

POST TITLE SCENARIO OF COMMUNITY FOREST RESOURCE AREA-MANAGEMENT PROTOCOL (INCLUDING FOREST FOODS)



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Title : Post title scenario of community forest resource area-Management protocol (Including Forest foods)

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Executive Summary

Forest Rights Act - 2006, has been marked as a step to correct the historic injustice meted out to tribal people and forest dwellers in India, but even over a decade later, its implementation has been uneven and remains incomplete in many aspects and areas. The Act under its various sub clauses and sub section, recognizes rights to the above-mentioned communities in different themes i.e. Rights to manage the resources within the customary boundary, rights in protected area, rights for pre agriculturist and Pastoralist community; Habitation right for the PVTG etc. But the recognition of this right has not turned into reality in many places, with few exceptions.

In this context the research study "Post title scenario of community forest resource area-management protocols (Including forest foods)" has been undertaken to analyze the situation with regard to community rights and community forest resource rights in specific locations to understand - the implementation process, challenges faced in getting the rights recognized, scenario of management post title, role played by different stakeholders and how the dependency on forest, especially for food has changed. The study attempted to capture information and status of implementation for rights recognized under all possible sub clauses and sub section including habitation right for PVTG, pastoral community, and FRA in protected area.

The study finding shows that implementation has been uneven and remains incomplete in many aspects and areas. Even though some of the claims are settled against "form B" to access the forest resource; the community right to manage and conserve is not recognized as per the provisions prescribed in the Act. The implementation has been effective in specific condition and situation, where the district collectors and local political representatives have given priority and importance to the implementation process; and also where effective community based organization are in place along with lot of awareness among community as well as persistence in pursuing with the officials and/or determination to follow the tenets of the Act.

In most of the places the titles are not given in Form-C which empowers them to manage the forest resource. Only in very few places the management of the resources is in practice as per rule 4(e) of the act. Wherever the management of the resources has been taken up as per the provisions under FRA, people are moving towards sustainable forest management through the formation of the CFMCs, formulating rules & regulations of the CFMCs in the Gram Sabha and thus moving towards sustainable natural resource management with enhancement of livelihood. Even the informal traditional practices and custom of tribe's are aligned to the management and conservation of the forest.

The effective implementation of the Act requires involvement of various stakeholders. Even though tribal welfare department is nodal agency for implementation of Act, forest department plays an important role in the recognition process and it is highly challenging to make the department understand the thrust of the Act to get their support. It is observed that there is no case of effective implementation of FRA without proactive involvement of NGOs in strengthening the community.



Chapter-1

Introduction

1.1 Background

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act), 2006 (hereafter Forest Rights Act or FRA), came into force in 2008. FRA was envisioned for undoing the historical injustice caused to the forest dwelling Scheduled Tribes (ST) and Other Traditional Forest Dwellers (OTFD) by legally recognizing and vesting forest rights to use, manage and conserve forest resources and to legally hold forest lands that they have been residing on and cultivating and occupation in forest land to communities. The preamble of the Act recognizes forest dwellers as “fundamental” to the subsistence and sustainability of forest and their role in conservation of biodiversity.

The FRA 2006 enshrined to grant several rights which are enumerated under section 3 in the Chapter II of the FRA 2006. All of these rights can be classified into two categories, Form-A individual rights; and Form-B & Form-C are community rights. The community right under FRA -2006 is the focus area of the study.

The salient provisions related to community rights, scheduled in Chapter 2 of the Act, cover the following rights over all forest lands that forest-dwelling scheduled tribes (ST) and other traditional forest dwellers are entitled to:

- Sub-Section 1 (b) of Section 3: It covers community rights such as usufruct (Nistar), or by whatever name it is called, including those used in erstwhile princely states, zamindari or such intermediary regimes. It confers the right of ownership and access to collect, use and dispose of MFPs traditionally collected within or outside the village boundary.
- Section 2 (l): It defines MFPs to include all non-timber forest produce of plant origin, including bamboo, brushwood, stumps, cane, Tussar, cocoons, honey, wax, lac, tendu or Kendu leaves, medicinal plants and herbs, roots, tubers and the like.
- Sub-Section 1 (c) of Section 3, further clarified under Rule 2 (d): It covers local-level processing, value addition and transportation of MFPs in forest areas by head-loads, bicycle and handcarts for use or sale by the gatherer or community for their livelihood. The use of motor vehicles is regulated by existing transit rules.
- Sub-Section 1 (d) of Section 3: It covers other community rights for use or entitlements, such as fish and other products of water bodies, grazing (both settled and transhuman) and access to traditional seasonal resources by nomadic or pastoral communities.
- Sub-Section 1 (e) of Section 3: It covers rights of primitive tribal groups (PTGs) and pre-agricultural communities to community tenures for habitat and habitation;
- Sub-Section 1 (f) of Section 3: It covers rights in or over disputed lands under any nomenclature in any state where claims are disputed;
- Sub-Section 1 (g) of Section 3: It covers rights to convert pattas, leases or grants of forest lands issued by a local authority or state government into titles;

- Sub-Section 1 (i) of Section 3: It covers the right to protect, regenerate, conserve or manage any community forest resource that forest dwellers have been traditionally protecting and conserving for sustainable use;
- Sub-Section 1 (k) of Section 3: It covers the right of access to biodiversity and community rights to intellectual property and traditional knowledge related to biodiversity and cultural diversity;
- Sub-Section 1 (l) of Section 3: It covers any other traditional rights customarily enjoyed by STs or other traditional forest dwellers that are not mentioned in the earlier clauses, excluding the traditional right to hunt, trap or extract a part of the body of any species of wild animal.

Significance of community forest rights

Forest Governance: Protection, Conservation and Management

Section 5 of the Act empowers communities to “protect forests, wildlife and biodiversity, and to ensure protection of catchments, water sources and other ecologically sensitive areas”. Further Section 3(1)(i) of the Act and Rule 4(1)(e) and (f) of the Amendment rules of 2012, (which elaborate on the constitution of a committee which can perform these functions as well as prepare conservation and management plans for its CFR),

Section 5 provides scope to forest dwelling communities to practice forest management by using their own knowledge systems and institutions and integrating them with modern scientific knowledge

Enhancing livelihood: Section 3 (1)(c) of FRA, vests the rights over collection and sale of Non-Timber Forest Produce (NTFP) i.e. Minor Forest Produce (MFP) as the Act refers, to the forest dwelling communities. MFP, which has been under the monopoly of state and contractors thus far, is now access to the communities, has great significance. The Act clearly defines MFP in Section 2(i)) and provides elaborate guidelines under the Amendment Rules, 2012, for their sale, for a change in the transit permit regime, etc.

Rule 16 of the Amendment Rules, 2012, provides for government schemes related to land improvement, land productivity, basic amenities and livelihood measures of various government departments to be provided to communities whose rights over CFR have been recognized.

Safeguarding against relocation and displacement

Section 4(5) of the Act attempts to prevent further relocation and displacement of forest dwellers by providing that “no member of a forest dwelling scheduled tribe or other traditional forest dweller shall be evicted or removed from the land under his occupation till the recognition and verification process is complete”. Thus, according to this Act, in areas where the process of recording of rights under FRA has not started, forest dwellers cannot be evicted. Additionally, Section 5 empowers the village Gram Sabha to ensure that the habitat of forest communities is preserved from any form of destructive practices

affecting their cultural and natural heritage, and to take decisions to regulate access to community forest resources and stop any activity that adversely affects wild animals, forest and biodiversity

Considering the wide geographical reach of the tribal population 104 million populations constituting 8.6 percent of the total population of the country have symbiotic relationship with the forest and forest resources with the harmonious co-existence. Further with the provisions of FRA, for recognizing the community rights in place, it important to analyze how far and how well the community have benefited and are strengthened to conserve and protect the forest area.

Since ages tribes are dependent on the forest not only on the customary rights over the forest resources i.e. sacred sites, grazing lands, burial ground, any other resources culturally significant to the community as 'commons' rather they are also depending on the forest resources for their bonafide livelihood needs. The forest food is one such component has a major contribution to the tribal food habit and balanced nutrition.

There are 1532 edible wild food species in India, mostly from Western Ghats, and Himalayan regions; Eastern Ghats region as well supplementing to the daily food component of the forest dwellers. The availability of these species has declined over time and with the generation changes, (Reddy, et al. 2007).

The above context prompted to conduct a comprehensive research study to analyze the significance of "Post title scenario of community forest resource area-Management protocols (Including forest foods)". Effort was made to cover areas of major provisions of Community rights i.e. protected area, habitation right, Right to pastoral community, and Right on Minor Forest Produce (MFP).

The study attempted to address following broader and specific objectives.

This Action Research study was conducted to document post title scenario of community forest resource rights and community forest resource, management-protocols and dependency of tribal people on forest food. For the above said purpose following objectives are derived for the study:

Objective-1:

To study the implementation status of community forest rights and community forest resource right and governance challenges.

Objective-2:

To study the level of engagement of the communities with the other stakeholders (FD) to pursue the CFR Plans implementation and governance challenges.

Objective-3:

To Study the contribution of forest food in the tribal community food basket and its conservation plan.



1.3. Methodology

The Research team adopted a mixed method approach to accomplish the proposed objectives of the study. The study locations are selected and field information is collected on different rights recognized under CFR in FRA-2006; the details of the field location and its tribe and available forest resources are given in the table as follows.

Table 1.2: The list of study location

Themes	Location	Community
CFR in Protected area	BR Hills- Karnataka	Soligas
	Simlipal tiger reserve area (STR) –Odisha	Kol, Mundas, Bhatudi
Grassland	Banni grassland of Gujarat	Maldharis
MFP- Bamboo	Panchgaon village Chandrapur Maharashtra	Kapewar & Gaadi Lohar
Habitation rights for PVTG	Keonjhar, Odisha	Juang
	Sarguja, Chhattisgarh	Pahari Korwas

Approach

The study is conducted in the CFR Title issued Villages, where FGDs were administered with the participants of CFR beneficiary community including Forest Rights Committee and others. Similarly, team interacted with the NGO personnel and Government official to get their perception about the entire process of CFR implementation. Further, the study also attempted to understand the importance of forest produce and its conservation plan.



Data Collection

The qualitative data was collected through Focused group discussions with the various stake holders and open-ended questionnaire. The details of the FGD are given below in the table:

Table 1.2.: Details of the FGDs conducted in different study locations

Themes	Location	No of habitation received the title/ or have done self-assertion	No of habitation covered in the study	Total numbers of FGDS conducted	Total number of participants per FGD
CFR in Protected area	BR Hills-Karnataka	25	3	4 FGDS were conducted, i.e. 3 with the community at habitation level, One with Soligas Sangh 1 open discussion with ITDA-PO Chamarajanagar	In each FGD 7-8 participants were there.
	Simlipal tiger reserve area (STR) –Odisha	21	2	FGDS were conducted, with the community One open discussion with the DFO and ITDA -PO	In each FGD 7-8 participants were there
Grassland	Banni grassland of Gujarat	Self-assertion by entire maldhari community together, residing in 54 habitations, While management plan is currently taken up at 2 habitation	5	Total 5 FGDS were conducted, i.e. 3 with community at habitation level, 1 FGD Banni Pashu Uchherak Maldhari Sangathan (BPUMS or the Banni Breeders' Association). And one with Shajeevan team	7-10 members were there per FGD
MFP-Bamboo	Panchgaon village Chandrapur Maharashtra		1	1FGD and one open discussion with the DLC members	7-8 members were there per FGD
Habitation rights for PVTG	Keonjhar, Odisha	Titles are not received	2	2 FGD and one open discussion with Juang tribal leader and ITDA- Keonjhar	7-10 members were there per FGD
	Sarguja, Chhattisgarh		2	2 FGD and one open discussion with Juang tribal leader and ITDA- Keonjhar	7-10 members were there per FGD
Total	7 Locations		15 habitations	16 FGDS,	

Analysis

Collected data was classified based on the emerging concepts and relevant thematic areas. Information of FGDs, interactions with village heads, FRC and other people, government officials, was developed thematically and presentation was made based on the emerging themes. Further, specific case studies were developed and elaborated with the analysis to achieve the objective and research questions. The analysis starts with demographic information villages, socio-economic elements, resource mapping, livelihood mapping, food security mapping, accessibility of the resources and opportunities, adopted strategies of conservation of forest and forest governance and other challenges. forest and forest governance and other challenges.



CFR in Protected Area

2.1 Background

The Act aims at addressing the “historic injustice” that was meted out to the forest dwellers by recognizing rights on forest land, resources, and resource management and conservation rights of the forest dwelling communities. The objective of this report is to enhance and contribute towards understanding the status of implementation of FRA in Protected Areas (PAs), particularly to assess: Extent to which Community Forest Rights (CRs) or right to use, harvest and sell forest produce and Community Forest Resource (CFR) Rights or right to protect, regenerate, or conserve or manage forests within the customary boundary of a village (Section 3 (1) I of FRA); To what extent have communities been able to formulate strategies for wildlife protection under section 5 of FRA and drafted conservation and management plans as per Rule 4e; and the extent to which these plans and strategies have been incorporated in the overall Protected Area Management. In this backdrop the study was conducted in Biligiri Ramaswamy tiger reserve – the first one to get recognition under provision of FRA-2006 in the protected area, Chamarajanagar district, Karnataka; and Similipal tiger reserve area, Mayurbhanj district, Odisha.

Biligiri Ramaswamy Tiger Reserve (BRT): The Biligiri Ramaswamy Temple Wildlife Sanctuary (BRT) of 575 square km is located between 11–13° N latitude and 77–78° E longitude in the southeast corner of Chamarajanagar district in the state of Karnataka, India. The sanctuary is a confluence of the Western and Eastern Ghats, with a number of hills with an average elevation of about 1350 m. The annual rainfall is 1362 ± 159 mm; and is divided into 4 forest ranges. i.e. Yelandur range, Chamrajnagar range, Kollegal range and Punjur Range. It has a diversity of vegetation types ranging from dry scrub forests, woodland savanna, deciduous forests, evergreen forests, shola forests to grasslands. The forest came under the control of the British in the early 19th century. While a substantial portion of the district in the Madras Presidency that was ruled by the British, the remaining area was ruled by the Maharaja of Mysore. The administration and control of the BR Hills were divided between the British and the rulers of Mysore along a north-south line that ran along the ridge of the hill range.

The BRT is rich in biodiversity, with 776 species of higher plants, more than 36 mammals, excluding bats and rodents, 245 species of birds, and 145 species of butterflies. The area has significant populations of elephant, tiger, gaur, sambar deer, barking deer, mouse deer, and spotted deer.

Simlipal Tiger reserve (STR): It is a national park and a tiger reserve in the Mayurbhanj district in the Indian state of Odisha. The park has a protected area of 845.70 square kilometers (326.53 sq. mi) out of 2,750 km². It was designated a tiger reserve in 1956 and was brought under Project Tiger in 1973. This protected area is part of the UNESCO World Network of Biosphere Reserves since 2009. Around 10,000 people are living in 61 villages within its area. Simlipal is home to 99 royal Bengal tigers and 432 wild elephants. Besides it is famous for gaurs (Indian bison), Chausingha, as well as an orchidarium. The original Human Inhabitants are the Hill Khadia who speaks odia, and some Gonds are also there. The two PVTGs staying in the STR are Mankidia and Khadia. Total 44 villages are there in the Jasipur block which consists of Kol, Kolha Christians and bathudi community.

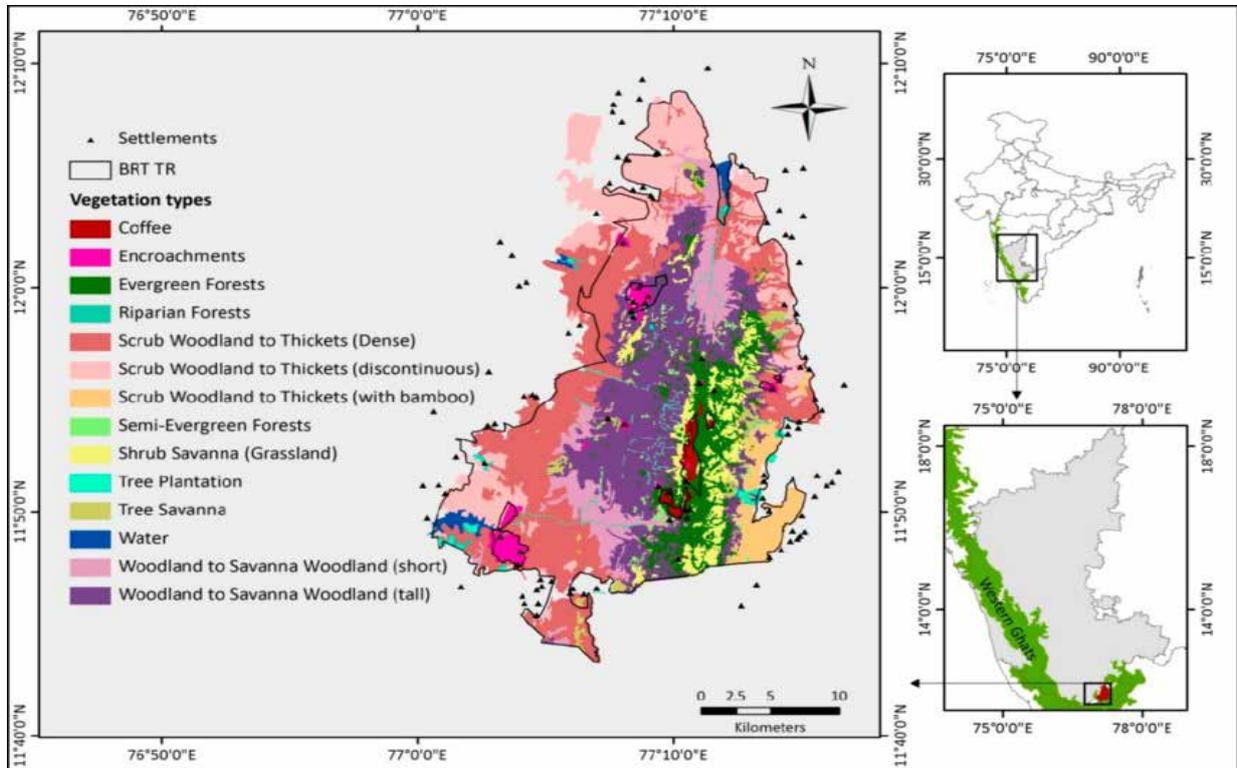


Fig 1: Map: BRT hills,

Source: Google map

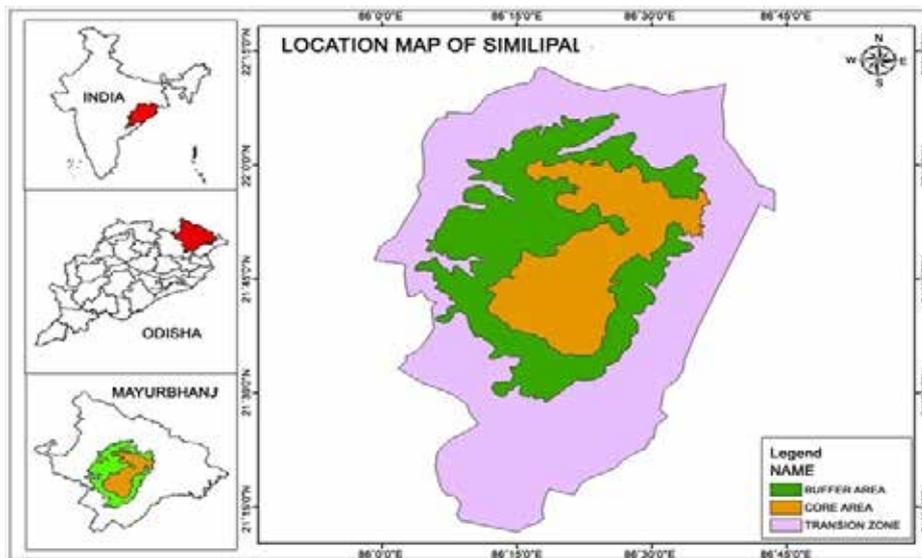


Fig 2: Map: Simlipal Tiger Reserve

Source: Google Map

Study area profile:

Table 2.1: Information on study area

Location	B R Hills	Similipal Tiger Reserve
Area of the location	539.52 sq. kms	845.70 sq. kms
Study Villages	Mutthaegade podu	Bilapaka, Gentaishahi
Total Household	120	270, 68
Community	Soligas	Kolha, Kol, Ho and bathudi community
Forest Area	322 sq ha.	1228 sq ha., 140 sq ha.
Type of Forest	Mixed forest	Dry Deciduous forest

Source: Field data

2.2. Forest dependency

In both the location the community is highly dependent on forest for fuel wood, livelihood through NTFP and grazing fodder for livestock.

In BR hills Soligas have their own classifications of forest type which while corresponding to the scientific categories broadly however differ in the number of subclasses which are based on topography, soil type and slope reflecting their layered and situated knowledge. They classify forests into 4 main types each of which are divided into about 3 to 8 subclasses. The Soligas have configured and classified the forest into Kanu kadu (evergreen), Maale kadu (deciduous), Bole (grasslands) and Nadu kadu (scrub). This classification is based on the nature of the vegetation. The main vegetation categories of BRT wildlife sanctuary as classified by ecologist are ever green forest, deciduous forest, Scrub, and grassland classified by scientific methods. The Soligas know the names of all plants in the local language and they can identify all the plant species and their habitat names.

The Soligas depend on NTFP collection for their livelihood. The cash income thus generated is used to augment their meager agricultural produce, daily food items, clothes, education and medicines. Although there is the exchange of cash, the sale of NTFPs at the household level could argue to be for subsistence and not for commercial purpose. There is a high dependence on the forest for subsistence use. Soligas and other forest dwellers use about 92 species of plants for endurance and that, a single household harvest about 12 to 130 kgs of wild plants per year belonging to 25 species

In STR community collect numerous forest resources such as Mahua (flower & seed), branches of Trees for Toothbrush, Sal (Leaves to make pattal), Mushroom, Kendu, Tula, Charamanji, Harida, Kusum, Lac, Tola, Jamukali, Jhuna & Kalyari. Some of the forest produce are like green leafy vegetables what they call 'Sag'(pittua, Buruneya, pulliyari), and many types of tubers locally called 'Kandha', several types of nuts locally termed as 'Kali' and several types of fruits, what they called 'Phola' are very much part of their day to day food. Other items like, fuel wood, wood for construction activities.

2.3 Implementation of CFR in Protected Area

2.3.1 Background Context

i) BRT tiger reserve declaration:

The Wildlife Protection Act (WLPA) was notified in 1972 and the WLPA mandated the establishment of national parks and wildlife sanctuaries that would be controlled by the Forest Department. BRT was declared as a wildlife sanctuary in 1974 and since then there has been a ban on NTFP collection by the Forest Department.

On September 2010, NTCA granted in-principle approval for BRT Tiger Reserve. Soligas organized a protest on 27 October 2010 in Chamarajanagar and submitted a memorandum through the Deputy Commissioner to the central and state government. They also gave representation to the local MLAs and MPs and also to Chief Minister of Karnataka but the Government of Karnataka notified BRT as a tiger reserve on 24 January 2011.

Prior to the ban on NTFP collection, Soligas used to get around 60 percent of income from the NTFPs through LAMPS (Large-Scale Adivasi Multipurpose Societies). The ban led to unemployment and the increase in migration for working as laborers or daily wage earners. To protest against the NTFP ban and to get rights for its collection, Soligas organized several campaigns.

Earlier when the FRA was notified in 2006, Soligas of the three districts (Yelandur, Kollegal and Chamarajanagar) have applied for Community right in form B for NTFPs collection and other community rights in 2008 with support of ZBGAS. The initial focus of filing claims under the FRA was get right for NTFP collection. The claim was lying pending with the SDLC. With the notification of BRT as tiger reserve in 2011, there were heavy restriction on entry to forest. Due the ban on NTFP, their livelihoods had severely affected. Therefore, the tribal leaders took initiatives to build pressure on department to recognize the rights. So, with support from ZBGAS, Gram Sabha meetings were held and the campaign and rallies were done. Representation was given to the Chief Minister by the community. Local MLAs and MPs were consulted and they came forward in support of the community.

ii) Simlipal tiger reserve (STR):

The Tiger Reserve originated as a hunting ground for the surrounding royalty. It was formally designated a tiger reserve under Project Tiger in May 1973. The Government of Orissa declared Simlipal as a wildlife sanctuary in 1979 with an area of 2750 sq. km. Later in 1980, Government of Orissa proposed 303 sq. km of the sanctuary as National Park. Further in 1986, the area of the National Park was increased to 845.70 sq. km. The Government of India declared it as a biosphere reserve in 1994. UNESCO added this National Park to its list of Biosphere Reserves in May 2009.



¹ ZBGAS: Zila Budakatu Girijan Abhibrudhi Sangha. It is an association formed at very habitation with 7 members. Two members from each habitation are nominated to block level federation. Again, two members from each block are nominated to district level federation. At district level federation they have 21 members.

With the various notifications, there was restriction on the community for entering into the forest for collection of NTFP, Grazing and other usufructs. The community in Simlipal tiger reserve area identified major threat of timber mafia's in early 90's and the community were into forest protection movement facilitated by NGO Lutheran World Service India Trust (LWSIT) even a decade before of the enactment of the Act.

Moreover, by the time when the FRA framed new guidelines 2012 for facilitating the implementation of the Act, a new District Collector Sri Rajesh Prabhakar Patil assumed office of District Collector in Mayurbhanj in 2013 who was earlier initiated the FRA implementation activity during his incumbency tenure as Collector in Khandamal district. Because of this officer's diligent initiative and effective implementation strategy, yielded in smooth recognition of both individual and community rights

2.3.2. CFR claim process

- In BRT, the filled claim forms for community rights were sent through the Gram Sabha to SDLC in 2008. At the meeting of the SDLC, the forest department opposed the granting of rights to Soligas. It took 3 years of consistent effort and repeated meetings to clear the claims through the SDLC, after which it went to the DLC. As the Chamrajnagar constituency doesn't have tribal as elected representatives to the Zila Parishad, the district collector nominated three tribal members from the recognized CBO: Soligas Abhibrudhi Sangha (ZBGAS) to SDLC and DLC. The representatives were given to Chief Minister, Forest Minister at state and center. Local MLA's and MP 's was made conscious about the FRA and were pressurized to support the claim at the DLC level, the district level forest officers again opposed recognition of CFR rights. But as the soligas members were part of the DLC, they could argue effectively with the evidences and clauses to put a defense against forest department's opposition and finally the title was granted in 2011.
- Evidence: The mapping of sacred sites of soligas community acts as major evidence in claim process, which was based on the Kinship structures of the Soligas in BRT and, built around five kulas (exogamous clans). Teneyaru Kula, Halaru Kula, Belliru Kula, Suriru Kula and Selikiru Kula. Each Kula or clan have their own clan boundary.
- The knowledge of the Soligas and their practices of conservation are linked to the clan (kula) system and their configuration of the landscape. Each kula has its own six important places of worship: Devaru (god); Maramma (goddess); kallu gudi (stone temple); Veeru or Muni; habbi or jala (waterfall); and, samadhi (burial ground). All these are within the boundary (yelle) of the kula, each clan having its designated geographical area. Total 42 yelle (clan boundary) and 486 sites were mapped.
- Unlike BR hills, the claim process was initiated by the department in STR in coordination with the major stakeholders such as Forest Department, Revenue Department and Tribal departments and supported NGOs.

2.3.3. CFR title status:

In BR hills the rights that have been granted under Form B for the entire range in 2013 whereas in STR the title is received in both Form B and C for 1228 sq km.

³ SDLC: Sub divisional Level Committee

⁴ DLC: District level Committee

2.3.4. CFR management status

Both the study location is into the management of the forest resources.

BR Hills: In BR hills the management practices are informal and drafted but not implemented as there is no title in form C. But Traditional rules are followed for the forest resource management.

The Soligas have an intimate traditional knowledge of forests and forest conservation; their knowledge and association with the forest spans shifting cultivation, traditional festivals, worship of gods and goddesses, sacred sites like veeru or muni, habbi or jala and kallu gudi, kula (clan) systems, fire management, rain making rituals and wind and rain control methods, worshipping animals gods and trees, sacred sites and sacred forests.

Harvesting Non-Timber Forest Products

Soligas are dependent on subsistence agriculture for their livelihood and also on the collection of NTFP like honey, lichens (moss), soap nut (*Acacia sinuata*), roots of Magali (*Decalapis hamilton*), fruits of amla (*Phyllanthus emblica* and *Phyllanthus indofischeri*), soap berry (*Sapindus trifoliatus*), arale (*Terminalia chebula*), tamarind (*Tamarindus indica*), broom stick, gum (*Gum arabica gum karaya*) wild turmeric (*Curcuma angustifolia*), tarekai (*Terminalia bellirica*), jamun (*Nerale*) (*Syngizium cuminum*), silk cotton (*Ceba centanra*) and wild mango (*Mangifera indica*).

1. **Honey:** The Soligas follow traditional harvesting methods which are sustainable. They harvest one or two bee colonies in rocks or trees. Soliga in BRT harvest honey from different types of rock bees- hejjenu (*Apis dorsata*), thuduve jenu (*Apis cerana*) and kaddi jenu (*Apis florae*). Nearly 20 to 25 tonnes of honey are harvested every year from the rock bees and a small quantity of honey is also collected from other bees. The Soligas harvest honey during the monsoon months of April to June and again in the month of November. The bees live in the forest for about four months and migrate to agricultural land in the plains during the remaining months
2. Tribal collect different green leaves and small dry sticks and make a smoking torch (sute); they also light small fires under rocks or trees with different green leaves and small sticks for smoke, which reaches the bee colonies. Two to three men climb the tree or rock with an axe, and a canopy or cover made with local fibers, along with a vessel or container for the honeycombs. The bees fly out of their colonies because of the smoke, and the men use a wooden knife to harvest the honeycombs. The honeycombs are then brought down, and the honey is separated from the comb, which is left along with its pollen as food for animals, birds and insects.
3. Other NTFP's: Soligas pick amla from trees which have more than 25 kgs of fruit; trees with less fruit are not harvested but the fruit is left on the trees. Further not all the amla fruit is collected, and enough is left on the ground as well as on the trees, so that it helps the regeneration of the plant and also provides food for animals. This practice is also followed in the harvesting of other fruits like soap nut, soapberry, wild mango and German as well.
4. While collecting magali beru (*Decalapis hamilton*), only a few roots are taken and two to three roots left on the plants after harvesting the roots. Soil is also filled in, which will help the regeneration of the plants so that the roots can be collected in subsequent years. Only big plants are harvested, not the small plants. The same practice is followed when the Soliga collect tubers (neve, nure and belare) for consumption. This traditional indigenous knowledge is transmitted from one generation to the next generation, by taking children to the forest when older members or parents go for collection and showing them the harvesting methods practically which are sustainable in nature

Soligas have a draft proposal to conserve and manage forests through the following activities:

- To remove the uppilu (hemiparasite) from Amla trees during Amla harvesting time.
- Control forest fires with the support of forest department.
- Provide information to forest department about poaching incidents encountered. Reporting of animal deaths to FD.
- Work as laborers on the forest game road (mud road), which facilitates forest patrolling by FD.
- Involvement in the forest department construction work of tanks and check dams to help augment drinking water available for the animals,
- Tree plantation work.
- Removal of Lantana camara, an invasive species which inhibit the growth of other plant species Under right to manage water resources, it is planned, 25% of the profits incurred through marketing of fish will be spent on tank maintenance and development

BRT has been the center of ecological research by ATREE for nearly two decades. The focused research has been on NTFP, ecology and management, including joint monitoring and management. The collaboration among Soligas, researchers and civil society groups in BRT has produced a unique long- term effort that could form the basis for a collaborative management of protected areas based on local and scientific knowledge that is only recently being compiled for wider circulation.

Simlipal Tiger Reserve (STR): They have received title in Form C and have constituted 14 members, CFR management committee. Out of these fourteen members in the committee, six are women.

The broad outline of the management plan is given below:

- They go for patrolling on weekly basis rotation as a "Thengapalli team".
- During summer season every day on rotation basis 10-12 men of the village has to go for guarding the forest because during summer season outsiders come to the forest.
- During the forest fire all villagers' man/women jointly engaged in extinguishing forest fire. They sweep the dry fuel woods and leaf in one side of the forest. So that the fire will not spread in the entire forest and get extinguished. During collection of Mahua flower they use fire under the tree for clearing the area but they do it in a limit so that it does not spread. They have forest line in different parts of the forest so that if one part gets affected it should not spread.
- Animal hunting is strictly prohibited in the forest. In case of small wood smuggling they used to fine Rs. 50/- to them and make them follow the rules and to forbid them from illegally collecting the forest produce.
- They are collecting Sal leaf from one part of the forest that too which is older leaves not the new ones and then they leave that part for regeneration and collect from the other part of the forest.
- They also keep an eye on the stones they are having in the forest because once what happened is one trader come to the forest and start collecting the stones without asking them, so they fined him and that time onwards they taking care of such kind of activities.
- They used to collect only dried branches of trees for fuel wood and they sell it also for the livelihood purpose.
- Horticulture department and SAMBANDH providing them HYV seeds and manure to increase their produce approximately 12 kg per households.

- They have planted Jackfruits, Mangoes trees as a CFR management plan for afforestation.
- For Conservation of water they used to make check dams with the help of stones.
- For soil moisture conservation they use check dam on the flow of the naala.
- Villagers need to take permission from Gram Sabha for the collection of timber for the construction of their house.
- Visitors need to sign in a register before going to forest. Now they are **keeping a record of it**.

2.4. Role and Involvement of Stakeholders

In BR hills the implementation was based on community initiatives. The strengthened community took a lead role and effectively reached goal of receiving titles. They were supported by the political representatives and legislator; ITDA. The forest department was quite unsupportive, initially but accepted the efforts of community with hesitation.

In Simlipal tiger reserve it was joint effort of community, Government department and NGO's. The district collector gave efforts in coordinating the major stakeholders such as Forest Department, Revenue Department and Tribal departments and supported NGOs. Conscientious initiative and effective FRA implementation strategy of District Collector yielded in smooth recognition of both individual and community rights. Moreover, one of the SDLC member Shri Chakradhar Hembram, Zilla Parishad member who belongs to tribal community, who gave outmost priority for implementation of the Act, which fostered District Collector's initiatives in recognition and vesting of the forest rights. It was shared in the meeting that efforts of the District Collector, local politicians and committed NGOs like Vasundhara and CREFTDA, the title are distributed ceremoniously through Chief Ministers Naveen Patanaik (Odisha) in a function organized in district head quarter Baripada in the year 2015.

2.5 Contribution of forest food in the tribal community food basket and its conservation plan

Study reflects that in the study locations, communities mostly have two courses of meal in a day. Where, the major food is rice (agricultural produce) along with seeds and vegetables collected from the forest. Second course of meal is more dependent on forest food i.e. Tubers, fruits and nuts collected from the forest. There is change in the pattern based on the various factors like, economic conditions of the household; Numbers of members in household, reduction in availability forest food, PDS, etc. Change in food habits does not mean that people don't access the forests for food. Forests are rich source of food; they still depend upon forest food for their day to day consumption almost 40%. The community collect numerous forest resources such as Mahua (flower& seed), Mushroom, Kendu, Tula, Charamanji, Harida, Kusum, Lac, Tola, Jamukali, Jhuna&Kalyari. Some of the forest produce are like green leafy vegetables what they call 'Sag' (pittua, Buruneya, pulliyari), and many types of tubers locally called 'Kandha', several types of nuts locally termed as 'Kali' and several types of fruits, what they called 'Phola' are very much

part of their day to day food. NTFPs are collected in large quantity basically for monetary benefits by selling the forest produce, even though they consume some part of it. The tubers, roots, leaves which are part of forest produce and are collected for use in daily food basket are often taken for granted by community. Even forest department or other government officials also doesn't give attention for its conservation and protection.

Table 2.2: List of NTFP collected in BR hills

NTFPs and forest food collected by the forest dwellers				
Major NTFPs	Fruits from forest	Tubers	Mushrooms	seeds
Onnege	Alasina kai (jackfruit)	Noore	Koli Annabe	Kanchalla
Gannekke	Goti	Neeme	Mara Annabe	Kaare
Kallukere	Jijuba	Balare	Enne Annabe	Maate
Marali muggu	Maavu –mango	Balla	Dhoda Annabe	Bikulu
Aryanna soppu	Kaare	Sola	Akki Annabe	Alassu
Goni soppu	Allassu	Noola	Bende Annabe	
Ondu elaga soppu	Edava			
	Kaadakethalle			
	Begunni			

Source: Field data

Table 2.3: Seasonal calendar of NTFP collection in STR

Months	J a n	F e b	M a r	A p r	M a y	J u n	J u l	A u g	S e p	O c t	N o v	D e c
NTFPs/Activity												
Honey												
Mahua flowers/ Leaves												
Sal Leaves												
Mushrooms												
Toothbrush												
Saag												
Sal seeds												
Hada, Baheda												
Tamrind												
Mangoes												
Climate												
Agriculture												
Economy												

Source: Field data

2.6 Inference

The study finds that recognition of rights i.e. Community Forest Rights (CRs) or right to use, harvest and sell forest produce has been vested with the community but Community Forest Resource (CFR) Rights or right to protect, regenerate, or conserve or manage forests within the customary boundary of a village (Section 3 (1) i of FRA) is not recognized in true spirit.

The BR hills received title in 2013, i.e. after amended rules 2012 were released; still the right was not recognized under form C. In Bilgiri Rangaswamy Temple sanctuary (BRT) the Soliga tribe has collectively drafted a Tiger conservation plan, which remains unaccepted and unrecognized. According to C. Madegowda, Member Zilla Budakattu Girijana Abhivruddhi Sangha, "Out of 61 podu (habitation) 30 habitation have got CFRs and rights were recognized in 2013, we collectively prepared a tiger conservation plan but since then the remaining CFRs have not been recognized, and are pending from the FD"

There are almost no efforts towards co-existence and collaboration with local people for conservation and governance despite FRA and WLPA providing for the same. Nor the study finds any initiatives taken to incorporate the management plan drafted and implemented by the community into forest department working plan (as in case of STR).

The study highlights that PAs where rights have been recognized it was mostly the effort of the local people and civil society organizations mostly, without support from the forest department or with the interest and diligent efforts of District collector as incase of STR.

The study suggests that there is need of strong collaboration of, strengthen and aware community with the District collector and other officials to derive sustainable management and conservation plan. The communities have rich knowledge and understanding of the forest resources. Their ways of living and relationship with the forest is very symbiotic in nature, which needs to be recognized.

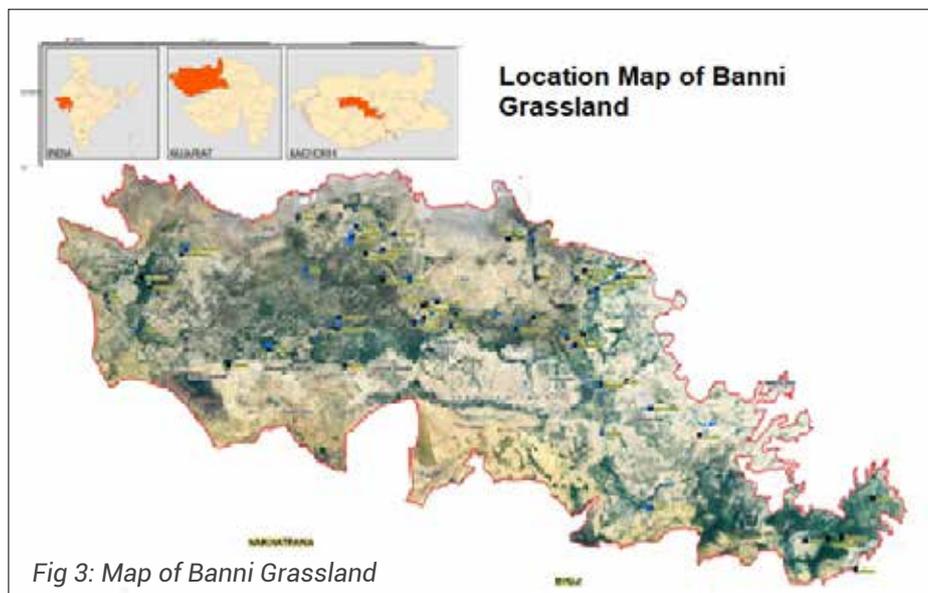


Recognition of CFR to Pastoralist Community of Gujarat in Banni Grassland

3.1 Background

The nomadic pastoralists are tribes and groups of people that do animal rearing and not permanently settle in one place. They move around from one place to another. Normally pastoral nomads flourish in mountainous or hilly regions. These areas are covered with grasslands, forests, shrubs etc. giving them pastures for their cattle to sustain and survive. Such areas also have a more ideal climate and temperatures for livestock like cattle, sheep, goats and camels etc.

The state for pastoralists around the world is complicated and increasingly challenging. Although there is evidence that pastoralism is a very suitable form of production and land use, especially in dryland area, as a livelihood. But in due course of time, it has come under threat. The major threat; barriers to being able to graze and migrate with livestock. The historic Forest right act -2006 enacted to undo the injustice to forest dependent community and to recognize the right on forest resources, provide scope to secure the livelihood of the pastoralist community under section 3(1)(d)(e). In this scenario, study looked into the recognition of rights (self-assertion) of the Maldhari (bearer of livestock's) community on the Banni grassland (Protected grassland) in Gujarat, under FRA -2006. The study also extends its scope into understanding the grassland ecosystem and the traditional management practices of the pastoralist communities to conserve the unique ecosystem of Banni grassland (Protected grassland) in Gujarat, under FRA -2006. The study also extends its scope into understanding the grassland ecosystem and the traditional management practices of the pastoralist communities to conserve the unique ecosystem of Banni.



Details of the Study Location: The Banni Grasslands

The grasslands represent an intermediary land between rocky mainland of Kutch and Greater Runn of Kutch. It is a flat land with soils of naturally high salinity. The uneven distribution of the annual rainfall makes it an arid grassland ecosystem lying towards the outer southern edge of the desert of the marshy salt, Runn of Kutch. Customarily Banni, spread across an area of 2500 square kilometers and is divided into three zones – the Ugamdi (East), Athmadi (West) and Vachali (Central).

Banni was considered as one of the finest grasslands of the country and was declared as a Rakhal (reserve grassland) meant for grazing of livestock, mainly the cattle; during the Princely States. After independence, Revenue Department designates it under Revenue Wasteland category and was managed as grassland. In 1955 Banni was declared as 'Protected Forest' (PF) and brought under the purview of Indian Forest Conservation Act, 1927.

Both Hindu and Muslim inhabit the land and rear cattle as Maldhari (Owner of cattle's). Banni grassland is peculiar to the Runn of Kutch, it has some forty Sindhi speaking Maldhari (cattle breeders) hamlets, home to the Halaypotra, Hingora, Hingorja, Jat and Mutwa tribes

According to the statement given by an elderly person, the Muslim rearer, basically nomads travelled far from Baluchistan; around some 500-600 years back in search of grazing land and reached Kutch. The Maharao- the then ruler gave them the grazing rights with the condition that the land will never be converted into agricultural land and should be used as commons and Maldhari should also conserve the grassland.

The grassland supports a livestock population of over 100,000; the Kankrej cattle and Banni buffalo (officially registered breeds by the maldharis), and camels, form a large part of this. In 2010, 'Banni buffalo' was recognized as 11th buffalo breed of the country.

Study Village Profile: Nani Dadar and Vaghura village

Banni is predominantly inhabited by pastoralist community (locally called as Maldharis) since more than 550 years and thus had evolved their lifestyle and practices of natural resources. The grassland has 19 panchayat and 54 habitations. Nani Dadar and Vaghura are two habitation covered under the study.

Table 3.1. Detail of banni grassland- Study villages (Source: Field data)

Villages	Nani Dadar	Vaghura
Community	OTFD: Maldharis	
Total number of households	125	150
Total number of livestock's in the village	8000	10000
Extent of area accessed by the community in Banni Grassland	Total area of banni i.e. 2500km sq	

3.2. Dependency of Local Communities on Natural Resources

Banni is known for its inimitable land and hydrological features which creates range of micro-habitats for rich assemblage of fauna species. The shallow wetlands, short and dry grasslands and savannah support more than 250 species of birds and 20 species of mammals. It is considered as one of the major gateways of migratory birds. Based on intensive field survey and consultations with local Maldharis, distributions of three key elements of faunal diversity were mapped for grazing areas of Nani Daddhar village by scientist at RAMBLE (A research station established by Sahjeevan and ATREE)

Different land cover classification provides distinct features of land and water which local people use for various purpose. Grazing is one of the most dominating land uses and associated with almost all the land covers. Availability of grass and herbaceous layers and water determine the livestock grazing potential of different areas. This ultimately support grassland dependent livestock-based livelihood system mainly through the sale of milk, milk products and the animals. Also, *Prosopis juliflora* (Gando babul) wood is important source of fuel wood fulfilling the fuelwood demand of village households. Few families are also making charcoal from its wood and earn some income. Minor produce like honey, gum and pods are also collected from *P. juliflora* thickets, albeit to limited extent.

In the context of livestock grazing, it is important to realize that traditionally the grazing areas and its bio-physical resources, managed as open access, are also open to the livestock of other neighboring villages. Such sharing of resources is mainly based on unwritten norms and mutual understanding. The villagers identified more than 30 different land parcels with varying grazing potentials, on which livestock of the village depends significantly. However, it is interesting to note that most of these land parcels are also used by livestock from other neighboring villages (see map below). The pattern of use of these grazing lands varies in different seasons and years, and mainly determined by the rainfall and thus the grass productivity.

Major Threats

The ecology and natural resource base in and around Nani Daddhar village are facing pressures that are emerging from various sources. Some of these problem-causing areas include:

- Invasion of *Prosopis juliflora* in productive landscape like grasslands
- Harvesting of runoff water in upland catchment of Banni
- Change in inundation pattern of Banni mainly due to construction of roads across the region
- Rapid alteration in land-use profile due to rapid growth in tourist resorts and conversion land to large agriculture fields, especially in the Central Banni, including the areas near Nani Daddhar.



3.3. Implementation of Forest right Act in the study location

3.3.1. Background context for CFR claim

The grassland was allocated to pastoral communities to conserve, graze and breeds their animals, by the then ruler, around some 400 years back. The decision on utilization and management of Banni Grassland as commons were taken by traditional leaders of pastoral communities, in return they used to pay grazing tax to Kachchh rulers. Banni Grassland was declared a protected forest in 1955. And after Independence it was naturally into revenue records.

In 1988 the Gujarat state government gave the possession of the grassland to the forest department, but again as the survey settlement process was not complete by concerned authority, the possession could not be taken and the control of land never been transferred to Forest Department from Revenue department.

However, after the notification of 1988 governance of Banni grassland was to be with forest department and not with the pastoral communities, but there has been ambiguity about the ownership of the grassland- neither the Forest Department nor the Revenue Department have acknowledged or accepted the ownership in spite of government registered orders exchanged. Rather dual ownership between Revenue Department and Forest Department created more confusion among pastoral people living in Banni. And the community continued their utilization and age-old management practice

In 2003 based on satellite images, Forest department developed “Banni grassland management plan” but could not implement. There was protest from the maldhari community as the plan was prepared without ground survey and settlement.

In 2008 the duration of work plan ended, and forest department sought for extension period. But nothing happened. In the meanwhile, maldhari claimed for CFR rights on Banni grassland as per FRA-2006.

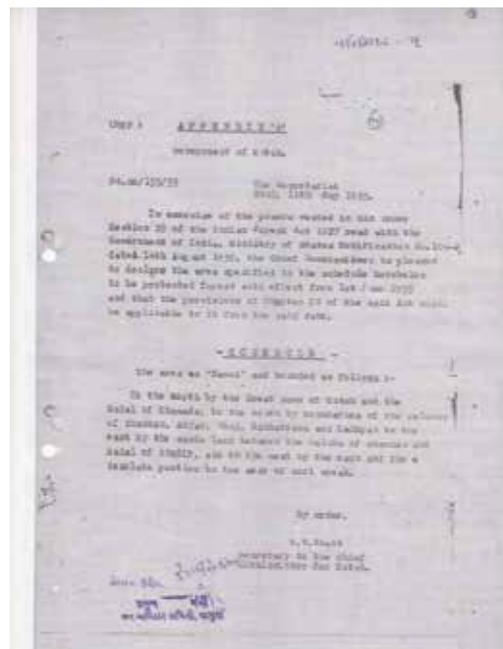


Fig 4: Notification of Protected grassland

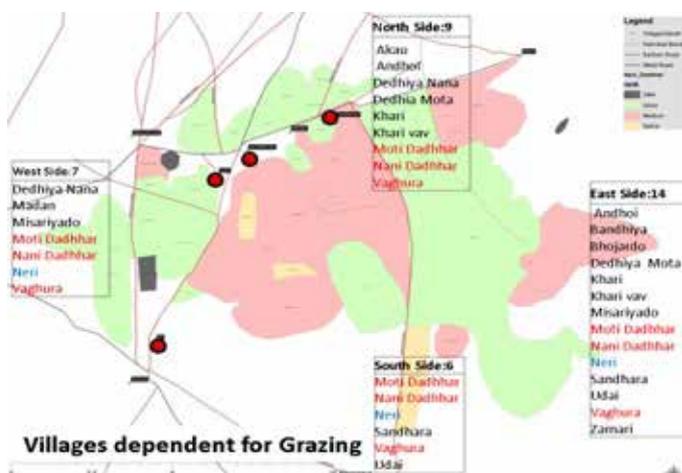


Fig: 5 Villages dependent for Grazing Source: RAMBLE field station

3.3.2. Claim Process of CFR

In 2008, the first Banni Pashu Mela (livestock fair) was organized by the Maldharis with support from Sahjeevan and Department of Animal Husbandry, and dairy industries. Part of the character of the Mela resonated with the pastoralists' dependency on livestock trade and the dairy industry. Since then the Pashu Mela has become a platform to celebrate pastoralist, explore the livelihood potential of nomads, and to articulate the needs of the pastoralist lifestyle.

The success of the Pashu Mela, and the Maldharis recognizing the need for organizing themselves, led to the formation of the Banni Pashu Uchherak Maldhari Sangathan (BPUMS or the Banni Breeders' Association). The BPUMS was formed of more than 1200 pastoralists from 54 villages of 19 panchayats. BPUMS was officially registered under the Gujarat Trust and Society Act, and has been addressing breed conservation and livelihood issues of Banni. One of the major influences of the BPUMS was in the revival and stabilization of the dairy industry.

The effort paid off, and in April 2010, the National Bureau of Animal Genetic Resources (NBAGR) officially recognized the Banni buffalo as the 11th buffalo breed in the country

The initiatives and sustained efforts elucidated a strong sense of self mobilization among the Maldharis. While the ambiguity of Banni grassland jurisdiction continued, the Maldharis recognized that acquiring rights over the grassland would have to be community oriented this would reflect resource use ways practiced over decades and communal lifestyle. There was general consensus among the Maldharis that community rights, instead of individual or revenue rights align with values of their traditional association with the grassland.

In 2009, the Maldharis decided to spread the message of letting Banni remain common property grassland-which has been used and managed communally for generations. This was formalized into a campaign called "Banni ko Banni Rehne Do" (Let Banni remain Banni). This campaign provided an impetus in working towards community forest rights under the FRA.

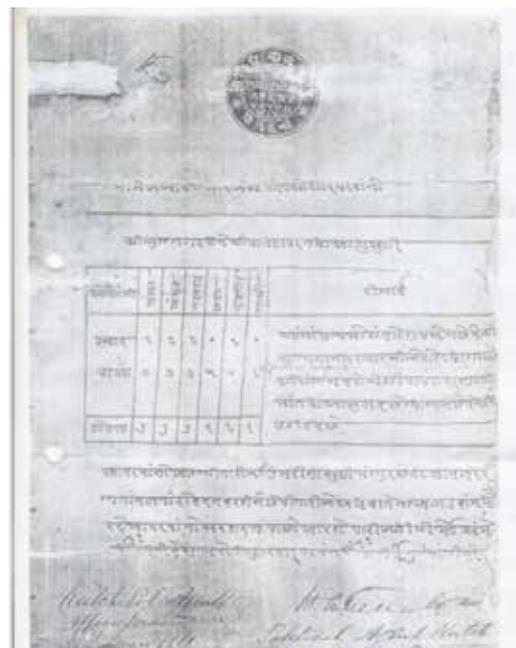


Fig 6: agreement signed by East company Political Agent Settlement of Case between tow villagers in Banni Grassland



submitted as evidence

Fig 7: agreement signed by East company Political Agent Settlement of Case between tow villagers in Banni Grassland

And the claim was submitted from 18 panchayat, 49 villages for the common area of Banni grassland, listing out the specific portion of the grassland used by the village.

Evidences: Traditional resource map, Nistar, age old document were part of the evidence. (Attached as annexure).

1. One such evidence is document signed by the Political agent of east India company on settlement of case between two villages in Banni Grassland.
2. The grazing tax receipt, of before and after independence was also submitted as evidence

Status of Claim: The claim has accepted by the DLC. But title has not been released yet after so many follow up; the Chief Minister of Gujarat wrote a letter to District collector seeking reason for not issuing the title.

In the above background Maldharis have done self-assertion of the right with the evidences of managing and conserving the grassland since hundreds of years.

3.3.3. Community forest resource management:

Community believes that Grasslands is the core of livestock-based livelihood system of people in Nani Daddhar. However, in last few decades, these grasslands are rapidly losing their attraction and values, mainly due to several human induced and natural changes. Invasion of *P. juliflora*, damming of seven monsoonal rivers, increase in soil salinity, are the key drivers of the change, which degrade grasslands and thus its diversity and productivity. These also lead to the loss of other associated biodiversity. Keeping above in view, they derive following objectives to rejuvenate these natural resources through community driven, participatory management approaches.

- To restore and improve natural resource base, especially the grasslands of the village and develop sustainable resource use practices
- To improve and conserve important wildlife habitats in the village and its vicinity
- To strengthen local livelihoods compatible to ecology of the region and natural resources through convergence of traditional and scientific knowledge systems and various
- To enhance and strengthen social capital, including community institutions, for decentralized management of area compatible with panchayat and landscape level

To prepare the management plan for natural resources of Nani Daddhar village through participatory approaches, and as per provisions given in FRA [Section 5; rule 4(1) (E) (F) (G)], Nani Daddhar Gram Sabha had already constituted a management committee. The committee is known as Nani Daddhar Community Forest Management Committee. The committee has a total 15. members, including 5 women and 10 men.

To identify and map natural resource base in Nani Daddhar village, Committee members had series of consultations with villagers in different groups. Accordingly, they demarcated and characterize important natural areas like grasslands and grazing lands, *Prosopis juliflora* infested lands with different densities and wetlands like Karr, Chachh, Thatt etc. Also, they prepared distribution map of wild flora and fauna including the important species of birds, mammals and reptiles and plants of medicinal importance.

Based on given below maps of important natural resources including the wildlife, areas which were demarcated for restoration and conservation purpose.

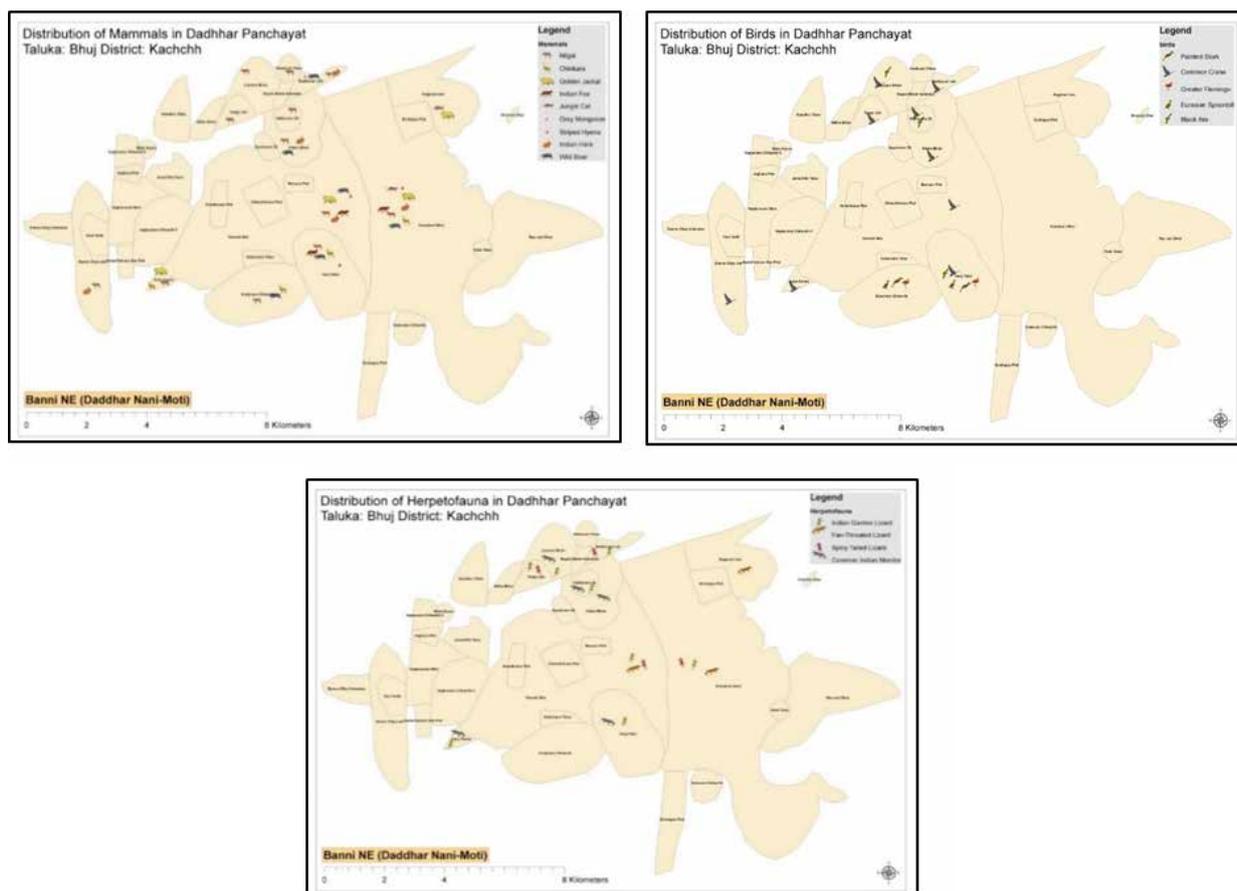


Fig 8: Picture of resource map : distribution of mamals and birds and local fauna in the grassland, Source : Shajeevan

Based on above initiatives, Nani Daddhar Community Forest Management Committee initiated pilot plan in consultations and meeting with local people including from those villages who have traditional dependency on resources of Nani Daddhar village. Also, meetings with other stakeholders like Forest Department, Animal Husbandry department, Rural development Department, etc.

The strategies and actions are identified for four time periods: immediate (six month), short term (1-2years), medium term (3-5 years) and long term (6-10 years).

Invasive species has been removed completely in a patch land and kept under observation. It was noticed that pre-existing species of grasses have grown out when the Kanta Babul tress was cleared. It was derived that babul tree utilizes large extent of underground water and doesn't allow other grasses to grow.

3.4 Involvement of various stake holders

The community is highly strengthened to take initiatives themselves. The community-based organization Banni Pashu Uchherak Maldhari Sangathan (BPUMS or the Banni Breeders' Association) leads the initiative from upfront. They have collaborated with various NGO's i.e. Sahjeevan and ATREE for their support in providing them scientific approach and plans to draft the management plan and to implement it. Recently they have collaborated with Axis bank foundation for financial support to implement the management plan in 49 habitation of Banni Grassland.





Unique Banni Buffalo

The Banni buffalo is recognized as 11th indigenous breed of buffalo in India. The Banni buffalo has a different genetic makeup as compared to more common breeds, which allows for longer lactation periods, higher milk production potentials and also makes it disease resistant and are well-adapted to survive the extreme weather conditions such as water scarcity, frequent droughts, low humidity and high temperatures.

In an average a buffalo yields 18- 20 liters of milk per day. Maldhari consider them as Banni breeders and don't sell them outside Gujarat to protect the indignity of the species. They asked the buyer to sell them back, the buffalo when it gets old. Each buffalo was sold at rate of 1lakh to 1.5 lakh.

The Banni buffalo usually stays in grassland in herd. Every morning the herd comes back to the owner by themselves and after sunset they go back to the grassland. Each herd has a leader and others follow the leader while way back to the village after grazing. It's not in practice to guard the buffaloes when left out for grazing and are kept open without being tied. The owner also gives a name to each and every buffalo like a family member. It is seen that each household has minimum 100 of buffaloes in the family.





Case study:

Strong Evidences; Recognition of Rights for OTFDs and enhanced Livelihood

Forest right Act -2006 recognize and vest the forest rights and occupation in Forest land in forest Dwelling Scheduled Tribes (FDST) and Other Traditional Forest Dwellers (OTFD) who have been residing in such forests for generations. In claim document preparation under FRA-2006, filing of adequate evidences in support of the claim document is of great importance; and even more so specifically in case of OTFDS. In case lack of proper evidence (proof for three generation of residence or access to the resource), the claim gets rejected.

The Maldhari pastoralist community (OTFDs) in Banni grass land have submitted their CFR claim in the year 2009-10 which was reverted back to them for lack of evidence. After that the association of Maldharis i.e. Banni Pashu Uchherak Maldhari Sangathan (BPUMS or the Banni Breeders' Association) with more than 1200 pastoralist from 54 villages of 19 panchayats called for their meetings and discussed and tracked their existence in the geographical area. Each member went back to their villages and tried to accumulate the grazing tax paid by their family to various rulers in various periods of time. In due course of collection of grazing tax receipts few other interesting old documents also came out. i.e. the Case dispute resolved by the then representative of king between two villages, A government order issued to the villagers by Political agent of East India Company etc.

With such strong evidences the claim document was resubmitted again for the complete grassland of 2500 km sq. by the 54 villages and 19 Panchayat all together which got the approval of District level committee in 2016.

Mr Rasool Jat, A member of maldhari community from Dadar Village is owner of 100 buffaloes and 50 goats is depended on the grassland for grazing. Usually they breed the buffalo and were not into selling the milk but after 2016, the maldharis (buffalo breeders) are connected to dairy farm and every morning the dairy vehicle come to their door step to collect the milk. So, he started milking only 2-3 buffalo a day for commercial purpose. In an average a buffalo yields 18- 20 liters of milk per day.

Mr. Rasool in an average sell almost 50 liters of milk per day throughout the year with an income of Rs 40 /lit.

Many maldhari, like Mr. Rasool have enhanced their income and standard of living with selling of milk.

Chapter-4

Recognition of CFR in Maharashtra – Bamboo (Minor forest Produce)

Forest right act, enacted on September 2006 has the major objective to recognize the rights of the forest dwellers on forest resources on which their bonafide usufruct and livelihoods are dependent. It also recognizes the knowledge of the community and need of management of the forest resources by the community. In above context this section of the study explores the post CFR management protocols, with regards to minor forest, emphasizing on management of bamboo resource.

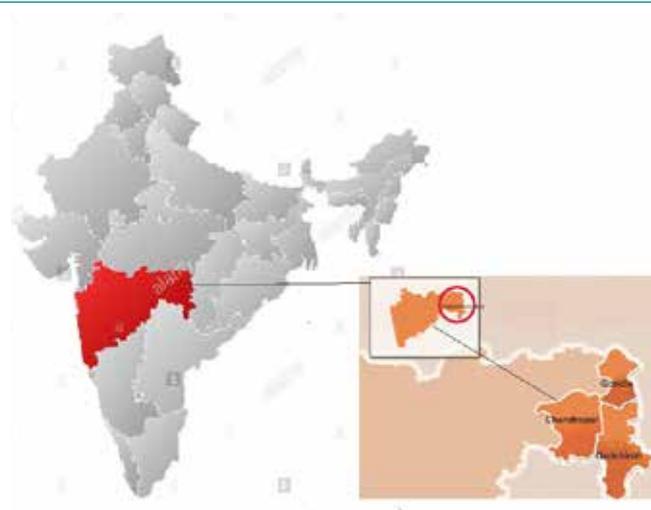


Fig 9: Map: Maharashtra and Chandrapur

4.1. Study Location

The Chandrapur district is located in the far east of Maharashtra state. It is part of Nagpur division. The district lies in the eastern part of the Vidarbha region. The Chandrapur district is located between 19.30' N and 20.45' N latitude and at 78.46' E longitude. More than 35% of the total geographical area of Chandrapur district consists of dense forest and ranks third in the State of Maharashtra, after Gadchiroli and Nandurbar districts as for area under forest cover. Bamboo, Mahua, tendu leaves and teak wood are the main resources of the district. The sample village for study, Pachgaon is the first village in the Chandrapur district of Maharashtra from Gondipori taluk, Tohogaon panchayat, to receive Community forest right title in the year 2012. The NTFP collection and selling is the main source of income for the community.

Table 3.1. Detail of banni grassland- Study villages (Source: Field data)

Villages	Nani Dadar	Vaghura
Community	OTFD: Maldharis	
Total number of households	125	150
Total number of livestock's in the village	8000	10000
Extent of area accessed by the community in Banni Grassland	Total area of banni i.e. 2500km sq	

Source: Field data

4.2. Forest Dependence

The Chandrapur district is located in the far east of Maharashtra state. It is part of Nagpur division. The district lies in the eastern part of the Vidarbha region. The Chandrapur district is located between 19.30' N and 20.45' N latitude and at 78.46' E longitude. More than 35% of the total geographical area of Chandrapur district consists of dense forest and ranks third in the State of Maharashtra, after Gadchiroli and Nandurbar districts as for area under forest cover. Bamboo, Mahua, tendu leaves and teak wood are the main resources of the district. The sample village for study, Pachgaon is the first village in the Chandrapur district of Maharashtra from Gondipori taluk, Tohogaon panchayat, to receive Community forest right title in the year 2012. The NTFP collection and selling is the main source of income for the community.

The community has a huge dependency on the different variety of forest resources available. The forest of the village is having large number of NTFP species such as Bamboo(*Dendrocalamus Strictus*), Amla(*Phyllanthus embilca*), Teak (*Tectona Grandis*), Mahu(*Maduca Longitolia*), Tendu(*Diospyros melanoxylon*), Baheda (*Terminalia bellirica*), (Chebulic Myrobalan)Hirada, Bel(*Agele marmelos*), Ceylon Oak/Lac tree (Kusum), Surya, Malati, Nirmadi, Indian Kino (Beeja), Ain (*Terminalia tomentosa*), (Indrajao)Kuda, (Ceylon Iron Wood/Milk tree) Khirni) and more; which contributes to major part of the livelihood.

The forest provides the fodder for the livestock in some patches and collect fuelwoods for daily usages. Various water bodies are also available, which is utilized for Bathing, Fishing and irrigation of agricultural land.

Forest also contributes to the daily food component of the tribal family. They collect tubers, fruits and nuts, green leafy vegetables from the forest. It is also locale to many medicinal plant species. Satvari, an endangered medicine plant is available abundantly in the village forest. The community has dependency on forest on various aspects and they are necessary part of their sustenance.

4.3. Implementation of Forest right Act in the study location

4.3.1. Background context for CFR claim

Before enactment of FRA -2006, participatory community management, under Joint Forest Management (JFM) was in place for management of the forest resources in the village. As reported by the villagers, the profit raised by selling Tendu and collected wood would go to the Forest Department and the collectors from the villages were paid only daily wages for their labor. Allegedly, the Divisional Forest Officer (DFO) and other forest officials involved with JFM also tried bribing the people of the village to convince them to work under JFM only. The people of Pachgaon soon realized that they are facing rampant exploitation and restriction from the forest department for accessing resources that should have been their own. Vijay Dethé, an NGO facilitator working with the villagers of Pachgaon explained to the villagers that they could not possibly always depend on NREGA as the only other source of livelihood. Through Vijay Dethé the people of Pachgaon learnt that there are clauses in the Forest Rights Act, 2006 which enables them to claim the rights to use resources widely available in their forests, like the bamboo, to generate income and also be able to manage and conserve.

4.3.2. Claim Process of CFR

The community was aware, mobilized and strengthened by the NGO to take up the FRA claim document preparation and submission. The first gram Sabha was convened in November 2009. And the claim document

was prepared and submitted in December 2009. The claim remained pending for two years at SDLC. Villagers started writing request letters and petitions for the speeding up the process between 2010 to 2012. Later when nothing turn out in favor of them, they informed the officials that that they would launch “One villager cuts one bamboo” satyagraha or fight for truth on 14th of April 2012, on birth day of Dr B.R Ambedkar as their motivation to stood up for the rights of the oppressed; whereby everyone from the village would break one bamboo each from the forest.

Meanwhile, the Forest Department tried to reject the claim wrong fully saying that Pachgaon alone cannot claim the rights to the forests to which twelve other villages also access the resources and also stated that the documents submitted were not complete. These accusations were proved null when it was established that the other twelve villages had the rights to use the forests for grazing and making drinking water available to their livestock only. The people from the village have travelled frequently to Chandrapur to visit the different offices and departments, the funds for which was managed by collecting a sum of Rs. 300 from each household in the village.



Fig 10. The process of Claim submission of briefed in following steps:

Evidences and resources claimed

Traditional boundary map, Forest resource map, and Nistar was submitted as evidence for the claim

The villagers have Nistar rights – right to collect and use fuelwood from the forests, right to sustainable use of water bodies, right to cultural practices in forests, right to collect and sell NTFPs and Grazing rights for their livestock.

Rights like right to sustainable management of community forests which is the pivotal right in the whole of FRA, etc. are yet to be achieved. They have claimed for 1006.416 hectare out of which 948 ha belongs to only bamboo conservation and regeneration.

Claim Document and evidences attached as annexure



Fig 11: Picture: TDS Intermediary (Panchgaon)

4.3.3. Community forest resource management

Panchgaon villagers do not have elaborate management plans for NTFP (other than bamboo) and forest foods and water bodies but follow traditional practices which ensure conservation of the forest resources.

Setting up the management systems

As soon as the rights are recognized Gram Sabha meeting was convened and CFR management committee was formed of 15 members, with one third women members; elected by the gram Sabha. They had made a working plan for conservation and management of forest, as soon as the titles are released, but there were not enough funds to execute the plan. The men then decided to work voluntarily in what is called shramadan and went to work in the forest everyday while the women looked after the farms and the children for a total of 17 days.

But new problems arose when they could not sell the bamboo as there were difficulties in obtaining PAN card, TAN card and VAT registration as the holder of the rights on the title deed that was given to the village. The title instead was in the name of "Shri Ramesh Bhauji Tekam and 119 others of Pachgaon" instead of "All members of Gram Sabha Pachgaon"

The document was corrected with the appropriate title on the basis of which the GS could then get PAN card, TAN card, register under VAT and plan to sell bamboo.

Later on, 15th of February 2013, a letter was received by the Pachgaon GS from the Deputy Conservator of Forest, Central Chanda, Chandrapur Forest Division, that the authority to cut bamboo and to dispose of was being granted to Forest Rights Committee of Pachgaon.



Fig 12: Picture: Customary boundary of the Panchgaon



General Forest Protection Rules

- The GS has appointed two persons who are responsible to guard the forest,
- The male members of the village have been divided into 14 groups of 5 members each, and each of the groups guard the forest twice a month.
- Even though women don't guard the forest, they are involved in controlling forest fires and in negotiating with those who have been found stealing from their forest but refuse to pay the fines.
- The areas for patrolling in the forest are decided, taking into consideration the threats of theft in the forest.
- If any of the forest guards fail to complete his duty, he is fined Rs 200.
- In the summers, they patrol from 7 AM to 12 PM. During winters and rains; they patrol from 7 AM to 6 PM.
- Night patrolling is done only when there are repeated cases of wood cutting, hunting or fire in the forest.
- The fines for stealing from the forest are Rs. 500 for people on motor bicycles; Rs. Three hundred for people on bicycles and Rs. 150 for people on foot and carrying a head load.
- Grazing happens from June to April, and the permission letter is given in June. They avoid the bamboo cutting zones and the devrai (sacred place) for grazing.
- To resolve conflicts with neighboring villages, a GS is called, and at least two elders from the village should be present in the GS.
- Anyone who enters the forest, the villagers themselves, must sign on a register and explain the purpose.
- No kind of extraction of resources is to be done in the devrai i.e. in sacred groves.

Bamboo management plan post CFR title

Pachgaon has put in place an effective bamboo management plan to ensure sustainable extraction. As bamboo requires three years to grow, the region has been divided into three zones and bamboo is cut from these zones on a rotational basis once in three years, which enables regeneration of bamboo stalks. The people of Pachgaon cut bamboo in the forest for all months of the year except in rainy months, to ensure that the bamboo plants grow. Therefore, bamboo is not harvested for four months, i.e. from June to October. The Gram Sabha decides the date for ceasing the bamboo harvesting and also later for resuming the harvest.



Picture: Bamboo depot in Pachgaon

Cut bamboo is stored in the depot that belongs to the village, and here the bamboo is graded according to the various purposes that it is sold for. The minimum rate at which the bamboo would be sold is pre-decided in a GS before the auction. People who buy bamboo in such bidding are those who require bamboo in paper mills and also people who need bamboo for their farms. Two people from the village are employed to guard the bamboo stored in the depot from theft, and the Gram Sabha pays them.

There are also two supervisors who supervise the cutting of bamboo in the forest and guarding cut bamboo at the depot, and they are appointed voluntarily..

Challenges and Struggles continues...

But the struggle did not end there. The bureaucracy and government departments kept on finding many ways to oppose the self-rule established by the villagers.

In the year 2014, the second year of forest management, the Chief Conservator of Forest (CCF) denied signing the register before entering the forest even after much request by the people from Pachgaon who were guarding the forest at that point.

The CCF took offense at this and soon the village was accused with the illegal cutting of 1060 bamboo clumps (12852 bamboo sticks in total) and hoarding the cut bamboo sticks in their depot. On the basis of this allegation issuing of transit, passes (TP) to the village was stopped.

The villagers claimed that cutting these bamboo clumps was important from the point of view of conservation.

A meeting was fixed with the DC to resolve this issue, but a day before the meeting, some officials of the government came with a truck to take away the 12852 bamboo sticks to the government depot.

As the bamboo was loaded in the truck, all the men, women and children from the village sat on the road in front of the truck to stop them from taking away their bamboo. A call was quickly made to the District Collector to stop them. The bamboo was eventually returned to the village. The next day at the meeting with the District Collector both parties were asked to resolve their issues with the help of the Guardian minister.

The Gram Sabha auctions the Bamboo independently and the profits from its sale go into the GS account. The money is then distributed as wages for those who helped with the bamboo cutting. Currently, the people are getting paid Rs. 385 per day during the bamboo cutting season.

They cut around 65 bamboos per day and get Rs. 4.70 for each bamboo they cut and Rs. 16 for each bamboo bundle they tie. Usually, each person cuts around 65 bamboos per day and ties them into five bundles. Nearly 10 per cent of the salaries is retained by the GS to maintain the depot and other additional needs.

The villagers also claimed that as the rate at which bamboo is sold increases every year, the daily wages increase at the rate of 10%. Fines ensure that rules and regulation are followed. An interesting fact was that though the village employs only the people of Pachgaon for any activity that happens in the forest, it also allows their sons-in-law from other communities to cut bamboo and get employment. The bamboo management has improved the livelihoods of those in the village, the migration rates have dropped drastically. They have also stopped collecting tendu and mahua, citing health problems that are caused by the products of these forest resources.

Traditional management practices

Apart from grass, the livestock which includes cows, buffaloes and goats feed on the leaves of various plants like mahua, Sal, bahira, harida, etc. which are available in the forest. People sometimes pluck the leaves of these plants and bring it from the forests to feed it to their livestock in the village.

Apart from some trees with religious significance like Banyan and peepal, dried branches from all other trees are used as fuelwood. People usually collect firewood once in two or three days. This is the most essential resource that the forest provides to the villagers, i.e. energy. The fuelwood use is increasing with the increasing population, but considering the area of forests that pachgaon possesses, the fuelwood use is sustainable. Also, dry branches are available abundantly, and there is no need to fell a tree for using it as fuel wood.

These ponds are cleaned regularly to ensure clean and safe drinking water. There are a few small streams which spring up from the hills. These streams are lively during the rainy season and dry up afterwards.

4.4 Role and Involvement of Stakeholders

In Pachgaon it was a united effort of community, civil society, ITDA and district administration in implementation of the act and recognition of right.

The civil society played a major role in strengthening the community member to fight and raise voice for their rights. Even after the opposition of the forest department, the revenue department supported in joint verification process for the Community right claim.

Chief Conservator of Forests (CCF), Sanjay Thakre, wanted to inspect the forest. Mr. Thakre got upset when he was asked to make an entry in the register maintained by the gram Sabha to monitor the people going into the village forest. Forest department then stopped issuing fresh transit passbooks to the residents for transporting the bamboos because of the alleged offence, i.e. community are felling bamboo illegally. The then District collector Mr. Deepak Mhaisekar intervened in the matter and settled the issue.

4.5 Contribution of forest food in the tribal community food basket and its conservation plan

Earlier the staple food of the people here was Vayda Chatni, KandMure, Bajari, Jowari, Tikat, Mahua. With time the food habits have changed, and now rice, wheat, maize, black gram has taken over as the staple food. Change in food habits does not mean that people don't access the forests for food. Forests are rich source of food products like mangoes, jackfruit, jamun, amla, bel, Mahua, Chad, Bamboo shoots, tendu fruit, leaves such as saag, tuber of Kanda, stems of DhanBhaji, Bibakaped, oil of castor seeds, harda, behda, flower of Mahua, Kureya, Bamboo vaidia and locally available mushrooms known as kandmure. Like other location here too the community or departments are not taking interest in conservation or management of forest food even though it has a major contribution to the daily dietary needs.



Habitation rights under FRA

5.1 Background

This section of the study mainly focuses on the process of recognition of the habitation rights as defined in section 2 (h), and 3 (1) e, FRA-2006, a sub-clause in community rights extended to pre-agricultural communities and particularly vulnerable tribal groups (PVTGs) identified in the country.

India has identified 75 particularly vulnerable tribal groups during the 5th, 6th, 7th and 8th Five Year Plans. What sets these communities apart is their unique association with the territories that they inhabit, and the intertwining nature of their lives with the land on which they live and derive sustenance. Their habitats are defined through customary territories used for habitation, livelihoods, social, economic, spiritual, sacred, religious, cultural and other purposes. Their lives are organized around the natural resources and means of livelihood available to them. In some cases, the habitats of PVTGs may overlap with forest and other rights of other people/communities. Their habitats are as much about their cultures, as about physical and geographical landscapes.

PVTGs are the most disadvantaged among tribal communities. These groups live in small, scattered habitats in remote, inaccessible areas. Over the years, the more dominant tribal and non-tribal groups have encroached upon the resources which the PTGs originally controlled and accessed. Despite numerous government schemes to mainstream these groups, their condition has not improved in any significant way. The FRA was seen as an effective tool to ensure that they would be able to access individual as well as community resources. The section 3(1)(e) has provisions for protection of the rights and livelihood of PTGs including community tenure on habitats and habitation.

Section 3(1)(e) the Act provides for rights including community tenures of habitat and habitation for primitive tribal groups and pre- agricultural communities. The process of determination of rights as provided in the rules prescribes a special procedure to deal with the rights of PTGs. Rule 12 (d) provides that claims from members of a primitive tribal group for determination of their right to habitat can be made through their community or traditional community institution and that the FRC has to ensure that the claims are verified when such communities or their representatives are present. Further Rule 8 (b) requires the DLC to examine whether claims from the PTGs have been addressed as per the objectives of the Act.

The recognition of these rights would help in reducing all types of exploitation through protection of their culture, customs, identity and territory and can provide them security of tenure over their customary habitat, over forest resources and livelihood. The law has also empowered to protect, regenerate or conserve or manage any community forest resources, wildlife and biodiversity for sustainable use, in which the PTGs and indigenous forest dwelling communities have contributed significantly by using their knowledge potential in a more holistic and sustainable manner.

Study location

1. Juang PVTG community of Keonjhar district, Odisha.

According to Elwin, the word “Juang” in the tribal dialect means “man”. An alternative term, which their neighbors use to denote the Juang, is Pattua, meaning the wearer of leaf-dress though leaf-dress has long been abandoned. The Juang use the forest for sustenance.

Topographically the district can be broadly classified into three divisions namely (1) plains region of Baitarani river belt; (2) hilly region; and (3) sub mountainous regions of the western and the northern part. The hilly region comprises Banspal, Harichandanpur and Telkoi areas of the Kendujhar subdivision. The Juang inhabit this area in the south-western part of the district. The traditional area or geographical area of their settlement is divided into 5 Pirha (clusters) including 70 habitations. 1. Satkhand, 2. Khathua, 3. Jharkhand Pirha, 4. Hunda and 5. Charigarh Pirha. Two villages under Satkhand Pirha are covered for the study purpose. i.e. Guptaganga and Talabarda.

2. Pahadi Korba PVTG community of Sarguja District, Chattishgarh

Hill Korwa tribe is a branch of Munda tribe, which comes under the Austro-Asiatic Sub-family of Austric family. They inhabit in the Chota Nagpur region & forms one of the principal centers of aboriginal tribes in India (Srivastava, 2007). They have been used to the free life in the forests, the nature of their habitat, their intolerance and suspicion of neighbors, all these have protected them from cultural invasion and even to-day the 'true Korwa neither sows nor reaps'. The community lives a wild life and 'with their sharp spade digs up edible roots, along with which the fruit of jungle trees, constitute his food' (Majumdar, 1944)

They are settled in the forest belt of Central India in the Chottanagpur belt.

For the study, on the hill korwas in the eastern belt of Chottanagpur region, Jori Dilma village, Ambikapur tehsil, Sarguja District of Chhattisgarh was visited.

Table: 5.1 Study area profile:

Community/ Dist/ State	Juang community of Keonjhar - Odisha		Pahari Kowas of Sarguja dist- Chattisgarh
Villages	Guptaganga	Talabaruda	Joridilma
Total household	153	48	402
Forest area	968 acres		400 acres
Forest Type	Mix of tropical deciduous to dry deciduous forest covers		Deciduous
Major Livelihood	Daily wage labour, agriculture, NTFP collector		NTFP collection, agriculture

Source: Field data

5.2. Forest Dependence

Location 1: Juang community

The major forest types are Dry deciduous forests. Sal is the most predominant species seen in the study area. The other available forest produce collected and used by the community are fruits like Mango, Jackfruit, tamarind, Trifala, Gum, honey, Lac, Mahua and Tola, wild berries, mushrooms etc. They also collect some medicinal plant for treatment of diseases.

Apart from NTFP the Juang community depend on forest for Fodder, Fuel wood, Water and Medicinal plants.

Fodder

Every family in Juang community owns a small number of domestic animals like hens, ducks, cows, goats, and buffalo. The number of animals and type varies with each household, and the economic status of the family. Irrespective of the living conditions every family is entirely depended on the forest for the fodder for their animals. Grazers such as cows, sheep, and buffalos depend on the rural land in the forest, and small livestock such as goats depend on the bushes and small plants in the forest for fodder.

Fuelwood

The woman collects fuelwood from the forest. They collect dry twigs and logs. There is 100 percent reliance on forest for fuelwood. Depending on the availability of firewood and necessity of the household, woman travel around the entire forest range to collect firewood and they spend at least 2-3 hours every week to collect the firewood for their family.

Water

The Juang community predominantly depends on the Baitarani and its tributaries for the water supply. The woman goes to the streams in the morning and evening to collect water and use it for all household purposes and drinking. Depending on the nature of river and seasons woman have to travel an average 3km daily for collecting water. During droughts the community have to walk till the source of Baitarani River which is at the top of Gonasika hills.

Location 2: Pahari Korwas

It has been found out that in whole of Surguja about 400 species of plants including a variety of trees, shrubs, herbs, grasses, creepers, twiners, etc. have major roles in the life of the local tribes and other folk. Apart from food, these forests produce also play a role in medicinal and other miscellaneous uses as well as in their culture. The most common type of forest food in Surguja has been Dhama fool, Amla, and Mahua seeds. The major forest food in case of Pahari korbas were imli, mahua and fotu (during the rainy season). Mahua was also used in large quantities by the non-PVTGs korbas and orans. 1-2 members (usually men but can be anyone) go from each household daily for the collection of fuelwoods and NTFP.

Table: 5.2. List of items collected from Forest is given below:

NTFP	Medicinal Plants
<ul style="list-style-type: none"> • Sarothi (leaves) • Mahua (seeds) • Bar (tuber) • Bel (leaves) • Dhamaifool (flower) • Girhool (flower and leaves) • Birla (leaves) • Sarai (leaves and seeds) • Kachnar (wood and flower both used) • Kanda (tuber) • Katharu (tuber) • Pitaru (tuber) • Sarothi (leaves) • Geth (tuber) • Bel (leaves) • Dhuri • Khukri (mushroom) • Fotu (mushroom) • Pan patri • Kareel (fruit) • Imli • Ber • Amla • Madhuras/honey • Fishes if available 	<ul style="list-style-type: none"> • Meda (for pain) • Bhalukanda (for pain) • Kargi (for wounds) • Neem patta (for fever)

Source: Field data

5.3. Implementation of CFR

Background

Both the study location Keonjhar and Sarguja district of Odisha and Chhattisgarh respectively are exclusively mining area with rich cover of the forest. It is also dwelling place of PVTG groups whose sustenance is strongly dependent on forest. In the context of modern development project, these PVTG are highly vulnerable to be evicted from their home land for various development projects.

CFR claim process

In both the location the community is not much aware about Forest Right Act -2006. The facilitation of claim was entirely driven by the local NGO's.

1. Juang community In Keonjhar the documentation of the claim was done based on traditional administrative system of the Juang community.

Traditional Structure of Juang tribal administration;

The settlements of Juang in Keonjhar are divided into Pirhas (similar to modern era Gram Panchayat) with maximal traditional territorial units of the community; and also considered as administrative units set up by the kings for the management and control over the area. The habitations in close vicinity were clubbed under one Pirha.

The customary boundary is well identified by the community with the help of physical attributes or physical landmarks like hillocks, rivers / streams, trees, sacred sites etc. Within the delineated customary boundary, they possess their land for shifting and settled cultivation and other resources for their livelihood dependence and other bonafide purposes.

The habitation or village is the smallest unit and the traditional village council consist of two traditional leaders: Dehuri (Village priest), Pradhan (village headman). The offices of the traditional leaders are non-hereditary and they are selected with the divine consent (the horoscope of the intending candidate has to match with that of village deity).

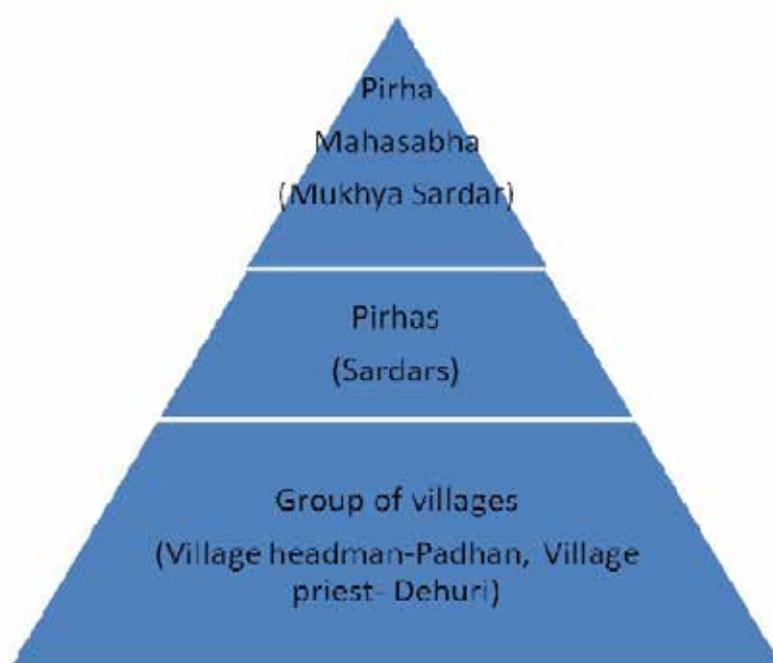


Fig 14: Pic: Juang community traditional administrative structure

As mentioned above group of villages form a Pirha and each Pirha is headed by the Sardar. The Sardar is selected by the members of all the villages of the particular Pirha. The Sardar takes all the important decisions regarding the Pirha and resolves inter village conflicts

All the Pirhas together form Pirha Mahasabha which is headed by the Mukhiya Sardar. All the Sardar of each Pirha; Pradhan and Dehuri of each village selects the Mukhiya Sardar of the Pirha Mahasabha. The decision of Mukhiya Sardar is final and binding upon all Juang Community.

For the claim process the Maha Sabha meeting was organized in facilitation of the local NGO's and volunteers; and was suggested to go for claim submission. In the Maha Sabha meeting it was decided to submit the claim for the entire Pirha. Each habitation under the Pirha formed different FRCs and individual claim, but mentioning the territorial boundary and area for the entire Pirha as they believe in sharing the resource in commons.

The territorial map of Satkhand Pirha is given below

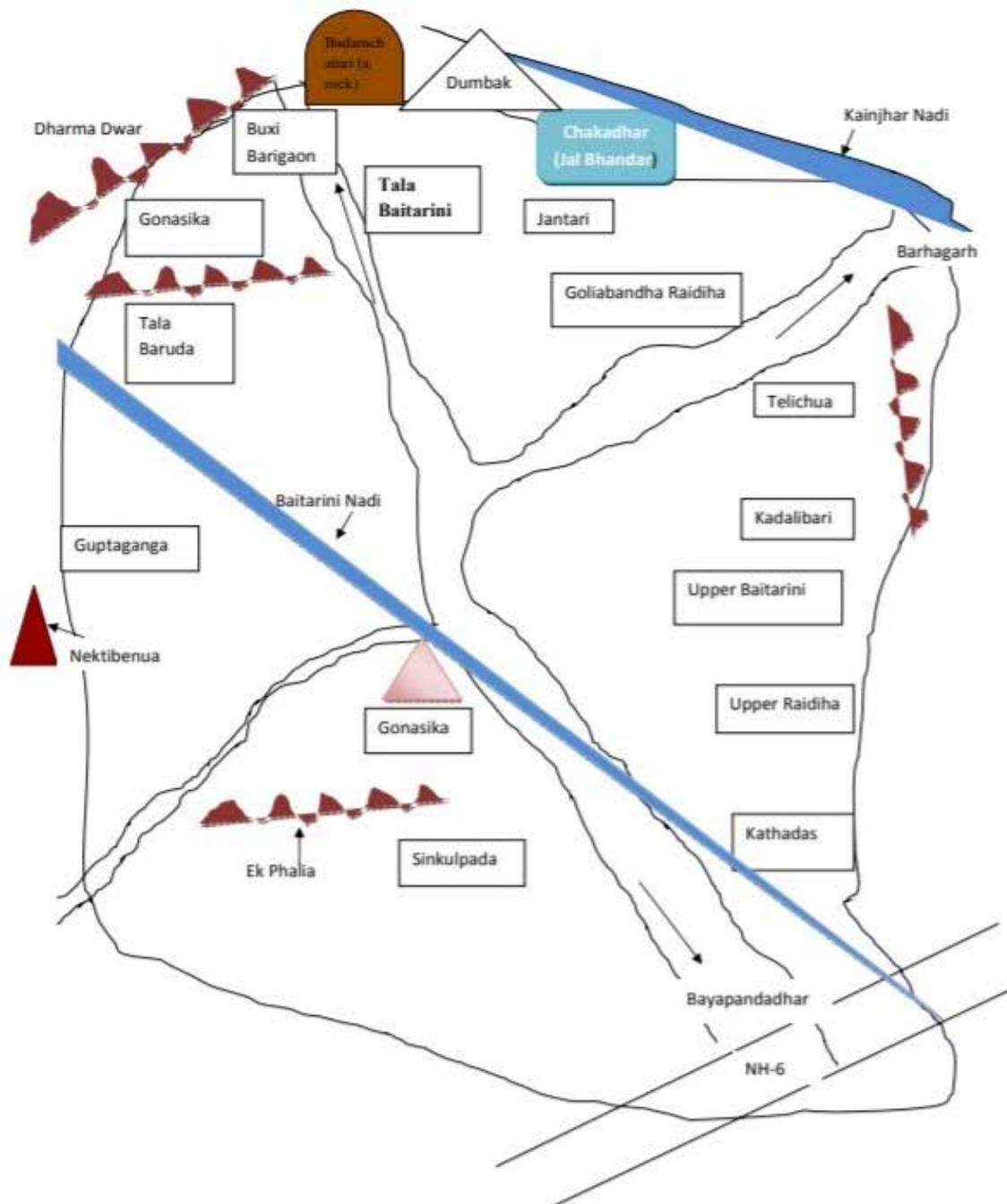


Fig 15. Traditional governance system of Juang clan

Evidences: The Maha Sabha meeting minutes and old records of Maha Sabha were given as evidence to ensure their habitation right as they all settled in that geographical location since generations.

Status of Claim: The claim was returned back to SDLC for further documentation work.

1. Pahari Korwas: In case of Pahari korwas of Joridilma, Village in Sarguja district of Chhattisgarh, the claim submission was facilitated by the ITDA and local NGO as there was a circular from MOTA to Ch- Chhattisgarh

to settle down the habitation rights of PVTG by taking initiatives from government side even though the community is not coming forward.

The claim was submitted habitation wise based the customary boundary and the resource map developed in Gram Sabha meeting.

The process of claim submission was smooth and without much hurdles.

The community have received the titles in form B but without habitation right.

CFR management

In both the study location not, much has been done for the management of resources. Neither of the community has proper title for habitation rights nor rights in form C for management.

Although the community follow traditional methods of collecting NTFP and forest foods which are in align with the conservation and protection of the resources availed by them.

The Juang had strict pattern of uses of community for shifting cultivation, they divided land among the community on the basis of person's capability for farming. They restrict the use of forest for agriculture by curbing a person from cultivating twice in a year. The land for cultivation is given on the basis of their family needs. They believe they are born from forest and they consider forest as their mother and water as their soul. They are pantheist by tradition. They have several religious sites in every part of the forest and the ecosystem surrounding this religious site are rich in biodiversity. They protect and conserve these sites based on their tradition and culture.

Pahari Korwas don't follow any management and conservations plans as such apart from traditional methods such as Thenga-palli (patrolling), etc. for the protection of the forest..

- The Pahari Korbas in Jori have a 12-member committee/samiti (all men) for Thenga-palli of the forest where 4 of these men go daily. This samiti also plays role in the prevention of forest fire due to burning around Mahua trees.
- Apart from this, only dry trees are allowed to be cut for fuel wood purpose.
- Lantana camara (satrangi), which is spread highly in these forests, is removed from the roots in the 2 hamlets of village Jori

5.4. Role and Involvement of Stakeholders

Background

In Keonjhar district the local NGOs played a vital role in facilitation of CFR claims whereas in Sarguja district of Chhattisgarh Government department collaborated with the NGO to implement the Act. It was common assumption that as the government department is involved the recognition community right will be in true spirit. The field study shows that the government department settled the claim just to do an eye wash to the community, just for sake of government records. The most vital right for PVTG, i.e. habitation right is ignored completely. When it was brought to the notice of ITDA- Forest Department, both gave different response.

According to ITDA –PA, the department bi mistakenly left out mentioning about habitation right in the title document, and the Forest Department – DFO said that according to her opinion the PVTG are not capable enough to manage and conserve the forest.

The NGO is Keonjhar drafted the claim document very effectively with appropriate evidences but there was lack of support from the government officials.

In both the cases it was clear that community is not aware and strengthened about their rights under FRA.

5.5. Contribution of forest food in the tribal community food basket and its conservation plan.

In Keonjhar the Juang community depends for almost 30 percent on forest food of the daily food habits. Rice is the staple food. They collect tubers, fruits and green leaves from forest. Occasionally they collect mushrooms, bamboo shoots, and ant eggs in rainy season as their food delicacy. The fruit items include Kendu, Chara, Podei, Dumuri, Mahula, Panasa (Jackfruit), Amba (Mango), Jammun, Harida, Bahada, Amla, etc.

The seeds collected from Sal, Karanja, neem, Kusuma, Simarua, Chara, etc., are used for extracting oil and also for food.

Liquor and beverages in use are Handia (rice beer) and from Mahua. A small survey was done on daily food consumption pattern as the part of group discussion to understand the forest food percentage in their daily consumption and the result is given in the table below.

The Pahari Korbas are very much dependent on forest not only because of their traditional relationship with it but also because these hamlets face acute problem of shortage of water in the areas. During rainy season the ratio of dependency on forest and agriculture is 50:50 but otherwise they are more dependent on forest (approximately 70:30).

The Pahari Korbas of Sarguja mainly collect Mahua, tubers, and Sal seeds from forest for foods which is consumed as fruit and for extraction of oil and medicine. They also collect honey, tamarind, mushrooms from forest and fishes from water bodies in forest. Unlike in Odisha, here the major food is millets cultivated in forest lands.

Inference:

The recognition of habitation right to PVTG to safeguard their settlement in the forest and their livelihood through FRA-2006 was not able to reach its goal as impended in the act. Various issues and challenges in the process are given below:

- There is lack of clarity about the procedure for the recognition of the habitat rights specifically given that their claims may extend across multiple settlements over a large geographical area.
- Tendency to rely on forest records during the rights recognition process, when these are irrelevant to most forest rights and especially so in the case of PVTGs, most of whose rights and activities were either never recorded or were recorded elsewhere (such as in gazetteers, anthropological studies, princely state records and etc.).

The following action can be taken to recognize the rights:

- Consultation with the concerned traditional institutions of Particularly Vulnerable Tribal Group as required under rule 12 (b) 1 to initiate the habitat rights recognition process with strong evidences.
- Resistance to the recognition of PVTG rights by other interests and a lack of clarity among officials about the implications of overlap between PVTG rights and those of other communities and individuals. ·
- Lack of clarity about the status of other category of land except forest land coming within their habitat. No clarity over the process of recognition in case if the habitat of a PVTG exceeds beyond administrative and political jurisdictions like multiple DLC or even more than one SLMC.



Conclusion and Recommendation

India's parliament passed the Forest Rights Act, or FRA in 2006— a ground breaking legislation that recognizes the rights of forest dwellers to protect and manage forest resources as a step to correct the historic injustice meted out to tribal people and forest dwellers in India.

The FRA legislation is a strong weapon to improve the lives of millions of tribal and forest dwellers. This is partially due to its recognition of the authority of “gram Sabha's,” or village councils, over the conservation and management of the forest land where they inhabit, giving scope to increased income generating activities, and preventing encroachment of land for industries or other development project.

But even after a decade of its implementation, it has not been able to achieve its goal. The recognition of right to the forest dependent community remains incomplete in many aspects. In many states some of the claims are settled against “form B” to access the forest resource; but the community right, against form –C, to manage and conserve is not recognized as per the preamble of the Act.

Along with the unsupportive behavior of forest department, for recognizing the rights, the challenges of understanding the law and lack of opportunities for making the claims is a major setback to reach out to the main thrust of the Act.

Coordination between the three key departments (Forest, Tribal Welfare and Revenue) was essential for effective implementation of the FRA. There was lack of clarity on the roles of different departments. The Forest department remained indifferent about implementation because it felt the FRA was against the principle of conservation because it sought to give community rights to forest land and resources.

Same time the implementation has been effective in specific condition and situation as given below:

- Where, the district collectors and local political representative have given priority-based importance to the implementation process as in Simlipal tiger reserve area
- Where, community-based organization took a lead role; and there is of lot of awareness among community to fight for the assertion of rights as seen in BR hills, in Banni Grassland and Chandrapur district of Maharashtra.
- Where, systematic and strong evidences are generated to support the claim i.e. nistar right, old documents, tribal clan systems, provided for the claim plays a vital role in putting forth the claim for the assertion of the right. For example, Sacred sites mapping of Soligas clan in BR hills, Nistar rights in Maharashtra and Banni grassland. Document available on traditional Tribal – clan governance system among Juang community in Keonjhar.

For the act to be implemented in its true spirit it is utmost necessity to bring awareness among the community on their rights that is recognized; and should be strengthened. The government officials and related department has to take up the implementation process pro-actively in support of the community.

The amended rule 4(e) of the act empowers the community to manage the forest resources. The traditional practices of tribal and customs related to forest resources and nature shows their indigenous knowledge

of conservation, protection and management of the natural resources and forest resources on which their survival is dependent. They have clear understanding on importance of the forest resources and based on this understanding their customary rules and law are in place to manage the resources equally without its depletion.

The tribal are conserving and managing the resources from times immemorial, it is embedded in their roots of existence. Ensuring Rights to the community; and by ensuring collaboration with various departments to meet out the financial need for taking up management activity is an effective strategy for participatory forest management to conserve the forest.

Traditionally tribal communities were dependent on forest foods for their daily consumption. Extensive Farming was not much in practice, only millets were cultivated and remaining food item were collected from forest i.e. tubers, green leaves, fruits, nuts, seeds, tamarind, honey, mushrooms, bamboo shoots, other wild vegetable species and animal meat. Proportionately 80 percent of the daily dietary consumption was from forest items.

Over time, there has been reduced dependency on the forest, which has brought about a great change in their food habits. With time forest is depleting and with the expansion of human settlement, the forest is not as nearer to the settlement as before. Along with it the facility of TPDS has now reached to most of the areas and the dependency on it has increased. The community is now not willing to take the hardship to go into deep forest to collect the food item. The dependency on forest food has reduced to almost 30 percent, and food item are collected occasionally from the forest. The collection of food from forest is now based on family size, economic status. Collection of forest food is an allied activity along with fuel wood collection. This change in food pattern has affected the nutritional content in the diet of the tribal community. Earlier the diet was proportionally balanced and the nutrient requirement of body was fulfilled in comparison to the present-day food component. Forests play a crucial role as the basis of a sustainable food system. It is essential to promote forest food for food security and ending hunger.

The various stake holders play a vital role in strengthening the community and guiding them to come forward for their rights. The communities are highly motivated and CBOs are much strengthened where Civil society organization have played a vital role in capacitating the community and guiding and supporting them with scientific know how. The case of Bamboo Management in Panchgaon, Maharashtra, NTFP management in Simlipal tiger reserve, and Banni grassland management in Gujarat are few examples. They have been supported by the NGOs - VNCS, CREFDA, ATREE, Sahjeevan respectively.

Recommendations

- Capacity building of stakeholders: It is often noted that the potential of this legislation and its most important provisions are still not known by target communities, and implementing authorities. Officials responsible for informing the Gram Sabha members are themselves found to be "thoroughly ignorant" about the Act. Awareness building and the strengthening of local community-based organization on FRA-2006
- Alignment of legislation and other forest governing laws with FRA-2006: Since 2008, when the FRA was brought into force, the settlement of forest rights has been sluggish partially and often denied. The conflict between various ministries, department, related laws, policies and programs has slowed down the implementation of the Forest Rights Act. At fundamental level, the decentralized paradigm of the Forest Rights Act calls for a deeper change in governance. The new forest policies. i.e. CAMPA bill, and draft new forest policy should be in alignment with the FRA-2006.

- The relationship between the Gram Sabha and the Forest Department needs to be clarified. The Forest Department should respect the Gram Sabha's authority for managing and protecting forests, and support the committees set up by the Gram Sabha's. However, the structure of such committees should not be dictated by government departments and must evolve out of existing bodies guided by an informed Gram Sabha.
- Recognition to the traditional knowledge, Traditional governance system within the clan: The forest governance and management system are inbuilt in tribal culture. That needs to be recognized and mainstreamed into the present system for the sustainable development of tribal community and sustainable management of resources.
- Consultation with the tribal leaders from traditional administrative structure for recognizing the habitation rights: There should be support to community for documentation of their claim process and evidences generation. The government should also derive guidelines for process of recognition of habitation rights for the PVTG.
- Small research and training units should be established at the field to support the community with scientific knowledge and to take up a participatory approach for new learning. For example, the research unit of ATREE in BR hills and in Banni grassland is playing a vital role in strengthening the community and to come out with solutions to the location specific issues in forest protection, conservation and resource management.
- Provisions in guidelines to involve NGOs and CSOs in the process: The civil society organizations can help and support the community and strengthen them by building awareness and guiding them with the provisions of the act and technical inputs. They can also help the government to foster the process.
- Government should bring on a policy or program focusing on reviving forest foods as they are major dietary component of tribal food habits, which also provide balanced nutrition and are currently becoming rarer than normal.
- Forest Department should also provide the technical support and help in preparing the management plans which will define the activities that need to be carried out for sustainable management of the Forest resources
- Community Forest management plan prepared by Gram Sabha need to be integrated with government schemes to make funds available to take up the activities suggested in the plan. E.g.: MGNREGS and Schemes of Forest and Tribal Welfare departments.

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FGD Checklist

Post title scenario of community forest resource area-Management protocols (Including forest foods)

Note: The FGD checklist will be used in the following contexts:

a) CFR Title issued village:

Researcher will conduct study in the CFR Title issued Village, here FGD will be conducted with the participants of CFR beneficiary community including Forest Rights Committee and others. To achieve the proposed objectives, objective wise FGD key is prepared.

b) Government Officials and NGO Personnel:

To get Government Officials and NGOs perception about the entire process of CFR implementation, a set of FGD/ intrveiw key is prepared.

FDG checklist for CFR Title issued Village

Objective-1:

To study the implementation status of community forest rights and community forest resource rights and governance challenges.

1. Introduction for the purpose of the visit
2. Please share about the Village: (Information need to be filled in form 1)
 - How old is the village?
 - Types of Community residing,
 - Any link to historical events,
 - Livelihoods (in brief), how forest is important to community.
 - Types of natural resources accessed and used by the community?
3. Are you aware about FRA and have village claimed the CFR right under act?
 - Who supported and guided them?
 - Complete story of the process done by the community?
4. Please share about the details of Community Rights claimed under the FRA for recognition of Community Forest Rights and Community Forest Resouce Rights (area of land, type of resources and other necessary detials)

Category	Extent in hectare
Total Area under CFR	
a. Forest Area	
b. NTFP area	
c. Water bodies	
d. Area under grazing	
e. Sacred grooves	
f. Burial ground	
g. Tank bed	
h. Area used for lifting sand and stones near river	
i. Forest Area under cultivation	
j. Others	

5. Titles are received under FRA or its is self asserted?
6. In case self-asserted, what procedure was followed (details documentation is needed)
7. Please share about the post claim details, (total area recognised, type of resouces recognised and other necessary details)
8. Please share the deails of post rejection of the claims (reasons for rejecting the claim recognition, partial recognition of the claimed costemory boundary, present status in access and uses of the resources).
9. Please share the challenges of the community facing/faced while claiming the rigths ,and its reconition
10. Please share the support strcuture received/not received from various stakeholders (community, Forest Department, Revenues Department, Tribal Department, NGOs) while claiming the rights and recognition of the rights
11. Copies of titles of villages which received titles to be collected
- 12, Are they managing the resources?

If yes, then Do they have management commitee?

- List of members of Community Forest Management committee formed under section 5-e of rules and the process followed for constituting the committee
- How they formed it? Their roles and responsibility and functions
- Minutes of meetings of the committee,
- the plan of management plan prepared by the community, process of plan implementation
- Rules and regulations if any, framed by the community for protection and conservation, with regard to NTFP collection, timber and/or small wood and bamboo extraction etc

1. Protection of forest resources:

(Given below are a various type of issues that are likely to be encountered in managing forest

resources. The list is only indicative and non exhaustive. It is only for guidance to the team conducting PRA and facilitating management plan.)

a. Forest protection issues:

- Smuggling Timber
- Smuggling bamboo
- Smuggling firewood through head loads for selling to others
- Smuggling NTFP
- Smuggling sand and precious stones
- Poaching wild animals
- Grazing local animals
- Grazing by animals from other areas
- Forest fire-accidental
- Fire connected with mahua collection
- Fire connected with beedi leaf collection
- Encroachment in forest area
- Others specify

Reason for forest degradation (Specify)

- Due to unscientific management
- Hacking of firewood collection
- Smuggling timber
- Fire damage
- Grazing
- Podu cultivation
- Encroachments
- Any Others issues

(Prioritization of need and alternatives to address the priorities: This information would emerge from PRA and help in drafting a micro plan. The need and priorities should be identified and ranked by the villagers. The micro plan would include activities based on their priorities that have bearing on the management of forest resources.)

b. Plan for protection:

Following points to be explained in details,

- Social fence
- Local check points
- Any watcher hired and paid by gram sabha

Any specific protection plan for:

- NTFP
- Bamboo/ Adda leaf
- Medicinal plants
- Forest foods

2. Conservation plan

- Planned cutting of trees,
- Afforestation and reforestation,
- Coppicing and singling viable root stock
- Shrub/climber cutting
- Decongestion of degraded bamboo clump
- Soil moisture conservation structures:
- CCT (continuous contour trenches)
- Staggered contour trenches
- RFD (rock filled dam)
- Vegetative structure
- Percolation tanks
- Check dams
- Bench terracing
- Contour bunds
- Farm ponds
- Others

Any specific conservation plan/ rules and regulation for:

- NTFP
- Bamboo/ Adda leaf- silviculture, felling rules, Prohibitory rules - Digging of rhizomes, b) Cutting of tops of bamboos for fodder, c) Use of tender bamboos for bundling
- Medicinal plants
- Forest food

1. Management of benefit sharing:

- ❖ Marketing- done individually or community based?
 - ❖ Marketing plan in two categories.
 1. Marketing of NTFPS and medicinal plants
 2. Marketing of Timber, bamboo and other forest products
 - ❖ How is the benefit sharing done
 - ❖ Their future plans and vision about the resource
- I. If no, then why they are not doing the mangement or it is non documented traditional ways of conservation and protection

Objective-2:

To study the level of engagement of the communities with the other stakeholders (FD) to pursue the CFR Plans implementation and governance challenges.

1. Please share details of major stakeholders while preparation of the CFR Plan
2. Please share procedure and structure adopted for CFR Plan preparation among the community (community support received/not received, cooperation and guidance received from FD, other stakeholders)
3. Please share about the market linkage of the forest resources (support received from the community, FD, supporting NGOs, business agents and other stakeholder)
4. Please share the resource sharing mechanism among the community (forest produce collection system, individual collection, group collection, sharing of the collected produce in kind, sharing of the produce after sale in terms of money and other details)
5. What are the supports received or contributed from the village level committees, i.e. (Village Development Committee, Water user committee, VSS, Ecological Development Committees in Protected Area)
6. Please share what kind of support system received/ challenges faced from the community and FD and other stakeholders while preparing conservation plan

Objective-3: (FGD: Specifically, with the women's group)

To Study the contribution of forest food in the tribal community food basket and its conservation plan.

1. Please share/ name some of the major uncultivated/forest produce gathered and supplemented in your (inhabitants) day to day food basket and medicinal plants.
2. Please share collection patterns of the forest produce in the village
3. Please share how the forest food is important to your (inhabitants) day to day food basket taking into account seasonal/ yearlong use/supplementation
4. Considering the importance of forest produce to the food basket, please share the importance of conservation plan of forest produces
5. Please share any changes in consumption pattern of forest food over the period of time (in last 25 years, / in two generations)

A.) I. FDG/Interview checklist for NGO Personnels

1. Please share about the details of Community Rights under the FRA for recognition of Community Forest Rights and Community Forest Resource Rights (area of land, type of resources and necessary details)
2. Please share details of the claim (total area recognised, type of resources recognised and other necessary details)

3. Please share rejection details of the claim (reasons for rejecting the claim for recognition, partial recognition of the claim, present status in access and uses of the resources).
4. Please share the challenges the community facing/faced while claiming the rights and in the process of recognition
5. Please share the support structure extended to the community while claiming the rights and recognition of the rights
6. Please share details how FD/NGO extended support/guidance to the community, procedure adopted while preparation of the CFR Plan
7. Collect the opinion / perception of the facilitating NGO of the following aspects:
 - Market linkages of forest produce
 - Benefit / Resource sharing
 - Conservation and management plan
 - Support of government to community for implementation of plan
8. Please share what kind support extended by FD/NGO and other stakeholders while preparing conservation plan for the forest produce and forest food

II. FDG/Interview checklist for and Government Officials

1. Please share the support structure extended to the community while claiming the rights and recognition of the rights
2. Please share details how department extended support/guidance to the community, procedure adopted while preparation of the CFR Plan
3. Collect the opinion / perception of the facilitating NGO of the following aspects:
 - Market linkages of forest produce
 - Benefit / Resource sharing
 - Conservation and management plan
 - Support of government to community for implementation of plan
4. Please share what kind support extended by FD/NGO and other stakeholders while preparing conservation plan for the forest produce and forest food

Documents to be verified and collected:

- Claim Document:
 - ✓ First Gramsabha notification
 - ✓ Gram sabha resolution
 - ✓ List of FRC members
 - ✓ Form b claim

- ✓ Form C claim
- ✓ Notification for Joint Verification to government officials
- ✓ Receipt of joint verification copy
- ✓ Resource map
- ✓ GPS map
- ✓ Gram sabha resolution of approval of the claim document and submission to SDLC
- Title document for form B and C
- Evidences used to receive titles, sepecifically in habitat rights for PVTG, banni grassland and in protected areas.
- Document of proof for used for self assertion
- Document of CFRMC constituion
- Book keeping done by CFRMC
- Draft management plan
- Proof of convergence for implementation of CFR plan
- Tender advertisement, quotation received and release order
- Key or important Meeting minutes transit permit issued by gram sabha (as per FRA)





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୨.	ଲକ୍ଷ୍ମଣ ପ୍ରଧାନ	୮୨.୦୦	ଫଳିତ	୮୨.୩୦
୩.	ପ୍ରଦୀପ ପ୍ରଧାନ	୮୧.୫୦	ଫଳିତ	୮୨.୫୦
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୫.	ସୁଧାକର ପ୍ରଧାନ	୮୨.୦୦	ଫଳିତ	୮୦.୧୩
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୭.	ବିନୟ ପ୍ରଧାନ	୮୨.୦୦	ଫଳିତ	୮୨.୫୦
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