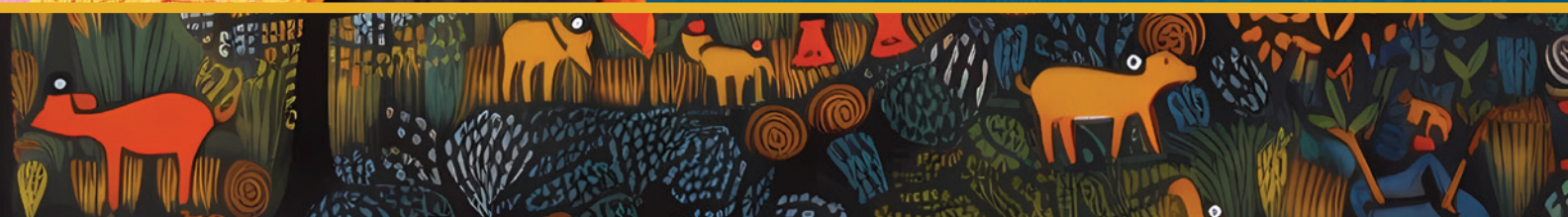


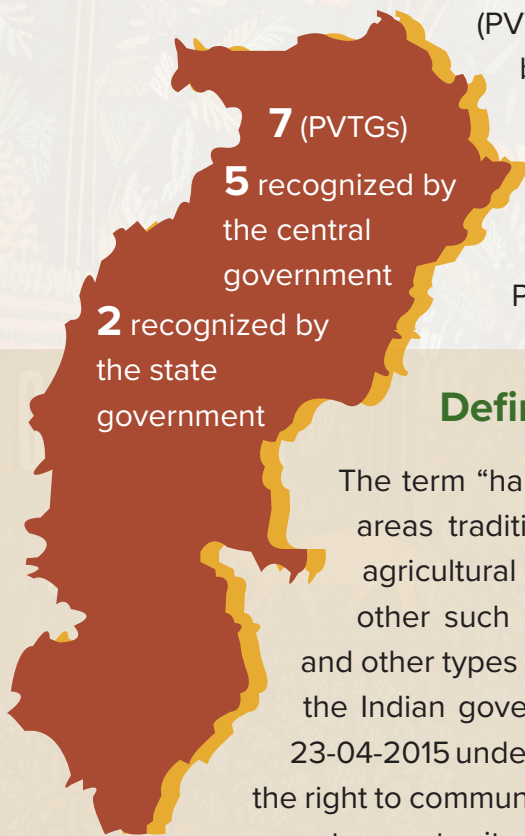


Process of recognizing the habitat rights of
**Particularly Vulnerable
Tribal Groups (PVTGs)**
under the
Forest Rights Act, 2006



The central government has recognized 75 tribal communities as Particularly Vulnerable Tribal Groups (PVTGs) based on the recommendations of the Dhebar Commission (1960-61) and other studies conducted during the Fourth Five-Year Plan. These communities were placed in a special category due to their significant development disparities compared to other tribal groups. They were initially referred to as Primitive Tribal Groups, which later came to be identified as 'Particularly Vulnerable Tribal Groups' (PVTGs). The identification of such groups was based on one or more of the following characteristics: 1. Preservation of pre-agricultural practices, 2. Hunting and gathering practices, 3. Decreasing or stagnant population growth, and 4. relatively low levels of literacy in contrast to other tribal groups. In the present context, Chhattisgarh has identified and listed seven such groups under the PVTG category.

Section 3(1)(e) of the Forest Rights Act, 2006, specifically stipulates the recognition of habitat rights for Particularly Vulnerable Tribal Groups (PVTGs). In Chhattisgarh, a total of seven PVTGs have been recognized as eligible for these forest rights. This group comprises five communities, namely Abujmadia, Baiga, Birhor, Kamars, and Pahadi Korwas, recognized by the central government, along with two communities, namely Bhunjia and Pandos, declared by the state government.



Definition of Habitat

The term “habitat” is defined under Section 2 (h) of the Act as the areas traditionally inhabited by primitive tribal groups and pre-agricultural communities. It includes their customary habitat and other such habitats of community rights in reserved, protected, and other types of forests. Furthermore, to clarify the term “habitation,” the Indian government issued a directive (23011/16/2015-FRA) dated 23-04-2015 under the Ministry of Tribal Affairs. According to this directive, the right to community tenure to habitat and habitation may be recognized over customary territories used by the PVTG for habitation, livelihood, social, economic, spiritual, sacred, religious and other purposes. In some cases the habitats of PVTGs may overlap with forests and other rights of the communities/people.

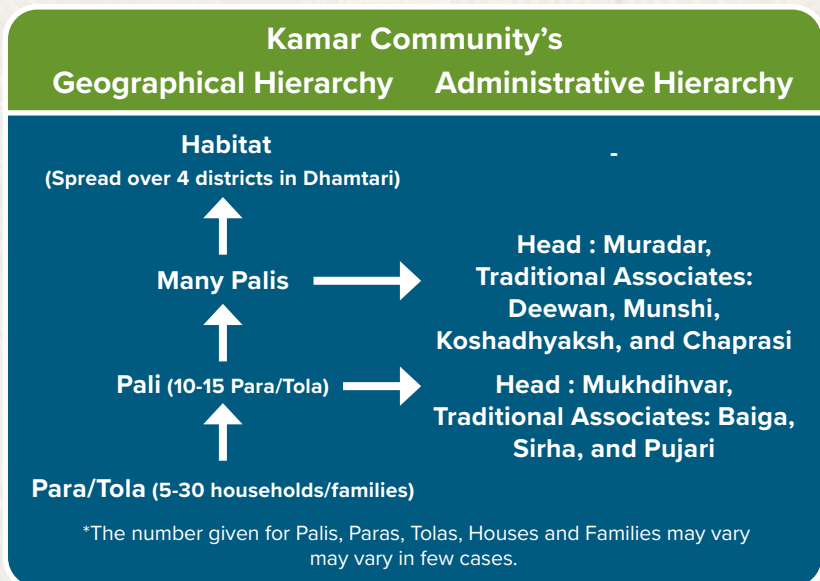




The habitat rights for PVTGs recognize their traditional and customary rights over demographic and geographic spread out, socio-cultural, economic, and livelihood systems, as well as traditional knowledge to ecological systems and biodiversity.

The decision to implement habitat rights in Chhattisgarh was undertaken through a pilot process initiated in a State Level Monitoring Committee meeting chaired by the Honourable Chief Secretary on 06-03-2021. As part of this pilot process and based on the draft guidelines issued by the Ministry of Tribal Affairs, Government of India the community of Kamar PVTG, residing in the district of Dhamtari, was selected, to initiate the process of habitat rights.

A comprehensive study was conducted to establish a common understanding of the concept “habitat” for the Kamar. The study included an exploratory study in the villages Nagari block namely Piparahi Bharri, Selbahara, Kallemeta, and Sambalpur Kamar pada, as well as the Magarlod block namely Belora, Mohandi, Madeli, and Singhpur Kamar para. The study revealed that the Kamar community, starting from Gariyaband district, extends to the eastern districts of the state, such as Mahasamund, Dhamtari, and Kanker. The origin of each clan is linked to specific mountains, for example, the Netam clan’s origin is linked to Kotnai Pahad in Sikaser mountain range. The Kamar community annually visits their origin site, the Kari-Kunwar (God-Goddesses) shrine, to offer their prayers as part of annual festival.

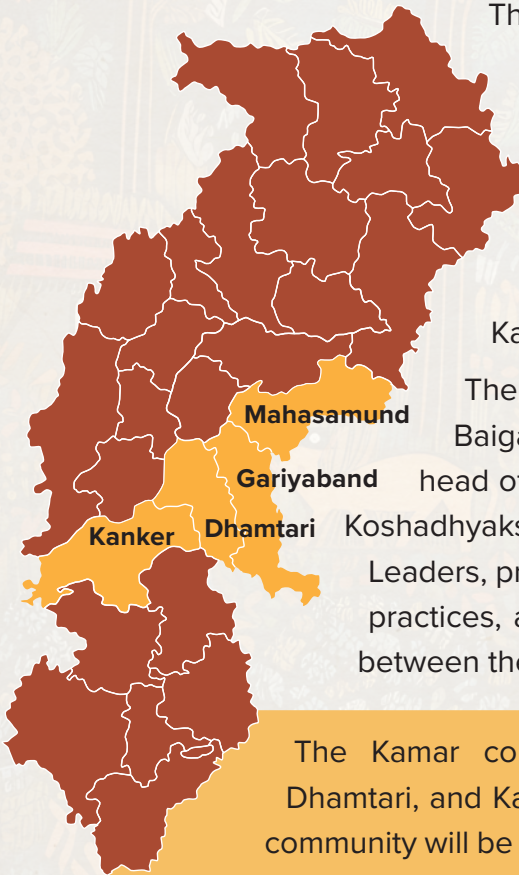




The traditional habitat structure of the Kamar community is defined based on the hierarchy of Gram (para-tola), Sub-territory/Sub-habitat (Upkshetra), and territory (Kshetra) levels. Typically, a group of ten or more villages constitutes upkshetra, traditionally known as a “Pali.” The Magarlod pali in Magarlod block, is an exception to this with 22 Kamar paras constituting the Kamar Pali, forming an extensive area representing the Kamar community’s habitat.

The head of the Para is known as a Raipanch or Mukhdihvar while the Baiga, Sirha, and Pujari serve as traditional associates. Similarly, the head of a pali is known the Raja or Muradar, and the Deewan, Munshi, Koshadhyaksh, and Chaprasi form the traditional associates. The Traditional Leaders, preserve and carry out all traditional, social, religious, and cultural practices, adhering to the written guidelines while maintaining a balance between their roles and age-old practices.

The Kamar community primarily resides in Gariyaband, Mahasamund, Dhamtari, and Kanker districts of the state. The defined habitat of the Kamar community will be determined through consolidation and integration of the sub-habitat areas (Pali/upkshetras) in these districts. The guidelines provide for the recognition of habitat rights for the relevant upkshetra/pali.

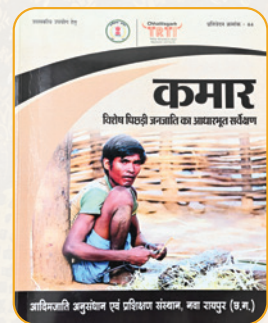


Process of recognition of Habitat Rights of Kamar PVTGs in Magarlod Pali

For the implementation of habitat rights in Magarlod Kamar Pali, a detailed plan was prepared in a district-level committee meeting held on 9-11-2021, with the support from the Department of Tribal and Scheduled Caste Development, Chhattisgarh and UNDP. The department provided technical assistance throughout the process of recognition of habitat rights.



1. Several steps were taken to gain an in-depth understanding of the environment of the Kamars' indigenous community, environment and their way of life. Consultations and extensive discussions were held with selected traditional leaders from Kamar villages, knowledgeable community members, and other relevant individuals.
2. Research papers and documents presented by the Tribal Research and Training Institute, Chhattisgarh, were studied to gain detailed insights into the life, social structure, culture, livelihood, and other significant aspects of the Kamar tribes.



Additionally, the Tribal Department provided training to the executive officers, Kamar community members and related departments (Forest, Revenue, Panchayat, and Tribal) in the Magarlod Janpad Panchayat held on 6-7 January 2022.





To develop a comprehensive understanding of the Kamar habitat and implement their habitat rights, District Level Committee (DLC) organized Traditional Leader's Consultation with Kamar traditional leaders on 15 December 2021 at the Van Dhan Kendra, Dugli. It was collectively decided by the traditional leaders that the recognition process of habitat rights should be initiated with the Magarlod Kamar Pali.



As part of the process, Gramsabha meetings organized and forest rights committees were formed in 22 Kamar Para/Tola of Magarlod Kamar Pali, and the selection of their chairpersons and secretaries was finalized.

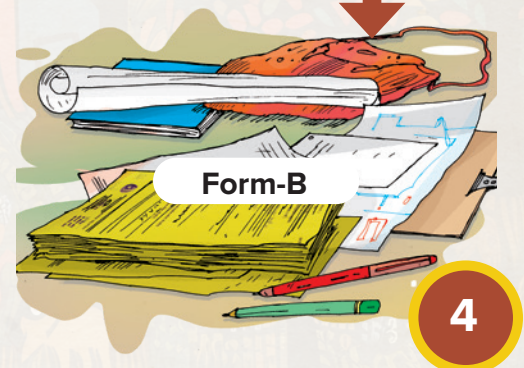
Documentation of the rights related to demography and geographical spread out, distinct social and cultural, religious, economic, livelihood, biodiversity, traditional knowledge, and environmental aspects was completed for all 22 Kamar Para/Tolas.



The following rights were documented under the umbrella of Habitat Rights for all 22 Kamar Para/Tolas:

1. Demographic and Geographic spread out
2. Social, cultural and religious rights
3. Economic and livelihood rights
4. Biodiversity, traditional knowledge, and ecological rights

The respective forest rights committees were assigned with the responsibility to prepare the claim document in "Form-B" in all 22 Kamar Para/Tolas to claim habitat rights.





1. Upon intimation from the Forest Rights Committee of respective Gramsabhas, the Forest and Revenue department officials carried out physical verification forest areas claimed under Habitat Rights and Habitat Map of the para/tola were prepared with support from the officials.



2. Detailed discussions on information and rights entitlements with neighbouring villages was held in a joint meeting, and claim documents were prepared along with 2 evidence attached with it as per the rules.



Upon intimation from the panchayat, Gramsabhas were held in 22 para/tola to approve claims for submission of claims to the Sub-divisional Level Committee.



A meeting of traditional leaders from all 22 Kamar Para/Tolas was held to review the claim documents. With the assistance of the Forest and Revenue Department, habitat maps of all 22 Kamar Para/Tolas were consolidated, resulting in the preparation of a habitat map of Magarlod pali/sub-habitat as well as facilitating the submission of the combined claims of all para/tola to the sub divisional-level committee.





Significance of Habitat Rights

1. To document the traditional rights and mechanisms of the community related to their distinct social systems and culture and provide support in their protection, conservation, and governance.
 2. To safeguard and promote traditional livelihood and ecological knowledge passed down through generations.
 3. To converge different government schemes and initiatives of various departments to empower PVTG communities to develop their habitats.
 4. To promote sense of identity and ownership and improve participatory area development through governmental support.
 5. To assist in the development of community-centric infrastructural development through the PVTG Development Authority.
-

Tribal and Scheduled Caste Development Department
Government of Chhattisgarh
Nava Raipur, Atal Nagar, Chhattisgarh

United Nations Development Programme (UNDP)
55, Joseph Stein Lane, Lodhi Estate,
New Delh - 110003

This publication is supported through UNDP-Foundation of Ecological Security (FES) Partnership

