

# Goa CFR Report<sup>1</sup>

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## Background

Context of 'Historical injustice' in Goa is different. Goa was occupied by the Portuguese who had a different system of governance. Since there was a need for self reliance, the Portuguese developed the *Comunidade* system which allowed for considerable autonomy at the village level. Much of this was dismantled / undermined after Independence<sup>2</sup>. Since the essence of The Forest Rights Act pertains to the question of the historical rights of Forest dwellers updated in the modern context of democratic rights granted by the State, issues related to decentralization of Governance occupy centre stage while trying to understand the current development path and its implications. The article Tribal Communities in Goa, Uncertain Future Under Mafia – Minister- Police Raj by Dr. Pradip Maske<sup>3</sup>, gives us some insight into the conditions of Tribals prior to the initiation of implementation of the Forest Rights Act in 2012 with the setting up of a separate tribal ministry.

An extract from the article is given below in box -

### **TRIBAL DEMANDS & STATE-SPONSORED VIOLENCE**

The United Tribal Association Alliance (UTAA) gave a call for a six-hour (9.30 am to 3.30 pm) to block the National Highway-4 at Balli village in Quepe taluka in South Goa on May 25, 2011 to draw the attention of Goa Government to the their demands, since 2004. The ultimatum regarding their demands was given on December 16, 2009 to Goa Government. Ten thousand tribal men, women and children staged a peaceful agitation after the state government adopted an ostrich-like attitude and resorted to delay, divide and misinformed the tribal campaign led by the UTAA.

On December 16, 2009, the UTAA had put forth following demands before Goa Government: -

1. To set up Scheduled Tribes Commission by the State of Goa vested with all powers of Civil Court;
2. To set up independent Tribal Department and Tribal Ministry;
3. 12 per cent budgetary provisions made be only utilised on for Tribals;
4. Scheduled Tribes Finance Development Corporation should be strengthened by providing adequate fund;
5. Implementation of the Tribal Forest Act, 2006;
6. Immediate filling up of back-log vacancies in direct recruitment as well as promotions;
7. Implementation of 12 per cent political reservation in the State Assembly by considering the present population of tribals in Goa i.e 12 %;
8. To set up Planning Authority for Scheduled Tribes;
9. Implementation of post based roaster in government, semi- government organisations, autonomous bodies and private sector;
10. To ban on the selling of land belonging to Scheduled Tribes communities to non-Scheduled Tribes;

<sup>2</sup> <http://www.parrkar.org/misc/comunidade.pdf> Now that your Land is my land, does it matter ? A case study of Western India by Pranav Mukhopadhyay

<sup>3</sup> <https://atharvagoa.blogspot.in/2011/11/tribal-communities-in-go-uncertain.html>

11. Notifying tribal areas/ scheduled areas for upliftment of Scheduled Tribes; and

12. To simplify the procedure for issue of caste certificates.

The peaceful agitation of the tribal people witnessed brutal killings of two young, poor and educated tribal leaders Mangesh Gaonkar and Dilip Velip by the local culprits owing allegiance to ministers, mine mafia and police troika on May 25, 2011. The real culprits behind the plot are yet to be booked by the police. Goa Police arrested Dipak Phaldessai and Prashant Phaldessai is absconding for alleged involvement in torching Achal Cashew Factory and Adarsh Cooperative Society premises at Balli, which killed tribal leaders. The mafia-minister-police conspiracy is responsible for Balli violence.

This struggle was successful in creating a separate Tribal Ministry in Goa in 2012 and consequent steps taken to initiate the implementation of the Forest Rights Act<sup>4</sup>.

### The forest of Goa

Forest plays an important role in ecological preservation and ecological development of the region. This is true in respect of Goa as situated in the Western Ghats region. This region faces the first onslaught of monsoon and receives heavy rainfall at places upto 3,000 mm annually. Moreover, the intensity of rainfall is quite heavy and almost the entire rainfall being received over a period of four months, i.e. from June to September, this heavy precipitation over a short period coupled with the hilly terrains makes the problem of ecological preservation very difficult in the absence of adequate forest cover.

The state has 38.5 % of its land under forest cover, which is much higher than the national average. In absolute terms, 1,424.38 sq. km. of area is under forest, of which 1,224.38 sq. km. is government forest and 200 sq. km. is private forest. Physiographically, the state of Goa consists of three narrow strips, viz. the coastal belt, the middle plateau and the uplands. Of these the uplands constitute the maximum extent of forest, which fall in the Western Ghats areas running through almost parallel to the Western Coast of the peninsula. The most thickly populated talukas of Salcette, Tiswadi and Bardez have practically negligible forest area, while the talukas of Sanguem tops the list in the extent of forest<sup>5</sup>.

The most important topographic features of peninsular India is Western Ghats ranges extending along its western margin spread over 0.14 million Sq. Km in the states of Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu.

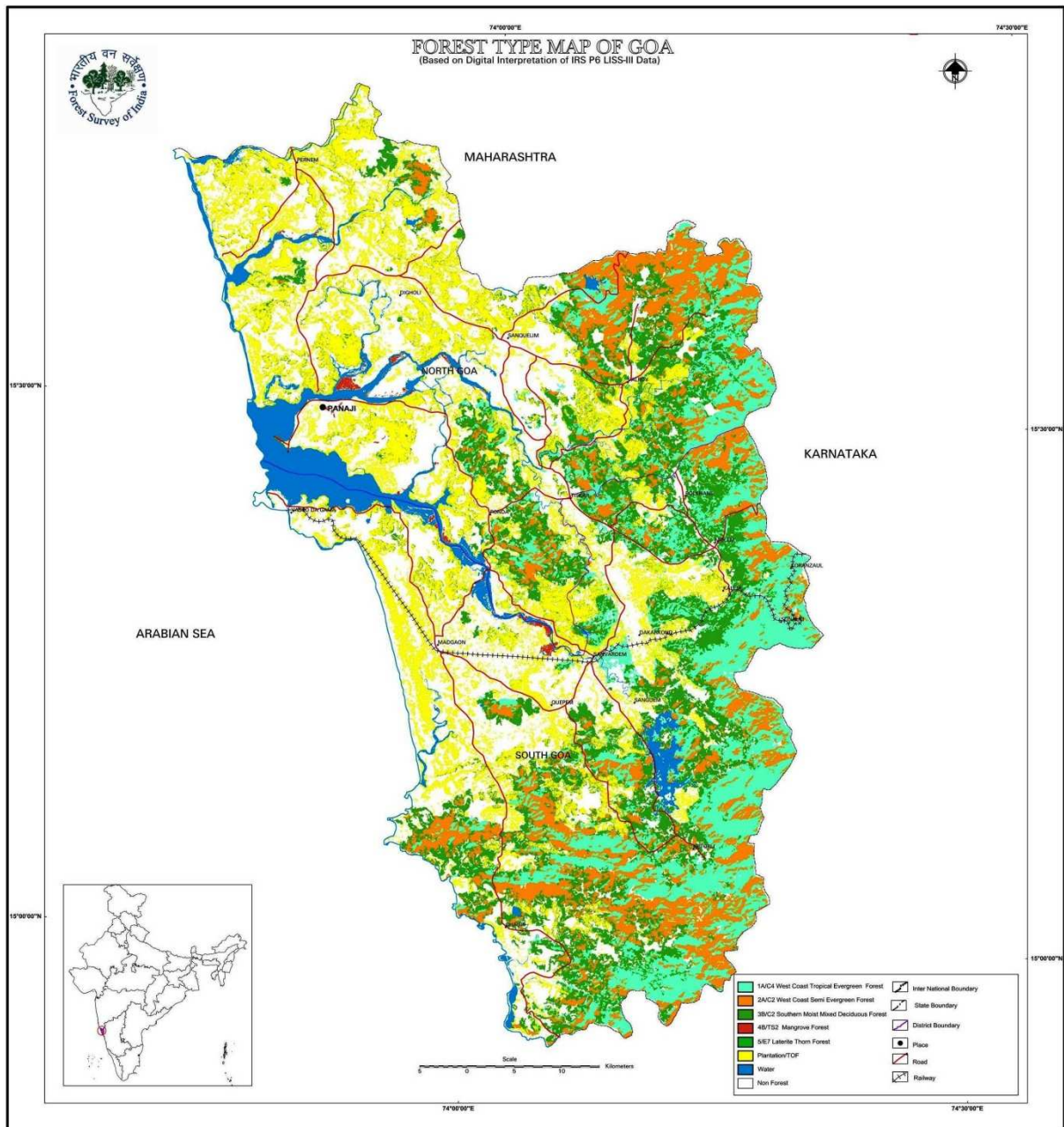
The part of the Western Ghats (the Sahyadris) lying in Goa covers about 600 Sq. km out of the total area of the state of 3701 Sq. Km. The average elevation is 800 m. The range extends in the form of an arc for a length of 125 km N to S.

Geologically the topography of the Western Ghats is distinctive. Over the entire length of the Western Ghats the widest belt of forests is around Goa and the neighbouring parts of Karnataka because the rainfall remains relatively high over this tract in view of the comparatively lower elevation of the Ghats here. The area is naturally a major source region for most of the Goan Rivers, streams, many of which in the steep sections form waterfalls,

<sup>4</sup> <http://fra.org.in/document/Goa.pdf> Action plan of Goa State for Implementation of the Forest Rights Act  
PKrishnamurthy IAS

<sup>5</sup> <http://goaenvs.nic.in/foresteco.htm>

Dudhsagar is the most spectacular. The local name for isolated peaks are Sonsagar (3827 ft); Catlanchimauli (3633); Vaguerim (3500 ft) and Morlemchogar (3400). All lies in Sattari tuluka in North Goa. In South Goa the isolated peaks include Siddhanath at Ponda, Chandranath at Paroda, Counsid at Astagrae and finally, Dudhsagar at Latambarcem<sup>6</sup>. The list of sacred groves in Goa is included in Annexure 1<sup>7</sup>. Most of the sacred groves are in Sattari, Quepem and Sanguem Blocks.



<sup>6</sup> <http://goaenvs.nic.in/westernghat.htm>

<sup>7</sup> <http://goaenvs.nic.in/sacredgroves.pdf>

**FRA**

The process of FRA in Goa started in June 2011 with notification of State Level Monitoring Committee (SLMC), District Level Committee (DLC) and Sub-Division Level Committees (SDLC) and village level Forest Right Committees (FRCs). The Tribal Welfare Department (TWD) prepared an action plan and presented that during the SLMC meeting held in December 2012. The action plan apart from other activities also proposed a strategy for post recognition of right support and proposed constitution of Gram Sabha Committees to manage forest resources under rule 4(1)(e) of the act.

The FRCs started receiving claims from October 2012 and by November 2012 all the FRCs had received 5542 claims for individual rights and 116 claims for the community rights. The State Level Monitoring Committee in its meeting held on 17th December 2012, suggested immediate action for constituting the Forest Right Committees in all villages that have forest land and assessment of the actual requirement for the implementation of the Forest Right Act. At the beginning the FRCs were given basic training to receive the claims but the systematic trainings to all DLCs, SDLCs and FRCs were planned during December 2012 to January 2013.

In August 2014 the SLMC in its second meeting decided for the constitution of Taluka level Special Committee headed by Joint Mamlatdar in order to assist FRCs at grassroots level and also to assist DLC and SDLC for effective implementation of the FRA. The Special Committee was directed to study all the forest right claims before they are placed in the Gram Sabha in order to prepare the background study of each claim. It was also entitled to issue notices to record statements, to conduct site inspection, to prepare sketch of claimed land and to demarcate the site etc. The Special Committees were decided to be formed in Six talukas namely, Canacona, Quepen, Sanguem, Dharbandora, Ponda and Sattari (Sattari Committee was also to assist in claims of Bicholim taluka).

It was also decided that the Director Settlement & Land Records (DSLRL) will carry out the mapping of each claimed land with the help of forest department before the claim file is submitted to SDLC.

**FRA Process Governance -**

In Goa the FRA process is implemented by different offices at different level. FRCs are facilitated by the respective Mamlatdar Office while the BDO is involved at Panchayat level and helps the SDLC. The Mamlatdar reports to the DM while BDO reports to the Directorate of Panchayats.

**Status of FRA Implementation -**

By February 2015 total 10040 claims were filed in all from the state and only 11 claims had been approved (including 7 individual claims and 4 community claims) (the figure was static till October 2016 when the state data was procured).

The Taluka-wise status of Claims under the FRA is given in table 1



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Table 1 - Taluka-wise Status of Claims under FRA in Goa State

S. No.	Taluka	No. of Villages	No. of Individual Claims	No. of Community Right Claims	No. of Community Forest Resource Right Claims	No. of Facility Claims	No. of Total Claims	No. of Claims had Spot Verification	No. of Claims Pending at Gram Sabha	No. of Approved Claims	
										Individual	Community
1.	Canacona	07	2399	105	0	0	2504	1484	306	7	Nil
2.	Quepem	28	1612	14	0	0	1626	122	12	Nil	Nil
3.	Bicholim	6	0	0	0	0	0	0	0	Nil	Nil
4.	Sanguem	30	1082	157	0	1	1240	477	15	Nil	3
5.	Dharbandora	15	1704	62	0	11	1777	404	133	Nil	1
6.	Ponda	12	255	2	0	0	257	143	13	Nil	Nil
7.	Sattari*	55	2620	16	0	0	2636	78	72	Nil	Nil
8.	Pernem	7	0	0	0	0	0	0	0	Nil	Nil
9.	Tiswadi	1	0	0	0	0	0	0	0	Nil	Nil
<b>Total</b>		<b>161</b>	<b>9672</b>	<b>356</b>	<b>0</b>	<b>12</b>	<b>10040</b>	<b>2708</b>	<b>553</b>	<b>7</b>	<b>4</b>

Source - Tribal Welfare Department, Goa

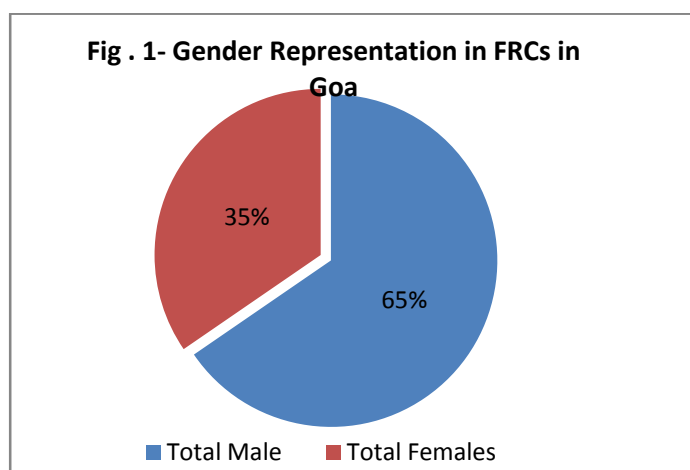
\* Including Bicholim Villages

### Gender Representation in FRCs -

As per official record the total number of FRC members in 161 villages is 1918 out of which 663 are female and 1255 male members. A synopsis of gender representation in FRC in Goa state is given in table 2. Female members constitute approximately 35% membership of FRCs (See figure - 1).

Table 2- Gender Representation in FRC in Goa

Total Members	Total Male	Total Females	ST Females	Non ST Females	ST M	Non ST Male	Total ST
1918	1255	663	402	261	399	856	801



### Case Study Taken Up

An analysis of the Forest rights claims will indicate that most of the current claims are from Sattari and Canacona Blocks. Hence these blocks were taken up for detailed study.

From the state data it is evident that the filing of claims happened from both districts of Goa and Sattari and Canacona block registered overall maximum number of claims; therefore to five panchayats were identified to cover both districts namely Morlem, Sanvordem and Dongurli Thane in Sattari Taluka, North Goa and Khola & Gaondongrem in Canacona Taluka, south Goa.

Table - Villages/Panchayats visited for detailed Case Studies -

S. No.	Taluka	Panchayat	Total Claims Filed at Panchayat Level	Village Visited
1.	Sattari	Morlem	255	Morlem
2.		Sanvordem	300	Caranzole
3.		Dongurli Thane	540	Dongurli Thane
4.	Canacona	Khola (Cola)	450	Khola



5.		Gaondongrem	941	Gaondongrem
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### **Methodology of Case Study -**

Formal discussion with the Panchayat office bearers including FRC president and secretary, village Sarpanch and the Panchayat secretary and actual status of FRA implementation till date was obtained from them.

Informal discussions were conducted with other Panchayat members and people from village to countercheck the information obtained from the Panchayat and to assess people's awareness about FRA.

Cross verification of village information obtained from Tribal Directorate was done and people's awareness about the process of FRA implementation was observed.

Short rounds of capacity building of FRC and Panchayat members was also attempted, after it was reflected that they were unaware about the whole act and most importantly they were totally unaware of provisions of Community Forest Resource Rights.

Secondary data was obtained from different sources for further details of demography, land-use, forest area etc.

General details of case study villages are given in annexure - 2

A synopsis of actual status of FRA implementation in case study villages is given in table 3

### **Issues Identified in Case Study -**

#### Claim Filing by Relocated Villages -

In Morlem Panchayat of Sattari block three more villages namely Anjunem, Gullem & Pansulim were relocated from Panchayat Querim during 1986 due to the Anjunem Irrigation Project. The compensated package for relocated families included 1 Ha land for livelihood support and 0.4 Ha land for housing. The land given under compensation is situated 6 km far from village Morlem, i.e. outside of its revenue area therefore the claims filed under FRA by relocated families are pending undecided due to jurisdictional issues between Panchayat Morlem and Querim. The chairman of FRC Morlem has sought directions from the SDM of Bicholim sub-division, regarding in which Panchayat should be the FRA claims of relocated people processed.

#### Multiple Claim filing by One Claimant -

In Villages like Caranzole and Gaondongrem people have multiple land holdings in different patches of forest therefore the land holders have filed claims for each land holding separately.

In village Caranzole the actual number of households is less than 300 but the total number of claims filed in the village is 693 (as per FRC records). The official spot verification has been done only for 300 claims and the rest are still left undecided. The claimed land area varies between 0.025 hectares to 3.5 hectares.

There are also cases of two or more persons filing claim for the same land (In-between land holding disputes?).

Change in Govt. Staff / Unawareness about provisions of FRA -

The Panchayat secretaries are mostly newly recruited hence they are totally unaware about the provisions of the FRA. They are functioning according to the official procedure of channelizing the claims from one level to another, without being aware of their roles and responsibilities.

There is no provision of training of newly recruited staff / personnel transferred from other departments about FRA and its process.

Panchayats and FRCs Unaware about original act and its further amendments / guidelines -

In all case study villages it was observed that the FRCs and Panchayat functionaries are unaware of the provisions of the original act and further guidelines, amendments released by MoTA. The Tribal Directorate Goa has published a booklet of 'FRA Amendment Rules, 2012' and has distributed to the panchayats.

The study team helped Panchayat and FRC people in on-the-spot accessibility to MoTA website and download the relevant literature for their perusal. The highlighting provisions of Forest Right Act, amendments, rules, guidelines etc were also explained briefly.

Reluctant Role of Revenue and Forest Officials in spot Verification -

The Director Settlement & Land Records (DSLRL) has been entrusted responsibility to carry out the mapping of the claimed land with the help of forest department before the claim file is submitted to SDLC; but it has been observed that the forest and revenue officials are deliberately reluctant on appearing together for spot verification and mapping process hence most of the claims are

Village without Forest under Land-Use -

Village Gaondongrem does not have any forest land under land-use category. Moreover, the adjoining forest area also does not come under jurisdiction of the forest dept. Villagers have the hold on natural Cashew forest at individual basis and have filed claims for the land under their hold.

However, the forest department is trying to prevent the verification process without its involvement (even in case when it does not have jurisdiction on the land !) by returning back the claims which have been verified and mapped jointly by the revenue officer and FRC.

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**Table 3- Status of FRA Implementation in Case Study Villages**

S. No.	Panchayat	Case Study Village	IFR	CR	CFR	FC	No. of Total Claims	No. of Claims Pending at Gram Sabha (with or without spot verification)	No. of Claims Pending at SDLC	No. of Approved Claims		Remarks on Actual Status
										IFR	CR / CFR	
1.	Morlem	<b>Morlem*</b>	255*	0	0	0	255	255 (without)	Nil	Nil	Nil	Originally Village/Panchayat Morlem is the single one. That registered 55 claims. Three more villages namely Anjunem, Gullem & Pansulim were relocated from Panchayat Querim. Claims filed by relocated villagers - Anjunem - 64, Gullem - 77, Pansulim - 59
2.	Sanvordem	<b>Caranzole</b>	300	0	0	0	300	300	Nil	Nil	Nil	In actual 659 claims have been filed out of which 300 have been scanned and recorded, claimed land size varies between 0.025 Ha to 3.5 Ha. Multiple claims by one claimant for scattered land holdings.
3.	Dongurli Thane	<b>Dongurli Thane</b>	02	0	0	0	02	02	Nil	Nil	Nil	-----
4.	Khola (Cola)	<b>Khola (Cola)</b>	432	18	0	0	450	242	208	Nil	Nil	The claims pending at Gram Sabha level include 233 IFR & 9 CR. The claims pending at SDLC include 199 IFR & 9 CR.
5.	Gaondongrem	<b>Gaondongrem</b>	910	31	0	0	941	941	Nil	Nil	Nil	Spot verification for 910 IFR claims has been done by FRCs and Revenue officer; Forest official didn't come (files returned back by Forest dept). No forest land in revenue records.
<b>Total</b>			<b>1899</b>	<b>49</b>	<b>0</b>	<b>0</b>	<b>1948</b>	<b>1740</b>	<b>208</b>	Nil	Nil	

Abbreviation: IFR - Individual Forest Right; CR - Community Right; CFR - Community Forest Resource Right; FC - Facility Claims; HH - House Holds

\* Three villages namely Anjunem, Gullem & Pansulim were relocated from Panchayat Querim during 1986 due to the Anjunem Irrigation Project. The project is located at Anjunem village in Sattari Taluka of North Goa District on Costi river, a tributary of Valvanti River under Mhadei Basin. It is a medium storage type irrigation project that started in 1977 and completed in 1989.

**Objections by the Forest Department -**Objections on the Genuineness of Claims -

By February 2015 total 10040 claims were filed throughout the state, but the PCCF of Goa expressed his doubt whether the filed claims were genuine, and in response to his doubt the Chairman of the SLMC suggested the PCCF to be positive in settling the genuine claims.

During SLMC meeting in September 2015 again the issue relating to the observation by the forest dept during DLC meetings was raised. In response to that the Chief Secretary advised forest dept to study the forest area under cultivation with the help of satellite imagery of 2005. It was suggested as a measure to verify the details of claimed land in advance and reduce the objections raised during DLC meetings.

It was also suggested that the objections of forest dept should be more on merit and substantive aspect and not on the procedural and administrative aspects which were to be looked upon by the revenue officials. The chief secretary suggested that the role of forest dept should be more on verification of claims through its records and satellite imageries and not with regard to the procedural aspect.

Objections on the Claims Filed by the Govt. Servant or their Family Member -

The forest department also raised the question on the claims filed by the persons in government service. While there was no substantive reason was available behind the objection (does the government service disqualifies a person from its traditional holding on the forest land?), the chief secretary observed that the FRA recognises the traditional rights of the individual, which cannot be debarred only for the reason for any of its family member in the government service.

Still such claims where any family member of the claimant is in govt service, are kept pending for the reasons unknown.

Objections Being Raised at DLC Level -

The Tribal Welfare Department reported that although the forest officials are involved in the processing of the claims right from the grassroot level however objections are raised by their officials at the DLC level. It was suggested that the details of claims be shared with the Range Forest Officer at least 15 days prior to the spot verification so as to enable the forest dept to examine the claims well before.

Objections on Multiple Claims by One Claimant -

During the SLMC meeting in December 2015 the PCCF raised the objection on multiple claims filed by one claimant; however he was not sure whether there were different claimants having same name as well. The Tribal Welfare officials made him clear that a claimant was entitled to file different claims for pieces of land with the restriction of total 4 hectare area.

From the above points it is observed that there has been a tendency among forest officials from bottom to the top hierarchy to raise the objections without legitimate reasons or conduct actions with deliberate delay so as to hamper the process of recognition of peoples' right over the forest resources.

**Spot Verification and Mapping Being Delayed -**

Although the Director Settlement & Land Records (DSLRL) was entrusted to carry out the mapping of the claimed land with the help of forest department before the claim file is submitted to SDLC; but there has been deliberate delay by revenue officers and forest officials in the mapping exercise (mostly, as it was confirmed by the Panchayat Secretaries and Panchayat members during village meetings). As it was made mandatory that both revenue and forest department representatives will be present at the mapping time to cooperate each other in identification and demarcation of the land, but there has been deliberate attempt of non-cooperation between both parties, as a result most of the claims in North and South Goa are laid pending at gram Sabha level for the mapping process.

Delay by DSLRL staff (local revenue officer) and Forest Dept (local Range Forest Officer / Forester).

**Way forward.**

A study of the forest rights claims indicate that very few Community Forest rights claims have been filed, some of those filed are also wrongly filed as group forest claims of 4-5 individual families. Sanguem and Quepem which have significant number of sacred groves are lagging behind in the filing of claims. In addition, claims of fishermen from the mangrove forests in Tiswadi, Mormugaon and Salcette are totally absent. Further work in Goa while building on the findings of the study, will also take into account the following

- a. Water sharing issue with Karnataka in Mahdei reserve forest of Sattari block.
- b. Mining related issues in the forest blocks of Sattari, Quepem and Sanguem.
- c. Fishery issues in the coastal regions of Tiswadi, Mormugoa, Salcette and Canacona.
- d. Selected sacred groves in these regions will be studied to understand the issues coming up there.
- e. A meeting with CBOs and activists of Goa to discuss some of the issues emerging from the study.
- f. Re-Orientation trainings for government functionaries, Panchayats and FRCs.

**List of Sacred Groves in Goa**

<b>Name of Grove</b>	<b>Taluka</b>	<b>Location</b>
Rashtroli	Pernem	Gavadewada (Mandrem)
Kurlyachi wadi	Pernem	Varkhand
Shevro	Bicholim	Kharpal
Sidhdachirai	Bicholim	Vadawal
Ajobachirai	Sattari	Keri
Devatipann	Quepem	Bennudde
Durgadevipann	Quepem	Gokulde
Mahadevapann	Quepem	Barce
Devipann	Quepem	Barce
Shivapann	Quepem	Barce
Siddhmaddi	Quepem	Barce
Gadgyapann	Quepem	Barce
Vaghryapann	Quepem	Barce
Betalapann	Quepem	Barce
Paikapann	Quepem	Cazur
Paikapann	Quepem	Morpilla
Vaghryapann	Sanguem	Rivon
Patryatali Devrai	Sanguem	Rivon
Vasantagal	Sanguem	Rivon
Devadongor	Sanguem	Rivon
Paikapann	Sanguem	Bhati
Paikapann	Sanguem	Neturlim
Paikapann	Sanguem	Salgini
Paikapann	Sanguem	Kumbhari
Maulichirai	Sattari	Vagheri (Keri)
Pishyachirai	Sattari	Keri
Sidhdachirai	Sattari	Morle

Devachirai	Sattari	Saleli (Onda)
Devachirai	Sattari	Nagve
Holayechirai	Sattari	Caranzol
Ajobachitali	Sattari	Brahmakarmali
Devachirai	Sattari	Koparde
Dhupachirai	Sattari	Derode
Devachirai	Sattari	Satre
Poshyachirai	Sattari	Bondir
Devachirai	Sattari	Shelop – Khurd
Devachirai	Sattari	Surla
Nirankarachirai	Sattari	Bambar–Nanode
Devachirai	Sattari	Thane
Devachirai	Sattari	Pali
Devachirai	Sattari	Shel – Melavali
Devachirai	Sattari	Shiranguli
Devachirai	Sattari	Assodde
Devachirai	Sattari	Malpona
Devachirai	Sattari	Shirsode
Devalachemol	Sattari	Dabe
Devachirai	Sattari	Bhironde
Devachirai	Sattari	Golauli
Devachirai	Sattari	Mauxi
Devachirai	Sattari	Ivre – Budruk
Devachirai	Sattari	Ivre – Khurd
Devachirai	Sattari	Pendral
Avali Dano	Canacona	Cotigao
Kuske Dano	Canacona	Cotigao
Badde Dano	Canacona	Cotigao
Source: Rajendra Kerkar		

**Table - Demographic and Land-Use details of Case Study Villages**

S. No.	Panchayat	Case Study Village	Total Geo. Area (Ha)	Forest Area under Land Use (Ha)	Total HHs	Total population	Total ST population	Total SC population
1.	Morlem	<b>Morlem</b>	972.87	275.33	762	3290	0	120
2.	Sanvordem	<b>Caranzole</b>	4048.63	3527.24	176	839	0	0
3.	Dongurli Thane	<b>Dongurli Thane</b>	1016.34	365.6	339	1534	0	231
4.	Khola (Cola)	<b>Khola (Cola)</b>	3444.1	538.8	1107	5382	2977	4
5.	Gaondongrem	<b>Gaondongrem</b>	6193.6	0.0	1004	4946	4321	22