

Submission of All India Forest Front for Rights Struggles on the violations committed under FRA

All India Forest front for Forest Rights Struggles (AIFFRS) is deeply concerned about the process being followed to implement the Forest Rights Act and the attempt to make the forest dwellers and Forest Dependent people the scapegoats in the destruction of the forests. AIFFRS is therefore submitting case studies from across the country to show how due procedure has not been followed in the implementation of the act.

In relation the preamble of the Act, namely Correction of Historical Injustice done to forest dwellers and forest dependent communities

The process of educating the local community to file CFR claims and reassert their control and historical synergy with the forest has not been done in most cases, in fact the reverse has been done, namely forest dwellers have been faced with repression and many forms of harassment with the express purpose of undermining their traditional collective processes.

- a. The denial/delay in processing of CFR claims particularly in the context of National Parks and sanctuaries.
 - Dakshinbanga Matsyajibi Forum has pointed out that Sundarban in West Bengal for instance has not been considered in the list of districts eligible for FRA as a result fisher folk and honey collectors who depend on these forests face severe repression while trying to eke out their livelihood from these forests. The fisher folk from across the country have come up with a slogan, he who casts the net has the right of water. The fisher folk from across the country therefore demand that conditions are set right in terms of the quantity, quality and access to water, but also upstream to the source of the water bodies, namely the status of the habitat from where the water is sourced.
 - In Himachal, Himachal Gumantu Pashupalak Mahasabha pointed out that claims of pastoralists who have submitted their CFR claim have not been entertained on the grounds that claims were settled at the time of the British itself. On the other hand the FRA is being used for fast track clearance of diversion claims under Section 3 (ii) in violation of the ban on green felling in Himachal so why not CFR claims be dealt with under Sec 3 (i)
 - . In Uttrakhand Van Panchayat Sangharsh Morcha mentioned that the Gujjars have not been recognised as forest dwellers and due to creation of sanctuary and National parks, their permits have been cancelled.
 - In Rajasthan, Alwar district is among those not recognized under the FRA and hence claims filed have not been entertained, a study of RTI claims filed by local communities by Badad Mazdoor Kisan Union and Institute for Ecology and livelihood Action in Bhensrodgarh region indicates how the entire process of filing of claims has been undermined. BMKU also has evidence that claims approved by 2 senior people from the village following due process are being arbitrarily denied.
 - In Jharkhand, Jharkhand Jungle Bachao Andolan pointed out that out of 433 CFR claims filed only 8 have been granted recognition. Even there instead of the area being claimed under CFR being granted a fraction has approved and that too under Joint Forest management which is a violation of FRA as management

should be handed over to the Forest Rights protection Committee. Jharkhand Mazdoor Kisan Union (JMKU) also pointed out how the JFM committee was used to harass forest rights claimants and assist the Forest Department in filing false cases against them. JMKU has also prepared a detailed report of 11 villages based on the RTIs filed by the local community against the process of harassment and threatened eviction of local communities despite them having filed claims for IFR and submitting the necessary proof of cultivation prior to the cut-off date of 13th December 2005.

- Seva Jagat of Odisha also pointed out how a limited area was approved under CFR and given to JFM committee in violation of the Act which requires the Forest Rights Management committee to be given charge, funding under CAMPA is also being used to undermine the unity of the village.
- b. The process of undermining FRA in other representative States
 - In Karnataka Rajamoola Adivasigla Vedike pointed out that the Government is taking post dated measures to ratify it's process of wrongful rejection of claims by trying to take signatures from the gram sabha.
 - In Gujarat, Eklavya pointed out how fake pattas and fake figures were given to undermine the process of resistance of the local community to the improper procedures being followed by the Government.
 - In Tamil Nadu, TAAK, Humane Trust and VRDP pointed out the apathy of the Government in responding to their demands.
 - In Andhra, Dharitri pointed out that 50 CFR claims filed were returned without processing the claims.

AIFFRS is committed to assisting MoTA in not only helping to identify processes that are undermining FRA but also facilitate the process of proper implementation of the Act by activating democratic processes in the gram sabha.

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