

**National Brainstorming Meeting on Community Forest Rights
New Delhi, 17 December 2011**

*Organised by
Vasundhara and Kalpavriksh
In collaboration with OXFAM*

Report on key issues and decided follow up actions

1. INTRODUCTION

A national level brainstorming meeting was organized by Vasundhara and Kalpavriksh in collaboration with Oxfam on December 17, 2011 with the objective of initiating a process of information sharing and collective action on key issues related to recognition of Community forest rights under Forest Rights Act. The main focus of the meeting was to explore the possibility of initiating a national level learning and advocacy process with a predominant focus on community forest rights. Many grassroots level organizations, community leaders and conservation organizations participated in this meeting (list of participants attached in annexure).

The meeting was conducted in the form of following three sessions-

- There was an open discussion on the status of CFRs and problems being faced in different regions at different stages of CFR recognition.
- This was followed by bringing up the idea of a CFR Learning and Advocacy process and an Information resource centre, and participants discussed about their ideas and expectations from these.
- In the last session of the meeting, follow up actions and responsibilities on voluntary basis were decided upon for taking further the process of knowledge sharing and advocacy on CFRs.

2. KEY ISSUES ON COMMUNITY FOREST RIGHTS DISCUSSED IN THE MEETING

Claims and recognition of CFR

Information gap: There is a lack of information regarding status of claims and recognition of CFRs. Even the government website on Forest Rights Act doesn't provide any break up of what all community forest rights have been claimed, are being processed, recognised or rejected. The claims reported are mostly developmental facilities and claims under section 3 (1) and section 3 (2) are not disaggregated. In areas like Rajasthan and Dadra Nagar Haveli only rights under section 3(2) of FRA (i.e. public utilities) are predominantly being recognized as CFRs. There also seems to be a mismatch between the claims recognized and claims reported in the MoTA status report. For example in Gadchiroli district of Maharashtra 350 villages have got CFR rights over an area of 3.5 lakh acres which is not reflected in the government reports. There is also little consolidated information available on the amount of forest area near each village, to guide and support the process of CFR claims.

Awareness and support to claim making: Lack of awareness about CFR provisions among local communities in most states is affecting the claim making process and is leading to inability to assert rights in face of continued restrictions on MFP collection by the Forest Department. There is absence of copies of the Act and rules in local and regional languages. While in some areas there is proactive role, in many others district administration is not actively facilitating process of claim filing by Gram Sabhas or providing supporting documentary evidences.

Rights of other traditional forest dwellers: Claims from OTFDs particularly *dalits* are not recognized in most states, with little encouragement to oral evidences from elders in such villages. There is misinterpretation of the eligibility criteria of OTFDs by the implementing agencies.

Rights of PTGs, nomadic and pastoralists: The provisions for community rights of PTGs (habitat rights), pre-agriculture communities and shifting cultivators, seasonal access of nomadic and pastoralist communities are not implemented so far. However such communities have been demanding and claiming their rights in different states, for example in Odisha where habitat rights are claimed by Juangs in Keonjhar and Dongria Kondhs in Niyamgiri. Rights of nomadic and pastoralist communities such as Mankadias in Simlipal, Raikas in Rajasthan, Van Gujjars in Uttarakhand, among others, remain unaddressed.

Recognition of CFR in protected areas: Recognition of forest rights in protected areas and tiger reserves continue to be a major concern with relocations and evictions reported in from protected areas like Bandipur and Nagarhole National Park in Karnataka, Simlipal in Odisha, Sariska in Rajasthan, Udanti in Chhattisgarh, without any recognition of individual or community rights in violation of FRA. In Tamilnadu declaration of tiger reserves and elephant corridor in the forests of Satyamangalam, Mudumalai has caused concern among the local communities who fear displacement. The recent declaration of the Western Ghats as world heritage site has also created a fear among local people that there might be displacement, though there is no legal provision for the same.

Rights in municipal areas: Rights on forest land in municipal areas are not being considered under FRA in most states. In places like Singrauli, UP, this is a serious problem. Applicability of FRA in municipal areas with forests thus remains ambiguous.

Conversion of forest villages: The provision for conversion of forest villages into revenue villages remains unimplemented in most of the forest villages. There is no guideline issued by the MOTA for the procedure for such conversion, which lower level officials are asking for. In Uttar Pradesh the state government has issued some guidelines on conversion of forest villages, and it is the only state where a beginning has been made with three forest villages getting revenue status.

Problems in exercise of rights and management of community forest resources:

A lot of problems have been noticed in the issued titles in forms of conditions imposed as in titles issued in Gadchiroli district in Maharashtra and Kalahandi district in Orissa.

Distribution of bamboo extraction money in Mendha Lekha is being challenged by the neighbouring villages seemingly due to contradictions between PESA, FRA and Panchayat law institutions. Two neighbouring villages want the money to go to the Gram Panchayat instead of Gram sabha and the forest department want it to go through JFM procedures.

After granting CFR rights in BRT some months ago, DFO is now alleging that the titles are not proper and require re-verification.

Contradictions and lack of convergence of FRA with other acts and policies

A major issue which came up during the discussion is about the obstruction in the process of recognition of community rights, exercise of rights and management of CFR by the existing laws, policies and government programs some of which are divergent to the objectives of the FRA. For example the JFM resolutions passed recently in states of Odisha and Maharashtra contradict the FRA particularly the provisions on management rights and authorities. The issue of transit pass has been addressed in Mendha Lekha, but it still remains a major issue in many of the states despite circular issued by the MOEF. Exercise of rights on minor forest produce particularly Kendu Leaves and Bamboo is restricted by the state laws. Working plan and management plan of the forest department continue to be implemented in the community forest areas recognized under FRA and have been opposed by local communities in Maharashtra (as in Ghati village) and in Odisha (Ranpur). There are also apprehensions that the proposed Land Acquisition Bill and MMDR bill will make it possible for government take away rights recognized under FRA. Overall the existing laws like Forest Conservation Act and Wildlife Protection Act as well as policies and programs particularly on forests and MFPs need to be reviewed in view of the rights recognized under FRA and to facilitate exercise of the rights and community management of CFR.

Forest land diversions are taking place in many states without compliance to the Forest Rights Act and the MOEF circular of July 2009. Cases of diversion of forest land and violation of FRA have been reported from Odisha, Chhattisgarh and Himachal (Renuka dam).

In many areas, like in Rajasthan and Odisha, government is collaborating with funders like JICA to implement forestry projects under which plantations are carried out in community lands claimed under FRA.

Cases are reported where private companies are involved in pushing the FRA process for vested interests. An example is from Jharkhand where in Gumla district it is reported that Tata is actively promoting recognition of rights to pave way for takeover of the forest land for its project. In Himachal Pradesh the apple lobby has been taking over forest land of the poor.

3. IDEAS AND EXPECTATIONS FROM A JOINT LEARNING AND ADVOCACY PROCESS ON CFRS

Objectives of the process

The objectives of the process is to work with the organizations and networks focusing on FRA and CFR to collect and compile information on issues and initiatives on CFR, facilitate exchange and mutual learning, and plan joint advocacy actions at central and state level.

It was shared that the learning and advocacy process on CFR is not to form a new network but to work with the various organizations, networks, activists, researchers to consolidate the information and practices on CFR process for collective learning and advocacy.

Focus areas - Through open discussion between the participants it was jointly decided to focus upon the following specific areas-

Joint advocacy with government of India on CFR related issues

Distribution of information material in regional languages wherever possible

Documentation of initiatives and innovations by local communities in relation to CFRs

Exploring ways for assertion of rights using CFR provisions to challenge grabbing of land and community forest resource for resource extractive developmental projects.

Bringing out CFR related conflicts and violations through case studies

Key outputs-After the discussions on the learning and advocacy following decisions were taken and action points were identified.

It was decided that the process of learning and advocacy would be called CFR Learning and Advocacy Process. The immediate tasks are as follows:

- Case studies for learning about specific CFR processes/ situations
- Developing tools for use by local communities for empowerment through CFRs
- Joint advocacy and monitoring of issues related to CFRs
- Information system for consolidating available resources

Annexure

List of Participants in the meeting

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