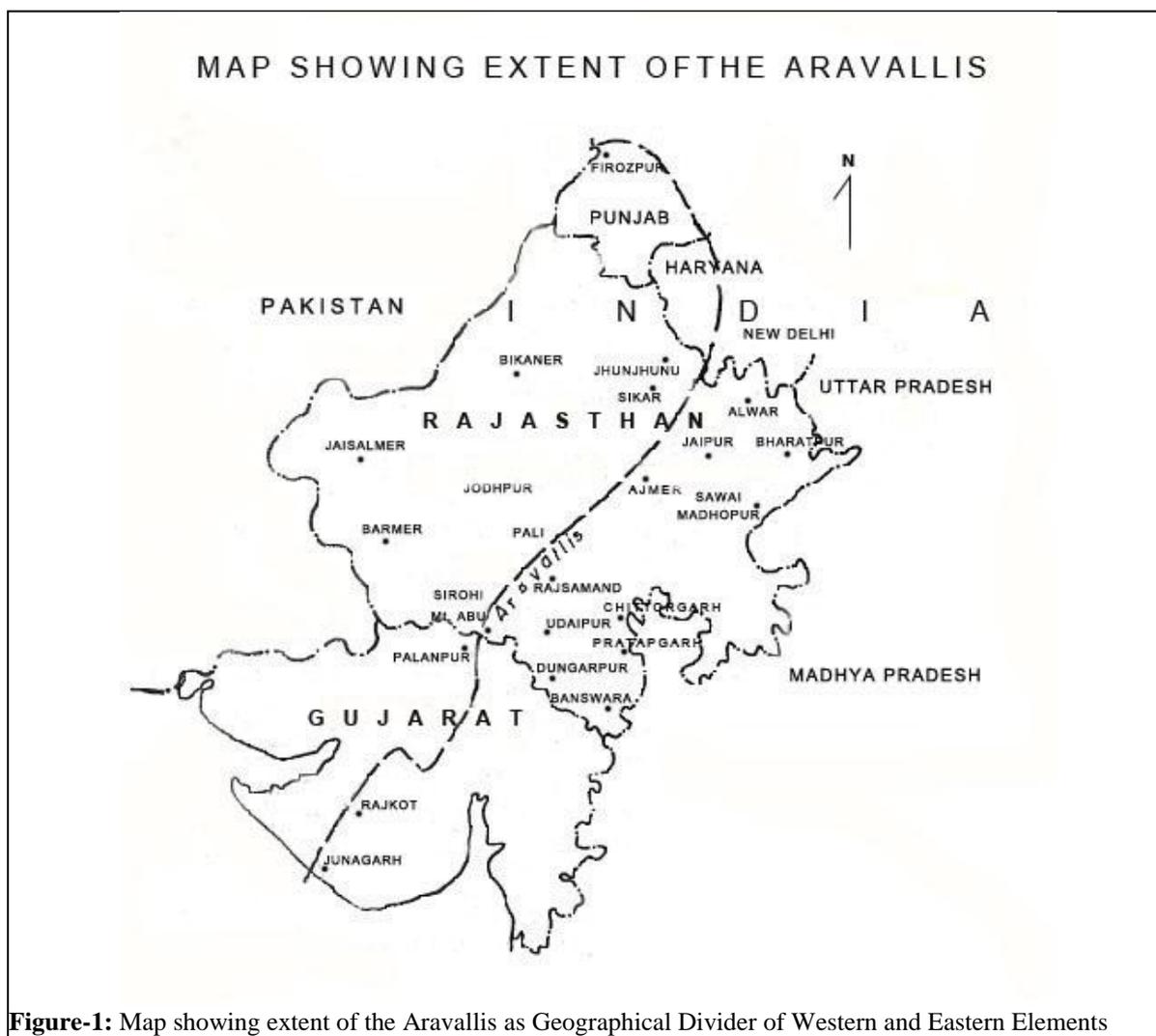


# **Facilitate FRA Implementation in Rajasthan through Interaction with Civil Society and Grassroots Movements**

## 1. Background:

The State of Rajasthan emerged out of a five stage process of integration of the princely States of Rajputana with the addition of Ajmer (the seat of British rule in Rajputana) which was carved out of the Central Provinces<sup>1</sup>. The Aravallis running right through Rajasthan from North to South is the major defining feature of the ecology of the region (Figure-1). Oscar Georg Drude (1852- 1933) called this the dividing line (better known as the Drude line) between the South West Asian/ Perso- Arabian and Indo Malayan floral elements (Figure-2). To quote from V. M. Meher Homji, ‘The literature on the demarcation line between the “Indo-Malayan” and the “Perso-Arabian” floras is reviewed .... In the forests of teak or miscellaneous species generally located on the hills, the Indo-Malayan and the Indian elements predominate but in the thicket or scattered shrubby vegetation of *Prosopis*, *Salvadora*, *Acacia*, *Capparis*, *Euphorbia* of the sandy alluvial plains of North Gujarat and Rajasthan the western element is conspicuous’<sup>2</sup>.

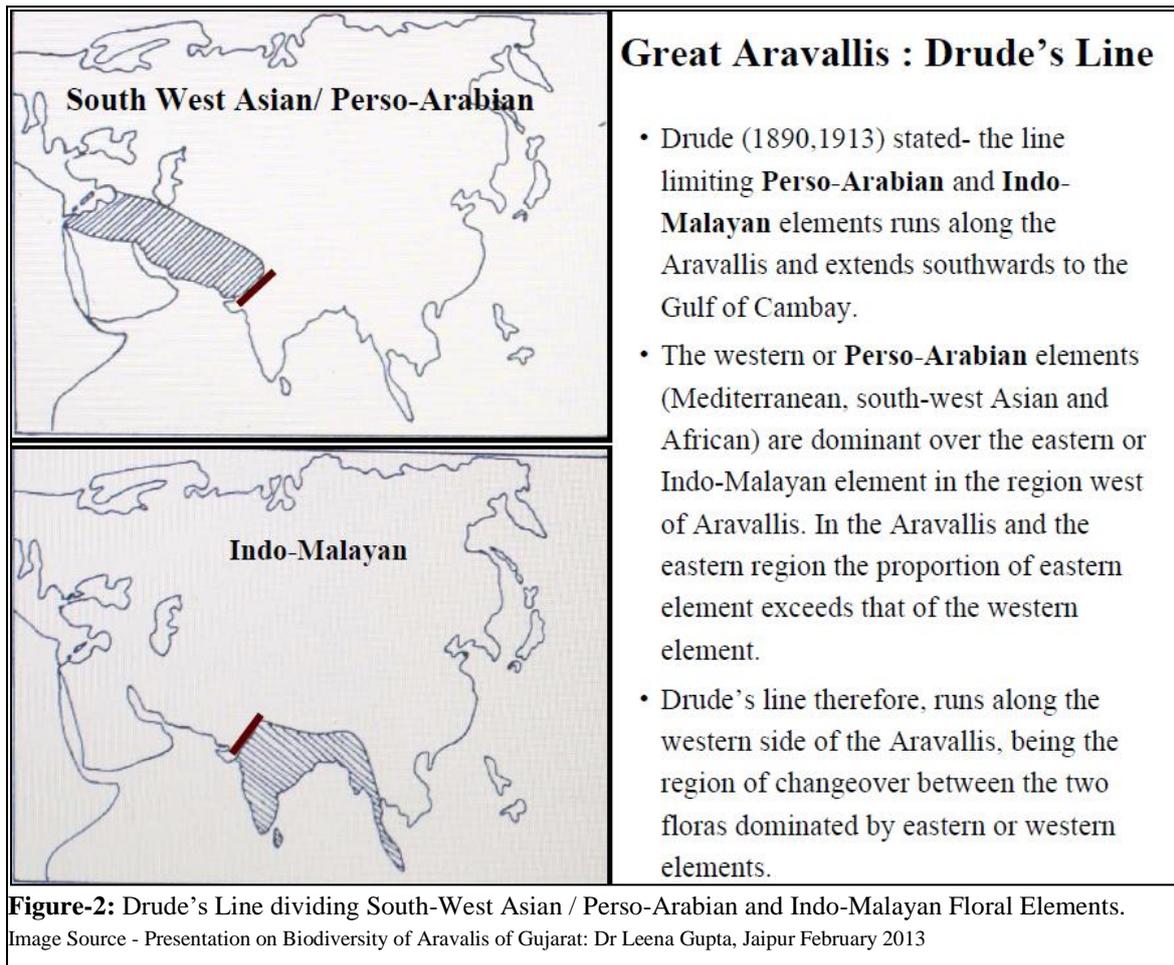


**Figure-1:** Map showing extent of the Aravallis as Geographical Divider of Western and Eastern Elements

<sup>1</sup> Integration of the Indian States V.P. Menon

<sup>2</sup> Some phytogeographic aspects of Rajasthan, India- V. M. Meher-Homji December 1970, Volume 21, Issue 4, pp 245-254.





Prof. S. S. Dhabriya in his two seminal works<sup>3</sup> in the eighties pointed out how deforestation in the Aravallis was causing the spread of desertification and recommended an action programme to halt the progress of the desert. The programme comprising sand dune stabilization, aerial seeding of *Prosopis juliflora* and other programmes undertaken at that time, did contain the spread to some extent but at the cost of large scale invasion of hill slopes with this species at the cost of the native ones.

Since the Aravallis also act as a water divide between the river flowing into the Arabian Sea and the Bay of Bengal, the water resources of the Aravallis have been tapped to fuel the urbanization and development process. Mining is another major activity in the Aravallis which came to a head in 2006 when the Supreme Court stopped all mining in the Aravallis for 15 days. While mining was resumed thereafter, the manner of its renewal leads to many unanswered questions.

**Table-1** provides details of the forest land on the Eastern side of the Aravallis. With seventy five percent of the forest land and 84 % of the dense forest in this region and another 11% of the dense forest in the two adjacent districts of Sirohi and Pali West of the Aravallis, the

<sup>3</sup> 'Desert Spread and Desertification – An analysis of the identified Aravalli gaps on the desert fringe' and 'Eco-crisis in the Aravalli Hill Region – Changing Environmental Status and proposed remedial measures for its regeneration'.

Aravallis play a vital role as a barrier, what happens to the Aravallis therefore is central to the health of the people of Rajasthan (more details are given in Annexure - 1, 2 and 3). There is a large open forest and scrub land falling in Barmer/ Jaisalmer known as Desert National Park (Annexure 4).

**Table-1: Details of Forest Area East of the Aravallis**

<b>Rajasthan : % Forest Area East of Aravallis</b>				
<b>S. No.</b>	<b>District to the East of Aravallis</b>	<b>Forest Area (Sq. km)</b>	<b>% of Total Forest on East of Aravallis</b>	<b>% of Total Dense Forest on East of Aravallis</b>
1	Ajmer	618.4419	2.50	0.76
2	Alwar	1783.6148	7.21	8.76
3	Banswara	1006.3866	4.07	1.85
4	Baran	2239.6901	9.05	3.31
5	Bharatpur	434.9344	1.76	0.69
6	Bhilwara	779.6888	3.15	0.76
7	Bundi	1557.3335	6.29	3.25
8	Chittoragarh	1793.4145	7.25	13.23
9	Dausa	284.4934	1.15	0
10	Dholpur	638.3859	2.58	1.82
11	Dungarpur	692.7533	2.80	0.98
12	Jaipur	945.6630	3.82	2.82
13	Jhalawar	1349.7943	5.45	1.85
14	Karauli	1810.0470	7.31	0
15	Kota	1322.4592	5.34	3.4
16	Pratapgarh	1666.3071	6.73	0
17	Rajsamand	401.2779	1.62	2.91
18	Sawai Madhopur	952.8829	3.85	5.6
19	Tonk	330.0466	1.33	0.73
20	Udaipur	4142.3344	16.74	31.58
	<b>Total</b>	<b>24749.94954</b>	<b>100</b>	<b>84.3</b>

The demographics of Rajasthan reveal that it has 10.4% of India's land mass, 5.5% of the population, 10.3% of the livestock population, 5.49% of the food production, 21.3% of the oilseed production and 1.7% of the water resources of the country. Clearly Animal husbandry is central to how Rajasthan was able to use its land resources effectively. Historically the region had three dominant migratory routes for the livestock from the desert to the forest

pastures in Madhya Pradesh passing through Udaipur, Ajmer and Karauli. The destruction of the commons through a systematic programme of privatization has resulted in a crisis for the pastoralists. The Gujjar movement for reservation is a reflection of how this once prosperous community has been marginalized by the development process in the State.

The story in South Rajasthan and the forested areas of this region are somewhat different. As the forest statistics of Rajasthan show, these areas have forests as one of the dominant land uses of the region. The tribal population with the exception of the Meenas of North Rajasthan (who wrongly got added to the list of tribals in the state), is centered in this region. The dependence on NTFP is an integral part of their life support system.

In February 2013, SPWD with support from Vasundhara and Kalpavriksh organised a two day meet on FRA at Jaipur. The deliberations highlighted the following<sup>4</sup>

- a. Progress on implementation of FRA has been slow. Despite the limitations of staff and other limitations, the tribal department did not seem to appreciate the relevance of involving civil society in the process and were confident that the process they were following would deliver the goods.
- b. The groups pointed out a number of violations being committed by the forest department namely using MGNREGA funds to build walls excluding people from the forest in violation of FRA and construction by hotels bordering the sanctuary.
- c. The representative from the forest department pointed out that it was not its own master and that on a number of issues it was the State Government that dictated terms to the forest department.
- d. The relevance of NTFP, medicinal plants and biodiversity for livelihoods on one hand and sustainable forest management in the context of FRA was highlighted.

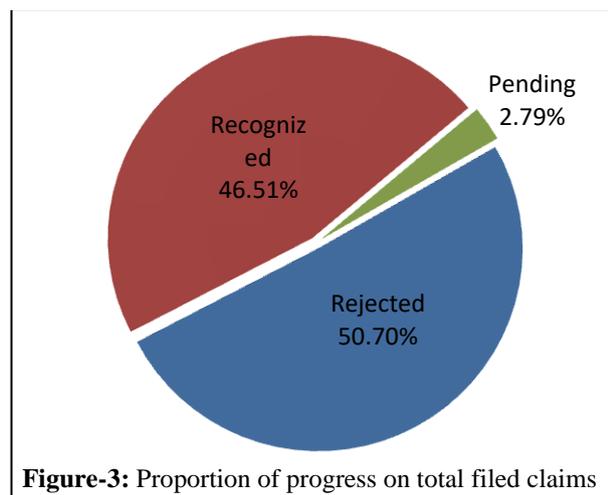
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<sup>4</sup> Workshop report minutes, circulated on email by Juned Khan Komal, SPWD - details given in Annexure 5

## 2. Status of FRA Implementation in Rajasthan:

### 2.1 PROGRESS OF IMPLEMENTATION<sup>5</sup>

- 16 Districts have claims filed<sup>6</sup>
- Total claims filed - 70496,
- Approved claims - 35741 (50.70%),
- Rejected claims - 32786 (46.50%),
- Pending claims - 1969 (02.80%)
- Titles issued - 35716 (Individual - 35647, Community Rights for non-forestry purpose - 69),
- Total area recognized - 22138.343 Ha



**Figure-3:** Proportion of progress on total filed claims

Regarding Community Claims only approx. 10.5% of the total filed claims have been recognized, while 63.6% claims have been rejected and approx. 25.8% claims are pending.

The state level data mentions all Community Claims together in its report and no separate details are given regarding CFR {section 3(1)} and CR {section 3(2)} claims.

According to the official records, till January 2016, 654 Community Claims (including CR and CFR) were reportedly filed in 8 districts (Banswara, Dungarpur, Udaipur, Sirohi, Baran, Pali, Bhilwara and Kota) but only 69 (CR) claims were actually recognized in 6 districts.

Noteworthy, the reporting on number of community claims filed is doubtful, if one goes district-wise details, e.g. in Dungarpur district the district level (Tehsil wise data) data<sup>7</sup> reports filing of 352 community claims (all in sagwara Tehsil) and only 10 of them (CR) as recognized, while remaining all rejected at Gram Sabha level on grounds of insufficient proof; on contrary the state level data reports only 10 community claims filed in Dungarpur district and all as approved.

Furthermore, all Community Claims filed in Banswara, Dungarpur (consider 10), Pali and Bhilwara were approved whereas all claims filed in Udaipur (54) and Kota (5) and part from Baran (110) are kept pending. Major rejection of claims took place in Sirohi and Baran with 99.65% and 52.9% of the total filed respectively (Dungarpur case has been already described above).

The review process for the rejected claims is being apathetically dealt with.

<sup>5</sup> Annexure 6 - Progress Report of FRA Implementation (January, 2016) by Tribal Commissionerate, Rajasthan, Udaipur.

<sup>6</sup> On the Eastern side of the Aravallis, the following districts are not included in the list of districts for which FRA data has been given, namely Ajmer, Alwar, Bharatpur, Dausa, Dhaulpur and Karauli. These districts have 5,569.92 sq Km forest area about 17.32% of the total forest area of the State. The Districts of Pali and Sirohi on the Western side of the Aravallis have been included in the list where FRA data has been given.

<sup>7</sup> Dungarpur District Level FRA Progress Report (30 September 2014)

Till date only 22138.343 Ha forest area has been recognized whereas the minimum eligible area (criteria laid out in the State of Forest Report - 1999) as per the 2001 census data for Rajasthan is 25, 75, 445.78 ha<sup>8</sup>.

Total legal forest area in the state is 3274448.80 Ha

Area recognized under FRA until now is approx. 0.86% of the total minimum eligible area and 0.68% of the total legal forest area of the state.

## **2.2 FRA PROGRESS IN SCHEDULED AREAS**

Five district areas in southern Rajasthan namely Banswara, Dungarpur (fully tribal) and Udaipur, Chittaurgarh (Pratapgarh) and Sirohi (partly tribal) are listed under Scheduled Areas under provisions of the Fifth Schedule.

Forest area within revenue boundaries (minimum eligible area) of villages in scheduled districts is 703365.86 Ha which is 25.88% of the total minimum eligible area of the state.

Recognition of FRA in scheduled areas until now is 20473.979 Ha which constitutes major share (92.48%) of the total recognized area of the state. On the other hand the area recognized under FRA in scheduled areas as percentage of their own collective minimum eligible area is only 2.91%.

## **2.3 DETAILS OF IFR AND CFR TITLES**

Till January 2016 total 70496 claims were filed in the state out of which 35741 claims were approved and titles for 35716 claims were issued. Category wise details of area recognized under titles are as follows -

### **A. Individual Titles**

- Titles issued - 35647
- Area of land recognized - 21943.05 Ha
- Average area recognized for each title - 0.61 Ha

### **B. Community Titles**

- Titles issued - 69
- Area of land recognized - 195.293 Ha
- Average area recognized for each title - 2.83 Ha

### **C. Total Titles**

- Titles issued - 35716
- Area of land recognized - 22138.343 Ha
- Average area recognized for each title - 0.62 Ha

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<sup>8</sup> Annexure-7 - District-wise Forests as Land Use in Villages of Rajasthan - 2011 (and comparison with 2001 & 1991)

## 2.4 REVIEW ON THE STATUS

**2.4a Reporting Districts Remain Same:** There is no change in the number of districts reporting implementation of FRA. 16 Districts have record of filed claims while rest 17 districts do not have any account.

**2.4b No Change in the State Data** regarding number of claims received at Gram Sabha level, since July 2014 till November 2015<sup>9</sup>. The district-wise figures of claims received at Gram Sabha level also remained same but the change was only in the number of titles recognized and the area recognized. From this fact there are two assumptions possible -

- I. No new claim was submitted at Gram Sabha level in the entire state in all reporting districts, Or
- II. No new claim was accepted at Gram Sabha level in the entire state in all reporting districts.

From the information available with us, it shows the huge lacuna still prevailing in the claim filing process and the obstructions being created at the very initial stage.

**2.4.c MoTA Status Unchanged:** The Analysis of MoTA Data of 20 months period indicates that the ministry is neither monitoring nor reporting the actual progress in FRA implementation in the state.

The table given below is self explanatory that it is only reporting of the same figures took place in particular reference to the state of Rajasthan and no actual progress was reported.

The role of SLMCs also comes under doubt whether it is in existence and complying with the norms of the act or not?

Referred MoTA Status Report	Number of Claims Received			Number of Titles Distributed			Extent of Forest Land Distributed (Acres)		
	Individual	Community	Total	Individual	Community	Total	Individual	Community	Total
May 2014	69123	652	69775	34082	65	34147	51406.97	479.73	51886.7
Sept. 2014	69123	652	69775	34082	65	34147	51406.97	479.73	51886.7
Sept. 2015	69121	654	69775	34779	69	34848	52239.11	482.58	52721.69
Oct. 2015	69121	654	69775	34956	69	35025	52451.05	482.58	52933.63
Dec. 2015	69121	654	69775	34956	69	35025	52451.05	482.58	52933.63
Jan. 2016	69121	654	69775	34956	69	35025	52451.05	482.58	52933.63

Source - MoTA Status Report on FRA implementation ([www.tribal.nic.in](http://www.tribal.nic.in))

<sup>9</sup> See annexure-8 (Rajasthan FRA Status - July 2014) & annexure-9 (Rajasthan FRA Status - November 2015)

**2.4.d Stable CFR Process:** CFR Process The progress in filing and recognition of CFR claims is almost stable since 2014. There is no progress in other district other than Banswara where 4 more claims have been filed and recognized as well. For rest of the districts reporting community claims the data is unchanged since July 2014.

Moreover, the progress on pending claims particularly in Udaipur district (as affirmed they are CFR claims for customary rights) is not available. People and CSOs involved in the matter obtain information through their own means only. It is reported that 54 claims are pending at DLC level since more than two years, but no further progress is reported except that few of them have been redirected to SDLC for revision.

**2.4.e Lack of Updated Information at DLC Level:** In case of Udaipur, the district level nodal officer (the Project Officer, TAD) does not have updated information of the village-wise claims whereas in Alwar there is nobody available to have any information.

**2.4.f Action Plan Unachieved:** In 2012 a time bound action plan was prepared by the Tribal Commissionerate which envisaged completion of FRA implementation by August 2013. The action plan aimed to coincide with state government's 'Prashasan Gaon ke Sang Abhiyan'. From preparation of training modules and material in November 2012 and thereafter a seven stage time bound action plan was prepared. The action plan had to accomplish with final declaration by the Gram Sabha regarding settling of all claims. The whole process was to have been finished by 15<sup>th</sup> August 2013, but nothing was accomplished as per plan.

**2.4.g DCFs with Most Former Record of Titles:** In June 2013 the Govt. of Rajasthan issued an order<sup>10</sup> to the PCCF (HoFF) for maintaining separate record of recognized IFR & CFR titles. In compliance to the order the DCFs of Udaipur, Dungarpur, Baran, Chittaurgarh, Pratapgarh and Rajsamand and Bhilwara furnished the information of recognized titles in the prescribed format. The record of titles was uploaded on departmental website in 2015 which dates back to 2013 status. Updated record is not available.

**2.4.h Reconstitution of SDLCs and DLCs:** Through its order dated 27/12/2013<sup>11</sup> the state govt dissolved membership of all non-governmental members (chairman/vice chairman/members) in all commissions / corporation / block / state and district level committees with the immediate effect. Following the orders the SDLCs and DLCs constituted under FRA were also dissolved. Later the reconstitution of SDLC and DLC was initiated which still not been completely achieved till date. Moreover, the information regarding dissolution and reconstitution of FRCs has not been furnished therefore the existence of the previous FRCs and their authority to continue in FRA recognition process is vague.

<sup>10</sup> Annexure-10: Letter no. F-8(10) Forests/2005 Part, dated 12-03-2013 by the Secretary Forest, Govt. of Rajasthan

<sup>11</sup> Letter no. 6(43) AR/Sec-3/2013, dated 27-12-2013 of the dept. of Administrative Reforms, Govt. of Rajasthan

**2.4.i Constitution of FRCs:** The constitution of most of the FRCs has reportedly been done unlawfully, without Gram Sabha Meeting and without even the member getting to know that they have been nominated.

For instance, in Jhadol and Kotra Tehsils of Udaipur districts the information regarding FRC members is not known even to the Sarpanch and the nominated members. In that case, how the FRA claim (IFR) files are being prepared and how they are being channelized to higher level is an issue of further investigation.

## 2.5 DETAILS OF CSO CLAIMS OF WHICH WE ARE AWARE

Considering the information that we were able to gather from NGOs, claims for more than 30,000 Ha of forest land have been prepared/are in the process of being prepared under CFR covering more than 150 villages in Rajasthan. None of this is reported in the records available with the Tribal Commissionerate. We have shared the same with the concerned CSOs, update of the latest position is awaited.

Seva Mandir has submitted 40 52 CFR claims from Jhadol totaling approx. 13728 Ha, average 264 Ha per village.

Astha has submitted 90 CFR claims. They have evidence for 77 of these claims filed in five districts for more than 38468 Ha land. 29 claims have been filed in Udaipur district for approx. 18262 Ha land (including approx 226 Ha pasture land), 22 of them are reportedly pending at SDLC level.

Other organisations like Prayatna Samiti, Jagran Jan Vikas Samiti, Lokhit Pashu Palak Sangh, Krapavis, Foundation for Ecological security and others have also prepared CFR claims, some of these have been submitted but not acknowledged, most are however in the process of being prepared the total figure will be in region of 1 lakh Ha still a far cry away from what is needed.

In the light of the fact that communities/individuals have exercised their right more by 'direct action' than by filing claims, there is a need to rejuvenate the process by reiterating the fact that FRA is about recognition of rights.

## 2.6 ANALYSIS

### 2.6.a. Where CSOs work (not to be generalized as there are variations to this pattern as well)

- JFM boundaries prioritized rather than customary/traditional boundaries for CFR claim; claimed land restrict to boundary of JFM scheme
- Villagers being told not to go for CFR and continue the benefits through JFM
- CFR claims made in the name of other Mass institutional body (e.g. JFMC / Van Suraksha Samiti) instead of Gram Sabha (i.e. entire village) (e.g. Jhadol, Udaipur)

- JFM helped to arrest destruction and enhanced protection of the forest. However since it did not include agriculture practiced in the forest it was opposed by Astha and others. So it was only natural that FRA resulted in individual forest rights in the initial stages.

### **2.6.b. The Process of FRA (Key issues / findings)**

- The concerned higher officials at Tribal Commissionerate not taking the matter with due accountability. Only the LDC/UDC grade officer maintains all kind of data and documentation.
- Being aware of NIL achievement in recognition of CFR claims the tribal dept do not have any plan to accomplish the task.
- Frequent change of nodal officers at SDLC/DLC level hence organization of data and timely disposal of claims is hampered.
- Most of the formal orientation programs were organized with the help of Tribal Research Institute, Udaipur and thereafter no monitoring took place regarding outreach and orientation of FRC and PRIs.
- State Govt. deliberately delaying the process to harass the people from making more claims, especially CFR {Forest dept pressurized to impede the process (e.g. Kulak, Data maintenance by DCFs, delay in verification of claimed land)}.
  - \* DCFs have to maintain the record of recognized IFR, CFR and CFR-Section 3(2) cases in the given formats (see Annexure-10). Uploading of updated data on the forest department's website (Incomplete data has been uploaded, needs to be tallied with district-wise figures of Tribal Commissionerate data).
- Govt. ultimately awaiting Gram Sabha declaration about settling of all claims.
- FRCs mostly inactive, people either personally or through local middlemen prepare the claim file and Forest and Revenue officials for their signature on land verification (essentially paying Bribe) and submit the file directly to the SDLC level through panchayat secretary (paying bribe) without getting it endorsed through formal Gram Sabha meeting. The meeting date and resolution number is provided by the Panchayat Secretary. The FRC president and secretary are also personally approached for their signatures and seal on the claim papers (e.g. Gamri, Heerumala, Jetiwada in Jhadol Block).
- Gram sabha not taking initiative to facilitate the FRA implementation process
- Focus on IFR

Both in Udaipur and Alwar the community clashes over common property resources are going as routine phenomenon which is one of the major causes for the community's disinterest in CFR. People are more interested in getting their IFR claims settled first (this observation is based on the interaction with the community in

both area through personal interactions as well as through facilitation of local CSOs and other local persons). The clashed over customary boundaries (even they are particularly not known to the young generation, hence need elderly people to intermediate and settle the disputes) is another major hurdle before demarcation of the CFR area that has to be claimed.

- The process of CFR is in pockets and seems to relate to NGO and historical political processes of community mobilisation (e.g. Case study villages in Udaipur area).
- Gram Sabha lacking interest in expediting the process (issue also raised by members of 'Jal Jangal Jameen Jan Andolan' during meeting at Udaipur) which is one of the major causes for the delay in proper implementation of the FRA. In Alwar the disinterest of Gram Sabha is due to another fact, pressure of Relocation which is priority issue to be settled first.
- Private control / Encroachment over pasture land and/or far-off forest areas (e.g. village Galdar, Gejvi, Jetiwada etc in Jhadol, Udaipur and Bera, Loj, Nathusar, Bhagatpura, Beenak etc in Alwar). People being fined and summoned by the Range Forest Officer for hearing under illegal encroachment cases (Bribery prevalent) - harassment of making IFR claim for the encroached land.
- IFR claims demanding land from revenue forest land are granted approval but those having encroachment in the notified forest area / protected area denied/rejected. This also needs to be understood in the light of local disputes over certain IFR claims which do not qualify as traditional land holdings, therefore the committee members / Gram Sabha unwilling to appreciate this practice.

### 3.0 Taking the CFR Process Forward:

The recent circular of MoTA dated 10/6/2015<sup>12</sup> to the chief secretaries of all States highlights the call of the Prime minister to take up the implementation of FRA in a campaign mode. Experience in the various States indicates the need to push for the implementation of CR and CFR rights on a war footing. The MoTA circular dated 10/4/2015<sup>13</sup> also underscores this point.

The report below outlines the initiation of a process to combine the knowledge of local communities with that of civil society organisations to provide the impetus for development of an organic organisation to take forward relevant forestry related livelihood and governance issues in Rajasthan. How to make CFR the cutting edge for reversing the change in the process of historical injustice for forest dwelling communities is intricately linked up with empowering the communities to provide the leadership necessary for bringing about the change.

#### 3.1 SELECTION OF ZONES

- Selection of two districts reflecting tribal and pastoral livelihood systems.
- In both districts the implementation of FRA provisions has been analyzed at district level while few villages in both areas were chosen as case studies for ground truthing and micro-level analysis.
- The parameter for selection of villages was primarily based on their geographical location representing the potential CFR area in contrasting typologies of demography, settlement and livelihood pattern. On the other hand it was based on recommendation of local CSOs and interest public groups who were familiar with community's perception and willingness towards community governance over forest resources.
- Selection of Alwar was also based on the perception that despite having potential eligible area under FRA provisions, the district has been reported having no FRA claims filed or pending (!), while the provisions of FRA are reportedly being adhered in village relocation in Sariska Tiger Reserve where mandatory provisions of constitution of SDLC and DLC

#### 3.2 CASE STUDY VILLAGES

Case study villages in both zones -

Zone-1: Udaipur (06 villages) - Galdar (with Mormagra), Gejvi, Jetiwara, Heerumala and Gamri.

Zone-2: Alwar (05 villages) - Bakhtpura, Bera (Rundh Kalikhol), Kalikhol, Beenak and Loj-Nathusar

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<sup>12</sup> Annexure-11

<sup>13</sup> Annexure-12

In both regions the concerned CSO and the Community were made aware of the Political study on CFR undertaken by RRI. The process of mapping used by the Chenchus of Nallamalla was explained by P Sivaramkrishna of Sakti.

### 3.3 ZONE-1: SOUTHERN ARAVALLIS – UDAIPUR (JHADOL)

The SPWD report on Southern Rajasthan prepared for South Asia Pro poor Livestock policy programme<sup>14</sup> reviews the impact of the protection and developmental over a period of twenty years from the mid eighties to 2008. The study shows that as a result of the implementation of Joint forest management and other developmental programmes in the region, the forest cover went up by 25% till the turn of the century. However due to the forest department asserting its ownership rights of the forest produce to restrict people's free usage of what they had protected and nurtured, the conservation process received a severe jolt. In the period immediately preceding and following the passing of the forest rights act in 2006, massive deforestation is witnessed in various parts of the region. This has been documented in Jhadol for instance by E. Somanathan<sup>15</sup>. The implementation of the Forest Rights Act however belied people's expectations. Many claims were rejected and even where claims were sanctioned only a fraction of the land applied for was approved. In sum leave alone this newly cultivated land, only a fraction of the land recorded as 'encroached' prior to the Act has been recognised. Seeing the tardy approach towards implementation and also concern about future generations, most people are relying on status quo (acquisition of individual land rights by possession). This process has created considerable resistance in the forest department. There is therefore an increasing realization that the demand for CFR is the realistic way forward.

#### 3.3.a Description of the Area

The Udaipur district lies in Southern Rajasthan at the southern end of the Aravalli Range. The district is flanked by Chittaurgarh in the east, Sirohi in the west, Rajsamand and Pali in the north and Dungarpur and Banswara districts along with Banaskantha District of Gujarat in the south. One of the world's oldest mountain ranges the Aravalli Range is an important relief feature, often perceived as a frontier that separates the Thar Desert from the plains and plateaus of eastern Rajasthan. According to agro-ecological zonation the district falls into Northern Plain (and central highlands) including Aravallis, Hot Semi-Arid Region. The district in general is famous for three reasons - lakes and rivers, mineral wealth and tourism destination, but in socio-cultural perspective it is famous for having varied tribal cultures especially in settlement as well as livelihood pattern.

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<sup>14</sup> "Efforts towards the restoration of degraded Commons and the struggle for forest rights in Southern Rajasthan with special focus on animal husbandry practices and grazing rights" for the South Asia Pro Poor Livestock Policy Programme (SAPPLPP) – a joint initiative of NDDB and FAO – by Society for Promotion of Wastelands Development, New Delhi – Viren Lobo and Dr Jagdish Purohit , 2008

<sup>15</sup> Forest Rights Act – some preliminary findings Workshop on the Commons Seva Mandir, Udaipur 13<sup>th</sup> September 2013, E. Somanathan, Indian Statistical Institute, Delhi Based on joint research with Jean-Marie Baland and Francois Libois, University of Namur Jagdish Krishnaswamy, ATREE

Total population of Udaipur district is more than 3 million which is comprised of 80.2% rural and 19.8% urban population. The Scheduled Caste and Scheduled Tribe population constitutes 6.14% and 49.71% of the total population respectively. The principal tribal communities are Bhil and Meena while others include Garasiya, Damor, Nayaka, Dhor, Kathodi, Sansi and Kanjar etc.

In Rajasthan state the distribution of Scheduled Tribes is more in the eastern and southern part. Almost all scheduled tribal groups are found in southern Rajasthan therefore five district areas in southern Rajasthan namely Banswara, Dungarpur (fully tribal) and Udaipur, Chittaurgarh (Pratapgarh) and Sirohi (partly tribal) are listed under Scheduled Areas under provisions of the Fifth Schedule<sup>16</sup> of the constitution, hence the provisions of PESA Act, 1996 are also applicable in them. The average percent ST population in scheduled areas of Udaipur district is 74.1%, as a reason the district is part of Tribal Sub-Plan areas and also among 13 districts of Rajasthan receiving funds from the Backward Regions Grant Fund Program (BRGF)<sup>17</sup>.

Udaipur district is divided in 11 sub-divisions/Tehsils namely Kotra, Kherwara, Rishabhdev, Jhadol, Salimber, Sarada, Lasadiya, Girwa, Gogunda, mavli and Vallabhnagar. The heavily concentrated tribal area comprises Kotra, Lasadiya, Rishabhdev, Jhadol (Phalasiya) and Kherwara tehsils of Udaipur district.

Jhadol is one of the tribal dominant tehsils of the district with 75.78% of its total population as Scheduled Tribes living in 283 villages. Principal tribes in the region are Bhil, Meena, Garasiya and Damor. Jhadol tehsil also holds a good cover of forest including territorial forest as well as wildlife sanctuary (Phulwari Ki Nal). The area also forms part of Western Banas-Sabarmati River Basin<sup>18</sup> and serves as catchment of Wakal River.

The total forest area in the district is 390632.85 Ha including territorial forest, wildlife sanctuaries and conservation reserve. The territorial forest covers 320505.47 Ha while the remaining 70127.38 Ha is covered under wildlife sanctuaries. The sanctuaries include Phulwari Ki Nal (51141 Ha), Jaisamand (5234.2 ha), Sajjangarh (519.61 Ha) completely and Kumbalgarh (12077.86 Ha) and Sitamata (777 ha) partly. Total notified forest area of the district constitutes 29.11% of the total geographical area of the district. The district's forest area constitutes more than 16.7% of the total forest area east of Aravallis while in another way the district contributes approx. 32% of total dense forest east of Aravallis.

Udaipur district has 2479 villages, out of them 2471 villages are inhabited and 8 villages are uninhabited. Of the total villages in the district 1088 (approx. 44%) villages have forest as land use within the revenue area. Forest area covered as land use in (1088) villages is

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<sup>16</sup> Fifth Schedule { Article 244(1) } Provisions as to the Administration and Control of Scheduled Areas and Scheduled Tribes, Constitution of India.

<sup>17</sup> Backward Regions Grant Fund Program, Ministry of Panchayati Raj, Govt. of India. The program is to be planned, implemented and managed by Panchayats, Municipalities and District Planning Committees constituted in accordance with the part IX and IX-A of the constitution.

<sup>18</sup> India-WRIS.2012, River Basin Atlas of India, RRSC-West, NRSC, ISRO, Jodhpur, India.

approximately 275626 Ha which is more than 42% of their total area and approximately 21% of the total area of the district.

### 3.3.b Settlement and Rights -

The Bhils are mostly concentrated in the hill-locked wildest areas of the Aravallis. The pattern of their settlement is mostly in the form of clusters of detached huts among the hills, each hut occupying a small mound in the midst of cultivated land. The clusters together form a 'Phala' and all Phala together form a habitation, while the Meenas use to make their settlements on rocky elevations or in thick forests. In case of Garasias, their settlements are scattered over slopes facing their fields extended in the lower slopes and plains in front of them. They use bamboo and leaves in the housing material and plaster the walls with mixture of cow dung and Clay.

There are two narratives regarding settlement of communities since before British time, both portray the status of the tribal community in widely different terms and reality is probable somewhere in between<sup>19</sup>. One narrative by Tod<sup>20</sup> and others state that it was Rajputs came to the Bhil inhabited areas during Maratha invasion and later displaced those Bhils forcing them to hilly upland areas. While the other local narrative state that the tribals (Bhils in particular) were brought in by feudal lords (Rajputs) from adjoining areas to serve, guard and cultivate their lands. By 1900 the valleys and arable land areas were inhabited by Rajputs while the tribals inhabited surrounding dense forests. There was commercial relationship between forest dwellers and village dwellers / local traders. Tribal people use to exchange forest produces like fuel wood, tubers, medicines, fodder leaves, seeds, flowers, fruits, honey etc with money and goods.

Before independence the feudal system was predominant and the Rana of Mewar had the ultimate authority over land titles, the system was known as 'Reyatwari. Village pastures and waste land were the only defined village commons. Land occupied by the forest dwellers was non-categorized therefore, they were deprived of any entitlement. The rulers (Rana of Mewar) owned the forests primarily for the hunting purpose and collection of any forest produce or grazing or cutting was totally prohibited. The rulers had allowed extraction of Kattha (from the plant *Acacia catechu*) from certain areas on contract basis. Contractors brought people of Kathori tribe who had expertise in Kattha extraction, in the region from Khandesh area (today's Jalgaon, Dhule and Nandurbar districts) of Maharashtra. These Kathodis didn't have any land to settle therefore they followed Bhil tribe's way into the deep forests.

The first record demarcation of forest boundaries dates back to 1920s but till 1942 nothing significant happened. It was movement of Bhil tribe in 1942 after which the state rulers

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<sup>19</sup>Ballabh Pankaj (Ed.), Land, Community and Governance, Pub. Jointly by National Foundation for India and Seva Mandir, 2004.

<sup>20</sup> Lt. Col. James Tod, Annals and Antiquities of Rajasthan or the Central and Western, Rajput States of India, Oxford University Press, 1920.

granted certain concessions through Mewar Forest Act 1942. At the same time the classification and categorization of forests in Protected and Reserved category, settlement of forest area and their mapping was also started.

After independence in 1949 a public notice was issued regarding concessions granted to people and Bhil tribe in particular. The public notice was amended in 1951 and again in 1955 and ultimately merged into the Rajasthan Forest Concession Rules 1955. In 1953 the Rajasthan Forest Act came into existence and all previous acts were merged into it. Later, the Rajasthan Land Revenue Act 1956 and the Rajasthan Forest (Settlement) Act 1958 came into force and the systematic survey settlement process began which is still continuing.

The process of settlement filched most of the land areas for which the holders did not have the proven titles. For the first time the process of demarcating the village boundaries started and large pieces of pasture and forests were included in revenue area of many villages while other villages ended up with no common land at all. The demarcation of forest areas also fallaciously marked many settlements inside the reserved forest inadvertently depriving them from tenurial rights. The rights and concessions granted by the forest department to villages whose lands were incorporated into the forest blocks were neither equal in different forest blocks nor they were in proportion to the settled forest area of the respective villages. At the same time the rights and concessions were only granted in certain selected compartments (smaller unit of forest block) which mostly were close to village boundaries and this further aggravated the inter-village conflicts over accessibility to the areas common between them. Such traditional boundary conflicts are still prevalent in the area. The issues of unregulated settlement (officially termed as encroachment) and erroneous demarcation of forest boundary has also been highlighted in working plans as well as wildlife management plans of the forest department.

At present the rights and concessions granted differ in different forest blocks which are described in their respective notifications. Overall following rights and concessions are granted to the people -

### **Rights**

- i. Agriculture on revenue land inside interior line
- ii. Can inhabit inside land surrounded by interior line
- iii. Irrigation of crops by traditional methods
- iv. Collection of fruits of mahua (flower of Madhuca tree), timru (fruit of Tendu), mango, tamarind etc
- v. Use of paths and tracks
- vi. Worship and perform religious ceremonies like feast at temples inside the forest area
- vii. Funeral at traditionally used sites etc.

### **Concessions**

- i. Cattle grazing
- ii. Ownership on hide of dead domestic cattle

- iii. Fuelwood by headload for domestic purpose
- iv. Fencing material
- v. Collection of wood for agriculture implements
- vi. Collection of grass by headload during winters
- vii. Wood for funeral purpose
- viii. Drinking water for cattle round the year etc.

The region comes under Scheduled area hence the provisions of PESA Act (particularly those related with ownership of NTFPs and MFPs) are also applicable.

In the post independence period the government commoditized the forest resources at a large scale for revenue generation while the forest dependent communities were forced to endure with diminishing resources. According to Mehta (1995)<sup>21</sup>, instead of trying to compensate the rural people by providing new entitlements to the land resources in the state's possession, the state continued with its custodial policies of forest management characteristic of the feudal and colonial eras.

As per available statistics per capita available forest area in Udaipur district is around 0.17 Ha<sup>22</sup>. Till September 2014 there was 69918.407 Ha (approx. 17.9%) area of the forest that remained unsurveyed in the total forest area of the district<sup>23</sup>.

### **3.3.c Provisions of FRA Implementation**

Till January 2016 total 13701 claims were filed in Udaipur district, of which 52.7% (7221) were finally recognized and more than 35.5% (4866) were rejected while 1614 claims were reportedly pending at DLC level. Total area recognized is 5837.203 Ha that means average area recognized per claim is just 0.8 Ha.

On contrary the district level data furnished by the Dept. of Tribal Area Development (TAD) that handles the DLC level proceedings, for the same reporting time, the total number of claims rejected at Gram sabha level, SDLC level and DLC level is 6488 i.e. 47.35% of the total filed claims. No claim was reported pending at DLC level.

From the discussion and records of local CSOs as well as Govt data, it is reported that 54 community claims (CFR) were pending at DLC level and few of them were redirected to SDLC for revision.

In 2012 the Additional Principal Secretary issued an order<sup>24</sup> for action against of encroachments on forest land. Referring various provisions of forest and wildlife acts the order reminded the Assistant Conservator of Forests of the authoritative powers delegated to

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<sup>21</sup> Mehta, Ajay S. *The Micro-politics of Development: An Anatomy of Change in Two Villages*, Udaipur. Seva Mandir, 1995, pp. 3-4.

<sup>22</sup> District wise Percent Forest Area w.r.t. Geo. Area & Per Capita in Rajasthan. Working Plan and Forest Settlement Cell, Rajasthan State Forest Dept (<http://rajforest.nic.in>), accessed on 15<sup>th</sup> Sept. 2015.

<sup>23</sup> Unserved Forest Area in Udaipur Division (reporting period July 2014 - September 2014), Chief Conservator of Forest, Udaipur, Rajasthan.

<sup>24</sup> Letter no. f.1(86)Forests/2007 dated 02.05.2012

them to carry out the eviction process in the time bound manner. The order specifically mentioned that *'if the matter of encroachment is pending under the FRA then that should be requested to be disposed off quickly and suitable action be taken in accordance to the decision made in the matter'*.

In June 2013 the Govt. of Rajasthan issued an order<sup>25</sup> to the PCCF (HoFF) for maintaining separate record of recognized IFR & CFR cases, following which the PCCF issued an order<sup>26</sup> for uploading the updated data of the recognized claims on the department's website so as to facilitate the DCFs in updating the record of recognized claims at regular basis.

### **3.4 Zone-2: NORTH-EASTERN RAJASTHAN – ALWAR (SARISKA)**

North East Rajasthan, the flashpoint of the Gujjar Andolan is noticeable by its absence from the FRA list prepared by Tribal Commissionerate of Rajasthan. The area is known for its National parks and sanctuaries (Annexure 4). A major controversy erupted in the region when the famers in the command of Panchna Dam refused to release water for Keoladeo National Park in Bharatpur<sup>27</sup>. Sariska came into the limelight when shortly after the turn of the century it was discovered that there are no tigers left in the forest<sup>28</sup>. In the furore that erupted, as usual the local community (pastoralists who had been given rights by the King to graze in the Orans/Sacred Groves of Sariska) was accused of decimating the tiger. This led to them organizing themselves and with the passage of FRA, demanding their rights on the forest.

Krapavis based in Alwar which has played a role in mobilizing the pastoralists of the region have been in the forefront of highlighting the relevance of Orans as the gene pool of Rajasthan on one hand and their intimate relationship with the local communities on the other. In the course of documenting people's rights, it is clear that while the gram sabha may be the unit to settle the rights, the use rights of the pastoralists cross village boundaries and specific usage of the land has seasonal variations. This aspect though well known has been factored into the recognition process. Rather the process of displacement of people from the Tiger sanctuary is the dominant thrust. The resistance of the people on one hand and the complications that arose from some of the early experiences have put a temporary halt to this process. However in order to ensure that people have access to basic amenities, there is a need to press forward on the issue of the recognition of their rights.

#### **3.4.a Description of the Area**

The Alwar district is known by the name of its district headquarter town Alwar. The district is located in the north-eastern part of Rajasthan. According to agro-ecological zonation the district falls into Northern Plain (and central highlands) including Aravallis, Hot semi-Arid

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<sup>25</sup> Letter no. f.8(10)Forests/2005 Part dated 12.03.2013

<sup>26</sup> Letter no. f.14(Tra. Bill) 2013/FS/PCCF/Part-8/5087 dated 03.06.2013

<sup>27</sup> Water issues around Bharatpur and Panchna and its implication for different stakeholders, Juned Khan Komal, Arun Jindal

<sup>28</sup> [www.earthcarefilms.com/images/filming\\_tiger\\_crisis/.../Sariska.pdf](http://www.earthcarefilms.com/images/filming_tiger_crisis/.../Sariska.pdf), Ghazala Shahbuddin

Region. The district is famous for two reasons - Sariska Tiger Reserve and the richness of mineral wealth.

Total population of Alwar district is more than 3.6 million which is comprised of 82.2% rural and 17.8% urban population. The Scheduled Caste and Scheduled Tribe population constitutes 17.77% and 7.87% of the total population respectively. The principal communities are Gujjar, Brahmin, Rajput, Meena and Meo while others include Ahir, Saini/Mali, Jatav, Koli etc. Jatavs form the majority of Scheduled Castes and Meenas dominate the Scheduled Tribes.

As per records of Dept of Forest the total area of forest in Alwar is 2115.0224 sq km (211502.24 Ha) that includes 90169 Ha under territorial division and 1213.33 Ha under Sariska Tiger Reserve. The area under STR is further divided in Core and Buffer Zone. The Core area covers 88111.24 ha whereas the Buffer zone collectively covers 245.72 Ha forest land and 86.50 Ha revenue land. Total notified forest area of the district constitutes 25.24% of the total geographical area of the district. As per available statistics per capita available forest area in Alwar district is around 0.06 Ha. The district's forest area constitutes more than 7.2% of the total forest area east of Aravallis.

Alwar district has 2054 villages, out of them 2021 villages are inhabited and 33 villages are uninhabited. Of the total villages in the district 599 (> 29%) villages have forest as land use within the revenue area.

Forest area covered as land use in (599) villages is approximately 161904 Ha which is about 43% of the total geographical area of these villages and more than 19% of the total geographical area of the district.

### **3.4.b Settlement and Rights -**

The land revenue settlement history of Alwar dates back to the medieval period while the available records date back to mughal period (around 1566). The land revenue system evolved by Raja Todarmal during mughal period was in vogue in the Mewat area<sup>29</sup>. Thereafter, it was during British time during 1859, Captain Impey brought out Summary Settlements for three years, 1859-60, 1860-61 and 1861-62 respectively. In December 1861, Captain Impey again proposed a 10 years' settlement for the period of 1862-63 to 1871-72. In 1872 Major Powlett prepared a Summary Settlement for four years and finally prepared first regular settlement in 1877 (also known as 16 years' settlement)<sup>30</sup>. The second regular settlement was done by Sir Michael O'Dwyer during 1899-1900 (also known as 20 years' settlement). The third regular settlement was started by Rai Bahadur Hoti Singh in 1920 and completed by Rai sahib Pandit Nand Lal Tikku in 1924. In 1935 Sir F.V. Wylie initiated the revision of third regular settlement with the help of Mian Uday Singh<sup>31</sup> which delayed due to

<sup>29</sup> During mughal period the area of Alwar together with Tijara, Narnaul, Rohtak, Gurgaon and Bharatpur was known as Mewat.

<sup>30</sup> The first regular settlement was originally sanctioned for 16 years but eventually continued for 24 years in consideration of the famine of 1877-78 and a succession of lean years (Rajasthan district Gazetteer of Alwar by Maya Ram, 1968).

<sup>31</sup> Forest Settlement Report of Alwar State, 1937 by Mian Udai Singh.

pending cases of demarcation of reserved and protected forest involving the revenue department and finally completed by Mr. Ram Pratap in 1947 (also called Yellow Book)<sup>32</sup>.

In between the settlement periods, as a measure to amend and consolidate the laws relating to forests and the transit of forest produce, the Alwar Forest Regulation of 1919 and The Alwar Forest Regulation II of 1935 came into force. In both forest regulations of 1919 and 1935 certain rules consistent with recorded rights of individuals or communities granted under various categories<sup>33</sup> of forests viz Reserved Forest, Protected Forest, Roondh and Bani, were enforced. The areas which remained opened to the exercise of rights in early period were closed to the exercise of all such rights by the forest department and customary fees were charged for grazing<sup>34</sup> and removal of the forest produce.

The village community in Alwar had long been recognized subordinate propriety or Biswedari (Land Tenure) Rights although the state had the sovereign right over them as the superior owner. By the time of revision of third settlement 140000 Bighas (more than 35410 Hectare) of waste land and hills which were included in the forest after second regular settlement were restored to the Biswedars while the Roondhs and Bannis were kept as reserve forests and free from all rights. In the second regular settlement certain rights like grazing, grass harvesting, fuel-wood and timber collection were permitted but in 1947 settlement the rights granted 40 years back were abolished and revised rights were granted that included the following -

- i. Grazing (only cattle),
- ii. Cutting and removal of grass,
- iii. Collection of dead and dry wood for bonafied domestic requirements
- iv. Collection of green timber for housing material and agricultural implements
- v. Way along forest paths and forest roondhs
- vi. Use of existing water courses which pass through reserve forest and are maintained by the people
- vii. Collection of edible fruits of Tendu (Bidi Patta) and Dates
- viii. Other concessions granted in the past

After the independence in order to do away with the old-fashioned system the govt of Rajasthan passed out the Rajasthan Forest Act 1953, Rajasthan Land Revenue Act 1956 and the Rajasthan Forest (Settlement Rules) 1958. The present forest settlement is based on Rajasthan Forest Act 1953 and Forest Settlement Rules 1958 and has as not been revised since then.

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<sup>32</sup> The Alwar State Forest Settlement Report (Yellow Book), 1947 by Ram Pratap.

<sup>33</sup> Reserved Forests - Demarcated Forest Areas which by order of His Highness' orders were closed to all forest rights of the people; Protected Forests - Forest areas which were under control of the forest dept and in which Zamindars (Land Holders) had certain rights or privileges; Roondh - State's fuel and fodder preserves, also the hunting reserves of His Highness; Bani - Sacred Groves

<sup>34</sup> The Alwar Forest Regulation of 1919 (Grazing Rules)

### **3.4.c Sariska Tiger Reserve<sup>35</sup> (Critical Tiger Habitat Issue and Relocation of Villages)**

The WPA, 1972 under section 38V 4(i) provided for identification of Core or Critical Tiger Habitats as inviolate space for holding the breeding population for tiger conservation). Furthermore the WPA (Amended) 2006 specifically provided for establishing the Core/Critical Tiger Habitat on the basis of scientific and objective criteria, in consultation with an expert committee, without affecting the rights of the scheduled tribes or such other forest dwellers. The govt. of Rajasthan referring WPA provisions, declared the 881.1124 sq km core area of STR as the Critical Tiger Habitat in December 2007<sup>36</sup>.

It was time when FRA also came into existence in which section 4(2) (a) to (f) provide for satisfying several conditions before modifying the recognized forest rights in critical wildlife habitat of National Parks and Sanctuaries. The conditions to be satisfied include establishment of the fact that the activities and presence of the right holders is irreversibly damaging and threatening the existence of the said species, and concluding that other reasonable options such as co-existence is not possible. The conditions under FRA also include provision for free informed consent of Gram Sabha and a resettlement / alternative package for a secured livelihood.

The NTCA in 2011, establishing the compatibility of aforesaid provisions of both WPA and FRA, issued protocol/guidelines for voluntary village relocation in notified core/critical tiger habitats of tiger reserves<sup>37</sup>.

Following the NTCA guidelines and provisions of National Rehabilitation and Resettlement Policy, 2007 and Rajasthan State Village Relocation Policy 2002, the forest dept has prepared a Voluntary Village Relocation Plan. The relocation plan has two options - (1) payment of the entire package amount of Rs. 10 Lakhs per family without involving any rehabilitation process or (2) relocation/rehabilitation package @ Rs. 10 Lakhs per family (consolidating five categories as percentage of total package) - Agriculture land (2 Ha) procurement and development (35%), settlement of rights (30%), homestead land and house construction (20%), Incentive (5%) and community facilities(10%).

The NTCA guidelines for recognition/settlement of rights before village relocation necessitate fulfillment of the provisions of section 6 of the FRA. Consent of the Gram Sabha has to be examined by sub-divisional level committee and thereafter by the district level committee before final approval of the record of forest rights.

There are 175 villages reported to be situated in and around STR. Out of these, 29 villages inhabited by 2254 families are located within the CTH area whereas 146 villages inhabited by about 12000 families are situated within the Buffer area. All villages in CTH have to be relocated by 2021-22 as per the phase-wise plan; two villages have already been relocated, furthermore 12 more villages have been scrutinized for relocation on priority basis.

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<sup>35</sup> See Annexure -13: Sariska Tiger Reserve (Village Map)

<sup>36</sup> Govt. of Rajasthan Gazette Notification (extraordinary) F3(34) Forest 2007, dated 28 December, 2007.

<sup>37</sup> F. No. 15-4/2010-NTCA (Part-III) Additional Guidelines for the Ongoing Centrally Sponsored Scheme of Project Tiger Relating to New components, Govt. of India MoEF, NTCA, dated 28<sup>th</sup> November 2011.

It is reported that consent of respective Gram Sabha has been obtained for 10 villages for relocation. Furthermore, it is reported that in pursuance of the NTCA guidelines, the State Level Monitoring Committee and District Level Implementation Committee for monitoring village relocation and rehabilitation have been constituted in February 2012.

In fact, not in its essence but to a great extent both Wildlife (Protection) Amendment Act 2006 and FRA 2006 obligated significant improvement in the process of relocation of communities from the Critical Tiger / Critical Wildlife habitats and settlement of their rights before the displacement. Although the authorities still are least bothered to comply with the amended acts and guidelines.

### **3.4.d Provisions of FRA Implementation in Voluntary Village Relocation from Critical Tiger Habitat -**

There is no record of Alwar district in State progress report of FRA implementation; furthermore nonexistence of any claim under FRA in the district has also been reported in the working plan of Alwar forest division<sup>38</sup>. The Tiger Conservation Plan of Sariska Tiger Reserve also does not have any record of FRA implementation except exploring the way for relocation of villages under relevant provisions of FRA, 2006 and the WPA, 1972 relating to relocation from Core/Critical Tiger Habitats of tiger reserves<sup>39</sup>. Although NTCA specifies the relocation as ‘Voluntary’ but that has rather been as ‘Forced’.

It was realised in discussion with KRAPAVIS as well as during the field visit and meeting with village communities that the provisions of WPA and FRA have never been adhered to. It does not appear that public consultation with regard to declaration of CTH took place. Rather people were straight forward given two options (see Box-1, fourth para) under relocation package with a cut-off date to accept one option in agreement to the relocation plan OR OTHERWISE after cut-off date they will not be given time for any option and will be automatically considered for the option of payment of lump sum Rs. 10 Lakh and will be displaced.

The FRA provisions for recognition/settlement of rights before village relocation have never been complied with before as well even after they were made mandatory in NTCA guidelines. Villagers were never informed about the provisions of FRA and ‘Free Consent’ of relevant Gram Sabha (as per provisions of FRA) for relocation was never sought. Similarly the process of rights recognition never did take place. There is no record of constitution of Forest Right Committees (FRCs) as well as SDLCs and DLCs with respect to villages in and around STR as per provisions

#### **Box-1**

##### **Mining around Critical Tiger Habitat**

As per official records there are 61 mining leases over approximately 90 Ha area within 700 mtr distance from the CTH and 24 mining leases within the Buffer zone. Interestingly four mines covering 10 Ha area are within 50 mtr and four of them are just within 5 mtr distance from the CTH boundary! But the impact of previously existing and current mining operations on tiger habitat and survivability has not been taken as seriously as the village relocation has been taken.

<sup>38</sup> Forest working Plan of Alwar District (2012-13 to 2021-22) pp. 195-196.

<sup>39</sup> Protocol / Guidelines for Voluntary Village Relocation in Notified Core/Critical Tiger Habitats of Tiger Reserves, Letter no. 15-4/2010-NTCA (Part-III) dated 28<sup>th</sup> November 2011.

of FRA (Only few FRCs were constituted through proper Gram Sabha meetings and resolutions passed by the majority of participants through the intervention of KRAPAVIS). The State Level Monitoring Committee and District Level Implementation Committee constituted for monitoring village relocation and rehabilitation can't be considered compatible with SLMC and DLC under FRA.

**Box - 2****Environment Related Offences in Rajasthan**

A total of 5,835 cases were reported under environment related offences during 2014. Maximum cases of environment related offences were reported in Rajasthan (2,927 out of 5,835 cases) accounting for 50.2% of total such cases.

Out of 5,835 cases reported under environment related offences, 4,901 cases were reported under the Forest Act, representing 84.0% of total such cases followed by the Wildlife Protection Act (770 cases),

Majority of cases registered under the Forest Act and Wildlife Protection Act were in Rajasthan with 2,666 cases and 219 cases respectively

A total of 8,684 persons, comprising of 8,666 male and 18 female, were arrested under total environment related offences. Most of such arrests were made in Rajasthan (3,320 persons) of which 2913 were under Forest Act and 352 under Wildlife Protection Act.

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Source: Environment Related Offences. Pp. 182-183. [www.ncrb.gov.in](http://www.ncrb.gov.in)

## 4 Report of Process Initiated<sup>40</sup>:

### 4.1 METHODOLOGY FOLLOWED

#### 4.1.a Selection of Sample Zones:

Already discussed in 3.2

#### 4.1.b Data Collection:

**Primary data** was collected from villages, in Udaipur region with the help of local villagers who are also active member of RMKU and in Alwar region with the help of KRAPAVIS staff

- Action Oriented Mapping process in both areas (Community drawn resource Map and customary boundary with landmarks (53 in Udaipur and 05 in Alwar). The villagers sketched customary access maps marking distribution of resources available within and outside the village viz. habitation, forest, pasture, landmarks, water sources, sacred sites, adjoining villages etc.
- Eco Calendar depicting various activities during different seasons in a year were prepared during village level exercise. Apart from NTFP collection, grazing and cropping during different seasons other livelihood and social activities were also depicted viz., local migration, access to different forest blocks, social activities at sacred groves and other pilgrimage sites, other agricultural activities etc.
- Focused Group Discussion with village people including IFR Claimants. The village people also included members of Forest Protection Committees, Eco development Committees, JFM Committees, Ethnic Leaders etc.

Video interview of FRC members and other villagers were also taken.

- Meeting with FRC members (where the people were aware of their FRC status). Separate meeting with FRC members done to know the process by which they were nominated, oriented, awareness of their roles and responsibilities and the way they function, their experience in FRA particularly in CFR process. This included oral discussion and video interview as well.
- Interview with Forest Officials (DCFs, ACFs, RFO etc), PRI representatives, CSO representatives,

**Secondary data** was procured from government offices and field functionaries, govt. archives, NTCA, official websites of Union Ministries and State Departments and other online sources, CSO libraries and stakeholders etc.

#### 4.1.c Village Meetings:

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<sup>40</sup> Process initiated by Viren Lobo, regional convener Western region and Advisory member AIFF-RS

Village level meetings were conducted to assess community's perception on common resources and readiness to settle the community conflicts for the common cause, to get undisputed benefit of FRA through CFR claim.

#### **4.1.d Participatory Customary Boundary Mapping:**

A sample participatory exercise of mapping of customary boundary was carried out in village Bakhtpura, Alwar. Use of GPS instrument and mobile GPS system were explained in the field. Uploading of data into software and further processing was also demonstrated. Villagers and KRAPAVIS staff involved.

#### **4.1.e Participatory GPS Demarcation:**

GPS location of all sampled villages in Alwar (5) and Udaipur (53) were recorded involving the local community members. They were trained in basic GPS operation and were facilitated in the field as well. The recorded GPS data was then uploaded in google earth to assess the distribution pattern of settlements and resources and forest blocks commonly accessed by them.

#### **4.1.f Village Delineation in Atlas Maps:**

Sampled villages were located in census atlas and highlighted to depict the distribution and extent of potential CFR villages

#### **4.1.g Review of Claim Files:**

CFR and IFR claim files facilitated by CSOs or prepared by claimants themselves (submitted / under preparation / pending cases / rejected)

### **4.2 Meeting on Forestry issues in Rajasthan**

In a meeting called in July 2015 by Institute for Ecology and Livelihood Action, Krapavis, Jungle Jameen Jan Andolan and Sakti, among other things the issue of where to place the CFR issue was explored. Representatives from Jungle Jameen Jan Andolan, Rajasthan Mazdoor Kisan Union and Van Utthan Sangh, Seva Mandir, Astha and Dr. Raza Tehsin (renowned wildlife expert in Rajasthan) along with the co-organizers IELA, Sakti and Krapavis participated actively in the deliberations.

The reports of Dr. Sunil Dubey on Political implications of CFR and Sakti's report on Chenchu world<sup>41</sup> were discussed extensively in this regard.

A plan was made with RMKU members and Van Utthan Sangh members to discuss these issues with village communities of four locations in Udaipur district 26<sup>th</sup> to 29<sup>th</sup> July. A similar programme was made with Forest dwellers in Sariska 1<sup>st</sup> to 3<sup>rd</sup> August with the help of Krapavis.

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<sup>41</sup> Chenchu World in Nallamalla Forest - traditional knowledge and problems of PVT (Particular Vulnerable Tribe) in A.P. , published by Sakti Hyderabad.

In terms of the historical perspective, the following emerged Except for Central Province - Ajmer, most of Rajasthan was ruled by Princely States. The kings had their own ways of giving concessions to the people like the Orans of Sariska.

After Independence in order to assert rights, there were movements to cut down forests.

In Udaipur, in the 1956 settlement, areas which were populated and areas which were forest were demarcated by 1970. After 1980 the natural settlement process got a jolt as those who settled in the forest were declared illegal. Rajasthan also had a history of allotting common land to individuals and others slowly destroying the previous fabric. In the 80s Prayas had written about how the policies of the government favoured agriculture leading to slow destruction of the forests.

JFM helped to arrest destruction and enhanced protection of the forest. However since it did not include agriculture practised in the forest it was opposed by Astha and others. So it was only natural that FRA resulted in individual forest rights. In many areas, people have asserted their rights by cutting the forest (Annexure-10). The process of CFR is in pockets and seems to relate to NGO and political processes of community mobilisation. There is a need to examine this in more detail.

There is also the dimension of pastoralism to be factored in.

With respect to the wildlife issue Dr Raza Tehsin gave a detailed expose in the context of the new situation facing us today and keeping some scientific dimensions in mind namely

- a. In nature the process of culling takes place.
- b. Meat is part of the protein diet of tribals. Hunting practises needs to be looked at in this perspective.
- c. What is the science by which shepherds recognise their flock and that too within minutes? The tribals have an intelligence which is beyond our imagination. This intelligence has to be recognised and nurtured.
- d. Reports of cattle lifting by animals is centuries old. Why do we have a problem now? The compensation procedure is too tedious and after all that very meager.
- e. There are 5,000 tigers being reared in captivity in Texas, more than all of India.
- f. CFR rights can be used for habitat protection and people can be at the centre of eco-tourism not the commercial version (Annexure-11) which makes nature in general and tigers in particular the object of flash bulb photography.

Aman Singh talked of the complex grazing system of pastoralists which takes into account the carrying capacity. It is rotational and not sedentary. There is very little appreciation of this knowledge of the pastoralists.

Suresh Sharma talked of the willingness of communities to engage in their own struggle to establish community control over natural resources.

Others too spoke.

There was a consensus that the issue of correcting historical injustice required a twin focus on livelihood and conservation. The blend of the science of the people and modern science has to be freed of exploitative processes which include the sustainable development of nature. The history of the forest department has been on exploitation of the forest. The 'scientific process' developed by the forest department is therefore exploitative at its core and cannot protect nature. There is a need to learn from the 'scientific method' of forest dwelling communities free from 'superstition' and practises 'irrelevant' in the modern context.

Sivaramakrishna pointed out the evidences of the nature of dependence on the forest like the village survey monograms of the census of India. He also pointed out how the tribals having grasp of 'tools of governance' could take the officials, MLA and others to task.

The first leg of the field visit of P. Sivaramakrishna of Sakti in Udaipur was affected due to heavy rains, while two villages in Kherwara and Panerwa were visited, the planned visits to other villages near Panerwa, Phalasia and Oгна could not take place. The visit was however used to give a perspective on the process of historical injustice to the Tribals pre British as well.

Why is it that the tribals who kept Rana Pratap alive in the jungle, now bow and scrape before the Rajput and the Forest Department?

History was put back on its feet through a process of historical mapping of the village narrating the local names of every locality. The forest on which the people depend was also demarcated and mapped through this process. It was then pointed out that recognition of Forests Rights in general and CFR in particular is about what people know, what people recognise and what they depend upon for a living. The proof to be given is in their own format.

Who is your neighbour? North, South, East, West and on the corners of the field i.e. an eight point demarcation of the village. The 'wealth' inside the village was then demarcated with respect to these eight lines radiating from the point where the meeting was held. The village forest got identified in the process and the process of demarcating the boundaries and the wealth within was initiated as mentioned above. It was pointed out that the Act was about what the tribals know and are dependent on the forest and this process provides the evidence in their own idiom.

Based on this the process of filling the format will be facilitated by IELA. The process of linking with other organisations and Unions in the region will take place simultaneously, to facilitate the formal recognition of rights.

The details and implications of the political study on CFR done by Dr Sunil Dube was also shared.

The participation of women was a mixed bag.

a. At Kherwara and Panarwa it was the women primarily who provided the information as they were a part of the meeting. Men chipped in to add more details, confirm the locations or to facilitate by asking questions of the women.

However in Sariska, while the women were not a part of the discussion with men, there were separate sessions with women in which about 8-10 women participated. The activity of having a separate session with women is one of the methodologies for ensuring women participation.

In a separate workshop undertaken by KRAPAVIS along with Natural Justice, the participatory activity of documenting resource use through eco-calendars took place. The following information was gathered

- a. Yearly calendar describing the produce got from the forest in different seasons of the year.
- b. Families affected by animal attacks on the cattle.
- c. The nature of user right which was actually beyond village boundaries.

The process followed in all the sample villages where the exposure took place is as follows

- a. A brief presentation of the contextual history of the forest rights act highlighting the historical injustice done to forest dwellers and through the process establishing that the forest department was created for the commercial exploitation of the forest and not for its protection.

- b. Tracking the laws and policies to show that the conservation laws and policies began to recognise that without the cooperation of the local community, the forests cannot be protected. This process is now sought to be reversed.

- c. Providing a brief synopsis of Dr Sunil Dubey's report and concluding that in the last nine years only 4% land was recognised and in Rajasthan only 0.8%.

- d. Pointing out the difference between this law and other laws. This law is about recognition and hence it is about what people know, make use of etc. This was pointed out in the context of why the government is not implementing the law in letter and spirit and the need for the communities to make their own documentation in the context of the Act.

- e. The main process was the process of mapping according to people's knowledge.

- To start with East, West, North and South were recorded on a blank sheet. Where the meeting was being held was recorded in the centre.

- Starting with East, the following was recorded

1. The neighboring village.

2. The boundary God / goddess (Name of the place on the boundary).

3. All locations from boundary to centre in a straight line. This includes streams, roads, hillocks, temples/ elder burial, memorial stones etc. Status namely forest, agriculture, grazing etc recorded along with name.

Process repeated for North, West and South. Map placed in the geographical location and recorded accordingly.

The four corners also were then recorded by same process i.e. eight fold demarcation of village neighbours. It was explained same process can be used for recording plot neighbours.

Once this was completed, process of what was found, what it was used for etc was initiated. This was not detailed out completely due to limited time availability.

The maps prepared by the Chenchus were then shown. It was pointed out that nesting details of the peacock, the safe place where the Tiger gave birth were also recorded.

Natural Justice pointed out the limitations of the territorial map. Pastoralists for instance go way beyond their territories. A similar problem is faced with the fishermen of the Sunderbans. We are working out with Krapavis in Alwar and Disha in Sunderbans how to deal with these issues.

Village Survey monographs prepared by the Census department for sample villages in the region were also procured. The area description (to the extent possible) and the cultural practices listed by the people are verified by this process. We are also looking at other Government evidence to substantiate people's claims. The process of doing so is recorded in the Chenchu World book which we are trying to duplicate in Rajasthan. IELA will coordinate the entire process.

### **4.3 UDAIPUR**

#### **4.3.a Sample Villages<sup>42,43</sup>**

The present work outreached total 53 settlements including 9 Phala (cluster part of the village) and 44 revenue villages belonging to 19 Panchayats in Udaipur district. Administratively they come under Jhadol Panchayat Samiti of the Jhadol (Phalasiya) Tehsil. Total HHs are 6532 while the total population is 31292 with 70.9% ST individuals. Details of villages and panchayat-wise list are given in annexure 14&15.

According to the forest records 20 villages are situated inside the Phulwari Ki Nal wildlife Sanctuary while 33 are mostly in the periphery zone (zone of influence).

CFR claims for the 11 villages were filed by Seva Mandir in 2012-2013 which are reportedly pending at DLC level.

#### **4.3.b GPS Location of Settlements<sup>44</sup>**

During the participatory exercise of GPS demarcation of settlements and resources, the recorded data was tabulated and location details of sample villages were ascertained. In Udaipur two tribal associates of RMKU who are resident of sample villages as well, were involved in the whole process in the field. They also helped in explaining the exercise to the people during village meetings. The sample villages are in the immediate vicinity of 19 forest blocks, together having approx. 47160.29 Ha land. 6 blocks are part of Phulwari Ki Nal Wildlife Sanctuary.

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<sup>42</sup> Annexure - 14 (Details of Sample Villages in Udaipur District)

<sup>43</sup> Annexure-15 (Panchayat wise List of Sampled Villages in Udaipur)

<sup>44</sup> Annexure - 16 (GPS Location of Sample Villages and Accessed Forest Blocks in Udaipur)

### 4.3.c Village Marking in Tehsil Atlas<sup>45</sup>

In another exercise the sample villages were marked in administrative atlas maps of the related Tehsil. In case of Udaipur all villages are part in Jhadol Tehsil therefore their demarcation in different colour was carried out to highlight their spatial attributes in the Tehsil map.

### 4.3.d Land-Use

Total geographical area of the sample villages is 23051.14 Ha whereas the forest land constitutes 59.57% of the total revenue land (see figure-4). The legal hold of the forest land is with the forest dept. The details of Land-use are given in table-3.

Category	Area in Hectare
Forest Land	13731.81
Area Under Non-Agricultural Use	1074.27
Barren and Uncultivated Land	1211.45
Permanent Pasture and Other Grazing Land	460.22
Land Under Miscellaneous Tree Crops	18.96
Culturable Waste Land	715.02
Fallow land other than Current Fallows	1034.09
Current Fallows	1192.32
Net Area Sown	3613
<b>Total</b>	<b>23051.14</b>

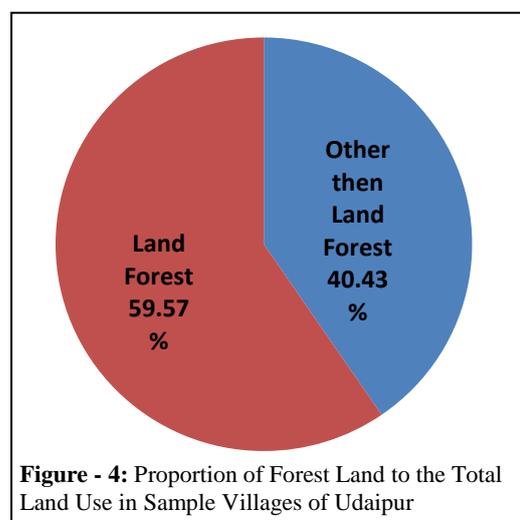
The agricultural commodities are dominated by Maize followed by Wheat, Millet (Bajra), Guar, Gram (Chana) and Rice respectively. Manufacturing commodities include Rope Making, Ghee (Milk Fat) and Earthen Pots. Approximately 80% of the Net Sown Area is unirrigated.

### 4.3.e Livestock

There is approximately 15000 livestock population in the sample villages that includes cattle, buffalo and Goat & Sheep. The majority of livestock is Goat & sheep as they are another commercial source of income from meat market.

### 4.3.f Resource Use

As also officially evident from records of Forest Dept. the people in Jhadol area are heavily dependent on forest resources not only for their livelihood but for their daily life requirement as well. People of inside or outside villages are more or less equally dependent on the forest resources.



**Figure - 4:** Proportion of Forest Land to the Total Land Use in Sample Villages of Udaipur

<sup>45</sup> Annexure - 17 (Distribution of Sample Villages in Administrative Atlas Map of Jhadol Tehsil Udaipur)

In case of sample villages the 53 villages are accessing 47160.29 Ha area of 19 forest blocks. The accessibility to each forest block is not similar which one can understand by distribution and orientation of both villages and forest blocks<sup>46</sup>. There are few forest blocks that are under huge pressure commonly by large number of villages whereas other forest blocks do not have such amount of pressure due to less number of villages accessing them.

From the gathered information it appears that it is Adiwasi forest block which is under immense pressure of resource demand from 15 villages. Although the area of the forest block is approx. 2501 ha but it is having more pressure than comparatively larger blocks like Devli (PKN) which has 5340 Ha area and being accessed by 11 villages, or Dharawan (PKN) block which has 2429 ha area but accessed by 6 villages and so on. Mind that the proportion of population of villages is also in the similar ratio.

#### **4.3.g Participatory Mapping**

The major part of the whole exercise was participatory mapping of village resources. For this initially informal meeting was organized in each village. Two tribal associates of RMKU always accompanied the process. They were trained to initiate the discussion and later invite the local villagers in preparing the resource map. Local people were given complete liberty to decide their own by their indigenous experience as how would they like to depict the resources in and around their village. In all 53 resource maps were prepared by this participatory exercise.

#### **4.3.h Review of FRA Claims**

In the current exercise more than 250 claims in 13 villages were reported during village meetings. Of these, 42 claims are reportedly pending at SDLC level for more than two years. The process is going on.

In Udaipur the CFR process in the sample villages is in the initial stage and more number of villages will be added in the list through further facilitation.

The listing of IFR claimants including those who have filed their claims as well as those willing and preparing the claim is going on in sample villages as well as other villages as well. The exercise being done is to prepare a database of claim aspirants, existing claimants and rejected claims village wise, so as to design strategic action plan of facilitative mechanism.

#### **4.3.i Focused Sample Villages**

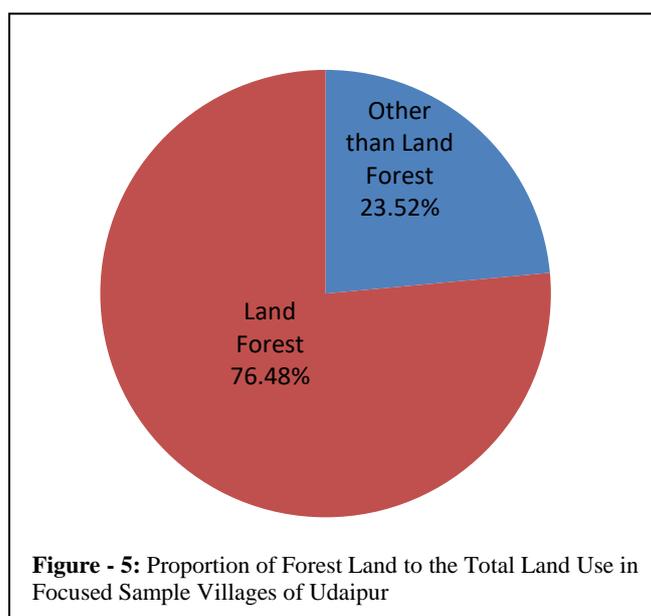
Listing of forest land occupants/holders with spatial details of the land and related revenue/land records details being piloted in five villages of Gejvi Panchayat - Galdar, Gejvi, Hirumala, Gamri and Jetiwara. Initial listing of forest land occupants in these villages has been done. The FRCs have been officially declared and approximately 140 IFR claims have been reported (filed/ready to be submitted/under preparation) in these five villages.

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<sup>46</sup> Annexure - 18 (Forest Blocks and Villages having Common access to Them in Sample area of Udaipur)

A brief synopsis of these villages is given below. The proportion of Land Forest to the Total area of the villages is shown in figure -5.

Total population	-	3333
ST population	-	2861 (85.83%)
Total HHs	-	698
Major Community	-	Garasiya
Location	-	3 villages inside Phulwari ki Nal Wildlife Sanctuary (Gamri, Hirumala and Jetiwara) and two villages (Galdar and Gejvi) at the outside.
Total Area	-	3635 Ha
Land Forest	-	2780 Ha



The forest blocks accessed by the village community are Harwa (PKN), Devli (PKN), Raidari, Ramkunda and Kankarmal. Total area of the forest blocks being accessed is 12501.33 Ha.

## 4.4 ALWAR

### 4.4.a Sample Villages<sup>47</sup>

In Alwar the area for village sampling was selected in consultation with KRAPAVIS and ultimately five villages namely Kalikhol, Bera (Rundh Kalikhol), Beenak, Bakhtpura and Loj-Nathusar were selected. Bera and Loj (A unit of Nathusar) are located inside the Sariska

<sup>47</sup> Annexure - 19 (Details of Sample Villages in Alwar District)

Tiger Reserve (in the Core-II, Critical Tiger Habitat) while remaining three are located in the Buffer Zone of STR. Bera (Rundh Kalikhol) is officially recorded as Uninhabited Forest Village and which is also evident from land use data.

Total population of sample villages is 3248 belonging to 549 HHs. The community is largely Gujjars and few Jats while no ST population exists. People are heavily dependent on forest two major requirements - Grazing and NTFPs. Community's main livelihood is animal husbandry and they have their seasonal pattern of changing the grazing grounds.

The historical existence of these villages is established by their records in the pre-independence settlements. For example, during the revision of third settlement, in 1937<sup>48</sup> revenue land areas were transferred to forest land. These included 142.6 Ha from Bakhtpura, 525.35 Ha from Nathusar, 403.43 Ha from Kalikhol and 58.43 Ha from Loj, thus altogether 1129.8 Ha area was transferred to forests dept.

Moreover the historical remains at Beenak and community's respect to the heritage is evident from the protection of those remains (although Beenak is still not regarded as an independent revenue village, part of it is mentioned in village Dehlawas and most of it in Bakhtpura).

#### 4.3.b GPS Location of Settlements<sup>49</sup>

In Alwar the participatory exercise of GPS location marking was facilitated by KRPAVIS staff and local villagers were involved in the whole process. The sample villages are in the immediate vicinity of 5 forest blocks, together having approx. 10646.46 Ha land.

#### 4.3.c Village Marking in Tehsil<sup>50, 51</sup>

The sample villages were marked in the administrative atlas maps. Village Loj-Nathusar is part of Bansur Tehsil while others are part of Alwar Tehsil

#### 4.3.d Land-Use

Total geographical area of the sample villages is 7548 Ha whereas the forest land constitutes 87.32% of the total revenue land (see figure-6). The details of Land-use are given in table-3.

Category	Area in Hectare
Forest Land	6591
Area Under Non-Agricultural Use	230
Barren and Uncultivated Land	60
Permanent Pasture and Other Grazing Land	70
Land Under Miscellaneous Tree Crops	0
Culturable Waste Land	58
Fallows land other than Current Fallows	106
Current Fallows	82

<sup>48</sup> Forest Settlement Report of Alwar State, 1937 by Mian Udai Singh

<sup>49</sup> Annexure - 20 (GPS Location of Sample Villages and Accessed Forest Blocks in Alwar)

<sup>50</sup> Annexure - 21 (Distribution of Sample Villages in Administrative Atlas Map of Alwar Tehsil Alwar)

<sup>51</sup> Annexure - 22 (Distribution of Sample Villages in Administrative Atlas Map of Bansur Tehsil Alwar)

Net Area Sown	351
<b>Total</b>	<b>7548</b>

Bera and Nathusar together constitute approx. 97% of the total land forest.

The agricultural commodities mainly are Wheat and Mustard followed by Millet (Bajra). Approximately 58% of the Net Sown Area is unirrigated.

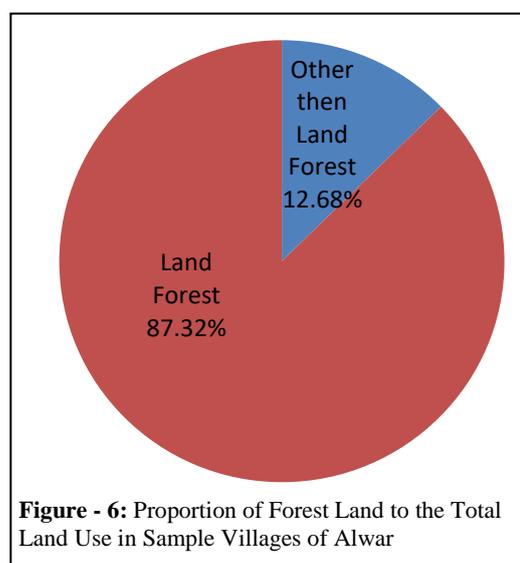
#### 4.3.e Livestock

All kind of livestock (cattle, buffalo, goat, sheep) is kept in the villages. The livestock is kept on a system of open range grazing and to lesser extent stall feeding. There are more than 400 livestock in the sample villages, majority of which is buffaloes.

#### 4.3.f Participatory Mapping

KRAPAVIS carried out the participatory mapping exercise along with Natural Justice team.

Apart from preparing resource maps, people also actively took part in preparing the Eco-Calendar showing changing pattern in access to forest resources with the change of seasons. They also prepared maps showing customary boundaries and landmarks of their villages and compared their customary map boundaries with the village revenue maps.



**Figure - 6:** Proportion of Forest Land to the Total Land Use in Sample Villages of Alwar

#### 4.3.g Review of FRA Claims

Although the constitution of FRCs have taken place with the facilitative role of KRAPAVIS but the govt functionaries are no more interested to proceed any more. Rather the government functionaries are denying the applicability of FRA in non-schedule area as well as in the Sariska Tiger Reserve. They have mandated a plan of evicting (forcefully if not volunteered) 29 villages in which Bera (Rundh Kalikhol) and Loj (Nathusar) are also listed and scheduled to be evicted by 2015-16 and 2017-18 respectively.

Although KRAPAVIS has facilitated the FRA process and prepared CFR claims for these sample villages, for a total of 6852.17 Ha land. The village wise division of land to be claimed is as follows -

- 1) Kalikhol - 66 Ha
- 2) Rundh Kalikhol - 250 Ha
- 3) Bakhtpura - 149.64 Ha
- 4) Rundh Beenak - 5346.14 Ha
- 5) Nathusar-Loj - 1040.39 Ha

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**Total area to be claimed - 6852.17 Ha**  
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## 5. The Experience in Both

### 5.1 UDAIPUR - TRIBAL CONTEXT

- Large number of claims rejected at Gram Sabha level where members of JFMCs were also nominated in FRC and Gram Sabha (e.g. Jhadol, Udaipur).
- The number of claims rejected at Gram Sabha level is exceptionally high in Jhadol Block of Udaipur (47.61 % of the total claims received at Gram Sabha). While in Kherwada and Salumber 10-20% of the claims filed at Gram Sabha level were rejected whereas in rest of the Sub-division blocks (Kotra, Sarada, Lasadiya, Girwa, Gogunda, Mawli and Vallabhnagar) none of the claims filed at Gram Sabha level were rejected.
- **No New Claims?** On comparing the latest data<sup>52</sup> with that of more than one year back<sup>53</sup>, the change in number of claims filed at Gram Sabha is recorded only in Kotra and Jhadol tehsils while there has been no change in the claims filed in other tehsils! The Tehsil wise analysis further substantiates the assumptions made under 2.2b.

This seems to be the major cause for the large number of rejection (hence no change in the district level number of claims received at Gram Sabha since July 2014 till November 2015) particularly in Udaipur, which has been proved by the Tehsil wise status of Udaipur district.

- Alienation from forest due to undermining JFM post 2000 (once the protected areas started maturing) leading to destruction of area protected (Both in Udaipur and Alwar)
- Rejection to accept the new claims by Panchayat secretary and SDLC officials. It is the Panchayat Secretary who in most of the cases in the region, is responsible for impeding the process by holding the files at his level.
- Non-participatory way of GPS based verification of land leading to lesser land area title than claimed.
- On an average less than five Bigha land is approved. Claimant is advised not to claim large area for the reason that, that may be rejected by the officials under several grounds.
- Perceived shortage of land for IFR claim if CFR comes? - In some village (e.g. Kankarmala, panchayat Peelak) people think that if CFR process would take place first then the land for IFR claim will fall short thereafter.

<sup>52</sup> Annexure - 23 (Tehsil wise Progress Report of FRA Implementation in Udaipur district - January 2016)

<sup>53</sup> Annexure - 24 (Tehsil wise Progress Report of FRA Implementation in Udaipur district - August 2016)

- The Govt. officials also intend to prevent people from filing CFR claim saying that first the IFR process will be completed and only then the process of CFR will be taken.
- Those having permanent or temporary livelihood support from govt departments, are harassed from filing any claim. Moreover the forest dept reportedly using its contractual/part-time/temporary employees for harassing people.
- People are afraid of proposed Mansi Wakal Dam in the upstream of Wakal river, near Birothi. Although in the nearby villages of the proposed site people have encroachments in the protected forest area but not using it for any purpose. Thinking that the unnecessary wastage of money would occur in claim file preparation (bribes and commission to middlemen) rather they would prefer shifting to the encroached forest land after getting their legal holding in the village submerge in the proposed dam (Land against Land!).
- Through the review of claim files (prepared/under preparation/submitted) it has been noticed that in most of the cases the files are incomplete, either in terms of signatures of relevant persons, or land details or testimonials or in more than one aspect.
- The handholding support in file preparation is not available in the referred villages, local CSOs have spread awareness about FRA but support in preparation of the file has not been done upto the mark.
- The village meeting and action oriented mapping process has proven to be helpful in clarifying many concepts with which people were unaware. For example, people had idea about FRA in the context of individual claims but they lacked awareness about Community Rights (CR) and Community Forest Resource (CFR) Rights. Moreover, they didn't knew that the FRA is not meant to be giving any 'Patta' (Paper of ownership) but it is recognition of somebody's customary rights over the natural resources on which he has been sustaining livelihood since generations.

## **5.2 ALWAR - PASTORAL CONTEXT**

- The relocation package involving compensatory payment to displaced people is focused. No consideration of FRA process except in village relocation plan of STR.
- No record is available at District Collectorate. Confusion between Revenue, Forest and Land Record departments. Ultimately the district level officials said that FRA related issue is handled by the forest dept and they do not have any record at district collectorate.
- Problem with pastoralist community to show any proof of their customary access to different forest landscapes (seasonal shifting of herds)
- After declaration of Tiger Reserve many traditional rights were curtailed by the govt and the conflict prevailing between forest dept and village people over right to access and use of forest resources.

- It is mentioned in the Tiger Conservation Plan of Sariska that after the promulgation of Forest Act and Wildlife Protection Act the free access to forest and collection of minor forest produce and grazing has been restricted. At the same time with the promotion of tourism facilities the number of tourists is increasing who in turn enjoy a lot of facilities and services on payment. The local community acquiring the notion that the STR has been created for tourism and revenue generation for the govt and their customary rights have no more promises. The pressure of tourism has also been highlighted with indication towards growing tourist traffic in the park up to the sanctum sanctorum. Tourist safaris covering more than 155 Ha (approx. 18% of total CTH) area of 16 CTH Beats<sup>54</sup>.
- On an average the landholdings are small inside the tiger reserve, especially in the core and buffer zone but comparatively larger area in the peripheral or outside villages
- The new generation is unaware of the customary boundaries and landmarks hence conflicts with the neighbouring villages' takes place over access to forest resources.
- Except forest land and sacred Groves (Dev Bani) almost all other land categories have been occupied.
- There is periodical local migration of graziers from one forest block to another, with the seasonal change
- Minimum eligible CFR area available within villages is 161904 Ha

### **Common Issues in both -**

Community conflicts over traditional boundaries and access to common resources, encroachments and inter-community resistance (police cases)

May be the major reason for rejection of claims at gram sabha level (jhadol - community conflicts, ST V/s Others including Rajputs, seen in outreached villages as well; proven and rejection of claims at gram sabha is also high)

Privatization of the forest produce like mahua - people have divided the mahua trees amongst themselves thereby restricting access for others

Scarcity of common resources and encroachments on the existing common lands is another reason for local residents' resistance against any new encroachment

Sudden increase of new settlers / encroachers in village common lands; forest dwellers/tribal communities immigrating and occupying common lands in villages

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<sup>54</sup> Assessment of Threats (3.4 of Chapter 3), Zone Plan for Eco-tourism (7.2.1.C of Chapter 7), Tiger Conservation Plan, Sariska Tiger Reserve (2014-15 to 2023-24), pp. 63-68 and 119-131 respectively.

Uncertainty regarding land tenure rights and rights of multiple revenue villages on a forestblock (e.g. from the record of outreached villages - their adjacent forest block is common for more than one or two or more villages)

Lack of clear demarcation of boundaries and subsequent disputes

Satellite encroachers - people belonging to far off villages have claims over land interior of forest areas - for cattle yards, grass and fodder stack yards,

Descendents think they hold the right over the land encroached by their ancestors

## Further Strategy:

To develop the strategy the three priority districts/regions would be

- a. Tribal area districts - Udaipur
- b. Pastoralist Communities - Alwar

Action oriented mapping process is being done for Udaipur and Alwar which are being led by Rajasthan Mazdoor Kisan Union ( Tribal wing ) and Krapavis/ Natural Justice ( a pastoral organisation exists which they are working closely with ) In the case of Pali / Rajsamand, not made much headway yet. Once the methodology is confirmed in Udaipur, RMKU will proceed to work in Rajsamand/Pali as well. In Udaipur Phulwari ki Naal is being taken up, In Alwar, Sariska. For Pali / Rajsamand, Kumbalgarh Wildlife sanctuary will be studied. A major portion of this sanctuary is also in Udaipur District.

Study wise IELA who will be guiding RMKU is also looking at Sitamata sanctuary in Pratapgarh and the issues around Bharatpur bird sanctuary Keoladeo National Park but priority wise they will come after the ones mentioned.

- a. Udaipur - tribal context
- b. Alwar - pastoral context
- c. Pali / Rajsamand - transition to desert ecology on one hand and impact of mining on the other

The issue of eco-tourism will also be covered in Alwar and Pali. Hence Sitamata and Keoladeo are to confirm the methodology evolving out of the typologies that have been mentioned above.

IELA is doing an analysis of where the forests are and the livelihood pattern based on the forest types and climatology. This will then be analysed further in the case studies that have been highlighted. The latest Forest Working Plans as well as the Wildlife Management Plans will be analysed in the regions under study.

The analysis will be backed up by the knowledge and expertise of people's organisations who will also be educated about the issues involved through the mapping and community mobilisation process being followed. Once these are in place a State meeting will be organised sometime in November / December to see how there can be an impact at the State level. It will also be preparatory for a Regional meeting of Rajasthan, Gujarat, Maharashtra and Madhya Pradesh in February.

Currently RMKU (tribal unit) and the Pastoral Organisation in and around Sariska will organise the meeting with support from IELA, Krapavis and Natural Justice. Natural Justice is also working with Sahjeevan in Kutch on FRA and the related pastoral issues in the Banni Grasslands.

## Upscaling Strategy

- Handholding support to people in preparation of CFR claims. The capacity which has already been built will be used to upscale the work in the six tribal districts of South Rajasthan with the help of Rajasthan Mazdoor Kisan Union on the one hand and in the pastoral district of Alwar with Krapavis on the other. The relevance of the model emerging in Banni will also be explored in the context of what is emerging in Alwar in Sariska.
  - Training, demarcation and mapping using GPS and GIS
- Re-preparation of the rejected claims
- Capacity Building and Orientation of FRCs involving local CSOs or through IELA
- Demarcation of claimed land area / final mapping of the approved claims using GPS and GIS (GIS support by Vasundhara) Demarcation of potential villages using Mapping and GIS tools

Pursuing SLMCs for regular monitoring and verifying the state reporting to MoTA

Extension to the govt nodal agencies in timely compiling and organizing the state data, Mapping and demarcation of the recognized titles as well as spatial verification of the claimed land.

PoA Amendment Act 2015

The digitization of boundary maps (Atlas/revenue and overlapping on Topographical maps and Google Earth is to be taken in further strategy.