



Community Forest Resources - Management Practices of Communities¹

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Introduction

The Forest Rights Act is a strong statutory tool to strengthen and safeguard the interest of millions of tribal and forest dwelling communities through its provision of decentralized forest governance with the recognition of the authority of "Gram Sabha's," or village councils, over the conservation and management of the forest land and resources, where they inhabit.

Gram Sabha has the responsibility to protect, regenerate and conserve the resources along with plan for income generating activities, as per their own assessment of their dependence on the resources and prevent illegal encroachment of forest land.

The study "Post title scenario of community forest resource area-Management protocol (Including Forest foods)" was primarily undertaken by Centre for People's Forestry to analyze the current situation (after a decade of implementation of the Act) with regard to community rights and community forest resource rights in specific locations to understand - the implementation process

of the rights recognition, 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. It is a qualitative study where the data were gathered through interviews, direct observations, focus group discussions, and analyzed. The information was collected from states of Karnataka, Maharashtra, Odisha and Chhattisgarh where the titles have been issued) or it have been self-asserted as in state of Gujarat for Banni Grassland. The study tried 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.

Key findings, policy suggestions and recommendations to stakeholders from the study report "Post title scenario of community forest resource area-Management protocol (Including Forest foods)" are presented in this brief.

¹ This policy brief is developed based on the findings of a study "Post title scenario of community forest resource area-Management protocol (Including Forest foods)" carried out by CPF. Detailed study report can be shared on request.



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Findings

- 1. Implementation, of the act has remained incomplete:** The recognition of rights to the forest dependent community remains incomplete in many aspects. In – three out of the five study states the claims are settled against “form B” which vests the rights – to access the forest resource, right to use, harvest and sell forest produce by the community; but the community forest resource rights, against form –C, with right to protect, regenerate, or conserve or manage forest resources within the customary boundary of a village (Section 3 (1) (i) of FRA) are not recognized as per the preamble of the Act.
- 2. CFR management plan implementation has not been taken up holistically and is resource specific:** For example, bamboo management plan in Maharashtra and Odisha. Therefore, not much activities have been taken up for regeneration of forest as a whole including NTFP, water bodies, grazing land etc. addressing the forest ecosystem. Such holistic management plan is implemented only in Banni Grassland.
- 3. Poor Implementation of Habitat Rights:** As there is no proper guideline regarding recognition of habitat right, it is observed that there is no uniformity in claim filing. Some where it is claimed village wise as in Chhattisgarh and in some place, claim is filed as per traditional administrative set, for cluster of villages as in Keonjhar, Odisha. In Chhattisgarh due to lack of clarity Community title is recognized but it doesn't state anything about the habitat right or the resource management right. In Odisha the claim is reverted back again and again by SDLC based on lack of evidences for recognizing right for the complete cluster (traditionally called as pirha).
- 4. Lack of Coordination among Key Departments:** Coordination between the three main departments (Forest, Tribal Welfare and Revenue) is essential for 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. 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.
- 5. Forest dwelling community have inbuilt traditional system for management of forest resources:** The tribal communities are conserving and managing the resources from times immemorial, it is embedded in their roots of existence. 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 without its depletion. It shows their indigenous knowledge of conservation, protection and management of the natural resources and forest resources on which their survival is dependent.
- 6. Loss of balanced nutrient to tribal food basket:** Traditionally tribal communities were dependent on forest foods for their daily consumption. Proportionately 80 percent of the daily dietary consumption was from forest items. Due to depletion of forest area near to the habitation, the community is now not willing to take the hardship to go into deep forest to collect the food item. Along with it there is increased dependency on targeted public distribution system. The reliance on forest food has reduced to almost 30 percent, and food item are collected occasionally from the forest as an allied activity along with fuel wood collection. This change in food pattern may affect the nutritional content in the diet of the tribal community.
- 7. Role of Civil Society Organizations is vital in strengthening the community:** The communities are highly motivated and CBOs are much strengthened where Civil society organizations have played a vital role in capacitating the community and guiding them to come forward for their rights; 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 – Vidarbha Nature Conservation Society, CREFDA, ATREE, Sahjeevan respectively.
- 8. Establishment of Research stations in field area and their support to community is strengthening and enabling the community to manage the resources with scientific methods:** The Soligas in BR hills and the Maldharis in Banni grassland, are able to take steps to protect the forest and grassland respectively from the spread of wild species of Lantana camara and Prosopis juliflora with the support of the scientists and researchers working in the research station established by collaboration of NGOs and CBOs in the locations.



Policy Recommendations

Based on both the learnings and the gaps identified in the implementation of the FRA-2006 – Community rights and Community resources rights, some suggestions have been made to policy makers towards effective implementation of the Act in its true spirit.

- **The new policy and programs related to forest and Tribal community** i.e. CAMPA etc. should be in alignment with FRA-2006 to avoid the conflict between various department related laws, policies and programs, and thus fostering the process of implementation and also strengthening the community to leverage funds from the government programs for taking up the community forest resources management plan. This alignment will also help to bring in coordination between the three implementing departments i.e. Tribal welfare department, forest department and revenue department.
- **There should be a uniform guideline for process of recognition of habitat rights for the PVTGs:** Section 3(1)(e) of the Act provides for rights including community tenures of habitat and habitation for primitive tribal groups and pre- agricultural communities. Their habitats are defined through customary territories used for habitation, livelihoods, social, economic, spiritual, sacred, religious, cultural and other purposes. In Odisha the Juang PVTG community is seeking habitation rights for cluster of villages (as per their traditional administrative set up) in same geographical region whereas in Chhattisgarh the PVTG have received community rights under form B at habitation level only and without mention of habitation rights in the title. There is no uniformity or clarity in recognition of habitat rights. The rules 2008 and amended rule 2012 prescribed for implementation of Forest Right Act 2006 doesn't give enough clarity to above mentioned issues. Therefore, special guidelines need to be in place for recognizing habitat rights for the PVTGs which can be derived in Consultation with the tribal leaders from traditional administrative structure as these tribal administrative structures have their own rules and regulation of resource management and benefit sharing.
- **The forest management system should be in integration with the traditional practices** of the tribal community as forest protection and conservation is an inbuilt part of the tribal culture. The blend of traditional and scientific knowledge with participatory approach can led to effective and sustainable management of forest resources by the community.
- **Small research and training units should be established at field to support the community** with scientific knowledge and to take up 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 government to foster the process.
- **Government should bring on policy or program** focusing on reviving forest food as they are major dietary component of tribal food habits, which also provide balanced nutrition and are currently becoming rare than normal.



Recommendation for the Stakeholders

1. Community level

- Proper documentation of the claim: It has been observed that it had been easier for the departments to recognize the rights where strong documentation has been done with adequate evidences. Proper documentation of the traditional rules and regulations followed for management of the resources in the forest also build a strong case for the community.

2. Tribal welfare department and ITDAs:

- Fostering the process of recognizing the CFR: Since last 12 years of implementation of FRA-2006, priority has been given to recognize the Individual rights. The Ministry of Tribal Affairs should immediately and rigorously implement the provision under community forest resources rights, as these give access as well as management rights to Gram Sabha members over forest resources, which play an important role in enhancing the livelihood of people, and environmental conservation.
- Integrating government schemes for effective implementation of management plan: 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.
- Training to the field level officials on the procedure of the recognition of rights under FRA-2006, so that they can support the community in process of document preparation and submission and later post recognition of titles; for convergence with government schemes.

3. Forest Department

- Defined roles for Gram Sabha and Forest Department: The relationship between the Gram Sabha and the Forest Department needs to be clarified in regards to the management of forest resources under FRA -2006. The Forest Department should respect the Gram Sabha authority for managing and protecting forests. The structure of such committee for management of forest resources should emerge out of an informed Gram Sabha.
- Providing technical support to CFR management committees: 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.
- The forest regeneration plan for Community forest area recognised under Form B of FRA-2006 should focus on reviving the plant species which are source of food to the community. The forest foods collected are major dietary component of tribal food habits, which also provide balanced nutrition. Forest department should also incorporate conservation of such plant species in their working plan as essential component.

Key Messages

- **Enabling Factors for recognition of rights are - Strengthened community, active support from district administration and NGOs, strong political backing; and proper documentation of claim with adequate evidences**
- **Forest Department needs to restrict their role only to provide technical guidance to community when approached, so long as the communities do well on their own.**
- **Traditional knowledge of community on forest resource protection and conservation should be streamlined for participatory and effective forest management and generation of sustainable livelihood opportunity for the forest dwellers**
- **Small field research and training units should be in place to support community with technology for forest resource monitoring and for planning of forest regeneration and conservation**