiming CFR rights. Sacred sites are visited by soligas 2-5 times a year. However the notification of the wildlife sanctuary and the displacement of Soligas over the last few decades has resulted in several hardships to the Soligas in accessing these sites.

Main sources of livelihood

The Soligas used to practice shifting cultivation, with some hunting and gathering before the notification of the sanctuary in 1974, but have now been settled and sedentarised. However only 40 percent of Soliga households have forest land for cultivation. Soligas practice rain fed agriculture and grow crops such as ragi, maize, beans and coffee.

The sources of income for the majority of households are labour in coffee plantations and agricultural fields, and collection of non-timber forest produce (NTFP) in addition to the agriculture produce such as coffee from their small holdings where conditions for growing coffee are conducive. Soligas collect NTFP for sale and forest produce such as tubers and greens for subsistence daily use. They also work as daily wage labourers for the forest department as and when such work is available. A few Soliga families maintain livestock from which they get some income.



Forests of BRT Wildlife Sanctuary, Karnataka ©Ashish Kothari

Forest dependence

BRT has been the centre of much ecological research by ATREE and other institutions for nearly two decades. Much of the research has focussed on NTFP ecology and management, including joint monitoring and management. The ban on NTFP collection however put an end to the long-term monitoring by Soligas and researchers. The collaboration among Soligas, researchers and civil society groups in BRT has produced a unique long-term effort that could form the basis for a collaborative management of protected areas based on local and scientific knowledge that is only recently being compiled for wider circulation. There is much information on the forest of BRT that has been obtained from detailed research summarising which is beyond the scope of this report.

The main vegetation categories of BRT wildlife sanctuary as classified by ecological studies are scrub forest, dry deciduous, moist deciduous, woodland savanna, grasslands, Shola, semi-ever green and evergreen forest classified by scientific methods. Soligas have their own classifications of forest type which while corresponding to the scientific categories broadly however differ in the number of subclasses which are based on topography, soil type and slope reflecting their layered and situated knowledge. Soligas classify forests into 6 main types each of which are divided into about 3 to 8 subclasses.

The Soligas depend on NTFPs collection for their livelihood. The cash income thus generated is used to augment their meagre agricultural produce, daily food items, clothes, education and medicines. Although there is the exchange of cash, the sale of NTFPs at the household level could be argued to be for subsistence and not commercial purpose as is assumed by the forest department. There is also a high dependence on the forest for subsistence use. Studies in the adjoining MM Hills reserve forest has shown that Soligas and other forest dwellers use about 92 species of plants for subsistence and that single households harvest about 12 to 130 kgs of wild plants per year belonging to 25 species (R. P. Harisha *personal communication*). This use of plants and the forest indicates not just dependence but also knowledge about the forest which Soligas have been using to manage the forest for as long as they have been residing in the forests of BRT.

Soligas have customarily used litter fires (*taragu benki*) as part of their management and forest use before the declaration of Wildlife Sanctuary in 1974. The suppression of earlier practice of fire, forest use and cultivation has, Soligas claim, changed the composition of the forest. A large part of BRT is today covered with the invasive species *Lantana camara*. This species inhibits growth of other plants, and affects habitat of wildlife. The lack of fire has resulted in an increase in tree hemi-parasites (mistletoes) which ultimately kills adult trees. The effect of fire suppression due to modern forest management has thus resulted in lantana and parasites, the former reducing the regeneration of native species and the latter killing adult trees. Such invasive species affect not only the health of the ecosystem but also local livelihoods. Recent research by ATREE is showing that these observations are valid and that the forest is rapidly transforming.

5.2 Rights recognition process in BRT

Significance of FRA:

Prior to the ban on NTFP collection, Soligas used to get around 60 percent of income from the NTFPs through LAMPS (Large-Scale Adivasi *Multi-Purpose* Societies). The ban led to unemployment and increase in migration for working as labourers or daily wage earners. To protest against the NTFP ban and to get rights for its collection, Soligas organised several campaigns. When the FRA was notified, Soligas of the three districts (Yelandur, Kollegal and Chamarajanagar) from ZBGAS, and all tribal leaders decided to apply for CFRs for NTFPs collection and other community rights in 2008. The initial focus of filing claims under the FRA

was for CFR for NTFP collection. This was due the NTFP ban which had severely affected their livelihoods. So with support from ZBGAS, Gram Sabha meetings were held and the process of filing of rights under FRA was initiated. 25 Forest rights committees claimed CFRs in 2008. The nodal agency for implementation of FRA in Karnataka is the Social Welfare Department, Karnataka, under that State Tribal Directorate, Bangalore. At the District level the District Scheduled Tribe Welfare department in some of the districts and in others the District Social Welfare department is the implementing agency.

The Revenue and Tribal Welfare departments were cooperative but the Forest department raised objections initially insisting that CFRs for NTFP can not be given in BRT as the WLPA bans NTFP collection in sanctuaries and national parks. They even claimed that a specific request for lifting the ban had been placed by the Karnataka forest department with the National Board for Wildlife and as the matter was under consideration there was little they could do. Such delaying tactics bought the forest departments some time. Several meetings were subsequently held with officials from different departments to come to a common understanding. It is interesting that over the course of the three years that the process took, 5 District Commissioners (DC) and 4 Divisional Conservators of Forest (DCF) held office. While all DCs were favourable to CFRs being given, none of the DCFs were suggesting an institution level commitment to supporting or hindering the granting of CFRs.

Processes for filing claims

Formation of FRC: FRC was formed at *podu* levels except for *podus* which were too small in number of households. During the FRC formation, the secretary / president of Gram Panchayat and local Gram Panchayathi members were involved. Ten men and five women members were chosen and the president and secretary were selected from among the 15 members. Local level NGOs like ZBGAS, and Taluk Soliga Abhivrudhi Sangha were involved in the process.

Mapping of resources: The *Podu* level Gram sabha held meetings and filled the claim forms. During the meetings, the forms were read out aloud, and opinions and suggestions from all members were taken into account. The participants listed out in detail the following aspects of forest dependence during these meetings:

- the NTFPs and their collection areas
- daily use vegetables, tubers, fruits, mushrooms, etc,
- tank names,
- grazing areas,
- cultural aspects of sacred sites like *Devaru, Maramma, Kallugudi, Veeru, Sagga, habbi*
- information regarding their livestock

Soligas proposed to conserve and manage forests through following activities:

- remove the *uppilu* (hemiparasite) from Amla trees during Amla harvesting time.
- control forest fires with the forest department.
- provide information to forest department about poaching incidents encountered.
- Reporting of animal deaths to FD.

- Work as labourers on the forest game road (mud road), which facilitates forest patrolling by FD.
- Involvement in forest department construction work of tanks and check dams to help augment drinking water available for animals,
- Tree plantation work.
- Removal of *Lantana camara*, an invasive species which inhibits the growth of other plant species
- If their right to manage water resources is recognised, 25% of the profits incurred through marketing of fish will be spent on tank maintenance and development.

Gram sabha decided to use the forest range boundary as the community forest area for NTFP collection. Range-wise mapping of community forest resource was done since the collection of NTFPs through LAMPS had also been in correspondence with forest ranges. Fishing rights were claimed by naming the tanks under customary use by respective villages.

There were no incidences of conflict during the process of mapping because there is mutual understanding among soligas about access to forest resources.

Filing of claims: In all cases, gram sabhas approved the claim forms based on evidence and submitted to the SDLC with a resolution and a letter from the secretary of the concerned Gram Panchayat in 2008. The documents enclosed with claim application included:

- List of *Podu* members along with their signatures,
- List of NTFPS and other forest products,
- Documents containing evidence of grazing, fishing, protection and conservation and traditional cultural rights to 489 sacred sites etc.
- Information on NTFP collection and marketing through LAMPS
- Agreement of the forest department about LAMPS
- Maps of cultural sites and *yelles*

Processing of claims

Filled claim forms for community rights were sent through the Gram Sabha to SDLC in 2008. At the meeting of the SDLC, the forest department opposed the granting of rights to Soligas. It took 3 years of consistent effort and repeated meetings to clear the claims through the SDLC, after which it went to the DLC. At the DLC level, the district level forest officers again opposed recognition of CFR rights. After actively working with the DC, titles were finally granted in 2011.

CFR Title

In October, 2011, CFR titles were issued to 25 Gram Sabhas formed by 35 *podus*. Individual Forest rights (for land under occupation) were also recognised for 1516 families. The CFRs granted to the 25 gram sabhas cover 3 forest ranges out of the 5 that cover BRT. The total area of the three ranges for which CFR have been granted is 335 sq km. The forest ranges are Yelandur, K. Gudi and Punjur as shown in the figure. The map of BRT on the right shows the 3 ranges for which CFRs have been awarded²⁵.

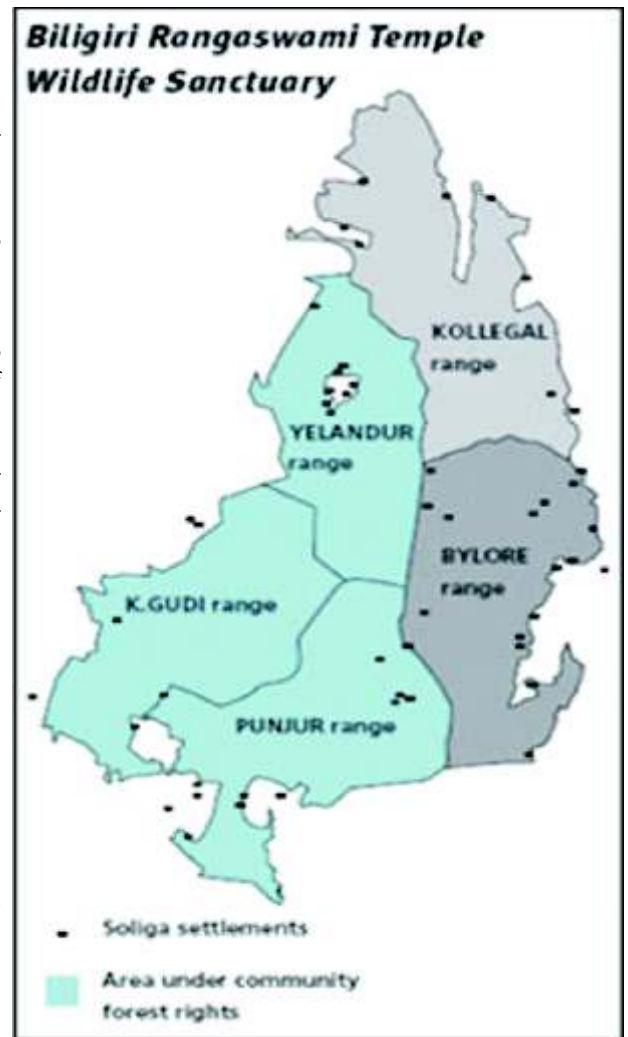
²⁵Kumar, S. S. 2011 Finally, community forest rights. Down To Earth. Oct 31, 2011. <http://www.downtoearth.org.in/content/finally-community-forest-rights>

The rights that have been granted are:

1. Right of ownership, access to collect, use and dispose of Minor Forest Produce as defined under 2(i) and 3(1)(c) of Act.
2. Right over collection and ownership of products from water bodies such as fish, access to grazing and customary rights (including of nomadic and pastoralist communities), and seasonal resources and other rights defined under section 3(1)(d) of the Act.
3. Right to protect, regenerate or conserve or manage any community forest resources for sustainable use under section 3(1)(i) of the Act and managed by a committee constituted by the Gram Sabha under section 4(1)(e) of Rules.
4. Right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity as per Section 3 (1) (k) of the Act.
5. Right to visit, access and worship at the 489 sacred sites by Soligas under the section of 3 (1) (k) of the Act.

Conditions under which rights are given as mentioned on the CFR title are:

1. Protect wildlife, forest and biodiversity.
2. Excludes the traditional rights of hunting.
3. The Gram Sabha should ensure the regulated use of forest resources and that there are no adverse effects on wildlife, forest and biodiversity.



Details of the Gram Sabhas which have received CFR titles

Forest Range	Gram Sabha	Podu	No. of HHs	Population	
Yelandur	Bangale Podu	Bangale Podu	65	227	
	Hosa Podu colony	Hosa Podu colony	69	260	
	Muthagada gadde	Muthagada gadde	84	285	
	Yarakanagadde	Yarakana gadde	72	211	
	Seege betta Podu	Seege betta Podu	30	110	
	Kalyanai Podu	Kalayana Podu	18	55	
		Manjigundi Podu	14	48	
		K.Deverahalli	K.deverahalli	37	151
		Purani Podu	Purani Podu	96	347
			Eranna katte dam	5	25
K. Gudi	K.Colony	K. colony	103	360	
		Buthanni Podu	53	195	
	Muruti palya	Muruti palya	73	272	
	Bellatha	Bellatha	26	101	
		Sanivara munti	20	62	
		Hithalagudi colony	Hithalagudi colony	30	101
		Kalikamba colony	Kalikamba colony	9	42
		Budi Paduga	Budi Paduga	101	284
		Attuguli Pura colony	Attuguli Pura	40	114
		Kulluru	Kulluru	53	156
Punujur	Goremadu doddi	Goremadu doddi	41	125	
	Banavadi	Banavadi	62	231	
	Ethegowdana doddi	Ethegowdana	52	162	
	Hosa Podu	Hosa Podu	50	161	
	Srinivasa pura colony	Srinivasa pura	65	193	
		Bhdhregowdana	27	80	
		Muneswra colony	Muneswra colony	77	211
		Marigudi Podu	Marigudi Podu	66	196
			Munnukai Podu	9	38
		Bedaguli colony	Bedaguli colony	92	253
		Ramaiahna Podu	13	39	
	Bisilu Kere Podu	Bisilu Kere Podu	25	76	
		Kadigere Podu	15	42	
Total	Gram sabhas: 25	Podus: 33	1592	5213	

Post CFR recognition scenario:

While rights have been painstakingly obtained there has been a parallel process of an increasing conservation status of BRT under the Wildlife Protection Act. The notification of the tiger reserve has come despite Soliga and civil society protests against the declaration. The protests were based on potential truncation of decades long collaborative efforts at management, adivasi welfare, ecological research and of displacement of Soligas from the critical tiger habitat. The haste with which the notification was issued without final approval from the NTCA is evident in the continued confusion over the exact area of the core or critical tiger habitat (CTH). The state notification mentions an area of 359 sq km (includes 20 podus) and the official map that was obtained by ZBGAS through an RTI request from the Karnataka Forest Department shows an area of 300 sq km (includes 8 podus). The WLPA mandates that critical tiger habitats be kept inviolate, to accomplish which, villages within the CTH will be voluntary relocated following conditions set down in sections 38(V)5 of the WLPA. The podus located within the notified and mapped core have received individual and community forest rights. If the state proceeds with relocation efforts within the CTH it will be met with some resistance.

The tightening of protection and control by the Forest Department will challenge the ability of Soligas to exercise their rights. The post rights scenario is unclear as the forest department has been indifferent about 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. After receiving CFR titles, Soligas from those 25 gram sabhas have been able to collect lichen without fear of penalties for the first time since the ban on forest produce harvest was implemented in 2006.

Soon after the grant of rights at an event at which no representative of the Forest Department was present, the Divisional Conservator of Forests held a meeting with Soligas at Kanneri colony. He told the assembled Soligas that the procedure that was used to get rights was improper. His observation was based on the overlapping areas for CFRs that each of the gram sabhas had claimed. This is surprising as he and his predecessors were party to the entire process and his signature was on the CFR form. He now wanted Soligas to map their areas so that each gram sabha could unambiguously identify their CFR area, avoiding overlap. Soligas have claimed rights to the entire forest range citing this as their customary collection area under LAMPS. Soliga claims over the forest range is based on the fact that NTFP are patchily distributed and Soligas have to travel vast distances to access various products. Restricting CFR areas therefore runs counter to their decades long NTFP harvest practice. For several years Soligas have been harvesting NTFP from areas far from their podus. The harvest was contracted to LAMPS by the forest department for each range and collection areas were more or less captured by range divisions. Soligas thus claimed that their customary collection overlapped with range boundaries and they provided proof of sale to LAMPS as evidence of range wise collection. The recent plans by Soligas for sanctuary management are centred around the idea that large areas need to see similar management rather than discrete management over small parcels of land around the podu. The suggestion by the forest department to restrict CFR areas to podus is not conducive to either management or resource collection.

To evolve a collaborative management plan a workshop was organised in July of 2011 in which 200 Soligas had participated²⁶. This conservation and management plan is now being circulated for suggestions and approval by 50 gram sabhas of BRT. This includes conservation, livelihoods and governance strategies. The 25 Gram Sabhas which have received recognition of their rights are planning to organize a workshop this year (2012) for taking the post-claims processes forward. The District administration and the Conservator of Forests will be invited.

5.3 Challenges and Recommendations

Challenges in facilitation of CFR process:

Tiger reserves are now positioned as the jewels of the conservation firmament and thus pose a serious challenge to exercise of rights by local communities. The claim process has been long and has required the constant effort of committed Soliga leaders. It has required frequent visits and working with officials of the state government and political parties along with active engagement of the media. Protest campaigns were also organised in the district headquarters. For the success of the campaign, high levels of motivation by local groups or individuals are essential. In the the district of Chamrajanagar, ZBGAS helped constitute 104 FRCs, out of which only 25 FRCs had filed CFR claims and received titles. Seventy nine FRCs have not yet filed for CFRs. The reasons for this have been lower involvement by grass root workers and insufficient initiative taken by community members. The government has taken no initiative in the district to implement the FRA. All the ground work has been done by the ZBGAS for which it has sought and received support from other civil society groups and the media. It would be important for all *podus* to get their rights recognised for better livelihood options and landscape level management and conservation.

Recommendations

- Officials should be given orders and state support to implement the FRA
- District administration should give priority for FRA implementation.
- Forest department is the main obstacle for the implementation of the Act so there should be an official process to get their support for FRA implementation and post rights situation.
- Care should be taken to ensure that the DLC and SDLC committees should have ST members from the gram sabhas that are claiming rights as this will ensure immediate interest and action on behalf or rights claimants by these members. Often ST members are taken from the ZP and not therefore very active or interested.
- There is a need for local groups comprising of members from the gram sabhas which have claimed rights to constantly work with both the district administration and gram sabhas on pre-claims process, recognition of rights and post-recognition efforts.
- The forest governance regime in protected areas in which people have received rights under the FRA is currently ambiguous as the WLPA and the FRA are both silent on how the forest will be jointly managed. Amendments to the WLPA and the FRA are needed that provide guidelines for PA governance by gram sabhas and forest department.
- The WLPA needs be amended to acknowledge that once rights under the FRA are obtained, the authority for management will have to be shared by the forest department and gram sabhas while being cognisant of biodiversity conservation goals.

²⁶Refer to article 'Conservation through democratic governance' by Shiba Desor, Ashish Kothari and Nitin Rai, <http://www.trinet.in/?q=node/733> for further information about the July 2011 workshop in BRT.

C. ISSUES AND RECOMMENDATIONS

Drawing on the first two sections for lessons from the national review and the case studies, as well as discussions which have taken place during the CFRLA meetings, this section presents a summary analysis of key issues being faced in implementation of the CFR provision because of legal, institutional and other problems. The discussion on issues is followed by a list of recommendations for consideration of the implementing agencies. The recommendations were arrived at during the National Consultation on CFRs organised as a part of the CFRLA process in March 2012.

6. KEY ISSUES IN RECOGNITION OF CFRS

Based on the inputs from different grass-root organizations, the detailed studies and various reports, the following issues/lacunae in implementation of the CFR provision have been identified:

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. The issue and importance of CFRs has been little understood in the context of its relevance to forest dwelling and forest dependent communities. The results are therefore very suboptimal. Promotion of Individual Forest rights has diluted the purpose of the Act itself as the forests have been parceled out and issues related to governance have taken back stage.

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. Tribal Departments are ignorant regarding the significance of the CFR, often equating it with the individual claims and asking for various evidences to prove ownership. In several areas under reserved forests or PAs, the need to file a CFR claim was dismissed by the FD and TD justifying this move by saying that the CFR rights were already given during the settlement period. Due to ambiguity and lack of clarity in the procedural aspect of the implementation of the Act, official agencies object to facilitation of CFR citing lack of evidence or procedural errors, as has been observed in parts of Rajasthan.

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 and forest rights committees formed at the Panchayat level in many of the states like Rajasthan. 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 Kutch 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 given in the FRA rules. BLTF, in collaboration with forest department, is finalizing village lists where FRA 2006 would be implemented (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 official nodal agency but 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 resources to implement it. In some states, like Chhattisgarh, even if tribal department is the nodal agency it is found that forest department, revenue department and Panchayati Raj department are 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.

Obstructions in claim filing:

Prescribing invalid procedures for claim filing: In Chhattisgarh, 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.*

Restrictive orders: Several orders like the 2008 Tribal Welfare Department of Rajasthan order identifying "eligible" families and the June 2010 circular issued by the District Collector of Bhilwara, Rajasthan prohibiting the right to collect MFP have led to confusion in the implementation of CFR procedures and are illegal under the FRA. The 2008 Madras High Court order prohibiting the issuing to titles under Sec 3(1) and Sec 3(2) of the Act without its approval is creating problems of implementation of procedures where district officials have stopped even the process of submission, verification and perusal of CFR claims.

Problems in collecting evidence: CFR claiming mechanisms are complex and several evidences are asked to be filed by officiating agencies. Information has to be derived from various agencies like the Land Records Department, Forest Department, Revenue department etc. In many instances, supporting information is not put in the public domain and only becomes available on filing RTIs. All these procedures can be difficult for communities to handle and therefore CFR claims can require external bodies to strongly assist the locals in claiming recognition of their rights. This may defeat the stated purpose of the Act of correcting the historic injustice as not all communities in all regions of India may have external agency support.

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-*raja*) 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:

Awareness about the CFR provisions under FRA is very low in most Protected Areas. Despite several communities being involved in protecting forests their CFR claims are being rejected. 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 Gadchirolli 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 Gadchirolli 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 Gadchirolli 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 (TPs) 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).

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. Instances of the Nodal Agency refusing to accept claims pertaining to NTFP use, insisting that these rights are already recognised under PESA have also been seen in Chhattisgarh. 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. 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).

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.

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.

Conflicting role of Forest Department

While there are instances of Forest officials or state forest departments taking pro active role in facilitation of rights, in many cases FD activities are conflicting and contradictory to the CFR rights recognition and assertion processes. This includes

- Insistence in some cases that JFM is sufficient and CFR claims need not be filed.
- Issuing titles in names of VSS or for area under VSS (instead of recognizing Gram Sabha and customary boundaries)
- Not allowing filing of CFRs (as in Madurai, Virudhunagar, and Tirunelveli Districts of Tamil Nadu) because forests rights like grazing have been curtailed under former JFM programmes.

Interference of FD (as in areas like Madhya Pradesh) in the claims process, insisting that claimants produce "fine receipts" issued by the department or their names appear as an entry on "its eligible encroachers" list (put together in 1994) as evidence of their residence in the forest. This is contrary to the provisions of the FRA.

7. KEY RECOMMENDATIONS

Based on the information provided by different CSOs, reports of the Joint MoEF-MoTA Committee, discussions at the National CFR Consultation organised in March 2012 and findings of the conducted case studies; the following recommendations have been arrived at:

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. At the same time, the Act should make itself more accessible to claimants who might not have NGOs and other external agencies to help them.

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. Site visits should be also organized for communities and villages to enable learning from one another's experiences in the filing claims and forest governance. 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.

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. Looking into 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.

Furthermore, since it is understood that the CFR rights recognition process in its present form requires external agency support in most cases, Government needs to issue orders to authorities to respect customary rights like nistar as de-facto rights in areas where the CFR process has not yet been completed.

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.

ANNEXURE 1

List of organisations consulted for the individual case studies in Maharashtra state study

	Field visit conducted on:	Participants:	Contact details:
Gadchiroli			
Mendha Lekha	10 and 11/01/2012	Villagers of Mendha-Lekha including Devaji Tofa and others, Subodh Kulkarni of Jnyanprabodhini and Mohan Hirabai Hiralal of Vrikshmitra.	Devaji Tofa, Mendha-Lekha +91 94217 34018 Vrikshmitra , Chandrapur, Gadchiroli Mohan Hirabai Hiralal +91 94228 35234 Jnyanprabodhini , Gadchiroli Subodh Kulkarni, +91 94229 07330
Kakadyelli	10/01/2012	Villagers of Kakadyelli including Forest Rights Committee member and two Mendha-Lekha villagers.	Village is adjacent to Mendha-Lekha and easily accessible with the help from Mendha-Lekha villagers.
Murumbodi	12/01/2012	Villagers of Murumbodi including Up-Sarpanch Kunda Kirange, Foresters Arun Muralidhar and Avinash Bhadange and Shyam Divanji of Vidarbha Nature Conservation Society.	Vidarbha Nature Conservation Society (VNCS) Pioneer Regency Apartment, C-5, Flat No. A/303, A wing, 3rd floor, K.T.Nagar, Katol Road, Nagpur, Maharashtra 440013. Phone & Fax-0712-2576950, 09421707110. E-mail: info@vncsindia.org , vncs_ngp@sancharnet.in , vncs.ngp@gmail.com
Narotichak	13/01/2012	Villagers of Narotichak and a few from neighbouring village Vihirgaon, Shyam Divanji and Dilip (also a Narotichak resident) of Vidarbha Nature Conservation Society	Vidarbha Nature Conservation Society (VNCS) Pioneer Regency Apartment, C-5, Flat No. A/303, A wing, 3rd floor, K.T.Nagar, Katol Road, Nagpur, Maharashtra 440013 Phone & Fax-0712-2576950, 09421707110. E-mail: info@vncsindia.org , vncs_ngp@sancharnet.in , vncs.ngp@gmail.com

Bodadha	15/01/2012.	Villagers including Forest Rights Committee chairperson, Joint Forest Management Committee chairperson, former sarpanch and up-sabhapati and Keshav Gurnule of Srishti.	Srishti Keshav Gurnule, Mukkam Yerandi, Post Gothangaon, teh. Kurkheda, dist. Gadchiroli, 441 209. Ph: +91 94201 44035.
Shankarpur	15/01/2012	Villagers including Forest Rights Committee chairperson, Joint Forest Management Committee chairperson, former sarpanch and up-sabhapati and Keshav Gurnule of Srishti.	Srishti Keshav Gurnule, Mukkam Yerandi, Post Gothangaon, teh. Kurkheda, dist. Gadchiroli, 441 209. Ph: +91 94201 44035.
Kasaari	16/01/2012	All Gram Panchayat members including Sarpanch and Up-sarpanch, who is also Forest Rights Committee secretary and Keshav Gurnule of Srishti.	Srishti Keshav Gurnule, Mukkam Yerandi, Post Gothangaon, teh. Kurkheda, dist. Gadchiroli, 441 209. Ph: +91 94201 44035
Ghati	14/01/2012	Gram Sabha chairperson, a few villagers and a couple of volunteers of Gram Aarogya	Roopchand Dakhane Gram Aarogya Mukkam post Ghati, teh. Kurkheda, Dist. Gadchiroli 441217. Ph: +91 9604155978
Raigad			
Adivashi-wadi, Velas	19/01/2012-20/01/2012	Sarpanch, Up-sarpanch, Gram Sewak and a couple of community members	Trupti Murkar-Sarpanch, 02147-696705. Ankush Pawar-community member, +91 9623090674.

ANNEXURE 2

List of organizations consulted for state wise information for the National CFR review

State	Organisations consulted
Tamil Nadu	Keystone Foundation, ATREE's Agasthyamalai Community-based Conservation Centre (ACCC)
Rajasthan	Seva Mandir, Astha Sansthan, Lokhit Pashu-Palak Sansthan and Foundation for Ecological Security
Chhattisgarh	Nadi Ghati Morcha
Himachal Pradesh	Lok Vigyan Kendra
Andhra Pradesh	Centre for People's Forestry and Integrated Tribal Development Society.
Gujarat	Arch Vahini and Sahjeevan
Madhya Pradesh	National Institute of Woman Child and Youth Development (NIWCYD)