

TRIBAL ADMINISTRATION AND FORESTS

In Indian context, the indigenous people/tribals and forests are inseparable phenomenon and, in general, public understanding of both is almost synonymous. The tribals are described as 'Vanvasi', means forest dwellers, clearly suggesting the relationship between the tribals and forests. Overwhelming majority of the tribals stay in or adjacent to the forest areas, and most of the forest areas in our country fall in the tribal regions and tribal districts. Historically, at one point of time most of our forest areas belonged to the tribals and the entire economic activities and livelihood of the tribals were fully dependent on the forests. In other words, the tribals belonged to the forests and most of the forests belonged to the tribals about 150 years back.

This situation sharply and tragically changed after the nationalization of forests by the British, the process started with the Forest Act 1865 and the subsequent stringent provisions in the above Act in 1878, the tribals were totally dispossessed of their own forest land and the rights. This was the biggest blow to the tribal economy and their main livelihood. The State gradually gained monopoly over forests. Forests were declared to be reserve forests from where tribals were driven out. Cultivating land, collecting Non-Timber Forest Produce and felling of trees became illegal. Tribals who occupied these forests earlier, lost their habitat, their land, livelihood and everything else that they had. No title deeds or any other rights were given in these forests. Over a period of time, tribals and other poor people's access to forest land and forest produce has been severely curtailed, tribals were removed from their familiar and settled livelihoods. Large forest areas were either declared as reserve forests, or as sanctuaries and national parks. Constructions of dams, reservoirs and hydro electrical projects have further resulted in huge displacement of tribals on thousands of hectares of forest lands. Through various legal provisions implemented by the government, tribals are yet not recovered from that blow.

Importance of Forest in Tribal life:

India has the largest concentration of tribal population in Asia and it is the second largest in the world in terms of tribal population (Upreti, 2007). The relation between forests and tribals is intimate and is age old. Appropriately referred to as Vanyajati (forest community) and Girijan (people of the hills), the tribals are known for their association with forest and hills (Rao, 2001).

The first and foremost characteristic of the tribal economy is the close relationship between their economic life and the natural environment or habitat, which is, in general, the forest (Mehta, 1994). Technology, life and livelihood strategy of a tribal group depends on the nature of habitation, environment and resources. Tribal population lives in close proximity with bio-diversity prosperous landscapes have evolved area specific and novel livelihood strategies based on their traditional knowledge. The term 'Livelihood' implies the capability and capacity to survive (Gregory, 2008).

The forests play a vital role in the daily needs of these people. To them food, fuel, fodder and construction materials are almost entirely provided by the forests. **About 80% of their food comes either directly from the forests or by shifting cultivation (Philip et.al., 1985).** A variety of tubers, tender bamboo shoots, mushroom and green leafy vegetables are collected and eaten or stored for future use. The study of Niyamatullah (1984) identified 83 edible items that are available only in the forests of Madhya Pradesh. Studies in Orissa, Madhya Pradesh, Himachal Pradesh and Bihar indicate that over 80% of the tribals depend on the forests for 25 to 50 per cent of their food. On an average, adult tribals eat at least 600 gms of tubers per day (CSE, 1982). Besides food gathering, tribals depend on forests for food production by shifting cultivation, which has been the traditional form of their agricultural practice for centuries.

Besides food, forest also supplies the tribals with their **requirements of building material, fuel and fodder**. In addition, tribals also collect minor forest produce like gum, honey, flowers, leaves and sell to earn income.

Tribals also derive their medicines from the trees, herbs, animals, and birds. The study on tribal medicine in Kerala identified that at least 39 species of roots, 15 types of fruits, 30 varieties of leaves, 12 species of barks and many kinds of latex and flowers and nine entire plants being used by the tribals (Gadgil et.al., 1982). Similar things are observed in the other parts of the country. For instance, more than 900 herbs and plants are used in West Bengal for medical purposes by the forest people (Fernandes et.al., 1988). Another study conducted by the Academy of Development Science has identified 210 medicinal plants being used by the tribals in an area of 277 sq. km in Karjat tribal belt (CSE, 1982).

The **relationship between forest and tribals were institutionalized** over a period of time through various cultural and religious mechanisms that ensured uninterrupted habitation of the tribals within the forest regions. (As documented by LP Vidyarthi Nature - Man -Spirit complex)

- Marriage, Family, Kinship, all are around Forests.
- Some clans are named after plants and animals.
- New relations and ideas are exchanged when tribe of one village meet the tribes of other village during MFP collection.
- **Religion:** Gods and totem reside in forest. Ancestors are believed to reside in forest. SARANA GROVES a sacred place, GOSSAYINS in Maler

In addition, **tribal culture provides certain safeguards to prevent extensive overuse of the forests**. There is the belief in the spirit of the forest and field among the tribals. The living are considered guardians of the forests given to them by ancestral spirits or spirit of Gods. Therefore, they feel a strong responsibility to protect the forests. Customary communal ownership of the resources allows access to and need based distribution of these resources. Benefits are shared in the habitation, thus satisfying the needs of the community.

- Symbiotic relationship: Conservation of tress and animals by the tribe communities. Eg. Lisu Tribe - Hornbill conservation, Yanadi tribe - Olive Ridley turtle, Maldhari Tribe - Lion conservation in Gujrat

FOREST POLICIES UNDER BRITISH COLONIAL PERIOD:

In ancient India it was generally accepted that the rulers did not control forests and the communities living in the forest, because the forest was not seen as a source of revenue or commercialization. The effects of industrialization side by side with British rule in India in the 18th century brought about dramatic changes: the need to meet the growing demand for timber (associated with the railway boom of the late 1800s) and a growing dissatisfaction with the legal restrictions imposed by previous legislation, led to the institution of the Indian Forest Act in 1878, according to which the nation State was recognized as sole proprietor of classified forest lands.

The arrival of the British clearly marked the era of exploitation of India's forest resources Empirical evidence clearly indicates that colonial forest administration was revenue centric and exploitative. Colonial rule did not recognize any rights and concessions for the forest dwellers. Ownership of forests and wastelands of the country de-facto under the State had begun. The early years of railway expansion saw an unprecedented and unsupervised assault on the more accessible forests. Large chunks of forests were destroyed to meet the demand for railway sleepers. The British imposed restrictions on the local forest dwellers leading to livelihoods, rights and privileges being adversely impacted.

The commercialization of forests during the colonial period resulted in large scale degradation. Since the eighteenth century, the colonial rule established the commercialization of forests in different parts of the country, and large areas of forests were denuded for commercial purposes during the pre-Forest Act period (Saravanan, 1998, 1999). In the early nineteenth century, large quantities of sandalwood were exported to foreign countries. Coffee and tea plantations were established in the hill areas during the second quarter of the nineteenth century (Saravanan, 1999). British iron-making industries also extracted huge number of trees from the forest. Also, during the second half of the century, forests were denuded on large-scale for establishing the railways. The colonial agrarian policy also envisaged the expansion of cultivation, which led to the denudation of the forests.

Heavy destruction of forests along the coast of Malabar down south for the timber and sandalwood had occurred during the latter part of the 18th and early part of the 19th century (Saravanan, 1998; Thakur, 1984). **Short falls in the availability of timber began to be felt, leading to the first teak plantations in Nilambur (Kerala) in 1842.** The colonial rulers became concerned by the 1850s that insufficient control over timber extraction was **threatening fulfilment of growing demand for timber** for strategic needs. This concern led in **1855 Lord Dalhousie**, the then Governor-General of India, to proclaim a **forest policy for the first time**, which asserted **imperial ownership over forests** and emphasised their regulated use for the imperial requirements: 'timber standing on State Forest was State property and private individuals had no rights or claims over it' (Chaudhry, 1984). To consolidate and implement this policy, Dr. Dietrich Brandis was appointed as the first Inspector-General of Forests in 1864, and the first Indian Forest Act (IFA) was drafted in 1865.

It begins with the promulgation of the Government Forest Act in 1865. With this Act the British Government acquired the **right to declare any forest as Government Forest**. Under this act, the Forest resources were brought under the control of State. Subsequently in **1866, the Forest Department (FD) of India was created**, and the Indian Forest service (IFS) was organized to exercise exclusive rights to exploitation of the existing forests. Its chief duties were to **develop the large timber forests such as the Sal Forest of 'Dudh' and 'Deodar' forest of Himalayas and the forests of the Western Ghats (Randhwa, 1984).**

Later as their needs started mounting, the British repealed the earlier Act and introduced a new Indian Forest Act in 1878. **Reserved Forest Act 1878 came into operation** in most of the British province in India. For the first time through this act, the **Forests were classified into Reserved Forests, Protected Forests and village forests defining degrees of control over them.** With this Act, for the first time the **Government acquired rights to take over forests from tribals and declare them as reserve forests, subject to certain conditions.** 'Reserved' and 'Protected' paved for some sort of conservation, though again with vested interests to serve the purpose of the Imperial Administration. It also, for the **first time, laid down rules to impose levy on timber, then almost the only source of profit. Further certain practices were listed as offences and forest officials acquired magisterial powers to arrest a person without a warrant, if a "reasonable suspicion exists".** The Forest Department (FD) took over forest under its control restricting the rights of the tribals and forest users from their traditional customary rights in the guise of reserving forests. The Government acquired further powers by amendments made in this Act in 1890 and 1891. Meanwhile, the Madras Presidency promulgated its own Act, the Madras Forest Act, in 1882, similar to the Central Act. Subsequently, several forest Acts were initiated, by and large, curtailed the rights of the tribals and other forest users.

The colonial government thus asserted control over extensive forest lands, resulting in the decline in traditional conservation and management systems around the forests (Gadgil and Guha, 1992). The degradation of forests by the middle of 20th century has been partly blamed on the accelerated fellings performed during the crises of the two world wars (Rao, 1979). Gadgil and Guha (1992) are of the same view because the tree felling during the war period was so severe that it seemed far beyond

sustainable limits in many cases. Moreover, forest based industries had expanded in numbers during and after the two World Wars.

Forest Act 1855:

The various provisions of this Act saw the earliest attempt at regulation of forest produce and assertion of the monopoly of the state over the forests. The Act empowered the state to declare any land covered with trees as forest and to regulate it by due notification. It thus resulted in undue restraint, by law, of the socially regulated practices of the forest communities. It became clear by the passing of this law that the **customary 'rights' of using forest products were transformed as 'privileges'**. Surprisingly, the Act was applicable only to forests under the control of the government and no provisions were made to cover private forests.

Lord Dalhousie's new forest policies greatly expanded British authority over the land and people of India. British India's forest administrators feared the potential long-term environmental, economic and climatic effects of deforestation caused by indiscriminate logging which convinced Dalhousie to support modern scientific forestry methods and conservation.

Indian Forest Act, 1865

The organized forestry activity began in 1864, when the Imperial Forest Department was established in India. The Imperial Forest Department attempted to establish its control over forests, by various legislations with the help of German Forester Dietrich Brandis, who was brought to look into the process of forest resource management in India (Mishra, 1999). The Indian Forest Act, 1865 was legislated with the objective of asserting state monopoly on forest resources. Brandis argued about the influence of forest on climate, rainfall, and irrigation sources as a strong tool to the imposition of state control over forests. The property rights regime changed with the first Forest Policy Statement of Colonial British Government.

In India, British rulers transformed the indigenous decentralized forest management systems into a centralized system, created a bureaucratic agency, Forest Department (FD) to meet their timber and revenue demands. The bureaucratic structure of the FD with its hierarchical working practices, though non-responsive to societal needs, was in line with the colonial government's requirements (Kumar and Kant, 2005). The Indian Forest Act, 1865 was declared the British Administration's monopoly over the forests of India.

Forest Act, 1878:

This Act extended the state's authority over the forests, which were divided into **three different categories, namely, Reserved Forests, Protected Forests and Village Forests**. The Act tightened the government's control on forests by prohibiting certain activities like trespassing or pasturing of cattle. This legislation brought about the near obliteration of centuries of customary use of the forests by rural population across the country. Asserting control over woodlands for commercial timber production, intervention in lives and livelihood of local communities saw changes of an unprecedented degree.

The local rights were refused in the case of protected forests while some privileges which were given to the local people by the government which can be taken away anytime.

Forest Policy Resolution- 1894:

The first Forest Policy envisaged the unbridled supremacy of the State's interest in the administration of the state forests **for 'public benefit'**, imposing restrictions on the forest inhabitants as well as in the areas in proximity of the forests. Commercial value of the forest prevailed over the community use of the forest. However, as a limited gesture it classified some forests as minor forests which were set aside to fulfill the needs of the communities. Thus, not only

did forest wealth augment British revenue but in the process, the rights of the Forest communities were severely curtailed. Henceforth, these communities had to deal with Forest Officials, who solely represented the interests of the State in regulating the access and exploitation of forest produce.

Through this policy the British Administration encouraged the Zamindars to convert the open forests into agricultural land for enhancing the revenue earning of the state. Forests are treated as a source of revenue to the state and not to meet the needs of the people.

In this policy, the forests were divided into four classes. The first class generally situated in hill slopes and essential to protect the cultivated plains from landslides and they played a conservation role for the benefit of cultivated plains and assured revenue to the state. The second class of forests consisted of valuable timber trees like devadharu (*Cedrus deodara*), sal (*Shorea robusta*) and teak (*tectona grandis*), and due to commercial interest natural regeneration of devadharu and sal are promoted and artificial regeneration of teak was developed. The third class of forests as per the classification under this policy meant for minor forests, which yields low quality timber, fuelwood and fodder and for meeting the demands of local people. Finally, the fourth class covered the pastures and grazing lands, the local people were allowed to use them with restrictions (Balooni and Singh 2007).

Indian Forest Act, 1927:

The Indian Forest Act of 1878 saw various amendments by different Acts of local Governments. Later it was replaced by the Indian Forest Act, 1927. This Act not only further regulated the people's right over forest, but also codified all the practices of the forest officials which led to dwindling rights of the forest communities. The forest officials at the grass root level, now dealt directly with the communities. Highly authoritative, and arbitrary the forest officials intruded in lives of the people. Coercive behaviour and abuse of power forced many forest communities to migrate to other places. The present Act deleted provisions in the 1878 Act regarding communities' rights over forests. The Forest Settlement Officer would now enquire into claims over forest lands and forest produce. This Act also put certain control over rights to shifting cultivation, ostensibly the biggest reason for forest depletion.

The principles of colonial forestry rested solely on imperial commercial interests, resulting in falling customary rights of traditional conservation and management systems. State ownership of forests led to notable decline of the subsistence economy of the forest people. It forced many communities to look for alternate occupation. The colonial period by virtue of its legal and policy instruments transferred the right over forests from communities to the imperial government. Since common property had become state property, village communities were further alienated from their own forests. Later the Government of India Act, 1935 provided that "Forests" be transferred from the Union to State List. This authority of the state over forest produce continued even after Independence.

This Act impacted the life of forest dependent communities. The penalties and procedures given in this Act aimed to extend the state's control over forests as well as diminishing the status of people's rights to forest use. The village communities were alienated from their age-old symbiotic association with forests. Further amendments were also made to restrain the local use of forests mainly by forest dependent communities.

Therefore, British policies towards forest were **exploitative, commercial oriented**. These policies did not consider tribal community's interest. To meet needs of colonial government all these policies made tribal from the owner of forest to subordinate and also treated them as they are destroyer of forest and not the protector of forest.

POST-COLONIAL FOREST POLICIES

After independence, the main tasks of the FDs were consolidation and unification of forest laws and extension of scientific management on a reasonably uniform basis. Subsequent to that is the taking over of most of the uncultivated lands/ forests under Zamindars and Princely rulers. The post-independence land acquisition often did not follow the legal procedures for settling the rights of pre-existing users and occupants, besides bringing even local community forests, earlier set aside for meeting local needs, within the ambit of a national asset to be managed for meeting 'national' needs, (predominantly supplying industrial demand and generating revenue).

In the early fifties most States enacted new legislation affecting land tenure systems, whereby large areas of privately owned forests were transferred to the FDs. In 1950 the 'Vanamahotsava', 'National Festival of Tree Plantation', started, intended as a measure for the wildlife and soil conservation across India. More substantially, the commencement of the 'National Plan of Development' in 1951, followed by Five-Year plans, initiated the move toward replacing the fell forest with the man-made forests for 'enhanced productivity'.

In 1952, the new Government of independent India formulated its forest policy. All forests of the country, including those under zamindars and princely States were brought under the purview of the Government. The new policy emphasized that the "fundamental concepts underlying the existing forest policy (1894) still hold good". But it was something more than that.

The release of reserved forests for the villagers living in it was prohibited, controls were applied even to the private forests of the tribals, and grazing land was brought under the control of the Government. As a result of the new policy certain modifications were made in the 1927 Act. Various governments amended their Acts. New States and Union Territories passed fresh forest Acts. Significantly, the gap between forest policy and forest Acts widened with this policy. While the forest policy talks of lofty goals, like environment preservation, developmental needs and tribal welfare, the Acts are primarily concerned with the regulation of the rights of the tribals. The policy has had a disastrous impact on the forests and the tribals in the three decades that have followed. It has resulted in enormous administrative changes in the forests. The early post-colonial Government Forest policies were not different from the colonial ones.

The National Forest Policy of 1952 also had not considered the needs of local people. In fact, its aim was to supply timber for the industrial needs. In other words, commercialization of forest was emphasised, like the colonial regime, at the cost of the local people.

THE INDIAN FOREST POLICY, 1952

The first post-independence forest policy formulated in 1952 was founded on a realization of '**maximum annual revenue from the forests**' which would contribute to nation building. This dashed all hopes of the tribal people which saw renewed regulation on their rights over the forest resources.

It not only followed the lines of colonial policy makers, but went beyond, in the infringement of the privileges of the tribal. The forests of tribal left untouched in the old colonial policy were now subjected to various controls under the new one. Free grazing was recognized under the old policy but a fee was imposed on it in the new regulations.

The 'rights' to shifting cultivation deemed as 'privileges' in the colonial period were now converted to 'concession' under this policy. The post independent Act saw the withdrawal of the control and right over forest land for cultivation by the tribal, duly provided by the colonial predecessor, and the beginning of the control of the private forests by the state. The old policy left untouched free grazing in forests. The new policy sought to bring it under control. Fees were introduced and grazing was to be kept to the minimum.

The Indian Forest Policy, 1952 was a simple extension of colonial forest policy. However, it became **conscious about the need to increase the forest cover to one-third of the total land area**. At that time maximum annual revenue from forests is the vital national need. The two World Wars, need for defence, developmental projects such as river valley projects, industries like pulp, paper and plywood, and communication heavily depended on forest produce on national interest (Balaji, 2002). When National Forest Policy first came into existence in 1952, **the use of forest by adjoining village communities was relatively restricted at the cost of national interests (Rishi, 2007)**.

Forests are classified as protected forests, national forests, village forests and tree lands according to this policy with distinct uses. The protected forests are preserved for maintaining physical and climatic conditions and the commercial forests are to meet the demand from defence and communication industry. The forest dependent community can extract the produce of village forests for domestic uses.

Independent India inherited this bureaucratic organizational structure of the FD. In 1952, new national forest policy did make some deviations from the colonial forest policy of 1894; however, these changes could not percolate down to the operational levels (Kumar and Kant, 2005). In 1953, the Indian government nationalized the forests which were earlier with zamindars.

Objective of policy:

- Evolution of system of balance and complementary land use.
- Checking soil erosion
- Tree land establishment
- Timber for natural needs
- Maximum revenue
- This policy led to birth of many forest contractors for attaining maximum profit.
- The policy had no provision for statutory rights to tribals.
- Fees for grazing in forest introduced.

Adverse Consequences of the Forest Policy 1952

The Forest Policy of 1952 of free India was considered worse than its colonial predecessor policy of 1894, particularly for the indigenous people. To analyze the Forest policy and its impact on the tribal of India, the President of India constituted a Commission under the Chairmanship of U.N. Dhebar. The Scheduled Area and Schedule Tribe Commission emphasized the importance of forests in the life of the tribal people for it provided them with the very basis of their living by way of food, as well as income from the sale of forest produce, besides fuel. The Committee took an adverse view of the gradual extension of Government authority over forests to the detriment of tribal life and economy. Transformation from 'rights' and 'privileges' in 1894, to 'control' and 'concession' in 1952 brought in further plight in the lives of the forest dwellers. The Commission recommended that the policy of 1952 need to be reconsidered. Tribal should be allowed to cultivate forest lands and their requirements for grazing and shifting cultivation need to be conceded. The need for a relook into the responsibilities of forest officials was also emphasized.

1976: National Commission on Agriculture recommended that 'production of industrial wood would have to be the *raison d'être* for the existence of forests', and this would have priority over the needs of individuals and communities.

The same year also witnessed the **42nd Amendment to the Constitution**, which transferred the forests from the **State List to the Concurrent List**, thus re-emphasizing the role of the Central Government in the management of forests.

Forest Conservation Act, 1980

The Forest Conservation Act, 1980 serves to check the diversion of forest land for non-forestry purposes has become the cornerstone for conservation of forests (SFR, 2011). The Forest Conservation Act, 1980 stipulated that the central permission is necessary to practice sustainable agro-forestry in forest areas. Violation or lack of permit was treated as criminal offense. It targeted to limit deforestation, conserve biodiversity and save wildlife. Though this Act provides greater hope towards forest conservation it was not successful in its target. It resulted in increased deforestation and loss of biodiversity and wildlife because the rural population ignored the regulations and continued to use the forests for their survival.

4 major objectives of this act were –

- 1) restricting the use of forest land for non-forest purposes
- 2) preventing the de-reservation of forests that have been reserved under the Indian Forest Act, 1927
- 3) restrict leasing of forest land to private individuals, authority, corporations not owned by the Government
- 4) to prevent clear felling of naturally grown trees

In essence, the Act merely shifts powers for decisions concerning forest land use from the State to the Centre.

Indian Forest Policy 1988

Indian Forest Policy, 1988 is the second forest policy after independence of India and **first forest policy which recognized the role of local people in forest protection and management of forests for achieving improvements in community livelihood** (Behera and Engel, 2006). The ultimate objective of this forest policy is maintaining environmental stability and ecological balance through conservation of forests as a natural heritage. The National Forest Policy in 1988 made a very significant and categorical shift from commercial concerns to focus on the ecological role of the forests and participatory management (Balaji, 2002). Community based forest management can be an effective tool for improving rural livelihood and ensuring sustainable management of forest resources (Hoare, 2010).

Joint Forest Management in India

The Government of India formally adopted community-based forest management on July 1, 1990 which laid down broad guidelines for an institutional arrangement involving the local people to jointly protect and manage the forest resources in return for benefits from it (Singh, 2008). The village committees in association with the FD will manage specific forest blocks. Forest protection is the responsibility of the people. It brought positive effect in forest protection and management directed to the participation of 17 states in JFM by 1992 with 2 million hectares of forest land under protection.

Forest Rights Act, 2006:

For the first time Government of India via the **Scheduled Tribes and the Other Forest Dwellers (Recognition of Forest Rights) Act 2006**, admitted that

Forest rights on the ancestral lands and their habitat were not adequately recognized in the consolidation of state forests during the colonial periods as well as in Independent India resulting in Historical injustice with the scheduled tribes and other traditional forest dwellers, who are integral to the very survival of the forest ecosystem.

Features of the Act

- The act recognizes 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.

- The act also establishes the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance of FDST and OTFD.
- It strengthens the conservation regime of the forests while ensuring livelihood and food security of the FDST and OTFD.
- It seeks to rectify colonial injustice to the FDST and OTFD who are integral to the very survival and sustainability of the forest ecosystem.
- The act identifies four types of rights:
 - **Title rights**
 - It gives FDST and OTFD the right to ownership to land farmed by tribals or forest dwellers subject to a maximum of 4 hectares.
 - Ownership is only for land that is actually being cultivated by the concerned family and no new lands will be granted.
 - **Use rights**
 - The rights of the dwellers extend to extracting Minor Forest Produce, grazing areas, to pastoralist routes, etc.
 - **Relief and development rights**
 - To rehabilitation in case of illegal eviction or forced displacement and to basic amenities, subject to restrictions for forest protection
 - **Forest management rights**
 - It includes the right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use.

Who can claim these Rights?

- Members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for bona fide livelihood needs.
- It can also be claimed by any member or community who has for at least three generations (**75 years**) prior to the **13th day of December, 2005** primarily resided in forests land for bona fide livelihood needs.
- The Gram Sabha is the authority to initiate the process for determining the nature and extent of Individual Forest Rights (IFR) or Community Forest Rights (CFR) or both that may be given to FDST and OTFD.
- **Procedure**
 - First, the gram sabha (full village assembly, NOT the gram panchayat) makes a recommendation – i.e who has been cultivating land for how long, which minor forest produce is collected, etc. The gram sabha plays this role because it is a public body where all people participate, and hence is fully democratic and transparent.
 - The gram sabha's recommendation goes through two stages of screening committees at the taluka and district levels.
 - The district level committee makes the final decision (see section 6(6)). The Committees have six members – three government officers and three elected persons.
 - At both the taluka and the district levels, any person who believes a claim is false can appeal to the Committees, and if they prove their case the right is denied (sections 6(2) and 6(4)).
 - Finally, land recognised under this Act cannot be sold or transferred.

Implementation of the FRA

As on **30.09.2019**, 42,40,134 claims (40,91,308 individual and 1,48,826 community claims) have been filed and 19,69,461 titles (18,93,299 individual and 76,162 community claims) have been distributed. A total of 37,23,058 (87.81%) claims have been disposed of.

Implementation of the FRA has been weak. In 2010, the Ministry of Tribal Affairs (MoTA) and Ministry of Environment and Forests jointly constituted a committee to study the factors that aid or impede the implementation of the law and recommend necessary policy changes (**Manthan, Report of the National Committee on National Forest Rights Act, 2010**)

It appears that many of their findings persist and recommendations remain relevant. These include:

- The implementation of the FRA has been poor, and therefore it's potential to achieve livelihood security and changes in forest governance along with strengthening of forest conservation, has hardly been achieved.
- There have been **serious flaws in many states relating to the constitution of the Forest Rights Committee (FRC)** at the grassroots level which has the crucial role of assisting the Gram Sabha (GS) in determining the claims from individuals by receiving, consolidating and verifying them on the ground.
- The FRA stipulates that forest-dwelling Scheduled Tribes and Other Traditional Forest Dwellers (OTFDs) are not to be evicted or removed from forest land under their occupation till the process of recognition and verification of their rights is complete. The committee members found that this provision of the Act has been violated such as in Thane, Maharashtra where FRA claimants were evicted even as their claims were pending with no notice.
- The **relocation from Protected Areas** including Tiger Reserves without having completed the procedures under the FRA was identified as a gross violation of the FRA.
- Though the FRA does not and should not provide any deadline for completion of the process, states should expedite recognition of rights within an appropriate time frame which is to be decided in consultation with the forest dwellers and civil society, so that governments do not slacken off on implementation.
- The MoTA should issue a clarification that OTFDs as defined under the FRA are all those who can prove seventy-five years of residence in the area (not necessarily on the plot being claimed), and dependence on the forest land as of December, 2005. The MoTA should also clarify what kinds of evidences may be used for such proof and how these are to be made available to the villagers. MoTA should also clarify that no disqualifications on the basis of possession of additional revenue land or jobs, or location of residence on revenue land, etc. are permissible under the FRA.

In addition to the findings from the Joint Committee Report, 2010, Xaxa committee finds that:

- A common ground of rejection is that the person is not a Scheduled Tribe (ST) even though the FRA unambiguously states that rights to forest land are available to "Scheduled Tribe or other Traditional Forest Dweller" Claims are often rejected due to absence of ST community certificates.²²⁴ OTFD claims in Andhra Pradesh have largely not been entertained due to lack of evidence. In Odisha, OTFD's have mainly been discouraged from filing claims and most of their claims have been rejected at the Gram Sabha level itself or not accepted by the FRC. Claims have also been rejected due to inability to prove plot cultivation for seventy-five years prior to 13th December 2005.

Community Forest Rights

The FRA recognizes various community forest rights which could potentially operate as a powerful, and meaningful, way for forest dwelling communities to protect their way of life. Till as late as 2012, however, these rights were almost entirely ignored.

It is clear that unless enforcement of CFR is a community driven process, its implementation will be incomplete. When it comes to community rights awareness among claimants and FRC members is still abysmally low, even when compared to awareness regarding individual claims.

In many cases, the Forest Department is actively impeding the process of CFR rights and recognition. For example, as per a recent study conducted, 27 CFR titles have been claimed and even conferred in **Sarguja district of Madhya Pradesh** but the Forest Department does not recognize them.

The general misunderstanding is that FRA is a “scheme for tribals” to the exclusion of OTFDs and therefore, CFR titles will be granted to “Scheduled Tribes only” villages.

Authorities are also incorrectly requiring proof of “occupation” (and not proof of “residence” as stipulated under the FRA and as clarified by the guidelines issued by MoTA) of forest land for three generations prior to 13th December, 2005.

In the **Nayagarh district of Odisha**, CFRs have not been recognized in villages with a mixed population of Scheduled Tribes and OTFDs. In Jharkhand as well, 73 claims out of 147 claims filed by OTFDs, have been rejected (i.e., 50 percent rejection).

In Chhattisgarh, there are continuing reports of Forest Rights Committees (FRCs) being constituted at Panchayat level overseeing several villages.

In most cases, members of such FRCs are not aware of their membership and their duties. Lack of awareness, information and training on filing CFR claims in such FRCs prevents interested communities from filing claims. There are also **reports of such FRCs being manipulated by village elites leading to conflicts**

Exercise of rights over the Minor Forest Produce (MFP), a community right under the FRA, remains a big challenge across the states. There is no institutional mechanism developed so far to support the rights holders in the process of exercising the MFP rights particularly in the disposal and marketing of the produce.

Joint Forest Management

In areas where Joint Forest Management (JFM) was in practice, there were complaints that the FRA was sought to be kept out. Further, attempts were to convert the village forest committees set up into forest rights committees under the FRA, which is not in consonance with the law.

In Andhra Pradesh, the SCSTRTI study notes that “community forest rights were generally understood as rights over areas of Vana Samrakhyan Samiti (VSS), an institution created by the Forest Department under the Joint Forest Management Program. Instead of conferring title to the Gram Sabha, CFR titles have been found to have been issued in the name of individuals like VSS chairperson or village elder or Sarpanch, which is a clear violation of the law”.

In Gadchiroli, Maharashtra a study reports “In almost all the villages visited in Gadchiroli, JFM has been implemented, even after the CFR titles have been granted. The reason given by facilitators is that for works taken up under JFM, funding is provided by the Forest Department. CFR rights come with the responsibility of protecting, conserving and regenerating their forests. However, there is no provision of funding for work related to these responsibilities. Also, though the CFR titles have been granted, the forests given under CFR to many villages do not have bamboo or any other NTFPs, which could help communities earn livelihood.”

Particularly Vulnerable Tribal Groups: Food Security and Habitat Rights

Control over forest resources is essential for the survival of PVTGs. In recognition of this vulnerability, the **FRA has a special provision for PVTGs for “rights including community tenures of habitat and habitation” under Section 3(1) (e).**

In the Orissa Mining Corporation. v. MoEF case,²⁵³ the Court pointed to the FRA Rules, 2012 which state: (c) “In view of the differential vulnerability of Particularly Vulnerable Tribal Groups (PTGs) amongst the forest dwellers, District Level Committee should play a pro-active role in ensuring that all PTGs receive habitat rights in consultation with the concerned PTGs’ traditional institutions and their claims for habitat rights are filed before the concerned Gram Sabhas.”

For PVTGs, the implementation of FRA has been poorest since their habitat rights are not clearly defined or understood by the Forest Department. No disaggregated information and data at the national level on status of the implementation of the provision for rights of PVTGs particularly of habitat rights under the FRA. The Joint Committee Report, 2010, found that “Orissa is the only state that has taken some proactive steps on PTGs and issued a number of circulars focusing their rights, and entrusted the responsibility on the micro-project officers and project administrators of ITDAs, but neither ‘habitat right’ nor CFRs in any case has been finalized.”

Out of the 75 PVTGs, there are hardly one or two examples of habitat rights claims (claims by the Juangs in Keonjhar, Odisha and by Madia in Bhamragarh of Maharashtra). The claims by the Juangs are still pending.

Some problems that arise for tribal communities in claiming habitat rights include: lack of clarity over definition and interpretation of what is entailed in habitat rights; multiple interpretations of habitat, especially if the user rights of other, non-PVTG groups sharing the same territory are involved; or if the traditional habitat boundaries of PVTGs overlap with wildlife habitats; and a lack of awareness among such communities about the terms in which to articulate such claims. The definition of ‘habitat’ among PVTGs is still evolving. One example is the work being done in the Baigachak area of Dindori district, Madhya Pradesh to document the traditional ‘garhs’ or places of origin of the Baigas, a forest-dependent PVTG belonging to Madhya Pradesh and Chhattisgarh. Garhs are sacred paces (villages, trees, rocks, or caves) that could extend much further than the traditional village or forest boundaries of Baigas resident in one particular area. Garhs are often in Reserved Forests, and are associated with deities, sacred plants and totemic animal species revered and protected by particular clans of the Baigas. The worship of garhs is a living tradition. Activists in Dindori are attempting, through tracing the garhs of various Baiga clans, to establish a history of the range and pattern of movement through which Baigas have settled in their present habitations.

A spate of infant deaths among the PVTG in Attapadi in the Palakkad district of Kerala brought back the spectre of malnourishment, anaemia and extreme poverty. The report of the advisor to the commissioners in the Right to Food petition before the Supreme Court received information that 36 children had died in the six months preceding his visit in May 2013.

Severe anemia, malnourishment, the lack of potable water, the absence of specialized doctors and of equipment led to the precarious nature of health care and protection in Attapadi, leading to the death of infants. At a public hearing in Attapadi, speaker after speaker spoke of the distance between the dwellings of Kurumba tribals and the ration shop, the paucity of minor irrigation projects that could ensure drinking water and irrigation to the tribal community, the inaccessibility to remote tribal villages and the problem brought on by drought. One issue that was raised was about forest-dwelling communities which have had a sudden shift in their nutrition status after rules that have been made

which prevent killing of animals without providing them with alternatives that would make up for the loss of nourishment.

Attapadi has again highlighted the implications of extreme poverty and inaccessibility. Attapadi is a stark reminder of how forgotten tribal communities can become and what contexts of direness are produced by extreme poverty, remoteness and the non-provision of services by an administration.

Women rights:

The Xaxa committee has noted that women's participation in processes under the FRA remains low. Women are dependent on forest and forestland for their livelihood and active participants in the various forest activities. In a telling statement, the women's cooperative President in Panibhandar village in Odisha reportedly said in an interview, "My land and forest is important for me, what will I do with other things if there is no right over forest. Forest is the only resource from which women are getting income." The absence of their voice at various levels (from Gram Sabhas to forest committees) means that critical issues are often overlooked.

Empowering provisions for women under FRA include:

- Section 2(g) of the Act provides for the full and unrestricted participation of women in Gram Sabha
- Rule 4 (2) provides that "The quorum of the Gram Sabha meeting shall be not less than one-half of all members of such Gram Sabha: Provided that at least one-third of the members present shall be women
- Rule 3 (1) provides that not less than 1/3rd of the members of the FRC shall be women
- Rule 5 (c) requires that at least one of the three PRI members nominated to the SDLC shall be a woman.
- Similarly, rule 7 (c) requires that out of the three members of the district panchayat to be nominated to the DLC by the district panchayat, at least one shall be a woman
- Section 4 (4) A right conferred by sub-section (1) shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of a household headed by a single person.

There has been little perceptible effort to create awareness among women regarding the process of claim making, verification and the rules relating to it. A large majority (80 percent) are not aware of the amount of land claimed by their husbands

The field report reveals that although the population of women in villages is often more than men, this is not reflected in their representation in the Gram Sabha.

Even among the women who participate in the Gram Sabha, the study points to lack of basic awareness. Single women and widows were a majority of the women present. Others only come when their husbands are unable to do so and stated that they were usually not allowed to air their opinion and therefore preferred not to participate.

Representation in Forest Rights Committee (FRC): One third representation of women in the FRC is mandated by law. Field studies in Odisha revealed that in most places, there was only 20 percent representation of women.

Joint titles: The law mandates that certificates for forest claims must be issued jointly in the name of both the husband and wife; however, studies show that this provision has been largely ignored in Odisha, and the survey shows low levels of awareness about this provision among women.

Forest Rights Act in Protected Areas

There are about 690 Protected Areas (PAs), i.e., National Parks and Sanctuaries in India. These areas are established under the Wildlife Protection Act, 1972 (as amended in 2006), and recognized under the Forest Rights Act.

Approximately, three million people in India, most of whom are tribals, live inside PAs and are dependent on them for forest resources. However, in the decades running into a century, forest dwelling and forest dependent tribal communities were treated as encroachers and forest offenders even when, for instance, they would be found collecting minor forest produce.

There have been situations where tribals and OTFDs have continued to be viewed as communities who should be evicted from the forest so as to pursue other conservation goals. Most states exclude PAs from the application of the FRA due to a lack of understanding and awareness of the law, and that the tribal population is a menace to wildlife in those areas.

Moreover, forced eviction, relocation and harassment by forest officials is commonplace. Reports suggest that between 100,000 and 300,000 people have been evicted from protected areas at different times. This is despite the law stating that eviction before verification and settlement of claims under the FRA is complete, is unlawful. Yet widespread displacement of tribals continues to occur.

Critical Wildlife Habitats (CWH) are a specific kind of protected area, defined under the FRA as, “**areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of wildlife conservation as may be determined and notified by the Central Government in the Ministry of Environment and Forests after an open process of consultation by an Expert Committee, which includes experts from the locality appointed by that Government wherein a representative of the Ministry of Tribal Affairs shall also be included, in determining such areas according to the procedural requirements arising from sub-sections (1) and (2) of section 4.**”

The following constitute the conditions laid down under the FRA, all of which must be fulfilled, before declaring CWHs.

- a. The process of recognition of forest rights in PAs must be complete
- b. The impact caused by the presence of the rights holders must be sufficient to cause irreversible damage to the species and their habitat
- c. The State government concludes that co-existence is not possible
- d. A resettlement package has been prepared and communicated to the affected communities
- e. Free and informed consent of the Gram Sabha to the proposed resettlement has been taken
- f. No resettlement to take place until land allocation according to the promised package is complete.

Non-recognition and rejection of Community Forest Rights claims

CFRs assume special importance in PAs as the FRA defines the use of community forest resource to which the community had traditional access within protected areas like national parks and sanctuaries.

There are **certain incorrect assumptions regarding implementation of the FRA**. At the Forest Department level, **it was believed that rights under FRA couldn't be claimed in PAs** or when resettlement was already underway before the FRA was enacted, and that **FRA is not applicable in Tiger Reserves**. In Tamil Nadu's State Action Plan, it is stated that Minor Forest Produce collection in PAs is not affected by FRA because it is not a traditional right.

In the Palamu Tiger Reserve in Jharkhand, CFR claims have been pending since 2011. In Biligiri Rangaswamy Temple Sanctuary (Karnataka), Soliga adivasis have applied for CFRs with detailed

documentation and maps, yet their claims have been pending. In Wadala, in Tadoba Andhari Tiger Reserve, CFR claims were rejected by the SDLC, because the villagers would have a negative impact on the area. In Badrama Wildlife Sanctuary in Sambalpur CFR rights are not being recognized.

The Raika tribe in Rajasthan are a pastoral community. However, for grazing cattle in Kumbhalgarh Sanctuary of Rajasthan, no permits have been issued to them since 2002, though higher penalties are being imposed for grazing in the PAs.

A possible reason for rejection of claims is that the area claimed does not use new technology like satellite imagery and instead relies on traditional methods of land demarcation.

Consultation with and consent of the Gram Sabha

Both the FRA and the Wildlife Protection Act, 1972 amended in 2006(WLPA), require that the Gram Sabhas of the affected areas be consulted before declaring CWHs or PAs. Examples indicate that this provision remains in disuse. In **Yawal Wildlife Sanctuary of Maharashtra, a committee was formed for demarcation of a CWH minus participation from the affected villagers**

Often Gram Sabhas are neither sent notices for consultation, nor are their consent signatures taken by the Government for declaring CWHs.

Further field visits to Sariska tiger reserve have indicated that Gram Sabha Consent has not been taken, only individual families have been approached by the Forest Department. Further, they have been 'informed' that they must consent to one of two options under the compensation scheme-cash for land, or land for land. If they do not choose either, they will have missed the opportunity.

Relocation without following process under WLPA and FRA

The FRA makes it abundantly clear that relocation cannot be undertaken without rights recognition and consent of the Gram Sabha, among other conditions. The focus remains on relocation instead of exploring co-existence.²⁸⁵ Even so, there are examples of illegal relocation in the areas of Bandipur and Nagarhole National Park in Karnataka, Simlipal in Odisha, Sariska in Rajasthan, and Udanti and Achanakmar in Chhattisgarh.

A letter by the Additional Inspector General (FC), MoEF (FP Section) compelled the Scheduled Tribes in the National Parks and Wildlife Sanctuaries to leave the premises of National Parks and Wildlife Sanctuaries without settling the rights under the provisions of the FRA.

Case study of Simlipal Tiger Reserve:

The Simlipal tiger reserve is located in the Mayurbhanj district of Odisha. There are 65 villages situated inside the Sanctuary area of which 61 villages are in the buffer area and 4 villages are in the core area. According to the 2001 Census, the Scheduled Tribe population in the Simlipal area is around 11,520 (91.77 per cent) and includes two particularly vulnerable tribal groups (PVTGs), namely, Khadia and Mankidia, who depend primarily on the forests of Simlipal. These communities are originally nomadic tribes, known for making siali ropes, catching and eating monkeys and live in areas, which are now part of the Simlipal Tiger Reserve. Their nomadic pattern is seasonal and depends on availability of non-timber forest products (NTFPs). In order to discourage this custom of killing monkeys and to decrease their use of siali (which is one of the main sources of food for elephants), many PVTGs in Mayurbhanj were relocated by the State government from the Simlipal Tiger Reserve areas into permanent colonies run by the Integrated Tribal Development Agency (ITDA). These PVTGs are restricted by forest guards to enter into the Simlipal area to collect NTFPs such as the Siali Bark, amra, mahua, char and sal leaves, which they have always traditionally collected.

Field studies indicate that 61 families belonging to the Khadia community were relocated from the village of Jenabil within the Similipal reserve, to Ambadiha colony in 2010. However, as per information shared by the families, the relocation was carried out without recognition of their rights under FRA and WLPA.

Summary of factors that prevented implementation of FRA

#1. The process of documenting communities' claims under the FRA is intensive — rough maps of community and individual claims are prepared democratically by Gram Sabhas. These are then verified on the ground with annotated evidence, before being submitted to relevant authorities. The Gram Sabha is treated as a public authority under the FRA, and if the higher authorities under the law reject its claims, substantive reasons have to be provided for doing so. This exhaustive process is why the official diktat to implement the FRA so quickly lacks any understanding about the extent of the task and labour involved.

#2. Reluctance of the forest bureaucracy to give up control — The forest bureaucracy has misinterpreted the FRA as an instrument to regularise encroachment. This is seen in its emphasis on recognising individual claims while ignoring collective claims — Community Forest Resource (CFR) rights as promised under the FRA — by tribal communities.

#3. Environment Ministry wants exceptions — To make matters worse, the Union environment ministry has been issuing circulars to make exceptions for the projects from taking consent of the gram sabhas under FRA. About a year back, **the ministry exempted** linear projects such as roads, railway lines, transmission lines passing through **from the requirement of taking permissions of gram sabhas**.

While technically these circulars are being issued by the ministry to fast-track development projects without having to amend FRA, they effectively exclude the participation of forest dwellers in decision making on development process, which has essentially been the spirit of FRA.

#4. Execution level issues —

The Gram Sabha/ Forest Rights Committee have to receive all types of claims of rights and document it with proper receiving, but in most of the states the Gram Sabha/ FRC do not have desired infrastructure and technical know how to keep these records.

The main target group of this Act are mostly illiterate and therefore filling and submission of forms regarding the claims becomes very difficult. In this situation many middleman and some bad elements starts operating with vested interest.

There is lack of awareness about Community Forest Resource provisions among local communities as well as government officials. The act provides right on thirteen different types of community rights but only two or three rights are often seen to be claimed and without proper corroboration, which often led to rejection of claim.

In absence of authentic records of evidence in situation discussed above the role of revenue and forest departments becomes very important and the actual eligible people also have to face serious problems in claiming rights for them.

In most of the states the authentic data regarding the occupation of land before the cut-off date i.e. 13.12.2005 such as remote sensing maps etc. are not available for whole area thereby creating a major problem in ascertaining the claims for rights over the land.

Environmental concern of Forest degradation from the implementation of FRA

The FRA provides grants of land to forest dwellers — **in situ** — to the extent of their present holding but not exceeding four hectares. Here lies the major problem with this legislation.

With fragmentation, forest edges come more and more into contact with human activity resulting in degradation. The FRA has set the stage for another round of massive fragmentation. This will also lead to serious human–wildlife conflict.

N.C.Saxena committee finding:

- Law is yet to be implemented in many states.
- In many states majority of individual and community rights are rejected.
- Institutions are not recognised as per law and faulty way of processing claims are major hurdles.
- Lack of awareness about rights and process of claiming rights among traditional forest dwellers (tribals and non- tribals)
- Right over MFP are not recognised in many area.
- Community forest resource hardly implemented in forest area.

Xaxa Committee recommendations:

a) The FRA framework includes provisions for: (i) recognition and vesting of rights (towards a secure tenure and livelihood/food security of the Scheduled Tribes and Other traditional forest dwellers), (ii) protection of the rights till the recognition and vesting process is completed, and (iii) control over forests of the local community and the Gram Sabhas. This framework, however, is missing from the process adopted for implementation of the law and the implementation structure does not have the necessary mechanisms and the vision to realize the objectives of the law. **What is needed foremost is to strengthen the institutional system to support the process of implementation, including strengthening of the Gram Sabhas and FRCs, streamlining functioning of the sub-divisional and district level committees, strengthening the functioning of the state level monitoring committees and a dedicated structure within the nodal ministry.**

b) The implementation of the community forest rights has hardly taken off. It needs to have a clear mechanism and plan for recognition of various community forest rights and rights of vulnerable communities such as PVTGs and pastoralist communities.

c) The democratic structure in forests with the Gram Sabhas as laid out in the FRA faces great resistance from the current forest regime and the various forestry institutions and programs implemented by the Forest Department and the MoEF. In the Joint Forest Management program, for instance, the operation of working plans are found to be obstructing the process of assertion of rights by the Gram Sabhas. It is necessary to remodel the entire structure of forest administration, the Forest Department, the MoEF and its programs to complement and enable the control and management of forests by Gram Sabhas and local communities.

d) The changed paradigm has not yet permeated administration, and projects and plans continue to approach forests as the exclusive domain of the state. This is resulting in multiple ways and situations in which the laws are subverted, and the rights of tribal communities denied. The exception to linear projects and the decisions of the Cabinet Committee on Investment illustrate the point. Such deliberate flouting of the law currently has no penalties attaching to it. Such penalties that will deter the breaching of the FRA need to be introduced.

e) The FRA mandates the representation of women in Gram Sabha and in the other tiers prescribed by the law. Effective participation has, however, been elusive. Given the close relationship between forests, forest produce and women's lives, there is work to be done to turn this around.

f) Displacement for creating Tiger Reserves and Elephant Corridors take away from the provisions that recognize that tribals need to be asked to be displaced only if co-existence is impossible and with Gram Sabha consent. The resettlement experience of those displaced speaks to continued marginalization of affected communities. This is a common tale, and that is the way it has largely been through the years. Even where the decision to displace is taken reasonably and according to the process prescribed,

the inability displayed in effecting rehabilitation has to be acknowledged. There is an urgent need to review the ability of administrators who are responsible for rehabilitation, and for revising the rehabilitation process. Failed rehabilitation has consequences that have been ignored for far too long.

Mungekar Committee Recommendations:

- i. The ownership over minor forest produce has been reiterated now in the Forest Rights Act. It must be ensured that the old story does not repeat and the community rights become a reality beginning with the next season and the primary collector is assured of full value of his collection without any levy of any description whatsoever.
- ii. The monopoly of the State-owned Corporations and the contractor system needs to be urgently done away with as the contractor in most of the Tribal areas are understood to have nexus with the naxal groups and pay extortion money to them for their trade. The poor STs are presently just employed by the contractors as helpless labourers.
- iii. It is also high time that Minimum Support Price (MSP) be introduced for at least those MFP which are collected by the Tribals in bulk and substantial support to their economic welfare. A mechanism similar to the Commission on Agricultural Costs and Prices should be put in place for pricing of MFP and then MSP extended for selected MFPs.
- iv. Forest Villages were set up during the British period for providing cheap labour for forestry operations. These Forest Villages require to be converted into Revenue Villages. Special financial provisions should be made for bridging the infrastructural gap created over decades of neglect in these villages.

Joint Forest Management:

Joint Forest management is concept of developing partnership between fringe forest user groups (people living near forest) and forest department on basis of mutual trust. This also involves jointly defined role and responsibilities with regard to forest protection and development.

India's National Forest Policy 1988 and then subsequent government resolution on participatory forest resolution, 1990 emphasised the need for people's participation in forest management.

Joint Forest Management started during 1980s by forest official (Ajit Kumar Banerjee) of West Bengal at Arbari forest division area. They gave rights to people over forest produce in return of protection of forest area. The protection through self-administration-ban on grazing, cutting trees for timber, etc. Later government recognised the role of NGO as intermediary. 1990 resolution on JFM: Full use of voluntary organisation for forest management through JFM.

Objective:

- People Participation: Protection, Regeneration of forest.
- Benefit of forest to only those who are involved in forest conservation, JFM.
- Partnership and trust between government (forest dept.) and tribals.
- Allow funding for forest management team private players.

Provisions under JFM:

- Access to forest land and benefit to the tribals if they contribute.
- Given portion of proceeds from sale of forest produce to participants (tribals). According to sharing policy of state government.

Process of JFM:

- Identification of forest land by forest department.
- Meeting with villages and competing deal.
- Educating about JFM to them.
- Implementation according to deal.

Institutions involved:

- Village Forest Council: It is representative body representing people of village (participating village). It is involved in planning and executing work, protection, harvesting and benefit sharing, management unit.
- Memorandum of Understanding (MoU) between villages (tribal village mostly) and forest department.
- Village forest council finance account.

Benefits of JFM:

- It has forestry and non-forestry components thus contribute all round development.
- Remove mutual suspicion between forest department and community around forest.
- Enhance productivity, conserving biodiversity.
- Empowering women and backward classes.

Case Studies:**Meghalaya: Forest Village Scheme**

- Forest zone demarcated and given to village by state.
- Forest department and TRIFED gave hybrid seeds/ plants.
- Villages planted apple, banana and mango trees.
- All activities till harvest is done by villagers.
- Marketing done by TRIFED.
- Profit Sharing Model: forest Deptt.: Villagers (1:3)
- Provide employment to women and remove misunderstanding between villager and government.

Evaluation:

- Most village association and village forest council present on paper.
- Sharing pattern varies across different state. Eg. Odisha- 50% timber
West Bengal - 25% timber
- It lacks legal status like community forest Resources (FRA 2006)
- No tenure security over land/forest to tribals (villagers near forest)
- Forest official retain power of final decision making in JFM. Eg. Type of tree, marketing, etc.

JFM can contribute to protection and. Promotion of forest as well as human resources development. However, ultimate success depends on cooperation and co-ordination of official and people in forest.