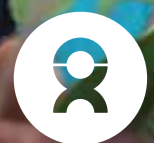


WE BELONG TO THE FOREST



ऑक्सफैम इंडिया
OXFAM
India

Picture courtesy: Oxfam India and Akoijam Sunita

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We convey our thankfulness to Akoijam Sunita for traveling to all these villages in a very short span of time and documenting these human stories as told by the community members. We acknowledge the support of Divya Singh for editing this publication and Anandita Bishnoi for designing it.

Above all, we thank the community members for sharing their wisdom, knowledge and challenges with us. Their struggles are far from over; their indomitable spirits to continue their struggles will certainly guide and inspire us in our journey.

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PREFACE

This compilation of case studies from the central eastern tribal states of Chhattisgarh, Odisha and Jharkhand is an attempt to bring together practices and experiences of forest dependent communities of managing and governing their resources. It also explains how the Forest Rights Act, 2006, is seen by the forest dwelling communities as a means to regain control over their forests and its “well-being”. The compilation captures the processes that the communities followed in claiming their rights as well as the challenges they faced during their engagement with the administration and the paper work that it entailed.

Community narratives have been captured in different ways over the years and some of them have shaped the policy spaces since 1980s in India. However, the current policy shifts and ongoing Supreme Court matter has again brought the issue of people v/s forest to the forefront of debate. The role of community spaces is shrinking. Therefore, it is essential that the narratives from the ground are captured which can reiterate, reinvent and redefine these existing debates within the framework of justice and law, within the principle of ethics and human rights, within the definition of conservation and development. It is imperative that their stories are told in their words.

The case studies indicate that the political empowerment through rights recognition process under Forest Rights Act, 2006 is also helping the communities articulate their perspective on conservation practices, the need for co-existence, benefit sharing and sustainable livelihood mechanisms. Forest dependent communities are also learning the importance of legal documents such as Forest Rights Title, which previously according to them was not necessary. They always believed that they belonged to the Forest and Forest belonged to them.

While presenting these narratives, we are well aware of the dynamics within the communities, the challenges faced by them in the wake of market economy and the changing needs and lifestyle. Therefore, there is a need to understand these changes and redefine strategies of engagement. However, communities must be at the center of this debate, they should be the ones to choose the path of development. They must define their association with forests and natural resources based on their rights as citizens and as the front-line protectors of the forests. These testimonies are evidences that new policies, laws and judgements cannot simply replace communities’ perspective and convert forest into a technical, scientific and bureaucratic space. Forest is as much a social entity with its environmental and ecological functions.

Sreetama Gupta Bhaya & Rajita Kurup

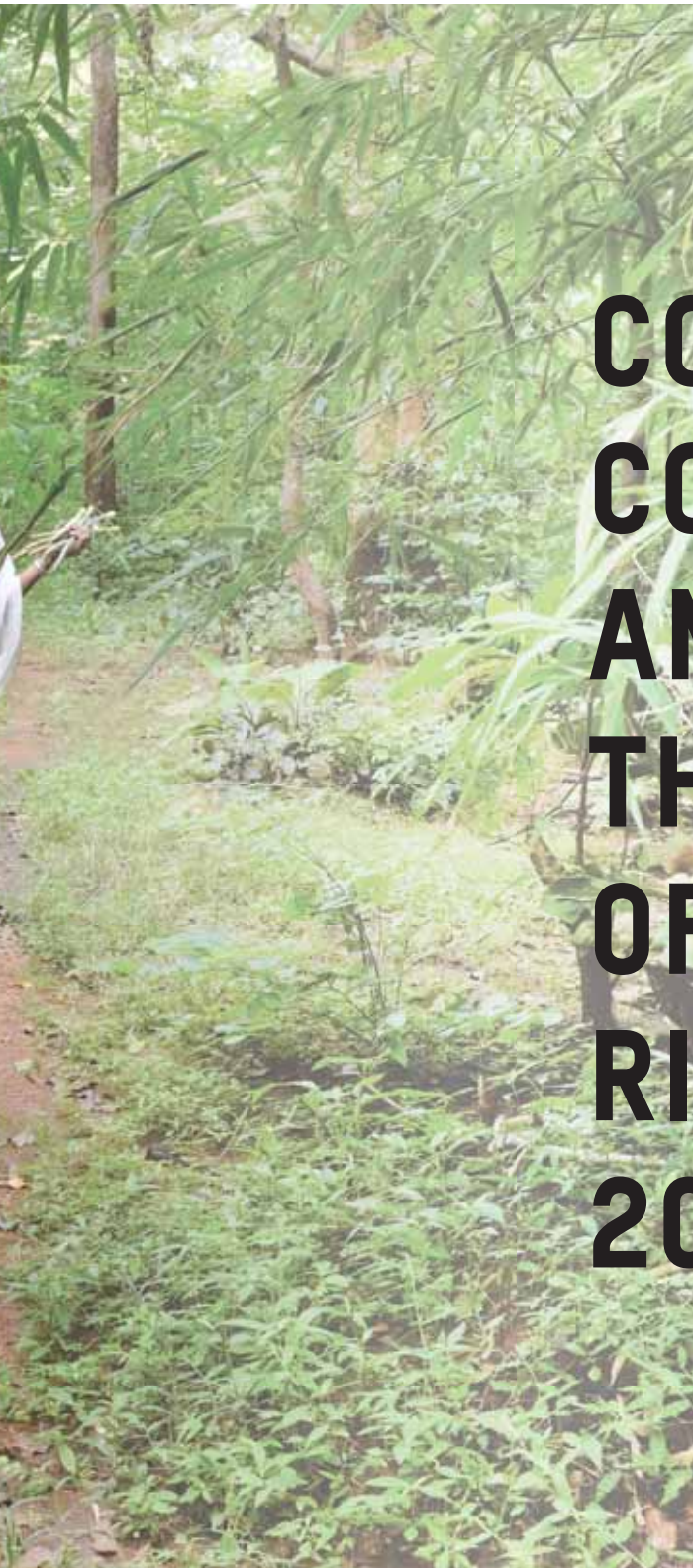
ABBREVIATIONS & ACRONYMS

BDA	National Biodiversity Act, 2002
CBF	Central Board of Forestry
CFR	Community Forest Rights
CFRMC	Community Forest Rights Management Committee
CR	Community Rights
CTH	Critical Tiger Habitat
DLC	District Level Committee
FDC	Forest Development Corporation
FRA	The Scheduled Tribes and Forest Dwellers (Recognition of Forest Rights) Act, 2006
FRC	Forest Right Committee
GPS	Global Positioning System
IFR	Individual Forest Rights
JFM	Joint Forest Management
KAJJ	Khoj Avam Jan Jagriti Samiti
MFP	Minor Forest Produce
MOEFCC	Ministry of Environment, Forest and Climate Change
MOTA	Ministry of Tribal Affairs
NOC	No Objection Certificate
OTFDS	Other Traditional Forest Dwellers
PAS	Protected Areas
PESA	Panchayats (Extensions to Scheduled Areas) Act, 1996
PVTG	Particularly Vulnerable Tribal Group
RCDC	Regional Centre for Development Cooperation
SDLC	Sub-Divisional Level Committee
SDM	Sub Divisional Magistrate
STS	Scheduled Tribes
TP	Transit Permit
WLPA	The Wildlife (Protection) Act, 1972
WOSCA	Women's Organisation for Socio-Cultural Awareness

IMPORTANT PROVISIONS OF THE FOREST RIGHTS ACT, 2006

MINOR FOREST PRODUCE	As per Section 2 (i) of FRA, minor forest produce includes all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like.
GRAM SABHA	As defined in Section 2 (g) of FRA, a village assembly which shall consist of all adult members of a village and in case of States having no Panchayats, Padas, Tolas and other traditional village institutions and elected villages committees with full and unrestricted participation of women
COMMUNITY FOREST RESOURCE MANAGEMENT COMMITTEE (CFRMC)	Committee formed under Section 4 (1) e of FR rules for protection of wildlife, forest and biodiversity in order to carry out the provisions of Section 5 of FRA
NISTAR	As per Section 3(1) b of FRA: Community rights such as “nistar”, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes
INDIVIDUAL FOREST RIGHTS (IFR)	Section 3(1) a of FRA provides for right to hold and live in the forest land under individual or common occupation for habitation or self-cultivation. The area is restricted to 4 ha.
DEVELOPMENT FACILITIES	<p>As per Section 3 (2), ‘notwithstanding anything contained in the Forest (Conservation) Act, 1980, the central government shall provide for diversion of forest land for the following facilities managed by the government which involve felling of trees not exceeding 75 trees per Ha’ provided (as described under points a – m) –</p> <p>That forest land to be diverted for the purpose in this sub-section is less than 1 Ha in each case and</p> <p>The clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha</p>
CONVERSION OF FOREST VILLAGE TO REVENUE VILLAGE	As per Section 3 (1) h, Rights of settlement and conversion of all forest villages, old habitations, un-surveyed villages and other villages in the forests, whether recorded, notified or not, into revenue villages.
COMMUNITY FOREST RESOURCE (CFR)	<p>Section 2 (a) defines, Community Forest Resource means customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in case of pastoral communities, including reserve forest, protected forest and protected areas such as sanctuaries and national parks to which the community had traditional access.</p> <p>Section 3 (1) i, states right to protect, regenerate or conserve or manage any community forest resources which they have been traditionally protecting and conserving for sustainable use</p>





COMMUNITIES, CONSERVATION AND RIGHTS IN THE CONTEXT OF FOREST RIGHTS ACT, 2006

PARTICIPATORY CONSERVATION

Participatory conservation is not a new concept. It has been a part of international policies, agreements and laws for the past few decades because of the deep and inextricable connection between natural resource management and community livelihoods. Community participation, community rights, and the traditional knowledge held by the communities about the forests and their resources are some of the key factors that lead to sustainable management and conservation of natural resources. Forest management policies in India have evolved over a long period of time, very often excluding the communities and ignoring their role in forest conservation and management.

The need for decentralised governance for efficient management of forests has brought back the focus on participatory conservation, especially to account for the diverse societal perspectives, opinions and values (Bixler et al. 2015) on the subject. This is also needed to ensure an equitable distribution of benefits, costs and obligations involved in the management of forests. Decentralised governance is also expected to strengthen the legitimacy of decision-making process and the decisions by making them more transparent (Diex et al. 2015). In its multiple forms, participatory conservation and decision-making is supposed to include all relevant actors who are either affected by the decision or who should be part of the decision-making processes (Reed, 2008).

HISTORY OF FOREST GOVERNANCE

History of forest management in Europe, Latin America and South Asia indicates that forest governance has largely been an issue of social conflict. The state management of forests has been continuously and relentlessly opposed by the local communities. While competing interests look at forests for timber, wildlife protection, mineral wealth and land; humans dependent on forests consider it as their home and share a symbiotic association much beyond their basic necessities. This interdependence between forest and people has been shaping the forest landscape and its management for years.

By the time the British established their rule in India, they also realised the value of India's timber for their economic growth. The first Forest Policy adopted by the Colonial Government in 1894 envisaged a custodial, timber-oriented management of the forests. After independence, the first policy adopted in 1952, emphasised on increasing the forest cover and paved way for the protection and

management of forest and wildlife, while largely ignoring the humans in the ecosystem till the Forest Policy 1988 came in force. For the first time, a forest policy focussed on stabilising environment and ecology with people's participation.¹

The Indian Forest Act 1865, 1878 and 1927 provided for formation of Reserved and Protected Forests.² This was further strengthened with the enactment of The Wildlife Protection Act (WLPA), 1972, which led to the creation of Protected Areas (PAs) exclusively for wildlife conservation; these protected areas were supposed to be left inviolate. There is very little evidence to show that the inviolate areas have led to better conservation or an increase in biodiversity. This model of conservation did not consider that communities have always been a part of the forested landscapes in India for generations and have evolved mechanisms for co-existence with wildlife.

¹ <http://www.fao.org/3/XII/0729-C1.htm>

² <http://www.fao.org/3/XII/0729-C1.htm>

COMMUNITY FORESTRY IN INDIA

E.P Stebbing in the Forests of India (Vol.1) observes that early history of forests in India is closely bound with the history of ancient inhabitants; annals of forestry evolution in India mention that a greater part of the country was covered with dense forests populated by the aboriginal tribes even in the post-tertiary period.³ Till the end of 18th century, the forests in India were considered 'free for all' barring certain trees with high timber value, which were proclaimed as 'royal tress' by the rulers.⁴

India has always had traditional knowledge systems, which have historically guided forest protection and management. Central to the traditional knowledge systems had been community institutions, which not only had evolved regulatory mechanisms, but also had a collective approach towards access, use and governance. They were not ideal always, but were able to bring people together to cater to the local needs and situations.

Till the early 1970s, the administration followed the colonial management with little interaction with local communities, overlooking their diverse knowledge and traditional systems. This led to an erosion of traditional community institutions, causing an overall decline in the managed ecosystems and resources. With the rise in human and livestock population, demand for forest produce specially fuel, fodder and minor forest produce (MFPs) also increased. Concomitantly, the old custodial ,

timber-oriented management practice⁵ started creating conflicts between people and the administration.

The first policy level decision for people's involvement in forest protection & management was taken by Central Board of Forestry (CBF) in 1987. "This meeting resolved that by 31st Mar, 1990 every village will have a plan for regeneration of forests and the restoration of ecological balance. This plan will be drawn up and implemented with full participation of village panchayats or other such bodies".⁶ This resolution led to the formulation of National Forest Policy, 1988 and the subsequent implementation of Joint Forest Management (JFM). Initially, this scheme of management worked well in certain parts of the country, but did not sustain in the long run primarily because the state forest departments controlled the process without ensuring adequate participation of the communities, support for local initiatives and local self-governance. It only focussed on concessions and benefit sharing rather than participatory decision making.

Community participation in conservation is just a tip of the iceberg as far as the management of forests is concerned. Role of village institutions in governance of forest resources, their legal validity, and the need for state policies with adequate space for the village institutions to raise their voices also need to be considered for managing the forests effectively.

³ The geologic time beginning from 2.6 million years ago to present

⁴ Forests of India – Vol 1 – E. P. Stebbing

⁵ <http://www.fao.org/3/XII/0729-C1.htm>

⁶ <http://www.fao.org/3/XII/0729-C1.htm>

THE ENACTMENT OF FOREST RIGHTS ACT IN INDIA

The enactment of The Scheduled Tribes and Forest Dwellers (Recognition of Forest Rights) Act, 2006 (referred to as the Forest Rights Act (FRA)) was a watershed moment in the history of forest rights movement in the country. It was a product of a long period of struggle by the tribal groups. While following the colonial custodial approaches to govern and manage the forests, the country had denied its communities their rights to land and resources that they had traditionally used and conserved. The FRA has tried to address this historical injustice done to the tribal and forest communities. It is an attempt to recognise and record their existing rights on the forest land. The legislative intent, which underlies the FRA, is stated clearly in its Preamble –

The FRA aims *“to recognize and vest the forest rights and occupation on forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have*

been residing in such forests for generations, but whose rights could not be recorded” and thus to undo a serious historical injustice.

There are 2 main aspects of the FRA, which involve –

- recognition and vesting of substantive rights and providing a framework for recording of rights, and
- empowering the forest rights holders, Gram Sabhas and other local level institutions with the right to protect, regenerate, conserve and manage any community forest resource. This marks a decisive step towards resource governance itself.

Hailed rightly as a milestone, the Act endeavors to facilitate people’s political empowerment to govern the forests for sustainable use and conservation. Precisely for these reasons, it provides a paradigm shift in the governance of forests in India.

SUPREME COURT INTERVENTION ON CONSTITUTIONAL VALIDITY OF FOREST RIGHTS ACT

On 13th February 2019, the Supreme Court of India hearing a decade-old petition challenging the constitutional validity of the FRA, 2006, ordered the State Governments to report on the status of people’s (tribals) claims for their traditional rights over land, forests and forest resources as guaranteed through the FRA. The apex court then issued an order stating that “claimants whose claims have been rejected and have attained finality should be evicted”. The State Governments were required to submit responses within four months. Owing to the massive pressure from national and international groups working on issues around forest and land rights, the Central Government appealed to the Supreme Court, which then suspended the eviction order; hearing is ongoing.

While the original petition challenged the constitutional validity of the FRA, the petitioners filed an interlocutory application in 2014 arguing that ‘bogus’ claims have been filed in the garb of securing forest rights, requesting the court to order eviction of the ineligible claimants.

Both the Ministry of Tribal affairs and the State Governments need to point out to the court that:

- **The FRA does not provide for eviction;** on the contrary it protects the tribals and forest dwellers from eviction as their rights get recognized and vested (section 4 (5)).
- Rejection is **not equal** to eviction as there are other State laws and directives, High Court directions and customary laws which recognise the rights.
- Misinterpretation of the FRA will lead to its dilution, and reversal of a democratic process to secure rights and justice for millions of tribals and other forest dwellers in India, in effect **undermining the centrality of the Gram Sabha**, which is a Constitutional Body.
- Two thirds of India’s forests are in areas that constitutionally belong to the tribals under the V and the VI Schedules of the Constitution. Therefore, the court needs to take cognisance of the **special provisions in the Constitution of India and PESA**.
- Several other government and independent reports

show a large-scale rejection of the claims throughout India where **due legal procedures have not been followed**.

- Facts relating to wrongful rejection of claims and eviction attempts by forest authorities, though in the knowledge of ministry as per the letter of June 2018, have not been brought to the notice of the court

Arguments in the court of law seem to be directed towards evictions and wrongful rejections, while reducing the empowering provisions of the law to procedural issues and bureaucratic lacunae. The larger question of decentralized and community based participatory governance of forests, which was mandated by a progressive law is gradually being diluted.

Further, the central pillars of the Act – community rights, community resource rights and its governance – have never been put forth before the court or presented in a manner to state that through FRA, for the first time, any legislation in India had attempted to reconcile the issues of conservation and livelihood. It is this aspect of the law that needs strong political will for implementation.

The issues of conservation, rights and justice go beyond these mere terminologies in the national and international law. Conservation must look beyond the judiciary for its social and ethical compass.

COUNTERING AND DILUTING FOREST RIGHTS WITH OTHER LAWS

Even after twelve years of enactment of the FRA, 2006, the country has not been able to undo the injustice meted out to the tribals. The modest beginnings that were made in this direction with enactments of the National Forest Policy, 1988, the Panchayats (Extension to the Scheduled Areas) Act, 1996 and the FRA, 2006 seems to be reversing.

The proposed revisions to the National Forest Policy and the proposed amendments (now withdrawn) to the Indian Forest Act, 1927 completely undermine the spirit of the FRA, 2006. They are limiting the rights and authorities of the Gram Sabhas, and proposing to change the nature of diverse and multiple species of the forests to monoculture by promoting production forestry. This will have a crippling effect on the traditional living systems of the forest dwellers and will increase their cumulative vulnerability. It will also be ecologically disastrous, especially in the context of climate change. Such developments may potentially bring the focus back on centralized decision making on forests, which could lead to conflicts and undermine the efforts of the communities that have been proactively protecting and conserving their forest resources under the FRA.

Unfortunately, the policy makers have not been able to reconcile with the fact that they are working towards conserving and managing an ecosystem – a biological and social community of interacting organisms and their physical environment with a complex network of interdependent systems. Forests are not just woods or animals; it is a system which is witness to an intricate interplay of people, organisms, land and climate. These components of the system live with each other and manage each other. Due consideration to every entity's existence and necessities is important.



CHHATTISGARH

CHHATTISGARH IS A CENTRAL – EASTERN STATE OF INDIA, WHICH WAS CARVED OUT OF MADHYA PRADESH IN THE YEAR 2000. THE TOTAL GEOGRAPHICAL AREA OF THE STATE IS 1,35,192 SQ KMS, WHICH HOUSES 25.5 MILLION PEOPLE, OF WHOM APPROXIMATELY 30% ARE SCHEDULED TRIBES.⁷ CHHATTISGARH IS ALSO THE FOREMOST MINERAL RICH STATES OF INDIA. 28 KNOWN VARIETIES OF MINERALS ARE FOUND HERE, WHICH INCLUDE IRON ORE, DOLOMITE, BAUXITE, LIMESTONE, CASSITERITE, GOLD, PRECIOUS STONES, DIAMONDS AND COAL.⁸

THE STATE FALLS UNDER THE EAST DECCAN PHYSIOGRAPHIC ZONE AND IS DIVIDED INTO THREE AGRO-CLIMATIC ZONES – THE CHHATTISGARH PLAINS, THE NORTHERN HILLS OF CHHATTISGARH AND THE BASTAR PLATEAU. 41.09 % OF THE STATE’S GEOGRAPHICAL AREA IS COVERED BY FORESTS, WHICH STOCKS 560.98 MILLION TONNES OF CARBON (7.92% OF TOTAL FOREST CARBON IN THE COUNTRY).⁹

IT IS ESTIMATED THAT THE RIGHTS OF OVER 200 MILLION SCHEDULED TRIBES (STS) AND OTHER TRADITIONAL FOREST DWELLERS (OTFDS) IN OVER 170,000 VILLAGES SHOULD BE RECOGNIZED UNDER THE FRA, 2006, MOSTLY THROUGH COMMUNITY RIGHTS (CR) AND COMMUNITY FOREST RESOURCE RIGHTS (CFR) PROVISIONS. THE MINIMUM AREA LIKELY TO BE RECOGNIZED UNDER THE CFRS IN CHHATTISGARH IS 7.4 MILLION ACRES.¹⁰

⁷ Census 2011

⁸ Ministry of Micro, Small and Medium Enterprises

⁹ FSI, 2017

¹⁰ Promise & Performance (Report 2016) – 10 years of Forest Rights Act in India

ARJUNI



1. DEMOGRAPHY

VILLAGE: Arjuni, Block Nagri, District Dhamtari

POPULATION: 200

NO. OF SCHEDULED TRIBE HOUSEHOLDS: 28

NO. OF OTHER TRADITIONAL FOREST DWELLER HOUSEHOLDS: 10

NO. OF HOUSEHOLDS: 38



2. FOREST RESOURCES

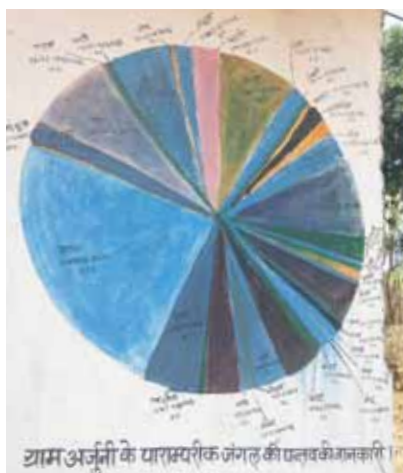
WATER RESOURCES: 4 ponds, 1 river and few streams

BIO-DIVERSITY (FLORA): Mahua, Sal, Chaar, Harra, Behera, Amla, Kusum, Tendu,

MFPS COLLECTED BY COMMUNITIES: Seeds and flower of Mahua, seeds of Sal, fruits of Chaar and Kusum, seeds of Harra and Behera, fruits of Amla, Tendu leaves, Mushroom, Lac, root tubers, grass for brooms



Celebration of Independence day with plantation drive



Forest Enumeration



Kusum fruit



3. FRA – A FAVORABLE TWIST IN TALE

Arjuni is an old village. Like many forest villages, the community in Arjuni relies on orally-passed knowledge about its own history. Village elder Raichan Sori, who was earlier associated with the Van Prabandhan Samiti (formed under JFM) as the president and actively takes part in Gram Sabha meetings, said, "I cannot point out the exact year but my father, his father, and many generations before them, lived and died here. Ours was the first family to come to this village." He estimated that they have been living in that village for more than five generations.

Raichan Sori went on to say that the produce from the forest is becoming increasingly inadequate to meet the needs of the villagers as the population increases. However, ever since the FRC was formed in 2016, the villagers have been able to stop illegal tree cutting of any kind, including those by the forest department. That has led to the forest gradually becoming dense again. The community has been engaged in enhancing the forest and undertaking gap plantation of indigenous trees for four years now, and the forest is growing under their watchful eyes.

The forest is the most important source of livelihood for the community. When it comes to accessing forest resources, there are no written community rules. Raichan Sori puts it succinctly, "You take what you need by hard work."



4. COMMUNITY FOREST RIGHTS

CFR CLAIM FILED ON: 7 October 2014

CFR AREA CLAIMED: 881 hectares

CFR AREA RECOGNIZED: 39 hectares + 98.36 hectares for fuel wood and grazing (total 138.36 hectares)

NAME ON CFR TITLE: Arjuni Gram Sabha.

THE CFR CLAIM PROCESS

The Forest Rights Committee (FRC) put up its recommendations for filing the CFR claims before the Gram Sabha on 7th October, 2014. It was approved the same day, and was forwarded to the Sub Divisional Level Committee (SDLC). The GPS mapping of village boundary was done with the help of Khoj Avam Jan Jagriti Samiti (KAJJ). There was no conflict with the neighbouring villages while mapping the forest area as the traditional boundaries were clearly marked by the munnara (a cemented structure) on one side and a river and streams on the other sides.

Failing to get any response, the Gram Sabha wrote a letter on 20th February, 2015 to the district administration that the forest department was yet to carry out field verification of the CFR claim submitted. Of the 881 hectares, which were claimed, the title for only 39 hectares was received, with an additional 98.360 hectares for firewood and grazing which totals up to 137.36 hectares.

The land was demarcated by the forest department based on compartments, a demarcation that the forest department uses. The gram sabha has not yet received the compartment map from the forest department. However, the community continues to access the forest as per the traditional boundary. People here are unable to even imagine a separation from their forest, which their ancestors traditionally conserved and used.

THE RIGHTS CLAIMED FOR:

- Right to access and use bamboo, honey, tussar, herbs and medicinal plants, mool kand, lac, tendu patta etc. including all minor forest produce
- Right over Arjuni river and different springs
- Right to access and use the four ponds - Mata Dewala, Dharinaar, Tilai Bharri and Kalkassaa Talab
- Right to access the four hills - Arjuni pahad, Lohakhaan, Dihee Gudkari, Bheemsan Gutkuri
- Right to species of water plants and animals, such as fish
- Right to Conserve, protect and regenerate the forest;
- Right to Sacred sites.

102

प्रारूप - अ
सामुदायिक वन संसाधन के अधिकारों के लिये दावा प्रारूप
(अधिनियम की धारा 3(1) (इ) और नियम 11 (1) (4क), देखिए)

1.	ग्राम / ग्राम सभा:- अर्जुनी	ग्राम सभा :- अर्जुनी
2.	ग्राम पंचायत :- डैनही	
3.	तहसील:- नगरी	
4.	जिला :- धमतरी	

दावा करने के लिये जनजातियों/अन्य परंपरागत वन निवासियों का होना पर्याप्त है।
हम इस ग्राम सभा के अधोहस्ताक्षरित निवासी इसके द्वारा यह संकल्प करते हैं कि नीचे और संलग्न मानचित्र में निदिष्ट क्षेत्र, जिसमें हमारा ऐसा सामुदायिक वन संसाधन सम्मिलित है, जिस पर हम धारा 3(1) (इ) के अधीन अधिकारों की मान्यता का दावा कर रहे हैं।
(अवस्थित ग्राम की पारंपरिक या रुढ़िजन्य सीमाओं के भीतर भूमि विन्द या घरगाही समुदायों की दिशा में उस सीलाकृति का मौसमी उपयोग जिसके लिए समुदाय पारंपरिक पहुँच रखता था और जिन्हें वे उपयोग के लिए पारंपरिक रूप से संरक्षित पुनरुज्जीवित, परिरक्षित और प्रबंधित करते हैं। को दर्शाते हुए सामुदायिक वन संसाधन का मानचित्र संलग्न करें। कृपया ध्यान दें कि इसके शासकीय सीमाओं के अनुरूप होने की आवश्यकता नहीं है।)

6 खसरा / कम्पार्टमेंट संख्या (संख्याएँ) यदि कोई हो और ज्ञात हों:

7 सीमा में लगते हुए ग्राम :

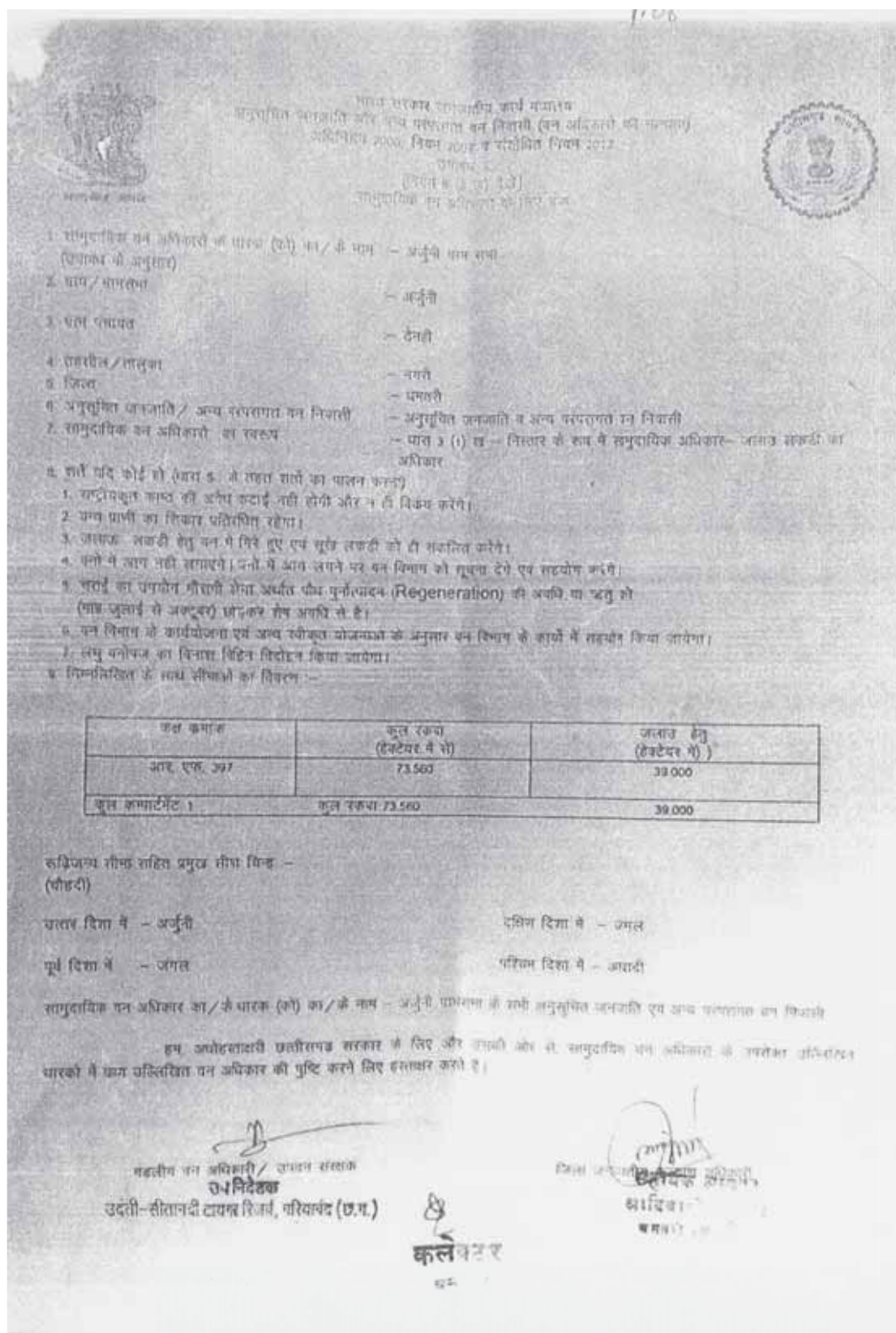
(1) दौड़पण्डरीपानी
(2) बेल्खाहरा
(3) वासीन
(4) गल्लागरी

(इसमें किन्हीं अन्य ग्रामों के साथ संसाधनों और उत्तरदायित्वों का हिस्सा बटाने के संबंध में जानकारी भी सम्मिलित की जा सकेगी)

8 समर्थन में साक्ष्य की सूची (कृपया नियम 13 देखिए)

(8.1) दावेदारों से भिन्न बुजुर्गों का लेखबद्ध कथन (संलग्न है)
(8.2) वन अधिकार समितियों की मंजूरी का संयुक्त प्रस्ताव (संलग्न है)
(8.3) सरपंच या ग्राम पंचायत अध्यक्ष का प्रमाण पत्र (संलग्न है)

Form 'C' submitted by gram sabha to claim CFR rights"



"Copy of Title for Community Rights as received by Arjuni Village"

THE RIGHTS RECOGNIZED AS PER THE TITLE: Right to take out firewood from the forest and grazing rights.

APPEAL MADE AGAINST ANOMALIES IN CFR TITLE:

The gram sabha appealed against the anomalies in the area of land as well as the rights recognised under CFR. This appeal is pending and there has been no reply from the administration as yet.

In the CFR title, the state government imposed some conditions said to be under Section 5 of the FRA whereas section 5 is all about empowering the Gram Sabha to fulfil their conservation duties. This particular Section of the Act does not impose any conditions on gram sabhas.

Conditions set forth as per the title are -

- Not to cut any nationalised species of trees;
- No hunting;
- Collecting only fallen and dry wood for firewood purposes;

- Helping the forest department in controlling fire;
- Informing the forest department in case of a fire;
- Helping forest department in their work;
- Utilizing MFPs without destroying it;
- Undertaking grazing only seasonally and not between July to October.

Section 5 of FRA empowers the Gram Sabha to -

- (a) protecting the wildlife, forest and biodiversity
- (b) ensuring that adjoining catchments area, water sources and other ecological sensitive areas are adequately protected
- (c) ensuring that the habitat of forest dwelling STs and OTFDs is preserved from any form of destructive practices affecting their cultural and natural heritage
- (d) ensuring that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity, which adversely affects the wild animals, forests and the biodiversity are complied with.

ग्राम-पंचायत नेही दिनांक 01/11/14

विभाग नगरी तहसील जिला नगरी (धमतरी) सत्य प्रतिलिपि

कार्यवाही बैठक की ठकल

क्र.सं.	पंचायत पक्ष के नाम	विषय	बैठक की कार्यवाही का संक्षिप्त विवरण	प्रस्ताव जो पास हुआ	पक्षों के हस्ताक्षर
1.	गोरीबाई नेगी (बसवंत)	अनुसूचित जनजाति	आज दिनांक 7/11/14	प्रस्ताव	सही
2.	जानकीबाई पंच	एक आरक्षित परम्परागत	सी अनिच्छुद्धता की अधपसता में उपस्थित सदस्यों		
3.	कुन्तीबाई	वन निवासी वन	वन अधिकार मान्यता अधिनियम के द्वारा विचार		
4.	बाबाबाई	अधिकार मांगता	2006 अनशोधन अधिनियम द्वारा के विमर्श के पारित		
5.	अरुणाबाई	अधिनियम 2006	तहत व्यापारिक दावा हेतु सुरुनी किया गया		
6.	नंदीबाई	एक अनशोधन निम्न	में ग्राम सभा का आयोजन किया		
7.	श्यामीबाई	2013 के सामुदायिक	गया जिसमें उपस्थित पंच एवं सदस्यों		
8.	आत्मा नेगी	दावा के संबंध में	के द्वारा विचार विमर्श कर निर्णय		
9.	मैरुत		निर्णय लिए गए-		
10.	दामन	प्रस्ताव क्रं-19			
11.	गोमती	प्रस्ताव क्रं-19			
		वन भूमि का क्रं.	उपस्थित सदस्यों के द्वारा		
		398, 399, 397.	विचार विमर्श कर निर्णय लिया गया		
		338. कुल रकबा	कि वन भूमि का क्रं 398, 399,		
		3179.5 एकड़ को	397, 338. कुल रकबा 3179.5 एकड़		
		ग्राम के निवासी	को ग्राम के निवासी सुविधा एवं वनों		
		अधिकार हेतु	के उत्पन्न होने वाली सभी वन		
		आमुदायिक दावा	उत्पाद का संग्रह तथा पहाड़ सदस्यों		
		के संबंध में।			

ग्राम पंचायत ...नगरी...

Gram Sabha Proceedings during preparation of CFR claim process



5. CONSERVATION, MANAGEMENT AND PROTECTION EFFORTS

People of Arjuni practice agriculture four months in a year. In the remaining eight months, the forest is the sole source of their livelihood. The community's relationship with the forest is an intimate one. Rukho Bai, a member of the 4 (1) e Committee, said, **"FOREST IS OUR LIFE. IT'S OUR PROVIDER, OUR MOTHER, OUR NURTURER. FROM FUEL TO FOOD TO MEDICINE, OUR FOREST IS EVERYTHING FOR US."**

The community's dependence on the forest is very high and consequently, its protection and conservation comes naturally to them. In Arjuni village, the FRC carries out regular patrolling of the forest to check for fire, encroachments and poaching. Batches of 3-4 people

patrols the forest every day; this includes night patrolling as well. Fire is one of the biggest threats to the forest especially when the temperatures soar excessively during summers. Bidi and cigarette buds are a major causes of fire.

Raichan Sori said there is a shrub locally called sirra jhar, which catches fire very easily. **So, the villagers carry out active patrolling, more during the dry seasons, to avoid accidental fire.** Rukho Bai proudly said that there was not a single case of fire this year.

Villagers dispersed seed balls during this monsoon in the empty patches of their forest. The seed balls had seeds of toreai (mahua seeds), char, sarei (sal), bahera, kusum etc. These are species that are indigenous to the forest of this region and they support community's existence. Many seeds are used for producing oil, both medicinal and edible.

Seed-ball is a technique that the community has learnt and involves inserting the seeds in a mud ball before broadcasting it in the forest to protect it from weather conditions or from wild animals so that the seed can germinate when it is ready. It increases the rate of germination.



Seed balls



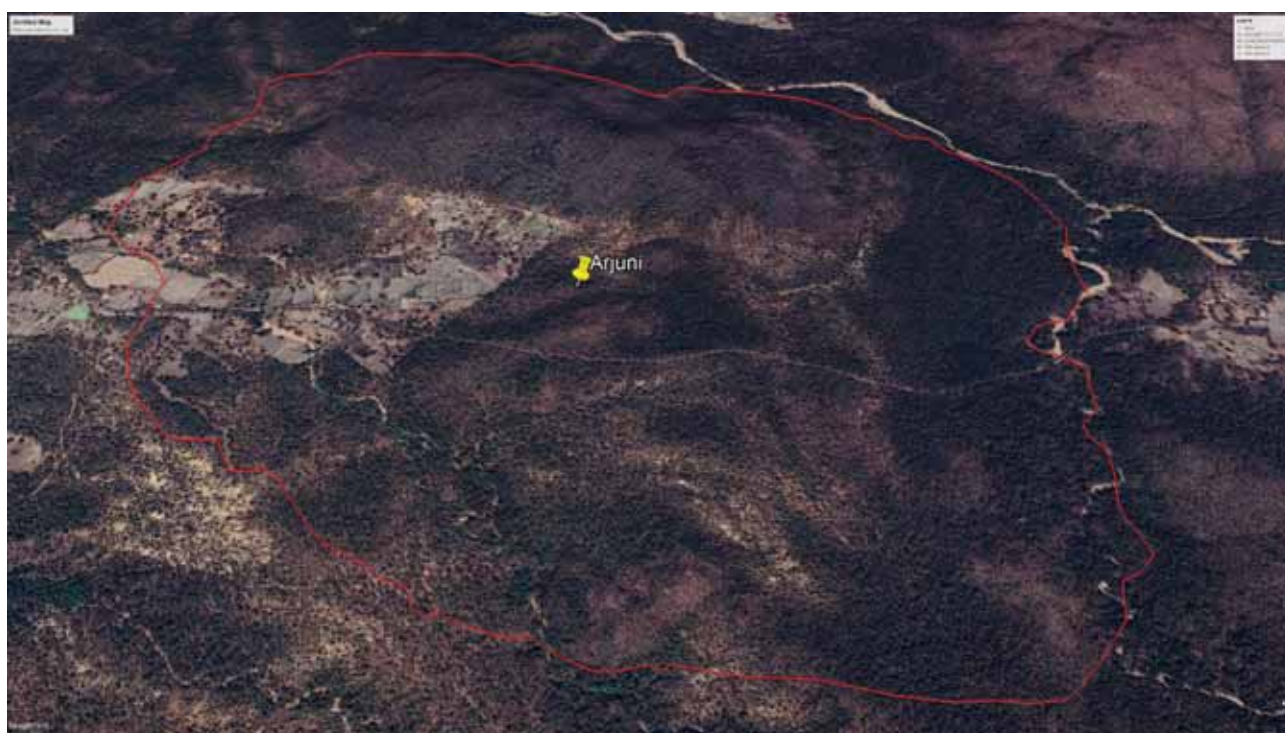
6. THE ROAD AHEAD

The young Gram Sabha president, Dinesh Yadav, said that even though they have not received complete title over the forest, they still use it the way they have been using it traditionally. He said, "We are exercising our nistar rights within our traditional boundary and so far, there have been no obstructions."

He further added, "We want full claim over our forest. We want the authority to build check dams in the rivers and

streams within our traditional boundary so that our village gets access to water for irrigation and other uses and it will provide labour work to the villagers. Poor villagers like us cannot afford to build borewells so access to government schemes is our only hope."

He ended by saying, "It is our forest, we should have complete ownership right over it. We will protect and demand what is rightfully ours."



Status of forest in the customary boundary of Arjuni village as viewed through Google Earth imageries of April 2012 (above) and March, 2017 (below)

DAUD PANDRIPANI



1. DEMOGRAPHY

VILLAGE: Daud Pandripani, Block Nagri, District Dhamtari

POPULATION: 184

NO. OF SCHEDULED TRIBE HOUSEHOLDS: 46 including 2 households of PVTGs

NO. OF OTHER TRADITIONAL FOREST DWELLER HOUSEHOLDS: 2

TOTAL NO. OF HOUSEHOLDS: 48



2. FOREST RESOURCES

BIO-DIVERSITY (FLORA): Mahua, Sal, Chaar, Harra, Behera, Amla, Kusum, Neem, Tendu, Siyali

MFPS COLLECTED BY COMMUNITIES: Seeds and flower of Mahua, seeds of Sal, leaves of Siyali, fruits of Chaar, fruits of Amla, seeds of Harra and Behera, Neem, Mushroom, Lac, Honey, Kanda (root-tubers), Tikhur (Rhizome)



Women sharing their experiences of MFP collection



Forest Enumeration



3. FRA - A SOURCE OF EMPOWERMENT

Dewan Singh Markam, 75, who was the president of the FRC when the CFR claim was made, is also the oldest member of the village. He traces back the history of the village to more than 300 years. The first to come to the village were two Adivasi brothers – Dhan Singh Markam and Kawal Singh Markam. Now, the village includes PVTGs and the OTFDs. For many years, the villagers faced great difficulties because of the various rules and regulations imposed by the State Forest Department. The awareness about FRA freed them.

Recalling the difficult days in the past, Dewan Singh Markam said, "Earlier the forest staff used to make us work almost for free; at times paid 1 rupee 4 anna if they were kind. We were stopped from collecting firewood; whenever they saw us with firewood they used to ask for money or made us leave the firewood behind. We were not allowed to grow anything for our consumption; not even vegetables. We only grew what the department wanted us to grow. No government schemes could reach us. We learnt about our rights under FRA from KAJJ. The knowledge empowered us and we started demanding what is rightfully ours. We now grow trees that are native to this area and carry our activities peacefully."

After the enactment of FRA, the community took ownership of their forest land and its produce to a greater extent. They are now able to express their disagreement with the forest department over cutting trees; sometimes, the department seeks community's consent before cutting trees. The community firmly believes that protection and conservation of the forest is best done by them.



4. COMMUNITY FOREST RIGHTS

CFR CLAIM FILED ON: 5 November 2014

CFR AREA CLAIMED: 581.72 hectares

CFR AREA RECOGNIZED: 220 hectares

NAME ON CFR TITLE: Title is not in the name of gram sabha

THE CFR CLAIM PROCESS

The CFR claim for 581.72 hectares was submitted on 5th November, 2014. The first Gram Sabha meeting for preparation of the claim was held on 8th October, 2014 in which the recommendations of the FRC were deliberated upon. In the meeting, the provisions of FRA were explained. After this, the Gram Sabha approved FRC's recommendations and asked that they be forwarded to the concerned government authority for further actions as per the procedures.

Mahendra Markam, treasurer of the 4 (1) e Committee, said, "We held four Gram Sabha meetings to put the CFR claim. It took three years to get the CFR recognised. We had to go to the Collector's and SDM's offices at Dhamtari and Nagari respectively. A public hearing was also held."

"We mapped our CFR boundaries with GPS, which we did ourselves. Both men and women took part in it. We walked the entire length and breadth of the forest, mapping our traditional boundaries and resources. Against our claim for 581.72 hectares, we received only 220 hectares. Part of the area that we received does not even fall in the patch of land that we claimed."

Ironically, field verification report by the forest department did acknowledge that the community has been using 540 hectares as traditional nistar area, for grazing and collection of MFPs even when evidence was given for wide range of use such as use of water bodies, sacred sites, traditional knowledge on biodiversity, CFR management etc. Still, their recommendation for CFR did not take their own statement into account, rather land from different compartments totalling to only 220 hectares was recommended. This is evident from the joint verification report of the Forest department.

A close study of the documents reveals this arithmetic, which probably, led to the figure of 220 hectares -

- No of Families 46
 - 1 ha per family = 46 Ha
- Area for grazing
 - No of Cows -112 (1 ha per cow) = 112 ha
 - No of buffaloes =31 (2 ha per buffalo) =62 ha
- Sum total (46 + 112 + 62) = 220 ha

Total CFR area approved as per the title is 220 ha

There is no such provision in the law. CFR is defined as the customary common forest land within traditional boundaries of the village

अर्जीत पत्र

प्रति

श्रीमान् जम्वाल महोदय
जिला - राँची जलपरी (छ गं)

विषय - अनुसूचित जन जाति एवं अन्य परम्परागत जन विभागी अधिनियम की धारा 3(1) की धारा के अनुसूचित अधिकार पत्र नहीं मिलने की कारण अर्जीत पत्र।

महोदय,

विषयान्वर्तित लेख है कि ग्राम-दौड पम्परीसली के ग्राम समिति द्वारा उन अधिकार कानून के तहत धारा 3(1) में सामुदायिक दावा किया गया था जिसमें अधिकार पत्र प्राप्त हुआ है। परन्तु ग्राम समिति दौड पम्परीसली द्वारा दावा एवं प्राप्त अधिकार का अवलोकन करने से निम्नलिखित अधिकार दावा की अनुसूचित नहीं दिया गया है।

(1) सामुदायिक अधिकार जैसे निस्तारी सम्बंधी धारा 3 (1) ख के तहत ग्राम समिति द्वारा गांव की भुजलज्य सहित के तहत जिनमें भी निस्तारी अधिकार होते है, उसका दावा किया गया था लेकिन अधिकार पत्र में निस्तारी सम्बंधी अधिकार नहीं दिया गया है।

(2) सामुदायिक अधिकार जैसे धारा 3 (1) ग के तहत ग्राम समिति द्वारा 504.92 है जमाल में वन पट्टा संरक्षण एवं गैर इमारती वन उपजाऊ पर स्थानित का दावा किया था लेकिन इसका अधिकार नहीं दिया गया है।

(3) धारा 3 (1) घ के तहत ग्राम समिति के द्वारा 504.92 है में नदी, गाँव, तालाब, पहाड़, केत एवं मिट्टी जलभरण प्राणी, वगैरह का अधिकार हेतु दावा किया गया था लेकिन इन अधिकारों को नहीं दिया गया है, और जो अधिकार धारा 3 (1) ख के अन्तर्गत देने का है उस धारा 3 (1)घ में दिया गया है।

Appeal letter

[illegible]

Copy of title for Community Rights as received by Daud Pandripani village

[illegible]

Joint verification report by forest dept

प्रति

श्री आनंद चौकदार महोदय
विभाग प्रमुख (कै० प्र०)
21/12/2015

विषय: वायुयुक्ति जग साहिब जी उद्यान वस्त्रप्रधान बन
निर्मात्री वगैरे अधिकारों की संरक्षण अधिनियम
2012 (विशेष विभाग 2012 के अध्याय 3(1) के तहत
संबंधित दलों के संरक्षण में।

महोदय,
निवेदन है कि आम लोग ही, गणतंत्र, अनुचित
नैतिकता, लुगदी बंदार का वायुयुक्ति दण्ड
अध्याय 3(1) के तहत तैयार करने का अधिकार
अधिकार आम लोग परमाणु किया गया और वगैरे वगैरे
विभाग द्वारा रखे गये। अध्याय 3(1) के तहत
कम दण्ड की शक्ति द्वारा रखे गये तैयारी में
05/11/14 को किया गया है लेकिन की कार्यवाही नहीं
हो रही। दण्ड करने के उपरान्त आम लोग रखे गये
4(1)E के तहत रखे करने के फरवरी 2015
में तैयारी का रख रखने हमारे आम लोग द्वारा
किया जा रहा है। लेकिन मौखिक द्वारा रख रखने वगैरे
का संरक्षण अधिनियम में नहीं लिखा रहा है। रख
रखने पर उचित शीघ्र कार्यवाही करने की कृपा
करें।

बस
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संरक्षण अधिनियम

Letter on claim follow up

After the field verification, there was complete silence. The Gram Sabha wrote again to the district administration that no action had been taken on their claim as on 21st December, 2015. They also informed them that they had formed the CFR management committee as per Rule 4 (1) (e) of FRA in February, 2015 and are protecting the forest. Eventually, the CFR title was received by the community, but with truncated rights and an area far less from what was claimed.

THE RIGHTS CLAIMED FOR:

- The Rights claimed for:
- Right to extract and use the forest produce such as herbs and medicinal plants as under their nistari rights;
- Ownership rights over forest produce, tuber crops etc. apart from timber;
- Right over water bodies;
- Right to protect and regenerate the forest resources in the community land;
- Right over the traditional knowledge to protect biodiversity of the forest;
- Right to secure and protect the traditional ground of religious deities;
- Rights for nomadic and pastoral communities;
- Habitat rights for PVTGs

THE RIGHTS RECOGNIZED AS PER THE TITLE: Right to collect firewood

APPEAL MADE AGAINST ANOMALIES IN CFR TITLE: The Gram Sabha submitted an appeal in the year 2017 stating that –

- Area recognised was only 220 Ha against the claim for 581.72 Ha
- Most of the claimed rights were denied
- The title is not in the name of Gram Sabha
- The title mentions certain conditions, which are said to be under Section 5 of FRA whereas this Section of the Act is all about empowering the Gram Sabha to fulfill their conservation duties

Conditions set forth as per the title are -

- Not to cut any nationalised species of trees;
- No hunting;
- Collecting only fallen and dry wood for firewood purposes;
- Helping the forest department in controlling fire;
- Informing the forest department in case of a fire;
- Helping forest department in their work;
- Utilizing MFPs without destroying it;
- Undertaking grazing only seasonally and not between July to October.

Section 5 of FRA empowers the Gram Sabha to -

- (a) protecting the wildlife, forest and biodiversity
- (b) ensuring that adjoining catchments area, water sources and other ecological sensitive areas are adequately protected
- (c) ensuring that the habitat of forest dwelling STs and OTFDs is preserved from any form of destructive practices affecting their cultural and natural heritage
- (d) ensuring that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity, which adversely affects the wild animals, forests and the biodiversity are complied with.



5. CONSERVATION, MANAGEMENT AND PROTECTION EFFORTS



Prohibition of illegal felling and hunting by the community

60 years old Jagni Bai said, “Our relationship with the forest has evolved over time. Earlier there were very few people; now the population has increased and dependency on the forest has increased significantly. We are more involved in keeping our forest healthy and robust. The forest regenerates naturally; in these days it has become necessary to ensure that the regeneration happens faster than before. After all, it has to support more number of people in this warming world. The forest is suffering under the weather uncertainties but, we know, it will fight back if we are able to maintain its diversity.”

Efforts to afforest degraded forest patches have become a priority for the community. They have raised a nursery with saplings of local species of trees and plants. With the pre-monsoon showers, these saplings are planted. Community members are also actively engaged in helping their forest regenerate so that forest density improves. They make seed balls and disperse them in the forests with the on-set of monsoons.

The community considers conservation and protection of the forest as a sacred duty. They take turns in guarding the forest. Fire lines are made to stop the advance of accidental fires in dry season, and dry leaves are regularly cleared. **THE COMMUNITY ABIDES BY AN UNWRITTEN LAW – TAKE ONLY AS MUCH AS ONE NEEDS FROM THE FOREST.** Many of the conservation practices are passed down through generations and are more binding for the community than the written laws. Most fruits and grains are not consumed till an offering is made to the community deity around Diwali.

GREEN POINT is another innovative method adopted by the community with the help of KAJJ. 10 m x 10 m plot is selected and the species of trees in the area are enumerated to understand the health of the forest. Species are identified and numbers are estimated. This helps the community to frame rules on which species can be used for firewood, and which should be left for natural regeneration. This also serves as a baseline for communities to periodically monitor the change in the density of the forest cover.

The community members think that their plantation activities are much better than the plantations done by the forest department. Most species planted by the department are commercial in nature with no use for the community. They say that they are not consulted with regard to the plantations. If they are consulted, the department can improve the survival rates of plantations because only villagers know what will survive best in those conditions.



Status of forest in the customary boundary of Daud Pandripani village as viewed through Google Earth imageries of April 2012 (above) and November 2018 (below)

KAMEPUR



1. DEMOGRAPHY

VILLAGE: Kamepur, Block Gariaband, District Gariaband

POPULATION: 339

NO. OF SCHEDULED TRIBE HOUSEHOLDS: 63

NO. OF OTHER TRADITIONAL FOREST DWELLING HOUSEHOLDS: 11

TOTAL NO. OF HOUSEHOLDS: 74



2. FOREST RESOURCES

WATER RESOURCES: Two rivers, five springs, 16 streams and 12 ponds

BIO-DIVERSITY (FLORA): Mahua, Sal, Chaar, Harra, Amla, Neem, Tendu, Tamarind, Kusum

MFPS COLLECTED BY COMMUNITIES: Seeds and flower of Mahua, seeds of Sal, fruits of Chaar and Amla, seeds of Harra, Neem, Tamarind, Mushroom, Lac, Kanda (root-tubers), Tikhur (Rhizome), grass for broom etc



Forest, Water and Land Management Plan



Forest Enumeration



mahua flower, kusum and a sweet made from mahua flower



3. FRA - A REALIZATION THAT FOREST IS OUR LEGAL RIGHT

Uday Ram, president of the FRC and Kashi Ram Netam, president of the 4(1) e committee, elaborated the experience of the CFR claim filing process that they undertook in their village.

Kashi Ram Netam said, "We had been accessing and using the forest as we had been doing traditionally. We were not aware of our Rights under FRA. In 2008-9, we came to know about our individual forest rights (IFRs)."

Kamepur is a small village in the Panchayat of Ghatodh in Gariaband Tehsil. Ghatodh is a big and influential village in the vicinity. Even when Kamepur was protecting their forest, there were pressures from Ghatodh and other surrounding villages for extracting timber. Given that Kamepur is a small tribal village, they were not able to counter the pressures from the bigger villages.

KAJJ informed this village about the CFR provisions of FRA in the year 2013. Some villagers agreed to claim CFR while others opposed it because they felt that the forest is theirs and they don't need any permission from government to use it. After much deliberations, the Gram Sabha felt that if they have a secured tenure, they would have legal rights over their forests and they can restrict other bigger and powerful villages from destroying their forests.

4. COMMUNITY FOREST RIGHTS

CFR CLAIM FILED ON: 10 November 2014

CFR AREA CLAIMED: 3176.30 Ha

CFR AREA RECOGNIZED: 2336.57 Ha

NAME ON CFR TITLE: Title is not in the name of Gram Sabha but in the name of Sarpanch, Gram Panchayat Ghatodh

THE CFR CLAIM PROCESS

The Gram Sabha initiated the CFR claiming process in 2013 itself. It took 3-4 rounds of meetings before the claim was finalised. Kashi Ram Netam continued, "We outlined the boundary of our village and forest with GPS in three phases. There were hiccups, initially, as we were new to the technology, but in the process we learnt how to use GPS. Youth led this process and demarcated the boundaries with the help of elders and women. Women know forests better as they are the ones who spend maximum time inside the forests collecting MFPs, firewood and food." After mapping, the claim was submitted first to the SDLC, together with 11 other villages in 2014.

There was no response from the Government for two years; villagers lived with anxiety. Even after two years when the forest department did not cooperate, the villagers refused to do any work for the department till the CFR claims were honoured.

After that the forest department started the verification process. The claims were then submitted to the DLC. Against the claim for 3176.300 Ha, rights over 2336 Ha were recognised. Gram Sabha received the title on 30th Dec, 2015.

As soon as the claim was submitted, the community constituted the CFRMC and started with the conservation and protection of the forest without waiting for the claim to be granted. As Amla Bai Yadav, a member of the CFRMC, said, "Whether we get our CFR claim or not, we worked to protect our forest. **THE FOREST IS OUR MOTHER, OUR SOUL. IF WE ARE NOT THERE, THE FOREST TOO WILL NOT BE THERE.**"

कार्यालय
वन अधिकार समिति, ग्राम सभा :- कामेपुर
जनपद पंचायत गरियाबंद जिला गरियाबंद

पत्र सं. _____ / दिनांक 08/10/2014
प्रति,

माननीय अध्यक्ष, उपविभाग स्तरीय समिति
तथा उप विभागीय अधिकारी गरियाबंद
जिला गरियाबंद

विषय :- वन भूमि के सामुहिक अधिकार संबंधी दावे का आवेदन
महोदय/महोदया,

अनुसूचित जनजाति और अन्य परंपरागत वन निवासी (वन अधिकारों की मान्यता) अधिनियम 2006 और 2008 व 2012 के अंतर्गत ग्राम सभा कामेपुर गौँर कामेपुर ग्राम पंचायत घटोद तहसील गरियाबंद जिला गरियाबंद का वन भूमि के सामुहिक अधिकारों के लिए दावे का आवेदन नियमानुसार आपको प्रस्तुत किया जा रहा है। निम्नलिखित कागजात, जिनकी कुल संख्या 39 है, संलग्न हैं।

1. वन भूमि के सामुहिक अधिकारों के लिए किए गए दावों का आवेदन - मूल प्रति
2. सामुहिक जल सम्पत्ति और देवताओं के स्थान दर्शानेवाला कच्चा नक्शा - फोटो कॉपी
3. बुजुर्गों का लिखित कथन - मूल प्रति
4. वनाधिकार समितियों का संयुक्त कथन - मूल प्रति
5. सरपंच द्वारा दिया गया प्रमाण पत्र - मूल प्रति
6. जाँच पड़ताल की नोटिस - फोटो कॉपी
7. जाँच पड़ताल की रिपोर्ट - फोटो कॉपी
8. ग्राम सभा की नोटिस - फोटो कॉपी
9. ग्राम सभा की रिपोर्ट - मूल प्रति

सूचित कार्यवाही के लिए अग्रप्रेषित

संलग्न
सरपंच
ग्राम सभा/ग्राम पंचायत, गटोद,
जनपद पंचायत, गरियाबंद

महोदय/महोदया
ग्राम पंचायत - गटोद
ग्राम पंचायत

30/11/2014
Range office Narsingh

कामेपुर वन परिषद अध्यक्ष
दिनांक 30/11/2014
नवागढ़

30/11/2014
वन अधिकार समिति कामेपुर
जिला गरियाबंद (ग.ह.)
सरपंच अध्यक्ष
ग्राम वनाधिकार समिति (गुहर)

THE RIGHTS CLAIMED FOR:

- Right to conserve, protect and manage their traditional community forest resource;
- Right to access and use bamboo, honey, tassar, herbs and medicinal plants, Mool Kand, Lak, Tendu patta etc. including all MFP;
- Right over rivers Jhulna and Bajadeehee;
- Right to access and use forest springs – Pithoripani, Theepapani, Chattaanpani, Saahjaapani, Konghen forest spring;
- Right to use the water bodies including 16 streams, 12 ponds and 15 hills;
- Right to use species of water plants and animals, such as fish;
- Grazing rights;
- Right to access to biodiversity and community right to intellectual property and traditional knowledge as per BDA 2002;
- Right to secure and protect nine traditional deities spread over 7940.77 acres.

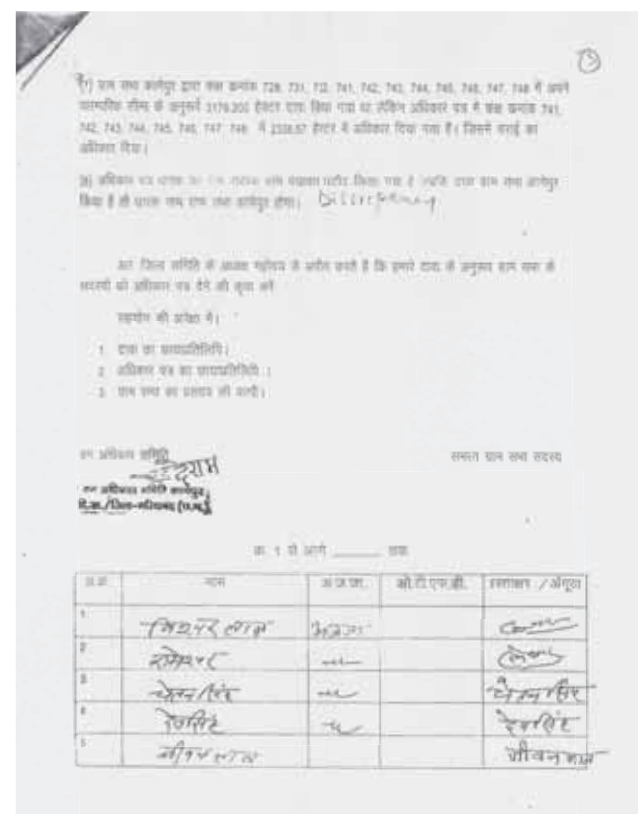
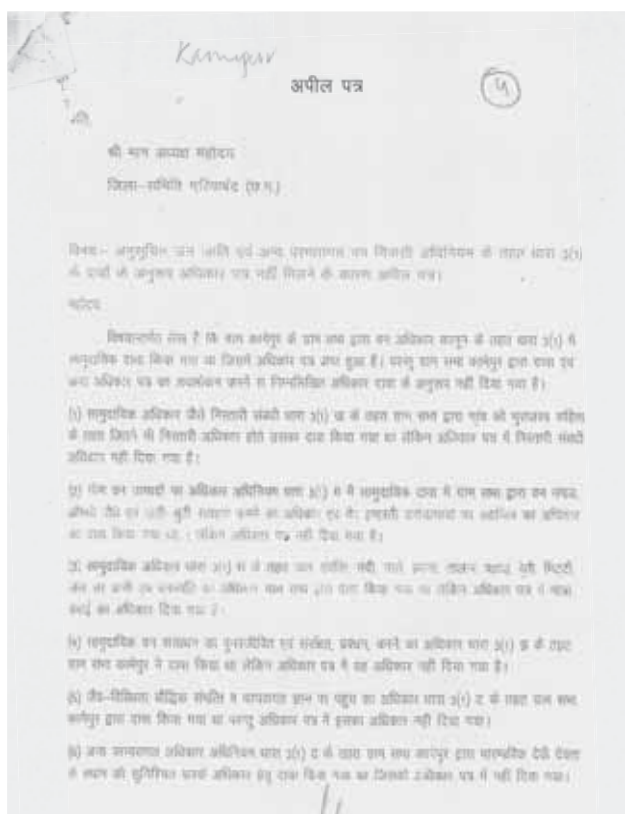
THE RIGHTS RECOGNIZED AS PER THE TITLE: Only grazing rights were recognized

APPEAL MADE AGAINST ANOMALIES IN CFR TITLE:

As soon as they received the title and noticed the discrepancies, the Gram Sabha submitted an appeal to the DLC stating that -

- Most of the claimed rights were denied
- The title is not in the name of Gram Sabha of Kamepur

There has been no response from the government even though verbal assurances were given that the matter would soon be taken up.



Appeal against the anomalies in the community rights title



5. CONSERVATION, MANAGEMENT AND PROTECTION EFFORTS

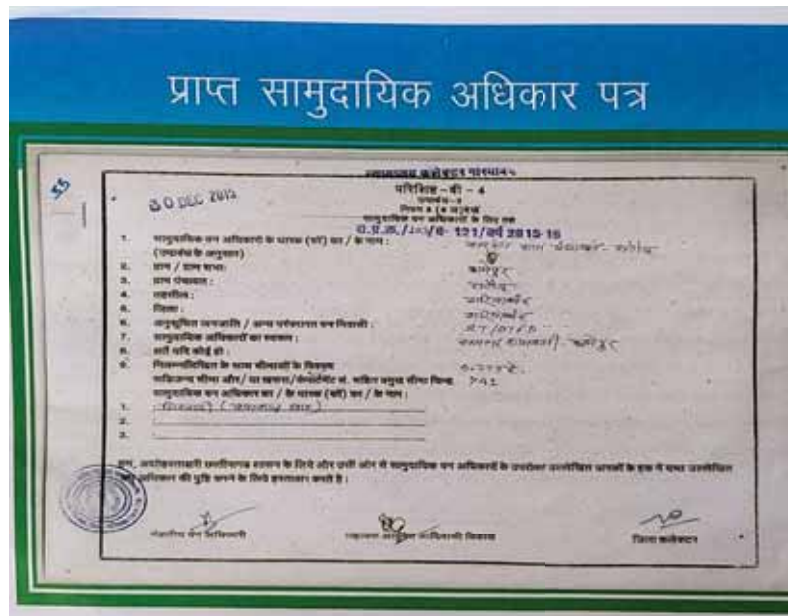
Lekh Ram, a Van Adhikar Samiti member, said, “Because of the efforts of the community, the forest is growing thicker again. Cutting of trees has been banned and a regular check on fire is maintained. The community has also informed the neighbouring villages that cutting of trees is no longer allowed in Kamepur.” He believes that in less than 10 years the forest will be thick like the way it was during their elders’ times.

The community follows the age-old method of thengapalli wherein a thenga (staff) is placed at the home of the family who will go for patrolling. It is done in turns. Thengapalli is more intense in summers as the threat of fire is high. In February every year, van utsav (Forest festival), is celebrated. It marks the beginning of forest guarding which women start by making fire lines.

To ensure that there is no indiscriminate cutting of trees, the community has made rules. Except for building houses, tree felling is not allowed in Kamepur.

With the implementation of FRA, the community has become very vocal in asserting their rights over the forest. Lekh Ram said, “This Act has empowered us. We now know **WE ARE THE RIGHTFUL OWNERS OF OUR FOREST AND WE ARE BEST EQUIPPED TO PROTECT AND CONSERVE THE FOREST.**”

Uddiram Netam said, “If we are not checking on the forest regularly, the forest will be finished. There is no one to put a check on illegal timber cutting, hunting and fire. **IT IS VERY IMPORTANT THAT THE COMMUNITY BE ENTRUSTED WITH FULL RESPONSIBILITY OF THE FOREST.**”



Copy of Community Rights title as received by Kamepur village

Students from the Indian Institute of Forest Management led the forest enumeration work in Kamepur. They were ably supported by the community members. The community has maintained records of the amount of MFPs extracted and the price at which they sell them. The community believes that such information helps them plan better for their forest and devise appropriate rules on extraction and harvesting. It also helps them negotiate with the traders on availability of MFPs and fixing of prices.

JARANDIH



1. DEMOGRAPHY

VILLAGE: Jarandih, Block Gariaband, District Gariaband

POPULATION: 260

NO. OF SCHEDULED TRIBE HOUSEHOLDS: 56

NO. OF OTHER TRADITIONAL FOREST DWELLER HOUSEHOLDS: 3

NO. OF HOUSEHOLDS: 59



Forest Enumeration



2. FOREST RESOURCES

BIO-DIVERSITY (FLORA): Mahua, Sal, Chaar, Harra, Behera, Kusum, Amla, Neem, Tendu

MFPS COLLECTED BY COMMUNITIES: Seeds and flower of Mahua, seeds of Sal, fruits of Chaar and Amla, seeds of Harra and Behera, Neem, fruits of Kusum, Kanda (root-tubers), lac etc



Dehusking mahua seeds



3. FRA – ASSERTION OF RIGHTS

The community has seen difficult times in the past when forest department used to reprimand people and subjected them to follow various rules and regulations negating their traditional rights over forests. As Charan said, “Whenever they wanted, we were made to cut trees or give challan for no reason. But since the FRC has been constituted, these activities have stopped. Now, when they ask us to do something, we reason them and their purpose. We feel that now we have the right to and power over our forest.”

Communities were also exploited by the contractors for charcoal, tendu leaves etc. Forest fires were also very frequent at some point in time. It is an altogether different situation now; all these have come to an end in Jarandih. The community has taken complete ownership of the forest, its conservation and management. They have started a nursery to keep saplings ready to be transplanted in the empty patches of the forest. Looking positive and confident, Ganshyam Nagesh, a FRC member said, “In ten years, our forest will be dense again.”

Charan said that Forest Rights – IFR and CFR - has brought about many positive transformations in the village, some apparent and some not. He said, “Today we get the MGNREGA work. We decide what to grow in our forest. But most importantly, **FOR THE FIRST TIME, WE FEEL LIKE WE ARE THE REAL OWNERS OF OUR FOREST.**”

The village got the name Jarandih from the act of burning wood for making charcoal, which is known locally as lakdi jara had di. The forest department would make the villagers do this as a source of livelihood. Now the name stays but the activity behind the name has been stopped. Potni Bai Sori, an elderly member of the community, had a message for the government – “If you want a healthy forest, leave the forest to the community.”

CFR application

अपील पत्र

प्रति,
श्री मन्त्र अखण्ड महोदय,
जिला-समिति बरिवाबंद (ब.म.)

विषय:- अनुसूचित जन जाति एवं अन्य परम्परागत जन विद्यार्थी अधिनियम की तरफ धारा 3(1) के तहत की जा रही अनुसूचित अधिपत्र पत्र नहीं मिलने के कारण अनियमित पत्र।

महोदय,

विषयवर्तित लेख है कि हम जलपट्टी के तहत राधा राम राम अधिकार कट्टर के तहत धारा 3(1) में अनुसूचित धारा किताब पत्र का विवरण अधिपत्र पत्र प्राप्त हुआ है। परन्तु हम सभी जलपट्टी द्वारा प्राप्त एवं प्राप्त अधिपत्र पत्र का अनियमित करने से निम्नलिखित अधिपत्र पत्र के अनुसार नहीं दिया गया है।

(1) अनुसूचित अधिपत्र पत्र निम्नलिखित संख्या धारा 3(1) के तहत प्राप्त राधा राम राम को अनुसूचित अधिपत्र के तहत जिले की विद्यार्थी अधिपत्र पत्र प्राप्त किया गया था लेकिन अधिपत्र पत्र में निम्नलिखित संख्या अधिपत्र नहीं दिया गया है।

(2) राधा राम रामपट्टी का अधिपत्र अधिपत्र धारा 3(1) में अनुसूचित धारा में प्राप्त राधा राम राम (पत्र, जलपट्टी) एवं जलपट्टी-पट्टी संरक्षण करने का अधिपत्र पत्र है। इन्फोर्मेशन अधिपत्र पत्र अधिपत्र का पत्र किताब पत्र का। अधिपत्र अधिपत्र पत्र नहीं दिया गया है।

(3) अनुसूचित अधिपत्र धारा 3(1) में जलपट्टी जलपट्टी नहीं, बल्कि जलपट्टी, जलपट्टी, जलपट्टी, जलपट्टी, जलपट्टी, जलपट्टी एवं जलपट्टी का अधिपत्र प्राप्त राधा राम राम किताब पत्र का लेकिन अधिपत्र पत्र में प्राप्त धारा के तहत 24.00 हेक्टर का अधिपत्र दिया गया है।

(4) अनुसूचित जन संरक्षण का अनुसूचित एवं संरक्षण, इन्फोर्मेशन, करने का अधिपत्र धारा 3(1) के तहत प्राप्त राधा राम रामपट्टी में प्राप्त किताब पत्र अधिपत्र अधिपत्र पत्र में प्राप्त अधिपत्र नहीं दिया गया है।

(5) जलपट्टी-पट्टी अधिपत्र पत्र जलपट्टी व परम्परागत जन पत्र पत्र का अधिपत्र धारा 3(1) के तहत प्राप्त राधा राम रामपट्टी द्वारा प्राप्त किताब पत्र का परन्तु अधिपत्र पत्र में प्राप्त अधिपत्र नहीं दिया गया है।

(6) अन्य परम्परागत अधिपत्र अधिपत्र धारा 3(1) के तहत प्राप्त राधा राम रामपट्टी द्वारा अनुसूचित धारा के तहत जलपट्टी अधिपत्र पत्र के अधिपत्र पत्र प्राप्त किताब पत्र का जिले अधिपत्र पत्र में नहीं दिया गया है।

राधा राम रामपट्टी द्वारा प्राप्त राधा राम रामपट्टी 871, 872, 846, 812, 813 में जलपट्टी अनुसूचित धारा के अनुसार 532.64 हेक्टर प्राप्त किताब पत्र का लेकिन अधिपत्र पत्र में प्राप्त राधा राम रामपट्टी 873 में 80.00 हेक्टर में अधिपत्र दिया गया है। जिसमें धारा के अधिपत्र पत्र।

(4) अधिपत्र पत्र धारा का नाम संरक्षण राधा रामपट्टी अनुसूचित धारा पत्र, जलपट्टी धारा प्राप्त राधा रामपट्टी किताब पत्र का किताब पत्र प्राप्त राधा रामपट्टी होता है।

जलपट्टी जलपट्टी के अनुसार जलपट्टी में जलपट्टी का है कि जलपट्टी धारा के अनुसार प्राप्त राधा रामपट्टी की अधिपत्र पत्र देने की कृपा करें।

संरक्षण की जलपट्टी है।

1. राधा राम रामपट्टी अधिपत्र।
2. अधिपत्र पत्र का अनुसूचित अधिपत्र।
3. राधा रामपट्टी का अनुसूचित अधिपत्र।

आध्यापक
जन अधिपत्र समिति

संरक्षण राधा रामपट्टी

क्र. 1 से जलपट्टी 66 तक

क्र.सं.	नाम	अधिपत्र	जो.टी.एच.टी.	हस्ताक्षर / अनुसूचित
1	भागावती राधा रामपट्टी	अधिपत्र		भागावती
2	अमरगोविन्द राधा रामपट्टी	अधिपत्र		अमरगोविन्द राधा रामपट्टी
3	राधा रामपट्टी	अधिपत्र		अमरगोविन्द राधा रामपट्टी
4	मंगलजी राधा रामपट्टी	अधिपत्र		अमरगोविन्द राधा रामपट्टी
5	जलपट्टी	अधिपत्र		अमरगोविन्द राधा रामपट्टी
6	मंगलजी	अधिपत्र		अमरगोविन्द राधा रामपट्टी
7	गोपाल	अधिपत्र		गोपाल
8	जलपट्टी	अधिपत्र		अमरगोविन्द राधा रामपट्टी
9	जलपट्टी	अधिपत्र		अमरगोविन्द राधा रामपट्टी
10	जलपट्टी	अधिपत्र		जलपट्टी

Appeal letter

न्यायालय कलेक्टर गरियाबंद

परिशिष्ट-बी - 4
उपाबंध-3
नियम 8 (6 ज) देखें
सामुदायिक वन अधिकारों के लिए हक
अ.प्र.क्र./403/ब- 121/वर्ष 2015-16

30 DEC 2015

- सामुदायिक वन अधिकारों के धारक (कों) का/ के नाम :
(उपाबंध के अनुसार)
- ग्राम / ग्राम सभा:
- ग्राम पंचायत:
- तहसील:
- जिला:
- अनुसूचित जनजाति / अन्य परंपरागत वन निवासी:
- सामुदायिक अधिकारों का स्वरूप:
- शर्तें यदि कोई हो:
- निलम्नलिखित के साथ सीमाओं के विवरण
रूढ़िजन्य सीमा और/ या खसरा/कंपार्टमेंट सं. सहित प्रमुख सीमा चिन्ह
सामुदायिक वन अधिकार का / के धारक (कों) का / के नाम :

1.

2.

3.

हम, अधोहस्ताक्षरी छत्तीसगढ़ शासन के लिये और उसी ओर से सामुदायिक वन अधिकारों के उपरोक्त उल्लेखित धारकों के हक में यथा उल्लेखित वन अधिकार की पुष्टि करने के लिये हस्ताक्षर करते हैं।

मंडलीय वन अधिकारी

सहायक आयुक्त आदिवासी विकास

जिला कलेक्टर

संपत्ति ग्राम पंचायत जंगल धवलपुर
जंगल धवलपुर
जंगल धवलपुर
जंगल धवलपुर
ST/OTED
संपत्ति ग्रामवासि नरखी
80.000 हे.
873

Copy of title for Community Rights as received by Jarandih village



5. CONSERVATION, MANAGEMENT AND PROTECTION EFFORTS

For the community in Jarandih, one of the most important sources of income is the sale of lac, which is used for making bangles, shoe polish etc. These are harvested and sold in the market. Regarding the sale of lac, Charan Sori said, “Earlier, it was sold at about Rs.1000 per kilo but now it is sold for Rs. 150 - 200 only. The lac from Kusum fetches more money as compared to the one from Palash.” Uncertain climate variabilities could be a potential reason that have led to a decrease in production of lac.

When asked about what they do for the forest which gives them so generously, Radha Markam said, “We undertake protection and conservation of the forest. We make fire lines, plant new trees, and do regular patrolling. We are healing our forest. It was harmed by many. If tomorrow the government comes and tells us to leave our forest, we will go as a collective and fight for our forest. Forest is our life and we trust it the most.”

There were conflicts with other villages over trees cutting in the past. The FRC took prompt action and the

encroachers were stopped. They could leave the forest of Jarandih only after paying a fine. The community stays vigilant against encroachers of any kind. Charan said, “We face hardships in carrying out forest protection duties. Extreme heat and hunger are biggest deterrents, but this is a must do. There is no alternative.”

The community manages a nursery with saplings ready for transplantation. Showing the nursery with pride, Charan said, “We will be planting these in those areas of our forests, which are thinning. These are plants that are indigenous to our forest and grow easily here.” He explained that to decide on what to grow, the Green Point initiative proved very useful. Under this initiative, a 10 metre by 10 metre area was selected inside the forest where enumeration of tree species was done to understand the health of the forest, and identify the species that are abundant and the ones that are reducing. This exercise helps the community in forest resource management and in monitoring and understanding the changes in the density of the forest cover.



The history teller of the community



Lac



Status of forest in customary boundary of Jarandih village as viewed through Google Earth imageries of April 2007 (above) and November 2018 (below).

SONOLI



1. DEMOGRAPHY

VILLAGE: Sonoli, Block Ambagarh Chowki, District Rajnandgaon

POPULATION: 80

NO. OF SCHEDULED TRIBE HOUSEHOLDS: 21

NO. OF OTHER TRADITIONAL FOREST DWELLER HOUSEHOLDS: 1

NO. OF HOUSEHOLDS: 22



2. FOREST RESOURCES

BIO-DIVERSITY (FLORA): Mahua, Sal, Chaar, Harra, Behera, Kusum, Amla, Neem, Tendu

MFPS COLLECTED BY COMMUNITIES: Seeds and flower of Mahua, fruits of Chaar and Kusum, seeds of Harra and Behera, Tendu leaves, Kanda (root-tubers) etc



Sonoli Gram Sabha office



The confiscated timber lying unused



3. FRA – GIVING COMMUNITY THE POWER TO DEFEND THEIR FOREST

Under the leadership of Mankaaye Bai Ghawde, a CFRMC member, the community stopped officials of Forest Development Corporation (FDC) from cutting trees in the forest.

Parasram Nureti said, “Whether they are from the forest department or anywhere else, no one is allowed to cut trees in our forest. They need our consent to take any such action. We confiscated all the axes and saws and complained to the SDM against the forest department. The SDM himself came and said that the village has the right to do so. It is their land, and so their permission is required. He said the forest department was wrong.” Beaming with pride, Parasram added that the timber that was confiscated is still lying in the village as a memorial of the power of people. This incident happened in 2015.

Mangu Ram said that the community had no idea about their rights until they learnt about FRA. He said, “We know it is our forest and always used it within limits. Illegal felling by the communities of neighbouring villages and others degraded the forest a lot. Small plants also died in the process. So, we started fighting each and every group who entered our forest and we won. Since then, even personnel from department also do not come to our forest without consulting us.”

Mangu Ram further said, “We, the villagers, conserve the forest now and take care of it. Earlier, we had to go inside the forests like thieves to collect firewood and mahua. The forest department used to impose fines, sometimes up to Rs. 500, if we were found with even one log. Those were difficult times; we have come past those difficulties. Now we have legal rights over our forests.”

Before FRA, many cases of forest offences were registered against the community. That has also come to an end. Ramsila Bai Nureti, president of the Committee said, “Forest is ours and the government has also recognised this so we cannot be called criminals for accessing it.” Her husband Mangu Ram Nureti, added, “After FRA, we found our freedom. We are free and we want to stay free. The forest was, is and will be ours.”

4. COMMUNITY FOREST RIGHTS

CFR CLAIM FILED ON: People do not remember the date when they filed their claim

CFR AREA CLAIMED: 244.940 Ha

CFR AREA RECOGNIZED: 244.940 Ha

NAME ON CFR TITLE: Sonoli Gram Sabha

THE CFR CLAIM PROCESS

Sonoli village is one of those fortunate villages, which received the CFR title without much delay. In 2012-13, the then CM of Chhattisgarh took out a vikas yatra in his constituency Rajnandgaon. During the yatra, 261 CFRs were approved. Of the 261, only 1 CFR was publicly distributed, and the rest remained undistributed for more than a year.

As far as the villagers could remember, the Gram Sabha had a meeting and the request for the CFR was forwarded to the panchayat. After due deliberation, the village Gram Sabha was granted the CFR title. Mangu Ram Nureti, a member of the FRC, said, “We proposed that this is our land and we want it. Sonoli Gram Sabha got the title subsequently and we got the entire area we claimed for. We were very fortunate. In some areas the titles are given to a committee with the forest department officer as a president.”

Getting the CFRs and learning about the rights that the community is entitled to has empowered the community in a manner they had not imagined before.

Copy of Community Rights Title as received by Sonoli Village



5. CONSERVATION, MANAGEMENT AND PROTECTION EFFORTS

The villagers follow a rooster system for forest protection. Every day three people spend the entire day walking around the forest to check on encroachers and illegal activities and to ensure that there are no fires. They only come back to the village to eat and sleep. Mangu Ram Nureti said, “We want the government to build a watch tower to help the villagers check on thieves and a rest house for those on patrolling duty to get respite from the heat and wild animals.”

Mangu Ram further said, **“FOREST IS NOT JUST TREES AND PLANTS. WE NEED ANIMALS AND BIRDS TOO.** So, we had made a request to the government to build a pond inside the forest. It will be also be a good water source for the plants, animals and the birds. A pond inside the forest would be of great help to us too during forest fires.” He said that, so far, the administration has not

helped. Without mincing words, Mangu Ram said, “The forest department wants to give the impression that we villagers do not take care of the forests and so they are not helping us. They want us to leave the title so that the forest goes back to them. We won’t let that happen. We will protect the forest. It is ours.”

Visibly charged, he said, “Only the farmers of this village can take care of this forest; had it been properly kept by the department new bamboo would have been growing. Over 20 years, the forest department could not ensure even a single new bamboo growth in this area. We are maintaining this forest since last four years; new bamboo shoots are visible now. You should tell me, who is a better caretaker of the forest – the villagers or the forest department?”



Bamboo grove



Women making brooms

ACCESS TO FOREST RESOURCES

In Sonoli, each family takes care of a certain number of Mahua Trees; it is a traditional system. The family tends to the needs of the trees, keep their surrounding clean and takes whatever the trees produce. In this way, there is a clear system of individual rights over the forest resources. Small families keep fewer trees and the larger families keep more.

Talab Bai Thakur said, “We sell the produce we get from the forest to outsiders and in return we buy the daily needs that we do not get from forest such as soap, grocery etc.”

VISIBLE CHANGES IN THE FOREST

There are visible changes in the forest, Homdev Gahore said, “Before FRA was implemented, we used to notice that our forest was thinning due to rampant cutting of woods. Its density is now increasing. The villagers are ensuring that the encroachers are kept away from the forest and illegal cutting is checked. We also trim the bigger trees to provide space for the smaller trees to grow”, he added.

Getting CFR rights ensured that the villagers have a right over the forest and its produce. Some things still require permission from the government such as the transport permits but for most purposes, the forest is now with the community.

SUNSARGARH



1. DEMOGRAPHY

VILLAGE: Sunsargarh, Block Ambagarh Chowki, District Rajnandgaon

POPULATION: 144

NO. OF SCHEDULED TRIBE HOUSEHOLDS: 24

NO. OF OTHER TRADITIONAL FOREST DWELLING HOUSEHOLDS: 3

TOTAL NO. OF HOUSEHOLDS: 27



2. FOREST RESOURCES

BIO-DIVERSITY (FLORA): Mahua, Sal, Chaar, Harra, Behera, Kusum, Amla, Neem, Tendu

MFPS COLLECTED BY COMMUNITIES: Seeds and flower of Mahua, fruits of Chaar and Kusum, seeds of Harra and Behera, Tendu leaves, Kanda (root-tubers) etc



Mushrooms



Tendu leaves



Mahua seeds



3. FRA - A NEW LEASE OF LIFE

Sunsargarh falls under the area where forest has been leased out for production to the Forest Development Corporation (FDC). The government hands over degraded forests to FDCs on lease to improve their productivity. The community in Sunsargarh raised a pertinent question by asking how can the government give the forest land where, people have rights, to a third party (the FDC) on lease? According to them only the village has the right to take such decisions.

The village witnessed many conflicts with neighbouring villages in the past; most of them were related to accessing forest for cutting trees, collecting firewood and sometimes even for agriculture. To resolve such inter-village conflicts, a federation of twenty-five villages has been formed now. All the conflicts are resolved through this federation.

Subhas Patel said, "We now know that by law also the forest belongs to us. With great authority we are now able tell the encroachers to stay away from our village and forest. Earlier, the forest department used to arrest us for exercising our nistar rights in our own forest; this too has been stopped since FRC was formed. The forest has become denser than before under our care. Animals too have started visiting our forest; until now we did not even know that our forest has wild animals."

“We are constantly under threat as ours is a very small village. Our neighbouring village used to say that we do not have ownership over the forest as it belongs to the government. They often threatened us. We could have booked them under SC/ST Prevention of Atrocities Act, 1989, but instead we explained to them that they could join the federation and place raise their concerns there. They did not do that. In another case in 2017, we chased some encroachers who had cut down our trees and built houses. They were doing agricultural activities in our forest. Our federation chased them away,” he added.

The community believes that CFR recognition would give them legal entitlement in establishing their ownership right over the forest.

4. COMMUNITY FOREST RIGHTS

Sunsargarh is yet to file the claim for CFR. Out of 27 families, 21 have received IFRs. Even among those who had received the IFR, the area granted was much less than what had been claimed.



Bamboo groves



5. CONSERVATION, MANAGEMENT AND PROTECTION EFFORTS

The community does regular trimming of the trees to ensure their healthy growth. Fire lines are made to protect young plants from fire. **WOMEN ARE AT THE FOREFRONT WHEN IT COMES TO PROTECTING THE FOREST. THEY ARE THE ONES WHO STOP ENCROACHERS.**

Highlighting the plight of being a small village, Devki Kiragi said, “Men are particularly vulnerable to the threat of false cases filed by the encroachers from the neighbouring villages. These encroachers come in large number and try to intimidate us. There have been instances when they even went to the authority demanding that they be allowed to cut trees from our forest. The collector and the forest department told them that the forest belongs to the community. They are the authority. Since then there has been some control on our forest.”

Emphasising the relation between the community and the forest, Anand Ram Kirage said, “We are best placed to ensure a healthy forest. Forest is our future and it is for our future generation, no one will care for the forest like we do. Forest department officials are employees; today they are here, tomorrow they will be somewhere else. We live here. We know the nooks and corners of our forest. **IF THERE IS NO FOREST, WE WILL NOT BE ABLE TO SURVIVE.**”

FOREST: THEN AND NOW

Subash Patel said, “There was a time when our forest was almost barren. We used to walk 15-20 kms for firewood. We experienced lots of hardships as other villagers used to stop us from collecting firewood, saying that it is government’s forest. Now firewood is available at a distance of 1 km from our village. **THE FOREST HAS COME CLOSER TO US BECAUSE THE FELLING OF TREES HAS BEEN STOPPED.**”



Women in agriculture



Women for forest conservation & management



ODISHA

ODISHA IS LOCATED IN THE EASTERN COAST OF INDIA WITH APPROXIMATELY 480 KMS OF COASTLINE ALONG THE BAY OF BENGAL. THE GEOGRAPHICAL AREA OF THE STATE IS 1,55,707 SQ KMS, WHICH ACCOMMODATES 41.9 MILLION PEOPLE; APPROXIMATELY 23% OF THE POPULATION BELONGS TO THE SCHEDULED TRIBES.¹¹ ODISHA IS ALSO A MINERAL RICH STATE OF INDIA, WHICH HAS RESERVES OF BAUXITE, MANGANESE, NICKEL, CHROMITE, DOLOMITE, GRAPHITE, IRON ORE, COAL, CHINA CLAY, FIRE CLAY, GEMSTONES ETC.¹²

THE STATE IS DIVIDED INTO FOUR PHYSIOGRAPHIC REGIONS – THE NORTHERN PLATEAU, THE EASTERN GHATS, THE CENTRAL TABLELAND AND THE COASTAL PLAINS. APPROXIMATELY, 33% OF THE STATE'S GEOGRAPHICAL AREA IS COVERED BY FOREST WITH A CARBON STOCK OF ABOUT 453 MILLION TONNES (6.04% OF THE TOTAL FOREST CARBON OF THE COUNTRY).¹³

IT IS ESTIMATED THAT RIGHTS OF OVER 200 MILLION STS AND OTFDS IN OVER 170,000 VILLAGES SHOULD BE RECOGNIZED UNDER THE FRA, 2006, MOSTLY THROUGH CRS AND CFRS PROVISIONS. THE MINIMUM AREA THAT CAN POTENTIALLY BE CLAIMED UNDER THE CFRS IN ODISHA IS 5.7 MILLION ACRES.¹⁴

11 Census 2011

12 Geology and Mineral Resources of Odisha, ENVIS Centre on Ecology of Eastern Ghats

13 FSI, 2017

14 Promise & Performance (Report 2016) – 10 years of Forest Rights Act in India

BENA



1. DEMOGRAPHY

VILLAGE: Bena, Block Telkoi, District Keonjhar

POPULATION: 631

NO. OF SCHEDULED TRIBE HOUSEHOLDS: 99

NO. OF OTHER TRADITIONAL FOREST DWELLING HOUSEHOLDS: 30

TOTAL NO. OF HOUSEHOLDS: 129



2. FOREST RESOURCES

BIO-DIVERSITY (FLORA): Tendu, Mahua, Sal, Chaar, Behera, Kusum, Arjun, Asan, Amla, Tamarind, Jackfruit, Mango, Jamun, Guava

MFPS COLLECTED BY COMMUNITIES: Seeds and flower of Mahua, fruits of Chaar, Kusum, Jackfruit, Guava, Mango, Jamun, seeds and leaves of Sal, seeds of Behera, fruits and leaves of Tendu (Kendu), Tamarind, Tassar cocoons etc



Details of village and forest resources and FRC members



Tussar Cocoon



3. FRA - ENSURING ACCESS TO FOREST AND RESOURCES

Bena has a history of its formation. An elder, Koilash Nayak said that some 200 years ago, a family from Mayurbhanj came and settled here after losing their way during a hunting expedition. In fact, name of this village originates from the Oriya word 'banna' which means 'to be lost'.

Showing the translated copy of FRA in Odiya, Ponochoandra Behera said, "We came to know a lot about our rights and powers from the law." The community now sees many significant changes in their relationship with the forest. According to the community the interventions of forest department are just about identifying beneficiaries under various government schemes whereas their focus should be welfare of the forest and forest dependent community. People feel that with FRA, they are no longer beneficiaries but equal citizens of this country. Most of the families of Bena have received their IFR titles. Community is very vocal in saying that this is not enough. They want their CFR to be recognised by the government. As per them, only they can guarantee the future of these forests as their own lives are intertwined with forests.

Surendri Nayak says, “The IFR gives individuals the right to individual landholdings. But we need the CFR as we are dependent on the forest and its resources. CFR allows access to the forest. It is not possible for us to survive without accessing the forest. The CFR title will also empower us to carry out protection, conservation and management of forest without any obstacle. Population of wild animals and diversity have reduced considerably. Now mostly elephants, bear, wild boar, fox, porcupine etc are seen. This means that health of forest is not good.”

However, people also feel that some positive effects of FRA implementation are already visible. Pahnti Nayak, member of the FRC said, “With the formation of the FRC, encroachment has completely stopped. The FRC allows us to deal with the encroachers and the poachers in a more organised and formal manner. Earlier we could not stop them, but now it is different. We have the authority to stop them. We have to protect the forest for our future generations.”

4. COMMUNITY FOREST RIGHTS

CFR CLAIM FILED ON: 18th October 2018

CFR AREA CLAIMED: 232 Ha

CFR AREA RECOGNIZED: Yet to be recognized

THE CFR CLAIM PROCESS

The FRC has a total 15 members. 1/3rd of the members are women and rest are men. Ponochoandra Behera, president of the FRC, informed that the CFR form is at the revenue department for the last six months. When the FRC went to follow up, they were told that a new Tehsildar is to take charge and complete the remaining process with regard to the claim. The department assured that the claim is being processed. Boundary conflicts with the neighbouring villages were resolved at the time of mapping in the presence of representatives from the concerned villages, and the Forest and Revenue departments. They are hopeful that their CFR will be recognised soon.



An FRC member explaining the resource map of Bena



5. CONSERVATION, MANAGEMENT AND PROTECTION EFFORTS

Need for protection of forest for the sake of both – humans and animals – is acutely felt by the community. For the protection of the forest, the community follows the age-old tradition of thengapalli, which involves patrolling by using a lathi (stick). The families who has the duty for patrolling that day carries the stick. The encroachers are fined an appropriate amount of money after bringing them to the Gram Sabha. The money goes into the FRC fund. Each family also contributes Rs. 5/- every month into this FRC savings account for the conservation, management and protection of the forest.

As a step to stop the fire caused by burning of mahua leaves lying around unattended, the villagers have started collecting them and burning them to avoid instances of accidental fires. This year there was no fire in the forest. The community identifies degraded forest patches and makes plans to improve its density. They prefer to grow mango, gooseberry, ponoso (jackfruit), tamarind, guava, karanj, kusum, tendu, behera, arjan, asan, etc. compared to trees which only have timber value.

This village has a practice of donating seeds of Arjun and Asan trees to neighbouring villages. These are the trees which produce tussar silk cocoon. According to Sumatra Patra, a member of the FRC, this will help the neighbouring villagers earn income from tussar silk and will also boost forest regeneration.

Speaking about the improvements in livelihood after securing rights, Ponochoandra Behera said, “Integrated Tribal Development Agency (ITDA) made a haat (market) for Bena village so we don’t have to travel far for selling our products. Seeds are provided for vegetables such as potato, ginger, maize etc. Pump sets are also installed for irrigation purposes. The DRDA has made roads here.”

EXPECTATIONS FROM THE GOVERNMENT

As the community is leaving no stones unturned in keeping the forest safe and flourishing, there are some expectations from government too. Ponochoandra Behera said, “We want the saplings for filling to plant in the gaps so that our forest is greener. We also want ponds inside the forest for animals to drink water. This is to ensure that they do not come to the village. We also want to grow more medicinal plants.”



Barter - Paddy for Puff Rice



Freshly Harvested Mushroom

KULANGA



1. DEMOGRAPHY

VILLAGE: Kulunga, Block Telkoi, District Keonjhar

POPULATION: 863

NO. OF SCHEDULED TRIBE HOUSEHOLDS: 90

NO. OF OTHER TRADITIONAL FOREST DWELLING HOUSEHOLDS: 60

TOTAL NO. OF HOUSEHOLDS: 150



2. FOREST RESOURCES

BIO-DIVERSITY (FLORA): Tendu, Mahua, Sal, Arjun, Mango, Pyasara, Sheesham; Sandan (Bandhan), Gambhari, Chaar, Behera, Horida (a medicinal plant)

MFPS COLLECTED BY COMMUNITIES: Seeds and flower of Mahua, fruits of Chaar, Kusum, Jackfruit, Guava, Mango, Jamun, seeds and leaves of Sal, seeds of Behera, fruits and leaves of Tendu (Kendu), Mushroom, etc



Drying Paddy



Dried forest produce



3. FRA - EMPOWERING WOMEN

The FRA seemed to have empowered the women immensely given the intimate relationship women share with the forests. On the changes that have come about in the relation of the community with the forest after the FRA, Bharati Nayak said, "We are getting ownership of the MFP in our forest now. We can collect MFP freely without any obstacle from the forest department. We are also in charge of selling them." They, however, still need to take a TP (Transit Permit) whereas as per Forest Right Rules Gram Sabha can provide a TP.

Nabagon Shethy added, "Knowing about the FRA also helped us in protecting and conserving our forest better. Conflicts with other villages were usual. Situations are pretty different now. The last conflict we witnessed was two years ago. Villagers from Nageswar used to cut timber from our forest. We complained to the forest department; officials took appropriate action. Through association with NGOs, we also learnt more efficient methods of forest protection and conservation. Those were hard times when forest department used to penalise us for accessing forests. We are so dependent on these forests for our food and livelihoods that women have to go inside. Now that FRA is safeguarding our interests, we want to make our forest a model village together with the forest department. We will conserve and protect our forest for the future generation."

Shubhadra Nayak, an FRC member, explained the process of filing the CFR claim in detail. She said, “We first formed the FRC. Then the Gram Sabha entrusted the responsibility of filing the CFR on the FRC. The FRC committee started preparing the CFR process by making a resource map of the forest with the help of the GPS. A meeting with the neighbouring villages was held to resolve any boundary related issues, with members of the FRC and panchayat present. After that a joint agreement form was signed. In the next step, the Forest, Revenue and Welfare departments verified all the documents. Post the verification process, the Gram Sabha approved the application for the CFR claim. The claim was submitted to the district nodal officer (tehsildar) through the FRC. Along with the CFR form, the FRC submitted GPS maps, voter list, details of the households in the village, copy of Gram Sabha resolution, and also copy of the joint village Gram Sabha resolution. Now we are waiting for our claim to be approved.”



5. CONSERVATION, MANAGEMENT AND PROTECTION EFFORTS



Hand drawn nazri naksha

Though the CFR is not yet recognised, the community has started protection and conservation work on their own. Their plan is to with regeneration of forest by growing major MFP producing trees such as mahua, tendu, arjun, and mango. This is very important with regard to the health of forest also especially when these days there is sudden and uncertain shifts in weather parameters. Even if one specie is affected, other should stand strong to support the forest and the people dependent on forest.

Explaining the need for conserving the forest, Janoki Nahra, an FRC volunteer, said, "Forest is our life and a source of livelihood. The forest also gives us healthy air to breathe. **IF NOT FOR OUR FOREST, WE WILL BE AT THE MERCY OF CYCLONES.** There will be no rain, water, fodder for domestic animals, fuel, and food to eat. **OUR FOREST IS OUR PRIORITY.**"

Along with what the community is doing for the forest, the wild animals are also doing their bit for regeneration. Janoki said, "If we want our forest to flourish, we also need to protect the animals in our forest. They contribute immensely to regeneration. A bear eats jackfruit and helps in dispersing its seeds helping a jackfruit plant to be born elsewhere. This is equally important." The community believes that a balance between natural processes and human interventions will ensure a healthy forest without fail. Happy co-existence is the key; making a landscape inviolate for one or the other will not only disturb this natural interplay but also will kill the ecosystem, eventually.

THE FOREST - THEN AND NOW

Comparing what was shared by older generations and what is being witnessed by the present, Dushmant Khanda, the FRC Secretary, said, "Population of wild animals has come down. Some trees that used to be abundant are fewer now. Gooseberry is one such example. Outsiders rampantly used to cut down Gooseberry trees for its leaves to feed their goats. Cyclone and indiscriminate cutting by villagers from Nageswar village have taken a toll on trees such as pyasara, sishu, bandhan, gombhari."

The forest has thinned down from what it used to be earlier. To safeguard the forest, the women have started patrolling daily. 4 – 5 women go in a group. The reason women undertake patrolling is that when the encroachers (mostly males) see women, they go away. Emphasising on the importance of women's role in conservation and protection, Janoki Nahra said, **"IF WOMEN ARE ALERT, OUR FOREST WILL BE SAFE. WE ARE THE ONES WHO KNOW THE FOREST INSIDE OUT."**

[illegible]

Joint Verification Report

SINKULABAHAL



1. DEMOGRAPHY

VILLAGE: Sinkulabahal, Block Telkoi, District Keonjhar

POPULATION: 1001

NO. OF SCHEDULED TRIBE HOUSEHOLDS: 137

NO. OF OTHER TRADITIONAL FOREST DWELLING HOUSEHOLDS: 61

TOTAL NO. OF HOUSEHOLDS: 198



2. FOREST RESOURCES

BIO-DIVERSITY (FLORA): Tendu, Mahua, Sal, Arjun, Mango, Pyasara, Sheesham; Sandan (Bandhan), Gambhari, Chaar, Behera, Horida (a medicinal plant)

MFPS COLLECTED BY COMMUNITIES: Seeds and flower of Mahua, fruits of Chaar, Kusum, Jackfruit, Guava, Mango, Jamun, seeds and leaves of Sal, seeds of Behera, fruits and leaves of Tendu (Kendu), Mushroom, etc



Information about the village



A village home



Solar Irrigation Pump installed by ITDA in an IFR land



3. FRA - SUPPORTING THE NATURAL WAY OF TRIBAL LIVING

Name of the village originates from the name of a grass called Singkula which is used for making the roof of thatched houses. Community members recall being told that the first family of this village came from Sundergarh some 200 years ago. Back then people used to cultivate sugarcane; jaggery was made and sold in the Keonjhar town, around 50 kms away. Over the time, population increased and the village grew. Kodoli Sahu said, "The forest was very rich, and all our requirements were met from the forest. So, the forest became our home and a source of livelihood. **WE DON'T KNOW ANY OTHER WAY OF LIVING OR ANY OTHER HOME. THIS FOREST IS OUR HOME.**"

Kodoli Sahu continued that no one can protect the forest like the community. She said, "The forest officials come fortnightly or once in two months. They do not know the forest like we do. They come to do their duty and do not have the kind of knowledge we have about the forest. Forest is our life. We take care of it in ways no one else can. For example, when there was fire at night, it was us the villagers who ran and doused the fire. If not for us, there will be more fires. This year we do not have a single case of forest fire."

4. COMMUNITY FOREST RIGHTS

CFR CLAIM FILED ON: 18th October 2018

CFR AREA CLAIMED: 167 Ha

CFR AREA RECOGNIZED: Yet to be recognized

THE CFR CLAIM PROCESS

The CFR claim process is no different in this case. First the FRC was formed. The forest area was mapped with the help of GPS. In this process, various types of trees were identified along with other resources such as water bodies, grazing area, cremation area, sacred places, streams, and gap areas. A Gram Sabha meeting was held with the neighbouring villages to sort out any boundary issues. In the meeting, the forest ranger was also present. The forest and revenue departments were invited to verify the documents. After the verification, another Gram Sabha meeting was called, where all the documents were presented to the Sarpanch. After the documents got approved by the sarpanch, they were submitted to the tehsildar. The villagers struggled for nine months to receive an acknowledgement from the administration as the Tehsildar was transferred around that time. Finally, on 9th July this year they got the acknowledgement copy. The wait for CFR recognition continues.

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Form C submitted by Gram Sabha to claim CFR rights

1. ପ୍ରକାର - ପ୍ରାକୃତିକ ପ୍ରାଣୀ ଜଗତର ସବୁ ପ୍ରକାର ପ୍ରାଣୀ
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 3. ସମୟ - ପ୍ରାକୃତିକ ପ୍ରାଣୀ ଜଗତର ସବୁ ସମୟ
 4. ପ୍ରାଣୀ - ପ୍ରାକୃତିକ ପ୍ରାଣୀ ଜଗତର ସବୁ ପ୍ରାଣୀ
 5. ପ୍ରାଣୀ - ପ୍ରାକୃତିକ ପ୍ରାଣୀ ଜଗତର ସବୁ ପ୍ରାଣୀ
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 7. ପ୍ରାଣୀ - ପ୍ରାକୃତିକ ପ୍ରାଣୀ ଜଗତର ସବୁ ପ୍ରାଣୀ
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 9. ପ୍ରାଣୀ - ପ୍ରାକୃତିକ ପ୍ରାଣୀ ଜଗତର ସବୁ ପ୍ରାଣୀ
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Gram sabha Meeting Minutes of CFR management Plans abd rules to manage CFR areas



5. CONSERVATION, MANAGEMENT AND PROTECTION EFFORTS

An FRC was formed in December 2018, especially tasked with the duty of protecting, conserving and managing the forest. It manages daily patrolling of the forest by 7 –8 villagers to check the encroachers and any untoward incidents that might harm the forest such as fire. Six months back, the patrolling group caught some people who were felling trees and brought them to the village. They were made to pay a fine of INR 2500 as penalty. The fine went into the account that was opened by the FRC. Every family contributes INR 5 per month into this account for protection, conservation and management of the forest.

Explaining the empowerment that came with knowledge of the FRA, Damodar Nayak, a member of the FRC said, “We used to face difficulties with one of the neighbouring villages, which used to forcibly enter our forest and cut timber. For a long time, nothing could be done about it. After getting awareness of the FRA, we came to know about our rights. So, in one of the incidents when we caught them, the FRC stopped them. The matter was finally resolved at the Panchayat level. The Panchayat instructed that any outsider can only enter the forest with the permission of the FRC of Sinkulabahal. Since then there is no more problem from that village.”

Damodar Nayak agrees that due to the population growth and pressure from neighbouring areas, the forest area around the village has decreased. The animal population has also decreased due to hunting and decreasing habitats as the forest is diminishing. The caves have also disappeared. Now the community has taken up the responsibility of ensuring a healthy forest. People are stopped from cutting trees and hunting through daily patrolling. The community believes that plantation is not required as natural regeneration is the best way for forest growth. Damodar added, “Regeneration happens naturally when animals are allowed to live freely in the forest. The villagers take care of the two ponds in the forest where elephants come to drink.” “If the animals can live and move freely, they take care of the forest”, said Sushila Nayak. She continued by saying, “Our forest is nowhere like it was 20 years back but compared to 2 years back, it is much thicker now.”

EXPECTATIONS FROM THE GOVERNMENT

While the community has started forest protection and conservation activities, due to the lack of resources and funds, their efforts often need support. Sailabala Nayak, a member of the FRC, said, “We want the forest department to do only gap plantation specially of those plants that contribute to our livelihood.”



Women expressing their views in a meeting

JAMBANI



1. DEMOGRAPHY

VILLAGE: Jambani, Block Thakurmunda, District Mayurbhanj

POPULATION: 750

NO. OF SCHEDULED TRIBE HOUSEHOLDS: 110



2. FOREST RESOURCES

BIO-DIVERSITY (FLORA): Tendu, Mahua, Sal, Arjun, Karanj, Chaar, Behera, Horida (a medicinal plant), Kusum, Tamarind

MFPS COLLECTED BY COMMUNITIES: Seeds and flower of Mahua, fruits of Chaar, Kusum, seeds and leaves of Sal, seeds of Karanj, Horida and Behera, fruits and leaves of Tendu (Kendu), Mushroom, uncultivated vegetables and fruits etc



Jackfruit locally called Ponosho



Solar Energy powered drinking water facility



3. FRA - GIVING AN AUTHORITY TO QUESTION RELOCATION

Jambani is a displaced village. When the Hadgarh dam was constructed on the river Salandi, the inhabitants of that area were displaced. After the displacement, they came to Jambani village. At that time, some 50 years ago, Jambani was not a proper village and there were only a few scattered houses. The people came and built a village and started living there. Five years back there was no road to this village. Now this is the home for the community. Unfortunately, it falls under the Simlipal Tiger Reserve. Frequently, the community is informed by the middle men that they will be relocated from there to another place.

Jambani is a forest village as per census list of the Government of Odisha. The process of conversion from a forest to a revenue village, as per section 3.1(h) of FRA has been undertaken by the Gram Sabha. The DLC has acknowledged the rights and has proposed the conversion. Now, the notification of the revenue village as per the state revenue laws is pending at the level of the Revenue Secretary. The Gram Sabha is hoping that they will get it soon.

Community want to believe that once their village gets the status of a Revenue village, they will not be relocated. But there is a deep-seated fear that the forest department will try to relocate them before the village gets Revenue notification. According to them, the department will insist on their relocation on the ground that man and animals cannot co-exist.

If one follows the due process, the forest department is supposed to conduct a study to conclude that this co-existence is not possible. But no such step has been taken so far. Without doing the required study, the forest department is trying to relocate this village under a provision in the Critical Tiger Habitat (CTH) under WLPA, 1972. So far, no official notification is received for relocation but the messages that are passed through middle men about the possible relocation is creating apprehension among the community.

The FRA also mandates that consent of the Gram Sabha must be taken for any decision on relocation. Also, the process of identification and notification for CTH, requires community consent as per Section 38 V of Wildlife (Protection) Amendment Act, 2006, which has not been taken.

4. COMMUNITY FOREST RIGHTS

CFR CLAIM FILED ON: 2014

CFR AREA CLAIMED: 752 Ha

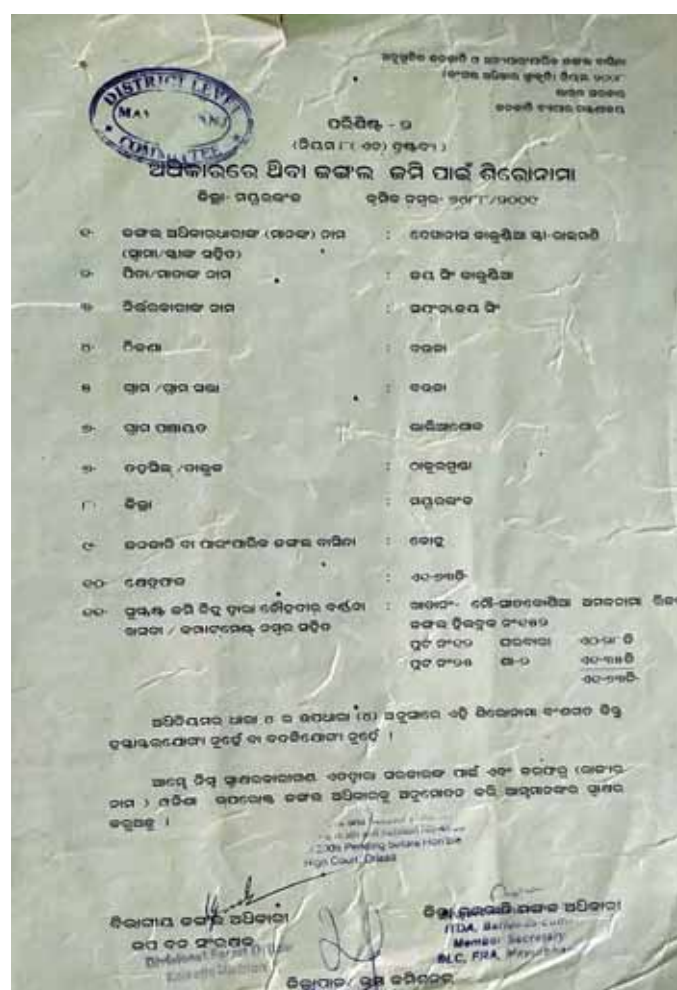
CFR AREA RECOGNIZED: 752 Ha in 2017

NAME ON CFR TITLE: Jambani Gram Sabha

THE CFR CLAIM PROCESS

The FRC in Jambani was constituted on 8 March, 2008 with 15 members. There were 10 males and 5 females. The FRC completed all the due process at the Gram Sabha level. The claim form required the signatures of the government officials such as the forester, block officer etc. In a Gram Sabha meeting all the concerned dignitaries signed the claim. However, the forester accused that his signature was forged. After due evidence was presented, the accusation was found to be wrong and the forester was transferred immediately. The people of Jambani had to wait for three years to get the CFR title.

This long wait was also due to the misleading efforts of the then president of the village Van Shuraksha Samiti (VSS is constituted under the JFM). He used to take money from the community under the pretext of doing follow up activity on the claim process. The community learnt about this, and the FRC took the lead thereon.



CFR title as received by Jambani Gram Sabha

THE RIGHTS CLAIMED FOR

- Nistar Rights;
- NTFP ownership Rights;
- Fishing Right;
- Grazing Right;
- IPR Right;
- Burial Right and Sacred Place Right;
- Right to use forest roads;
- Right to Protect, Regenerate, Conserve and Manage forest

THE RIGHTS RECOGNIZED AS PER THE TITLE: All Rights that were claimed have been recognized

APPEAL MADE AGAINST ANOMALIES IN CFR TITLE: There is no anomaly in CFR title. Most of the people from this village have appealed against the anomalies in IFRs. The recognized IFRs include homestead and the average size of recognized land is only 0.25 acres.



Women discussing the various MFP collected and its uses



5. PROTECTION, CONSERVATION AND MANAGEMENT METHOD

Jambani village constituted the CFR Management Committee as per section 4.1(e) of the FRA Rule 2012. The committee has 15 members in it. The Gram Sabha has prepared rules for protection, regeneration, conservation and management of the CFR area.

Against encroachers - Sumitra Poida said, "We do 'watch and ward' to catch outsiders who steal from our forests. When see outsiders cutting trees or collecting the MFP, we immediately inform other villagers. After stopping them and confiscating whatever they were illegally taking, we inform the forest department to take action." Against forest fires - Sumitra Poida continued, "Forest fires are very common from December to May, so we are extra vigilant around that time. We have also stopped burning under the mahua trees before harvesting. Instead, we clean the ground around the Mahua trees to collect its flowers. Entry of people from other villages has been prohibited."

Against grazing - Indiscriminate grazing is strictly prohibited in the forest. Cows, Bullocks, Buffalos, and Goats are taken together in a herd (locally called Gotha) to a patch for grazing.

Against felling - Green felling is not allowed in the village. No person can take an axe in to the forest. Only dried, wind fallen trees are used for fuel wood, which cannot be sold. Women can collect climbers and creepers that are harmful for trees.

Against hunting - Animal hunting is strictly banned, and the villagers cooperate and inform the forest department as they are residing within a tiger reserve.

WOMEN ARE BETTER AT PROTECTION AND CONSERVATION

The forest is for the entire community, but it is the women who have a special relation with the forest. The women said that the forest is like a mother and a friend because

their livelihood is linked to the forest. Speaking about women's relationship with the forest, Laxmi Biswaro, an FRC member, said, "Women are better at conserving and protecting the forest. Women avoid destructive harvesting practices. While plucking fruits and berries, and collecting leaves, women are very sensitive towards the trees. Even in summer, women throw seeds inside the forest so that new trees will come up. Women are the harbingers of in situ conservation. Men spend their time eating, drinking and playing cards. It is women who do everything. We are the ones responsible for feeding our families and the forest is our provider. So, we take extra care for it as we value it the most."

FOREST NOW AND THEN

Without proper rights and tenurial security, the community could not prevent external people from rampant cutting of older and bigger trees. Now that they have started conservation and protection, cutting has stopped. Number of wild animals are also increasing with time. The community has made a rule on how much wood can be extracted from the forest for house construction and agricultural purposes. Villagers annually monitor the forest development activities both by themselves and with the help of the forest department.

PRACTICES FOR CO-EXISTENCE

Sharing the abundant produce of the forest comes naturally to the community. As Chandramani Das said, "When we go and collect fruits such as mango, guava or jackfruit, we always leave behind some on the trees for the animals and birds. Even in our paddy field, some are eaten by the wild boars and rest is taken home. That's how it has been and will be. It is a good practice that the Kolha community leaves some tuber under the soil to harvest next year. The wild bores also eat the tubers.

FOREST HAS ENOUGH FOR ALL THE CREATURES, AND IT IS OUR RESPONSIBILITY HOW WE MANAGE IT."

BOULA



1. DEMOGRAPHY

VILLAGE: Boula, Block Thakurmunda, District Mayurbhanj

POPULATION: 310

NO. OF SCHEDULED TRIBE HOUSEHOLDS: 55

NO. OF OTHER TRADITIONAL FOREST DWELLING HOUSEHOLDS: 5

TOTAL NO. OF HOUSEHOLDS: 60



2. FOREST RESOURCES

BIO-DIVERSITY (FLORA): Tendu, Mahua, Sal, Arjun, Mango, Pyasara, Sheesham; Sandan (Bandhan), Gambhari, Chaar, Behera, Horida (a medicinal plant)

MFPS COLLECTED BY COMMUNITIES: Seeds and flower of Mahua, fruits of Chaar, Kusum, Jackfruit, Guava, Mango, Jamun, seeds and leaves of Sal, seeds of Behera, fruits and leaves of Tendu (Kendu), Mushroom, etc



Women making leaf plates



Hand stitched leaf plate



3. FRA - SAFEGUARD AGAINST THE THREAT OF LOSING HOMES

Boula is an old village, around 72 years old. But due to poor communication facilities, the villagers have been quite cut off from the rest of the state. The FRA has empowered the forest dwelling communities to reclaim their rights over the forest. But this community still lives under the fear of eviction and they feel that they are at the mercy of the various government departments, especially the forest department because their village is located inside Simlipal Biosphere Reserve. The process to convert this forest village to revenue village has already been undertaken by DLC as per the provisions of FRA.

The community first felt that IFR recognition is not enough. To exercise all their rights in entirety, they need CFR to be recognised. Ramani Kalondia said, "If we don't get the CFRs, the forest officers will harass us in fuel wood and MFP collection. Getting the CFR gives us the right and ownership over the forest resources."

Now that the CFR too is recognised, difficult times are far from over. Narayan Vanara, an FRC member, said, "The Ranger came today and told me that we have to vacate our village as this is a Protected Area. Elephants and tigers will live here. We humans cannot live here anymore."

Boula village has been told that their CFR title has been recognised, but the title copy is still at the Tehsildar office. Narayan feels that having that copy in hand will be a valid proof that the community has rights over the forest. Having lived under the mercy of the forest officials for long, the community cannot shake off such fears easily. However, the Gram Sabha now feels empowered enough with rights recognition to be able to have more dialogues with the forest department on an equal footing.

As a part of facilities' development under Section 3 (2) of the FRA, the village now has an anganwadi, a primary school upto class 5th, farm ponds under MGNREGA, a tube well, and solar home lights installed by the forest department. Given that regular grid electricity cannot reach the village as it falls within the PA, all households of the village have been provided solar home lighting devices.

4. COMMUNITY FOREST RIGHTS

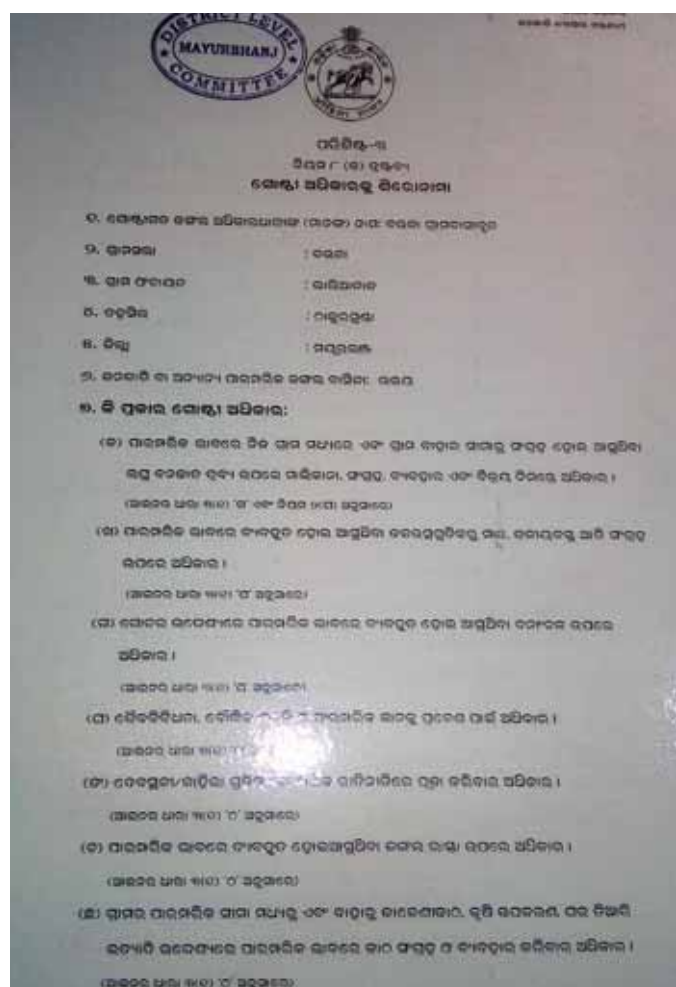
CFR CLAIM FILED ON: 2014

CFR AREA CLAIMED: 735 Ha

CFR AREA RECOGNIZED: As per official records the CFR was recognized in April 2019. The title has not yet reached the village.

THE CFR CLAIM PROCESS

The FRC was formed in 2008 with 15 members originally (5 women and 10 men). At present, however, there are 13 members as two of them passed away. The community first applied for IFRs. 52 families have received the IFR titles; others are waiting including the 5 OTFD families. 49 Households received a total of 22.49 acre. The DLC recognised the homestead and some more land for backyard cultivation. But large part of the claims filed included areas where cultivation is ongoing, and have not been recognised given that the area comes under the Critical Tiger Habitat. The FRA is applicable on all forest land and claims cannot be rejected only on the ground that it comes under the Critical Tiger Habitat. The CFR areas was also mapped with GPS. The community followed all the processes as per the Act. There was no conflict with neighbouring villages also. The government records mention that the CFR of Boula has been recognised. However, community has yet not received the title copy.



CFR Title of Boula Gram Sabha

THE RIGHTS CLAIMED FOR

- Nistar Rights;
- NTFP ownership Right;
- Fishing Right;
- Grazing Right;
- IPR Right;

- Burial Right and Sacred Place Right;
- Right to use forest roads;
- Right to conserve forest.

THE RIGHTS RECOGNIZED AS PER THE TITLE: Yet to receive the title copy.



5. PROTECTION, CONSERVATION AND MANAGEMENT METHOD

Asserting that the community is best placed to protect the forest, Narayan Vanara said, “After the FRC was set up in 2008, the forest growth has increased. The duty of the FRC is mainly to protect trees and animals, prevent fire, control indiscriminate grazing and to ensure that there is no green felling (local slogan tangia-jam meaning jamming the axe) for fuel. Younger plants are not cut for firewood. Only dead wood or trees fallen due to natural causes are used for firewood. Had the forest department taken all these measures earlier, our forest would have been much better.” Community has made rules and regulations for forest protection and management. The CFR Management Committee under Section 4. 1(e) has been constituted. The Gram Sabha meets on a monthly basis and take appropriate actions regarding the forest development.

IMPORTANCE OF FOREST

Vanara further said that a healthy forest is not only good for his community, but also yields benefits that go far beyond. He said, “Forest is important for the larger environment. We can breathe because of the forest. And most importantly, it is our livelihood. We are alive because of the forest.” He said that at present the forest seems thinner with fewer trees but the animal population seems to have increased since elephants can be seen roaming around, which was not the case earlier.

ROAD AHEAD

People want government to consult them following the principle of Free Prior and Informed Consent before hasting towards village relocation. FRA is a safeguard for this village and many other like this. As per the community, when their forest rights are recognised, there is no reason that can lead to relocation. “With the department’s support and cooperation, communities can conserve the habitat in a better manner”, they say. Government, especially Forest Department, needs to understand that humans are not threats to wildlife but lose of wildlife habitat, indeed, is. Humans and animals had always been living together.



Village setting Boula

JHARJHARI



1. DEMOGRAPHY

VILLAGE: Jharjhari, Block Thakurmunda, District Mayurbhanj

POPULATION: 320

NO. OF SCHEDULED TRIBE HOUSEHOLDS: 46



2. FOREST RESOURCES

BIO-DIVERSITY (FLORA): Tendu, Mahua, Sal, Arjun, Mango, Pyasara, Sheesham; Sandan (Bandhan), Gambhari, Chaar, Behera, Horida (a medicinal plant)

MFPS COLLECTED BY COMMUNITIES: Seeds and flower of Mahua, fruits of Chaar, Kusum, Jackfruit, Guava, Mango, Jamun, seeds and leaves of Sal, seeds of Behera, fruits and leaves of Tendu (Kendu), Mushroom, etc



Agricultural Land waiting for rain



Handpump - source of drinking water



3. FRA - SAFEGUARD AGAINST THE THREAT OF LOSING HOMES

Jharjhari is an old village, almost 70-80 years old. 'Ho' speaking 'Kolha' tribes are living here. Initially migrated from Karanjia forests, now around three generations have spent their lives in this village. People are very poor; they have not yet received their caste certificates from the Tehsildar. There are no necessary facilities like drinking water, roads, communications, schools, healthcare centres etc. No government schemes have ever been implemented in this village, except for one Anganwadi which also struggled hard to serve its mandate for a long time. The anganwadi centre could not provide meals to children for want of water to cook meals. It took three years to get the lone defunct tubewell repaired. Gram Sabha put efforts to bring one more tube-well.

Because there is no irrigation facility, people are able to cultivate only during monsoons. For the rest part of the year, they completely depend on forest for almost everything. Forest of Jharjhari has good wild population. People do fear them but are mindful to live in harmony with them. Every family owns a dog – the most reliable alarm in face of any wild attack. Sharing resources with wild animals seems to be a well understood principle. "We don't attack animals. They live there, we live here. The mangoes that grow by the stream side are mostly consumed by Bears. We are fine with it. At times, we also get to eat some. There is no fight with them; it's a kind of resource sharing.", said a smiling Munda Munrei, President of the FRC.

FRA is a huge respite to these people who cannot live without going inside the forests. Before the implementation of FRA, forest department prohibited them from entering the forest without permission citing provisions of Wildlife Protection Act, 1972. They were not even allowed to clear paths to make mud roads to the village. Even MFP collection was cited as forest offences. All these have gradually changed. Now people have some voice. Department's interference in community's movements have reduced substantially.

4. COMMUNITY FOREST RIGHTS

CFR CLAIM FILED ON: 2017

CFR AREA CLAIMED: 678 Ha

CFR AREA RECOGNIZED: As per official records, CFR is recognised

NAME ON CFR TITLE: Community yet to receive the title

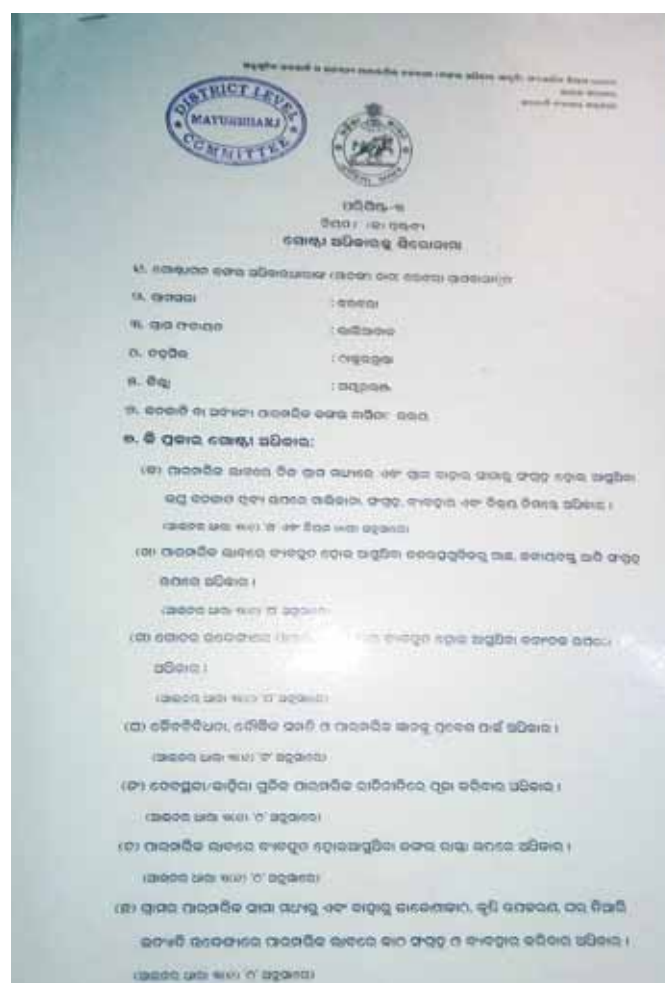
THE CFR CLAIM PROCESS

The FRC was constituted in 2008. It initially had 15 members, but now has 14 as one of the members passed away.

The CFR claim process started in 2014. The NGO, RCDC sensitised the community, and subsequently the claim forms were provided. GPS mapping of the traditional boundary was done and other required evidences were arranged.

Bikram Singh Chattar, secretary of the FRC, said, "First a Gram Sabha meeting was held where the community was told about the FRA. After that the CFR form was filled, and all related evidences were collected. Next, we did GPS mapping of our forest to identify our forest boundary, the resources, roads, and sacred places etc. We received training on how to do GPS mapping from RCDC. There was a joint Gram Sabha meeting with the neighbouring villages to ascertain the boundary, and to inform them about the claim. After arriving at a common consensus, claim was sent to the SDLC.

The Collector sent a team of three officers, each belonging to the forest, revenue and welfare departments respectively, to our village to undertake verification of the form. They approved it, and thereafter the file was sent to the DLC, who then approved the claim." There was no boundary related conflicts with the neighbouring villages. The community's CFR claim has been approved but they are yet to get the title copy.



The image shows a document titled 'District Level Committee (DLC) Title Deed' for Jharjhari Gram Sabha. The document is in Odia and contains various details about the community forest rights claim, including the area (678 Ha) and the date of filing (2017). It features official stamps and signatures.

CFR title of Jharjhari Gram Sabha

THE RIGHTS CLAIMED FOR

- Nistar Rights;
- NTFP ownership Right;
- Fishing Right;
- Grazing Right;
- IPR Right;

- Burial Right and Sacred Place Right;
- Right to use forest roads;
- Right to conserve forest.

THE RIGHTS RECOGNIZED AS PER THE TITLE – Community yet to receive the title copy



5. CONSERVATION, MANAGEMENT AND PROTECTION EFFORTS

Conservation comes naturally to communities, very contrary to the belief that they are destroying the forest landscapes. In fact, their activities help to develop the landscape and protect the area. They are intrinsic to the forest, they are the best technical support to ward off weeds, limit fires, identify bio-diversity and protect them etc. After all, these bio-indicators help them plan their agricultural activities. FRA has only enabled them to exercise what should rightly be done to the forest so that the ecosystem survives. Communities, as part of their legal duty now, have evolved systems and procedures to conserve and protect the forest.

There is a complete ban on green felling in the village, and only old plants and fallen trees are used for firewood. Watch guards are put in place to look out for forest fires and outsiders, who might cut down the trees for timber. The community also keeps check on hunters and poachers.

Comparing the present state of the forest to when the older generations had come to the village, Munda Munrei said, “When our parents came, the forest was denser. Illegal harvesting for timber led to a decrease in the forest density. But in the last decade the forest growth has increased significantly; the villagers are vigilantly protecting the forest from timber felling, green felling, and fires.” The common belief among these tribal communities is that trees are sacred.

Since the dependency on the forest is high, the community has developed certain rules around accessing the forest resources. Menjoi Humro, who had just come back after collecting saag, said, “The Gram Sabha does not allow anyone to collect immature produce, whether seeds, flowers, leaves or mushrooms. If there is a need to cut timber for building houses, the FRC must be informed, and the committee decides how many and which trees are to be cut. In this way, indiscriminate cutting and felling of healthy trees are kept in check. **OUR FOREST PRODUCE IS FOR US, BUT WE HAVE TO ENSURE THAT IT IS USED WITHOUT DISTURBING THE NATURAL CYCLE. JUNGLE IS OUR MOTHER. IT IS VERY NATURAL TO PROTECT ONE’S MOTHER. IT IS OUR SOURCE OF LIVELIHOOD. MOREOVER, A HEALTHY FOREST IS ALSO GOOD FOR THE OVERALL ENVIRONMENT.**”

EXPECTATIONS FROM THE GOVERNMENT

The community wants the government to build an MFP storehouse in their village as the nearby market is not easily accessible. There is only one road in the village. Every rain leaves the road un-motorable. With physical distance from the rest of the district, and the frequent threat of displacement in the name of human – animal conflict, lives of these villagers are on the edge.

Keeping the villages in these far flung areas intact and taking community’s help in safeguarding the forests is in the interest of the forest department also. Community can function as department’s extended arms – recognition of their rights and a little cooperation is all that is required. If forests are safe, wildlife will be safer.



Meeting in progress in Jharjhari



JHARKHAND

JHARKHAND, AS THE NAME INDICATES, IS THE LAND OF FOREST, WHICH WAS CARVED OUT OF BIHAR IN THE YEAR 2000. ITS TOTAL GEOGRAPHICAL AREA IS 79,716 SQ KMS, HOUSING 32.96 MILLION PEOPLE; APPROXIMATELY 26% OF WHOM ARE SCHEDULED TRIBES.¹⁵ THE STATE IS IMMENSELY RICH IN MINERAL RESOURCES; 40% OF THE TOTAL MINERALS OF THE COUNTRY ARE AVAILABLE IN JHARKHAND; THE MAJOR KNOWN MINERALS ARE IRON ORE, COAL, COPPER, MICA, BAUXITE, ASBESTOS, MANGANESE, LIMESTONE, GRAPHITE, KAINITE, CHROMITE, THORIUM AND URANIUM. THE GEOLOGICAL EXPLORATION AND EXPLOITATION OF GOLD, SILVER, BASE METALS, PRECIOUS STONES ETC. ARE THE POTENTIAL AREAS FOR FUTURE.¹⁶ GEOGRAPHICALLY, THE STATE HAS FOUR MAJOR PLATEAUS SEPARATED BY STEEP SLOPES; CHHOTA NAGPUR IS THE MOST PROMINENT PLATEAU, WHICH COVERS MUCH OF THE STATE. CLOSE TO 30% OF THE STATE'S GEOGRAPHICAL AREA IS COVERED BY FORESTS. TOTAL CARBON STOCK OF THESE FORESTS IS ESTIMATED TO BE 222.88 MILLION TONNES, WHICH IS 3.15% OF THE TOTAL FOREST CARBON OF THE COUNTRY¹⁷

IT IS ESTIMATED THAT RIGHTS OF OVER 200 MILLION STS AND OTFDS IN OVER 170,000 VILLAGES SHOULD BE RECOGNIZED UNDER THE FRA, 2006, MOSTLY THROUGH THE CRS AND CFRS PROVISION. THE MINIMUM AREA THAT CAN POTENTIALLY BE CLAIMED UNDER THE CFR RECOGNITION IN JHARKHAND IS 5.26 MILLION ACRES.¹⁸

¹⁵ Census 2011

¹⁶ Jharkhand State Mineral Development Corporation Ltd.

¹⁷ India State of Forest Report, 2017

¹⁸ Promise & Performance (Report 2016) – 10 years of Forest Rights Act in India

BADA SABAIKUNDI



1. DEMOGRAPHY

VILLAGE: Bada Sabaikundi, Block Sunder Pahari, District Godda

POPULATION: 259

NO. OF SCHEDULED TRIBE HOUSEHOLDS: 26

NO. OF OTHER TRADITIONAL FOREST DWELLING HOUSEHOLDS: 8

TOTAL NO. OF HOUSEHOLDS: 34



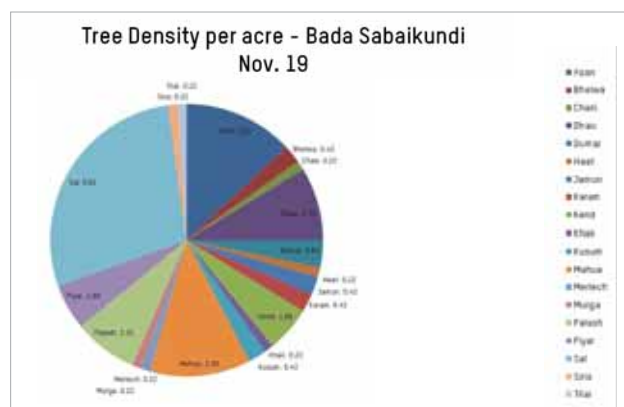
2. FOREST RESOURCES

BIO-DIVERSITY (FLORA): Tendu, Mahua, Sal, Chironji, Bamboo, Neem, Kusum, Chiretta, Asan, Harra, Baheda, Amla etc.

MFPS COLLECTED BY COMMUNITIES: Flowers and seeds of Mahua, Bamboo, leaves and seeds of Sal, seeds of Kusum, Millets, leaves of Tendu, Daatun from Neem, Mushroom, Chironji, Chiretta leaves, edible roots such as kapu and shang, green leafy vegetables, seasonal fruits etc.



Grains and Seeds from the Forests and Fields



Forest Enumeration of Bada Sabaikundi



3. FRA - GRANTING THE RIGHT TO LIVE IN ONE'S OWN HOME

FRA has come as a boon for the tribal community. As one enters into this village the level of poverty is easily visible. Life seems pretty difficult.

Pyari Hembram said, "Earlier we did not have patta over our land. We are from here; this is our home. We never thought that a paper-based ownership would be important to live in this home of ours. However, with this Act, at least we will now be considered right holders to live here. We received rights to cultivate on our agricultural land."

According to Devi Marian, FRA made them aware of their Rights. "With IFRs, we own our cultivation land and homestead. Once CFR is recognised, we will have the rights over our forest, water and grazing land. Pyari Hembram adds, "If we did not know about CFR and did not make a claim for it, government would have taken over our forest."



4. COMMUNITY FOREST RIGHTS

CFR CLAIM FILED ON: 2015

CFR AREA CLAIMED: 100 acres

CFR AREA RECOGNIZED: Yet to be recognized

THE CFR CLAIM PROCESS

FRC of Bada Sabaikundi was formed in 2014 with the intervention of Badlao Foundation, an NGO. Community applied for IFR first. In 2016, 33 households received IFR titles over 32.67 acres of land, which was being used by the community for agricultural activities. These 33 families received as much area as they had applied for. Only 1 family's claim was rejected due to some technical issues. The family chose not to apply again.

It was a long struggle before individual rights were finally recognised. The community had to gherao (sit-in protest) the circle office in a bid to expedite their IFR claim process.

The whole process of granting the IFR was not done as per the FRA rules. Officials, who were not designated by the FRA rules, also got involved causing much delay and unnecessary bureaucratic hurdles.

When communities followed up with the administration after the submission of their claim, they were informed that the documents were misplaced. So when they submitted their claim again, the community made it a point to take signature of the departments/ officials on the "received copy", which was not a practice two years ago.

After the first Gram Sabha meeting, in which the resolution to file the CFR claim was taken, the path ahead was not easy for the community. The first challenge was approaching the amin, who is the land surveyor for the revenue department. Due to the lack of a surveyor, which has been a major challenge in Jharkhand, claims have been pending. The FRA, however, requires a village resource map to be prepared by the Gram Sabha to be submitted with the CFR claim, without necessarily involving an amin. However, since the amin was not available, the community took the initiative to hire services of a retired amin to prepare the map to be submitted with the claim. Since communities never needed to deal with paper work, this whole process was a challenge.

Joint Gram Sabha meeting was held with the neighbouring villages to ascertain that there were no boundary issues and a No Objection Certificate (NoC) was taken. An affidavit was made by the elders above 60 years to attest that there is no boundary issue. The CFR claim form with all the relevant proofs were signed by Gram Sabha members, the FRC secretary, and the Gram Pradhan also signed after due verification. The CFR documents were submitted at the block office with a signed receiving copy. The submission was made in October, 2018.

The community was just told that the claim has been forwarded and they will be informed about the process. Till now, they have not received any communication on their CFR claim.



Map of Bada Sabaikundi made by Amin as an evidence for filing CFR claim

प्रतियोगिता प्रश्न : समाधिकार समिति के लिए

नाम : विनायक 2015/ 02

प्राश्न "ग"

सामुदायिक वन संसाधनों के अधिकारों के लिए दावा-प्रारम्भ
(अधिनियम की धारा 3(1) और नियम 11(1) और (4 'क') देखिये)

1. ग्राम/ग्रामस्थान : सुनार, बाराबंकी

2. ग्राम संघाया : सुनार, बाराबंकी

3. लक्षित/लक्षित : सुनार, बाराबंकी

4. जिला : गोरखपुर

5. ग्रामस्थान के सदस्यों के नाम (प्रत्येक सदस्य के सम्बन्धित उपस्थित जनजाति/अन्य परम्परागत वन निवासी रहित अलग एक प्रत्येक रूप में संलग्न करें) दावा करने के लिए जनजाति/अन्य परम्परागत वन निवासी होने पर्याप्त है।

हम इस दावा-प्रारम्भ के अग्रोहस्ताक्षरी निवासी यह संकल्प करते हैं कि नीचे और संलग्न मानचित्र में निर्दिष्ट क्षेत्र, जिसमें हमारा ऐसा सामुदायिक वन-संसाधन सम्मिलित है, पर हम धारा 3(1) (क) के अधीन अपने अधिकारों की मान्यता का दावा कर रहे हैं।

(अवस्थित ग्राम की पारम्परिक या लोकप्रिय सीमाओं के भीतर भूमि विनियम या धरागाड़ी समुदाय की दृष्टि में उस स्थलाकृति का मौलिकी उपयोग, जिसके लिए समुदाय पारम्परिक पहुँच रखता था और जिन्हें वे सफल उपयोग के लिए पारम्परिक रूप से संरक्षित, पुनर्जीवित, प्रेरित और प्रसंशित करते रहे हैं, को ध्यान में रखते हुए सामुदायिक वन-संसाधन का मानचित्र संलग्न करें। कृपया ध्यान दें कि इससे शासकीय सीमाओं के अनुरूप होने की आवश्यकता नहीं है।

छत्ता/कम्पाईमेंट संख्या (संख्या)

यदि कोई हो और यदि ज्ञात हो

[illegible]



Women leading the conservation and management of Forest



5. CONSERVATION, MANAGEMENT AND PROTECTION EFFORTS

While the status of their CFR claim is still unknown, the community has already started putting in efforts to protect and conserve the forest. For them, the priority is to protect the forest from fire and they have made it known to the villagers to not light fire in the forest. In order to protect new saplings, the goats are taken for grazing in the demarcated grazing area. Hunting by outsiders has also been controlled to a great extent.

The villagers said that more than 10 years back there used to be timber cutting and rampant hunting by outsiders. Back then, forest was also dense unlike today. According to the community, all those practices have stopped now. To compensate for the cutting of trees for shifting agriculture, the community leaves some parts of the forest untouched. Big trees are regularly trimmed to enhance robust growth and enable smaller plants to grow.

The community does not cut trees until and unless it is required. Describing the community rules that everyone abides by, Devi Marain said, “The first and foremost rule is that we take as much as we need. The mahua trees in our forest are also divided among the families so they are taken care of by the families. This system has been in place for generations now.”

Indicating that the forest belongs to the community, and with that ownership comes certain duties, Pyari Hembram said, “If we do not protect and conserve the forest, the forest will be finished. So, protection from fire and encroachers is our duty. We will also be planting new trees in the empty patches. Under the MGNREGA, we have already done a survey to identify the spots for plantation.”

On hearing about the Supreme Court order of February 2019 regarding eviction, Pyari Mukti Dani Hembram said, “If we lose our forest, we will lose our identity. It would feel, as if we are put in a cage to be used as a display material by the government. Without our forest, there will be no future for us, and nothing left for our future generation.”

She angrily added, “Adivasis should not be removed from the forest. Instead the government should abandon this thought. They should see us as equal to rest of the country. We are no less humans.”

Adding on to the earlier commentator, Helen Hansda said, “This is our birth place. It has been ours for generations. This is our ancestral land. Our god is here. Our future is here. Government should not bring laws that separate indigenous people from their lands, here or anywhere. We will never leave our land, the land left by our ancestors.”

The village elder Dhena Kol summed the emotion saying, “We have been in this forest land for many generations. We were born here and learnt everything here. We have built our house here. We grow our food here. Why will we leave? Where will we go?”

POST- RIGHTS MANAGEMENT

The community is working with Badlao Foundation and Oxfam India to draft Community Forest Conservation and Management Plans. It is important for the development of forest and village. Oxfam India is training villagers and staff of Badlao Foundation to count tree diversity and density in their village and associated forests.

The CFR area was mapped through a rural participatory appraisal method during the CFR claiming process. This was followed by GPS based mapping of CFR, IFR and customary village boundary. This exercise is being carried out with an objective to understand the existing land use patterns of the traditional and customary forest area. The Gram Sabha members were trained to prepare a nazari naksha on the basis of their traditional and customary use of the forest resources, and sites of important resources associated with their livelihood and cultural activities. Based on the combined analyses of Revenue maps, toposheets, GPS based maps and satellite imageries, CFR plans will be developed.



Status of forest in the customary boundary of Bada Sabaikundi village as viewed through Google Earth imageries of May 2005 (above) and December 2018 (below)

DUMARTARI



1. DEMOGRAPHY

VILLAGE: Dumartari, Block Sunder Pahari, District Godda

POPULATION: 146

NO. OF SCHEDULED TRIBE HOUSEHOLDS: 34

NO. OF OTHER TRADITIONAL FOREST DWELLING HOUSEHOLDS: 61

TOTAL NO. OF HOUSEHOLDS: 198



2. FOREST RESOURCES

BIO-DIVERSITY (FLORA): Tendu, Mahua, Sal, Chironji, Bamboo, Neem, Kusum, Chiretta, Asan, Harra, Baheda, Amla etc.

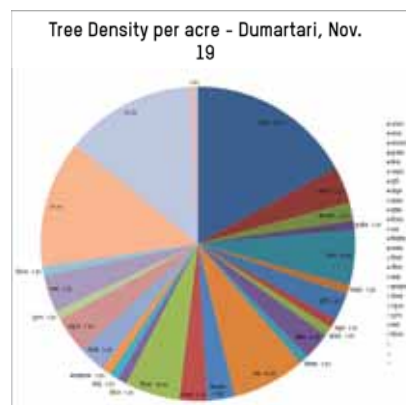
MFPS COLLECTED BY COMMUNITIES: Flowers and seeds of Mahua, Bamboo, leaves and seeds of Sal, seeds of Kusum, Millets, leaves of Tendu, Daatun from Neem, Mushroom, Chironji, Chiretta leaves, edible roots such as kapu and shang, green leafy vegetables, seasonal fruits etc



Nature's abundance that the community is dependent on



Clean cooking with Smokeless Chulha



Forest Enumeration of Dumartari



3. FRA - PROVIDING LEGAL PLATFORM TO ASSERT RIGHTS

The community feels that awareness of the FRA has empowered them in asserting their rights over the forest land and resources. "Today if a forest guard comes and tells us we cannot cultivate our land or we cannot collect MFP from the forest, we will also fight back legally. Once a forester came to our village, we told him that we have not yet received our IFR titles. He discussed the matter with us and left amicably. Earlier, we did not have that kind of authority," said Benjamin Hasda.

Communities recollect that some fifteen years back, situations were very different and difficult for them. They were not even allowed to collect fuel wood. Recalling an incident Durga Murmu said that he was once penalised for cultivating in a place where he had been cultivating for long. When he refused to pay he was taken to Godda but was released after going half the way. However, no case was registered against him.



4. COMMUNITY FOREST RIGHTS

CFR CLAIM FILED ON: October 2018

CFR AREA CLAIMED: 118.06 acres

CFR AREA RECOGNIZED: Yet to be recognized

THE CFR CLAIM PROCESS

The FRC of Dumartari was formed in 2015. Soon after that the community preferred to claim their IFRs. 23 families applied for IFR; rights of only 5 families were recognized in 2018. The claims filed by 18 households were rejected. They are preparing to appeal against the decision. Community did not have any inkling of CFR for a long time. To them, forest has been a part of their lives and an important source of livelihood.

Benjamin Hansda, president of the FRC, said, "For us, the IFR and CFR claim processes have been very difficult. We had to arrange for documents such as caste certificates, which we did not have. Even monetarily, it was not easy as we could not get the government amin and had to hire a private amin, who charged Rs. 500 for each trace map. That's a lot to pay." The community also faced problems in getting information about the process and whom to approach in the offices.

Challenges came in other forms as well. Benjamin further said, "In 2016, after the joint verification for the IFR claim, the forest guard stayed back and asked each family to pay Rs. 500 if we want the process to move forward. Some paid. After that the process moved and only 5 families got the IFR. We were threatened that if we do not pay, our forms will be torn right in front of us. In those days, we were not aware of our rights. Today, if someone asked for money for what is rightfully ours, we will not pay."

Form C submitted by gram sabha to claim CFR rights. The form includes fields for the name of the community, the area claimed, and the date of filing. It also has a section for the signature of the gram sabha president.

Form_C_ submitted by gram sabha to claim CFR rights

Joint verification report. The report includes fields for the name of the community, the area claimed, and the date of filing. It also has a section for the signature of the gram sabha president.

Joint verification report



Map of Dumartari made by Amin as an evidence for filing CFR claim



5. CONSERVATION, MANAGEMENT AND PROTECTION EFFORTS



Women participating in a meeting

The dependence on forest is high, and the community feels protecting it is a sacred duty. The community conserves the forest through a CFRMC. This committee oversees the protection of the forests. It has 20 members; 8 members are women.

Babuchan Besra, a villager, said, “Our forest is not as thick as it once used to be. To control cutting of trees, our Gram Sabha has made it mandatory for all of us to take permission before cutting any tree. It has been notified that outsiders will be fined if found cutting trees. We also take steps to stop fire in the forest. All families are required to clear the ground under the mahua trees that belong to them. We have completely stopped burning the leaves under mahua trees.”

On being asked if the community is efficient enough to protect the forest, Durga Murmu said, “Who can be better than us to protect the forest? It is our land and we know it best. In 2015, the forest department had given us sagwan (teak) to grow in our forest. None of them survived. If we are to grow trees, we will know what best to grow according to the biodiversity of our forest. Isn’t it?” Maramoi Besra, the village sarpanch, added, “Forest is our livelihood. Our hunger is satisfied by agriculture, but our income comes from the forest.”

Having heard about the possibility of eviction for those whose rights have been rejected, the community asserted that they will fight back. Durga Murmu said, “We will challenge this decision at every level. This is our home, our land where our ancestors lived.” Once the CFR is recognised, the community expects to have rights over their forest land and its resources.

POST- RIGHTS MANAGEMENT

The community is working with Badlao Foundation and Oxfam India to draft Community Forest Conservation and Management Plans. It is important for the development of forest and village. Oxfam India is training villagers and staff of Badlao Foundation to count tree diversity and density in their village and associated forests – a sort of forest resource inventory.

The CFR area was mapped through a rural participatory appraisal method during the CFR claiming process. This was followed by GPS based mapping of CFR, IFR and customary village boundary. This exercise is being carried out with an objective to understand the existing land use patterns of the traditional and customary forest area. The Gram Sabha members were trained to prepare a nazari naksha on the basis of their traditional and customary use of the forest resources, and sites of important resources associated with their livelihood and cultural activities. Based on the combined analyses of Revenue maps, toposheets, GPS based maps and satellite imageries, CFR plans will be developed.



Status of forest in the customary boundary of Dumartari village as viewed through Google Earth imageries of May 2005 (above) and December 2018 (below)

SUMMARY

For generations, India's forests have been inhabited by forest dwelling communities mostly tribals. They have largely lived in harmony with the forest and the wildlife for long. Forest conservation and management is their way of life and an integral part of their identity. But, modern laws and technical categories of forests distanced forest dependent communities from their forests. Communities never thought that they would require a paper-based title enshrining their rights over forest and forest resources. This is the fact that they are learning to deal with.

For them, they always belonged to the forest and depended on it for food, fodder and livelihood. Agriculture satisfies their hunger but incomes come from forest. An assessment done by Oxfam India across sixteen sample villages of these three states indicated that income from the sale of MFPs is about Rs.1.72 crores. It can be assumed that with the potential gaps in data collection and the contribution of other MFPs, which have not been quantified, the total revenue earned from the MFPs is around Rs. 2 crores. The highest income is from the sale of hand stitched leaf plates, amounting to Rs. 78.5 lakh, followed by the income from the sale of Mahua flowers at Rs. 54.4 lakh, and Tendu leaves at Rs. 22.8 lakhs.¹⁹ Such is the dependence of communities over forest.

MONTH-WISE CALENDAR OF LIVELIHOOD ACTIVITIES

S. NO		ACTIVITES	MONTHS											
			JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
NON-MFP														
1.	AGRICULTURE (PADDY, MAIZE)													
2.	GOAT/PIG REARING													
3.	WAGE - LABOUR													
4.	CATTLE REARING													
MFP														
5.	MAHUA FLOWER													
6.	MAHUA SEEDS (TORI)													
7.	SAAL SEEDS													
8.	TENDU LEAVES													

19 Livelihood mapping of forest dependent communities in sixteen selected villages of Jharkhand, Chhattisgarh and Odisha – October 2018

[illegible]

In this very context, tenurial security has emerged as a tool for assertion of rights. Therefore, recognition of forest rights, especially the CFRs, have specific importance in governing their forest. The CFRs confer the “right to protect, regenerate, conserve and manage any community forest resource which communities have been traditionally protecting and conserving for sustainable use.” This empowers the communities and also helps in building a narrative on conservation and management from their perspective.

While going through the CFR claiming processes, communities realised that verbal narrations and beliefs are important but they also need to be supported with documentary evidences to be presented to the state administration. Communities are, hence, taking trainings from NGOs like Oxfam India and its partner organisations on applications of technologies – GPS based mapping of customary boundary, CFR and IFR boundaries, counting tree diversity and density in CFR areas etc. All these are time taking processes, however, an initiation has been made.

These technical assessments will definitely help take community based conservation to the next level – for identifying different patches of forests, the threats and vulnerability of each zone from fire and grazing, and to arrive at informed decisions with regard to conservation and management.

In most villages, institutional mechanisms either have been put in place or have been revived (if they already existed in some form) after the recognition of rights. Community conservation and management rules have been largely framed to address the issues of sustainability and protection of the forest from felling by the outsiders and fire. Planning for regeneration of dwindling species, indigenous species and species on which their reliance is more, are important to the community. They say –

- Forest conservation does not require felling of trees.
- Forest does not require plantation- regeneration through protection is enough.
- Species selection for gap plantation should be based on locally available species, which are useful for humans, birds and wildlife alike.



Land-use map of a village



Sampling points for PCQM



Visual map (nazari naksha) depicting the resources in a village

None other than forest dependent communities would ever know the art of co-existence with the wildlife. For them, there is no fight for survival with animals. Communities believe that if enough food is available in forest for wildlife, they would not stray into the villages. Therefore, while selecting the species for regeneration, they do not forget to include the ones that are food for the wildlife.

Communities see the forest much more than a source for grazing and firewood collection. The complexity and diversity of nurturing the forest is evident in their planning and narratives around conservation. Ironically, the larger debate on the FRA misses CFR rights recognition and its importance in forest governance. It is the CFR rights that truly empower the communities and is a potential tool for participatory conservation and management of the forest.

The JFM model did not succeed as it should have been because it only allowed for concession and benefit sharing pertaining to timber; it could not ensure participatory forest management and conservation. The CFR rights go beyond access and sharing – a participatory model for inclusive conservation and management.

State government, specially the Forest Department, should use this opportunity created by the FRA to engage constructively with the communities. State forest departments will never have enough field force who can monitor and manage the length and breadth of forested landscape. Communities who live deep inside forest can ably do this. From de-weeding to arresting forest fires to regenerating degraded forest patches – communities can function as the departments' extended arms. Department must tap community knowledge and skills for better conservation and management of forest ecosystem instead of the linear approach to conserve one species or the other.

There are larger issues involved in the discourses associated with forest and wildlife conservation. Unfortunately, most often, these two conservational debates seem to be independent of each other. Importance of community-based conservation or inclusionary conservation is understood, but not practised the way it should have been. A holistic approach to forest

conservation without negating human presence will lead to better conservation not only of the forests, but also of the wildlife. While the various theories of conservation are struggling to compliment and supplement each other, communities are mindful of all these issues and, in their capacities, are also finding solutions.

EMERGING RECOMMENDATIONS

- The definition and narratives of conservation and management emerging from the communities relate largely to sustenance and biodiversity. They call for a framework for democratisation of forests, which should guide the policy framework of forest governance in India
- Wider consultations and debates need to take place on the various models of conservation that promote isolated islands of fortification. Evidence needs to be built around alternative models of conservation, and determine if creation of inviolate spaces is contributing to biodiversity and landscape conservation
- The CFR rights are at the heart of the FRA implementation. The process of recognition of the CFR rights must be stepped up in all states. The area recognized cannot be limited to firewood and grazing purposes as communities have multiple associations with the forest, which often lead to sustainable management and conservation
- The CFR management plans developed by the Gram Sabha need to be adopted in the overall State Forest Management Plans. Mechanisms need to be designed to ensure that the roles of Gram Sabha and the forest department are identified and systems of checks and balances are established.
- Plantation and timber management must give way to ecosystem protection and community institutions as crucial bodies for decision making of their resources.
- Sharing of information on forest and its conservation must be a two-way process to inform the decision-making process, both by the communities and the forest department
- Conservation is impossible without the recognition of communities' rights. Dilution of conservation and management rights will not be able to sustain the forests in the long run
- A record of rights for CFR areas needs to be created

LIST OF FLORA WITH SCIENTIFIC NAMES

Amla/ Indian Gooseberry	Phyllanthus emblica
Arjun	Terminalia arjuna
Asan/Saja	Terminalia elliptica / T. tomentosa
Bandhan/Sandan	Ougeinia dalbergioides
Behera	Terminalia bellirica
Char/Chironji	Buchanania lanzan
Chiretta	Swertia chirayita
Gambhari/Gamhar	Gmelina arborea
Guava	Psidium guajava
Harra	Terminalia chebula
Jackfruit	Artocarpus heterophyllus
Jamun	Syzygium cumini
Karanj	Pongamia pinnata
Kusum	Schleichera oleosa
Mahua	Madhuca indica
Mango	Mangifera indica
Neem	Azadirachta indica
Palash	Butea monosperma
Sal	Shorea robusta
Sheesham	Dalbergia sissoo
Siyali	Bauhinia vahili
Tamarind	Tamarindus indica
Tendu	Diospyros melanoxylon
Teak	Tectona grandis

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