



**REPRESENTATION GIVEN TO THE STATE AND THE UNION MINISTRIES/OFFICIALS ON
COMMUNITY FOREST RESOURCES AND RIGHT IN ANDHRA PRADESH**

Centre for People's Forestry and Vanasamakhyā

12-13-483/39, Street No 14, Lane No 6,
Nagarjunanagar Colony, Tarnaka,
Secunderabad- 500017
Andhra Pradesh-India

Date: 31.08.2012

To,

Subject: Requesting proactive involvement in initiating work on Community Forest Resources and Rights under FRA.

- Reference to:
1. The new guidelines on FRA implementation issued by Union Ministry of Tribal Affairs (MoTA) on 12.07.2012, ref: 23011/32/2010.
 2. The draft amendments for FRA-2006- Rules issued by Union Ministry of Tribal Affairs (MoTA) on 19.07.2012, ref: Regd No. D.1/33004-99.
 3. The Andhra Pradesh State Level Consultation on Community Forest Resources and Rights on 22 & 23 August 2012.

This is to share with you that in the 2 days state level consultation on *"Community Forest Resources and Rights under Forest Rights Act-2006: Challenges and Opportunities for Forest Communities in Andhra Pradesh"*; which was organized by Centre for People's Forestry and Vanasamakhyā, in Secunderabad on 22-23rd of August 2012 - 17 tribal representatives from 10 districts of AP, 24 NGO representatives, 1 resource person each from Maharashtra and Karnataka participated. The participants reviewed the status of implementation of FRA at ground level in AP and also learnt from the experiences of Maharashtra (Gadchiroli district) and Karnataka (B.R.Hills). Following are the highlights of the discussions made in the event:

1. Communities discussed the new guidelines and rules (draft) and gave their comments for consideration. These have been compiled and are to be shared with the MOTA for their consideration from AP.
2. Many issues were raised regarding the irregularities in individual titles and claim process, but the focus of the discussion was kept close to community claims and community forest resources in the consultation.
3. Representatives from Maharashtra and Karnataka shared their experiences of community forest resources and rights in their regions; that they had received even before the release of new sets of guidelines and rules, which made communities and CBOs hope for and seek such developments in AP.

Now as the new guidelines and rules are out and wide scale national and state level discussions are being made on the effectiveness of Community forest rights recognition, we request you to take up the issue of recognizing CFRe and CFRts in Andhra Pradesh, based on new legislative modification using a separate Form –C for the same, issuing the titles in the prescribed format.

Based on references made above, we would like to bring to your kind attention some of the issues and request you to resolve them at the earliest.

Community Titles Issued to VSS

According to the information provided on www.forestrights.in¹, 2106 VSS have received community titles in AP, but realities are far from this.

Only few VSSs have received these community titles and that too are on the name of VSS and not on the names of concerned Gram Sabha. According to FRA the title should be issued only to Gram Sabha. Also, in many cases, the extent of forest area issued is not the whole VSS forest but a part of it. The maps for these forest areas have not been shared with communities in most of such cases.

Request: Based on above issues, we request you to kindly consider issuing community titles in the names of Gram Sabha only. As per the new guidelines and rules, this can be done using a form-C followed by proper resurvey. We also request you to issue CFRe rights to these Gram Sabhas as per the new format. The new Guidelines/Rules make it mandatory to have CFRe issued in each village.

Community Forest Resources (CFRe)

Request: We request you to kindly advise concerned officials to initiate the work for the recognition of CFRe rights, according to the new Guidelines/Rules using Form –C. Further such instructions need to be sent to the district level officials and also the status has to be monitored at the State level.

¹ (Status report on implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 [for the period ending 31st July, 2012])

Based on the issue above, we request you to issue orders to district level officials for effective implementation of the same.

Issues faced by Chenchus in NSTR

Chenchus of NSTR are facing several problems in realizing their community rights under FRA:

- No habitation rights for Chenchus till now, although FRA act clearly provides provision for settling habitation rights on priority basis for PTGs.
- Many Chenchus were rehabilitated to other locations within NSTR under various Rehabilitation and Resettlement (R & R) efforts, such villages are not given any community rights under FRA.
- Chenchu community of Billakallu village is unable to sell their fish from the community pond (Rushula cheruvu) outside the Sanctuary.
- There is unexplained delays (pending since 2008), in recognition of community titles over community tanks and ponds in the sanctuary.
- There is no clarity over claiming bamboo resources under community rights in the Sanctuary. Chenchus are being discouraged by Forest Department to do so. According to new Guidelines/Rules, this is against the mandate of the Act and Chenchus could be given full rights on Bamboo management.
- There are existing records of Nistar rights in NSTR, these are not being accepted as evidences to make community claims.

Request: *Based on issues mentioned above, we request you to issue suitable guidelines to concerned departments for effective implementation of the FRA act in Protected Areas.*

Bamboo related issues

- Bamboo harvesting permits have not been issued to many VSSs of Srikakulam and Vishakapatnam, about which the communities have submitted a representation to you last year incorporating the issues and constraints they have been facing on the matters of harvesting, transportation and sale of Bamboo.
- Long delay in wages from MGNREGS for harvesting of Bamboo.

Request: *We request you to kindly recognize Bamboo as MFP as defined in the FRA-2006, and kindly issue new guidelines to concerned officials to recognize CFRe rights over Bamboo. CFRe claim process using Form – C need to be initiated immediately in these Bamboo areas. Further, it is essential to give full rights to Gram Sabha for Bamboo harvesting, transport and Sale.*

Form-B- Community Forest Rights

- Delays in issuing community forest rights tiles to villages, even if they have applied properly under the FRA act, using Form-B. The Act provides 13 types of possible community rights and titles.

Request: Based on above issue, we request you to issue community rights and titles to tribal villages in the names of their respective Gram Sabhas, according to the FRA act.

Thanking you,
Vanasamakhya and representatives from the Tribal villages & CPF Team

Enclosures:

1. FRA new Rules (Draft)
2. Form-C format
3. CFRe Title format
4. List of participants attended the state level consultation on CFRe/Re

Representatives from tribal villages

1. D.Srinivasulu- Vanasamakhya
2. K.Sathyanarayana
3. G. Kalyanam
4. K.Gangathalli
5. N.Edanna
6. M.Kamamma
7. K. Ramu