

THE CHHATTISGARH COMMUNITY FOREST RIGHTS PROJECT, INDIA

By Duncan Green

We have lived here for three, four generations. Since my childhood I have seen how the Forest Department comes and cuts down trees. These trees have grown with us, some of these trees we have planted ourselves and have let them grow. They are like our children. We are not allowed to take even firewood but they cut down our trees. We feel very bad.

Prem Sai, a community member of Bule village, Sarguja district, Chhattisgarh

India's new and heavily forested state of Chhattisgarh is home to some of its most marginalized communities, whose traditional ways of living from forest products are under threat from encroachment by mining and other activities. Oxfam India has supported a local partner NGO, Chaupal, to help forest communities to take advantage of the implementation gap between this reality and the provisions of progressive legislation, the Forest Rights Act (2006). Early results are extremely positive, with dozens of villages winning new forest and grazing rights under the Act.

BACKGROUND

India's new state of Chhattisgarh was constituted on 1 November 2000, with 16 districts carved out of the state of Madhya Pradesh. Forests cover almost 44 percent of its total area. Eighty percent of Chhattisgarh's population lives in rural parts and 32 per cent of its population is 'tribal' ('scheduled tribes', in India's official language, are among the poorest and most marginalized people in the country).¹

Forests are critical to tribal people's lives and livelihoods. They provide jobs and income through the collection of Non Timber Forest Products (NTFPs), such as tendu leaves (*Diospyros melanoxylon*), used for making Indian cigarettes (*beedi*). People consume NTFPs or sell them to government-promoted cooperatives and societies, as well as private traders.

The forest has proved itself as a provider for the entire year, particularly during the lean agricultural season. Collection and selling of forest produce provides employment for up to 40 days a year, but is even more important in terms of monetary benefits, including wages and bonuses provided. Apart from cash flow, NTFPs provide food security (fish, mushrooms, fruits, tubers, foliage), medicines and usufruct rights, which would otherwise need to be paid for. However, agriculture production, which has been affected by rising input costs (seed, fertiliser, labour and electricity), has seen a decline in forest regions.²

But the use of forest land by tribals is a perennial source of conflict. Their legal rights are often ignored by government officials, producing a situation of insecurity and eviction, rooted in the injustices of India's development model.

The government's own research throws light on the deepening marginalization of tribal communities. Having lived for generations in a close and dependent relationship with nature in mostly resource-rich areas, they are paying a devastating price for India's chosen path. Violation of their land and forest rights, often leading to their displacement or dispossession; exploitative economic relations with the world at large; and the erosion of their cultural practices are some of the harsh, yet common realities in the life of the tribal community.

Dispossession by mining and industry has increased. According to the government, 21,000 hectares of land were diverted from Chhattisgarh's forests from 2006 to 2012; the highest of any Indian state, along with Madhya Pradesh.³ Much of this was for coal mining.

However, this process of economic marginalization has prompted a political reaction in the opposite direction. The 'Scheduled Tribes and Other Traditional Forest Dwellers' (Recognition of Forest Rights) Act (FRA) of 2006 marks one recent effort by the Indian government to correct historical discrimination. The result of decades of struggle by tribals and their allies, the FRA assures their rights over forests and other traditionally accessed natural resources around tribal habitations (such as forest products, fisheries, grazing, *nistari* (usufruct rights) and conversion of forest villages into revenue). Under the Act, tribals can access, own and manage forest and other natural resources. Individual rights over forest land are for cultivation, whereas community rights apply to cultural practices, bona fide livelihood needs through sale and collection of NTFPs, grazing, fisheries, water bodies and management of forest resources.

Although there are several tiers of administration involved in implementing the Act, the key tier is the Gram Sabha, or village assembly. The Gram Sabha is in charge of receiving and

verifying claims under the Act, and appoints the statutory 10- to 15-member Forest Rights Committee (FRC), including at least one-third women and two-thirds from scheduled tribes.

Legislation is one thing, implementation another. When India's Committee on the Forest Rights Act, set up by the central government to review implementation, visited tribal villages in Chhattisgarh in May 2010, it disputed the state government's claims that the FRA had been fully implemented, and found that the state had particularly failed to promote the community rights promised under the Act.

A broader baseline study commissioned by Oxfam,⁴ covering four states (Orissa, Jharkhand and Maharashtra, as well as Chhattisgarh) in 2013 found a massive 'implementation gap' between the provisions of the FRA and what is actually happening on the ground. Across the four states:

- only four percent of people are aware of the FRA;
- 62 percent of the panchayats (village clusters, lowest tier of government administration) have not even initiated the process of preparing lists of hamlets/habitations, unrecorded or un-surveyed settlements or forest villages, which is an essential first step in lodging claims under the Act;
- 96 percent of panchayat representatives were unaware that the FRA requires consent for the diversion of forest land into mining.

This has contributed to a general degree of inaction, with few measures taken by the government at any level in the eight years since the FRA came into being. Only nine percent of the target community has benefited from other government schemes.

BUDGET

Oxfam India has provided a total of Rs 2.2m (US \$36,000) to Chaupal for its community forestry work (November 2011 to March 2014).

THEORY OF CHANGE

Power Analysis

The position of different players on community forest rights stems from a complex interplay of incentives and motives within the different levels of the state and beyond. Those supporting community forest rights for tribals include (unsurprisingly) the tribals themselves, and their civil society allies, but also District- and village-level officials and those specifically tasked with defending tribal communities, such as the Principal Secretary, Tribal Development.

Other parts of the state machinery are, however, more hostile. The powerful Forest Department sees the FRA as undermining its control and tries to avoid cooperating with those, even state officials, charged with implementing the Act. The State government has signed a Rs 430bn (US \$7bn) memorandum of understanding with the mining and industry sector, largely concerning minerals, such as coal, iron ore, bauxite and other precious minerals on or underneath forested land. According to a report⁵ by the Centre for Science and Environment (CSE), the state has already lost 15 percent of its forest to mining.

According to Chaupal, although some local media and individual journalists are sympathetic, most other potential stakeholders are largely uninterested in (or hostile to) the community forest struggle. Faith organizations, especially mission services, are broadly indifferent unless disputes affect their own service delivery in areas such as health and education. The police and judiciary only react when a law-and-order issue arises, which has so far been avoided.

The private sector is largely present in the area in the form of private traders, seen by tribals and civil society organisations as highly exploitative and often linked to the ruling political party. Large mining companies, such as Adani Mining, have preferred to keep a low profile, although this may of course hide 'closed-door' lobbying activities.

Change Hypothesis

Oxfam's understanding of the process of change under way in Chhattisgarh is that the widening gap between economic reality (marginalization of forest communities, steady encroachment of mining interests) and politics (passing of the FRA, creation of FRCs, increasing levels of organization and assertiveness of tribals and other disenfranchised communities) creates both an implementation gap and an opportunity.

Further gaps exist in the way the FRA has been implemented to date, with higher level committees exerting political pressure to reverse positive decisions at local level, and the Forest Rights Committees often lacking representation from tribal communities.

The gap between rhetoric and reality is particularly acute in the area of community rights, which, though guaranteed by the FRA, have largely remained invisible in the implementation process in the state.

Oxfam's change strategy

Oxfam's local partner is Chaupal. Led by an Adivasi grassroots activist, Chaupal Grameen Vikas Prashikshan Evum Shodh Sansthan (Chaupal) is a combination of four people's organizations, founded in 2005. All four organizations are predominantly tribal people's organizations, with a large proportion of their membership deriving from tribal communities. They came together through their work on another popular initiative – the Right to Food campaign. Chaupal's previous campaigns on the right to food and the right to work had established good links with village panchayats, which helped overcome the panchayats' initial reluctance to work on forest rights.⁶

Oxfam has supported Chaupal's work at state level through a fairly typical INGO (international non-government organization) combination of coalition-building, brokering links with local and national officials, and information dissemination. These include supporting the formation of the Community Forest Rights (CFR) Manch (Platform) of like-minded organisations, including Oxfam partners, to discuss the challenges and difficulties at state level and to devise new and joint strategies; creating a direct link with the state tribal department for follow-up and coordination; helping with timely dissemination of information, like government orders, presentations, circulars etc.; and working at national level to raise pertinent issues, including with networks such as the CFR-LA and forest rights e-groups.

Chaupal's work falls into four interlinking areas:

- community mobilization;

- engagement of tribal communities with the state through negotiation, petitioning and protest;
- capacity-building of tribal communities and organizations of tribal people;
- research-based advocacy.

Chaupal started work on the FRA in 2012 with awareness training and meetings in various villages and Gram Sabhas. FRCs were strengthened, and leaders were taken for exposure visits to Maharashtra to study some of the first villages to get CFR titles.

In January 2013, Chaupal started the process of filing the state's first ever claims for community forest rights. As a first step, the village communities were asked to make a traditional map of their village and forest area on the ground, which was later mapped on paper. Everything was marked out, including canals, schools, trees, rivers etc. Livelihoods dependent on natural resources and all NTFPs along with average quantities harvested were recorded, along with the usage of medicinal herbs, tubers and the types of flora and fauna found in the region. This map was sanctioned and signed by all village members, FRC members, Gram Panchayat members and even people from neighbouring villages.

This collection of evidence and mapping took two to three months, after which the completed forms along with the mapping evidence, were filed with the village FRC from January 2013 onwards. Chaupal formed nine-member committees of volunteers called *Dawakartas*, charged with filing the claims. Later, they worked with the newly formed FRCs.

The FRC then got the area independently mapped, checked and sanctioned by the Forest Department. It was presented to the Sub-Division Level Committee (SDLC) in March 2013 for final approval. Under the Act, the SDLC is required to review and approve/reject claims forwarded by the village FRCs.

The claims to the CFR were for rights over water bodies and grazing land, the right to bio-diversity, intellectual property and traditional knowledge, and the right to manage the community forest resources, all guaranteed under the FRA.

Working with divisions between and within different levels of the state was an important aspect of Chaupal's work. The response from the District Administration and directly related government agencies, i.e. the office of the Assistant Commissioner of the Tribal Department, was supportive, as were village-level officials. But the Forest Department, officials at sub-district level (block) level and the Revenue Department were not. In particular, the Forest Department was reluctant to support community forest rights, which it sees as a threat to its control.

Parallel to the process of filing claims at the village level, Chaupal had a critical role in advocating with the district-level government officials like the Collector (the senior government official) and the Divisional Forest Officer (DFO), making them aware of the content of the Act and convincing them of the importance of implementing it. The leader of Menda Leka, one of the pioneer villages, was brought to explain the advantages of implementing the Act. Hoardings listing the processes set out by the Act were put up at important government meetings, prompting reflection and discussion among officials. Due to these measures, both the Collector and DFO of Sarguja stepped forward to support the process. One of the key reasons for them to extend their support was the fact that Sarguja would thus become the first district in Chhattisgarh to approve CFR claims. Before this,

according to Oxfam India staff,

'it seemed a distant dream for bureaucrats, media and even civil society, that communities could negotiate and get CFR titles over hundreds of hectares of land in Chhattisgarh.'

With support from other donor organizations in addition to Oxfam, Chaupal filed a total of 40 CFR claims.

Chaupal also adapted to circumstances and used a combination of its insider networks and links to tribal organizations to run a sophisticated influencing programme, for example blocking the actions of one senior official, as follows:

When the titles were issued, the Divisional Forest Officer (the representative officer of the Forest Department in the District level Committee) refused to add his signature unless strict conditions on the community (to restrict the exercise of rights over the forest) were included in the titles. These conditions were that the community would restrict grazing in the forest, would not cut down any kind of tree, would cooperate with the Forest Department in implementing their work-plan (which would eventually mean felling) etc.

The national network on forest rights (CFRLA, Community Forest Rights Learning and Advocacy group) vehemently criticised these restrictions, which were against the spirit of law. The federal Ministry of Tribal Affairs wrote to the District Collector ordering him to remove the illegal conditions on titles, but after the subsequent transfer of the Collector, the matter is still pending. Chaupal has planned a huge mobilisation demanding removal of the conditions from the title.⁶

The results so far have been encouraging. On 7 Sept 2013, 34 villages got their NTFP and grazing rights as part of the CFR claims. These were distributed in person by the Chief Minister, Mr. Raman Singh. But although this success was historic, it is by no means complete. In particular, the state seems more willing to recognize individual rights than community rights. Although gaining individual rights brings important benefits such as access to government schemes to dig wells, level land and other works, community rights are needed to protect the land from proposed diversion for mining and other non-forest purposes.

But even partial victory was a new experience for many of India's tribal communities, and the process by which it was achieved was as important as the immediate gains. The work of Chaupal has revived some 54 Forest Rights Committees at village level (previously, the FRCs operated at a higher level, and were largely inaccessible to villagers).

The indications are good for further progress. In particular, Chaupal has built a good relationship with the government administration at local and district levels. Because of this, it has received tremendous support in filing the claims for community forest rights.

WIDER LESSONS

It is essential to have a partner that can bridge the divide, with roots in the tribal communities, and connections in the relevant decision-making bodies.

Implementation gaps offer particularly productive areas for advocacy and organization – since the state has already agreed to the principle (in this case, of community forest rights), the battle to persuade it to take action is already half won.

It is vital to understand the incentives and motivations of officials at different levels of the state. That enables change-makers to identify and build alliances with champions, and to weaken opposition.

Nothing inspires and empowers more than success: Chaupal has broken the myth that the state government is unwilling to provide CFR titles due to pressure of the forestry, mining and industry lobbies.

Communities with little literacy and connections to the outside world have shown themselves able to engage and successfully mobilize in procedure-intensive claim processes. They can organize at village level and negotiate with the state.

CONCLUSIONS

Although the Community Forestry Rights Project's combination of extreme social exclusion, grassroots mobilization and judicial activism is essentially Indian, it provides wider insights about the ability of NGOs and other outsiders to catalyse change. To do so, they have to straddle two worlds – be genuinely connected to, and respectful of, local communities, but also able to build alliances with those in power.

The work in Chhattisgarh shows the empowering potential of 'quick wins' based on implementation gaps in existing legislation, which can produce a snowball effect among communities as they discover their 'power within' and start to organize to change their lives.

FURTHER READING

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ANNEX: TIMELINE

2006	Forest Rights Act.
2012	Oxfam partner Chaupal starts work on Forest Rights Act.
January 2013	Chaupal starts the process of filing the State’s first ever claims for community forest rights.
7 September 2013	34 villages get their NFTP and grazing rights as part of the community forest rights claims.

NOTES

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6 Chaupal (2014), personal communication.

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