

Uttarakhand Elections 2022: The Importance of Forest Rights as a swing issue

Uttarakhand is a forested state with high dependence of all local communities on forests. Historically these relationships have manifested in conflicts during the processes of creating state forests, and the resistance by communities led to the creation of the systems of Vana Panchayats. However, majority of the forests in Uttarakhand continue to be managed by the Forest Department, who also have been trying to take control over the institutions of Vana Panchayats. The result has been increasing conflicts between local Uttarakhand communities and the forest department, poor governance of forests, and anger amongst people against the government and forest department. The situation has been aggravated by the ham-handed and strict application of the Forest Conservation Act.

The enactment of the Forest Right Act, 2006, has provided the legal and institutional tools to resolve this situation and meet the potential of forests in Uttarakhand for livelihoods, development, conservation and climate mitigation through a community-led rights-based approach. The Forest Rights Act provides for recognition of individual rights over forest lands as well as community rights of Gram Sabhas over forest and forest products. Most important, it provides Gram Sabhas created under the Forest Rights Act the power to govern forests and protect its biodiversity. In other parts of India, such as Maharashtra, Odisha etc. implementation of community forest rights has led to both better conservation of forests and better livelihoods and development for forest dweller communities.

Recognition of community forest rights over forests will ensure that benefits from payment for protection of carbon and ecosystem services can go directly to Gram Sabhas. These incomes can be substantial considering the high level of carbon storage and the true value of ecosystems services provided by Uttarakhand's forests.

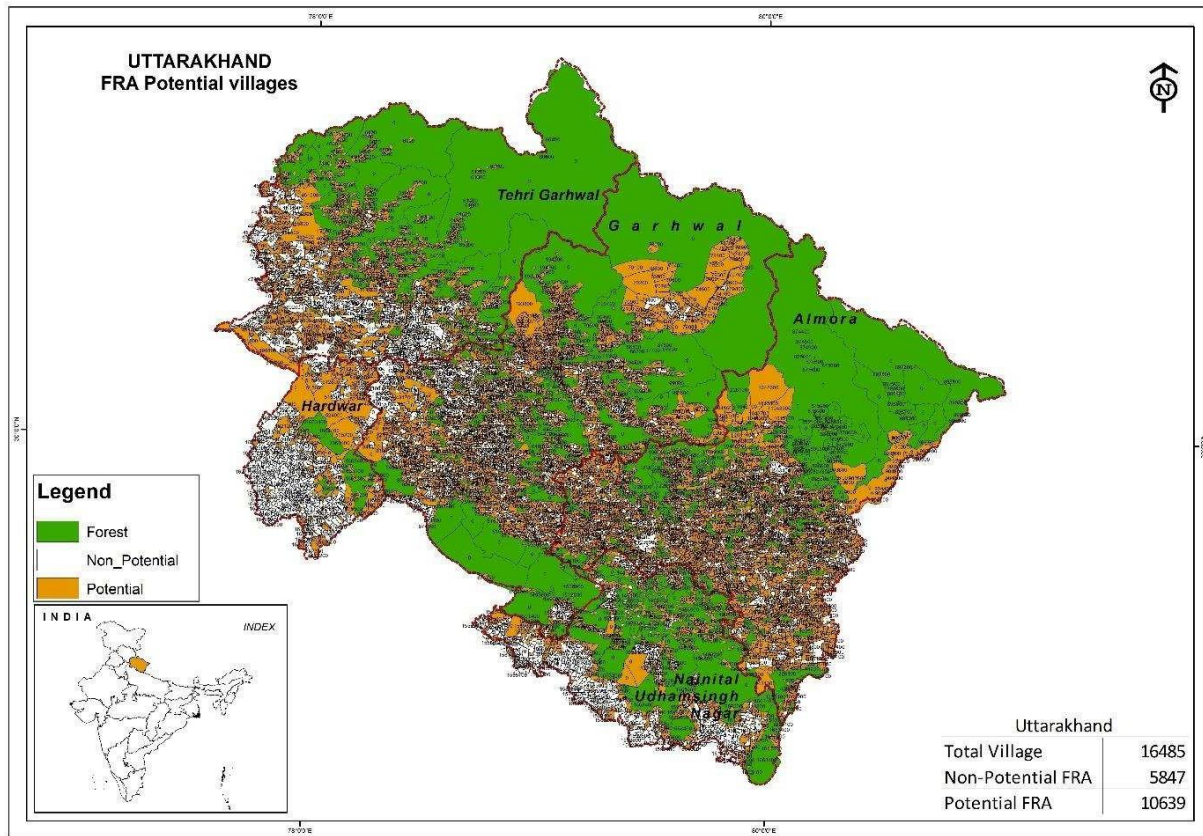
It is estimated that almost 60% of villages and 40% of the population will benefit from the proper implementation of FRA. However, almost no initiatives for the implementation of the Forest Rights Act have been taken up by the Uttarakhand Government. Given its vast potential and the very large number of voters that the Forest Rights issue impacts, forest rights as an issue can play a critical role in determining the outcomes of the forthcoming elections.

In various state elections, particularly in Chhattisgarh, Jharkhand, Maharashtra and MP, forest rights became a major issue, and was included in the manifesto of the political parties. This analysis for the 2022 Uttarakhand elections is an effort to sensitize the political parties on the importance of forest rights for Uttarakhand and how the forest rights issue can impact the outcomes of the elections. The analysis has been carried out using Census data and maps and using Geographical Information Systems.

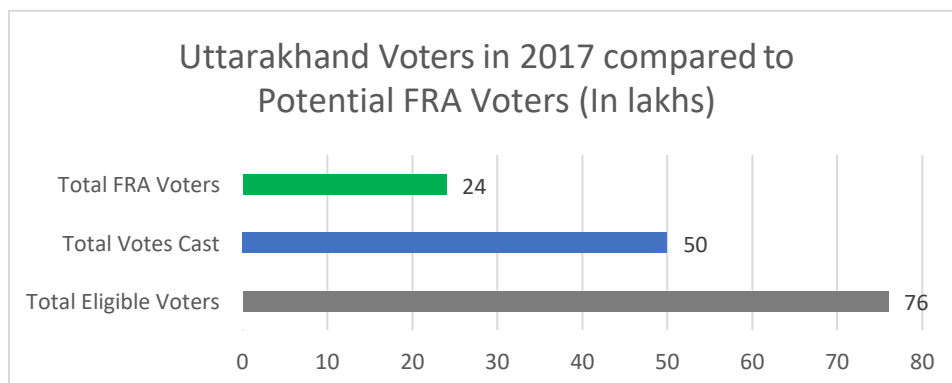
Forest Rights Act: Potential as a political issue at the State level

A very large number of villages and voters will be benefitted by proper implementation of Forest Rights Act, through recognition of individual forest rights and Community Forest Resource Rights (CFRs). Based on Census data and location of villages around forests, it is estimated that **at least 10,000 villages (more than 60 percent of the villages in the state)** and their Gram Sabhas in Uttarakhand are eligible for recognition of Community Forest Resource (CFR) Rights under the law. The distribution and location of these villages is provided in the map shown below (all villages shown in yellow should be eligible for

recognition of rights under Forest Rights Act as they have forest area within village boundaries or are located adjacent to forest blocks):



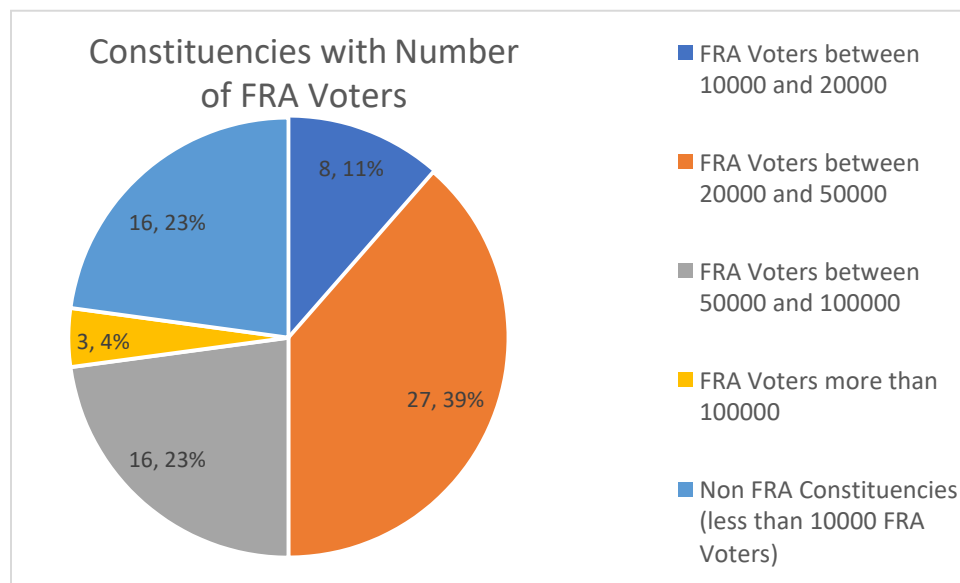
The number of voters who can be benefited through recognition of CFR Rights by the virtue of residing in these villages is at least 24 lakhs (based on 2011 Census data), which constitute 32% of the total registered voters in 2017 elections (76 lakhs) and 48% of actual votes cast (50 lakhs). This implies that Forest Rights Act implementation should be a critical issue in Uttarakhand since it affects so many voters.



One can also compare the number of voters benefitted by FRA by the margin of votes between BJP and the INC. As compared to the FRA voters at 24 Lakhs, the total vote margin between BJP and INC was only 6.5 lakhs, an average margin of less than 10,000 per constituency. Given the number of voters affected, Forest Rights is a critical issue and the party which can mobilize the FRA voters on a large scale can more or less win the elections in 2022.

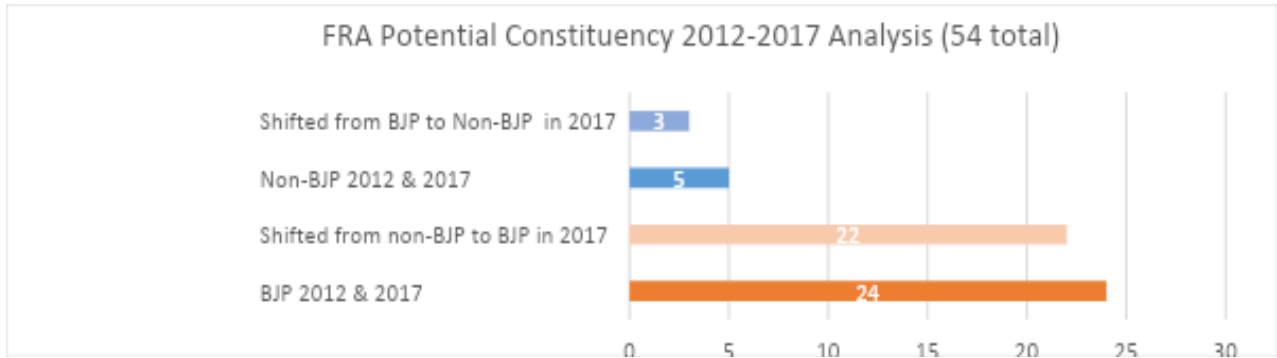
Constituency-wise Analysis of Forest Rights Act Potential

Along with the state wise figure a more detailed constituency wise analysis shows the true political importance of the Forest Rights Act. This analysis includes all AC constituencies with more than 10,000 potential FRA Voters as Potential FRA Constituencies. **The total number of constituencies where FRA Voters can make a major impact is 54 out of total of 70 Constituencies.** These 54 constituencies are primarily rural constituencies with larger amounts of forest lands and don't include urban constituencies and a few highly agricultural constituencies in Terai. The graph below shows the number of constituencies distributed as per number of potential FRA voters.



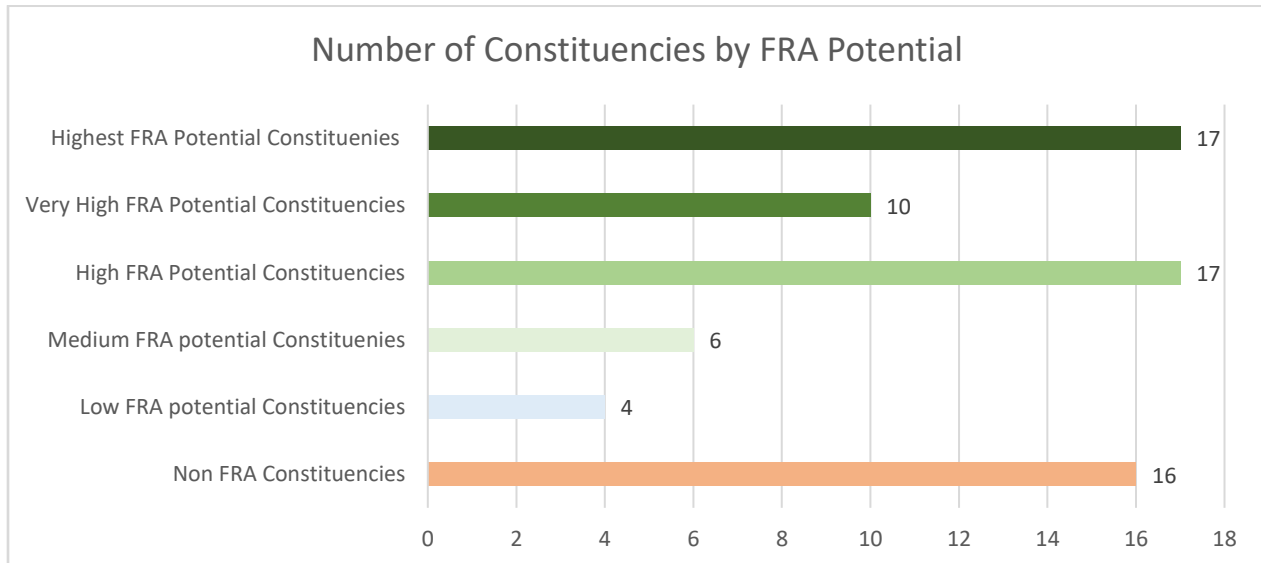
The data shows that 65% (46) of the total assembly constituencies in Uttarakhand have more than 20,000 potential FRA voters; and 27 %r (19) have more than 50,000 potential voters who will benefit from implementation of FRA.

An analysis of these 54 Potential FRA Constituencies for the 2012 and 2017 results show that 22 of these constituencies shifted from non-BJP parties to BJP and these constituencies are likely to be contested strongly in 2022.



A more detailed analysis using the margin of victory for 2012 and 2017 elections show that 2017 Assembly elections were a clear sweep for BJP, and it won in many constituencies with high margins. This analysis compares the number of FRA Voters in constituencies with the margin of victory in 2017. The AC Constituencies were divided in six categories based on the number of voters and margins. The categories reflect the potential of Forest Rights Issue to influence the outcomes of the election and are defined in the table in annexure II.

The Graph below shows the numbers of the Assembly Constituencies categorized by FRA Potential to influence the elections.



Recommendations to the political parties:

The political parties should announce programs for the development of the *moolnivasis* of Uttarakhand- the forest-dependent communities- with a focus on the recognition of their forest rights, community forest protection, and revival of the forest-based economy.

1. **Declare all Moolnivasis as Other Traditional Forest Dwellers under FRA:** Even after 15 years of enactment of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, in 2006, the forest-dependent people of Uttarakhand continue to wait for its implementation in letter and spirit. The government should issue a time-bound order that all *moolnivasis* of Uttarakhand's hills will be recognised as Other Traditional Forest Dwellers (OTFDs) for recognition of their rights under the FRA- a long-standing demand of the local communities.

2. **Launch Vana Adhikar Abhiyan for recognition of forest rights:** Political parties must commit to launch a special program on a mission mode- *Van Adhikar Abhiyan*- for effective implementation of FRA focusing on the recognition of:

- Community Forest Resource (CFR) rights in all the potential villages and the Van Panchayats,
- Ownership rights of Minor Forest Produces to all the Gram Sabhas,
- Rights of the particularly vulnerable tribal groups (PVTGs)
- Rights of the pastoral communities (Van Gujjars) including the seasonal access to forests for grazing.
- Women's rights to land and community forest resources.
- Right for conversion of forest and unsurveyed villages (Van Taungyas) to revenue villages.
- Right of communities displaced due to development projects, and their rehabilitation and resettlement.

3. **Provision of budget and mechanisms for Vana Adhikar Abhiyan:** The *Van Adhikar Abhiyan* should be supported with a special budget allocation, setting up of FRA support cells at the state and district level with dedicated staffs, a mechanism for grievance redressal, and review of the rejection of claims.

4. **No evictions unless forest rights are recognised:** Eviction of forest dwellers from the forests and protected areas must be stopped forthwith.

5. **Funding for forest rights-based economy:** The government should come up with a special scheme for reviving the forest-based economy by providing funds for the development of community forest resources for livelihood and employment generation, and village development. The forest development funds available under the government programs such as CAMPA, MGNREGA, Climate Funds, etc should be directly transferred to the Gram Sabhas for the development of community forests.

6. **Core funding for forest Governance to Gram Sabhas:** The State Government should announce a scheme for core funding support to Gram Sabhas in lines with Rajasthan Government which has announced Rs. 10 Lakhs to each Gram Sabha whose CFR rights have been recognized. These funds can come from CAMPA funds and will amount to a transfer payment of Rs. 1000 crores to Gram Sabhas over the next five years.

7. **All relevant schemes to be dovetailed with FRA:** Ensure integration and convergence of all relevant government welfare schemes, such as MGNREGA, Public Distribution System, and others, with the FRA to safeguard and guarantee livelihoods, income, and employment of forest-dwelling communities. Revival of the forest-based economy can be a major boost to secure livelihoods and employment in the state thereby checking the rapid migration of youth from Uttarakhand.

8. **Gram Sabhas own carbon and ecosystem services rights and will enjoy income from these rights:** Ensure that all carbon and ecosystem rights in the CFRs shall rest with Gram Sabha and that Gram Sabhas shall have the first right on any payments linked to carbon sequestration or provision of ecosystem services from forests. It is expected that carbon and ecosystem services will be able to generate large incomes for Gram Sabhas and would lead to sustainable development for Uttarakhand Forest dwellers.

Annexure I: List of Assembly Constituency by FRA Potential

Category of Constituency by FRA Potential	Assembly Constituency Name	Number of Villages with FRA Potential	Margin in 2017	Estimated Voters benefited by FRA	Winning Party in 2017	Winning Party in 2012
Highest FRA Potential Constituencies	Lohaghat	299	148	64566	BJP	BJP
	Kedarnath	399	869	117633	INC	INC
	Purola (Sc)	404	1013	126527	INC	BJP
	Jageshwar	190	399	30563	INC	INC
	Someshwar (Sc)	204	710	38578	BJP	BJP
	Gangolihat (Sc)	335	805	42288	BJP	INC
	Chakrata (St)	186	1543	41871	INC	INC
	Didihat	388	2368	55352	BJP	BJP
	Yamunotri	378	5960	115247	BJP	UKDP
	Tharali (Sc)	415	4921	93684	BJP	INC
	Salt	358	2904	50044	BJP	BJP
	Dharchula	275	3085	51706	INC	INC
	Bhimtal	159	3446	55651	IND	BJP
	Pithoragarh	155	2684	39657	BJP	INC
	Badrinath	327	5634	77284	BJP	INC
Kapkote	308	5982	62616	BJP	INC	
Gangotri	286	9610	98673	BJP	INC	
Very High FRA Potential Constituencies	Khatima	23	2709	26828	BJP	BJP
	Karnprayag	416	7549	73488	BJP	INC
	Ranikhet	299	4981	41898	INC	BJP
	Kichha	16	2127	15484	BJP	BJP
	Almora	186	5379	37985	BJP	INC
	Laksar	7	1604	10765	BJP	BJP
	Dwarahat	289	6593	41410	BJP	INC
	Lansdowne	424	6475	39690	BJP	BJP
	Yamkeshwar	413	8982	50551	BJP	BJP
Srinagar	300	8698	46327	BJP	INC	
High FRA Potential Constituencies	Vikasnagar	25	6418	31885	BJP	INC
	Deoprayag	107	3499	17254	BJP	IND
	Bageshwar (Sc)	305	14567	67775	BJP	BJP
	Narendranagar	133	4972	22701	BJP	INC
	Chaubattakhal	242	7354	32541	BJP	BJP
	Nainital (Sc)	131	7247	31446	BJP	INC
	Pauri (Sc)	358	7030	30295	BJP	INC
Hardwar Rural	26	12278	52124	BJP	BJP	

Category of Constituency by FRA Potential	Assembly Constituency Name	Number of Villages with FRA Potential	Margin in 2017	Estimated Voters benefited by FRA	Winning Party in 2017	Winning Party in 2012
	Rudraprayag	238	14632	56423	BJP	INC
	Pratapnagar	25	1939	7283	BJP	INC
	Jaspur	26	4204	15735	INC	INC
	Jwalapur (Sc)	10	4788	17505	BJP	BJP
	Sahaspur	59	18863	68882	BJP	BJP
	Ghanshali (Sc)	136	11653	39951	BJP	BJP
	Nanak Matta (St	27	9531	32638	BJP	BJP
	Bhagwanpur (Sc)	6	2513	8218	INC	BSP
	Ramnagar	63	8611	26596	BJP	INC
	Doiwala	56	24869	58600	BJP	BJP
	Bajpur (Sc)	25	12636	27405	BJP	INC
Medium FRA potential Constituencies	Mussoorie	53	12077	20983	BJP	BJP
	Champawat	157	17360	26801	BJP	INC
	Sitarganj	26	28450	40989	BJP	BJP
	Rishikesh	13	14801	16980	BJP	BJP
	Kaladhungi	70	20597	22618	BJP	BJP
	Gadarpur	9	14106	14174	BJP	BJP
Low FRA Potential Constituencies	Lalkuwa	87	27108	26867	BJP	IND
	Pirankaliyar	3	1349	1331	INC	INC
	Kashipur	18	20114	19676	BJP	BJP
	B.H.E.L. Ranipur	4	22240	21740	BJP	BJP
	Raipur	31	36771	21359		INC

Table II: Methodology of Categorization of AC as per FRA potential

Non-FRA Constituencies	All AC constituencies where the potential FRA voters are less than 10000. All other categories below have more than 10000 potential FRA Voters
Low FRA Potential Constituencies	Constituencies where the number of FRA Voters is less than the winning margin in 2017
Medium FRA potential Constituencies	Constituencies where the number of FRA Voters is more than the winning margin but less than twice the margin
High FRA Potential Constituencies	Constituencies where the number of FRA Voters is more than twice but less than five times the 2017 margin
Very High FRA Potential Constituencies	Constituencies where the number of FRA Voters is more than five times but less than ten times the 2017 margin
Highest FRA Potential Constituencies	Constituencies where the number of FRA Voters is more than ten times the 2017 margin