

Telangana, State level consultation on “Status of implementation of Forest Rights Act (FRA) with regard to Community Forest Rights (CR) and Community Forest Resource Rights (CFR)”

Consultation proceedings

26th March 2015, St Ann’s Generalate, Secunderabad



ABOUT CPF

Centre for People's Forestry is a professional NGO working amongst forest communities in the states of Andhra Pradesh, Telangana and Odisha. CPF was registered in August 2002 and 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 belongs to the forest dwelling and dependent communities and their livelihoods should be the primary concern of all the forestry programmes.

Title : State level consultation on "Status of implementation of Forest Rights Act (FRA) with regard to Community Forest Rights (CR) and Community Forest Resource Rights (CFR)"

Date : 27th March 2015

Documented by : Mr Vasu.C and Mr E. Poornachander

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

Tele Fax : 040-27154484/94

Email : info@cpf.in,

Website : www.cpf.in

CONTENTS

Background

Objectives of the Workshop

Proceedings

Inaugural session

Status of Community rights in state:

Technical session

1. Sharing Experiences, Status of implementation and Issues: Adilabad
2. Sharing Experiences, status of implementation and Issues Concerned:
3. Sharing Experiences, status of implementation and Issues Concerned:

Concluding session

ANNEXURES

Background:

After independence several acts, laws and rules made by the state and the principle of eminent domain, came in to effect which were directly in clash with the traditional and customary rules of the tribal's and all these rules exploited them . The Panchayat Extension to Schedule Areas Act (PESA) 1996 and The Schedule Tribe and Other Traditional Forest dwellers Forest Rights Recognition Act 2006 (generally known as FRA) were categorically enacted to end the historical injustice made to the tribal's by recognizing their traditional rights which they have been enjoying for generations. The Community Rights (CR) and the Community Forest Resource Rights (CFR) of the local communities have been legally recognized by the Forest Right Act, 2006. The Act recognizes and vests forest rights which include rights to the local communities to sustainably manage the forests, wildlife and biodiversity. It empowers Gram Sabah to determine rights over the forests and to establish community governance over the forests. Unfortunately, in many states, the process of implementation of CR and CFR has been hindered due to several reasons which are the biggest challenge before the authorities, civil societies and above all, the communities. The rules were amended in 2012 to fill the gap in the policy as well as implementation process to ensure rights to the tribals in true spirit. Phases of regional consultation took place in different parts of the country, after the amended rules were notified in September 2012. Two such consultations were held in Hyderabad in October 2012 and 2013.

But even after then, there has not been much progress in the scenario with regard to CR and CFR in united Andhra Pradesh.

In the later phase, change in political scenario also affected the FRA facilitation process i.e. the notification for general election and state bifurcation in February 2014, then the new state formation etc. Now the new state has been formed and eight months have passed by but still FRA implementation has not gained momentum in Telangana. As per government records, 744 community rights titles with extent of 503082 Acres of land has been distributed and further 1609 community rights claims with extent of 17412 acres of land are pending.

Status of Community right in Telangana

So far, as field experiences/reports are concerned, following issues are identified.

- The implementation of Forest Rights Act, towards recognition of community forest resource rights (to be claimed in form C) has not been initiated. Even recognition of community rights under form B has been poor, post amended rules 2012. Some of the major reasons for this poor progress of the CFR are as follows:
 1. Absence of initiation of the process of receiving claims in Form C
 2. Lack of awareness and information among the communities as well as with the implementing authorities.
 3. Coordination gap amongst the departments / authorities
 4. Lack of support to the communities to file their claims and receive their titles.

- The habitat and habitation rights of the Particularly Vulnerable tribal Groups (PVTGs), rights of the pastoralist communities, rights of the displaced communities, conversion of forest villages into revenue villages have still not been recognized as per the FRA 2006 and in all the cases, the authorities are of the opinion that there is no clear guideline to recognize these rights.

- Last but not the least, the communities those who have got the titles should be provided support to exercise their rights and authorities to manage forests for their sustainable livelihood needs. This would require sustained support and facilitation for strengthening of traditional wisdom and practices of the communities. In this context, the changing role of forest department, institutional framework for CFR management, wildlife protection and biodiversity conservation, and future governance needs more focus and clarity. Convergence of programmes from other line departments and their management towards facilitation of Community Forest Resource management planning and implementation by the CFR title holding Gram sabhas, is another emerging area which needs attention.

Objectives of the workshop

The consultation proposes to discuss,

- Status of Community right claims (both in form B and Form C) across the state.
- Challenges as well as advances in recognition of Community forest rights in the state.
- Recognition of habitat rights of particularly vulnerable tribal groups, and exercise of bamboo rights.
- Recent policy-related developments and their implications particularly
 - Notification of new guidelines and FRA Amendment Rules 2012.
 - Government's order no 50 of united Andhra Pradesh, which lays authority to ITDA to settle all the FRA claims.
 - Letter from MOTA to Tribal Commissioner to withdraw Community rights titles distributed to VSS.)
- Any other related issues.

Proceedings

Inaugural session:

Welcome:

The consultation workshop commenced with a warm welcome accorded by Mr. Ramesh Babu Bethi, Senior Programme Officer, CPF, to NGO & community representatives. A round of self introduction of the participants was followed.



Opening remarks:

Dr Suryakumari, Director, 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 CR and CFR the consultation meeting provides a good platform, and requested participants to utilize this opportunity and come up with recommendations.

She also facilitated the open discussion among community members. Community shared their experiences regarding IFR and CFR. Over all status of community rights and community resource rights in Telangana was presented by Mr Rameshbabu Bethi.

Session I: Presentations on Status of CR and CFR, implementation, district wise.

Chaired by: Dr Urmila Pingle and Dr Suryakumari

Presentation 1:

By: Vijay and community members
Centre for People's Forestry, Adilabad

Presentation Highlights:

- RoFR is not been recognized in Kawal Tiger Reserve.
- Community members are not allowed to collect NTFP



and other Usufructs from the forest.

- Forest department is trying to build pressure on community members from core areas to relocate without recognizing their rights under FRA.
- Although joint verification was completed for 10 villages in Utnoor Mandal, it was rejected in later stage.
- The earlier recognized community rights titles are only in government records. Title documents are neither available with the community members or government officials.

Presentation 2:

By: Prathima Nalaboilu and community members

PMRDF, ITDA – Bhadrachalam



Presentation Highlights:

- 140 CFR title deeds given in the name of VSS in Khammam District
- MoTA letter to PPCF, AP for cancellation of VSS-CFR title deeds and issuing title deeds in name of Gram sabha
- Both Rule 2(d) of amended FRA Rules and Rule 8 Sub Rule (II) Part (a) of AP PESA Rules 2011 provides the right to Gram sabhas to harvest and sell Bamboo and Tendu.
- Gram Sabah's are unable to claim the income generated from sale of Bamboo and Tendu by FD since customary forest boundary of Gram Sabah have not been mapped.
- Neighboring states, community members are entering into the forest and causing deforestation, forest department is silent.
- The Sirasanapalli Gram Sabah was facilitated to map its customary boundary of 700 Hectares and obtain Community Forest Rights(CFR) for its traditional customary boundary.CFR title deed awarded to "VSS Sirasanapalli" for 500 Hectares in the year 2008 cancelled as per MoTA letter to PCCF, Andhra Pradesh declaring all CFR titles to VSS as illegal.



- Sirasanapalli is the first village in the State to successfully harvest and sell Bamboo through its Gram Sabah with the support of ITDA Bhadrachalam .
- Gram Sabah has efficiently managed the
 - Harvesting of 41674 Bamboo using silvicultural practices,
 - Grading & lotting of Bamboo in its own village depot,
 - Required Book keeping,
 - Conducting auction for sale of 41392 Bamboo on May 19th 2014
- Gram Sabah effectively managed the income sharing from bamboo harvest
 - Rs. 26, 10,000 income generated by Gram Sabah from sale of 41392 Bamboo logs on May 19th 2014.
 - After Rs 5.35 lakhs expenditure (out of which 3.83 lakhs has been given as wages to the villagers for harvesting, grading and lotting of Bamboo).
 - Rs 20.75 lakhs income is being used as follows –
 - Rs. 10 lakhs is being used for forest regeneration and community development works
 - Rs. 5 lakhs is to be distributed amongst the 31 families equally,
 - Rs. 5 lakhs to be retained as reserve funds for next year Bamboo harvesting
- The management plan includes:
 - Decongestion of Bamboo in 100 HA of customary forest
 - Protection of Forest by village youth at critical locations
 - Creating Rules for Gram Sabah and outsiders for protection of forest
 - Displaying rules prominently in critical locations
- Issues faced by the Gram Sabah Sirasanapalli from forest department(fd) in the district is as mentioned:-

- Lack of cooperation of FD in awarding CFR claim to Gram sabha. Only two CFR claims have been awarded to Gram Sabah in the District.
- Denial of Gram Sabah's forest rights by trying to force the Gram Sabah to transfer the Bamboo cut from its community forest to the FD depot so it can be sold by the FD.
- Denial of transit permit for transportation of the sold Bamboo - The FD made the Gram Sabah transfer half the income earned, Rs. 10 lakh rupees, to the VSS government account creating difficulties for the Gram Sabah to use the money for its village and forest development.
- **Recommendations:**
 - The transit permit rules of the State Forest Department should be changed to enable transit permits to be issued for Bamboo and Tendu sales conducted by tribal Gram sabhas.
 - Rule 8(II) of AP PESA Rules 2011 which states that Forest Department will conduct harvesting and sale of Bamboo and Tendu has to be changed to align with the FRA to allow Gram sabhas to conduct sale of Bamboo

Presentation 3:

By: MA. Saleem and community members
 Chief functionary, CONARE, Mahbubnagar

Presentation Highlights:

- Community rights claims are pending in SDLC since 2013.
- Chenchus are not allowed to sell the fish from the Rushula Cheruvu in Billakal village of Balmoor mandal in Mahabubnagr district. Community right to sell the fish from the water bodies, for which they have customary rights, is curtailed.
- Habitation rights of PVTG – Chenchu is not recognized in the district.



- Community rights under section 3 (1) has not been recognized. I.e. NTFP area, grazing land, sacred grooves, burial ground. The recognized community right titles are only as per section 3(2) i.e. for development works.

Open discussion:

The main highlights from the discussion are as follows:

- In all the districts, the tribal communities are dependent on forest in several ways such as – sacred spaces, grazing areas, NTFP collection areas (up to 30 -60 percent income comes from NTFP), grave yards, spaces where they regularly collect food produce such as roots, tubers and green leafy vegetables etc (up to 20-40 percent of food consumed) and fuel wood (100 percent dependency) as well as small wood for their other needs.
- Government has not taken any proactive measures for the facilitation of claims with regard to CRs and CFRs
- The CRs recognized prior to September 2012 (i.e. issued to the VSSs) are not relevant. More over the title documents are not available at the villages. These titles have to be withdrawn (even on paper) and reissued to the respective Gram sabhas as per the provisions of the FRA.
- It was shared that field level officials too need awareness on the provisions of the FRA (CR & CFR)
- In some districts, with the support of NGOs and ITDA (Bhadrachalam), the claim process has been taken up but the submitted claims have not been processed at the SDLC level and sent to the next level.
- Overall it was felt that the situation is very discouraging and much needs to be done by the Government with regard to the implementation of the FRA.

Concluding Session: Way forward

Dr Suryakumari, welcomed Prof Kodandaram, Chairman of all party Telangana political joint action committee (TJAC), the Chief Guest of the meeting and gave a brief recap of the previous session.

The Chief Guest of the meeting shared that tribal's were denied rights on forest resources earlier and the Forest Right Act proposes to recognize their rights and have provisions for the issue of titles with regard to community forest rights and community forest resource rights, to the Gram Sabah's so that the community can put in efforts towards sustainable management of the forests. This has been demonstrated by the Sirisanapalli village of Chintur mandal. Such examples dispel the fears if any among the officials about the destruction of forest and efforts should be there to replicate at least one per mandal. The degradation of forest is due to illegal intervention of outsiders and can be checked by the forest dwelling communities as they have sense of ownership over forest. Measures should be taken collectively by the community and government to check the outside intervention. He emphasized on afforestation in common lands and deforested areas with plantation of fast growing trees that helps in nitrogen fixation. He assured that he will take up the issues identified in the consultation to various forums so that it can be discussed and addressed.

Dr.Urmila Pingle, Managing Trustee, CPF, in concluding remarks shared that officials could not attend the workshop due to ongoing assembly session. 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 Sirsinapalli village of Khammam district have invited the participants to visit their villages for exposure and cross learning.

Plan of Action for Future: To prepare a representation letter of request to Government of Telangana, with details of issues and recommendations pertaining to FRA implementation in Telangana, with special emphasis on Community claims. A core team has been formed involving the representatives of Vanasamakhyā and Tribal communities to meet the

honorable chief minister of Telangana , 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 .

Vote of thanks was given by Mr. Rameshbabu

Representation from the State Level Consultation held on 26th March, 2015

State level consultation on “Status of implementation of Forest Rights Act (FRA) with regard to Community Forest Rights (CR) and Community Forest Resource Rights (CFR)”

We the undersigned have come from five districts viz, Adilabad, Nizamabad, Mahabubnagar, Warangal and Khammam of the Telangana State to the above consultation held at St. Ann’s Generalate on 26th March 2015 and shared the experiences of FRA implementation with regard to the CR and CFR in our respective districts. We have noted the following:

- In all the districts, we the tribal communities are dependent on forest in several ways such as – sacred spaces, grazing areas, NTFP collection areas (up to 30 -60 percent income come from NTFP), grave yards, spaces where we regularly collect food produce such as roots, tubers and green leafy vegetables etc (up to 20-40 percent of food consumed) and fuel wood (100 percent dependency) as well as small wood for our other needs.
- Government has not taken any proactive measures for the facilitation of claims with regard to CRs and CFRs
- We understand that the data provided in the website about the CRs (i.e. issued to the VSSs) are not relevant. More over the title documents are not available at the villages. We understand that as per the guidelines of MOTA, these have to be withdrawn (even on paper) and reissued to the respective Grama Sabhas as per the provisions of the FRA.
- Field level officials too need awareness on the provisions of the FRA (CR & CFR)
- In some districts, with the support of NGOs and ITDA (Bhadrachalam), the claim process has been taken up but the submitted claims have not been processed at the SDLC level and sent to the next level.
- Overall we all felt that the situation is very discouraging and much needs to be done by the Government with regard to the implementation of the FRA

Based on the above observations, we unanimously request the Government to take up the following measures immediately:

1. Initiate proactive measures to create awareness (to field officials and community members) and facilitate the claim process with regard to the CR and CFRs, in form “B” and form “C” of the FRA
2. Expedite the processing of claims submitted to SDLC and arrange to issue the titles at an early date to the Gram sabhas
3. Organise Quarterly review meetings at SDLC and DLC levels to review the progress and take appropriate measures

4. Remove the existing data with regard to community rights in the web site (which is only on paper and in the name of VSSs) and start updating the information with regard to the titles issued to the grama sabhas, district wise and grama sabha wise
5. Facilitate coordination between the Forest Department, Tribal and revenue departments to speed up the process.
6. After the issue of titles, support us with funds for land development, conserve the diverse food sources that are accessed from the forest and water conservation activities
7. Institutional support has to be provided to strengthen the CFR management committees in the line of producer organisations (cooperatives/company) and/or SHGs
8. Community right to sell the fish from the water bodies, for which they receive titles, should not be curtailed. Eg: - Chenchus are not allowed to sell the fish from the Rushula cheruvu in Billakal village of Balmoor mandal in Mahabubnagr district
9. Transit permits issued by the Grama Sabhas have to be respected (as demonstrated in the case of Sirasanapalli of Chintoor mandal) and the forest department has to be advised to that effect. They should not stop NTFPs such as Bamboo, Tendu leaves and other produce, when sold by the Grama sabhas

We also assure that the areas for which CR and CFR titles are issued to us will be protected and managed sustainably by us.

Copy to:

1. Minister , Ministry of Tribal Affairs, Government of India, Shastri Bhawan ,New Delhi
2. Secretary , Ministry of Tribal Affairs, Government of India, Shastri Bhawan ,New Delhi
3. Joint Secretary , Ministry of Tribal Affairs, Government of India, Shastri Bhawan ,New Delhi
4. Governor, State government of Telangana
5. Chief Minister , State government of Telangana
6. Minister , Tribal welfare Department , State government of Telangana
7. Minister, Department of Environment , forest , science and Technology , State government of Telangana
8. Chief Secretary , State government of Telangana
9. Principal Secretary to Telangana Government (Social welfare and Tribal welfare)
10. Principal Secretary to Telangana Government(Environment, forest, science and technology)
11. Commissioner , Tribal welfare department, State government of Telangana
12. Principal chief conservator of forest , Forest department , State government of Telangana
13. Additional Principal chief conservator of forest(WL), Forest department , State government of Telangana
14. Director , Tribal welfare department, State government of Telangana