

# AP State Level Consultation on Community Forest Resources and Rights under Forest Rights Act-2006

## Challenges and Opportunities for Forest Communities in Andhra Pradesh.

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### Workshop Report

22<sup>nd</sup> and 23<sup>rd</sup> August 2012



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## ABOUT CPF

Centre for People's Forestry is professional NGO working in community forestry in the states of Andhra Pradesh and Odisha. CPF is registered in August 2002. CPF works for the rights and livelihoods of forest dependent communities with due regard to conservation. It believes that the claims to conservation, control and management of the forest resources belong to the forest dwelling and dependent communities and their livelihoods should be the primary concern of all the forestry programmes.

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Documented by : Ms.B.Jalaja, Programme Officer, Documentation and Communication.

Contact : Centre for People's Forestry,  
12-13-483/39, Street No.14, Lane 6,  
Nagarjunanagar Colony, Tarnaka,  
Secunderabad-500017, Andhra Pradesh, India.

Tele Fax: 040-27154484/94

Email: [info@cpf.in](mailto:info@cpf.in), [Website: www.cpf.in](http://www.cpf.in)

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## Executive Summary

The two day state level consultation workshop on “Community Forest Resources and Rights under Forest Rights Act-2006: Challenges and Opportunities for Forest Communities in Andhra Pradesh” was held on 22<sup>nd</sup> and 23<sup>rd</sup> August 2012 in Hyderabad at St. Ann’s Generalate, to discuss and get feedback of communities on the new guidelines and rules for FRA, to make consensus over the wider implementation of CFRt under chapter-3 section (1) and (2) and to bring together Govt. line agencies and communities on issues and possibilities for effective implementation of community rights. The workshop was organized by Centre for People’s Forestry, with the support from EED (Evangelischer Entwicklungsdienst) and collaboration from Government of Andhra Pradesh.

About 42 participants (and the team of CPF) representing the local NGOs within Andhra Pradesh, Karnataka and Maharastra, social activists working on the subject, community representatives from VSSs and Vanasamakhyas, and tribal villages shared their experiences and discussed issues pertaining to the implementation of Community Forest Resources and Community Forest Rights, and came up with several recommendations to Government of Andhra Pradesh and to the concerned departments.

In all, there were three sessions, one group discussion and appeal submission to the Government of Andhra Pradesh and concerned departments on the following day. The workshop on day one started with inaugural cum introduction (covering the background, purpose and objectives) to the workshop by Dr. D. Suryakumari, CPF, which was followed by self introduction of participants. Dr. Urmila Pingle chaired the session and shared about the importance of promoting the models like Menda Lekha type of Community rights management by Gramsabha, and also emphasized on the strong need for collaborated work between the MOTA and MOEF. Later Ms. Kamla Khanal, CPF explained through presentation on New Developments in CFRe/CFRt under FRA, July 2012.

The theme of the first session in the Technical session was **“Sharing Experiences and Issues: Community Voices – from AP”**. Dr. Urmila Pingle, Dr. Suryakumari and Dr. Shivaram Krishna were the panelists, and Dr. Suryakumari acted as moderator also. At the outset, Mr. K. Trinad Rao of Gramabhudya made a presentation about the efforts made and the Community claims’ status in Paderu mandal of Visakhapatnam district. Later Mr. Satyanarayana of Girijan Chaitanaya Sangham elaborately shared the Individual and Community claims’ status in the much debated bauxite rich villages of G.Madugula mandal of Visakhapatnam district. Then Mr. Ravi, from ARTS has shared regarding the progress of Community claims in the Vizianagaram district. Finally Mr. Jayaraju, from Samyogita made a presentation on the Bamboo rights for communities in Srikakulam.

The second theme of the session was **“Sharing Experiences and Issues Concerned: Community Voices – Outside AP”**. The session was moderated by Dr. Shivaram Krishna. Mr. Dilip, from Vidharbha Nature Conservation Society, gave a presentation on “CFRs: Community Tenure Rights over Forests and Water Commons, a success story (Maharastra)”. Later, Dr. T. Chandu shared experiences of Community rights of Mendha Lekha-Gramsabha (Maharastra).

The third theme of the session was **Sharing Experiences and Issues Concerned: Community Voices – Protected Areas**, and was moderated by Dr. Urmila Pingle. The experiences of Community Forest Resources and Rights in BRT Wildlife Sanctuary in Karnataka (Soligas) were shared by Mr. K. Suresh, CPF, later Concerns and Issues from NSTR-AP (Chenchus) was elaborated through a presentation by Mr. C. Vasu, CPF.

The first session of the day two started with a group discussion followed by presentation on the theme **“CFR Challenges and Possible Solutions”**, moderated by Dr. Urmila Pingle. Three groups comprising NGO representatives, Vansamakhyas and tribal community members discussed and gave recommendations and feedback. Dr. Shivaram Krishna shared about the various orders issued by Government related to the implementation of FRA from time to time along with the success stories of communities in claiming the rights and management of the community resources in Andhra Pradesh.

## **Final Recommendations that emerged include**

### **To Government of Andhra Pradesh**

- a. To take up the issue of recognizing CFRe and CFRts in Andhra Pradesh, based on new legislative modification.
- b. To issue community titles in the names of Gramsabha only instead of VSS. The new Guidelines/Rules make it mandatory to have CFRe issued in each village.
- c. To advise concerned officials to initiate the work for the recognition of CFRe rights, as per the new Guidelines/Rules using Form-C and title as per new format (on the name of Gramsabha).
- d. To issue suitable guidelines to concerned departments for effective implementation of the FRA act in Protected Areas (NSTR).
- e. To recognize Bamboo as MFP as defined in the FRA-2006, and issue suitable guidelines by concerned officials to recognize CFRe rights over Bamboo and to give full rights to Gramsabha for Bamboo harvesting, transport and sale.
- f. To speed up issuing community forest rights titles to villages, as per Form-B, under which the Act provides 13 types of possible community rights and titles.

### **Commitments**

1. To send the feedback of consultation to MOTA and MOEF on new guidelines and draft rules
2. To submit a resolution for speedy and effective implementation of FRA, in view of new guidelines and draft rules, with specific reference to issues identified in the consultation; to the honorable chief minister of Andhra Pradesh, Minister for Tribal Welfare, Minister for Forest, Environment, Science and Technology, Principal Secretary Tribal Welfare, Commissioner of Tribal Welfare, Additional Director, Tribal Welfare, PCCF, Addl. PCCF and Addl. PCCF-IT by a group of Vanasamakhyas and tribal community members on 24<sup>th</sup> August 2012.

Proceedings:

## **AP State Level Consultation on Community Forest Resources and Rights under Forest Rights Act-2006: Challenges and Opportunities for Forest Communities in Andhra Pradesh.**

### **Back ground:**

In March 2009, Center for People's Forestry (CPF) had organised the first state level consultation on the status and process of implementation of FRA in AP. The consultation was then the very first consolidated effort of CPF to bring together the actors of FRA in AP and outside. It's been three years now and the major operational issues and challenges of FRA implementation have remained unresolved to a large extent. This time the focus has drifted away from individual land rights to a broader concern of slow progress for the causes of community forest rights. Thus addressing the need of the hours, the present state level consultation is being organised with exclusive focus on the community forest resources and community forest rights in FRA.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) identifies 13 kinds of individual rights, community rights and development rights (Annex 1).

In practice, there exists a huge confusion between section 3(1), which deals mostly with habitations and livelihood rights for individuals and communities; and Section 3(2) dealing with infrastructure development rights in forest areas. Majorly, the community rights are being issued under section 3(2) only (using Form-B) and very few community forest rights of any other nature (being known as collective titles) have been issued under section 3 (1). The rest of rights remain more or less unexplored in Andhra Pradesh and elsewhere.

There had been reports of serious inadequacies in implementation of existing community rights at all levels (refer to *the alternate version of the Report on the joint committee on FRA*). At all-India level, numerous issues have been identified and discussed. The direct result of continuous lobbying by various groups has resulted in the release of new sets of guidelines and rules (draft) for the act. These are being discussed at various levels. Through this consultation, we also aim to catch the nerve of communities on these new guidelines and rules. The feedback by communities would be compiled and sent to MoTA as comments/recommendations.

In Andhra Pradesh, CPF also aims to initiate a progressive deliberation on the current status of community rights and tenure under FRA; wherein the consultation would be used as a forum to discuss on future actions deemed essential for a mutually agreed action plan by communities, CBOs and Government line agencies.

Keeping in tune to the demands of CBOs; recently the honorable Union minister of Tribal Affairs Mr. Deo has sent advisories to CMs of many states demanding framing of distinct rules for proper implementation of FRA. The letter emphasizes the role of Gramsabhas in giving consent for diversion of forest for any non-forestry development and on the need of standardizing the

rules of implementation throughout the country. Most recently, a letter from the honorable Union Minister for Rural Development Mr. Jairam Ramesh to CM of 6 states including Andhra Pradesh has emphasized the need of empowerment of Gramsabha through the CFRe/CFRt under FRA to address issue of governance of Forest resources. With discussions on case studies from Mendha (Lekha), CPF intends to motivate the CBOs and communities alike on Gramsabha empowerment for community forest resource management in the State.






### **Present Status in Andhra Pradesh: Community Rights**

According to AP Tribal Welfare Department, till July 2012; 2,106 communities have received community titles and another 4,608 applications have been received for consideration. In reality, there is no segregated information about the nature of these community titles. On the other hand, in the Govt. records around 2,756 VSS committees covering an area of 5,55,536 hectares (13,72,729.456 acres) are eligible to get rights under FRA (*Identified by APFD and APTWD*). The trend has been that most of the collective titles are only being issued to VSS and not to Gramsabhas. Also, if the Govt. statistics is considered, then in AP, already half of the eligible VSS communities should have received some form of community rights under FRA. The kind of titles they have received is largely unknown as the records maintained by APTWD doesn't contain segregated information on the different categories of rights under FRA under Section 3 (1) (a to m). A major void in the process of claim making is that the application formats doesn't provide even a complete choice of rights identified under FRA. Section 3(1)(i) was altogether missing from any of the claim formats. Though now the new guidelines and associated rules have come out clearly on releasing a new Form-C for claiming CFRe/CFRt.

In CPFs' operational areas in Srikakulam, Paderu and Bhadrachalam South; titles for 71 community claims have been received covering an area of 23,919.79 acres. All of these rights are issued under section 3(2) to VSSs only and not to Gramsabhas.

The community titles issued so far have plethora of issues – ranging from the process followed for claim making and land measurements, to the kind of title given at the end and to the lack of coordination in line departments over the operational issues.

### **Objectives of the Workshop:**

-  To discuss and get feedback of communities on the new guidelines and rules for FRA.
-  To make consensus over the wider implementation of the CFRt under section 3(2)(i) and promoting rights across the range provided in Chapter 3-sections(1) (a to m) and Chapter 3 section (2).
-  To establish whether the boundaries marked in the community titles distributed are co-terminus with their traditional forest use boundaries?
-  What could be the possible models of CFRt in Andhra Pradesh? How the issues of FRA community titles being given only to VSS can be resolved?
-  What about the tribal communities which are small and have very large traditional areas that can be claimed under FRA, how would effective management be ensured in such cases?



- 🌸 What are the further issues, if the communities are accepting such (Presently distributed) titles?
- 🌸 Are there some existing model examples of CFR entitlements in AP like Soligas of BRT Karnataka?
- 🌸 How do the communities and government look at the titles issued to Soligas of BRT or Mendha Lekha? If we can include some good practices of their CFR titles?
- 🌸 Bring together Govt. line agencies and communities on issues and possibilities for effective implementation of Community rights.

## Day-1

### Inaugural session:

#### Welcome:

The consultation workshop commenced with warm welcome accorded by Ms. Kamla Khanal, Senior Programme Officer, CPF, to eminent personalities, activists, NGO & community representatives. A round of self introduction of the participants was followed.



**Opening remarks:** Dr. D. Suryakumari, Director, CPF, in her inaugural address, shared the purpose of the consultation meeting while referring back to the background and objectives of the consultation meeting. She stated that for discussions on issues related to CFRe and CFRts the consultation meeting provides a good platform, and requested participants to utilize this opportunity and come up with recommendations.

Dr. Urmila Pingle, trustee, CPF, in her address, highlighted the importance of the Forest Rights Act and shared her observations on implementation of the Act in the country, while emphasizing on the need for speedy and effective implementation and appropriate measures to control the vested interests of the corporate sector especially on community forest resources. She felt that the information sharing among the states on CFRe and CFRt models like Mendha (Lekha) of Maharastra throughout the country and collaborative mode of working between MOTA and MOEF is vital for effective implementation of the FRA Act.





## Sharing and discussion on new guidelines and draft rules of FRA:

Presentation and discussion on Community Forest Resources and Community Forest Rights.

### Presentation -I

By: Ms. Kamla Kannal,

Sr. Programme Officer, Centre for People's Forestry, Secunderabad.

**Title:** New Developments in CFRe/CFRt under FRA.

Presentation Highlights:


#### Community Forest Rights: Kinds of Community Rights:




- 3(1)(a): Habitation/ Cultivation rights for communities; 3(1)(b): *Nistar* Rights; 3(1)(c): Use and dispose of Minor Forest Produce; 3(1)(d): Entitlements on water bodies, grazing lands and other accessible traditional resources; 3(1)(e): Tenure for habitat and habitation for PTGs and pre-agriculture communities; 3(1)(f): Disputed lands; 3(1)(g): Converting pattas/leases/grants to titles; 3(1)(h): Settlement into revenue villages.
- 3(1)(i): Right to protect, regenerate and conserve or manage CFRe.**
- 3(1)(j): Rights recognized by any state body or under any traditional or customary law; 3(1)(k): Access to biodiversity and Intellectual property and traditional knowledge; 3(1)(l): Any other traditional right not mentioned above; 3(1)(m): In-situ rehabilitation; 3(2): Development Rights, Section 4(1)(2): Critical wild life habitat rights.
- No separate State instructions were given on recognition or delineation process for Community Forest Resource and/or Community Forest Rights.
- Community Forest Rights (CFRt) need to be recognized, Community Forest Resources (CFRe) need to be delineated.
- Responsibilities of Right holders – Gramsabhas or other village level institution.
- Plethora of issues in context of community rights: Non recognition of many kinds of community rights; including rights under 3(1)(i); Community rights mostly under development rights; Unhindered rights over MFP; Non-starter in Protected Areas; Lack of initiatives in promoting CFRe/CFRt or any other community right under FRA.
- Highlights of New Guidelines and Associated Rules (Draft)-July, 2012.**
- Process of Recognition of rights; Minor Forest Produces; Community Rights; Community Forest Resource Rights; protection against eviction, diversion of forest lands and forced relocation; raising awareness, monitoring and grievance redressing mechanism.
- Community Rights; a) the district level committee to ensure records of - *Nistar* and alike traditional community rights, b) DLC to facilitate claim filling by pastoralist communities. c) DLC to play proactive role in ensuring habitat rights for Particularly Vulnerable Tribal


Groups, d) Settlement on forest villages, old habitations, unsurveyed villages and other villages.


### **Community Forest Resource Rights**

-  CFRt to be recognized in all villages; Form-C for title for CFRe incorporated in the Rules; If no CFRt are recognized in a village, the reasons have to be recorded; Gramsabha to demarcate the boundaries of CFRe; The committees constituted under the Rule 4 (e) to work under GS.


-  Upon recognition of forest rights in Section 3 (i), the powers of the GS in consonance with the Duties under Section 5(d). GS to regulate access to CFRe. Stop any activity affecting wild animals, forest and the bio-diversity. Wrong doing in the forest areas to be dealt under the provisions of the relevant Acts.


-  Community forest rights – Form-B


-  Community forest resource rights – Form-C

-  **Process of Recognition of Rights (12 (A));** The Forest and Revenue Dept. to remain present during verification of claims and evidences on the site.




-  Decision regarding modification or rejection of a claim to be communicated to the claimant; SDLC/DLC, if necessary, can remand the claim to GS for additional examination; All decisions of rejection or modifications to be in the form of speaking orders; Land Rights under 3 (a) to include self cultivation and allied activities (cattle keeping, winnowing and post harvest activities); Presence of a separate form and title might limit the scope of section 3(1)(i); No specific mechanism has been provided to exercise the rights under 3(1)(i).

-  Sync with existing working plans, management plans and forestry programs is missing; Lack of a response mechanism for petitions filed under violation of FRA.

-  **FRA status in Andhra Pradesh:** Total community claims applied 6,714; titles distributed 2,106; Extent of forest land for which titles are distributed (in acres) - 14, 51,223.

### **Issues identified by various advocacy groups:**

-  Ambiguity over the process to be followed for identification of hamlets/settlements and conversion of forest villages to revenue villages; Need to broaden the functions of State Level Monitoring Committee – Planning oriented; Need to share the maps prepared by Revenue and FD with GS for their approval; Evidence or records held by Govt. to be shared with claimants; Lack of procedural guidelines for claims on habitat rights, verification and mapping in PTGs areas; Presence of a separate form and title might limit the scope of section 3(1)(i); No specific mechanism has been provided to exercise the rights under 3(1)(i); Sync with existing working plans, management plans and forestry programs is missing; Lack of a response mechanism for petitions filed under violation of FRA.

## TECHNICAL SESSION

### 1. Sharing Experiences and Issues: Community Voices – from AP

**Panelist:** Dr. Urmila Pingle, Dr. Suryakumari and Dr. Shivaram Krishna

**Moderator:** Dr. Suryakumari.

#### Presentation- I

By: Mr. K. Trinadha Rao, Chief Functionary, Gramabhudaya, Visakhapatnam.

**Title:** Community Forest Resource and Forest Rights Act-2006, Kandulapalem Village.

#### Presentation Highlights:



The presentation started with an overview of the FRA implementation status in the Paderu Forest Division, which emphasized lack of awareness on prescribed formats for applying for FRA community claims submission among community members. Due to which claims were submitted on white papers by communities. Although Community claims for 26 villages in the division were approved by DLC, distribution is still pending. More over ITDA-Paderu official list confirms distribution of 7 community titles, in reality title copies are yet to be received by community members.

#### Presentation-II

By: Mr. Satyanarayana, Secretary, Girijan Chaitanya Sangham, Visakhapatnam.

#### Presentation Highlights:

The presentation focused on the concrete efforts needed for recognizing the community titles in the bauxite rich forest areas. In G.K.Madugula mandal in Paderu Forest Division, revenue villages account only for 1/3<sup>rd</sup> whereas the rest are forest hamlets, which are often surrounded by the APFD Coffee plantations without approach road. In this division, out of 7000 individual title claims with average land extending from 5 to 10 acres each, only 3000 titles were distributed with an average land extension of ½ acre land to claimants. Initially due to allotment of forest land for bauxite mining, community claims were not accepted. Later, upon the recommendations of the Joint Parliamentary Committee, community claims were processed. Out of 250 community



claims submitted to DLC along with maps and required evidences, 125 were approved but the titles claims are not yet distributed to community.

Further he also shares the concern that Community claims submitted by VSS are rejected stating that they are not eligible. When approached ITDA PO regarding this issue, he confirmed it referring to a GO issued on 7<sup>th</sup> August, 2012.

### Presentation -III

By: Mr. Ravi, Project Coordinator, ARTS, Vizianagaram.

#### **Presentation Highlights:**

Shared about the various programmes carried out for realization of community titles in Vizianagaram and Visakhapatnam districts which includes awareness generation among the CBOs and youth, and facilitated for submission of 66 community claims along with all evidences in Vizianagaram district, however only two villages Pachipenta and Gotturu (separate titles were issued for different resources) received community titles, existence of such situation is majorly due to lack of commitment among authorities.

### Presentation-IV

By: Mr. Jayaraju, Secretary, SAMYOGITA, Srikakulam.

**Title:** Community Forest rights to Bamboo resource

#### **Presentation Highlights:**

The presentation highlighted current scenario of bamboo harvesting in Andhra Pradesh with specific reference to Srikakulam and possible solution to the existing problem. In Srikakulam Forest Division there are 250 VSSs, among them around 100 VSSs have bamboo resources abundantly whereas GPS assisted resource mapping was done in 70 VSSs for identifying bamboo rich patches. All these



Bamboo resource rich VSSs sent Gramsabha resolutions requesting for bamboo harvesting permissions through post to Chief Minister of Andhra Pradesh and concerned ministers in the state and Centre. In addition to that State, Vanasamakhyas representatives together with local community representatives met Chief Minister and other concerned officials and briefed them about the status. As a result 34 VSSs got bamboo harvest permits under MGNREGS in Srikakulam Division. Among them 13 VSSs started harvest of bamboo last year and 4 VSSs harvested nearly 4000 number bamboos and auctioned.

Discouragement by forest department coupled with undue delays in wage payments under forestry MNREGS is making communities reluctant to work on bamboo. More over the organisation of auction takes long time, which results in the bamboo drying and being priced

lesser. The best possible options are under FRA 3(1)(c) and (i), which have provisions for claiming ownership on the bamboo resources by local communities.

## 2. Sharing Experiences and Issues Concerned: Community Voices – Outside AP

Moderator: Mr. Shiva Ramkrishna

### Presentation- I





By: Mr. Dilip, Secretary, Vidharbha Nature Conservation Society, Maharastra.

**Title:** CFRs: Community Tenure Rights over Forest & Water Commons, Success of VNCS & Village Institution (Gramsabha)

#### Presentation Highlights:

The presentation covered comprehensive approach and several stakeholders who have contributed for creating enabling environment, which has made possible for creating a replicable model of CFR and Village Development initiatives in Maharastra state. Initially the gaps in effective implementation of FRA were identified at various levels, later suitable strategies were designed to address those issues, which include wider range of publicity activities, which were followed by formation of village level institutions in cluster mode functioning in more than 100 villages, which made & submitted Claims Forms to the SDLC.

#### Process followed and Significant Achievements include:

-  Advocacy/ Lobbying with the Governor, Chief Minister, Minister Tribal Development & Revenue, Governor, Principal Secretary-Forest, Chief secretary and MLAs etc. As a result Principal Secretary-Forest, Chief Secretary, Speaker of Maharashtra Assembly started taking interest in the matter.
-  Mobilized Collector /SDOs of Gadchiroli, Gondia, Bhandara, Chandrapur and Nagpur districts, and submitted CFR claims from 65 villages in above districts. Government recognized CFR in 725 villages of Gadchiroli, 325 in Gondia and 6 in Amravati districts. 18 villages in Gadchiroli, 24 villages in Gondia district (covering 30,000 ha forest area) got CFRs.
-  Village Committees were successful in removal of illegal encroachments from 120 ha of forest land by the villagers of Naroti-Chak and Wihirgaon in Armori Taluka of Gadchiroli Dist. Peaceful Morcha & staging agitation before Tahasildar were carried out, for making illegal corrections in govt. records and trying to regularize false claims. As a result, Government suspended 3 Patwaris (village level revenue staff); FIR is registered against them by Tahasildar in Police Station.
-  In all villages, Village Resource Management & Development Plans were prepared which regulated and implemented sustainable grazing, collection of fuel-wood and timber for housing for ensuring that regular picketing is carried out by groups of village. Village



Development plan on forest protection, soil & moisture conservation, regeneration, plant nurseries & plantation of local species, agricultural intensification through crop change, use of harvested water, vegetables, fisheries, trade in Mahua flowers are implemented. The Committees are Managing 600 ha forest & 4 water bodies. For example Village plan of Murumbodi created work for 110 workers (2 from each family) for 180 days per year for next 5 years, other developmental initiatives are also implemented for decreasing stress on the forests.

## Presentation -II

By: Dr. Todasam Chandu, Activist

**Title:** Experiences of Mendha Lekha – Maharashtra.

### Presentation Highlights:

- ❏ Every person contributes 10% of his/her income in cash to Village Fund.
- ❏ Village is involved in Joint Forest Management Programme from 1992. Protecting 1809.61 hectares of forest, within 5 compartments.
- ❏ **Process of Exercising Community Rights**
- ❏ Community Rights recognized on 14<sup>th</sup> August 2009, Record of Rights prepared on 28<sup>th</sup> August 2009, Title handed over to Gramsabha on 15<sup>th</sup> Dec. 2009
- ❏ To exercise ownership right over Minor Forest Produce, Village wrote first letter regarding bamboo harvesting on 18<sup>th</sup> Jan.2010 and met all officials, No response...bamboo season ended! ; Then several communications...
- ❏ GS received first letter from DCF on 3<sup>rd</sup> Feb.2011 which denies rights
- ❏ GS established their rights on 15<sup>th</sup> Feb.2011 by cutting and selling bamboos. Gadchiroli MLA began purchase by paying Rs.25/- and asked for Transit Pass. Several others followed.
- ❏ And finally....Bamboo was liberated!
- ❏ On 27<sup>th</sup> April 2011 Hon. Jairam Ramesh, CM Prithwiraj Chauhan arrived in Mendha and handed over Transit Pass Book to Gramsabha; Very Few days left for harvesting...
- ❏ Village geared up, mobilised resources and completed harvesting of 90,000 bamboos.
- ❏ **Advocacy strategy**
- ❏ For all the other villages in Gadchiroli district, Zilla Parishad and Revenue Dept. should own the responsibility of preparing the CFR claims through a time-bound campaign.
- ❏ In case of all villages other than Mendha(Lekha) and Marda, illegal terms & conditions are mentioned in the Record of Rights (Title) which contravenes the provisions and basic objectives of the Act and rules. Immediate action should be taken to remove the same to



gain confidence and trust of the people in such disturbed areas. Any authority denying the rights should be punished as per the Act.

- Gramsabha, vested with CFR should be given status of “Village Bio-Diversity Management Committee” (VBMC)” under Sec.41 of the ‘Bio-Diversity Act, 2002’. The capacity building of this VBMC shall be done to prepare People’s Biodiversity Register (PBR) and use it in the planning process.

### 3. Sharing Experiences and Issues Concerned: Community Voices – Protected Areas

#### Presentation -III

By: K. Suresh, Sr.Programme Officer, Centre for People’s Forestry, Secunderabad

**Title:** Biligir Rangaswamy Temple wildlife Sanctuary, *A case of CFRe/CFRt*

#### Presentation Highlights:

- BRT link between Eastern and Western Ghats, Spread: 540 Sq.km, Soligas tribes inhabit this region.
- Soligas are very conscious of Forest Conservation, wild animals and are for co-existence.
- At the District Level Committee meeting, the decision to grant community rights to Soligas in BRT has been agreed upon in principle.
- Partners:** Soliga Abhivrudhi Sangha, BRT , [Vivekananda Girijana Kalyana Kendra](#) (VGKK), BRT, Samruddhi, Kanakapura, ATREE, Bangalore, [Kalpavriksh, Pune](#)
- VGKK and ATREE facilitated on creating awareness on FRA with regard to individual and Community Forest Resource.
- Soligas made village, block and district level networks to share their concerns with Govt. agencies.
- Two local persons developed as leaders and represented in the District Level Committee on FRA.
- These local leaders took key responsibility in the Soliga sangha.
- Usually, NTFP collectors collect from their nearby forest but whereas for honey collection they can go beyond the habitation (within the range).
- BR hills are inhabited by only Soligas so there is no boundary marking for each habitation in connection with usufruct rights on NTFPs.
- Intensive advocacy & lobbying with nodal agency – they have received Community Forest Resource Title on 2<sup>nd</sup> Oct 2011.
- 32 out of 62 habitations have already received CFRt titles;





## Presentation -IV

By: Vasu C, Joint Director, Centre for People's Forestry, Secunderabad.

**Title:** FRA Status in NSTR

### Presentation Highlights:

- 📌 **FRA individual titles:** There are about 71 habitations in Buffer area and 25 habitations in Core area of NSTR (Baseline Conducted by CPF in 2007)
- 📌 A total of 3178 Households are present in the NSTR, of which 637 are concentrated in the Core area and 2541 are located in Buffer area
- 📌 No. of eligible Chenchu claimants applied for FRA titles were 849 with an extent of 3430.07 Acres, respectively in 30 habitations of NSTR, of which 135 claimants with an extent of 900 Acres belong to Core area and 714 claimants with an extent of 2530.07 Acres, belong to Buffer area.
- 📌 Till date a total of 134 claims with an extent of 807.5 Acres are pending at various levels, of which 37 claimants with an extent of 136 Acres belong to Core and 97 claimants with an extent of 671.5 Acres belong to Buffer area
- 📌 **Reasons for pending titles – core, buffer**
- 📌 Some of the claimants were approved but they were not given FRA claimants since most of the claims were yet to be attested at different official levels.
- 📌 Some of the claims are yet to be surveyed jointly by Forest Department and Revenue Department.
- 📌 It is also found that some of the claimants have applied afresh and hence the delay in processing of claims.
- 📌 **Till date a total of 167 claims were rejected, Reasons:**
- 📌 The principal reason for the claims rejected is that most of the new habitations which were relocated from the old habitations had beneficiaries in their old habitations.
- 📌 Some of the claimants were not given FRA land titles in relocated habitations, on the grounds that Revenue Department had distributed Revenue lands and hence the DLC deemed these claimants as ineligible.
- 📌 **Community Titles:** In 2008, Forest local staff ( beat and section officers) initiated process of involving chenchus of most of habitations to apply for various community titles applicable in Form-B
- 📌 Chenchu community in most of the habitations are not aware of the purpose of applying for these titles and did not follow up for receipt of the titles



📍 In recent times in few Chenchu Habitations under Markapur Division, NSTR, members of SDLC have initiated meetings with FRC members on Rights for Community titles

📍 Rushula Cheruvu: It was learnt that Chenchus of Bilakalu Village were prevented to fish in this tank. Chenchus then were suggested to apply for rights under community title

- ✓ Status: pending since 2008
- ✓ Facilitated to pass resolution on delay in process by Gramasabha , and submitted to DLC

📍 Mekalabanda Village: ITDA officials facilitated Chenchus of the village to apply for all possible community title (Form-B), GPS and maps were generated as supporting to Form-B for all the Titles.

-Status: pending since 2008

-Facilitated to pass resolution on delay in process by Gramsabha and submitted to DLC



## Comments and discussions highlights

1. How were the elders in the villages involved in the process of CFRe and CFRt?

R: They have been involved in the identification and demarcation of community resources.

2. What is the process of GPS recording of Community rights?

R: In the first phase total area of the village, covering all types of community resources was done. Later on, specifically for each resource was done.

3. What is the role of Gram Panchayat in FRA? Why is it involved?

R: In Andhra Pradesh the Gramsabha is constituted at Gram Panchayat level, after the approval from the Gram Sabha, they are handed over to Gram Panchayat for approval and forwarding to SDLC.

4. According to FRA rules, after the approval of Gramsabha, claims have to be forwarded to SDLC. In Andhra Pradesh wrong governance system is created. (Mr. Dilip-VNCS)

R: Based on the recommendations of the Joint Parliamentary Committee in 2010, Government of Andhra Pradesh has given orders in January 2011 to constitute the Gramsabhas at the respective hamlets and villages, which is not followed at the grass root level. (Mr. Shiva ramkrishan-Sakti).

5. In Mahboonagar district, Billakalu village Chenchu community applied for community rights over the pond (2008). DFO had objection on the sale of fisheries outside the NSTR, they are insisting that it not for sale but only for self consumption, and fish is available in large quantity. How much can we consume? We are planning to approach district collector. (Mr. Eedanna, Billakalu)

R: The awareness level on the constitution and role of SDLC and DLC are lacking greatly. DFO is only a member in the SDLC; the committee has to take a decision. Public representatives are also part of SDLC; community members could approach them in case officials are creating obstacles. Local level lobbying advocacy has to be done by the community members.

6. Can FRC be constituted at hamlet or village level?

R: Yes, Gramsabha and FRC can be constituted, even if the population of a hamlet is 10 to 15.

7. What is the process of CFRt claims submission? Are there different claims for different resources or is there only one claim for all types of community resources in the village?

R: Submitted individual claim for each type of community right and received in the same pattern (ARTS-NGO)

## Comments and discussions highlights

8. Why are claims distributed only to two villages in the Vizianagaram district community?  
R: During the special drive carried out by the RDO, community titles were distributed to those two villages, later no official has taken interest.
9. What are the communication gaps in FRA implementation?  
R: Each tribal community has their own dialect, to what extent they are able to understand what is in there in GOs is a question, hence there is a need to translate these GOs in dialects of the tribal's and should be communicated to them. Publicity activities need to be carried out in wide range.
10. What are the powers of Gramsabha in managing the resources like Bamboo and other major resources?  
R: The rights of GS and forest dwellers are limited to Minor Forest Produce, the rights over the Major Forest Resources are still with Government only, the spirit for genuinely empowering the Gramsabha is still lacking.
11. Why are the individual titles and Community titles rejected by the local revenue and forest department officials in NSTR?  
R: As per the FRA-2006, and Supreme Court orders, SDLC and DLC are only authorized either for approval or rejection, the forest and revenue departments' authority is limited to field verification and recording their observations and comments.
12. In NSTR, Allipuram forest department has rejected the habitat claims, and also fresh re-survey of lands through Satellite is launched for which titles were distributed earlier. Based on the satellite image, titles are being prepared for lesser land area.
13. It is part of the tribal and Podu cultivation practices, for enriching the soil on rotation basis when a land is cultivated. It should not be a reason for either rejection or lesser land recording in titles. For getting community titles lot of advocacy efforts are needed at local as well as state level.

### **Comments from Panel:**

In the CFRt title copy there is a clause that the Forest department can impose conditions, they could be either positive or negative.

It is a clause to refer to head notes; this condition is not discussed or removed in the new guidelines.

In Maharastra, Government has long term industrial lease agreements with Paper mills, which is causing problems, where as in Andhra Pradesh industrial leases are abolished, which received resistance from forest department. In Andhra Pradesh the total number of claims made for CFRt is less, further approved claims are much lesser, and the number of titles issued is least. At local level the NGOs and communities have to take up time bound advocacy activities with determination to get the titles.

## DAY-2

### Session- One

#### Presentation –I

By: Dr. Shivaram Krishna, Director, Sakti, Hyderabad

**Title:** On Community Forest Resource Mapping

#### Presentation Highlights:

1. Efforts made by Sakti in realizing the individual as well as community titles under FRA in Andhra Pradesh.
2. Publicity and Advocacy activities carried out through collaboration with Government.
3. Capacity building activities carried out to Government agencies on recognizing the community titles.
4. Community Forest Resources mapping method.
5. Various GOs issued by government of Andhra Pradesh from time to time related to FRA implementation in the state.
6. The status of the distribution of titles.

In East Godavari district, the Pullagi Gram Panchayat community members requested GCC to buy the hill brooms, GCC told them they cannot buy it, later they requested Forest department to give transit permission, but they refused. The community filed a case in high court and court ordered FD to give transit permissions.



#### Session two:

## Group Work-Presentations

### Theme: CFR Challenges and Possible Solutions

The participants were divided into three groups; each group was given a topic to debate and discuss. At the end of the discussion each group made a presentation before the panel consisting of Dr. Urmila Pingle, Dr. Suryakumari and Dr. Shivaram Krishna. The presentations have been enclosed as Annexure -4.

Each group consisting of NGO representatives, VSS members, Vanasamakhya representatives, and tribal community representatives made presentations.

## Highlights of the presentations:

On Guidelines:

### I. Process of Recognition of Rights:

Point (e) - Recommendation: While preparing the final maps of the forest lands, involvement of FRC members and local communities, along with Forest Department and Revenue Department officials.



### II. Minor Forest Produce:

Point (c) - Recommendation: Government shall provide appropriate technological and financial support to forest right holders or their cooperatives/federations/Gramsabhas to prevent dependency of forest dwellers on outsiders. The same shall be incorporated in the rules.

**Incorporation of Para (ii) (d) of the guidelines in the rules:** Transit permits for MFP including bamboo – Incorporation of para (ii) (d) of guidelines into rules which are Non requirement of Forest Department transit permits and no charging of fees/royalties, in rules. In fact rules should provide for Gramsabhas to have power to issue transit permits under section 3(1)(i) and 5 of FRA Act; and also to formulate rules for Gramsabhas for sustainable harvesting/extraction and sale of MFP including bamboo.

### III. Community Rights:

**Point (a) - Recommendation:** In case of rejection, it shall be recorded and communicated to claimant and Gramsabha providing reasonable opportunity to present his/her case.

### IV. Community Forest Resource Rights:

**Point (a)- Recommendation:** In case of Minor Forest Produce, the guidelines clearly says that title holders or their cooperatives/ Federations have right to sell/process/value addition to MFPs within and outside forest areas either individually or through cooperatives or federations. Whereas in case of other community forest resources, like products of water bodies like fisheries, clear guidelines and rules are missing. Similar specific guidelines need to be incorporated for other community forest resources.

Community Forest Resource Rights (Proposed Form-C in rules, para (iv) of guidelines-a) guidelines para iv (a) – iv(d) should be part of statutory rules;

Point (b) of iv –Second para should be deleted as it gives a misleading impression that existence of J/CFM can be a reason for not recognizing CFRe rights; the same should be clearly stated in “C” title form that no such conditions are being imposed.



V. Protection against Eviction, Diversion of Forest Lands and Forced Relocation:

**Recognition of Community rights and Community resource rights of relocated:** Does not speak about the recognition of community rights (habitat & other) and community forest resource rights of re-located forest dwelling communities, in their new settlement areas denying forest dwellers from enjoying the rights in their present habitat.

**Recommendation:** Incorporation in the guidelines and rules regarding recognition of CFRts and CFRes in the re-located areas.

**On Rules:**

**I. Constitution of Gramsabhas-**Proposed draft rule 2, para 3: Draft list of hamlets prepared by the Panchayat be approved by the Gramsabhas and be put up for public comments for a period of at least 60 days by the SDO. Rule 12A (3) – Incomplete claims should always be remanded to Gramsabha (Removal of “if considered necessary”).

Rule 12 A (5) – Recognition of rights under section 3 (1) (a) of FRA should not exclude lands under occupation for purposes of cultivation and habitation and allied activities, ancillary to cultivation, rotational fallows (as in podu cultivation) which are integral to holistic and sustainable agriculture.



**II. Rule 12 A (2)- Recommendation:** Often the claimants are not informed why their claims are rejected or modified either at Sub-Divisional Committee or District Level Committee which is not in accordance with the Act which emphasizes on the transparent participatory mechanism. The reasons shall be recorded and communicated in writing to the claimants.

**General Policy Recommendations:** Grievance redressing system addressing violations of the Act – A basic grievance redressing system to be incorporated in the rules to address issues that can't be dealt with by the appellate process.

Time bound for titles distribution, Citizen Charter should be applicable

**Critical wildlife habitats** - No statutory procedure has been provided for implementing 4 (2) of the Act. Instead rights of people in protected areas are being left to guidelines and circulars issued by MOEF. MOTA as per section 11 and 14 of the Act has specific responsibility as nodal ministry, to enforce the implementation of rights communities living within Protected Areas and hence it needs to be more proactive. The rights and duties of the Gramsabha shall be printed in the title along with the signatures of the concerned authorities.

## Current status of CFRe and CFRt

- ❖ Delays in issuing community forest rights titles 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.
- ❖ Where VSSs are there, Community claims are not accepted.
- ❖ Only few VSS have received these community titles and that too are on the name of VSS and not on the names of concerned Gramsabha. The maps for these forest areas have not been shared with communities in most of these cases.






- ❖ Bamboo harvesting permits have not been issued to many of the VSSs of Srikakulam and Vishakhapatnam, even after communities have submitted a representation to CM 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.

## Issues faced by Chenchus in NSTR

- ❖ No habitation rights for Chenchus till now, although FRA act clearly provides provision for settling habitation rights on priority 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.
- ❖ A Chenchu community is unable to sell their fishes from a community pond outside the Sanctuary.
- ❖ There are 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.

## Recommendations:

- ❖ Consider issuing community titles in the names of Gramsabha only, as per the new guidelines and rules, this can be done using a Form-C after proper resurvey.
- ❖ Initiate the work for the recognition of CFRe rights, according to the new Guidelines/Rules using Form-C, and to *issue orders to district level officials for effective implementation of the same.*

-  To issue suitable guidelines to concerned departments for effective implementation of the FRA act in Protected Areas.
-  To issue new guidelines to concerned official to give full rights to Gramsabha for Bamboo harvesting, transport and sale.
-  To issue community rights and titles to tribal villages in the names of their respective Gramsabhas, according to FRA Form-B.

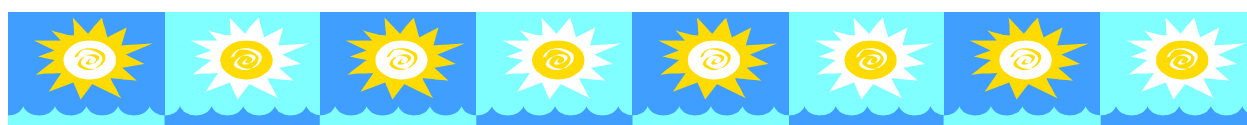
## Concluding Session – Way Forward

1. Dr. Suryakumari, Director, CPF, in concluding remarks shared that officials could not attend the workshop due to unexpected urgent meetings with ministers. And also noted that it is the first time that the forest department representatives could not turn up from the inception of the CPF. Participants felt that if the officials from forest department and Tribal department would have attended, the discussions could have been more fruitful. The representatives from Maharashtra have invited the participants to visit CFRt claimed villages for exposure and cross learning.

### 2. Plan of Action for Future:

To prepare a letter of request to government of Andhra Pradesh, with details of issues and recommendations pertaining to FRA implementation in Andhra Pradesh, with special emphasis on Community claims.

A core team has been formed involving the representatives of Vanasamakhyas and Tribal communities to meet the honorable chief minister of Andhra Pradesh, Tribal Welfare Minister, Chief Secretary, Principal Secretary Tribal Affairs, PCCF and other concerned department officials and to submit the request for proper and speeding of FRA implementation in view of new guidelines and draft rules on 24<sup>th</sup> August 2012.



**Annexure: 1****List of Participants**

<b>S. No.</b>	<b>Name</b>	<b>Representation from</b>
1	K. Satyanarayana	Vice President, Vanasamakhyia
2	K. Ramu	Samyogita, Srikakulam
3	D. Krishnarao	Samyogita, Srikakulam
4	N. Nagesh	Vanasamakhyia, Srikakulam
5	K. Jagadeesh	CONARE - Achampet
6	Nimmala Eedanna	CONARE - Achampet
7	K. Ramesh	HNRDS, Bhadrachalam South
8	D. Naga Raju	CHRD, Kurnool
9	T.A. Joshi Rayal	CHRD, Kurnool
10	Rajasekhar Patnaik	CPF, Odisha
11	H.K. Panda	CPF, Sunnipenta, Kurnool
12	M. Eeswara reddy	CPF, Sunnipenta, Kurnool
13	K. Venkataiah	CPF, Marripalem
14	Farida Tampal	Director, WWF-India, AP
15	N. Saswatha	WWF-India, AP
16	T. Madhulika	WWF-India, AP
17	K. Jaya Raju	Secretary, Samyogita, Srikakulam
18	D. Suribabu	Gramabhudaya, Visakhapatnam
19	G. Kalyanam	Vanasamakhyia, Visakhapatnam
20	K. Arjun	Gramabhudaya, Visakhapatnam
21	R. Pothuraju	Gramabhudaya, Visakhapatnam
22	K. Gangathalli	Gramabhudaya, Visakhapatnam
23	K. Thrinadharao	Chief Functionary, Gramabhudaya, Visakhapatnam
24	M. Kamalamma	Samyogita, Srikakulam

25	M.A. Saleem	President, CONARE, Achampet
26	K. Suresh	CPF, Secunderabad
27	Urmila Pingle	Managing Trustee, CPF
28	Dr. D. Suryakumari	Director, CPF
29	Ms. Athrum Jangubai	CPF, Utnoor, Adilabad
30	Ms. Beembai	CPF, Utnoor, Adilabad
31	Ms. Kamla Khanal	CPF, Secunderabad
32	P. Padma	Vanasamakhya, Warangal
33	D. Srinivasulu	Vanasamakhya, Secunderabad
34	U. Rama	CPF, Secunderabad
35	S. Sathish	Chief Functionary, Seva Sangam, Medak
36	N.V. Satyanarayana	Girijana Vikas- Visakhapatnam
37	E. Ramarao	Girijana Vikas- Visakhapatnam
38	M. R.N.Bhatlu	ARTS, Vizianagaram
39	T. Dharma rao	ARTS, Vizianagaram
40	M. Laxman	Utnoor, Adilabad
41	M. Krishna	Utnoor, Adilabad
42	K. Maruthi	Utnoor, Adilabad
43	G. Shankar	Utnoor, Adilabad
44	P. Sivaram Krishna	SAKTI, Hyderabad
45	B.Jalaja	CPF, Secunderabad
46	P. Shoba	Veerahanuman Vanasamakhya, Medak
47	K. Sanjeeva	Veerahanuman Vanasamakhya, Medak
48	Md. Khaleel	CPF, Secunderabad
49	E. Poornachander	CPF, Secunderabad
50	C. Vasu	CPF, Secunderabad

51	P. Vani	CPF, Secunderabad
52	B.S. Jamal Bhasha	Vanasamakhya, Secunderabad
53	V. Balraj	CPF, Secunderabad
54	M. Aparna	CPF, Secunderabad
55	Dilip Gude	Secretary, VNCS, Nagpur
56	Dr. Thodsam Chandu	Resource person, Adilabad

## Annexure: 2

### PROGRAMME SCHEDULE (Tentative)

Two-Day State Level Consultation on:

### Community Forest Resources and Rights under Forest Rights Act-2006: Challenges and Opportunities for Forest Communities in Andhra Pradesh

Dates: 22<sup>nd</sup> and 23<sup>rd</sup> August 2012

Venue: St. Ann's Generalate, Tarnaka, Secunderabad

DAY-1		
Time	Theme	Resource Persons
9.30-10.00 am	Registration	
<b>10.00-11.45</b>	<b>Inaugural Session</b>	
<b>Chair: Dr Urmila Pingle</b>		
	Welcome	Ms. Kamla Khanal
	Objectives of the State level Consultation	Dr. Suryakumari
	New Developments in CFRe/CFRt under FRA	Ms. Kamla Khanal
	Open discussions	Participants
	Sum up by Chair	Dr. Urmila Pingle
Tea Break (11.45-12.00)		
TECHNICAL SESSION		
<b>Panelist: Dr. Urmila Pingle, Dr. Suryakumari and Dr Shivaram Krishna</b>		
<b>12.00-1.30</b>	<b>Sharing Experiences and Issues: Community Voices- from AP</b>	
<b>Moderator: Dr. Suryakumari</b>		
	Presentation from Vishakhapatnam/East Godavari/Vizianagaram	Gramabhudaya/ORRC/Girijan Chaitanaya Sangham/ARTS
	Bamboo rights for communities in Srikakulam	Samyogita and State Vanasamakhyas
	Discussions	Participants
	Sum up by moderator	
Lunch Break (1.30-2.30)		
<b>2.30-3.00</b>	<b>Sharing Experiences and Issues Concerned: Community Voice- Outside AP</b>	
<b>Moderator: Dr. Shivaram Krishna</b>		
	Community Forest Resources and Rights in Menda Lekha, Maharashtra	Mr. Dilip Gode and Mr. Mohan Hiralal
	Discussions	Participants
	Sum up by moderator	
Tea Break (3.00-3.15)		
<b>3.15-5.00</b>	<b>Sharing Experiences and Issues Concerned: Community Voice- Protected Areas</b>	
<b>Moderator: Dr. Urmila Pingle</b>		
	Community Forest Resources and Rights in BRT Wildlife Sanctuary in Karnataka- (Soligas)	Mr. Madegowda
	Concerns and Issues from NSTR-AP (Chenchus)	Mr. C.Vasu



	Discussions	Participants
	Sum up by moderator	

DAY-2		
Time	Theme	Resource Person/s
Session- Group Work		
10.00-11.30	Group Work-CFR Challenges and Possible Solutions	
Moderator: Dr. Urmila Pingle		
Tea Break (11.30-11.45)		
11.45-12.30	Presentation on Community Forest Resource Mapping	Dr. Shivaram Krishna
12.30-1.30	Consolidation of Issues identified through group work	Ms Kamla Khanal & Ms. B. Jalaja
Lunch Break (1.30-2.30)		
Session- Government Representation		
2.30-4.30	Interface with Government Agencies	
Moderator: Dr. Suryakumari		
	Presentation on issues and challenges identified in the consultation with communities.	Mr. Srinivasalu
	Community specific issues to be shared with Govt Officials	Participants
	Responses from Government Officials	Mr. Somesh Kumar, Comm. TWD
		Mr. Hitesh Malhotra, PCCF
		Mr. Rajesh Mittal, Addl. PCCF- Forest Settlements
		Mr. Ramesh Kalaghatgi, Addl. PCCF(CFM)
		Mr. P.K.Sharma, Addl PCCF (IT)
		Mr. Chinaveerabadrudu, Joint Comm. TWD
4.30	Vote of thanks	Ms. Kamla Khanal
High Tea (4.30-5.00)		

## Annexure: 3

### Questions for Group discussions:

1. Feed back on the FRA new guidelines and draft rules for amendment, 2012.
2. Discussion on issues identified by different advocacy groups.
3. What is the current status of the CFRe and CFRt in the respective villages and operational villages?
4. What needs to be done for to improve the situation?
5. What are the deficiencies in the CFRe and CFRts? What are the recommendations?
6. What is the interest of communities in obtaining and managing the CFRe and CFRt?

## Annexure -4

### Group Presentations

#### 1. NSTR Group:

**Question one:** Feedback on the FRA new guidelines and draft rules for amendment, 2012?

#### 1. Process of Recognition of Rights: under this

Point (a) shall be incorporated under rules for effective implementation. Point (b) the communication for rejection shall be given in writing. Point (d) shall be informed in writing to Gramsabha and President FRC. Point (f) shall be in done at village level.

#### 2. Minor Forest Produce: Under this

Point (a) shall be applicable for Chenchu Community who are residing in the NSTR including bamboo.

#### 3. Community Rights: Under this

Point (a) to that particular claimant Gramsabha shall be informed in writing (Community claims shall be given on those lands which were gifted by the NIZAMS, Zamindars and Zagirdars to communities for various community needs, in NSTR).

Point (c): the recognition of rights shall be done in the respective Gramsabhas only.

#### 4. Community Forest Resource Rights:

Chenchus shall be allowed to sell their NTFPs outside Sanctuary.

#### 5. Protection against Eviction, Diversion of Forest Lands and Forced Relocation:

Communities who are evicted and displaced shall be allowed to claim for community claims in their new habitations (28 villages living in the core of NSTR are not being given habitation rights).

#### Group members:

S. No.	Name	Organization/Village/District
1	D. Naga Raju	Kotralcheruvu, (CHRD) Kurnool

2	K. Venkataiah	CPF, Marripalem, Prakasam
3	Nimmala Eedanna	CONARE - Achampet, Mahaboobnagar
4	M. Eeswara reddy	CPF, Sunnipenta, Kurnool
5	N. Saswatha	WWF-India, AP
6	T. Madhulika	WWF-India, AP
7	T.A. Joshi Rayal	CHRD, Kurnool
8	K. Jagadeesh	CONARE - Achampet
9	Hrusikesh Panda	CPF, Sunnipenta, Kurnool
10	M.A. Saleem	President, CONARE, Achampet
11	C. Vasu	CPF, Secunderabad

## 2. Bamboo Group:

### On Bamboo

1. Due to long delay in wages while working in convergence with FD and MNREGS communities are reluctant to work for Bamboo.
2. Though Bamboo has been recognized as MFP, the guidelines for harvesting, transit and sale with the approval of Gramsabha are not yet formulated.
3. CFRe should be given to bamboo resource areas.
4. Gramsabha should have total authority on harvesting, transit and sale of the bamboo.
5. Full rights on bamboo management to be given to Gramsabha, shall be provided with necessary technical support.
6. Along with Bamboo other NTFPS shall be recognized as community forest resources, and titles must be given.

**Question one:** Feedback on the FRA new guidelines and draft rules for amendment, 2012?

1. Gramsabhas' must be conducted at habitation level
2. Constitution of FRC at habitation level must be ensured.
3. Formulation and circulation of guidelines for authorizing Gramsabha for collection, transit and sale of MFPs.
4. Title should be given within 6 months of application by the claimant.
5. All NTFPs including Bamboo to be considered under CFRe under section 3(1)(i).
6. Lack of guidelines on bamboo harvesting, transport and sales. Guidelines to be issued for these activities to be conducted under Gramsabha.
7. Capacity building and technical support to GS members.

**Question three/Four:** What is the current status of the CFRe and CFRt in the respective villages and operational villages? What needs to be done for to improve the situation?

1. In VSS forest areas, Community Titles are not being issued to claimants.
2. Wherever community rights are settled, boundary delineation had not done on ground. Communities in Paderu are not aware of such boundaries.
3. In Bhadrachalam, titles have been given on the name of VSS and not Gramsabha. The status is same in many other locations.

**Question Five:** What is the interest of communities in obtaining and managing the CFRe and CFRt?

1. Economic benefits to community as a whole.
2. Improvement in standard of living with better utilization of forest resources.
3. Increased feeling of ownership on the side of communities.
4. Direct role of communities in bio-diversity conservation and management.

**Question Six:** What are the deficiencies in the CFRe and CFRts? What are the recommendations?

1. In Paderu, individuals made claims on areas rich in mineral deposits. The communities discussed and are of opinion that such areas have to be claimed only under community rights/CFRe.
2. Citizen Charter to be made applicable for FRA process.
3. Wherever, CFRe/CFRt are provided, roles and responsibilities of the members and GS to be shared in written along with the title document.
4. If any claims are rejected, a written notice has to be given to claimant and Gramsabha so that these can be discussed and the claimant or Gramsabha can re-apply.

**Group members:**

S. No.	Name	Organization/Village/District
1	N.V. Satyanarayana	Girijana Vikas- Visakhapatnam
2	E. Ramarao	Chairman, RRC-G.K. VEED, Visakhapatnam
3	K. Ramu	Lokonda, Srikakulam
4	A. Krishnarao	Manapuram, Srikakulam
5	N. Nagesh	Pedduru, Srikakulam

6	M. Kamalamma	Savarabonthu, Srikakulam
7	K. Jaya Raju	Secretary, Samyogita, Srikakulam
8	K. Thrinadharao	Chief Functionary, Gramabhudaya, Visakhapatnam
9	D. Suribabu	Gramabhudaya, Visakhapatnam
10	G. Kalyanam	Kondaveedhi, Visakhapatnam
11	K. Arjun	Kandulapalem, Visakhapatnam
12	R. Pothuraju	Kandulapalem, Visakhapatnam
13	K. Gangathalli	Thumpada, Visakhapatnam
14	M. Ravi	ARTS, Vizianagaram
15	T. Dharma rao	Kedarapuram, Vizianagaram
16	E. Poornachander	CPF, Secunderabad
17	D. Srinivasulu	Vanasamakhya, Secunderabad

### 3. General Group

**Question one:** Feedback on the FRA new guidelines and draft rules for ammendment, 2012?

**Process of Recognition of Rights:** under this

Point (a) the communication for rejection shall be given in writing. Point (b) shall be incorporated under rules for effective implementation.

Point (e) while preparing the final maps of the forest lands, involvement of FRC members and local communities, along with Forest Department and Revenue Department officials is required.

Point (c) Gramsabha shall be provided with technical and financial assistance (similar in rule - 2 (d)). Constitution of Gramsabha in hamlets, non revenue villages and settlement areas.

**Question two:** Discussion on issues identified by different advocacy groups.

- Ambiguity over the process to be followed for identification of hamlets/settlements and conversion of forest villages to revenue villages.
- Need to broaden the functions of State Level Monitoring Committee – Planning oriented.
- Need to share the maps prepared by Revenue and FD with GS for their approval.
- Evidence or records held by Govt. to be shared with claimants.
- Lack of procedural guidelines for claims on habitat rights, verification and mapping in PTGs areas.
- Presence of a separate form and title might limit the scope of section 3 (1) (i).
- No specific mechanism has been provided to exercise the rights under 3(1)(i).
- Sync with existing working plans, management plans and forestry programs is missing.

- Lack of a response mechanism for petitions filed under violation of FRA.  
Group has agreed with the advocacy group's opinions and suggested the following:
  1. Special grievance cells shall be established at district as well as state levels
  2. Strengthening FRCs and constitution of FRCs in new settlement villages
  3. Wide publicity on purpose and importance of CRFe and CFRt rights
  4. FRC committee details along with roles and responsibilities shall be displayed in respective habitations.

**Question three/Four:** What is the current status of the CFRe and CFRt in the respective villages and operational villages? What needs to be done for to improve the situation?

1. Medak: Applied for Community Titles in 2010, but yet to hear anything about its progress.
2. Beersaipet GP of Utnoor: Applied for community rights in 2008, but didn't get any further communication on its status. Made claims for sacred places, grazing land, burial grounds and habitation.

**Group members:**

S. No.	Name	Organization/Village/District
1	K. Satyanarayana	Vice President, Vanasamakhya
2	S. Sathish	Chief Functionary, Seva Sangam, Medak
3	Rajasekhar Patnaik	CPF, Odisha
4	M. Krishna	Utnoor, Adilabad
5	Gudimeta Maruthi	Utnoor, Adilabad
6	Ms. Beembai	CPF, Utnoor, Adilabad
7	P. Padma	Vanasamakhya, Warangal
8	Ms. Athrum Jangubai	CPF, Utnoor, Adilabad
9	P. Shoba	Veerahanuman Vanasamakhya, Medak
10	K. Ramesh	HNRDS, Bhadrachalam South
11	K. Sanjeeva	Veerahanuman Vanasamakhya, Medak
12	G. Shekhar	Utnoor, Adilabad
13	M. Krupakar	VSS Member, Adilabad
14	K. Suresh	CPF, Secunderabad