

Community Rights in State Action Plans post Amendment Rules

Madhu Sarin

CFR National Consultation March 16-17, 2013

Chhattisgarh

- Existing guidelines empowering field officials not revised? GP secretary sec of FRC, claims to be submitted to GPs.
- Expect completion of ALL rights recognition by end June 2013, including entry in official records
- Sub-committee of SLMC headed by PCCF takes key decisions – FD appropriating nodal agency role
- Collectors to obtain GS resolutions of no pending claims
- only 11 CFR rights, 633 nistar and 5 MFP rights recognised till now
- 128 ‘traditional’ rights recognised - meaning unclear

Chhattisgarh – PVTG rights

- 10,000 titles distributed to PVTGs - 9 PVTG 'habitation' rights recognised – meaning unclear. No habitat rights recognised to date. TRI has been asked to conduct a survey for demarcation of PVTG habitats. Unclear whether meaning of habitat understood.

Chhattisgarh – Forest Villages

- Want guidelines from MoTA for conversion to revenue villages – feel Supreme Ct order bans dereservation
- Nothing stated about identification of unsurveyed/unrecorded villages
- Nothing said about recognition of rights in Pas or about ongoing illegal relocation from TRs

Chhattisgarh – CFR rights

- No distinction made between community rights and CFR rights – 70 % villages said to not have claimed community rights
- Plan for recognition talks about Panchayat level
- Special gram sabhas in end Feb also expected to elect committees for conservation of forest wildlife and biodiversity under Rule 4(1)(e), BEFORE recogn of CFR rights.

Andhra Pradesh

- Intention to complete implementation by end Jan 13?
- Nothing about reconstitution of FRCs at village/hamlet level instead of earlier multi-village panchayat level?
- A State review in Jan 2011 indicated 71% villages/habitations with forest interface had been left. What is the plan for covering these?

Andhra Pradesh – CFR rights

- “330469 Community Claim covering f 1962077 Acs received, of which titles issued to 2106 Claims covering 979202 Acs” .
- Community Claims largely limited to VSS/JFM lands. Other community rights now to be recognised.

Andhra Pradesh – CFR rights

- Nothing stated about action regarding CFR titles issued to ineligible VSSs
- Nothing indicated about vesting of ownership rights over MFPS and removing GCC's monopoly control over their collection and marketing.
- It is stated that **habitat rights of all PVTGs have been recognized.**

Andhra Pradesh contd

- “Detailed revised operational guidelines for implementation and community rights are issued” (details not available) and “7,500 habitations having forest interface identified” (compared to 3799 gram sabhas convened at GP level earlier)
- No info about identification of unsurveyed/unrecorded settlements on forest land

Andhra Pradesh - PAs

- Operational guidelines issued to ensure recognition of rights in PAs without any exception.
- “Forest Rights in National Parks and Sanctuaries have to be recognized as per the Act and their relocation, if required will be decided later in critical Wildlife habitats”

Bihar

- A complete list of villages located in forest areas to be prepared by DMs/DFOs by December 2012.
- CFRs – “Traditionally villagers around forests enjoy community forest rights such as collection of firewood, MFPS, grazing”.
- GS committees to be constituted by mid 2013

Bihar -II

- “No forest villages in Bihar”
- “Rights are recognized in Valmiki Tiger Project & in Bhimbandh sanctuary”

Assam

- Claim that 1387 FRCs by gram sabhas covering all forest villages, hamlets & habitations under 17 DLCs already formed.
- **“CFR claims recommended to DLC 4800 nos, 1244 already cleared by DLC” – lack of clarity about CFRs as only ind rights recognised.**
- **No PVTGs or pastoralists in State**
- **No process for recognition of rights in protected areas started**

Assam

Strategy for Post Recognition of Rights

- What are the steps planned to ensure that the GSs constitute the committee to manage forest resources (Rule 4(1) (e))?
 - **Steps being taken in consultation with Forest Deptt. in next SLMC meeting to be held shortly.**
- What are the plans alongwith timeline for training programmes for these communities to prepare conservation and management plans?
 - **Steps being taken in consultation with Forest Deptt. in next SLMC meeting to be held shortly.**
- How will Forest Department plans be modified to bring them into accordance with GS committee' plans for conservation and management of the forest?
 - **Steps being taken in consultation with Forest Deptt. in next SLMC meeting to be held shortly.**
- Have State Rules/ Policies on transit permits for MFP been modified?
 - **Matter be discussed in next SLMC meeting.**

Gujarat

- **state guidelines permitting only selected forms of evidence in violation of the rules have not been withdrawn**
- **No plan indicated to remove monopoly control over MFPs by the FDC.**
- committees to be elected by gram sabhas under rule 4(1)(e) equated with 3205 JFMCs already constituted -some tribal members may be added to them.

Gujarat

- 14 non scheduled districts yet to be covered
- 6541 Villages have claimed CFR rights [Sec.3(1)(i)], 1940 approved (not a single title given)

Gujrat-PROTECTED AREAS

The process of recognition of rights begun in protected areas.

There are 4 National Parks/23 Wildlife Sanctuaries in Gujarat.

Scheduled Plan:

Baseline survey of the families living in the Protected Areas would be carried out and accordingly the claims will be invited **and process of recognition will be done in consultation with Forest Department.**

Gujarat - STRATEGY FOR POST RECOGNITION OF RIGHTS SUPPORT

- “Forest Department has been requested to act proactively for conservation and management of the forest as per the provisions of FRA to bring them in accordance with GS committees’ plans for conservation and management of the forest” – whatever that means!
- “TDD has requested FD to issue necessary instructions to District Officials regarding Rules/policies on transit permits for MFP”.

Maharashtra

- A pioneer state in recognizing CFR rights
 - 1571 title over 705869 acres
- However, ambiguous/conflictual overlap between CFRs/JFM – instructions that CFRs be recognised in all villages with JFM
- No clarity about recognition of habitat rights or rights of pastoral communities

Maharashtra

- 73 Forest villages in Nandurbar District but collector says matter in Supreme court
- Rights in Municipal areas can't be recognised till MoTA withdraws letter
- Rights recognition begun in 5 NPs & 20 WLS – illegal relocation from TRs not mentioned

Rajasthan

- Among poorest states in recognition of community rights
- State PESA rules keep monopoly control over MFPs with Rajas Sangh – no mention in action plan
- 11 page 'kulak' (file) to be completed for each claim – guard & patwari gain control

Rajasthan

- Tribal secretary's order asks FRCs to be constituted at the revenue village level in Scheduled areas and at Panchayat level in the non-scheduled areas.
- Slide 21 -“as per clarification given by MoTA, FD is coordinating in implementation”.
- “Forest department will maintain the register of claims”

Rajasthan

- Been made mandatory for revenue and forest officials to be present at Gram Sabhas and FRC meetings
- No new CFR forms distributed till now
- SDLCs not accepting CFR claims
- 53 community titles given have illegal conditions
- Action plan silent on illegal relocation from TRs, recognition of habitat/pastoralists rts

Rajasthan

- Collectors directed by SLMC to submit "no claim pending" certificates if no claims recd. DLCs yet to be formed in 15 out of 36 districts.
- Intended completion of rights process by August 15
- FD building solid walls on forest & grazing land boundaries with MNREGA funds

Karnataka

- Very cursory action plan;
- massive %age of rejections;
- no mention of forest villages or habitat rights— huge allocation of 20 crores for post rights support
- Claims of those ‘already relocated’ rejected;
- Nothing about rights in PAs

Goa

- FRCs started functioning only in Oct 2012.
- level at which GSs constituted unclear
- guidelines & procedures poorly understood

Jharkhand

- Totally vague action plan
- Nothing said about recognition of CFR or habitat rights or conversion of forest /unsurveyed villages
- New CFR claim forms not even distributed
- States that community rights already recognised in 81% of forests which are PFs

Jharkhand

- FD asserting that can't recognise CFR rights due to monopoly govt control over tendu leaf
- FD refuses to give 'NOC'
- FD unwilling to accept Khatian part II areas as customary boundary
- In PAs, plan to synergise existing 'participatory' approaches

Jharkhand

- **What are the steps planned to ensure that the GSs constitute the committee to manage forest resources (Rule 4(1) (e))?**

Under Joint Forest Management Village committees are managing the forest resources. This will be strengthened by conducting the Gram Sabha meetings.

- **What are the plans along with time line for training programmes for these committees to prepare conservation and management plans?**

Now in the State for the forest areas micro-plans are being prepared with the active support of Gram Sabha and with bottom-up approach working plans of forest are being prepared.

- **How will Forest Department plans be modified to bring them into accordance with GS committees' plans for conservation and management of the forest?**

Forest Department is preparing working plan by bottom-up approach and in accordance micro-plan will be prepared by Gram Sabha Committee for conservation & management of the forest.

- **Have State Rules/policies on transit permits for MFP been modified?**

All the MFPs have been de-notified for the purpose of free transit except kendu leaves where the price of kendu leaves is regulated by the Forest department and trading support is also provided to the primary collectors and the net profit are also being ploughed back to the kendu leaves pluckers.

Madhya Pradesh

- GS committees constituted in all villages under Rule 4(1) (e).??
- FD will continuously train and impart awareness to deed holders for conserving /managing forest resources.
- Annual action plan of FD will incorporate special component for conservation and management of forest in villages where FRs have been provided

Madhya Pradesh

- So far 13093 CFR rights have been claimed from 6000 villages.
- “The CFR received will be corroborated from the records of Revenue & Forest department.”
- Habitat, nomadic rights will be recognized – process for identifying habitats not clear

Madhya Pradesh

- PAs - Process started in Panna & Kanha TRs & several WLSs. Rest will be completed by Sep 13
- Nothing said about illegal relocation from TRs
- Conversion of forest villages in to revenue villages subject to repeal of GOI Letter No. 23011/28/2008-SG-II Dated. 03.12.2008 & dated 01.09.2011.

Uttar Pradesh

- Out of 1135 Community Forest Rights claims received, 814 approved by DLC, over an area of 120382.53 acres (average 148 acres per claim)???
- 316 Community Forest Rights claims have been rejected
- 52 claims of Buxa (PTG) of Bijnor rejected because of non-availability of written records.

Uttar Pradesh

- Two ST forest villages (Surma and Golbhoji) in Dudhwa National Park in process of being converted into revenue villages

Tripura

- No community or CFR rights recognised
- 66% of area of 6 Wildlife Sanctuaries identified as CWH from where 2055 families appear targeted for relocation.
- No mention about recognition of rights within PAs or process by which CWHs established.

Tripura

- Completion of field verification by Revenue and Forest Officials by 30th August, 2013?
- No plan to reconstitute FRCs constituted for all Panchayats & Village Committees.
- Boundary pillars being installed for individual land titles

HP, Uttarakhand, West Bengal

- Serious problems and violations of Act and Rules