

Facilitate the development of Federation approach conducive to forest dwellers and forest dependent communities preparing and seeking recognition of community forest rights claims over contiguous landscapes in general and for PAs and sanctuaries in particular.

Summary

In order to correctly draw the lessons for the way forward, we need to place the progress on implementation of FRA 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 Telangana 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.

Due to the COVID19 lockdown, work could not be done as planned, but the year was used as a challenge to consolidate the work done over the last five years. In particular the thrust has been on conceptualization what it means for forest dependent communities to work collectively as a federation so as to collectively address landscape level questions in addition to specific questions related to Individual Forest rights and Community Forest rights. How this approach plays out in different landscapes has been spelt out in the five policy briefs prepared for All India Forum for Forest Rights Struggles and presented to the Forest Minister along with a forwarding note conceptualizing the issues. These are given in Annexure 1.

The Federation approach which was first initiated by us in Gujarat through the creation of Fenai Mata Revakhand Jaiv Shristi Mandal as a means to take forward the work done by the people in the region to preserve and protect 22,061.84 hectares of land under Joint forest management but which had stagnated as a result of the Forest Department asserting itself in various ways to place restrictions on the community to harvest the produce from the land protected. Learning from this experience a similar approach has been tried out in Bhensrodgarh with the help of Badod Mazdoor Kisan Sangathan after two years of working closely with the community to get their assertion of Individual forest rights into some shape. The experience of the two regions is now being extended to Jharkhand with Jharkhand Mazdoor Kisan Union where the initial two years the organisation was busy trying to get a handle on how to empower the community to deal with the severe repression they faced as a result of court cases slapped on them under the Indian Forest Act 1927 and in violation of the provision of FRA.

As a result of COVID19 progress could not be made in other regions as expected though the individual organisations working there have raised the issues related to COVID 19 and other issues in their own manner. This matter is being dealt with by the study commissioned by Akhil Bharatiya Mazdoor Kisan Sangharsh Samiti which aims to tie up the loose ends related to All India Forum for Forest Rights – Indian School of Business (AIFFRS- ISB) study on one hand and expand the ambit to cover the wider gambit of issues related to and stemming from concerns related to Local Self Governance.

Strategy

While keeping the basic thrust on CFR, the process of evolving community based solutions at the landscape level will be looked at in the States of Rajasthan, Gujarat, Jharkhand, Himachal Pradesh, Maharashtra and West Bengal. This work is being done in partnership with Institute for Ecology and Livelihood Action in Rajasthan, Habitat Ecological Trust and Fenai Mata Jaiv Shrishti Mandal in Gujarat, Jharkhand Mazdoor Kisan Union in Jharkhand and with members of All India Forest Forum for Rights Struggles in other parts of the country. 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 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. 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.
- d. 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 and benefit sharing mechanisms a thematic focus linking up various partners and States will be attempted. For the action research study to have the impact that is required, a process of collaboration with like indeed organisations will continue, the relevance of the findings of the AIFFRS study and linkages with the members and friendly organisations of AIFFRS will continue.

In addition in order to create larger awareness of the biodiversity work with women and children has been initiated in Chhota Udepur district of Gujarat. While the women are being motivated to engage with the mid day meal programme of the government through the supply of local healthy foods, the children are being activated to create a children's parliament around the SDGs, in relation to this one child and one animator participated in the National Inclusive Children's parliament held at Delhi and follow up training given to the children of one village.

Due to COVID 19 the work could not proceed as planned in the strategy, however the work related to All India Forum for Forest Rights Struggles (AIFFRS) is being taken up differently under the banner of Akhil Bharatiya Mazdoor Kisan Sangharsh Samiti while linking up the threads left untied in the study taken up by AIFFRS and putting it on the larger platform of Local Self Governance and related State level strategies.

Strengthen community organisations in the States where IELA is directly in touch and working on similar lines, namely Gujarat, Rajasthan and Jharkhand.

Background: Due to COVID 19 and resultant restrictions in travel IELA had to restrict its presence to three States namely Gujarat, Rajasthan and Jharkhand while leaving work in other states to be handled by a different process and tied up later.

Gujarat

Background: Discussions had been taking place with SPWD since 2008 and later with Habitat Ecological Trust since its formation in 2016. In July 2017, Habitat Ecological Trust and Adivasi Jan Utthan Trust (AAJ) reached an understanding that a programme centering around the promotion of Community forest rights and Biodiversity Act 2002 had the potential for ecologically sustainable development of the region providing a qualitatively different framework from the issues that AAJ were dealing with relating to the abrogation of responsibility of the Forest Department on the agreement with the villagers under the Joint Forest Management scheme. Annexure 1 provides the details of the forest land protected in 82 villages of 3 Talukas of Chhota Udepur namely 7,124.54 hectares in 34 villages of Naswadi Taluka, 13,169.04 hectares in 33 villages of Kavant Taluka and 1,768.26 hectares in 15 villages of Pavi Jetpur. The total area protected being 22,061.84 hectares, in the three talukas of Chhota Udepur (Annexure 2). Due to the Forest Department reneging on its promise for sharing the produce, the interest in protection had waned though people were still ensuring that protection took place in some form or the other. The discussions with Habitat pointed to the relevance of the Forest Rights Act and the Biodiversity act as way that people could ensure the totality of their rights on the forest consistent with their traditional livelihood and cultural relationship with the forest. Accordingly it was decided to do a preliminary study in Uncheda to demonstrate the new approach. The process involved conducting environment education games with the children, using the local knowledge gained about the biodiversity to discuss more deeply with the women and then later in village meetings as to the importance and relevance of the findings. The process taken up resulted in a Forest Festival conducted at Uncheda in January 2018 and a pledge to protect the forests of the region (Annexure 3). This process gave birth to Fenai Mata Revakhand Jaiv Shristi Mandal at that time a loose conglomeration of 42 villages. The pledge was endorsed by representatives of these 42 villages who were present at the Forest festival. A summary of the activities undertaken are as follows.

Initiation of the process of preparing the claims for Community Forest rights in the region and difficulties therein:

While work had begun in Uncheda, in the days preceding the Forest Festival at Uncheda it became clear that vested interests were trying to sabotage the efforts to develop unity among the village community as a precondition for filing the Community Forest Rights claim. Accordingly it was decided that in the first phase, instead of taking up a village that was

problematic, efforts for preparing the claims would take place in villages that were more receptive. Accordingly Mandwada, Sodvad, Lalpur, Munglavat and Mundamor would be taken up. The CFR claims of these five villages have been prepared. A preliminary meeting was held in Mandwada to explain the process while more than 50 people attended the meeting, the requirement of more than 50% of gram sabha members as quorum resulted in the need to conduct the gram sabha afresh. In the meantime seeing the threat to their power, lower forest department officials raised issues with the village community questioning the need for filing the CFR claims and threatening the village communities with stoppage of wage labour provided by the Forest Development Agency. The nexus between the Forest Department and leadership promoted by them to run the programmes has been hard to fight as in particular there has been a conscious move to try and discredit Nandu Bhai our research fellow due to his outspokenness. In short promises were made by the lower functionaries of the Forest department to break the consensus and using the lack of transparency in their own dealings as a means to spread rumours with the purpose of discrediting Nadu Bhai.

Due to the COVIS 19 lockdown, there was some difficulty in fully understanding the issues involved in halt to the filing process, particularly after the claims for all the five villages have been prepared. However in a recent meeting a strategy for reactivating the process was initiated and claims of four villages namely Patadiya, Muglavat, Dandaniya and Mandvada have been signed, approved and forwarded by the gram sabha. The claims filed provide details of the uses of 38 species found in the forest and the general conditions related to forest protection in the District of Chhota Udepur.

Major events taken up:

Following the Forest Festival in January 2018, in January 2020, a Mahayatra was organised in January 2020 covering 80 villages, spanning 220 Kms and addressing 8,000 people. The Mahayatra showcased forest wealth of the region and the related impact on livelihood, culture and traditional knowledge in terms of nutrition and health practises. The Mahayatra triggered off discussions with the Collector Chhota Udepur on the relevance of local foods and have helped developed the health programme of AAJ. This is being followed up in relation to the centre for differently abled and disadvantaged children being run by AAJ and the products that the Mahila Mandal run by AAJ have to offer. How this will further grow and develop is being discussed with Habitat Ecological Trust.

The second major achievement was that the Mahila Mandal was asked to prepare a tribal meal for the participants at Kevadia (Statue of Unity) hosted by the President of India on the occasion of workshop to commemorate Constitution Day on 26th November 2020. This engagement has helped bring into focus the relevance of the study on tribal food being done in the region with the help of Habitat Ecological Trust. How this can be taken forward is being discussed with AAJ.

One child and one teacher participated on behalf of AAJ at the National Inclusive Children's parliament in Delhi in Jan-Feb 20 and the follow up in Jan- Feb 21. This was followed up with Habitat in terms of two trainings imparted to the children of Bhekadiya on the process of

creation of a Children's Panchayat. The experience of these trainings is the basis for further development on this issue and relating it to school curriculum with the help of Habitat team.

Future Collaboration between AAJ and Habitat Ecological Trust

Keeping in mind the need for a more comprehensive and organised approach to deal with the issues has been worked with Habitat Ecological Trust. A plan for development of local leadership in 101 villages of Kavant, Naswadi and Pavi Jetpur has been prepared by AAJ which has been shared with the HABITAT team. This includes the following

- a. Development of the leadership including women to help facilitate the protection and development of the biodiversity as preliminary to issues related to livelihood protection and enhancement in these villages.
- b. Facilitation of women leadership to take forward issues related to introduction of local foods into the mid day meal scheme and its relevance for improving the linkage between traditional knowledge and the formal education provided by schools.
- c. Development of leadership among children to take up issues related to the Sustainable Development Goals and the relevance of the knowledge of the local biodiversity and ecological issues related to livelihood sustainability as means for their empowerment.
- d. The relevance of renewable energy and organic farming for sustainable livelihoods and in this connection the importance of the bio-gas plant installed on the campus with the help of Habitat Ecological Trust.

Rajasthan

The Covid-19 lockdown period has on one hand caused misery to the people, especially restricting their livelihood opportunities, and on the other hand it has helped people in knowing their other constitutional and statutory rights (along with already known forest rights) when they had to access and demand for the relief measures declared by the union and state governments. Therefore, while keeping the basic thrust on capacity building of traditional forest dwellers and forest dependent communities for submitting and asserting their CFR rights and individual forest rights, the activities of providing handholding support to the local community for accessing relief measures started by the government amidst COVID-19 lockdown, were also carried out.

Institute for Ecology and Livelihood Action (IELA) and Badad Majdoor Kisan Sangathan (BMKS), a regional federation of tribal villages in Chittorgarh district) also took certain initiatives regarding public awareness on different rights including right for labour under MGNREGA, rights to access to minor forest produce, welfare schemes under scheduled tribal area etc.

Access to Government support schemes: Prior to conducting public meetings, IELA and BMKS jointly with the help of village volunteers conducted survey of the families in 19

villages of 5 village panchayat areas in Rawatbhata tehsil and listed out families that still do not have access to different household and livelihood schemes. The team identified more than 200 families that are eligible but do not have access to government schemes to avail benefits. Based on the survey results the families were categorized under four categories – (1) Below Poverty Line (BPL) families (families who are living below the poverty line specified by the state government); (2) Above Poverty Line (APL) families who live above nationally designated poverty threshold; (3) Deen Dayal Upadhyay Antyodaya scheme (a convergence and accountability framework aiming to bring optimum use and management of resources allocated by 27 Ministries/ Department of the Government of India under various programmes for the development of rural areas); and (4) Annapurna scheme (aims at providing food security to meet the requirement of those senior citizen who though eligible have remained uncovered under the National Old Age Pension Scheme). The survey data was communicated to the local MLA (Member of Legislative Assembly), Sub-District Magistrate (SDM) and the Sarpanch of respective panchayat with the request of enlisting the needy families under different schemes. After continuous pursuance of the matter by BMKS and IELA rural volunteers, the administration and panchayats were forced to take necessary measures swiftly.

Handholding support in registration for food security scheme: IELA and BMKS team also identified families that were facing food crisis amidst Covid-19 lockdown and helped them know about The National Food Security Act, 2013 (also 'Right to Food Act'), an Act of the Parliament which aims to provide subsidized food grains to approximately two thirds of India's 1.2 billion people. More than 100 families were facilitated to file online registration under food security scheme and now they are availing its benefits. A letter to the local MLA was also communicated in the month of October to arrange government's help for registering families of Kushalgarh panchayat that belong to Above Poverty Line (APL) but facing food crisis due to Covid-19 lockdown and loss of livelihood.

Advocacy and technical support to MGNREGA job card holders (including FRA beneficiaries): To provide livelihood support to rural families under Covid-19 relief measures, the central as well as state governments started different work in various departments under Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), but the benefit of government's relief measures was not reaching to the people. IELA and BMKS team conducted a sample survey in the month of July in one panchayat (Kushalgarh) to know that how many days' work a MGNREGA job card holder gets against the 100 days work assured under the Act. Overall 114 MGNREGA job card holders were surveyed and it was found that none of them had got more than 50 days work in the last financial year!! The MGNREGA Rojgar Sahayak Sachiv (Employment Assistance Secretary - EAS) whose job is to receive the job applications from the job card holders was unreasonably reluctant to receive the job applications and the panchayat officials as well as elected representatives were also ineffective to help the poor people and take action against the MGNREGA secretary.

IELA and BMKS team started handholding support to MGNREGA job card holders that were living in villages as well those who had migrated to other places due to unavailability of work and had to return back due to loss of livelihood amidst Covid-19 pandemic and were facing crisis of livelihood, in filling their job application forms and in approaching the higher administrative authorities so as to compel them to make necessary arrangements for receiving the job applications and release muster rolls of sanctioned work to provide work to the job card holders. As a part of peoples' mobilization for asserting their rights for getting work under MGNREGA act, BMKS along with local peoples groups sent two letters to the Prime minister of India in which they demanded extension of MGNREGA work assurance from 100 to 200 days, extra daily tool allowance, increase in daily wage etc. The advocacy for MGNREGA job card holders (including FRA beneficiaries) continued in the successive months and in this regard continuous pursuance with the SDM was done through reminder letters. As a result, from July 2020 to February 2021 in a span of eight months, total 870 job applications were filed by job card holders with the help of IELA and BMKS team. Muster rolls of works under MGNREGA are being released and people are getting livelihood support under MGNREGA through our team's assistance. The assisted beneficiaries belong to 07 villages (Ganeshpura, Manpura, Badla Ka Khera, Nali, Kanti Ramnagar, Arena Kalan and Kheda Viran) in Kushalgarh and Mandesra panchayat of Rawatbhata.

Development of the federation approach conducive to forest dwellers and forest dependent communities for community forest rights:

Chittorgarh District:

The capacity building of traditional forest dwellers and forest dependent communities for submitting and asserting their CFR rights and individual forest rights continued amidst other struggles and efforts during and after Covid-19 lockdown. The federation approach being adopted is first bringing all individual forest right claimants from different villages at one platform where they are given handholding support by IELA and BMKS team; and secondly, conducting meetings for brainstorming and planning for filing CFR claims. The collective follow-up by the forest right claimants with the district level committee (DLC) continued for the 209 IFR claims arbitrarily rejected at DLC level violating the provisions laid under FRA guidelines {'Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 - guidelines regarding', issued on 12th July 2012)}. The rejected 209 IFR claims belong to 38 villages under 15 panchayats. The DLC rejected the claims based on the false verifications and arguments given by the forest department without cross verification and also without giving the reason of rejection to the claimants. The SDLC and DLC are arbitrarily continuing insistence on the particular evidences to be furnished, without which they are blindly rejecting the claims. In this regard a memorandum was given to the local MLA along with the list of rejected claims. In the month of July 2020 another memorandum was sent to the tribal commissioner of the state who is also member secretary of the State Level Monitoring Committee (SLMC) along with copy to the chief secretary of the state government, district collector Chittorgarh and the local MLA giving factual information about arbitrary decisions

being taken by the SDLC and DLC. The memorandum also mentioned the false objections and false information given by the forest department to influence the DLC for rejecting the FRA claims that were genuine, valid and eligible under the FRA Act. The memorandum also mentioned about insistence by the SDLC and DLC for particular evidences failing of which they were rejecting the claims arbitrarily without giving reason to the claimants in written and without giving them chance to file the petition against the one-sided decision made by the SDLC/DLC. Pursuance with the DLC was again done in July 2020 and in January 2021 as well as with the MLA in November 2020 with an appeal for hearing on rejected IFR claims.

The collective action being taken by the FRA claimants of 38 villages in 15 panchayats being facilitated by IELA and BMKS team is a measure of federating the forest dependent communities for preparation of CFR claims and assert their forest rights, however still mobilization of Forest right Committees for active role is a challenge thus IELA and BMKS team is facilitating the village communities through strengthening their Gram Sabhas and their capacity building so that the whole Gram Sabha becomes active to assert their constitutional rights including community forest resource rights.

Bhilwara District:

In Bhilwara district the technical and handholding support to traditional forest dwellers and forest dependent communities for preparation and submission of CFR rights is being provided with the help of 'Upar Maal Majdoor Kisan Sangathan (UMKS)'. The SDLC and DLC both are violating the provisions of the FRA act and the individual struggle has no impact. Thus IELA and UMKS team is federating 40 villages belonging to five panchayats in Bijolia tehsil (sub-district). The five panchayats include Bijolia, Nayanagar, Sukhpura, Aroli and Bhopatpura. The SDLC is rejecting the IFR claims that have been verified by the respective Gram Sabha and thereafter sent to SDLC. The matter is continuously pursued with the SDLC and DLC level as well as at district administrative level. In this regard memorandums were sent in the month of July 2020 to both SDM as well as district collector regarding atrocities being done by the local staff of the forest department through damaging the temporary fencing that was fixed to protect the crop. The forest officials also occasionally use to threaten the forest dependent families that are doing (subsistence) agriculture on forest land for their domestic needs since generations. The forest officials are not appearing at the call of Forest Right Committee (FRC) for verification of the land claimed under the FRA act. The land revenue officer is also violating the provisions of act by not appearing for verification of land record. A memorandum was sent to SDLC with the request for following the provisions of the FRA act and not to arbitrarily reject the claims on the basis of lack of specific proof or on the basis of objection raised by the forest department (see annexure-19). A memorandum was sent to district collector in the month of February 2021 with an appeal to take necessary action against the arbitrary decisions being taken by the SDLC and claims being rejected on the basis of lack of specific proofs. In pursuance to the previous memorandums a draft letter of appeal, to be submitted to the DLC, was prepared for the FRA claimants whose claims have been rejected by the SDLC. The appeal for hearing at the DLC level is being sent by the IFR claimants individually. The federation approach is being

followed in preparation and communicating the memorandums to the district administration as well as to the State Level Monitoring Committee for FRA.

Bundi District:

In Bundi district the tribals are struggling for their traditional forest rights since decades, even before the enforcement of the FRA act 2006. The Badad Majdoor Kisan Sangathan (BMKS) has been engaged in advocacy for traditional forest rights and other constitutional rights of the tribals, particularly for the forest dependent communities in the region. In this reference, IELA and BMKS team came to know about atrocities being done by the forest officials to the traditional forest dwellers and forest dependent tribal families of tribal settlement 'Roja Ka Taalab' of village Bakchanch in panchayat Dhaneshwar of Talera tehsil. The district administration is ignorant to the frequent harassment and threatening done by forest officials to these tribal families. Along with this the local tribal families are also facing attacks, torture, threatening by the illegal settlers belonging to non-tribal communities who have invaded and settled in the same area with the facilitation of corrupt government system.

The village Bakchanch is a historical village that was included within the geographical boundaries of Jawahar Sagar Wildlife sanctuary (Wildlife division Kota) in 2002. The villagers that time were insinuated by the forest officials to sign on the legal stamp papers declaring their land holdings. The forest officials persuaded the traditional forest dwellers to mention areas of their land holdings lesser than they were actually holding. The villagers were also persuaded for mentioning settled before few years instead of long period since their forefathers settled there. No process of conducting Gram Sabha and obtaining consent for creation of Jawaharsagar Wildlife sanctuary was followed with the residents of village Bakchanch. After that the forest officials started forcing the traditional residents for leaving the place. The process of threatening, filing illegal cases and incrimination of traditional forest dwellers continued till they came to know about enactment of the Forest Right Act 2006. Continuing the oppressive moves the administration did not constitute any Forest Right Committee in Bakchanch village till 2016, when ultimately after getting aware by the BMKS efforts, the villagers convened the Gram Sabha and constituted the FRC. In 2018 the FRC submitted 55 files of IFR claims to the Panchayat secretary to forward them to the SDLC. Later 40 files were returned back by the SDLC to the panchayat, informing (verbally) that they were incomplete, but the panchayat officials did not inform FRA claimants regarding return of the files, instead of that they informed the FRA claimants that their claims have been rejected. The claimants even could not trace the whereabouts of their files. The fate of remaining 15 FRA claims became the same and there is no information about their files, any decision made etc. Amidst of this the process of threatening, filing illegal cases and incrimination of traditional forest dwellers continued by the forest department. The FRA claimants then sent a letter to the state government with the request for taking action for recognition of their forest rights under the FRA. In 2019, the state government of Rajasthan had launched the online portal for filing FRA claims. IELA and BMKS team helped FRC Bakchanch in filing fresh claims on the online portal in the month of August 2020. After that the forest officials visited the lands of FRA claimants and displayed some acts of location

recording (without informing the land holders or giving any reason for what they were doing). Even after the filing of online claims, the claimants are not getting any update from the SDLC or DLC regarding status of claims they have filed. Therefore with the technical support of BMKS the FRC again sent two memorandums in the month of October 2020 to the DLC and SDLC respectively regarding no action being taken on the online filed FRA claims and request to the authorities to take action and recognise their claims.

The process of making federation of FRA claimants in Bundi districts has been initiated and technical as well as handholding support being given to the tribal communities. They are being facilitated to make their collective representations and convey their issues to the relevant authorities. Considering the hurdles being created by the forest department and ignorance shown by the administration in recognition of the IFR claims, the community is geared up to prepare and file their CFR claim as soon as possible, so as to pressurize the district administration for taking action (as responsibility of DLC under the FRA act) for recognition of their community rights under different sections of the FRA.

Udaipur District:

While contacting FRCs in Phulwari Ki Naal wildlife sanctuary for constitution of gram Sabha federation and preparation and filing of Community Forest Right claims, it came to our notice that there is clash undergoing between local traditional forest dwellers versus outsider migrants who have invaded in the area from adjoining states recently in a few years and encroaching upon forest land as well as creating conflict with the local residents. These invader settlers are being supported by land mafias who are interested in grabbing the land adjoining the wildlife sanctuary to establish their commercial establishments. The land mafia has been using the invader settlers and also some local criminals as a means to convert forest land into revenue land over a period of years. They are forcing and threatening the traditional forest dwellers of this region to give away their land for unsustainable capital interests. These outsiders use the season of flowering of Mahua tree (*Madhuca longifolia*) as an excuse to burn vast stretches of interior forests to the ground, for collection of fallen Mahua flowers that are traditionally used in various purposes but now a days mainly used in making country liquor. The traditional forest dwellers fear their future is being destroyed by the adverse environmental impacts these illegal intruders are causing. In an unprecedented effort to protect their traditional forest dependent lifestyle the locals have united to oppose the land grabbing by outsiders. The traditional forest dwellers including those who have also filed IFR claims and have got recognition under the FRA have continued to be active in the opposition of the encroachment of land as well as the destruction of their forest resources. The local villagers continue to face violent attacks and threats on their lives, thus recognition of their work in presence of everyone will be a great support.

In this regard IELA is extending technical and handholding support to the local village community in strengthening their Gram Sabha and approach the higher administrative authorities and government to claim their constitutional rights (including rights under the FRA). The federated village community is able to communicate the district, state and national

authorities regarding their issues through personal meetings as well as communications. IELA helped the Gram Sabhas to take their resolutions on specific issues of concern (as regarding the invading outsiders, land mafia and forest fires these miscreants generate. IELA helped through preparing a format for Gram Sabha resolution which was used by the village communities in their respective Gram Sabhas. The local villages are being federated to strengthen their collective efforts and assert their community rights over their forest resources. They were helped in drafting memorandum and thereafter reminder to be given to the district administration regarding destruction of their forest resources by land mafia and illegal settlers, citing provisions of the FRA and appeal for administrative action against the mafias and their accomplices.

Pre-emptive Strategy of Community-Based Approach to Grassroots Forest Conservation:

To strengthen the morale of traditional forest dwellers and forest dependent communities and open appreciation for their efforts to protect and conserve the forest a strategy has been planned. The concerned villagers have proposed to host an event this year at the time of Mahua flower collection to resist with outsider settlers and pre-emptively divert the igniting of forest fires and to support the very last surviving biodiversity hotspot of the Aravalis. The idea is to engage the local youth who are concerned to protect and save their sacred grooves, forest and wildlife in collaboration with urban youth who have studied biodiversity and wildlife. The major task of the youth will be to explore, document and photo document the patch in need of protection and conservation in view of the impending forest fire season. The goal is to create an atmosphere in which the young generation of traditional forest dwellers and forest dependent communities take interest and build their understanding of how to live prosperously in harmony with the forest. This will not only help in outcompeting the outsider settlers and the land mafia, this approach will also help in inculcating the attitude of having ownership of their forest resources.

The local villagers being federated will be able to assert their community forest rights over the forest resources as well as right to manage, conserve and protect their forest resources under the FRA.

Way Forward

Based on the experiences of IELA in facilitating the creation of Federation in Rajasthan the work done will be consolidated through further development of the federation in the four districts mentioned. In addition, IELA is in touch with organisations/individuals working in the field of forestry and local self governance in other districts of the State and the development of a State level forum is also underway.

Jharkhand:

In Jharkhand the Jharkhand Majdoor Kisan Union (JMKU) has outreach to 469 villages in 09 districts. Through its 938 volunteers JMKU is in direct contact with more than 5000 persons. The formation of regional federations of Gram Sabhas in different blocks of nine districts is

under progress; for this initially village level Gram Sabha committees have been constituted in 60 villages.

Under the process of Forest Right Act, currently 23 villages (Gram Sabhas) in 14 panchayats in two districts being facilitated for preparation and filing of CFR claims. There is lots of resistance and obstruction created by the forest department in implementation of FRA. But with the handholding support of JMKU to FRA claimants they have succeeded in getting 47 new IFR claims recognized in past few months. The forest officials are continuing with registering cases against traditional forest dwellers and forest dependent communities arbitrarily. JMKU is providing legal help to the innocent persons booked by the forest department. During March 2020 representatives of JMKU participated in national meetings with other organisations and also made representation to the union minister of Tribal Affairs.

JMKU is periodically organizing orientation, capacity building and training programs for the members of FRCs so as to help them use their rights and duties laid under the FRA act. It also collaborates with other organisations in organizing the programs. Under that a training program on ‘utilization of global positioning system (GPS) in spot verification and area demarcation of land claimed under the FRA’ was organized for members of FRCs on 3rd December 2020 in collaboration with IELA. The FRC members were assembled at JMKU office and online session was conducted by IELA staff from Rajasthan. Apart from describing the use of mobile GPS apps and online demonstrations, in-situ hands-on practice was also conducted for the participants. The trained volunteers were then engaged in surveying the sites of FRA claimants to mark their geographical location and extent of land holdings. The IELA team from Rajasthan was kept involved online during follow-up with the trained volunteers. Another collaborative program between JMKU and IELA was organised on ‘orientation and capacity building of FRCs and Gram Sabha’, on 14th March 2021, at village Ratnag in district Palamau. Online sessions by IELA team and in-house discussions were conducted with the participating FRC members. As always, the follow-up mechanism has been ensured. JMKU is helping FRCs in preparation of CFR claims, for which certain secondary data is also required for documentation. IELA is helping JMKU in this regard as well. In this way an inter-state federation approach is also emerging; Gram Sabha federated in a state are also being facilitated to interact with Gram Sabha federated in another state. The exchange of ideas, expertise, technical support and collective action for preparation and submission of CFR claims is going on.

Other States

Due to COVID19 lockdown the AIFFRS study which was completed in June 2020 could not be taken forward in the manner expected. Following the five policy briefs submitted to the Minister in August 2020 along with a covering note outlining the major issues (Annexure 1), a study was commissioned by Akhil Bharatiya Mazdoor Kisan Sangharsh Samiti (ABMKSS) in September 2020 with the idea of tying up the loose ends and placing the study on a different footing with respect to covering the totality of issues related to local self governance. Draft report for Maharashtra and Jharkhand have been produced and circulated

for comments. The report is being revised based on the feedback received. The study of Chhatisgarh is underway, after which the study will attempt to link up the issues emerging at the National level drawing on the five policy briefs as a framework to upscale to the larger framework.

In view of COVID19 and reports related to malnutrition in children, a campaign will be taken up with the help of PRATYeK, New Delhi. The campaign note is given in Annexure 4.

Way Forward

Annexure 5 summarizes the achievements in the three States of Rajasthan, Gujarat and Jharkhand. While the two processes related to IELA and ABMKSS are expected to be kept separate, the cross exchange of ideas and the facilitation of the competence of local teams through technical experts are expected to develop the ideas related to the relevance of local foods in improving the nutrition, health and quality of the life of the local community while simultaneously providing the impetus for protection of the biodiversity and enhancing its relevance in the life support system through a process of realisation in the relevance of local knowledge for empowerment and local self governance. This as seen in Gujarat is providing the motivation for preparation of the Community Forest Rights claims on a more comprehensive basis than simply the assertion of property rights and protection of the forest.

To take this forward on a more systematic scale, the work being done by IELA and Habitat Ecological Trust is sought to be integrated in the States of Gujarat, Madhya Pradesh, Rajasthan and Uttarakhand. The technical knowledge of Biodiversity of the IELA and Habitat teams will be brought to bear to facilitate landscape level understanding of the federations in the relevance of the biodiversity to the life support systems of the region and for sustainable livelihoods.

Separately a process of developing children's parliaments has been initiated in the States of Rajasthan and Gujarat, with the help of ABMKSS this process is being extended to other regions as well. ABMKSS is collaborating with PRATYeK to develop a campaign on Malnutrition targeting the government schools in the village and urban slums around the functioning of the mid day meal scheme as part of a larger programme on zero hunger under SDG 2. The linkage of this campaign with the other SDGs namely SDG 1, 3, 4 and 5 to start with are also being explored. The experience of Delhi and Rajasthan in taking this forward will be the basis for a National level campaign in the coming year.

Annexure 1

Note for the Tribal Minister for discussion on 16th August

Based on the discussion with the Minister of Tribal Affairs in March 2019, the need to provide evidence of violations and tardy implementation of FRA on the ground was felt. Accordingly reports of violations from a few States were presented to the Tribal Minister. It was however felt that a ground level study in the States where AIFF-RS was present would help give a comprehensive picture to the Minister so that a comprehensive strategy to tackle it could be found. Indian School of Business agreed to support such an initiative and accordingly a study covering 14 States including those where AIFF-RS members are already working was undertaken. The findings of the study report and reports of AIFF-RS members were then converted into a series of five policy briefs covering different aspects of the issues facing forest dwellers and forest dependent communities.

Violations related to the filing of claims

Commemorating ten years of FRA, CFR-LA came out with a promise and performance report that pointed out even after ten years, Community Forest Rights claims amounted to only three percent of the potential area that could be claimed. This figure hid something more, namely even where these claims had been approved, there were restrictions on the kind of benefits people could enjoy. Lack of a clear perspective on what constitutes correction of historical injustice and related to this a lack of clear perspective on processes to be followed to ensure them are largely responsible for this state of affairs

a. In West Bengal for instance, rights have been denied in the Sundarbans on the grounds that forests are not part of the village and hence do not come under the jurisdiction of the gram sabha. The fishing community and honey collectors who have rights are trying to assert them but due to lack of perspective on the appropriate forum to take these rights up as granting this right to the gram sabha would give rights to a majority who do not depend on the forest. The study report and policy brief on the Sundarbans highlights the issues facing the fishermen as a result of not being able to get the due rights over the forest. Suggestions on how these can be taken forward are given in both the report and the brief.

b. In Rajasthan, despite the Ministry of Tribal affairs issuing instructions that rights in PAs and Sanctuaries need to be recognised, the minutes of nine State Level Committee meetings indicate that the Government of Rajasthan was still asking for clarifications from the centre. It was only after a report highlighting this issue was publicised and the State Government taken to task for human rights violations of tribals that the process of recognising rights in sanctuaries was initiated.

c. In Himachal, the State government kept denying the need to recognise FRA claims on the grounds that the rights had already been settled. It was only the persistent efforts of some groups in Himachal that finally got the process moving.

d. The process of relocation of people from protected areas does not follow the due process of law. This has been highlighted sharply in the case study on Sariska in Rajasthan and in the policy brief on PAs and Sanctuaries as well.

In other States too there are reports of lack of movement in the filing of claims due to this lack of perspective, it can be seen that only where there have been persistent efforts from civil society organisations that some movement has taken place.

Violations related to delays in processing claims

The major violation here relates to the delay in the due process of the forest department recognising the claims and the nature of objections raised by them resulting in rejection of claims.

a. The major issue relates to the concern raised by the forest department related to violation of the Indian Forest Act 1927 and Forest Conservation Act 1980. Despite the fact that FRA states that this act supersedes other Acts, an attempt is made to point that claimants under the Forest Rights Acts are offenders under Indian Forest Act 1927 and Forest Conservation Act 1980 leading to harassment of forest dwellers and forest dependent communities. The case study on Jharkhand in particular has documented this very systematically and evidence can be given as to how genuine rights claimants are harassed. Other states too have similar stories which have been documented in the report. The policy brief on PAs and Sanctuaries give a summary of some of the violations taking place on the basis of study of 30 PAs and Sanctuaries.

b. The other issue is stalling the process of processing claims or rejecting claims on the basis of the fact that they relate to PAs and Sanctuaries despite the guidelines of the Ministry of tribal affairs related to the same. It was only recently that a Community Forest Rights claim has been recognised in Udanti Tiger Reserve in Dhamtari District of Chhatisgarh. This claim is noteworthy for it being in line with the provisions of FRA and provides a way forward to recognition of claims in other TRs as well.

Violations related to post CFR recognition

As pointed out above, many of the CFR claims recognised put restrictions on the usage of the forest in violations of the provisions of the Act. Many of them also do not recognise the traditional boundary of the gram sabha which is a serious flaw. In addition to this there have been attempts to undermine the functioning of the Forest Rights protection committees by bypassing their jurisdiction over the forest. The case studies provide evidence from all the States where CFR claims have been recognised. The need to recognise the harvesting of timber for livelihood purposes as a valid forest right has been highlighted in the case study of Palghar in Maharashtra. How this can be done without violating principles of conservation have also been spelt out in one of the briefs.

Way Forward

The series of policy briefs highlight how these issues can be addressed and while doing so advocates the creation of a federation of users that can take up the common issues facing forest dwellers and forest dependent communities. The briefs also advocate for the primacy of Community forest rights as a way of addressing multiple issues and concerns related to the process of filing of claims. This process is being taken up in a systematic way in Chhota Udepur Gujarat. One brief also deal with the complexities faced by forest dwellers and forest dependent communities in the case where they do not strictly come under the provision of the Act. The case studies of the Pardhis in Chhatisgarh and the internally displaced persons from Chhatisgarh residing in the forests of Andhra and Telangana have been highlighted in the brief. The brief advocates for an approach similar to that spelt out for CFR to be able to meaningfully deal with the issues they face. The issue of Critical Wildlife Habitats and the guidelines of the Ministry of Environment and Forests need to clearly spell out the process that will be followed on the ground especially by the MoTA and Tribal Development Departments and nomination of people working with Adivasis and FRA on these committees.

Policy brief 1

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.

Policy brief 2

AIFF-RS Perspective on Mangrove Forests

Rights of fishers and other forest dwellers

Background:

“Sundarban, is pronounced, ‘*shundorbon*’ in Bengali, simply meant the dense forests of deltaic-coastal Bengal, characterized by the tiger, the crocodile, and the kamot (any of the few species of Sundarbans river sharks). Sundarban stand for the forest in India and Bangladesh, though physically undivided, politically and administratively they are separate entities and hence referred to as the Indian Sundarban and Bangladesh Sundarban, respectively. In the non-forest administrative circles of West Bengal, ‘Sundarban or Sundarbans affairs’ would usually mean the economic, social, or administrative issues connected with the non-forest areas of the 19 community development blocks (sub-districts) in the districts of North 24 Parganas and South 24 Parganas in southern West Bengal. The

terms also stand for the region in general, either forested or settled, south of the Dampier-Hodges Line, which once marked the northern borders of the Sundarbans Forests. This Sundarbans, i.e. the 19 Community Development (CD) blocks plus the forest area, appears in United Nations Educational, Scientific and Cultural Organization (UNESCO) and Government of India documents as the Sundarban Biosphere Reserve (SBR) and a world heritage site. This SBR is also occasionally referred to as the Indian Sundarban Delta (ISD). The biosphere reserve is part of the Sundarban, the world's largest mangrove forest straddling India and Bangladesh. It is home to an estimated 425 species of wildlife, including 300 species of birds and 42 species of mammals, including the royal Bengal tiger. However, Sundarban consists of roughly 4,200 square km of reserve forest and 5,400 square km of non-forested area.”

Agriculture and fishing predominate in the Indian Sundarban, in the Bay of Bengal, which is home to 4.5 million people. As many as 54 of the 104 islands support human settlements and one in five households now has at least one family member who has migrated out of the region for better employment opportunities.

The forest lies outside village boundaries and hence no gram Sabha can lay claim to CFR in the classic way outlined in the Act. Currently on 20% of the Community access the forest for fish and honey, being their traditional occupation since long. Through many a struggle and signature campaign as well, fishers have asserted their rights while protesting atrocities heaped on them by Forest officials who more often than not are mistaking the wood for the trees.

The unique intertidal system of the Sundarban where the farmlands are protected by dykes was brought under threat when Cyclone Aila destroyed these dykes inundating farm lands and destroying the life support system of half a million farmers who had built up this system over a century of colonisation. The response has been far from adequate. Prescription of cement dykes ignoring the contribution of mangroves and the damage caused by their destruction has left this precarious ecosystem even more vulnerable. That this area becomes a short cut for International fishing vessels make the situation even worse. The fact that the entire Sundarban is declared a World Heritage site makes it possible to integrate the concerns of fishing and honey collecting communities with a section of the residents of Sundarban who have a stake in sustainable ecological development.

FRA in the Sundarban

The FRA 2006 empowers scheduled tribes and other traditional forest dwellers with a wide range of forest rights. These include:

- right of ownership, access to collect, use and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;
- other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhuman) and traditional seasonal resource access of nomadic or pastoralist communities.¹

¹Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, Section 3, subsections c and d.

Subsequently, the Ministry of Tribal Affairs (MoTA), the nodal ministry for the FRA, issued a notification containing the following clarification:

1. This Ministry has received references from certain States seeking clarification about the implications of the phrase “primarily reside in and who depend on the forests or forest lands for bonafide livelihood needs” appearing in sections 2(c) and 2(o) of the Act as to whether this would cover the Scheduled Tribes and other traditional forest dwellers who are not necessarily living inside the forests but are depending on the forests or forest lands for their bonafide livelihood needs. This issue was also raised in the meetings of the Secretaries of Tribal Welfare / Development Departments of the States on the implementation of the Act held on 18th- 19th February 2008 and 16th May 2008 in New Delhi.

2. The matter has been examined in consultation with the Ministry of Law & Justice and it is clarified that the implication of using the word “primarily” is to include the STs and other traditional forest dwellers who have either habitation or patches of land for self-cultivation for livelihood and would, therefore, be primarily spending most of their time either in temporary makeshift structures or working on patches of land in such areas irrespective of whether their dwelling houses are outside the forest or forest land. *Therefore, such Scheduled Tribes and other traditional forest dwellers who are not necessarily residing inside the forest but are depending on the forest for their bona fide livelihood needs would be covered under the definition of “forest dwelling Scheduled Tribes” and “other traditional forest dwellers” as given in sections 2(c) and 2(o) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.*²[Emphasis added]

This places the rights of fisher folk community on a secure footing. Despite this, FRA 2006 has not been implemented in the Sundarban.

In the absence of implementation of the FRA, DMF has protested against the torture meted out to forest fisher folk communities by the forest department and the irregularities in the distribution of the existing Boat License Certificates (BLC). Impoverished small scale fishers battling for their livelihood are persecuted by the forest department. This result in depletion of natural resources which have also been worsened by unregulated tourism and pollution caused as a result.

Sundarban Tiger Reserve denies livelihood rights to villagers

Sundarban Tiger Reserve (STR) denies the livelihood of the villagers by imposing a ban on fishing, honey collection, timber and shell collection by arbitrarily increasing the Critical Tiger Habitat (CTH) from 1985 from 985 to 1692.22 sq. km.

India's Sundarban at a glance

Sundarban total area- 9630 sq kms.

Total Island = 102

Forest = 48 Islands

Settlement comprising of 19 CD Blocks = 54 Islands = 5520 sq kms

²Letter from the Ministry of Tribal Affairs, Government of India, dated 9 June 2008, to all State Secretaries in Charge of Tribal Welfare (all States and UTs except J&K).

Total Forest area in Sundarban = 4110 sq. kms

Mangrove forest cover area = 2410 sq kms

Water bodies = 1700 sq kms

Sundarban Total Forest Area = 4110 sq kms				
Status: Till 2007				
Forest Department	Area		Boat License Certificate (BLC) Issued	BLC Active Approximately
Reserve Forest area Under the jurisdiction of Divisional Forest Office, South 24 Parganas (Govt. of West Bengal)	1525 sq. kms.		3700 nos.	3000 nos.
Sundarban Tiger Reserve (Established in 23 December, 1973)	2585 sq. kms.	Core area 1330 sq. kms.	No fishing Zone	
		Buffer area 892.6 sq. kms	923 nos.	700 nos.
		Sanctuary 362.4 sq. kms	No fishing Zone	
Sundarban total Forest Area = 4110 sq. kms				
Status: Post 2007				
Forest Department	Area		BLC issued	BLC Active (Approximately)
Reserve Forest area Under the jurisdiction of Divisional Forest Office, South 24 Parganas (Govt. of West Bengal)	1525sq. kms	Dhulibhasan, Chulkathi, Lothian etc are declared as West Sundarban Sanctuary (in the year 2013)	3700 nos.	3000 nos.
Sundarban Tiger Reserve (Established	2585 sq. kms	Core 1330 sq. kms. + 450 sq. kms. =	No fishing zone	

in 23 December, 1973)		1780 sq. kms.		
		Buffer 892.6 sq. kms. – 450 sq. kms. = 442.6 sq. kms	923 nos.	700 nos.
		Sanctuary 362.4 sq. kms.		

1. Fishing is not allowed in the core and sanctuary area.
2. Eastern side of River Matla belongs to Sundarban Tiger Reserve and Western side of that belongs to Reserve Forest.
3. Boats in operation = 3700 with permit + 6300 without permit = 10000 nos.
4. Forest going fishers = 10000 nos. x 3 nos. = 30000 nos. (as 3 persons per boat.)
5. Nos. of people dependent on Sundarban = 30000 nos. x 5 nos. = 150000 nos. (as each family has 5 members at least

Source: Dakshinbanga Matsyajibi Forum

Tiger Widows

Hundreds of fishermen have been killed by tigers in the Sundarban. Bureaucratic labyrinth coupled with apathy proves a stumbling block in getting compensation to those widowed by tiger, compelling them to live in distress and penury. The tigers in the forests of Hingaljanj, Gosaba, Kultali, Pathar Pratima and Basanti blocks are a threat to the villagers, who depend on the forest for their daily needs and livelihoods. Pathar Pratima is not in the STR. All the places of other blocks mentioned here are also not in STR. Usually, it is the men in the villages here who venture into the forests to catch fish, crabs or to gather honey and wood, in a face-off with a tiger, most often the man dies.

The exact number of widows widowed in this manner in the Sundarban is unknown, but villagers living in Sundarban region, NGOs and fisher rights organisations estimate the number is at least 3,000 over three decades or around 100 a year.

‘Tiger widows’ are entitled to total compensation of Rs. 4 to Rs. 5 lakhs from the West Bengal Government’s Forest Department, Fisheries and state’s Group Personal Accident Scheme. However, there are much conditions laid down for the disbursement of compensation to the Tiger Widows. These are as follows:

- a) The fisher husband should not have died in the core area of Sundarban Tiger Reserve and / or in sanctuary area.
- b) He should have had a Boat License Certificate (BLC) and a permit from the Forest Department.
- c) After fisherman’s death, the wife is required to submit several documents to different departments and pursue the matter from one door to other door to get the due claims and compensations.

Invariably, fishermen from the villages go deep into the forest wandering into the core area of Sundarban Tiger Reserve (National park). Due to the decline in the fish population, to catch fish and crab, they risk their lives. Fishermen in the Sundarban don't understand clearly, where the buffer zone ends and the core area begins, The Government issues very few BLCs and not everyone can afford. Getting permits also depends on the will of the Forest Department. The odds are stacked against the wives of those fishermen who do not have BLCs or permits. The situation worsens when fishermen die in the core areas, which they are not allowed to enter at all, with or without permits.

Recommendations

1. Forum of forest users' needs to be formed which can lay claim to the forest as a Community Forest Rights (CFR) with individual rights on fishing.
2. Dakshinbanga Matsyajibi Forum (DMF) with the help of All India Front for Forest Rights Struggles (AIFFRS) will lobby with Minister of Tribal Affairs (MoTA) to get DMF approved as a Gram Sabha of users. The fishing spots need to be mapped and the users for each fishing spot defined through traditional usage prior to 13th December 2005.
3. DMF to lobby with Government of West Bengal for implementation of FRA process in Sundarban and collaborative action between Minister of Tribal Affairs (MoTA) and DMF to work out process of recognition of rights in Sundarban.

Policy brief 3

AIFFRS Perspective on Pastoralism

Case study of Himalayan Region

Background:

The Himalayas – from the highest to the foothills – (the Terai), have been the traditional terrains that the pastoralist communities have been traversing and inhabiting over centuries. The special lifestyle – social, economic, cultural – of the pastoral communities engaging with local communities has helped define the ecological outcomes of hostile landscapes in particular and a somewhat sustainable anthropogenic footprint in the natural, forested landscapes which they traverse.

Because of their mobile lives there has been little by way of public investments for health, basic income and other forms of social security. More often than not approaches are applied that aim to sedentise the community creating other type of issues within the community itself. These pastoralist communities have contributed significantly to the social, economic and cultural lives of the mainland, mainstream communities –and have made significant contributions to the milk, meat, wool, leather, dung and NTFP economies that they have participated in. However policies that ignore this contribution push them to the margins. The community, because of its very way of life and living, has a different type of requirement from society at large and thus their issues are distinct in discourses on justice, rights – social,

cultural, livelihood – and policies keeping their wellbeing in focus have to be addressed very differently from those related to sedentary communities.

Over the last couple of decades these nomadic / pastoralist communities are faced with the following obstacles/ challenges:

1. There are growing restrictions on traditional grazing areas;
2. Their habitation within traditionally grazed areas is being removed;
3. They are being relocated to areas without consultations with the community;
4. Atrocities by Forest dept and police filling innumerable false cases resulting in forceful eviction.

The above challenges are destroying their life fabric and pushing them towards uncertain lives and thus, in effect, also negatively impacting ecological balance.

The Forest Rights Act 2006 was the first Act in India which puts their rights into a more comprehensive perspective which would allow them to live with dignity. However, even after 12 years of this Act having been passed by the Parliament of the country, successive governments have not taken concrete steps to put in place the appropriate mechanism to ensure that these rights are established and recorded; on the contrary most claims submitted by pastoralists and other forest dwellers have not been accepted or have been summarily rejected.

Relevance of Pastoralism and CFR in Himachal and Uttarakhand

The States of Himachal Pradesh and Uttarakhand are situated in the catchment of major rivers. The forests as renewable natural resource play an important role in the silt detention, lowering the intensity of rain water and also provide quality water for drinking and agriculture purposes. The society in general and local people in particular, is greatly benefited to a large extent by the tangible and intangible gains from this renewable natural recourse. However it is important to know the exact nature of this forest resource. In Himachal, out of a total geographical area of 55,673 sq Kms, Land with the Forest department account for 37,033 sq Kms or 67% of the land mass. However out of this 16,376 sq Kms or 44% of the forest land and 29% of the total land mass is either alpine pastures or permanently covered with snow as this land is beyond what is called as the 'tree line'. Himachal Pradesh has more than 1.5 lakhs pastoral families of Gaddis and Gujjars. In Uttarakhand forest area accounts for 71 per cent of the land. Of this according to recent estimates, there are 6,069 Van Panchayats managing 405,426 hectares of forests (13.63% of total forest area) in Uttarakhand. Most of these have been carved out of civil (protected) forests under the jurisdiction of the Revenue Department. The area under each Van Panchayat ranges from a fraction of a hectare up to over 2,000 hectares. The state is home to five tribes, namely, Jaunsari, Tharu, Raji, Buksa and Bhotiyas. In terms of population Jaunsari tribe is the largest tribal group in the state. Among these tribes, some of them reside in remote hilly tracts across the state. They form three per cent of the whole population. Apart from Scheduled Tribes, other forest dwellers just like the Van Gujjars, whose rights are well within the purview of the FRA, also reside on the brink of several protected forest areas of the state, with many members of the community facing eviction by the forest authorities.

Customary grazing patterns of both herders and cultivators reflected both horizontal and vertical access to pastoral resources in the mountain commons. Such institutions of usage were designed over the years by constant and mutual adjustment during different seasons in the year and in pastures spread over varied elevations. Consequently the institutions of

transhumance provided insurance against specific risks and preparation against general uncertainty prevailing in the Himalayas. The gains from such practices were shared by the commoners, both cultivators and herders. These usages were relatively untouched by outside influences till the nineteenth century. External factors began to exert pressure when change in the political economy in the northern plains affected the character of risk and changed the nature of uncertainty. Further, growth in numbers of both humans and animals in the herd altered the ecological balance on the commons. Thus began the erosion of customary institutions which regulated herding and agricultural practices in the mountains.

The system of pasturing in the Himalayan Alps - the *Dhar in Himachal and Bhugiyal in Uttarakhand* - is a complex phenomenon and cannot be discussed in a truncated manner. Each *Dhar, Bhugiyal* has its local name and more or less a recognised boundary. They can also be classified as summer, autumn and spring pastures. Each one is in some way complementary to other pastures within a mountain range and these collectively complement pastures in another location higher or lower. There is then a sequence according to the season in which it is used. Through this complexity there is one commonality - the grazing - which draws them in together into a system of grazing where all segments are inter-related in a complicated time and spatial pattern. This is what pastoralists do when they connect the pastures laterally across a mountain range with others in the range and vertically down a river system, through transhumancing. In the process the shepherds link the pastures to two ecological patterns - the Natural and the Anthropological. Transhumancing is thus the interface between nature and human use. Hence anything that de-stabilises the institutions of transhumance affects the pastoralist's relation to the Himalayan eco-system negatively.

The Forest rights Act 2006 provides potential for the pastoralists to develop a rights based access framework that can protect their customary rights to forests and related pastures.

Actions proposed

- a. Claim filing process to be initiated in the official place of residence of the pastoralist. This can be ascertained from Adhar card, Voter id or other proof of residence available with the pastoralist. If even this is not available then the process of establishing place of residence can be ascertained from Gazetteers and other documentary proof of the community. Given the nature of practice of rights of the community, the community can decide whether to file CFR claim in name of the community or in the name of the individual pastoralist. The reason for this being the presence of absentee 'pastoralists' who have a pastoral permit but sell the permit to others who practice pastoralism as they themselves have given up their traditional practice. While filing the claim: care has to be taken to record not just the flock of the residential community but also those who come there for a part of the year (specifying the time when they come).
- b. Route mapping – the community outlines the route they travel on, the points where they remain stationary and the number of days spent at each location. The claim filing process needs to record the number of flocks at each location. The route will have two basic points. It will begin from the point of residence to the point of return (back to residence). The two locations are those where the pastoralist spends the maximum time (winter, summer).
- c. Management plans – At each location, the specific benefits enjoyed by the pastoralists need to be noted down. This will be part of the management rights enjoyed by the pastoralists and hence any decision taken in these locations that affect these rights will entail that the pastoralists are consulted before such decisions can be taken (if at all). Eg. of this include watering holes, fodder availability etc.

Only one claim needs to be filed, responsibility is with the DLC in the home location to do the following.

- a. Intimate all other relevant districts along the pastoral route about claims emanating from his district.
- b. Find out from other districts about claims of pastoralist within the CFR title region from where the pastoral is filing his claim.
- c. Need for inter State coordination to settle claims of pastoralists in other States of the country, concerned SLC's to coordinate.

From the above two principals were made clear

- a. The initiation of claim filing process is with the gram sabha
- b. The DLC is the recognition authority to ensure that all provisions of the Act are complied with.

The above of course implies that the essence of the act is adhered to, namely recognition of historical injustice done to forest dwellers and forest dependent communities.

A training and capacity building team needs to be set up comprising of members active in the FRA process in the States of Himachal, Uttarakhand and Saharanpur.

Policy brief 4

AIFFRS Perspective on Protected areas and Sanctuaries

Lessons from the ISB study

Background:

Protected areas cover 16.51 m hectares of this country (5.02%) comprising of 4.05 m hectares (1.03%) in 104 National Parks. 11.98 m hectares (3.64) in 551 Wildlife sanctuaries, 4.36 lakh hectares (0.13) as conservation reserves and 52.52 (0.02%) thousand hectares as Community reserves. The percentage of area under forest cover is 70.08 m hectares (21.54%) with the geographical area being 328.73 m hectares. The plan is to bring the area under forest cover to 108.48 m hectares (33%), which means that forest cover has to increase by 38.4 m hectares. Plans exist to declare more areas under National Parks and sanctuaries these have not been disclosed to the people, the report “***Deliberate Delay in Execution of Forest Right Act: A Report Based on Evidences Collected Through Right To Information Campaign by Bhil and Garasiya Tribe People in Rawatbhata Tehsil in Chittaurgarh District Rajasthan***” by Institute for Ecology and Livelihood Action (IELA) and Badad Mazdoor Kisan Sangathan (BMKS) members of AIFFRS as also the report “*Deliberate Deprivation of Forest Resource Rights and Forced Eviction of Indigenous Communities - Violation of FRA, 2006 in Sariska Tiger Reserve, Alwar, Rajasthan*” prepared by IELA and KRAPAVIS.

The report “*The Status of the Forest Rights Act (FRA) in Protected Areas of India A Draft Report Summary*” Covering 30 Pas in the country by Eleonora Fenari and Neema Pathak point out that implementation of FRA has been tardy and almost nonexistent. It further points out that the illegal NTCA (National Tiger Conservation Authority) order dated 28th March 2017 (order number 1-7/93 PT) led to the complete stoppage of rights recognition in sanctuaries. The study

also highlighted that “*despite CFRs having being recognized, CFR Management Committees (CFRMCs) and in some cases CFR management plans having been drawn up by the gram sabhas, there have been few efforts from the state forest departments to move towards co-existence and supporting and recognizing protection, regeneration, conservation and management of CFRs by gram sabhas. Only three cases where some efforts in this direction have been made and in two of these, this has been possible only because of the sustained efforts of the gram sabhas and support from civil society actors and in one the initiative was taken by the district administration supported by civil society*”. The report also recorded violations related to

- Notification of Critical Wildlife Habitat.
- Discrepancies in the process of recognizing claims
- Not allowing the exercise of rights even where the same had been recognised
- Relocation procedures
- Human rights

There is also militarization of the Forest department to create terror among the people.

Lessons from the ISB study

The ISB study points out the total absence of rights recognition in the case of pastorals and fishers, though recently some progress was made in Himachal Pradesh where 28 CFRs have been recognised. Along with these three States of West Bengal, Uttarakhand and Himachal the other States of Maharashtra, Jharkhand, Odisha, Rajasthan, Gujarat, Chhattisgarh, Andhra, Telangana, Karnataka, Kerala and Tamil Nadu the study and other work done by AIFFRS show how Community Forest Rights and the process of creation of Federation can help in addressing issues related to conservation and livelihoods in Protected Areas. The Federation in Chhota Udepur District for example has come out with a pledge to conserve the natural resources of their landscape and this was the basis for an eight day Mahayatra in the region covering 220 Kms, addressing 8,000 people from 80 villages. In Jharkhand a procedure for assertion of community rights has been developed by Jharkhand Jungle Bachao Andolan and has been taken to over 500 villages in the State. In West Bengal, Dakshin Banga Matsyajibi forum has been in the forefront of mobilizing the fishing community for assertion of rights in Sundarban Tiger Reserve despite the lack of the rights recognition process.

The experience of Gadchiroli in Maharashtra helps to understand concretely how gram sabhas can be mobilised as an effective organisation for managing not just the forest resources but financial resources as well. The Forest Management and Protection Committees have come out with procedures which provide a road map as to how the money earned from the forest can be used by the community. Essentially the money earned is divided into three parts. The first is for payment of wage to the forest produce collectors. The second is dividend paid to members of the gram sabha irrespective of their participation in collection as their participation in conservation is important. The third is used for investment and at times of crisis in the village. In Amravati, Khoj has done pioneering work in relation to showing how CFR rights and proper access to forest produce can help address issues related income generation and malnutrition facing the forest dependent communities.

Way Forward

4. Federation of forest users’ needs to be formed which can lay claim to the Protected area.

5. Community Forest Rights (CFR) defining individual rights within the area of jurisdiction of the gram sabha or from where its members depend on forest produce.
6. All India Front for Forest Rights Struggles (AIFFRS) will lobby with Minister of Tribal Affairs (MoTA) to get Federation approved as users of the forest. The individual right recognition based on specific individual usage approved by the gram sabha and Federation.
7. Federation to lobby with State Governments for implementation of FRA process in their region and collaborative action between Minister of Tribal Affairs (MoTA), AIFFRS and the Federation to work out process of recognition of rights in Protected Areas.

Policy brief 5

AIFFRS Perspective on Forest Dependent Communities

Case study of Communities/issues strictly not coming under FRA

Background:

The need for differentiation of forest dependent communities into tribals and other forest dwellers emerged due to historical reasons where Non tribals had usurped tribal land. There was a fear that the act would now be used to regularize these illegal claimants to the forest. The distinction however could not give due recognition of rights to those whose traditional occupations were based on the forest but for various reasons had to shift their habitation. Among these are those who are recognised as tribals in one State but have not been granted the same recognition in the current State of residence.

Lessons from the work of AIFFRS

The case study of Pardhis is covered in the report on Chhatisgarh and the case study of Internally Displaced persons not covered in the ISB report but in the report of APT (Andhra Pradesh Telangana) Consortium for local self governance a member of AIFFRS.

The case study of Kashtkari Sanghatana in Palghar District reported in the Chapter on Maharashtra covers a different dimension. The concern of the Forest Rights Act was in sustainable forest livelihoods and hence distinguished between livelihood needs and commercial exploitation of the forest. The necessity of tribals to harvest and market forest produce is an intrinsic part of livelihoods. Recognition has been granted to forest dependent communities to sustainably harvest tendu patta and bamboo but the same recognition has not been given for timber. It is Kashtkari Sanghatana's contention that this right is required if sustainable forest based livelihoods are to be achieved.

Way forward

In line with the suggestions for promotion of CFR and landscape based federations be they of gram sabhas of specific communities the fundamental concern will be sustainable forest based livelihoods. While the federation will negotiate the rights of such communities at the district level and higher levels, the groups of individuals will have to ensure that these find a place in the discourse at the gram sabha level. The Federation and support Civil Society

organisations can help in showing how their livelihoods fit into the framework of forest based livelihoods.

Annexure 2

Forest Land Protected by Fenai Mata Revakhand Jaiv Shristi Mandal

Part 1: Forest Land Protected in Naswadi Taluka

Sr. No.	Village	Taluka	Forest Area protected in hectares
1.	Vaguma	Naswadi	198.28
2.	Dandniya	-do-	43.72
3.	Patadiya	-do-	37.28
4.	Dharasiya Umarva	-do-	79.13
5.	Batupalsadi	-do-	114.24
6.	Dabhen	-do-	85.89
7.	Bagaliya	-do-	169.87
8.	Buka	-do-	122.67
9.	Simalkhada	-do-	34.86
10.	Kamla Vasan	-do-	26.25
11.	Ramapalasdi	-do-	164.15
12.	Dhar Simel	-do-	640.97
13.	Talav	-do-	462.92
14.	Betanbar	-do-	58.36
15.	Kunda	-do-	590.42
16.	Harkhod	-do-	258.93
17.	Ranjnapani	-do-	155.88
18.	Damniyamanba	-do-	103.39
19.	Nishana	-do-	303.33
20.	Kantiyabar	-do-	242.58
21.	Kadulimahudi	-do-	335.87
22.	Sankal	-do-	240.72
23.	Ghatamli	-do-	261.22
24.	Saripani	-do-	120.50
25.	Unet (Udedha)	-do-	137.03
26.	Mamta	-do-	327.19
27.	Dabba	-do-	153.80
28.	Vaditha	-do-	169.17
29.	Nanibhaduli	-do-	9.19
30.	Ganiyabar	-do-	358.35
31.	Kripa	-do-	112.55
32.	Chotiubhar	-do-	193.29
33.	Sanklibar	-do-	288.12
34.	Kheda	-do-	524.42
	Total		7124.54

Part 2: Forest Land Protected in Kavant Taluka

Sr. No.	Village	Taluka	Forest Area protected in hectares
35.	Tadkachala	Kavant	308.37
36.	Jilda	-do-	238.08
37.	Saividivasan	-do-	347.43
38.	Kheda	-do-	524.42
39.	Chodvani	-do-	403.82
40.	Manka	-do-	704.81
41.	Padvani	-do-	290.18
42.	Karvi	-do-	36.94
43.	Patla	-do-	235.76
44.	Mogra	-do-	251.44
45.	Ambadungar	-do-	1246.50
46.	Khasra	-do-	224.58
47.	Kadipani	-do-	84.50
48.	Vajepur	-do-	153.81
49.	Talav	-do-	114.97
50.	Palaskua	-do-	142.64
51.	Rajavat	-do-	164.39
52.	Nani Chikli	-do-	185.01
53.	Bhundmarith	-do-	170.82
54.	Moti Jhaduli	-do-	--
55.	Moti Kadai	-do-	166.84
56.	Hafeshwar	-do-	3420.05
57.	Bodni Kudki	-do-	538.36
58.	Turkheda	-do-	2406.13
59.	Mudamor	-do-	74.98
60.	Munglavat	-do-	79.90
61.	Kerkheda	-do-	418.58
62.	Sodvad	-do-	110.14
63.	Mandvada	-do-	97.43
64.	Lalpur	-do-	7.45
65.	Ucheda	-do-	214.22
66.	Bagaliya	-do-	31.67
67.	Kakanpur	-do-	187.22
	Total		13169.04

Part 3 : Forest Land Protected in Pavi Jetpur

Sr. No.	Village	Taluka	Forest Area protected in hectares
68.	Mor Dungri	Pavi jetpur	141.44
69.	Karjvat	-do-	106.28
70.	Rundijuni	-do-	82.28
71.	Jogpura	-do-	--
72.	Gaab	-do-	465.17
73.	Shivjipura	-do-	30.35
74.	Jharivadli	-do-	309.72
75.	Bhabhar	-do-	--
76.	Mundichari	-do-	--
77.	Itvada	-do-	--
78.	Bhanpur	-do-	122.77
79.	Hathipagla	-do-	180.31
80.	Narvaniya	-do-	237.15
81.	Rundi	-do-	92.79
82.	Juna Timarva	-do-	--
	Total		1768.26
	Grand Total		22061.84

Annexure 3

Fenaimata Rewakhand Jaiv Shrishti Mandal Pledge

We, the tribal people of Fenai-Rewakhand region, culturally living with our forests, water, land and biodiversity for centuries. Our agriculture, animal rearing,

health-medicines, culture, traditions, customs and all socio-economic practices are dependent on our forests. Due to the Sacred Circumbulation of Mother Narmada, this region is ecologically-culturally and socially very important. We have always been protecting our natural & cultural heritage and will continue to do so. Jungle-water-land and biodiversity are the basis of life for Adivasi. That is why we will use all the provisions of law to elicit cooperation from the government and society in order to withstand all challenges and threats. Today we, the residents of Fenai-Rewakhand Jaiv Shrishti Mandal pledge to protect and preserve our natural heritage and in order to do so we will imbibe all necessary values and culture. We very well understand that rights emerge from responsibility therefore, we will use the FRA 2006 and constitute environmental committees in all villages and through community forest responsibility and community forest rights, we will protect the forests of Fenaimata, Ronjiyadeo, Bhandandeo and Ranikajalmata.

Signed by
villages of Fenai-Rewakhand Jaiv Shrishti Mandal

Annexure 4

CAMPAIGN AGAINST MALNUTRITION

BACKGROUND

India is home to 46.6 million stunted children, a third of world's total as per Global Nutrition Report 2018. Nearly half of all under-5 child mortality in India is attributable to undernutrition. Poor nutrition in the first 1000 days of a child's life can also lead to stunted growth, which is associated with impaired cognitive ability and reduced school and work performance. Malnutrition in children occurs as a complex interplay among various factors like poverty, maternal health illiteracy, diseases like diarrhoea, home environment, dietary practices, hand washing and other hygiene practices, etc. Low birth weight, episode of diarrhoea within the last 6 months and the presence of developmental delay are often associated with malnutrition in India.

Malnutrition among under-five children is an important concern for the health authorities in India. The aim of the present review was to assess the burden of under-nutrition and over-nutrition, its determinants and strategies required to tackle malnutrition among under-five children in India. Distribution of various types of risk factors and its influence on nutrition status of children in a given set up should be analysed for planning the control measures.

AGGRAVATING NUTRITION AS A RESULT OF COVID -19

COVID-19 induced changes: one cannot comprehend the damage that the pandemic had inflicted on children, albeit indirectly. Since the outbreak, the long-term damage the cascading effect is likely to cause in children — through inadequate health services, broken medical supplies, interrupted access to nutritious food and income loss in families.

In a recent Lancet study, the UNICEF has warned that three lakh children could die in India over the next six months due to disrupted health services and surge in child-wasting, a form of malnutrition when the child is too thin for his/her height. India is expected to bear one of the heaviest tolls of this preventable devastation, partly because its record in managing malnutrition among children was grim even in pre-COVID-19 times. India is home to half of the “wasted children” globally, reckons the recently launched Global Nutrition Report 2020.

The nutrition insecure backdrop of India makes it dangerous to live through an extreme adversity like the pandemic without proper planning for protection of our vulnerable population. The entire country in lockdown mode to contain the infection which has brought economic activities to a complete standstill and resulted in income losses. Mid-day meals, the main source of nutrition for millions of children had to be suspended with schools shut, and congregations banned. Though some states are trying to substitute it with dry ration but sharing of food by other family members in such trying times could not be ruled out.

STATUS OF MID-DAY MEAL SCHEMES AND ANGANWADIS

Over the past few months however, anganwadi workers have had a different routine – as frontline delivery agents of Covid-19 services, conducting door-to-door visits, awareness checks and delivering essentials. While these are important emergency services, the lack of

child services created an enormous problem. Over 120 million children in India are served by the midday meal scheme, just over half of whom get it in anganwadi centres. The others get it in school. These meals are crucial both for child nutrition and cognitive development.

For children in anganwadis and government schools in India, the mid-day meal is an important part of their daily dietary intake. A study by the Indian Council of Medical Research's National Institute of Nutrition says that two out of three deaths of children in India are associated with malnutrition. Malnutrition affects the health and economic productivity through a person's lifetime.

Anganwadi centres are also an important source of nutritional services for pregnant women and new mothers. With child nutrition already a big concern, the closure of schools and anganwadi centres due to the lockdown had a deep impact on these children, particularly when school meals were absent. In April 2020, the Central government announced that food security allowance, or dry rations could be given in lieu of school meals even during school closures. However, there has been very dismal progress implementing this. The fact that many of the anganwadi centres were not functioning with their usual services has also made it difficult for parents with young children to take up employment: many depended on these centres to care for children while they were at work.

NEED FOR NATIONWIDE CAMPAIGN TO CREATE AWARENESS

The persistent high levels of undernutrition and the slow pace of its decline is a major concern for the nation.

A campaign need to be designed. The campaign objective should be as follows:

- Creating awareness about nutritional challenges, the importance of optimal nutrition and creating an enabling environment to mobilise communities to prevent malnutrition.
- Promoting home-level care and behaviour orientation for appropriate infant and young child feeding practices, child care and development, optimal nutrition and care during pregnancy & lactation, and better utilisation of available services.
- Reaching out to families, pregnant women, mothers, caregivers, adolescent girls, Panchayati Raj Institutions (PRIs), teachers, opinion leaders and the community at large.

The objective of this nationwide campaign against malnutrition is to address issues of status of women, the care of pregnant mothers and children under two, breastfeeding and the importance of balanced nutrition and health. The focus is on women between 13 and 35 years of age and their family members.

DEVELOPMENT OF A CHILDREN LED DATABASE ON FUNCTIONING OF MID-DAY MEAL SCHEME & ANGANWADI (CHILDREN)

The Mid-Day Meal (MDM) improves health and education of the poor children. The scheme has the mandate to ensure one-third of the nutritional requirements of child for which the administrative and logistical responsibilities are enormous. The scheme however, proves

nutrition is a complex issue, many a times MDM has low nutritional value in comparison to the daily requirements and much lower in nutrients such as protein, fat, iron and iodine in relation to the meal quantity in particular. Moreover, nutrition is also linked with health and hygiene, students require Vitamin, Folic Acid, Iron, even de-worming medicines and micro-nutrients.

In Delhi, we can start with PRATYeK's area of operation with its Children Parliament involving active senior students in the locality. To develop a database, major activities are as follows:

- Count the exact number of children who are present in school every day
- Monitors the cleanliness by ensuring that every child washes his/her hands properly before taking
- MDM and wash the plates and keeps at proper place afterwards.
- Ensure that all the children sit in rows and help members to distribute MDM.
- Children Parliament checks the material of MDM. It ensures that the waste material is thrown in the Garbage pit.

Annexure 5**Summary of Action taken and Achievements**

Sr. No	Action Taken	Details	Result
Rajasthan			
Chittaurgarh			
1.	Survey of 19 villages of 5 panchayats	200 families identified with no access to different household and livelihood schemes. Data conveyed to MLA, SDM and respective sarpanches	Necessary action taken to link the families
2.	Household Survey on food security	100 families facilitated to file online registration. Letter to MLA to help local families of Kushalgarh under APL category to get help at time of COVID19 and loss of employment	Necessary action taken
3.	Sample survey in one village of Kushalgarh Panchayat to understand status of MGNREGA	114 job card holders surveyed, none getting more than 50 days work. Rajya Sahhayak Sachiv reluctant to receive job applications and elected representatives ineffective to take action against the secretary	From July 20 to Feb 21 820 job applications filed
4.	Memorandum to SDM copy to Chief secretary, District collector and local MLA	209 IFR claims arbitrarily rejected in 38 villages of 15 panchayats. Memorandum sent in July 2020 with follow up with MLA in Nov 2020 and with DLC in Jan 2020	No action taken so far
Bhilwara			
5.	Formation of federation and sending of memorandums on violation of FRA	40 villages from 5 Panchayats federated as Upar Mal Mazdoor Kisan Sanghathan (UMKS). Memorandum sent to SDM and District Collector on atrocities committed by local forest officials in violation of the Forest Rights Act	No action yet
Bundi			
6.	Formation of federation and sending of memorandums on violation of FRA	Two memorandums sent in October 2020 to DLC and to SDLC	No action yet federation initiated
Udaipur			
7.	Formation of federation	Issues related to destruction of the forest, deprivation of rights to Mahua trees and proper process for Tendu leaves for which forest fires are initiated to hide the activities of the land mafia	Campaign planned in April 2021
Jharkhand			
8.	Federating for Forest Rights	469 villages in 9 Districts through 938 volunteers	Action against violation of Forest rights by

			the forest department
9.	Conducting of gram sabhas	Gram sabhas conducted in 60 villages	Rights under FRA and local self governance of PRIs being taken up
10.	Pursuit of IFR claims	23 villages of 14 panchayats have succeeded in getting 47 new IFR claims approved	Process of training for filing CFR claims underway
Gujarat			
11.	Federation of 82 villages in 3 Tehsils of Chhota Udepur	Protection of 22, 061.84 has of land and creation of awareness of the wealth of the biodiversity and its relevance for livelihood	CFR claims filed in 4 villages

