



# COMMUNITY FOREST RIGHTS

AT A GLANCE

Newsletter | Issue 01 | Vol. 02 | October 2016



Teak plantation over recognized IFR land of Kutia kondh (Dulapadar, Belghar Kandhamal)

**INSIDE**

**03** OVERVIEW

**04** FROM THE PRESS



## ABOUT US

The Community Forest Rights-Learning and Advocacy Process was initiated in 2011 to facilitate the exchange of information and experiences and to reinforce national level efforts for evidence-based advocacy on Community Forest Rights (CFRs), as provided by the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA).

**TO JOIN CFR-LA, VISIT**

<https://groups.google.com/forum/#!forum/cfr-la>

**WEBSITE**

<http://fra.org.in/>

**TO CONTRIBUTE UPDATES WRITE TO**

Asavari Raj Sharma ([asavari.sharma@gmail.com](mailto:asavari.sharma@gmail.com))

**COMPILED BY** | Asavari Raj Sharma with Prerna Chourase

**MOTA STATUS BY** | Shruti Ajit

**INPUTS** | Neema Pathak Broome, Meenal Tatpati, Tushar Dash and Sanghamitra Dubey

Produced as part of the Community Forest Rights- Learning & Advocacy Process (CFR-LA)

**SUPPORT** | Oxfam India

**DESIGN** | Naveed Dadan



## OVERVIEW

The period since February 2016 has seen promulgation of a number of laws and policies by the Central and State governments, which would undermine the provisions of the FRA and reassert the control of the forest bureaucracy. At the national level, the Compensatory Afforestation Fund Act, 2016 was notified, which contained almost all the retrogressive features of the bill which has been opposed by civil society and political parties since 2013. The draft wildlife action plan by the Ministry of Environment, Forest and Climate Change (MoEFCC), further strengthens the role of eco-development committees for participatory wildlife conservation, instead of supporting committees under FRA. A draft National Forest Policy, which was uploaded on the MoEFCC website and then mysteriously removed, also focused on Joint Forest Management (JFM) like mechanisms for agro-forestry. In Maharashtra, the Village Forest Rules 2014 (Amendment) was notified, which allows for VFR to be implemented in all areas except areas under Panchayat Extension to Scheduled Areas (PESA) Act, including areas where Community Forest Resource Rights (CFRs) have been recognised, or could be recognised in future. In Chhattisgarh, community rights granted under the FRA were cancelled to facilitate mining in Ghatbarra village. The attempts to undermine the FRA reached the Courts with the Odisha Mining Company's petitions for re-organising Gram Sabhas in Niyamgiri. This petition however was scrapped by the Supreme Court. In Himachal Pradesh the state power corporation challenged an NGT order mandating Gram Sabha consent for a project, claiming tribals were unskilled and incapable of taking technical decisions. Some of the above mentioned issues are covered in this newsletter.

The July 2016 MoTA report on progress of FRA shows that out of the 41,82,806 claims filed, 40,72,241 were claims for Individual titles and 1,10,565 that is 2.6% were claims for Community titles. Since the Ministry has stopped putting out disaggregated data, there is no separate data for Section 3(1), 3(1)(i) and 3(2). The rejection rate is at 88.3%, with a total of 16,84,627 titles being recognised, out of which 16,40,160 were Individual titles and 44,467 were Community titles, showing a lower rejection rate of 60% for the latter.

The Forest Advisory Committee met three times in this period, in the months of May, July and August, deliberating on a total of 44 projects seeking diversion of forest land in Gujarat, Maharashtra, Andhra Pradesh, Uttar Pradesh, Odisha, Jharkhand, Telangana, Madhya Pradesh, Arunachal Pradesh, Chhattisgarh and Rajasthan. The diversion was sought for activities including building port infrastructure , capital city development, ash ponds and pipelines for a thermal power project, limestone, chromite, iron ore, gold, diamond and bauxite, uranium and coal mining, irrigation and airport related infrastructure, wind farms, eco-tourism sites, drinking water, river-linking and pipelines and roads for methane gas exploration. Complete minutes: [http://forestsclearance.nic.in/FAC\\_Report.aspx](http://forestsclearance.nic.in/FAC_Report.aspx). For detailed analyses contact: Meenal Tatpati, Kalpavriksh ([meenaltatpati@gmail.com](mailto:meenaltatpati@gmail.com)).



# FROM THE PRESS

## National News

1. In July, the Economic Times published a detailed analysis of 10 years of the Forest Rights Act by G Seetharaman, which gave interesting insights to state performances and opinions from various experts. [Read more](#)
2. Scroll.in published an excerpt from Kanchi Kohli and Manju Menon's book 'Business Interest and the Environmental Crisis', on how after 10 years of the FRA, the poor forest dweller remains poor, and industrial user no longer faces claims of the "commons". [Read more](#)
3. In a conversation with Nitin Sethi published in the Business Standard, the new Union Minister at the MoEFCC shared his views and priorities including how he thinks taking tribal gram sabha consent is not practical. [Read more](#)

## Regional News

### 1. CHHATTISGARH

In January, the state government cancelled the community rights granted under the FRA to the village of Ghatbarra, to facilitate coal mining by RVUNL and Adani Minerals Pvt Ltd. MoTA has sought a clarification on the same from the state government. [Read more](#)

The villagers Sanauli in Rajnandangaon district have since December 2015 been resisting the State's Forest Development Corporation's practice of "thinning" of the forests adjacent to their village. They confiscated the felling tools and demanded the complete exit of the corporation from the forest where the Sanauli Gram Sabha had received CFR titles under the Forest Rights Act. [Read more](#)

### 2. GUJARAT

The state Forest Department blamed the Forest Rights Act for the loss of around 437 sq km of green cover in the state as revealed by the 2015 Forest Survey of India report, saying that the majority of land lost was given for regularization under the Act. However, the FRA only vest rights on forest lands occupied as of December 2005. [Read more](#)



A meeting was organised in May to improve the involvement in forestry of four stakeholder forest-dwelling communities namely tribals, fishing communities, pastoralists and other forest dependant small agricultural communities. It was attended by 40 participants representing four States.

### 3. HIMACHAL PRADESH

The state power corporation filed an appeal before the Supreme Court challenging an NGT order which required consent from 19 affected tribal gram sabhas to set up the 130 mw Keshang Hydroelectric Project, contending that tribals were unskilled and incapable of taking a technical decision. Eventually, the Congress lead state government withdrew its petition. [Read more](#)

### 4. JHARKHAND

The West Singhbhum Deputy Commissioner chaired a workshop on the Forest Rights Act in June, stating a target to distribute 40,000 pattas with the help of two NGOs by August 15. He directed the Forest Department and Circle office level officers to take part in Gram Sabhas, for which there is no provision under the FRA, and can be seen as a violation. [Read more](#)

Jharkhand Mukti Morcha joined villagers living in the foothills of Dalma, Kolhan on May 24 to protest against an ESZ project taken up without Gram Sabha consultation at an awareness meeting organised by Dalma Kshetra Gram Sabha Suraksha Samiti. The project affecting 136 villages will threaten forest-based livelihoods and restrict movement of locals. [Read more](#)

### 5. MAHARASHTRA

An adivasi village Lavari in Gadchiroli is involved in a struggle against the construction of a power line by Power Grid Corporation of India Ltd, which cut down of hundreds of Minor Forest Produce trees, which are a major source of livelihood for the local communities. [Read more](#)



The Maharashtra Government was accused of failing to fulfill crucial conditions laid down in the in-principal Stage 1 clearance granted for the construction of the Navi Mumbai Airport on 250 ha of forest land, including the settlement of forest rights and the submission of approved relief and rehabilitation plan for the 3000 families from 18 villages to be displaced. Later the project proponent claimed that the process of the settlement of rights had been certified, but admitted that 22.5 hectares out of the land identified for relocation is forest area, which violates the 2013 principal approval. [Read more \(1\) \(2\)](#)

In June, the 12 member High level committee, constituted last year for the development of the bamboo segment recommended the abolition of the transit pass regime, amongst other measures, which would enable the plantation to be taken up on a large scale, which is being resisted by the Forest Department. [Read more \(1\) \(2\)](#)

Central funds worth crores from the Special Central Assistance Scheme for upgrading livelihoods of forest communities given land rights under the FRA have been allegedly siphoned off in Nandurbar, where Officials have reportedly submitted bogus field reports and false utilisation certificates as a cover-up. [Read more](#)

## 6. NORTH-EAST STATES

In June 2016, the All Bodo Students Union staged a demonstration in Kokrajhar, Assam demanding immediate cancellation of the land allotted at Chirag to Patanjali Ayurveda, by the Bodoland Territorial Council, a halt to auctioning of oil fields to private companies, provision of land rights to landless indigenous communities, immediate implementation of the Forest Rights Act and stopping of the eviction of traditional forest dwellers. [Read more](#)

In May 2016, at least two persons died and eight were injured when police opened fire on people protesting against the arrest of a Buddhist monk at Tawang in Arunachal Pradesh. Lama Lobsang Gyatso, a Buddhist monk and the general secretary of Save Mon Region Federation, which has been opposing mega dam projects in Tawang and West Kameng districts, was taken into police custody on April 26. [Read more](#)



The Tawang 1 and 2 projects, expected to cost Rs 15000 crore, still need forest and environment clearance from the MoEFCC. These sixth schedule areas need consent from the Gram Sabha to be submitted to MoEFCC while applying for forest clearance. Also, in Scheduled Areas where ST population live, rights under FRA have to be settled before diverting any land to any project. The state government has maintained in its submission to the MoTA status report dated March 2016 that while it has formed the prescribed committees, the FRA has little relevance in Arunachal Pradesh, being a state wholly domiciled by ethnic tribes whose forests are specifically identified. [Read more](#)

## 7. ODISHA

The Supreme Court in May scrapped a petition filed by the Odisha Mining Corporation to consider Gram Sabhas being held again to decide on bauxite mining on Niyamgiri hills, directing the OMC to appropriate forums against the decision of the Gram Sabhas. The Dongrias celebrate Supreme Court move on Niyamgiri, demanding it to be declare a 'no-mining zone', to safeguard it against future mining attempts at a rally held at Lanjigarh. [Read more \(1\) \(2\)](#)

The Odisha Forest Department launched "Ama Jungle Yojana", a scheme headed by CM Naveen Patnaik, to regenerate about 2.6 lakh hectares and create 5,000 hectares of new forest cover in the next six years. It targets to involve 7,000 Vana Surakshya Samitees in 30 Forest and Wildlife divisions covering 23 districts. The Campaign for Survival and Dignity, Odisha has filed a petition to MoTA to examine the scheme. [Read more](#)

Meanwhile, Hariharpur, a small tribal village in Deogarh district has decided in a Gram Sabha meeting in April to reject the AJY, taking a formal resolution for the same. [Read more](#)

Hundreds of tribals and forest dwellers under the banner of Jami Jungle Mukti Andolan marched in a protest rally demanding forest rights in February in Nuapada district where no titles have been issued under Section 3(1) of FRA meant for community forest rights. [Read more](#)

A training programme on "Governance of Schedule V Area" was organised by Adivasi Darbar in July Bhubaneswar where around 250 participants from all the 62 tribes, 119 ITDA Blocks, 46 Modified Areas Development Approach (MADA) and 21 Clustered Villages across the state discussed the PESA 1996, FRA 2006, Tribal Sub Plan, the LARR Act 2013 and human rights law. [Read more](#)