

Communities Demand Implementation of Forest Rights Act in Kachchh District

7th September, 2012

Bhuj-Kachchh

A two-day **Consultation on 'Community Forest Rights under Forest Rights Act: Challenges and Opportunities for Biodiversity Conservation in Kachchh District'** was organized by Kachchh based NGO Sahjeevan on 6th and 7th September, 2012. Member representatives of various pastoralist communities from Banni and other parts of the district, who are keepers of cattle, camels, sheep and goat, fisher folk and salt pan workers of the district participated in this consultation. Experts from different sectors across the country who are working on issues related to FRA like Shri Sudarshan Iyengar, Vice Chancellor, Gujarat Vidyapith; Shri Ashish Kothari, Kalpavriksh, Pune; Ms. Madhu Sarin from Campaign for Survival and Dignity, Chandigarh; Shri Mohanbhai Hirabai Hiralal from Gadchiroli, Maharashtra; Shri Tushar Das from Vasundhara, Orissa; Shri Shankar Pani from Natural Justice, Bangalore, Ms. Trupti Mehta, Archvahini, Vadodara; Shri Harinesh Pandya, Janpath, Ahmedabad, Dr. S. G. Vankar, Dy. Director, Department of Animal Husbandry, Bhuj-Kachchh, Shri Vinodbhai Chavda, Chairman, Social Justice Committee, Jilla Panchayat, Bhuj-Kachchh; Shri H. H. Mehta, Assistant Conservator of Forests; Shri Ramjan Isha Halepotra, Banni Breeders Association; Shri Bhikhabhai Rabari, Kachchh Camel Breeders Association; Shri Bharat Patel, Setu – Mundra and Shri Bharat Dodiya, Setu - Adesar were a part of this consultation. This consultation aimed to obtain expert guidance on implementation of Forest Rights Act in Kachchh, the role of communities in the process and the need to implement this Act in Kachchh. The consultation also aimed to clarify the myths related to this Act.

Around 80 percent of Kachchh are common lands accessed and used traditionally by communities such as *Maldharis* (herders with cattle, camels, sheep, goats), fishers, salt workers who have been depending on the ecosystems (forests, mangroves, desert) for their livelihoods. Traditional resource use and wildlife conservation by communities have gone hand in hand in these landscapes.

Participants brought out the following key issues and recommendations:

- For the last 4 years the FRA has not been implemented in Kachchh district as the Gujarat government has not implemented it in non scheduled districts. **All necessary mechanisms must be immediately put in place for implementation of FRA in Kachchh, including widespread awareness campaign and facilitation of claims by the District administration in collaboration with civil society organizations.**

- Forest lands and other areas are being diverted on a large scale in the district for industrial projects without complying with Forest Rights Act; this is in violation of the July 2009 guidelines issued by Ministry of Environment and Forests that any forest diversion can be done only after ensuring recognition of rights under FRA and after obtaining consent of the gram sabhas. **All clearances for forest land diversion in violation of FRA and MoEF guidelines should be withdrawn, and actions taken to ensure compliance of FRA in future proposals for diversion.**
- Gram sabhas of some of the communities have initiated the process of claims under FRA, but the state government has responded saying that such a process is not valid. This response of the government is in violation of the FRA which gives gram sabhas the right to initiate the process, and is ironical given that the state government has itself not implemented FRA in last four years. **The process of claims and recognition of rights should be supported by the government and SDLC/DLC should be immediately constituted.**
- Other government processes are also being considered such as settlement of rights in disputed areas and sanctuaries, working plans operations, and others on the common lands on which FRA recognizes rights and on which communities are in the process of making claims. **All such processes should be stopped while the process of claims and recognition of rights is going on and till rights are fully recognized.**
- Traditional rights are being curtailed in the protected areas. **All traditional rights in the protected areas should be continued and should be recognized and vested under FRA.**

Communities at the consultation resolved to constitute Forest Rights Committees and initiate the process of making claims under the FRA. They also resolved to sustainably manage all the ecosystems on which they have rights, including for the conservation of biodiversity and wildlife, whose rights to the ecosystems are also recognized in their traditional vision and practices.