



Empower communities to fix forest governance

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Tardy devolution of rights under FRA and issues undermining gram sabhas' capabilities to exercise these rights wherever recognised need to be addressed

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The Forest Rights Act 2006 (FRA), by recognising the rights of forest-dwelling communities to both access and manage their customary forests, offers a bottom-up vision of forest governance. Eighteen years on, progress in recognising these rights has no doubt been tardy. Only three states — Maharashtra, Odisha, and Chhattisgarh — have recognised such community forest resource rights (CFRRs) in several thousand villages each. Other states with a large potential for such rights have hardly begun. Even in the first three, many villages remain without these and many errors in the rights recognition process need to be corrected. Thus, CFRR recognition remains the focus. Nevertheless, with 12,000-plus villages having received CFRRs, the question of post-rights governance is pressing.



Apart from having wider environmental implications, forest degradation also poses a real challenge to forest-based livelihoods (Photo by Sunil Ghosh / Hindustan Times)

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The recent push by the ministry of tribal affairs, including a series of orders relating to post-rights issues and discussions on a funding programme for rights-holding *gram sabhas* (GSs) as part of the first 100-day initiatives of the new government, must be seen in this light. What then are the major issues confronting rights-holding GSs? What measures are needed to transform the pieces of paper carrying CFRR titles into meaningful institutions of bottom-up forest governance?



. Or communities whose lives and livelihoods were marginalised by long-standing state policies aimed at extraction (for development) and exclusion (for conservation), correcting historical wrongs — which the FRA sets out to do — requires more than just restoring their rights. It requires a more fundamental reform to the apparatus of forest governance. But the FRA's spirit, and every so often, its letter, is waylaid by the wider legislative and institutional frameworks. To name just a few, forest departments continue to impose their working plans for timber felling and plantations on forests assigned to GSs, older state laws that create a government monopoly on the trade of valuable non-timber forest products (NTFP) remain on the books, and the procedures by which GSs can access state funds for forest conservation and regeneration remain unclear.

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The orders issued over the past year or so are useful but incomplete. Their primary focus (as expected of a bureaucracy used to viewing communities with suspicion) has been setting out



to NTFP markets and to financial resources are perhaps the two most critical ones.

The experience from Maharashtra, where strong grassroots mobilisation and an enterprising bureaucracy have led to several positive policy changes, provides valuable lessons.

Perhaps the most important learning is that allowing GSs to trade all commercial NTFPs, which is their right anyway, yields better economic returns, efficiency and equity. Starting in the 1960s, many states passed laws “nationalising” the trade of NTFPs such as tendu leaves, by requiring the (leaf) collectors to sell it only to government-appointed contractors. These monopolies have lost legal and practical validity after the Panchayat Extension to Scheduled Areas (PESA) Act and FRA, which explicitly recognise the GS ownership of NTFP. Aside from economic inefficiencies and malpractices, a major deficiency of such state monopolies is the disempowerment of collectors in an institutional setup that is controlled by the forest department. Even in Madhya Pradesh and Chhattisgarh, where the trade happens through cooperative societies of NTFP collectors, the executive positions and powers in the namesake cooperative structures vest with the forest department. This reduces NTFP collectors to labourers receiving wages and “bonuses”, rather than rightful owners.

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In Maharashtra, the older laws were amended in 2014 by the governor to allow GSs in Scheduled Areas to sell tendu leaves directly to the market. This has allowed them to determine prices, ensure larger advance payments and, more importantly, empowered communities through self-organised, downwardly accountable GS federations. That more



degradation, aside from environmental implications, poses a real challenge to forest-based livelihoods. Many GSs with recognised rights have been endowed with degraded or unproductive forests. They lack the resources needed to protect and improve the quality of their forests. This is a curious situation because the government has substantial budgetary allocations for forest restoration, such as the Compensatory Afforestation Fund (CAMPA) and the NREGA. Despite the natural synergy with community-led forest governance, their implementation tends to be siloed and is yet to recognise GSs' role.

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Starting in 2015, Maharashtra established “convergence” committees headed by district collectors as a platform for different government departments, civil society actors and GS representatives to work on integrating available government resources with CFR Management Plans of GSs. While outcomes have varied, largely dependent on the initiative shown by collectors, some villages have achieved positive results. In 2021, the state also allowed GSs to decide and implement NREGA works in CFR lands, a continuing challenge in other states where the forest department continues to be the decision-maker for NREGA work in forests.

Arguably, there is scope for further innovation. A large amount of public funds for restoration and afforestation is managed by India's forest bureaucracy, including CAMPA, which has crossed ₹50,000 crore. The top-down processes through which the forest bureaucracy implements its programmes, along with a pressure to utilise budgets for “visible” outputs, translates into an obsessive focus on large-scale tree plantations, which has limited environmental benefits as well as a lacklustre track record. Driven by buzzwords like



...ider environmental benefits of forests are important enough to receive such large
... why should GSs that are managing their forests not be entitled to these public funds
in proportion to the area of their forest land? This will help align restoration efforts with
local ecology and livelihood needs. Government should consider this issue and simplify the
procedures for accessing these funds. Meanwhile, transferring funds from the now-defunct
Joint Forest Management Committees would be a quick and useful supplement for CFR-
titled GSs. The key takeaway that we offer, citing Maharashtra's experience, is to move the
locus of reform from the demand-side to the supply-side of CFR management.

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