



A study on understanding the existing policy and implementation gaps with regards to community forest rights and community forest resource under forest rights act.

**A study on understanding the
Existing, policy and implementation gaps with regards to community forest
rights (CFR t) and community forest resource right (CFR e) under Forest
rights Act (FRA).**

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ACRONYMS

FRC	:	Forest right committee
JFM	:	Joint forest management
VSS	:	Van Surakshya Samiti
SDLC	:	Sub divisional level committee
DLC	:	District level Committee
MOTA	:	Ministry of tribal Affairs
MOEF	:	Ministry of Environment and Forest
NTCA	:	National tiger conservation Authority
OTFD	:	Other traditional forest dwellers
PTG	:	Primitive tribal group

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1. INTRODUCTION

1.1 Background

The local communities living in and around forests in India have had a history of conserving and using the forests resource sustainably, arising from their dependence on the same. This relationship has led to formalized or informal customary rules of use and extraction, often governed by ethical beliefs and practices that have ensured that forests are not too degraded. However, in modern era the focus shifted from the forests being used as a resource base for sustenance of local communities to a State resource for commercial interests and development of land for agriculture. Acts and policies such as the Indian Forest Act of 1865 and 1927 curtailed centuries-old, customary-use rights of local communities and consolidated the government's control over all forests. The Post-Independence forest policies and laws like the Forest Policy of 1952, Wild Life (Protection) Act of 1972 and the Forest (Conservation) Act of 1980 further added to the problems of the forest dependent communities. Local uses were further curtailed; thereby further alienating village communities from their age-old, symbiotic relationship with forest. Post independence the economic policies led to increase in industries like mining and other development activities like construction of dams, hydro electric projects, factories etc, which caused large scale displacement. Consequently, over the last couple of decades several people's movements have emerged against the process of rights deprivation and marginalization of forest communities. The PESA Act of 1996 was introduced to ensure some right to tribal communities through decentralization of governance, with bottom -top approach but it could not bring much justice to the tribal's. Finally, the Scheduled Tribes and Other Traditional Forest Dweller's (Recognition of Forest Rights) Act, was enacted in 2006 and came into force in 2008. This Act aspires to undo years of historic injustice to these communities by recognizing and vesting the rights to use, manage and conserve forest resources and to legally hold forest lands that

they have been residing in and cultivating. By recognizing community rights over forest resources, it attempts to ensure livelihood and food security while empowering them to use biodiversity sustainably and conserve it to maintain ecological balance.

Sec 3(1) of FRA includes the rights for habitation and cultivation, community rights such as nistar or those used in intermediary regimes such as Zamindari, right of ownership i.e. access, use and disposal of non timber forest produce (NTFP), rights over the products of water bodies and grazing grounds amongst other rights. These rights can be claimed both as individuals and as a community. These rights when claimed as a community are referred to as Community Forest Rights or CFRs. Sec 3(2) authorizes the government for diversion of forest land to provide the communities with the facilities towards education, health, connectivity.

1.2 Significance of CFR provision in FRA

The Act has particular significance in taking a historic step in providing for community rights to “protect, regenerate, conserve and manage” any community resource for sustainable use. The provisions of section 3(1) i and section 5 of the Act together with Rule 4e give rights and responsibility to the Gram Sabha for sustainable use, conservation of biodiversity & wildlife, ensuring that internal and external factors do not destroy their community forests and maintenance of ecological balance.

The CFR provisions are crucial for changing the manner in which forest have been viewed and governed thus far. These have a potential to change the top-down centralized governance of forests towards greater decentralization and site-specificity, and for providing collective livelihood security to communities. This however is a process which essentially faces a number of challenges. Certain systems, processes and support structures will thus need to be in place for these provisions to realize their full potential.

Provisions for Community right under different sections in the Act.

Chapter 1 Sec 1(a) of the Act defines “community forest resource” as, “customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access.”

Sec 3(1) i provide the “right to protect, regenerate, conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use”.

Section 5 of FRA provides right to the titles holders, gram sabhas and village level institutions to protect the wildlife, forest and biodiversity and to access to community forest resources and to manage and protect the same.

Rule 4e under the Act states that communities which claim rights under the Act have a right to “constitute Committees for the protection of wildlife, forest and biodiversity, from amongst its members, in order to carry out the provisions of section 5 of the Act”.

1.3 Need for the study

CFR provision of the Act is extremely important for supporting community forest governance and conservation where it is already happening, and also for situations where communities are willing to take up conservation and management of their common resources. Despite the potential of CFR provision, it has been noticed that there has been an emphasis only on a few provisions of the Act rather than the Act in its entirety. The thrust of the implementation in most parts of the country so far has been on claiming individual rights to land while rights over community forest resources (CFRs) have been largely ignored.

Over the last two years this lacuna has been recognized by many government and non government agencies. However, the actual step of communities claiming these rights is easier said than done. For a number of reasons such claims are not being made across the country. It is very difficult to get a national picture on status of CFR rights since little disaggregated data is available even with the Ministry of Tribal Affairs for making proper assessments at State level. Even where titles have been issued, there have been confusions and problems in some areas regarding the conditions and restrictions mentioned in the titles.

Further, being a recently enforced Act, the post rights-recognition scenario is unclear and various problems are being faced in assertion of community voices in forest governance and decision-making.

2. Methodology

Study Area: Sample has been taken from Srikakulam and Nabrangpur districts.

Tools and techniques: The study is of qualitative in nature.

To identify the implementation level implication primary data has been collected through indirect interviews from various stake holders (community, Members of SDLC and DLC). The check list and questionnaire are attached as annexure.

Secondary data has been collected to study the existing policy level implications and the debate going over it through various research reports, state level and district level consultation on CFR, and CFR learning group. The data from both the region (Srikakulam and Nabrangpur) will be compared to identify region based issues.

This study used a combination of different research approaches and sources such as ·

1. Review of secondary sources like MoTA website, Joint MoEF-MoTA Committee report 2010, NAC
2. Recommendations report, collection of regional information from members of the CFRLAP.
3. Field visits and interviews ·
4. Proceedings of the meeting for CFRLAP (held on 2-4 November 2012) and National level CFR consultation (held on October 16-17, 2012) by MoTA and UNDP

2.1 Limitation of the Study

All research is subjected to some limitations. The limitations faced in conducting the current study are as follows:

1. The secondary data available in Orissa and Andhra Pradesh on community rights claims and individual claims have different formats. So compilation was not possible at a certain level. Moreover, the most updated data was also not available at times.

2. It was difficult to interview officials and collect information, as in Nabrangpur district the officials has been newly posted.

3. Many officials were hesitant to provide their feedback, considering the implementation of the Act as a politically sensitive issue.

4. Due to lack of proper awareness, community as well as functionaries, at sub-district level, were not able relate with the Act and its implications.

3. REVIEW OF CFR IN ANDHRA PRADESH AND ORISSA

3.1 State review: Andhra Pradesh

Status of claim (till October 17, 2012)

Source: Tribal welfare Department

According to the Tribal welfare department of Andhra Pradesh 6,714 claim on community rights were received, and 2,106 titles were distributed covering about 10, 16,307 acre of forest land. An action plan was laid before the MoTA in regional consultation.

But the field study gives us the following developments.

Initially no claim forms were being issued for community rights. Mobilization by movements and grassroots groups, and providing villagers training in mapping their community forest resources, claims for

community forest resource rights have now been filed by several hundred villages. Although District Collectors and ITDA officers had agreed to accept claims for community rights, no facilitation for these was or is being provided by the government.

In Andhra Pradesh most of the CFR titles have been issued to the JFM or to the VSS. The rejection rate is high in comparison to the number of claim received and title distributed. Rejections are based on lack of documentary evidences, multiple claims on same area.

Action plan given by tribal welfare department to MoTA on 17th October.

- Constitution of FRC at Habitation level.
- Appointment of Social Mobilizer.
- Capacity Building to FRC Members, Social Mobilizer and officers in the line of new amended rules, 2012.
- Appointment and Training of Community Surveyors.
- Establishment of One Charge Centre for Two Mandals.
- Reporting of daily progress.
- Preparation of Land Development plan under IJP, NREGS, TRICOR and APMIP.
- Promoting horticulture plantation.
- Extending crop loans.

Due to lack of organization among the Chenchus in Srisilam Tiger Reserve, efforts are continuing to illegally relocate them. The wild life wing now appears to have decided to permit the Chenchus living in core of the tiger reserve to stay on as it feels it can use them for tiger conservation.

Awareness about the Act is fairly low among the villagers and the Claimants. Moreover, people perceive the Act as a land distribution program. The Grama Sabhas were conducted, panchayat wise and not by habitation in Andhra Pradesh. It has been observed that in a few villages, the FRCs is constituted without conducting the Grama Sabhas. In few villages, the FRC members were totally unaware of the FRC constitution procedure. They said that an official from ITDA prepared the list of members and invited them for a meeting. In most of the villages, the FRC members did not receive the required training; as a result, they were not fully aware about the Act, its implementation process and their roles. Their training was limited to a meeting at the Mandal or Division headquarters. It has been noticed that out of many community rights in villages, claims were submitted for



only few community rights. On an average, 10 claims for community rights exist in every village including grazing lands, water bodies, raasthas (pathways) and Minor Forest Produce. About two Claims have been submitted for community rights in each village.

The 'forest rights title book' designed by the Tribal Welfare Department contains a list of community rights on resources. The Lack of awareness and understanding of the process and lack of knowledge about legal implications for not applying for their rights have been found to be the major reasons for not applying for the community rights.

Tribal Claimants are facing great difficulty in obtaining a caste certificate, which is mandatory for Claim submission.

Some Claims have been objected stating that the forest land was occupied after 13th December 2005 and it was not under cultivation. In Mekalabanda village, Sunnipenta Mandal of Kurnool District, out of 77 Claims filed, 60 were objected by the Forest Department stating that the land is not under cultivation. The Claimants said they were unable to cultivate in the last couple of years due to financial reasons, but maintained that the land is under their possession. The Act requires 'occupation' of forest land before 13th December 2005 but not 'cultivation' as interpreted by the Forest Department.

Two methods of GPS survey are being followed in the field. 1) Generating a map in the computer by recording the GPS reading in the corners of the field. (GPS does not show the extent). 2) Surveying the field and generating maps in the GPS, which will also display the extent. It has been found that the first method is leading to many errors. The GPS can only store upto 20 maps and it can measure only 20 fields in a day. Once the survey is done, the GPS has to be taken to the Division/Mandal headquarter for downloading into the computer, which is delaying the survey process.

3.2 State review: Orissa

Status of claim: till January 31st 2013.

Source: CFR-Ia

Recognition of community forest rights is a major area of concern with just 3685 community claims filed at the FRC level out of which 972 titles (many of which are not community rights under section 3 (1), but developmental facilities under section 3 (2)) are issued on a forest area of 57,794.47 acres.

The community claims and titles issued so far if compared with the number of forest fringe villages in the state which is 29302 (about 60 percent of the total villages of the state) and the number of villages protecting forests which is around 12000 shows that community forest rights require more attention.

The issues which have come up in the process of recognition of community forest rights and related depositions are discussed below.

Despite guidelines issued by the state government there is lack of clarity at the local administration on the various community forest rights under FRA, the procedure of claiming and on how the claims should be mapped and processed.

Barring few cases, the process of determination and claim of CFR has been carried out by the FD and technical support team without the involvement of gram sabha and FRCs which is infringement of the authority of the gram sabha. Villagers

of Kapand (Banabasa), a colony of Khadia PTG community relocated from Simlipal, have

The action plan lay out by, the tribal welfare department of Odisha in the regional consultation to MoTA on 22nd September, 2012 are:

- Creation of awareness among the Govt functionaries.
- Printing of required prescribed forms including translation of amended provisions in Odia & few tribal languages as well.
- Awareness generation & wide publicity among all the stakeholders.
- Frequent meetings of SLMC, DLCs, SDLCs & GSs to deliberate on the amended provisions in facilitating the process of implementation.
- Holding of Palli Sabhas to revisit the FRCs to ensure revised composition.
- Facilitating the process for early grant of community forest rights including community forest resource right for its protection, regeneration & management.
- Constitution of Committee by GS for protection of wildlife, forest & biodiversity.
- Preparation of conservation & management plan for community forest resources.
- Inter departmental Plan for Convergence of different developmental programs and schemes for the benefit of forest right holders including CFR area.

pointed out that CFR title issued to them on 1550.36 hectare of forest area is not as per the community forest rights identified and claimed by the community and that the Khadia-Mankadia Development Agency has taken signatures from 40 Khadia families in a blank format.

Similar cases are also reported from the district of Kalahandi. There are also cases of imposition of JFM/VSS boundaries on the CFR claims, which may or may not match the boundaries claimed by the community.

There are cases where nistar rights (fuel wood collection, use of timber for household purposes), which was earlier enjoyed by communities and which is now recognized in the FRA, are denied by the government authorities. For instance the community claim format distributed by the district administration in Mayurbhanj mentions that collection of firewood is not a community right under FRA.

Titles for CFRs are being given in the names of some individuals (at times, only the FRC members or JFMC members). Conditions are also imposed on community rights. For instance in Kalahandi the title issued mentions that the community rights conferred can be exercised if holders of rights i) protect wildlife areas and corridors, ii) do not encourage encroachment of forest land in future and iii) take necessary steps to protect forest and wildlife.

Across the state there seems to be an imposition of the JFM model on the FRA process.

There is confusion between the Forest Rights Committee and the Village Forest Protection Committee (VSS under JFM). In many places existing VSSs are converted into the FRCs without giving a chance to the gram sabha and the local community to decide. For example in Keonjhar VSS of a village has been converted into the FRC in the first gram sabha attended by government officials

Communities are being told, or being given boundaries that have been fixed under JFM to claim community rights. In the case of Mayurbhanj a readymade format (in place of Form B attached to the FR Rules) was being given to people to fill in, which made communities accept conditions that are not in the Act/Rules, and instead accept the JFM/VSS framework.

Most of the claim recognized and title distributed include diversity of rights. i.e claim on habitat and larger landscape by PTG's(Juang in keoghar, Dongaria kondh in Niyamgiri) Fishing Rights to Primary Fishermen's Co-operative Society (PFCS), in Hadagargh over 4876.5 acre area of water bodies in Hadagargh Reserve Forest Land.

Lot of work is still to be done to achieve the goal.

3.1. i. District review: Srikakulam district

Status of CFR in the district:

According to official report 343 CFR claims have been submitted out of which 262 titles were distributed. After October 2012, 70 new claims have been submitted under form C which is under consideration. In the entire district no rights or titles have been provided under form C till 31st March 2013.

Table 1: Status of CFR in Srikakulam.

Name of the District	Status of Gramsabhas in Forest interface GP's				Individual claims			Community claims	
	No. of Gram Panchayats having forest interface	Extent of forest land under occupation	No.of Gram Sabhas convened	No.of FRCs constituted	No.of claims received	Extent in acres	No of titles distributed	No. claims received	No of titles distributed
Srikakulam	131	25000	131	131	15274	150700	13863	343	262

Out of these 262 CFR titles, 143 titles were distributed directly to VSS under CFR.

The nature of community rights in given titles are grave yard, community tank, road, and VSS area, grazing land and temples / sacred grooves. Thus most often, community rights under section 3 (2) is ignored.

Habitation right has not been provided to any community in the district.

After the amendment in the act in 2012, government has initiated the reconstitution of FRC at hamlet level. Most often the CFR claims are submitted to welfare officer at ITDA and not at SDLC; therefore it becomes difficult to track the status of the submitted claims.

Government has appointed survey staff for GPS reading, but their numbers are less and survey process gets delayed. Sometimes, it's difficult to take GPS reading for the entire claim land because of geographic variation in physical features.

3.4 District review: Nabrangpur district

The Status of CFR in the district.

According to government report 867 villages are eligible for CFR claim but till February 2013, CFR implementation has been taken up in only 20 villages. 74 CFR claims have been submitted in the district and 32 titles were provided covering about 1075.62 acre of forest lands.

But even in those 32 titles the villagers have not received the claim on the entire resource asked by them. The right was given on either one or two common property. The government officials revealed that they are unable to foster the implementation process due to following reasons:

1. They face difficulty to resolve inter boundary conflict and demarcation problem between two villages.
2. Most of the claims are hanging between FRC and SDLC.
3. Cases are not brought to the notice of SDLC or DLC.

The nature of community rights in given titles are grazing land (13), minor forest produce (12) and water bodies (7). Thus in Nabrangpur also, community rights under section 3 (2) is ignored. Here the FRC are at revenue village level. Reconstitution of FRC at habitation level has still not been initiated.

The habitation right to OTFD is ignored. The claims are mostly submitted to Welfare officer and not at SDLC.

The government officials lack clarity about their roles and responsibilities to process the claim to higher level for approval.

The community is still in confused state regarding role of VSS after constitution of FRC committees.

The status of community right in the district is very poor.

4 EXSISTING GAPS: IN IMPLEMENTATION PROCESS OF THE ACT.

Forest right Act provides immense possibilities for communities to gain customary right and to govern their forest resources; however the practical efficacy of the legal frame work of rights depends largely on how the provision in the Act is perceived and implemented.

ITDA is the nodal agency to facilitate the four stages of implementation:

1. Initial gram Sabah meeting and formation of FRC.
2. Submission of the claim papers.
3. Verification of claims
4. Distribution of Titles.

And the act provides three committees: District level committee (DLC), sub divisional committee (SDLC) and forest right committee (FRC) to ensure proper implementation of the right.

Based on grass root information and field experiences few lacunae had been identified in each of the four steps.

As per the Act, the states had to create four tiers of committee to oversee the implementation: state level monitoring committee (SLMC), District level committee (DLC), Sub divisional level committee (SDLC) and habitation level committee (FRC). The first three committees could be formed rapidly with administrators, but the last one, the forest right committee (FRC) is key to the implementation of the Act, and has to be formed within the community members. Initially a lot of ambiguity was seen in the formation of FRC. The Forest right Committee should be formed at the hamlet level with due consent of gram sabha, but in states like Andhra Pradesh, Committees are formed

at gram panchayat level and in Orissa it has been constituted only at revenue villages. As a result the right couldn't be ensured to its true sense to the real community members. The gram sabha are thereby rendered dysfunctional and ineffective. The amended rule in 2012 has provided a clear clarity of constituting the FRC at hamlet level. In Orissa reconstitution of FRC at hamlet level has still not been initiated.

There is lack of awareness about CFR provision among local communities as well as government officials. The act provides right on thirteen different types of community rights but only two or three rights are often seen to be claimed and without proper corroboration, which often led to rejection of claim.

CFR claiming process is complex and several evidences are often asked to be filled by officials. The evidences are needed to be collected from Revenue Department and forest department. In most cases information are not available for public domain and need to be collected through RTI. These procedures are difficult for the communities to handle. Therefore most of the time the claims are found pending because of lack of evidences.

As per the provision in Act it's the responsibilities of the government department to provide require document to communities as evidence but it is not taken up by the line departments. The community members have to struggle hard to get a piece of evidence.

As in Nabrangpur district of Orissa there is one SDLC for the entire district, where the claim needs to be submitted. But it is very difficult for villagers from remote areas to travel 80 km – 125 km to submit the claim at SDLC. In such cases the district collector has authorized the Welfare Officer to receive the claim but then it's difficult to track the status of those claims as in most cases the officer are ignorant and claims are not forwarded.

There has been large scale interference of forest department in the right recognition process. This takes the following forms.

- In protected areas, the process of claiming right is continuing but due to lack of organization, there are efforts to illegally relocate them, i.e chenchus in tiger reserve of srisilam.
- Forest officials are in key implementation post in state tribal welfare departments and are imposing forest department's perspective and interest on the process.
- Certain conditions were imposed on exercise of final rights, as in Kalahandi and Mayurbhanj District of Orissa.(as mentioned previously)
- Issuing titles in the name of VSS or for area under VSS (instead of recognizing Gram sabha and customary boundary) i.e. In Andhra Pradesh most of the CFR title distributed are in the name of VSS.
- Even if few CR titles are distributed, the department and the officials are not keen to distribute title under form C which gives management right on the resources to the community members. Neither in Srikakulam nor in Nabrangpur a single CFR title has been granted to community. Few titles have been given to Bamboo VSS in Srikakulam district of Andhra Pradesh.

Sub divisional committees have arbitrarily rejected claims on the basis of illegal criteria, and lack of evidences. They don't have clarity regarding the available evidences. They also face inter boundary demarcation problem and have no clarity of how to resolve it. As a result such claims are kept pending.

District level committees have been site of serious violation:

- The titles were distributed with reduction in extent of resources claimed, moreover the rights were granted on very few common property like grazing land, water bodies and NTFP. Habitation rights and other such important rights are ignored.
- The customary rights and traditional boundary are ignored in provided titles for unilateral reduction in size of land.
- GPS technologies are abused to manipulate maps and areas for which titles are being given. The forest department (at Nabrangpur) claims that they have only one GPS machine with them and they lack man power to conduct GPS reading for all claimants, which is also one of the reason for late processing of the submitted claims.
- It is also seen that few cases are hanged between FRC and SDLC and are not taken to DLC for further action.
- Both IR and CFR rights are denied to OTFD community.

5. GAPS AT POLICY LEVEL

While a large fraction of the problem lies in poor implementation, there are issues and ambiguities that need to be resolved at policy level too.

Problems in exercise of right and management of community forest resources: Even where the titles were given, there lie numerous issues with Gram Sabha in exercising the rights. This is mostly due to lack of clarity regarding post title governance and management in granted common resources. They are:

- Ambiguity regarding role of forest department and other government agencies in CFR received areas. This is relevant in view of continued operation of forest department through working plan activities.
- Lack of clarity on integration of CFR management plan with working plan and management plan of Forest Department.

In FRA amended rule 2012, it is mentioned that, in rule 4 after clauses (e) which talks about constitution of committee by the Gram Sabha for management of CFR, the following clause shall be inserted, it reads as under: (f) monitor and control the committee constituted under clause (e) which shall prepare a conservation and management plan for community forest resources in order to sustainably and equitably manage such community forest resources for the benefit of forest dwelling scheduled tribes and other Traditional Forest Dwellers **and integrate such conservation and management plan with the micro plans or working plans or management plans of the forest department with such modifications as may be considered necessary by the committee**

- FRA did not specify how villages would manage forest after CFR was granted. It was observed that the community is facing lot of challenges in selling of NTFP and bamboo procured by them under CFR. The major challenge is to look for captive market, secondly communities which have no government support are not well

equipped to handle this new business and thirdly they have to stay careful from stake holder ready to manipulate the market.

- In few states like Orissa and Maharashtra, JFM and other related programme is still in continuation, with new resolution that contradicts the community forest governance in many aspects.
- Continued operation of the government, in diverting forest lands for non forest purposes. There is apprehension that proposed Land Acquisition bill and mines and mineral development bill will make it possible for the government to take away rights given under FRA. Forest diversion are taking place in large scale (with about 2 lakh hectare diverted since FRA came into operation) are taking place without compliance to forest right act and MOEF circular of 30 July 2009. Further lease and contracts in forest and continued work of plantation by forest department continue without consultation or consent of gram sabha.
- The existing law like forest conservation act and wild life protection act as well as other policies and programme particularly in forest and MFPs need to be reviewed in view to facilitate exercises of the right and community management of CFR.
- Claims from OTFD are not recognized in most states, partly due to wrong interpretation that they required to have occupied land for three generation. There is also difficulty in providing evidences. No documentary evidences are available to prove that they are living in the area for 75 years. Special attention should be provided to give justice to these communities under FRA.
- The provision for community / habitat right of PTG, pre agricultural communities is not implemented properly so far. There is lack of clarity on mechanism for claiming right. Such communities are mostly interested for habitats right as its gives them a permanent settlement.

- Awareness about CFR provision in FRA, under protected areas is very low. CFR have been recognized in only few protected area like Simlipal tiger reserve in Orissa. Recognition of right in protected area and tiger reserve are continued to be major concern with relocation and eviction by forest department. It has also been noticed that the relocation is simply involves including a monetary settlement of right. The protocol released by NTCA on relocation from tiger reserve is not in conformity with the FRA and is apprehended to lead to more violation of forest right in tiger reserves.

6. RECOMENDATION

The following recommendations are arrived at:

- A mass awareness programme for FRC/SDLC/DLC and community members should be conducted at regular interval by MOTA. It will help to bring clarity as well as foster the implementation process. The nodal agencies or state government should take care of production and distribution of simple accurate guide material for FRC/SDLC/DLC. Field visit should be organised for communities to learn from one another experiences in forest governance.
- Strengthening gram sabha : Although instruction have been given by MOTA through states to revenue and forest departments to provide all necessary records and evidences to gram sabha, to facilitate CFR claims but for most cases it is unnecessarily delayed by the govt official. Therefore strict steps should be taken to ensure that the instruction is followed. The officials should also focus on explaining and clarifying the differences between CFR claims under section 3(1) and diversion of forest land for public utilities under section 3(2) to avoid confusion in claim filing.
- Particular attention is needed to CFR and habitat rights for disprivileged group such as PTG, nomads and shift cultivators. Special process is needed in case of nomads as it is difficult for them to make claim all along their route. Rights of PTG should be pro actively recognised and declared using the same criteria that had been used to declare them as PTG.
- Ensuring customary boundaries: All states should ensure that CFR claims and titles follow customary boundaries and are not artificially restricted by consideration such as JFM, VSS etc. Or other such boundaries set by government.

- Compliance of FRA in forest land diversion: In July 2009, MOEF, made a circular saying Gram sabha consent is compulsory before granting clearance for diversion of land, now it should be expanded for forest land uses such as plantation and be made legally binding through rules under FRA.
- Transparency building mechanism- Minutes of the meeting of SDLC and DLC should be put in to public domain, as it will communicate status of Implementation. Andhra Pradesh status report has not been updated in website after 2010. It's same with Orissa also. Regular public hearing should be done to hear the grievances.
- Particular attention is needed for protected areas to implement FRA, particularly CFR. The ongoing relocation from tiger reserve must be stopped. The protocol released by NTCA on relocation need to be withdrawn as it hinders FRA implementation. The communities should be allowed to stay in their own habitat and cash compensation option should be withdrawn. The process of recognition of right should be strictly monitored and it should also be monitored that conservation outcomes are also achieved.

We need to understand that forest is habitat both for man and animal and right for both should be ensured. All possibilities of co-existence within such habitat should found out through consultation with local communities.

- Post title support for management and conservation: Under section 3(1) i and section 5, the hamlet will have committees to conserve and manage the forest resources. Government should ensure membership of women in these committees and should capacitate the committees.

There should be appropriate FRA rules or FRA amendment to provide clear cut powers and authority to institution to carry out the role described in section 3(1)i and section 5. The relationship of the gram sabha and its committee with the forest department needs to be clarified.

- CFR titles: MOTA should issue clarification to states that titles cannot be issued with any condition and all such titles issued in past must be rectified. Titles should be given on all rights claimed and over full area claimed by Gram sabha as per customary boundaries.
- The role of forest department needs to undergo gradual transformation from that of regulation and control on forest to that of service agency which monitors forest management and conservation and provides technical guidance and capacity building to local communities for better forest governance.
- Funding schemes that are proposed by MoEF relating to natural resources should be channelized through Gram sabha and PRI. Various programmes like Green India Mission, bio fuel plantation, CAMPA and so on are currently being process without having much control of gram sabha. All these should be channelized through gram sabha for decentralized governance and also it will support the grass root level institution.
- Review needs to be carried out of environment related programme and laws to bring it in consonance with FRA.

Annexure 1: Questionnaire for Forest right Committee

1. Name of the village/ hamlet _____
2. Name of the block _____
3. Name of the District _____
4. Number of members in FRC committee _____
5. FRC committee is at hamlet level / Panchayat level./ revenue village level (Put a \surd mark on the applicability)
6. How many members are there in FRC committee _____
7. What is the composition? A) Male _____ b) Female _____ c) ST _____
d) SC _____
8. Mention the functions of FRC committee

9. Questions pertaining to verification of claims:
 - a) Does the committee physically verify the evidences? Yes/ No _____
 - b) If yes, then do they ensure that the verification is done in the presence of individual or their representatives? Yes/ No _____
 - c) Do you attach land delineated maps to the claim? Yes/ No _____
 - d) If Yes. How the map is prepared _____
 - e) How do you collect evidences?
 - f) Do you seek help from government officials to get required document for evidence?
10. Where do you submit the claim? _____
11. Who receives the claim paper? And do you get a receipt of it. _____
12. Did you try to know the status of your claim? If yes how often? And, from whom? What did he replied? _____

Annexure 2: Check list of QUESTIONS FOR SDLC /DLC MEMBERS

General Question

1. Status of CFR in district
2. Reason for less distribution of titles
3. Problems Faced by SDLC/ DLC
4. Reason for rejection of claim.
5. How do the claims reach SDLC/ DLC?
6. Cases of disputes brought to notice.
7. Guidance and evidences provided to FRC.
8. Is anyone present in gram sabha meeting from SDLC for verification? How often the members are present.
9. How do you collate the maps?
10. How long does it take for you to pass the claim papers to DLC?(SDLC members)
11. How long does it take for you to distribute the title?(DLC members)
12. Is form c available?
13. What are the different categories under which rights have been distributed?
14. Can we see a title distributed to community?