



# Implementation of Forest Rights Act, 2006: Approaches, Good Practices and Learning Experiences from Selected States

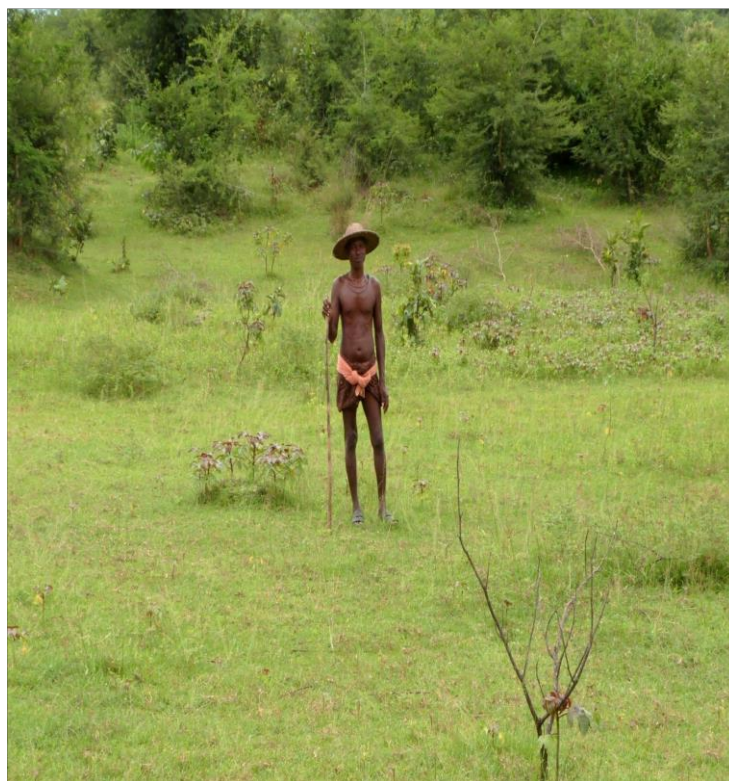
Prepared by:

**National Resource Centre**

Scheduled Castes & Scheduled Tribes  
Research and Training  
Institute(SCSTRTI)

Odisha, Bhubaneswar

(2015)



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## **FOREWORD**

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 is considered an important step in securing justice for the tribals and other traditional forest dwellers of the country. It brings in major institutional reform to enable tenure security over productive lands which are in actual possession of forest dwellers. Similarly it paves the way for village communities to manage community forest resources in a sustainable manner. However the fulfillment of the intent enunciated in the law largely depends on its implementation in a manner and at a scale that benefits most of our tribal and forest dwelling population.

National Resource Centre on FRA had taken up the task of documenting good practices in FRA implementation in five different states of the country so that the larger constituency benefit from the learning embodied in these case studies that captures the practices. The cases have been presented in a largely sequential manner which is coterminous with the steps followed in FRA implementation process. The cases cover the efforts of both government and non-governmental actors in diverse contexts. The cases have been presented in a short and simple format mentioning the objectives and key learning aspects.

We hope that this document would help the stakeholders like officials, PRI members and NGOs engaged in facilitation of FRA and bring energy to the pace of implementation of this historic legislation.

**Director**

**National Resource Centre**

## **ABBREVIATIONS**

ACF:	Assistant Conservator of Forests
CAMPA:	Compensatory Afforestation Management and Planning Authority
CFR:	Community Forest Resource
CS:	Chief Secretary
DFO:	Divisional Forest Officer
DLC:	District Level Committee
DWO:	District Welfare Officer
FD:	Forest Department
FRA:	Forest Rights Act
FRC:	Forest Rights Committee
HH:	Household
ITDA:	Integrated Tribal Development Agency
JFM:	Joint Forest Management
MFP:	Minor Forest Produce
NTFP:	Non Timber Forest Produce
NSSO:	National Sample Survey Organisation
OFDC:	Odisha Forest Development Corporation
OFSDP:	Odisha Forestry Sector Development Project
OTFD:	Other Traditional Forest Dweller

PMGSY:	Pradhan Mantri Gram Sadak Yojna
PRI:	Panchayati Raj Institution
PTG:	Particularly vulnerable Tribal Group
SC:	Scheduled Caste
SCSTRTI	Scheduled Castes and Scheduled Tribes Research and Training Institute
SDLC:	Sub Divisional Level Committee
SHG:	Self Help Group
SLMC:	State Level Monitoring Committee
ST:	Scheduled Tribe
TDC:	Tribal Development Corporation
VNCS:	Vidarbha Nature Conservation Society
VSS:	Vana Samrakshyana Samiti
WEO:	Welfare Extension Officer

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## **EXECUTIVE SUMMARY**

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, or Forest Rights Act (FRA) as it is popularly known, was passed by Parliament in December 2006 and came into force from 2<sup>nd</sup> January 2007. The implementation of FRA started in right earnest across the country in 2008 backed up by unwavering political will, bureaucratic push and civil society engagement. States came up with action plans, constituted authorities as mandated under law, allocated human and financial resources, conducted trainings for officials and frontline staff of concerned government departments, organized awareness raising programmes, brought out facilitating circulars, orders, etc. The process was monitored regularly and rigorously at various levels. Ministry of Tribal Affairs showed reasonable degree of flexibility and responsiveness so that the process of rights recognition gains pace and momentum. After more than seven years of the Act becoming operational, it is imperative to look at various initiatives that facilitated implementation and good practices that offer learning so that the larger constituency of stakeholders benefit from it. It is in this context a documentation of good practices and learning experiences in five states namely Andhra Pradesh, Chhattisgarh, Kerala, Maharashtra and Odisha was taken up.

The successful implementation of the law depended on informed communities claiming rights, empowered Gram Sabhas deliberating and taking decisions, pro action on the part of district and sub district level officials, frontline staff for facilitation and support to FRCs and state government's empathy reflected in terms of training its personnel, allocation of human and financial resources, effective monitoring and seeking and engaging other stakeholders namely PRIs, NGOs, etc. In the past seven years, both government and non-governmental actors engaged in facilitating and grounding of FRA came up with a wide array of actions which contributed to the implementation in a particular context or geography. FRA implementation involved multiple stages. A range of stakeholders are engaged in the process. There is still large asymmetry of information among implementing actors like FRCs, government officials, NGOs, etc. Hence no single case involving a particular agency in a definite geography can capture good practices in all the stages of implementation process. Hence a large number of cases were selected from different



states based on review of literature. It was realized that most of the cases are either unique or have a pioneering effect. Hence an inclusive approach was adopted while selecting cases across states. It meant that if there are three cases from three states on post rights handholding and convergence, then all the three cases were documented. Cases having pioneering effect like GPS mapping for community rights in Kerala and Odisha were selected based on merit. Some of the cases are unique and have no parallel like habitat rights claims of PVTGs as in the case of *Juangs* of Keonjhar in Odisha, post CFR management guideline by Government of Maharashtra, monitoring through video conference in Odisha and recognition of rights of OTFDs in Chhattisgarh. Case study method was adopted to understand good practices and cull out learning in FRA implementation. Good practices in both individual and community rights recognition were studied within the same thematic area say use of technology.

### **Good practices having scope for mainstreaming and replication**

SCSTRTI Bhubaneswar under ST and SC development department, Government of Odisha saw FRA as an opportunity to establish itself as a lead resource organisation for effective implementation of this pro poor legislation. They positioned themselves as the trainer, single point source of information on FRA and developer of handy materials. This set the tone and pace of implementation in the state.

The district administration of Gadchiroli, Maharashtra came up with the idea of FRA Kit comprising the law, rules, forms, sample Gram Sabha resolutions, voter lists, maps, bouquet of commonly use evidences to facilitate the claims process. The Kit contained the documents in local language in a water proof poly pack and handed over to each FRC. This obviated the need for going to multiple government offices for different documents. It saved time and money on the part of FRCs and empowered the Gram Sabha. This worked well and Gadchiroli now leads the country in recognition of community rights.

The district level institutional mechanism was a key driver in implementation of FRA. As FRA implementation demanded coordination among tribal, revenue and forest departments, district and sub district level mechanisms from where people can access information like list of FRC members to status of claims filed to joint verification was critical to the success. In most places this was observed as the major bottleneck in making claims by claimants and their subsequent verification.

District administrations in select districts in Odisha innovated with the idea of single window for FRA related matters christened FRA Cell or Desk.

The district of Kandhamal in Odisha is an example of how an exceptional leadership prioritizing FRA implementation in the face of multiple demands coupled with a robust institutional mechanism to facilitate the process on the ground. The district innovated in FRA Cell, undertook a mission mode approach, ensured coordination among three departments for verification of claims.

Vazachal Forest Division in Thrissur district of Kerala led the country in recognizing the community rights of PVTGs in a large compact area of the forests. Supported by WWF India and the Hornbill Foundation, it led the country in mapping of community forest resources in a participatory manner.

CFR mapping in Mayurbhanj has set precedence in recognition of community rights in Tiger Reserve area. Moreover the collaboration between district administration with a civil society organization and roping in human resources for coordinated effort is an example that would support large scale recognition of community forest resource rights in an unambiguous manner.

The major challenge in claim making of the individual Other Traditional Forest Dwellers (OTFD) was arranging the concrete evidence in support of 75 years of residence proof. So, while in most of the states the focus of the government was on recognition of individual rights of tribal, settlement of claims of OTFDs took a back seat. In the given scenario, Chhattisgarh Government set an example by issuing of individual forest land titles to 6200 OTFD households. This could be possible by adoption of two innovative approaches. One is the state government had introduced claim forms of separate colour for OTFD and FDST. The claim forms used for STs are of the pink colour and the same for OTFDs are of yellow colour while white forms were used for community claims. It provided a message to different stakeholders responsible to educate FRC and Gram Sabha members and differentiate between the claimants. It also helped in joint verification and processing of claims at SDLC and DLC levels.

Section 5 of FRA read with section 4(1)(e) of the Rules mandate that a duly constituted management committee prepare a forest and biodiversity management plan for sustainable

management of the forests. The plan thus prepared needs to be integrated into the working plan of the division. Maharashtra government came up with a guideline, the first of its kind in the country that clarifies the structure and functions of such committees. The other states can come up with their own while taking the appropriate elements from this pioneering document.

### **Suggestions for mainstreaming/replicating the practices**

1. The states where the implementation process is still slow and identified for prioritisation may adopt the FRA Kit and FRA Cell approach.
2. SCSTRTI in general or NRC on FRA housed in SCSTRTI in particular may act as an umbrella organisation for training of officials across states both for implementation and post recognition aspects.
3. Training of FRC members, orientation of PRI members need to be undertaken on a larger scale. Tribal Research Institutes may be aided by the NRC on FRA for developing short duration modules on various aspects.
4. Recognition of rights of OTFDs may be looked at for priority attention using the Chhattisgarh model.
5. Mapping of CFR areas using the Thrissur and Mayurbhanj models may be piloted in every major state and scaled up in these two states.
6. Post CFR management guidelines may be issued by other states using the Maharashtra one as the reference point.
7. The convergence approach of Thrissur DLC, Kerala in community rights situation may be discussed as a case in training curriculum on FRA and a separate study commissioned on convergence by NRC for better understanding of the issues involved.
8. Selective GPS mapping of individual lands in blocks/*talukas* may be adopted on the lines of Andhra Pradesh where there are large-scale anomalies in land claimed and settled. The innovations in title and passbook of Andhra Pradesh in case of individual titles may be adopted by other states as it would facilitate recording of titles in revenue records as mandated under amended rules.

## **Chapter 1**

# **INTRODUCTION**

## **1.1 BACKGROUND**

The Scheduled Tribes and Other Traditional Forest Dwellers(Recognition of Forest Rights) Act 2006,or Forest Rights Act(FRA) as it is popularly known, was passed by Parliament in December 2006 and came into force from 2<sup>nd</sup> January 2007. The Rules were notified on 1<sup>st</sup> January 2008 after due process of consultation. The Rules were further amended on 6 September 2012. The law defines the bundle of rights to be enjoyed by a claimant forest dependent community over a defined patch of land classified as forests in government records till date. It provides for restitution and recognition of forest rights across the country including individual rights to cultivated land in forest areas as well as collective rights to conserve, manage, control and use forests as common property.

Section 3 of the Act provides for grant of several heritable, inalienable and non transferable forest rights to forest dwelling scheduled tribes(FDSTs) and other traditional forest dwellers(OTFDs). The following rights which secure individual and community tenure or both, shall be the rights of forest dwelling scheduled tribes and other traditional forest dwellers on all categories of forest lands namely-

1. Right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers;
2. Community rights such as nistar, by whatever name called, including those used in erstwhile Princely states, Zamindari or such intermediary regimes;
3. Right of ownership, access to collect, use, and dispose of minor forest produce( includes all non-timber forest produce of plant origin) which has been traditionally collected within or outside village boundaries;
4. Other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;

5. Rights including community tenures of habitat and habitation for primitive tribal groups and pre-agriculture communities;
6. Rights in or over disputed lands under any nomenclature in any State where claims are disputed;
7. Rights for conversion of Pattas or leases or grants issued by any local authority or any State Govt. on forest lands to titles;
8. Rights of settlement and conversion of all forest villages, old habitations, un-surveyed villages and other villages in forest, whether recorded, notified or not into revenue villages;
9. Right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;
10. Rights which are recognized under any State law or laws of any Autonomous Dist. Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of the concerned tribes of any State;
11. Right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;
12. Any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses-1 to 11, but excluding the traditional right of hunting or trapping extracting a part of the body of any species of wild animal;
13. Right to in situ rehabilitation in alternative land in cases where the Scheduled tribes and Other Traditional Forest Dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13<sup>th</sup> day of December 2005.

The law and the rules provides for an implementation architecture comprising Gram Sabha and the Forest Rights Committee(FRC) at the village level, Sub Divisional Level Committee at the sub district level, District Level Committee at the district level and the State Level Monitoring Committee at the state level. The roles and responsibilities of these bodies as well as the procedures to be followed for determining and recording of forest rights in favour of the claimants are also articulated. The Forest Rights Act(FRA) by recognising a host of community rights including rights over community forest resources is a seminal departure from the past as it seeks to empower

local communities as legitimate owners and managers of forestlands and resources and democratize forest governance in the country. The provisions of sections 3(1)(i) and 5 of the Act together with Rule 4(1)(e) vests the Gram Sabha with the rights and responsibility for sustainable use, for conservation of biodiversity and wildlife, ensuring that internal and external factors do not destroy their community forests and for maintenance of ecological balance. The amendments to rules in September 2012 provided for an operational framework for recognition of rights over community forest resources by incorporating a new form and a title format for the purpose. The idea of post rights support to rights holders found legal sanction in the amended rules.

The implementation of FRA started in right earnest across the country in 2008 backed up by unwavering political will, bureaucratic push and civil society engagement. States came up with action plans, constituted authorities as mandated under law, allocated human and financial resources, conducted trainings for officials and frontline staff of concerned government departments, organised awareness raising programmes, brought out facilitating circulars, orders, etc. The process was monitored regularly and rigourously at various levels. Ministry of Tribal Affairs showed reasonable degree of flexibility and responsiveness so that the process of rights recognition gains pace and momentum. Most states achieved success in recognition of individual forest rights. As of February 2015, 15,32,034 individual rights are recognised in different states. Community rights recognition was slow and probably attracted less attention. However there were districts like Gadchiroli in Maharashtra, Kandhamal in Odisha or Thrissur in Kerala which pioneered community rights recognition process. State departments, district administrations, civil society organisations came up with innovative approaches to recognise individual and community rights and enable post rights management of forests.

After more than seven years of the Act becoming operational, it is imperative to look at various initiatives that facilitated implementation and good practices that offer learning so that the larger constituency of stakeholders benefit from it. It is in this context a documentation of good practices and learning experiences in five states namely Andhra Pradesh, Chhattisgarh, Kerala, Maharashtra and Odisha was taken up. Except Kerala, all the states have significant tribal population and figure among top achievers in recognition of forests rights. While Odisha consistently performed better in recognition of rights especially individual rights and is a pioneer in many enabling steps,

Maharashtra is considered a pioneer in recognition of community rights and post rights management of forest resources. Andhra Pradesh is a step ahead in use of technology for rights determination and demarcation of land recognised under FRA. Chhattisgarh presents a picture of coordinated civil society engagement. Kerala though with a smaller tribal constituency stands out in terms knowledge driven engagement of a Particularly Vulnerable Tribal Group and recognition of large patch of forests under community rights.

## **1.2 OBJECTIVES**

The objective of the exercise is to document good/best practices in implementation of FRA in five states and develop learning documentaries so that various stakeholders benefit from the approaches and processes adopted by various government and non government agencies.

## **1.3 METHODOLOGY**

### ***1.3.1 Defining Good Practices***

The term ‘best practice’ in management science refers to the most efficient way of doing something assuming the rest of the factors remaining same. Hence research in best practice involves selective observation of a set of exemplars across different contexts in order to derive more generalisable principles or theories. In social sciences context, multiple variables and externalities govern and determine course of action of agencies or actors; hence the assumption of other factors having marginal bearing on action and results does not hold good. Hence a range of practices that positively influence and impact the course of action by actors leading to achievement of the objectives can be called ‘good practices’.

### ***1.3.2 General approach***

The assignment involved both review of secondary literature and field work. Available secondary literature was reviewed in detail to serve two purposes. First the selection of cases to be studied in detail was to be based on literature. The idea was that the case should offer significant learning in terms of certain aspects of implementation of FRA. Second, the literature offered a mosaic of approaches and practices at various levels for supporting implementation of FRA on the ground.

The proactive steps taken by various state and district administrations were captured in the process. The literatures reviewed included

- i. Reports, documents of Ministry of Tribal Affairs, state tribal welfare and forest departments, publications of TRIs
- ii. Minutes of the meetings of SDLCs, DLCs, SLMCs,
- iii. Published and unpublished documents of NGOs, networks/alliances
- iv. Research reports, papers in journals, articles
- v. Communications between NGOs and state departments and agencies
- vi. Websites of ministries, and NGOs

Literature review threw open a large number of constraints that hindered proper implementation of FRA as well as approaches to overcome these constraints in different states. These approaches having multiple dimensions like information reaching the stakeholders, leadership at the district level, institutional mechanism for coordination, stewardship of the state's training institutes, etc. were further examined during the process of field work especially through interviews with key informants.

Field study was undertaken to document identified cases involving interviews with stakeholders namely claimants, FRC members, govt. officials, NGO functionaries, SDLC members(both official and non official).

Case study method was used to examine and understand interventions by a particular agency, say ITDA or an NGO, in a specific geography to support implementation of FRA. Case study by definition examines the entire course of action adopted by the agency to achieve the objectives. The context in which the agency operates, the actions and the premise of such actions, the outcomes are studied and understood in detail. It is primarily qualitative in nature and draws insights from the responses of multiple stakeholders. A case protocol was developed to guide the researchers in data collection. The protocol contained a set a questions on context, the intervention by the agency in the areas of awareness and education on provisions and processes in FRA, community mobilization, field based support, capacity building, verification, demarcation, facilitating interface with district level officials, etc. the protocol is enclosed in the annexure.

### ***1.3.3 Mapping of practices in different states and developing a shortlist of good practices***



A legislation of the nature of Forest Rights Act required revisualization of the roles of local authorities and communities for effective implementation and realization of the intent and objectives enunciated in the law. The successful implementation of the law depended on informed communities claiming rights, empowered Gram Sabhas deliberating and taking decisions, pro action on the part of district and sub district level officials, frontline staff for facilitation and support to FRCs and state government's empathy reflected in terms of training its personnel, allocation of human and financial resources, effective monitoring and seeking and engaging other stakeholders namely PRIs, NGOs, etc. In the past seven years, both government and non-governmental actors engaged in facilitating and grounding of FRA came up with a wide array of actions which contributed to the implementation in a particular context or geography. A literature review was undertaken to map innovative approaches, practices, ground level facilitations in different states both by government and non-government organisations. The practices were grouped under

- Awareness, education, training for supporting FRA implementation
- Enablers such as providing kits, forms, maps
- Facilitative mechanisms at the district level for generating and processing claims
- Use of technology such as GPS mapping
- Post recognition exercise of rights by communities
- Pioneering community rights recognition processes and management of forests
- Convergence for improving livelihoods of rights holders
- Affirmative leadership prioritising FRA at the district level
- State level pro action for creating an enabling environment reflected in terms of facilitative circulars, guidelines and regular and effective monitoring

It was realised that the number of initiatives and practices were huge. Interactions with government officials, NGOs, PRI members, social activists and researchers helped in developing a shortlist based on their perceived impact in respective states. The researchers themselves are engaged in facilitation of FRA implementation in different states. The relevant judgments are built into the shortlist which is presented below.

Table 1: Shortlist of Good Practices

State	Major initiatives/Good practices
Andhra Pradesh	<ul style="list-style-type: none"> <li>• Survey and identification of forest interface villages</li> <li>• Supply of digitized forest block maps showing occupations and encroachments to FRCs and gram sabhas</li> <li>• Deployment of trained human resources</li> <li>• Engagement of SHGs</li> <li>• Use of technology/GPS mapping for demarcation</li> </ul>
Chhattisgarh	<ul style="list-style-type: none"> <li>• Supply of coloured forms for different rights</li> <li>• Use of genealogy as evidence</li> <li>• Conversion of forest villages into revenue villages</li> <li>• Recognition of rights of OTFDs</li> </ul>
Kerala	<ul style="list-style-type: none"> <li>• Hamlet level gram sabhas</li> <li>• Community rights in rich forest areas over a large patch in Thrissur</li> <li>• Post rights resource management and convergence</li> </ul>
Maharashtra	<ul style="list-style-type: none"> <li>• Standardised kit of forms, maps in Gadchiroli</li> <li>• Collectivisation and trade in tendu leaves and bamboo as a post CFR initiative</li> <li>• FRA Cell in Gadchiroli</li> <li>• Post CFR management plan and its integration</li> </ul>
Odisha	<ul style="list-style-type: none"> <li>• Recognition of Palli Sabha as Gram Sabha</li> <li>• Structured and continuous capacity building</li> <li>• Proactive role of SCSTRTI as a resource organisation</li> <li>• WEO as facilitator at Block level</li> <li>• FRA Cell/Desk in Tahsils of Kalahandi and Mayurbhanj</li> <li>• Zero rejection approach in Koraput</li> <li>• Effective monitoring through video conference catalysing action</li> <li>• Facilitation of community claims in Kandhamal by district administration</li> <li>• Post CFR management in Balangir</li> <li>• Harvesting of bamboo and transit pass for Gram Sabha in Jamuguda, Kalahandi</li> <li>• Leadership at the district level resulting better implementation</li> </ul>

### **1.3.4 Selection of cases and their documentation**

FRA implementation involved multiple stages. A range of stakeholders are engaged in the process. There is still large asymmetry of information among implementing actors like FRCs, government officials, NGOs, etc. Hence no single case involving a particular agency in a definite geography can capture good practices in all the stages of implementation process. Hence a large number of cases were selected from different states based on review of literature. It was realised that most of the cases are either unique or have a pioneering effect. Hence an inclusive approach was adopted while selecting cases across states. It meant that if there are three cases from three states on post rights handholding and convergence, then all the three cases were documented. Cases having pioneering effect like GPS mapping for community rights in Kerala and Odisha were selected based on merit. Some of the cases are unique and have no parallel like recognition of rights of PTGs as in the case of Juangas of Keonjhar in Odisha, post CFR management guideline by Government of Maharashtra, monitoring through video conference in Odisha and recognition of rights of OTFDs in Chhattisgarh.

### **1.3.5 Data collection**

Field work for case studies were conducted during January-March 2015 in five states namely Andhra Pradesh, Chhattisgarh, Kerala, Maharashtra and Odisha. Community members, government officials, NGO functionaries, PRI members, social activists and researchers were interviewed and consulted.

Table 2: Persons/NGOs interviewed/consulted

Sl. No.	State	Person/NGO interviewed/consulted
1	Andhra Pradesh	ITDA- FRA Coordinator, Community members, NGO(Sanjeevani) staff
2	Chhattisgarh	Community members, NGOs namely Choupal and Jan Abhiyakti and donor agencies like PACS and OXFAM

3	Kerala	Secretary, Tribal Welfare, Director, Tribal Welfare Director, Tribal Research Institute Dr K H AmithaBachhan(Hornbill Foundation) Mr Tiju Thomas(WWF India)
4	Maharashtra	Mr DilipGode(VNCS), Ms Purnima(KHOJ), Community members
5	Odisha	FRC members in Rayagada, Koraput, Balangir, Keonjhar SDLC members of Rayagada, Koraput, Balangir DWOs of Boudh, Koraput, Balangir Mr Giri Rao and Mr Tushar Dash, Vasundhara Mr Amar Gouda(RCDC), Community members Mr KulamaniSahu, District Forestry Forum, Balangir

### **1.3.6Limitations**

There are a large number of agencies including government and non government engaged in implementation of FRA. However while selecting cases for in depth study, the choice was limited given the constraints of time and the willingness of the host organization to facilitate and support field work. Hence we relied on past experience and acquaintances for selection of cases. Initiatives of the government have been mapped based on secondary literature. Interactions with officials mostly related to specific aspects of implantation to best utilize the time made available to researchers.

### **1.3.7Structure of the report**

The report is organized into three chapters. Chapter 1 gives a background, states the methodology adopted and defines the contours of the assignment. It also states the objectives and clarifies its scope. Chapter 2 presents the case studies in a sequential manner that is largely followed in FRA implementation process. Chapter3 presents a synthesis of learning experiences drawn from different states. Good practices and their replicability and contextual application are dealt in this

chapter. It also deals with findings and suggestions for mainstreaming/replicating good practices for better implementation of FRA.

## Chapter 2

# THE CASE STUDIES

### 2.1 GOOD PRACTICES IN FRA IMPLEMENTATION: CASES FROM DIFFERENT STATES

The process of implementation of FRA involves multiple stages and a range of activities by multiple stakeholders. While government officials both at the district and sub district levels play a pre eminent role in pre implementation activities like awareness raising, training, provision of voter lists, forms, maps to FRCs, FRC and Gram Sabha play a major role in the village level processes. Similarly, state government plays an important role in creating an enabling environment in the form of circulars and guidelines and capacity building. The key elements that drive and determine successful implementation in different states are institutional support provided to FRCs, capacity building and knowledge support to field level officials/functionaries, engagement of CSOs especially in recognition of CFRs, use of technology as an enabler, leadership at the district level prioritising FRA.

The cases have been presented under various thematic heads. While there are two cases on institutional support from Maharashtra and Odisha, there is only one case on knowledge support from Odisha. Similarly there are three cases on use of GPS technology, one on individual rights from Andhra Pradesh and two on community rights from Kerala and Odisha. Two cases on post CFR management from Odisha and Maharashtra have been included. Similarly one case each on convergence, recognition of OTFD rights and collectivisation of NTFP trade in CFR recognised areas have been included. One case on monitoring for effective implementation has been included. Some of the case studies are actually caselets and are shorter in nature given the aspect it dealt with. The others are studied and presented in detail given the need to understand the processes for possible replication.

#### 2.2.1 INSTITUTIONAL SUPPORT TO FRCs AND PROVISIONING OF STATIONERIES

## **THE FRA KIT OF GADCHIROLI**

The states innovated in provisioning stationeries and documents like forms, maps, voter lists, etc. While Chhattisgarh came up with the idea of coloured forms for individual and community rights for better identification by a largely illiterate tribal population, Odisha equipped its officials in FRA camps with required forms, maps, etc. Gadchiroli district administration in Maharashtra came up with the idea of a FRA Kit.

Gadchiroli district of Maharashtra had a history of Gandhian movements which in turn led to many villages protecting forests for livelihood and conservation needs. MendhaLekhavillage is a pioneer in this and has earned attention and respect for their work on community led forest conservation for almost three decades. Their success in regenerating forests pre FRA led them to exercise community rights under FRA at an early stage. Buoyed by the success of MendhaLekha and led by a dynamic Collector, the district replicated the community rights recognition in a big way apart from giving due focus to individual rights recognition process. Keeping the largely rural tribal combination in mind, the district administration came up with the idea of FRA Kit comprising the law, rules, forms, sample Gram Sabha resolutions, voter lists, maps, bouquet of commonly use evidences to facilitate the claims process. The Kit contained the documents in local language in a water proof poly pack and handed over to each FRC. This obviated the need for going to multiple government offices for different documents. It saved time and money on the part of FRCs and empowered the Gram Sabha. This worked well and Gadchiroli now leads the country in recognition of community rights.

## **FRA CELL/DESK IN ODISHA**

The district level institutional mechanism was a key driver in implementation of FRA. As FRA implementation demanded coordination among tribal, revenue and forest departments, district and sub district level mechanisms from where people can access information like list of FRC members to status of claims filed to joint verification was critical to the success. In most places this was observed as the major bottleneck in making claims by claimants and their subsequent verification. District administrations in select districts in Odisha innovated with the idea of single window for FRA related matters.

Kandhamal and Kalahandi districts are pioneers in establishing dedicated cell in district and tahsil offices to provide information about FRC members, assistance in providing maps and facilitating verification. This enabled large numbers of community claims to be recognized in these two districts in the early phase when other districts were struggling with community rights. The officers manning the desks were trained and equipped with requisite materials. It also provided custodian kind of service where each claim form was recorded allaying fears of being missed or misplaced. It also enabled intra departmental coordination. In Kalahandi, it fastened the verification process whereas in Kandhamal, the cell was instrumental in generating claims in a big way. The FRA Cell in Mayurbhanj has gone a step ahead in supporting mapping of CFR areas. The case of Kandhamal which pioneered this concept and achieved reasonable success requires understanding and appreciation. The key features of this institutional intervention are

- Single window for information for FRCs, NGOs
- Secretarial and custodian services to SDLC, DLC
- Facilitate coordination, fasten joint verification
- Two tier structure
- Housed in tehsil, mandal, ITDA
- Dedicated Human Resources- Coordinator

Kandhamal, one of the tribal dominated districts in Odisha, consists of 12 Blocks, 153 GPs and 2414 villages. District Level Committee (DLC), Sub-Divisional Level Committees (SDLC) and Forest Rights Committees (FRC) at village level were formed immediately after notification of the Forest Rights Rules. The claim process at village level effectively started in June 2009. The distribution of Individual as well as Community titles is highest among all the districts in the state. 57657 individual titles and 852 community titles have been distributed in the district so far. Similarly, and 1907 community titles have been approved by DLC for distribution. This is a result of the campaign approach adopted by the DLC with well designed strategy for planning and monitoring. Priority was given to the claim of individual rights in the initial years of implementation. The campaign for community rights was started in the year 2011.

There are certain strategies and process which led to a successful implementation of the Act in the district. Forest Rights Cells were formed at District and Sub-Divisional level. The district level cell



was under the direct supervision of Project Administrator, ITDA, Phulbani while Sub-Divisional level cells were under the supervision of Sub-Collectors. One of the Deputy Collector was assigned the responsibility of exclusively monitoring this work on day to day basis. These cells were equipped with requisite staff members and other resources like computer centre, lamination cell, checking and record maintenance unit etc. Certain staffs of Collector and Sub-Collector offices were exclusively engaged for this work during the first one year. Tehsil was taken as unit of planning, monitoring and implementation and Tehsildar was made the nodal person for implementation of the Act. He ensured village level surveys, document preparation and coordination with various departments at Block level during implementation. Training and capacity building programmes for officers, field staff, PRIs, members of FRC were undertaken. NGOs operating in the area and facilitating FRA implementation were involved as partners in the process. All Panchayat Samiti Chairpersons, Sarpanches, other PRI members were sensitized on various provisions of the law and various processes adopted. Large number of retired R.I./Amins/Clerical Staff were engaged on contractual basis and deployed in different Tehsils for this purpose. Youth were mobilized and engaged in implementation process. The implementation was taken up GP-wise/village-wise. Efforts were made to cover one GP at a time before approaching the second one.

Field level teams under supervision of RIs and Amins were formed. They visited and facilitated process of implementation GP wise. Coordination between ST & SC Development Department, Revenue Department, Panchayati Raj Department and Forest & Environment Department was ensured in whole process. Manuals, model guidelines, model individual case records, model common records were prepared and circulated to ensure proper case documentation. A data base management system in Excel was prepared by D.I.O, NIC, Collectorate, Kandhamal. This system helped in preparation of a consolidated data base of all the beneficiaries and has all relevant information. On the basis of this, detailed proceedings indicating name, father's name, spouse name, village, Forest Range, Block, Forest Division, Khata No., Plot No., Area, Kism of land etc. for each and every beneficiary could be prepared. During individual rights campaign continuous monitoring at weekly intervals at District level and by holding a review meeting of Tehsildars on fortnightly were undertaken to expedite the process faster.

### **2.2.2 AWARENESS RAISING, CAPACITY BUILDING AND KNOWLEDGE SUPPORT**

One of the key factors that enabled successful implementation of FRA in different states is effective awareness and training programmes both in its design and delivery. The programmes can be clubbed into three different categories

1. Awareness programmes in the villages involving both oral and written medium
2. Training programmes for officials
3. Post training communication to the trainees, refresher and training material

Odisha and Andhra Pradesh adopted a range of methods to ensure that the stakeholders like FRCs, frontline functionaries of relevant government departments and NGOs are adequately equipped with information and relevant knowledge and resources so that the implementation process on the ground goes relatively hassle free. Both the states produced written material and used oral methods like kala jathas, drum beating and wayside meetings. In all the states the state tribal research institutes coordinated the training efforts. The study team interacted with the officials of all the TRIs. SCSTRTI Bhubaneswar stands out in terms of its effectiveness as it provided end to end knowledge solutions.

### **PROACTIVE AND PIONEERING ROLE OF SCSTRTI, ODISHA AS A RESOURCE ORGANISATION**

SCSTRTI Bhubaneswar under ST and SC Development Department, Government of Odisha saw FRA as an opportunity to establish itself as a lead resource organisation for effective implementation of this pro poor legislation. They positioned themselves as the trainer, single point source of information on FRA and developer of handy materials. The key features of the engagement are

- Translation of the law and the rules into Odia and select tribal languages
- Printing and circulation of the forms for claim making
- Developing a training module and incubating it within the regular programmes so that no tribal department official misses it
- Focused programmes and refreshers enabled continuity which is not observed in most other states
- Roping in resources from both the Government and civil society so that the trainings are hands on and enriched by experiences

- Publication of FAQs twice which is unique amongst states
- Publication of a compendium that acted as a ready reference material

The stakeholders were well mapped and the needs of each set of stakeholder were understood. The design commensurate the requirements of diverse stakeholders such as FRCs, PRI members, NGO staff, government officials, etc. Odisha's pre eminent position in recognition of highest number of individual claims is a testimony to the knowledge and capacity building support provided to its frontline functionaries including PA, ITDAs, District Welfare Officers and Welfare Extension Officers.

Tribal Research Institutes across the country were supposed to play a lead role in continuous capacity building for effective implementation of FRA in respective states. TRIs of most states saw this as a training assignment to be completed in a definite timeframe and according to a pre-decided calendar. SCSTRTI brought objectivity into it, systematically tried to understand the needs of the functionaries charged with implementation of FRA, incubated orientation on FRA into existing training programmes. They followed a learning approach by conducting studies, learning from implementation as an evolutionary process. The compendium it brought out serves as an authentic source of information for field level officials across states. The updating and revision it had attempted makes it more user-friendly.

## **AWARENESS MADE COMMUNITY TO SPRING INTO ACTION**

Salhi is a village in SalhiGrampanchayat of Udayapur block in Sarguja district in Chhattisgarh. Total population of Salhi village is around 1800. Nearly 95 % of the total population are STs. The village is surrounded by forest. The major source of livelihood of the villagers is cultivation and wage labour. Animal husbandry also forms a source of livelihood. Domestic animals like cow, goat, pig and hen are found in most of the households. The villagers also depend on forest produces like mahua flower, tendu leaf, char, myrobalans for about six month in a year for their livelihood. In the year 2009, Adani Group of Companies started a coal mine in the village which was vehemently opposed by the villagers. The mining area comprises of around 400 acres. There was a strong resistance from this village and neighboring villages when Adani group started the mining work in the area. They protested how the company acquired the land without the knowledge of

villagers. But, the district administration informed the villagers that Gram Sabha of the concerned villages have given consent to issue “No Objection Certificate”.

In the meanwhile, AlokSukla, a member of *Chhattisgarh BachhaoAndolan*, met one villager



named Jayanandan Singh Porte. This was the turning point. Porte described the fear of the villagers of 36 villages about the mining and its effect. He also introduced two village youths Mohor Singh and RamlalKariyam to AlokSukla. Mohor Singh was formerly associated with an NGO called Jana Abhibyakti. At

present, RamlalKariyam is the president of Forest Rights Committee. These three village youths discussed about the issue with AlokSukla and Ganga Bhai. They narrated the situation how the mining authorities managed to organize to a fake Gram Sabha resolution and made an approval for mining. The villagers had sourced a certificate issued by the district collector which stated that a meeting of the Gram Sabha was held to discuss the diversion of forests and forest rights over the land. The panchayat revealed that no such meeting was held on the date specified and no resolution was made. They alleged that the records of the meeting were forged.

Knowing the situation, these three youths along with Ganga Bhai Paikara and AlokSukla organized an awareness campaign. The villagers were made aware of the issue. They chose



*NukadNatak*(Street Play), group discussion, meeting with each household and training as medium to reach the people. They chalked out a plan talking the existing resource into account. The theme of the *NukadNatak*(Street Play) was mainly based on creating awareness on Gramasabha. They also conducted village meetings and discussed regarding Gramsabha and Forest Rights Act. In the village meeting, the rules and processes of the Forest Rights Act is discussed in detail. Some of

the village youths were trained on the Forest Rights Act and its rules. These trained village youths met individual household members in the village and explained them regarding the usefulness of FRA. Training sessions were organized to educate people on FRA and claim process.

The process was not only restricted to facilitate filing community claims at the village level but also interaction and advocacy with the district-level government officials. The initiative also



facilitated the interface between the officials and community where the process bottlenecks were discussed in detail. R. Prasanna, the then District Collector of Ambikapur district and M.S. Paikray, SDM appreciated the initiative and provided requisite support to expedite the

process. Apart from that, Deputy Ranger Shri Mishra also rendered necessary cooperation which helped a lot in achieving the goal.

Some of the village youths explained the villagers about the rights of Gram Sabha and Forest Rights Act. Unaware of the rules and regulations, the villagers were only protesting the company authorities to stop their operation. Some villagers expressed that initially villagers were not interested for attending the Gram Sabha. But, the situation changed after the Adani group came into picture. People gradually showed interest in taking part in Gram Sabha as they were convinced

I was little bit aware of Forest Rights Act. But, after receiving the training from Chaupaland Chhattisgarh Banchao Andolana, I got more insight on Fifth Schedule Area, PESA and Forest Rights. I could also able to know about Gramsabha and its rights, said **Omeswar Singh**, a former Sarpanch of Salhi Gram Panchayat

that they can exercise their rights through Gram Sabha only. As the Forest Rights Act (FRA) 2006 provides Gram Sabhas power to block any move diversion of their land, it worked as a veto to restrict any more diversion without their consent. Initially the villagers had no knowledge about the community rights under FRA. Villagers were only claiming for individual forest rights. Chaupal, an institution, which was active since last 25 years in Sarguja and Korba area showed the way for claiming community rights.

mining an approval from the concerned Gram Sabha is required.



Now all the individual claims made in the village has been settled. After amendment of the rules in the year 2012, the villagers initiated community claims. The survey for community claim started. In the process, nearly 3500 hectares of forest land was claimed in the village which was in forest compartment number 8. The claims are almost approved at DLC level. These claims include Forest Resource Rights in which forest regeneration, conservation and collection of NTFPs like mahua flower, tendu leaf and myrobalans. Villagers are getting benefits after selling these NTFPs.

This initiative not only led to strengthen the village unity but also helped in streamlining the Gram Sabha.

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The initiative has not only paved the way for streamlining the claim process for community rights but also creating an atmosphere to include the implementing officials to expedite the same. The interface between implementing officials and the community has led to solve the difficulties in the implementation. Different CSOs have taken keen interest to take this forward. The process has also registered a replication effect and other neighboring villages have been influenced to initiate the process of their community claims.

### **2.2.3 RESOURCE MOBILISATION**

Andhra Pradesh stands out in terms of meticulous planning, identification of resource requirements and provisioning of the same. The implementation of Forest Rights Act in Andhra Pradesh started in earnest in January 2008 and a roadmap for its implementation was prepared. SLMC was constituted on 21<sup>st</sup> January 2008 and Chief Minister held 1<sup>st</sup> review meeting on 22<sup>nd</sup> January 2008. The then Chief Minister wrote a letter to all the District Collectors on 2<sup>nd</sup> February 2008 urging them to attach high priority to its implementation. The roadmap identified the “event” and drew up timelines for time bound implementation so that all individual claims are settled by 31<sup>st</sup> October 2008. The “events” listed in the roadmap include constitution of FRCs, SDLCs, DLCs, SLMC, identification and training of resource persons, orientation workshops and trainings of officials at mandal (Block in other states), ITDA and district levels, printing and supply of forms, procurement of village, forest block maps, engagement and deployment of social mobilisers, barefoot surveyors, survey and verification for ascertaining actual possessions and processing and settlement of claims in Gram Sabha, SDLC and DLC levels. The focus was clearly on individual rights. The implementation was taken up in a project mode and in phases. At the end of phase 1, 323765 individual and 6714 community claims were received. Of these 167797 titles are distributed and 6896 are ready for distribution. A whopping 153,380 claims were rejected. A total of 2406 cases are pending with Gram Sabha and SDLC. In phase 2, 26381 individual and 4251 community claims were received. Of these 1697 individual and 35 community claims were approved in DLC as of 31<sup>st</sup> August 2012. The implementation process received the political push in the 1<sup>st</sup> phase and saw hectic activity and faster processing of claims though the rejection of claims was considerably high.

The steps adopted in the process involved the following

- Identification of habitations/villages and GPs having forest interface
- Instructions to village and *mandal* level functionaries to initiate implementation of the Act
- Identification and training of *mandal* resource persons
- Procurement and supply of digitized forest block maps showing occupations and encroachments to FRCs and gram sabhas
- Printing and supply of claim forms
- Awareness programmes, training and orientation of FRCs
- Conducting *mandal* level meetings with Sarpanches, MPTCs, ward members
- Mobilization of *mandal* survey teams and para legal staff of Indira KrantiPatham(IKP)

Mobilization of resources, especially trained human resources from various govt. departments and agencies was one of the key features of implementation in the state. The state govt. also allocated Rs20 crores in 2008-09 budget indicating its seriousness about FRA implementation. FRC Coordinator at the ITDA level, *mandal* resource teams and social mobilisers of SERP provided a three tier human resource back up to the implementation process. Interactions with community members in study villages confirmed this.

### ***Effective Human resource mobilisation***

The most challenging job in recognition of the individual forest rights is filling up the forms by the claimants, arranging the supporting documents, evidences and proper verification of the land used by the claimants. According to Forest Rights Act, the filling up of the forms has to be done by claimants in case of individual claims and FRCs in case of community claims and the process needs to be initiated by Gram Sabha. Strong support mechanism for filing claims by the government has resulted in faster and proper recognition of individual forest rights in the state of Andhra Pradesh. In Andhra Pradesh the mode of implementation is unique in terms of recognition of individual claims as the government has taken the uniform approach throughout the state in the year 2008-2009. The government has reached at the doorstep of each claimant to ensure the documentation and claim making rather than leaving the Gram Sabha and FRCs alone to act sporadically which compelled the FRC and Gram Sabha leaders to work in the pace of the



government.

The implementation of FRA in the state was taken up in a targeted approach with mobilisation of a large pool of human resources from revenue, forest, tribal welfare and rural development departments. The set of human resource starting from social mobilisers at the village level to mandal resource teams at mandal levels to FRC coordinators at SDLC level contributed to speed up the whole process and ensured faster filing and processing of claims and reporting.

Involvement of the Rural Development department and integration of FRA implementation with SERP/IKP is a unique initiative. Indira KranthiPatham (IKP) is a statewide community driven rural poverty reduction project in the state of Andhra Pradesh under the Rural Development department to enable the poor to improve their livelihoods and quality of life through their own organizations mainly SHGs at village level. It aims to cover all the rural poor households in the state with a special focus on the poorest of the poor. IKP has manpower at village, block, district and state level which was the strength used in the process and the SHG members at the village level play a pivotal role in spreading the message at the ground. The de facto implementing agency in Andhra Pradesh for FRA is Society for Elimination of Rural Poverty (SERP)/Indira KrantiPatham (IKP). The staffs of IKP played major role in the whole process of claims making under FRA. They helped in initiating the process, filling up the forms, helped in evidence collection and interfaces with Mandal Revenue Officers and Revenue Divisional Officers (RDOs). For the villagers, the IKP are the first level of interface as they have staff at the lowest level and controls a large number of govt. programmes. In order to address the difficulties in the claims process, a support role of social mobiliser was allocated to each village, deputed from the IKP project. They worked in conjunction with FRC members and the VTDA's to help prospective claimants complete their claim forms and collect and append evidences such as, documentation and statement of elders other than claimants.

Verification of claims is undertaken by a survey team consisting of forest and revenue officers and a GPS person .FRC Coordinator at the SDLC level, Mandal revenue officer (MRO), Village revenue officer(VRO) and had also played a key role for steering of the joint verification which is the key factor for proper recording of right of each forest land right holder without any mistake. Due to deployment of trained technical manpower and motivation from administration, verification of claims and mapping of the land of each individual right holders in a time bound

manner contributed to the recognition of individual rights in a faster way which is an example in the whole country.

#### **2.2.4 USE OF GPS TECHNOLOGY IN INDIVIDUAL RIGHTS RECOGNITION PROCESS IN ANDHRA PRADESH**

A key feature in the process of rights recognition is the use of technology for determination and demarcation of lands of claimants. Andhra Pradesh leads the states in use of GPS in demarcating lands claimed by individual claimants and preparing GPS maps. The titles are invariably accompanied by GPS map. This was inbuilt into the planning process. There are less cases of mismatch between the area claimed and area for which the title is received. Survey teams equipped with GPS instruments were constituted at *mandal* levels. Each survey team included three to four persons including representatives of revenue, forest departments and GPS person. Their survey programme was shared. Intimation reached all the villages beforehand. Revenue officials were invariably present in all villages visited. However the forest officials were not present. Manual GPS was invariably used. Some confusion arose over number of GPS points to be taken. A circular was issued prescribing the minimum number of coordinates and recording at bend points. A retired tahsildar engaged in the process in Paderu highlighted this aspect.

The first phase of survey for the settlement of lands under FRA started in 2008 and the titles (both individual and community) were given in the year 2009. During 2009, all demarcation maps were done manually where many such maps were objected to be faulty by the forest department and it insisted for GPS mapping and hence they were not cleared for settlement of titles. This was the reason why some people in a village got but others could not. It is understood that under political expediency of the then regime, some titles were cleared despite objections from forest department. Since the claims were collected by the officials of tribal welfare department ( as it was all government driven programme in AP during the period) arbitrarily , the applicants themselves did not recollect that claims were submitted in their names and therefore did not follow up for settlement of claims. The people who are still deprived of getting land titles under FRA do not know that they are entitled for it. This has resulted in large section of entitled population have not got land titles under FRA.

When the GPS system of mapping was introduced in 2010, the process got further delayed. Thus, land being demarcated with the help of GPS mapping against the claims received during first phase in 2008 is yet to be over. Even the lands given to people under the title deed are being surveyed again with GPS mapping.

Meanwhile, the second phase of survey and claim collection was started during 2011-2012 and 2012-13 with GPS mapping and in some places of Paderu revenue division title deeds have been distributed. Details of title issued both in the first and second phase (latest updated) have been given for reference in Annexure-1.

In the local level of implementation the field staff of ITDA, as the nodal implementing agency, is supposed to facilitate the five stages of implementation such as:

- (1) FRC awareness-raising and training
- (2) The initial Gram Sabha meeting and formation of FRC
- (3) Distribution of claim forms and receipt of submitted claims
- (4) Verification of claims
- (5) Final issuing of titles

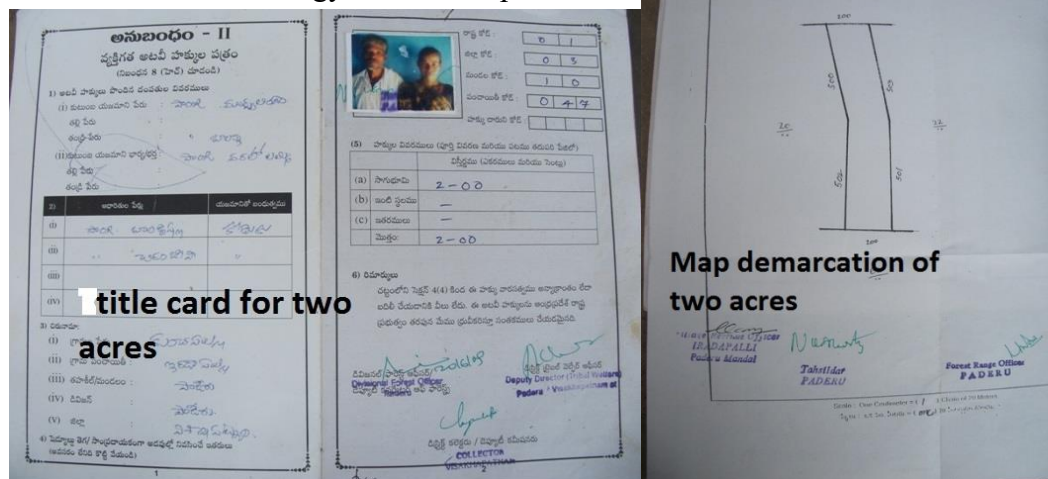
Though the first two stages are very important as the people need to understand their entitlements better and the power of the institutional designs like Gram Sabha and FRC, not much efforts are being given even at present and the practice has been almost the same (as a government driven programme) as it was during 2008 minus the political will of the government.

Further, the notification for organising Gram Sabha meetings and formation of FRC by the officials is not being done with adequate dissemination of information and time given to the community. As a result, there have been poor attendances in the meetings and therefore low rate of claims being made. Gram Sabha level meetings ( which should be hamlet/village level meeting as per FRA) are mostly held at Panchayat level having several hamlets/villages together, which undermines the democratic rights of the people and often make it inconvenient for people to attend meeting at distant places (sometimes Panchayat offices are located at a distance of more than 10 km).

Any claim under FRA requires gathering of supporting evidence and documentation. Claims are then to be verified on the ground by the FRC. As a matter of fact many eligible claimants lacked

adequate knowledge about the Act and the rules, and could not assess their eligibility and the process for claims. Similarly, many eligible claimants also did not claim due to a perception that they lacked adequate evidence. Furthermore, many eligible claimants also lacked information about the dates of the Gram Sabha meetings and the cut-off dates for submitting the claim forms. Needless to mention, Gram Sabha is the authority to receive claim forms and if it decides that forest rights recognition process is not complete, it has power to extend the cut-off date by passing a resolution to that effect, which the administration does not entertain. These have remained the ground level issues as far implementation is concerned.

Normally land is being surveyed with plain table method and verification of claims for the individual forest right has been undertaken in most of the states using this method. To make the verification process faster Andhra Pradesh government has used GPS technology. A GPS expert was appointed as part of the claim verification survey team formed at each Mandal level. Each survey team included



three to four persons with the GPS person. Manual GPS was invariably used.

Some confusion arose over number of GPS points to be taken. A circular was issued prescribing the minimum number of coordinates and recording at bend points. It was evident from the study villages that in every bend point in a land parcel allotted under FRA, one stone was placed marking the coordinates in it. The said coordinates are also noted in the land passbook (titles) issued to the claimants. It was attempted to gauge the difference between the quantum of land given in passbook and actual through GPS in the village Nalguntalagudem. GPS reading of the land parcel of DasariPothuraju was done and tallied with the area given in the land passbook. No difference was

found in area of land in the passbook and actual possession. The demarcation is neatly done. Even in official circles GIS maps and survey reports carried much weight and were seen as the most credible document. The *mandal* survey teams filed their reports at the *mandal* level which were later used in the SDLC.

## **2.2.5 USE OF GPS TECHNOLOGY IN COMMUNITY RIGHTS RECOGNITION PROCESS**

### **CFR FOR KADAR SETTLEMENTS IN THRISSUR, KERALA**

Vazachal Forest Division in Thrissur district of Kerala led the country in recognizing the community rights of PVTGs in a large compact area of the forests. Supported by WWF India and the Hornbill Foundation, it led the country in mapping of community forest resources in a participatory manner. The implementation of FRA has provided a scope for strengthening gram sabhas of tribals and educate them about their rights and responsibilities. Most of the FRA implementation activities are focused in the northern districts of Kerala with sizeable tribal population. The process is mostly localized and being handled by the district administration and local tribal extension officers and the forest department in collaboration with civil society groups if any.

The history of the Kadars in the southern Indian state of Kerala has been no different. The first recorded information on Kadars is found in Thurston's accounts of the tribe describing them as the "kings of the Annamalais". Subsequent anthropological studies confirm that they are a foraging tribe that has lived in the region. During the colonial times, they were used as trackers for their keen understanding of the forest and its resources. As on date, there are about 2000 Kadars spread across 24 settlements, including 4 settlements located in the adjoining state of Tamil Nadu. In recent times, there have been studies looking at their practices, especially of honey harvesting and other minor forest produces that they collect. While due to habitat degradation and loss of forest based livelihoods, Kadars have also moved to working as labour in nearby plantations. While they have come in contact with people of the plains for long, but their alienation from the forest was most heard during the agitation against the construction of a dam on the Chalakudy River by the Kerala State Electricity Board (KSEB). While Kerala prides itself as the state with high human development indices and also for decentralized participatory planning, a study in 2010-2011 dwells

on some of the questions, using the Kadars as a case study and arrives at conclusions that while the decentralized planning has much to rejoice in Kerala, but it is yet to reach the last mile and not all narratives find a voice in the planning document (Nair, T. 2014). This study in particular draws attention to the *Oorukuttams* or hamlet level assemblies that have not had their say reflected in Panchayath planning in the case of the Kadars. It is reasonably clear that STs who constitute a mere 1.5% of the total population of the state have a limited voice in the state's 'development trajectory. However, it is this population who if not catered to, can mean that the model of decentralised planning and governance of Kerala is not a real success.

There are 37 tribal groups residing in Kerala of which five communities are identified as Particularly Vulnerable Tribal Groups (PTG) and include the Kadar, Kattunayakan, Koraga, Kurumbar and Cholanaikkan. They are categorized as PTGs as per Government of India directive that describes them as having a pre-agriculture system of occupation, engaged in hunting and gathering, with illiteracy and a declining population (Chaudhuri and Chaudhuri 2005). Against this backdrop, the implementation of FRA in the state has to be also assessed. The following paragraphs will dwell on some of the questions/issues that are key to understanding the implementation of the Act.

As on 31 January 2015, the state had conferred 2,46,121 individual forest rights across 12 districts. Similarly 21 community rights and 10 claims on development facilities have been recognized. Interestingly, all the recognized community rights are in the district of Thrissur, where the Kadars are predominantly present. Within the gamut of community rights, were community forest resource rights, rights to minor forest produces, rights to fishing/grazing, sacred sites/habitat and so on.

### ***Initiatives taken by the state including awareness, education and training for facilitating FRA***

As has been mentioned earlier, due to less percentage of tribals in the state there is very little traction at the State level on the implementation of the Forest Rights Act. However it was interesting to note that besides the Scheduled Tribes Development Department (STDD), the forest

department, at least in the context of titling of community rights for Kadars has been significantly involved and are well informed about the procedures to be followed for rights titling.

While in Trivandrum, meeting with the Additional Principal Chief Conservator of Forests (APCCF) in charge of Eco-development and Tribal Welfare (E&TW), Mr K J Varughese was informative. According to Mr Varughese “Kerala has been very systematic in developing the implementation strategy. Not the speed but the strategy has been clearly laid out”.

The institutional mechanism is clearly set for the purpose of implementing the Forest Rights Act (FRA) in Kerala. Interactions with the STDD officials during the time of researcher’s travel to Trivandrum, did not yield much information as senior officials have recently assumed office after official level changes. Interaction with district level officials in Thrissur revealed that in the northern districts of the state the FRA implementation was ongoing and gaining further momentum. The Kadars received their community forest rights title in February 2014. The interaction with the APCCF clearly indicated that besides the local level forest officers, there were tribal extension officers deputed in every tribal sub-division to facilitate the claims process. The presence of civil society groups working on either adivasi rights or conservation and livelihoods initiatives in the region also provided the much needed boost to implement the FRA.

The Kerala Institute for Research, Training and Development Studies of Scheduled Castes and Tribes (KIRTADS) has conducted training programmes in the period 2007-2010 for members of Forest Rights Committees (FRC) constituted under the provisions of the Act. They have also produced pamphlets and brochures in Malayalam that were widely used and distributed among potential claimants as well as officials, mentioned Ms Bindu, the director of KIRTADS. She also mentioned that while she doesn’t think that the provisions of the Act have been fully implemented. However, she pointed out that the state government is making all efforts to ensure steady and smooth implementation. She cited that KIRTADS has already translated the Act in the local language of one of the tribes, the Muthuvan.

The issue of translating the Act in some of the tribal languages was also brought up by Dr Amitha Bachan of the Western Ghats Hornbill Foundation who has been working with Kadars for several years now in the Vazhachal forest region.

The DLC members, SDLC members along with the tribal development office (TDO) and tribal extension officer (TEO) are keys to disseminating information on the Act from within the state level machinery. Besides the presence of various civil society groups working on such issues have also closely worked with tribals in outreach and assisting them file claims under the Act.

Two civil society organisations (CSO) namely the Western Ghats Hornbill Foundation (WGHF) and the World Wildlife Fund for Nature (WWF India) have proactively worked with the Kadars in understanding their linkages with the forest. While the WGHF trained and engaged the Kadars in ecological monitoring of Hornbills in the Vazhachal forests, WWF worked with them towards NTFP assessment and better techniques at honey collection and sale. WWF India has been working in nine settlements of Kadars since 2007. Both the CSOs, through their history of engagement with Kadars, worked further with them in disseminating information on the Act and facilitated their process of filing claims both for individual and community forest rights.

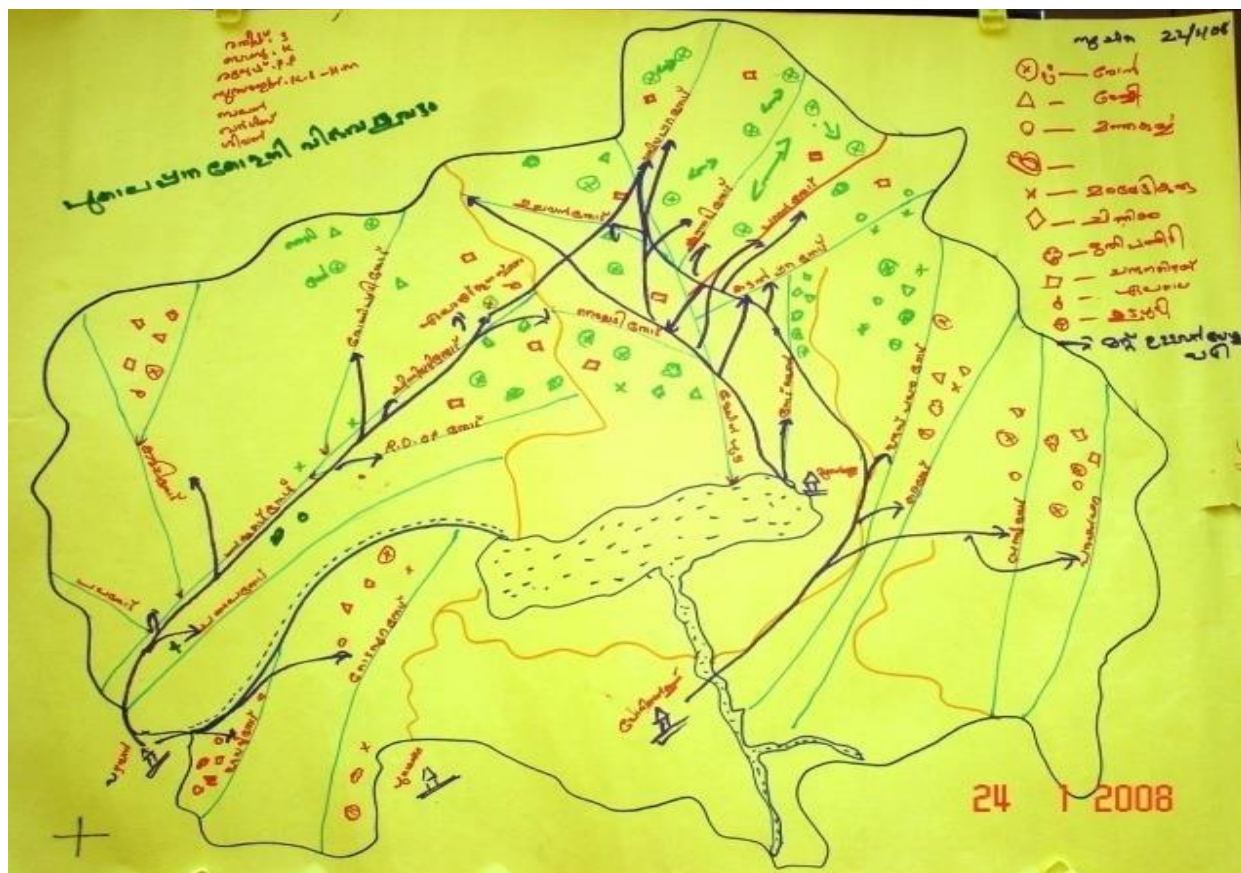
### ***Strategies adopted and processes followed***

The implementation of FRA began in right earnest soon after the Act came into force in 2008. However lack of personnel for survey, lack of complete information, among others led to slow progress of recognizing rights of the tribals. For the purposes of the Act, hamlet level Gram Sabhas were agreed upon and FRCs were constituted at this level. In the case of Kadars, the presence of WGHF and WWF boosted the outreach among the settlements; the Act's features and what was required to be done by the communities were clearly communicated, leading to mapping individual and community rights over resources. Since the CSOs were working in the nine settlements of Kadars (that was clustered into six Gram Sabhas) in the Vazhachal forest division and were familiar with the dependencies and use regimes, the entire area was thought of in the context of facilitation of community rights.



Mapping of the traditional resource access and use areas of individual settlements is a key feature of this intervention. After data collection on forest dependency and livelihood patterns settlement level meetings were organized in all the nine settlements to explain and undertake the process of mapping. When resource use maps delineated by each settlement showed up overlaps, this was ably communicated in another round of settlement level meetings to revalidate the maps and discuss the next course of action. This resulted in all the settlements mutually agreeing upon to apply for a common area, clearly showing the delineated region and the resources thereof. Fish resources were also mapped which were initially missed. Critical wildlife and water catchment areas and NTFP depletion areas were also mapped. The entire process was certainly long and cumbersome. The competencies and resources of the CSOs, WGHF and WWF enabled this exercise with cooperation from the state machinery, particularly the DFO, TEO and TDO, the sub-divisional magistrate and the district collector of Thrissur. Based on the process and filling up of the claims and going through all the levels as stipulated in the Act, the nine settlements were granted community rights in February 2014 over an area of 40,000 hectares in the Vazhachal forest division.

The process of CFR titling has been easy and smoothly implemented in the case of the Kadars because of the facilitation of locally active civil society groups. There seemed a generally positive attitude of the forest department in facilitating the process. However this observation is based on limited interaction with officials at the Forest Headquarters in Trivandrum. It was heartening to see that the FD has created a position for Eco-development and Tribal Welfare, and had an informed additional PCCF functioning in the same. While Kadars across nine Gram Sabhas all under the Vazhachal forest division have been given CFR titles; there seems little knowledge of the same at the state capital about it. The driving/facilitating forces in this case have been the local civil society organizations and the District level committee that granted the titles in the presence of the minister. This is to be seen in the context of a state that has a miniscule 1.4% of tribal population. Hence the replication of this effort is not happening though the government recognized it as a model through a circular.



## GPS MAPPING FOR CFR IN MAYURBHANJ DISTRICT, ODISHA

Mapping of CFR areas for recognition of rights is an important step. Like other districts of Odisha, claiming individual forest rights in Mayurbhanj district started enthusiastically in the initial years of implementation of FRA. Claiming community rights had taken a back seat. Though gradually it started in a sporadic manner, in most of the cases the process was not adhered to correctly. After promulgation of FRA Amendment Rule 2012, a spark was felt for claiming community rights.

The consultation meeting on FRA organized by MoTA and UNDP in Bhubaneswar in September 2013 was the turning point. The Collector, Mayurbhanj, presented his thoughts and experiences on CFR claim and stressed on the importance of final mapping for recognition of community claim. The idea was discussed in detail in the forum and appreciated by most of the participants. The mission for accelerating community claim process gained momentum in Mayurbhanj district.

The Collector of Mayurbhanj took keen interest. A meeting was organized in the district for initiating the community claim process where members from different Govt. Department, PRI and CSOs were present. Then, a roadmap was prepared by the District Administration for CFR mapping. The requirement for a pool of skilled personnel was felt to take the initiative ahead.

The example of Kandibali GP of Kandhamal district was the inspiration for this initiative. A team consisting of officials from tribal development, revenue and forest department of the district went for an exposure visit to Kandibali GP. They closely observed the process adopted for CFR claim. Mapping of CFR area with GIS technology was adopted. Initial trainings were conducted at DLC and SDLC level. 137 Revenue Inspectors and Assistant Revenue Inspectors Training were imparted training in batches. These were mostly newly recruited ones and nearly 70% of them are women. Twenty people from these participants were identified as master trainer. The methods used in the training are classroom training, on field training and preparation of map in the computer.

Though in the year 2012, WEOs of Mayurbhanj district got training on CFR claim process and were given the responsibility of coordinating with Revenue and Forest department, it was proved not to be very effective and progress was very slow. Hence, the district administration took Tahasils as a unit of implementation involving revenue officials in the process actively. FRA cells were opened in the Tahasils involving officials from Forest, Revenue and Tribal development into consideration. A technical operator was appointed in the FRA cell. The pilot process started in Gudugudia GP of Jashipur Tahasil.

The process started with social mobilization in the habitations. Technical support was provided by the Govt. officials. In each Tahasil, NGOs were identified for facilitation. Forest fringe villages were identified. The learning of the process was presented before the DLC and taken forward.

A camp approach was adopted for mapping the area in a habitation. The maps were prepared in the vernacular (Odia) language. Then it was tallied with the hand drawn maps prepared by the villagers. Five(5) copies of the maps are prepared of which two(2) copies were kept in the village concerned and one copy each in Tahsil office, office of the DFO and DLC. The authentication of the final map was done by the respective Gram Sabha. After putting the maps in the computer it was observed that there are certain cases of overlapping of boundaries. Such cases were followed

up by the Tahasil official. Joint Gramsabhas were organized and the boundary disputes were settled before finalization.

### **2.2.6 MONITORING THROUGH VIDEO CONFERENCE CATALYSING ACTION: THE CASE OF ODISHA**

The effectiveness of monitoring in successful implementation of a governmental effort can never be over emphasised. It reflects the political will, bureaucratic commitment and gears up the field administration tasked with implementation. Monitoring through video conference with District Collectors has been used effectively by Odisha to achieve the desired results in FRA implementation. This is reflected in Odisha's consistent leading position in FRA implementation especially in recognition of individual rights and post rights support to rights holders in terms of rural housing and agriculture related livelihood activities. The key features are

- Regularity of the video conference so that it remains a priority
- Encouraging officials to bring issues to the table
- Preparedness of a particular district for the conference
- Corrective action with Chief Minister's facilitation/intervention

### **2.2.7 POST RIGHTS EXERCISE OF RIGHTS**

#### **SHOWING THE WAY IN BAMBOO HARVESTING: THE CASE OF MEDHALEKHA**

MendhaLekha in Gadchiroli district of Maharashtra and Jamuguda in Kalahandi district of Odisha are pioneers in exercise of community rights over bamboo resources. The processes offer significant learning and have a pioneering effect for similar actions by other Gram Sabhas in the two states.

Medhalekha is a tribal village in the Gadchiroli district in Maharashtra state. The village is inhabited by the Gond tribes. All the decisions on resource management are taken in the village assembly. In the year 1991, the villagers joined JFM to have legal right over the forest. But this is again squeezed as government converted a major part of the forest within the customary boundary to reserve forest. There legal dues from selling of bamboo was also not paid by the forest department.

In the year 2008, community right claim was filed by the Gram Sabha of Mendhalekha. Mohan Hirabhai Hiralal of *Vrikshamitra* facilitated the claim process. Medhalekha became the first village in the country to get community forest right recognition in the year 2009. The rights were recognized over 1832 hectares of forest area. Harvesting and trading of bamboo was a hurdle for the community as bamboo was earlier treated as a timber under provisions of the Indian Forest Act-1927 and exclusively managed by the forest department. The definition bamboo in FRA as a minor forest produce opened up the route for the villagers to assert the right over bamboo. Harvesting and marketing of bamboo by the village community was assured through the Act. But, the Act was silent over the issue of transit pass. Obtaining transit pass was not so easy, as it is the exclusive domain of the forest department. The forest department turned a deaf ear to the repeated request of the Gram Sabha for transit pass. Being convinced on the issue, Jairam Ramesh, the then minister of Environment and forest issued a letter to all state chief ministers on 21<sup>st</sup> of March 2011 to declare and treat bamboo as a minor forest produce. The letter also did not help as Maharashtra Forest Department remained unturned and did not issue the transit pass to the Gram Sabha.

In protest of the forest department's move, MendhaLekhaGram Sabha organised a symbolic bamboo sale on 15<sup>th</sup> February 2011. The then local MLA Namdev Usendi and Sunita Narain of Delhi based non-profit organization Centre for Science and Environment were the first buyer of bamboo. After purchasing bamboo, Sunita Narain convinced to then union environment and forest minister to act on the issue. The then union environment and forest minister wrote a letter to the Chief Minister of Maharashtra narrating the issue and personally talked to him. Finally, the modality for issue of transit pass was fixed in a meeting organized by the chief minister on 25<sup>th</sup> of April 2011 with the forest department.

On 26<sup>th</sup> April 2011, the forest department asked the villagers to pay Rs 10,000 for two books of transit passes. On 27<sup>th</sup> April 2011, the forest department handed over the transit pass to the village leader Devaji Tofa, signifying the right of the Gram Sabha to issue transit pass in a meeting organised by the Gramsabha. The then Chief minister of Maharashtra Prithviraj Chouhan and union minister of Environment and forests Shri Jairam Ramesh were present in the meeting. Immediately Gram Sabha issued two transit passes to local MLA Namdev Usendi and Sunita Narain of Delhi based non-profit organization Centre for Science and Environment.

## THE POST RIGHTS EXPERIENCES IN JAMUGUDA VILLAGE OF KALAHANDI, ODISHA

Jamguda village is located in Barabandha Gram Panchayat of M. Rampur block in the Kalahandi district. The village is located at a distance of 12 km from the block head quarter Madan Rampur and 70km from the district headquarter Bhawanipatna. Of the 65 households in the village, 60 are tribals (Gond tribe) and the rest five households belong to Scheduled Castes. Among them 6 households are landless. Villagers are largely dependent on the forest for their livelihood. They collect mushrooms, edible fruits, char, mahua flowers, siali leaves, honey, tubers, and leafy vegetables from the forest. The forest products thus form a major part of their diet. These NTFPs also form a source of income. Bamboo is well weaved into the lifestyle and tradition of the villagers. The villagers depend on bamboo for basic necessities like food, shelter, implements, tools, etc.

The forest in the village comes under the Narla range of Kalahandi North forest division. It is dry-deciduous in nature. The dominant species is bamboo (*Dendrocalamus strictus*) or Salia in local language. Large scale commercial harvest of bamboo and extraction of timber both in the pre and post independence period led to degradation of forests in a big way. This coupled with the pressure from the adjoining villages, brought the forest on the verge of extinction. The forests gave in to illegal trading of timber by the timber mafia. Understanding the importance of forests and its relation with the people, the youth committee of Jamguda village started protection of this forest in 1990. The committee was formed with the motive of protecting the forests against illegal timber felling. The youth committee laid down some rules for the protection. They restricted green felling and put a stop to illegal smuggling of timber. The sale of bamboo or timber was restricted but these could be harvested for personal use. Collection of NTFP was allowed for personal use as well as for sale. In 2004, the Forest Department managed to lure the villagers into joint forest management (JFM) and Vana Samrakshya Samiti (VSS) was formed. The committee was entrusted 50 hectares of area of forest under JFM. They protected the whole forest as before without taking consideration of the area allocated to the VSS.

Odisha Jungle Mancha (OJM) and KJSM with support from different civil society groups played a key role in motivating and supporting the Gram Sabha after getting the information from the

district level committee .The leaders of the federation visited the village and informed about the recognition of community right to the Gram Sabha leaders and handed over the copy of the title to the Gram Sabha leaders.

VSS was dissolved by a resolution of Gram Sabha and it was decided that the community forest resources would be managed by the Gram Sabha as per the provisions of the forest right act-2006. The Gram Sabha formed a committee for executing its decisions with regards to forest conservation and management. The committee has 5 female and 10 male members, two belonging to Schedule Caste and the rest Scheduled tribe.

The rights recognised through the title were shared to the members of GramSabha in a meeting.They were informed that now they can collect and sale the minor forest produces which includes bamboo and kendu leaf.After discussion on bamboo, the villagers did not believe that they will harvest and sale bamboo. The leaders of the OJM and KJSM shared them the story of MendhaLekha Gram Sabha which has harvested and sold bamboo using the provisions of the act. In the same period a team of OJM visited Medhalekha. One of the Gram Sabha leader and two persons from the nearby villages was part of the team. After coming back from Medhalekha they shared the success of Medhalekha to the villagers also.

In the mean time flowering started in Bamboo within the community forest resource of Jamuguda.After observing large scale flowering of bamboo in the Community Forest Resource (CFR) area the Gram Sabha planned the harvesting with the technical support of a retired. Forest officer, Mr. BiswanathHota. 170 number of bamboo clumps were marked for harvesting. Information was given to the forest department in written about the harvesting of Bamboo and request was made to provide transit pass for transportation of Bamboo. During the handing over the letter of Gram Sabha the concerned ACF told that there is no written circular from the govt. that Gram Sabha can harvest and sell bamboo.Only the villagers can take bamboo for their use only. After hearing these words the Gram Sabha leaders came back to the village and a meeting was organized and discussion was held for harvesting. Some of the leaders and villagers refused to harvest and told that forest department may take action against them.In the meeting Trinath Patra was present. He informed it to the other leaders of OJM .Next day some leaders went to village again motivated them and informed them that they would present in the harvesting and then honorable Member of Parliament(MP) of Kalahandi was communicated through telephone from

the meeting place and the issues were shared with him. He assured support to the villagers. After the motivation and confidence building exercise, villagers again agreed to harvest bamboo. On 20.6.2012 bamboo was harvested and stored in a depot in village. On 23<sup>rd</sup> June, Mr. Bhakta Charan Das, then MP inaugurated the bamboo depot of the village and became the first buyer. He purchased 100 culms of bamboo for Rs. 3000/-. After 2 days of the event forest department people came to village and tried to pursue the villagers to sell the harvested Bamboo within the framework of JFM which was discarded by the villagers. Now villagers were confident that forest department cannot take any action against them.

Mr. Bhakta Charan Das, MP talked to one of the CCFs and wrote a letter to DFO and requested him to send the letter to PCCF for early response. CCF informed him that due to absence of government order to them the transit pass can't be issued to the Gram Sabha. The news of denial of transit pass was shared to Minister of Tribal Affairs KC Deo by the MP and some Delhi based activists. Gram Sabha also wrote to the Chief Minister of Odisha and Ministry of Tribal Affairs also. In spite of that transit pass was not issued to the Gram Sabha by the forest department.

Denial of transit pass leads to income loss to the Gram Sabha members. It was estimated that the harvest could fetch around Rs. 1,00,000/-, but due to delay in issue of transit pass, the flowered bamboos were decayed. The local buyers were ready to pay Rs. 30/- per pole, but due to non-issuance of transit pass, they didn't purchase the bamboo from the Gram Sabha. So, to save the village from a big loss, the Gram Sabha had to reluctantly sell the bamboo at a very low price within the village. Also due to this problem the Gram Sabha harvested only 20 clumps instead of 170 clumps. These flowered bamboos started decaying inside the forest. This was a huge monetary loss to the villagers.

In the mean time govt. of India amended the forest right rule in September 2012, where it was mentioned that Gram Sabha will issue transit pass and any law which hinders the issue of the transit pass will not stop Gram Sabha to do so. Till November there was no response of the government of Odisha to the Gram Sabha regarding the issue of transit pass. Again in November 18 -2012 the MP of Kalahandi alleged the state government in a press conference at Bhubaneswar for improper implementation of the act and non issue of transit pass to Jamuguda which was widely published in the news papers and electronic media. After that the state government issued a letter to the DFO Kalahandi that transit pass can be issued to the Gram Sabha for transportation of



bamboo. But officially the concerned DFO did not communicate it to the Gram Sabha and denied to issue the transit pass verbally.

This was shared to the then union minister of rural development Mr Jairam Ramesh during his visit to Kalahandi and Nuapada by the Gram Sabha leaders and like-minded persons. People had confidence on him as he had played the key role in issue of transit pass to the Gram Sabha of Medhalekha in Gadchiroli district of Maharashtra. When he was the minister for environment and forest, a discussion was undertaken on issue and Bhakta Charan Das took the responsibility to organise a joint program of Mr KC Deo, then Minister of tribal affairs and Mr Jairam Ramesh on first week of March 2013 to put pressure on forest department to issue transit pass. When the news of visit of two central ministers came to reach the govt. of Odisha the forest became active and forest department officials reached in the village on 1st of March and discussed about the development of Bamboo management plan. They developed the Bamboo management plan for the Gram Sabha and handed over the management plan and transit pass book to the Gram Sabha leader Nilambar Patra on 2<sup>nd</sup> March night. The transit pass was formally handed over to the Gram Sabha leader on 4<sup>th</sup> March by the PCCF of Odisha.

The most important feature is Gram Sabha has emerged as an institution to manage the forest. All the decisions are being taken in the Gram Sabha and the 15 member committee formed are implementing the decisions of the Gram Sabha. A joint account has been opened in the name of the Jamuguda Gram Sabha in State Bank of India, Madan Rampur branch. All the sale proceeds of bamboo are being deposited in the account and withdrawal is being made according to the decisions in Gram Sabha.

The income of the Gram Sabha is a boon for the villagers. Gram Sabha has decided to give small credit immediately for the health care, education and investment in agriculture from this fund without any interest. Till date 30 families have taken credit for emergency needs. Now loan amount RS 31,045/- is with the families in the village.

## **2.2.8 PRO-ACTION INCLUDING ENABLING CIRCULARS, GOVERNMENT ORDERS**

### **ODISHA**

The FRA implementation landscape in Odisha offers diversity of approaches, an enormous range of innovations and immense learning. It has the elements of rights recognition process in both individual and community rights and recognition and post recognition support to rights holders. State's commitment towards effective implementation is reflected in large number of facilitating circulars, orders issued by the government departments. The state also reflects massive civil society engagement both at the state and district levels. The state's Tribal Research Institute spearheaded a large and continuous capacity building programme involving government officials, trainers, NGOs.

- Pallisabha as gram sabha: this particular circular enabled larger participation and constitution of FRCs at village level. This was in line with the spirit of the law. Moreover, those familiar with functioning of GramSabhas at the panchayat level in Odisha would agree that this might have been the biggest stumbling block.
- Category of lands: Revenue department's circular clarifying the categories of lands to be claimed under FRA including revenue lands like gramya jungles, patra jungles, lands with remarks column as jungle in revenue records brought clarity for the field levels officials of the government.
- SLMC meetings: Odisha is the only state where SLMC has been reconstituted periodically after elections. Similarly SLMC meetings are more frequent in Odisha than any of the studied states.

## **CHHATTISGARH**

- The Chhattisgarh Government decided to consider all rejected claims afresh after the amendment rules in September 2012. A letter to that effect was issued by the tribal development department on 21<sup>st</sup> December 2012 to review all rejections at village level (where intimations have not been made) may be taken as 'under consideration' and adequate support should be provided for filing appeal in case of aggrieved persons. Re-applications of earlier rejected claims should be considered as appeal and due procedures should be followed as per provisions of the law.
- The Government took initiative for providing a written intimation to the claimants whose claims have been rejected at the GS or SDLC level stating the reasons of rejection and

informs them about the appeal process as well. A drive for inclusion of the name of the female spouse in the distributed title has also been initiated.

- Prior to 2010, there were no concrete steps to initiate claim making for community forest resource rights except printing and distribution of form 'C' in some areas. Lately there have been some sporadic efforts for filing of CFR claims by the village community with helps of some civil society organizations. In this, government also played a facilitating role in some cases.
- Chhattisgarh state pioneered encouraging the claim making of OTFDs and has facilitated recognition of OTFD titles at least in the forest villages.
- The state government has introduced claim forms of separate colour for OTFD and FDST. It has helped in faster identification of the status of OTFD claims being filed and approved. It also helped in ensuring appropriate follow-up action.
- The Government of Chhattisgarh has taken a progressive step of issuing genealogy certificates (locally called as missal) to local communities as a proof of period of residency in a particular area, especially for facilitating evidence for OTFD claims.
- The government also issued necessary instructions to prepare a separate list of the PVTGs who have got titles and directed for a detail investigation at district level to ensure that none of the PVTGs are deprived of the benefits under FRA.
- Chhattisgarh is the first state to prepare a detailed proposal by the Forest Department regarding conversion of the forest villages to revenue villages and issued necessary orders for conversion on 13<sup>th</sup> December 2013. As a result of which 420 forest villages in 20 districts were identified by the collector and forest department and conversion process initiated in the month of January 2014.
- Necessary instructions have been issued to the CEO, Zilla Panchayats to prepare integrated work plans guided by District Collectors to arrange funds from different line depts. and complete the work. The activities include land levelling, digging of tube well, providing seeds, fertilizers and pesticides and fencing for protection from wild animals. It was instructed to all line departments to prepare integrated action plan for increasing land productivity according to Amended Rule 16 and seek additional funds from ST/SC department.

- The Government trained four master trainer from each district in which officials from forest, Agriculture, Panchayatiraj, Rural Development and local peoples' representatives attended.
- Instruction was issued to include name of spouse, area, clear map of the area in all the titles.
- The District collectors were instructed to obtain certificate from GS that all claims have been duly considered and no further claims are pending for consideration.
- An instruction was also given to ensure inclusion of hamlets / tolas that are not part of any Gramsabha and to prepare a list and take necessary action.
- All Collectors were directed to constitute a joint team of revenue and forest department to sort out orange area related boundary disputes to facilitate recognition of claims under FRA.

### **2.2.9 COLLECTIVIZATION OF NTFP TRADE AND LIVELIHOODS IMPROVEMENT: THE CASE OF MAHARASHTRA**

Vidarbha Nature Conservation Society and KHOJ, two NGOs associated with implementation of FRA in Vidarbha region of Maharashtra felt that unless village communities actually get into management of forest resources, the objective behind recognition of community forest resource rights won't be realized. Hence they decided to get into management of tendu leaves which is a major source of livelihood for half a million households in Vidarbha. 18 villages from three districts namely Gadchiroli, Gondia and Amravati where CFRs have been recognized were chosen. For the purposes of aggregation the villages were clubbed into four units. As Gram Sabhas are the owners, Group of Gram Sabhas was formed and resolutions passed to collect and trade in tendu leaves collectively.

The interventions involved sharing the idea of collective trade in tendu leaves and mobilization of CFR recognized gram sabhas capacity building for collection, quality control, storage at the Gram Sabha level, mobilization of current capital from TDC, Maharashtra, changes in rules governing regulation of tendu leaf trade through interface with forest department, negotiating the maze of transit pass issues and finally finding buyers for the produce.

The experience shows that collection increased in these villages as compared to the previous year when it was managed by state FD. In addition to the plucking charges, bonus was also paid to the

pluckers. Though there were initial difficulties in selling the produce, the intervention was successful in identifying buyers in far off Mysore and Kolkata for various grades of tendu leaf. One of the key lessons lie in establishing that transit pass issued by Gram Sabha is recognized not within state borders but also across state borders.

***Right assertion by GramSabhas and fund support of govt. ensured benefit to forest right holders***

Section 3(1) C of the Forest Rights Act confers the collection, value addition and marketing of minor forest. The gramsabhas all over India whose community right has been recognized are enjoying these benefits. Kendu leaf is one of the minor forest produce as defined in section 2(i) in the FRA. Trade of Kendu leaf was a state monopoly in most of the states in India before enactment of the FRA. First time in India in the state of Maharashtra few gramsabhas asserted the right on Kendu leaf and handled the whole process of collection and marketing at community level with support of civil society groups and financial support from Government agencies.

This is a case fromGondia district of Maharashtra where Gramsabhas are managing theirKendu leaf trade and collection center ( Phadi) since last 3 years. The collection, checking, grading, drying & packing of the material is under taken in this collection centre. All the records and accounts are maintained by the community leaders. The process is being facilitated by Vidarbha Nature Conservation Society (VNCS). Financial support is provided by Maharashtra State Cooperative Tribal Development Corporation (TDC) and State Department of Tribal Development to meet the cost of initial payment for collection and management of center. This amount is sought as a temporary capital and returned back to TDC after receipt of full and final payment from the purchasers.

In 2015 Kendu leaf season, Gramsabhas of 12 villages (Mangatola, Dhamditola, Tumadikasa, Paulzola, Mehtakheda, Mohandi, Vasani, Heti, Girola, Lendezari, Pradhantola&Malijunga) collected 757735 no. of tendu bundles (775.73 standard bags and 997 actual bags) from their forest areas under Community Forest Rights. Total 561 families and more than 2000persons were involved in this process, which continued for an average of 10 days. A group of gramsabhas, an

apex body of the villages, fixed a rate of Rs. 175 per 100 bundles for collection and paid immediately to the people on depositing material with a collection center. Collected tendu leaves were sold @ Rs. 4500 per standard bags to a trader from West Bengal. Kendu leaves (80 standard bags) were also collected by 2 Gramsabhas in Melghat area of Amravati District. The process is facilitated by KHOJ an NGO which played a key role in empowering the community.

In the state of Maharashtra, bush cutting is officially allowed by Forest Department, which though help generate more income to the traders, but degrade forest and arrest regeneration. An important feature is Gramsabhas have banned traditional fire and bush cutting. As per rule of the gramsabhas naturally grown and available stock of Kendu leaves would be collected.

## **2.2.10 CONVERGENCE AND POST RIGHTS HANDHOLDING**

Amendments to FRA Rules in September 2012 introduced the idea of convergence of various government schemes to benefit the rights holders. State governments came up with various initiatives for post rights handholding and support to rights holders in order to improve their livelihoods. Most of states focused on rural housing schemes like Indira AwasYojana for providing pucca houses to individual rights holders. Similarly NREGA was used in all the five states to make the land settled in favour of individual claimants productive through bush removal, land leveling and field bunding. Some states like Andhra Pradesh took a lead in enabling convergence with National Horticulture Mission for raising fruit orchards as the lands in question are suitable for horticulture rather than farming of cereal crops. This is also observed in Mayurbhanj of Odisha where it gained pace in the past two years. However there are very few examples of convergence in case of community rights. Thrissur district of Kerala offers preliminary lessons where convergence for livelihood improvement has been institutionalized as part of the community rights recognition process. .

### **CONVERGENCE IN COMMUNITY RIGHTS PERSPECTIVE: THE CASE OF THRISSUR, KERALA**

Kerala leads the way in formalizing and grounding post CFR handholding and convergence of various schemes for better livelihoods of tribals. Kadars whose community rights have been

recognized in the northern district of Thrissur are a PVTG and mostly forest dependent and poor. The tribal department and the DLC Thrissur district adopted the Malakkapara Kadar GS model as suitable one for CFR Mapping, Claiming, issuing Titles and Record Keeping. The Hornbill Foundation and CED team supported all the 52 GSs of the Thrissur district, SDLC and DLC to develop community maps, conversion into GIS or standard map format, issuing proper claims with all necessary evidences and finally to issue titles. It helped the forest department to develop a project through Chalakkudy Forest Developmental Agency (FDA) beneficial to Vazhachal, Chalakkudy and Malayattur FDAs and all the GSs of the area. This is for post CFR synergy with all the GSs and FDA-VSSs (PFM) in the area in MFP management, CFR Governance including Ecological Monitoring considering the Malakkapara Kadar GS-Hornbill Foundation-CED as a legitimate model. The method was followed for constituting CFRMCs in all other Kadara GSs in the Vazhachal. The ST department sanctioned the project (GO No. A1-6792/12).(but unfortunately the project did not proceed further. GSs did not obtain support)

The ST department sanctioned training programme on bamboo based furniture and eco product manufacturing training and units to 13 GSs in the Athirapilly Panchayath coordinated by Malakkapara GS with the support of Hornbill Foundation. Sanction order A1-13199/14 (2) dated: 26/10/2014. The District Collector supported a coffee pulp processing unit for Malakkapara Tribal Society and Honey bottling unit to the Malakkapara GS through the society. Sanction order - A1-13199/14 (1) dated: 26/10/2014.

Malakkapara as a the legal body to deal with MFP and agriculture products, signed MoU with society as facilitated by District Collectorate and Hornbill Foundation for the management of coffee and other agri-products in the area. Such a model where GS as independent body enter into MoU with proper ToRs with relevant institutions such as FDAs and GSSs has been considered as an important advancement by various departments, community groups and GSs. The experts and participants of the state level CFR consultation workshop recommended it as an adoptable model for the GSs of the state.

## **2.2.11 HABITAT RIGHTS RECOGNITION PROCESS**

### **HABITAT RIGHTS CLAIMS BY THE JUANGAS, KEONJHAR, ODISHA**

The habitat rights as recognized under Section 3(1) of the Act poses challenges in implementation. Most states are struggling with defining the boundaries of the habitat of a particular PVTG, rights of both PVTGs and other communities within the defined boundaries, process of consultation in a large area involving multiple habitations, etc. Ministry of Tribal Affairs have come up with a guideline to facilitate the process. The Juangas of Keonjhar, Odisha have been long demanding recognition of their traditional rights ever since the FRA was enacted. The process offers interesting learning which can be replicated in case of other PVTG habitats.

Juanga, one of the 13 Particularly Vulnerable Tribal Groups in Odisha, are the inhabitants of Keonjhar district. The Juang communities in the district has claimed their habitat rights and submitted the claim to the SDLC in the year 2010. The process was facilitated by two CSOs named BanavasiChetana Mandal and Vasundhara. Habitat rights under section 3(1)(e) of the Forest Rights Act-2006 ensures the rights including the community tenures of habitat and habitation for primitive tribal groups and pre agricultural communities.

The traditional territory of all the Juang villages of the Keonjhar district in Gonasika hill range is known as Pidha. The Pidha is considered as the Habitat of Juang community. The Pidha is again subdivided into 6 sub-pidhas with identified boundaries consisting of a group of villages. The sub-pidhas are Kathuapidha consisting of 22 villages, RebanaPidha consisting of 12 villages, Jharkhand Pidha consisting of 18 villages, Hundapidha consisting of 5 villages, CharigarhPidha consisting of 4 villages and SathakhadaPidha consisting of 7 villages. Each of the sub-pidha have their identifiable land marks for demarcation and the territory of each Pidha is well defined. Each sub-pidha has a traditional leader called Sardar. Claim for recognition of habitat right has been filed for three Sub Pidhas. Those are SathkhandaPidha, KathuaPidha and JharkhandaPidha. Concrete evidences have been arranged by the community in support of their claim. Pidhapattas and record of resolving boundary conflict case between two sub-pidhas were cited as evidences. Each village within the sub pidhas has well demarcated traditional boundary with agricultural land, forest and water sources. Each village has a traditional leader.

A Sub-Pidha level meeting was organized for processing the claim. It was decided in the meeting to prepare the map of the Sub-Pidha in the presence of the traditional leaders and NGO representatives. The maps of each Sub-pidha were drawn with identifiable land marks with the



help of the traditional leaders. Vasundhara supported in preparation of the digitized maps of these sub-pidhas using GIS. The JharkhandaPidha occupies an area of 33578.4 acres, the maximum area covered by any of the Sub-Pidha. Similarly Kathua- Pidha covers 28501.15 acres and SathkhandaPirha covers area of 9418.61 acres. A resolution was passed in the Mahasabha of the whole JuangaPidha approving the claim. The approved claim by the JuangaMahasabha was submitted to SDLC, Koenjhar for necessary actions. The claim is pending with the SDLC till date.

#### **2.2.12 POST CFR MANAGEMENT**

Section 5 of FRA read with section 4(1)(e) of the Rules mandate that a duly constituted management committee prepare a forest and biodiversity management plan for sustainable management of the forests. The plan thus prepared needs to be integrated into the working plan of the division. Though there was a clear cut mention of formation of a management committee to protect, regenerate or conserve or manage community forest resource, a lot of confusion persisted on the structure and function of the committee. There was also no consensus on the role and responsibility of the community members.

## MANAGING FORESTS: THE CASE OF DUMERJORE, BALANGIR

Dumerjore is a village in Deogaon block of Bolangir district. The village populace belongs to heterogeneous communities. Out of the 186 households in the village 78 households are ST, 70 household are SC and 38 are OBC households. The villagers eke out their livelihoods from collection of NTFP and agriculture in forest land. Though agriculture is the primary source of livelihoods collection and sale of NTFP supports their livelihoods in the agriculture lean season. They collect fuel wood, fodder, plough, Mai, medicine, etc. from the forest. Since 1992, villagers have been protecting the forest and biodiversity in and around their village. The agricultural land



(Poaching, forest cutting, netting, use of poison are prohibited in this CFR area under FRA-Dumerjore Gramsabha)

of the village is located in such a way beneath the forest that it is difficult to differentiate the agricultural land and forest by a cursory look. So, land means forest and forest means land for the villagers. All the agricultural land and houses of the villagers have surrounded by 1710 acres of forest. This location has made the villagers learn the art of coping strategies to live with this natural magnificence. The villagers of Dumerjore joined hand with District Forestry Forum, Balangir to protect their forest from illegal forest felling by the nearby villagers of Aphasara,

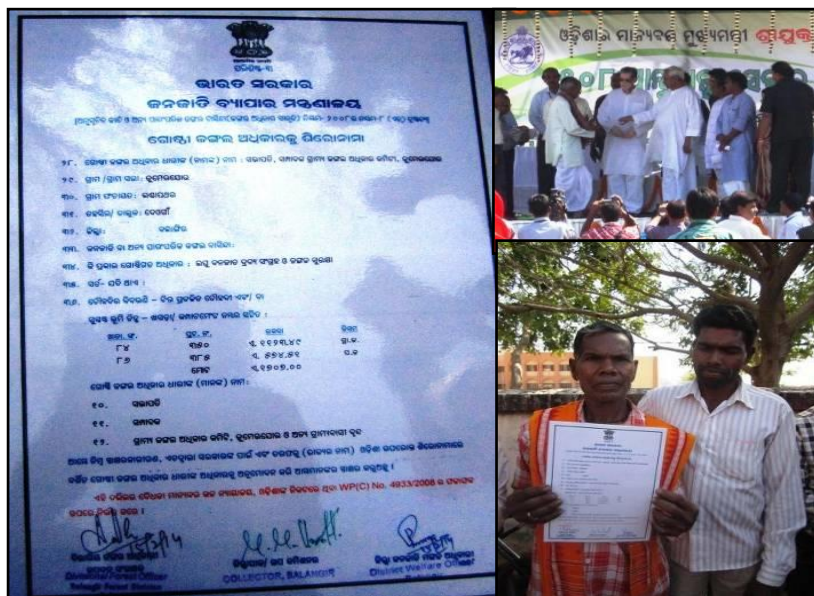
Chormara, Deogaon, Landapathar and Badabandha villages, who were using to cut forest of Dumerjore. These neighboring villages destroyed their own forest due to unrestricted felling and then eyed on the forest of Dumerjore. This incident inspired the villagers of Dumerjore to protect their forest. They delineated a strategy for protection and fixed that everyday four villagers will guard the forest through *Thengapali*. The villagers got these insights from the forest protection campaign of District Forestry Forum. Initially, they faced certain hurdles in the process of protection. *Mr Madhu Sudan Singh Nina of Kandulabudha Food Security Federation* says “There was an initiative by the Forest Department to form a VSS in the place of the forest protection committee. But the villagers vehemently opposed the idea of promoting alien market demand driven species in the place of indigenous food and livelihood securing species”. There was also an effort by the people of nearby localities to disrupt the initiatives as they were having a vested interest in the forest resource of Dumerjore. But, finally the protection committee won the battle and continued protection.

**Table3: Timeline of FRA implementation at Dumerjore**

1. 23-3-2008: Discussion on FRA.
2. 23-3-2008: Formation of Forest Rights Committee under Forest Rights Act.
3. 25-11-2011: Give power to Forest Rights Committee by Gram Sabha for submission of CFR & IFR claim.
4. 14-2-2012: Request of Gram Sabha to SDLC for providing all certificates/ documents as per the FRA & its Rules.
5. 19-2-2012: Initiation of process for CFR & IFR claim by FRC.
6. 15-8-2012: Assessment of Community forest resources. Discussion with neighbour villages.
7. 18-2-2012: Identification of customary boundary.
8. 13-1-2013: Preparation and analysis of forest resource map and data under the customary boundary of the village.
9. 28-3-2013: Presentation of IFR & CFR claim at Gram Sabha by FRC and approval of Gram Sabha.
10. 20-4-2013: Submission of approved applications (claims) to SDLC and collection of receipt letter.
11. 10-6-2013: Gram Sabha along with various Peoples Organizations lodged a complaint at DLC & SLMC for delay in joint verification.
12. 10-7-2014:Memorandum to SDLC & DLC to take step as per section 7 of FRA regarding delayed action for Joint verification.
13. 7-9-2013: Joint verification by SDLC.
14. 12-2-2014: Got CFR title from Honorable Chief Minister of Odisha.
15. 19-3-2014: Reassessment & reanalysis of community forest resources.
16. 13-3-2014: Formation of Wildlife Protection, Forest & Biodiversity Committee as per section 5 of the FRA and sending list to the SDLC.
17. 9-5-2014: Initiation of process for Community Forest Conservation and Management Plan as per section 4.1 of amended FRA rules.
18. 18-5-2014: Request of Gram Sabhas to the various Government and Non-Government departments to support for preparation of community forest conservation and management plan.
19. 2-6-2014: Identification of forest resources under the customary boundary and place aware board for its protection.
20. 12-7-2014: Situation analysis of forest resources, Prioritization of problems and finding out solution.
21. 13-7-2014: Presentation of forest protection and management plan by Wildlife protection committee and FRC.
22. 15-8-2014: Approval of Gram Sabha to Community forest resource conservation and management plan. Sending the plan to different line Departments for convergence with their implementation plan.

### ***CFR title- a boon for the community***

The villagers of Dumerjore who were protecting forest since 1992 got CFR title under FRA from the Hon'ble Chief Minister of Odisha in February, 2014. It was not only the long awaited dream for Dumerjor villagers, but also for all villagers who had been working for the forest and environment. In a spree, 5 other villages of Balangir district got CFR title after 8 years of struggle from 2006 to 2014. As per this title the villagers got recognition and title for right of ownership and management of the forest as per their needs over the forest.



The villagers alleged that despite CFR claims filed since 5 years, they were not given the title. They also apprehended that the dilly dallying was due to the assessment of the government of a huge annual revenue loss from bauxite mines of Gandhamardan and green gold kendu leaves in future.

### ***CFR and after***

*Now, we have the community rights and we can manage the community resources better than before. So, we insisted on CFR before claiming IFR, says KhamanKumura.* According to section 4.1 of FRA amended rule and section – 5 of the Forest Right Act, villagers of Dumerjor formed a committee to protect their wild life, biodiversity & forest and sustainable management. *Now we own our forest. We are making our village resource rich though protection and conservation of our forest, biodiversity and wildlife says Ms. BimalaBhoi of Forest & Biodiversity protection committee.* Different Organizations working on forest and environment protection in the district visited Dumerjor village. The villagers of Dumerjor documented the issues, challenges and

[illegible]

The sharing on problem and finding solution led the Dumerjor villagers form community forest resource protection to sustainable management system. The forest resource “within the customary boundary and the power of its protection and management is ours as per FRA” opined villagers. So, community forest resource management plan is the right way for village development along with appropriate management of land, crop cycle and water source.



The younger generation of the village got training on implementation of FRA and Community Forest Resource and sustainable management plan of community forest resource from the experience sharing and knowledge exchange meeting organized by RCDC, Kandulbudha Food Security Mahasangha and Zilla Jungle surakshya o Parichalana Forum. The unity of the villagers got stronger after they knew the power entrusted to Gramsabha regarding the rights over the community forest resource within the customary boundary and recognition of government department to resource protection and management plan as envisaged in the FRA, 2006 & amended rules 2012.

Not only sustainable conservation, but management and coexistence is the key of resource protection. So, villagers prepared post FRA resource management plan. In this planning process, Zilla Jungle Surakshya O Parichalana Forum, GSAC and various traditional healers shared their experiences and information related to biodiversity mapping.

“Unity, confidence, skill & knowledge – these were three weapons to give protection to natural resources and and now the fourth weapon added-the CFR title got under FRA, says NirakarBisi. As per section 4.1 of the amended FRA rules, wildlife protection, forest & biodiversity committee who for the benefit of scheduled tribe and other traditional forest

*Table4: Assessment of Community Forest Resources:*

Species	Nos.	
	Before 50 years	Present (Year 2014)
<b>Food</b>	58	33
<b>Medicine</b>	74	52
<b>Agricultural equipment's</b>	35	20
<b>Domestic</b>	19	12
<b>Fair wood</b>	128	85
<b>Fodder</b>	16	9
<b>Culture</b>	25	22

*Source: FRC register*

dwellers will be preparing plan for conservation of community forest resource with sustainable management and protection provisions and monitoring/evaluating & controlling it. When committee will feel necessary incorporation of this will be done in the micro plan and working plan of forest department. Dumerjore villagers have prepared their community forest protection

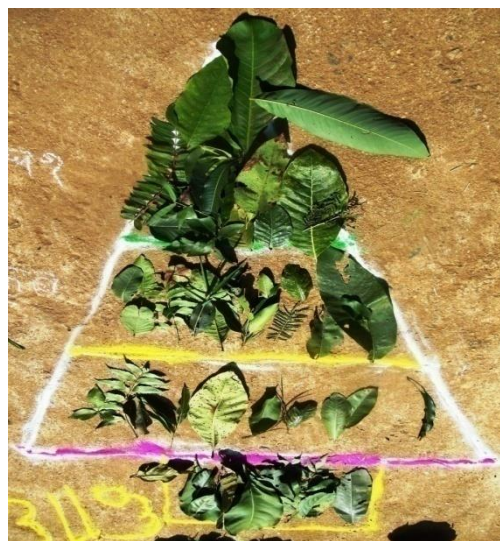
and management plan founding on this. This effort of the villagers of Dumerjore has been a source of inspiration not only for the nearby villagers, but for CFR claimants of the district.

*Table5: Assessment of Bio diversity*

Types of the Species	Extinct	Endangered	Threat
<b>Tree</b>	34	12	22
<b>Climber</b>	12	4	6
<b>Bush</b>	8	3	9
<b>Mushroom</b>	8	2	2
<b>Fish</b>	12	2	5

*Source: FRC register*

*As bee collects honey from the flowers without harming the tree, like that we have to collect our*



*forest products without harming the forest and biodiversity for production of crop; then forest, land, water and seed which had been saved by our ancestors and our heirs live better” says BimalaBhoi, President, Biodiversity protection committee, Dumerjor. Women and youth played major role in the preparation of this plan. Youth curiously listened about origin of the village when old men of the village presented the history of the village. The same time the youth eagerly listened the rapid lessening of biodiversity and surrounded forest of*

their village. “300 years ago an old man named MajhiBudha came from Sonepur district and started to live under the fig tree nearby the Tharo danger (Tharo hill).

The forest was very dense then. Once the king of Bolangi went to forest for hunting. But unfortunately he lost the way in the forest. It was evening. MajhiBudha showed the way to king. So, MajhiBudha was felicitated by the king in the meeting place of the king. The place where MajhiBudha was residing was named as Dumerjor as per the name of the fig tree (DUMER GACHHA). That dense forest became devastated within 100 to 150 years, which was once a living area of tiger. 34 types of trees, 12 types of climbers, 8 types of mushroom and 55 above types of

wild animal became extinct due to excessive pressure on the forest and harvesting in an unsustainable way in 50 years, says KhamanKumura President of VFPC and FRC. Before 150 years, the quality of this forest was not less than AbhayaAranya. 1710 acres of revenue forest covers Kagadungri, Tharodungri, Bhuasendungri, Mahadungri, Kandulbianr etc. But unethical & excessive collection of NTFP by nearby villagers, plantation of teak tree by forest department affected the health of the natural forest and change of crop cycle at Dangar land also brought the change in health of the village forest. This denudation of forest brought food scarcity and it also destroyed the shelter of the wildlife, for that most of the flora and fauna got extinct. Dent of biodiversity affected the villagers who were dependent on agriculture and forest.

“Drought is very common phenomenon for Western Odisha. Now a days, every alternative year people expect a drought situation in the district. Fifty to seventy years back, there was no fear of drought and fear of pest in the crop in the village. 90% of the agricultural lands of our village were surrounded by the forest, so that we were not facing the drought situation. *MrMadhusingh Nina President, KandulabudhaKhadyaSurakshyaMahasanghsaid* “in between 30 to 40 years, rapid urbanization of Deogaon block is the principal reason for reduction of the forest of the nearby villages. He also said Forest Department do not work at that place where gravity of the forest is very poor or the forest which is getting devastated at rapid speed. Forest department interfere at that forest where the villagers protect their village on their own efforts. There has been no effort from the government to transfer any skill or knowledge to the Forest Protection Committee, who has been protecting forest and biodiversity since last two decades. The other reason of forest loss is due to adoption of extensive farming of commercial crops which require high chemical fertilizer and pesticides. Traditional farming is going to be extinct due to promotion of cash crop like cotton and maize, excessive use of hybrid seeds, chemical fertilizer and patricide massively. Farmers are not adopting local farming, climate, food driven mixed cropping etc. Cotton farming is rapidly increasing in adjacent upland of forest. In the name of getting more production of cotton, farmers are using chemical fertilizer which creates more hazards than natural drought. Cotton will be the axe which harm the farmers, says MrPitambarPadhanKandulabudha Food Security Mahasangha.

People are not accepting the schemes of government blindly. CBOs are regularly analysing and sharing the problems and impact of government schemes. Forest fire, unsustainable harvesting of



NTFP, change of traditional farming and change in the qualitative and quantitative production of forest food is strictly monitored. According to assessment and analysis of food availability and need calendar by villagers 46 types of fruits, 12 types of tuber, 22 types of *saga*, 16 types of mushroom and 22 types of other foods were available in 50 years back during lean period. Now a days, quantity of these foods are decreasing rapidly. There is an ardent need to protect and conserve these food products. Otherwise after some years it will be vanished like the tiger. By this, our social, cultural and economic condition will be at threat, said MsBimalaBhoi with grief.

The forest management plan prepared by villagers has been approved in the Gram Sabha. Villagers have identified 11 eco-sensible zones of the forest for protection of forest and biodiversity within the customary boundary of the village. Women and youth are celebrating the local festival like Bhaijunitia&Rakshyabandhan for protection of RET category species. A unique campaign is being led by women to protect the forest with tying up *rakhi* on the tree. A plan has been prepared to protect forest, land, water and animals which have been sent to SDLC, DLC, Forest, Agriculture, Soil Conservation and PRIs. The villagers hope that government departments will extend supporting hand and make effort to incorporate spaces for giving the responsibility of sustainable use of forest, conservation of biodiversity and ecological balance to Gram Sabha. Gramsabha is also empowered to perform these responsibilities and powers effectively.

Recognition of rights of the community through FRA concretized the forest protection initiative of the villagers. For the first time they thought them as the owner of the resources though protecting and managing the forest since two and half decade. The provisions for preparing a plan to manage and conserve the forest and biodiversity in the Act ignited the intention villagers for a sustainable management of the resources. The endeavor is having a spiraling effect among the neighbouring localities those who have started adopting same strategy for managing and conserving their forest resources.

#### **A GUIDELINE ON CFR MANAGEMENT COMMITTEE BY MAHARASHTRA**

Government of Maharashtra pioneered issuing a guideline on constitution and functioning of the CFR Management Committee on 24<sup>th</sup> of June 2015. The guidelines on constitution of the committee, assignment of the responsibility and functioning of the committee is has been clearly

delineated in the guideline. The guideline has fixed the accountability to the SDLC and DLC in the context of constitution of the committee seems to be a progressive idea. A clear cut road map is drawn for financial management also.

The main features of the guidelines are that the committee would be named as **CFR Management Committee (CFRMC)**. CFRMC is a legal entity constituted under the FRA and hence does not need to be registered under any other Act or Institution. The District Level Committees and the Sub Divisional Level Committees must ensure the constitution of CFRMC. Commissioner, Tribal Department, Nashik will be the nodal officer for overseeing activities related to establishment and support of CFRMCs. The Collector as the Chairperson of the District Level Committee must direct all the banks to open bank accounts for the CFRMCs on priority basis without any hurdles. The Committee would be the Executive Committee of the GS for the purpose of planning for the management and conservation of the community forest resources. The committee would manage the revenue being generated from the management of community resources, the funds being received from the government and would keep the accounts of the income and expenditure and also carry out all administrative responsibilities related to FRA. It would have a minimum of 5 and maximum of 11 members. The quorum of the committee would be not less than 50% of all members of which 1/3<sup>rd</sup> should be women. The CFRMC would elect one President, one Secretary and one Treasurer from among its members with majority. One of these positions should be a woman and the President should be from a Scheduled Tribe community. The notices for conducting the meetings of the committee would be signed by the President/Secretary of the committee. Emergency meeting of the CFRMC must be announced through, drums and other traditional methods of announcement, in the village at least half an hour before the commencement of the meeting. At the beginning of the meeting the Secretary should read out the minutes of the last meeting and get the approval of the committee. The secretary should also update the committee on any actions taken as per the previous minutes.

The committee would prepare a conservation and management plan as per Rule 4.1 (e) and collate all the changes required in the management plan, working plan or any other conservation and management plans of the forest department, as per the management and conservation plan prepared by the CFRMC. The committee would prepare a set of Rules in consultation with the Gram Sabha to ensure implementation of FRA and to contain violations of the Act. It would also

approve all decisions related to the Transport Permits, Revenue generated through forest management activities and those related to changes in the management plans, etc. of the forest department.

CFRMC would ensure that the NTFPs, for which MSP has been announced by the Central Government, are not sold for less than the specified rate. It would coordinate the revenue generated from various CFR management related activities and also the funds being received from the government agencies. It would prepare a proposal for the activities related to forest rights and a statement of projected expenditure for the same and get it approved from the Gram Sabha. It would work as per the directions and decisions of the Gram Sabha. It would update the Gram Sabha about the progress of work, funds and other activities. It would take care of all the administrative documents and related papers to maintain accounts.

In order to perform the economic and administrative tasks of the CFRMC smoothly, the committee should open a joint account in the name of the President, Secretary and the Treasurer, of whom one should be a woman. Of these any two office bearers would be the signatories of the account and would withdraw funds after approval from the Gram Sabha. The passbook, cheque book and all other related administrative documents should be kept in the office of the Gram Sabha. All transactions would take place as per the resolution passed by the committee and only through an Account Payee cheque. The Gram Sabha should decide on the amount of money to be kept as petty cash. The details of the deposits and expenditure of the account would be placed before the Gram Sabha. The account will be audited by the local auditor of the Zilla Parishad. The District Level Committee and the Sub District Level Committee should coordinate and ensure that the activities planned in the management and conservation plan prepared by the CFRMC get the benefit and support under various ongoing schemes of different Government Line Agencies.

The guideline can be replicated with certain location or state specific changes. Undoubtedly, the Initiative would help other states to formulate similar guidelines for expediting the process.

Ref: [www.maharashtra.gov.in](http://www.maharashtra.gov.in)

#### **2.4.13 RECOGNITION OF INDIVIDUAL RIGHTS OF OTFDs**

## **RECOGNIZING INDIVIDUAL RIGHTS OF OTFDs: THE CHHATTISGARH EXAMPLE**

Section 2(o) of the act defines the “other traditional forest dwellers” means any member or the community who has for at least three generations prior to the 13<sup>th</sup> day of December, 2005 primarily resided in and who depend on the forest or forests land for bonafide livelihood needs. The major challenge in claim making of the individual Other Traditional Forest Dwellers (OTFD) was arranging the concrete evidence in support of 75 years of residence proof. So, while in most of the states the focus of the government was on recognition of individual rights of tribal, settlement of claims of OTFDs took a back seat. Since there was a little awareness of the Gram Sabha members about the Act and Rule, the advice of the concerned government officials were followed by Gram Sabha members and FRC members in processing the claims.

Chhattisgarh Government set an example by issuing of individual forest land titles to 6200 OTFD households. This could be possible by adoption of two innovative approaches. One is the state government had introduced claim forms of separate colour for OTFD and FDST. The claim forms used for STs are of the pink colour and the same for OTFDs are of yellow colour while white forms were used for community claims. It provided a message to different stakeholders responsible to educate FRC and Gram Sabha members and differentiate between the claimants. It also helped in joint verification and processing of claims at SDLC and DLC levels. It also helped in ensuring appropriate monitoring and follow-up action. The second one is issuance of Genealogy certificates (locally called as *missal*) which was used by the OTFDs as an evidence of 75 years residence proof.

### Chapter 3

## SYNTHESIS AND FINDINGS

The study made a conscious attempt to identify practices in different states that would address critical bottlenecks in implementation of FRA. Case study method was adopted to understand good practices and cull out learning in FRA implementation. Good practices in both individual and community rights recognition were studied within the same thematic area say use of technology. Some of the practices listed above were well documented earlier and hence those documents were relied upon during analysis. Case studies examined the entire course of action adopted by a facilitator/intervening agency in order to achieve the objectives. The context in which the case is set, the organization/agency operates, the stakeholders and their roles, the key enablers or drag factors, the results/impacts of the efforts/intervention in relation to the objectives were captured in the process of case study development. The possibility of replication or elements that can be replicated and implications for the larger arena are also explored and analysed. It was implicit that replication often is contextual and hence the aspects that can be replicated have been highlighted. What worked and what didn't work in a given context' was examined while documenting the practices. Critical bottlenecks in first generation issues and practices that may help in addressing these are presented in the table.

Table 6: Bottlenecks and Good Practices

<b>Bottleneck in FRA implementation process</b>	<b>Good practice that may address the bottleneck</b>
Forms, other documents not available easily	The FRA Kit of Gadchiroli
Information for officials available in multiple sources	Compendium of SCSTRTI, Odisha
Lack of effective coordination among various departments	FRA Cell/Desk of Odisha
Training and knowledge support being inadequate	SCSTRTI, Odisha as end to end knowledge solutions provider in FRA
Ambiguity in lands claimed and settled	Andhra Pradesh mandal resource team and GPS mapping of individual lands
Mapping for recognition of CFR is difficult	Thrissur, Kerala and Mayurbhanj, Odisha
Monitoring not being regular and effective	Video Conference, Odisha

Post rights exercise of rights taking a back seat	MendhaLekha, Maharashtra and Jamuguda, Odisha
Recognition of OTFD rights hampered	Chhattisgarh
Recognition of habitat rights of PVTGs needs clarity	Juanga, Keonjhar, Odisha
Improvement of livelihoods through NTFP management and trade	VNCS, Maharashtra
Lack of clarity in Post CFR management plan	Maharashtra Government guideline
Convergence in community rights not happening	Kadars, Thrissur, Kerala

### **Some observations**

The village communities including FRC members are finding difficulties in three major areas namely collecting evidences, ensuring joint verification and interface with govt. offices and officials while preparing the claims document and filing claims for community rights

Accessibility to govt. offices like revenue for getting maps and block and sub division levels to get list of FRC members, availability of concerned official on the date of visit, reluctance to go for a second visit are certain hurdles faced in making CFR claims in villages of Odisha.

The limited information, knowledge and capacity of the FRC members and ground level facilitating staff like panchayat executive officers, foresters, revenue inspectors in understanding the provisions of CFR, processes like calling for claims, making claims by filling up the forms and collecting and appending evidences, map of traditional boundary of the village, joint verification and verification report.

The major hurdle cited by communities is joint verification in both the states. In all studied villages except one each in Maharashtra and Odisha, joint verification has been a top down process. Proof of acceptance and prior communication to FRC regarding the visit to the village for verification of claims have not materialized in the studied villages.

Administrations in all the study districts are open and have in fact involved NGOs in facilitating filing of CFR especially after the rules were amended in 6 September 2012. In one of the study

district in Odisha, Tahsildar has been designated as the coordinating officer to fasten the process of verification of claims.

For officials at the district level, FRA in general and CFR in particular is an unknown subject and hence opinions of somebody in the forest department gain credence as this is to do with ‘forest’.

The officials perceive higher risks in processing claims of OTFDs to community forest resources and recognition of their rights. Hence the strategy adopted is to screen and prioritise reasonably pure tribal villages to meet targets set by the state govt. headquarters.

In all the villages where some project or activity is going on under bilateral projects like OFSDP or plantations under CAMPA, ground level forest staff namely forester, forest guard and forest worker have overtly and covertly opposed any move at claiming CFR in these ‘project villages’.

Many aspects of FRA Rules having operational significance like the percentage of STs and OTFDs in FRCs in mixed villages, meaning of villages having no scheduled tribes, signature of Sarpanch/executive officer for calling gram sabha and pallisabha in case of Odisha, custodian of documents, mode(physical, postal) of submission and receipt are being interpreted differently by different officials.

Villagers in all the studied villages are aware that they have received patta over their forests. This is viewed as an insurance against external interference and appropriation of their resources by others including forest department. In the studied villages in Maharashtra, community rights are being viewed synonymously with rights over tendupatta and bamboo. In Odisha, patta is viewed as an instrument conferring authority over forests in many villages. However in both the states, some villages view this forest patta as an ornament without much change in their relationship with the forest.

The process of preparation of management plan is yet to start in the studied villages. The need for a management plan, the process to prepare the same, the persons and institutions who would be involved and consulted, process of ratification and submission are not known to the FRC members.

## **SUGGESTIONS FOR MAINSTREAMING/REPLICATING THE PRACTICES**

1. The states where the implementation process is still slow and identified for prioritisation may adopt the FRA Kit and FRA Cell approach.
2. SCSTRTI in general or NRC on FRA housed in SCSTRTI in particular may act as an umbrella organisation for training of officials across states both for implementation and post recognition aspects.
3. Training of FRC members, orientation of PRI members need to be undertaken on a larger scale. Tribal Research Institutes may be aided by the NRC on FRA for developing short duration modules on various aspects.
4. Recognition of rights of OTFDs may be looked at for priority attention using the Chhattisgarh model.
5. Mapping of CFR areas using the Thrissur and Mayurbhanj models may be piloted in every major state and scaled up in these two states.
6. Post CFR management guidelines may be issued by other states using the Maharashtra one as the reference point.
7. The convergence approach of Thrissur DLC, Kerala in community rights situation may be discussed as a case in training curriculum on FRA and a separate study commissioned on convergence by NRC for better understanding of the issues involved.
8. Selective GPS mapping of individual lands in blocks/talukas may be adopted on the lines of Andhra Pradesh where there are large-scale anomalies in land claimed and settled. The innovations in title and passbook of Andhra Pradesh in case of individual titles may be adopted by other states as it would facilitate recording of titles in revenue records as mandated under amended rules.



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### **Annexure 1**

#### **Case Protocol**

FES intends to develop a set of case studies to document good/best practices in implementation of FRA in five states and develop learning documentaries so that various stakeholders benefit from the approaches and processes adopted by govt. and non govt. agencies. We intend to develop five cases based on interventions by NGOs, district administration, ITDAs in facilitating and enabling filing of claims by individual households(IFR), FRCs/villages for CFRs including resource rights(Form C) and PTGs for recognition of their habitat rights. Case study method demands examination of the entire course of action adopted by a facilitator/intervening agency in order to achieve the objectives. The context in which the case is set, the organization/agency operates, the stakeholders and their roles, the key enablers or drag factors, the results/impacts of the efforts/intervention in relation to the objectives are captured in the process of case study development. It is imperative that the possibility of replication or elements that can be replicated, the connect with and implications for the larger arena are also explored and analysed. The process of development of a case study is a qualitative work and hence demands openness, spirit of inquiry and an engaging attitude. While information and facts are important, locating the facts in a given context is relevant. Hence case writers are expected to wear a researcher's hat while retaining their biases. This case protocol is an instrument to guide the case writer for a structured probing of the efforts/facilitation by the agency. Please note that all points/questions may not be applicable for all cases.

#### **Context**

##### ***Area context***

1. Name of the state, district(s), block(s)
2. Number and names of villages where the agency operated for FRA facilitation
3. Population, households, community and caste break up in these villages
4. A short livelihood profile of the area covering average land holding, status of agriculture, various crops, dependence on forest, livestock profile and economy of the area
5. Access to social services, markets, physical infrastructure
6. What is so unique about the place according to the local population and the facilitating/intervening agency?
7. In case of a PTG area, give a brief description of the tribe, their history, culture, belief systems and the special aspects.

##### ***Organizational context***

1. Name and nature(Govt./NGO) of the organisation
2. Brief history including founding ideas and founder members
3. A snapshot of current activities/engagements in general
4. Human resources including the specific traits of the chief functionary(past assignments, leadership, experience, connections and power equations, etc.)

5. When and how they got engaged in FRA? Is there any specific trigger? Were they working on forests issues earlier? If yes, on what issues they worked/played a pioneering role?
6. Were they working in the area earlier? If yes, were they working in the villages earlier?
7. Are they part of any network/alliance/group at the state and/ national level? Are they leading/coordinating any network?
8. Are they member of any committee formed by the govt. at the local/district/state/national level?

### **The Action/Intervention(What was done by the agency?)**

#### ***Developing understanding, planning, initial interface***

1. Did the organization do any internal meeting, brainstorming, etc. on FRA before starting the facilitation work? Some staff members attended some meetings/workshops/conferences outside that led to the origination of the idea? Natural corollary of existing work? Any incident in the villages where it was operating? Donors wanted this issue to be taken up? An invitation/informal request from the govt./local administration? Govt. order nominated the agency/person/office to do specific jobs in FRA facilitation?
2. Did the organization plan the work in the area? Any specific reason for selecting/prioritising the villages for FRA facilitation purposes?
3. Did the contact panchayat/ PRI representatives, village committee/elders, govt. agency/department/officer?
4. Did they do a mapping of stakeholders involved and their roles in FRA facilitation and rights recognition process?
5. Did they have dedicated funds for the purpose? Did they allocate some staff/staff time for the purpose?
6. Was it part of the monthly/quarterly planning exercise? Was any target set?

#### ***Awareness, education, community mobilization***

1. What are activities undertaken to raise awareness on FRA? Any IEC material produced? What are the written and oral tools/methods used?
2. Meetings organized in the villages? In panchayats? By panchayats?
3. Specific efforts at educating specific stakeholder groups like frontline functionaries, ward members, panchayat secretaries/PEOs, FRC presidents and secretaries, NGO staff, etc.?
4. Any largescale effort in community mobilization for filing claims under FRA like rallies, street theatres, kala jathas, FRA raths, etc.?
5. Conscious effort to raise this issue in every meeting organized by the organization?

#### ***Field based support in claims filing***

1. Support provided in constitution/reconstitution of the FRC- organizing the gram Sabha, connecting to panchayats, being present and asking the right questions about the legal provisions, representation of various sections
2. Translating, circulating the materials- legal provisions, FAQs
3. Support in getting the claim forms, electoral rolls, maps
4. Support in guiding the FRC in upkeep, recording, consolidation of claims

5. Support to FRC in preparing the CFR claim
6. Support in demarcation of traditional boundary in case of CFR
7. Support in filling up of forms and collection of evidences

### ***Capacity building***

1. Was there any structured capacity building plan? Who were imparted training and on what aspects of FRA implementation?
2. Who were the trainers? How the trainers were identified? Was the trainers imparted ToTs?
3. Were FRC presidents, secretaries, members trained? Who were the trainers? What was the content of the module?
4. Was it one off training or continuous over a period of time?
5. Was the training had an evaluation component? Was the content reviewed and modified at any stage?
6. Was any technical training like GPS mapping, biodiversity assessment imparted to any group of stakeholders?
7. Were the trainers retained for the same purpose in case of govt./NGO staff?
8. Any big impact situation/case vis-à-vis training?

### ***Verification, demarcation***

1. What was the strategy for verification of claims and demarcation of boundaries?
2. How was the coordination achieved amongst FRC, revenue and forest departments?
3. What was the role of the gram Sabha and FRC in joint verification of claims?
4. Were the notices issued, acknowledged and responded?
5. Were there any intra and inter village disputes/conflicting claims? How were these resolved?
6. Were the neighbouring gram sabhas informed in case of CFR? Did they send representatives for the final gram Sabha?
7. Were any dedicated human resources deployed for carrying out verification and demarcation? Were these HR trained in steps and processes of verification?
8. What was the stewardship role played by SDLC/district administration in facilitating verification?

### ***Liaison, interface***

1. What efforts were undertaken at liaison with various govt. agencies/offices and facilitating both way communication?
2. Were any meeting/workshops organized to discuss issues in FRA implementation and ways and means of addressing them in a common platform?
3. Any initiative at facilitating/enabling convergence in post recognition scenario?
4. Efforts at preparing a post CFR management plan in case of CFR like constitution of CFR management committee under Sec 4(1)(e), training management committee members, resource mapping and inventory, bio diversity assessment, recording of norms, rules, practices and mechanisms relating to protection and management, etc.

### ***Impact***

1. Capture both the quantitative and qualitative impacts- no. of claims facilitated, no. of claims settled, meetings/trainings organized, training module developed, villages covered, area recognized per claim, etc.
2. Impact vis-à-vis objectives set out at the beginning by the agency
3. Ripple effects like better conservation efforts, more vibrant village institution, more active gram Sabha, more livelihood security, etc.