

**Government of India
Ministry of Tribal Affairs**

A draft working Committee Report on Guidelines for Conservation, Management and Sustainable use of Community Forest Resources under Forest Rights Act, 2006 for public consultation is enclosed.

All the concerned stakeholders are requested to send their comments on the above said report to the following emails latest by 21st January, 2021 at 11:59 PM:

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Draft Working

**National Committee Report on Guidelines for Conservation,
Management and sustainable use of Community Forest Resources
under Forest Rights Act, 2006**

for public consultation

As per the Forest Rights Act 2006 (FRA in short), Gram Sabha as the grass root level democratic institution is empowered to decide the overall framework of forest conservation and management keeping in view the interests of the forest dwelling communities. The Rules under the said Act also reflect this spirit.

The Ministry of Tribal Affairs (MOTA) constituted a Committee vide its order dated 21st February 2020 (annexure 1) to examine and recommend Guidelines for management and governance of CFR for its sustainable use to ensure livelihood security of the forest dwelling communities. The terms of reference of the Committee are as under: -

- a. A suggestive CFR Guideline as per the provisions of the Forest Rights Act, 2006 and Rules made there under to be prepared / framed which provides a clear understanding of the concept pertaining to CFR and also conceptual framework on CFR and detailed procedural aspects to encourage implementation of the community forest management and conservation regime in the spirit of the Act.
- b. While preparing / framing the above suggestive Guidelines, it may be kept in view that Gram Sabha is the lowest / grass root level democratic institution and by virtue of being a democratic institution, it is expected to decide the overall framework and objectives in which decisions on conservation and management plan should be made i.e decision will be taken by Gram Sabha only, keeping in view on the consideration what is beneficial for forest dwelling communities.
- c. The Committee will ensure that the suggestive Guideline do not deviate from the letter and spirit of the Forest Rights Act, 2006.
- d. The Committee will take into consideration the Rules made under the FRA, 2006 as well as the guidelines/ directions issued by Ministry of Tribal Affairs on the subject from time to time.

The report of the Committee is given below.

PREAMBLE

The present guidelines aim to strengthen CFR based governance and guide Gram Sabhas in managing their community forest resources in sustainable, equitable, democratic, and transparent manner as per provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter referred to as the Forest Rights Act or FRA).

These guidelines also recommend an enabling institutional set up to ensure that all institutions and administrative departments of the State and Union Government adhere to the procedures and roles envisaged in this guideline for governance of CFR areas upholding the spirit of FRA to achieve ecological security, sustainable livelihood, and other cultural practices for forest dwelling Scheduled Tribes and Other traditional forest dwellers. This institutional set up also needs to be democratic, which means giving voice to stakeholders, transparent and downwardly accountable.

This guideline also recognises that forest rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers are integral to the very survival and sustainability of forest ecosystem.

This guideline is expected to serve as creating the space for exercise and evolution of the traditional knowledge and customary systems adopted by the local communities for conservation of their community resources including the community forest resources in a democratic manner.

At the outset, it is clarified that all words and phrases used in the present guideline shall carry the meaning and definition ascribed to them under the Act and the Rules, unless specifically otherwise indicated.

CHAPTER – 1: PROVISIONS FOR MANAGING FOREST RESOURCES IN THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT 2006	
1.1	Section 3(l) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter referred to as Forest Rights Act or FRA) recognizes and vests the forest rights and occupation of the forest land in individuals and communities of the forest dwelling Scheduled Tribes and other Traditional forest dwellers (STs &OTFDs).
1.2	Such recognized rights of the communities include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring the livelihoods and food security of the forest dwelling STs and OTFDs.
1.3	As per Section-2 (a) of the Forest Rights Act, the "community forest resources" means customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape (in the case of pastoral communities) including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access.
1.4	Section 5 of FRA provides for the holders of forest rights, Gram Sabha and village level institutions to protect wildlife, forests and biodiversity of the areas.
1.5	The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 as amended by the Ministry of Tribal Affairs in 2012, under Rule 4 (1) (e) provides that Gram Sabha shall constitute "Committees for the protection of wildlife, forest and biodiversity. from amongst its members, in order to carry out the provisions of section 5 of the Act."
1.6	Further, the Rule 4(1) provides for mechanism to monitor and control the Committee constituted under clause (e) which shall prepare a conservation and management plan for community forest resources in order to sustainably and equitable manage such community forest resources for the benefit of forest dwelling Scheduled tribes and other Traditional Forest Dwellers and integrate such conservation and management plan with the micro plans or working plans or management plans of the forest department with such modifications as may be considered necessary by the committee.
1.7	The Ministry of Tribal Affairs, Government of India, has issued a guideline on 23.4.2015 bearing F.No. 23011/1612015. FRA under section 12 of the Act. This guideline mentions followings:

- As per the Section 3(1)(i) and Section 5 of FRA, the authority to protect, regenerate or conserve or manage CFRs, is the Gram Sabha along with the committee for protection of wildlife, forest and biodiversity constituted under FR Rule 4(1)(e). the meaning of Gram Sabha shall be as defined in Section 2(g) and section 2(p) of the FRA.
- Each Gram Sabha shall be free to develop its own simple format for conservation and management plan of CFR, which its members can understand with ease and may also comprise of the rules and regulations governing forest access, use and conservation;
- The Gram Sabha and the Committee under FR rule 4(1)(e) shall be authority to modify the micro plan or working plan or management plan of the Forest Department to the extent necessary in order to integrate the same with the conservation and management plan for the CFR as passed by the Gram Sabha;
- The State Government shall make available through its department, funds available under the TSP, MGNREGA, funds for forestry available with the GP, funds under CAMPA to the Committee at the Gram Sabha constituted under FR Rule 4(1)(e) for development of CFR.
- Community Forest Resources (CFR) areas as recognised under Section 3(1)(i) of FRA shall constitute a new category of forest area which should be recorded as "CFRs" in the Record of Rights and be suitable incorporated in the records of the Forest Department.

CHAPTER – 2	
CONSTITUTION OF COMMUNITY FOREST RESOURCES MANAGEMENT COMMITTEE	
	Community Forest Resource Management Committee (CFRMC)
2.1	Every Gram Sabha or village level institution where there are holders of any forest right under the Act shall constitute a Committee from amongst its members, to exercise the authorities and power enshrined under Section 5 of the Act, to be known as the "Community Forest Resource Management Committee or CFRMC."
2.2	The first meeting of the Gram Sabha, for the purpose of constituting the CFRMC, shall be convened by the Secretary of the FRC and Chaired by the President of FRC or any person chosen by the members of the Gram Sabha.
2.3	The CFRMC constituted by the Gram Sabha shall consist of not less than 5 persons as members, wherein at least two-third members shall be the Scheduled Tribes; Provided that not less than 50% of total members shall be women; Provided further that where there are no Scheduled Tribes, at least two-third members shall be from forest dependent communities;
2.4	The Gram Sabha while constituting CFRMC, shall ensure that proper representation from various user groups like graziers, MFP collectors, women and any other group dependent on forest including representation from hamlet(s).
2.5	The CFRMC so constituted shall select/elect a Chairperson, a Secretary and Treasurer among its members in its first meeting convened within fifteen days of its constitution and intimate the same to the Gram Sabha, Gram Panchayat and Sub-Divisional Level Committee.
2.6	The Chairperson of the CFRMC shall be from the Schedule Tribe and where there is no Scheduled Tribe, the Chairperson shall be from a forest dependent person. At least one of the office bearers shall be a woman
2.7	The CFRMC will function as the executive arm of the Gram Sabha, and shall remain accountable to the Gram Sabha.
2.8	The tenure of the CFRCs shall be for 3 to 5 years. The tenure of the Committee shall be decided by the Gram Sabha;
2.9	Any existing Committee looking after forest protection, conservation and management, shall be deemed to be replaced by the CFRMC for governance of CFR areas;
2.10	Where Community Forest Resource right is recognized over a common forest patch being conserved and managed by more than one Gram Sabha, in such case, the CFRMC shall be constituted in consultation with all the members of such Gram Sabhas.

CHAPTER- 3	
POWER AND AUTHORITY OF THE GRAM SABHA AND FUNCTIONS OF CFRMC	
3	<p>Powers and Authority of the Gram Sabha- (1) The Gram Sabha shall</p> <ul style="list-style-type: none"> (a) integrate the committees for the protection of wildlife, forest and biodiversity, catchment areas, water sources and other ecological sensitive areas located within which it has had traditional rights; (b) Be empowered to carry out the powers and authority as laid down under section 5 of the Act; (c) File complaint before SLMC under section 7 & 8 of the Act in case of any violation of the Act and rules by if any government or non-government entities; (d) Make rules and issue appropriate directions for governance and conservation of CFR including functions of CFRMC, conflict/ dispute resolution, benefit sharing, issuance of TT permit, fund management and etc., regulating powers, functions and activities of the CFRMC; (e) make rules or issue such directions for management of fund generated from various sources; (f) Approve CFR Conservation and Management plan/strategies/actions prepared/suggested by the CFRMC. If required the Gram Sabha can modify the suggested plans/actions/strategies including CFR Conservation and Management Plan; (g) Appoint any person or hire any institution for extending support to the Gram Sabha for preparation of CFR Conservation and Management plan, financial management system or any activities which are coming under the purview of the Gram Sabha; (h) Resolve any conflict or dispute related to the CFR Governance and Management;
3.2	Every member of the Gram Sabha has the right to inspect books of account of the fund meant for governance, conservation and management of the Community Forest Resources maintained by the CFRMC;
3.5	Meeting of the Gram Sabha: The Gram Sabha shall meet at regular intervals and in any case not less than once in <u>six</u> months to review actions taken for CFR governance; The meeting shall be presided by the village head or traditional leader or any person chosen by the Gram Sabha other than the CFR Committee members; At least one of the meeting of the Gram Sabha in a calendar shall be presided by a woman;
3.6	The Secretary of the CFRMC or any person authorized by the Gram Sabha shall inform all the members not less than 7 days in advance; In case of emergency, the seven-day notice period may be waived.

3.7	The meeting shall be held in such a time and place, which shall be convenient to the women of the concerned Gram Sabha.
3.9	The Gram Sabha shall ensure participation of forest right holders of other villages, whose forest rights are recognized within the area over which they have had traditional rights, while they are finalizing the CFR Conservation and Management Plan or regulating any access to the CFR areas;
3.10	<p>Quorum of the Gram Sabha Meeting: The quorum of the Gram Sabha meeting shall not be less than one-half of all adult members of such Gram Sabha.</p> <p>Provided that at least one-third of the members present shall be women;</p> <p>Provided further that where any decision in respect of regulate access to CFR areas, which is likely to affect forest right of any holder, at least two-third of all forest right holders or affect members shall be present;</p>
3.12	Functions of Community Forest Resource Management Committee (CFRMC)
	Functions of the CFRMC; The CFRMC shall
	a) Carry out all executive functions as decided by the Gram Sabha;
	b) accountable and answerable to the Gram Sabha for its action and decisions;
	c) prepare a draft conservation and management plan for the community forest resource and place before the Gram Sabha for final approval;
	d) ensure sustainable harvesting of Minor Forest Products within the village boundary;implement the CFR conservation and management plan?
	e) shall place the CFRCMbefore the Gram Sabha if there is any requirement of amendment of rules and regulation framed by the Gram Sabha;
	f) ensure proper maintenance of books of account, all registers including proceedings of Committee and Gram Sabha, rules and regulations, notice book, dispatch register etc.
	g) allow any member of such Gram Sabha for inspection of any document desired by them;
	h) place any proposal submitted by the Government or Non-Government agencies for any type of work within the CFR area for consideration and appropriate direction before the Gram Sabha.
3.13	CFRMC Meeting
	a) The CFRMC should meet at least once in two months for the performance of its functions; The quorum of the meeting shall be two-third of its

	members, and at least one-third of the members present should be women.
	b) The Secretary shall inform all the members in advance about the date, time, venue, and agenda of the meeting; In case of urgent action, the seven-day notice period may be waived off. The Gram Sabha members will be free to attend CFRMC meetings as observers.
	c) The meeting shall be held in such a time and place, keeping in mind the convenience of the women members. CFRC may invite any member of the Gram Sabha or any elected official or any other official to a meeting to seek their inputs. Such invitees will not have voting rights in the decisions of the CFRMC.
	d) The Chairperson shall preside over the meeting of the CFRMC, and in his/her absence the CFRMC may nominate an acting Chairperson for the said meeting.
	e) The minutes of the meeting shall be recorded in the meeting register by the Secretary. Information about decisions made by the Committee will be disseminated to all the members of the Gram Sabha;

CHAPTER – 4: PREPARATION AND EXECUTION OF CFR CONSERVATION AND MANAGEMENT PLAN	
4.1	The Conservation and Management Plan shall be known as "Community Forest Resources Conservation and Management Plan" (CFRCM Plan);
4.2	The CFRMC shall follow rules/ process or prescriptions developed by the Gram Sabha, while preparing the "Community Forest Resources Conservation and Management Plan";
4.3	The format for conservation and management plan of the CFR shall be simple, which its members can understand with ease; However, where the Gram Sabha(s) has already approved their "Community Conservation and Management Plan", in such case, the Gram Sabha or the CFRMC shall forward it to the SDLC for their information and feedback if any;
4.4	On a written request of the Gram Sabha or the CFRMC for information, records, maps or other documents, the concerned government agency shall provide an authenticated copy of the same to the Gram Sabha or CFRC, as the case may be and facilitate its clarification, if required through an authorised officer, within 2 weeks from the date of receive request;
4.5	The CFRMC shall ensure participation of all sections of the village community including forest dependent communities, pastoralists, PVTGs, nomadic communities and women, while collecting information and preparing CFRCM plan;
4.7	Where forest rights are recognized over a common resource across Gram Sabha areas, a joint meeting of the various CFRMCs/ CFRMC as the case may be, shall be held for preparation of CFRCM Plan.
4.8	The CFRMC shall share the draft plan with the SDLC for their information and feedback, if any;
4.9	The SDLC or any of its members shall revert with suggestions and feedback within a period of four weeks from the date receiving the plan;
4.10	The CFRMC shall call a meeting and place the draft CFRCM Plan before the Gram Sabha along with suggestions received from various members of the SDLC, if any;
4.12	The Gram Sabha shall take all such suggestions into careful consideration while finalizing the Conservation and Management Plan. However it should be clear that these suggestions are not binding on the Gram Sabha. If the suggestions are not received within the time frame fixed for this purpose, the Gram Sabha may proceed to finalize the Conservation and Management Plan and the same shall not be called into question in future on this ground.

4.13	The CFRMC shall send two copies of approved CFRCM Plan to the SDLC;
4.14	The Conservation and Management Plan thus approved by the Gram Sabha shall be incorporated by the Forest Department into its Working / Management Plans, and also by other line departments into the planning and resource allocation for the area.
4.15	The Conservation and Management Plan will be co-terminus with the tenure of the CFRC except in cases where for whatever reason the CFRMC has to re-elected before the expiry of its normal term;
4.17	Monitoring and Evaluation: The CFRC shall place a report /share the activities undertaken by them along with financial report on a annual basis or as desired by the Gram Sabha.

CHAPTER – 5: FUNCTIONS OF THE SLMC, DLC, SDLC, FOREST DEPARTMENT AND OTHER LINE DEPARTMENTS OF THE STATE GOVERNMENT	
5.1	<p>Role of State Level Monitoring Committee: The State Level Monitoring Committee shall</p> <ul style="list-style-type: none"> a) Take action for communication of the guideline and capacity building to all appropriate bodies including Gram Sabha and members of SDLCs, DLCs, line departments including the Forest Department; b) Monitor the progress of implementation of the guideline in the State and report on appropriate action taken to Ministry of Tribal Affairs; c) Ensure that, all State laws, policies and rules meant for the management and governance of forests and forest products are in consonance with the Act, rules made under there in and guidelines issued by the Ministry of Tribal Affairs; d) Issue necessary instructions to all line departments including the forest department to extend required support to the Gram Sabhas during development and execution of the plan or activities; e) Issue operational guideline for financial management; f) Constitute District/ Block Level Convergence Committee to operationalize rules 16 of the Forest Rights Rules and ensure that funds are available to the Gram Sabha from all State & Central Governments' program and schemes for implementation of conservation and management plan; g) Conduct enquiry and take necessary corrective steps or action if any complain or grievance filed by the Gram Sabha under section 7 and 8 of the Act and communicate action taken to the Gram Sabha;
5.2	<p>Function of the District Level Committee: The District Level Committee shall</p> <ul style="list-style-type: none"> a) Constitute the District & Block Level Convergence Committee as per the guideline or instruction issued by the State Level Monitoring Committee or the State Nodal Agency on behalf of the SLMC; b) Monitor the progress of constitution of CFRCs, development & execution of CFR conservation and Management plans, support extended by the line departments and report back the progress to the State Nodal Agency on quarterly basis; c) Ensure that the CFR Conservation and Management plan approved by the Gram Sabha, has been incorporated in the Working or Management Plan of the Forest Department;
5.3	<p>Function of the Sub-Divisional Level Committee: The SDLC shall</p>

	a) Organise training/ sensitization/ awareness program for the line department officers, members of CFRCs, PRI members on their role and responsibilities at a regular interval, especially on convergence of various state and central government programs and schemes, guidelines or instructions issued by the State or Central Government pertaining to the Conservation and Management of CFRs;
	b) Impart training to the CFRMC members on financial management, which includes record keeping, social auditing or mandated process as required under the State laws;
	c) Ensure that all line departments including forest department provided all required support to the Gram Sabha including information, map and copy of the working or management plan;
	d) Hear the petitions or grievances received from the Right Holders or the Gram Sabhas, especially on conservation and management plan, as per the provisions laid down under the Act and Rules;
	e) Ensure that views of PVTGs, Nomadic Communities, Pastoralists, Pre-agriculture communities, right holders of other Gram Sabhas, who are depending on CFR areas are consulted before finalizing CFR Conservation and Management Plan by the Gram Sabha;
	f) Monitor & submit progress report to the DLC;
5.4	Function of the Forest Department: The Forest Department shall
	a) Sensitize the officers including frontline staffs on the guideline and role of the Forest Department;
	b) Provide all the required support, i.e. map, copy of working or management plan & etc., to the Gram Sabha or CFRMC, as and when they required for development & execution of CFR Conservation & Management Plan within 4 weeks from the date of receive;
	c) Incorporate the approved CFR Conservation and Management plan by the Gram Sabha in Working / Management Plan, as the case may be;
	d) Not carry out any forestry activities either planned under the Working/Management Plan or CAMPA plan without free, prior informed consent from the Gram Sabha and the right holders, including traditional access areas approved under the community forest rights;
	e) Transfer money to the designated account of the Gram Sabha for carrying out any forestry activities, if approved by the Gram Sabha including soil conservation, bamboo management, plantation under CAMPA, nursery raising, road construction, water harvesting structures or any restoration work.

	f) Provide written feedback on the CFR conservation and management plan shared by the Gram Sabha or SDLC;
	g) Facilitate transit of minor forest produce across the State borders, where the TT permit has been issued by the Gram Sabha or CFRMC;
5.5	If the Forest Department does not provide the support sought by the CFRC or Gram Sabha, the Gram Sabha may forward a request in writing to this effect to the SDLC. The SDLC shall make every effort to enlist the cooperation of the Forest Department in this regard within 4 weeks from the date of receiving the request.
5.6	Prior to undertaking any developmental or forestry activity in a forest area which impacts the CFRCM Plan, the Gram Sabha shall be consulted such that it is involved in the decision-making process, and in any event no such activity shall be undertaken without the free prior informed consent of the Gram Sabha.
5.7	For accessing any biological material for research or otherwise from CFR areas, and for conducting any research or other purposes by any outside agencies including Government agencies, all information may be provided to Gram Sabha, for use and purpose and cannot be accessed without written permission from Gram Sabha

CHAPTER – 6 FINANCIAL MANAGEMENT	
6.1	A Single consolidated account should be operational in each CFRMC to carry out day to-day activity of the Committee and implementation of the CFRCM Plan. However, special funds may be created as approved by the Gram Sabha for specific purposes.
6.2	The Gram Sabha shall make procedural rules on the fund management, and have full control over the budget and expenditure. These funds will be deposited in savings bank account in the name of CFRMC in a nearby suitable nationalised bank or post office and operated jointly by two office bearers as decided by the Gram Sabha.
6.3	The accounting procedure shall be as applicable to the accounts of Gram Panchayat as Panchayati Raj Rules/regulation.
6.4	<p>The fund for the CFRC can have following sources:</p> <ol style="list-style-type: none"> Agreed upon contribution from sale of forest produce towards management of CFR; Grants for developmental activities received from the State Government; Funds or grant received from other non-governmental agencies for development works; Funds provided by forest department for forest development work including CAMPA fund; Any other receipts (Grants contributions and donations from reputed institution, etc.) and.
6.5	<p>Auditing and accounting procedures related to financial management of the CFRC shall be those prescribed for Gram Panchayat as per Panchayati Raj Rules / regulation.</p> <ol style="list-style-type: none"> The office bearers involved in all finance related activities, are responsible and accountable to the Gram Sabha and the CFRC. All the expenses will be in line with the rules laid down, authorized and recorded in the proceedings of the CFRC meetings. The Gram Sabha should put a ceiling above which expenses may only be authorized through a resolution of the Gram Sabha.
6.6	<p>Other important issues related to Accounts</p> <ol style="list-style-type: none"> The Secretary need to record all the receipts and payment details in the ledger and cash book of the CFRC. For the payment of wage, the same should be made through direct bank transfers or by cheque. In order to maintain transparency, cash payments should be avoided.

	<ul style="list-style-type: none"> c. Every meeting, the CFRMC will review the accounts of the previous month in a date fixed for the same. d. The Secretary will have to present a copy of the monthly account statement to the CFRMC. e. The Gram Sabha may authorise any govt. Official or its member to inspect the accounts of the CFRMC any time. f. The annual revenue and expenditure of the CFRMC should be presented within three months on completion of the financial year in the Gram Sabha. g. At the time of closing the books of accounts, the CFRMC through its Secretary will request the Gram Sabha to arrange for audit of its account. On receipt of such request letter from the CFRMC, the Gram Sabha will authorise the audit as per provisions of the Panchayati Raj regulations. h. The CFRMC will be responsible for any misuse/fraud of the funds at their disposal.
6.7	<p>Expenses from CFRC Fund</p> <ul style="list-style-type: none"> a. The CFRMC funds will not be utilized for the direct or indirect personal benefit to any members. b. Travel allowance to be paid to any member of CFRMC for participating in a meeting or any other work on behalf of or for CFRMC. c. Purchase of stationery and postages as per the requirement. d. Publicity expenses and payments made for prizes or awards in events organised for achieving objective of CFRCM Plan by the CFRMC. e. Purchase or relevant reading material including magazines and periodicals. f. Expenditure incurred for the development of nursery and plantation. g. Security / protection works. h. Audit of accounts. i. Eco-development activities. j. Other different, hidden or unforeseen expenses k. Expenditure incurred on any other forestry and developmental activity as per approved Conservation and Management Plan. l. Maintenance of community assets created out of project intervention.
6.8	<p>The CFRMC may engage itself, as approved by the Gram Sabha as per applicable rules, in creation of a Corpus Fund for management of income generating activities. This fund can be utilized for the specified purpose by following rules and regulations outlines for the same with prior approval of the Gram Sabha.</p>

6.9	The CFRCM Plan should include general proposals and outline of the budget to guide CFRMC while preparing annual budget proposals.
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CHAPTER – 7	
DISPUTES BETWEEN GRAM SABHA AND THEIR SETTLEMENT	
7.1	In case of any dispute between two or more Gram Sabhas, especially on CFR Conservation and Management Plan, the SDLC shall resolve the dispute as mentioned under the sub-rules (7) of the rules 14.
7.2	In case any person of the concerned Gram Sabha or right holder of any forest rights, aggrieved by the decision or direction of the Gram Sabha, the concerned person may submit its grievance to the SDLC within 60 days from the date of resolution. The SDLC shall follow the sub-section (2) of section 6 of the Act and sub-rules (1), (2), (3), (4) and (5) of rules 14 for disposal of grievance or dispute.
7.3	Any person or the Gram Sabha, as the case may be, aggrieved by the decision of the SDLC may within a period of 60 days from the date of the decision of the SDLC file a petition before the DLC. The DLC shall follow the sub-section (4) of section 6 of the Act and sub-rules (1), (2), (3), (4) and (5) of the rules 15, while disposing any grievance petition or dispute.
7.4	Violations of the Conservation and Management Plan: Where any violation of the Conservation and Management Plan, or damage to the community forest resources, is brought to light, these shall be brought before the CFRMC or Gram Sabha immediately.
7.5	In addition, the Gram Sabha may also initiate necessary proceeding under any other extant law, including the Indian Penal Code, the Wildlife Protection Act, 1972, the Indian Forest Act, 1927 (or relevant State forest law), the Forest Conservation Act, 1980, the Biological Diversity Act, 2002, The SC and ST (Prevention of Atrocity) Act, 1989, The Environmental (Protection) Act, 1985, the existing Panchayati Raj Laws, and any other law for the time being in force;
7.6	If Gram Sabha finds any activity detrimental to the CFR area which may include pollution, discharge of effluents, depletion in ground water table from nearby infrastructural projects such as mining/ construction, Gram Sabha, in writing can report on the environmental violations to the appropriate authority, such as pollution control board on which the enforcement authorities will be bound to take actions as per the law;

Chapter 8

General Issues relevant to Community Forest Management under FRA

As of now only 5% of the total forest area of 70 mha has been covered under CFR. The exact area where section 3(1)(i) has been used is not known. MoTA is requested to collect these figures, so that the gap between total area under CFR and the one where section 3(1)(i) has been used is minimised.

The Committee strongly believes that powers of the Gram Sabha under section 5 of the FR Act apply to the entire 70 mha of the forest area, irrespective of the fact that much of it is still to be covered under FRA. Since it is a legal issue, MoTA should consult the Law Ministry and issue clear and unambiguous orders about the scope of section 5. If there are differences between the two Ministries, it is better to obtain higher orders of the Cabinet.

In case the Cabinet decides that these Guidelines would apply only to the area covered under FRA, the Committee suggests that these should apply not only to the fresh claims that the Gram Sabha would file, but to all previous cases too, that have been sanctioned or pending for a decision. In addition, Gram Sabhas should be authorised to reopen all cases of rejection.

The Committee requests the Ministry to 'name and shame' the states that are openly flouting the FRA and its Rules by retaining monopoly control over some MFPS, such as Tendu Patta, Sal seeds, etc. The present system of Forest Department controlling Transit permits also violates Rules under FRA, which state, 'The transit permit regime in relation to transportation of minor forest produce shall be modified and given by the Committee constituted under clause (e) of sub-rule (1) of Rule 4 or the person authorized by the Gram Sabha'. If the state governments can get away by openly flouting the FRA and its Rules, what is the guarantee that they would even read the proposed Guidelines that this Committee has suggested?

Several studies rightly point out weak capacity of the central and state tribal welfare departments and reluctance of the Forest Department to entrust village communities with management and control over forests as the main factors for the neglect of CFR provisions of the Act. In many places the area settled with the forest-dwellers is much less than their use or control; boundaries of the settled area are not demarcated; meetings of the gram sabha are being called at the panchayats level, as in Andhra Pradesh and Telangana, and not at the hamlet or revenue village level as prescribed in the Act; and rejections are being done without assigning reasons. Committee recommends that MoTA should constantly monitor these issues.

Granting of titles cannot be considered the end of the story. If the objective is to strengthen livelihoods of the forest dwellers, state governments need to take several initiatives. There has been little effort to improve productivity of assigned land by linking it with soil conservation works with NREGA funds, or provide crop loans and assist in marketing of harvested products.

Similarly, in addition to recognising community rights, government should actively promote improving the livelihoods of the forest dwellers through higher production of gatherable biomass, and better opportunities for its collection and marketing.

Providing management and ownership rights to communities in itself is not enough. Such rights may not be able to prevent deterioration in the quantity and quality of the gathered MFPs, or incomes therefrom. MFPs play the most important role in the economic wellbeing of the forest dwelling communities. Unfortunately, overall production of MFPs (except of tendu leaves) has fallen rapidly due to Forest Department planting species, such as teak (in place of sal), which yield no recurrent product for gathering. Therefore, silvicultural practices should be radically changed to boost the production of gatherable biomass, and not merely timber. We need crown-based, and not trunk-based forestry which benefits markets only.

Moreover, the important MFPs continue to be 'nationalised', that is, these can be sold only to government agencies. Then many state governments have created new rights of industrialists through long-term agreements to supply forest products at a low price, bypassing local peoples' rights and privileges. Sale of MFPs is usually governed by a complex set of rules and regulations. A limited number of buyers thus operate under monopolistic conditions. For instance, in Tamil Nadu, an area of abundance of *Prosopis juliflora* (an excellent coppicing shrub with high calorific value), charcoal producers have to obtain a certificate of origin from Forest Officers. This results in constant harassment. Over regulation and complex procedures hurt value addition. It is interesting that licenses have been done away for large industries in India, but not for tiny and cottage industries based on forest raw material.

If farmers are free to sell their wheat and paddy in the open market, why restrict tribals from doing so? States should attract tribals by paying them remunerative price support rather than coerce them to sell to government agencies.

Therefore, in addition to guaranteeing that FRA is implemented in letter and spirit, one would have to address three inter-related issues for ensuring that tribals' livelihoods are supported and enriched by MFPs:

1. how to increase MFP production, while sustaining the resource,
2. how to improve access of the poor to MFPs, and
3. how to maximize their incomes through marketing.

Lastly, since both FRA and JFM mandate close collaboration between foresters and the local forest dwellers, the need for sensitive and responsive Forest Service cannot be just over-emphasized. Unfortunately, the internal culture of the Forest Service has continued to be hierarchical and authoritarian, and not participative. A paradigm shift in their outlook can be achieved by good training modules and refresher/in-service courses at various institutions.