

# [Commentary] Mapping the potential of Community Forest Resource Rights in central India

SHARACHCHANDRA LELE, SHRUTI MOKASHI

11 OCT 2021

Comments

Share article

- *The provisions of the Forest Rights Act 2006 (FRA) relating to Community Forest Resource (CFR) rights have the potential to transform forest governance in India by decentralising forest management power to gram sabhas. However, their implementation has not been effective.*
- *ATREE researchers used Census data, maps, and Geographic Information System (GIS) techniques, to estimate the potential area that could come under CFR rights and the locations of villages with this CFR potential in Madhya Pradesh, Chhattisgarh, Jharkhand, and Maharashtra.*
- *The study found that across these states, around 60,000 villages could potentially claim CFR rights under the FRA over an area of at least ~1,83,000 km<sup>2</sup>, and potentially benefit about 6.26 crore people.*
- *The views expressed in this commentary are that of the authors.*

[See All Key Ideas](#) 

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, commonly known as the FRA, is a landmark legislation in the history of independent India, as it attempts to undo the multiple historical injustices imposed on forest-dwelling communities in India. In particular, the Community Forest Resource (CFR) Rights (or CFRR) provisions in sec 3(1)(i) recognise the rights of forest-dwelling communities to access, collectively manage, protect, and conserve forests that they have been traditionally using. Instead of allowing the government to impose its felling oriented or exclusion oriented working plans on the forest landscape or imposing its agenda through pseudo-participatory

processes such as Joint Forest Management (JFM), or leaving the forests *de facto* open-access, the CFRR provisions enable a statutory process of decentralised forest management by the gram sabha. The gram sabhas would then develop and implement their own CFR management plans like the [Mendha lekha](#) and [Pachgaon](#) villages in Maharashtra.

Furthermore, once CFRR are recognised, the forest cannot be 'diverted' for development projects without an NOC (No-Objection Certificate) from the CFR Gram Sabha, nor can any evictions take place in the name of wildlife conservation without implementing the [Critical Wildlife Habitat](#) provisions of the FRA. The [Niyamgiri hills](#) is one such [example](#) in which forest clearance given to a mining firm was [scrapped](#). Thus, these provisions have the potential to radically democratise forest governance in India. Despite its immense potential, however, (or because of it), even 13 years after the FRA was notified, the recognition of CFR rights has been quite poor. Only a few states have recognised CFRR to any significant extent — Maharashtra (~5,000 villages), Odisha (~3,000 villages) and recently Chhattisgarh (~3,200 villages). Is this all there is to it?

The problem in answering this question is that there is no clarity as to where and how much forest land might be eligible for CFRR claims and in which villages. Consequently, there is not even an approximate 'target' that state governments must reach against which their performance can be measured. A crude estimate was attempted by the CFR-LA network in its [report](#) on the 10<sup>th</sup> anniversary of the FRA; this was based on village wise census data on land use, including forest area within the village boundary. But this does not include forest area outside the village revenue boundary which may be under customary use and hence part of the CFR area.

A recent [study](#) by our team at ATREE seeks to fill this gap for four forested central Indian states and lay out a methodology that can be used elsewhere as well.

Using a combination of Geographic Information System (GIS) techniques and census data and maps, we identified villages with CFRR potential and the likely (minimum) area that may be claimed. Due to the varied and complex forest survey and settlement history, especially in the central Indian states, we observed that there are two possibilities:

1. The forest land under customary use is located inside the revenue boundary of the village, and/or
2. The forest land under customary use is located outside the revenue boundary of the village.

The first situation is illustrated in the image below with an example of a village from Chhattisgarh. The green line is the village revenue boundary. All villages are contiguous, and the hatched area is the forest area within the village boundary on which CFR rights were recognised.



Figure 1. The hatched region represents the forest area within the village border where CFR rights have been recognised.

In the second situation, the customary use area is largely outside the revenue boundary of the village in a part of the forest adjacent to it, as shown in Figure 2 for village Mandri (revenue boundary in green) Kanker district in Chhattisgarh. Here, the CFR claim of the village includes both, forest inside the village

revenue boundary (hatched yellow with red outline) and a large patch outside the revenue boundary in the adjacent reserve forest (hatched yellow area, with yellow outline).

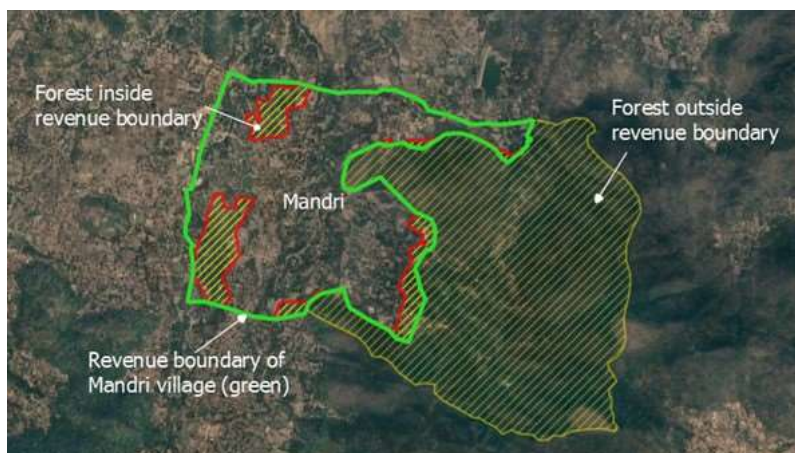


Figure 2. The CFR claim comprises both the forests inside the village revenue border and a piece of forest beyond the revenue boundary in the neighbouring reserve forest.

A variant of the second situation is the case of 'forest villages', i.e., settlements created by the forest department to forcibly settle Adivasis in one location and/or for ensuring labour for forestry operations. The boundaries of such forest villages typically include only the habitation and agricultural lands, as in the case of Jabarra village in Dhamtari district in Chhattisgarh (Figure 3: green boundary). Consequently, Census reports zero forest area for Jabarra and other such villages. But when Jabarra village submitted its CFRR claim using its customary use boundaries, the claim covered 5,352 ha in the surrounding forest (yellow hatched area), and on the basis of evidence provided by the villagers, the claim had to be recognised.



Figure 3. The boundaries of Jabarra village in Dhamtari district in Chhattisgarh include only the habitation and agricultural lands.

Our methodology accommodates both possibilities. For villages in situation (a), keeping in mind that villages with a tiny area of forest within their boundaries and none adjacent to them are likely to not claim CFRR rights, we included those villages that had more than 10 ha forest area within their revenue boundary (as identified from Census 2011 data) and their forest area was totalled.

For villages in the situation (b), where the forest area is adjacent to the village boundary, we used a thumb-rule, based on field experience, that such villages may claim at least up to 2 km into the Reserve

forest (from the edge of their village). Hence, we created a 'buffer' into the forest polygons of 2 km width and estimated area of this 'buffer'. We then merged the list of villages from these two situations and added the forest areas likely to be claimed to arrive at the estimate.

Our findings are quite startling. They indicate that across the 4 states, ~60,000 villages could potentially claim CFR rights under the FRA over an area of at least ~1,83,000 km<sup>2</sup>. 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). The findings become even more interesting when compared with the Recorded Forest Area (RFA) of each state (which is supposed to be the area legally categorised as forest land) as provided in the State of Forest reports of the FSI (see Table below). We see that in Chhattisgarh and Madhya Pradesh, the majority of the RFA is outside the village revenue boundaries.

State	Recorded forest area	Total of Census (2011) Forest Area	CFRR potential from this study	CFR area recognized
Chhattisgarh	59,800 km <sup>2</sup>	19,976 km <sup>2</sup>	53,843 km <sup>2</sup> in 11,445 villages	14,203 km <sup>2</sup> (26%) across 3,303 villages
Madhya Pradesh	94,689 km <sup>2</sup>	41776 km <sup>2</sup> (1991) 37552 km <sup>2</sup> (2011)	57,948 km <sup>2</sup>	5,931 km <sup>2</sup> (10%) (mostly not CFRRs)
Jharkhand	23,605 km <sup>2</sup>	19,000 km <sup>2</sup>	21,175 km <sup>2</sup>	420 km <sup>2</sup> (2%)
Maharashtra	61,579 km <sup>2</sup>	35,506 km <sup>2</sup>	50,264 km <sup>2</sup> in 17,256 villages	11,769 km <sup>2</sup> (23%) across 5,071 villages

A comparison between the recognised CFR area and the CFR potential.

A census-based estimation would hugely underestimate the likely area for CFRRs. Our estimates, on the other hand, indicate that almost all the RFA is likely to be claimed as CFRRs (note that our estimate is a lower bound). This is not a surprising finding for those who know the scale of injustice inflicted by colonial and post-colonial forest policy on central India's forest-dwellers.

The CFR potential estimates provide a benchmark against which to measure the progress in CFRR recognition in these states. The comparison in table shows that Maharashtra and Chhattisgarh have made much more progress compared to Madhya Pradesh and Jharkhand. But even these progressive states have recognised only about one-fourth of the area that should potentially come under community control. The progress of other states such as Jharkhand is quite abysmal (2%), especially when we consider the fact that it was carved out of larger state in order to give more voice to the aspirations of forest-dwellers. In the case of Madhya Pradesh, the figure of 10% is in fact a huge overestimate, because Madhya Pradesh includes all forms of community rights, including development rights (section 3(2)) in its reporting—ground reports indicate that Madhya Pradesh has recognised very few CFRRs.

By highlighting the gap between CFR potential and its actual recognition, and by providing the spatial information necessary to identify the CFR potential areas, we hope our analysis will provide some impetus to the fuller implementation of CFRR provision. This study will enable the nodal agency for FRA implementation at the state level to focus their efforts in the appropriate locations and anticipate some of the issues and challenges that they might face. The study also hopes to aid civil society groups working on CFR rights recognition to direct their energies and understand the spatial context of claim-making. It will further enable state governments to measure progress against a target, prevent faulty declaration of 'completion of FRA process' and enable advocacy groups to hold state governments accountable in the implementation of CFR rights.

To further aid state agencies, activists, and the public, we have put the maps on a publicly browsable [webGIS](#) and posted the list of CFR potential villages on our [website](#). This should enable the state agencies to assess their own progress, direct their energies in appropriate areas, and understand the



landscape of forest use. The webGIS can be further improved by adding forest compartment boundaries (as we have managed to do for Chhattisgarh) and village cadastral maps.

But it is important to note that the estimate from this study 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, and should not be used to accept/reject/stop individual CFR claims. Claims by individual gram sabhas may exceed, and deviate spatially from, these estimates. Moreover, the claims may come from multiple hamlet-level gram sabhas, whereas our lists are perforce at the village-level.

The GIS-based methodology we have outlined can be easily extended to other states with large forest areas having potential to be claimed under CFR rights, primarily using census and spatial data (keeping in mind the inaccuracies and discrepancies one might encounter using Census data and village boundary maps). But this would serve as only one tool in the entire process of CFR rights recognition; at the end of the day, only diligent groundwork, building community awareness and facilitating their claim-making, and a political commitment to democratising forest governance can actualise the transformative potential of CFRRs.

---

*The authors are researchers at the Centre for Environment & Development, ATREE, Bengaluru. CFR potential GIS work was carried out primarily by Arushi Khare. Parthipan S., Ved Kolhatkar and Pallavi Tyagi helped in the GIS work for the Chhattisgarh layers. WebGIS work was carried out by Shiva Subramanya. Financial support for this activity came from the Bharat Rural Livelihoods Foundation (BRLF).*

---

**Banner image:** Forest in Maharashtra. [Photo](#) by Saurabh Chatterjee/ Flickr.

---

#### CREDITS



**Priyanka Shankar**

EDITOR

#### TOPICS


Community based conservation

Forest Rights Act


Forests

Tribes


## Popular in the Community


Sponsored

Living in the most polluted city in the...


Keshav a.k.a. K...

very sad situation but great reporting (and...


Top Comment



Heatwaves, extreme temperatures...

Keshav a.k.a. K...

good article, thank you. maybe easier sai...

Top Comment

