

Shoots and Leaves - August Edition

Community Forest Resource Rights in Central India: CED's multi-year multi-state initiative

Overview

By Sharachchandra Lele

The need for decentralizing and democratizing forest governance has been recognized in international forestry circles for quite some time. India has been at the forefront of such thinking, right from the days of the Chipko Andolan in the 1970s. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, commonly called the FRA, is a landmark legislation in the history of independent India as it provides a legal foundation for this process. It recognizes the multiple historical injustices imposed on forest-dwellers in India, particularly in central India and takes a rights-based approach to redressing them. Perhaps the most important, but least implemented, rights provisions in the FRA are the community's right to manage forests within the customary boundary of the village (community forest resource or CFR right). The CFR rights, if recognized, can potentially transform forest governance in India, because they decentralize the authority of forest management to Gram Sabhas (the village general body). They offer the best chance of a transition from colonial forestry or de facto open-access situations to socially just and ecologically sustainable forest conservation and regeneration in India, on the lines of the 1992 Community Forestry law in Nepal or the *ejidos* of Mexico.



Women from Kodonar village, Bastar district, participating in GPS-ing their village customary boundary for their CFR claim

The CFR Initiative (cfr.atree.org) in ATREE's Centre for Environment & Development seeks to facilitate this transition, through a range of research (academic, action and policy-oriented), outreach, and training projects on CFR potential estimation, analyzing bottlenecks to and building capacity among communities and administration for claiming and recognizing CFR rights and for CFR management planning, and understanding the impacts of CFR management efforts where they have fructified. Our field sites are primarily in Maharashtra, Chhattisgarh, Madhya Pradesh and Karnataka, but our support extends into Telangana, Jharkhand and other states, along with providing inputs at the national level.

Estimating and Mapping the Potential Areas of Community Forest Resources

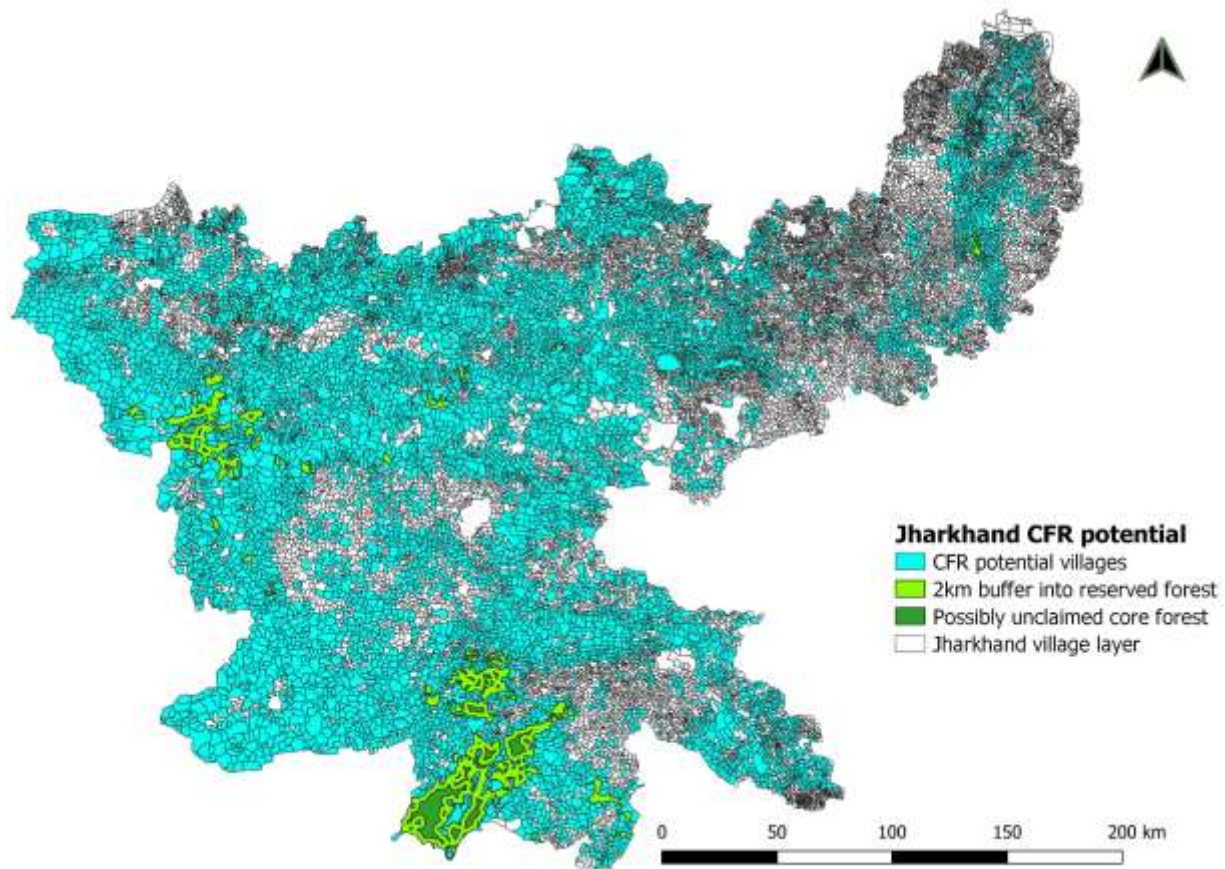
By Shruti Mokashi

The FRA was enacted in 2006, however, even after sixteen years of its enactment, the implementation of its CFR provisions has been far from satisfactory. The reasons for non-implementation of CFR rights are multiple. Among these is a lack of clarity, both in government and among proponents of the FRA, as to where and how much forest land might be eligible for CFR rights claims and in which villages. Consequently, there is no 'target' that state governments must reach and against which their performance must be measured in terms of recognizing CFR rights. To address this gap, the ATREE CFR team with financial support from BRLF (Bharat Rural Livelihoods Foundation), estimated (a lower bound for) the potential area that could come under CFR rights and the locations of the villages with this CFR potential in four important central Indian states: Madhya Pradesh, Chhattisgarh, Jharkhand and Maharashtra, using a combination of Census of India data and maps, and Geographic Information System (GIS) techniques.

Given the differences in the manner in which forests have been demarcated in the region, the villages and the area of CFR potential was estimated in two parts. All the villages that, as per Census 2011, have more than 10 ha of forest area within their revenue boundaries were first identified and form one part of the estimate. The second part consisted of identifying those villages that are in or adjacent to Reserve Forests located outside village revenue boundaries. For such villages, it is assumed (based on field observations) that their customary boundary would extend to at least 2 km into the forest; this area is estimated using GIS.

Based on our analysis, we estimated that across these 4 states, ~60,000 villages could potentially claim CFR rights under the FRA over an area of at least ~1,83,000 km². This will potentially benefit the livelihoods of a total of ~6.26 crore people, including ~2.36 crore people

belonging to Scheduled Tribes and ~0.66 crore people belonging to Scheduled Castes (as per Census 2011).



CFR potential villages in Jharkhand (denoted by blue colour)

This estimate is approximate and meant primarily as an overall guide, with limited micro-level validity and based on a conservative estimate of how much might be claimed. Claims by individual Gram Sabhas may very well exceed, and deviate spatially from, these estimates. Moreover, the claims may come from hamlet-level Gram Sabhas, whereas our lists are performed at the village-level.

The ATREE team has also developed a WebGIS portal to make publicly available maps of “CFR potential areas”. The WebGIS displays state, district, tehsil and village boundaries for the four states. For comparison, it also presents, where possible, information on “CFR potential realized”, i.e., which villages have received CFR rights, of what kind, and over how much area. Some of the main features of the WebGIS are – potentially claimed and unclaimed forest areas,

village search function, ability to switch between Google and Bing base maps, measure tool etc. The WebGIS can be accessed here: <http://cfr.atree.org/potential/cfr.php>

Developing and making publicly available the village-wise maps of CFR potential, however approximate they might be, ensures that policy makers, civil society groups, officials and the wider public become aware graphically of the extent of CFR potential and its location across an entire state, the gap between the potential and CFR claims actually granted, and the regions in which attention needs to be focused. We are also finding that the sheer availability of village and RF boundaries superimposed on Google satellite imagery is enabling innovative work at the micro-level as well, in preparing CFR titles, in contesting wrongly recognized titles, and understanding inter-village conflicts as well.

Understanding Progress in and Barriers to CFRR Recognition in Chhattisgarh

By Shruti Mokashi

Chhattisgarh is home to 78 lakh Adivasis and a heavily forested state (~ 45%). Fifty percent of the villages in the state are located inside five kilometers radius of forests. Thus for inhabitants of these villages, which mainly include STs and OTFDs, forests are the primary source of livelihood. Considering the significance and relevance of CFR provisions for the state, a study was initiated to understand the nature of community forest rights and titles which were recognized in Chhattisgarh, with financial support from Oxfam India.

The recognition of FRA in the state was in two phases. The first phase was from 2008 to 2018, during which the focus was initially on only IFR rights recognition— between 2013 and 2016 there was no information on community forest rights recognized in the Monthly Status Report submitted to the Ministry of Tribal Affairs (MoTA). Subsequent reports suddenly show a large number of community forest rights granted (~ 40,000) with Chhattisgarh state reports and newspaper articles claiming it as the leading state in the country. Given that there are only around 11,000 villages having forest within, adjacent to or around their boundaries, the claimed 40,000 titles are spurious. Our analysis shows duplicate entries, multiple community forest use rights (grazing, firewood collection, NTFP collection) and non-forest use rights in the same village being considered as separate titles, multiple rights on the same piece of land, and so on. The actual number of villages covered in this process was even less than the villages that are forest-dependent. Secondly, the process of assigning these community rights has been highly problematic, with titles assigned in a top-down manner and many cases of forest compartments being assigned quite arbitrarily.

The second phase began in 2019 with the change in governments and was focussed on the recognition of CFRRs. Towards this, the state government has implemented several positive steps, including:

1. the preparation and publication of a detailed step-by-step manual with instructions on how CR and CFRR may be claimed, in Hindi in early 2020 and later in English as well;
2. conducting multiple training programs for higher and mid-level officials (state, district and block level) from revenue, forest and tribal welfare department;
3. getting the forest department to place most of the working plans and kml files of compartment boundaries in the public domain, which now can be easily accessed and used by the people for filing claims;
4. setting up an FRA related team in the CM's office and more recently an FRA cell with UNDP support in the Tribal Welfare department; and
5. in general, providing a strong push from the CM's office for recognition of CFRR claims.

The above measures, in combination with the work of a large number of grassroots organizations and NGOs, have resulted in recognition of more than 4,000 CFRRs in this phase (corresponding to that many villages), which is a very substantial number (again keeping in mind that the full CFRR potential is about 10,500-11,000 villages). Important steps in terms of recognizing CFRRs in a Tiger Reserve, National Park and for a town ward have been taken to achieve the full potential of this provision in the FRA. While the focus on CFRRs and several of the steps taken towards rigorous recognition are laudable, lacunae have crept into this phase again.

a) A minor problem is that, when the villagers map the CFRR claim area, the area claimed (and recognized) is often the area of the entire customary boundary of the village, including agricultural and other (non-forest) lands on which forest rights recognition is neither necessary nor possible. This has inflated the area being shown as CFRR area and has the potential of creating problems later in community forest resource area management.

b) A much bigger problem is that, it appears even this phase has fallen prey to the dangers of an excessive focus on numbers: the pressure on the bureaucracy to recognize rights rapidly has led again to a top-down process. In many such cases, the area recognized appears to be far less than what the village's customary use might be. Moreover, even if the forest area recognized is somewhat correct, the lack of a bottom-up process means that the villagers have not been mobilized, are unaware of the significance of the rights recognized (often unaware that a title has been issued at all in their name) and therefore this rights recognition is unlikely to translate into any meaningful community-led forest management, enabling which is the purpose of CFRR recognition.

c) Notwithstanding the differences in the approaches and the quality of implementation in the two phases, the Chhattisgarh government has been reporting all the rights granted as 'community forest rights'.

Chhattisgarh state has, in the last few years, shown a laudable commitment to the spirit of the community rights provisions of the Forest Rights Act. Greater support and attention to detail, rather than a focus on numbers, will yield much greater dividends in the long run in terms of the welfare of forest-dwelling communities and forests themselves.

Facilitating CFRR Recognition and Management in Bastar District, Chhattisgarh

By Ananya Rao

The state of Chhattisgarh has gained a lot of positive publicity in the past half decade for the state government's emphasis and support for implementing the FRA and CFRR, in particular, has received a lot of impetus. The state has set bold targets for CFRR implementation and has progressed substantially in recognising CFRR claims. Bastar district holds immense potential for CFRR recognition, because of both the extent of forest area as well as the proportion of its population that is dependent on forests. Approximately 40% of the total geographical area in the district is covered by forests and around 80% of the population (or more) is dependent on forest resources for their livelihoods and subsistence. Hence, in this district, CFRR is especially relevant as more than 400 out of the 607 villages hold potential for the recognition of CFRR.

The district administration in Bastar has also proceeded significantly in implementing CFRR, having recognised titles in 196 villages already. However, many of these claims are faulty, with villages being given forest areas that do not belong to them alone, or sometimes even belong to another village entirely. These faulty claims, or other disagreements during the claim-making process, have triggered many conflicts between villages. In this context, there is a pressing need to ensure that claims are prepared correctly and thoroughly, using proper bottom-up processes, and to identify the exact causes of conflict so that it may be mitigated or avoided in the future. Another very important necessity in the district, now that the process of claim-making has been set in motion, is to start thinking about management planning. Once the village has received their title, how will they manage this forest area? What measures will they put in place to ensure the sustainable use of forest resources? Initiating CFRR management calls for a greater focus on understanding forest based livelihoods and how these may be improved, given that a majority of the population is forest dependent.

To carry forward the work of CFRR claim-making, we have recruited 18 FRA coordinators from the district, a team mainly comprising of Adivasi youth, including 4 women. By initiating bottom-up processes and providing technical support, this team helped 20 Gram Sabhas submit CFRR claims and 30 more are in the making. This team was also able to mediate and resolve a number of inter-village conflicts that arose during the claim-making process. Learning from their experience and from conversations with the administration, we were able to identify the main

causes of conflict and develop recommendations for mitigating as well as avoiding conflicts around CFRR.

Maps are a big part of facilitating these processes because they are a valuable tool for understanding what areas to claim as well as for resolving disputes between villages. To integrate different maps into a publicly accessible resource, we have created a WebGIS that shows revenue boundaries, forest compartments and cadastral maps on top of satellite images. Further, we have created an application called “Aamcho CFR”, through which people can see their location in reference to all the maps in the WebGIS system, map their CFRR area, and upload it to a common server where it may be scrutinized and stored by the administration. [Details about the WebGIS and its application in the field can be found in [this article](#)]

To take the final and most important step of CFRR management, we have initiated pilots in five villages. These villages have planned to put in place measures that suit their specific forest conditions and livelihood needs, such as protecting the forest from felling and over-harvesting or replacing exotic invasive species with natives ones that are more useful for livelihood. Giving attention to improving livelihoods as a part of management planning has also been supplemented with a study on NTFP-based livelihoods. In this study, we assessed current schemes and policies aimed at improving forest livelihoods, analysed the levels of forest dependence in villages, and proposed policy recommendations for integrating NTFP trade with CFRR management so that one can ensure the sustainable and profitable use of forest resources. The recommendations emerging from these studies were presented at the 7-district workshop held on 16 July 2022. [Details about the workshop can be found in [this article](#)]



Women discussing CFRR management planning in Nagalsar village

Histories continue to perpetuate historical injustices in Karnataka's forests

By Roshni Kutty

Restoration of rights of forest dwelling communities to forest resources that were suppressed or watered down during state consolidation of forests in the Western Ghats require that implementing agencies have a proper understanding of the histories of these forests. Take for example, the treatment of community forest rights claims in Uttara Kannada district. Forest dwellers here range from the politically, economically and socially powerful areca plantation owners such as Havyak Brahmins, to small-holder agricultural and/or artisanal communities such as Halakki Vokkaligas as well as landless class who are either nomadic pastoralists like Gawlis or who eke their living through a combination of labour and sale of non-timber forest products (NTFPs) such as the Siddis - the only recognized STs in the district. While the more powerful communities managed to negotiate with the colonial administration and get their forest dependence and usage recognized through formal laws, the dependence of scattered and migrant populations of minority communities over the forests went unacknowledged. In Mysuru district where the Princely kingdom of Mysuru reigned, certain forest areas were reserved for game hunting and later, as protected areas. Adivasis, such as Soligas, Yeravas, Betta Kurubas and a particularly vulnerable tribal community – Jenu Kurubas - living in these forests were left alone by the king, but no record of their rights to forest resources were carried out when these forests were notified by his administration – which was influenced by the British to a large extent.



Siddis struggle with insecure tenures in the midst of a forested landscape



NTFPs collected from the surrounding forests by Siddis



Houses constructed for relocated Jenu Kuruba families from Nagarhole National Park

Provision of community forest rights (CFRs) under Forest Rights Act, 2006 was to correct these historical injustices done on such communities. Yet, even today their situation remains unchanged to a large extent. In Uttara Kannada, the fact that communities are unaware about CFRs point to dereliction of duty on the part of implementing agencies responsible for creating awareness about the law. Usually, civil society fills this gap in policy implementation, by reaching out to the vulnerable communities and mobilizing them. However, in the case of the northern region of the Western Ghats of Karnataka, their presence has been woefully lacking. Pre-existing forest tenures, conceded by the British during state consolidation of forests, for those who had the wherewithal to negotiate with the colonial administration, has blinded the current administration to the injustice meted out to powerless and landless communities who

were equally dependent on the forest. A proper understanding of these histories would have pushed a diligent administration to target these communities for implementing CFRs.

History does not stop at Independence. Violent and illegal evictions of forest dwellers during 1970s and 1980s, from the forests that comprise today's Nagarhole National Park (NNP) in Mysuru and Kodagu also seem to have faded away from the memories of the district administration. Subsequent relocation packages offered by the state through India Eco-development Program has conveniently masked the injustice that earlier oustees underwent during the notification of NNP. Today, despite the fact that these communities are made aware and mobilized by an active civil society, CFR claims of these communities continue to be unrecognized, or unacknowledged even where titles are granted. Here the justification for non-recognition comes from the argument that these communities have been relocated voluntarily and that they had given up their claims over their traditional forests in the process. Never mind that the relocatees find themselves in possession of uncultivable lands for settled farming – an alien concept for them, or that large families have to take shelter in tiny, improperly constructed houses. Rehabilitation of forest dwelling tribal communities, obviously, is not in the lexicon of those responsible for ensuring it! Sensitizing implementing bureaucracies through history lessons would go a long way in changing their current perceptions about CFR claims and may influence more positive implementation outcomes in Karnataka.

Rectifying historical injustice in the forest villages of Baiga Chak

By R. Venkat Ramanujam



Figure 1: Baiga residents of Dhaba Village at the first meeting of their Community Forest Rights Management Committee (CFRMC) in May 2022

“They are chopping down the forest and selling the wood. Let them slit our necks instead,” raged a Baiga elder making an angry motion resembling an axe coming down on his neck. He was one of a group of Baiga and Gond Adivasis who had assembled at a workshop on CFR management jointly organised by ATREE and the Dindori district administration in a village called Chada in March earlier in 2022. Nestled in the Maikal Hills of eastern Madhya Pradesh, Chada is a prominent village of Baiga Chak, a mountainous region of more than 40 forest villages named after the forest-dwelling Baiga community. The Baiga elder was referring to timber extraction by the forest department, a longstanding practice that has come to evoke bitter resentment among Baiga Chak residents.

The forest villages of Baiga Chak were coercively constituted by the colonial forest department as a ready pool of cheap Adivasi labour for timber extraction. Until the FRA was enacted, the residents of these villages were denied ownership rights to the land on which they lived and cultivated. Although Baigas and Gonds are native to the Maikal Hills since generations together, they were compelled to submit to the forest department and live as tenants from the late nineteenth century onwards. Their tenurial insecurity is testament to the historical injustice that Baiga Chak represents.

But, since the late 1990s, these villages have turned into a site of vigorous opposition to coupe-felling, the formal term that the forest department employs for its timber extraction activity. Baiga Chak residents resist coupe-felling because they contend that it progressively degrades the forest. Water sources are diminishing and so are medicinal plants and forest foods. The vanishing of native vegetation has worsened with the rapid spread of *Lantana camara*, *Parthenium hysterophorus*, and other invasive species, aided by canopy opening due to coupe-felling. According to Chaitoosingh and Bodhsingh, Baiga men with an intimate knowledge of the forest, “the *maahul* (*Phanera vahlii*) creeper is now hard to find; so are *birul* and *pandri* (*Stereospermum chelonoides*) trees. The *laapa* grass which enhances cow lactation is gone.” They went on to list 28 native species of trees, lianas, shrubs, and grasses that are now hard to find. In recent years, cattle mortality due to the lack of browse in the forest has become severe. Village residents are compelled to borrow money to purchase new heads of cattle every year or hire a tractor for ploughing. High cattle mortality due to forest degradation is a major cause of impoverishment in Baiga Chak.

Even as protests against timber extraction in Baiga Chak gathered steam in the early 2000s, the Forest Rights Act, enacted in 2006, appeared to offer a resolution to the twin question of tenurial security and forest conservation. Indeed, Baiga Chak villages rapidly filed claims for CFR recognition with the expectation that they would be able to assert control over their forests and that coupe-felling would end. Alas, this was not to be. Villages received titles that remained merely on paper while coupe-felling continued unabated. The state adopted a combination of carrot-and-stick to counter the opposition to coupe-felling: 20% of the profits from the sale of timber have been shared with village residents, and protests have sometimes been met with the threat of police action. Overall, community forest rights proved to be stillborn and the 2010s turned out to be a decade of disappointment. “We felt disheartened,” lamented Jhamlibai, a Baiga woman who had been at the forefront of anti-coupe-felling protests in her youth.



Figure 2: Baiga representatives of Paudi village presenting a tentative community forest management plan at the workshop organised by ATREE and the Dindori District administration



Figure 3: Baiga and Gond residents of Ajar Village meeting to discuss the exercise of community forest rights in May 2022

However, hope has continued to smoulder, and has given birth to tentative new shoots recently. At the workshop on CFR management, participants found a forum to articulate their lingering hopes and vision for the forest by exercising the dormant CFRs. Some villages were already observing conservation-oriented restrictions on forest use, such as a moratorium on the sale of maahul leaves (used for making leaf-plates) so that the creepers are allowed to regenerate. By the end of the workshop, the participants had the beginnings of a tentative village-level management plan in mind. For instance, the representatives of Sheetalpani Village categorically stated, “we will begin with our own folk – by framing rules to curb fire, hunting, and overharvesting. But we want funds from the government to help clear lantana so that we can plant native species such as *char* (*Buchanania lanzan*), *pandri*, and *maahul*.” The following month, in April, four villages went on to constitute community forest rights management committees (CFRMCs). The Gram Sabha (village assembly) has convened several times since then, and the respective CFRMCs have identified sites in the forest for clearing lantana to facilitate plantation of saplings of native plant species. The Dindori district administration and the forest department have declared in-principle support for these efforts, promising to release funds under the Mahatma Gandhi National Rural Employment Guarantee Scheme

(MGNREGS). While CFR management is still incipient and a work in progress, one can perhaps say that after a decade of disillusionment, one sees a glimmer of hope in the forests of Baiga Chak.

Capacity building for CFR Management Planning in central India

By Shruti Mokashi

While overall implementation of the CFR provisions is lagging, CFR rights have now been recognized for over 6,000 villages in Maharashtra and 4000 villages in Chhattisgarh. However, claiming and recognition of CFR rights is only the first step towards the realization of CFR provisions. The FRA empowers the gram sabhas as decision making bodies for the management and governance of their CFR areas. Hence, after recognition it is essential that the community takes ownership of their CFR area by initiating a CFR planning exercise to develop a management plan and implement it. The main objective of this exercise is to help the communities think through systematically how they would manage the resource in a way that protects wildlife, enhances livelihoods, ensures equitable distribution of benefits, and is ecologically sustainable. The planning and management process itself mobilizes the village community and builds the capacities of the Gram Sabha (village general body) and the CFR Management Committee (CFRMC) to manage its CFR and progress towards sustainable livelihoods.

We have found that many villages are grappling with the issue of how to initiate CFR management. Through our field experience, interaction with civil society organizations (CSOs) facilitating these CFR related processes, and examination of successful cases of CFR management, we have delineated the main steps to initiate CFR management process:

1. Understanding the current status of the CFR Area
2. Assessing villagers needs from the CFR area and its significance
3. Assessing threats to the CFR area
4. Plan for addressing the threats and the needs
5. Management for enhancing forest based livelihood
6. Democratic process and regulation
7. Support and assurances required from state agencies and others

Focussing on these steps, ATREE, in collaboration with the Tata Institute of Social Sciences (Prof Geetanjay Sahu) had developed a simple template for CFR management planning. This template has been officially translated into Marathi and notified by the Maharashtra Government as a way of doing CFR Management planning. It has also been translated into Hindi and Odiya and is being used by CSOs in the field. In Chhattisgarh state, although no template has been officially accepted, we are already working with CSOs to popularize the template we have developed and begun training programmes for CFR Management Planning using it.



Dr. Sharad Lele, speaking on successful CFR management in Dantewada workshop

We began with online training programs with Chhattisgarh groups during the pandemic, followed by training for CSO staff members in Yavatmal (GSMT), exposure visit to Pachgaon village and training of FRA coordinators in Bastar, training of trainers in Dantewada, and training of CFRMC members and villagers in Baiga Chak, Madhya Pradesh.

Socio-ecological Impacts of and Barriers to CFR management: Preliminary Insights from Maharashtra

By Atul Joshi

The Community Forest Resource (CFR) rights provision of the Forest Rights Act, 2006 of India is a major step towards decentralised forest governance. It recognizes the rights of forest-dwelling communities to use and manage their traditional forest resources. Though CFR rights recognition has been slow across most of India, some regions such as eastern Maharashtra have seen extensive recognition of CFR rights with more than 5000 villages since 2012. Recognition of rights is the first important step towards positive and equitable livelihood and conservation outcomes. However, a realization of these outcomes depends upon the collective decision-making processes adopted at the local level and the policy support provided post-recognition. In that context, it becomes important to understand the ecological and socioeconomic transformative potential of CFRs, and the pathways barriers to realizing it, which in turn can inform thinking about post-claims policy support. We aim to understand whether and under what conditions CFR management can realize its transformative potential, i.e., enhance livelihoods equitably, empower communities and conserve/regenerate forests.

We have been studying CFR management in six villages in eastern Maharashtra that have been actively managing their CFR for more than five years and have been working in partnership with civil society organizations (CSOs) that have supported these villages. We have conducted vegetation sampling, interviews and focused group discussions to address these questions. The preliminary analyses show that the study villages have adopted proactive protection measures such as a ban on hunting, wood cutting, grazing and fire, though the extent of implementation of these measures varies across the villages. The study villages, through the adoption of these protection measures, have been successful in enriching the biological diversity of their CFR areas and in the livelihood enhancement of villagers. The village, with highly degraded vegetation in its CFR, had to invest extensively in terms of plantations and soil and water conservation to restore their lost biological diversity and enhance its livelihood generation potential whereas the villages that had relatively less degraded vegetation in their CFR adopted only protection measures to manage their forest resources. The CFR management has also led to progress in the democratic functioning of the Gramsabhas through the active participation of villagers. The local NGOs and collectives such as Self Help Groups and Gramsabha Federations have been playing important facilitation towards sustainable CFR management.

CFR management in these villages appears to have brought positive socio-ecological impacts. Interestingly, Gramsabhas are experimenting with different management strategies in their CFR. How sustainable livestock grazing can be ensured? Whether the fire is good or bad for the sustained productivity of fodder and important NTFPs? These are some of the most intriguing questions that Gramsabhas are seeking an answer to for sustained management of their CFR. We are hoping to facilitate their efforts in finding answers to these questions in the near future.



Vegetation assessment in CFR areas



Gramsabha plays a key role in CFR management

Gram Sabha Federations: A next step in CFR-based forest management?

By Anuja Date

Thousands of villages across India that have received community forest resource rights are expected to receive livelihood benefits from sale of non-timber forest products. But there are

several barriers for CFR holding gram sabhas for accessing markets depending on the nature of the NTFP. One way to overcome these challenges is to form groups or collectives – to achieve economies of scale, to share market knowledge and also for learning skills.

In 2015 Maharashtra state deregulated the sale of *tendu-patta*, one of the most important forest products in central India. With the deregulation of *tendu-patta*, gram sabhas (villages) who have community forest resource rights can sell *tendu* leaves harvested from their community forests independent of the state (i.e. the Forest Department). Since 2015 several gram sabhas have formed groups or collectives for the sale of *tendu*. I observed one such group of gram sabhas in the Korchi taluka of Gadchiroli district in Maharashtra called the 'Mahagramsabha' from 2019-2021.

I saw that since the formation of the Mahagramsabha important changes are being made in the auction system for *tendu* leaves and the contractual agreements between traders and gram sabhas including payments processes. Further, I saw that the price at which *tendu-patta* is sold by the Mahagramsabha did not significantly differ from that of the state forest department (<https://twitter.com/AnujaDate/status/1321446665430036481>), but there is more control and transparency exerted by the gram sabha group in the whole process from auction, harvest, processing and transport of the leaves.

The formation of the Mahagramsabha has also led to important changes in social relations in various ways. In Korchi, while the Mahagramsabha was formed based upon a shared history of working against a proposed mine, its new form as a collective for *tendu-patta* sale brought in a wider and active engagement from gram sabhas. *Tendu-patta* sale not only attracts but also retains membership of gram sabhas in the collective. The Mahagramsabha is now also a platform for addressing issues that beleaguer the region. It is illustrative that when a fire incident led to burning down of crops in a member village, the Mahagramsabha provided them with member-contributed relief material such as rice and dal. The Mahagramsabha has also been instrumental in enabling sharing skills and ideas for preparing community forest management plans. Several gram sabhas informed by the Mahagramsabha discussions are now taking up plantation and forest protection measures using incomes from *tendu* sale.

The Mahagramsabha has also seen its share of defections. In creation, maintenance and fracturing of gram sabha groups, there is a process of negotiation and assertion of new and old identities. This includes its collective identity as a homogenous group of forest rights-holders, forest-dependent/forest dwelling peoples but also the internal heterogeneity including women *patta* collectors, Dalits, Backward Castes, and Adivasis. Ever since its creation in 2017, the Mahagramsabha negotiated for one common price of *tendu-patta* across all its member-villages irrespective of the quality of the *tendu* leaf. The 'equal pricing' system worked so long as member-gram sabhas did not enforce boundaries on harvest areas across different villages. Adivasi solidarity was invoked when using this pricing system. But in 2020, a group of five gram sabhas defected from the Mahagramsabha disgruntled by the enforcement of equal pricing for all and estimated loss of premium prices for higher leaf quality. Learning from this in 2021, as *tendu-patta* prices escalated, gram sabhas broke into smaller groups and demanded different prices. The Mahagramsabha instead of dissolving assumed the role of coordinator and monitor assisting the smaller gram sabha groups in advertising, contract signing and monitoring of the sale and harvest process.

The creation and eventual modifications to the Mahagramsabhas gives us a glimpse into how locally-led, downwardly-accountable forest management can respond to local needs. Undoubtedly livelihood enhancement is the anchor of such groups, but the Mahagrasabha shows how gram sabha groups can potentially be the locus of people-centric sustainable forest governance.



A quiet moment while bundling Tendu leaves



Tense discussions during the tendu auction in March 2019

Critical Wildlife Habitats: an eviction threat or a co-existence opportunity?

By Atul Joshi

The Scheduled tribes and other traditional forest dwellers act, popularly known as Forest Rights Act or FRA, enacted in 2006, is the first legislation to address the historically ignored rights of forest dwellers in India. This act recognizes that forest dwellers are integral to the survival and sustainability of the forest ecosystems and confers rights to sustainably manage, utilize the resources and conserve the biodiversity therein. This act also makes a provision for the declaration of Critical Wildlife Habitats (CWHs) within PAs. It provides the possibility of modification or settlement of the rights

of forest-dwellers in PAs within Protected Areas (PAs; i.e. Wildlife Sanctuaries and National Parks) in the interest of wildlife conservation.

The CWH provisions in the FRA require first the full recognition of the rights of forest-dwellers. Following this, a case-by-case determination of whether co-existence is possible, whether some rights have to be attenuated to make it possible, or whether the relocation of forest-dwellers is the only option to prevent 'irreversible damage' and 'threat to existence' of wildlife. This determination is to be done through an exhaustive, multi-disciplinary and participatory process.

The proper implementation of the CWH provisions is vital for securing a socially just and effective conservation regime in the country. This, however, requires a thorough understanding of the complex provisions and processes involved in identifying and declaring CWHs. ATREE and Kalpavriksh CFR teams have been making an effort to clarify the legal provisions relating to CWH, their interpretations and the processes that would be necessary for their implementation on the ground to the stakeholders in simple language. We conducted a webinar for the CWH expert committee members of PAs in Maharashtra to make them aware of the provisions and their interpretation within the context of FRA. Following this, we published the [reports](#) in English and Hindi to create awareness about this provision and to draw attention to ongoing misuse of this provision. We also published a few popular articles in [English](#) and [Marathi](#).

As of mid-2020, no CWHs had been notified in the country. However, a petition in the Mumbai High Court last year prompted the Forest Department to constitute expert committees for 54 Protected Areas in Maharashtra. The CWH process in Maharashtra has unfortunately deviated on many counts from the above. First, the process of forest rights recognition is far from complete. We analysed the status of rights recognition in 39 PAs. We found around 1000+ villages in these villages whose rights could overlap with the PA boundaries, of which only ~150 villages have received CFR rights. Similarly, the Forest Department has claimed that in 25 PAs, there are no human habitations and hence no forest rights, which is both factually incorrect and ignoring the fact that villages adjoining PAs can also have rights within the PA. Despite the court ordering rapid

completion of the rights recognition process, there has been almost no progress on this front. Second, the composition of the Expert Committees is inconsistent with the 2018 guidelines and the Terms of Reference given to them violate several provisions in the law. Third, the Committees are functioning without outlining case-specific scientific and objective criteria, and are interpreting the CWH as simply free of humans, without demonstrating an actual threat to the existence of wildlife.

These deviations defeat the very purpose of the FRA which begins by recognising that forest dwellers “are integral to the very survival and sustainability of the forest ecosystem”. In that context, the CWH provision should not be seen as simply a tool for evicting forest-dwellers to create so-called “inviolable” spaces. It is an opportunity to rigorously explore all avenues of co-existence and participatory conservation. Halting the current CWH process and all evictions from PAs, completing rights recognition and Gram Sabha-level planning, and then restarting a revamped process with adequate training and discussion will ensure that the intent of the CWH provisions, i.e., to ensure a rigorous participatory process of resolving tensions between forest rights and wildlife concerns, is achieved.