

To,

The Secretary

Ministry of Tribal Affairs

Govt. of India

8th August 2015

Sub: Regarding violation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 due to plantations being carried out on forest land claimable, claimed or recognized under the law.

Dear Sir,

On the World Indigenous People's Day we would like to bring to your notice the gross violation of the rights of India's tribal communities, including the particularly vulnerable tribal groups. Such cases of forest rights violations are reported from most states of which specific cases of violations are cited here from the states of Odisha and Telangana. This is being done through the plantations being carried out by the forest department under schemes such as the Odisha Forestry Sector Development Project (externally aided project supported by Japan International Cooperation Agency), plantations for compensatory afforestation using CAMPA funds and plantations even using MGNREGA funds, among others. In many cases the plantations are being implemented in active collaboration with or through the tribal welfare departments and the integrated tribal development agencies – in violation of their mandate for promoting tribal welfare and protecting the rights of tribal communities.

Specific cases of forest rights violations:

1. In Odisha's Kandhamal district, 52 members of the Kutia Kondh Particularly Vulnerable Tribal Group (PVTG) - residing in Dulapadar hamlet of Burlubaru village, received individual forest rights (IFRs) over 166 plots of Forest land. These families have been traditionally cultivating millets in addition to paddy, mustard, turmeric and pulses . However despite recognition of their rights under the the Forest Rights Act, the forest department has carried out massive teak plantations on their cultivated podu (shifting cultivation) lands without their consent and despite the opposition from the title holders. . Ironically, the forest department has carried out these plantations using MGNREGA funds. The same situation prevails in many other Kutia Kondh villages in other parts of Kandhamal district.

2. In parts of Khammam district in Telengana, massive plantations are being carried out on *podu* (shifting cultivation) fields under the Haritha Haraam Afforestation scheme of the state government without recognizing the rights of the cultivators under the FRA. The forest department is carrying out these plantations despite facing stiff opposition from the local tribal communities being displaced from lands under their occupation since decades, often leading to physical clashes. As per media reports,

frustrated and desperate tribals are even committing suicide after being deprived of their only means of livelihood by the forest department.

(http://www.thehindu.com/news/national/telangana/farmers-death-triggers-protest/article7349050.ece?utm_source=RSS_Feed&utm_medium=RSS&utm_campaign=RSS_Syndication).

There are also several cases reported from the states where plantations have been undertaken on forest land and community forest resources where forest dwellers have either asserted and/or claimed rights or where rights are already recognized. In most cases this has been done without the consent of the forest rights holders and concerned Gram Sabhas.

The ministry of tribal affairs guideline and letters to the State governments has already instructed the State Level Monitoring Committees to ensure implementation of Section 4 (5) in letter and spirit to prevent the possibility of violation of rights of the Scheduled Tribes and Other Traditional Forest Dwellers.

We strongly urge the Ministry of Tribal Affairs to take note of these serious violations and request for following actions:

- Issue urgent instructions to the state governments, particularly to Telangana and Odisha where plantation programmes are violating the forest rights and the right to practice traditional agriculture by the PVTGs, to ensure that this is immediately stopped.
- Ask the MoEFCC to direct state forest departments to immediately stop all plantations being carried out on forest lands to preempt the possibility of violation of rights as the process of recognition of individual and community forest rights is still underway . This is also in keeping with the provisions of FRA, amendment rules and guideline issued by MoTA on governance and management of CFRs which clearly establish the legal authority of Gram Sabhas over management of CFRs.
- MoTA should hold a joint meeting with the MoEFCC and MoRD to address the inconsistencies in the guidelines issued by these ministries and to ensure convergence and utilization of funds available for forestry under CAMPA, GIM, MGNREGA, etc is in compliance with the amendment rule 16 and the guideline issued by MoTA on management of CFRs. Funds under such schemes must not be used to violate the rights vested by the FRA.

As its obligation under the Convention on Biological Diversity (CBD) and in accordance with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) the Government of India is obligated to respect and help sustain the rights of the tribal/indigenous people to their traditional occupations, conservation systems, and traditional subsistence activities for livelihood, food and nutritional security. Their indigenous knowledge and traditional agriculture practices need to be strengthened and supported. Proper implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 will facilitate the above.

CC: Ministry of Environment, Forest and Climate Change, Ministry of Rural Development, National commission on Schedule tribes

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