



**Recognition of Community Rights under**

# **FOREST RIGHTS ACT** in **MADHYA PRADESH AND CHHATTISGARH:** **CHALLENGES AND WAY FORWARD**



SAMARTHAN – Centre for Development Support



*Empowered lives.  
Resilient nations.*








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MADHYA PRADESH AND CHHATTISGARH:  
CHALLENGES AND WAY FORWARD

Final Report  
JULY 2011

***Prepared by:***

SAMARTHAN - Centre for Development Support





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## ACKNOWLEDGEMENTS

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, commonly referred to as the Forest Rights Act (FRA), is considered a pathbreaking legislation that acknowledges the historical injustice meted out to India's forest dwellers, particularly tribals. The legislation was promulgated to "recognise and vest forest rights and occupation in forest land in forest dwelling" to tribals and other traditional forest dwellers "who have been residing in forests for generations but whose rights could not be recorded".

Taken up as a priority agenda by the Government of India, its implementation was launched with much fanfare and many tribal-dominated states also began to address the challenge of designing ways to promote individual as well as community rights of forest dwellers to forest resources and assets.

But it soon became evident that the status of tribals and other traditional forest dwellers and their distance from the mainstream were crucial factors retarding the effective and efficient implementation of the FRA. Although tribal communities had customary and historical claims to dependence on forests for their livelihoods, an insignificant number of community claims for user rights were being registered in most states compared to individual claims.

Samarthan initiated a study with the support of United Nations Development Programme (UNDP) to understand the status of community claims and identify best practices as well as bottlenecks in implementing the FRA in the states of Madhya Pradesh and Chhattisgarh.

The study, conducted in 120 villages across 10 districts of the two states, sought to distinguish community claims from non-claims and also review the processes and mechanisms of delivering claims and justice to applicants.

Its findings are useful in providing direction for mid-course corrections in settling Community claims, using the existing strengths of the state-level delivery mechanism and using the learning of this intensive assessment to strengthen the implementation of the Act.

We wish to thank the tribals and citizens having potential claims under the FRA for helping us understand the various issues involved in implementing the legislation in practice. We also thank members of the Forest Rights Committee (FRC), sub-divisional level committee (SDLC) and district level committee (DLC) as well as the district administration for providing the relevant information and giving their perspective on the issues involved.

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## ABBREVIATIONS

<b>CEO</b>	Chief Executive Officer
<b>CTH</b>	Critical Tiger Habitat
<b>CG</b>	Chhattisgarh
<b>CWLH</b>	Critical Wild Life Habitat
<b>DFO</b>	Divisional Forest Officer
<b>DLC</b>	District Level Committee
<b>FCA</b>	Forest Conservation Act
<b>FGD</b>	Focused Group Discussion
<b>FRA</b>	Forest Rights Act
<b>FRC</b>	Forest Rights Committee
<b>FSI</b>	Forest Survey of India
<b>JFM</b>	Joint Forest Management
<b>MP</b>	Madhya Pradesh
<b>MFP</b>	Minor Forest Produce
<b>NTFP</b>	Non-Timber Forest Produce
<b>PDS</b>	Public Distribution Scheme
<b>PESA</b>	Panchayat Extension to Scheduled Areas Act
<b>SC</b>	Scheduled Caste
<b>SDLC</b>	Sub Divisional Level Committee
<b>SDM</b>	Sub Divisional Magistrate
<b>SDO</b>	Sub Divisional Officer
<b>ST</b>	Scheduled Tribe
<b>WLPA</b>	Wild life (Protection) Amendment Act 2006



# CHAPTER 1:

## The context of the Forest Rights Act

### 1.1. The context

The issue of forest rights in India can be interpreted from different perspectives depending on whether one is a forest dweller, forest official, environmentalist, economist or social activist. The issue is of crucial importance considering that forest landscapes cover over 23% of the country and affect the livelihoods of around 200 million citizens, or 20% of the population in our democratic polity.

Forest-dwelling populations, mainly concentrated in a tribal belt that stretches across the central and eastern areas of the country, are among the poorest of the poor. Their poverty reflects a history of systematic marginalisation, with the state customarily expropriating forest land while overlooking, or even totally negating, their user rights to forest resources. This process began in the late 19th century during colonial rule and continued after independence under the democratically elected governments, which also did not consider appropriate actions to resolve the issue.

The history of centralized control of forests can be traced to the enactment of the Forest Act of 1864, which empowered the colonial government to declare any forest land as government forest; a process strengthened in the 1878 Act, which classified forests into 'protected forests', 'reserved forests' and 'village forests'; the National Forest Policy of 1894, which re-iterated the regulation of rights and restriction of privileges of 'users' in forest areas for the public good; the Land Acquisition Act of 1894, which permits compulsory acquisition of land for a 'public purpose'; and the 1927 Act, which remains the main legal basis for depriving forest dwellers of their user rights to forest resources.

Under the banner of scientific management of forests, the intended objective of these policy formulations was to maximize profits, encourage conservation and discourage forest dwellers from 'exploiting' forest resources. The formal and 'legal' appropriation and enclosure of forests inevitably led to the 'criminalisation' of normal livelihood activities of millions of forest-dependent people, conferring on them the legal status of 'encroachers'.

The post-colonial Indian state reinforced centralized control of forests with its National Forest Policy of 1952, which focused on protecting forest resources while commercially exploiting minor forest produce (MFP), and the Forest Conservation Act of 1980, which placed all forests under the control of the central government. It also continued utilising other colonial land acquisition laws for the 'public good' in the name of development.

The displacement of forest dwellers thus continued, the most recent manifestation being their eviction from their traditional homesteads by forest departments seeking to consolidate the enclosure process under the Wild Life Protection Act of 1972 and its 1991 amendment, which severely restricted the rights of forest dwellers in wildlife sanctuaries and curtailed their rights in national parks.

It was this enclosure process that finally united social movements working with forest users across the country, mobilising them to raise their voice against the denial of democratic right to life and livelihoods to the vast tribal population.

The strident opposition led to the formulation of a new Scheduled Tribes and Other Traditional Forest Dwellers Act (or simply Forest Rights Act - FRA), which was passed in December 2006 and came into force on January 1, 2008 with the notification of its administrative rules.

The FRA provides for restitution of traditional forest rights to forest dwellers across India, including individual rights to cultivated land in forested landscapes and collective rights to control, manage and use forests and its resources as common property. It also stipulates the conditions for relocation of forest dwellers from 'critical wildlife habitations' with their 'free informed consent' and their rehabilitation in alternative land.

The introduction of the FRA represents a seminal moment in India's highly contested forest politics, recognising for the first time the 'historical injustice' perpetrated by the state on a significant segment of its population when it states: ... the forest rights on ancestral lands and their habitat were not adequately recognized in the consolidation of state forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers (FRA 2006).

The Act, which inherently recognises that a healthy ecosystem is compatible with social justice technically holds precedence over all other forest and wildlife-related laws. Although its provisions for restoring the rights of forest-dependent households may not cover all rights deprivations they hold the promise of improving the lives and livelihoods of more than 100 million of India's poorest citizens.

However, it is important to remember that the FRA is only an enabling legislation and the 'prize' - the actual allocation of user rights at the local level – crucially depends on its implementation. This is where it faces serious challenges, as do several other recent legislative reforms that await full implementation.

Recognising user rights involves shifting administrative and resource control away from forest departments, who already exhibit a high degree of autonomy from democratic oversight and stand to lose turf. But implementation of the FRA is happening, although gradually, as is implementation of the Right to Information (RTI) Act, National Rural Employment Guarantee Scheme (NREGA) and Panchayat Extension to Scheduled Areas (PESA) Act.

The FRA is a fundamental reform that represents a 'critical juncture' in the relationship between forest dwellers and the state. But the depth and durability of this reform remains open for research and exploration.

## 1.2. Government initiatives prior to enacting the FRA

Efforts to establish community rights over forest resources began much before the FRA was enacted in 2006. Some significant forest-related initiatives undertaken since independence that impacted on these efforts are mentioned below:

### 1. Ownership of Minor Forest Produce (1976)

The National Forest Policy of 1952 faced strong criticism in the 1960s because it was seen as a vehicle to gift community rights as subsidies to commercial enterprises in the private sector while depriving traditional forest-dwellers of these rights, including rights to Minor Forest Produce. As a follow up to this policy, the Government of Madhya Pradesh (which then included Chhattisgarh) took the initiative of recognising forest dwellers as 'owners' of MFPs instead of 'workers' in forest landscapes. While there were some uncertainties about the definition of MFPs, the initiative was one of the most progressive steps in the direction of recognising ownership of forest resources by forest dwellers.

## 2. Forest Conservation Act (1980)

The passing of the Forest Conservation Act (FCA) in 1980 put an abrupt end to the initiatives of the Madhya Pradesh government, negating its efforts to provide rights to forest resources to the forest-dwelling community.

The FCA was the culmination of a process that had started after independence when the government began converting forest land into revenue land for development purposes. Prior to independence, several forest areas were under the jurisdiction of the erstwhile princely states, many of which had no legal framework for sustainable management of forest resources, which led to their rapid depletion across the country. In order to address this problem, forests were removed from the jurisdiction of the states and included in the central list, with the FCA eventually being passed in 1980 to conserve forest resources.

## 3. National Forest Policy (1988)

Since the 1952 policy did not protect the interests of the tribal community that traditionally depended on forest resources for its livelihood, a new forest policy was formulated in 1988 to include elements of community ownership of resources. The National Forest Policy of 1988 recognised for the first time the relation between forest resources and tribal communities.

## 4. Guidelines on replenishing forest resources (1990)

In 1987-88, the Commissioner – SC & ST sent a report to the Government of India on conflicts arising between forest dwellers and the forest department. The report analysed the reasons and issues underlying these conflicts. On September 18, 1990, the government issued directives for addressing these conflicts and formulated guidelines for replenishing forest resources. People's participation was a key element in these initiatives.

Guidelines were also issued to convert all forest villages to revenue villages subject to two conditions. First, there should be no violation of the FCA and second, the government should make adequate provisions for compensation and re-forestation before changing the status of the villages.

The directions and guidelines were expected to help address and amicably settle the conflicts between the forest department and forest dwellers. Also, people's participation was expected to ensure the strengthening of the forest economy. Unfortunately the initiative, which saw several joint forest management (JFM) programmes being taken up by the forest department and village communities, met with limited success because it did not materialise into a large-scale effort and also because the 'jointness' in JFM was missing. One pertinent reason could be the set notions about forest conservation in the forest department and its attitudinal problems with traditional forest dwellers.

## 5. Panchayat Extension to Scheduled Areas (PESA) Act (1996)

The Government of India enacted the Panchayats Extension to Scheduled Areas Act (PESA) on the recommendations of the Bhuria Committee to ensure that traditional governance systems in scheduled areas were conserved. PESA conferred significant powers on the Gram Sabhas, specifically mentioning that these local governance bodies should have the control over natural resources within their jurisdiction.



The PESA recognised traditional rights of tribals to community resources (land, water and forests) and decentralised existing approaches to forest governance by bringing the Gram Sabha at the centrestage for managing MFPs and social forestry. Some of its key provisions spell out the extent to which the Gram Sabha can exercise control over community resources and MFPs.

Most states have yet to formulate rules to implement the Act. As a result, its implementation is rather limited and Gram Sabhas have not been able to exercise adequate control over the forest resources as per its provisions.

### 1.3. Provisions for community rights in the FRA

The FRA recognises and vests secure community tenure on 'community forest resources', which are defined as common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in case of pastoral communities, including reserved forests, protected forests and protected areas such as sanctuaries and national parks to which the community had traditional access.

The salient provisions related to community rights, listed in Chapter 2 of the Act, cover the following rights over all forest lands that forest-dwelling scheduled tribes (ST) and other traditional forest dwellers are entitled to:

- Sub-Section 1 (b) of Section 3: It covers community rights such as usufruct (nistar), or by whatever name it is called, including those used in erstwhile princely states, zamindari or such intermediary regimes. It confers the right of ownership and access to collect, use and dispose of MFPs traditionally collected within or outside the village boundary.
- Section 2 (i): It defines MFPs to include all non-timber forest produce of plant origin, including bamboo, brushwood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like.
- Sub-Section 1 (c) of Section 3, further clarified under Rule 2 (d): It covers local-level processing, value addition and transportation of MFPs in forest areas by head-loads, bicycle and handcarts for use or sale by the gatherer or community for their livelihood. The use of motor vehicles is regulated by existing transit rules.
- Sub-Section 1 (d) of Section 3: It covers other community rights for use or entitlements, such as fish and other products of water bodies, grazing (both settled and transhuman) and access to traditional seasonal resources by nomadic or pastoral communities.
- Sub-Section 1 (e) of Section 3: It covers rights of primitive tribal groups (PTGs) and pre-agricultural communities to community tenures for habitat and habitation;
- Sub-Section 1 (f) of Section 3: It covers rights in or over disputed lands under any nomenclature in any state where claims are disputed;
- Sub-Section 1 (g) of Section 3: It covers rights to convert pattas, leases or grants of forest lands issued by a local authority or state government into titles;
- Sub-Section 1 (i) of Section 3: It covers the right to protect, regenerate, conserve or manage any community forest resource that forest dwellers have been traditionally protecting and conserving for sustainable use;
- Sub-Section 1 (k) of Section 3: It covers the right of access to biodiversity and community rights to intellectual property and traditional knowledge related to biodiversity and cultural diversity;
- Sub-Section 1 (l) of Section 3: It covers any other traditional rights customarily enjoyed by STs or other traditional forest dwellers that are not mentioned in the earlier clauses, excluding the traditional right to hunt, trap or extract a part of the body of any species of wild animal.

## 1.4. Some other important FRA provisions

1. The Government of India reserves the right, regardless of the FCA provisions, to divert forest land for the following government-managed facilities: schools, dispensaries or hospitals, anganwadis, fair price (PDS) shops, electricity and telecommunication lines, tanks and other minor water bodies, drinking water supply systems and water pipelines, water or rain water harvesting structures, minor irrigation canals, non-conventional sources of energy, skill up-gradation or vocational training centres, roads, and community centres.

However, such diversion for developing common infrastructural resources, which was not permissible earlier, will be allowed only if the forest land to be diverted is less than one hectare in each case and not more than 75 trees per hectare are required to be felled. Also, recommendation of the Gram Sabha is required to clear the project.

2. The Government of India reserves the right to modify forest rights and resettle forest dwellers to create inviolate areas for wildlife conservation in critical wildlife habitats (national parks and sanctuaries) subject to the following conditions:
  - The process of recognising and vesting rights of forest dwellers in the areas under consideration is completed in accordance with the specifications in section 6.
  - The concerned agencies of the state government establish, in exercise of their powers under the Wild Life (Protection) Act, 1972, that the activities or presence of the forest dwellers can cause irreversible damage and threaten the existence of the animal species and their habitat.
  - The state government concludes that other reasonable options, such as co-existence are not available.
  - A resettlement or alternative package to provide a secure livelihood for the affected individuals and communities that fulfills their requirements under the relevant laws and policies has been prepared and communicated.
  - The free and informed consent of the Gram Sabhas in the area for the proposed resettlement package has been obtained in writing. No resettlement can take place until facilities and land allocation at the resettlement location are complete as per the promised package.
  - The critical wildlife habitats from which the rights holders are being relocated are not subsequently diverted by the state or central government or any other entity for other uses.

## 1.5. Process and procedures for implementing the FRA

Sub-Section (1) of Section 6 of the FRA designates the Gram Sabha as the authority to initiate the process for determining the nature and extent of individual and community rights to be given to STs and other traditional forest dwellers within the limits of its jurisdiction. It will receive claims, consolidate and verify them and prepare a map delineating the area where each recommended claim can be exercised. The Gram Sabha will then pass a resolution to this effect and also forward the copy to SDLC.

The list of claims for community rights will be prepared by the Forest Rights Committee (FRC), on behalf of the Gram Sabha, in accordance with Rule 11 (4) of the Act.

The evidence to be furnished to back up the claims includes:

- Details of community rights such as usufruct (nistar) or by whatever name it may be called {Rule 13 (2) (a)};
- Details of traditional grazing grounds; areas for collecting roots and tubers, fodder, wild edible fruits and other MFPs; fishing grounds; irrigation systems; water sources for human or livestock use; territories for herbal practitioners to collect medicinal plants {Rule 13 (2) (b)};
- Details of structures or their remnants built by the local community, sacred trees, groves and ponds or river areas, burial or cremation grounds {Rule 13 (2) (c)}.

The FRC will verify the claims of pastoral and nomadic tribes to determine their rights, either individual or community or traditional community institution, in the presence of these individuals, communities or their representatives {Rule 12 (c)}.

Similarly, it will verify the claims of Primitive Tribal Groups or pre-agricultural communities to determine their rights to habitat, either through their community or traditional community institution, in the presence of these communities or their representatives {Rule 12 (d)}.

If there are conflicting claims from another village in respect of traditional or customary boundaries, or if a forest area is used by more than one Gram Sabha, then the FRCs of the Gram Sabhas of the concerned villages will meet to jointly consider the true status of enjoyment of such claims and submit their findings to the respective Gram Sabhas in writing {Rule 12 (3)}.

If the Gram Sabhas are unable to resolve the conflicting claims, they will refer the matter to the SDLC for resolution.

Once it receives the findings of the FRC {clause (v) of sub-rule (2)}, the Gram Sabha will meet, after giving the required notice, to consider the findings, pass appropriate resolutions and forward these resolutions to the SDLC {Rule 11 (1) (5)}.

The decision of the DLC on claims for user rights to forest resources will be final and binding (Sub-section 6 of Section 6).

The state government will constitute a state-level monitoring committee to ensure recognition of forest rights as well as monitor the process in accordance with the Rules (2008) framed to implement the FRA (Rule 9).

## 1.6. Timeline for implementing the FRA in both states

The Government of Madhya Pradesh was the first to decide to take up implementation of the FRA, issuing the first round of instructions to identify community rights in January 2008, followed by the Government of Chattisgarh in February 2008. The process was initiated and the FRCs were mobilized to register applications for individual and community rights.

<b>Dec 31, 2007</b>	Enactment of the Act	Dec 31, 2007	<b>Enactment of the Act</b>
<b>Jan 28 to Feb 5, 2008</b>	Gram Sabha meeting and discussion on the FRA in villages. Formation of FRCs at the village level. Election of FRC chairperson and secretary and forwarding their names to the SDLC	Feb 7, 2008	<b>Formation of state-level monitoring committee</b>
<b>March–April 2008</b>	Inviting applications for claims	Feb 25 to 29, 2008	<b>Formation of DLCs/SDLCs and FRCs</b>
<b>May–June 2008</b>	Verification of claims by the FRC, recording of proofs and preparation of maps	March 1, 2008	<b>Inviting applications for claims</b>
<b>July 2008</b>	Passing resolutions on claims by the Gram Sabha Sending recommended claims to the SDLC	March 7 to June 20, 2008	<b>Verification of claims</b>
<b>July–August 2008</b>	Claims forwarded to the DLC by the SDLC	April 1 to June 30, 2008	<b>Compilation of claims by the SDLC, preparation of maps and forwarding claims to the DLC</b>
<b>August–Sept 2008</b>	Final sanction and publication of claims Distribution of titles to individuals and Gram Sabhas	April 15 to June 30, 2008	<b>Final sanction and publication of claims</b>

## 1.7. Key orders issued by the Government of Madhya Pradesh

The actions taken by the Government of Madhya Pradesh and some important orders it issued are enumerated below:

1. The state government issued a check-list of community rights to the SDLC and specified that the patwari of each village should prepare a list of claims for the village based on salvation documents, wazib-ul-arz and usufruct (*nistar*) patraks of the forest department. The list should detail the utilization of salvation rights and/or birth-based rights in every forest and be made available to the Gram Sabha to enable claims for user rights to be staked at the community level.

In addition, since many community rights may not have been documented earlier but fall within the ambit of the FRA, the government specified that the patwari and/or forest conservator should inform the Gram Panchayat and/or Gram Sabha about these community rights and assist the community in filing applications and presenting claim documents to avail of these rights.

To ensure compliance, necessary instructions signed by the sub-divisional officer were sent to all concerned and all activities were monitored in a monthly meeting held to review the process and progress made.

2. The government issued a communication through the under secretary, MoTA, clarifying the meaning of the word 'primary' used in the following sentence: "Primarily, those forest dwellers who are dependent upon forest and forest land for their basic livelihood needs..." The communication stated that the word 'primarily' includes those forest dwellers who spend most of their time in forest areas either in temporary hutments and/or structures or to work on parts of forest land, irrespective of whether their residences are located either in or outside forest land (Letter No 17014/02/07 dated June 9, 2008).
3. The Principal Secretary of the Tribal Welfare Department, Government of Madhya Pradesh, issued a communication expressing his concern and drawing attention to the low number of claims for community rights being registered (Letter reference No 08/1047 dated June 10, 2008). The communication, addressed to all district collectors, directed them to convene a meeting of SDLC chairpersons and members of departmental committees of the forest and tribal welfare departments and give them the following instructions to comply with rules and regulations:
  - To scrutinize the usufruct (*nistar*) patraks and wazib-ul-arz of each revenue village and collect detailed information on usufruct (*nistar*) rights based on traditional and/or hereditary practices in all forest land, including minor and major clusters of bushes.
  - To collect and compile village-wise details, based on the forest department's usufruct (*nistar*) patrak, on traditional rights prevailing in notified forest areas.
  - To provide a copy of the compiled details to the secretary of the concerned Gram Sabha and Gram Panchayat and advise them to immediately submit claims for community rights so that necessary action can be initiated after due verification of the documents submitted as evidence of such claimed rights.
  - To advise the Gram Sabha to make separate claims for the following community rights to forest land that are not mentioned in the usufruct (*nistar*) patrak in order to avoid any dispute in future:
    - Usage of approach road to places of worship;
    - Usage of cremation grounds or burial places;
    - Right to conduct meetings and/or choupals (community gatherings);
    - Access to areas with medicinal plants, mahua flowers;
    - Access to rivers and/or canals in forest areas to bathe, wash clothes, allow cattle and other domestic animals to drink water, etc.

(*Nistar* refers to the necessities for forest dwelling people to carry on their daily lives and the land set apart to fulfil this purpose is called usufruct (*nistar*) land, which is essentially community land. Villagers have usufruct (*nistar*) rights to these necessities, which include timber and fuelwood, burial/cremation grounds, MFPs, gaothan (cattle-shed), pasture/ fodder, bazaar and public uses such as schools, playgrounds, places of worship etc. The *nistar patrak* details the terms and conditions for the use of *nistar* land.

Usufruct (*nistar*) rights are distinct from customary rights, which are recorded in the *wajib-ul-arz*, a record of customs in each village that include right of way, right to fishing, right to irrigation etc .

4. The Principal Secretary, Tribal Welfare Department, Government of Madhya Pradesh, issued a letter dated March 31, 2010 addressed to all district collectors directing them to provide details to all those whose claims had been rejected and/or found unacceptable. The letter specifically stated that 'Implementation of the Act' should be included as a review item in the Gram Sabha agenda for April 14, 2010. The letter extended the date for registering and documenting new claim applications and their proper scrutiny and disposal in accordance with the prescribed rules and regulations up to June 30, 2010 (Reference letter No. F-13-10/2009/25-5).

Despite these efforts of the government to speed up the pace of implementation, challenges still remain in identifying and granting community rights to forest dwellers.

## 1.8. Achievements of Madhya Pradesh and Chhattisgarh in implementing the FRA and verifying community claims

Madhya Pradesh and Chhattisgarh are among the states that have implemented the FRA more diligently, with the Government of India even singling out the former as the leading state in overall implementation of the Act. The Government of Madhya Pradesh introduced a number of novel initiatives to aid the implementation process, which include the following:

- State-level software monitoring systems.
- Acceptance of claims forms even without a caste certificate.
- Distribution of 8 lakh copies of claim forms free to the Gram Sabhas.
- Constituting survey teams comprising officers of the forest and revenue departments to verify claims.
- Training survey team members on the FRA through video conferencing by master trainers.

The chief minister of the state also announced the decision of his government to constitute a committee to review land allotments under the Bhoodan Movement in an effort to remove all obstacles coming in the way of implementing the FRA. Bhoodan was a voluntary 'land-gift' movement started in 1951 in which landowners 'gifted' their surplus land to the landless. The state government said it would take action against those found guilty of transferring land belonging to STs to non-tribals and it would also probe cases in which land had been encroached upon to form cooperatives in the name of farmers and STs.

### 1.8.1 District-wise status of community claims

The status of community claims in Chhattisgarh up to July 2010, giving the number of approved claims in each district, is shown in the table below. The data reveals that community claims were approved in only five districts, with just 287 claims being approved in a total of more than 7,000 claims registered.



Community claims approved in Chhattisgarh			
District	No of approved claims	Rank	% ST population
Kanker	175	1	56.04
Bilaspur	59	2	19.92
Dhamtari	36	3	26.25
Sarguja	11	4	54.6
Rajnandgaon	6	5	54.6
Bastar	0	6	66.54
Bijapur	0	7	66.54
Dantewada	0	8	78.56
Durg	0	9	12.41
Janjgir	0	10	11.62
Jashpur	0	11	63.24
Kabirdham	0	12	20.86
Korba	0	13	41.5
Korea	0	14	44.35
Mahasamund	0	15	27.03
Narayanpur	0	16	35.38
Raigarh	0	17	12.11
Raipur	0	18	26.63
Total	287		

Source: GoCG - July 2010

The table shows that no community claims were approved in some districts with a high concentration of tribals (Dantewara, Bastar, Bijapur and Jashpur), although several claims were approved after July 2010.

The status of community claims approved in the districts of Madhya Pradesh up to December 2010 is shown in the table below:

Community claims approved in Madhya Pradesh			
District	No of approved claims	Rank	% ST population
Umariya	742	1	44.04
Panna	619	2	15.39
Dindori	381	3	64.48
Dewas	377	4	16.45
Sagar	245	5	9.72
Annuppur	172	6	44.48
Sheopur	162	7	21.53
Shivpuri	154	8	11.19
Jhabua	134	9	86.85
Dhar	98	10	54.5
Jabalpur	80	11	15.01
Khandwa	77	12	29.68
Raisen	70	13	15.74
Alirajpur	64	14	86.85
Betul	63	15	39.41

Gwalior	56	16	3.49
Balaghat	37	17	21.8
Guna	36	18	12.22
Harda	33	19	26.63
Indore	29	20	6.65
Ashoknagar	25	21	12.22
Hoshangabad	23	22	15.13
Narsinghpur	23	23	13.17
Neemuch	20	24	8.51
Bhopal	14	25	3.29
Morena	14	26	0.81
Mandsaur	12	27	3.17
Mandla	10	28	57.23
Sehore	10	29	10.76
Ratlam	8	30	25.89
Rewa	8	31	12.87
Seoni	7	32	36.78
Vidisha	7	33	4.88
Datia	4	34	1.59
Katni	1	35	23.07
Satna	1	36	14.34
Barwani	0	37	67.02
Bhind	0	38	0.47
Burhanpur	0	39	29.68
Chhattarpur	0	40	3.5
Chhindwara	0	41	34.68
Damoh	0	42	12.56
Khargone	0	43	35.48
Rajgarh	0	44	3.78
Shahdol	0	45	44.48
Shajapur	0	46	2.74
Sidhi	0	47	29.89
Singrauli	0	48	29.89
Tikamgarh	0	49	4.32
Ujjain	0	50	3.11
Total	3,816		

GoMP – Dec 2010

A total of 3,816 community claims were approved in the state till July 2010, with Umariya ranking first with 742 approved claims, followed by Panna, Dindori, Dewas and Sagar. The number of community claims is negligible in several districts such as Badwani, Mandla, Seoni, Khargone, Chhindwara and Sidhi, which have a large tribal population and a sizeable forest area.

The two states began actively considering community claims only after the Government of India insisted on action in this regard in July 2010.

## CHAPTER 2:

# Literature review and study methodology

### 2.1.1 Review of literature on the FRA

The literature on the FRA can be divided into three main categories:

- The deplorable condition of tribals and the evolution of the FRA,
- The lacunae in the law and its implications, and
- The remedial steps to be taken.

#### The plight of tribals

Several researchers have described and analysed the plight of tribals in the build-up to the formulation of the FRA. Outlining the adverse circumstances of tribals in his article 'How did the Indian Forest Rights Act, 2006 emerge?' Indranil Bose<sup>i</sup> draws attention to the following facts and figures:

- Around 46.5% of the tribal population was estimated to be living below the poverty line in 1993-94, against 35.97 % for the rest of Indian society.
- Over 93% of the tribal population lives in rural areas, against the national average of 74%. Tribals almost entirely depend on agriculture for their livelihood.
- The percentage of tribal cultivators decreased from 68.18% in 1961 to 54.5% in 1991, with a corresponding increase in the proportion of overall agricultural labour (Munshi, 2007).
- The poverty of tribals renders them vulnerable to atrocities (murder, torture, rape and similar crimes).
- There are wide disparities in mean consumption and poverty incidence between tribal and other population groups. There is high poverty among tribals in districts located in investor-friendly states like Gujarat and Maharashtra, which suggests their non-participation in the current spurt in economic growth.

K.B. Saxena<sup>ii</sup> paints an even harsher picture of their condition:

- 46% of the tribal population lives below the poverty line against the national average of 27%.
- In terms of per capita consumption expenditure, a higher proportion of tribals (50% rural and 52% urban) are found in the lowest percapita consumption expenditure category (Rs340 in rural and Rs575 in urban areas) compared to the other social groups (17% rural and 29% urban).
- Only 4% of the tribal population is employed as regular workers in the labour market.
- As per the 2001 census, cultivation is the main occupation of 44.7% of tribals, with 36.7% engaged as agricultural labourers and only 2.1% employed as industrial workers. This makes 82% of tribals dependent on agriculture for a livelihood.
- Nearly two lakh tribal families living in around 5,000 forest villages do not have rights to the land which they had been cultivating for decades.
- Only 26% of tribal-owned land is irrigated compared to 53% for other communities (Radhakrishna and Ray, 2006).
- Nearly 71.61% of the tribal population faces food insufficiency for two to three months and 5% for six months or more a year (Radhakrishna and Ray, 2006).
- Overall literacy (2001) is 47.10% among tribals compared to the all-India figure of 64.80%.

- Tribal health indices compare unfavourably with indices for the whole population, with infant mortality of 84.2/1,000 and under-5 mortality of 126.6/1,000. 55.9% of tribal children are underweight.

Tripathi, Bhartiya and Gupta<sup>iii</sup> reflect on the insecurity of the tribal cultivator in their article on land rights in India. They point out that 65% of tribal landholders in the country belong to the small and marginal farmer category (Agricultural Census 1990–91) and 36% are primarily agricultural labourers (1991 Census of India).

Tracing the historical roots of landlessness in the tribal population they point their finger at colonial policies of the British government, with the Indian Forest Act of 1927 rendering them encroachers after declaring large forested tracts inhabited by indigenous communities as reserved forests.

The condition of tribals worsened after independence, with the Government of India continuing with its policy of forcibly acquiring land. Between 1951 and 1988, some 26 million hectares were brought under the control of the forest department, 60% of this land being located in regions whose populations were predominantly indigenous groups and tribals.

From the 1970s onwards, the state and its forest department shifted its emphasis from production-oriented forestry and forest management to conservation, resulting in the formation of 94 national parks and 492 sanctuaries in India. No survey was conducted prior to delineating these protected areas to take into account the land rights of people living in these lands. About four million people residing in these areas were regarded as illegal occupants and thousands of communities were displaced.

K.B. Saxena<sup>iv</sup> provides a comprehensive critique of government policies that have led to the impoverishment of the tribal population. He declares that tribals are virtually under siege since the resources they depend on for their survival are under enormous pressure and they face a grave threat to their existence as a culturally distinct, community-centred social organisation.

He agrees that India has an impressive array of laws meant to protect tribal societies and their way of life but these protections have been rendered ineffective due to a paradigm of development in which progress is measured in terms of large mining and industrial projects, large dams and sophisticated infrastructure. These require acquisition of land, leading to displacement of people who are mostly tribals.

Tribals thus bear an inordinately large share of the costs of development, which leads to their impoverishment as well as the marginalisation and disintegration of their society and economy. The benefits of development projects are mostly enjoyed by non-tribals, with tribals ending up as low paid, transient and insecure labour who find no employment in the private or public sector because of their low level of skills.

Saxena goes to the extent of categorising such development as a virtual war on tribals and traces its origin to the legacy of colonialism, which constructed a legal rationality to capture the entire forest area after extinguishing the rights of forest-dwelling communities based on customary practices. The colonial state did this by first enacting the Forest Act of 1864 and replacing the legislation with the Indian Forest Act of 1927, which reduced the rights and independence enjoyed by tribals to 'privileges' conferred by the state.

This exploitation was repackaged as development in post-independence India through the enactment of the Forest Policy of 1952 and the Wild Life Protection Act of 1972, which downgraded the 'privileges' of people to 'concessions' given by the state. The assault continued with the Forest Conservation Act of 1980 and the National Forest Policy of 1988, which sought to curtail even the existing concessions permitted to tribals in forests.

In 2002, the MoEF directed state governments and union territories to evict all 'encroachers' within five months following which tribals were brutally evicted from 1,52,000 hectares of land after destroying their dwellings and crops. All this while, forest land was being liberally transferred for industrial and mining projects.

Tribals were deprived of their land in many different ways, according to Reddy, Kumar, Rao and Springate-Baginsky<sup>v</sup>, who studied the exploitation of tribals in Andhra Pradesh and the criminalisation of their normal livelihood practices. Vast tracts of land were declared as deemed forests and the rights of the tribal dwellers regarding the usage of land was not recognised. Secondly, private forest estates were acquired and the people lost the normal livelihood forest use rights that they enjoyed from previous owners. These activities were criminalised. Thirdly shifting cultivation which is suited to certain agro-ecological conditions was also criminalised. Fourthly, those who lost their lands after the declaration of state forests were seen as encroachers. Fifthly many communities were displaced due to large scale development projects and did not receive any compensation. Moreover, establishment of sanctuaries and national parks led to extinguishment of peoples use rights in protected areas without due legal process. Further common forests and cultivated land with unclear tenure have often been brought under JFM by the forest department leading to evictions and conflicts. Finally migration of non tribal groups into forests has also led to loss of land as well as conflict.

The deprivation of their rights inevitably aggravated their poverty, which tended to persist because of the institutional arrangements on which it was based. These processes identified in Andhra Pradesh are similar to processes in other parts of the country as well as seen in a study of tribal exploitation in Orissa conducted by Kundan Kumar<sup>vi</sup>.

## 2.1.2 The evolution of the FRA

The sad plight of tribals is a reality, yet the passage of the bill was subject to controversy owing to the presence of numerous stakeholders with conflicting agendas. The main impetus for its passage came from tribal activists working under the umbrella of the Campaign for Survival and Dignity, who drew attention to the atrocities perpetrated by the state. Arrayed against them was a variety of forces consisting of conservationists, the forest bureaucracy as well as the media.

Indranil Bose<sup>vii</sup> points out that it was the industrial and mining lobby that orchestrated the protest from the background. Those opposing the bill pointed to dwindling forest cover and reduction in area for conservation as dangerous fallouts. Conservationists felt it would sound the death knell of the tiger population in the country. The media was used to voice diverse viewpoints but it largely criticised the FRA and displayed lack of awareness about the problems of tribals and forest dwellers in India.

Conservationists felt the goals of conservation were incompatible with transference of occupational rights over land to tribals, their major concern being the fate of the tiger population. The fear among them was widespread that the land and mining mafia would use tribals to encroach on forest lands.

Pradip Prabhu<sup>viii</sup> maintains that the overt posturing hides an elitist ideology, which lends itself to justifying the legal construct of colonialism and internal colonialism, including the dictum of *res nullius* - arbitrary takeover of resources without the rule of law, state monopoly over resources and an inherent mistrust by the colonial state of its subjects.

The result of the opposition was that a relatively weak Act was passed by Parliament. It was a much-diluted version of the draft recommended by the Joint Parliamentary Committee constituted for the purpose. Both Archana Prasad in Frontline magazine<sup>ix</sup> and Sanjoy Patnaik<sup>x</sup> point out several stringent recommendations made by the JPC:

- 'Critical wildlife habitats' should be identified through an independent and participatory scientific process, and relocation of residents, if necessary, should be done on mutually acceptable terms,
- Multiple land use for shifting cultivators should be recognised and the land ceiling of 2.5 hectares for conferring land rights should be removed,
- Considering that tribals and other forest dwellers are heavily dependent on non-wood forest products (NWFPs), a minimum support price for MFPs should be ensured.
- The Gram Sabha should be the final authority in the process of rights settlements.



Many of these recommendations were not included in the Act. The role of the Gram Sabha has been curtailed. It is no longer the final authority for settling forest rights and its consent is not mandatory for diverting forest land for non-forest purposes. This authority has been transferred to the sub-divisional committee, which has no representation from forest-dwelling tribes. The Gram Sabha also has no role in demarcating protected areas or deciding critical wildlife habitats. The government reserves the right to identify and demarcate such areas and to decide whether forest-dwellers need to be evicted or not. Finally, the Gram Sabha is only required to give its informed consent to the resettlement package but does not have the right to disagree.

Patnaik<sup>xi</sup> states that the critical wildlife habitat (CWLH) guidelines framed by the MoEF are a reiteration of its stand on keeping people out of protected areas and nullifying the provisions of the law by diluting the preconditions for demarcating CWLHs. The guidelines do not require local communities to consult with the Gram Sabha.

Patnaik further points out that it is assumed that the relocation of villages would start immediately after the Forest Department prepares the proposal to identify the critical tiger habitat (CTH). In several states CTH demarcation proposals have been prepared and an estimate of people likely to be relocated prepared. The FRA insists that demarcation of critical tiger habitats (CTH) needs to be understood as a process and not a plan. However according to the Act, the Forest Department, while preparing the proposal, should only mention the area and not the number of people likely to be relocated as it is only proposing the area which might change and the Expert committee might even think that no relocation is necessary for the purpose.

Another critical threat to proper implementation of the FRA is the interpretational freedom given to the forest department. One such example relates to ownership of NWFPs provided in the PESA. Except for Orissa, no other state abides by this central provision. This implies that state governments reserve the right to not obey the central Act and yet escape reprimand.

### 2.1.3 Shortcomings of the FRA

The FRA has several lacunae and weaknesses. These can be divided into two categories: lacunae arising out of provisions or their lack in the Act, and lacunae due to gaps in implementation.

#### Lacunae due to provisions in the FRA

The problems inherent in the provisions of the Act can be seen in the notification of Mudumalai Sanctuary in Tamil Nadu as a tiger reserve in 2007, which resulted in a conflict between activists, non-governmental organisations and conservationists on the future of protected area management. Conservationists saw the notification as essential for ecosystem stability and maintaining genetic diversity.

Tagioff and Menon<sup>xii</sup> view the emphasis on conserving charismatic mega-fauna such as tigers as a reflection of the need to maintain a forest monoculture for commercial timber rather than genetic diversity. They point out that the rationale for saving forests is often simplistic - such as the traditional argument linking forests to rainfall and drought. They say the need is to facilitate context-specific, ecologically and economically informed forest governance. In this context, they point out that conservationists tend to ignore evidence that indicates benefits to the ecosystem derived from human disturbance.

The other problem is that local people were not consulted in the decision to convert the area into a tiger reserve so democratic norms, including those vested in the FRA, were flouted.

Mitra and Gupta<sup>xiii</sup> criticize the FRA for not recognizing varied uses of forest land and being too theoretical in its language. They are apprehensive about the government's failure to follow up with procedures and safeguards to put the law's directives into practice. They question whether tribal communities can enforce and manage their legal rights to land while continuing to be marginalized in a macro socio-economic context.

They argue that while the basic principle behind the law is sound, the lack of a larger framework required to bring about reform on such a grand scale may not yield the anticipated benefits. For example, the law has nothing to say about ownership of common property resources even though there is huge dependence on such resources owing to limited availability of alternative livelihoods. Any law must address the issue of communal tenure and provide security of tenure to rural communities.

Sathyapalan<sup>xiv</sup> and Sirisha Naidu<sup>xv</sup> concur with this argument, pointing out that community rights are considered more equitable since even the poor and landless have access to forest produce but the FRA gives little importance to such rights. Sathyapalan points out the importance of taking appropriate steps to recognise community rights, considering how crucial MFPs are for the livelihood of these communities.

## Lacunae arising from improper implementation

Sirisha Naidu<sup>xvi</sup> is of the opinion that the realities of implementation and the corresponding outcomes are contrary to the aims of the FRA. For example, the government has made little effort to disseminate information about the application and approval process even though most beneficiaries are unaware of the full provisions of the Act, especially those pertaining to community rights. In addition, the MoTA has erected administrative barriers against implementation and set arbitrary deadlines for completing the process for recognizing these rights. The MoEF also continues to divert land without the approval of those affected and relocates people and communities to notify critical wildlife habitats in a manner contrary to the Act (Campaign for Survival and Dignity).

Another example of non-implementation pertains to Clause 3 (1)-(i) of the FRA, which poses a direct threat to many 'development' projects undertaken by private or public concerns, or through public-private partnerships. The clause notes the "right to protect, regenerate or conserve or manage any community forest resource which they (the community) have been traditionally protecting and conserving for sustainable use". In blatant disregard of the FRA, the forest department and MoEF continue to promote "dangerous sham participatory schemes" after instituting their own set of rules and procedures (Campaign for Survival and Dignity).

To take yet another example, the state of Chhattisgarh has a spotless track record of settling claims on paper. Yet, according to data reaching the MoTA, the state government received 486,101 applications by March 31 2010, of which 44% were accepted while the rest were rejected. Essentially, over half the claims were rejected, which is a pointer to the difficulties faced by tribals in proving their claims. Following a field visit to Chhattisgarh, N.C.Saxena, chairperson of the Saxena Committee on the FRA constituted by the MoEF and MoTA, points out in his report that many difficulties have not been considered at the official level<sup>xvii</sup>. They include the following:

- **Lack of action on community rights:** The state government admits that almost no action has been taken under sections 3 (1) (b to m), which pertain to community rights. On the other hand, several applications for community rights have been accepted under section 3 (2), although this section is not about community rights.
- **Inability to file claims in time:** Several deserving claimants could not file their claims on time. Under the erroneous impression that the last date was over village officials and the FRCs had stopped considering new claims.
- **Erroneous rejections:** These mostly occur because of hasty enquiries and inadequate vetting by senior officials. Most rejections are at the village level, where applications have been submitted solely on the report of the patwari or forest guard without being scrutinised at higher levels. Nor have claimants been given 'reasonable opportunity' to prove their claims, as provided in Rule 4(c). The tribal welfare department neither cross-checks the work done at the village level by the revenue and forest officials, nor engages an outside agency to conduct an independent assessment. This needs to be done in a proper manner since hasty assessments can not only lead to wrongful rejections but also wrong recognitions.

- Procedural errors: Many applicants faced problems in filling the form. For example, most applications do not mention the area under occupation because of poor translation of Form-A from English to Hindi prescribed under rule 6 (1). The name of the wife is left out in many cases, although Section 4 (4) of the Act prescribes that the title should be in the joint name of the spouses in case the applicant is married. Cases of claims in national park were not dealt with as per the law, so the blanket rejection in such cases was illegal.
- No right of appeal: Applicants were not informed in writing when their claims were rejected. So they could not exercise their right of appeal. A proper format needs to be designed by the state government to communicate the reasons for rejection so that an appeal can be filed with the higher authority.
- Inactive departments: The vigilance committee of elected officials set up by the state government is inactive. Similarly, the tribal welfare department, despite being the nodal department, has failed in providing leadership to the programme, resulting in a low profile implementation campaign and low awareness of the Act. The department's role is to develop qualitative indicators, call public meetings, hold public consultations, put pressure on the revenue and forest departments at the district level to do justice to the forest dwellers, and improve communication between officials and the people. Instead it merely collects statistical information and forwards it to the higher levels.

Purabi Bose<sup>xviii</sup> points out apprehensions at the local level about implementation of the FRA. The fear is that once the Act is implemented, tribals and other forest dwellers would be required to live inside the forest area even though most of the tribal land is under the revenue department. Panchayats are unaware of how state policy will be formulated to address the issue of land tenure.

Sourish Jha<sup>xix</sup> points out that the implementation of the FRA has caused controversy in West Bengal. The Gram Sabha has been replaced by the gram sansad as the village-level constituency under the Panchayati Raj system, with contiguous arrangements being made and initiatives taken that are inconsistent with the Act. All these factors have led to undermining the spirit of the Act, invoking stiff opposition from forest dwellers in the region.

## Lacunae due to macro framework

There is also a lacuna on account of the macro environment. The FRA requires coordination between several departments that are unable to work in concert. Sathyapalan points out that the tribal, forest, revenue and local self-government departments are involved in implementing the Act. Each department interprets the law according to its own mandate and objectives and devises its own set of rules. They make implementation decisions through various committees constituted at different levels of the state administration and their differing perceptions makes implementation difficult.

### 2.1.4 Steps for improvement

Several commentators offer their own assessment of the steps that need to be taken to ameliorate the situation. Indranil Bose<sup>xx</sup> suggests that the FRA needs to be complemented by other informal institutions that can fill the gaps. Purabi Bose<sup>xxi</sup> emphasises the positive role that informal institutions can play in ensuring the success of decentralized forest management. Like Mitra and Gupta<sup>xxii</sup> she is sceptical about tribals being able to utilize their newly acquired decision-making power.

Purabi Bose feels greater informal involvement and recognition of customary institutions can help tribal communities attain better negotiating power in management and access to forest resource use, since informal institutions play a role complementing formal institutions in recognizing land tenure rights and working in collaboration with tribal cooperatives. She sees devolution of power not as an isolated solution to improve forest management but to strengthen local informal village institutions in cooperation with Panchayats in tribal areas.

She argues that informal rules benefit the poor in three ways. Firstly, they influence livelihood needs of poor tribals by determining access and resource-sharing rights. Secondly, the decision-making power of informal institutions is supported by the majority, especially marginalized groups that are excluded from the formal set up. Thirdly, informal institutions receive almost complete social participation at the village level since they are immune to capture by the local elite, have downward accountability and are able to impose balanced forest resource sharing rules.

The review of literature on the FRA clearly highlights the need for closer scrutiny of community rights under the Act, pointing out that state governments have been paying inadequate attention to its last mile implementation. Several issues emerge from the review, which are important for designing the study on policy/structural issues and setting its objectives. Implementation and operation is crucially linked to grassroots governance, which is possible only by empowering the Gram Sabha to take control of implementation in order to protect the rights of tribals and other forest-dwelling communities.

## 2.2. Objectives of the study

The study has the following broad objectives:

1. To ascertain whether the FRA's vision of community rights to forests resources is being implemented in its true spirit on the ground.
2. To ascertain the reasons - and their validity - for rejecting applications for community rights to forest resources.
3. To identify the reasons why some eligible candidates or groups could not claim ownership rights of community forest resources or were not given these rights even after submitting applications.
4. To identify potential community rights for which claims can still be made.
5. To identify other bottlenecks (procedural, structural, capacity) in implementing the Act.
6. To make recommendations for policy makers on shortcomings (procedural, structural, capacity) revealed by the study.
7. To document best practices in granting community rights to forests.

## 2.3 Methodology

### Selection of Districts

Ten districts were selected for the study, six in Madhya Pradesh and four in Chhattisgarh. The selection was done on the basis of the ST population of the district, the existence of National Parks or wildlife sanctuaries within its boundaries and the number of community claims made up to November 2009.

Both states were divided into three bands - high, medium and low - based on the proportion of the ST population in the state.

High ST population	–	More than 40 %
Medium ST population	–	20 % to 40 %
Low ST population	–	Less than 20 %

Similarly, three bands based on the number of community claims were made to classify the district as follows:

High number of claims	–	More than 150 claims
Moderate number of claims	–	50 to 150 claims
Low number of claims	–	Less than 50 claims

Based on the above bands, the following matrices were arrived at for the two states:

Madhya Pradesh			
	High number of claims (More than 150 claims)	Moderate number of claims (51 to 150 claims)	Low number of claims (0 to 50 claims)
High ST population (40-100%)	Umaria (PESA – partial)	Shahdol (PESA – partial) <b>Mandla (PESA)</b>	Jhabua (PESA), Alirajpur, Badwani (PESA) Dindori (PESA), <b>Dhar (PESA)</b> , Anuppur
Moderate ST population (20-40%)		<b>East Nimad (Khandwa) (PESA – partial)</b>  Betul (PESA – partial)	Seoni (PESA – partial), West Nimad (Khargone) (PESA – partial), Chhindwara (PESA – partial), Sidhi, Singrauli, Burhanpur, Harda, Ratlam (PESA – partial), Katni Balaghat (PESA – partial), <b>Sheopur (PESA – partial)</b>
Low ST population (Less than 20%)	<b>Sagar</b> Chhatarpur Mandsaur	Dewas Ashoknagar Shivpuri	Raisen, Panna, Hoshangabad (PESA – partial), Jabalpur, Satna, Narsinghpur, Rewa, Damoh, Guna, Sehore, Neemuch, Indore, Vidisha, Tikamgarh, Rajgarh, Gwalior, Bhopal, Ujjain, Shajapur, Datia, Morena, Bhind

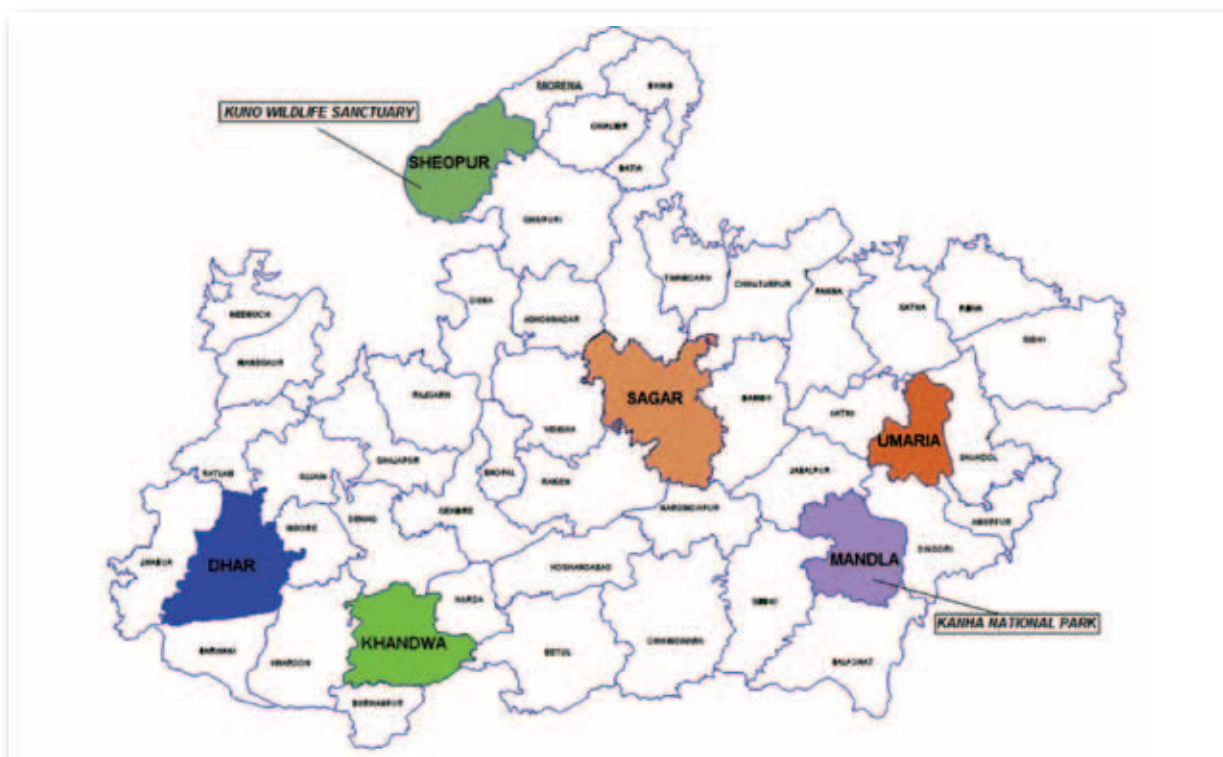
Chhattisgarh			
	High number of claims (More than 150 claims)	Moderate number of claims (51 to 150 claims)	Low number of claims (0 to 50 claims)
High ST population (40-100%)	Surguja, <b>Jagdalpur</b> , Dantewada, Kanker	<b>Korea</b>	<b>Rajnandgaon</b>
Moderate ST population (20-40%)	Dhamtari		
Low ST population (Less than 20%)		<b>Bilaspur</b>	Durg

One district (highlighted) was selected from each cell in the matrix keeping in mind other factors like existence of national parks/wildlife sanctuaries and geographical distribution of the selected districts in the state.

### Selected districts of Madhya Pradesh

S.No	District	Tribal population	Claims	Geographical region
1	Umaria	High	High	Chhattisgarh plateau
2	Sagar	Low	High	Bundelkhand
3	East Nimad (Khandwa)	Moderate	Moderate	Nimad
4	Shahdol	Moderate	Moderate	Northern hills of Chhattisgarh
5	Dhar	High	Low	Malwa
6	Sheopur	Moderate	Low	Chambal





Selected districts of Chhattisgarh

S.No	District	Tribal population	Claims
1	Jagdalpur	High	High
2	Rajnandgaon	High	Low
3	Bilaspur	Low	Moderate
4	Korea	Moderate	Moderate





## Selection of blocks for the study

Two blocks with the highest number of community claims were selected from each district, giving a total of 20 blocks for the study. The list of selected blocks is given in Annexure-1

## Selection of villages for the study

Six villages in each selected block were taken up for the study, giving a total of 12 villages from each district. The list of selected villages is given in Annexure-2.

## Sample respondents

**Sample size of respondents in 10 districts**

Respondent category	Sample respondents	Total sample targeted in 10 districts
Community members	10 in each village	10X120 = 1200
FRC members	5 in each village	5X120 = 600
Panchayat secretary	1 in each village	1X120 = 120
Official conducting the Gram Sabha	1 in each village	1X120 = 120
SDLC members (non-official)	3 in each sub-division	3X20 = 60
SDLC members (officials)	3 in each sub-division	3X20 = 60
DLC members (non-official)	3 in each district	3X10 = 30
DLC members (official)	3 each district	3X10 = 30

## Tools used

Research tools to collect data for the study were developed for all levels of implementation of the FRA, from the village to the state level. Since the unit of analysis was community rights and resources, the focus was on village-level instruments, which were made in detail and depth. Given below is a brief description of these research tools:

**Village-level tools:** Structured Formats were developed for gathering information related to the Gram Sabha held for constituting the FRC, the decisions taken in that Gram Sabha and subsequent Gram Sabhas related to the FRA.

Tables were developed for collating information on forest resources being used by the village community.

Separate questionnaires for the FGDs with the community and FRC were framed to gauge the level of awareness of the Act and its processes as well as the processes adopted to implement it, particularly with regard to community rights. An interview schedule was used for interviewing the Panchayat secretary since (s)he played an important role in implementing the Act.

Participatory Rural Appraisal (PRA) was used to prepare a community resource map and an inventory of all resources, including those for which claims were made and those that had been ignored in the claims process. This was done to assess the potential gap between claims made and unclaimed community resources.

**Sub-divisional-level tools:** Schedules were developed and used for interviewing SDLC members and other officials at the sub-divisional level involved in implementing the FRA. The questions mainly focused on gauging awareness of the roles and responsibilities of SDLC members.

**District-level tools:** Schedules were developed and used for interviewing DLC members and other officials at the district level involved in implementing the FRA. The questions mainly focused on gauging awareness of the roles and responsibilities of the DLC members.

## State Advisory Groups and State Level Consultations

A state level Advisory Group was constituted in both the states. The group consisted of senior state government officials directly related with the implementation of the Act including Forest Department, Panchayat and Rural Development, Tribal Development, Planning, representatives from the civil society and UNDP. The role of this group was to provide overall guidance to the study at different stages, review the issues, methodology and the draft findings of the study. Therefore, the tools, methodology and the analysis was shared with the Advisory Group and required changes were made as per the suggestions of the group. The details of different meetings are given below:

Advisory Group Meetings		
Date / Place	Purpose	Summary of key recommendations
17th February 2010, Bhopal, Madhya Pradesh	Discussion and finalization of Study methodology and study tools	The Advisory Group approved the sample of study districts and selection parameters. The Group also suggested that the study should examine claims both in the forest, revenue land and forest reserves
3rd September 2010, Bhopal, Madhya Pradesh	Sharing of key findings of the study	The draft findings were shared and a constructive feedback was provided by the Advisory Group. It was decided to incorporate the changes based on the feedback. The group was keen to know the distribution of community assets based on the provisions of the Act.
14th September 2010, Raipur, Chhattisgarh	Sharing of Key Findings of the Study	The group provided useful inputs and also asked to look at the provisions of PESA and its relationship with the FRA. It also asked for more specific recommendations.

Based on the feedback on the key findings, the draft report was prepared and shared in both the states. The first consultation was organised in Bhopal, Madhya Pradesh as a National level consultation on 26th October, 2010 and second was held on the 4th December in Raipur, Chhattisgarh. The draft report were shared in the consultation meetings inviting participants from the Advisory Committee, state officials, civil society representatives,

## 2.5. Limitations of the study

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

1. The secondary data available in Madhya Pradesh and Chhattisgarh on community rights claims and individual claims have different formats. So compilation was not possible at a certain level. Moreover, the most updated data was also not available at times.
2. It was difficult to interview officials posted at the time when the FRA was initially implemented since most of them had been transferred to other places.
3. Many officials were hesitant to provide their feedback, considering the implementation of the Act as a politically sensitive issue.
4. This being a new area / issue, most functionaries, at sub-district level, were not able relate with the Act and its implications in the perspective of the larger tribal and forest governance issues.

# CHAPTER 3:

## Community claims on forest resources – ground realities

Tribals and other forest-dwelling communities have strong and organic inter-relationships and their lifestyle is intimately connected with the forest environment, their livelihoods depending crucially on the use of forest resources. Their religious, social, cultural and economic practices demonstrate their symbiotic relationship with forests and this inter-dependence makes community assets an essential part of their economy and culture.

This chapter deals with the issues emerging from the field in implementation of the Forest Rights Act particularly in the context of community claims on forest resources. It needs to be acknowledged that in the initial years of implementation there was a very high ownership of the state in implementation of the Act. Various initiatives taken by the state government shows that there was the intent and spirit to bring transparency and inclusion in the implementation of the Act. However due to the complex institutional arrangement and lack of the same shared vision at district and below, there were interpretation and implementation level gaps in both the states.

### 3.1. Types of forest resources used by the community

The study team conducted a PRA exercise in the sample villages to identify the range of forest assets and resources used by communities and map claims that could be made for community and individual user rights to these resources. The facilitators also made field visits during which they interacted with the village communities and identified several other resources that could potentially be claimed under the FRA. Some of the important community resources and which could potentially be claimed as Community Forest Resources are listed below:

**Places of worship:** The community has several places of worship that are visited and used regularly, especially for organising seasonal festivals throughout the year. In Khandwa, the community worships at a temple of Kajarani Mata before commencing sowing and harvesting operations as well as at the time of marriages. The temple contains a stone which is the symbol of the goddess. Similarly, in Sheopur district, the community frequents a Ganesh temple and a Kali mandir. There are also many chabutaras (raised platforms around trees) where villagers congregate. Such temples and chabutaras can be found across the states of Madhya Pradesh and Chhattisgarh.

**Khirkai/gaothan:** Most villages use a stretch of common land, usually located in the forest, for community dairying during the rainy season. In Blawani village of Sheopur district one such khirkai covering more than 12 bighas of land can be found at a distance of about 8 km from the village. Tribals keep their milching animals, particularly cows and buffaloes, in the khirkai and go there to milk them. The khirkai is shifted every three years to a new location.

**Forests for Usufruct (Nistar) Rights:** The community depends on forests for fuel-wood for cooking and wooden beams, pillars and rafters for constructing huts. Animals are also let loose in the forests to graze.

**MFP collection:** Tribals and other forest dwellers collect a wide range of MFPs from forests, such as gond (gum), khair, sal seeds, harra, baheda, chota phool, bilaiya hana, arjun, nokha, murli etc. Two key MFPs are tendu patta, which they collect in large quantities for earning a cash income, and mahua, which they pluck for personal use.

**Water bodies:** There are several water bodies in forests - such as large and small ponds, rivulets and seasonal rivers - that are accessed by the community on a regular basis for water, fisheries and other water based resources.

**Quarries:** The community also depends on small quarries in the forests for materials like sand and sandstone, which they use for constructing their houses. These quarries are used for self consumption, not for commercial purposes.

**Cremation/burial grounds:** A key use of forest land by the community is for cremation/burial purposes. Different tribes have their designated cremation/burial grounds in the forest.

**Connecting and approach roads:** There are many connecting roads between villages and approach roads from the village to the highway. Pathways are also commonly used to access public utility spaces like ponds, burial ground and temples.

**Community halls and other government infrastructure:** The government has created several community assets to render services to the people, such as PDS shops, schools, PHCs, anganwadis, Panchayat bhawans, etc. Many of these facilities are on forest land and are regularly accessed by village communities.

## 3.2. Community claims on forest resources in Madhya Pradesh and Chhattisgarh

Once the different types of forest resources used by the community in the sample villages were identified, the study made a list of claims registered for individual and community rights to these resources.

The status of claims in Madhya Pradesh and Chhattisgarh is shown in the table below. It can be seen from the table that claims for user rights under the FRA have been registered for only 17.9% of the total forest resources in the two states, the figure being 14.6% for Chhattisgarh and 20.5% for Madhya Pradesh in the villages studied.

**Status of user rights for forest resources claimed under the FRA in the study sample**

State	Districts	Status of claims under Section 3.1 of the FRA <sup>1</sup>		
		Resources used	Claimed	% Claims
CG	Bastar	97	28	28.9
	Bilaspur	114	13	11.4
	Koriya	115	15	13.0
	Rajnandgaon	100	6	6.0
	<b>CG Total</b>	426	62	14.6
MP	Dhar	72	13	18.1
	Khandwa	55	24	43.6
	Mandla	71	3	4.2
	Sagar	131	17	13.0
	Sheopur	106	37	34.9
	Umariya	101	16	15.8
<b>MP Total</b>		536	110	20.5
<b>Grand Total</b>		<b>962</b>	<b>172</b>	<b>17.9</b>

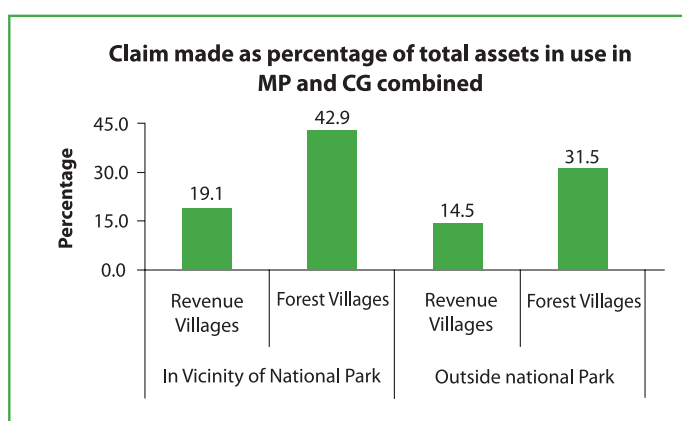
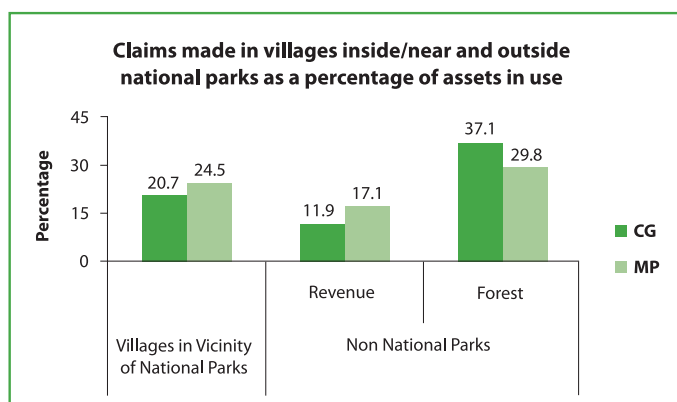
Section 3 (2) has been excluded from this list as this section relates to infrastructural assets that require diversion of forest land for their creation. It was observed that the claims given under this section were also being treated as community rights by the officials. A total of 37 claims in Madhya Pradesh and 48 claims in Chhattisgarh have been sanctioned under this section, which is taken up for discussion later in this report.

<sup>1</sup>Excluding Section 3(2)

### 3.3. Community claims in national parks and wildlife sanctuaries

Five districts in the study sample have national parks or wildlife sanctuaries – Koriya and Bilaspur in Chhattisgarh and Mandla, Sheopur and Umaria in Madhya Pradesh. Nine of the sample villages lie within national parks or in their periphery.

The bar diagram shows the user rights claimed in villages lying within/near and outside national parks as a percentage of total forest resources used by the village communities. It is evident that claims as a percentage of total resources was highest in forest villages situated outside national parks. In Chhattisgarh, user rights were claimed for 37.1% of resources in these villages compared to 20.7% in villages situated in national parks. The respective figures for Madhya Pradesh are 29.8% and 24.5%. Overall, user rights were claimed for only 19 out of 82 potential resources in the sample villages in or near national parks.

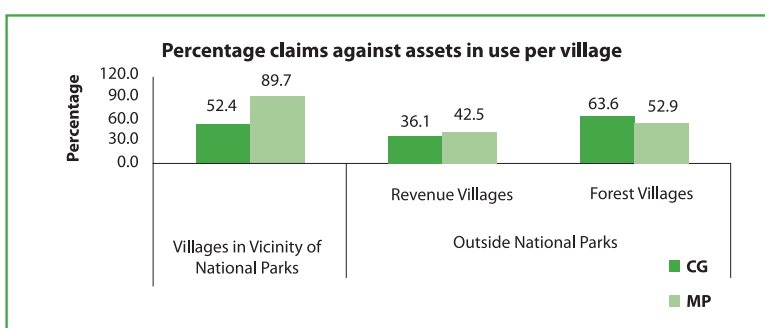
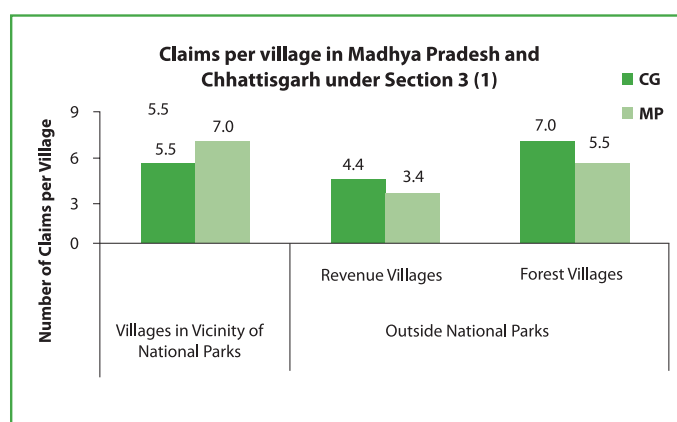


Very few claims appear to have been registered in revenue villages in both states, the percentage being only 17.1% in Madhya Pradesh and even lower at 11.9% in Chhattisgarh.

If we look at the figures of both states combined, we see that the percentage of claims to total resources is highest in forest villages within national parks, followed by forest villages outside national parks, with revenue villages inside and outside national parks having the lowest figures.

When the average number of claims made per village is taken into account, we again see the least claims being registered in revenue villages, the average being 3.4 claims per village in Madhya Pradesh and 4.4 claims per village in Chhattisgarh. The average is highest for forest villages both inside and outside national parks.

If the claims made in each village are seen as a percentage of the total resources in use in the village, we find that forest villages situated in national parks or their vicinity have the



highest percentage. The figure is as high as 89.7% in the case of Madhya Pradesh though it is much lower at 52.4% in the case of Chhattisgarh. This high percentage of claims registered could be because national parks and wildlife sanctuaries are legally out of bounds for people, so their forest

resources are unavailable to people, unlike in forests outside national parks which are more accessible. Again, the lowest number of community claims was registered in revenue villages in both the states.

### FRA not applicable in national parks?

*Turri village of Ramgarh Panchayat lies in the Guru Ghansi Das National Park in Korla district of Chhattisgarh. In 1978, 12 families (8 tribal and 4 non-tribal) from the village cleared part of the forest to cultivate the land. After 2-3 agricultural seasons, the forest department confiscated their farm equipment and registered a case against them. The families found it difficult to get bail. Finally, in 1987, the case was withdrawn with an understanding that the families would not till forest land. However, the villagers continued cultivating land in the forest.*

*Following the enactment of the FRA, the villagers asked the forest guards about the procedure for filing applications for individual claims. They were told that since the forest falls within the national park, the Act did not apply and they could not file claims for individual or community rights. Hence the families did not register their claims on the land they had been cultivating.*

*The village also depends on a stream flowing through the national park for drinking water. Similarly, there are three ponds which the community uses for usufruct (nistar), a funeral area, two temples, a gaathan and a gram pandal which fall within the national park, but no community claim has been registered for their use under the FRA.*

The Manthan report on the FRA also observes that a common misconception in most states is that protected areas (PAs) are excluded from the purview of the Act. It states: "As per the provisions of the FRA forest-dwelling communities are eligible to forest rights even in protected areas (PAs). But no consolidated picture of the status of its implementation is available at the national level. No state maintains such data or analysis, nor are MoEF or MoTA asking for them. There is, however, a clear trend of initially denying the rights under the FRA within PAs at the ground level in some states. In many states it has been wrongly believed, or conveyed, that tiger reserves are exempt from the FRA. It has also been wrongly conveyed that the FRA does not apply if the rights of people have been previously settled under the WLPA, even if people might still be residing within or depending on the resources of the PA, and also the FRA does not apply to villages where resettlement is part of an ongoing process that began before the FRA was promulgated."

Claims for user rights in villages falling within national parks and wildlife sanctuaries are essentially supply driven, since access to these areas is denied under the law. In places where the forest department officials are sensitive, villagers have taken the initiative to claim community rights to resources. But the study found that people in many villages were often unaware of what community claims had been made on behalf of their villages or who had filed the claim application.

In most such cases it was the government officials who took the initiative. Take the example of the forest villages Suhari and Rajak situated in the Achanakma Wildlife Sanctuary in Chhattisgarh. The forest department played a key role in preparing claims for community rights. In Rajak, the chairperson of the FRC was active and ensured that claims were filed for accessing the nearby quarries that people were using for construction and repair work in their village. However, the wildlife sanctuary is being converted into a national park and the process of displacement is being initiated in these villages.

### Community rights claimed without the knowledge of the Gram Sabha

*Ranipura village in Sesaipura Panchayat of Karhal block (Sheopur district) is a Sehariya dominated village, with 140 families from this community and 26 families from the Jatav community. During discussions with the community it emerged that 20 (individual) claims were filed by people occupying forest land. These claims were rejected because the required documentary proof was not provided with the claim applications.*



*In the case of community rights, the villagers were unaware about the rights they could claim under the FRA. However, the records show that such rights had been claimed for 12 community resources (part of the Kuno river, four temples, two mines, the primary school, pasture land, a pond, and an area for collecting medicinal plants, herbs and NTFPs). The people did not know who had made these claims. It was subsequently revealed that the secretary of the FRC in Ranipura had taken the initiative to claim these community rights without informing the villagers.*

### 3.4. Claims made in villages with PTGs

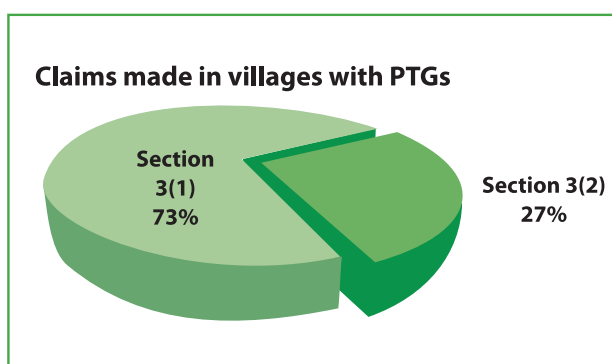
Primitive Tribal Groups (PTGs) are the most disadvantaged among tribals. These groups live in small, scattered habitats in remote, inaccessible areas. Their livelihoods are especially vulnerable because they are linked to the most non-productive forest assets/resources. Over the years, the more dominant tribal and non-tribal groups have encroached upon the resources which the PTGs originally controlled and accessed. Despite numerous government schemes to mainstream these groups their condition has not improved in any significant way. The FRA was seen as a potent tool to ensure that they would be able to access individual as well as community resources. The section 3(1)(e) has provisions for protection of the rights and livelihood of PTGs including community tenure on habitats and habitation.

The PTGs have their customary beliefs and practices. For example, the Sahariya community has a 'Panchayati bangla'<sup>2</sup> in the middle of its habitation where all functions are organized and all disputes settled. Another community, the Baigas, depends on forest produce like roots and fruits for personal consumption, honey and harra (myrabaloms), which they collect and sell, and bamboo to make mats and baskets, which are also sold. These PTGs are eligible to claim many individual as well as community rights.

The study found six different PTGs in 22 sample villages (eight in Chhattisgarh and 14 in Madhya Pradesh) as shown in the table below:

State	District	Village	PTG
CG	Bastar	Bangladongri, Titirgaon, Bejapadar	Maria and Muria
	Koriya	Dharampur, Murma, Durgapur, Champajhar,	Pando, Pahadi Korba
	Bilaspur	Rajak	Baiga
MP	Sheopur	Badretha, Balawani, Benipura, Chimalwani, Girdharpur, Kalarna, Kariyadeh, Malipura, Moreka, Ranipura, Shyampur, Simrai	Sahariya
	Umariya	Majhokhar	Baiga
	Sagar	Jamuniya Deeraj	Sahariya

These villages with PTGs have claimed user rights to community resources under two sub-sections of Section 3 of the FRA, the breakdown being given in the adjacent chart. Section 3 (1) covers individual and community rights to forest resources linked to the livelihood of tribals and other forest dwellers while Section 3 (2) relates to diversion of forest land for creation of infrastructural assets by the government. The chart shows that a significant chunk of claims (27%) has been sanctioned under the latter section. A question marks remains on the utility of these infrastructural assets for the PTGs since it is the dominant groups who have better access to them and stand to benefit the most.



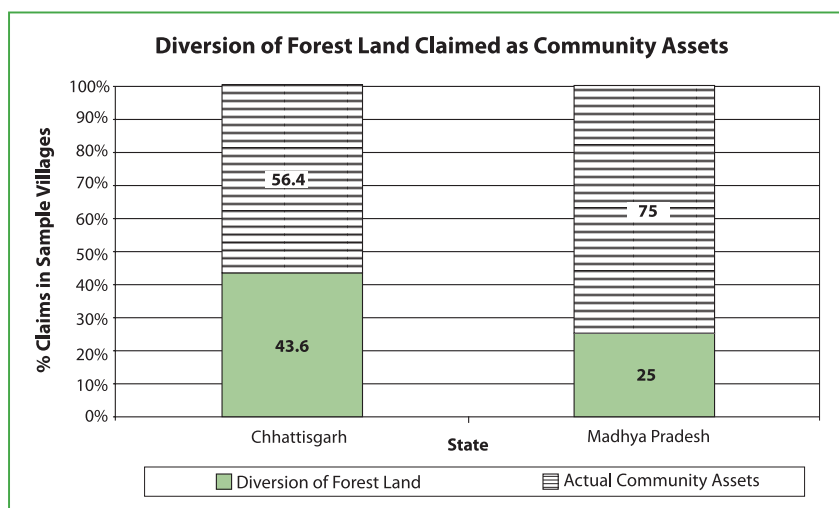
<sup>2</sup>Chapter 4- Socio-Cultural Life of Sahariya

<http://dspace.vidyanidhi.org.in:8080/dspace/bitstream/2009/3656/5/DLU-2000-056-4.pdf>

The Manthan report points out that no conscious efforts have been made to ensure that PTGs claim their community and individual user rights. In fact, very little effort has been made at the state level to even collect data on these groups. It states: "There is no national-level data on the status of FRA implementation specifically with regard to PTGs. The various processes of the FRA have hardly reached them and the progress of implementation is very little." There is also the fear that other dominant castes may stake claims for user rights that could deprive the PTGs of their entitlements under the Act.

### 3.5. Claims under Section 3 (2) - diversion of forest land

Assets under the 13 categories mentioned in Section 3(2) of the FRA include community buildings, school buildings, playgrounds, PDS shops, Panchayat buildings, health centres, anganwadis, etc. *There appears to be a tendency among officials at the DLC and SDLC level to favour claims for community rights to such assets, judging from the large number of such claims sanctioned by the DLCs in the sample villages.*



If one looks closer into the matter, it becomes evident that such claims are seen more as a way for the departments to acquire legal titles to these assets rather than conferring user rights on tribals and forest dwellers. There is another downside to sanctioning a large number of claims under these categories: it acts as a deterrent for the community to demand more relevant and important user rights to forest resources under Section 3 (1), which covers khirkais/markets, MFP collection rights, grazing land for their animals, and so on.

The above chart shows the percentage of claims made for user rights to assets/resources under Section 3 (1) and Section 3(2) in Madhya Pradesh and Chhattisgarh. It shows that in Chhattisgarh a very significant proportion of assets (43.6%) under section 3(2) is shown as community claims. In Madhya Pradesh the situation appears to be a shade better as only around 25% section 3(2) claims are shown as community assets.

The breakup of claims made for diversion of forest land to create assets is given in the table below. It can be seen that 57.6% of such claims are in revenue villages, followed by 35.3% in forest villages and 7.1% in national parks. In Chhattisgarh, claims under Section 3 (2) are mostly from revenue villages whereas in Madhya Pradesh they are mostly from forest villages outside national parks.

Claims made under Section 3(2) - Diversion of forest land						
Type of village	Madhya Pradesh		Chhattisgarh		Total	
	No	%	No	%	No	%
National park	1	2.7	5	10.4	6	7.1
Other forest villages	29	78.4	1	2.1	30	35.3
Revenue	7	18.9	42	87.5	49	57.6
Overall	37	100.0	48	100.0	85	100.0

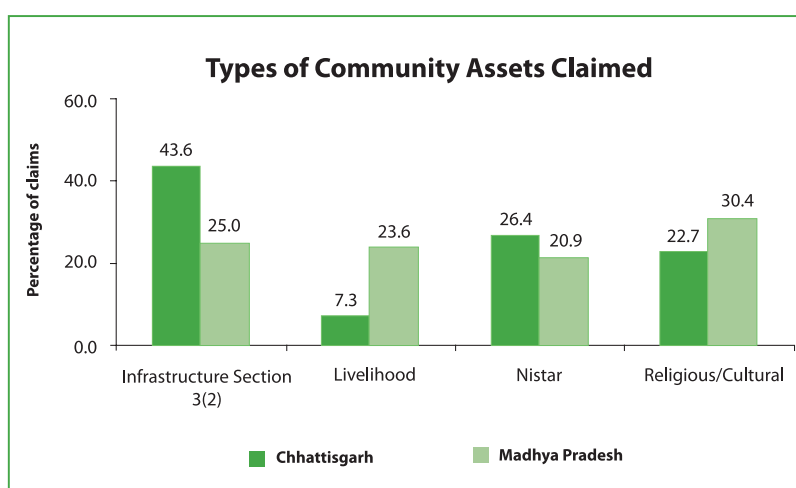
### 3.6. Community perceptions about utility of claimed assets

Community assets/resources for which user rights can be claimed under the FRA can be broadly classified for the purpose of this study as (a) infrastructure for the village, (b) forest resources for livelihood purposes, (c) usufruct (nistar) rights over forest resources and (d) forest resources for religious and cultural purposes. The types of assets/resources under each of these categories are given in the table below:

S. No	Category	Type of community assets
1	Infrastructure for the village	Community building, school building, anganwadi, playground, PDS shop, Panchayat building, health infrastructure, other infrastructure
2	Livelihood related	<i>Khirkai/gothan</i> or cattle-sheds, road and connectivity related, pond, water harvesting structure, river, market, traditional livelihood place, agriculture, nursery, garden, NTFP/forest produce area
3	Usufruct (nistar)	Road and connectivity related, pond, water harvesting structure, nullah, mines, pasture land, well, river, medicinal plant usage, NTFP/forest produce area
4	Religious places	Temple/place of worship, funeral spot, access roads to place of worship, cremation ground

The percentage-wise breakdown of claims for user rights made in each of these categories in Madhya Pradesh and Chhattisgarh is given in the chart below, which reveals some interesting differences between the two states:

In Chhattisgarh, the highest percentage of claims is for different types of infrastructure (43.6%) while claims related to livelihood are comparatively negligible (7.3%), although usufruct (nistar) rights account for a reasonable share (26.4%). The high claims in infrastructure shows the state sponsored claims and priorities.



Madhya Pradesh appears to be more balanced in this respect, the percentages being infrastructure (25%), livelihood (20.9%) and usufruct (nistar) (23.6%), although places of religious importance accounts for the largest number of claims in the state (30.4%). The data also suggests that in Madhya Pradesh there has been selective interpretation and implementation of the Act for the community.

The study found that people were generally under the impression that by claiming user rights for assets/resources they would enjoy unhindered access to them. Their perceptions about the utility of these user rights are summarised below:

Dhar	<ul style="list-style-type: none"> <li>In both blocks where the study was conducted, community rights were claimed for diverting forest land for creating community resources. The Panchayats had been facing problems in taking up any work in forest areas prior to the implementation of the FRA. They now feel they will be able to develop assets for their villages using the resources available under various schemes.</li> </ul>
Khandwa	<ul style="list-style-type: none"> <li>In Punasa block, most villages have claimed community rights to the Kajalrani Mata temple. This place of worship is used to celebrate harvest season festivals, marriages, etc.</li> <li>In Bhavarla village, user rights have been given to the community for a pond in the forest. The Panchayat plans to deepen the pond under MGNREGS.</li> </ul>

Umaria	<ul style="list-style-type: none"> <li>In Karkeli village of Manpur block the community has claimed usufruct (nistar) rights for collecting firewood for cooking and other purposes.</li> <li>The DLC has given rights to the community in several villages for picking tendu patta, which ensures an income of around Rs1,000 to Rs1,500 in a span of 15 days during the plucking season.</li> <li>The right given to collect MFPs also ensures that the community will be able to access this livelihood source without any prohibition.</li> </ul>
Sheopur	<ul style="list-style-type: none"> <li>In Balavni and Malipura villages of Karhal block, people use forest land during the rainy season for setting up a temporary shelter (khirkai) for their cattle. It is a widespread practice among the Gurjar, Banjara and other tribal communities in Sheopur. The community title given to them ensures they can now legally use forest land for setting up their khirkai.</li> <li>There are small stone quarries near Kariyadeh, Malipura, Ranipura and Moreka villages in Karhal block. The stones from these quarries are used by the community for building their houses. The community title ensures they can quarry the stones without any prohibition.</li> </ul>

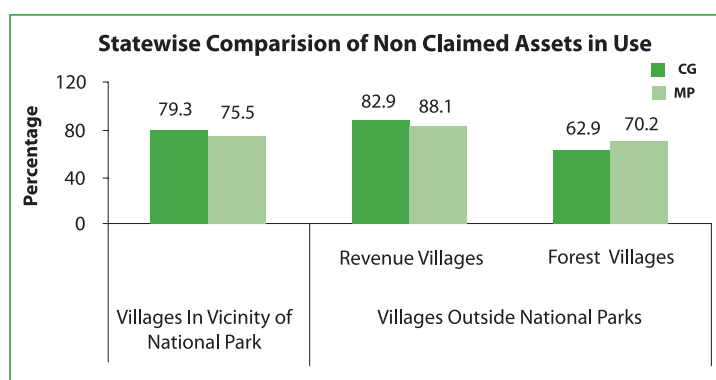
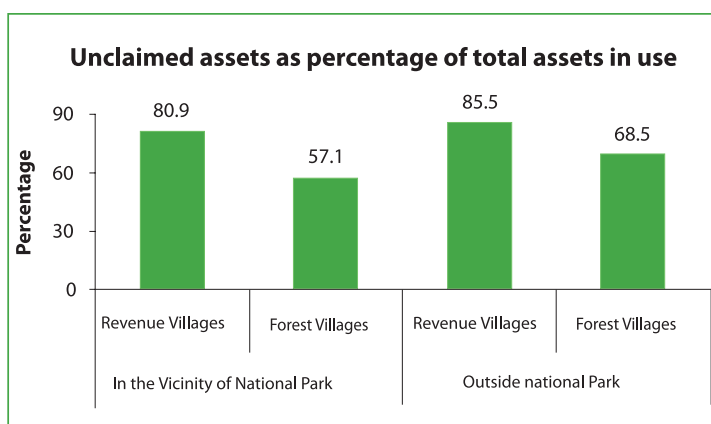
### 3.7. Unclaimed community rights other than Section 3(2)

The study found that in many cases people were not staking claims for user rights to a fairly significant number of community assets they were using. These rights usually related to assets/resources for which the community may have a lease or legal document permitting community use but people were not aware of these documents or did not have access to them.

To assess which assets had been largely ignored in the claims applications in both the states, the facilitators drew up a resource map of all the community assets used in each village and then prepared an inventory of the types of assets and their use. After segregating community assets under Section 3 (2), this inventory was then categorised into assets in villages – both forest and revenue – situated in national parks, assets in forest villages outside national parks, and assets in revenue villages where forests exist.

The inventory of assets in use in each category was then compared with the assets to which rights had been claimed to calculate the percentage of unclaimed assets and get an idea of the potential unmet demand for community rights.

The bar diagram shows the unclaimed assets as a percentage of total assets in use in each of these categories. It is clearly evident that in both states claims for user rights have not been filed for a large proportion of assets-in-use in all categories.



The largest proportion of unclaimed user rights is for assets in revenue villages, both outside national parks (85.5%) and in the vicinity of national parks (80.9%). The lowest figure is for forest villages within national parks (57.1%).

The adjacent bar diagram give a state-wise comparison of unclaimed rights. In both states, the largest proportion of unclaimed rights over forest resources is in revenue villages where forests exist. In national

parks, unclaimed rights are higher in Chhattisgarh (79.3%) compared to Madhya Pradesh (75.5%). In forest villages, the figures are 62.9% for Chhattisgarh and 70.2% for Madhya Pradesh.

The PRA conducted in these villages and the FGDs confirmed these assessments. The breakdown of claimed and unclaimed community assets in sample villages falling under national parks and wildlife sanctuaries is given in the table below:

Claimed and potential community assets in sample villages in national parks and sanctuaries							
State	District/ national park/wildlife sanctuary	Claimed				Not claimed	
		Community assets		Diversion of forest land (section 3 (2))		Community assets	
		Asset category	No	Asset category	No	Asset category	No
CG	Koriya/Guru Ghasidas National Park – Ramgarh village in Baikundpur block		00		00	Ponds	3
						Jhirri	1
						Funeral spot	1
						Temples	2
						Gothan	1
						Gram pandal	1
						Funeral spot	2
						Stop dam	1
						Pond	1
						Temples	3
	Bilaspur/Achanakmar Wildlife Sanctuary - Rajak village in Lormi block	Mahamaya temple	1	Community building,	1	Temple	1
						Funeral spot	1
	Surhai village in Lormi block	Pond near temple	1			Ponds	2
		Kanji house	1	Cricket ground,	1	Gothan	1
		Mines	2	Primary,	1	Funeral spot for Urav caste	1
		Funeral spot	1	High school	1	Mahamaya temple	1
				Panchayat building	1	Pond for fisheries	1
				PDS	1		
	Sheopur/Kuno Wildlife Sanctuary - Badretha and Ranipura villages of Karhal block	Kuno river	1	Primary school,	00 1	Temple	7
						Quarry	1
						Well	1
						Pond	3
						Hand pump	1
		Temples	4			Pasture land	1
		Mines	2			Khirkhiya	1
		Pasture land	1			NTFP collection	1
		Pond,					
		Pond, and NTFP collection area	1				
	Umariya/Bandvgarh National Park - Larhiya and Magdhi villages of Karkeli block		00		000	Funeral spot	3
		Kuchwahi village of Manpur block	1			Temples	2
						Ponds and ghat	2
					00	Temples	2
						Funeral spot	3
						Ponds	2
		Approach road	1		00	Roads, NTFP area	7
Total			11		7		37

In the studied villages (near the national parks and wild life sanctuaries) it was seen that there were 48 potential community assets which could be clearly claimed under FRA. There were several temples, funeral spots, ponds, pasture land, community well, NTFP collection sites etc which the community had been traditionally using. Of these only 11 assets could be claimed as community assets under the Act. Apart from these 11 community assets, there were also 7 section 3(2) claims which are shown in the records as community assets

The forest department feels no claims can be provided in national parks and has opposed both community and individual claims in wildlife sanctuaries and national parks where people were being displaced. In Manpur block (Umaria district), the SDLC had forwarded claims for organizing a mela at Bandhavgarh Fort and another claim for using the approach road to the fort during the fair. In response to this claim, the area director of the Bandhavgarh Tiger Reserve wrote (vide letter No 290 dated January 27, 2010) that these claims could not be made as the area is a national park and as per the Wildlife (Protection) Act 1972, no one can make a claim in such places.

### Violation in case of displacement

*Magadhi is a forest village (Kumarvaha Panchayat) in Manpur block of Umaria district. It lies in the Bandhavgarh Tiger Reserve. The villagers depend on the forest for their livelihood. They have also traditionally been using forest land for cultivation. Most families cultivate around five acres of land. The crops are often damaged by wild animals. There have also been several cases where village cattle have been killed by wild animals. People say they have not got any compensation for such losses.*

*The village is devoid of basic development infrastructure like connecting roads, schools, health facilities, etc. The forest department is also not keen on developing these facilities as it would disturb the wildlife in the forest area.*

*The villagers have been told that they would be required to move out of the national park and the government would pay them a compensation of Rs10 lakh per family. The families will have to search for a suitable location where they can be relocated. Each family has been asked to open a bank account and as soon as the process of relocation begins, 90% of the amount will be deposited in the account and 10% will be handed over in cash for purchases of assets.*

*Such displacements are a clear violation of Section 4 (2) (a) of the FRA, which specifically states that displacement and resettlement cannot be done until and unless all rights are recognized following proper procedures. In Magadhi, the process of identifying individual and community rights has not been undertaken. The SDLC has recommended to the DLC that since the village comes under the proposed national park area all its claims should be rejected.*

The Manthan report speaks about a similar situation prevailing in most states: "Evictions are reportedly taking place in violation of Section 4 (5) of the FRA, which states: 'Save as otherwise provided, no member of FDST or OTFD shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete'. There have been widespread reports of evictions in violation of this provision, before and during the tenure of the committee. There is little evidence that such illegal actions have been dealt with seriously by either state governments or by MoEF and MoTA."

## 3.8. Low user perceptions about community rights claims

The study found very few claims were filed for community rights. Even in the few cases filed the community was not involved and the rejection rate by the SDLC and DLC was low. Some of the reasons for this low response to filing community claims are given below:

1. The FGDs revealed low awareness about the importance of community rights or the procedure for claiming these rights. The brief orientation provided to the Gram Sabha by the concerned officer usually focused more on individual user rights.
2. In several instances, misleading information was provided to the people. For example, villagers in Kariadeh (Sheopur district) were told that each village could only file one claim for user rights to community assets.



3. It was also not clear whether a claim for user rights could be made only if the forest resource was being used for a certain number of years.
4. People did not feel the need to claim community rights because they had never faced any problem in accessing community resources in forest areas.

In Saroli and Guplin Chua villages of Chowki block in Rajnandgaon district, people were informed about the process of claiming community rights during the first Gram Sabha meeting. They even filed several claims for community resources on the basis of what they had learned, but their claims were not taken forward because the patwari took the stand that there are no provisions for claiming community resources under the FRA.

*The Manthan report also highlights specific issues with regard to the community rights/ claims made in the states. Some of the key issues emerging from the report are as mentioned below*

- *The report observed that preference was being given to settle individual forest rights first and then the community forest rights.*
- *This report also pointed out that claims under section 3(2) were being shown as community claims.*
- *The lack of baseline information on the existing community rights was also a major gap in identifying the claims under FRA.*
- *Due to the lack of clarity on community rights, very few claims have been put up.*
- *The report highlights that there is lack of clarity on status management and conservation of areas with Community Forest Resources and the community rights over the same.*
- *The fact that the Claim Form B does not specifically mention Section 3(1)(i), has led to very low claims on claiming CFRs.*

### 3.9. Conclusions

- Community claims for user rights are largely filed as a supply side initiative rather than being demand driven. There is an evident lack of awareness about the procedure for claiming community rights among officials as well as the community.
- There is a significant gap between claimed user rights and the forest resources that the community uses. In Chhattisgarh, in particular, the overwhelming inclination of officials is to approve infrastructure (buildings or a place for it) as community rights rather than focus on customary practices. In the sample villages, 43.6% of the approved claims are for different types of infrastructure.
- The number of claims approved for infrastructure - like school building, community building, health infrastructure etc - is large in the sample villages.
- There is still considerable scope to file claims for user rights to forest resources already under use such as land to collect NTFPs, markets, pasture land, etc.
- People perceive high utility for claimed community rights but their awareness of such rights is low as revealed by the fact that community rights to several forest resources have not been claimed.

## CHAPTER 4:

# Effectiveness of structures for efficient delivery of forest rights

The FRA stipulates that claims made by the community are verified at the village level, confirmed at the sub divisional level and sanctioned at the district level. Different committees have been proposed for the three levels, with a mix of government officials and public representatives. Their structure is given in detail in the Act and both Madhya Pradesh and Chhattisgarh have followed the guidelines in constituting these committees, which include the DLC, SDLC and FRC at the village level.

## 4.1. Structure of various committees of the FRA

The Tribal Welfare Department is the nodal agency for implementing the Act in close coordination with the forest and revenue departments. The structure of the DLC and SDLC and their expected role in implementing the Act are given below:

Designation	DLC	SDLC	FRC
Chairperson	District collector	SDM	Nominated from the members
Member	DFO/Deputy conservator of forests	SDO	10-15 members nominated by the Gram Sabha
Member	Additional commissioner	Divisional officer	1/3rd women
Member	Three elected representatives from the Zila Panchayat	Three elected representatives from the Janpad Panchayat	1/3rd tribals

Two of the three elected representatives in the DLC and SDLC level have to be from the ST community. If the Zila Panchayat has no ST representative, at least one woman and two members from the non-traditional forest dweller community should be members.

The FRA has vested considerable authority in the Gram Sabha in PESA and non-PESA areas to ensure that people get their entitlements under the Act.

## 4.2 Role envisaged for various committees

The DLC and SDLC are primarily responsible for ensuring the Act is properly implemented in the districts. Their roles are specified below:

### 4.2.1 Defined roles of the DLC, SDLC, FRC and Gram Sabha

Roles of Various Committees and Gram Sabha as Envisaged in the Rules					
S.No	Broad role	Role of DLC	Role of SDLC	Role of FRC	Role of Gram Sabha
1.	Awareness generation and ensuring availability of necessary documents with the Gram Sabha.	<ul style="list-style-type: none"> <li>Ensure that all information pertaining to the Act reaches the Gram Sabhas through the SDLC.</li> </ul>	<ul style="list-style-type: none"> <li>Provide information to the Gram Sabha about the provisions of the Act and the duties of the members;</li> <li>Ensure that the Gram Sabha meetings are conducted in a free, open and fair manner with the requisite quorum;</li> <li>Ensure easy and free availability of claims proformas to the claimants;</li> <li>Facilitate speedy processing of claims by making forest, revenue maps and electoral rolls available at the Gram Sabha level.</li> </ul>	<ul style="list-style-type: none"> <li>Provide information to Gram Sabha members on the provisions of the Act and procedure for filing applications;</li> <li>Provide forms to claimants.</li> </ul>	
2.	Preparation of applications and gathering evidence.			<ul style="list-style-type: none"> <li>Prepare application forms;</li> <li>Facilitate collection of documentary evidence for each claim;</li> <li>Prepare list of community claims to be sent to the SDLC;</li> <li>Organise Gram Sabhas to verify claims.</li> </ul>	<ul style="list-style-type: none"> <li>Initiate process of determining nature and extent of forest rights;</li> <li>Receive and hear claims relating to the FRA;</li> <li>Prepare a list of claimants and maintain a register containing all details of claimants.</li> </ul>
3.	Examine and verify claims.	<ul style="list-style-type: none"> <li>Examine whether all claims, especially those of primitive tribal groups, pastoral and nomadic tribes, have been addressed, keeping in mind the objectives of the Act.</li> </ul>	<ul style="list-style-type: none"> <li>Examine the resolutions and maps of the Gram Sabhas to verify the claims.</li> </ul>	<ul style="list-style-type: none"> <li>Physically verify claims and be present during verification of all claims.</li> </ul>	<ul style="list-style-type: none"> <li>Pass resolution on claims to forest rights after giving reasonable opportunity to the interested persons and authorities and forward it to the SDLC</li> <li>Consider resettlement packages under Section 4 (2) (e).</li> </ul>
4	Hear and adjudicate disputes.	<ul style="list-style-type: none"> <li>Hear petitions from persons aggrieved by the orders of the SDLC.</li> </ul>	<ul style="list-style-type: none"> <li>Hear and adjudicate disputes between the Gram Sabhas on the nature and extent of any forest rights, petitions from persons aggrieved by their resolutions.</li> </ul>		

5	Coordinate with other sub-divisions and districts for common claims.	<ul style="list-style-type: none"> <li>• Coordinate with other districts regarding inter-district claims.</li> </ul>	<ul style="list-style-type: none"> <li>• Coordinate with other SDLCs in case of inter sub-divisional claims.</li> </ul>	<ul style="list-style-type: none"> <li>• Send claims to the SDLC.</li> </ul>	
6	Final processing of documents.	<ul style="list-style-type: none"> <li>• Final approval of claims and record of forest rights prepared by the SDLC;</li> <li>• Ensure that a certified copy of the record of forest rights and title is provided to the concerned claimant and the Gram Sabha.</li> </ul>	<ul style="list-style-type: none"> <li>• Collate all the resolutions; consolidate maps and details provided by the Gram Sabhas;</li> <li>• Prepare block or tehsil-wise draft record of proposed forest rights after reconciliation with government records;</li> <li>• Forward the claims with the draft record of proposed forest rights through the SDO to the DLC for final decision.</li> </ul>		

The FRC is required to collect claims filed in the prescribed forms, acknowledge their receipt to claimants, maintain proper records of claimants, verify claims and present its findings to the Gram Sabha. Section 6 (1) of the Act provides that the Gram Sabha must initially pass a resolution recommending the community resources for which user rights can be claimed.

The Gram Sabha is required to pass a resolution on each claim and submit the claim to the SDLC for further processing. The Gram Sabha resolutions are screened and approved at the sub-division level and subsequently at the district level.

### 4.3. Analysis of the roles performed by the committees as compared to the rules

The FRA was expected to be implemented in campaign mode following its enactment in December 2007. Sanctioning land entitlements to tribals and deserving non-tribal families is a complex task and the initial phase was spent in setting up systems and mechanisms for implementation. The role assigned to various committees and the challenges they faced in performing these roles are discussed below.

#### 4.3.1 Awareness generation in the Gram Sabha

The DLC and SDLC are responsible for disseminating information and generating awareness of the FRA, so that people come forward to file claims for user rights to forest resources. However, there was no systematic effort to disseminate information about the Act and its provisions to FRC members or the Gram Sabha.

The first meeting of the Gram Sabha was the only platform where people came to know about the Act. Officials of the revenue and forest departments were instructed to organise the process, which they did in a campaign mode over a period of 5-7 days across the state. Most of the meetings lasted one to three hours during which the presiding officer explained the basic provisions of the Act.

The FGDs revealed low levels of awareness about the provisions of the Act. In some districts like Mandla in Madhya Pradesh, claims for user rights were entertained only in forest villages. There was no clarity on whether claims could be filed for forest resources in revenue land.

Committee members – particularly at the sub-divisional and lower levels – did not fully understand the process for claiming community rights and were not aware of the documents required as evidence to back up their claims. Initially, only individual claims were demanded and sanctioned in all the districts.

Proper dissemination of information would have helped people learn about the community assets for which they could claim user rights under the Act. The community and Gram Sabha would also have been in a better position to discuss each case in detail before sending it to the SDLC through the FRC.

State	District	Issue
Madhya Pradesh	Khandwa	Low level of awareness of the Act at the community level is evident from the fact that there was not a single case of community user claims coming up for hearing. The process was predominantly led by government functionaries with low participation of the Gram Sabha or elected representatives.
Madhya Pradesh	Sagar	Low community awareness led to implementation being handled solely by government officials.
Madhya Pradesh	Mandla	Bharveli, a revenue village in Nainpur block of the district, has some forest areas (in revenue records) being used by people for their livelihood. However, no claims were considered in this village as it was assumed at the DLC and SDLC that only forest villages can be considered under the Act.

### 4.3.2 Availability of documents and forms at the village level

The SDLC is responsible for making documents for verifying claims - such as the revenue map, forest maps, voters list, etc - available at the village level. It wrote letters to the concerned departments from time to time to obtain these documents. However, many documents were not made available in any of the surveyed villages, leading to delays in filing and verifying claim applications.

The tribal development department distributed application forms free of cost in villages as per instructions issued by both state governments. These forms were printed in bulk but were still not available in adequate numbers in some of the surveyed villages. So people had to get them photocopied at their own cost or even purchase them in some instances.

The Government of Chhattisgarh printed the forms in three different colours to simplify identification by type of claim. Yellow coloured forms were for claims for individual user rights of STs, pink forms for claims of non-tribals and white forms for claims for community rights.

Availability of application forms in selected districts	
Sheopur	In Chimlwani village of Sheopur district people said no forms were sent to their village and they had to purchase them and get them filled by the local notary located at the block headquarters. The notary charged Rs 100 for this service.
Bastar	People in Totidevra village of Bakavand block said they did not apply for community rights since their FRC did not receive any forms for filing community claims.
Dhar	In the sample villages of Dhar district, most people had to get the forms photocopied from the nearby market.

### 4.3.3 Preparation of applications and gathering evidence

People found it difficult to get documentary evidence, which they had to append to their applications to back-up their claims for user rights. The FRCs and SDLC were not clear about what evidence was required to claim community rights. Even for individual user rights, they accepted only government documents as evidence.

Non-tribal forest dwellers found it difficult to establish their legitimate residency in the village for three generations or trace their ancestry in earlier records to claim hereditary rights. The Act says a declaration by any elderly villager (above 75 years of age) would suffice as evidence but no such proof was seen in any of the sample villages.

Another problem was the lack of updated land records. When the head of a family died, the land he had been cultivating was distributed among his children. But the land records were not updated. Since titles required to be given to those currently tilling the land, the lack of corrected records created difficulties in obtaining titles.

The following documents were most commonly submitted as evidence for claims to community rights:

- Physical verification report of the place by the FRC.
- Copy of the proceedings of the FRC.
- Resolution of the Gram Sabha.
- Map of the area (boundaries marked in red colour).
- Copy of the .khasra with recorded possession of land by the community.
- Copy of B-7, B-9 or B-8, B-10 documents along with proof of possession.

Evidence was relatively easier to collect for claims to community rights. This was because such claims were mostly filed in response to state and district-level directives to focus on community claims. So officials ensured that all documents related to such claims were collected and put up before the SDLC.

#### 4.3.4 Examining and verifying claims by the FRC and DLC

**Role of the FRCs in verifying claims:** The FRCs were not interested in helping villagers file claim applications because they were unclear about their role and responsibility. Also, many of the FRCs had not been constituted according to the stipulated procedure. So it was usually the Panchayat secretary who coordinated the filing of applications in most villages.

The FRCs also did not have much of a role to play in verifying claims. In some villages, a few FRC members did verify individual claims but these committees had no part in verifying claims for community rights.

Role of the FRCs in verifying claims	
Sheopur	In Balavani and Moreka villages of Vijaypur block, two community claims were put up at the sub-divisional level. The Panchayat secretary was informed by the JanpadPanchayat CEO that community claims received at the block level needed to be supported by a resolution of the Gram Sabha. He organized the Gram Sabha and got the resolution passed. The FRC, secretary and Gram Sabha members did not know how these claims reached the sub-divisional level.
Dhar	The forest guards played an important role in physical verification of the assets claimed. People were satisfied with the use of PDAs to identify and demarcate the land for individual claims. However, some applicants said they had to pay Rs. 500 to Rs1,000 to the forest guard to verify their claims.
Rajnandgaon	The time limit for verification of claims was fixed by the state and district-level officials. There were several households that wanted to submit claims for individual user rights but could not do so as they applied after the last date fixed by the government.

**Role of the SDLC in verifying claims:** The SDLC was responsible for verifying claims and ensuring that the relevant documents were in place. Several claims did not have the required documents. In such cases, the SDLC did not refer the claim back to the concerned FRC to obtain these documents but recommended its rejection on the ground that the applicant was ineligible to make the claim.

The minutes of the SDLC meeting organized in Manawar block on December 3, 2009, following the DLC meeting in the block, reveals that 2,021 of the 4,118 claims recommended to the SDLC were rejected on different grounds (see table below). Of these, 134 were rejected because the claimants were not residents of the village from which the claims were filed.



Attendance and minutes of SDLC meetings in Dhar district		
Date	Place	Key issues in the minutes
6/1/09	SDO office - Manavar	All the 3,280 individual claims filed were approved and instructions for conducting the survey using PDA machines were issued.
16/1/09	SDO office - Manavar	80 individual cases received were sent to the DLC for final approval.
3/12/09	Block office Manavar	<p>All 4,118 individual claims filed were reviewed, of which 2,021 were rejected on the following grounds.</p> <ul style="list-style-type: none"> <li>• 705 cases were rejected because the claimants were not using the land currently.</li> <li>• 475 cases were rejected because the claims were for revenue land.</li> <li>• 134 cases were rejected because the claimants were not residing in the same village.</li> <li>• 545 cases were rejected because claimants of this name did not exist<sup>3</sup>.</li> <li>• 23 cases were rejected because these claims were for disputed land<sup>4</sup>.</li> <li>• 25 cases were rejected because the claimants were not alive<sup>5</sup>.</li> <li>• 116 cases were duplicate cases submitted by the same claimant.</li> </ul> <p>If the claims were actually discussed at the Gram Sabha several of them would not have come up at the SDLC level.</p>

In most places in Madhya Pradesh, application forms for community rights were not available at the village level. Even in the case of individual user rights forms were available only to those whose names were proposed by the forest department. This led to an unfair situation on the ground.

Elected representatives of Panchayati Raj institutions (Zila and Janpad Panchayats) were included as DLC and SDLC members. However, their role was negligible in all districts and they were generally passive participants (see table below). Most DLC and SDLC decisions were taken by government officials, even though these elected representatives were supposed to be the key facilitators for community claims to forest land as per the provisions governing formation of these committees.

State	District	Issue
Chhattisgarh	Rajnandgaon	Taregaon village had nine claims for user rights to community assets. However, the FRC had not put up a single claim. Nor could the role of PRI members in the SDLC and DLC be ascertained.
Madhya Pradesh	Sheopur	Elected SDLC members in Sheopur were of the view that land rights could only be given to individuals under the FRA. They had no understanding of community rights. They were not involved in the SDLC discussions or decision-making and were only required to sign the documents produced before them.

This aspect of people's participation was thus ignored, with the result that the Act was largely implemented as a government scheme for land distribution coordinated by the tribal welfare department and managed by the revenue and forest department.

Had the PRI representatives played a more effective role they could have given a push to the number of individual and community claims filed since they have a good understanding of the different kinds of community assets to which people can lay claim for user rights.

#### 4.3.5 Hearing and adjudicating disputes

People were unaware of the provision and procedure for filing appeals against disputed or rejected claims, both individual and community. In both states no petitions were filed at the sub-divisional or district level. This is understandable in the case of community rights since the community was seldom

<sup>3</sup>How did these claims come up?

<sup>4</sup>This is against the provisions of the Act.

<sup>5</sup>How did these claims come up? After the death of a person is the land being used by the children/family members? How was the division affected?

involved in claiming these rights. It was the field-level functionaries such as the *Panchayat secretary and Forest Guard* who identified possible assets for which community rights could be claimed and got the resolution passed through the Gram Sabhas and forwarded to the SDLC.

Community claims were rejected by the SDLC or DLC only when they did not comply with the definition of community rights or wrong claims were put up due to lack of understanding of the field-level staff. So there was no scope for appeal.

Another reason for no appeals being filed was that, in most cases, the SDLC and FRC were not informed about rejected applications. So the claimants had no scope to provide additional proof to back up their claims and get their cases reviewed.

The Manthan report offers the following comment on the extensive rejections due to hasty enquiries: "Claimants whose cases are rejected are not given any 'reasonable opportunity', as provided in Rule 4 (c). The decision rejecting the applications has not been communicated to the claimant in writing anywhere, with the result that the people have not been able to exercise the right to appeal. The Tribal Development Departments of the state governments have neither cross-checked the work being done at the village level by the revenue and forest officials, nor did they engage any outside agency to do independent assessment."

#### 4.3.6 Coordination between sub-divisions and districts for common claims

Coordination between sub-divisions and districts was not required in claims for individual user rights because these cases lay within the boundaries of the village (or Panchayat). However, community resources usually extend beyond the village, sub-divisional or even district boundaries. That requires coordination between SDLCs and DLCs of different districts. However, there was not a single case where such coordination was evident.

Details of meetings of the Sheopur district DLC			
S No	Date	DLC members	Discussions and decisions
1.	06-07-2009	DFO; SDO Vijaypur and Korahal; SDO (Forest) Vijaypur, Kumo Vijaypur, Kumo Karahal, Kumo Bhayopur; Janpad Panchayat members; Panchayat secretary; assistant commissioner of tribal welfare department.	Rejected proposal were re-examined to ensure that no eligible person was left out. (a) It was decided that the SDLC would re-examine 409 proposals of Karahal, 113 proposals of Vijaypur and 41 proposals of Sheopur and send its recommendations for consideration in the next meeting of the DLC. (b) It was decided to prepare forest rights certificates after conducting a PDA survey of eligible proposals, which would be put up in the next meeting on August 10, 2009. (c) 20 titles for forest rights were distributed at the meeting.
2.	17-07-2009	SDM Karahal, Vijaypur and in-charge Bhayopur; SDO (Forest) Kumo and General Bhayopur; all tehsildars and naib tehsildars.	State-level directives on community proposals/claims were discussed. (a) DFO and all SDOs to take community claims for consideration. (b) Responsibility for obtaining claims was given to forest department. Wherever eligible people/communities are found, all SDOs may get their proposals ready and obtain them from villages by 02-08-09. (c) All proposals should be submitted to block level committee on August 3. The SDLC should get them approved in the Gram Sabhas/FRCs and forward/submit them to the assistant commissioner, tribal welfare department, Bhayopur by August 22, 2009. (d) Assistant commissioner will sanction these proposals in the district-level FRC on August 26. (e) Individual titles to be given to 3,767 disputed cases where pattas had been cancelled for some reason.

3.	03-08-2008	DFO, General and Kumo; SDM Vijaypur and Bhayopur; SDO (Forest) Bhayopur, Vijaypur, Kumo Karahal, Kumo Bhayopur; range officer Bhayopur; Janpad Panchayat members; Panchayat secretary; assistant commissioner and planning officer, tribal welfare department; revenue inspector; and all patwaris.	<p>It was decided that directives issued for community proposals in the earlier meeting should be approved in the Gram Sabha meeting scheduled for August 15.</p> <p>The DFO informed that land occupied by tribals where pattas had been cancelled belonged to the forest department. Proposals in such cases should be approved in the Gram Sabhas and put up to the DLC while proposals from Karahal, Vijaypur and Bhayopur should be settled/resolved. The chairman (district magistrate) ruled that pending and new proposals approved in the Gram Sabha on August 15 should be examined and put up for the DLC meeting on August 26.</p>
4.	26-08-2009	DFO Kumo; SDM Vijaypur, Karahal and Bhayopur, Kumo Karahal, Kumo Bhayopur; range officer Bhayopur; assistant commissioner and planning officer, tribal welfare department; regional coordinator, Urban Development Authority; PRO and forest conservator.	<p>A total of 4,115 claims were received from tribals and non-tribals.</p> <p>All the 1,113 non-tribal claims were rejected while 3,500 tribal claims were rejected. Only 352 claims were finally settled.</p> <p>Four out of the 11 claims/ proposals received from Bhayopur were settled and seven were kept pending.</p> <p>85 proposals were received in Karahal, of which eight were settled and 77 were kept pending.</p> <p>37 proposals were received in Vijaypur of which seven were kept pending.</p> <p>Instructions were issued to put up pending proposals at next meeting.</p>
5.	04-12-2009	DFO General and Kumo; SDM Vijaypur, Karahal and Bhayopur; SDO (Forest) Bhayopur, Vijaypur, Kumo, Bhayopur; janpad Panchayat members; assistant commissioner tribal welfare department; block development officer, Karahal	<p>The meeting was informed that 36,131 pattas had been cancelled. It was decided to that the tribals occupying this land should be allowed to file claims/ proposals to this land.</p> <p>The district collector said land that had not been denotified should be treated as forest land and proposals made accordingly.</p> <p>The forest department advised that there were 44 such villages. The DFOs of these villages would nominate employees to obtain the claim applications/ proposals.</p> <p>The collector directed that the claims be put up in the Gram Sabha meeting scheduled for December 20.</p> <p>The collector mentioned that 49 community claims were still pending in Karahal.</p> <p>Three community proposals of Vijaypur and 10 community proposals/ claims of Karahal were sanctioned in the meeting.</p>
6.	18-03-2010	Assistant commissioner, tribal welfare department; SDM Karahal; SDO (Forest) Vijaypur and Karahal; and planning officer, tribal welfare department.	<p>SDO (Forest) Vijaypur advised that 612 proposals had been received which have been forwarded to the forest department, while 1,095 rejected proposals would be forwarded before next meeting. 38 proposals were found eligible.</p> <p>In Karahal, 3,506 proposals were found ineligible and would be forwarded to district officer.</p> <p>14 proposals were found eligible.</p> <p>The collector issued a directive that all proposals pending at the block level should be reviewed and decided before a date to be fixed.</p>

### 4.3.7 Final processing of documents

The final processing of claims suffered because there was little communication between the committees at various levels. The SDLC did not inform the FRC about the status of claims and whether they were being considered or not. There DLC also had no link with the FRC. So people could not question or file appeals against SDLC/DLC decisions.

There were also delays in distributing land titles once the claims had been sanctioned. The titles were prepared by the DLC and sent to the SDLC, which sat on them for a long time before forwarding them to the claimants. In Chhattisgarh, camps were organised in clusters of 5-6 villages to distribute titles that had piled up at the SDLC but even then several titles were not distributed.

The processing of documents also suffered in some cases because of lack of coordination between different departments involved in implementing the Act.

*In Lormi block of Bilaspur district, the forest department and tribal welfare department sent different lists of claims to the district without checking duplication of names in the two lists. This caused confusion at the block as well as district level about the exact number of claims. The community also faced problems following up their cases since they did not know which department to contact.*

In Bagh block of Dhar district, of 43 claims for community rights that were sanctioned only 17 were actually for community rights. The remaining 26 claims were shown as community rights but were actually claims under Section 3 (2). The SDLC did not maintain records of the sub section under which the claims were settled. The list of claims sanctioned as community claims in the block is given in Table 9 in the annexure.

There was no standardisation in record keeping, with management systems varying from SDLC to SDLC. The committees with more proactive officials made it a point to ensure that settled claims were recorded in a detailed manner. In Manpur block of Umaria district, all the 238 claims were sanctioned under various clauses of sub section 3 (1). The details of these claims is given in Table 10 in the annexure.

The Act has a provision for a state-level committee to monitor the progress and quality of claims in the villages. As per rule 10, the State-Level Monitoring Committee (SLMC) has to devise criteria and indicators to monitor the process of recognising, verifying and vesting forest rights in the state.

The tribal department has the responsibility of developing qualitative indicators, calling meetings with people's representatives, holding public consultations, putting pressure on the revenue and forest departments at the district level to do justice to forest dwellers, and improving communication between officials and the people.

As validated in the Manthan report, in most states (including Madhya Pradesh and Chhattisgarh), it appears that monitoring has been mostly statistical in nature, the focus being on quick disposal of cases rather than ensuring that all titles and occupations are regularised as per law, fair play is observed in the field, and adequate field verifications are done to enhance satisfaction and improve livelihood opportunities.

## 4.4. Conclusions

- Despite representation of officials, elected representatives and citizens on various committees, implementation of the Act was mostly done by officials who handled the process according to their perceptions. As a result, few claims were filed for community rights. Even in individual cases, several genuine claims were not considered because there was little scope for community participation in the process.
- In most places the FRCs at the village level were formed according to the provisions of the Act. However the process was not followed in a democratic manner.
- The committees did not disseminate information about procedures to villages. The community as well as the FRC were thus not aware of several provisions of the Act.
- Some essential documents such as the wazib-ul-arz, nistar partrak, map of the village etc were not easily available. In absence of these documents, the verification process was delayed and could not be done properly.
- No complaints or appeal petitions were filed by the community because people did not claim the titles as a right. There was not a single dispute at the SDLC and DLC level in all the districts covered by the study.
- Civil society did play an active role in promoting the Act. Mechanisms for engaging civil society organisations meaningfully would have helped in better implementation.

# CHAPTER 5:

## Processes and outcomes in implementing the FRA

The Government of Madhya Pradesh and Chhattisgarh drafted guidelines for implementing the FRA, drew up timelines and schedules and disseminated information about the Act. In Chhattisgarh, letters were sent to all collectors on February 8, 2008 with detailed instructions about the structure, provisions and implementation mechanisms of the Act. In Madhya Pradesh, a book on the FRA and its guidelines was published and sent to every district of the state. *However, little is known about the information flow from the district to the sub-divisional and Gram Sabha levels in both states.*

### 5.1. IEC for popularizing the provisions of the FRA

Madhya Pradesh made greater efforts to popularise the FRA than Chhattisgarh. *The state even organised nukkad nataks in a few villages of Dhar district to familiarise people with the provisions of the Act and published literature in regional dialects such as Bhili, Gondi etc to explain the provisions in a simple manner.* The Chhattisgarh government also published a book on the provisions for wider dissemination in the districts. However, this book was not seen in any of the villages visited by the study team during its survey.

The IEC (information, education, communication) strategy to popularize the Act and its provisions was both inadequate and ineffective at the field level. *The simplified learning materials prepared by the state government was sent to the districts but not distributed to the sub-divisional and village level.* Even members of the SDLC and DLC failed to get this material.

In Sheopur, the district administration did prepare a booklet on the FRA and its rules in the local language but it was not properly distributed. The booklet was not seen in any of the sample villages.

Educated village youth and community motivators linked to government programmes did play an important role in disseminating information, helping people to fill claim application and compile the required documentary evidence, etc. But even here, it could be observed that their focus was more on individual cases rather than community rights. As a result, the number of claims for individual user rights was high in most villages, especially those with a high level of literacy.

The Act has adequate provisions for people's participation in its implementation but in the absence of a proper IEC strategy, a communication gap was visible at the official as well as community level. Poor information dissemination also meant the Act was almost totally implemented by government officials. A proper strategy would have helped in identifying the large number of community resources that remained unclaimed.

### 5.2. Capacity building initiatives

In both states, a schedule for capacity building of officials and members of various committees was prepared and followed. A workshop/training programme for master trainers was organised at the state level, which was followed up by trainings at the district level for DLC and SDLC members. Though the training schedule was largely followed, the quality and content of the training was highly diluted and compromised at the district and sub-divisional levels.

In Madhya Pradesh, the state-level training of master trainers and agencies was conducted in a one-day workshop. The provisions of the Act and the procedure laid down for its implementation were discussed in detail during the workshop. The master trainers and agencies who attended the workshop were supposed to conduct similar trainings at the district level.



**Training load and budgetary provision:** The training load at the district and sub-divisional level was huge. According to the state government guidelines, the orientation of SDLC members was to be organised at the district level, while FRC members were to be trained at the tehsil headquarters. The training load and the budgetary provision at the district and SDLC levels are given in the table below:

Training load and budget In Madhya Pradesh						
Level	Training of	Unit	Average number of members per SDLC/FRC	Expected number of participants in the training	Budget	Per participant cost (approx)
District	SDLC	6–7 SDLCs per district	6	36–42	Rs10,000	Rs 250
Tehsil/ sub division	FRC	150–180 FRCs per SDLC	10–15	1,500 – 2,700	Rs 10,000	Rs 5

The table shows that the budgetary provision made for training FRC members was quite low. As a result, the district administration could not organise their training at the tehsil level, as stipulated in the guidelines, because even if just half the potential trainees participated, the budget provided less than Rs10 per participant on average. The trainings were, therefore, organised during the first Gram Sabha meeting as an alternative strategy.

The trainings at the sub-divisional level lasted for around three hours on average. According to SDLC members, this left no time for discussing issues pertaining to community rights in the FRA.

The schedule of trainings organized in both states is given in the table below:

Schedule of training in Madhya Pradesh and Chhattisgarh			
Madhya Pradesh		Chhattisgarh	
Letter No.09-1/2007/05/25 dated 19-03-08		Delivery of information regarding the Act and delivery of training material to all the committees	
<ul style="list-style-type: none"> <li>State government made training arrangements for effective implementation of Act at various levels.</li> <li>In this connection, Principal Secretary Tribal Welfare issued a letter to all the Collectors informing them that the task of training SDLC members and selected master trainers at the district level had been given to the All India Local Governance Institute.</li> <li>It instructed that these SDLC members and master trainers, who would in turn train the presiding officers of the Gram Sabhas, be invited for these training programmes.</li> <li>It instructed that two master trainers from each sub-division, who would in turn train the Gram Panchayat secretaries, also be invited for the training.</li> <li>The government issued a 21-point memorandum of suggestions to make these training programmes effective.</li> </ul>	Level of training/ state-level workshop	Trainees	Possible dates Feb 12, 2008 (one day)
	District-level training	District-level officers of Forest, Revenue, Tribal and Panchayat departments	Feb 15 (one day)
	Block-level training	Block-level officers of the above departments	Feb 20-22, 2008 (one day)
	Panchayat-level training	Gram Panchayat-level officers of the above departments	Feb 25-29, 2008 (one day)

At the district level, officials from the Revenue, Forest and Tribal Welfare departments were oriented on the provisions of the Act in a one-day training programme. Block/sub-division officials were oriented at the block level in training programmes that lasted two to three hours. The focus of the training at both the district and block levels was on explaining the provisions for claiming individual user rights.

The contents of the training programme for master trainers was as follows

- Half an hour – Introduction and setting objectives.
- One hour – Three-tier structure for sanctioning forest rights.
- One to 1.25 hours – Individual and community rights - how to fill application forms and provide documentary evidence.
- One hour – Role of the Gram Sabha and process to be followed.
- One hour – Role of the FRC and process to be followed.
- 0.75 hour – Role of the SDLC/DLC and filing petitions against Gram Sabha resolutions.

The trainings did not provide any historical perspective of the Act or insights into why it was needed and the conditions of forest-dependant communities. In the absence of such content, it was difficult to sensitise officials (particularly of the forest department) about its importance or make field-level forest department staff appreciate its provisions. These officials did not favour giving community rights to forest resources, viewing the FRA as being contradictory to the principles of conservation and protection of forests.

The Act elaborates the role of the Gram Sabha and FRC in identifying claims for user rights, verifying them and forwarding verified claims to the SDLC. However, in both states little effort was made to improve their functioning and efficiency in implementing the Act. Capacity building exercises for the FRCs at the village level remained confined to discussions organized in the first Gram Sabha meeting. In some blocks a few FRC members were briefed at a block-level meeting.

- In Dhar district, officials from the Revenue, Forest and Tribal Welfare departments were oriented as master trainers. These officials were supposed to conduct trainings of block-level officials. The block-level orientations were organized as one-hour meetings.
- *In Sheopur district, district-level officials of the Forest department were trained. They were given a test after the training and those who performed well were felicitated at the end of the training.*

In the absence of adequate capacity building, officials were unclear about the process to be followed in implementing the FRA. The village-level processes were skewed and implemented entirely on the understanding of the presiding official. There were problems in constituting village-level committees, filing claims for user rights, verifying the claims and allotting titles after they were sanctioned.

In Tirpemeeta (Chowki block of Rajnandgaon district), 13 individual claims were filed in the community claim forms, leading to their subsequent rejection. In several cases titles to forest land were awarded to claimants without identifying the land. Proper capacity building of officials engaged in implementing the Act would have ensured that the titles were clear and would not create any conflict later.

## 5.3. Civil society in promoting the FRA

### 5.3.1. Civil Society's Contribution

Civil society organizations such as registered NGOs, grassroots campaigners, community-based organizations and individual activists were largely instrumental for the formulation of the FRA, with many of them submitting memoranda to the Joint Parliamentary Committee on the bill during the formulation stage. Later, several organisations at the state and national level engaged with policy-makers during the formulation of rules to the Act. Still later, members of civil society filed six petitions in the high courts and Supreme Court calling for the annulment of the Act<sup>6</sup>.

Thus, from its inception to its implementation, civil society groups had been actively and voluntarily participating to ensure that tribals and non-tribal forest dwellers were allotted their titles as per the provisions of the Act or to protest against any discriminatory actions taking place.

<sup>6</sup> Tracking Forest Rights Act –Issue 5 (December 15, 2008)

Madhya Pradesh and Chhattisgarh have a strong presence of civil society organizations working on various developmental issues. Many of these organizations work in the forest belts of the state and played an important role in spreading awareness about the Act. These organizations also helped the people in filing applications for individual as well as community rights under the Act.

Ekta Parishad is one of the largest networks of civil society organizations working on forest user rights issues in Madhya Pradesh and some parts of Chhattisgarh. It organized mass movements in both states to generate awareness from the initial stages of implementation of the Act. The organization facilitated formation of the FRCs in the villages it was active in and organized a series of meetings with Gram Sabha members in order to make them aware of the provisions of the Act.

The civil society organisations associated with the network began their interventions with Jan Jagran Yatras. Between February and March 2008, this campaign reached out to 1,639 villages across 36 districts, its coverage being shown in the table below:

Coverage of Jan Jagran Yatras of Ekta Parishad					
		Place		Coverage	
		From	To	Districts	Villages
Chambal	Feb 13-29, 08	Sheopur	Shivpuri	3	222
	Feb 19 - March 1, 08	Vijaypur	Datia	4	246
Bundelkhand	Feb 16 – March 1, 08	Damoh	Sagar	5	166
Baghelkhand	Feb 16 – March 1, 08	Katni	Satna	6	214
Madhya Kshetra	Feb 20-29, 08	Vidisha	Raisen	2	169
Malwa	Feb 29 - March	Dhar	Jahbua	2	128
Mahakoushal	March 2-15, 08	Balaghat	Dindori	3	133
Chhattisgarh	Feb 19 - March 8, 08	Raigarh	Mahasamund	11	361
<b>Total</b>				<b>36</b>	<b>1,639</b>

*Source: Ekta Parishad*

The yatras helped Ekta Parishad and its network organizations to identify bottlenecks in implementing the Act. The awareness campaigns resulted in large numbers of people filing claims for titles to forest land under the FRA. At the end of October 2008, over 11,000 families had filed applications from 436 villages in Madhya Pradesh and Chhattisgarh alone.

Individual Claims made in the Ekta Parishad campaign			
Region	No. of villages	No. of families	Land area in bighas
Chambal	41	644	1,095
Madhyakshetra	56	944	4,149
Malwa	50	825	3,835
Baghelkhand	61	1,311	7,028
Mahakoushal	86	1,636	12,526
Chhattisgarh	142	5,926	17,598
Total	436	11,286	46,231

*Source: Ekta Parishad*

Issues emerging from the field were also taken up for advocacy at various levels. The Madhya Pradesh unit of Ekta Parishad actively advocated with the Government of Madhya Pradesh to take corrective measures in implementing the FRA at the grassroots. It met the chief minister of the state as well as the general secretary of the All-India Congress Committee to share its observations in the field.

Ekta Parishad and Nayi Disha jointly organised a one-day state-level consultation on the FRA on June 24, 2008 at Bhopal. About 700 village leaders and activists from across Madhya Pradesh participated in the consultation. They shared information about problems emerging during implementation of the Act. The

chief minister of Madhya Pradesh was the chief guest at this consultation, while the Principal Secretary revenue, Principal Secretary Forest department and Principal Secretary Tribal Welfare department were also present.

There were other small networks and individual organizations that helped promote the Act at the grassroots. One such was Manav Adhikaar Forum, a network of five NGOs working in the northern districts of Madhya Pradesh. It conducted intensive campaigns for spreading awareness of the Act and filing title claims, both individual and community, in the tribal-dominated blocks of Shivpuri, Ashoknagar and Guna districts, although the emphasis was more on individual claims. The campaign focus was Pichor and Kolaras blocks in Shivpuri district, Guna and Aron blocks in Guna district, and Vijaypur and Khaniyadana blocks in Sheopur district. The organisation paid special attention to securing the entitlements of the Sahariya community in these areas.

Other organizations working on awareness generation and filing claims applications included Sampark in Jhabua, AVAD in Indore, Adivasi Mukti Sangathan in Badwani, Vikalp in Mandla, Centre for integrated Development in Shivpuri, Parhit in Shivpuri, Gram Sudhar Samiti in Sidhi, Spandan in Khandwa, Bundelkhand Vikas Samiti in Damoh and Samagra Grameen Vikas Sansthan in Rewa.

In Chhattisgarh, Church's Auxiliary for Social Action (CASA) played an important role in generating awareness about the FRA and its implementation. It organised a '*van adhikaar abhiyan* – people's voice on right to livelihood in forests' in April 2008 under the banner of Lok Sahbhagi Manch. Prior to launching the campaign, it organised a series of one-day workshop in nine districts – Sarguja, Jashpur, Dhamtari, Jagdalpur, Raipur, Korba, Bilaspur, Mahasamundh and Rajnandgaon.

A core group of 17 NGOs participated in the preparatory phase of the campaign, with CASA organising a 'training of trainers' (ToT) workshop for NGO staff from different districts to help them understand the provisions of the Act and the strategy for the campaign. This was followed by orientation of chairpersons of the block-level committees and FRCs.

The network of civil society organisations also built pressure on the state government by regularly monitoring the implementation and providing feedback to the official machinery. It organised a cycle rally covering 14 districts of Chhattisgarh between April 19 and 24, culminating in a state-level consultation at Raipur on April 24, 2008.

Some of the key findings of these civil society initiatives in Madhya Pradesh and Chhattisgarh are enumerated below:

- The time allotted for filing claims applications was inadequate. With few government efforts to generate awareness about the FRA and inform people about the procedural schedules, many people failed to file the applications on time.
- The different forms were not available in adequate numbers at the village level.
- In several instances, the FRCs were formed without consulting the Gram Sabhas. There were also instances where the Forest Protection Committees were converted into FRCs. In such cases civil society organisations demanded reconstitution of the FRCs.
- A large number of claims applications could not be filed in the absence of documents required as evidence. Applications were entertained only if these official documents were submitted as proof.

### 5.3.2. What Civil Society could not do:

While the Civil Society did make some efforts in strengthening the implementation of FRA in Madhya Pradesh and Chattisgarh, there were areas in which it could have played a more significant role. The efforts of the Civil Society did not appear to have made a major impact as far as the implementation of the Act is concerned. Some of the major gaps in Civil Society interventions appear to be as shown below:

- The intervention of the Civil Society was in a campaign mode that too focusing primarily on individual rights. Civil society could have played an important role in popularising community rights under FRA, but this was not very evident in the campaigns in both the states.

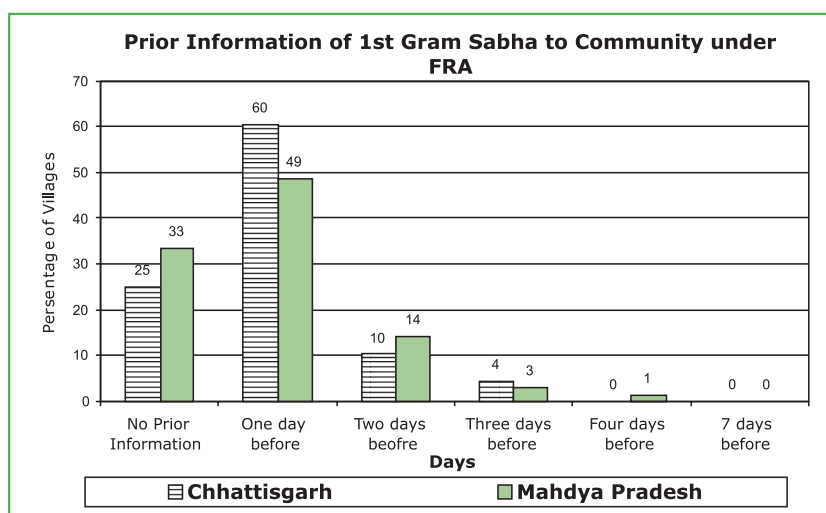
- In most places, the agenda of Civil Society organisations remained confined to awareness generation of the community on FRA. However being a new Act, there was a need to provide handholding support especially to the FRCs so that claims could be filed properly. The civil society had the access and rapport with the FRC members but there have been very little efforts in terms of providing handholding support to these committee members.
- The campaigns largely aimed at enabling community to access rights to forest lands. There was a need to have a long term strategy to convert these rights into livelihood opportunities by linking it up with other governmental schemes like MGNREGS. The civil society campaigns seemed to have missed out this long term vision.
- The reach of the civil society campaigns also was low. Except for Ekta Parishad and CASA, which tried to broadbase the campaign by trying to reach out to a large number of villages, the other civil society groups did not had a strategy to influence the block or the district administration.
- The campaigns also remained disjointed. A collective effort in the campaign could have had greater impact by influencing the district and state administration on implementation of the campaign in the state.
- One of the key gaps in the Civil Society initiative was the poor documentation of these efforts. Critical process related learning, which could have provided value addition in the implementation of FRA, were lost because of inadequate attention on documentation.

## 5.4. Processing of claims at the village level

### 5.4.1 First orientation of the Gram Sabha

The FRC has a membership of 10 to 15 persons of which at least a third are women. Members are selected in a Gram Sabha meeting attended by at least 2/3rd of all Gram Sabha members. FRC meetings to discuss claims are also supposed to have a quorum of 3/4th of its members.

The only medium for generating awareness about the Act at the village level was the first meeting of the Gram Sabha, organised after giving a seven-day notice and ensuring a quorum of 2/3rd of all adults in the village. However, in practice, the stipulations for organizing Gram Sabha meetings were not followed in the 120 sample villages. In most villages, information about the meeting was given only a day before organising the Gram Sabha. In 33% of villages in Madhya Pradesh and 25% in Chhattisgarh, no notice was given.



In the absence of sufficient notice, the turnout at the Gram Sabha was poor. In several instances, the number of people attending the meeting was less than 50. Some of the lowest attendances were in the following villages:

District	Village	Panchayat	Block	Gram Sabha date	Attendance
Umaria	Karhiya	Guruvahi	Manpur	15/4/08	9
Rajnandgaon	Ghagra	Gatapara	Khairagarh	28/2/08	13
Sagar	Nayakheda	Kalraho	Banda	18/8/09	15
Khandwa	Hantia	Hantia	Khalva	29/1/08	16
Mandla	Turur	Pandiwada	Nainpur	26/1/08	19
Sagar	Dalpatpur	Mahunajaat	Khurai	27/1/08	28
Mandla	Bargi	Bargi	Nainpur	26/1/08	32
Mandla	Kodra	Kodra	Narayanganj	26/1/08	35
Khandwa	Edhawadi	Edhawadi	Punasa	15/8/08	38
Rajnandgaon	Devarsur	Devarsur	Chowki	25/2/09	39
Sagar	Khajrabheda	Khajrabheda	Banda	21/5/08	40
Rajnandgaon	Kahgavn	Kahvavan	Manpur	23/5/08	40

The FRC was supposed to be constituted at the first Gram Sabha meeting. Poor attendance resulted in formation of FRCs without adequate consultation, with members in most villages having little idea of their role in the committee or the provisions of the Act.

In both states, the Gram Sabhas were organized with no involvement of the village Panchayat, the process being entirely driven by government officials, yet without the presence of the nodal officers in several villages. Engaging Panchayat representatives would have ensured better attendance at the meeting, better selection of FRC members and facilitation of the process of identifying and verifying claims.

The quality of Gram Sabha meetings is reflected in the following examples from Khandwa district of Madhya Pradesh:

Effectiveness of Gram Sabha in constituting the FRA in Khandwa district			
Name of village	Meeting of Gram Sabha	Selection of FRC members	Role of nodal officer
Baifal	Meeting organized/held after giving advance notice.	On the basis of nomination.	Nodal officer not appointed.
Bhanwarla	Meeting organized/held after giving advance notice.	Except for chairman all other members nominated.	Nodal officer present.
Hantia	Meeting not organized. Action taken later.	Secretary not present when committee was formed but his name was added.	Nodal officer not present.
Indhavadi	According to villagers meeting not organized though meeting shown on paper. Action taken later.	Except secretary, nobody present when committee was constituted.	Nodal officer not present, yet presence recorded in register.
Inpun	Meeting organized after giving advance notice.	On the basis of nomination.	Nodal officer present. Gram Sabha suspended for lack of quorum. Meeting organized later with members present.
Chikdalia	Meeting organized after giving advance notice.	On the basis of nomination.	Nodal officer appointed.



Bhagra	Meeting organized after giving advance notice.	On the basis of nomination.	Nodal officer appointed.
Gulai Vangram	No intimation given, no meeting organized.	On the basis of nomination by secretary.	Though appointed, nodal officer not present.
Gulai Rajaswa	Meeting was not organized.	Committee had not been constituted.	Nodal officer not appointed.
Dabhia	Meeting organized but cancelled for lack of quorum. Minutes of meeting compiled later by secretary and signatures of people obtained.	On the basis of nomination but members not aware of their nomination.	Nodal officer not present.
Maidarani	Meeting organized.	On the basis of nomination but Panchayat secretary advised committee is not required in revenue villages.	Nodal officer appointed but also of the view that committee serves no purpose in revenue villages.
Chainpurasarkar	Meeting organized after making map of village on plain paper.	Sarpanch and Panchayat secretary become chairman and secretary of FRC. Names of other members added without consultation.	Nodal officer not appointed.

### 5.4.2 Engagement of nodal officers in promoting the FRA

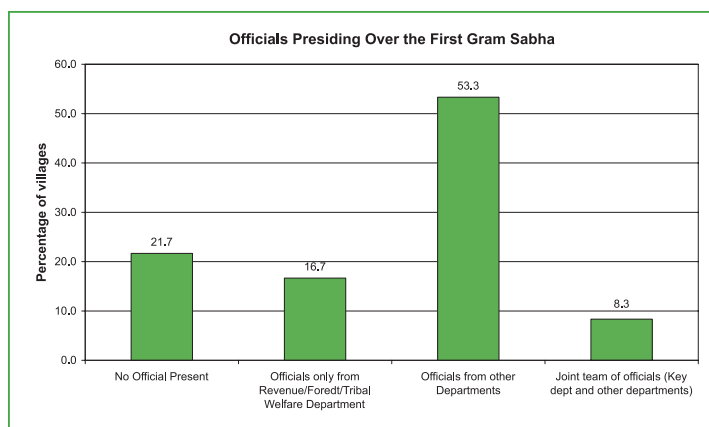
Nodal officers were supposed to be nominated to organize the first Gram Sabha meeting. However, in several instances it was the Panchayat secretary who organised the meeting and served as the nodal officer. The bar diagram below shows that no nodal officer was present at the first meeting in more than 21% of the sample villages in both states.

The nodal officers are responsible for facilitating the formation of the FRC and orienting the FRC and Gram Sabha on the provisions of the Act and the process to be followed. However, most of these officials were not adequately equipped or oriented for the task.

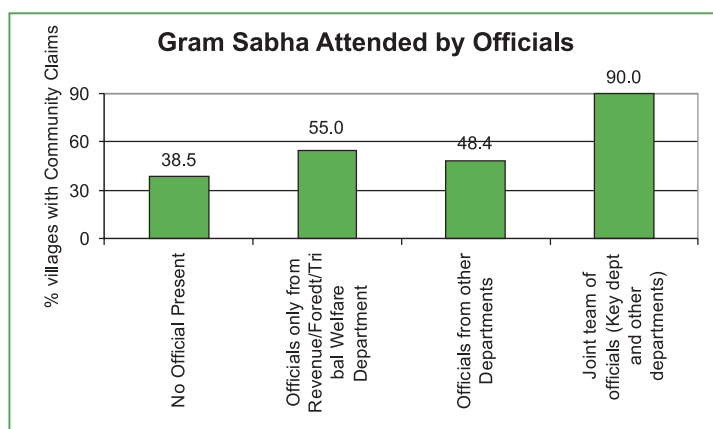
The convening of Gram Sabhas was done in a week's time in campaign mode. Since the Forest, Revenue and Tribal Welfare departments, the key departments required to ensure implementation of the FRA, did not have enough staff at the field level, officials from other departments like the Panchayat and School Education department were engaged for the campaign.

The bar diagram shows that around 53% of the sample villages required additional staff. However, most of these officials were not keen on following due processes. They were also not properly oriented on the provisions and procedures of the Act, so there were considerable information gaps at the field level in implementing the Act.

The percentage of staff from different departments present during the first Gram Sabha meeting is shown in the bar diagram. Officials from the key departments were present at this meeting in around 25% of the sample villages, either alone or with officials of other departments.



The presence or absence of key officials impacted on the number of applications filed for community rights, fewer being filed when they were absent, as evident from the table given below. Applications were not filed in over 61.5% of sample villages where no official presided over the Gram Sabha. *Even where the officials were present, people were not fully aware of the provisions for claiming community rights since most officials were themselves not very clear.*



Many officials had to preside over a large number of Gram Sabhas in a very short period of time. For example, in Punasa block of Khandwa district, one nodal officer had to attend three Gram Sabhas in a single day. So he could not spend enough time with each Gram Sabha to explain the provisions in detail.

Presence of officials and community assets claimed at first Gram Sabha meeting					
Presence of officials	Community assets				
	Claimed		Not claimed		Total
	No of villages	%	No of villages	%	
No official present	10	38.5	16	61.5	26
Officials only from revenue/forest/tribal welfare department	11	55.0	9	45.0	20
Officials from other departments	31	48.4	33	51.6	64
Joint team of officials (key departments plus other departments)	9	90.0	1	10.0	10

*Although the FRC is responsible for preparing claims for community rights, in Chhattisgarh the government order specifically asks the Panchayat secretary to confirm the identity of the claimants with officials from the Forest and Revenue departments. Only those claims that were confirmed by these departments were considered eligible for being forwarded for sanction. Hence the process of filing applications was essentially controlled and managed by officials instead of the Gram Sabha.*

*In Mandla and Umaria districts of Madhya Pradesh claims applications were put up only on the basis of the list provided by the forest department. As a consequence there were 23 claims applications on behalf of people who had died.*

Using the services of staff from other departments and completing the task of filing applications within a limited window of time posed several challenges in both states:

- While the Forest department has staff at the village level, the Tribal Welfare department has no field staff.
- The grassroots staff of the Revenue department is the patwari, who has to look after 10-12 villages on average. Forest department staff is conservative in distributing forest land, so they show little interest in helping the community in claiming user rights to forest land.
- For the Panchayat secretary, being designated secretary of the FRC means taking on an additional responsibility, which is seldom carried out as diligently as regular departmental work such as MGNREGS. The Panchayat secretary who proactively takes steps to ensure that people claimed their user rights under the FRA is more the exception.
- School teachers were engaged at the field level to verify claims without proper orientation. They could carry out this task only superficially and their inadequate knowledge meant that there was a high rejection rate for individual cases.

### 5.4.3 Formation of FRCs with Gram Sabha engagement

Of the 120 sample villages, information regarding the FRCs was available in only 107 villages. In the remaining 13 villages, the FRC was apparently not constituted because no records are available nor were the Panchayat secretary and Gram Sabha members aware of its status in their villages.

In all the villages where the FRCs were formed, the Gram Sabha meeting was held without the required quorum. The Panchayat secretary and nodal officer took the leading role in setting up these committees, with Gram Sabha members in most villages not even being aware of who had been identified for membership of the FRC.

Some observations regarding the status of the FRCs are given in the table below:

Issues related to the FRCs	
Dhar	<ul style="list-style-type: none"> <li>In Chunpaya village of Gandhwani block, the FRC has only nine members against the minimum 10 proposed in the Act and rules.</li> <li>In Bagh block, the FRC was constituted at the Panchayat level instead of the village level. This was done as per the orders of the collector (No 154 dated 21/1/08).</li> <li>In Singachori and Ghotiyadev villages of Bagh block the FRCs constituted had no women members.</li> </ul>
Sheopur	<ul style="list-style-type: none"> <li>In Simrai village, the FRC was not constituted. No records were available at the village level and people were not able say anything about the FRC.</li> <li>Where FRCs were constituted, the members said they were never trained on their roles. In most villages, the FRCs had not met even once since their formation.</li> </ul>
Khandwa	<ul style="list-style-type: none"> <li>In Indhavali village, the FRC was constituted by the Panchayat secretary. None of the Gram Sabha members was consulted in its formation. According to them the presiding officer never visited the village.</li> <li>The presiding officer was not present in the first Gram Sabha meeting held in Dabhia village, which was adjourned when the quorum could not be met. The Gram Sabha did not take place after that. The Panchayat secretary constituted the FRC without consulting the Gram Sabha but later got the signatures of all the members.</li> </ul>
Umaria	<ul style="list-style-type: none"> <li>The FRC members were mostly non-tribals. When they learned that non-tribals would not get any benefits under the FRA, they lost interest and did not play any effective role in implementing the Act.</li> <li>In Karkeli block, the Panchayat secretaries were not aware of the norms for FRC membership. In Jhilmili and Karhaiya villages only nine members were selected, with several members of the same family being identified as FRC members in Jhilmili.</li> </ul>
Sagar	<ul style="list-style-type: none"> <li>In most villages, the relatives of sarpanchs or Panchayat secretaries were made members of the FRC. In Baredia Nagnagar khurai the elder brother of the sarpanch was the chairperson, while the son was the chairperson in Chilpahadi banda.</li> <li>In Khajrabada, the van suraksha samiti formed under the joint forest management (JFM) programme was converted into the FRC for implementing the FRA.</li> </ul>
Bilaspur	<ul style="list-style-type: none"> <li>In Daukapa village, the FRC was not constituted. The patwari and Panchayat secretary said it was not constituted because their village was not a forest village.</li> <li>The chairpersons of the FRC in Pendih and Bitkuli villages were educated. A lot of claims could be realized in these villages on their initiative.</li> <li>Since Rajak village falls within a tiger reserve area, the FRC was constituted by the forest department.</li> </ul>
Koriya	<ul style="list-style-type: none"> <li>In Champajhara and Baikhundpur the FRC chairpersons were nominated in their absence. In both villages, the sarpanch acted as the FRC chairperson.</li> </ul>
Bastar	<ul style="list-style-type: none"> <li>In all the sample villages, there was a mismatch between the names of FRC members mentioned in the village records and the list provided by the SDLC.</li> <li>In Chhattisgarh, the FRCs were formed through a participatory process and in consultation with the Gram Sabha. In several villages, existing JFM committees (van suraksha samitis) were converted into FRCs.</li> </ul>

Some key challenges in setting up the FRCs and making them functional are summarised below:

- The FRCs were supposed to be constituted in a democratic manner in the Gram Sabha. In most villages, the Gram Sabha was constituted in an undemocratic manner by the Presiding Officer or Secretary without adequate notice about the meeting and without the proper quorum. The Manthan report observes a similar situation in most states when stating: "The constitution of Gram Sabhas is at the Panchayat level rather than at the village/hamlet level. As is evidently clear from Section 2 (g) and 2 (p) of the Act, the Gram Sabhas are to be convened at the hamlet level in Schedule V areas and the revenue village level or traditional village or habitations and settlements in other areas. However, in a number of states, such as Andhra Pradesh, West Bengal and Uttar Pradesh, these are being called at the Panchayat level."
- The first Gram Sabhas were organized in a campaign mode in all the villages. The presiding officer often had to attend more than one Gram Sabha on a single day, which left little time in each village to orient the Gram Sabha and FRC members on the provisions of the Act. It was thus not possible to develop the FRC in a truly democratic manner in the limited time available.
- Time constraints led to hasty constitution of the FRCs. In several villages the Forest Protection Committees formed under JFM were constituted as FRCs.
- The FRCs were supposed to receive applications for claims, physically verify each claim and forward it to the SDLC. *In the absence of adequate understanding at the FRC level, none of the FRCs actually received the applications, which were given to the secretary who did the necessary paperwork before forwarding them to the SDLC.*
- SDLCs clearly failed in providing the required support to the FRCs through capacity building and providing relevant learning material.

Observations during collection of evidence for community rights	
Dhar	<ul style="list-style-type: none"> <li>• In all the villages it was observed that school teachers and Panchayat secretaries played an important role in helping individuals to submit evidence to back up their claims.</li> <li>• The Tribal Welfare department also organized several camps to vet applications and rectify their shortcomings.</li> </ul>
Rajnandgaon	<ul style="list-style-type: none"> <li>• The secretaries were instrumental in filing proper claims in the district. In Manpur village of Manpur block and Handitola village of Chowki block people said they had to pay Rs. 20 to get a photocopy of the application forms.</li> </ul>
Khandwa	<ul style="list-style-type: none"> <li>• In Baifal and Indhawadi villages people said they had to take the help of a notary to file their claims. They claimed they had to pay around Rs100 to Rs200 per form. The chairperson of the FRC in Kodra village said he had to pay Rs600 for getting the documents filed through a notary/lawyer.</li> </ul>

## 5.5. Budgetary provisions for implementing the FRA

The Madhya Pradesh government made budgetary provisions for trainings as well as purchase of material at the district level in order to facilitate the implementation of the Act. They included the following<sup>7</sup>:

- |  |  |
|--|--|
| 1. Training of SDLC members                                  | Rs10,000 per district  |
| 2. Training of FRC members                                   | Rs10,000 per tehsil/sub-division                                     |
| 3. Purchase of boxes for storing the records @ Rs700 per box | Rs70,000 to Rs280,000 based on workload mentioned in the table below |

Budget break-up for purchase of boxes			
Workload	Rate for boxes (INR)	Number of boxes to be procured	Amount
Low	700	0	0
Normal	700	100	70,000
Medium	700	200	140,000
High	700	400	280000

<sup>7</sup>Source of information: Letter from the District Collector (Umaria district) dated 17/3/2008 Letter no: FRC/2006-07/3942

4. Purchase of bags for collecting the records @ Rs25 per Bag Rs 2,500 to Rs50,000 based on the workload mentioned in the table below

Budget break-up for purchase of bags			
Workload	Rate for bags (INR)	Number of bags to be procured	Amount
Low	25	100	2,500
Normal	25	500	12,500
Medium	25	1,000	25,000
High	25	2,000	50,000

5. Purchase of plastic folder for each claim Rs 30 per folder
6. Purchase of lamination machine Rs 15,000
7. Maintaining voter list at SDLC/village level Rs1 per page.  
(If demanded, the beneficiary would be provided a copy of the list free of cost.)
8. Photocopying of materials sought by the beneficiary free of cost. The exact amount earmarked for this is not mentioned in the guidelines.
9. Awareness generation – district level Rs 10,000
10. Awareness generation – SDLC level Rs 5,000
11. Data entry - to be done externally by inviting tenders. The exact amount earmarked for this is not mentioned in the guidelines.
12. Travel expenses at the SDLC level Rs 40,000 for two months
13. Contingency expenses at the SDLC level Rs 5,000 per SDLC
14. Budget at the FRC level Rs1,000 per FRC/Gram Sabha
15. There was also provision for engagement of a process server, although the amount was not specified.

In Chhattisgarh, the budgetary provision for implementing the Act was made only in 2008-09. The FRCs had already been constituted by this time and the capacity building of committees at all three levels was already over. The collectors were briefed in a meeting in Raipur to organize SDLC trainings at the district level for which budgetary provisions had been made, after which the SDLC members were supposed to orient FRC members in the Gram Sabha meetings.

The Tribal Welfare department made a provision of Rs 10 crore for implementing the Act in 2009-10 and transferred this amount to the Forest department and specified the broad budget heads for utilising the budget. The budgetary expenditure of the forest department is given below:

Budget head	Budget allocation (2008-09)	Raipur		Bilaspur		Durg		Sarguja		Kanker		Bastar		Total
		Sanctioned	Spent	Sanctioned	Spent	Sanctioned	Spent	Sanctioned	Spent	Sanctioned	Spent	Sanctioned	Spent	
Furniture and office equipment	150	25	21	25	16	25	21	25	25	25	112	25	25	219
Writing material and printing of forms	30	5	5	5	4	5	2	5	5	5	24	5	5	43
Other contingency expenses	70	12	9	12	21	12	3	12	11	12	4	12	10	59
Survey work	750	120	112	140	133	110	60	140	107	120	11	120	106	529
Total	1000	162	147	182	174	152	86	182	148	162	150	162	146	851

(Amount in Rs lakh)

Source: Form 7, March 2009, Expenditure details (office of Nodal Officer Forest Rights Act, CG, Raipur)

The table shows that a large proportion (nearly 22%) of the budget was spent on purchase of office furniture and equipment. There was no budgetary provision for capacity building of the committees and the resulting capacity gaps in the FRCs, SDLCs and DLCs led to gaps in implementing the Act. The amount earmarked for implementation could have been better utilised if it could have been spent on capacity building of committees at all three tiers.

## 5.6. Inter-departmental coordination

Coordination between the three key departments (Forest, Tribal Welfare and Revenue) was essential for effective implementation of the FRA. But the feedback on inter-departmental coordination in both states was not very positive because of several issues including lack of clarity on the roles and responsibilities of the different departments.

- The Forest department remained indifferent about implementation because it felt the FRA was against the principle of conservation because it sought to give community rights to forest land and resources.
- The Panchayat secretary who was designated the secretary of the FRC reported to the Janpad Panchayat CEO and did not take adequate responsibility at the field level if there was no coordination with the Janpad Panchayat.
- *There was lack of clarity on the roles of different departments. In Chhattisgarh, the Revenue department felt the onus for implementation was on the Panchayat and rural development department because the Panchayat secretary was the designated secretary of the FRC. Forest department and Janpad Panchayat officials felt that since land distribution was a basic outcome of implementing the FRA, this function should be performed by the Revenue department. The Revenue department felt that since implementation involved transferring user rights for forest land to the community, the primary responsibility lay with the Forest department. Tribal department officials felt they did not have any significant role to play and their work was limited to signing a few documents.*

State	District	Issue
Madhya Pradesh	Dhar	The forest and revenue departments were reluctant about implementation initially. However, after the district collector issued orders, the departments started cooperating with each other and claim applications were accepted based on the list of around 11,000 claimants provided by the forest department
Madhya Pradesh	Sheopur	Since the Zila Panchayat CEO and Janpad Panchayat CEO had no role in the DLC/SDLC, the Panchayat secretary was initially reluctant to organize the Gram Sabha meeting.
Madhya Pradesh	Umaria	At the village level the forest department official and the patwari were to conduct the verification process. However, in absence of the patwari, the work suffered. People from Kati village prepared a panchnama and complained about this to the SDLC
Chhattisgarh	Bilaspur	Separate and different sets of information were sent to the SDLC from the forest department and the revenue department. Thus there was confusion regarding the exact status of the claims made.

The Manthan report also comments on lack of interdepartmental coordination, stating that despite the provision for multi-stakeholder verification and decision-making at various levels in the FRA the opinions of forest staff appear to have over-riden all else in most places. It observes: "This is primarily due to lack of interest and capacity in tribal department officers and lack of confidence and concern in revenue department officers to handle matters of forest rights. The tribal department is used to giving scholarships and grants to beneficiaries, but has no experience in dealing with programmes that require inter-departmental coordination. Most nodal officers, without much of capacity building inputs given to them, were thus quite happy collecting statistical information (often from the forest department) on the FRA, but took no initiative in verifying the figures, arranging for a supervision architecture, or assessing the quality of performance of districts. Tribal department officers are seen as very low in the hierarchy compared to the chairperson and hence had hardly any say in the matter and hardly took any initiative. The show was seen and projected primarily as the chairman's or forest department's show."



## Conclusions

- Efforts in both states were less than adequate for spreading awareness of the Act. In Madhya Pradesh, some initiatives were undertaken but they were confined to some pockets only. A clear strategy for information, education and communication was lacking, resulting in lack of awareness in the community.
- Though some initiatives were taken for capacity building of officials, more intensive efforts were required. In both states, SDLG and many DLG officials were not aware of the provisions in the FRA related to claims for user rights to community resources.
- The first Gram Sabha organized for implementing the FRA was the only platform for orienting the community about the Act. This meeting was organized in a hasty manner without prior information to the community, resulting in very low attendance of villagers.
- There was also clear lack of coordination between the three key departments engaged in implementing the Act. In most places it was only on the insistence of the district collector that departments began coordinating with each other in implementation.

## CHAPTER 6: Key conclusions

### 6.1. Inadequate efforts to promote community rights

The study shows that the number of applications filed for community rights falls far short of the potential for claiming such rights in both Madhya Pradesh and Chhattisgarh. Reasons for this shortfall, which emerged from the FGDs, include the following:

- The community as well as the administration were more focused on claiming individual user rights rather than community rights.
- The community felt no urgent need to claim community rights or titles to community assets in situations where they faced no obstacles or interference from the forest department in accessing forest resources. The people were also unaware of the long-term implications of not claiming such rights.
- No serious attempts were made to explain the provisions of the FRA related to community rights to the people. As a result, user rights for several critical community assets remained unclaimed. Poor understanding of the provisions is also reflected in the fact that no complaints or appeals were filed in cases of disallowed or rejected claims, both individual and community.

### 6.2. Inadequate communication strategy to reach out to unlettered tribals

The village survey and interactions with key stakeholders revealed that illiteracy is a major reason for lack of understanding of the provisions of the Act among potential beneficiaries. The older generation of tribals aged above 40 years is mostly illiterate. Written communication materials or a mere two hours of interaction in a Gram Sabha meeting are inadequate to help them understand the various provisions. Key information gaps identified by the community included:

- The provisions related to proof of ownership, particularly for non-tribal families, and the documents required for the purpose.
- The meaning of community rights, the entitlements associated with such rights and their implications for livelihoods.
- The functions of the village FRCs and other committees at the block and district level.
- The procedure and process for filing complaints or appeals in cases of rejection of claims.

The field interviews provide several examples of even block and district-level committee members not knowing the provisions of the Act.

Communication materials were developed by the tribal welfare department in the local dialect but these printed materials seldom reached the villagers, although they were seen in the possession of the president/secretary of the village FRCs in some villages. Similarly, handbills on basic provisions and the procedure for filing claim applications were also published in most districts and were seen in the possession of tribal youth in the villages. But again, such materials were not available in adequate numbers and were to be found in only a few villages.

This lacuna in distribution of materials and dissemination of information arose mainly because of poor orientation of FRC members and other official staff linked to the implementation of the Act on the role they were expected to play.

The need for a well thought out communication strategy is further underlined by the fact that wherever Gram Sabha members were familiar with the provisions of the Act and realised the importance of applying for community rights the response to filing claims was far more positive.

### 6.3. Deliberate focus on individual rather than community rights

It is natural for people to want to first protect and claim their individual rights to livelihood, such as forest land they had been cultivating, rather than focus on claims for community assets. But the administrative machinery was also found to be concentrating more on claims for individual user rights rather than community rights. This approach did help the administration to address the individual user rights component of the Act initially and defer claims for community rights to a time when it could prepare a more studied response that addressed more complex and contentious issues linked to such rights. However, in doing so, community rights tended to be neglected and very few claims were filed. Until May 2010 only 6,944 applications were filed in Madhya Pradesh, the figure being 4,042 for Chhattisgarh. *Also, most of these applications were filed only after a special official drive was launched in July 2009 to focus on community rights.*

### 6.4. Top-down approach to achieve/exceed community claims targets

The nature and pattern of claims for community rights show that claims were filed for only those community assets suggested by departmental officials. This is borne out by the fact that the DLCs accepted most of the community rights claimed/filed in Madhya Pradesh as well as Chhattisgarh. The administrative machinery appears to have identified select community assets and left out those that could have led to conflicts, even obtaining the notional approval of the Gram Sabhas for the assets they had chosen.

This selective, top-down approach inevitably led to the creation of a gap between assets claimed and total potential assets, pointing to a latent demand among the people for critical assets controlled by the forest department. This is clearly reflected in the fact that the maximum number of claims for community assets covered government buildings or government land while critical assets such as ponds, approach roads, grazing land and minor forest produce etc were left out.

### 6.5. Lack of preparedness to facilitate filing of claims applications

The official administrative machinery did not appear fully geared to deal with the transformative nature of land ownership under the FRA, with poor tribals receiving clear entitlements to the land they had been cultivating or inhabiting. Land is a sensitive issue in forest areas hence officials were found to be more cautious in dealing with FRA claims applications. Forest department officials had serious reservations about the FRA, interpreting it to be counter to the mind-set of forest conservation by favouring vested interest groups seeking to exploit forests.

The tribal welfare department has an inadequate presence at the district level, particularly in non-schedule areas. This required pooling of officials from different departments, designating them as presiding officers and orienting them on their role, a process that consumed precious time at the district level.

The district officer of the tribal welfare department designated as the presiding officer of the FRA had less powers than the district CEO and less control over field-level staff. As a result, it proved difficult to effectively mobilize staff of the revenue department (patwari), forest department (forest guard) and Panchayat department (Panchayat secretary). Wherever district collectors took special interest, implementation of the FRA was more effective than in other areas.

# CHAPTER 7:

## Key recommendations

### 7.1. Design and organize large scale awareness campaigns

A massive challenge exists in reaching out to people with simple and critical messages that prepare them to demand their forest user rights under the FRA. There are several examples where information provided to tribals and other forest dwellers have helped them in applying for community rights.

Information dissemination campaigns should have several dimensions to reach out to the people. They should have a mass communication approach i.e. reaching out through radio, television and other media to ensure that people receive the basic messages the communication material seeks to convey, such as:

- Salient provisions of the Act
- Proof of identity for tribals and non-tribals
- Interpretation of community rights
- Process of forming the FRCs
- Functions of the FRCs
- Process of appealing in cases of rejection of applications

In cases where individual or community rights in predominantly tribal blocks have not been adequately addressed, there is a need to identify NGOs working in the area to provide back-up support to poor tribals and other deserving families, especially in situations of conflict. These people require assistance in filing applications, resolving issues of caste certificates, identification and measurement of land (individual or community) and negotiating with the officials to resolve conflicts.

### 7.2. Intensive capacity building approach

It is important to develop a detailed strategy of capacity building of people responsible for implementing the FRA in order to reach out to tribal families and tribal villages on a large scale. The demand for trainings is at the following levels:

- DLCs
- SDLCs
- Village-level FRCs
- Officials involved in implementing the FRA

In MP the tribal welfare department made systematic efforts to organise effective trainings to familiarise officials and others involved in implementing the Act with its provisions and related government orders/ instructions. The task was assigned to the All India Institute of Local Self Governance. A team of three trainers comprising retired IFS and IAS officers was set up for each division and district and the trainings were conducted as per schedule.

However, this systematic strategy for training could not provide the desired results owing to a number of factors that have been mentioned in the report. Therefore, an alternative strategy needs to be worked out.

For example, dependence on a single state-level agency to organise trainings does not seem to be the best option. Other institutes like the Noronha Academy of Administration, Indian Institute of Forest Management (IIFM), Tribal Research Institute and State Institute of Rural Development (SIRD) of Madhya

Pradesh and Chhattisgarh as well as voluntary organisations should be involved to develop a cadre of master trainers for district and sub-division-level trainings. These institutes should be given the freedom to select the districts/divisions where they wish to conduct trainings, the condition being that they provide long-term follow-up support to the master trainers as well as other officials, committee members and field staff attending the trainings.

### 7.3. Improve implementation mechanism for greater dividends

It is evident that the forest department feels the FRA conflicts with its mandate to protect and promote forests. The department sees the allocation of individual and community rights to forest resources under the Act as putting greater pressure on forests and compromising their conservation.

The tribal welfare department sees itself as the implementing agency for the FRA. It is evident that whenever forest department officials/field staff support FRA implementation, there is significant improvement in filing and sanctioning of claims for user rights, particularly individual claims. However, the departmental presence of tribal development officials in the districts is relatively weak. Hence, staff from other departments is seconded to facilitate Gram Sabha meetings and filing of applications.

In revenue villages, the presence and support of the patwari is critical for identifying forest land to facilitate the filing of appropriate claims.

Similarly, whenever collectors take more interest in monitoring the performance of implementing agencies, coordination and achievements in implementation improve significantly.

Improved implementation ensures better distribution of FRA entitlements and more coherent convergence of development and poverty alleviation programmes at the local level to improve the quality of life of the poor. The following measures could be considered to streamline implementation:

- (i) The presiding officer for implementing the programme should be the CEO of the district and the CEO of the block at the sub-district level. This will ensure greater synergy of various rural development programmes such as MGNREGS, BRGF, SJSY etc.
- (ii) In districts covered under the Fifth Schedule of the PESA where there is a strong presence of tribal department staff, implementation of the Act should remain with the Tribal Welfare department so that resources under the Tribal Sub-Plan can be meaningfully utilized.
- (iii) Greater synergy should be developed with the forest department at the state level and its engagement should be sought in identifying areas where the possibility of serving the common interest and attaining the FRA objectives is high. Pilot experiments should also be launched in selected forest villages to explore alternative livelihood options that demonstrate how tribals can reduce their dependence on forest resources. The department's fear of encroachment on reserved forests would also be reduced if better guidance is provided for community ownership of forest resources. Better management of community resources will serve as a good example for other villagers to follow.

### 7.4. Maintain village maps at the Panchayat level

The Government of Madhya Pradesh issued instructions to maintain a copy of the patwari's land records at the Panchayat level, as clearly specified in the FRA, in order to simplify the task of the Gram Sabha in identifying and filing claims for individual and community rights.

However, this could not be properly affected in practice because revenue officials were reluctant to provide a copy of the land records to villagers as a public disclosure document. To ensure that the Gram Sabha can function unhindered, the DFCs and SDLCs should collect the following documents and make them available at the village level:

- wazib-ul-arz
- forest maps
- revenue maps

The maps should be part of the official records of the village Panchayat.

The implementation checklist prepared for the SDLC secretary states that the patwari should prepare a list of community assets based on information from the (i) wazib-ul-arz (ii) nistar patrak and (iii) nistar patrak of the forest department. A copy of this checklist should also be provided to the Gram Sabha so it knows what is needed to file claim applications. In addition, the Panchayat/patwari/forest guard should inform the Gram Sabha about community assets not listed in these documents for which community rights can be claimed and assist it in filing claims to these resources.

## 7.5. Provide clarity on the time limit for accepting FRA claims

Very few claims for community rights have been filed because of lack of clarity about the provisions of the Act and the procedure for filing applications. The Act does not specify a time limit for settling such claims, a fact most people are unaware of, and this message must be clearly conveyed to both the officials and the community.

## 7.6. Organise a campaign for issuing caste certificates

In several instances filing of claim applications was facilitated by the administration providing caste certificates on the spot at the Panchayat level, thereby saving time and resources. Such campaigns should be undertaken in tribal-dominated areas so that larger numbers of poor tribals can avail of the benefits extended under the FRA. These campaigns should be supervised and monitored by the district collector to ensure that the benefits reach the poorest of poor families.

## 7.7. Develop a long-term strategy to support village FRCs

Training institutions should not limit their role to conducting one-time trainings for master trainers but should maintain contacts with their trainees and other officials in the field throughout the year. Such contact is necessary to:

1. Support trainers/facilitators, clear their doubts and keep them updated.
2. Strengthen the efforts of the FRCs to promote claims for community rights.
3. Monitor the implementation of the Act on a selective/random basis.
4. Identify issues of concern on a regular basis.

## 7.8. Use technology to strengthen outreach

Technology needs to be utilised to support implementation and make the process more efficient and effective. In Chhattisgarh, the SIRD has developed a network of trainers using SATCOM. Even more important is the ICT initiative of the Madhya Pradesh government - a web-based application to set up the various implementation committees and monitor implementation. It helped speed up the formation of committees at all levels across the state. The forest department also provided a valuable contribution by using PDAs for measurement, an effort highly appreciated by the MoTA that needs to be replicated.

## 7.9. Long-term planning for community assets with resource commitment

The FRA states that the community will have the right to preserve, protect and develop resources for sustainable use. There is a need to strengthen the capacity of Gram Sabhas to manage, protect, preserve and add value to community assets.

The following measures may be considered to promote this function:

1. Micro-planning for management of forest resources for which user rights are claimed under FRA section 3 (1).



The community/Gram Sabha should develop the capacity to review each asset created on the basis of the following questions:

- Who are the key users and what are the benefits drawn? Is the principle of equity well considered?
- What are the issues of regeneration/maintenance and protection of the community asset?
- What actions are required to attain the ideal state for the community asset? Who will play what role in the maintenance process and be responsible for what proportion of the worth of the asset?
- What resources are required to complete the desired activities? Where will these resources be generated?

*The micro-plans for each key asset, particularly those having a critical relationship with daily living and livelihood, should be taken up on a priority basis. These plans should be approved by the Gram Sabha and compiled at the district level. They should become part of the decentralized district plan, so that funds and resources available under the tribal sub-plan, MGNREGS, BRGF etc can be utilised.*

## 2. District-level coordination for accessing resources/technical support

The community has strong local wisdom to manage community assets. However, it lacks scientific knowledge to undertake this function in a more efficient and appropriate manner. In case of land reserved for public utilities like schools, anganwadis, playground, etc, it will be necessary to build coordination mechanisms with the concerned departments to allocate resources as well as provide technical guidance for construction and maintenance.

The forest department has a strong role to play in facilitating the development of grazing land, khirkai, community forests, etc so that the user community may continuously receive benefits. This is possible if district-level officials agree to coordinate and work towards achieving these objectives.

## 3. Periodic monitoring of community assets and follow-up strategy

The community requires stronger support and guidance during the initial 4-5 years of managing the resources it obtains user rights for under the FRA. Departments are also unaware of their role in strengthening community rights. Single or multiple agencies should be selected to provide independent, six-monthly monitoring reports that highlight the progress, performance, bottlenecks and support demanded by the community to control and improve asset value. The report should be presented in the state-level FRA committee for action.

## Annexures

**Annexure-1:** List of Sample Block in Sample districts

States	Districts	Blocks
CG	Bastar	Barwaha
		Jagdalpur
	Koriya	Baikundpur
		Sonhat
	Bilaspur	Bilha
		Lormi
	Rajanandgaon	Kheragarh
		Manpur
		Choki
MP	Sheopur	Karahal
		Vijaypur
	Dhar	Bagh
		Gandhwani
	Khandwa	Khalwa
		Punasa
	Mandla	Narayanganj
		Nainpur
	Sagar	Khurai
		Banda
	Umariya	Karkeli
		Manpur

## Tables

**Table 1: Claims made under Section 3 (2) - diversion of forest land**

State	No of claims	% of total claims
MP	37	25.2
CG	48	43.6

**Table 2: Claims made under Section 3 (2) – diversion of forest land**

Type of Village	Madhya Pradesh		Chhattisgarh		Total	
	No	%	No	%	No	%
Villages in national parks	1	2.7	5	10.4	6	7.1
Other forest villages	29	78.4	1	2.1	30	35.3
Revenue villages	7	18.9	42	87.5	49	57.6
Overall	37	100	48	100	85	100

**Table 3: Claimed vs. potential community assets**

State	Unclaimed	Claimed	Total potential assets	% Unclaimed	% Claimed
CG	45	62	107	42.1	57.9
MP	120	110	230	52.2	47.8
Total	165	172	337	49.0	51.0

**Table 4: Unclaimed community assets in national parks and forests**

National parks				Forests outside national parks			
Claimed	Unclaimed	Total	% Unclaimed	Claimed	Unclaimed	Total	% Unclaimed
19	63	82	76.8	47	102	149	68.5

**Table 5: District wise claims received in Madhya Pradesh**

	Applications received				By FRC	Approved by Gram Sabha	Forwarded by SDLC	Approved by DLC
	Individual		Community claims	Total				
	Tribal	Non Tribal						
Sheopur	4569	1113	162	5844	5844	5844	5844	5844
Morena	147	13	14	174	174	174	174	174
Bhind	0	52	0	52	52	52	52	52
Gwalior	861	1213	61	2135	2135	2135	2135	2135
Shivpuri	8599	7470	291	16360	16360	16360	16360	16360
Guna	10077	12596	40	22713	22713	22713	22713	22346
Datia	242	140	5	387	387	387	387	387
Dewas	4887	594	456	5937	5937	5937	5937	5937
Ratlam	4291	0	8	4299	4299	4299	4299	4299
Shajapur	6	58	0	64	64	64	64	64
Mandsaur	75	127	208	410	410	410	410	410
Neemuch	508	0	48	556	556	556	556	556
Ujjain	0	100	0	100	100	100	100	100
Indore	1983	279	42	2304	2304	2304	2304	2304
Dhar	18230	43	98	18371	18615	18615	18615	18371
Jhabua	1646	0	157	1803	1803	1803	1803	1803
Alirajpur	4051	0	90	4141	4141	4141	4141	4141
Khargone	13296	923	49	14268	14268	14268	12150	12150
Badwani	23077	1837	958	25872	25872	25872	24279	24279
Khandwa	5930	497	101	6528	6528	6528	6528	6528
Burhanpur	9742	933	8	10683	10103	10103	10103	10103
Bhopal	299	5611	16	5926	5926	5926	5926	5926
Sehore	5537	6638	109	12284	11900	11900	11793	11793
Raisen	8415	11451	271	20137	20137	20137	20107	20037
Rajgarh	288	1825	10	2123	2123	2123	2123	2123
Vidisha	2481	15118	21	17620	17620	17620	17620	17620
Betul	13726	1895	192	15813	15751	15751	15751	15690
Hoshangabad	3087	896	25	4008	4008	4008	4008	4008
Harda	3820	275	33	4128	4128	4128	4128	4128
Sagar	5782	7720	1550	15052	15044	15044	15044	12679
Damoh	5910	4891	25	10826	10566	10566	10496	10496
Panna	4606	2232	664	7502	7502	7502	7502	7423
Chhattarpur	675	3520	198	4393	4393	4393	3893	3893
Tikamgarh	1590	3752	30	5372	5372	5372	5372	5372
Jabalpur	1891	813	80	2784	2784	2784	2784	2784
Katni	2784	1380	40	4204	4199	4199	4040	4040
Narsinghpur	951	287	23	1261	1261	1261	1261	1261
Chhindwara	5687	141	7	5835	5835	5835	5835	5828
Seoni	8711	831	11	9553	9553	9553	9553	9553

Mandla	7671	1507	101	9279	9279	9279	9279	9028
Balaghat	6778	2061	37	8876	8876	8876	8876	8876
Dindori	8729	479	381	9589	9589	9589	9589	6363
Shahdol	7318	2444	418	10180	8882	8882	7372	7362
Anuppur	2886	838	263	3987	3987	3987	3498	3498
Umaria	11268	3665	742	15675	14745	14745	14745	14745
Rewa	2560	3794	9	6363	5371	5371	5371	5371
Sidhi	3690	2819	25	6534	6534	6534	6303	6303
Singrauli	9023	11780	38	20841	20841	20841	20841	19101
Satna	5352	3751	11	9114	9114	9114	9114	9114
Total	256299	135801	8251	400351	396076	396076	389269	380849

Table 6- District wise claims sanctioned in Madhya Pradesh

District	Cases rejected by DLC				Sanctioned claims			
	Tribal	Non Tribal	Community	Total	Tribal	Non Tribal	Community	Total
Sheopur	3669	1113	0	4782	900	0	162	1062
Morena	147	13	0	160	0	0	14	14
Bhind	0	52	0	52	0	0	0	0
Gwalior	749	1213	5	1967	112	0	56	168
Shivpuri	7118	7470	126	14714	1492	0	154	1646
Guna	5958	12596	0	18554	3756	0	36	3792
Ashoknagar	1994	5399	100	7493	573	0	25	598
Datia	104	140	1	245	138	0	4	142
Dewas	3133	594	79	3806	1754	0	377	2131
Ratlam	4027	0	0	4027	264	0	8	272
Shajapur	4	58	0	62	2	0	0	2
Mandsaur	75	127	196	398	0	0	12	12
Neemuch	147	0	28	175	361	0	20	381
Ujjain	0	100	0	100	0	0	0	0
Indore	1682	279	13	1974	301	0	29	330
Dhar	8256	0	0	8256	9974	43	98	10115
Jhabua	1128	0	23	1151	518	0	134	652
Alirajpur	810	0	26	836	3241	0	64	3305
Khargone	2800	923	0	3723	8427	0	0	8427
Badwani	1410	1707	0	3117	21162	0	0	21162
Khandwa	2936	497	24	3457	2994	0	77	3071
Burhanpur	7930	292	0	8222	1316	565	0	1881
Bhopal	89	4795	2	4886	210	816	14	1040
Sehore	2028	7140	54	9222	2561	0	10	2571
Raisen	3445	11451	31	14927	5040	0	70	5110
Rajgarh	238	1825	10	2073	50	0	0	50
Vidisha	1221	15116	14	16351	1260	2	7	1269
Betul	9178	1895	6	11079	4548	0	63	4611
Hoshangabad	264	896	2	1162	2823	0	23	2846
Harda	827	275	0	1102	2993	0	33	3026
Sagar	4070	7393	144	11607	814	13	245	1072
Damoh	5045	4891	0	9936	560	0	0	560
Panna	3065	2224	8	5297	1499	8	619	2126

Chhattarpur	192	3520	84	3796	97	0	0	97
Tikamgarh	1089	3752	30	4871	501	0	0	501
Jabalpur	1199	813	0	2012	692	0	80	772
Katni	2251	1265	39	3555	484	0	1	485
Narsinghpur	446	287	0	733	505	0	23	528
Chhindwara	2390	141	0	2531	3297	0	0	3297
Seoni	5606	733	4	6343	3105	98	7	3210
Mandla	2540	1507	91	4138	4880	0	10	4890
Balaghat	0	2061	0	2061	6778	0	37	6815
Dindori	0	0	0	0	5683	299	381	6363
Shahdol	4256	2444	0	6700	662	0	0	662
Anuppur	1591	838	54	2483	843	0	172	1015
Umaria	6094	3665	0	9759	4244	0	742	4986
Rewa	1779	2802	1	4582	781	0	8	789
Sidhi	2897	2370	0	5267	1036	0	0	1036
Singrauli	5391	10588	0	15979	3122	0	0	3122
Satna	4119	3751	10	7880	1233	0	1	1234
<b>Total</b>	<b>125387</b>	<b>131011</b>	<b>1205</b>	<b>257603</b>	<b>117586</b>	<b>1844</b>	<b>3816</b>	<b>123246</b>

Table 7: Status of community claims in Chhattisgarh as on December 2009

S. No	District	Department	No of claims received						No of claims approved		No of titles distributed		
			Village		Sub division		District		ST	OTFD	ST	OTFD	Total
			ST	OTFD	ST	OTFD	ST	OTFD					
1	2	3	4	5	6	7	8	9	13	14	15	16	17
1	Sarguja	Forest	192	120	192	120	1	4	1	1	1	1	2
		Revenue	67	0	67	0	7	7	4	5	4	5	9
		Joint (F&R)	0	0	0	0	0	0	0	0	0	0	0
		<b>Total</b>	<b>259</b>	<b>120</b>	<b>259</b>	<b>120</b>	<b>8</b>	<b>11</b>	<b>5</b>	<b>6</b>	<b>5</b>	<b>6</b>	<b>11</b>
2	Korea	Forest	26	1	4	1	4	1	0	0	0	0	0
		Revenue	71	0	51	0	51	0	0	0	0	0	0
		Joint (F&R)	0	0	0	0	0	0	0	0	0	0	0
		<b>Total</b>	<b>97</b>	<b>1</b>	<b>55</b>	<b>1</b>	<b>55</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
3	Bilaspur	Forest	36	0	36	0	36	0	36	0	36	0	36
		Revenue	16	48	16	27	6	17	6	17	6	17	23
		Joint (F&R)	0	0	0	0	0	0	0	0	0	0	0
		<b>Total</b>	<b>52</b>	<b>48</b>	<b>52</b>	<b>27</b>	<b>42</b>	<b>17</b>	<b>42</b>	<b>17</b>	<b>42</b>	<b>17</b>	<b>59</b>
4	Korba	Forest	0	0	0	0	0	0	0	0	0	0	0
		Revenue	0	0	0	0	0	0	0	0	0	0	0
		Joint (F&R)	0	0	0	0	0	0	0	0	0	0	0
		<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
5	Jashpur	Forest	103	18	0	0	0	0	0	0	0	0	0
		Revenue	281	78	95	0	0	0	0	0	0	0	0
		Joint (F&R)	8	1	0	0	0	0	0	0	0	0	0
		<b>Total</b>	<b>392</b>	<b>97</b>	<b>95</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
6	Jagdalpur	Forest	1080	0	201	0	201	0	201	0	0	0	0
		Revenue	806	132	479	0	479	0	479	0	0	0	0
		Joint (F&R)	316	315	296	0	296	0	296	0	0	0	0
		<b>Total</b>	<b>2202</b>	<b>447</b>	<b>976</b>	<b>0</b>	<b>976</b>	<b>0</b>	<b>976</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

7	Durg	Forest	0	21	0	21	0	17	0	0	0	0	0
		Forest	0	21	0	21	0	17	0	0	0	0	0
		Revenue	0	12	0	12	0	3	0	0	0	0	0
		Joint (F&R)	0	0	0	0	0	0	0	0	0	0	0
		<b>Total</b>	<b>0</b>	<b>33</b>	<b>0</b>	<b>33</b>	<b>0</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
8	Janjgir	Forest	0	0	0	0	0	0	0	0	0	0	0
		Revenue	0	0	0	0	0	0	0	0	0	0	0
		Joint (F&R)	0	0	0	0	0	0	0	0	0	0	0
		<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
9	Raigarh	Forest	0	0	0	0	0	0	0	0	0	0	0
		Revenue	0	0	0	0	0	0	0	0	0	0	0
		Joint (F&R)	0	0	0	0	0	0	0	0	0	0	0
		<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
10	Rajnand gaon	Forest	0	3	0	3	0	3	0	3	0	3	3
		Revenue	0	3	0	3	0	3	0	3	0	3	3
		Joint (F&R)	0	0	0	0	0	0	0	0	0	0	0
		<b>Total</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>6</b>	<b>6</b>
11	Kabirdham	Forest	0	0	0	0	0	0	0	0	0	0	0
		Revenue	0	0	0	0	0	0	0	0	0	0	0
		Joint (F&R)	0	0	0	0	0	0	0	0	0	0	0
		<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
12	Raipur	Forest	0	0	0	0	0	0	0	0	0	0	0
		Revenue	0	0	0	0	0	0	0	0	0	0	0
		Joint (F&R)	0	0	0	0	0	0	0	0	0	0	0
		<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
13	Mahasam- und	Forest	0	0	0	0	0	0	0	0	0	0	0
		Revenue	0	0	0	0	0	0	0	0	0	0	0
		Joint (F&R)	0	0	0	0	0	0	0	0	0	0	0
		<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
14	Dhamtari	Forest	123	83	44	0	0	0	38	0	38	0	38
		Revenue	74	11	6	1	0	0	6	1	6	1	7
		Joint (F&R)	5	2	0	0	0	0	0	0	0	0	0
		<b>Total</b>	<b>202</b>	<b>96</b>	<b>50</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>44</b>	<b>1</b>	<b>44</b>	<b>1</b>	<b>45</b>
15	Kanker	Forest	0	25	0	25	0	25	0	17	0	17	17
		Revenue	0	180	0	180	0	180	0	158	0	158	158
		Joint (F&R)	0	0	0	0	0	0	0	0	0	0	0
		<b>Total</b>	<b>0</b>	<b>205</b>	<b>0</b>	<b>205</b>	<b>0</b>	<b>205</b>	<b>0</b>	<b>175</b>	<b>0</b>	<b>175</b>	<b>175</b>
16	Dantewada	Forest	0	0	0	0	0	0	0	0	0	0	0
		Revenue	479	0	479	0	479	0	479	0	479	0	479
		Joint (F&R)	0	0	0	0	0	0	0	0	0	0	0
		<b>Total</b>	<b>479</b>	<b>0</b>	<b>479</b>	<b>0</b>	<b>479</b>	<b>0</b>	<b>479</b>	<b>0</b>	<b>479</b>	<b>0</b>	<b>479</b>
17	Bilaspur	Forest	0	0	0	0	0	0	0	0	0	0	0
		Revenue	0	0	0	0	0	0	0	0	0	0	0
		Joint (F&R)	0	0	0	0	0	0	0	0	0	0	0
		<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>



18	Narayanpur	Forest	0	0	0	0	0	0	0	0	0	0	0
		Revenue	0	0	0	0	0	0	0	0	0	0	0
		Joint (F&R)	0	0	0	0	0	0	0	0	0	0	0
		<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	Grand Total	Forest	1560	271	477	170	242	50	276	21	75	21	96
		Revenue	1794	464	1193	223	1022	210	974	184	495	184	679
		Joint (F&R)	329	318	296	0	296	0	296	0	0	0	0
		<b>Total</b>	<b>3683</b>	<b>1053</b>	<b>1966</b>	<b>393</b>	<b>1560</b>	<b>260</b>	<b>1546</b>	<b>205</b>	<b>570</b>	<b>205</b>	<b>775</b>

Table 8: List of sample villages in the study

Criteria	State	District	Block	Village	State	District	Block	Village
High tribal population (>60%)	CG	Bastar	Jagdalpur	Titargaon	CG	Bastar	Bakavand	Pathri
		Korea	Baikunthpur	Mahora		Korea	Baikunthpur	Ramgarh
		Bilaspur	Lormi	Rajak		Bilaspur	Bilha	Khantaha
		Rajnandgaon	Chauki	Mongra		Rajnandgaon	Chauki	Dewarsur
	MP	Sheopur	Karahal	Gyantpalamkami	MP	Sheopur	Gyantis	Thankatmaji
		Dhar	Gadhwani	Chandudi		Dhar	Gandhwani	Chunapya
		Mandla	Nainpur	Wargi		Mandla	Narayanganj	Majhgaon
		Khandwa	Punasa	Hantiya		Mandla	Nainpur	Bhadiwada
		Umaria	Manpur	Kuchwahi		Khandwa	Khalwa	Dabhiya
		Umaria	Manpur	Malraha		Umaria	Karkeli	Karhiya
		Umaria	Karkeli	Bhanpura		Umaria	Manpur	Magdhi
		Sagar	Khurai	Jamuniya Dheeraj		Sagar	Khurai	Dalpatpur
		Sagar	Banda	Nayakheda				
Low tribal population (<20%)	CG	Bastar	Jagdalpur	Aadawal	CG	Bastar	Jagdalpur	Telisemra
		Korea	Baikunthpur	Targawa		Korea	Baikunthpur	Amhar
		Bilaspur	Bilha	Bitkuli		Bilaspur	Bilha	Telsara
		Rajnandgaon	Manpur	Kahgaon		Rajnandgaon	Manpur	Kohka
	MP	Sheopur	Vijaypur	Shyampur	MP	Sheopur	Vijaypur	Chimalwani
		Dhar	Gandhwani	Hathipawa		Dhar	Bagh	Ghudaliya
		Khandwa	Punasa	Bawarla		Mandla	Narayanganj	Khairi
		Umaria	Karkeli	Budiya		Khandwa	Khalwa	Chainpur sarkar
		Umaria	Manpur	Nogawa		Umaria	Manpur	Manpur
		Sagar	Banda	Khajrabhedha		Umaria	Karkeli	Salaiya
		Sagar	Khurai	Barodiyanonagar		Sagar	Khurai	Regua
Near block HQ (within 10–15km)	CG	Bastar	Bakavand	Chinari	CG	Bastar	Jagdalpur	Ghurguda
		Korea	Baikunthpur	Junapara		Korea	Sonhat	Sonhat
		Bilaspur	Bilha	Pendridih		Bilaspur	Lormi	Bharatpur
		Rajnandgaon	Chauki	Semharbandha		Rajnandgaon	Chauki	Gopalinchua
	MP	Sheopur	Karahal	Ranipura	MP	Sheopur	Vijaypur	Benipura
		Dhar	Bagh	Kati		Dhar	Bagh	Singachori
		Mandla	Nainpur	Atriya		Mandla	Nainpur	Dhanora
		Khandwa	Punasa	Chikdhaliya		Khandwa	Khalwa	Maidarani
		Sagar	Banda	Ganiyari		Sagar	Khurai	Banhat
						Sagar	Banda	Cheelpahadi

Far from block HQ (>40 km)	CG	Bastar	Jagdalpur	Bhejapadar	CG	Bastar	Jagdalpur	Ghaniyalur
		Korea	Baikunthpur	Sarbhoka		Korea	Sonhat	Natwahi
		Bilaspur	Lormi	Kodwamahant		Bilaspur	Lormi	Budhwara
		Rajnandgaon	Manpur	Dokla		Rajnandgaon	Manpur	Saroli
	MP	Sheopur	Vijaypur	Balawani	MP	Sheopur	Karahal	Girdharpur
		Dhar	Gandhwani	Bhuriyakund		Dhar	Gandhwani	Kawadkua
		Mandla	Narayanganj	Devrikala		Mandla	Nainpur	Bharbheli
		Khandwa	Khalwa	Gulai		Khandwa	Punasa	Inpun
		Umaria	Karkeli	Majmanikala		Umaria	Manpur	Majokhar
		Sagar	Banda	Ranipura		Umaria	Karkali	Jhimili
						Sagar	Banda	Saji
Near forest (<10 km)	CG	Bastar	Bakavand	Mohlai	CG	Bastar	Bakavand	Bangladongri
		Korea	Baikunthpur	Dharampur		Korea	Baikunthpur	Durgapur
		Bilaspur	Lormi	Surhi		Bilaspur	Lormi	Daukampa
		Rajnandgaon	Chauki	Devwadwi		Rajnandgaon	Khairagarh	Ghagra
	MP	Sheopur	Vijaypur	Moreka	MP	Sheopur	Vijaypur	Simrai
		Dhar	Bagh	Padalya		Dhar	Gandhwani	Lalgarh
		Mandla	Narayanganj	Kodra		Mandla	Narayanganj	Kudameli
		Khandwa	Punasa	Baiphall		Khandwa	Punasa	Indhawadi
		Khandwa	Khalwa	Bagda		Khandwa	Khalwa	Gulaimal
		Sagar	Khurai	Karaiyagujar				
Far from forest (>20 Ks)	CG	Bastar	Jagdalpur	Bhejapadar	CG	Bastar	Jagdalpur	Ghaniyalur
		Korea	Baikunthpur	Sarbhoka		Korea	Sonhat	Natwahi
		Bilaspur	Lormi	Kodwamahant		Bilaspur	Lormi	Budhwara
		Rajnandgaon	Manpur	Dokla		Rajnandgaon	Manpur	Saroli
	MP	Sheopur	Vijaypur	Balawani	MP	Sheopur	Karahal	Girdharpur
		Dhar	Gandhwani	Bhuriyakund		Dhar	Gandhwani	Kawadkua
		Mandla	Narayanganj	Devrikala		Mandla	Nainpur	Bharbheli
		Khandwa	Khalwa	Gulai		Khandwa	Punasa	Inpun
		Umaria	Karkeli	Majmanikala		Umaria	Manpur	Majokhar
		Sagar	Banda	Ranipura		Umaria	Karkeli	Jhimili
						Sagar	Banda	Saji

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