

A REPORT OF THE NATIONAL LEVEL PUBLIC HEARING ON COMMUNITY FOREST RIGHTS 14th December 2013

**Organised by Community Forest Rights Learning and Advocacy
Process (CFR-LA) and Adivasi Janjati Adhikar Manch (AJAM)**

**Community Forest Rights-Learning
and Advocacy Process
CFR-LA**



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INTRODUCTION¹

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (also called the Forest Rights Act) has emerged as a landmark social legislation. Of particular importance are the provisions relating to **Community Rights (CRs)** and rights over **Community Forest Resources (CFR)**, elaborated in **Sec 3 (1)** of the Act. The recognition and vesting of CFRs in forest dwelling communities is vital since these rights acknowledge the customary relationship between forest dwellers and their natural forests and also represent a paradigm shift from centralised forest management towards community led and decentralized governance of forest resources. However, since the Act has come into force (2008), the implementation of the CFR provisions continues to be low. The Ministry of Tribal Affairs' status reports on the implementation of FRA for the past year show only a marginal increase in the recognition of community forest rights and that too in only a few states (Madhya Pradesh, Karnataka, Maharashtra, Odisha, and Gujarat). This number also cannot be relied upon since these reports depend on poor and inaccurate reporting by the states, and there is lack of clarity about diversion of forest land for development activities under Sec 3(2) which is confused with recognition of rights over CFRs. This poor state of implementation is due to:

- Lack of dedicated institutional support in the claims and recognition process, and obstruction and delays in implementation.
- A general deficit of awareness, knowledge and capacity at various levels, particularly among gram sabhas.
- Non recognition of rights of vulnerable communities such as PVTGs, residents of forest villages, pastoralists and nomadic communities.
- Contradictory and conflicting laws and policies particularly those implemented by the forest department (such as the Joint Forest Management program, operation of working plans, laws and regulations on minor forest produce (MFP) etc).
- Rampant diversion of forest lands and community forest resources for development projects without gram sabha consent in utter disregard of the protection provided in the FRA, other protective legislations (PESA) and MoEF's own order of FRA compliance in Forest Diversion dated July 30, 2009.

To address these issues and to advocate the need to give highest political and executive priority to the recognition of CFR rights, engaging with the government, policy makers and people's representatives has become necessary. Thus, a Public Hearing was organised by CFR-LA and AJAM² along with other people's networks and forums on the 14th of December 2013 at the Constitution

¹ For more information on this report and the Public Hearing contact Tushar Dash (Vasundhara) tushardash01@gmail.com or Meenal Tatpati (Kalpavriksh) meenaltatpati@gmail.com.

² The Community Forest Rights-Learning and Advocacy (CFR-LA) process was started in 2011 to facilitate exchange of information and experiences and to reinforce national level efforts for evidence-based advocacy on Community Forest Rights (CFRs). This process involves organizations and individuals working at local, national and international levels on facilitating and/or understanding CFRs. Adivasi Janjati Adhikar Manch (AJAM) is a national level platform of particularly vulnerable tribal people formed in 2006 by Particularly Venerable Tribal Groups (PVTGs) and other tribals/Indigenous people from 12 different states of India. It aims to bring all tribal/indigenous peoples on a common platform to share issues, amplify their voice and engage with the State to seek solutions to their issues.

Club of India, New Delhi. Nearly 250 participants from national and regional civil society organizations, networks and forums and activists from 13 states were present at the hearing. The hearing focused on the status of recognition of community forest rights, the challenges faced by the local communities in claiming as well as exercising their rights, issues relating to the assertion of their rights for establishing community forest governance and diversion of forest lands without gram sabha consent. A panel of distinguished members from civil society organizations, judiciary, policy makers and people's representatives heard testimonies presented by community members from different states.

PROCEEDINGS OF THE PUBLIC HEARING

The event began with the introduction to the event by the members of CFR-LA and AJAM and sharing of the objectives of the hearing by Tushar Dash of Vasundhara.

It was followed by presentation on the national status of community forest rights and key issues of implementation by Ashish Kothari of Kalpavriksh. Some of the key issues that he pointed out were:

- There have been some positive developments on ground with communities across India using the CFR provisions of the Act to assert their rights over forest resources after getting their CFR titles, and as a tool to safeguard their forest resources against undemocratic forest management practices.
- There has been no recognition of CFR rights of pastoralists, no habitat claims of PVTGs had been granted and no forest village had been converted into revenue village.
- While in the past year the Ministry of Tribal Affairs, the nodal agency in charge of implementing the FRA had taken several proactive steps like issuing guidelines and clarifications and taking up consultations with the state governments, the implementation of CFRs provisions has not picked up on ground in most of the states.

After the presentation, Tushar Dash introduced the members of the **Jury**. The jury included **Madhu Sarin**, member, Campaign for Survival and dignity, **Shomona Khanna**, leading advocate of the Supreme Court and active on FRA issues, **Pradip Prabhu**, National Convenor of the Campaign for Survival and Dignity and member of the Drafting Committee of the Forest Rights Act and the Rules, **Dr Velaram Ghogra**, member, ICITP and **Praful Bidwai**, senior journalist. Guests present were, Dr Usha Ramanathan, member of the recently constituted High Level Committee on Tribal Issues, Members of Parliament from Odisha, Mr. Bhakta Charan Das and Mr. A V Swamy as well as Swami Agnivesh, a social activist.

Community members from 13 states presented their testimonies before the jury and the guests. The states represented were Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, Tamil Nadu, West Bengal, Uttarakhand and Uttar Pradesh. The Jury Members and some of the guests shared their observations on the testimonials presented by the communities.

SUMMARY OF ISSUES RAISED IN TESTIMONIALS

Obstruction in filing CFR claim:

Most of the testimonials highlighted that even after 6 years since the operationalisation of the FRA, inadequate awareness about the provisions of CFRs, misinterpretations and lack of active implementation mar the process of CFR claims and recognition.

- In Tamil Nadu, not a single CFR title has been issued due to a stay order issued by the Madras High Court in 2008, against the issuing of pattas or felling of trees under Sec 3(1) and Sec 3(2) of the FRA. On 30th April 2008, after an application for vacation of this order was moved in court by tribal organizations, the 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. However, this has been read by the implementing agencies to mean that no processing of the claims can be taken without the order being vacated. Despite the regular follow up action of MoTA, the administration has continued to obfuscate the issue. At present, no CFR pattas have been issued to date.
- In Himachal Pradesh, the implementation of the FRA is still restricted to only those districts with a sizable presence of Scheduled Tribes, thus depriving the majority of Other Traditional Forest Dwellers from the benefits of the Act. In West Bengal, the nodal agency in the North and South 24 Parganas has not started the processes under FRA and the communities are still deprived of filing CFR claims.
- In Uttarakhand and Jharkhand, the State governments have claimed that poor implementation of FRA is due to rights already being recognized under existing state laws. This is contested by the local communities and is contrary to the spirit of the FRA which permits all those with unrecognized rights to claim the same.
- CFR claims have been prepared by three villages in Bodla Tehsil of Chhattisgarh's Kabirdham district, but gram sabhas for approving these did not take place due to the election code of conduct being in force for the assembly elections.
- In Koderma and Bokaro districts of Jharkhand, the process of claim making, verification and recognition of CFR is especially difficult since these areas are affected by left-wing extremism.

Institutional gaps:

Where the processes of FRA have been initiated, the institutional framework necessary to provide support and to facilitate the process of recognition of rights under FRA is not in place or is not functioning as it should.

- There are continuing reports of Forest Rights Committees (FRCs) being constituted at Panchayat level where each Panchayat has several villages as in the states of Chhattisgarh. In most cases, members of such FRCs are not aware of their membership and their duties. Lack of awareness, information and training on filing CFR claims in such FRCs prevents interested communities from filing claims. There are also reports of such FRCs being manipulated by village elites leading to conflicts.

- In most of the states claims are pending with Sub Divisional Level Committees (SDLC) for months and years without any processing and without any information about their status. There are several instances of the SDLC misplacing claims.
- Since there is a lack of awareness at the SDLC level about CFR provisions, SDLCs refuse to accept CFR claims citing that there are no orders to receive such claims.
- CFR claims are also being confused with applications by user agencies for diversion of forest land for development facilities under Sec 3(2) and communities are being told that CFRs claims can be recognized on one hectare of land only.
- SDLCs are also rejecting claims, which is illegal under the FRA. Further, they fail to inform the claimants about the reasons for rejection thereby depriving them of their right to appeal. Frequent transfers of SDLC members are leading to different interpretations of the Act by different officers.
- In Jharkhand, due to inadequate support from lower level functionaries of nodal agency, SDLCs and District Level Committees, FRCs have to engage private amins who charge fees for filing and verification of claims.
- Officials from the forest and revenue departments refuse to provide documentary evidence even after repeated requests made by communities under Rule 12 (4) of the FRA. They also do not remain present at the time of field verification of claims. On the other hand forest officials are threatening and misguiding communities against filing CFR claims.

Inadequate and inappropriate titles:

In many cases where CFR titles have been issued to communities, they are illegal, inappropriate and faulty and not in accordance with the provisions of FRA.

- Practically all CFR titles issued in Andhra Pradesh and some in Odisha are over artificial boundaries like areas under Joint Forest Management areas rather than customary boundaries, without gram sabhas having identified their customary boundaries as required by the FRA Rules.
- The area recognized as CFR is often far less than the area claimed by the community.
- Titles are also issued without mentioning compartment numbers or by giving faulty compartment numbers.
- All the community rights claimed in the claim form by the communities are not recognized with titles mentioning just a few like nistar and grazing rights. In some villages of Sarguja District of Chhattisgarh, the right to protect, manage and conserve the Community Forest Resource has not been recognized despite the communities having claimed the same.
- In many cases, CFR titles have been issued with Illegal conditions such as not preventing implementation of the forest department's working plan which negates the community right to protect, conserve and manage provided for by the FRA.

Issues with Governance and Management of Community Forest Resources:

Where communities have filed claims but have not received titles over the same, there is a lack of clarity on management of resources by communities.

- In Odisha's Mayurbhanj District, the CFR claim of village Duvia is lying pending with the SDLC since 2011. The recent destruction caused by cyclone Phailin has resulted in several trees being uprooted from the area claimed by the village in its CFR claim. While the community has asked the forest department for transit passes to sell the trees, the forest department has not yet responded.
- MFP trade continues to be monopolised by tribal co-operatives and forest departments. Restrictive orders and leases given by state governments to private parties continue to prevent forest dwellers from exercising their ownership rights over MFP.
- In places where communities were accessing and managing forests earlier, refusal to process and recognise their claims, and restriction over community access to forests have resulted in conflicts over management between communities and the forest authorities. In Kumbhalgarh Wildlife Sanctuary of Rajasthan, communities are refusing to control forest fires since their rights are not being recognised and there are restrictions placed on their customary access to grazing lands inside the Sanctuary.
- Exercise of management rights by the gram sabha is constrained by continuation of contrary plans and programmes such as JFM, forest working and management plans and plantations on recognised or claimed CFRs.
- There is also a lack of proactive institutional support for communities to manage CFRs. In places where communities want to manage their forests and have asked for technical support, it is not being provided.

Areas that require immediate attention:

Protected Areas(PAs)

Implementation of FRA continues to be tardy or non-existent in PAs in most states.

- In Sunderbans, the forest administration declared the Tiger Reserve (TR) as a no human zone, while rejecting any settlement of rights under WLPA and the recognition of rights under FRA. This is a gross violation of the FRA which is applicable on all forest lands including PAs.
- The primary reason being cited for the non- recognition of rights in PAs is that PAs do not come under the FRA, despite several clarifications having been issued in this regard. This has resulted in CFR claims from Wadala village in Tadoba TR being rejected by the SDLC and CFR claims of five villages of Kumbhalgarh Wild Life Sanctuary (WLS) remaining pending, without any information being provided to the gram sabhas about the status of their claims.
- In PAs where CFR rights have been recognised, exercise of these rights continues being restricted and communities continue to face harassment by PA officials. In Nagzira WLS of Maharashtra, communities are being fined for exercising their grazing rights although they have received titles for their community forest rights including grazing rights.
- There are continuing reports of illegal evictions without recognition of rights under the FRA being completed, or the settlement of rights under Wild Life Protection Act, 1972 being followed in gross violation of both the laws. In Achanakmar TR and the Bar-Navpada WLS, out of 20 villages proposed to be relocated 7 villages have already been relocated. CFR claims filed by villages like Dawanpur, which lies in the buffer of Achanakmar TR, where co-existence is meant to be promoted have been rejected by the SDLC.

Areas facing forest land diversion

- While diverting vast forest lands for non-forest purposes, the guidelines issued by the Ministry of Environment and Forests (MoEF) in August 2009 requiring gram sabha resolutions stating that the process of recognition of rights under FRA has been completed, and that they give their informed consent for the diversion before forest clearance is given, are being breached in practically all cases.
- In some cases, even before claims are filed or can be processed, several illegal means are being used to obtain consent from gram sabhas. In Nawadih Taluka, Bokaro district of Jharkhand, villages are being asked to sign No Objection Certificates to give up their forests for coal mines proposed by Central Coal India Ltd. In the Mahan Forests of Singrauli district, gram sabhas were conducted by company officials and lower level government officials and fake signatures were taken on gram sabha resolutions consenting to the diversion of forests.
- In Kanker District, Durgukondal Taluka of Chhattisgarh, CFR claims of villages whose customary forests are being affected by the Kalwar-Nangur iron ore mines are pending with the SDLC since 2011. In Akidia village of Alirajpur District of Madhya Pradesh located adjoining the Narmada Valley where eco-tourism projects are being launched, the community has filed CFR claims but has not received any response.
- For communities that have been displaced or evicted from their original residence by developmental projects, filing claims under the FRA is especially difficult. In 1968, Ugai village in Gujarat was displaced due to a dam on the river Tapi. The land over which the village was rehabilitated has not been converted into a revenue village under Sec 3(1) (h). Baiga communities in Chhattisgarh, displaced due to Kawardha bauxite mines are facing several hurdles while trying to claim CFR rights under FRA. In Odisha's Deogarh district, a village relocated due to the Rengali Dam has claimed rights under Sec 3(1)(h) but there has been no response from the SDLC yet.

Groups that require immediate attention:

Particularly Vulnerable Tribal Groups

- PVTGs have been demanding and claiming rights, including habitat rights in different states. Habitat rights range over landscapes that may cover forest as well as revenue land and seasonal use lands of communities. The identification and definition of the habitats of PVTGs on the ground and the institutional arrangement for their governance and management requires in depth analysis and clarifications. In Odisha's Keonjhar District, about 68 Juang villages have filed a claim for their habitat right over their customary territory. However, even as their claim remains pending they have been forced, by the lower level officials, to file CFR claims.
- These communities also have to face several hurdles in exercising and claiming their rights under the FRA. The Pahadi Korwa community in Chhattisgarh's Makad village in Balrampur district is facing difficulty in accessing their forests due to digging of pits for watershed development and wire-fencing on their forest land being carried out under the JFM programme of the forest department. In Mandla district of Madhya Pradesh, the Baiga community of Mansa village is demanding the implementation of FRA in their village for the past 6-7 months, through a non-violent protest.

- In the Kalahandi and Rayagada districts of Odisha, the Dongaria Kondhs who opposed the Niyamgiri bauxite mining project are facing threats from para-military forces.

Pastoralists

- Rights of pastoralists are being ignored in most states. There is a lack of clarity about the mechanism for claiming rights involving multiple gram sabhas especially in case of nomadic and seasonal pastoralists. Many legal decisions on grazing lands continue to exclude involvement of pastoralists. In states like Himachal Pradesh, where implementation of FRA has been very slow, nomadic pastoralists are facing tremendous pressures in accessing their traditional grazing lands.
- National Parks and Sanctuaries are being declared and grazing areas are being fenced off without recognition of their rights under FRA. In many places, obtaining grazing permits has become difficult. In Kumbhalgarh WLS, the Raika community is facing restrictions on grazing and accessing the forests as the forest department has started erecting fences on forest land. Five villages from this region have filed CFR claims with the SDLC which are still pending.
- After a prolonged struggle to implement FRA in the Banni grasslands of Kutch, the Maldharis have begun electing their FRCs.

OTFDs

- There was a general misunderstanding in several states about the FRA as a “scheme for tribals” right from the time the FRA was in its first phase of implementation. This coupled with the wrong interpretation of OTFDs requiring proof of “occupation” (and not proof of “residence” as stipulated under the FRA and as clarified by the guidelines issued by MoTA) of forest land for three generations prior to 13th December 2005, has resulted in the poor recognition of rights of OTFDs.
- In West Bengal, the 24 North and South Parganas, covering the vast Sunderban forests, which have a sizable OTFD population have been left out of implementation of the FRA. In Himachal Pradesh, till March 2012, the state government had initiated the implementation only in Tribal districts and still continues to take little notice of claims by OTFDs.

RECOMMENDATIONS BY COMMUNITIES

1. **Carrying out CFR campaign on mission mode:** Nodal agencies in the state should carry out mass awareness programmes at the village, gram sabha and panchayat level to sensitise communities about their CFR rights under the FRA.
2. **Training on provisions of CFRs:** Regular consultations and training of FRCs, SDLC and DLC officials as well as elected representatives must be carried out on the scope and objectives of the FRA and to explain their duties and responsibilities in terms of CFR claims. Wherever possible, FRCs must be re-constituted at the level of the hamlets rather than at the Panchayat level.
3. **Role of the other departments:** The Forest Department must co-operate with communities who want to file CFR claims, provide documents that have been asked for and remain present for joint verifications. The revenue department should co-operate in providing documents for filing claims (proactively handing over information of each village to the

village gram sabha) as well remain present for joint verification. The nodal agencies (Tribal Welfare Departments) must provide support to communities for trade in Minor Forest Produce.

4. **Time frame for processing claims:** There has to be a time-frame for SDLC and DLC to process claims.
5. **Compliance of FRA in Forest Diversion proposals:** Compliance of FRA in forest diversion as stipulated under the August 2009 clarification issued by the MOEF should be strictly followed. MoEF needs to ensure that rights are not compromised for faster clearances of developmental projects. In case of violations of the FRA, stringent action must be taken against officials, private enterprises.

OBSERVATIONS BY THE JURY

Pradeep Prabhu

The struggle for rights over forests can be traced back more than 200 years ago, to 1770. Since then, forests have steadily been commoditised. This has led to fragmentation of the communities dependent on these forests. It should be noted that forests cannot survive without community customs and traditions. Along with recognition to CFRs, protection and conservation of the forests is equally important which will be true freedom for forest dwellers. The fact that rights are never given but taken by the right holders who have to enforce their rights, calls for sustained efforts to empower communities by mobilize them to claim their rights, and force the state administration to record their rights. The gram sabha as a critical institution in the recognition of rights, should also empowered with capacities to fulfill its role as the arbiter of rights as provided in Sec. 6 of the FRA. Efforts to empower the communities to enforce recognition of their rights are absolutely necessary. In the case of the CFRs the role of the community should not be limited to merely an usu-frutury function but the gram sabha must be enabled through capability building to undertake efficacious conservation for sustainable use of forest resources.

Dr. Velaram Ghogra

CFR rights are extremely important to safeguard tribal culture. This sharing of experiences from 11 states has been a learning process for communities by allowing exchange of information. The IFA 1927 should be seen in a new light, re-read to match the provisions of the FRA.

Madhu Sarin

The rationale behind the FRA, especially CFR rights was to hand back to communities what always belonged to them by recognising their pre-existing rights. The unique provision in the FRA of making the gram sabha the initiating authority was designed to free claimants from the clutches of the bureaucracy and its abuse of power. However, the testimonials make it clear that the gram sabhas remain unempowered, keeping the claimants trapped in bureaucratic mechanisms and procedures which is depriving communities from getting their diverse rights recognized. Communities have a long struggle ahead for realizing the full potential of the FRA and all concerned agencies need to focus on empowering gram sabhas to play the role envisaged for them.

Shomona Khanna

Communities need to equip themselves for a long struggle for implementation of the Forest Rights Act, because the foundational principles of the Act are contrary to the established dynamics of power, ownership and control of resources, governance, and the notion of property itself. For this, communities must be aware that simply filing a claim and expecting the system to take it forward is not going to work. They have to raise their awareness of the law as well as legal procedures, and ensure agility in the face of opposition, which is definitely going to come.. When I say that communities will be facing a long struggle and challenges on the legal front, it is not my intention to demoralize or cause them to lose faith. Instead, gatherings such as this one are a sign of synergising energies.

REMARKS BY GUESTS

Swami Agnivesh

Along with material resources, safeguarding out cultural resources is equally important. Thus, recognition of CFR rights and safeguarding the cultural heritage of the tribals must go hand in hand. Schemes that aim to push tribals to accept the existing economic structure are problematic. SO are the efforts to herd them into mainstream religious practices.

Bhakta Charan Das (Member of Parliament, Odisha)

Tribals must be empowered to manage and conserve their forests. Along with the FRA there are special provisions for tribals in the Constitution of India. The Centre must acknowledge that it has failed to operationalise the provisions of the FRA. The MoTA minister is playing a proactive role to ensure implementation. Forest Dwellers will have to struggle by ignoring the imposed structures but non-violently to get their rights recognised.

A V Swamy (Member of Parliament, Odisha)

We the people, the community are the government in our villages. It is difficult for communities to identify with small pieces of land. Members of Parliament need to pay special attention to ensure the rights of tribals are recognised.

ANNEXURE I: TESTIMONIALS FORMAT FOR TESTIMONIAL FOR 14TH DECEMBER PUBLIC HEARING

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| Name and contact details of the individual/organisation: | |
| Date: | |
| Location details for the case presented: <ul style="list-style-type: none"> • State, District, Taluka • Area (Reserve Forest, Protected Forest, Other (e.g. unclassified); Protected Area (National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Community Reserve) or Revenue Area) • Community (ST/OTFD/PVTG/pastoralist) • Other location-specific comments relevant to claiming/ recognition of CFRs (habitat of pastoralist community or conversion of forest village to revenue village etc.) | |
| CFR claims: <ul style="list-style-type: none"> • Nature of CFR claims filed • Extent of the CFR Area over which claims are filed • Status of verification and/or recognition of CFR claims (gram sabha/SDLC/DLC) • Issues and problems encountered in the process of claim making, verification and recognition of CFR. • Role of various governmental agencies involved in the process of verification and recognition of claims | |
| Management of community forest resources: <ul style="list-style-type: none"> • Issues and problems faced in management of CFR under FRA (particularly in constituting committees, developing conservation and management plan, response from the forest department and other government agencies) • Issues and problems relating to exercising of rights over the minor forest produce (in collection, harvesting and marketing and response from the govt agencies) | |
| Issues relating to diversion of forest land and compliance of FRA in the process of diversion: | |
| Issues relevant to CFR recognition and management (such as illegal relocation, restrictions placed on forest use), where the area falls under a Protected Area: | |

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| Any other important issues/cases relating to CFR: | |
| Actions taken by community and response from the government: | |
| Specific recommendations and suggestions by the community: | |

Explanation:

CFR or Community Forest Rights here mean the rights listed under Sec 3(1), clauses (b), (c), (d), (e), (h), (i), (j), (k) and (l) of the Forest Rights Act (FRA).

Suggestions for filling up the format:

The above format is suggested for collection of testimonials on issues relating to claiming and recognition of CFRs under the Forest Rights Act (FRA). Organisations supporting/facilitating CFR processes are requested to collect the testimonials in this format from community members. The testimonials will be presented by the community members themselves in the public hearing.

CENTRE FOR PEOPLE'S FORESTRY, ANDHRA PRADESH

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| Name and contact details of the individual/organisation: | SAMYOGITA |
| Date: | 25-11-13 |
| Location details for the case presented: <ul style="list-style-type: none"> State, District, Taluka Area (Reserve Forest, Protected Forest, Other (e.g. unclassified); Protected Area (National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Community Reserve) or Revenue Area) Community (ST/OTFD/PVTG/pastoralist) | A.P, Srikakkulam, Hiramandalam, Saravakota and Seetampeta. Reserve Forest ST, PTG |
| CFR claims: <ul style="list-style-type: none"> Nature of CFR claims filed Extent of the CFR Area over which claims are filed Status of verification and/or recognition of CFR claims (gram sabha/SDLC/DLC) Issues and problems encountered in the process of claim making, verification and recognition of CFR. Role of various governmental agencies involved in the process of verification and recognition of claims | NTFP, Tanks, Natural brooks. Total forest area in Srikakulam District is (68641 ha) out of which Savara Bonthu 171 acres, Colony Maluva 240 acres, Manapuram 228 acres, Titukupai 2.94 acres, Ambalagandi 34 acres, Seedhi 440 acres, Godiapadu 82 acres, Kusumuru 252 acres, Titukupaguda 104 acres, Kottakota 220 acres have been claimed. From one year, claims lying with the SDLC. Department people did not come for joint verification hence Gram sabha members and FRC committee did the verification and submitted the claim papers at SDLC Government is not at all interested in sorting out community claims. They are not coming for joint verification and from past one year rarely any community claims have been recognised. And whatever community titles were given before are in name of VSS, which is not in accordance to law of the act. |
| Management of community forest resources: <ul style="list-style-type: none"> Issues and problems faced in management of CFR under FRA (particularly in constituting committees, developing conservation and | CFR management committees are not formed. No is initiating the process. |

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| <p>management plan, response from the forest department and other government agencies)</p> <ul style="list-style-type: none"> Issues and problems relating to exercising of rights over the minor forest produce (in collection, harvesting and marketing and response from the govt agencies) | <p>Traditionally, tribals collect and sell many forms of NTFP (like hill broom, Naramaidi and bamboo) but FD objects to this.</p> |
| <p>Any other important issues/cases relating to CFR:</p> | <p>FD is requesting maps of traditional village forest boundaries from revenue department, which are not available.</p> |
| <p>Actions taken by community and response from the government:</p> | <p>There is continuous lobbying from the community. Community representation during SDLC meeting and DLC meeting was done. From each village letters were sent to SDLC, DLC members and Tribal commissioner, Andhra Pradesh. The response from government departments is that they will take up this entire claim in second phase of implementation. And when asked time limit for second phase of implementation, they said that there is no dead line.</p> |
| <p>Specific recommendations and suggestions by the community:</p> | <p>FD should cooperate and recognise their traditional forest boundaries.</p> |

IMPLEMENTATION OF FOREST RIGHTS RECOGNITION ACT 2006 IN AP- STATUS

Dr.Palla Trinadha Rao

From the mid 19th Century the colonial state and the princely Hyderabad state both gradually appropriated forests and land, so that today the forest estate represents about 23.2% of the state (63,814km²). However 65 percent of the total forest cover of the State located in the scheduled area³ belt, inhabited by predominantly Tribals. The Parliament enacted the Scheduled Tribes and other "Traditional Forest Dwellers(Recognition of Forest Rights)Act 2006 (the FRA) to undo the historical injustice suffered by tribal communities.

The Key aspects of FRA are land ownership right; Community right ownership of NTFP; and right to protect, regenerate or conserve or manage any community forest resources which they have been traditionally protecting and conserving for sustainable use. Thus the FRA is recognizing rights over forest resources (i.e also for collective management and use) and as such lays the basis for renewing decentralized, community based natural resource governance. The Gram Sabha shall also be the authority to initiate the process of determining the nature and extent of individual or community forest rights. The Rules under the Forest Rights Recognition Act 2006, referred the *Gram Sabha* as defined in PESA in its application to the Scheduled Areas. However the administrative 'village' under the AP Panchayat Raj Act 1994 at the Gram Panchayat level was adopted for the purpose of implementing the Forest Rights Recognition Act in Andhra Pradesh. This poses the problem of unwieldy Gram Sabha which cannot function as required, particularly in passing any resolution on the claims with two-thirds quorum as required under the Forest Rights Act⁴. Unfortunately the State Governments diabolically created parallel structures to the Panchayat Raj bodies or units of local governance to delimit the role of local bodies with an intention to safeguard its imperialist frame. The JFM committees-Vana Samrakshana Samithis(VSS) which are based on executive orders with no formal legal standing, stand as an example of such structures. The VSSs under World Bank assisted Forestry Projects are in operation which negates and violates the powers of Panchayat Raj Bodies. This kind of policy is not only weakening the traditional cohesiveness of villages but also affecting the community rights over forest resources. The Government of Andhra Pradesh granted community forest rights titles to more than 1669 VSSs over Ac.9.48 lakh forest lands, by the end of May 2010

³ *Scheduled Areas of Vijayanagaram, Visakhapatnam, East, West Godavari Districts, Kammam, Warangal, Adilabad and Mahaboobnagar districts. Scheduled Areas means areas notified by President under Fifth Schedule to the Constitution of India.*

⁴ *Reddy, M. Gopinath, K. Anil Kumar, P. Trinadha Rao And Oliver Springate-Baginski 2010 Obstructed Access To Forest Justice: An Institutional Analysis Of The Implementation Of Rights Reform In Andhra's Forested Landscapes-(Ippg: Manchester)*

instead of Gram Sabha or community against the letter and spirit of Forest Rights Recognition Act as well as PESA. The Ministry of Tribal Affairs, Govt of India,⁵ held that the grant of Community Forestry Rights titles to VSS is illegal and it directed the authorities for its withdrawal. The directive is very clear that denial of individual rights and community rights over such VSS areas would also be illegal. However the State Government is dillydallying in nullifying the CFR titles granted in favor of VSSs.

Community forest rights:

In respect of community forest rights 10965 applications received covering an extent of Ac.1279206, of which 2106 community forest rights titles were distributed covering an extent of Ac.9,79,207, as per the Tribal Welfare Department reports by 3rd December 2012. Among the CFR titles only 437 were distributed to community covering the extent of around 31 thousands. The rest were granted in the name of VSSs.

Rights to NTFP:

The Girijan Co-operative Corporation (GCC) which is a sole agent under the A.P. Scheduled Areas Minor Forest Produce (Regulation of Trade) Regulation, 1979. This monopoly right continues despite the provisions of AP PESA in force, which empowers Gram Sabha to ownership and control of Minor Forest Produce as well as the subsequent Forest Rights Act 2006 which further reinforces this provision in detail. Both the forest and Girijan Cooperative Corporations are creating troubles to tribals in disposal of their collection of NTFP from the forests.

(Contact: ptrinadharao@sify.com; Mobile:09848166448)

(A status paper prepared for the PUBLIC HEARING ON COMMUNITY FOREST RIGHTS on 14th December 2013, being organised by CFR Learning and Advocacy group and Adivasi Janjati Adhikar Manch (AJAM) and other networks, at Constitution Club of India, New Delhi.)

⁵ Ref: Do Letter No 23011/11/2013(FRA), Govt. of India, Ministry of Tribal Affairs.

Andala Mangireddy s/o Pentayya, age 35 years, Ex.Sarpanch, Pullangi Gram Panchayat, Maredumill Mandal, East Godavari District, Andhra Pradesh.

I belong to Kondareddy(PVTG). I am resident of Gundrathi, Pullangi Gram Panchayat. I floated a forum for minor forest produce collectors to get supportive price for their collection. I am the president of the forum. I have collected hillbrooms from our tribals in our Gram Panchayat Area to sell them for better price. I represented the matter to local Project Officer, ITDA, Rampachodavaram, East Godavari District. The PO asked the Girijan Co operative Corporation(GCC) to purchase the hillbrooms from the tribals. The Manager, GCC informed that the purchase of hillbrooms in the season was exhausted and he could not purchase further. He also said that the Godowns filled with the Hillbrooms. Then the PO asked a Velugu project unit working under Ministry of Rural Development, to purchase the hillbrooms from tribals. They also said that there is no scope for them to purchase the hillbrooms, the allocated budget for purchase of minor forest produce was saturated. Then I decided to sell the hillbrooms at Rajahmundry city for better price. Then both the GCC and Forest Department obstructed our transport of hill brooms from our tribal area to outside. The PO also sought a clarification about the rights of tribals over minor forest produce, from the commissioner of Tribal Welfare. The Commissioner of Tribal Welfare answered that the tribals have right to minor forest produce and they can transport to outside. I obtained that clarification from the office of Project Office, ITDA, Rampachodavaram

Then I filed on behalf of tribal minor forest produce collectors in the High court (Writ Petition(12493/12) against opposing the transport of MFP to outside by the GCC and Forest Department. Agency Human Rights Centre, a field wing of Resource For Legal Action supported my case. My case is that Forest Rights Recognition Act and PESA Act ensured us to collect the minor forest produce and dispose it off and the departments should cause hindrance to our transport of minor forest produce. The AP High Court passed an order in 2012 restraining both the Forest/GCC from Tribals collection of MFP and sale of the same at outside. However the Forest Department is creating troubles to us by stopping the transport of hillbrooms.

ADIWASI JAN VAN ADHIKAR MANCH, CHHATTISGARH, KABIRDHAM (PANDARIYA, LUDDUTOLA)

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| Name and contact details of the individual/organisation: | <p>Sri Hare Singh Gond</p> <p>Adiwasi Jan Van Adhikar Manch/ Adiwasi Samta Manch</p> |
| Date: | 03-12-2013 |
| Location details for the case presented: <ul style="list-style-type: none"> State, District, Taluka Area (Reserve Forest, Protected Forest, Other (e.g. unclassified); Protected Area (National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Community Reserve) or Revenue Area) Community (ST/OTFD/PVTG/pastoralist) | <p>Chhattisgarh, Kabirdham, Pandariya (Panchayat:Damgarh; Village:Luddutola)</p> <p>Unclassified</p> <p>Gond</p> |
| CFR claims: <ul style="list-style-type: none"> Nature of CFR claims filed Extent of the CFR Area over which claims are filed Status of verification and/or recognition of CFR claims (gram sabha/SDLC/DLC) Issues and problems encountered in the process of claim making, verification and recognition of CFR. Role of various governmental agencies involved in the process of verification and recognition of claims | <p>CFR claims filed in year 2010 for area of 489 hectare of community forest and grazing land</p> <p>The community than submitted the claim to Subdivisional Magistrate on 29.03.2010</p> <p>Though Gram Sabha members prepared it and Sarpanch and Panchayat Sachiv put their signature on the claim form but they as well as Van Adhikar Samiti(which is constituted at Panchayat level and not at gram sabha level) did not accepted it saying that there is no order from above and they don't know anything about collective rights under FRA and directed the community members to submit the claim to Subdivisional Magistrate or tehshildar.</p> <p>After the submission of claim in the office of Sub Divisional Magistrate both the Karyakartas of Adiwasi Samta Manch and Community members have inquired from the SDM office at least 4-5 times but they have neither issued rejection nor have forwarded it to DLC nor issued any intimation.</p> |

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| | It is to be noted that the community faced enormous problem in securing claim form. And after the submission at SDM office till now nobody has come for verification. |
| Management of community forest resources: <ul style="list-style-type: none"> Issues and problems faced in management of CFR under FRA (particularly in constituting committees, developing conservation and management plan, response from the forest department and other government agencies) Issues and problems relating to exercising of rights over the minor forest produce (in collection, harvesting and marketing and response from the govt agencies) | The FRC is constituted at Panchayat level and not at gram sabha level. Most of the members are not aware that they are the member of FRC. Very recently the FRC is re-constituted and in this reconstituted body 2 community members from each aashrit village of the Panchayat- have been taken as members .There is no conservation or management plan and forest department is completely silent on CFR. |
| Issues relating to diversion of forest land and compliance of FRA in the process of diversion: | |
| Issues relevant to CFR recognition and management (such as illegal relocation, restrictions placed on forest use), where the area falls under a Protected Area: | |
| Actions taken by community and response from the government: | As a follow up after the submission of claim in SDM office community members and Karyakartas of Adiwasi Samta Manch have keep reminding Panchayat Sachiv, Sarpanch and SDM on several occasions. |
| Specific recommendations and suggestions by the community: | The government should immediately complete the verification process and issue Collective rights Pattas. |

ADIWASI JAN VAN ADIKAR MANCH, CHHATTISGARH, KABIRDHAM (PANDARIYA, BHANGITOLA)

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| Name and contact details of the individual/organisation: | Sri Kunwar Singh Gond Adiwasi Jan Van Adhikar Manch/ Adiwasi Samta Manch |
| Date: | 03-12-2013 |
| Location details for the case presented: <ul style="list-style-type: none"> State, District, Taluka Area (Reserve Forest, Protected Forest, Other (e.g. unclassified); Protected Area (National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Community Reserve) or Revenue Area) Community (ST/OTFD/PVTG/pastoralist) Other location-specific comments relevant to claiming/ recognition of CFRs (habitat of pastoralist community or conversion of forest village to revenue village etc.) | Chhattisgarh, Kabirdham, Pandariya (Panchayat:Polmi; Village:Bhangitola) Unclassified Baiga(PVTG),Gond,OBCs |
| CFR claims: <ul style="list-style-type: none"> Nature of CFR claims filed Extent of the CFR Area over which claims are filed Status of verification and/or recognition of CFR claims (gram sabha/SDLC/DLC) Issues and problems encountered in the process of claim making, verification and recognition of CFR. | CFR claims filed in year 2010 for community cum Nistar Vans 356 ha The community than submitted the claim to Sub divisional Magistrate on 29.03.2010. After submission to SDM, there is no reply in terms of sending the claim back to community or passing it forward to DLC and no intimation of any kind to the gram sabha. Though Gram Sabha members prepared it and Sarpanch and Panchayat Sachiv put their signature on the claim form but they as well as Van Adhikar Samiti(which is constituted at Panchayat level and not at gram sabha level) did not accepted it saying that there is no order from above and they don't know anything about collective rights under FRA and directed the community members to submit the claim to Subdivisional Magistrate or tehshildar . |

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| <ul style="list-style-type: none"> Role of various governmental agencies involved in the process of verification and recognition of claims | <p>After the submission of claim in the office of Sub Divisional Magistrate both the Karyakartas of Adiwasi Samta Manch and Community members have inquired from the SDM office at least 8-9 times but they have neither issued rejection nor have forwarded it to DLC nor issued any intimation.</p> <p>It is to be noted that community faced enormous problem in securing claim form. And after the submission at SDM office till now nobody has come for verification.</p> |
| <p>Management of community forest resources:</p> <ul style="list-style-type: none"> Issues and problems faced in management of CFR under FRA (particularly in constituting committees, developing conservation and management plan, response from the forest department and other government agencies) Issues and problems relating to exercising of rights over the minor forest produce (in collection, harvesting and marketing and response from the govt agencies) | <p>There is no conservation or management plan and forest department is completely silent on CFR .</p> |
| <p>Any other important issues relating to CFR:</p> | <p>The FRC is constituted at Panchayat level and not at gram sabha level. Most of the members are not aware that they are the member of FRC .Very recently the FRC is re-constituted and in this reconstituted body 2 community members from each aashrit village of the Panchayat have been taken as members.</p> |
| <p>Actions taken by the community and response from governmental agencies:</p> | <p>As a follow up after the submission of claim in SDM office community members and Karyakartas of Adiwasi Samta Manch have keep reminding Panchayat Sachiv,Sarpanch and SDM on several occasions.</p> |
| <p>Specific recommendations and suggestions by the community:</p> | <p>The government should immediately complete the verification process and issue Collective rights Pattas.</p> |

**ADIWASI JAN VAN ADHIKAR MANCH, CHHATTISGARH, KABIRDHAM (PANDARIYA,
BHELWANAKAN)**

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| Name and contact details of the individual/organisation: | Sri Jarhu Baiga Adiwasi Jan Van Adhikar Manch/ Adiwasi Samta Manch |
| Date: | 03-12-2013 |
| Location details for the case presented: <ul style="list-style-type: none"> State, District, Taluka Area (Reserve Forest, Protected Forest, Other (e.g. unclassified); Protected Area (National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Community Reserve) or Revenue Area) Community (ST/OTFD/PVTG/pastoralist) Other location-specific comments relevant to claiming/ recognition of CFRs (habitat of pastoralist community or conversion of forest village to revenue village etc.) | <p>Chhattisgarh, Kabirdham, Pandariya (Panchayat:Polmi; Village:Bhelwanakan)</p> <p>Unclassified</p> <p>Baiga(PVTG),Gond,OBCs</p> |
| CFR claims: <ul style="list-style-type: none"> Nature of CFR claims filed Extent of the CFR Area over which claims are filed Status of verification and/or recognition of CFR claims (Gram Sabha/SDLC/DLC) Issues and problems encountered in the process of claim making, verification and recognition of CFR. | <p>CFR claims filed in year 2010 for area of 200 hectare of community cum Nistar Vans</p> <p>The community then submitted the claim to Sub divisional Magistrate on 29.03.2010.</p> <p>Though Gram Sabha members prepared it and Sarpanch and Panchayat Sachiv put their signature on the claim form but they as well as Van Adhikar Samiti (which is constituted at Panchayat level and not at gram sabha level) did not accept it saying that there is no order from above and they don't know anything about collective rights under FRA and directed the community members to submit the claim to Subdivisional Magistrate or tehshildar.</p> |

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| <ul style="list-style-type: none"> • Role of various governmental agencies involved in the process of verification and recognition of claims | <p>After the submission of claim in the office of Sub Divisional Magistrate both the Karyakartas of Adiwasi Samta Manch and Community members have inquired from the SDM office at least 8-9 times but they have neither issued rejection nor have forwarded it to DLC nor issued any intimation. It is to be noted that community faced enormous problem in securing claim form. No verification done yet.</p> |
| <p>Management of community forest resources:</p> <ul style="list-style-type: none"> • Issues and problems faced in management of CFR under FRA (particularly in constituting committees, developing conservation and management plan, response from the forest department and other government agencies) • Issues and problems relating to exercising of rights over the minor forest produce (in collection, harvesting and marketing and response from the govt agencies) | <p>The FRC is constituted at Panchayat level and not at gram sabha level. Most of the members are not aware that they are the member of FRC. Very recently the FRC is re-constituted and in this reconstituted body 2 community members from each aashrit village of the Panchayat- have been taken as members .There is no conservation or management plan and forest department is completely silent on CFR .</p> |
| Issues relating to diversion of forest land and compliance of FRA in the process of diversion: | |
| Issues relevant to CFR recognition and management (such as illegal relocation, restrictions placed on forest use), where the area falls under a Protected Area: | |
| Any other important issues/cases relating to CFR: | |
| Actions taken by the community and response from governmental agencies: | <p>As a follow up after the submission of claim in SDM office community members and Karyakartas of Adiwasi Samta Manch have keep reminding Panchayat Sachiv, Sarpanch and SDM on several occasions.</p> |
| Specific recommendations and suggestions by the community: | <p>The government should immediately complete the verification process and issue Collective rights Pattas.</p> |

ADIWASI JAN VAN ADHIKAR MANCH, CHHATTISGARH, KANKER (BHANUPRATAPUR, SAHKATTA)

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| Name and contact details of the individual/organisation: | Sri Shankarlal Adiwasi Jan Van Adhikar Manch/ Adiwasi Samta Manch |
| Date: | 03-12-2013 |
| Location details for the case presented: <ul style="list-style-type: none"> State, District, Taluka Area (Reserve Forest, Protected Forest, Other (e.g. unclassified); Protected Area (National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Community Reserve) or Revenue Area) Community (ST/OTFD/PVTG/pastoralist) Other location-specific comments relevant to claiming/ recognition of CFRs (habitat of pastoralist community or conversion of forest village to revenue village etc.) | Chhattisgarh, Kanker(North Bastar), Bhanupratapur (Panchayat:Pharaskot; Village:Sahkatta) Nistar Van,grazing land,Bade Jhar Ke Jungle & Chote Jhar Ke Jungle etc Gond &Halba &OBC |
| CFR claims: <ul style="list-style-type: none"> Nature of CFR claims filed Extent of the CFR Area over which claims are filed Status of verification and/or recognition of CFR claims (gram sabha/SDLC/DLC) Issues and problems encountered in the process of claim making, verification and recognition of CFR. Role of various governmental agencies involved in the process of verification and recognition of claims | CFR claims filed in year 2013 for Nistar Van, grazing land, Bade Jhar Ka Jungle & Chote Jhar Ka Jungle ,ghothan, pahar chhattan,Sitla Mata Mandir,Thakur Dev etc. Claims with SDLC It is to be noted that community faced enormous problem in securing claim form. As a follow up after the submission of claim community members and Karyakartas of Adiwasi Samta Manch have keep reminding Panchayat Sachiv,Sarpanch and SDM on several occasions. |
| Specific recommendations and suggestions by the community: | The government should immediately complete the verification process and issue Collective rights Pattas. |

JAN SAHAYOGI MANCH, CHHATTISGARH, KANKER (BHANUPRATAPUR, BARVI)

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| संस्था/संगठन/व्यक्ति का नाम एवं संपर्क विवरण: | जन सहयोगी मंच, बारवी अध्यक्ष, देवसिंह पोटाई |
| दिनांक : | |
| <p>स्थान का विवरण (जहाँ का केस प्रस्तुत कर रहे हैं)</p> <ul style="list-style-type: none"> राज्य, जिला, ब्लाक क्षेत्र (आरक्षित वन, संरक्षित वन, अन्य(जैसे-अवर्गीकृत), संरक्षित क्षेत्र (राष्ट्रीय उद्यान, अभयारण्य, टाइगर रिजर्व, कंजर्वेशन रिजर्व, सामुदायिक रिजर्व)या राजस्व क्षेत्र) समुदाय (अनुसूचित जाति/ अन्य परंपरागत वन निवासी/ विशेष संरक्षित जाति/धुमंतू) कोई अन्य स्थान/सामुदायिक वन अधिकार दावों संबंधित सूचना/सामुदायिक वन अधिकार मान्यता (जैसे- धुमंतू समुदायों का बसाहट या वनग्राम को राजस्व ग्राम में परिवर्तित इत्यादि) विशेष रूप से टिप्पणी दें। | <p>ग्राम बारवी, ग्राम पंचायत-बारवी, तहसील-भानुप्रतापपुर,</p> <p align="center">जिला-कांकेर (छ.ग.)</p> <p align="center">अवर्गीकृत वन</p> <p align="center">अनुसूचित जनजाति/ अन्य परंपरागत वननिवासी</p> <p align="center">नहीं</p> |
| <p>सी0एफ0आर0 दावें :</p> <ul style="list-style-type: none"> सामुदायिक वन अधिकार दावे का स्वरूप जो जमा किया गया है। दायर किये गये दावा का क्षेत्र विस्तार (जानकारी हेक्टेयर में दें) सत्यापन/सीएफआर दावों की मान्यता की स्थिति (ग्रामसभा/एस0डी0एल0सी0/डी0एल0सी0) सामुदायिक वन अधिकार दावा जांच व मान्यता के समय समस्याओं व अन्य मुद्दों का विवरण। सत्यापन और सामुदायिक वन अधिकार की | <p>वनधिकार कानून, धारा 3(1) के अंतर्गत सूचीबद्ध खंड (ख)(ग)(घ)(छ)(ट)(ज)(छ) व (झ) से है।</p> <p align="center">271.85 हेक्टेयर</p> <p align="center">ग्राम सभा</p> <p>जनपद स्तर पर आवेदन जमा करने गये तो नये प्रारूप में जमा लिया लेने के 1 माह उपरांत वापस कर दिया गया</p> <p>वन विभाग व राजस्व विभाग द्वारा स्थल निरीक्षण के</p> |

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| मान्यता की प्रक्रिया में शामिल विभिन्न सरकारी एजेंसियों की भूमिका। | लिए बार-बार आवेदन करने पर भी निरीक्षण नहीं किया गया। |
| <p>समुदायिक वन संसाधनों के प्रबंधन:</p> <ul style="list-style-type: none"> • वनाधिकार कानून के अन्तर्गत सामुदायिक वन संसाधनों के प्रबंधन में किस तरह के समस्याओं व मुद्दों का सामना करना पड़ रहा है। (विशेष रूप से समितियों के गठन में, संरक्षण और प्रबंधन की योजना को विकसित करने, वन विभाग और अन्य एजेंसियों से प्रतिक्रिया) • लघु वनोपज पर अधिकार (उपयोग, विपणन, प्रबंधन, संरक्षण व संवर्धन) से संबंधित मुद्दों और आ रही समस्याओं का विवरण। • वन भूमि के डाइवर्जन से संबंधित मुद्दे और डाइवर्जन की प्रक्रिया में वनाधिकार कानून के अनुपालन में आ रही दिक्कतें। • वैसा क्षेत्र जो संरक्षित क्षेत्र के अंतर्गत आता है, वहां सीएफआर की मान्यता और प्रबंधन में आ रही प्रासंगिक मुद्दों (जैसे- अवैध स्थानांतरण, वन उपयोग पर लगाए प्रतिबंधों के रूप में) | <p>हमारे गांव में समिति का गठन तो हुआ और अच्छे से कार्य कर रही है, लेकिन सरकारी विभाग द्वारा किसी प्रकार का सहयोग प्राप्त नहीं होता है।</p> <p>वर्तमान में हमारे ग्राम द्वारा वनोपज का संग्रहण तो किया जा रहा है लेकिन संग्रहण का उचित मूल्य प्राप्त नहीं होता है, साथ ही साथ बीच-बीच में वन विभाग द्वारा संग्रहण हेतु मना किया जाता है।</p> <p>इस प्रकार का कार्य अभी तक नहीं किया गया है।</p> <p>नहीं।</p> |
| सीएफआर से संबंधित कोई अन्य महत्वपूर्ण मुद्दों/केस : | |
| समुदाय के द्वारा की गई कोई कार्रवाई और सरकार की ओर से प्रतिक्रिया: | समुदाय को सरकारी विभागों द्वारा सहयोग प्राप्त नहीं होता है। |
| समुदाय के द्वारा विविष्ट सिफारिशें और सुझाव: | |

JAN SAHYAOGI MANCH, CHHATTISGARH, KANKER (CHARAMA, RAMPURI)

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| संस्था/संगठन/व्यक्ति का नाम एवं संपर्क विवरण: | जन सहयोगी मंच, रामपुर अध्यक्ष, दुल्लू राम नरेटी |
| दिनांक : | |
| <p>स्थान का विवरण (जहां का केस प्रस्तुत कर रहे हैं)</p> <ul style="list-style-type: none"> राज्य, जिला, ब्लाक क्षेत्र (आरक्षित वन, संरक्षित वन, अन्य(जैसे-अवर्गीकृत), संरक्षित क्षेत्र (राष्ट्रीय उद्यान, अभयारण्य, टाइगर रिजर्व, कंजर्वेशन रिजर्व, सामुदायिक रिजर्व)या राजस्व क्षेत्र) समुदाय (अनुसूचित जाति/ अन्य परंपरागत वन निवासी/ विशेष संरक्षित जाति/धुमंतू) कोई अन्य स्थान/सामुदायिक वन अधिकार दावों संबंधित सूचना/सामुदायिक वन अधिकार मान्यता (जैसे- धुमंतू समुदायों का बसाहट या वनग्राम को राजस्व ग्राम में परिवर्तित इत्यादि) विशेष रूप से टिप्पणी दें। | <p>ग्राम रामपुरी, ग्राम पंचायत-पुरी, तहसील-चारामा, जिला-कांकेर (छ.ग.)</p> <p>अवर्गीकृत वन</p> <p>अनुसूचित जनजाति/ अन्य परंपरागत वननिवासी</p> <p>नहीं</p> |
| सी0एफ0आर0 दावें : | |
| <ul style="list-style-type: none"> सामुदायिक वन अधिकार दावे का स्वरूप जो जमा किया गया है। दायर किये गये दावा का क्षेत्र विस्तार (जानकारी हेक्टेयर में दें) सत्यापन/सीएफआर दावों की मान्यता की स्थिति (ग्रामसभा/एस0डी0एल0सी0/डी0एल0सी0) सामुदायिक वन अधिकार दावा जांच व मान्यता के समय समस्याओं व अन्य मुद्दों का विवरण। सत्यापन और सामुदायिक वन अधिकार की | <p>वनधिकार कानून, धारा 3(1) के अंतर्गत सूचीबद्ध खंड (ख)(ग)(घ)(छ)(ट)(ज)(छ) व (झ) से है।</p> <p>45.00 हेक्टेयर</p> <p>ग्राम सभा</p> <p>जनपद स्तर पर आवेदन जमा करने गये तो नये प्रारूप में जमा लिया लेने के 1 माह उपरांत वापस कर दिया गया</p> <p>वन विभाग व राजस्व विभाग द्वारा स्थल निरीक्षण के</p> |

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| मान्यता की प्रक्रिया में शामिल विभिन्न सरकारी एजेंसियों की भूमिका। | लिए बार-बार आवेदन करने पर निरीक्षण किया गया। |
| <p>समुदायिक वन संसाधनों के प्रबंधन:</p> <ul style="list-style-type: none"> • वनाधिकार कानून के अन्तर्गत सामुदायिक वन संसाधनों के प्रबंधन में किस तरह के समस्याओं व मुद्दों का सामना करना पड़ रहा है। (विशेष रूप से समितियों के गठन में, संरक्षण और प्रबंधन की योजना को विकसित करने, वन विभाग और अन्य एजेंसियों से प्रतिक्रिया) • लघु वनोपज पर अधिकार (उपयोग, विपणन, प्रबंधन, संरक्षण व संवर्धन) से संबंधित मुद्दों और आ रही समस्याओं का विवरण। • वन भूमि के डाइवर्जन से संबंधित मुद्दे और डाइवर्जन की प्रक्रिया में वनाधिकार कानून के अनुपालन में आ रही दिक्कतें। • वैसा क्षेत्र जो संरक्षित क्षेत्र के अंतर्गत आता है, वहां सीएफआर की मान्यता और प्रबंधन में आ रही प्रासंगिक मुद्दों (जैसे- अवैध स्थानांतरण, वन उपयोग पर लगाए प्रतिबंधों के रूप में) | <p>हमारे गांव में समिति का गठन तो हुआ और अच्छे से कार्य कर रही है, लेकिन सरकारी विभाग द्वारा किसी प्रकार का सहयोग प्राप्त नहीं होता है।</p> <p>वर्तमान में हमारे ग्राम द्वारा वनोपज का संग्रहण तो किया जा रहा है लेकिन संग्रहण का उचित मूल्य प्राप्त नहीं होता है, साथ ही साथ बीच-बीच में वन विभाग द्वारा संग्रहण हेतु मना किया जाता है।</p> <p>इस प्रकार का कार्य अभी तक नहीं किया गया है।</p> <p>नहीं।</p> |
| सीएफआर से संबंधित कोई अन्य महत्वपूर्ण मुद्दों/केस : | |
| समुदाय के द्वारा की गई कोई कार्रवाई और सरकार की ओर से प्रतिक्रिया: | समुदाय को सरकारी विभागों द्वारा सहयोग प्राप्त नहीं होता है। |
| समुदाय के द्वारा विषिष्ट सिफारिशें और सुझाव: | |

14 दिसंबर 2013 को सामुदायिक वन अधिकार पर जन सुनवाई के लिए प्रशंसापत्र

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| संस्था/संगठन/व्यक्ति का नाम एवं संपर्क विवरण: | जन सहयोगी मंच, कहाड़गोंदी अध्यक्ष, अंदर सिंह कांगे |
| दिनांक : | |
| स्थान का विवरण (जहां का केस प्रस्तुत कर रहे हैं) <ul style="list-style-type: none"> राज्य, जिला, ब्लाक क्षेत्र (आरक्षित वन, संरक्षित वन, अन्य(जैसे-अवर्गीकृत), संरक्षित क्षेत्र (राष्ट्रीय उद्यान, अभयारण्य, टाइगर रिजर्व, कंजर्वेशन रिजर्व, सामुदायिक रिजर्व)या राजस्व क्षेत्र) समुदाय (अनुसूचित जाति/ अन्य परंपरागत वन निवासी/ विशेष संरक्षित जाति/धुमंतू) कोई अन्य स्थान/सामुदायिक वन अधिकार दावों संबंधित सूचना/सामुदायिक वन अधिकार मान्यता (जैसे- धुमंतू समुदायों का बसाहट या वनग्राम को राजस्व ग्राम में परिवर्तित इत्यादि) विशेष रूप से टिप्पणी दें। | ग्राम पंचायत कहाड़गोंदी, तहसील-चामरा, जिला-कंकर (छ.ग.) अवर्गीकृत वन अनुसूचित जनजाति/ अन्य परंपरागत वननिवासी नहीं |
| सी0एफ0आर0 दावे : <ul style="list-style-type: none"> सामुदायिक वन अधिकार दावे का स्वरूप जो जमा किया गया है। दायर किये गये दावा का क्षेत्र विस्तार (जानकारी हेक्टेयर में दें) सत्यापन/सीएफआर दावों की मान्यता की स्थिति (ग्रामसभा/एस0डी0एल0सी0/ डी0एल0सी0) सामुदायिक वन अधिकार दावा जांच व मान्यता के समय समस्याओं व अन्य मुद्दों का विवरण। सत्यापन और सामुदायिक वन अधिकार की | वनधिकार कानून, धारा 3(1) के अंतर्गत सूचीबद्ध खंड (ख)(ग)(घ)(छ)(ट)(ज)(छ) व (झ) से है। 75.20 हेक्टेयर ग्राम सभा जनपद स्तर पर आवेदन जमा करने गये तो नये प्रारूप में जमा लिया लेने के 1 माह उपरांत वापस कर दिया गया वन विभाग व राजस्व विभाग द्वारा स्थल निरीक्षण के |

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| मान्यता की प्रक्रिया में शामिल विभिन्न सरकारी एजेंसियों की भूमिका। | लिए बार-बार आवेदन करने पर निरीक्षण किया गया। |
| <p>समुदायिक वन संसाधनों के प्रबंधन:</p> <ul style="list-style-type: none"> • वनाधिकार कानून के अन्तर्गत सामुदायिक वन संसाधनों के प्रबंधन में किस तरह के समस्याओं व मुद्दों का सामना करना पड़ रहा है। (विशेष रूप से समितियों के गठन में, संरक्षण और प्रबंधन की योजना को विकसित करने, वन विभाग और अन्य एजेंसियों से प्रतिक्रिया) • लघु वनोपज पर अधिकार (उपयोग, विपणन, प्रबंधन, संरक्षण व संवर्धन) से संबंधित मुद्दों और आ रही समस्याओं का विवरण। • वन भूमि के डाइवर्जन से संबंधित मुद्दे और डाइवर्जन की प्रक्रिया में वनाधिकार कानून के अनुपालन में आ रही दिक्कतें। • वैसा क्षेत्र जो संरक्षित क्षेत्र के अंतर्गत आता है, वहां सीएफआर की मान्यता और प्रबंधन में आ रही प्रासंगिक मुद्दों (जैसे- अवैध स्थानांतरण, वन उपयोग पर लगाए प्रतिबंधों के रूप में) | <p>हमारे गांव में समिति का गठन तो हुआ और अच्छे से कार्य कर रही है, लेकिन सरकारी विभाग द्वारा किसी प्रकार का सहयोग प्राप्त नहीं होता है।</p> <p>वर्तमान में हमारे ग्राम द्वारा वनोपज का संग्रहण तो किया जा रहा है लेकिन संग्रहण का उचित मूल्य प्राप्त नहीं होता है, साथ ही साथ बीच-बीच में वन विभाग द्वारा संग्रहण हेतु मना किया जाता है।</p> <p>इस प्रकार का कार्य अभी तक नहीं किया गया है।</p> <p>नहीं।</p> |
| सीएफआर से संबंधित कोई अन्य महत्वपूर्ण मुद्दों/केस : | |
| समुदाय के द्वारा की गई कोई कार्रवाई और सरकार की ओर से प्रतिक्रिया: | समुदाय को सरकारी विभागों द्वारा सहयोग प्राप्त नहीं होता है। |
| समुदाय के द्वारा विषिष्ट सिफारिशें और सुझाव: | |

14 दिसंबर 2013 को सामुदायिक वन अधिकार पर जन सुनवाई के लिए प्रशंसापत्र

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| संस्था/संगठन/व्यक्ति का नाम एवं संपर्क विवरण: | ग्राम मंच- दुर्गकोंदल, जिला- कांकेर, संपर्क व्यक्ति, डी०के० भास्कर 7771928189, सरादूराम कोमरा 7354950975 |
| दिनांक : | 29/3/2013 |
| <p>स्थान का विवरण (जहां का केस प्रस्तुत कर रहे हैं)</p> <ul style="list-style-type: none"> राज्य, जिला, ब्लाक क्षेत्र (आरक्षित वन, संरक्षित वन, अन्य(जैसे-अवर्गीकृत), संरक्षित क्षेत्र (राष्ट्रीय उद्यान, अभयारण्य, टाइगर रिजर्व, कंजर्वेशन रिजर्व, सामुदायिक रिजर्व)या राजस्व क्षेत्र) समुदाय (अनुसूचित जाति/ अन्य परंपरागत वन निवासी/ विशेष संरक्षित जाति/धुमंतू) कोई अन्य स्थान/सामुदायिक वन अधिकार दावों संबंधित सूचना/सामुदायिक वन अधिकार मान्यता (जैसे- धुमंतू समुदायों का बसाहट या वनग्राम को राजस्व ग्राम में परिवर्तित इत्यादि) विशेष रूप से टिप्पणी दें। | <p>ग्राम-तमोडा, ग्राम पंचायत शिटकाटोला, तहसील दुर्गकोंदल, जिला- कांकेर (छत्तीसगढ़)</p> <p>क्षेत्र - संरक्षित वन</p> <p>समुदाय - अनुसूचित जनजाति, अन्य परंपरागत वन निवासी</p> |
| सी०एफ०आर० दावें : | समुदायिक दावे का स्वरूप - |
| <ul style="list-style-type: none"> सामुदायिक वन अधिकार दावे का स्वरूप जो जमा किया गया है। दायर किये गये दावा का क्षेत्र विस्तार (जानकारी हेक्टेयर में दें) सत्यापन/सीएफआर दावों की मान्यता की स्थिति (ग्रामसभा/एस०डी०एल०सी०/डी०एल०सी०) सामुदायिक वन अधिकार दावा जांच व मान्यता के समय समस्याओं व अन्य मुद्दों का विवरण। सत्यापन और सामुदायिक वन अधिकार की | <ol style="list-style-type: none"> निस्तार - 101 हे० गौण वन उत्पादों पर अधिकार - 500 हे० सामुदायिक अधिकार (चारागाह) - 80.97 हे० जलाशय - .80 हे० अन्य पारंपरिक अधिकार - 121.4 हे० <p>कुल - 804.227 हे०</p> |

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| <p>मान्यता की प्रक्रिया में शामिल विभिन्न सरकारी एजेंसियों की भूमिका।</p> | <p>सत्यापन : एस0डी0एल0सी0</p> <p>सामुदायिक वन अधिकार दावा जांच व मान्यता के समय समस्याओं व अन्य मुद्दों का विवरण</p> <ol style="list-style-type: none"> 1. दावा के जांच के लिए वन विभाग का रवैया सहानुभूतिपूर्वक व संतोषजनक ना होना। 2. वन विभाग के द्वारा सामुदायिक दावा हेतु जरूरी दस्तावेज जैसे – कंपार्टमेंट नक्शा, वन विभाग के कार्ययोजना इत्यादि ग्रामसभा को उपलब्ध नहीं कराया गया। 3. बड़े झाड़ के जंगल – संरक्षित वन को वन अधिकार कानून में शामिल ना होने की भ्रमक जानासी देना। 4. महत्वपूर्ण सूचनाओं का कोई लिखित प्रमाण ग्राम सभा को नहीं देना। 5. सामुदायिक वन अधिकार मान्यता पत्र के लिए निहित मैदानी अधिकारी- कर्मचारियों को इसकी पूरी प्रक्रिया की समझ का आभाव होना। 6. राज्य निरीक्षक के द्वारा दावा प्रपत्र के स्वरूप बदलने के लिए अनावश्यक रूप से दावा को निरस्त किया गया। <p>ज्ञातव्य हो कि ग्राम तमोडा , झिअकाओला कलवर, हिरगें, हिगनझर भिरावाही एवं वयनर के निवासी के द्वारा वनोपज एवं निस्तार के सुविधा के लिए मुख्य रूप से कलवर के 9 जंगल पर आश्रित है। इन्ही पहाड़ी पर भिलाई स्टील प्लांट द्वारा कलवर नांगुर लौह अयस्क खनन हेतु आयरन और माईनस प्रोजेक्ट (लीज एरिया 938.059 हे0) क्षमता 1.0 एम0टी0पी0ए0 के लिए प्रस्तावित था। इस सन्दर्भ में भारत सरकार पर्यावरण एवं वन मंत्रालय से पर्यावरणीय स्वीकृति के लिए छ0 ग0 पर्यावरण संरक्षण मंडल में लोक सूनवाई 24/2/2012 को दूर्गुकोंदल तहसील कार्यलय परिसर पर आयोजित किया गया था। जिससे प्रभावित क्षेत्र के लगभग 40 ग्रामों के ग्रामसभा सदस्य उपस्थित होकर खनन के विरोध में अपना मत व वक्तव्य दिये। इस विरोध का</p> |
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| | <p>मुख्य विंदू निम्नांकित था :-</p> <ol style="list-style-type: none"> 1. इस पुरी जंगल को सामुदायिक वन अधिकार मान्यता पत्र के तहत दावा प्रस्तुत करने के लिए तीन पंचायत के ग्राम सभा सदस्यों का संयुक्त बैठक दिनांक 13/11/2011 को प्रस्तावित कर दावा पत्र भरा गया। 2. उपरोक्त 9 ग्राम में निर्वासित परिवार इस जंगल से निस्तार सुविधा प्राप्त करते हैं। 3. इस जंगल में बहुमूल्य वनोपज जैसे बांस, तेनदुपत्ता, हर्षा-वहरा, महुआ, चार-चिरौजी इत्यादि लेते हैं जिसके क्रय-विक्रय कर गांव वाले अपना आजीविका चलाते हैं। 4. इस जंगल में उच्च कोटी के बांस मिलते हैं जिससे जंगल के आसपास के ग्रामवाले बांस का सामान बनाकर आय अर्जित करते हैं। <p>उपरोक्त तथ्यों को ध्यान में रखते हुए लौह अयस्क खनन पर आपत्ति जताते हुए ग्रामवासीयों ने अपना पक्ष रखें। जनसूनवाई में उपस्थित जिला कलेक्टर कांकर एवं पर्यावरण मंडल के क्षेत्रीय अधिकारी एवं जनप्रतिनिधी ने ग्रामवासीयों के पक्ष को स्वीकार करते हुए अपना निर्णय ग्रामवासीयों के हक में सुनाया।</p> <p>सत्यापन और सामुदायिक वन अधिकार की मान्यता की प्रक्रिया में शामिल विभिन्न सरकारी एजेंसियों की भूमिका।</p> <ol style="list-style-type: none"> 1. वन विभाग के डिप्टी रेंजर एवं बीटगार्ड से सत्यापन संबंधित कार्यवाही के लिए सुचित किया गया। परंतु किसी भी आदेश का ना होने की बात कह कर टाल दिया गया। 2. कम्पार्टमेन्ट नक्शा लेने वन अधिकार समिति सदस्य व अध्यक्ष वन मंडलाधिकारी को आवेदन किये तब भी नक्शा देने व सत्यापन की प्रक्रिया नहीं किया गया। |
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| | <p>3. इसी संदर्भ में वन मंत्री छ0ग0 शासन को ग्राम मंच के मुखियाओं के माध्यम से ज्ञापन के तौर पर समस्याओं से अवगत कराया गया।</p> <p>4. वन मंत्री के मौखिक आदेश का पालन करते हुए वन विभाग के एस0डी0ओ व अन्य विभागीय अधिकारियों द्वारा बिना पूर्व सूचना के जंगल का सिर्फ मुआयना करके उपरोक्त जंगल को संरक्षित वन बताकर सामुदायिक अधिकार न मिलने की बात मौखिक रूप से कहा गया।</p> <p>5. जिला कलेक्टर कांकेर के जनदर्शन कार्यक्रम में सामुदायिक वनभूमि के सत्यापन करने के लिए आवेदन दिनांक 26/8/13 को किया गया था लेकिन अभी तक कार्यवाही नहीं हुआ।</p> |
| <p>समुदायिक वन संसाधनों के प्रबंधन:</p> <ul style="list-style-type: none"> • वनाधिकार कानून के अन्तर्गत सामुदायिक वन संसाधनों के प्रबंधन में किस तरह के समस्याओं व मुद्दों का सामना करना पड़ रहा है। (विशेष रूप से समितियों के गठन में, संरक्षण और प्रबंधन की योजना को विकसित करने, वन विभाग और अन्य एजेंसियों से प्रतिक्रिया) • लघु वनोपज पर अधिकार (उपयोग, विपणन, प्रबंधन, संरक्षण व संवर्धन) से संबंधित मुद्दों और आ रही समस्याओं का विवरण। • वन भूमि के डाइवर्जन से संबंधित मुद्दे और डाइवर्जन की प्रक्रिया में वनाधिकार कानून के अनुपालन में आ रही दिक्कतें। • वैसा क्षेत्र जो संरक्षित क्षेत्र के अंतर्गत आता है, वहां सीएफआर की मान्यता और प्रबंधन में आ रही प्रासंगिक मुद्दों (जैसे- अवैध स्थानांतरण, वन उपयोग पर लगाए प्रतिबंधों के रूप में) | |

CHAUPAL, CHHATTISGARH, SARGUJA (LAKHANPUR, UDAIPUR, LUNDRA)

14 दिसंबर 2013 को सामुदायिक वन अधिकार पर जन सुनवाई के लिए प्रशंसापत्र

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| संस्था/संगठन/व्यक्ति का नाम एवं संपर्क विवरण: | गंगाराम पैकरा चौपाल ग्रामीण विकास प्रशिक्षण एवं शोध संस्थान जवाहर नगर, अम्बेडकर चौक, बी एस एन एल आफिस के सामने, अम्बिकापुर जिला सरगुजा (छ.ग.) पिन- 497001 फोन नं.- 07774- 320329, 230534 |
| दिनांक : | 13/11/2013 |
| स्थान का विवरण (जहां का केस प्रस्तुत कर रहे हैं) • राज्य, जिला, ब्लाक | राज्य- छत्तीसगढ़, जिला-सरगुजा, ब्लाक-लखनपुर, उदयपुर, लुण्ड्रा |
| • क्षेत्र (आरक्षित वन, संरक्षित वन, अन्य(जैसे-अवर्गीकृत), संरक्षित क्षेत्र (राष्ट्रीय उद्यान, अभयारण्य, टाइगर रिजर्व, कंजर्वेशन रिजर्व, सामुदायिक रिजर्व)या राजस्व क्षेत्र) | आरक्षित वन एवं संरक्षित वन |
| • समुदाय (अनुसूचित जाति/ अन्य परंपरागत वन निवासी/ विशेष संरक्षित जाति/धुमंतू) | अनुसूचित जन जाति और अन्य परम्परागत वन निवासी एवं विशेष संरक्षित जनजाति समुदाय |
| • कोई अन्य स्थान/सामुदायिक वन अधिकार दावों संबंधित सूचना/सामुदायिक वन अधिकार मान्यता (जैसे- धुमंतु समुदायों का बसाहट या वनग्राम को राजस्व ग्राम में परिवर्तित इत्यादि) विशेष रूप से टिप्पणी दें। | लागू नहीं |
| सी0एफ0आर0 दावें : • सामुदायिक वन अधिकार दावे का स्वरूप जो जमा किया गया है। | सामुदायिक वन अधिकारों के लिए दावा : • निस्तार अधिकार 3 (1) (ख) • गौण वनोपज पर अधिकार 3 (1)(ग) • जल सम्पत्ति, चराई का अधिकार (पशुओं की संख्या |

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| | <p>सहित)</p> <ul style="list-style-type: none"> जैव विविधता, बौद्धिक संपत्ति और परम्परागत ज्ञान एवं अन्य परम्परागत अधिकार सामुदायिक वन स्रोतों के प्रबंधन का अधिकार 3 (1) (झ) |
| <ul style="list-style-type: none"> दायर किये गये दावा का क्षेत्र विस्तार (जानकारी हेक्टेयर में दें) | <p>34 ग्रामसभा</p> <p>21056 हेक्टेयर</p> |
| <ul style="list-style-type: none"> सत्यापन/सीएफआर दावों की मान्यता की स्थिति (ग्रामसभा/एसडीओएलसीओ/डीओएलसीओ) | <p>उक्त सभी स्तरों पर दावों की जांच की गई।</p> |
| <ul style="list-style-type: none"> सामुदायिक वन अधिकार दावा जांच व मान्यता के समय समस्याओं व अन्य मुद्दों का विवरण। | <ul style="list-style-type: none"> वन विभाग समुदाय को जंगल का अधिकार देना नहीं चाहता है। वन एवं राजस्व विभाग द्वारा शासकीय रिकार्ड देने में असहयोग करते हैं। समुदाय द्वारा तैयार किये गये सामुदायिक वन अधिकार के दावापत्र को ग्राम सभा एवं एस डी एल सी द्वारा पास कर दिया गया मगर डी एल सी द्वारा अधिनियम की धारा 3 (1) (झ) के तहत प्रबंधन के अधिकार दिया गया है उसे हटा दिया गया। समुदाय द्वारा तैयार किये गये सामुदायिक वन अधिकार के दावापत्र को ग्राम सभा एवं एस डी एल सी द्वारा पास कर दिया गया मगर डी एल सी द्वारा मांग की गई रकबा से कम का अधिकार दिया गया। ग्राम वन अधिकार समिति और निचले स्तर के शासकीय कर्मचारियों को वन अधिकार कानून के तहत सामुदायिक वन अधिकार के दावापत्र भरने की प्रक्रिया का जानकारी नहीं होने के कारण दावापत्र तैयार करने में काफी परेशानी का सामना करना पड़ा। |
| <ul style="list-style-type: none"> सत्यापन और सामुदायिक वन अधिकार की मान्यता की प्रक्रिया में शामिल विभिन्न सरकारी एजेंसियों की भूमिका। | <ul style="list-style-type: none"> ग्राम पंचायत : ग्राम पंचायत का सचिव ग्राम वन अधिकार समिति का पदेन सचिव है, वे जानकारी के अभाव एवं रुची न होने के कारण अपनी जवबदेही पूरी नहीं करते हैं। राजस्व विभाग : राजस्व विभाग को सामुदायिक वन अधिकार के बारे में जानकारी नहीं है और वह इससे कोई खास मतलब भी नहीं रखता क्योंकि उसे कोई फायदा नहीं है। जिसके कारण वे काम पे असहयोग करते हैं। |

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| | <ul style="list-style-type: none"> ● वन विभाग: वन विभाग जंगल को किसी भी सूख में समुदाय को नहीं देना चाहता है, इससे उन्हें अपनी आजीविका छिन जाने का भय बना है। साथ ही सामुदायिक वन अधिकार कानून के पूरी प्रक्रिया की जानकारी नहीं होने के कारण काम में असहयोग करते हैं। ● ग्राम वन अधिकार समिति : ग्राम वन अधिकार समिति को वन अधिकार कानून के बारे में प्रशिक्षित नहीं किया गया है, जिसके कारण वे कानून में दिये गए अधिकार के अनुरूप काम नहीं कर पाते हैं। इसके अलावा उप खण्ड स्तरीय समिति तथा जिला स्तरीय समिति से किसी प्रकार का सहयोग भी नहीं मिलता है। ● उपखण्ड स्तरीय समिति : समिति के सदस्यों को सामुदायिक वन अधिकार के बारे में जानकारी नहीं है और वह इससे कोई खास मतलब भी नहीं रखते हैं, क्योंकि उसे कोई फायदा नहीं है। जिसके कारण पे रूची नहीं रखते हैं और अपनी जिम्मेदारी को नहीं निभाते हैं। ● जिला स्तरीय समिति : अंतिम रूप से दावापत्र का अवलोकन पुन विचार करना तथा वन अधिकार पत्र प्रदाय करना। समिति में आपसी ताल मेल नहीं है, कलेक्टर चाहते हैं कि वन अधिकार पे अच्छा काम हो मगर वन विभाग एक इंच जमीन मन देना नहीं चाहते जिसके कारण समिति अपनी जवाब देही को ठीक से नहीं निभा पा रही है। ● आदिवासी विभाग : विभाग के पास पहले से ही काम का ज्यादा बोझ है इस काम के लिए कोई अलग से व्यवस्था नहीं दिया गया है साथ ही कानून की पूरी जानकारी नहीं है और रूची भी नहीं है जिसके कारण अपनी जवाब देही को ठीक से नहीं निभा पा रहे हैं। |
| <p>समुदायिक वन संसाधनों के प्रबंधन:</p> <ul style="list-style-type: none"> ● वनाधिकार कानून के अन्तर्गत सामुदायिक वन संसाधनों के प्रबंधन में किस तरह के समस्याओं व मुद्दों का सामना करना पड़ रहा है। (विशेष रूप से समितियों के गठन में, संरक्षण और प्रबंधन की योजना को विकसित करने, वन विभाग और अन्य एजेंसियों से प्रतिक्रिया) | <p>लागू नहीं</p> |

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| <ul style="list-style-type: none"> लघु वनोपज पर अधिकार (उपयोग, विपणन, प्रबंधन, संरक्षण व संवर्धन) से संबंधित मुद्दों और आ रही समस्याओं का विवरण। | लागू नहीं |
| <ul style="list-style-type: none"> वन भूमि के डाइवर्जन से संबंधित मुद्दे और डाइवर्जन की प्रक्रिया में वनाधिकार कानून के अनुपालन में आ रही दिक्कतें। | लागू नहीं |
| <ul style="list-style-type: none"> पेसा क्षेत्र जो संरक्षित क्षेत्र के अंतर्गत आता है, यहां सीएफआर की मान्यता और प्रबंधन में आ रही प्रासंगिक मुद्दों (जैसे- अवैध स्थानांतरण, वन उपयोग पर लगाए प्रतिबंधों के रूप में) | लागू नहीं |
| सीएफआर से संबंधित कोई अन्य महत्वपूर्ण मुद्दों/केस : | <p>केस :</p> <ul style="list-style-type: none"> वन परिक्षेत्र सीतापुर, जिला सरगुजा के तहत् विकास खण्ड बत्तौली के अन्तर्गत ग्राम गोविन्दपुर, सल्याडीह, टीरंग, करदना में समुदाय द्वारा सामुदायिक वन अधिकार के लिए दावापत्र तैयार करके वन अधिकार समिति के पास जमा किया गया। वन अधिकार समिति द्वारा समस्त दस्तावेज तैयार कर ग्राम सभा में जमा किया गया, जिसका ग्राम सभा द्वारा प्रस्ताव पारित किया गया तथा एस डी एल सी में जमा किया गया है, जिसे पहले तो जमा लेने से इन्कार किया गया, जिसे काफी प्रयत्न करने पर जमा लिया इसके बाद दावापत्र में कई तरह से त्रुटी निकाला गया, तथा दावापत्र को वापस लौटाया गया जिसके वन अधिकार समिति द्वारा पुनः सुधार करके एस डी एल सी को दिया गया है। जिसे 5 माह बीत गया किन्तु दस्तावेज को डी एल सी में नहीं भेजा गया है। |
| समुदाय के द्वारा की गई कोई कार्रवाई और सरकार की ओर से प्रतिक्रिया: | <p>प्रतिक्रिया :</p> <ul style="list-style-type: none"> सरगुजा जिले के विकास खण्ड उदयपुर, लखनपुर, लुण्डा एवं बत्तौली के 38 ग्राम सभा सामुदायिक वन अधिकार के लिए दावापत्र तैयार कर एस डी एल सी में दावापत्र जमा किया गया था। दावापत्र में मांगे गए वन अधिकारों का स्वरूप : |

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| | <ul style="list-style-type: none"> • निस्तार अधिकार 3 (1) (ख) • गौण वनोपज पर अधिकार 3 (1)(ग) • जल सम्पत्ति, चराई का अधिकार (पशुओं की संख्या सहित) • जैव विविधता, बौद्धिक संपत्ति और परम्परागत ज्ञान एवं अन्य परम्परागत अधिकार • सामुहिक वन स्रोतों के प्रबंधन का अधिकार 3 (1) (झ) <p>उक्त अधिकारों की मांग को ग्राम सभा में अनुमोदन कर एस डी एल सी में जमा किया गया। एस डी एल सी ने पास करके डी एल सी को दिया। किन्तु डी एल सी ने प्रस्तावित दावों में कटौती करके केवल निस्तार, गौण वनोपज तथा चराई का अधिकार को ही मान्यता दिया।</p> |
| समुदाय के द्वारा विशिष्ट सिफारिशें और सुझाव: | <p>सुझाव :</p> <ul style="list-style-type: none"> • प्रत्येक गांव के वन अधिकार समिति एवं पंचायत प्रतिनिधियों को वन अधिकार कानून के बारे में प्रशिक्षित किया जाना चाहिए। • प्रत्येक ग्राम सभा को उनके गांव का निस्तार पत्रक एवं ब्लाक हिस्ट्री सरकार को स्वतः गांव में दिया जाना चाहिए। • वन अधिकार कानून के तहत सामुदायिक वन अधिकार के लिए ग्राम स्तर पर व्यापक प्रचार-प्रसार किया जाना चाहिए जैसे की मनरेगा और पी डी एस जैसे योजनाओं में होता है। • एस डी एल सी और डी एल सी के सदस्यों को वन अधिकार कानून पर प्रशिक्षण एवं एक्सपोजर कराना चाहिए। |

LOK AASTHA SEVA SANSTHAN, CHHATTISGARH, GARIYABAND (CHURA BLOCK)

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| संस्था/संगठन/व्यक्ति का नाम एवं संपर्क विवरण: | लोक आस्था सेवा संस्थान/जनसहयोग सेवा केन्द्र लता नेताम, सलीमुद्दीन |
| दिनांक : | 20/11/2013 |
| <p>स्थान का विवरण (जहां का केस प्रस्तुत कर रहे हैं)</p> <ul style="list-style-type: none"> राज्य, जिला, ब्लाक क्षेत्र (आरक्षित वन, संरक्षित वन, अन्य(जैसे-अवर्गीकृत), संरक्षित क्षेत्र (राष्ट्रीय उद्यान, अभयारण्य, टाइगर रिजर्व, कंजर्वेशन रिजर्व, सामुदायिक रिजर्व)या राजस्व क्षेत्र) समुदाय (अनुसूचित जाति/ अन्य परंपरागत वन निवासी/ विशेष संरक्षित जाति/धुमंतू) कोई अन्य स्थान/सामुदायिक वन अधिकार दावों संबंधित सूचना/सामुदायिक वन अधिकार | <ul style="list-style-type: none"> ग्राम- देवरी, गोनबोरा, विजयपुर, पेंड्रा, कांटाखुसरी, सिवनी, सेहरापानी, पीपरछेड़ी, चरोदा, विजयनगर, छिंदोली, पंडरीपानीगोंड, कोड़ामाल, चरोदा, छतरमंडई, दादरगांव, मेढ़कीडबरी, सुरुंगपानी, कलमीदादर, कुरेड़दादर ब्लाक-छुरा, जिला-गरियाबंद छत्तीसगढ़ क्षेत्र- आरक्षित वन, संरक्षित वन, सामुदायिक रिजर्व, राजस्व क्षेत्र समुदाय (अनुसूचित जाति/ अन्य परंपरागत वन निवासी/ विशेष संरक्षित जाति) |

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| <p>मान्यता (जैसे- धुमंतु समुदायों का बसाहट या वनग्राम को राजस्व ग्राम में परिवर्तित इत्यादि) विशेष रूप से टिप्पणी दें।</p> | |
| <p>सी0एफ0आर0 दावें :</p> <ul style="list-style-type: none"> ● सामुदायिक वन अधिकार दावे का स्वरूप जो जमा किया गया है। ● दायर किये गये दावा का क्षेत्र विस्तार (जानकारी हेक्टेयर में दें) ● सत्यापन/सीएफआर दावों की मान्यता की स्थिति (ग्रामसभा/एस0डी0एल0सी0/डी0एल0सी0) ● सामुदायिक वन अधिकार दावा जांच व मान्यता के समय समस्याओं व अन्य मुद्दों का विवरण। | <ul style="list-style-type: none"> ● सामुदायिक दावा प्रपत्र, मतदाता सूची, वनअधिकार समिति प्रस्ताव, बुजुर्ग का सत्यापन, रुढ़ीवादि पत्रक, नक्शा, ग्रामसभा प्रस्ताव को जमा किया गया । ● 969.20 हेक्टेयर ● ग्रामसभा , खंडस्तर पर सामुदायिक वन अधिकार दावे को जमा किया गया । <ol style="list-style-type: none"> 1. प्रस्ताव के दौरान वन सुरक्षा समिति के द्वारा बाधित किया जाना। 2. राजस्व विभाग से दस्तावेज के लिए सहयोग प्राप्त हुआ परंतु वन विभाग द्वारा उच्च अधिकारीयों के आदेश बिना, साक्ष्य देने में आनाकानी किया यहां तक कि कक्ष कमांक व रक्बा पर सहयोग नहीं मिला। 3. चूंकि लोगों का रुझान व्यक्तिगत दावा पर अधिक रहने के कारण सामुदायिक पर समझ बनाने में |

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| | <p>निरंतर प्रयास करना पड़ा।</p> <ol style="list-style-type: none"> 4. शासन प्रशासन के द्वारा सामुदायिक वन अधिकार पर वनअधिकार समिति एवं पंचायत प्रतिनिधियों को किसी भी प्रकार के प्रशिक्षण नहीं होने के कारण से पुरा प्रशिक्षण की जिम्मेदारी संगठन व संस्था के वरिष्ठ लोगों के माध्यम से ही संभव बनाया गया। 5. सामुदायिक वन अधिकार पर उपरोक्त जानकारी सचिव व संरपंचों को नहीं होने के कारण से उपर से संगठन के माध्यम से विशेष ग्रामसभा हेतु दबाव बनाया गया। 6. दावा प्रपत्र खंडस्तरीय समिति को सौपने के पश्चात पुनः चर्चा हेतु पंचायत को वापस कर विकासात्क कार्य के लिए प्रस्तावित करने खंडस्तरीय अधिकारियों के द्वारा प्रभावित किया जाना। 7. इसी प्रक्रिया के दौरान वन एवं राजस्व विभाग के द्वारा सामुदायिक अधिकार के लिए उच्च अधिकारी से निर्देशित के पश्चात भी स्थल निरीक्षण नहीं किया गया नहीं जमीन का रिकार्ड मुहिया कराया गया। 8. ग्रामसभा के बिना अनुमोदन के वन विभाग रोड के किनारे किनारे |
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| <ul style="list-style-type: none"> ● सत्यापन और सामुदायिक वन अधिकार की मान्यता की प्रक्रिया में शामिल विभिन्न सरकारी एजेंसियों की भूमिका। | <p>कटीलेतार से घेराबंदी कर रहे हैं। जिससे जानवरो को चारा चराई में व वन अधिकार पत्र प्राप्त हितग्राहियों को अपने खेत तक जाने में भारी असुविधा हो रही है।</p> <ul style="list-style-type: none"> ● वन विभाग द्वारा आवेदन करने के पश्चात भी विभागीय नक्शा व कम्पाटमेंट नं. की जानकारी नहीं दिया गया इसके साथ ही पंचायत पदाधिकारी को भी गुमराह करने की कोशिश किया गया। सामुदायिक दावा भरने के समय पर वन, राजस्व व पंचायत कर्मियों का आंदोलन । |
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| <p>समुदायिक वन संसाधनों के प्रबंधन:</p> <ul style="list-style-type: none"> ● वनाधिकार कानून के अन्तर्गत सामुदायिक वन संसाधनों के प्रबंधन में किस तरह के समस्याओं व मुद्दों का सामना करना पड़ रहा है। (विशेष रूप से समितियों के गठन में, संरक्षण और प्रबंधन की योजना को विकसित करने, वन विभाग और अन्य एजेंसियों से प्रतिक्रिया) ● लघु वनोपज पर अधिकार (उपयोग, विपणन, प्रबंधन, संरक्षण व संवर्धन) से संबंधित मुद्दों और आ रही समस्याओं का विवरण। ● वन भूमि के डाइवर्जन से संबंधित मुद्दे और डाइवर्जन की प्रक्रिया में वनाधिकार कानून के अनुपालन में आ रही दिक्कतें। ● वैसा क्षेत्र जो संरक्षित क्षेत्र के अंतर्गत आता है, वहां सीएफआर की मान्यता और प्रबंधन में आ रही प्रासंगिक मुद्दों (जैसे- अवैध स्थानांतरण, वन उपयोग पर लगाए प्रतिबंधों के रूप में) | <ul style="list-style-type: none"> ● वन अधिकार समिति का चयन आनन फानन में चयन किया गया जिससे समिति सदस्य को ही मालूम नहीं था। विभाग द्वारा सामुदायिक दावे के बारे में भी कोई सहयोगात्मक भूमिका विभाग का नहीं था। ● वर्तमान में लघुवनोपज पर अधिकार पर दिक्कतें नहीं आ रही हैं। ● नहीं ● सीएफआर की मान्यता के लिए वन विभाग जंगल देना ही नहीं चाह रहे जिससे उसके द्वारा कोई भी जानकारी नहीं दिया गया। वन विभाग जंगल पर अपना ही स्वामित्व में रखना चाहता है सामुदाय की जंगल है ऐसा उनका समझ ही नहीं है। |
| <p>सीएफआर से संबंधित कोई अन्य महत्वपूर्ण मुद्दों/केस :</p> | <p>निचे लिखा गया है। केस स्टडी के माध्यम से</p> |
| <p>समुदाय के द्वारा की गई कोई कार्रवाई और</p> | <p>निचे लिखा गया है। केस स्टडी के माध्यम</p> |

| सरकार की ओर से प्रतिक्रिया: | से |
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| समुदाय के द्वारा विशिष्ट सिफारिशें और सुझाव: | सामुदायिक वन अधिकार पत्र के लिए संबंधित विभाग गांव में आकर जांच करे तथा जो वास्तविकता है वह देखकर कार्यवाही के साथ सहयोग करे । वन अधिकार समिति को एवं ग्रामसभा को सर्वोपरी बनाकर विभाग को इनके अधिनस्त की जावे। |

केस स्टडी-

1. ग्राम गोनबोरा में सामुदायिक वन अधिकार दावा के लिए वनक्षेत्र की जानकारी के लिए पंचायत स्तर से समुदाय व सरपंच के द्वारा वनविभाग छुरा के वनपरिक्षेत्र अधिकारी को आवेदन दिया गया जिस पर कुछ भी जानकारी नहीं दिया गया और सरपंच सचिव प्रस्ताव नहीं करने के लिए बोल दिया गया जिससे सरपंच सचिव पहले ग्रामसभा करने वाले थे परंतु वन विभाग के दबाव से उनके द्वारा ग्रामसभा करने के लिए भी इंकार करने लगे जिससे गांव वाले में गुस्सा आ गया और

संस्था कार्यकर्ता के सहयोग से कहा गया कि ग्रामसभा लोगों की होता है वह सरपंच सचिव का ग्रामसभा नहीं होता है हम विशेष ग्रामसभा कर सकते हैं । इसके लिए ग्रामवासी /ग्रामसभा सदस्य हस्ताक्षर अभियान चलाकर सभी अपने गांव की एक तिहाई मतदाता दिनांक 4 अप्रैल 2013 को जनपद पंचायत छुरा को जानकारी दिये कि हम सामुदायिक वन अधिकार दावा के संबंध में जो शासन की योजना की क्रियान्वय के लिए ग्रामसभा कर रहे हैं तो सीईओ छुरा द्वारा जानकारी के लिए एसडीएम गरियाबंद को देने के लिए बोल दिया जिससे समुदाय के लोगों को और ज्यादा गुस्सा आ गया जिससे उसने दिनांक 6 अप्रैल 2013 को एसडीएम गरियाबंद को सूचना दिये और विशेष ग्रामसभा का आयोजन निसेनीदादर/गोनबोरा में किया गया । जिसमें एक दिन के लिए सचिव भी नियुक्त कर कार्यवाही लिखा गया । तथा बाद में एसडीएम गरियाबंद द्वारा आदेशित किया गया ग्रामसभा के लिए आवेदन किया गया वहां पर तत्काल ग्रामसभा कर सामुदायिक दावा की निराकरण किया जावे जिससे सीईओ छुरा के आदेश द्वारा दिनांक 14 अप्रैल 2013 को पंचायत देवरी में पुनः ग्रामसभा हुआ जहां पर विशेष ग्रामसभा में हुए चर्चा पर पुनः प्रस्ताव कर सीईओ छुरा में जमा किया गया । सामुदायिक दावा की प्रस्ताव को जमा करने के लिए सरपंच सचिव को न देकर संस्था कार्यकर्ता व वनअधिकार समिति अध्यक्ष व समुदाय के लोग जमा करने के लिए गये ।

2. ग्राम पंचायत + ग्राम -घुटकुनवापारा में 46 परिवार वन भूमि पर काबिज है गांव के ग्रामपंचायत के प्रस्ताव एवं पटेल तथा मुखिया लोग दावा प्रपत्र को कलेक्टर को निराकरण हेतु प्रेषित किये । जिसमें 22 परिवार के उपर भर्जी मुकदमा व्यवहार न्यायाधिश गरियाबंद में चलाया गया । जिसमें 18 माह के सुनवाई के पश्चात वन विभाग के आरोप को विद्वान न्यायाधिश के द्वारा फर्जी ठहराया गया । जिसके पश्चात भी उनके दावे को अब तक खंड स्तरीय समिति के द्वारा अनुमोदित कर नहीं भेजा गया गया है । गांव के ही वन सुरक्षा समिति को उनके काबिज जमीन छोड़ाने हेतु गरीब लोगों को परेशान किया गया साथ ही वन सुरक्षा समिति के अध्यक्ष का शासकीय नियुक्ति में चले जाने के बाद बहुत दौड़ धुप के बाद ही पुनः अध्यक्ष पद पर बनाया गया ।

3. पंचायत+ग्राम हरदी में वन भूमि पर 64 परिवार 80 के पूर्व से काबिज रहे हैं जिन्हें बेदखली के लिए वन सुरक्षा समिति व गांव के कुछ लोग उनके जमीन पर बांस रोपनी के लिए प्रस्ताव पारित किये। तदुपरांत बांस पौधा आधेअधुरे रोपित किये गया इस पर वन विभाग के संयुक्त वन प्रबंधन से बहुत राशि लगाया गया। कुछ पौधे ही रोपित हुए इसके बाद गांव के गरीबों को बेदखली के लिए संगठन के चार मुखियासाथियों को फायरवाचर व चौकीदारी पर

नियुक्त कर दिये। लोगों का कब्जा निरंतर बना रहा इसको लेकर गांव के गरीब परिवार इसमें आदिवासी व अन्य परंपरागत वन निवासी गांव में सियानों का इकट्ठा करके वन अधिकार पत्र दिलाये जाने हेतु निवेदन किया जिस पर गांव के सरपंच मधुम सिंह ग्रामरक्षा समिति के अध्यक्ष बाबुलाल साहू व वन सुरक्षा समिति के पवन सिंह ठाकुर काबिज मुखियाओं को लेकर सन 2002 में वर्तमान मुख्यमंत्री, वनमंत्री कलेक्टर व प्रधान मुख्य वन संरक्षक छ. ग. श्री चतुर्वेदी से चर्चा किये वन अधिकारी व ग्रामीणों के बीच साक्ष्य को लेकर विवाद भी हुआ जिस पर गांव के प्रमुखों ने ग्रामवासी का कब्जा बताया। इस हेतु स्थल निरीक्षण के लिए वन परिक्षेत्र अधिकारी परसूली को 15 दिवस पर जांच प्रतिवेदन प्रस्तुत करने व संबंधितों को लिखित जानकारी देने आदेश प्रेषित किया गया। आज तक न तो गांव वाले को रिपोर्ट मिला नही वहां वन अधिकारी वहां पहुंचे वर्तमान में इस वन भूमि पर आधे हिस्सा पर जहां खेत बना हुआ है वन अधिकार समिति ग्रामसभा वन अधिकार पत्र दिये जाने का प्रस्ताव पारित कर चुके हैं लेकिन वन विभाग के 1 पेज के रिपोर्ट में वन अधिकार समिति के अध्यक्ष व सरपंच का कोरे प्रपत्र पर हस्ताक्षर कराकर अपात्र लिख दिया गया है। इस हेतु ग्रामीणों ने अनुविभागीय अधिकारी गरियाबंद को लिखित शिकायत किये। जिस पर न्यायालय प्रक्रिया के तहत लोगों को बार बार पेशी बूलाकर आर्थिक व मानसिक रूप से प्रताड़ित किया जा रहा है।

ADIWASI SEVA MANDAL, CHHATTISGARH, BALRAMPUR (RAJPUR)

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| संस्था/संगठन/व्यक्ति का नाम एवं संपर्क विवरण: | <p align="center">आदिवासी सेवा मंडल सरगुजा</p> <p align="center">सम्पर्क व्यक्ति- आनंद मरावी</p> <p align="center">मोबाइल नं०- 08458815945</p> <p align="center">ईमेल- 'उर्बी'जजपेहती/तमकपाडिसम्बवड</p> |
| दिनांक : | |
| <p>स्थान का विवरण (जहां का केस प्रस्तुत कर रहे हैं)</p> <ul style="list-style-type: none"> राज्य, जिला, ब्लॉक क्षेत्र (आरक्षित वन, संरक्षित वन, अन्य(जैसे-अवर्गीकृत), संरक्षित क्षेत्र (राष्ट्रीय उद्यान, अभयारण्य, टाइगर रिजर्व, कंजर्वेशन रिजर्व, सामुदायिक रिजर्व)या राजस्व क्षेत्र) समुदाय (अनुसूचित जाति/ अन्य परंपरागत वन निवासी/ विशेष संरक्षित जाति/धुमंतू) कोई अन्य स्थान/सामुदायिक वन अधिकार दावों संबंधित सूचना/सामुदायिक वन अधिकार मान्यता (जैसे- धुमंतू समुदायों का बसाहट या वनग्राम को राजस्व ग्राम में परिवर्तित इत्यादि) विशेष रूप से टिप्पणी दें। | <p>जिला -बलरामपुर</p> <p>राज्य- छत्तीसगढ़</p> <p>ब्लॉक- राजपुर</p> <p>क्षेत्र - आरक्षित वन, संरक्षित क्षेत्र</p> <p>समुदाय (अनुसूचित जाति/ अन्य परंपरागत वन निवासी/ विशेष संरक्षित जाति</p> <p>राजपुर विकास खंड के ग्राम कोरगी, अमदरी, पतरापारा, ठरकी, मुनवा, कुन्दी खुर्द, उलिया, उफिया, माकड, लदकुड, ओकरा मे सामुदायिक वन अधिकार के तहत दावा फार्म भरा गया है। और ग्राम महुडड महगई खुखरी मे सामुदायिक वन अधिकार दावा फार्म भरा जा रहा है।</p> <p>राजपुर विकास खंड के लदकुड पंचायत मे एक वन ग्राम महगई है। जिसका की रिकार्ड न राजस्व में है। न वन विभाग मे है। जिससे कि इस ग्राम के लोगों का व्यक्तिगत वन अधिकार पत्र व सामुदायिक वन अधिकार पत्र नही मिल पा रहा है। जिस पर 10/09/2013 को जिला बलरामपुर में जिला कलेक्टर मे इस संबंध मे जानकारी दिया गया जिस पर संबंधित विभाग के अधिकारियों को उस ग्राम का रिकार्ड बंदोबस्त करने हेतु कहा गया जिससे कि महगई ग्राम जो कि ना तो</p> |

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| | वन ग्राम में है न कि राजस्व ग्राम में है रिकार्ड ठिक हो जाने पर यह ग्राम राजस्व ग्राम हो जायेगा। |
| <p>सी०एफ०आर० दावे :</p> <ul style="list-style-type: none"> सामुदायिक वन अधिकार दावे का स्वरूप जो जमा किया गया है। दायर किये गये दावा का क्षेत्र विस्तार (जानकारी हेक्टेयर में दें) सत्यापन/सीएफआर दावों की मान्यता की स्थिति (ग्रामसभा/एस०डी०एल०सी०/डी०एल०सी०) सामुदायिक वन अधिकार दावा जांच व मान्यता के समय समस्याओं व अन्य मुद्दों का विवरण। | <p>अनुसूचित जनजाति और अन्य परम्परागत वन निवासी (वन अधिकारों की मान्यता) अधिनियम 2006 और नियम 2007 वन जमीन पर सामुदायिक अधिकार के लिए दावा, प्रारूप ख में भरा गया है।</p> <p>ग्राम, कोरगी- 678.52 हेक्टेर अमदरी- 362.830 हेक्टेर पतरापारा-1194.21 हेक्टेर ओकरा -</p> <p>सामुदायिक वन अधिकार दावा फार्म भरने हेतु दिनांक 20.06.2013 को वन अधिनियम के नियम 12(4) अनुसार जानकारी अभिलेख और दस्तावेज प्राप्त करने के लिए आवेदन पत्र अध्यक्ष उपविभाग स्तरीय समिति राजपुर को जनसमस्या निवारण शिविर में दिया गया जिस पर संबंधित विभागों द्वारा 15 दिवस के अंदर दस्तावेज उपलब्ध करवाने हेतु कहा गया और अभी तक संबंधित वन विभाग द्वारा दस्तावेज नहीं दिया जा रहा है। जिस वजह से दावा फार्म भरने में मुश्किल पैदा हो रही है। अभी तक कोरगी व अमदरी ग्राम का दावा फार्म एस०डी०एल०सी० में दिया जा चुका है और ग्राम पतरापारा, ठरकी, मुनवा, कुन्दी, कोरगी, अमदरी का दावा फार्म ग्राम सभा व वन अधिकार समिति के माध्यम से सत्यापन हेतु वन विभाग को एक प्रति के साथ दिया गया है। जो कि विभाग के द्वारा सत्यापन नहीं किया जा रहा है। व ग्राम उलिया, उफिया, माकड, ओकरा, खुखरी, महुडड, लदकुड का दावा फार्म वन अधिकार समिति में है। जो कि दस्तावेज एकत्र किया जा रहा है। जिसे कि जल्द ही ग्राम सभा में जमा किया जायेगा</p> <p>सामुदायिक वन अधिकार दावा फार्म भरने के बाद सत्यापन हेतु वन अधिकार समिति के सदस्यों द्वारा वन विभाग को सत्यापन हेतु सूचना देने पर भी सत्यापन व स्थल निरीक्षण करने हेतु अभी तक नहीं आया गया है। और वन अधिकार समिति के सदस्यों को इस संबंध में कोई भी जानकारी नहीं दिया जाता है।</p> |

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|---|--|
| <ul style="list-style-type: none"> सत्यापन और सामुदायिक वन अधिकार की मान्यता की प्रक्रिया में शामिल सरकारी एजेंसियों की भूमिका। | <p>सत्यापन और सामुदायिक वन अधिकार की मान्यता व प्रक्रिया में शामिल सरकारी एजेंसियों की भूमिका नहीं बराबर है। उनका सामुदायिक वन अधिकार के संबंध सहयोग की भावना नहीं है</p> |
| <p>समुदायिक वन संसाधनों के प्रबंधन:</p> <ul style="list-style-type: none"> वनाधिकार कानून के अन्तर्गत सामुदायिक वन संसाधनों के प्रबंधन में किस तरह के समस्याओं व मुद्दों का सामना करना पड़ रहा है। (विशेष रूप से समितियों के गठन में, संरक्षण और प्रबंधन की योजना को विकसित करने, वन विभाग और अन्य एजेंसियों से प्रतिक्रिया) लघु वनोपज पर अधिकार (उपयोग, विपणन, प्रबंधन, संरक्षण व संवर्धन) से संबंधित मुद्दों और आ रही समस्याओं का विवरण। | <p>वन विभाग द्वारा गठित संयुक्त वन प्रबंधन समिति के माध्यम से पी०पी०टी०जी० जहां बसे हुए हैं उन क्षेत्रों में सी०पी०टी० गढा तार से फैंसींग करवा कर उनकी आजिविका में अवरोध उत्पन्न किया जा रहा है ग्राम माकड़ में पहाड़ी कारवाओं का एक बस्ती लगभग 70 साल से बसा है जिसे वन विभाग द्वारा संयुक्त वन प्रबंधन समिति के माध्यम से सी०पी०टी० गढा तार से फैंसींग करवा कर उनके आने जाने का रास्ता बंद कर दिया जा रहा है।</p> <p>जिला बलरामपुर विकासखण्ड राजपुर के ग्राम खुखरी व डकवा में वन विभाग द्वारा वन वृत्त स्तरीय कार्यशाला का आयोजन हुआ जिसमें सरगुजा कोरिया जशपुर बलरामपुर एवं सूरजपुर वन मंडल के अधिकारी कर्मचारी को कुप काटने का प्रशिक्षण दिया गया उसके दो दिन बाद बिना गांव वालों को सूचना व जानकारी दिये बिना वन विभाग द्वारा उस क्षेत्र का छोटा सा जंगल जिसपर गांव वालों की आजिविका का साधन वनोपज व अन्य है। जिसे वन विभाग द्वारा अत्यधिक मात्रा में कटाई किया जा रहा था। जिसे ग्राम खुखरी व डकवा गांव वालों द्वारा संबंधित अधिकारियों को इसे रोकने हेतु बैठक किया गया और अधिकारियों को बुलाया गया जिसपर कोई अधिकारी नहीं आये फिर खुखरी व डकवा के ग्रामीणों द्वारा फिर से 06.10.2013 को ग्राम खुखरी में बैठक रखा गया जिसमें वन विभाग के रेंजर द्वारा बैठक में आने की बात कही गयी पर बैठक में नहीं आये जिसपर गांव वालों द्वारा अपने जंगल को अत्यधिक मात्रा में कटते देख रहा नहीं गया और गांव की महिलाओं द्वारा जंगल को संरक्षण करने के उद्देश्य से जंगल में जाकर काटने के औजार टांगा व आरा को जवाब कर लिया गया।</p> |

समुदाय के द्वारा की गई कोई कार्रवाई और सरकार की ओर से प्रतिक्रिया:

समुदाय व जनसंगठनों द्वारा जिला स्तरीय सामुदायिक वन अधिकार कानून पर कार्यशाला का आयोजन 10.09.2013 को जिला बलरामपुर में किया गया था जिसमें बलरामपुर जिले के विभिन्न जनसंगठन व समुदाय एवं विभिन्न ग्राम के वन अधिकार समिति के अध्यक्ष व सदस्यों द्वारा सामुदायिक वन अधिकार कानून के संबंध में अपने-अपने क्षेत्र के इस संबंध में विचार रखे और बताया गया कि सामुदायिक वन अधिकार के संबंध में शासकिय विभागों द्वारा अभी तक कोई जानकारी नहीं दिया गया है। और ना ही इस संबंध में पुछने से कोई बताता है। और सामुदायिक वन अधिकार कानून के संबंध में अनेको समस्या सामने आई जिस पर विभिन्न संगठनों और समुदाय द्वारा कलेक्टर महोदय को ज्ञापन सौंपा गया जिस पर अधिकारियों द्वारा सामुदायिक वन अधिकार कानून में सहयोग करने की बात कही गयी और तत्काल संबंधित विभाग को इस संबंध में दुरसंचार द्वारा आदेशित किया गया और संबंधित विभागों का सामुदायिक वन अधिकार कानून के संबंध में बैठक रखा गया





वन संरक्षण की नई तकनीक सीखें वनकर्मी

■ डकवा वन क्षेत्र में वृत्त स्तरीय कार्यशाला



प्रशिक्षण में उपस्थित वन अधिकारी एवं अतिथिगण

राजपुर, बलरामपुर वनमंडल अंतर्गत राजपुर वनपरिक्षेत्र के डकवा वन क्षेत्र में सरगुजा वन वृत्त स्तरीय कार्यशाला का आयोजन हुआ जिसमें सरगुजा, कोरिया, जशपुर, बलरामपुर एवं सुरजपुर वन मंडल के अधिकारी कर्मचारी को कूप मार्किंग, कूपे विदोहन, एवं बिगड़े वनों के सुधार अंतर्गत वृक्षारोपण, स्टेकिंग, गड़ढ़ा खुदाई आदि के साथ तकनीकी एवं व्यवहारिक पहलुओं पर प्रशिक्षित किया गया। कार्यक्रम में मुख्य वक्ता के रूप में मुख्य वन संरक्षक केसी किशकू, वन संरक्षक एच कपासी, डीएफ ओ मो. शाहिद, विवेक आचार्य, एम मर्सिबेला एवं सीएस तिवारी ने वनों के संरक्षण संवर्धन की नवीन तकनीकों के साथ कूप कटाई एवं वृक्षारोपण के विभिन्न पहलुओं पर अधिकारियों को प्रशिक्षित किया। मुख्य अतिथि सीसीएफ श्री किशकू ने कहा कि वन हमारी धरोहर है। वनों के संरक्षण,

संवर्धन में विभाग की महत्वपूर्ण भूमिका है। वन प्रबंधन समितियों के सहयोग से जैवविविधता संरक्षण एवं उत्पादन के साथ विभागीय लक्ष्य के अनुसार अपने उद्देश्यों को पूरा करने वनों के उचित प्रबंधन का प्रयास करना होगा। सरगुजा वन संरक्षक एच कपासी ने वन अधिकार पत्र, कूप कटाई, समितियों द्वारा वर्मी कम्पोस्ट निर्माण एवं अन्य कृषि गतिविधियों, वनों में अग्निशमन, कूप कटाई, 13 वें

वित्त एवं कैम्पा के कार्यों में प्रगति, वृक्षारोपण का शत प्रतिशत लक्ष्य हासिल करने एवं वन प्रबंधन समिति विभागीय अधिकारियों, रेंज ऑफिसर, वन रक्षकों को लक्ष्य समय सीमा में हासिल करने पर जानकारी दी। बलरामपुर डीएफओ मो. शाहिद ने पेड़ों की चिन्हांकन, बिना नुकसान के कटाई एवं वृक्षारोपण आदि पर जानकारी दी। सरगुजा डीएफओ विवेक आचार्य ने तकनीकी पक्ष पर अधिकारियों को

प्रशिक्षण दिया। कोरिया डीएफओ सीएस तिवारी ने भी अपने विचार रखे। इस कार्यशाला में सभी वन मंडलों के रेंज ऑफिसर एवं एसडीओ ने विभिन्न पहलुओं पर सहभागिता दर्ज की। कार्यशाला का संयोजन राजपुर रेंज ऑफिसर बीएस भगत एवं आभार प्रदर्शन एसडीओ जीपी दुबे ने किया। कार्यक्रम के दौरान रेंज ऑफिसर चंदेल, केएस खुटिया, श्री पटेल ने भी अपने विचार रखे। कार्यशाला में नई तकनीकों का प्रदर्शन भी किया गया।

स्वास्थ्य एवं दवा रोग जांच सितार
सर्दी, खांसी, दमा एवं एचआईवी रोगों का निवारण हेतु केवल स्यादारी पेटरी मशीन द्वारा चेकअप की जांच की जायेगी।
निरोधक सितार
डॉ. परवेज खान (एम.डी.) चिकित्सक
डॉ. अफताब परवेज (एम.डी.) चिकित्सक
दिनांक-20 अक्टूबर 2013
दिन- रिजल्ट समय- 11 से 2 बजे तक
खान नर्सिंग होम मनेन्द्रग
फोन नं. 241733, 94255387

प्रति

कलेक्टर महोदय

जिला बलरामपुर (छ.ग.)

सहायक आयुक्त

हाई वायी विकास विभाग

जिला बलरामपुर (छ.ग.)

जनमण्डल अधिकारी बलरामपुर -

विषय: अनुसूचित जन जाति और अन्य परम्परागत जन जातियों
(जन अधिकारों की नान्यता) अधिनियम 2006 नियम 2008 व संशोधित
नियम 2012 की क्रियान्वयन के संबंध में।

महोदय,

इतिवक्त राजपत्र में बलरामपुर वनो से सम्बन्धित जिला है।
छात्रों जिले में सामुदायिक वन अधिकार हावा फाई भंडों में जानसारी
के अभाव में नियत स्तर के शालाईय सुविधाओं का व्यवस्थापन
नहीं के बराबर है, इसलिए वन अधिकार अनुरूप से रहते उपलब्ध
का सतत प्रशिक्षण आवश्यक है।



सामुदायिक वन अधिकार के क्रियान्वयन की प्रक्रिया में जागीर
प्रमाणित स्तर पर कुछ सुविधाओं एवं परेशानियाँ हैं जो
निम्नसार हैं।

① सामुदायिक वन अधिकार का हावा तैयार करने के लिए निम्नलिखित
धरत, वन एवं वापस नसला ठाढ़ि दस्तावेज की आवश्यकता
होती है जो हावाती से प्राप्त नहीं हो पा रहा है जसकी
महसगी दस्तावेज प्रत्येक ग्राम को उपलब्ध करने की
जिम्मेदारी जिला स्तरीय समिति की है। ठाढ़ि प्रत्येक ग्राम
को उम्ह दस्तावेज उपलब्ध कराया जाय।

R-
10/9/13
आवक लिपिक
कलेक्टर
बलरामपुर-रा.गं. (छ.ग.)

भट देखा गया है कि कुछ वन अधिकार स्वामित्वों के समीप
 एवं वन विभाग के अधिकारियों द्वारा वन की प्रकृति में कमी
 नहीं ले रहे हैं। जिससे वन का हानि एवं नुकसान एवं वन-समा
 में दावों का उत्पन्न करने में परेशानियाँ आ रही हैं जैसे उद उदाहरण
 है :-

- (i) ग्राम बेलौरी व भमदरी के विकास एवं वाणपुर जिला कलामपुर
 के ग्रामवासियों द्वारा वाणपुर वन अधिकार का हानि एवं
 स्तरीय स्वामित्व में 4.17/013 को जमा किया गया है। जिसपर
 एवं स्तरीय स्वामित्व का कोई सहयोग नहीं दिया जा रहा है।
- (ii) ग्राम बाकुड़ के विकास एवं वाणपुर में पहाड़ी क्षेत्रों का
 व्यक्तिगत हानि एवं नुकसान भी जिसपर अधिकार कोई
 अवधि के सम्बन्ध में जानकारी नहीं दिया जा रहा है।
- (iii) ग्राम चन्द्रगढ़ में वन अधिकार अन्त के तहत 40 आवेदन दिया
 गया था जिस पर अधिकार अवधि नहीं दिया जा रहा है।

लोक आह्वान मंच
 रामपुर

कस्तुरी सामाजिक संस्था
 केएम 101C (रामपुर फट)

राजस्थान के
 राजस्थान के

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 राजस्थान के

वन अधिकार समिति कोरगी... ग्राम पंचायत सुमररी तहसील राजपुर जिला बलरामपुर

प्रति,

माननीय अध्यक्ष
उपविभागीय स्तरीय समिति तथा
अनुविभागीय अधिकारी राजपुर
जिला - बलरामपुर (छ.ग.)

विषय - नियम (12) 1 के अनुसार वनाधिकार के जांच पड़ताल के लिये ग्राम सभा आयोजन करने के लिये अनुमति एवं सहयोग प्रदान करने के संबंध में।

महोदय,

निवेदन है कि ग्राम कोरगी के हम ग्राम के सभी ग्रामवासी मिल जुल कर अनुसूचित जनजाति एवं अन्य परम्परागत वन निवासी अधिनियम 2006 और नियम 2007 वन जमीन पर सामुदायिक वनाधिकार के लिए दावा प्रारूप (क) में तैयार किये हैं, जिसके जांच पड़ताल के लिये ग्राम सभा का आयोजन करना चाहते हैं।

यह की उपरोक्त प्रपत्र में जानकारी के अभाव के कारण ग्राम के वन सीमा के अन्दर की भूमि का सर्वे नं. एवं कपाटमेन्ट की जानकारी नहीं होने के कारण उपयुक्त प्रपत्र में दर्ज नहीं किया गया है। इसलिए संबंधित हल्का पटवारी एवं वन परिक्षेत्राधिकारी को भी उपस्थित रहने के लिए आदेशित रहने की कृपा की जावे।

अतः श्रीमान् से निवेदन है कि ग्राम कोरगी में ग्राम सभा का दिन एवं समय निश्चित करें, ताकि ग्राम में सूचना देकर ग्राम सभा में सामुदायिक वनाधिकार दावा का जांच पड़ताल के लिये सूचना जारी की जा सके।

बलरामपुर
वन अधिकार समिति
ग्राम कोरगी
तहसील राजपुर
जिला बलरामपुर (छ.ग.)
वनाधिकार समिति ग्राम कोरगी

सलग्न :

1. अनुसूचित जन जाति और अन्य परम्परागत वन निवासी 2006 और 2007 वन जमीन पर सामुदायिक अधिकारों के लिये दावा नियम 11 (1) (क) और (4) की मूल प्रति कुल 59 पन्ने का।

04.07.03

प्रति,

शेखर अधिकारी

शेखर कार्यालय छ.म. पर्यावरण संरक्षण मंडल

जमदलपुर HIG-5 एवं 6 अपनपुर घरमपुर जमदलपुर

विषय :-

स्टील अवॉरिटी आफ इंडिया लिमिटेड (सेल) भिलाई इस्पात संयंत्र द्वारा कलवर-बागदुर तहसील दुर्गकुंदल जिला कांकर में प्रस्तावित आधारन और माईंस प्रोजेक्ट (लीजएरिया) का पर्यावरणीय स्वीकृति हेतु प्रस्तावित लोक सुनवाई 24.12.2012 का आपत्ति बाबत ।

महोदय,

उपरोक्त विषयांतरगत लेख है कि हम ग्राम पंचायत झिटकाटोला के अभित ग्राम

कलवर, तमोड़ा, हिंगनझर, झिटकाटोला, के मूल निवासी हैं, हमारी आपत्तियां निम्नलिखित हैं :-

1. पीढ़ी दर पीढ़ी हमारे पूर्वजों द्वारा उक्त कलवर-बागदुर के पहाड़ी पर हम निस्तार करते आ रहे हैं साथ ही साथ इस पहाड़ी के आसपास के ग्राम वनजर, हिरगे, भिरावाही, परैकोड़ो व हाटकुंदल के ग्रामीण आदिवासी इस पहाड़ी पर पारंपरिक रूप से निस्तार करते आ रहे हैं जो कि माईंस खुलने से हमारी निस्तार की सुविधा समाप्त हो जावेगी ।
2. इस पहाड़ी के नीचे पूरी आबादी ग्राम है तथा इस पर हम आदिवासी का छोटे-छोटे कृषि जमीन है जिस पर हमारी आजिविका चलती है जिसमें माईंस खुलने पर लालपानी से हमारी कृषि भूमि प्रभावित हो जावेगी ।
3. इन पहाड़ी पर हमारे आदिवासियों का देवी-देवताओं का पूजा स्थल है जो कि हमारे आदिवासी संस्कृति एवं मान्यताओं का धरोहर है जो कि माईंस खुलने पर समाप्त हो जावेगी ।
4. इन पहाड़ियों में पर्यावरण को संतुलन करने हेतु महत्वपूर्ण जैवविविधता से सम्पन्न है माईंस खुलने पर इन जैवविविधता पर गंभीर प्रभाव पड़ेगी ।
5. इन पहाड़ियों पर विभिन्न प्रकार के पारंपरिक जड़ी-बुटी विद्यमान है जिसका उपयोग हम ग्रामवासीयों के द्वारा किया जाता है जो नष्ट हो जावेगी ।
6. इन पहाड़ियों पर बहुमूल्य वनोपज बांस, महुआ, चार, आवला, सिहारी, तेन्दूपत्ता, हर्ष, बेहरा, आम, मुसली, सुआकंद, धवईफुल आदि है जिस पर लघु वनोपज का संग्रहण करके अपना आजिविका चलाते हैं वह समाप्त हो जावेगी ।
7. इन पहाड़ी पर वनअधिकार अधिनियम 2006 के तहत कलवर पहाड़ी पर सामुदायिक वन अधिकार मान्यता पत्र के लिए हम ग्राम वन अधिकार समिति द्वारा दावा कर चुके हैं जो प्रक्रियाधिन है ।

अतः श्रीमान जी से सादर अनुरोध है कि उपरोक्त बिन्दु पर विशेष ध्यान देतु हुए भिलाई स्टील प्लाट द्वारा प्रायोजित माईंस खनन परियोजना को रद्द करने हेतु हमारी लिखित आपत्तियां स्वीकार करने की कृपा करेंगे ।

दिनांक :- 19.01.2012

श.कु.नारायण

कलवर तहसील

पत्र सं. 02

जमदलपुर

सरपंच

झिटकाटोला

आवेदकगण

समस्त ग्रामवासी

कावेन/14



क्षेत्रीय कार्यालय

छत्तीसगढ़ पर्यावरण संरक्षण मण्डल

एच.आई.जी. 5 एवं 6 अघनपुर हाऊसिंग, बोर्ड कालोनी,

चित्रकोट रोड, जगदलपुर (छ.ग.)

क्रमांक / 1015 / क्षेत्रीय कार्या / तक / छ.प.सं.मं. / 2011

जगदलपुर, दिनांक 7/12/11

प्रति,

सरपंच,

ग्राम-पंचायत तराईघोटिया / कलंगपुरी,

डिस्ट्रिक्टला / परैकोडो / सिवनी, दि.0ख0-दुर्गकुंदल,

ग्राम पंचायत कच्छे, दि.0ख0-भानुप्रतापपुर,

जिला-उत्तर बस्तर कांकर (छ.ग.)

विषय - मेसर्स स्टील अथॉरिटी ऑफ इंडिया लिमिटेड (सेल) भिलाई इस्पात संयंत्र द्वारा ग्राम-कलवर-नागूर तहसील-भानुप्रतापपुर, जिला-कांकर (छ.ग.) में प्रस्तावित आयरन ओर माईन प्रोजेक्ट (लीज एरिया-938.059 हेक्टेयर) क्षमता-1.0 एम.टी.पी.ए. के पर्यावरणीय स्वीकृति हेतु लोक सुनवाई बाबत।

उपरोक्त विषयांतर्गत लेख है कि मेसर्स स्टील अथॉरिटी ऑफ इंडिया लिमिटेड (सेल) भिलाई इस्पात संयंत्र द्वारा ग्राम-कलवर-नागूर तहसील-भानुप्रतापपुर, जिला-कांकर (छ.ग.) में प्रस्तावित आयरन ओर माईन प्रोजेक्ट (लीज एरिया-938.059 हेक्टेयर) क्षमता-1.0 एम.टी.पी.ए. के लोक सुनवाई दिनांक 13.01.2012 (13 जनवरी 2012) दिन शुक्रवार, समय 12.00 बजे दोपहर, स्थान-जनपद पंचायत कार्यालय परिसर भानुप्रतापपुर, जिला-उत्तर बस्तर कांकर (छ.ग.) में आयोजित है। कृपया उक्त के संबंध में सूचना पटल में सूचना सर्वसंबंधितों के अवलोकनार्थ रखने का कष्ट करें।

संलग्न:- उपरोक्तानुसार।

(ए.के. त्रिवेदी)

क्षेत्रीय अधिकारी,

छ.ग. पर्यावरण संरक्षण मण्डल

जगदलपुर, दिनांक

पृ.क्रमांक / / क्षेत्रीय कार्या / तक / छ.प.सं.मं. / 2011

प्रतिलिपि:- सदस्य सचिव, छ.ग. पर्यावरण संरक्षण मंडल, रायपुर की ओर कृपया सूचनाार्थ प्रेषित।

(ए.के. त्रिवेदी)

क्षेत्रीय अधिकारी,

छ.ग. पर्यावरण संरक्षण मण्डल,

जगदलपुर (छ.ग.)

SAHJEEVAN, GUJARAT, KUTCH (BHUJ)

| | |
|---|---|
| Name and contact details of the individual/organisation: | Ramesh Bhatti Sahjeevan At. Bhuj, distirict Kutch, Gujarat |
| Date: | 7-12-2013 |
| Location details for the case presented: <ul style="list-style-type: none"> State, District, Taluka Area (Reserve Forest, Protected Forest, Other (e.g. unclassified); Protected Area (National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Community Reserve) or Revenue Area) Community (ST/OTFD/PVTG/pastoralist) Other location-specific comments relevant to claiming/ recognition of CFRs (habitat of pastoralist community or conversion of forest village to revenue village etc.) | Gujarat, District Kutch, Taluka Bhuj Area: Banni Grassland (Protected forest) Total area 2500 Sq. K.m. Community: Pastoralist There are 48 villages whose habitats are inside the protected area, 7000 families, 95% are Pastoralist and dependent totally for Grazing and livelihood Other parts of Kutch, some villages have formed FRCs (specifickly in where pastoral communities are dependent in forest. |
| CFR claims: <ul style="list-style-type: none"> Nature of CFR claims filed Extent of the CFR Area over which claims are filed Status of verification and/or recognition of CFR claims (gram sabha/SDLC/DLC) | Pastoralist are keen to recognise community rights over banni grassland. All 48 villages yet to be converted from forest villages into revenue villages, where the villages have Gamtal (habitation). Recently FRA process has been initiated by local administration for formation of FRCs at village level, till date total around 15 FRCs have been formed in Banni grassland area. |
| Actions taken by the community and response from governmental agencies: | Sahjeevan with Banni Breeders Association has followed-up with District level Department and State level officials for Implementation of FRA and capacity building of community |

NAYA SAWERA VIKAS KENDRA, JHARKHAND, BOKARO (NAWADHI)

| | |
|---|---|
| Name and contact details of the individual/organisation: | Phulchand Murmu Mob. No 9801683884 Panchayat- Palamu Naya Sawera Vikas Kendra Contact No. 09431556892/09608677661 Email-epnsvk@gmail.com , nayasawera_vikaskendra@rediffmail.com |
| Date: | 29.11.2013 |
| Location details for the case presented: <ul style="list-style-type: none"> • State, District, Taluka • Area (Reserve Forest, Protected Forest, Other (e.g. unclassified); Protected Area (National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Community Reserve) or Revenue Area) • Community (ST/OTFD/PVTG/pastoralist) • Other location-specific comments relevant to claiming/ recognition of CFRs (habitat of pastoralist community or conversion of forest village to revenue village etc.) | Jharkhand ,Bokaro, Taluka – Nawadih Reserve Forest ST,OTFD community |
| CFR claims: <ul style="list-style-type: none"> • Nature of CFR claims filed • Extent of the CFR Area over which claims are filed • Status of verification and/or recognition of CFR claims (gram sabha/SDLC/DLC) | CFR claimed is based on the exiting Natural resource, minor forest produce, forest management. CFR form 3(1)kha and 3(1)ga are filled for claim. 822.05 ha (Palamu 232.24ha, Badkikudi 428.55ha, Chotikikudi 161.269ha) At SDLC level village note, khatyan part 2 and forest map, voter list and amin were been demanded by the community but not yet received. Now villagers have decided for the CFR claim at the gram sabha level. |

| | |
|--|---|
| <ul style="list-style-type: none"> • Role of various governmental agencies involved in the process of verification and recognition of claims | <p>Not taken any steps or field visit done by Government agencies due to area affected by naxalities</p> |
| <p>Management of community forest resources:</p> <ul style="list-style-type: none"> • Issues and problems faced in management of CFR under FRA (particularly in constituting committees, developing conservation and management plan, response from the forest department and other government agencies) • Issues and problems relating to exercising of rights over the minor forest produce (in collection, harvesting and marketing and response from the govt agencies) | <p>Lack of interest and cooperation regarding the management of CFR under FRA. Forest right Committees are formed by government but it is not functioning adequately since members are unaware about their presence in the committee and unable to fulfil their roles and responsibilities. These committees are not guided properly by forest department and other government agencies. Lack of coordination between forest department and government department/officers</p> <p>No problems in relating to exercising of rights over the minor forest produce (in collection, harvesting and marketing)</p> |
| <p>Issues relating to diversion of forest land and compliance of FRA in the process of diversion:</p> | <p>The presence of coal mines in the area, government wants to give Forest area under Central Coal India Ltd.</p> |
| <p>Issues relevant to CFR recognition and management (such as illegal relocation, restrictions placed on forest use), where the area falls under a Protected Area:</p> | <p>Government is trying to ignore the CFR recognition and management. It has given blank NOC format to FRC (mentioning about the area should be handed over to Kavery Coal Mining Project, at the border of Bermo and Nawadih Block and that the community should give written NOC in favour of the coal mine project). Villagers were asked to sign the blank NOC forcefully. Village level FRC members are being misguided for the purpose of getting NOC.</p> |
| <p>Any other important issues/cases relating to CFR:</p> | <p>The other important issue related to Bermo block, village Bandukbeda where people are totally displaced and lost their existence due to coal mine.</p> |
| <p>Actions taken by community and response from the government:</p> | <p>Community knowing their rights under FRA and are approaching to gram sabha for claiming CFR and regretting the NOC. Government is not trying to take initiation in favour of FRC and wants to get NOC by hook or crook.</p> |

| | |
|---|--|
| Any other important issues relating to CFR: | Villagers are not being supported by either govt officials or Forest department officials for claiming CFR and thus villagers themselves are appointing private amin for preparing village map in order to take CFR claim. |
| Actions taken by the community and response from governmental agencies: | Community approached the forest department in written for site verification to the gram sabha. Other government agencies like forest department are also not in favour of CFR. |
| Specific recommendations and suggestions by the community: | PRI should be given power for executing FRA Government officer should know about the FRA for proper implementation and implement the act properly. Reformation of FRC should be recognised by the govt. |

NOC FOR THE MINING PROJECT

विस्ति प्रपत्र

दिनांक को ग्राम में आयोजित ग्राम सभा के बैठक की कार्यवाही :-

आज दिनांक को पर्वहन / अपशहन के पत्रक दिनांक बजे प्रखण्ड विकास पदाधिकारी के आलोक में पंचायत वनाधिकार समिति के अन्तर्गत कारो खुली खदान परियोजना (परियोजना का नाम) के लिए वन भूमि अधिग्रहण प्रस्ताव की प्रमाण-पत्र देने हेतु ग्राम सभा की बैठक का आयोजन किया गया। परियोजना हेतु जमीन का विवरण इस प्रकार है :-

मौजा का नाम थाना नं० धाता नं०
प्लॉट नं० रकबा प्रस्तावित वन भूमि का बबरा संलग्न है।

बैठक में ग्रामीणों की उपस्थिति निम्नवत है :-

1. मुखिया
2. पंचायत सेवक / पर्यवेक्षक
- 3.
- 4.
- 5.

ग्राम सभा की बैठक में सर्वसम्मति से निर्णय लिया गया कि :-

(क) प्रस्तावित परियोजना हेतु वन भूमि के अधिग्रहण प्रस्ताव के संबंध में ग्राम सभा को किसी प्रकार की कोई आपत्ति नहीं है। संबंधित परियोजना को वन भूमि अधिग्रहण प्रमाण-पत्र दिया जा सकता है।

(ख) वन भूमि के अधिग्रहण हेतु प्राप्त प्रस्ताव से संबंधित वन भूमि पर आज तक किसी प्रकार का कोई अनुदानिक / वैधानिक दावा प्राप्त नहीं है।

NAYA SAWERA VIKAS KENDRA, JHARKHAND, KODERMA (MARKACHO)

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| Name and contact details of the individual/organisation: | Ramesh Murmu Mob. No 8084172163 Panchayat- Dagarnawa Naya Sawera Vikas Kendra Contact No. 09431556892/09608677661 Email-epnsvk@gmail.com , nayasawera_vikaskendra@rediffmail.com |
| Date: | 02.12.2013 |
| Location details for the case presented: <ul style="list-style-type: none"> State, District, Taluka Area (Reserve Forest, Protected Forest, Other (e.g. unclassified); Protected Area (National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Community Reserve) or Revenue Area) Community (ST/OTFD/PVTG/pastoralist) Other location-specific comments relevant to claiming/ recognition of CFRs (habitat of pastoralist community or conversion of forest village to revenue village etc.) | Jharkhand , Koderma, Markacho(Block), Reserve Forest ST,OBC community |
| CFR claims: <ul style="list-style-type: none"> Nature of CFR claims filed Extent of the CFR Area over which claims are filed Status of verification and/or recognition of CFR claims (gram sabha/SDLC/DLC) Issues and problems encountered in the process of claim making, verification and | CFR claimed based on the exiting Natural resource, minor forest produce, forest management CFR form 3(1)kha and 3(1)ga Total area 322 ha under CFR Simarkundi (300ha) & Picchri (22 ha) Not taken any steps for field visit done by Government agencies due to area affected by naxalities. FRC is formed but not covering total revenue village. Reformation of exiting FRC not done. No awareness generation program on FRA by govt |

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| <p>recognition of CFR.</p> <ul style="list-style-type: none"> • Role of various governmental agencies involved in the process of verification and recognition of claims | <p>departments. At gram sabha level, support paper for CFR (residence certificate, forest notice, caste certificate, gramsabha member's signature) was recommended to SDO.</p> <p>Problem faced in making of site map and providing expense for Amin, conducting meeting at gram sabha and getting forest land map.</p> <p>For claiming CFR dominant people are trying to capture forest land for their personal use. There is dispute between the FRC members regarding forest land. The FRC members are reluctant to give approval for claiming CFR.</p> <p>Villagers are threatened by the Forest ranger while identifying and preparing CFR area. The forest rangers also misguide the community to take any steps for claiming CFR.</p> |
| <p>Management of community forest resources:</p> <ul style="list-style-type: none"> • Issues and problems faced in management of CFR under FRA (particularly in constituting committees, developing conservation and management plan, response from the forest department and other government agencies) • Issues and problems relating to exercising of rights over the minor forest produce (in collection, harvesting and marketing and response from the govt agencies) | <p>Since FRC is not adequately functional developing conservation and management plan was not done by FRC as well as forest and govt department do not assist the villagers in this regard.</p> <p>Forest department does not want to give the forest land to be managed by individual or the community and there is no coordination between govt and forest department. Forest department do not in favour of providing forest land for harvesting purpose.</p> |
| <p>Issues relating to diversion of forest land and compliance of FRA in the process of diversion:</p> | <p>In this issue there is no awareness among the villagers nor has the department brought awareness for the diversion of forest land.</p> |
| <p>Issues relevant to CFR recognition and management (such as illegal relocation, restrictions placed on forest use), where the area falls under a Protected Area:</p> | |
| <p>Actions taken by community and response from the government:</p> | <p>Community being aware of FRA have taken initiative in preparing maps engaging private Amin and approved by gram sabha and submitting required supporting. Apart from forest department, district level agencies are giving positive response in providing awareness generation to the community.</p> |

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| Any other important issues relating to CFR: | According to FRA 13 points included for claiming CFR but there are other issues that to be included |
| Specific recommendations and suggestions by the community: | <p>Forest land user members should be given power for executing FRA.</p> <p>Village level awareness program should be provided by govt officers.</p> <p>There should be visit of govt and forest department officials for site verification.</p> <p>Time frame to be mentioned in getting the essential documentation. FRC committee for claiming CFR should be given some incentive.</p> <p>To implement this act Abhiyan should be started in a massive way.</p> <p>PRI should be given power for executing FRA</p> <p>Government officer should know about the FRA for proper implementation</p> |

MAHAN SANGHARSH SAMITI, MADHYA PRADESH, SINGRAULI (AMELIA)

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| Name and contact details of the individual/organisation: | <p>Testimonial shared by: Kripanad Yadav, Mahan Sangharsh Samiti.</p> <p>Prepared by: Priya Pillai, Senior Campaigner , Greenpeace India, 09999357766, ppillai@greenpeace.org</p> |
| Date: | 12/12/2013 |
| Location details for the case presented: <ul style="list-style-type: none"> State, District, Taluka Area (Reserve Forest, Protected Forest, Other (e.g. unclassified); Protected Area (National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Community Reserve) or Revenue Area) Community (ST/OTFD/PVTG/pastoralist) Other location-specific comments relevant to claiming/ recognition of CFRs (habitat of pastoralist community or conversion of forest village to revenue village etc.) | <p>Madhya Pradesh Singrauli Dist , Mada Tehsil (Amelia village)</p> <p>Mahan Forests</p> <p>ST , OTFD</p> |
| CFR claims: <ul style="list-style-type: none"> Nature of CFR claims filed Extent of the CFR Area over which claims are filed Status of verification and/or recognition of CFR claims (gram sabha/SDLC/DLC) Issues and problems encountered in the process of claim making, verification and recognition of CFR. Role of various governmental agencies involved in the process of verification and recognition of claims | <p>The FRC has recently written to the SDLC, from the Village level forests Rights Committee asking them to furnish all documents that can help Amelia gram sabha to demarcate its village forest boundaries.</p> <p>It is very difficult to run any CFR process in the village at the gram sabha level as Hindalco is involved and strongly opposes any such process undertaken.</p> |
| Management of community forest resources: <ul style="list-style-type: none"> Issues and problems faced in management of CFR under FRA (particularly in constituting committees, developing conservation and management plan, response from the forest department and other government agencies) Issues and problems relating to exercising of rights over the minor forest produce (in collection, harvesting and | |

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| marketing and response from the govt agencies) | |
| Issues relating to diversion of forest land and compliance of FRA in the process of diversion: | <p>Several open caste coal mines have been proposed in the Mahan forests (including Mahan Coal Ltd, Chatrasal , Ammelia North block etc) which pose as a threat to the livelihoods of forest dependent communities in the region.</p> <p>7 mines have been proposed in the Mahan forests on which 62 villages are dependant. Not even a single CFR claim has been recognised in the district.</p> <p>There is a strong nexus between the local administration, companies and police in the region which make is very difficult to run any CFR process in the region.</p> <p>The village gram sabhas are all controlled and run by the companies and the nodal officers work on their behalf .</p> <p>6th March 2013 – A special gramsabha on FRA was held in Ammelia village , where tehsildar, secretary, sarpanch , patwari and police colluded with Mahan Coal Ltd officials to forge a gramsabha resolution in favour of the company , agreeing to diversion of Mahan forests for coal mining - 1125 signatures were forged on the resolution which also includes signatures of dead people in the village.</p> <p>Multiple letters have been written to the district Collector (DLC) by both Mahan Sangharsh Samiti and Greenpeace asking to quash the resolution and to take action against those involved in forgery, but no action has been taken.</p> <p>The Tribal Affairs Minister Sri Kishore Chandra Singh Dev has written a letter to both the Chief Minister of MP and Governor of MP on this issue. But there has been no response to his letters.</p> |
| Issues relevant to CFR recognition and management (such as illegal relocation, restrictions placed on forest use), where the area falls under a Protected Area: | |
| Any other important issues/cases relating to CFR: | |
| Actions taken by community and response from the government: | <p>Mahan Sangharsh Samiti is filing both a civil petition to quash the existing forged gram sabha resolution, as well as a criminal complaint against the concerned officials and panchayat representatives who have been involved in the forgery.</p> |

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| <p>Specific recommendations and suggestions by the community:</p> | <p>Gram Sabhas and local and district level officials are an important part of the system implementing FRA .</p> <p>The Act needs to have a stringent mechanism in place to curb fraudulent activities where CFR claims clash with interest of corporates</p> <p>Strict accountability for violations need to not only be put in but also followed.</p> |
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MAHAN SANGARSH SAMITI, MADHYA PRADESH, SINGRAULI (BUDHER)

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| Name and contact details of the individual/organisation: | Presented by: Kripanad Yadav Prepared by: Priya Pillai, Senior Campaigner, Greenpeace India, 09999357766, ppillai@greenpeace.org |
| Date: | 13-12- 2013 |
| Location details for the case presented: <ul style="list-style-type: none"> • State, District, Taluka • Area (Reserve Forest, Protected Forest, Other (e.g. unclassified); Protected Area (National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Community Reserve) or Revenue Area) • Community (ST/OTFD/PVTG/pastoralist) • Other location-specific comments relevant to claiming/ recognition of CFRs (habitat of pastoralist community or conversion of forest village to revenue village etc.) | <p>Madhya Pradesh , Singrauli district (Budher village).</p> <p>ST and OTFD</p> |
| CFR claims: <ul style="list-style-type: none"> • Nature of CFR claims filed • Extent of the CFR Area over which claims are filed • Status of verification and/or recognition of CFR claims (gram sabha/SDLC/DLC) • Issues and problems encountered in the process of claim making, verification and recognition of CFR. • Role of various governmental agencies involved in the process of verification and recognition of claims | Unable to file claims as there is no information about the village level forest rights committee and no cooperation at all from the concerned officials. |
| Management of community forest resources: <ul style="list-style-type: none"> • Issues and problems faced in management of CFR under FRA (particularly in constituting committees, developing conservation and management plan, response from the forest department and other government agencies) • Issues and problems relating to exercising of rights over the minor forest produce (in collection, harvesting and marketing and response from the govt agencies) | |

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| Issues relating to diversion of forest land and compliance of FRA in the process of diversion: | <p>The government machinery has gone a step ahead by telling people that they do not have any rights in the forest and all they have is a right to compensation for the Mahua , Tendu and select few forest produce. The administration along with the company (Mahan Coal Ltd) has circulated a format for villagers to fill in details of the number of Mahua trees and other forest produce collected so that it can be quantified for compensation. There is a lot of pressure on the community to take compensation and not put in their CFR claims. The company had forcefully started numbering Mahua trees in the forest to quantify damages. This process was supported by the administration as well , though Mahan Sangarsh Samiti has written multiple times to the Collector , DFO , Asst Tribal Commissioner etc reiterating their intent to claim CFR's and requested the process be initiated. The collector has given a NOC to MoEF stating that there are no pending CFR claims in the region.</p> |
| Issues relevant to CFR recognition and management (such as illegal relocation, restrictions placed on forest use), where the area falls under a Protected Area: | |
| Any other important issues/cases relating to CFR: | |
| Actions taken by community and response from the government: | <p>The community has refused to fill in any formats for compensation and has refused to cooperate in any manner with any such process.</p> <p>On 26th and 27th of September 2013, around 400 community members, went into the forest and stopped the numbering of Mahua Trees by the administration and company officials.</p> |
| Specific recommendations and suggestions by the community: | <p>CFR claims should be initiated in all the villages dependant on Mahan forests.</p> <p>Status co of the forest should be maintained until all processes are completed – the company should not be allowed any access to the forests.</p> <p>The NOC by the collector should be quashed.</p> |



धुवसिंह परिहार

मध्यप्रदेश के मंडला जिले के गाँव मसना के 41 बैगा परिवार वनाधिकार के लिए सत्याग्रह कर रहे हैं। बैगाओं का यह सत्याग्रह क्षेत्र में "मसना-सत्याग्रह" के नाम से जाना जाने लगा है।

मंडला बिछिया एवं मवई का वन प्रशासन मसना के बैगा समुदाय की पुस्तैनी खेती, छीनने का प्रयास कर रहा है और बैगा समुदाय लगातार गुहार लगा रहा है। बैगा समुदाय में इस अन्याय के खिलाफ गहरा असंतोष व आक्रोश है। आदि मानव का विशेष दर्जा प्राप्त बैगा समाज अब शांतिपूर्ण सत्याग्रह की राह पर है।

मध्यप्रदेश के महाकौशल क्षेत्र के आदिवासी अंचल मंडला, जनपद पंचायत मवई, ग्राम पंचायत मडफ के अंतर्गत गाँव मसना के 41 बैगा परिवार तथा एक अन्य परम्परागत वनवासी परिवार की आजीविका का साधन खेती की जमीन संकट में है। मंडला बिछिया एवं मवई का वन प्रशासन मसना के बैगा समुदाय की पुस्तैनी खेती, छीनने का निरन्तर दुष्प्रचक्र रच रहा है और बैगा समुदाय के लोग हर जगह गुहार लगा चुके हैं लेकिन शासन-प्रशासन की कान पर जूँ तक नहीं रेंग रही। मण्डला बिछिया और मवई के वनतंत्र ने मसना के बैगा आदिवासियों पर अन्याय अत्याचार की हद पार कर दी है। गत 30 जून 2013 से मसना गाँव के पश्चिम में स्थित, बैगा समुदाय की पुस्तैनी खेती की बंजर नामक भूमि पर वन विभाग ने बाड़ी रूंधने के उद्देश्य से खम्भा गाड़ना शुरू किया है। जिसके विरोध में बैगा समुदाय ने मौके पर सत्याग्रह धरना शुरू किया था। अब विवश होकर बैगा समुदाय ने पुनः मौके पर अनिश्चितकालीन सत्याग्रह उपवास की घोषणा करते हुए तमाम लोकतांत्रिक संस्थाओं को अपने नैसर्गिक वनाधिकार की स्थायी

सुरक्षा, न्याय दिलाने की मांग की है।

मसना के बैगा समुदाय के लोग मामले के सत्य को समझाने आग्रह, 'सत्याग्रह' कर रहे हैं। मसना के बैगा समुदाय के लोग 1 बंजर भूमि पर सत्याग्रह कर रहे वहाँ नीचे धरती ऊपर आसमान अलावा और कुछ नहीं है। वहाँ भी अप्रिय घटना हो सकती है। आदिवासी समुदाय में इस अन्याय खिलाफ गहरा असंतोष है। मसना के बंजर नामक वनभूमि कहानी विगत 6 अगस्त 2012 मसना समुदाय के 24 पुरुष महिलाओं को बिना किसी सूचना 24 घण्टे मण्डला में बंदी बन रखने से शुरू होती है। फिर 7 अगस्त 2012 को वनतंत्र द्वारा भूमि पर बैगा समुदाय के 41 पुरुष तथा एक अन्य परम्परागत वनवासी यादव परिवार की धान की फसल ट्रैक्टर एवं मवेशी घुसेड़कर फसल नष्ट करना, 3 मई 2013 को मसना बैगा समुदाय के 6 लोगों केवल लोकसाय, जगत सिंह, रतन सिंह, हीरा सिंह और चैन सिंह को हरदोई के ग्राम स्वराज्य भवन से अचानक उठाकर जेल भिजवा देना और 30 जून 2013 से बैगा समुदाय

दरअसल मसना के दावा वनाधिकार मान्यता व स्तरीय वनाधिकार समिति की स्थिति में परम्परागत सत्याग्रह को वनाधिकार की मान्यता व वनतंत्र षड्यंत्र रचने लगा है

पुस्तैनी खेती की बंजर भूमि पर खम्भा गाड़ना तथा वन विभाग डी.एफओ. रेंजर डिप्टीरेंजर, नावे द्वारा मसना के बैगा समुदाय धमकी देना कि जमीन छोड़ दो वरना जैसे तुम्हारे 6 लोगों को फँसाकर भेज दिया है उसी तरह एक-एक करके सबको फँसा कर जेल सड़ा देंगे। ये बातें पूरे मामले की





मध्यप्रदेश मंडला जिले के गाँव मसना के 41 बैगा परिवार वनाधिकार के लिए सत्याग्रह कर रहे हैं। बैगाओं का यह सत्याग्रह क्षेत्र में “मसना-सत्याग्रह” के नाम से जाना जाने लगा है।

का विषय है।

मसना के बंजर भूमि मामले का सत्य यह है कि बैगा समुदाय के पूर्वज मसना के सबसे पुराने बाशिंदे हैं और बंजर भूमि पर पुरखों से पहले बेवर खेती बाद में झूम खेती करते थे। झूम खेती का अर्थ हर एक दो साल के

फैंसिंग तोड़ने का झूठा आरोप लगाया था। जबकि यहाँ वन विभाग की कोई बाड़ी नहीं थी और आज भी नहीं है। उस समय 9 अगस्त से 13 अगस्त 2012 तक मौके पर मसना के बैगा समुदाय ने पाँच दिन का सत्याग्रह उपवास किया था। फसल नष्ट करने के

देने की जगह उनकी पुस्तैनी खेती की बंजर भूमि से बेदखल करने का वनतंत्र षड़यंत्र रचने लगा है। इस दुष्चक्र के तहत ही वनविभाग ने पहले 6 अगस्त 2012 को मसना के बैगा समुदाय के 24 पुरुषों तथा 8 महिलाओं को मण्डला में 24 घंटे बंदी बनाया और बाड़ी तोड़ने का झूठा आरोप गढ़ा था। मसना की बंजर भूमि अर्थात् मौके पर तो वन विभाग की कोई बाड़ी नहीं थी और न आज है। हाँ इन्होंने कागजों पर जरूर फैंसिंग एवं वृक्षारोपण आदि के नाम पर लाखों रुपये का घोटाला किया होगा जिसे ढकने-मूंदने के चक्कर में ये बंजर भूमि पर बाड़ी लगाने की कोषिष कर रहे हैं, ताकि मौके पर दिखा सकें।

समुदाय ने अपने पुस्तैनी खेती की बंजर भूमि के वनाधिकार का तहत अगस्त 2011 में ग्रामसभा में प्रस्तुत किया था जो प्रखण्ड वनाधिकार समिति में विचाराधीन है। मामले के विचाराधीन होने के काम में किसी प्रकार के हस्तक्षेप गैरकानूनी है लेकिन बैगाओं की जगह उनकी पुस्तैनी खेती की बंजर भूमि से बेदखल करने का

अंतर में एक स्थान से दूसरे स्थान, और दूसरे स्थान से वापस पुनः उस स्थान पर फसल चक्र का हिसाब से खेती करना होता है। झूम खेती का एक समय था लेकिन इधर दो-तीन पुश्त से मसना का बैगा समुदाय बंजर भूमि पर स्थायी खेती कर रहा है। मसना का बैगा समुदाय मसना में तब से बसा हुआ है जब देश में वन विभाग का जन्म भी नहीं हुआ था। मसना की बंजर भूमि पर पहले से वन विभाग का कुछ नहीं था। अभी 30 जून 2013 से बैगाओं की पुस्तैनी खेती की बंजर भूमि पर खम्भा गाड़ना शुरू किया। वन विभाग के लोग बैगा समुदाय पर अपने उस झूठे आरोप को सत्यापित करना चाहते हैं, जिसे इन्होंने 6,7,8,9 अगस्त 2012 को बैगा समुदाय की फसल नष्ट करने तथा बैगा समुदाय के 24 पुरुषों, 8 महिलाओं को बिना किसी सूचना के बंदी बना

बाद वन विभाग के लोग उस समय में बैगाओं की पुस्तैनी खेत बंजर भूमि पर वृक्षारोपण और फैंसिंग की तैयारी में लगे थे जिसे सत्याग्रह उपवास के परिणामस्वरूप तत्कालीन कलेक्टर श्रीमति स्वाती मीणा ने मौके पर जाकर रोक दिया था। दरअसल मसना के बैगा समुदाय ने अपने पुस्तैनी खेती की बंजर भूमि के वनाधिकार का दावा वनाधिकार मान्यता कानून के तहत अगस्त 2011 में ग्रामसभा में प्रस्तुत किया था जो प्रखण्ड स्तरीय वनाधिकार समिति/जिला वनाधिकार समिति में विचाराधीन है। वनाधिकार के दावे के बाद मौके की जाँच कर कानून 13 दिसम्बर 2005 के पहले मौके से कब्जा पाये जाने पर वनाधिकार मान्यता देना चाहिए। मामले के विचाराधीन होने की स्थिति में परम्परागत खेती के काम में किसी प्रकार के हस्तक्षेप गैरकानूनी है लेकिन बैगाओं को वनाधिकार की मान्यता

इसी दुष्चक्र के तहत वन विभाग ने बैगा समुदाय के 6 लोगों पर फर्जी मामला गढ़कर जेल भिजवा दिया। पूरा तंत्र बैगाओं को उनके परम्परागत वनाधिकार भू-अधिकार से वंचित करने में लगा हुआ है लेकिन बैगा समुदाय के लोग भी लगातार अहिंसक शांतिपूर्ण तरीके से धरना, उपवास सत्याग्रह के माध्यम से अपने नैसर्गिक वनाधिकार भू-अधिकार की स्थायी सुरक्षा के लिये संघर्षरत हैं। मसना के बैगा समुदाय के लोग वनाधिकार संघर्ष समिति बनाकर अपने वनाधिकार के लिये संघर्ष कर रहे हैं। उनका कहना है कि शासन-प्रशासन हमारी जल, जंगल जमीन हमसे छीनकर कंपनियों का देना चाहता है लेकिन हम अपनी प्राकृतिक धरोहर जल, जंगल, जमीन के लिये अंतिम सांस तक संघर्ष करते रहेंगे।

PARYAVARAN MITRA, MAHARASHTRA, CHANDRAPUR (TADOBA ANDHARI TIGER RESERVE)

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| Name and contact details of the individual/organisation: | Paryavaran Mitra, Chandrapur Madhav Jivtode Shankar Bharde |
| Date: | |
| Location details for the case presented: <ul style="list-style-type: none"> State, District, Taluka Area (Reserve Forest, Protected Forest, Other (e.g. unclassified); Protected Area (National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Community Reserve) or Revenue Area) Community (ST/OTFD/PVTG/pastoralist) Other location-specific comments relevant to claiming/ recognition of CFRs (habitat of pastoralist community or conversion of forest village to revenue village etc.) | Maharashtra, Chandrapur, Bhadravati (Wadala village) Tadoba Andhari Tiger Reserve |
| CFR claims: <ul style="list-style-type: none"> Nature of CFR claims filed Extent of the CFR Area over which claims are filed Status of verification and/or recognition of CFR claims (gram sabha/SDLC/DLC) Issues and problems encountered in the process of claim making, verification and recognition of CFR. Role of various governmental agencies involved in the process of verification and recognition of claims | CFR filed in Wadala over Sec 3(1) (b), (c), (i), (k), also filed religious rights over Tadoba and Katezari (deities in the declared core of the reserve). 620 ha. The claim was filed on 28. 1.13. The SDLC sent a rejection letter on 5.3.13 citing 11 reasons saying that CFR cannot be granted (keeping in mind the protection and conservation of wildlife) since the area claimed comes under a Tiger Reserve. Despite sending verification notices, no officials were present for joint verification of the claim. Thus villages carried forward the verification |

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| | themselves. |
| Issues relevant to CFR recognition and management (such as illegal relocation, restrictions placed on forest use), where the area falls under a Protected Area: | Since the community has field CFRs it has unrestricted access to worship in the core. However, some restrictions are placed on grazing. |
| Actions taken by community and response from the government: | The Gram Sabha filed an appeal to the DLC on 4.5.13 giving reasons as to how the rejection by the SDLC is not in accordance with FRA Act and Rules. Attached with the appeal was a land revenue record issued by the Collector in 2004 for land in the village which says that nistar rights in the village have been established long ago and that the forest department should not create hurdles in exercise of the same. The collector had then asked the SDLC to resubmit the CFR claim to the DLC along with a explanation for the reasons for rejection. This was not done by the SDLC. |
| Specific recommendations and suggestions by the community: | The processing of claims by the SDLC and DLC should be done in a time bound manner. |

ATTACHED: COPY OF SDLC LETTER REJECTING THE CFR CLAIM OF WADALA

ग्रामसभा वडाळा (तुकुम)

पोष्ट. आष्टा तालुका : भद्रावती जिल्हा : चंद्रपुर

अनुसुचित जमाती व इतर पारंपारिक वननिवासी (वनहक्क मान्य करणे)

अधिनियम २००६ व नियम २००८ नुसार नियम १५(१) अन्वये,

विनंती अर्ज / अपिल.

प्रति,

मा. जिल्हाधिकारी

तथा अध्यक्ष जिल्हा स्तरीय वनहक्क समिती,

जिल्हाधिकारी कार्यालय, चंद्रपुर.

विषय :- अनुसुचित जमाती व इतर पारंपारिक वननिवासी (वनहक्क मान्य करणे)

अधिनियम २००६ व नियम २००८ नुसार नियम १५(१) अन्वये, विनंती अर्ज/अपिल.

संदर्भ :- उपविभागीय अधिकारी यांचे कार्यालय क्रमांक कवि./स्टेनो/उविअ./३८/२०१३ दिनांक ०५/०३/२०१३ चे पत्र.

महोदय,

संदर्भाकित प्रकरणात मा. उपविभागीय अधिकारी, वरोरा यांचे अध्यक्षतेखाली उपविभागीय स्तरीय वनहक्क समितीने अनुसुचित जमाती व इतर पारंपारिक वननिवासी (वनहक्क मान्य करणे) अधिनियम २००६ व नियम २००८ नुसार वडाळा (तुकुम) गांवाने दिनांक २८/०१/२०१३ रोजी सादर केलेल्या सामुहीक वनहक्क दावा अमान्य (अपात्र) केलेला आहे. त्यामुळे विषयाकीत अधिनियमाचे नियमाचे नियम १५(१) नुसार संदर्भाकित प्रकरणाबाबत उपविभागीय स्तरीय वनहक्क समिती कडून दिलेल्या कारणांचे विरोधात ग्रामसभा वडाळा (तुकुम) आपणांकडे विनंती अर्ज/अपिल सादर करीत आहे.

अपिलीय मुद्दा क्र. ०१:- संदर्भाकित प्रकरण विलेली कारणे अनु. क्र. १ ते ११ ही अनुसुचित जमाती व इतर पारंपारिक वननिवासी (वनहक्क मान्य करणे) अधिनियम २००६ व नियम २००८ ला धरून नाहीत. त्यामुळे समितीने दिलेली कारणे गैरकायदेशिर असून अनुसुचित जमाती व इतर पारंपारिक वननिवासी (वनहक्क मान्य करणे) अधिनियम २००६ व नियम २००८ चे उल्लंघन करणारे असून अन्यायकारक आहे.

अपिलीय मुद्दा क्र. ०२:- संदर्भाकित प्रकरणात दर्शविलेली अनु. क्र. ०१ ते ११ मधील सर्व कारणे ही अनुसुचित जमाती व इतर पारंपारिक वननिवासी (वनहक्क मान्य करणे) अधिनियम २००६ व नियम २००८ चे नियम १३(२)(क) चे अवलोकन न करता दिलेली आहे त्यामुळे ति कारणे वस्तुस्थितीला धरून नसल्याने निराधार व एकतर्फी अन्याय करणारे आहे.

अपिलीय मुद्दा क्र. ०३:- ताडोबा अंधारी व्याघ्र रिझर्व्ह चंद्रपुर बफरझोन टिपणीमधील व्यवस्थापकिय प्रणालीबाबत बफरझोन वस्तुस्थिती या प्रकरणातील अनु. क्र. १ ते ६ मधील मुद्दयांचे अवलोकन विचारात घेण्यात आलेले नाही त्यामुळे अनुसुचित जमाती व इतर पारंपारिक वननिवासी (वनहक्क मान्य करणे) अधिनियम २००६ व नियम २००८ या वनहक्क कायद्याचे उल्लंघन होत आहे.

अपिलीय मुद्दा क्र. ०४:- मा. जिल्हाधिकारी चंद्रपुर यांचे रा.मा.क्र. २/एल.एन.डी. /२२/२००४-०५ आदेश ०८/०९/२००४ अन्वये दाव्यातील जमिनीवरील विस्तार हक्क कायम करण्यात आले आहे.

वरील निर्देशित केलेल्या अपिलीय आ. अनु. क्र. १ ते ४ चे अवलोकन झाल्यास उपविभागीय स्तरीय वनहक्क समितीने संदर्भीय पत्रात अनु. क्र. १ ते ११ मधील दिलेली सर्व कारणे ~~अप्रस्तुत~~ व अनावश्यक असून अनुसूचित जमाती व उतर पारंपारिक वननिवासी (वनहक्क मान्य करणारे) अधिनियम २००६ व नियम २००८ नुसार बेकायदेशिर, निरर्थक, निराधार व वस्तुस्थितीला धरून नाहीत त्यामुळे उपविभागीय स्तरीय वनहक्क समितीने दाव्यासंबंधात दिलेली सर्व कारणे हे गैरलागू आहेत.

आपणांस विनंती आहे की, वरील बाबींचा विचार करून उपविभागीय स्तरीय वनहक्क समिती कडून सामुहीक वनहक्क दावा अमान्य ठरविण्यासाठी संदर्भीय पत्रातील अनु. क्र. १ ते ११ मधील सर्व कारणे रद्द ठरवून सामुहीक वनहक्क दावा मान्य करावा. आणि अनुसूचित जमाती इतर पारंपारिक यांचे वरील होत असलेला ऐतिहासिक अन्याय दुर करावा. ही विनंती.

सहपत्र,

०१) अपिलीय मुद्दा क्र. ०३ चे अवलोकनार्थ ताडोबा अंधारी व्याघ्र रिझर्व्ह चंद्रपुर बफरझोन टिपणी ची सत्यप्रत.

०२) अपिलीय मुद्दा क्र. ०४ चे अवलोकनार्थ वनजमिनीवर विस्तार हक्क कायम असल्याची नोंद असलेल्या नमुना सात ची सत्यप्रत.

३) ग्रा.प. वगण (४०) च्या हस्ताक्षरी सत्यप्रत ४) उपविभागीय अधिकारी यांनी कडून स्थळ :- वडाळा (तुकुम) दि. १२/६/२०१३ ला मिळालेले पत्र (सत्यप्रत).

दिनांक:- ०३/०५/२०१३

सदर विनंतीक्षिप्री/क्षिपि हं निधियाच्या दिलेल्या सुवातेच्या आत (६० दिवसांसाठी) सादर.

(एकूण पाने १ ते २७ पर्यंत)

आपले विश्वासू

ग्रामसभा वडाळा (तुकुम)

तालुका : भद्रावती जिल्हा : चंद्रपुर

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|---------------------------|------------------------|
| १) शंकर श्याम अरडे | |
| २) रविंद्र लक्ष्मण भगरे | |
| ३) सुभाष देवराव कुठ्ठेकर | |
| ४) शालिक स्वप्नाराम वाजवे | |
| ५) अरुण कपूड मळावरे | अरुण मळावरे |
| ६) षष्म उद्धव कुलसंभार | |
| ७) कपूड स्वप्नाराम रंढरे | क. स. रंढरे |
| ८) गणपत देवाजी पाख | गणपत देवाजी पाख |
| ९) विलास शिवराम सावनाकुडे | विलास शिवराम सावनाकुडे |
| १०) काजीराव परशुराम दडमल | का. प. दडमल |

VIDARBHA NATURE CONSERVATION SOCIETY, MAHARASHTRA, GONDIA (NAGZIRA NATIONAL PARK)

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| Name and contact details of the individual/organisation: | Vidarbha Nature Conservation Society, Nagpur (Lendijahri and Murpar Villages) |
| Date: | 25/11/2013 (Complain made by wild life managers to DLC and copy to Gramsabha) |
| Location details for the case presented: <ul style="list-style-type: none"> State, District, Taluka Area (Reserve Forest, Protected Forest, Other (e.g. unclassified); Protected Area (National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Community Reserve) or Revenue Area) Community (ST/OTFD/PVTG/pastoralist) Other location-specific comments relevant to claiming/ recognition of CFRs (habitat of pastoralist community or conversion of forest village to revenue village etc.) | Maharashtra, Gondia, Sadakarjuni National Park Area ST and OTFD |
| CFR claims: <ul style="list-style-type: none"> Nature of CFR claims filed Extent of the CFR Area over which claims are filed Status of verification and/or recognition of CFR claims (gram sabha/SDLC/DLC) Issues and problems encountered in the process of claim making, verification and recognition of CFR. Role of various governmental agencies involved in the process of verification and recognition of claims | Already Sanctioned (Ragepar-786.22, Murpar-375.69) Already Sanctioned Already Sanctioned |
| Management of community forest resources: <ul style="list-style-type: none"> Issues and problems faced in management of CFR under FRA (particularly in constituting committees, developing conservation and management plan, response from the | Committees formed under section 4(1)(e) already constituted. |

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| <p>forest department and other government agencies)</p> <ul style="list-style-type: none"> Issues and problems relating to exercising of rights over the minor forest produce (in collection, harvesting and marketing and response from the govt agencies) | |
| Issues relating to diversion of forest land and compliance of FRA in the process of diversion: | |
| Issues relevant to CFR recognition and management (such as illegal relocation, restrictions placed on forest use), where the area falls under a Protected Area: | <p>Despite the area of sanctuary/national Park allotted in the CFR and the fact that grazing rights have also been recognised, wild life officials have been booking cases against grazing which means that wild life officials are not respecting/honouring the verdict of DLC. The wild life officials have complained to DLC that the area of Sanctuary/National Park has been allotted by fraud thus charging the Gram Sabha, Forest right committee, SDLC and DLC committee with fraud.</p> |
| Any other important issues/cases relating to CFR: | |
| Actions taken by community and response from the government: | <p>Gramsabha request to wild life in charge to take action against their lower sub ordinate. In charge of wild life authority i.e. conservator of forest wild life division have been requested to take proper action against wild life officials and to take action against relevant section of Indian forest ACT i.e. section 62</p> |
| Specific recommendations and suggestions by the community: | <p>Such type of cases should not be happen in future and necessary instruction should be issues from govt of India to state government not to book any sort of cases against Gramsabha especially the rights sanctioned to them</p> |

VIDHARBHA NATURE CONSERVATION SOCIETY, MAHARASHTRA, BHANDARA (SAKOLI)

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| Name and contact details of the individual/organisation: | Vidarbha Nature Conservation Society, Nagpur |
| Date: | |
| Location details for the case presented: <ul style="list-style-type: none"> • State, District, Taluka • Area (Reserve Forest, Protected Forest, Other (e.g. unclassified); Protected Area (National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Community Reserve) or Revenue Area) • Community (ST/OTFD/PVTG/pastoralist) • Other location-specific comments relevant to claiming/ recognition of CFRs (habitat of pastoralist community or conversion of forest village to revenue village etc.) | Maharashtra, Bhandara, Sakoli Reserve Forest ST/OTFD CFR claims are pending still at SDLC level despite repeated reminders orally and also written still not sanction since may 2011 |
| CFR claims: <ul style="list-style-type: none"> • Nature of CFR claims filed • Extent of the CFR Area over which claims are filed • Status of verification and/or recognition of CFR claims (gram sabha/SDLC/DLC) | CFR Claims submitted of 14 villages Not sanctioned. Claims are pending with SDO level since May 2011 |

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| <ul style="list-style-type: none"> • Issues and problems encountered in the process of claim making, verification and recognition of CFR. • Role of various governmental agencies involved in the process of verification and recognition of claims | |
| Management of community forest resources: <ul style="list-style-type: none"> • Issues and problems faced in management of CFR under FRA (particularly in constituting committees, developing conservation and management plan, response from the forest department and other government agencies) • Issues and problems relating to exercising of rights over the minor forest produce (in collection, harvesting and marketing and response from the govt agencies) | |
| Issues relating to diversion of forest land and compliance of FRA in the process of diversion: | |
| Issues relevant to CFR recognition and management (such as illegal relocation, restrictions placed on forest use), where the area falls under a Protected Area: | |
| Any other important issues/cases relating to CFR: | |
| Actions taken by community and response from the government: | Repeated request to SDLC. |
| Specific recommendations and suggestions by the community: | State Government should clear the CFR claim in a time-bound programme |

प्रति, भा- जनसुनवाई मंच
दिल्ली.

- विषय - 1) मुरपार व लेडेंसरी गांव ता. सऊ झरुनी जी. गोदीयां येथील पारंपारिक पद्धतीने वापरात येणाऱ्या व C/R प्राप्त झोडास वाईलड लाईफ (वन विभाग) वंदी घालणी आहे. ते झोडा गांवसभेने C/R मध्ये मिळविला आहे. वनविभाग (वाईलड लाईफ) चा दंडलशाही बंद करावे.
- 2) सऊ झरुनी तालुक्यातील मुरपार, लेडेंसरी, रेडी, भालीगुंगा, गिरिला रेंगेणार व देवरी तालुक्यातील धमदीयेला, मेहताखेडा, बासनी पिपरखारी, म्हेंदुली, कडीकसा, कलकसा यांचे C/R मुफ्तपती गांवसभेला मिळी वाढत.
- 3) साकोली तालुका, रामटेके तालुका, सऊ झरुनी तालुका, देवरी तालुक्यातील प्रस्तावित दावे प्रिलंबीत आहेत. ते मिळोवावा.
- 4) गउचियेली जिल्हा, गोदीया, नागपूर, भंडारा जिल्ह्यातील C/R झोडांचे त्वरित सिमांकन करून नकाशा व अभिलेख तयार करण्यात यावे.
- 5) C/R टाईटल मध्ये दिलेल्या हक्काच्या नोंदी, कॅपसमेंट नंबर व सर्व्हे नंबर क्लिकर ज्विन C/R देण्यात यावे.
- 6) C/R ~~हक्काच्या~~ गावांवाची तलावाचे लिज देणे बंद करावे.
- 7) वनगावांचे - रेव्हुनी गावात समाविष्ट करावे.
गउचियेली मध्ये - मांशिचक व पिहेंडोगरी गांव
- 8) जिमा - अटी - शर्तीचे C/R देण्यात यावे जुने दिले आहेत - गोदीया / गउचियेली त्यातील शर्ती काढ्यात यावे.

- १) ग्रामसभा खुद वृक्ष लेकर लैंड कराना चाहती है मगर वनविभाग का विश्वास नहीं वो गांव में जाके लोगों से मिल रहे हैं।
- 10) पेसा के तहत हमने खेती, गेहूँ, मिट्टी जिलाने का काम किया है के तहत काम करते हुए शाबान इसके नियम होने नहीं चक्के पेसा कागुन कस्पट्ट है। इसलिए गोंगसभा को लेकर काम काम नहीं कर सकते बोलते हैं।
- 11) वनविभाग दावे मिलने बाद भी उनका सावबारा नहीं हुआ इस कारण उनका सोजेनाई नहीं मिल रही है।

कुंदताई मिर्झा

मौजा. मुकुतवाडी त. जी० गडचिरोली.

TRANSLATION:

1. The forest area under traditional use of Murpar and Lendjheri villages in Sauk Arjuni Taluka of Gondia district, which the villages have CFR titles over, has been kept out of bounds of the village by the Wildlife Dept. This area has been claimed as CFR by the gram sabhas and title has been received over it.
2. Gram Sabhas of villages Murpar, Lendjheri, Heri, Malijunga, Giroli, Rengepar in Sauk Arjuni Taluka and villages Dhamdiyela, Mhetakheda, Basni, Piparkhari, Mehsuli, Kuisksa in Deori Taluka should get the original copy of their CFR title.
3. CFR claims in Sakoli Taluka, Ramtek Taluka, Sauk Arjuni Taluka, Deori Taluka are still with the administration. These should be processed and given to the communities immediately.
4. Boundaries of areas recognised as CFRs in Gadchiroli, Gondia, Nagpur, and Bhandara districts should be mapped and recorded immediately.
5. The CFR titles must clearly mention rights, compartment numbers, and survey numbers.
6. Granting of leases on water bodies like lakes over which CFR titles have been received must be stopped.
7. Forest villages must be converted to revenue villages. Eg. Moroshichak and Pitedongri villages in Gadchiroli district.
8. CFR titles must be granted free of all conditions. All the conditional titles granted in Gondia and Gadchiroli must be revised and given without any conditions.
9. Gram sabhas want to start the process of collection and selling of tendu by themselves. They have passed resolutions regarding the same. But the forest department does not trust the resolution and are meeting villagers to confirming this.

10. Under PESA some villages want to sell gravel, stones etc. The rules under PESA have not been formulated as of yet hence this law is not clear. Thus, gram sabhas are being told that they cannot mine minor minerals.
11. Even after titles to Individual rights have been received, their record of land rights has not been prepared. Thus they cannot avail of government schemes.

Submitted by: Ms. Kunda Tai Kirange
Murumbodi, Gadchiroli, Maharashtra

GRAMIN SAMASSYA MUKTI TRUST, MAHARASHTRA, YAVATMAL

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| Name and contact details of the individual/organisation: | Gramin Samassya Mukti Trust, Yavatmal. |
| Date: | 26th November 2013. |
| Location details for the case presented: <ul style="list-style-type: none"> • State, District, Taluka • Area (Reserve Forest, Protected Forest, Other (e.g. unclassified); Protected Area (National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Community Reserve) or Revenue Area) • Community (ST/OTFD/PVTG/pastoralist) • Other location-specific comments relevant to claiming/ recognition of CFRs (habitat of pastoralist community or conversion of forest village to revenue village etc.) | <p>Maharashtra, Yavatmal, Maregaon and Zari Jamni Blocks.</p> <p>Also working with Kolam Tribals, a PVTG.</p> |
| CFR claims: <ul style="list-style-type: none"> • Nature of CFR claims filed • Extent of the CFR Area over which claims are filed • Status of verification and/or recognition of CFR claims (gram sabha/SDLC/DLC) • Issues and problems encountered in the process of claim making, verification and recognition of CFR. | <p>32 CFR claims have been filed with the facilitation of GSMT out of which 22 are Sec 3(1)(i). No claims under Sec 3(2) have been filed.</p> <p>7557.64 ha</p> <p>Out of the 32, 6 claims have been approved by the SDLC while the rest are still with the SDO.</p> <p>For filing claims it was difficult to get information and documents from govt officials even after applications were given under Rule12/4. The community then conducted transact walks and other tools (maps drawn by community members, information collected through records of neighbouring villages, gram sabha resolutions and certificates, covering letters from the panchayats etc).</p> |

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| <ul style="list-style-type: none"> • Role of various governmental agencies involved in the process of verification and recognition of claims | <p>The SDO was initially refusing to accept CFR claims. He was oriented about the FRA. He was ready to accept claims but insisted that the remarks of DFO/RFO also be taken.</p> <p>The collector had promised to take action of CFRs but has not done so.</p> <p>The SDLC had sent some claims to the gram panchayats for verification. However, the gram panchayats say that they have not received them. RTI was filed to ask for SDLC meeting minutes.</p> |
| <p>Management of community forest resources:</p> <ul style="list-style-type: none"> • Issues and problems faced in management of CFR under FRA (particularly in constituting committees, developing conservation and management plan, response from the forest department and other government agencies) • Issues and problems relating to exercising of rights over the minor forest produce (in collection, harvesting and marketing and response from the govt agencies) | |
| <p>Issues relating to diversion of forest land and compliance of FRA in the process of diversion:</p> | |
| <p>Issues relevant to CFR recognition and management (such as illegal relocation, restrictions placed on forest use), where the area falls under a Protected Area:</p> | |
| <p>Any other important issues relating to CFR:</p> | |
| <p>Actions taken by the community and response from governmental agencies:</p> | |
| <p>Specific recommendations and suggestions by the community:</p> | <p>Gramsabha must be own the process of CFR. Take help of govt. official regarding filing of CFR. Focus must be on conservation and protection of forest rather than its cutting. Improve coordination in between line department.</p> |

ODISHA, NAYAGARH, RANPUR

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| Name and contact details of the individual/organisation: | Bhagyalaxmi Biswal |
| Date: | 7/12/2013 |
| Location details for the case presented: <ul style="list-style-type: none"> • State, District, Taluka • Area (Reserve Forest, Protected Forest, Other (e.g. unclassified); Protected Area (National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Community Reserve) or Revenue Area) • Community (ST/OTFD/PVTG/pastoralist) • Other location-specific comments relevant to claiming/ recognition of CFRs (habitat of pastoralist community or conversion of forest village to revenue village etc.) | Odisha, Nayagarh, Ranpur. Reserve & Revenue forest ST & OTFD |
| CFR claims: <ul style="list-style-type: none"> • Nature of CFR claims filed • Extent of the CFR Area over which claims are filed • Status of verification and/or recognition of CFR claims (gram sabha/SDLC/DLC) • Issues and problems encountered in the process of claim making, verification and recognition of CFR. • Role of various governmental agencies involved in the process of verification and recognition of claims | 150 claims filed from Ranpur. 2 recognised, 15 CFR claims are have to be verified, 100 CFR claims are pending at the SDLC level. Non-settlement of CFR title in mixed villages. Forest department not supporting verification process. |
| Management of community forest resources: <ul style="list-style-type: none"> • Issues and problems faced in management of CFR under FRA (particularly in constituting committees, developing conservation and management plan, response from the forest department and other government agencies) | In Ranpur communities are contesting the management of community forest resources area by the forest department. |

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| Specific recommendations and suggestions by the community: | State level advocacy and pressure for CFR titles. |

ODISHA JUNGLE MANCH, KALAHANDI

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| Name and contact details of the individual/organisation: | Odisha Jungle Mancha, Bhubaneswar |
| Date: | 14th December, 2013 |
| Location details for the case presented: <ul style="list-style-type: none"> State, District, Taluka Area (Reserve Forest, Protected Forest, Other (e.g. unclassified); Protected Area (National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Community Reserve) or Revenue Area) Community (ST/OTFD/PVTG/pastoralist) Other location-specific comments relevant to claiming/ recognition of CFRs (habitat of pastoralist community or conversion of forest village to revenue village etc.) | Odisha, Kalahandi, Rampur (Jamguda Village) Area – Reserve Forest Schedule Tribe (ST) |
| CFR claims: <ul style="list-style-type: none"> Nature of CFR claims filed Extent of the CFR Area over which claims are filed Status of verification and/or recognition of CFR claims (gram sabha/SDLC/DLC) Issues and problems encountered in the process of claim making, verification and recognition of CFR. Role of various governmental agencies involved in the process of verification and recognition of claims | CFR claim filed with form B & C. For 1500 Acr. Received CFR title. FRC and Gram Sabha members conducted verification since forest and revenue officials refused to participate despite initiations being sent twice. |
| Management of community forest resources: <ul style="list-style-type: none"> Issues and problems faced in management of CFR under FRA (particularly in constituting committees, developing conservation and management plan, response from the forest department and other government agencies) Issues and problems relating to exercising of rights over the minor forest | Gram Sabha themselves constituted management committee, developed conservation and management plan. Forest department supported during management plan. Initially, forest department had not supported |

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| produce (in collection, harvesting and marketing and response from the govt agencies) | the villages right to collect and sell bamboo from its CFR but transit passes were finally granted after a lot of struggle. |
| Issues relating to diversion of forest land and compliance of FRA in the process of diversion: | |
| Issues relevant to CFR recognition and management (such as illegal relocation, restrictions placed on forest use), where the area falls under a Protected Area: | |
| Any other important issues/cases relating to CFR: | The CFR title issued for only JFM area instead of their traditional area. |
| Actions taken by community and response from the government: | Now Gram Sabha preparing to deposit claim form for total traditional area. Gram Sabha gave one proposal to government to organise training programme for making on Bamboo based materials . |
| Specific recommendations and suggestions by the community: | |

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| Name and contact details of the individual/organisation: | Odisha Jungle Mancha, Bhubaneswar |
| Date: | 14th December, 2013 |
| Location details for the case presented: <ul style="list-style-type: none"> • State, District, Taluka • Area (Reserve Forest, Protected Forest, Other (e.g. unclassified); Protected Area (National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Community Reserve) or Revenue Area) • Community (ST/OTFD/PVTG/pastoralist) | Odisha, Mayurbhanj, Baripada (Budhikhamari Gram Panchayat, village Duvia) Reserve Forest Schedule Tribe (ST) |
| CFR claims: <ul style="list-style-type: none"> • Nature of CFR claims filed • Extent of the CFR Area over which claims are filed • Status of verification and/or recognition of CFR claims (gram sabha/SDLC/DLC) | CFR claim deposited at SDLC with form B & C in 2011. 300 ha CFR claim pending with the SDLC since 2011. |
| Management of community forest resources: <ul style="list-style-type: none"> • Issues and problems faced in management of CFR under FRA (particularly in constituting committees, developing conservation and management plan, response from the forest department and other government agencies) | The region has a distinct history of revival of village forests and protection by village communities. The Gram Sabha has constituted a management committee under the FRA. By the effect of the recent cyclone (PHAILIN) many trees from area claimed under CFR have been uprooted. The Gram Sabha has decided to harvest these timbers from their CFR area and has demanded a transit book from FD for the same. However, there has been no response from the department regarding this issue. |

ODISHA JUNGLE MANCH, MAYURBHANJ

DEOGARH, ODISHA

Issue- Conversion of Forest Village into Revenue Village

Name of the village: Mahasindhu RF B Colony Banakel, GP-Gundiapali, Block- Reamal, Dist- Deogarh (Initially the village was located at Banakel, GP-Khandam, Block-Barkote, Dist- Sambalpur, which has been resettled in the above address)

Year of Settlement: 1983

Household: 52 nos.

Caste: Chasa, Mali, Dhoba, Pana, Keuta, Kuda & Jhara

At present the total HHs is increased to 83 nos.

Reason of Resettlement: Due to Rengali Dam construction these families were displaced and rehabilitated at Mahasindhu Reserve forest B.Class. They were issued K.Form (Rule-104), Govt. of Odisha, and Intimation ship for lease of land for 6 acres 50 decimils per Households in different plots.

Compassion

Rs.400-Rs.4000 on case basis

Govt. Institutions & facilities exist in the village

Primary School, Govt. Constructed Shiv Temple, 3 Tubewells, 1 Kata, PDS, social security schemes

They are not getting caste certificates, residential certificates, loan facilities, IAY etc. They have applied for Community Rights under section-3(1) h for conversion of forest villages into revenue villages but the right has not yet been recognized.

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କେ ପର୍ମ

(ନିୟମ ୧୦୪ ଦ୍ଵାରା)

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ଜମି ପତ୍ତା ଦିଆଯିବାର ହୁଏନାମା

(Intimation slip for lease of land)

ଜମିଦାର ନାମ

ଦେବୀ

ଜମି

ସମ୍ବନ୍ଧ

କେଉଁ ନମ୍ବର ଓ ବର୍ଷ

ମୌଜାର ନାମ

ମହାବିଳାସ ରାଜା

ଆକାର ନାମ

ସୁବର୍ଣ୍ଣ ଗୋଲା

ମୌଜାର ଆକାର ନମ୍ବର

ପତ୍ତାପ୍ରାପ୍ତି ନାମ

ଜମିଦାରଙ୍କ ନାମ: ପ୍ରଭୁ ଶ୍ରୀ ରାଜା

ଆକାର ନମ୍ବର

ନାମ: ମହାବିଳାସ

ପୂର୍ବ ନମ୍ବର ଓ ରକ୍ଷା

ଆକାର ନାମ: ପ୍ରଭୁ ଶ୍ରୀ ରାଜା

ଖଜଣା ଓ ପଥକର

ପତ୍ତା ପ୍ରାପ୍ତି କରାଯିବା ଅବସରରେ ହୁଏନାମା ଦିଆଯିବାର ନାମ

ଜମିଦାରଙ୍କ ନାମ: ମହାବିଳାସ ରାଜା

ଆକାର ନାମ: ମହାବିଳାସ

ପତ୍ତା ପ୍ରାପ୍ତି କରାଯିବାର ନାମ

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ଏଥିରେ ପତ୍ତା ଦିଆଯିବାର ଅବସରରେ ଦରକାରୀ କରାଯିବ

ଜମିଦାର.....

ନାମ-ଜମିଦାର

Village - Kalipur

C.P. - Khalia pali

Total Household no. - 99

- OBC HH - 53, ST HH - 20, SC HH - 26

ତା. 29.8.2008 ଚେ ବିକ୍ରିଗତ ଓ ଗୋଷ୍ଠୀଗତ ଅଧିକାର
ଦାତା ପାତ୍ର' ପଞ୍ଜିକର କରାଯିବ । ଗୋଷ୍ଠୀ ଉପରେ ଅଧିକାର
ପାତ୍ର' ଗ୍ରାମଜଙ୍ଗ 2000ର ପାତ୍ର' ପଞ୍ଜିକର ଓ ପାତ୍ର' ଗୋଷ୍ଠୀ,

ତା. 3.9.2008 ଚେ SDLC, ଅମିତ ଓ ବିକ୍ରିଗତ
ଓ ଗୋଷ୍ଠୀଗତ ଦାତା ଉପସ୍ଥାପନ କରାଗଲା ।

କାହିଁପୁର ଗାଁ ଚେ ଉକ୍ତ ଆକଳନ ପାତ୍ର' ଉପରେ ପ୍ରାପ୍ତ
ଓ ଉପସ୍ଥାପନ ଦ୍ଵାରା କେତେକ ନିମ୍ନ ଉକ୍ତ ଗୋଷ୍ଠୀଗତ
ହୋଇ²⁰⁰⁰ ଗୋଷ୍ଠୀଗତ ଗୋଷ୍ଠୀଗତ ହୁ ଗୋଷ୍ଠୀ । ଆକଳନ
କାହିଁପୁର ଗୋଷ୍ଠୀ ଉପରେ ଅଧିକାର ବିକ୍ରିଗତ ନିମ୍ନଲିଖିତ ଗୋଷ୍ଠୀ
କମିଟି ଆମି ମତେ ବିକ୍ରିଗତ ଗୋଷ୍ଠୀ ଗୋଷ୍ଠୀ । ତା. 10
ଗାଁ ଉପରେ ଅଧିକାର କମିଟି ଗୋଷ୍ଠୀ ଆକଳନ ଗୋଷ୍ଠୀ
ଓ ଗୋଷ୍ଠୀ ଗାଁ ଗୋଷ୍ଠୀ ଗୋଷ୍ଠୀ ଗୋଷ୍ଠୀ ଗୋଷ୍ଠୀ ଗୋଷ୍ଠୀ
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ଉପସ୍ଥାପନ କରା ଗୋଷ୍ଠୀ - ଗୋଷ୍ଠୀ ଗୋଷ୍ଠୀ ଗୋଷ୍ଠୀ ଅଧିକାର
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ଗୋଷ୍ଠୀ କାହିଁପୁର ଗାଁ ଗୋଷ୍ଠୀ ଗୋଷ୍ଠୀ ଗୋଷ୍ଠୀ ଗୋଷ୍ଠୀ
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BANABASI CHETNA MANDAL, ODISHA, KEONJHAR

Name: Mr. Birabara Naik

“PARAMPARIKA JUANGA PIDHA MAHA SABHAN KENDUHAR⁶” an indigenous body of Primitive Juanga community has applied for title of *Juanga pidha*⁷ patta (habitat rights under Sec (1)(e) of the FRA) in the month of March-2010 by the name of Satkhanda Pidha covering 11 Juang villages, Kathua Pidha covering 31 Juang villages and Jhadkanda Pidha covering 26 Juang villages in the district of Kendujhar. The claims were submitted to the SDLC, Kendujhar in 2011. Sri.Dasarathi Juanga, Sri.Ratnakar Juanga, Sri.Lakshmidhar Juanga have filed RTIs to the SDLC, DLC as well as Commissioner to get information on the status of these claims but have received no reply. They have also *written to the Ministry of Tribal Affairs, Government of India about this matter but have received no reply.*

Meanwhile, with habitat right of 68 Juanga villages still pending with the SDLC, the administrative Welfare Extension Officers (WEOs) are attempting to pressurize panchayats of these villages to claim CFRs. This clearly shows lack of clarity regarding habitat rights within implementing agencies.

Secondly, the line department is forcefully constituting Forest Protection Committees under JFM in each village for commercial plantations without the permission of the Gram Sabha & *Pidha Sabha* (Pidha panchayat).

Individual Rights of FRA are being recognized only under Reserve forest & Protected Forests but not under village forests, protected areas and revenue forests.

Thirdly, due to rampant Industrialization in Jhumpura, Zoda & Banspal blocks of Kendujhar district FRA implementation is affected from the beginning. Sustainable livelihoods as well as the cultural practices of Juang like the Mazanga & Changu dances are gradually vanishing. Although a PESA area, the constitutional rights of the community are not recognised by the

⁶ A traditional institution of the Juanga community.

⁷ A ‘Juang pidha’ is a traditional administrative unit of the Juang community which manages and controls a large landscape divided over six sub-pidhas which includes 68 villages out of which 35 villages are under Juang Development Agency. The Juangs have well documented landmarks for the identification of extent of their traditional territory which includes both revenue & forest land.

government institutions in the area. There is also a booming illegal liquor business which is adversely affecting the tribal community.

These issues are responsible for the deteriorating socio-economic conditions of the Juanga.

The organization has demanded that the above mentioned issues be solved via letters to the Chief Minister, Government of Odisha through the Collector, Kendujhar in the year 2012-2013 but has not received a reply.

LOKHIT PASHU PALAK SANSTHAN, RAJASTHAN, PALI (KUMBHALGARH WILDLIFE SANCTUARY)

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| Name and contact details of the individual/organisation: | Lokhit Pashu-Palak Sansthan (LPPS) www.lpps.org , lpps@sify.com , mobile 09414818564 |
| Date: | |
| Location details for the case presented: <ul style="list-style-type: none"> State, District, Taluka Area (Reserve Forest, Protected Forest, Other (e.g. unclassified); Protected Area (National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Community Reserve) or Revenue Area) Community (ST/OTFD/PVTG/pastoralist) Other location-specific comments relevant to claiming/ recognition of CFRs (habitat of pastoralist community or conversion of forest village to revenue village etc.) | Rajasthan, Pali district, Desuri and Bali tehsils Kumbhalgarh Wildlife Sanctuary Pastoralists (Raika) and all 36 local castes Kumbhalgarh Wildlife Sanctuary is to be converted into a National Park |
| CFR claims: <ul style="list-style-type: none"> Nature of CFR claims filed Extent of the CFR Area over which claims are filed Status of verification and/or recognition of CFR claims (gram sabha/SDLC/DLC) Issues and problems encountered in the process of claim making, verification and recognition of CFR. Role of various governmental agencies involved in the process of verification and recognition of claims | Five villages (Latada, Sadra, Jhuna, Joba, Bhagora) have filed CFR - Gram Sabha has submitted them to Sub divisional Magistrate No response, despite repeated follow-up. Forest officials say that because of Sanctuary/National Park and a Supreme Court order, granting of forest rights is not possible. |
| Management of community forest resources: <ul style="list-style-type: none"> Issues and problems faced in management of CFR under FRA (particularly in constituting committees, developing conservation and management plan, response from the forest department and other government agencies) | |

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| <ul style="list-style-type: none"> Issues and problems relating to exercising of rights over the minor forest produce (in collection, harvesting and marketing and response from the govt agencies) | |
| Issues relevant to CFR recognition and management (such as illegal relocation, restrictions placed on forest use), where the area falls under a Protected Area: | <p>A Grassia colony (Thandi beri) has built a small dam many generations ago and used it for agriculture; making reference to national Park, the FD locked this up; also locked up the ancient burial grounds of the community. In Sumer, a school was illegally taken by FD into forestland.</p> <p>In Rajpura (Sadri), gauchar and oran land was captured by FD.</p> |
| Any other important issues/cases relating to CFR: | <p>The foresters are putting pressure especially on pastoralists/local livestock keepers because they are most dependent on forest. They extract money from them without giving receipt, threaten with upcoming National Park.</p> <p>FD has also appropriated NREGA money that should go for village development and use it to make shoddy walls without cement that nevertheless top people from entry into forest.</p> <p>Because much less livestock is in the forest now, wild animals (leopards) have started to come into villages and prey there on dogs and goats.</p> <p>Earlier community was helping to put out forest fires; now, because livestock is no longer grazing, there are more forest, sometimes burning for months, but nobody puts them out any more.</p> |

SEVA MANDIR AND VAN UTHAN SANSTHAN, RAJASTHAN, UDAIPUR (PHULWARI NI NAAL SANCTUARY)

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| Name and contact details of the individual/organisation: | SHAILENDRA TIWARI SEVA MANDIR, Ms. KANKU DUNGRI VAN UTHAN SANSTHAN (VUS), JHADOL, UDAIPUR |
| Date: | NOVEMBER 20,2013 |
| Location details for the case presented: <ul style="list-style-type: none"> State, District, Taluka Area (Reserve Forest, Protected Forest, Other (e.g. unclassified); Protected Area (National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Community Reserve) or Revenue Area) Community (ST/OTFD/PVTG/pastoralist) Other location-specific comments relevant to claiming/ recognition of CFRs (habitat of pastoralist community or conversion of forest village to revenue village etc.) | RAJASTHAN, UDAIPUR, JHADOL BLOCK RESERVED FOREST AND PROTECTED AREA (Phulwari Ki Naal Sanctuary). MAINLY ST PESA (V SCHEDULE) LAW APPLICABLE |
| CFR claims: <ul style="list-style-type: none"> Nature of CFR claims filed Extent of the CFR Area over which claims are filed Status of verification and/or recognition of CFR claims (gram sabha/SDLC/DLC) Issues and problems encountered in the process of claim making, verification and recognition of CFR. | COMMUNITY PROTECTION AND CONSERVATION Area not available but roughly could be more than 2000 ha 40 claims at DLC level and 10 claims at SDLC level. 30 claims at village level-preparatory stage. There is gross lack of awareness among the community, govt officials and people`s representatives. Even the guideline and procedures for CFR have not been standardized. |

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| <ul style="list-style-type: none"> • Role of various governmental agencies involved in the process of verification and recognition of claims | <p>Both Forest Department and Revenue Department are reluctant and slow at the process of verification. They take months to verify the site. The Forest Department (FD) considers previously provisioned rights and concessions adequate and therefore sees no value in CFR. This mindset of FD is also a major hurdle in progress of CFR.</p> |
| <p>Management of community forest resources:</p> <ul style="list-style-type: none"> • Issues and problems faced in management of CFR under FRA (particularly in constituting committees, developing conservation and management plan, response from the forest department and other government agencies) • Issues and problems relating to exercising of rights over the minor forest produce (in collection, harvesting and marketing and response from the govt agencies) | <p>No claim received so far from the DLC, therefore this is not applicable.</p> |
| <p>Issues relating to diversion of forest land and compliance of FRA in the process of diversion:</p> | <p>No major diversion observed</p> |
| <p>Issues relevant to CFR recognition and management (such as illegal relocation, restrictions placed on forest use), where the area falls under a Protected Area:</p> | <p>In protected area (PA) individual claims under FRA have been conferred but Forest officials tell us that CFR is not applicable in the PA.</p> |
| <p>Any other important issues/cases relating to CFR:</p> | <p>In spite of government orders, the administration's response is lukewarm.</p> |
| <p>Actions taken by community and response from the government:</p> | <p>Community is eagerly waiting for community rights. It is trying its best to avoid further privatization of the forestland. Seva Mandir and Van Uthan Sansthan a CBO are working hard at both grassroots and advocacy level to build pressure on the government to expedite the plight of CFR.</p> |
| <p>Specific recommendations and suggestions by the community:</p> | <p>The law should be translated in to realization CFR which has already been delayed for more than 5 years.</p> |

Sirohi Distt
Rajasthan
State dept has
held meetings
to demarcate &
delimit only
community halls,
schools, health
centres as CFR
community claims
ignored claims
to forests put
forward by community

Jan Chetna
Sanstha

ACCORD, TAMIL NADU, GUDALUR

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| Name and contact details of the individual/organisation: | ACCORD, Tamil Nadu (Filled by Shruti Agarwal) |
| Date: | 30th November 2013 |
| Location details for the case presented: <ul style="list-style-type: none"> • State, District, Taluka • Area (Reserve Forest, Protected Forest, Other (e.g. unclassified); Protected Area (National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Community Reserve) or Revenue Area) • Community (ST/OTFD/PVTG/pastoralist) • Other location-specific comments relevant to claiming/ recognition of CFRs (habitat of pastoralist community or conversion of forest village to revenue village etc.) | <p>Tamil Nadu, The Nilgiris, Gudalur and Pandalur Talukas</p> <p>Mudumalai Tiger Reserve, Reserve Forest, Revenue Forest, Section 17 (disputed) land</p> <p>PVTG</p> |
| CFR claims: <ul style="list-style-type: none"> • Nature of CFR claims filed • Extent of the CFR Area over which claims are filed • Status of verification and/or recognition of CFR claims (gram sabha/SDLC/DLC) | <p>CFR claims under Form B-collection of firewood, different kinds of minor forest produce and access to water bodies, sacred groves and burial grounds.</p> <p>CFR claims were submitted in 2009. Most of them have been returned to the Gram Sabha by the SDLC on the pretext of lack of appropriate evidence and ineligibility of claims on disputed land. The other claims have been sitting at the SDLC level since 2009. No action has been taken on them.</p> |

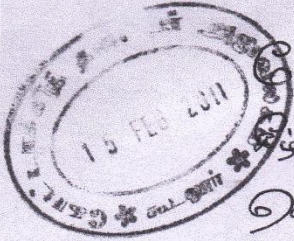
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| | <p>interpretation of the Act and turns things around which leads to no progress.</p> <p>FRA is also being looked upon as a scheme rather than an Act of the Central Government by government officials, especially the Forest Department wherein certain committees need to be constituted, certain number of meetings need to be conducted, etc. The Forest Department is also assuming the nodal role in the process. With such attitude towards the Act, the spirit of the Act seems to be getting defeated.</p> |
| <p>Management of community forest resources:</p> <ul style="list-style-type: none"> Issues and problems faced in management of CFR under FRA (particularly in constituting committees, developing conservation and management plan, response from the forest department and other government agencies) Issues and problems relating to exercising of rights over the minor forest produce (in collection, harvesting and marketing and response from the govt agencies) | <p>The right to formulate management and conservation plan of their community forest resource has been discussed with communities. There is tremendous interest among them to take up activities like regeneration of several indigenous species which are slowly disappearing from their forest. However, there is no clarity on the source and the procedure for availing funds for the operationalization of the plan.</p> <p>Although claims have been made by the communities, due to the High Court Order, they face harassment when they collect minor forest produce.</p> |
| Issues relating to diversion of forest land and compliance of FRA in the process of diversion: | - |
| Issues relevant to CFR recognition and management (such as illegal relocation, restrictions placed on forest use), where the area falls under a Protected Area: | - |
| Any other important issues relating to CFR: | - |
| Actions taken by the community and response from governmental agencies: | |
| Specific recommendations and suggestions by the community: | |

*Brief background about Section 17 land- (<http://www.forestrightsact.com/statements-and-news/48-struggle-against-forest-bureaucracy-in-tiger-reserves-massive-demonstration-in-tamil-nadu>)

பெற்றுப் பெற்றிருக்கின்றன.

832 புலியே

கிடைத்த மூலம் தேவாலய கிராமம்



தொழில் துறாவில் பத்திரம் இது வினாக்கள் எழுப்பினர்

புறம் - 13 ல் அமைப்புகள் அமைத்து இது

பெயர் பெற்று 4/11/11 303/11 இம்மாதிரியாக

இருப்பதால் இவற்றை இம்மாதிரியாக 4/11/11

High Court Chennai, CmsA 4/10/99 கோரல்

பெயர் பெற்று இம்மாதிரியாக இம்மாதிரியாக

மேல் பெயர் பெற்று இம்மாதிரியாக இம்மாதிரியாக

புலியே

இம்மாதிரியாக

புறம் - 13.

11/11/11

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பெயர் பெற்று

- தாங்கள் உடனடியாக உயர் தரவுகள் தீர்மானி
தற்கு, எங்களுக்கு மகன் 17 பூதியின் மீது
உள்ள உரிமைப் (குடிதைய) அங்கீகரிக்கும்
படியும், எங்கள் திட்டமிடலின் மீது உண்பு
தீர்மானம் எடுக்கும் படியும் ஒரு உத்தரவு
பிறப்பிக்கும் படி தங்களை உண்புதேவன்தொடர்


நன்றி

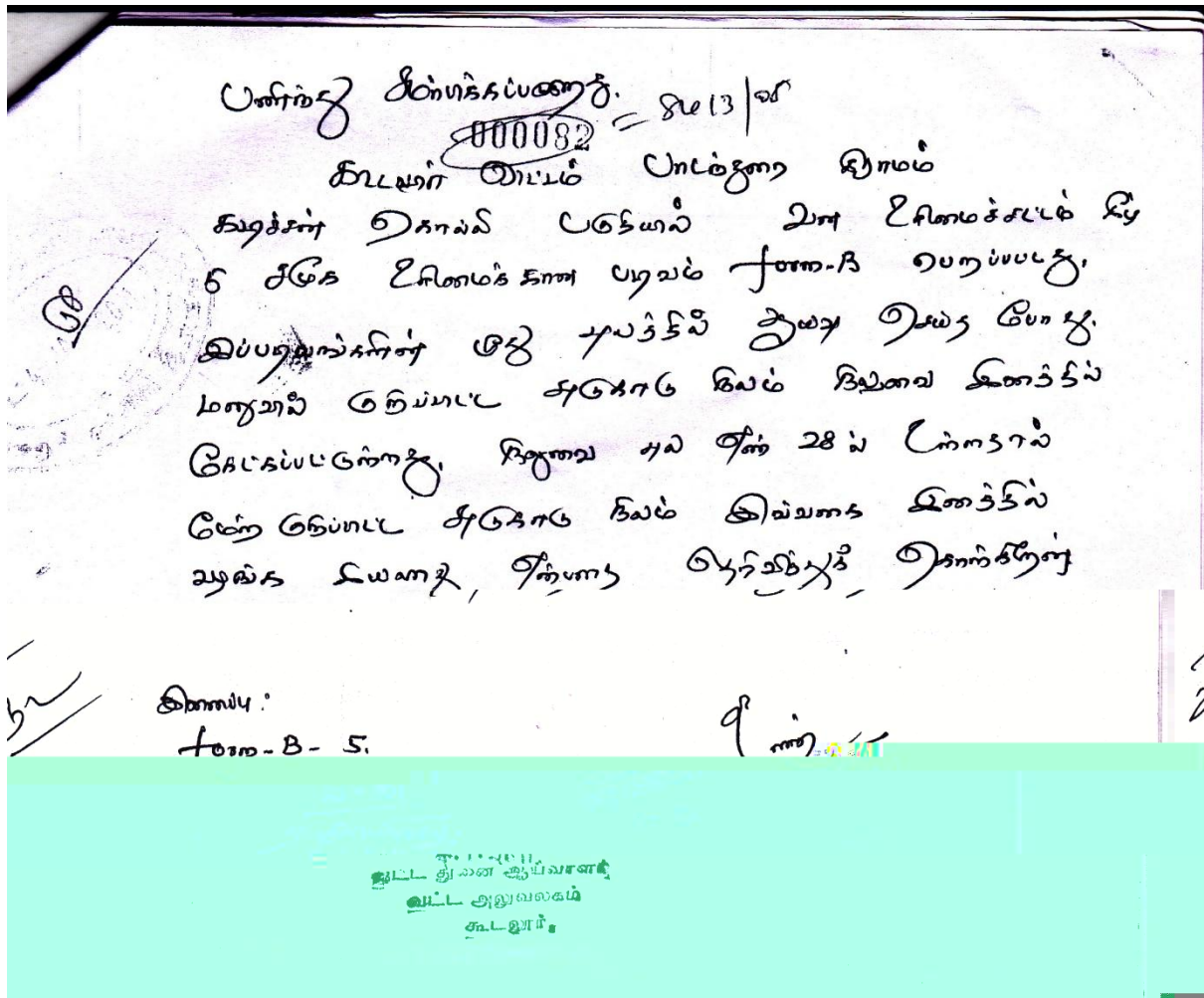
தங்கள் உரிமைபுள்ள

தலைவர், கடிச்சன்நெல்லி திராமதைய,
கடிச்சங்கொல்லி

ஏற்பு ஆதிவாசி கிராம சபைக்காக

வன உரிமைக் குழு,

S. Rathiravan . 



TRANSLATION:

To

Mr.K.C.Deo
Minister of Tribal Affairs
Shastri Bhawan
A-Wing
Dr.Rajendra Prasad Road
New Delhi-110001

Subject: Applicability of Forest Rights on Section 17 land (disputed) in Gudalur taluk, The Nilgiris

Dear Sir

Our Gram Sabha, Kadichankolly, Devarshola Panchayat, Gudalur Taluk, The Nilgiris, Tamil Nadu approved and submitted 5 community claims to SDLC in 2009. The SDLC returned all 5 of our claims to the Gram Sabha because the claims were made on land categorised as Section 17 under the Gudalur Janmam Abolition Act, 1969. The SDLC has said that Section 17 land is disputed land and until the case is solved, no action can be taken on such claims.

While we are aware that claims can be made on disputed land under Section 3(1)(f) of Forest Rights Act, the SDLC has not processed our claims and returned them. Please find attached a copy of their response to our claims. We request you to issue an order to the Gudalur Taluk administration to recognise the eligibility of rights on Section 17 land and settle the claims with immediate effect.

Thanking you.

Warm regards

President

Koadichankolly Gram Sabha

FIAN, TAMIL NADU, ERODE (SATHYAMANGALAM)

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| Name and contact details of the individual/organisation: | D. Guruswamy, Secretary, FIAN Tamil Nadu, 11, P T Rajan Road 5th Street Madurai-625002 Tel: 0452-2530707 Mob: 09443279225 tamilnadufian@gmail.com |
| Date: | 14-12-2013 |
| Location details for the case presented: <ul style="list-style-type: none"> • State, District, Taluka • Area (Reserve Forest, Protected Forest, Other (e.g. unclassified); Protected Area (National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Community Reserve) or Revenue Area) • Community (ST/OTFD/PVTG/pastoralist) • Other location-specific comments relevant to claiming/ recognition of CFRs (habitat of pastoralist community or conversion of forest village to revenue village etc.) | Tamil Nadu, Erode, Sathyamangalam Reserve Forests (Community Reserve and Revenue Land amidst Reserve Forests), Protected Area (Tiger Reserve and Elephant Corridor), sandal-wood rich forests, part of western ghats. ST, OTFD, Pastoral and Transhumant communities. In the past, the area was under the control of poacher (Verappan). A joint security force was formed by the governments of Tamil Nadu and Karnataka. There are reports of large-scale violations of human rights against women and men infringing civil and political rights along with economic, social and cultural rights of indigenous communities. |
| CFR claims: <ul style="list-style-type: none"> • Nature of CFR claims filed • Extent of the CFR Area over which claims are filed • Status of verification and/or recognition of CFR claims (gram sabha/SDLC/DLC) • Issues and problems encountered in the process of claim making, verification and recognition of CFR. • Role of various governmental agencies involved in the process of verification and recognition of claims | Collection of Minor Forest Produce Sec 3(1)(c) Joint verification of CFR not done. |
| Management of community forest resources: <ul style="list-style-type: none"> • Issues and problems faced in management of CFR under FRA | |

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| <p>(particularly in constituting committees, developing conservation and management plan, response from the forest department and other government agencies)</p> <ul style="list-style-type: none"> Issues and problems relating to exercising of rights over the minor forest produce (in collection, harvesting and marketing and response from the govt agencies) | <p>Lack of organisation building and capacity building among tribal communities. Involvement of outsiders/ intermediaries in the procurement, collection and marketing of minor forest produce.</p> |
| Issues relating to diversion of forest land and compliance of FRA in the process of diversion: | |
| Issues relevant to CFR recognition and management (such as illegal relocation, restrictions placed on forest use), where the area falls under a Protected Area: | |
| Any other important issues/cases relating to CFR: | <p>Large scale land alienation for government programmes and major projects. Transfer of land ownership to commercial interests. Lack of coherent and workable schemes to recognise CFR. PAs under the control of Government Agencies. Ignorance of rights from people and non-implementation by state authorities.</p> |
| Actions taken by community and response from the government: | Filing petitions and complaints. However, the government is not redressing grievances. |
| Specific recommendations and suggestions by the community: | Provide communities with relevant programmes to enhance the bargaining capacity of the communities. Total ban on use of CFRs by outside agencies and individuals. |

कदारनाथ वन जीव विहार के वन प्रभाग गीपेश्वर
 में प्र. मे 1996-97 से पूर्व ग्राम स्मृति के ग्रामसभा
 स्मृति के निशुल्कमकान निर्माण, मोशाला व अन्य निर्माण
 तथा कृषि ग्रन्थ हेतु ~~दत्त~~ पैसे का इजाजत होता था
 वह अब प्रतिबन्ध - बिना गापा है, जिससे ग्राम
 स्मृति एवं ग्राम सभा लगावेमर की निजता बहुत परेशान
 है।

~~वि. म.~~
 व. द. रासेही राधा
 ग्राम स्मृति के
 निजता - व. मोदी
 उत्तराखण्ड -

**SUNDARBAN MATSYAJIBI JOUTHA SANGRAM COMMITTEE, WEST BENGAL, NORTH AND SOUTH 24
PARGANAS**

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| Name and contact details of the individual/organisation: | Sundarban Matsyajibi Joutha Sangram Committee |
| Date: | 5.12.13 |
| Location details for the case presented: <ul style="list-style-type: none"> • State, District, Taluka • Area (Reserve Forest, Protected Forest, Other (e.g. unclassified); Protected Area (National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Community Reserve) or Revenue Area) • Community (ST/OTFD/PVTG/pastoralist) • Other location-specific comments relevant to claiming/ recognition of CFRs (habitat of pastoralist community or conversion of forest village to revenue village etc.) | <p>West Bengal, North and South 24 Parganas</p> <p>Reserve Forest, National Park, Sanctuary, Tiger reserve (Sunderbans).</p> <p>Traditional Fisher People, ST and SC</p> |
| CFR claims: <ul style="list-style-type: none"> • Nature of CFR claims filed • Extent of the CFR Area over which claims are filed • Status of verification and/or recognition of CFR claims (gram sabha/SDLC/DLC) • Issues and problems encountered in the process of claim making, verification and recognition of CFR. | <p>The communities reside in Sundarban Biosphere Area but except a few, most of them reside outside the areas covered by Reserve Forest, National Park, Sanctuary, Tiger reserve but are traditionally dependent upon MFR of these areas for their livelihood. While implementing FRA, the North and South Paraganans were conveniently left out even though an initial Government Order sent to the district magistrates in March 2008 included North and South 24 Paraganas. The forest department, meanwhile, had declared the so-called 'core' of the tiger project (after unilaterally extending the area) as a critical tiger habitat on 2007 December, just a day before the FRA came into force. The point the forest officers tried to stress that the sunderbans is a human-free zone and hence the question of settlement of rights according to the Wild Life Protection 2006 Amendment and Forest Rights Act 2006 does not arise at all.</p> |

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| <ul style="list-style-type: none"> • Role of various governmental agencies involved in the process of verification and recognition of claims | <p>The Backward Class Welfare Department of Govt. of West Bengal, identified 11 out of 18 districts of West Bengal for implementation of FRA , but excluded 2 districts namely North and South 24 Parganas covering most important forest of the state – Sundarban. Hence the deserving fisher people did not have any scope of formation of Gram Sabhas and place any CFR claim. On the other hand they are regularly facing atrocities of forest department. Forest Department is opposed to recognise FRA. It is still illegally controlling the forest area and issuing very selective permission to some of the fisher people to fish and collect honey in buffer areas.</p> |
| <p>Management of community forest resources:</p> <ul style="list-style-type: none"> • Issues and problems faced in management of CFR under FRA (particularly in constituting committees, developing conservation and management plan, response from the forest department and other government agencies) • Issues and problems relating to exercising of rights over the minor forest produce (in collection, harvesting and marketing and response from the govt agencies) | <p>Conservation and Management Plan is being discussed at different levels in the community and is yet to take a shape. Such plan can only be completed with the participation of different stake holders but in absence of recognition and clarity, preparation of comprehensive plan could not take shape. And also implementation of such plan will depend up on recognition of FRA in general and CFR in particular to the fishing community.</p> <p>As per present practice Forest Department issues passes to the fisher people for collecting honey from the forest during a particular season for 15 days and all the honey collected are taken away by the Forest Development Corporation.</p> |
| <p>Issues relating to diversion of forest land and compliance of FRA in the process of diversion:</p> | |
| <p>Issues relevant to CFR recognition and management (such as illegal relocation, restrictions placed on forest use), where the area falls under a Protected Area:</p> | <p>The Sundarban Tiger Reserve (STR) was declared in 1973 and around 1300 Sq Km out of 4000 Sq Km was transformed as “core area” without any legal validity. It is still illegal. In December 2007, immediately before date of effect of FRA around 423 Sq. Km was further declared as “core area” and was taken in STR without any consent or discussion of the community. This was also an illegal activity. Recently around 400 acres of forest areas has been transformed into wild life sanctuary with same unilateral process.</p> |

| | |
|---|---|
| Any other important issues/cases relating to CFR: | |
| Actions taken by community and response from the government: | <p>Our organisation has placed demand to the state government to identify North and South 24 Parganas districts for implementation of FRA 2006 and issue circular to the administrative authorities so that they recognise Gram Sabhas constituted by fisher people and start processing the claims of CFR received through such Gram Sabhas.</p> <p>Community is struggling for both long term and short term issues. Apart from demanding FRA there are demands like access to fishing for all the genuine fishers, restriction of unscrupulous tourism, effluent discharge, destructive fishing, polluting fish culture etc.</p> |
| Specific recommendations and suggestions by the community: | |

No. 17014/02/2007-PC&V (Vol. VII)
Government of India
Ministry of Tribal Affairs

Amesam

Shastri Bhawan, New Delhi

Dated June 9, 2008

To

All State Secretaries in-charge of Tribal Welfare
[All States / UT's except J&K]

Subject: Implications of the phrase "primarily reside in and who depend on the forests or forest lands for *bona fide* livelihood needs" appearing in sections 2(c) and 2(o) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sir,

As you are aware, Section 2(c) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, defines the expression "forest dwelling Scheduled Tribes" to mean the members or community of Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for *bona fide* livelihood needs and includes the Scheduled Tribe pastoralist communities. Similarly section 2(o) of the Act defines the expression "other traditional forest dweller" to mean any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forests land for *bona fide* livelihood needs.

2. This Ministry has received references from certain States seeking clarification about the implications of the phrase "primarily reside in and who depend on the forests or forest lands for *bona fide* livelihood needs" appearing in sections 2(c) and 2(o) of the Act as to whether this would cover the Scheduled Tribes and other traditional forest dwellers who are not necessarily living inside the forests but are depending on the forests or forest lands for their *bona fide* livelihood needs. This issue was also raised in the meetings of the Secretaries of Tribal Welfare / Development Departments of the States on the implementation of the Act held on 18th -19th February, 2008 and 16th May, 2008 in New Delhi.

3. The matter has been examined in consultation with the Ministry of Law & Justice and it is clarified that the implication of using the word "primarily" is to include the Scheduled Tribes and other traditional forest dwellers who have either habitation or patches of land for self-cultivation for livelihood and would, therefore, be primarily spending most of their time either in temporary makeshift structures or working on patches of land in such areas irrespective of whether their dwelling houses are outside the forest or forest land. Therefore, such Scheduled Tribes and other traditional forest dwellers who are not necessarily residing inside the forest but are depending on the forest for their *bona fide* livelihood needs would be covered under the definition of "forest dwelling Scheduled Tribes" and "other traditional forest dwellers" as given in sections 2(c) and 2(o) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

4. This may be noted and communicated to all concerned with implementation of the Act.

Yours faithfully,

Sd/-
(Sunil Garg)
Under Secretary to the Government of India

Departmental Website of BCW Department, Govt of WB

Objective

Identification of the scope of work

Action Plan The following steps were taken to start the process of recognition of Forest Rights :

Process of -Level and

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date. All the Forest Rights Committees in all the concerned districts excepting three Hill Sub-Divisions of the Darjeeling District were formed by the stipulated time. A total of 2819 Forest Rights Committees were formed. 12 District-Level Committees and 33 Sub-Divisional Level Committees were also formed. **Receiving of claims**Receiving of claims started latest by 31st July, 2008 and was completed on 31-10-2008. No area where there was scope of implementation of the process of recognizing forest rights was left untouched excepting three Hill Sub-Divisions of the Darjeeling District, where the work could not be initiated due to political disturbances. Of course, in a few pockets here and there, no claim was received due to some local problems. In order to facilitate filing of claims by eligible applicants four State Government functionaries at the lowest level were attached to the Forest Rights Committees so that they could help out the applicants in filling up of the forms and furnishing information required for disposal of the claims. **Lowest level representatives of the Forest Department, Land & Land Reforms Department, Panchayat & Rural Development Department and the Backward Classes Welfare Department** were tagged with the Forest Rights Committees. They, along with the members of the Forest Rights Committees, held camps in order to facilitate filing of claims. A Block-Level Committee was also set up to monitor the activities of the Forest Rights Committees and to keep a link between the Sub-Divisional Committee and the Forest Rights Committees. Arrangements were also made to receive applications for ST certificates from ST applicants. More than twenty-nine thousand forest rights have already been distributed. However, there are still a good number of cases lying pending for different reasons. There are a large number of rejection of claims for forest rights for which a study to find out the cause of such huge rejection is to be conducted. Measures are also to be taken to initiate activities to improve the livelihood condition of the forest rights holders. Action plan to complete the process of implementation of the provisions of the Forest Rights Act and to improve the livelihood condition of the forest rights holders are being prepared.

Report on Implementation of the provisions of the "Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006" in the State of West Bengal as on 25.07.2013.

1. Receiving of claims:

| Districts | Individual claims | | Community Claims | | Total |
|-----------------------|-------------------|--------------|------------------|-------------|---------------|
| | ST | Non-ST | ST | Non-ST | |
| Purulia | 21921 | 11638 | 19 | 648 | 34226 |
| Bankura | 20107 | 11767 | 512 | 95 | 32481 |
| Jalpaiguri | 4553 | 2346 | 3010 | 2032 | 11941 |
| Paschim Medinipur | 37377 | 14929 | 953 | 286 | 53545 |
| Burdwan | 3456 | 0 | 177 | 0 | 3633 |
| Birbhum | 883 | 0 | 67 | 0 | 950 |
| Cooch Behar | 183 | 0 | 9 | 0 | 192 |
| Hooghly | 8 | 5 | 1 | 0 | 14 |
| Murshidabad | 14 | 0 | 0 | 0 | 14 |
| Darjeeling (Siliguri) | 89 | 178 | 15 | 0 | 282 |
| Total | 88591 | 40863 | 4763 | 3061 | 137278 |

2. Enquiry and Pendency at FRC Level

| District | Claims enquired | | | | Pending for enquiry | | | | Total Claims pending for enquiry |
|-----------------------|-----------------|-------|--------|-------|---------------------|-------|--------|-------|----------------------------------|
| | ST | | Non-ST | | ST | | Non-ST | | |
| | Ind. | Comm. | Ind. | Comm. | Ind. | Comm. | Ind. | Comm. | |
| Purulia | 21921 | 19 | 11638 | 648 | 0 | 0 | 0 | 0 | 0 |
| Bankura | 18787 | 486 | 11767 | 95 | 1320 | 26 | 0 | 0 | 1346 |
| Jalpaiguri | 4069 | 896 | 2105 | 1216 | 484 | 2114 | 241 | 816 | 3655 |
| Paschim Medinipur | 27789 | 755 | 14929 | 286 | 9588 | 198 | 0 | 0 | 9786 |
| Burdwan | 3456 | 177 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Birbhum | 883 | 67 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cooch Behar | 183 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hooghly | 8 | 1 | 5 | 0 | 0 | 0 | 0 | 0 | 0 |
| Murshidabad | 14 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Darjeeling (Siliguri) | 89 | 15 | 178 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total: | 77199 | 2425 | 40622 | 2245 | 11392 | 2338 | 241 | 816 | 14787 |

3. Disposal of Claims at Gram Sansad, SDLC & DLC Level

| District | Disposal by Gram Sansad | | | Disposal by SDLC | | | Disposal by DLC | | |
|-----------------------|-------------------------|--------------|-------------|------------------|-------------|------------|-----------------|-------------|------------|
| | Recommended | Rejected | Pending | Recommended | Rejected | Pending | Accepted | Rejected | Pending |
| Purulia | 10876 | 22982 | 368 | 6685 | 3834 | 330 | 6547 | 138 | 0 |
| Bankura | 10564 | 14545 | 5981 | 10130 | 0 | 0 | 9041 | 983 | 106 |
| Jalpaiguri | 6402 | 0 | 1884 | 6227 | 0 | 175 | 5738 | 411 | 78 |
| Paschim Medinipur | 12968 | 30791 | 0 | 8087 | 5122 | 156 | 7687 | 400 | 0 |
| Burdwan | 3342 | 291 | 0 | 3342 | 0 | 0 | 3342 | 0 | 0 |
| Birbhum | 950 | 0 | 0 | 539 | 411 | 0 | 539 | 0 | 0 |
| Cooch Behar | 192 | 0 | 0 | 147 | 0 | 0 | 140 | 0 | 7 |
| Hooghly | 14 | 0 | 0 | 14 | 0 | 0 | 8 | 6 | 0 |
| Murshidabad | 14 | 0 | 0 | 14 | 0 | 0 | 14 | 0 | 0 |
| Darjeeling (Siliguri) | 89 | 0 | 193 | 88 | 1 | 0 | 88 | 0 | 0 |
| Total | 45421 | 68609 | 8426 | 35273 | 9368 | 661 | 33144 | 1938 | 191 |

4. Distribution of Patta under Forest Rights Act, 2006

| District | Patta distributed | | Quantum of land involved in cases of distributed pattas | | Patta ready for distribution | Quantum of land in respect of ready cases (acre) |
|-----------------------|-------------------|------------|---|------------------|------------------------------|--|
| | Individual | Community | Individual (acre) | Community (acre) | | |
| Purulia | 6541 | 1 | 3461.60 | 10 | 0 | 0 |
| Bankura | 8566 | 0 | 3871.72 | 0 | 475 | 251.11 |
| Jalpaiguri | 4895 | 12 | 7500.66 | 18.39 | 831 | 1273.35 |
| Paschim Medinipur | 7355 | 09 | 1569.15 | 2.72 | 323 | 148.41 |
| Burdwan | 2762 | 53 | 446.23 | 9.40 | 527 | 93.43 |
| Cooch Behar | 140 | 0 | 176.60 | 0 | 0 | 0 |
| Birbhum | 505 | 34 | 73.81 | 19.78 | 0 | 0 |
| Hooghly | 8 | 0 | 0.65 | 0 | 0 | 0 |
| Murshidabad | 14 | 0 | 1.00 | 0 | 0 | 0 |
| Darjeeling (Siliguri) | 88 | 0 | 86.13 | 0 | 0 | 0 |
| Total: | 30879 | 109 | 17187.55 | 60.29 | 2156 | 1766.30 |