

## **Deliberate Delay in Execution of Forest Right Act:**

A Report Based on Evidences Collected Through Right To Information Campaign by Bhil and Garasiya Tribe People in Rawatbhata Tehsil in Chittaurgarh District Rajasthan

A Joint Report by  
**Institute for Ecology and Livelihood Action (IELA)**



In Collaboration with

**Badad Majdoor Kisan Sangthan**

**BMKS**

## **1. Background:**

Rawatbhata is famous for Ranapartapasagar Dam and Nuclear Power Plant. This area is characterized by the hill and plateau terrain of Chambal Basin, which is covered with mostly dense forest. Geographically topographical is related to the Vindhya mountain range. Bhainsarodgarh is about seven kilometers from Rawatbhata and about 130 km from Chittorgarh district headquarters. There are 162 Revenue Villages in 27 Gram Panchayats in Bhainsarodgarh Panchayat Samiti. Out of this, 40 villages are now located within the boundaries of Bhainsarodgarh Wildlife Sanctuaries. Whereas 112 villages are located along or around the sanctuary. The Bhil tribe is dominated by the human population living in this area whereas in other communities Gurjar, Meghwal, Jat, Rajput, Dharad and Meena are included.

The history of struggle for forest right in Rawatbhata region dates back even before the Forest Right Act (FRA) came into existence. Traditional forest dwellers as well as other forest resource dependent communities were being prohibited from access to forest resources such as dead and fallen wood, minor forest produce, Tendu leaves, Women were stopped from carrying headloads of Tendu leaves (tied in personal veil) etc. Many issues were put into notice of BMKS team members who were in constant contact with tribal communities of the region for their handholding support and empowerment. BMKS started meetings with people to spread awareness about the FRA and also provided guidance in preparation and filing of the FRA claims. Around the year of 2011 the process of filing IFR claims began in Bhainsarodgarh area and since then the claimants are waiting for the recognition of their forest rights.

In collaboration with Badad Mazdoor Kisan Union (Badad Mazdoor Kisan Sangathan - BMKS), an action oriented study has been conducted involving the traditional forest dweller of the region. People of this region have been victim of repeated hostility by the government system. At the same time they are facing atrocities by the upper caste community. There is long history of their repeated displacement and every time they were either forced to leave their land against the meager compensation by the government, or they were duped by the local revenue & forest officers on the false promises of land & monetary compensation. The area is dominated by the Bhil tribe that has been surviving on the subsistence agriculture and daily wages labour.

The rights of forest dwellers are being systematically violated in the territorial forests of Mandesara and Bhesrodgarh panchayats in the Rawatbhata sub-division. This includes demolition of housing structures, land grab by forest department, threatening and abusing by the forest staff. Even after the intervention by the Tribal Commissioner in response to the help sought by the forest dwellers, the Deputy Conservator of Forest (DCF) and forest staff further threatened them for accessing any help from anywhere.

## **2. Why RTI Campaign?**

The Chittorgarh district administration and the forest department are flouting the rules and arbitrarily implementing the FRA. The FRA related data at SDLC level is either disorganized or is almost lacking. The claims of traditional forest dwellers are either denied or kept pending without giving any reason. Claim files are being accepted and rejected arbitrarily by accepting

the verification of forest department alone and by invalidating the verification of the FRCs. Claims of the traditional forest dwellers, who have been living there for generations, are being rejected by declaring them encroachers at some places, and because of incomplete survey settlement at other. The claimants are not being informed of rejections; they are neither given reasons for rejection in writing nor a chance to appeal as per rules.

Getting the knowledge of above issues Shri Bapu Nath and Shri Shyamlal Bhil filed a RTI at SDM office Rawatbhata and after that it was revealed from the documents given by the SDM office that the claims of 61 FRA applicants from six villages were rejected and no further action was done on the files kept under their possession. The claimants were never informed about the rejection; neither they were given any chance for appeal nor their files were returned.

When the claimants were continuously kept clueless about the status of their claims they (from village Amba and Bewda Khal in Bhensrodgarh Panchayat) attempted another way of inquiring through filing of fresh claims in 2018. It was only then they were told that their earlier claims are still pending hence they can not file any second claim.

Taking the stock of the situation BMKS decided to start handholding support to FRA claimants in filing the RTIs to get the documentary evidences of the status of filed claims and other information regarding implementation of FRA. RTIs were filed at three levels – Village Panchayat, Sub-Division Level and District level respectively.

### **3. The RTI Campaign:**

The RTI campaign started in June 2018 and within one year 120 RTIs have been filed by 51 applicants from 10 villages belonging to 04 Panchayat areas in Bhensrodgarh Panchayat Samiti. (See annexure -1 & 2)

Village meetings were conducted every month and all possible handholding support was provided to people in filling the RTIs. With the help of BMKS the entire process of public and village meetings, documentation and filing of RTIs by the local people gained the momentum. More people from same villages as well as from other villages are coming forward to know the status through RTIs. They are also requesting for information about the constitution of Forest Right Committee (FRC), Sub-Divisiol Level Committee (SDLC) and District Level Committee (DLC) and details of their functioning. Requested information in most of the RTIs was under following points –

- A. Information about constitution of Forest Right Committee (copies of FRC constitution documents and list of FRC members),
- B. Details of claims filed under Individual Forest Right (IFR), Community Right (CR) and Community Forest Rights (CFR) filed in the respective village and copy of the progress report,
- C. Details of pending claims and documents related to meetings/process held regarding the respective village,
- D. Copies of documents related to correspondence between office of the Public Information Officer and Forest department.

E. RTI applicant also asked for information regarding status of his/her own IFR claim.

RTI applicants also sought information on certain other points –

- Information regarding status of applicant's claim and documents related to minutes of the meetings during which decision on FRA claims were made.
- Copies of the minutes of the meetings of SDLC
- Copies of the documents related to communication between office of the public information officer and the Village Panchayat regarding rejected claims.

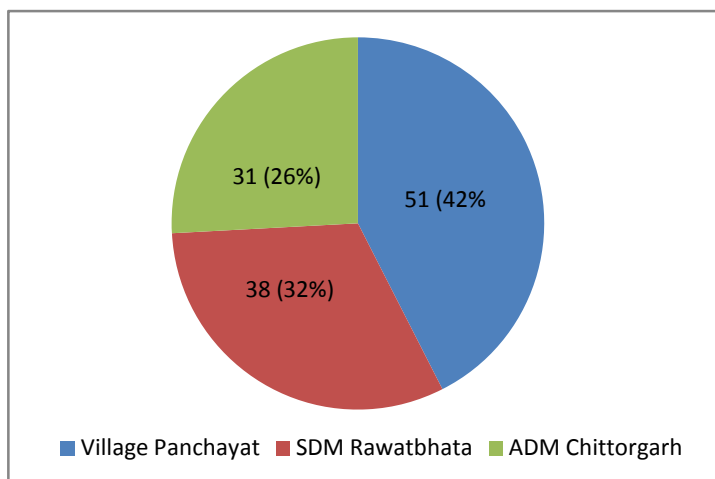


Figure 1 - RTIs Filed at Different Level

Village	Number of RTIs Filed
Amba	37
Bhensrodgarh	37
Mandesra	8
Sidiya	4
Arena Kala	4
Sadra	3
Udpuriya	3
Lothiyana	8
Jalra	6
Footpal	10
<b>Total</b>	<b>120</b>

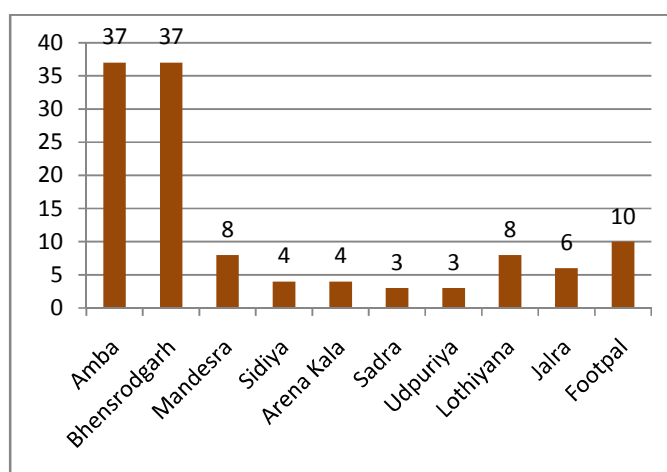


Figure 2 - Village-wise Record of RTIs Filed

Table-2: Village-wise Total RTI Applicants	
Village	Number of RTI Applicants
Amba	13
Bhensrodgarh	13
Mandesra	3
Sidiya	2
Arena Kala	4
Sadra	3
Udpuriya	3
Lothiyana	4
Jalra	2
Footpal	4
<b>Total</b>	<b>51</b>

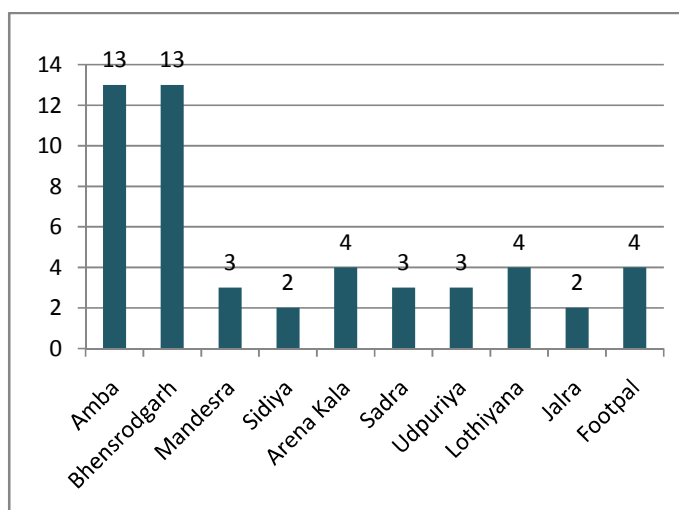


Figure 3 - Village-wise Total Number of RTI Applicants

Table-3: Panchayat-wise Total RTIs Filed			
Bhensrodgarh	Dhanganmau Kala	Mandesra	Rajpura
74	12	24	10

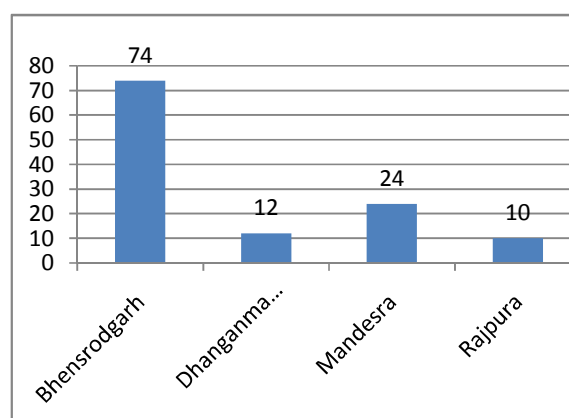


Figure 4 - Panchayat-wise Total RTI Filed

Table-4: Panchayat-wise Total RTIs Applicants			
Bhensrodgarh	Dhanganmau Kala	Mandesra	Rajpura
26	6	9	10

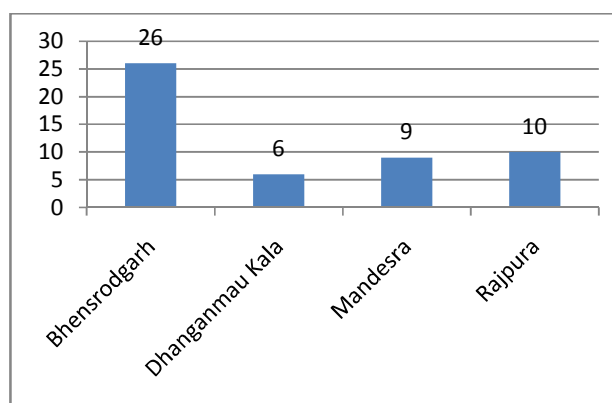


Figure 5 - Panchayat-wise Total No. of RTI Applicants

#### 4. Response / Replies by Officials Against RTIs:

Village	Panchayat		SDM		ADM	
	No. of RTIs	No. of Replies	No. of RTIs	No. of Replies	No. of RTIs	No. of Replies
Amba	1	1	-	-	-	-
Kaliya ki Talai (Bhensrodgarh)	1	1	-	-	-	-
Mandesra	1	NIL	-	-	-	-
Amba	12	12	12	12	12	12
Kaliya ki Talai (Bhensrodgarh)	12	12	12	NIL	12	NIL
Sidiya	2	2	2	NIL	-	-
Mandesra	1	1	1	NIL	-	-
Arena Kala	4	4	-	-	-	-
Sadra	3	3	-	-	-	-
Udpuriya	3	3	0	-	-	-
Lothiyana	4	4	4	NIL	-	-
Mandesra	2	Awaited	2	Awaited	2	Awaited
Jalra	2	Awaited	2	Awaited	2	Awaited
Footpal	3	Awaited	3	Awaited	3	Awaited

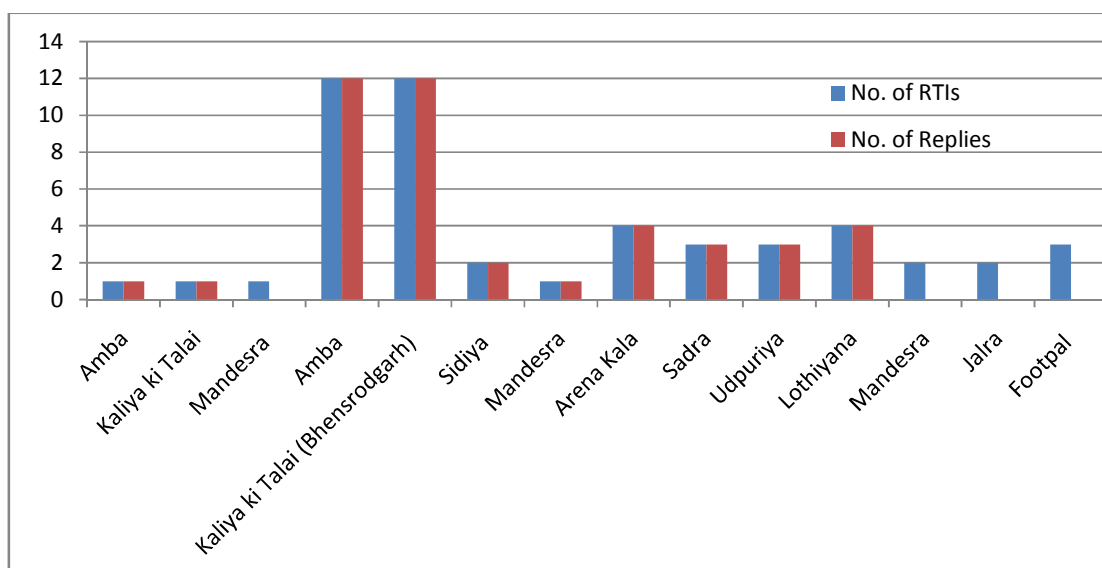


Figure 6 - Status of RTI Replies Received from Panchayat Level

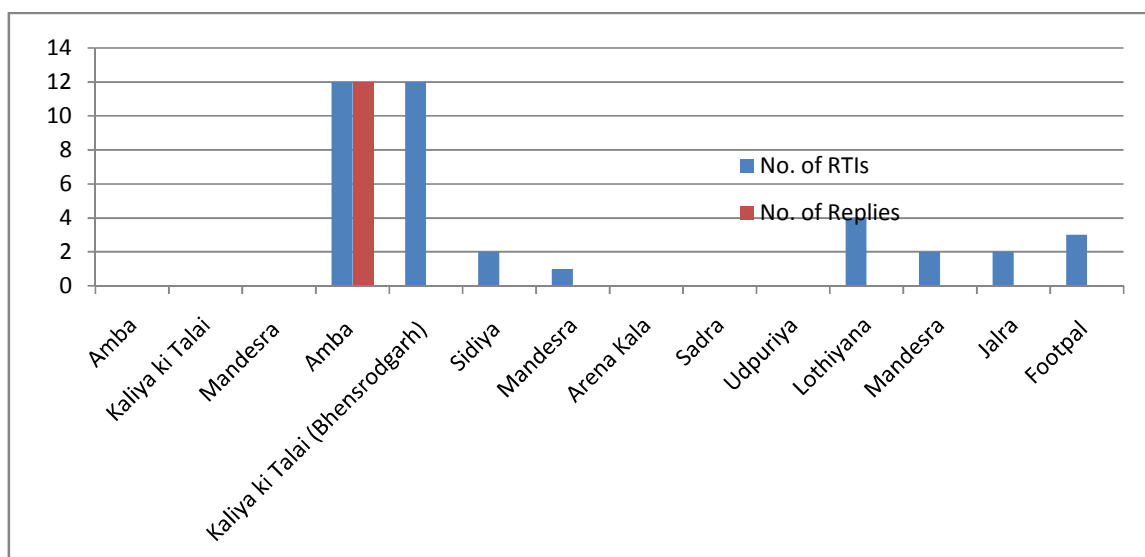


Figure 7 - Status of Replies Received from SDM Level

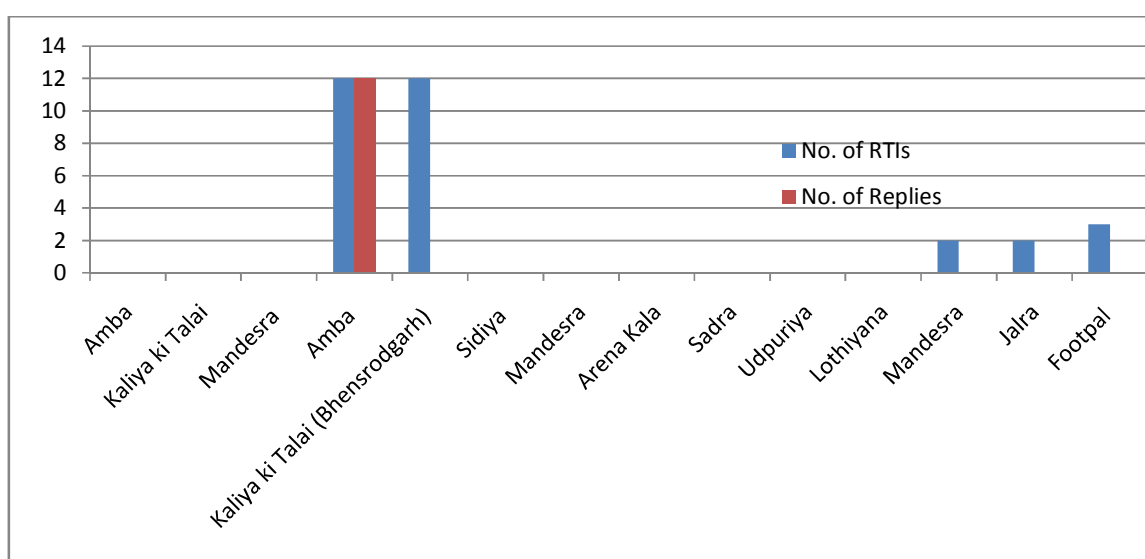


Figure 8 - Status of Replies Received from ADM Level

## 5. Facts Related to Deliberate Delay in Execution of FRA:

- 1) From the RTI replies given by Panchayat level, SDM level and the District level it is shockingly revealed that Monthly Progress Report (MPR) regarding implementation of FRA is not compiled at any level because that was not made available to the applicants.
- 2) It was revealed through RTI that there is evidence that applicants had filed for FRA claims and their claim files have been rejected at SDLC level. But the SDLC has never followed the provisions of FRA regarding written communication to the claimant and giving him the chance for appeal.

As per provisions under section 6(4) of the FRA, 2006 and under section 12 (A)(3)(5)(6) & (10) of the FRA Amendment Rules, 2012 There should be written communication to the claimants regarding rejection or objection on his claim or the documents and the claimant should be given chance for appeal and submit his/her favour. In no way shall the claim

deem rejected unless the claimant is given chance to explain his part. Nothing like that has happened in Rawatbhata sub-division and the claimants are left running here and there for knowing status of their claims.

- 3) Claimants of FRA being kept entirely clueless about the status of the decision on their claims for approximately 07 years and yet there is reluctance from the administration in furnishing them updates and take the final decision.
- 4) Files of claimants were deliberately missed and they were forced to prepare and submit new files (e.g. Kela S/o Toda Bhil; Narayan S/o Chena Bhil, Hariram S/o Chena Bhil, Khemraj S/o Chena Bhil, Moda Bhil in Village Sadra, Panchayat Rajpura. First files were submitted during 2012-13 and thereafter after several years they were asked to file claims again.
- 5) From the RTI document furnished by Village Panchayat Bhensrodgarh it is evident that a Gram Sabha was called on 04/02/2013 in which deliberation on FRA Claims filed by the villagers was done. Furthermore, under resolution-2 the gram sabha approved all IFR claims filed at the FRC level and forwarded the approved claim files to the SDM Rawatbhata. Since then there is no indication of any action done by the SDLC Rawatbhata on the referred claims.
- 6) With the evidences collected through RTI it is evident that the constitution of Forest Rights Committees (FRCs) has not been done seriously and transparently.  
(For example, the FRC of Bhensrodgarh Village (which is also the HQ of Bhensrodgarh Panchayat Samiti) has been constituted on 21st June 2018 after filing of RTI in the same month by local residents. On the other hand another RTI reply from the same Panchayat reflects that FRC was constituted on 17<sup>th</sup> April 2008! Furthermore, the number of members in June 2018 FRC was 05 while in April 2008 FRC it was 16 !}).
- 7) The Public information officer at Panchayat level followed arbitrary manner in furnishing the information. {for example in case of same RTIs filed by residents of village Amba and Kaliya ki Talai (Bhensrodgarh) the number of documents furnished to each applicants was not same! Although the language on the cover letter regarding response of the RTI requests was same!). (RTI replies sent by Public Information Officer, Village Panchayat Bhensrodgarh via letter dated 15/02/2019 and without any dispatch number, to applicants of Amba and Kaliya ki Talai).
- 8) In other protected areas where forest dwellers as well as those accessing forest resources are allowed to collect minor forest produce, collect grass and dead & fallen wood, head loads of Tendu leaves; collect timber wood for own housing requirements, but in Rawatbhata – Bhensrodgarh area tribals are being harassed from entertaining such rights. Their collected items are seized and irrespective of man or woman they face abuse and insult by the forest staff.
- 9) Forest officials denying verification and intentionally putting objections on invalid ground. They have been reportedly rejecting the claim of many claimants on the ground that the claimant also has some land in village revenue area and thus remarking such objections in verbal as well as in written for many claims.



- 10) IELA and BMKS team have also filed few RTIs at DLC and SDLC level as well as to the DCF Chittorgarh (regarding data/record on FRA implementation). Few replies received are further misleading and the process of filing appeals and fresh RTIs is continued. The DCF Chittorgarh has been reluctant in responding to the RTIs and the matter has reached to the State Information Commission, which in turn, has ordered the DCF to furnish the required information within the set duration (which has already passed without any reply by the DCF). Further action on this matter is under process.

## **6. The Account of Struggle by Traditional Forest Dwellers**

The history of displacement of tribes in Rawatbhata region can be traced back to 1953 when they were evicted from the proposed Rawatbhata Dam; approx 40 villages were reportedly affected. Thereafter in 1964 again, those settled in the area of proposed Jawahar Sagar Dam faced another displacement. Many families, particularly the Bheel tribes displaced from Rawatbhata and Jawahar Sagar Dam resettled in the forest region where they could not live peacefully much longer. The displacement further continued with the creation of Jawahar Sagar Sanctuary in 1975 Bhensrodgarh Sanctuary in 1983. About 15 years ago the officials of forest department again forced them to sign documents that effectively said that they have voluntarily surrendered the land. The people were of the opinion that they would be getting revenue land with pattas in return for this surrender, but apparently they have been duped. Currently they are under pressure to vacate the area of the Mukundara Tiger Reserve that was created in 2013 involving the parts of Jawahar Sagar and Bhensrodgarh Sanctuary areas. In all three regions right to collect tendu patta has been curtailed and those carrying headloads (tendu patta, firewood) are harassed. People still having the land holdings in Mukundara Tiger reserve and Sanctuary areas are being denied their forest rights and their forest right claims under the FRA have been kept pending unattended.

With the creation of Mukundara Tiger reserve (earlier there were no tigers here but now two tigers has been introduced), the rights of people living in these forests has been curtailed and process of displacement and resettlement has been initiated.

The affected people have also come forward to file affidavits in the court and more people are coming voluntarily to file more affidavits.

Meanwhile, people were also being threatened for filing the FRA claims. They were told that they will have to face the legal action and imprisonment if they file the FRA claims. After the assured guidance by BMKS team people gathered courage and started filing FRA claims.

A pamphlet (highlighting facts about the pathetic status of FRA implementation, deprivation of forest rights and forced eviction of people from sanctuary and tiger reserve, atrocities and political negligence etc) was also printed and widely distributed in the whole district before the state assembly elections with the help of BMKS and IELA team.

Initially when the processing of FRA claims at panchayat level was ignored, delayed and obstructed, the claimants approached the SDM and DM, and after many attempts the administration initiated action.

**Will the government still evict them or recognise their forest rights ?**

## Annexure-1

## List of RTI Applicants

S. No.	Name of Applicant	Father's Name / Husband's Name	Village	Village Panchayat	Date of RTI Filing		
1	Husaram	Shyamlal Garasiya	Footpal	Mandesra	18/06/2018		
2	Devilal	Nanda Bhil	Amba	Bhensrodgarh	18/06/2018		
3	Titu	Bhila Bhil	Kaliya ki Talai (Bhensrodgarh)	Bhensrodgarh	18/06/2018		
4	Devilal	Nanda Bhil	Amba	Bhensrodgarh	27/11/2018		
5	Latur	Nanda Bhil			27/11/2018		
6	Nanda	Vena Bhil			27/11/2018		
7	Ratna	Harikishan Bhil			27/11/2018		
8	Bhajja	Shankar Bhil			27/11/2018		
9	Ratna	Uda Bhil			27/11/2018		
10	Khana	Teja Bhil			27/11/2018		
11	Chhoga	Kana Bhil			27/11/2018		
12	Kelibai	Mangilal Bhil			27/11/2018		
13	Ratnibai	Pema Bhil			27/11/2018		
14	Binabai	Daluram Bhil			27/11/2018		
15	Bhani	Moduram Bhil			27/11/2018		
16	Titu	Bhila Bhil			Kaliya ki Talai (Bhensrodgarh)	Bhensrodgarh	18/01/2019
17	Amru	Hirji Bhil					18/01/2019
18	Hirji	Hema Bhil					18/01/2019
19	Bhila	Ramsingh Bhil	18/01/2019				
20	Munna	Madiya Bhil	18/01/2019				
21	Tallu	Madiya Bhil	18/01/2019				
22	Gavji	Ann Singh Bhil	18/01/2019				
23	Maina Bai	Meji Bhil	18/01/2019				
24	Taul Singh	Bhav Singh Bhil	18/01/2019				
25	Raju	Bhila Bhil	18/01/2019				
26	Dallu	Neva Bhil	18/01/2019				
27	Ann Singh	Ratna Bhil	18/01/2019				
28	Shantilal	Dalu Bhil	Sidiya	Dhanganmau Kala	07/02/2019		
29	Heeralal	Kanshiram Bhil			07/02/2019		
30	Bhimraj	Bhanwarlal Bhil	Mandesra	Mandesra	07/02/2019		
31	Balu	Hira Bhil	Udpuriya	Rajpura	22/02/2019		
32	Mangilal	Balu Bhil			22/02/2019		
33	Mathralal	Ramsukh Bhil			22/02/2019		
34	Ratna	Hema Bhil	Arena Kala	Rajpura	22/02/2019		

35	Mohan	Narayan Bhil			22/02/2019
36	Bansilal	Uda Bhil			22/02/2019
37	Bhawanishankar	Hemraj Bhil			22/02/2019
38	Nandubai	Hariram Bhil	Sadra	Rajpura	22/02/2019
39	Kela	Toda Bhil			22/02/2019
40	Narayan	Chena Bhil			22/02/2019
41	Naru	Ghisa Bhil	Lothiyana	Dhanganmau Kala	27/02/2019
42	Mohan	Hariram Bhil			27/02/2019
43	Bhavana	Amra Bhil			27/02/2019
44	Bhavana	Khema Bhil			27/02/2019
45	Uda	Deva Bhil	Mandesra	Mandesra	24/04/2019
46	Devilal	Harikishan Bhil			24/04/2019
47	Kanwarlal	Bhima Bhil	Jalra	Mandesra	24/04/2019
48	Kalibai	Ramlal Bhil			24/04/2019
49	Mansingh	Mangu singh Garasiya	Footpal	Mandesra	01/05/2019
50	Uda	Anada Garasiya			01/05/2019
51	Thwra	Karma Garasiya			01/05/2019

## Annexure-2

Summary of RTI Applications Filed at Different Levels						
Reference Date	Village	Panchayat	Office Where RTI was Filed			Total RTIs Filed
			Village Panchayat	SDM Rawatbhata	ADM Chittorgarh	
18/06/2018	Amba	Bhensrodgarh	1	0	0	1
	Kaliya ki Talai		1	0	0	1
	Footpal	mandesra	1	0	0	1
27/11/2018	Amba		12	12	12	36
18/01/2019	Kaliya ki Talai (Bhensrodgarh)	Bhensrodgarh	12	12	12	36
7/2/2019	Sidiya	Dhanganmau Kala	2	2	0	4
	Mandesra	mandesra	1	1	0	2
22/02/2019	Arena Kala		4			4
	Sadra	Rajpura	3			3
	Udpuriya		3	0	0	3
27/02/2019	Lothiyana	Dhanganmau Kala	4	4	0	8
24/04/2019	Mandesra		2	2	2	6
	Jalra	Mandesra	2	2	2	6
1/5/2019	Footpal		3	3	3	9
<b>Total</b>	<b>10 Villages</b>	<b>04 Panchayats</b>	<b>51</b>	<b>38</b>	<b>31</b>	120

	Village Panchayat	SDM Rawatbhata	ADM Chittorgarh
Total RTIs Applicants	51	38	31