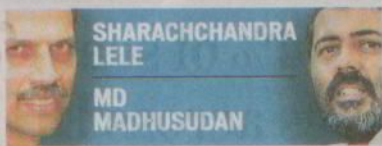


There's little evidence to show FRA is leading to large-scale deforestation

Instead of blindly opposing it, conservationists must demand sincere implementation of the forest law



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Ever since the draft Forest Rights Act (FRA) was conceived in 2004, hard-line conservationists have opposed it tooth and nail. Their main claim has been that FRA would lead, and now is leading, to deforestation, something our country can ill-afford. Unfortunately, these claims have been based, first on a misunderstanding of FRA, and then on poor data and its misinterpretation. It is important that these canards are put to rest as FRA is discussed in the Supreme Court.

The first right FRA confers is individual forest rights (IFRs) to habitation and cultivation. The critics of FRA assailed it as a forest give-away. Some of them even took the maximum limit on IFRs (four hectares), and multiplied it by the number of scheduled tribe families in India to declare that millions of hectares of forest would be lost. But FRA specifies that only land under actual habitation or cultivation prior to December 2005, and that too up to a maximum of four ha, can be given as IFR. This means that there is in fact no giveaway of physically forested land, but rather, a recognition of rights over pre-existing habitation or cultivation on lands recorded legally as forest.

Is it possible that the intent and letter of FRA is fine, but faulty implementation has led to massive deforestation? No law can be perfectly implemented, and certainly there have been instances of politicians encouraging villagers to occupy forested land after FRA was passed. But what is the evidence of such misuse, and on what scale? One circumstantial evidence used is the Forest Survey of India data that indicate a decline of 679 km² of forest cover across 188 tribal districts of the country between 2009 and 2011 (the peak period of IFR claim recognition). An examination, however, reveals that two-thirds of this "loss" was in north-eastern states, where FRA has virtually not been implemented. Whereas, Jharkhand, which recognised forest rights over 145 km², showed an increase in forest cover of 83 km². So the correlation with FRA implementation is spurious.

Another oft-quoted — and disingenuously used — piece of evidence is a study by The Energy & Resources Institute from Maharashtra, which notes that IFRs were granted on 1,748 ha of standing forest. The study was based on a report by Logicstacks Solutions, a consultant appointed by the Maharashtra forest department to use satellite images and verify whether IFRs were properly granted. It unfortunately fails to mention that the 1,748 ha of erroneous recognition was a part of 51,599 ha, pertaining to 35,044 approved claims that were verified. In this big picture, an overwhelming 97% of IFR claims (and extent) were correctly granted. This is the largest verification of



■ The Forests Rights Act has the potential to take forests towards decentralised and pro-sustainability governance AP

IFR recognition, and it provides overwhelming proof of fairly conservative recognition.

The only other case where satellite images was used to verify a large number of IFR claims is an experiment in Gujarat's Narmada district. ARCH, an organisation working with forest-dwellers, gave gram sabhas printouts of Google Earth images overlaid with IFR claim boundaries. The gram sabhas used them in approving, rejecting or modifying the claims before forwarding them for state approval. The state government, doubting the veracity of this screening, sent them to GEER Foundation for cross-checking. GEER checked almost 4,600 claims, and reported that more than 96% of the claims were acceptable.

Clearly, there is little evidence to show that recognition of IFRs under FRA has led to large-scale deforestation. But FRA also has the potential to strengthen forest conservation by virtue of its community forest resource rights clause. This gives communities statutory control over the forests they use, and powers for sustainable management. Moreover, this clause has given communities a voice in the forest clearance process. So far, permission for diverting forests to non-forest activities only required endorsement by the forest bureaucracy and a central committee. Now, in CFR areas, it also requires consent of the relevant gram sabhas. Unfortunately, CFR implementation has lagged far behind its potential.

Instead of blindly opposing FRA, and using bad science to make untenable claims about supposed misuse, the cause of forest conservation would be much better served if conservationists support a sincere implementation of the law. By settling, once and for all, the historical injustice in how forest boundaries were drawn, and how forest management rights were taken away, FRA has the potential to take forests towards secure, decentralised, democratic and pro-sustainability governance.

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The views expressed are personal