

AIFF- RS Overview of the Status of FRA

Lessons from the ISB Study and way forward

Background

In order to correctly draw the lessons from the study for the way forward, we need to place the findings in the context of the preamble of FRA which talks of the correction of historical injustice done to forest dwellers and forest dependent communities. Taking this as central, the way we define historical injustice dates back not just to creation of the Forest department by the British but goes back centuries to the time when Kings too declared certain forests as exclusive preserves denying those that lived there their rightful place. Historically forest dwelling communities had autonomous jurisdiction though there was a give and take with others dependent on the forest as well. Over the years this has been systematically undermined though it still finds a place in the legislation in terms of the 5th and 6th Schedule and later PESA. In different States depending on the nature of livelihood dependency and struggle with the British and even in free India, various acts and provisions were made such as the Chotanagpur Tenancy Act, the Santhal Parganas Act in Jharkhand, the 1 of 70 Act in Telengana and the Van Panchayats of Uttarakhand to name a few. Central to all this is that forest based livelihoods and life support systems were at the core. Commoditization of the produce and focus on certain commodities also transformed forests in places like Uttarakhand where Pine forests were promoted for resin instead of the broad leafed oak forests which had multiple uses including providing valuable fodder for the livestock. In Jharkhand the struggle against replacement of Sal with teak forests is also well known.

Key Findings of the Citizens' Report as part of Community Forest Rights-Learning and Advocacy (CFR-LA) process

The Promise: The bare minimum estimated potential forest area over which Community Forest Resource (CFR) rights can be recognized in India (excluding five north-eastern states and J&K) is approximately 85.6 million acres (34.6 million hectare). Rights of more than 200 million Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OTFDs) in over 170,000 villages are estimated to get recognized under FRA.

Beyond the numbers, this report highlights FRA's potential in transforming forest governance by empowering local communities and the Gram Sabha to protect and conserve forests; ensuring livelihood security and poverty alleviation; securing gender justice; meeting SDG, especially the goals of eliminating poverty and achieving ecological sustainability; and dealing with climate change. By securing land and resource rights, FRA provides an opportunity to address Left-wing extremism in 106 districts in India's 10 states.

The Performance: In 10 years, only 3 per cent of the minimum potential of CFR rights could be achieved.

Focus of the Study and major observations

In the light of this, while the status of implementation of FRA 2006; find mention in the study, the focus is on Community Forest Rights and its reflection in the life support systems

of different communities. The study highlights the relationship between the nature of the forest ecosystems and the kind of livelihoods that one can find there. The Sundarban Study highlights the unique nature of the mangrove forests of Sundarban, the consequent reason that while no community can reside there, the dependence on these forests for fishing and honey collection on one hand and issues related to it being the habitat of the Royal Bengal Tiger the only Tiger that can survive in saline waters. The Jharkhand study on the one hand shows how Forest dwellers and forest dependent communities have asserted their community rights over forests in some parts of the State while on the other hand pressures related to wildlife preservation and mining of coal have been the reason for not just denial of rights but draconian measures taken under the Indian Forest Act 1927 to declare them as criminal as well. That more than 10,000 tribals are rotting in jails is part of this narrative as well as the State seeks to establish control over the rich mineral resources that lie underneath the forest in the name of wildlife preservation. A similar story exists for Chhattisgarh and Odisha as well. In Himachal and Uttarakhand, the story shows another variation brought about by the fact that the alpine meadows that alternate between being rich pastures and snow covered mountains necessitating the shepherd communities that depend on them to migrate seasonally. Despite the recognition that these lands fall above the tree line they have been designated as forests and consequently restrictions imposed on the nomadic tribes under the twin pressure of closure of sanctuaries and national parks on one hand and 'development concerns' related to dams and other activities. The study reports point to the struggle of local communities to establish their rights under FRA which in this case is the entire habitat on which they depend on a seasonal basis. The exhaustive documentation done has resulted in the recognition of the first Community Forest Right which hopefully should pave the way for more in the future. The case study of Maharashtra points out the concrete steps taken by Forest Rights Committees post CFR recognition and provides a glimpse of what communities can do to manage their forests, stabilise livelihoods and plan for the future with funds deposited into the community bank account. While Gadchiroli experience shows how communities can deal with Tendu patta and bamboo trade, the experience of Palghar District, points to the need to open the doors to communities to manage the timber resource in their region as well.

These reports are supplemented by the reports from Rajasthan, Gujarat, Telangana and other reports of members from the States studied like Andhra Pradesh. The Rajasthan report shows how local communities have used the RTI Act as a tool to get an understanding of how their rights have been violated and then to put pressure on the Government to implement FRA in letter and spirit. In Gujarat the approach has been different. A very vigorous exercise was conducted with the local community to restore their faith in their own culture, customs and traditions which are intrinsically built upon over centuries long relationship with the forests and its significance for their survival and livelihoods.

The Internally displaced persons IDPs from Chhattisgarh and now residing in Andhra and Telangana deserve a special mention as most of them will now not fall under the purview of the FRA 2006. Chhattisgarh government has launched the Adla Badla programme to rehabilitate these people. So far though lists have been prepared not much progress has been

made. A concerted effort will have to be made to evolve special provisions for them consistent with their status as forest dwellers and forest dependent communities. Similar aberrations are to be found elsewhere.

Way forward

While keeping the basic thrust on CFR, the process of evolving community based solutions at the landscape level along the lines emerging in Gujarat, Himachal Pradesh and Sundarban will be looked at (in addition to the existing lessons from the post CFR work done in the States that have been studied). This method is also being proposed for the Pardhis in Chhattisgarh and the Internally displaced persons from Chhattisgarh and now residing in Andhra Pradesh and Telangana namely that such community organise themselves separately to take up their specific questions at different levels. The following areas require specific attention

- a. The different models for the management of community forest rights emerging in Maharashtra, Gujarat and Jharkhand need to be examined more closely to understand the nature of issues emerging when CFR have been granted and the positive spin off resulting from CFR being granted that helps ensure that livelihoods are protected in the situation emerging from the COVID 19 outbreak. Using these examples to develop appropriate models in the other ten States studied as well.
- b. Detailing issues that need to be looked at closely in relation to management and ensuring of CFR in fishing and pastoral landscapes of Sundarban and Uttarakhand/Himachal respectively.
- c. Specific issues related to marginalised communities like Pardhis in Chhattisgarh and IDPs in Andhra Telangana. How the habitat approach and recognition of CFR can help provide solutions for those not coming strictly under the purview of FRA for technical reasons but whose lifestyles are based on historic dependence on the forest all the same.
- d. Examining the relevance of giving timber rights to communities in areas where the same could be a major source of sustainable livelihoods. This has to be looked at in the context of in the overall context of livelihood of the local community which will include its use of the forest for self sustenance as well.
- e. An examination of the potential value addition links for self sustenance and supply to the market. This will include the study of the relevance of forest foods in the local community diet, herbal remedies for health care and potential value addition that could make this more effective and the relevance of CFR for sustainable management of eco-tourism in the context of National Parks and sanctuaries.
- f. An examination of the current plantation and protection programme and the use of CAMPA funds for the same. The relevance of the development of community management and protection for improving the way these funds could be used by CFR management and protection committees for sustainable livelihoods.

The inter-linkages between the points above will be kept in mind so that the study will help develop strategies at the local partner level, State and National level. On certain aspects like fisher and pastoral communities, IDPs and benefit sharing mechanisms a thematic focus linking up various partners and States will be attempted. For the study to have the impact that is required, the mentoring process from AIFF-RS will continue. The study team will however have to be enhanced to take care of the complexities involved in the proposed programme.