

REPORT ON
“OPERATIONALISATION OF FOREST RIGHTS ACT”
(CALPI-LAN Partnership)

CAPITALISATION OF LIVESTOCK PROGRAMME EXPERIENCES INDIA

NEW DELHI

SEVAMANDIR

JAIPUR

LEAD ADVOCACY NETWORK

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PROJECT ON IMPLEMENTATION OF FOREST RIGHTS ACT

1. Background:

Common land and the resources derived from it is the primary source of survival for the resource poor communities in India. After independence, the access of poor communities to common lands was legally denied by the state through different policies. The forest dwelling communities who live in the forests are the worst affected. Therefore, the right to access land is the key determinant both for the deprived and the ecology. The recently declared 'Scheduled Tribes and other Traditional Forest Dwellers' (Recognition of Forest Rights) Act, is a step aimed to compensate the historical injustice meted out to forest dwellers, scheduled tribes and other traditional forest dependent communities whose forest rights on ancestral lands and their habitat were not adequately recognized in the consolidation of state forest during colonial period as well as in independent India. Soon after the Act was promulgated, rules were enacted which were notified in the gazette on 19th June, 2007.

2. The Act:

Gram Sabhas have been assigned important role in the implementation of the provisions of the Act promulgated by the central government and applicable from December, 2006. The *Gram Sabha* would elect Forest Rights Committee who would invite claims on forest land as detailed in sec 3 (1) of the Act. Some of the important rights mentioned are

1. Right to hold and live in the forest land under individual or common occupation for habitation or self cultivation for livelihood.
2. Community rights.
3. Right of ownership, access to collect, use and dispose of minor forest produce.
4. Rights for conversion of *pattas* or leases or grants on forest land.
5. Conversion of all forest villages into revenue villages.
6. Right to protect, regenerate or conserve or manage any community forests resource which they have been traditionally protecting.
7. Right of access to biodiversity or community right to intellectual property.
8. Right to in-situ rehabilitation including alternative land where scheduled tribes or traditional forest dwellers have been illegally evicted without receiving legal entitlement to rehabilitation prior to 13th day of Dec 2005.

The vesting of forest rights under this Act, with respect to forest land shall be subject to the condition that the scheduled tribes or other traditional forest dwellers had occupied forest land before 13th day of December 2005.

The Forest Rights Committee of each *Gram Sabha* after recovering the above referred claims will examine the claims, look into the evidence, visit and survey the site, demarcate, and then would put its recommendation for the claims before the *Gram Sabha*. The *Gram Sabha* would then approve/disapprove the claims and would forward them with their recommendation to the Sub-Divisional Committee who in turn would send it

to the District Level Committee who would finalize the claims. The District and Sub-Divisional Committees are supposed to raise awareness through workshops and other means and sensitize officials and the public, and members of *Gram Sabha* about the provisions of the Act.

According to the Act, the forest dwellers (those who have been living in the forest for more than three generations) and forest dependent communities (those living in and around forests including SC pastoralists) will be given the right (only rights; no pattas) to use forest land upto 4 Ha (for own consumption and livelihood only; not for commercial purpose). The eligible categories of forest dwellers derive almost 30% (varies from state to state) of livelihood from livestock (remaining 70% from agriculture). So if their livelihood is to be protected their access to grazing ground /CPR should also be ensured.

While implementation, the Departments of Revenue and Forest have to cooperate with the FRC (the Bill do not take into account the Forest Protection Committee of JFM, which has the responsibility of forest protection, which is in variance with the FRC's role of regularisation of access rights).

3. Glitches in the Act:

Though this Act provides a ray of hope, it is found to have certain potential weaknesses, which would have environmental and livelihood implications. The act does not reveal much on:

- (a) irrational and multiple claims by different members in the same family. People already having sufficient landholding, may also come forward to make claim on forest lands
- (b) access rights to illegal encroachers
- (c) regularisation of patches of land scattered all over the forest & exchanging it with other land
- (d) rejection of claims on ecological grounds and exchanging it with other land
- (e) allotment of land for the claimants of one village in another village

These grey areas in the Act could be interpreted negatively. Besides the forest lands reaching the wrong hands (the economically better off who are aware of the Act will take advantage of the Act and the downtrodden for whom the Act is meant will remain as marginalised), it would also affect the forest ecology. Under these circumstances the proposed project was formulated to support the implementers of the Act for its right interpretation and execution.

Under the circumstances, we feel that civil society organizations should take up the responsibility of making people aware of the provisions of the Act, role of different stakeholders in implementation of the Act and help *Gram Sabhas* in taking proper decisions which would protect the rights of genuine claimants with as little as possible destruction to forest land.

THE PROPOSED PROJECT

1.Goal - Proposed Interventions

To establish a more transparent and participatory approach towards implementation of the Forest Rights Act.

2. Objectives and activities:

2.1 Evolving Best Practices for Engaging with the Communities/Forest Rights Committee

Capacity building of Forest Rights Committee and *Gram Sabha* on provisions of the act and their role in implementation is an essential requirement so that eligible claimants will get their due rights. Need of the hour is that people should also be made aware about the concept of land use wherein the decision about defining the classification of land should be based on, firstly, the land capability and, secondly, the subsistence needs of the population. For e.g conversion of land-use pattern of the upper reaches of a hill from forest land to agriculture land might not yield much to the tiller and might end up damaging the ecology and watershed health of the region. Thus in a nutshell the focus would be on capacity building of members of Forest Rights Committee on the right interpretation and implementation of the Act for making it community friendly.

Activities

The present year has witnessed the formation of institutional structures like Forest Rights Committees and various monitoring committees like Sub-divisional committees etc. The same shall initiate the work followed by the implementation of their suggestions. Therefore our major activities towards the same shall be

- Sensitisation meetings involving community in 6 villages on the provisions of the Act and its implications
- Training of FRCs and community leaders on right interpretation of FRA
- Focus Group discussions and surveys to facilitate inventorisation of legitimate claimants by the community and the potential fallouts at family, intra and inter village levels

2.2 Planning for future land use- For the same dialogues with the Gram Sabhas and capacity building initiatives would be take n up. This will include trainings, resource mapping exercises and PRAs.

Activities

- Primary and secondary data collection and resource mapping
- Survey and FGD for livestock, Livelihood and ecological assessment
- Community level discussions for land use analysis
- State level consultation (in AP and Rajasthan) to update status of implementation of FRA and discuss on CPR and livestock interaction
- Consultation in other LAN states (MP, MR, Gujarat) to update status of implementation of FRA and discuss on CPR and livestock interaction under the guidance of LAN anchor

2.3 Developing Guidelines for claim settlement (for FRC) - This includes supporting *Gram Sabha* and Forest Rights Committee to settle claims as per their vision giving specific reasons for approval or rejection - this may include negotiation with claimants who claim land with low ecological capability and/or scattered patches and reallocate them on other suitable sites which may be against the provisions of Act but will be in the interest of forest wealth and ecology. This might involve decisions which rationalize or balance community land use and individual stakes. This also might require working on an action research mode to optimize the decisions made so that they incur minimal ecological damage and at the same time are able to settle community/individual rightful claims. Thus in a nutshell ideally our focus shall be on land use planning for the whole village taking the use of forest lands as CPRs for the coming generation. Therefore the approach suggested is to go for a balanced win-win model (livelihood security and conservation of ecology - not one at the cost of the other).

The major activities under this head shall include

- Meetings for stakeholder analysis of encroachers and non encroachers
- Chalking out legitimate claimants based on I.3 and facilitating negotiation and conflict resolution

These exercises shall include assisting communities with aggregation of claims and conducting joint exercises in the field to take stock of the total land use situation in the village and veracity of the claims being received in terms of appropriation of need for individual livelihood needs and communities' collective stakes.

2.4 Evolving a roadmap - Finally, we would like to evolve a roadmap for dealing with all the land use related issues in the future and guidelines for claim settlement. This would also include supporting the *Gram Sabha* in solving inter-village conflicts. Conflict Resolution can be based on proven methodologies and participatory exercises like PRAs and RRAs to make collective decisions about the veracity of the claims. We also propose 'continuous dialoguing' as a guiding principle instead of confrontation which would only widen the gap between the enactors and the beneficiaries. Thus this phase would include joint meetings with the communities of the target villages.

Activities

The broad deliverable under the same shall be in the form of documents that can chart out the future roles of any development agency in the village.

- Micro plan: Draw inferences from above (III. 1-4) analysis and do microplanning exercise including land use prioritization involving village leaders, elderly people
- Road map: Develop road map for addressing major land use issues for local context involving FRCs and other village institutions

2.5 Integrating learnings in watershed development and policy advocacy - Study the Forest Rights Act provisions and its implementation vis-a-vis its implications for common lands and livestock. This *is to gain* broader insights into the action points for blending them with *the ongoing* work in watershed development and policy advocacy.

Activities

The activities will focus on

- Study Forest Rights Act provisions and its implications on CPR and livestock
- Document learnings for integration in watershed development work and for policy advocacy.

2.6 Process Documentation - All the organizations would do thorough process documentation and sharing would be done on regular intervals of 15 days. Cross organizational visits would be done every two months to witness the process and the movement of the initiatives. One of the major learnings of the project can be through commissioning of Thematic papers in the partner states of AP, Rajasthan, Gujarat and Karnataka on the status of implementation of the Forest Rights Act. Process documentation of how the rules are being implemented may help us in doing activities in a better way in the few villages/regions, so as to setup models for replication/emulation.

3. Geographic focus:

The project will focus its activities in six selected villages in Rajasthan and Karnataka as detailed below:

-Rajasthan - 3 tribal forest villages where livestock based livelihoods is predominant (one in reserve forest, one in protected forest and one in unclassified forest)

-Karnataka - 3 tribal forest villages where settled agriculture is predominant (one in reserve forest, one in protected forest and one in unclassified forest)

In Andhra Pradesh the focus will be on study of the Forest Rights Act provisions and its implementation vis-a-vis its implications for common lands and livestock.

4. Time frame

The time frame of the project will be from 1st August 2008 to 30 November 2008.

5. Project Management

The responsible entity for the overall project organization and management is Sevamandir, the current Anchor for the **LEAD Advocacy Network**. The anchor will coordinate the work together with the LAN members. State level activities are coordinated and implemented by the respective state LAN members: CEE (Gujarat), SAMPARK (Madhya Pradesh), OUTREACH (Karnataka), Seva Mandir (Rajasthan), WASSAN (Andhra Pradesh) and WOTR (Maharashtra).

An operational agreement outlining the guidelines for project implementation, monitoring and reporting mechanisms including accountability shall be worked together with other members for realizing the project outputs. LAN coordination may be organized to review and strategize the project activities and objectives. LAN Anchor will release funds to other LAN members based on a MoU. The LAN Anchor will be responsible for the reporting of activities to CALPI /Intercooperation.

PROJECT COMPLETION REPORT ON
“OPERATIONALISATION OF FOREST RIGHTS ACT”
(CALPI-LAN Partnership)

1.Goal - Proposed Interventions

To establish a more transparent and participatory approach towards implementation of the Forest Rights Act.

2. Geographic focus:

The project focussed on activities in five (3+2) selected villages in Rajasthan and Karnataka. In Andhra Pradesh the focus of the study was on the Forest Rights Act provisions and its implementation vis-a-vis its implications for common lands and livestock.

3. Time frame

The time frame of the project was from 1st August 2008 to 30 November 2008 but later on extended to 25th December 2008.

4. Project Management – The project was implemented through a group of three organisations Seva Mandir, (former Anchor for the LEAD Advocacy Network) and two other LAN partners namely OUTREACH (Karnataka), WASSAN (Andhra Pradesh).

5. Objectives and activities:

Expected outputs /outcome	Activities	Project Activities/Outputs	
		Rajasthan	Karnataka
		<p>⇒ Two meetings held in each of the villages.</p> <p>⇒ One overall training held in each of the villages to sensitise people and train people about the provisions of the FRA.</p> <p>⇒ People were also engaged in pilot of the FRA in one of the trainings. It was found that estimation of area of encroachment was difficult for the members of the FRCs</p>	<p>In Karnataka the progress regarding the act has been nil and the people in the project villages have not been informed about the provisions of the FRA by the government.</p> <p>Through the training people were informed regarding the provisions of the FRA. Since most of the villagers are from the non-tribal community there is a lot of confusion if these provisions actually apply to them. (the clause of three generations) is difficult to verify.</p> <p>Mathigatta Selected to study the understanding of tribal on FRA</p> <p>Chicksalur Selected to study the understanding of Non-tribal on FRA.</p> <p>⇒ Ten visits to each village to conduct meeting and sensitize villagers on FRA</p> <p>⇒ Conducted training on FRA to persons (60 and 55 from Mathighatta and Chicksalur respectively)</p> <p>⇒ The paper on highlights of the FRA in local Language were distributed to key persons of the village.</p>

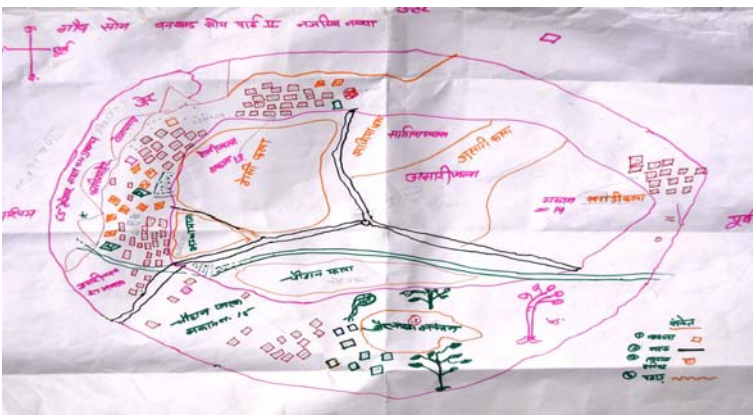
<p>I. Guidelines for claim settlement (for FRC) developed</p>	<ol style="list-style-type: none"> 1. Meetings for stakeholder analysis of encroachers and non encroachers 2. Chalking out legitimate claimants based on I.3 and facilitating negotiation and conflict resolution 	<p>⇒ List of claimants prepared for all the villages but the verification could not be done as the process was dependant upon the initiatives of the <i>Gram Sabhas</i>. A small committee of sarpanch, Forester and Patwari (village land record officer) was formed to guide the people regarding the verification. This has been pending for a while.</p>	<p>Both in Chicksalur and Mathigatta villages we did not find the Claimants under FRA but, efforts to regularize land/ to obtain pattas in Chicksalur and Mathigatta through revenue and forest department applications were submitted 12 years back.</p> <p>No clear picture available in both villages on Number of evictions.</p>
<p>II. Issues related to land use in FRA context are inventorised taking livestock, livelihood and ecological concerns into consideration</p>	<ol style="list-style-type: none"> 1. Primary and secondary data collection and resource mapping 3. Survey and FGD for livestock, Livelihood and ecological assessment 4. Community level discussions for land use analysis 5. State level consultation (in AP and Rajasthan) to update status of implementation of FRA and discuss on CPR and livestock interaction 6. Consultation in other LAN states 	<p>⇒ PRA and resource mapping done in all the villages. Areas under encroachment found out through</p> <p>⇒ Forest Mapping Exercises</p> <p>⇒ Mapping of the Encroachments.</p> <p>⇒ Sample Survey conducted in all the three villages. Results analysed for</p>	<p>Majority do not have Land pattas in both villages, but in Mathigatta village 25 acres of private land is owned by 14 families for which they have pattas (size of land holding ranges from ½ acre to 2 acres)</p> <p>Chicksalur: Out of 1245 Acres 52 Acres are Gomaal (Grazing land) and rest 1193 Acres belong to Forest Department</p> <p>Mathigatta: Out of 1418 Acres 450 Acres are Gomaal (Grazing land), private land and 968 Acres belong to Forest Department</p>

	(MP, MR, Gujarat) to update status of implementation of FRA and discuss on CPR and livestock interaction under the guidance of LAN anchor	<p>livelihood mapping of the encroachers</p> <p>Total HHs – Surveyed-Claimants Som – 400 - 103 - 51 Shyampura –115 - 32 - 18 Ambavi – 223 - 113 - 38 ⇒ Final consultation held at Jaipur where the presentation of the findings of the project and of the status papers were done.</p>	<p>Department</p> <p>1. Chicksalur : Out of 156, 149 families are cultivating on forest land of 592 acres out of which 260 acres was evicted by Forest Department. Same 149 families still cultivates 332 acres (size of land holding ranges from 1 acre to 2.5 acres)</p> <p>2. Mathigatta: Out of 66, 45 families are cultivating on forest land 118 acres out of which 40 acres was evicted by Forest Department. Same 45 families still cultivates 78 acres.</p>
III. Potential interventions (village microplans), and road maps (for facilitating organisations) developed	<p>1. Micro plan: Draw inferences from above (III. 1-4) analysis and do microplanning exercise including land use prioritisation involving village leaders, elderly people</p> <p>2. Road map: Develop road map for addressing major land use issues for local context involving FRCs and other village institutions</p>	<p>Status papers of MP, Karnataka, AP and Rajasthan written.</p> <p>Microplan and Road Map Being finalised. This can only take place once the process of verification of the claims is done by the concerned authorities</p>	<p>Microplan and Road Map Being finalised.</p>

<p>IV. Identified the action points for integration in watershed policy</p>	<ol style="list-style-type: none"> 1. Study Forest Rights Act and its implications on CPR and livestock 2. Identify points for integration in watershed development programmes /policy 	<p>A check list/ format for discussion with the communities and collecting information was prepared, field tested and improved after one pilot village visit. Later, the team members conducted the first village visits and meetings independently and in teams. In the first visit/meetings the status of dependence of the community over forest resources, FRA implementation in those villages was understood, Act and provisions were explained to community, problems in filing claims were identified and the community members were given on orientation the same. Similarly, the data and information as per the checklist and format were collected along with village resource map. After completion of the first visit to the villages, all the team members shared the broad findings and information, refined the format and conducted a second visit to the same villages. In these meetings, the data gaps were filled and the community was also supported in filing claims.</p>	
<p>V. Enhance the knowledge of stakeholders on the ways means of right implementation of FRA</p>	<ol style="list-style-type: none"> 1. Development of perspectives and guidelines on different typologies¹, based on analysis of issues and implications for livelihood across different agro-ecologies in the three states 2. Publication of 'guidelines' 	<p>⇒ Being finalised. ⇒ It would be continued by the individual organisations after the project period on a continuous basis.</p>	<p>Being finalised. It would be continued by the individual organisations after the project period on a continuous basis.</p>

General Outputs from the Project

Rajasthan



Implications for Livestock from the Data collected

- ⇒ Most of the encroachers highly dependant upon livestock rearing
- ⇒ Most of the encroachers are cultivating two crops
- ⇒ Two villages having substantial production from two villages while in village Som, people have substantial lands in the village.
- ⇒ Most of the encroachments have been done on forest lands which have been traditionally used for grazing purposes. In village Som the good quality land has also been converted for agriculture.
- ⇒ Post encroachment most of such lands have been used for agriculture purposes as also for cattle rearing in the forest areas.
- ⇒ Most of the people have also ended up doing substantial land development activities though boundaries are non-descript
- ⇒ Most of the people do not have proofs/evidences of encroachment

Perception Of The People

- ⇒ Forests as a community resource are under threat
- ⇒ The regularization of encroachments would interfere with drainage lines and would be detrimental to watershed health of the region.
Blockage of grazing paths would affect livestock based livelihoods

Way Forward

- ⇒ Should we look at this phenomenon of settling claims as a one-stop activity or an ongoing process??
- ⇒ How to respond to changing macro-micro landscape – (forest land being used for cultivation)
- ⇒ How to make balance between land se changes and local hydroecology and issues related to livestock and grazing.
- ⇒ secondly Are We (*Communiy – State – Civil Society*) prepared for planning ecologically sound land use and environmentally sustainable practices??

Karnataka

Sample study undertaken by OUTREACH in two villages of Shikaripur taluk in Shimoga district indicates the variation of pattern of tribal settlements. In Chiksalur village there are only two tribal families against a concentration of scheduled caste families. These two tribal families are Hakki-pikkis who are known to be nomadic bird catchers. Mattighatta village, sixty out of sixtyseven families are S.Ts. There is a substantial difference in the land record maintained as seen from the data collected. The table below gives the pattern of encroachments in the two sample villages studied by OUTREACH. There are differences in the basic records of revenue and the forest departments, as can be seen from the sample study. Such differences are seen in most taluks of the state, where there are substantial portions of land controlled by the government departments. It is also seen that the residents own lot of cattle for additional income. Similarly encroachments on government lands were rampant. The forest department in recent years has tried to remove encroachments to use the lands for planting trees under the Joint Forest Management scheme. Joint Forest Management Committees are created in most forest divisions. The abstract of data collected in the two villages is given below as an example.

Sl No	Name of the village	Total Land available including Revenue, forest and Gomaal (within village boundary) (in Acres)	Total land cultivated by the community – <i>Land encroachment</i> (in Acres)	Total land evicted by Forest department – <i>Encroached land</i> (in Acres)	Total land currently cultivated by the Community- <i>Encroached land</i> (in Acres)
1	Chick Salur	1245*	592	260	332
2	Mathigatta	1418**	118	40	78
	TOTAL	2663	710	300	410

1. Implementation process and filing of individual claims:

S. No	Village	Gram sabha	Formation of FRC	Number of Individual Claims filed		Survey completed	Acceptance of SDC and issue of titles	
				No.	Acres			
1	Sundariah guda	Conducted	Yes	22	108	Yes	In process	
2	Cheemalapadu	Conducted	Yes	80	300	Yes	In process	
3	Ganuguruolu	No	Yes (at the panchayat level)	Nil (Local organization completed the process of mapping. Claims to be submitted)		No (done only by local organisation)		
4	Gangineedu palem	Yes	Yes (in the panchayat where land falls, not in this habitation) Local organisation facilitated formation of habitation level committee though formally not recognised	150	300	In the process		
5	Pentlam	Yes	Yes	120	624	Yes	In the process	
6	Pochavaram	Yes	Yes	53	213	Survey stopped due to polavaram irrigation project		
7	Ramanjaneya colony	Yes	Yes	65	85	Yes	In process	
8	Soman	No	Yes (without	62	18	No		

Project Experiences - In Somangurthy FRC was formed with those who do not have any stake in the forest land and use of CFRs. No forest dweller or OTFD is represented in the committee. Dominant sections within the village had captured the committee. Power politics are at play in such places, particularly in the villages in plains where the forest area is seen as only an additional source of livelihood and income in terms of firewood, grazing and additional land for cultivation. In the villages with higher integration with livelihoods like Ganuguruolu, Sundariah guda, Cheemalapadu, Pochavaram the committees and the process is more participatory and representative. It also depends on the homogeneity of the community. In the villages like Pentlam, Gangineedu palem and Ramanjaneya colony the committees could be formed only with external pressure and facilitation supported by the local activists/organizations. Regarding survey and claims settlement process, in the interior tribal areas as well as scheduled areas officials are more proactive than the officials in the plains. The final aspect of conferring rights is stalled after a case is filed in the High court of Andhra Pradesh against the implementation of the Act. However, Court has directed that officials can complete the remaining process of receiving claims, survey etc. Another aspect is formation of committee at panchayat level. While the officials are ensuring that they are formed only at panchayat level in Ramanjaneya colony, local activists ensured that the committee is formed at habitation level.

Policy Workshop

A final consultation workshop was organised in Jaipur.

Programme for Operationalisation of Forest Rights Act

Day One involved an inaugural address by Ms Neelima Khetan regarding the purpose of the workshop as well as the goals of the workshop. She also appraised the audience on the nature of forests as common lands and also of Seva Mandir's role in the Committee on State agrarian Relations and Unfinished task of Land Reforms. A presentation on Workshop goals was done by Shri Shailendra Tiwari.

The keynote address was delivered by Additional PCCF, Shri H M Bhatia who cautioned the audience regarding the looming danger of this act being perceived as a Land or *patta* distribution scheme. He also expressed concern over the conflict between habitation and cultivation. The act has provisions for both the individual as well as the community. The act has been brought in to correct the so called "historical justices" meted out to tribal people but it is fast being perceived as a scheme to regularise encroachments. The new enactment is bound to have impact on good forest lands as well. While implementation of the act also needs to take into consideration the needs of the community to take up the responsibility of verification and fringe settlement of encroachments. Also one must be mindful of further expansion and extension of human habitation in other forest areas.

Presentation of Status paper – Rajasthan, Vivek Vyas – The progress of the Forest Rights Act has been rather slow in Rajasthan through the Tribal Affairs Department. In the southern region of Rajasthan, 34525 cases have been filed out of which 8947 have been forwarded by the SDLCs to DLCs. 2704 cases have been approved by the DLCs.

FRA Project Experiences, Rajasthan - Presented by Shri Shailendra Tiwari, Vivek Vyas

Feedback Comments – Among others Mr Chetan Agarwal (winrock) gave feedback regarding the need of changing land use in various parts of the country. So it might mean that land officially considered as forest lands might have been transformed into private lands. Also the ecological value of the forest lands must be recognised. Therefore the provisions of community forest rights can be used to recognise the environmental and use value for the community at large thereby balancing increasing individual stake over the forest lands. This is also true as the forest land use change has been put on hold after the forest act 1980 but is likely to change after the forest rights act. While we are talking about land use we should also think of other uses like diversion of forest lands which might have as much impact on the forests.

Also there is a need to highlight other aspects related to forest disputes like Mutation entries into forest records, settlements and boundary disputes.

Feedback by Shri H M Bhatia – It is also important how the new FRA relates with the other act like the Indian Forest Act. There are also confusions regarding the future after the present process as well as over the right to use the forests. Care should be taken to prevent the expansion into other areas. One of the ways is to distinguish between the claimants based on

the profiles of the claimants. One of the contentions has been about only those people can avail of loan who have titles to land and it has been found that this Act has been enacted to correct such wrongs. Thus the need of hour is see to it that the act is being enacted in true spirit.

Mr BMS Rathore, IFS (presently on deputation to Winrock International) opined that the act brings back settlement issues that were considered to have been ongoing or incomplete and therefore there is a need to look at how it will read with other legislations. Most of the community forest protection initiatives have a problem that their protection have not graduated into management.

Status paper – Madhya Pradesh, P K Biswas Professor at IIFM, Bhopal– Progress in MP over the act has been really good with the proactive stance of the government with help of audio visual and IT aids About 297,599 claims were received out of which 1,13,982 were verified by the FRCs. 28602 and 19562 claims have been forwarded by the DLCs and SDLCs respectively. A total of 8059 tenure rights have been distributed till date.

Status paper - Andhra Pradesh was presented by Vijay Bhaskar – A total of 307104 individual claims and 5460 community claims were also received.108865 claims were recommended by Gram Sabha to the SDLC while 84984 were commended by SDLCs to the DLCs. A total of 77541 titles have been Approved till date.

FRA Project Experiences, Andhra Pradesh - Presented by Shri Ravi Kumar, Vijay Bhaskar – This was done for eight villages in Andhra Pradesh where community forest rights were studied.

Day two saw presentations as following

Status paper – Karnataka By Mr.Adkoli IFS (Retd) – Hardly any progress has been done on the FRA in Karnataka.

Community Forest Rights - Presentation by Shri Chetan Agarwal from Winrock was made on the Community Forest Rights workshop conducted in Delhi on 24th October.

Concluding session - The workshop concluded with remarks from the guest speaker Shri Ajay Mehta who emphasised upon the need to Identify with the needs of the forest dwelling communities. Also he emphasised upon the need to bring in new institutions and giving more autonomy to such institutions. Ms Neelima Khetan commented that many times the communities have failed to take up the custodianship of forest resources given the adverse drought conditions and therefore leaving everything in the hands of the community might also not be such a good idea.

Mr Sunil Ray was of the opinion that we can talk about sustainable ecosystems but at the microlevel we need to bring justice for the people. Mr Chetan Agarwal and Mr Surjit Singh commented that we need to bring in more facilitation for such kind of initiatives so that the provisions of such legislations are enacted in a proper manner.

Conclusion:

This project can be considered to be quite unique of its kind. Usually engagement of stake holders and their enthusiasm is overwhelming at the advocacy stage. The real challenge lies in the actualization of the policy provisions. This project could serve its purpose by sensitizing the community and other stakeholders towards their rights and responsibilities pertaining to forestlands.

The Forest rights Act is an opportunity which aims at conferring rights to the claimants over the forestland they were occupying for years. However, the process of submission of the claims and verification and allotment of land needs to be well understood at all the levels. The state, community and civil society organizations have to be vigilant to determine that it is done in a transparent manner. The project provided first hand experience to partner NGOs with operationalization of the Forest Rights Act at the ground level. The status papers highlighted historical aspects of forest settlements, management and community access to forests. These papers specifically mentioned about the progress made towards implementation of the FRA.

At the field level, the project on “Operationalization of Forest Rights Act” tried to address the complexities involved in realization of newly conferred rights to the tribal people. It was very important to notice that the community as a whole is more concerned about the conservation of local forest resources than ever before. The livelihood of the tribal people is still dependent to great extent on natural resources. As their farming systems are still under going a process of maturation from hunting gathering, forests resources are still of vital livelihood and ecological significance to them. Hence apart from individual claims, people strongly advocated plight of collective rights to preserve the sanctity of leftover forest patches.

The project findings and out comes were shared in a national workshop organized in collaboration of Institute of Development Studies (IDS), Jaipur. Representatives from Government of Rajasthan, Prominent national NGOs and academic institutions participated and gave their valuable comments and suggestions. The provision of collective rights given under the act was discussed at its breadth. It was resolved that Civil society has to be proactive to convince the community so that forest lands can also be protected and developed in a collective manner. All the participants appreciated the efforts of LAN partner organizations for their engagement on this tough but very vital issue of operationalization of FRA. Many participants also hailed CALPI for providing supporting this project because such issues usually find it bit difficult to get donor support.

In brief, under this project, the community was made aware of the provisions of the act. The bureaucracy was reminded to verify the claims with utmost care and civil society was able create space under which negotiation could be held to achieve equilibrium between ecology and livelihoods. Since the project support was available for a limited period, all the partner organizations have decided to continue their engagement with this issue in future.