

MUMBAI, April 7, 2013

Satellite-based study of FRA implementation ‘faulty’

Forest rights campaigners have slammed the satellite image-based study on the implementation of the Forest Rights Act (FRA) in Maharashtra as “deeply faulty and obviously biased,” arguing that it manipulates data and facts to make a case against the Act.

Countering the report which a private company prepared at the behest of the State Forest Department, a critique by Madhu Sarin and others of the Campaign for Survival and Dignity says the study does not highlight its own data that only two per cent of claims it investigated could actually be “false” even by its incorrect interpretation. Furthermore, the satellite imagery it uses is highly unreliable and is not even internally consistent, making it impossible to verify what is actually growing on the land in question.

The Campaign says the study suffers from two major problems: a faulty and incorrect framework for analysis; and the use of satellite imagery as the exclusive basis for assessing the legitimacy of recognised forest rights.

The Forest Rights Act recognises 14 different rights, but the study has focused only on one of them: rights recognised under Section 3(1)(a) of the Act. This section recognises “the right to hold and live in the forestland under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of forest-dwelling Scheduled Tribes or other traditional forest dwellers.” The Campaign says: “The key word here is the right to hold and live in the forestland under ‘occupation’ and not necessarily under actual cultivation.” This has also been clarified by an amendment to the Act notified on September 6, 2012.

Any of the following would be a forest dweller’s right under Section 3(1) (a): growing tree crops on the occupied land, leaving part of the land fallow for a year or two to allow it to regenerate or because the person does not have the capacity to cultivate it that year; using a part of the land for other activities ancillary to cultivation; and growing ordinary crops with a boundary marked by trees and building a shelter on the land to live in.

The study, however, is based on the wrong interpretation that rights can only be recognised on land that on a satellite picture is fully covered with ordinary crops as on December 13, 2005. Worse still, the critique says the study, using this faulty framework, has sub-divided the land over which rights have been recognised into land under cultivation, barren land, land with forest cover, or a mixture of these three. It has categorised all recognised rights having land uses other than pure cultivation as faulty or illegal. Despite this, out of 35,044 finally recognised forest rights cases analysed, 85 per cent were found to be under cultivation in 2005-06, covering a total area of 40,116 hectares (an average of just over one hectare per forest right claim).

The remaining 15 per cent cases were found to have been either 'barren' or 'forest' or a combination of cultivation, barren and forest as land use. Only two per cent of the total cases were found to have forest cover representing less than one per cent of the total area over which forest rights have been recognised (and even these could consist of tree crops). If correct, this indicates a remarkable rigour in the process of verification of the claims preceding their approval, the Campaign says. Half of the remaining 13 per cent supposedly 'illegal' forest rights cases consist of only 'barren' land and the other half have a combination of land uses. Both should be perfectly legal in view of the clarification given by the amended Forest Rights Act rules that land under occupation can include land used for activities ancillary to cultivation, including rotational fallows and tree crops, says the critique. The Forest Rights Act does not bar recognition of land under a combination of uses, which is under occupation of the claimant, as clarified by the amendment rules.

In this, the study has inadvertently achieved a self-goal by attempting to prove changes in land use over the approved forest rights cases from 2005 to 2011 by superimposing the claimed lands on the Cartosat-1 satellite images and the Land Use Land Cover (LULC) maps of the National Remote Sensing Centre (NRSC) for the same years, says the Campaign. This comparison revealed that most of the cases classified as totally under agriculture in the NRSC maps are also classified as agriculture in the Cartosat maps; most of the cases classified as "forest" in the NRSC maps, however, are classified as agriculture in the Cartosat maps; only 7 per cent of the plots classified as "forest" in the NRSC maps are also classified as such in the Cartosat maps. There is no way to check if land classified as "barren" is in fact fallow cultivated land.

Despite such major discrepancies between the NRSC LULC and Cartosat-1 maps, most of the analysis of the study relies on the NRSC satellite images — which the study itself states are problematic, the critique says. This clearly indicates that satellite imagery, particularly for small patches of land, is useless in the absence of ground verification.

It is also hardly surprising that some land use change has taken place on less than one per cent of the total area of the approved forest rights as that is in the nature of cultivation practices in forested areas, the critique points out. By questioning the approved forest rights post-facto, the study is not only questioning the entire system but even the functioning of the Forest Department's own officials (including Forest Officer A.K. Jha, who was in charge of implementing the Forest Rights Act in its first years), the critique points out.