







# TELANGANA

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Promise and Performance of Forest Rights Recognition Act, 2006:  
**The Tenth Anniversary Report**

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## ABBREVIATION

**FRA:** Forest Rights Act  
**PESA Act:** Panchayats Extension to Scheduled Area Act  
**ST:** Scheduled Tribes  
**OTFD:** Other Traditional Forest Dwellers  
**CFR:** Community Forest Resource Rights  
**CR:** Community Right  
**IFR:** Individual Forest Rights  
**PA :** Protected Area  
**PVTG :** Particularly Vulnerable Tribal Group  
**NTFP :** Non Timber Forest Produce  
**FRC :** Forest Rights Committee  
**FPIC :** Free Prior Informed Consent  
**SLMC :** State Level Monitoring Committee  
**SDLC :** Sub-Divisional Level Committee  
**DLC :** District Level Committee  
**ITDA:** Integrated Tribal Development Agency  
**JFM :** Joint Forest Management  
**LWE :** Left Wing Extremism  
**CFR-LA :** Community Forest Rights Learning and Advocacy  
**FSI :** Forest Survey Of India  
**FD :** Forest Department  
**FCA :** Forest Conservation Act  
**MoTA :** Ministry Of Tribal Affair  
**MoEFCC :** Ministry Of Environment Forest and Climate Change  
**CAMPA :** Compensatory Afforestation Management and Planning Authority  
**MGNREGA:** Mahatma Gandhi National Rural Employment Guarantee Act  
**IAY :** Indira Awas Yojna  
**CAF :** Compensatory Afforestation Fund  
**VFR :** Village Forest Rule  
**VSS :** Vana Samrakshana Samithi  
**FDCM :** Forest Development Corporation Management  
**NFP :** National Forest Policy

## INTRODUCTION

As the 29<sup>th</sup> state of India, Telangana came into existence on 2<sup>nd</sup> June 2014 with 10 districts of undivided Andhra Pradesh (AP). Recently the Government of Telangana created additional 21 districts, under the Telangana District Formation Act, 1974 and District Formation Rules, 2016, taking the total number to 31. The geographical area of the Telangana state is 1,12,077 sq. km. and the population is 350.04 lakh. The tribal population is 32.87 lakh which comprises 9.34% of the total population of the state. Telangana has 26,904 sq. km. of forest land which is 24% of the total geographical area of the state. The state has 12 protected areas consisting of eight Wild Life Sanctuaries and three National Parks. Two Wild Life Sanctuaries have been notified as Tiger Reserves - Amarabad Tiger Reserve and the Kawal Tiger Reserve. Of 24,904 sq. km. notified forest area, 5,836.04 sq. km. is included in the protected area network.

Most of the forest areas of Telangana are located in erstwhile districts of Khammam, Warangal, Adilabad and Mahabubnagar. Tribals are predominantly found in these districts.

Historically, tribal communities have depended on forests for their livelihoods, both for cultivation and forest product collection. Many tribals engage in a form of shifting cultivation in upland forests, called *podu*<sup>1</sup>.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA henceforth) recognises and vests diverse pre-existing rights over forest land. These include rights over occupied forest land, rights to ownership of Minor Forest Produce (MFP), Community Forest Resource (CFR) rights, rights over produce of water bodies, grazing rights (both for settled and transhumant communities), rights over habitat for Particularly Vulnerable Tribal Groups (PVTGs) and other customary rights. The most critical right which has a bearing on forest governance and the welfare of tribals and other traditional forest dwellers is the right over CFRs which provides Gram Sabhas the right to conserve, protect and manage forests.

Based on the available data, it is clear that even after a decade of the implementation of the FRA, especially the CFR rights provision remain deeply lacking in Telangana State. No efficacious step for effective implementation of the FRA has been taken even after bifurcation of Andhra Pradesh state. There has been no effort to estimate the potential areas over which rights under the FRA need to be recognised in the state. Specifically, there is no analysis of how much forest area will come under the jurisdiction and management of Gram Sabhas under the CFR rights provision of the law. Another limitation is that the available data pertains to the erstwhile districts. No data is available for the newly reorganised districts.

<sup>1</sup> Reddy et al (2010) Reddy Gopinath, Anil Kumar K. Trinadha Rao P and Oliver Springate Baginski, Obstructed Access to Forest Justice, The implementation of Institutional Reform (FRA-2006) in AP Forest Landscapes, CESS, Hyderabad 2010

### Key Findings

1. The total potential for Community Forest Resource (CFR) Rights in Telangana is **at least 39 lakh acres**.
2. No legal CFRs have been recognized in Telangana; illegal CFR titles have been issued to JFM Committees
3. Poor implementation of Individual Forest Rights with high rates of rejection
4. The rights of PVTGs ignored, with illegal evictions by FD
5. Gram Sabhas and FRC constituted at Gram Panchayat levels rather than habitation or revenue village level as required by law
6. Lack of institutional support to FRA implementation, with Forest Department acting as major obstacle
7. No Community Rights recognized yet in Protected Areas

## OBJECTIVES OF THE STUDY

This study makes a preliminary assessment of the potential forest area over which rights can be recognized in Telangana under the FRA and compares it with the actual performance. The estimate provided offers a baseline for informing implementation, planning, and setting targets for rights recognition under the FRA. It allows policy makers and forest-dependent communities to assess the extent to which the law has been implemented. The study also provides an assessment of the performance of Forest Rights Act implementation, focusing primarily on the CFR rights under section 3(1)(i) and the individual rights, under sections 3(1)(a)(f)(g)(m) and 4(8). The study identifies the key bottlenecks and problems in the implementation of the Act and provides recommendations for the way forward.

## METHODOLOGY

The major sources of data includes secondary data available with the Integrated Tribal Development Agencies (ITDAs), the Director of Tribal Welfare Department and the Forest Department (FD). The study also reviews Andhra Pradesh High Court orders and published literature on the subject.

## SCOPE (IN TERMS OF POTENTIAL FOREST AREA) FOR IMPLEMENTATION OF THE FRA IN TELANGANA

Approximately, 37.04 lakh acres of forest land is situated within the cadastral boundaries of 2,641 revenue villages in Telangana (Census of India, 2011). Additionally, there are 29.40 lakh acres of forests outside village boundaries in Telangana. Following Forest Survey of India (1999) and Rights and Resources Initiative (2015), we estimate that all the forest areas within village boundaries would come under Gram Sabha jurisdiction as CFRs and as forest land recognized under individual occupancy.

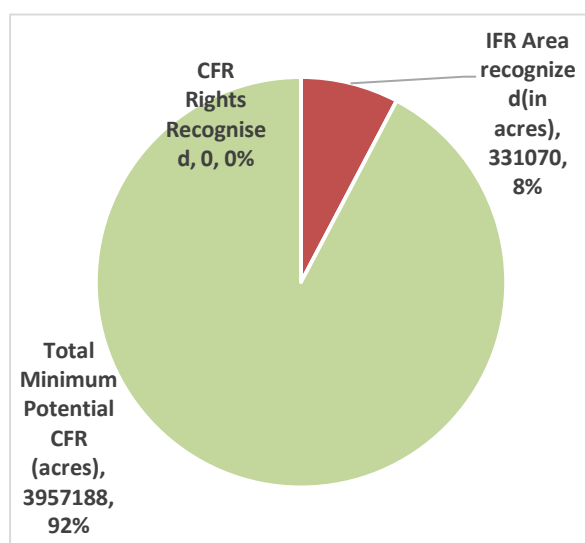
Large numbers of individually occupied lands as well as large areas claimed as customary CFRs are located in forests outside village cadastral boundaries. It is impossible to get a good estimate of the amount of these areas without actual mapping of these lands. To get a tentative estimate of the potential forest area for the implementation of the FRA, we assume that at least 20% of these forest lands will come under the jurisdiction of Gram Sabhas through the FRA, which is calculated to be 5.88 lakh acres.

Thus the total potential forest land coming under the jurisdiction of Gram Sabha through the FRA is estimated to be at least 42.92 lakh acres. However, since Individual Forest Rights (IFR) are located in the same forest lands, we subtract the area already recognized as IFRs, under the jurisdiction of individual rights holders, to calculate the minimum potential for CFRs. **The minimum potential for CFRs in Telangana is estimated to be 39.57 lakhs acres** (Table II Annexure). The above estimate is validated by the fact that 3,804 Vana Samrakshna Samithi (VSSs) / Joint Forest Management Committees (JFMCs) in the State covered an area of 30.35 lakh acres at the time of the enactment of the FRA. The area under the Joint Forest Management (JFM) should be treated as the absolute minimum area which should come under Gram Sabhas jurisdiction under the FRA.



## TELANGANA: FRA IMPLEMENTATION PERFORMANCE

The undivided Andhra Pradesh started implementation of the FRA in 2008. The main focus was on the recognition of Individual Forest Rights (IFRs) under section 3(1)(a). The Government of AP data shows large areas of land being recognized for CFR rights under sections section 3(1)(i). In practice, however, there has been no recognition of CFR rights till date in the undivided AP (including what is now the state of Telangana).



## PERFORMANCE

### Community Forest Resource Rights and Community Rights

The United Government of Andhra Pradesh issued operational guidelines (G.O.Ms. No. 102) in 2008 to implement the FRA. The Government Order (GO) allows the members of VSSs to claim rights within the operational area of VSSs. The GO was further amended through another GO (Ms No 168) in the same year giving eligibility to VSSs to claim community rights. This was in violation of the provisions of the FRA. Based on this GO, by the end of May 2010, more than 1,669 VSSs were granted community forest rights over 3.82 lakh hectares of forest land in undivided Andhra Pradesh.

According to the Implementation Completion Report of the World Bank funded AP Community Forest Management project, as the AP Forest Act could not be amended to grant legal status to VSSs formed under the project, the FRA was 'invoked' to grant such status to VSSs with 100% ST population. Not only did this violate the eligibility criteria for claimants under the FRA but the top down decision-making was also in contravention of the Gram Sabha based claim

making process. The Ministry of Tribal Affairs (MoTA), Government of India, held that the grant of CFR Rights titles to VSSs is illegal and directed the Government of AP to immediately withdraw these titles<sup>2</sup>. However, the MoTA order has not been complied with and the CFR Rights titles to VSSs have not been withdrawn yet.

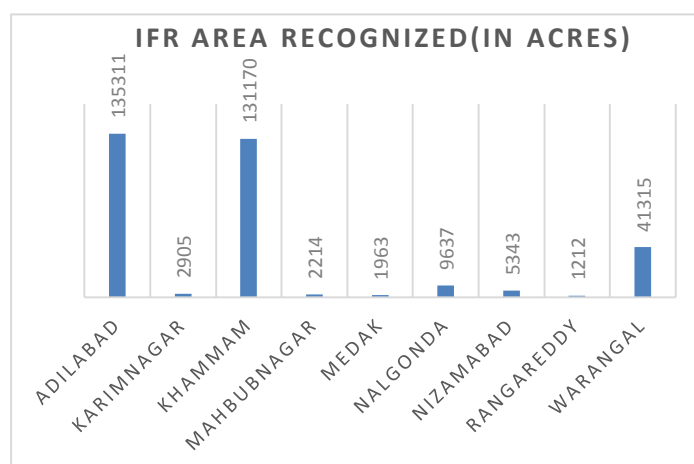
Even after formation of the new state the Government of Telangana has completely avoided recognition of the most crucial and empowering CFR rights under the FRA. This is despite the fact that hundreds of Gram Sabhas in 8 districts of undivided AP had strongly objected to CFR rights being granted to VSSs without following the due process and had submitted their own claims with mapped boundaries showing their claimed CFRs. All those claims remain ignored to date.

There has been only one rare case of recognition of community rights over bamboo in Sirsanapally in Chintoor Mandal of erstwhile Khammam district in Telangana, now in East Godavari District. However, this was due to the efforts of the Project Officer of the ITDA and the Prime Minister's Rural Development Fellow who facilitated bamboo harvesting by the Gram Sabha from the area allocated to their VSS. The recognition process was not strictly in compliance with the provisions of the FRA. 50 percent of the proceeds from the bamboo sale were deposited in the joint account of the VSS. The FD and the CFR title is in the name of the VSS with the condition that management of the forest area shall be in accordance with the state JFM resolution.

While 3,769 claims for community rights either by the people or by VSSs for recognition over 2.18 lakh hectare were submitted, 761 were allowed covering an extent of 2.07 lakh hectares which is around 95 percent of the total land claimed for community rights. This outcome was due to the intervention of Forest Department in securing titles largely in the name of VSSs. **As per law, all these titles are illegal.**

### Individual Forest Rights

In the initial years the major focus of the Government of undivided AP was to recognise individual forest rights. This was taken up in a campaign mode during these years, and as discussed later, there were major problems in the rights recognition process. In Telangana, approximately 331,070 acres of Individual Forest Rights have been recognised for 99,486 right holders. The majority of the IFR rights recognised are in the three districts of Adilabad, Khammam and Warangal.



<sup>2</sup> MoTA, Gol Circular No 23011/11/2013/FRA

### Habitat Rights for PVTGs

Chenchu, Thoti, Kolam and Kondareddy are the Particularly Vulnerable Tribal Groups (PVTGs) in the state. The District Level Committee (DLC) chaired by the District Collector is legally obliged under the amended FRA Rules, 2012 to ensure that the habitat rights of PVTGs are recognised. But not a single habitat right of PVTGs has been recognised by the Government so far. Instead there have been reports that Forest Department officials are evicting tribals, including PVTGs, from their habitat in gross violation of the FRA<sup>3</sup>.

## PROMISE AND PERFORMANCE: A COMPARISON

As compared to the approximate potential of 42.92 acres of forest land over which rights need to be recognized under the FRA, the total area over which IFRs have been recognized is 3.31 lakh acres, i.e. only 7.7 percent of the estimated potential. No CFR right has been recognized in the state of Telangana. The CFR rights granted to the VSSs are illegal and cannot be included as the performance of the FRA.

## KEY ISSUES

### Community Rights: Major problems and difficulties

The habitat and habitation rights of the Particularly Vulnerable Tribal Groups (PVTGs), rights of the pastoralist communities and rights of the displaced communities have still not been recognized as per the FRA. Conversion of forest/unsurveyed villages into revenue villages is yet to be done. And in every such case, the authorities are of the opinion that there is no clear guideline to recognize these rights<sup>4</sup>.

- **Community forest resource rights granted illegally to VSS instead of Gram Sabhas:** By the end of May 2010, the Government of Andhra Pradesh granted illegal CFR rights titles to more than 1,669 VSSs over 9.43 acres of forest lands. This was in violation of the FRA as well as the PESA because as per these Acts titles were to be granted to the Gram Sabhas. In many cases, there is no mention of the right to protect, conserve and manage and only rights over NTFPs, grazing etc. are recognised<sup>5</sup>.
- **GCC monopoly over NTFPs a violation of community ownership Rights over Minor Forest products:** Section 3.1.c of the FRA recognises community rights of ownership and disposal of Non-Timber Forest Product (NTFP). This provision has been further elaborated in the amended FRA Rules, 2012. Thus, under the Act and the Rules, the Gram Sabhas as well as the tribal people individually should have complete control over minor forest produce without any restrictions in its access, collection and disposal. However, the AP policy of continuing monopoly rights of Girijan Cooperative Corporation (GCC) over NTFPs fundamentally violates these provisions of the FRA.
- **CFR rights under section 3(1) (i):** No CFR right has been recognised in Telangana. In fact, even the community rights illegally vested in VSSs are effectively community rights over NTFPs and grazing and not CFR rights to protect, conserve and manage forests.

<sup>3</sup> Trinadha Rao Palla, Defying law to uproot tribals from their habitat, The Hans India, Jun 26, 2016

<sup>4</sup> Minutes of Telangana State Consultation on the Status of implementation of the FRA with regard to CR and CFR, Hyderabad, 27<sup>th</sup> March.2015. It needs to be noted that MoTA has issued detailed guidelines for the conversion of forest/unsurveyed villages into revenue villages in 2014.

<sup>5</sup> See the annexures-CFR granted to VSSs.

- **Non-recognition of habitat rights and illegal evictions of PVTGs from forests:** Not a single habitat right of the PVTGs of Telangana (Chenchus, Thoti, Kolams etc.) has been recognised by the Government under the FRA so far. This is despite of the fact that the Chenchus at least claimed the same in an area. There is evidence that Forest Department officials are evicting tribals from their habitats in the protected areas. The current moves of Telangana government to relocate the adivasis from Kawal and Amrabad Tiger Reserves are not only a violation of the law but also a breach of trust since the Telangana Rashtra Samithi came to power with the promise that it would stand by the aspirations of the adivasis. The GO 214 (April 2015) is intended to relocate the tribals from the Kawal Tiger Reserve and Amrabad Tiger Reserves in Telangana. The government should take steps for withdrawal of the GO and look for other alternatives which will not cause disturbances in the adivasi hinterland<sup>6</sup>.
- **Non-conversion of forest/unsurveyed villages into Revenue Villages:** There are several unsurveyed forest enclosures which should be recognised as Revenue Villages under section 3(1) (h) of the FRA. There are 290 Chenchu settlements with a population of 49,232 (2001 census) spread over 3568 sq. km. in the undivided A.P. There are several forest settlements of Gothikoyas in Khammam and Warangal districts. Dealing with a case of Forest Department officials evicting Gothikoyas, the High Court of AP held that the authorities should follow the provisions of the FRA and give a reasonable opportunity to the claimants before evicting them from their lands<sup>7</sup>.

#### Individual Forest Rights: Major problems and difficulties

- **High Rates of Rejection:** 2,11,973 individual forest rights claims were filed for area amounting to 7.61 lakh acres. 99,486 claims over area amounting to 3.31 lakh acres were recognized which constitutes only 43.50 percent of the total claimed land. The Act provides for transparent and participatory procedures for investigating claims. It also ensures the admissibility of diverse forms of evidence, recognizing that many official records may not have accurate records for the claims of tribal people. In practice, these requirements are often not adhered to, leading to high rejection rates of claims.

Claims are often rejected at sub-divisional or district levels without hearing the claimant and this is in violation of the FRA Rules. Officials also often seek documentary evidence, rejecting other evidences which are admissible by the law. The hearing of any appeal should be held at village level where the claimed land is situated, and after following the proclamation procedure. But this procedure is not being followed for hearings. Even the claimants are not communicated about the rejection of their claims which would have enabled them to take further legal recourse.

- **Evictions from Podu lands:** Illegal evictions of tribal communities from podu lands are evident from the number of cases against unjust eviction filed in the High Court<sup>8</sup>. The Government of Telangana has launched an ambitious afforestation program named Harita Haram which has become a major reason for evictions. The recently reported decision of the government not to entertain any further claims under the Forest Rights Act has emboldened Forest Department staffs to suppress the rights of Adivasis. *"The decision was taken on January 17, 2015 by the Chief Minister K. Chandrasekhar Rao during an interactive session with forest department officials at the Forest*

<sup>6</sup> Trinadharao Palla Move to remove tribals from natural habitats, The Hans India, Dec, 05, 2015

<sup>7</sup> Podium Devaiah & others Vs. Govt. of India & others (WPNO 2133 of 2009, dated 18-04-2011)

<sup>8</sup> See the list of cases filed in High Court-Annexure.

*Academy, Dulapally, and is aimed at protecting the forests in the state*<sup>9</sup>.

In spite of several orders issued by the High Court against eviction of Adivasis from forest lands, forest officials are evicting Koyas and others from occupation of over 1,200 acres of land in Enkur, Julurpadu and Dummugudemmandals. Further, the officials are threatening to evict Adivasis from 1,300 acres of land in Pinapaka and Chandrugondamandals too. All this happening despite of the FRA provision of not evicting claimants from forest areas until the determination of forest land rights inquiry is complete<sup>10</sup>.

- **Problems with IFR titles, location, extent and recording in the Record of Rights:** In many villages, the survey teams have struggled to use the equipment, and so they complained about the 'instrument problems'. Firstly, the technical skills of the surveying teams, to effectively use the GPS devices, have been lacking, probably due to inadequate training. The result has been that a large numbers of readings are completely inaccurate. This has led to invalid or wrong data for the claims<sup>11</sup>.
- **Other Traditional Forest Dwellers (OTFDs) excluded from individual rights:** The individual forest land claims of OTFD within the Scheduled Area of Telangana were rejected on the ground that no government is permitted to assign land in favour of non-tribals in the Scheduled Areas. This is in accordance to the provisions of AP Scheduled Area Land Transfer Regulations. The OTFD individual claims are allowed in the plain areas.
- **IFRs and Women:** The FRA provides for joint titles for both the spouses. The representation of women members at SDLC (Sub-Divisional Level Committee) and DLC is provided in the provisions of the FRA. But at the Gram Sabha level, the entire process is hijacked by the Revenue Department, the Panchayat and the Forest Department officials. Thus the question of participation of women does not arise.
- **Skill building and convergence programs:** Convergence is happening in relation to the implementation of the MNREGA works and Tribal Welfare Department in agricultural and horticultural programs.

## //// ISSUES RELATED TO INSTITUTIONAL AND PROCEDURAL SHORT COMINGS

- **Constitution and functioning of Gram Sabhas and FRCs:** Clause 6(1) of the Act authorises the Gram Sabhas to initiate the process for determining the nature and extent of individual/community forest rights. But in the scheduled areas, Gram sabhas must be constituted at habitation level as envisaged under the PESA Act. The Government of Andhra Pradesh has failed to operationalise hamlet level Gram Sabhas for implementation of either PESA Act or FRA in the Scheduled Areas. Instead Gram Sabhas of large multi-village Panchayats were used. The Gram Sabhas under the PESA Act were notified in 2013. Thus the approval or disapproval of claims at Gram Sabha is a mockery of laws. The Revenue Department, Panchayat and Forest Department officials manipulated the process in the name of Gram Sabha in the Scheduled Areas.  
After the formation of the Telangana state the Government of Telangana adopted the PESA Rules, 2011 in April 2016. These Gram Sabhas are yet to be operationalised. Thus there is now lull in Gram Sabha activities in relation to the implementation of the FRA.

<sup>9</sup> <http://www.thehindu.com/todays-paper/tp-national/tp-telangana/ts-not-to-entertain-fresh-pleas-under-fra/article6854834.ece>

<sup>10</sup> Trinadha Rao Palla Illegal and Arbitrary Eviction of Adivasis from Forests in AP, Telangana, The New Indian Express, 25th March 2015

<sup>11</sup> CESS, Assessment of Implementation of FRA in Andhra Pradesh

Total number of Gram Panchayats having forest cover is 1,968 and the same numbers of FRCs have been constituted. Treating Gram Panchayats as Gram Sabhas is against the letter and spirit of the PESA Act.

- **Formation and functioning of DLCs and SDLCs:** There are 10 District Level Committees (DLCs) and 42 Sub-Divisional Level Committees (SDLCs) constituted in the 10 districts of the state. The DLCs and SDLCs were formed under GO Ms No. 8, January 23, 2008. The composition of the members of these committees is as per the rules.
- **Lack of capacity of Nodal agency and DLCs/SDLCs:** There is a dearth of staff specifically to conduct surveys at field level and to record the extent of land holdings of claimants at the ITDAs and the District Level Offices. Earlier RoFR cells were established in ITDAs for monitoring. But currently these are not effectively functioning in many ITDAs. There is no effective monitoring mechanism in place to tally the data, to identify the gaps in data, to monitor the claims filed or to facilitate aggrieved claimants in filing appeal and to conduct regular adjudication process for disposal of appeals. There are several anomalies in the existing data.

The nodal agency is even failing to implement the circulars and guidelines periodically issued by the MoTA for effective implementation of the FRA. Legal awareness is lacking among the officials as well as the claimants.

- **Role of the Forest Department:** Initially an attempt was made to stall the implementation of the FRA by filing a case in the High Court by retired Forest Department officers in coordination with officers in the service. The Department has been a major perpetrator and beneficiary of the 'historical injustice' because it gained control over ancestral tribal lands as 'state forests'. It is an interested party in the reform process as it stands to lose control. It has been a serious obstructer in the way of following the proper legal process and thereby illustrating its autonomy from the democratic processes<sup>12</sup>. During verification of the claims the Forest Department officials have been rejecting the claims on untenable grounds and often, refusing to sign the title deeds.

The whimsical functioning of the forest bureaucracy is best illustrated by its role in implementation of the FRA in Khammam district. The District Level Committee had approved 456 eligible claims for 1,499 acres in Khammam district. However, the Divisional Forest Officer, Palvoncha, and the DFO, Wildlife Management refused to sign 191 of the approved title deeds, saying that they had instructions from their higher-ups not to do so. **An attempt by tribal welfare officials in Khammam district to transfer 102 CFR claims which were granted in the names of VSSs to Gram Sabhas was also foiled by the Forest Department officials. The later cited instructions of the Principal Chief Conservator of Forests (File No 27554/TG/ October 2015) which ordered not to entertain fresh claims under the FRA<sup>13</sup>.**

An even greater problem is that the Forest Department field staffs are grossly interfering in the land mapping process. They either obstruct or misdirect surveys. They treat the forest as 'their' forest land and act as judges in the process without any legal mandate. Many claims were obstructed or arbitrarily 'rejected' by forest guards during field verification surveys, sometimes directly and sometimes through FRC members<sup>14</sup>.

<sup>12</sup> Gopinath Reddy, M. Anil Kumar, P. Trinadha Rao and Oliver Springate-Baginski (EPW April 30, 2011)

<sup>13</sup> Trinadha Rao Palla, AP, TS Government depriving girijans of their just rights. The Hans India, 15 April, 2016

<sup>14</sup> CESS, Assessment of Implementation of FRA in Andhra Pradesh.

The Forest Department is disturbing the livelihood of Chenchus, a PVTG dependent on fishing in Rasulachervu of Lakshmipally Gram Panchayat in Mahabubnagar District. The Secretary Tribal Welfare, Government of AP directed the District Collector to accord fishing rights under the provisions of the FRA<sup>15</sup>.

- **Disputed lands between Revenue and Forest Department (Deemed forests):** As per the Koneru Land Committee report (2005) of the Government of AP, in Eturunagarammandaland in Kothagudamandal of the erstwhile Warangal District about 3,300 acres and 21,000 acres of "Billa Number" (unsurveyed lands) are under occupation of the tribals and non-tribals. The Forest Department disputes the demarcation of these lands as Revenue Lands by the Revenue Department and objects to granting of pattas by the Revenue Department. Converting pattas on such lands into titles is a right under the FRA.
- **Training programmes organized at different levels:** Training programs for community leaders and elected representatives have been held by the ITDAs from time to time. A consultation meeting on implementation of the FRA was organised by the Director of Tribal Welfare with representatives of NGOs, tribal leaders, forest department and tribal welfare department officials in 2015.
- **Court cases on FRA and their outcomes:** A stay order on implementation of the FRA was issued by the AP High Court on 19 August 2008 in a case filed by retired Forest Department officials. The Court directed the state to proceed with the process of examining claims but not to hand over final titles. Subsequently, the Court directed that the authorities would be permitted to issue certificates of title to eligible forest dwellers under the FRA, subject to the final result of the main Writ Petition<sup>16</sup>.

Gothikoyas, internally displaced persons from Bastar in Chhattisgarh filed a Writ Petition in the High Court of Andhra Pradesh seeking the recognition of their forest rights and protection from dispossession. The High Court directed the forest officials not to evict them till the procedure for recognition of their rights was completed under FRA<sup>17</sup>.

- **FRA and Protected Areas:** The Kawal Tiger Reserve was notified in 2012 with a core area of 892.23 sq. km. and a buffer zone of 1,123.21 sq. km. Amrabad Tiger Reserve was carved out from Nagarjuna Sagar-Srisailam Tiger Reserve after the bifurcation of Andhra Pradesh state. It is spread over a core area of 2,166 sq. km. and buffer area of 445 sq. km. in Mahabubnagar district. Steps are yet to be taken to recognise the rights of communities living within protected areas under the FRA. During the recent consultation held on the implementation of FRA, the Forest Department officials requested for constitution of a committee to look in to the rights of communities in protected areas under the FRA.

<sup>15</sup> Do Lt No 100/STWP/2007/3-10-2007

<sup>16</sup> J.V.Sharma & others Vs .Govt .of India & others (WP No. 21479 of 2007, 1-5-2009)

<sup>17</sup> Podium Devaiah & others Vs Government of India& others.(WP No. 2133 of 2009, 18-4-2011)

## RECOMMENDATIONS: THE WAY FORWARD

Operational guidelines and directions from the Government to recognise the CFR rights and habitat rights of PVTGS should be issued without any further delay. All the titles granted for CFRs to VSSs should be withdrawn in view of their illegality and recognised in favour of Gram Sabha /community.

There is a need to revisit all the rejected claims since no proper Gram Sabhas were held earlier during the process. The reasons for rejections should be communicated to the claimants and reasonable opportunity must be given to them for making appeals against rejections. FRCs should be reconstituted at habitation level and in accordance with the amended FRA Rules, 2012 for effective implementation of the PESA and the FRA in the Fifth Schedule areas.

There are discrepancies in the extent of lands claimed and over which rights have been recognised. A joint inspection at the instance of the claimants must be carried out. A special cell should be re-instituted in the ITDAs for effective monitoring and implementation of the FRA. The GCC monopoly powers should be revoked and Gram Sabhas should be strengthened the disposal and marketing of NTFPs.

The penal provision in the FRA to penalise the officials who interfere with the enjoyment of recognised rights of community or individuals under FRA must be operationalised. The adjudication process at SDLC and DLC should be transparent and democratic. Administrative and penal action should be taken against the disobedient Forest Department officials. Sensitization of the officials and other stakeholders on the MoTA circulars/guidelines, the FRA and the Rules is critical for effective implementation of the Act. No development projects should be allowed execution without recognition of the individual, community and community forest resources rights under the FRA.



## ANNEXURES

### Annexure 1: Land use pattern

Sr. No.	Land use	Area in KM <sup>2</sup>	Percentage
1.	Forest including Scrubs	24510.98	68.23
2.	Agriculture	70904.91	25.54
3.	Land with scrub	5785.49	1.03
4.	Fallow lands	2219.58	0.42
5.	Grass lands	204.50	0.00
6.	Seri culture	1220.66	1.41
7.	Vegetation outside forest	3645.61	1.50
8.	Water bodies	3610.55	1.87
<b>Total:</b>		<b>112102.28</b>	<b>100</b>

(Source: Land use, Land Cover Map prepared by NRSC, Hyderabad 2007)

### Annexure 2: Forest division wise area under VSSs.

Sr. No.	Forest Division	Notified Forest Area (Sq.Km.)	% of Geographical Area.
1.	Adilabad	1830.35	41.56
2.	Bellampally	1540.56	46.87
3.	Jannaram	617.94	66.79
4.	Kagaznagar	858.81	52.21
5.	Manchiryala	1205.83	51.36
6.	Nirmal	1178.4	33.49
7.	Achampet (WLM)	2423.36	55
8.	NagarjunaSagar (WLM)	386.64	22.94
9.	Hyderabad	730.75	9.47
10.	Mahabubnagar	573.18	4.07
11.	Nalgonda	450.29	3.50
12.	Bhadrachalam North	1255.49	61.28
13.	Khammam	1246.19	20.76
14.	Kothagudem	1432.54	57.29
15.	Palovancha	1047.17	58.09
16.	Palvoncha (WLM)	686.38	83.27
17.	Kamareddy	940	29.22
18.	Medak	905.94	9.42
19.	Medak (WLM)	46.71	51.44
20.	Nizamabad	872	18.35
21.	Karimnagar (East)	1432.1	37.58
22.	Karimnagar (West)	1044.71	13
23.	Warangal (North)	2310.25	26.66
24.	Warangal (South)	1174	32.43
25.	Warangal (WLM)	538.55	NA

Source: Telangana State of Forest Report 2014

### Annexure 3: Potential CFR area under VSSs

**District-wise number of VSSs formed under APCFM, FDA and RIDF, area and number of beneficiaries in Telangana**

Sr. No	District	No. of VSSs formed				No. of Beneficiaries			Area Covered in Hectares
		APCFM	FDA	RIDF	Total	Male	Female	Total	
1	Adilabad	1015	120	31	1166	60934	50065	110999	363356
2	Karimnagar	373	0	68	441	174530	179068	353598	122256
3	Khammam	355	117	0	472	31187	30300	61487	236837
4	Mahabubnagar	232	44	41	317	20539	23055	40895	83703
5	Medak	202	43	139	384	63457	60240	123697	43740
6	Nalgonda	0	86	47	133	8788	9150	17938	28600
7	Nizamabad	202	25	82	309	60544	61464	122008	107320
8	Ranga Reddy	0	57	106	163	7408	7408	14816	34605
9	Warangal	205	119	95	419	42481	36384	78865	209007
	<b>Telangana</b>	<b>2584</b>	<b>611</b>	<b>609</b>	<b>3804</b>	<b>469868</b>	<b>457134</b>	<b>924303</b>	<b>1229424</b>

(Source: "Forests at a glance", AP FD, 2006)

#### Annexure 4: Details of the villages and vases filed in Khammam district

Sr. No	Writ Petition No. and Petitioner's No.	Extent	Village	Date of Interim Order
1.	WP 29310/2014 30 gotti koya families	About 80 acres of land and houses	Medipalli Thallada Forest Range, Eenkuru Mandal, Khammam	26-09-2014
2.	W.P.No.41166/14 53 Koya petitioners	180 Acres	Nacharam Village, Enkoor Mandal, Khammam	31-12-2014
3.	W.P.No.611/2015 35 Koya petitioners	104 Acres	Anantharam Village, Anantharam Grampanchayat Julurpadu Mandal Khammam	21-01-2015
4.	W.P.No.627/2015 15 Koya Petitioners	57 Acres	Gundepudi Village, Gundepudi Grampanchayat Julurpadu Mandal, Khammam	21-01-2015
5.	W.P.No.809/2015 99 Koya petitioners	364 Acres	Ramachandrapuram Village, Gundepudi – Grampanchayat Julurpadu Mandal, Khammam	22-02-2015
6.	W.P.No.2545/2015 10 Koya Petitioners	30 Acres	Medepalli Village, Medepalli Grampanchayat Enkoor Mandal, Khammam	12-02-2015
7.	WP No 6193/2015 55 Koya petitioners	126 Acres	Kothapalli Village, Dummugudem Mandal Khammam	12-03-2015
8.	WP No 6301/2015 87 Koya petitioners	303 Acres	Kothapalli Village. Dumugudem Mandal	11-03-2015
9.	About 300 SC farmers who have been cultivating 1-2 acres of land in TKothagudem village, Pinapaka Mandal since before 1980 have been issued notices	600 acres of land adjoining the Godavari	TKothagudem Village, Pinapaka Mandal Khammam	Yet to be filed. Local leaders are negotiating with the Forest department
10.	Yet to be filed. 18 Gutti koya petitioners	Entire village has been demolished.	Pinapaka Mandal Khammam	Not yet filed
11	87 Koya petitioners	261 acres of forest land	Bheemunigudem Village Chandrugonda Mandal	Not yet filed
12.	Three more writ petitions have to be filed.	About 500 acres of forest land.	Pinapaka Mandal. Gundusingaram Grampanchayat	Not yet filed

### Annexure 5: Details of villages with forest lands inside their boundaries (area in Acres)

Sr. No.	District Name	No. of inhabited villages with Forest Land	Total House-holds in villages with forest lands	Total Population of Villages with forest lands	Total SC population of villages with forest lands	Total ST population of villages with forest lands	Other population of villages with forest lands	Forest Area within village boundaries (in Acres)
1	Adilabad	792	234870	988902	175332	311509	502061	1085888
2	Nizamabad	268	165519	708848	97599	113945	497304	302077
3	Karimnagar	244	163605	623628	118892	38081	466655	254613
4	Medak	306	154208	703061	126689	74404	501968	165950
5	Rangareddy	176	99397	452916	86439	49479	316998	113639
6	Mahabubnagar	223	149717	701885	118686	132907	450292	410096
7	Nalgonda	126	85257	345383	45431	123872	176080	159472
8	Warangal	191	119314	461908	64619	142183	255106	241941
9	Khammam	315	229221	860000	110431	384292	365277	970921
	<b>Total</b>	<b>2641</b>	<b>1401108</b>	<b>5846531</b>	<b>944118</b>	<b>1370672</b>	<b>3531741</b>	<b>3704597</b>

### Annexure 6: Potential of Forest Rights Act in Telangana

District Name	Total Forest Area (Recorded)	Forest Area within Village Boundary (in acres)	Potential CFR area outside village boundaries (20%)	IFR Area recognized (in acres)	Total Minimum Potential CFR (acres)
Adilabad	1786277	1085888	140078	135311	1090655
Karimnagar	631050	254613	75288	2905	326995
Khammam	1480817	970921	101979	131170	941730
Mahabubnagar	749030	410096	67787	2214	475669
Medak	223767	165950	11563	1963	175551
Nalgonda	206722	159472	9450	9637	159285
Nizamabad	447601	302077	29105	5343	325838
Rangareddy	180495	113639	13371	1212	125798
Warangal	917146	241941	135041	41315	335667
<b>Total</b>	<b>6622905</b>	<b>3704597</b>	<b>583662</b>	<b>331070</b>	<b>3957188</b>

### Annexure 7: Performance under Forest Rights Act in Telangana (in acres)

District Name	Community Rights received by Gram Sabha		Community rights claims approved by DLC (Numbers)		CFR Claims Submitted by Gram Sabhas to SDLC (Numbers)		CFR Claims approved by DLC (Numbers)		CFR Area in Acres as approved by DLC		IFR Claims Received by FRC/Gram Sabha (numbers)		IFR Claims Submitted to SDLC /Govt. (Numbers)		IFR Claims approved by DLC (Numbers)	
	No. of Claims	Extent in Acs.	No. of Claims	Extent in Acs.	No. of Claims		Extent in Acs.	No. of Claims	Extent in Acs.	No. of Claims	Extent in Acs.	No. of Claims	Extent in Acs.	No. of Claims	Extent in Acs.	
Adilabad	1473	274928	408	270232	Nil	Nil	Nil	56358	223789	NA	NA	37181	135311			
Karimnagar	0	0	0	0	Nil	Nil	Nil	5016	11105	NA	NA	1720	2905			
Khammam	779	128189	150	108919	Nil	Nil	Nil	81805	347943	NA	NA	35209	131170			
Mahabubnagar	43	686	12	8	Nil	Nil	Nil	1356	4797	NA	NA	932	2214			
Medak	52	15546	50	15543	Nil	Nil	Nil	3369	4718	NA	NA	2269	1963			
Nalgonda	0	0	0	0	Nil	Nil	Nil	9440	19977	NA	NA	4510	9637			
Nizamabad	12	3397	7	2879	Nil	Nil	Nil	11442	24002	NA	NA	2934	5343			
Rangareddy	188	166	0	0	Nil	Nil	Nil	2644	9705	NA	NA	715	1212			
Warangal	1222	119874	134	118122	Nil	Nil	Nil	40543	115025	NA	NA	14016	41315			
<b>Grand Total</b>	<b>3769</b>	<b>542786</b>	<b>761</b>	<b>515703</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>211973</b>	<b>761061</b>	<b>0</b>	<b>0</b>	<b>99486</b>	<b>331070</b>			

(Source: Tribal Welfare Department, Govt of Telangana, Hyderabad, July, 2016)







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