

OXFAM IN ACTION

Strengthening Communities to Claim Community Forest Rights in Chhattisgarh



ऑक्सफैम इंडिया
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Oxfam India is part of a global movement working to fight poverty, injustice and inequality. In India, it works in six states¹. Oxfam India's programme on Fair Sharing of Natural Resources is aimed at marginalised communities to realise their rights through rightful access, control and sustainable management of natural resources, thereby giving them voice and agency to transform power structures and reduce inequality and injustice. In Chhattisgarh, Oxfam India is working with KHOJ Evam Jan Jagriti Samiti (KHOJ), in Gariyaband and Dhamtari district since 2015, and with Gram Mitra Samaj Sevi Sansthan since 2014 in Korba and Rajnandgaon districts. The focus of the work has been to secure access and entitlements of marginalised communities, especially women and *Adivasis*, to forest and its resources, and their management through the implementation of the Scheduled Tribes and Other Traditional Forest Dweller's (Recognition of Forest Rights) Act 2006, also known as the Forest Rights Act (FRA). These access and entitlements are critical to the well-being and livelihoods of the forest communities.

The forest rich states of India like Chhattisgarh, Odisha, and Jharkhand — also the three focus states of Oxfam India — are rich in natural resources and home to India's one-third *Adivasi* population of India. This overlap has worked against the *Adivasis* and other traditional forest dwellers who are entirely dependent on the forest resources for their livelihood and food requirements. Mining and other development projects undertaken in these mineral-rich forest areas make the *Adivasis* and the forest dwelling communities vulnerable to displacement. Incidentally, these states also have high levels of poverty.

The extent of displacement can be gauged from the fact that in 2015 alone, the Ministry for Environment, Forest and Climate Change (MoEFCC) gave final approval of forest clearance to 329 projects spreading over an area of 11525.6 hectares (ha) (28480.4 acres); Chhattisgarh has the second highest number of forest diversion cases. A sector-wise analysis shows that the maximum cases of forest clearances were for the mining sector. (see box: Forest Clearances in 2015)

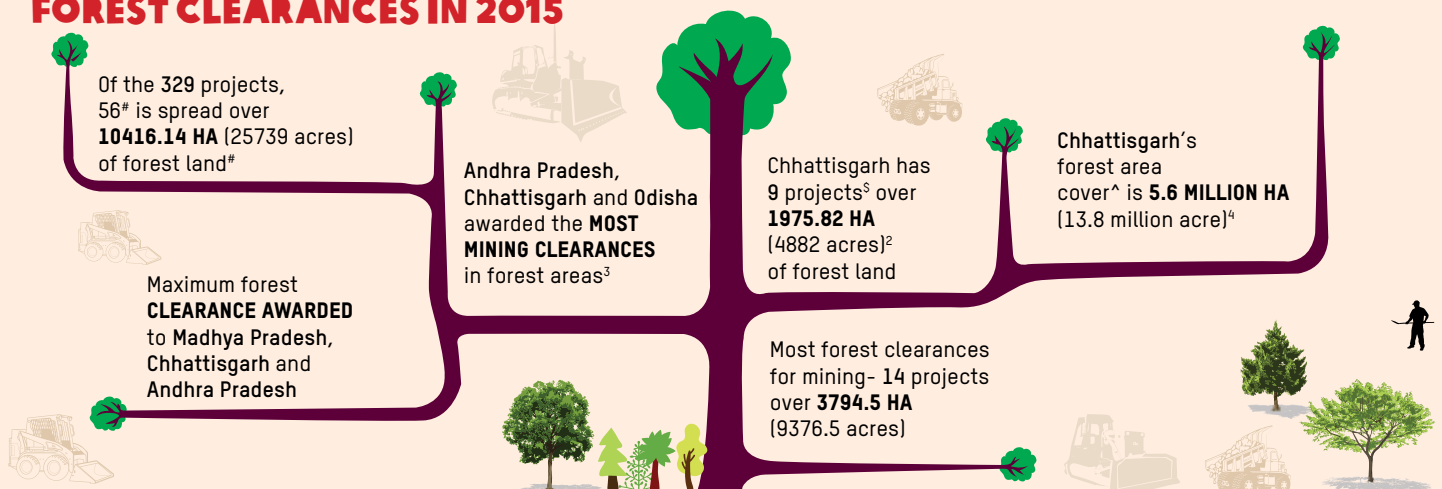
The forest clearances for mining projects and industrialisation are often justified by the employment that they are likely to generate in these parts. The irony is that despite being rich in forest resources, the states and in particular the *Adivasis* and the forest dwelling communities, suffer food insecurity and low economic development.

Chhattisgarh has 40 per cent of its population living below poverty line⁵. The *Adivasis* comprise 36.9 per cent of the rural population; they along with other forest dwellers depend on the forests for their sustenance. In this context, it is even more critical that the *Adivasis* and the other traditional forest dwellers claim and protect their forest rights. FRA 2006 is landmark as it recognises the customary rights of the *Adivasis* and other forest dwelling communities over their forestland. The Act recognises the traditional and customary rights of forest dwellers—both Individual Forest Rights (IFR) and Community Forest Resources (CFR) Right. This includes Community Rights (CR also known as *nistaar*), grazing land, and minor forest produce. The Act also empowers the Gram Sabha, through formation of CFR Management Committees or 4(1)(e) committee, as it is popularly referred to, to conserve and manage forest resources.

Oxfam India works with forest dwelling communities largely *Adivasis* and in some cases the Particularly Vulnerable Tribal Groups (PVTGs) in Chhattisgarh to create awareness regarding community forest rights, its benefits, and its impact on their lives. This is important since the information, from the government, regarding process of claiming rights is neither forthcoming nor complete. In Chhattisgarh, the recognition of CFR has been slow; in fact there are no records of claims filed or recognised. According to Ministry of Tribal Affairs (MOTA), as on January 2016, Chhattisgarh had 860,364 IFR claims filed and 347,789 claims distributed⁶. There are no records from the state for the number of Community Forest Rights and Community Forest Resources Rights filed or recognised.

Oxfam India along with its partners – Gram Mitra and KHOJ – are working to address the gaps in the implementation of the Act, as well as support communities to prepare claims and enhance livelihood through sustainable management of forest.

FOREST CLEARANCES IN 2015



[#]56 projects fall under the 'over 40 ha' category; [^] Over 40 ha category; [#] According to 2011 statistics
Source: Centre for Science and Environment

PLANTING BAMBOOS TO ASSERT THEIR RIGHTS OVER FORESTS: PADKI VILLAGE (RAJNANDGAON)

Man Singh Kovdo and Rohit Kumar Dhurve are two, of the four, designated *Thengapali*⁷ in the 216 ha (534 acres) in the Padki Pahadi jungle. The forest known for its medicinal herbs falls in the Padki village under the Kudurghoda Gram Panchayat in Ambagad Chowki block of Rajnandgaon district. With their sticks or '*thenga*' painted green and white, they take turns or '*Pali*' to guard the forest, and in particular, the small plot of bamboo plantation within the forest.

The bamboo saplings, in its early stages now, were planted at a distance of four feet from each other. The plantation on a 2 ha (5 acres) plot, within the forest, holds 4000 saplings; the forest is dense with Sal, Mahua, Neem, Tendu and edible fungi like mushrooms.

Barbed wires mark the outer boundaries of the forest. A board, next to an iron gate at the entrance of the forest, announces the bamboo plantation and CFR title received by the village. The latter however is faulty. The CFR title of Padki was awarded to the Van Suraksha Samiti (VSS) or the Joint Forest Management Committee (JFMC)⁸ instead of the Gram Sabha, as is legislated under the FRA. The District Level Committee (DLC) in Rajnandgaon district has issued erroneous CFR titles to 84 villages, including the villages of Pangri and Padki.

The VSS received the title automatically in 2014, on behalf of the village, without the knowledge of the Gram Sabha. In fact, the Gram Sabha wasn't aware of either the FRA or the process of filing the claims for the CFR titles. The VSS in this village was formed in the 1990's. The forest guard, who is the secretary of the VSS, informed the Gram Sabha that a hefty amount of Rs 80,000 was deposited in their account. This money meant for the conservation and management of forest resources was used, instead, for building a small temple, and buying a few utensils and chairs.

"The forest guard manages the money; this leaves the other members of the community without any say on how the money should be spent," says Imleshwar Komre, president, Forest Rights Committee (FRC). This too was in violation of the FRA rules, which states that the conservation and management of forest and forest resources should lie with the Gram Sabha through its CFR Management Committee, popularly called 4(1)(e) committees⁹.

It was in 2014, after the VSS received the CFR title, that Oxfam India and Gram Mitra, through Srishti Samaj Sevi Sansthan, began working in Padki village. After several rounds of meetings and trainings on FRA and its rules, the Gram Sabha decided to file an application to wrest the title from the VSS. First, they formed the FRC. The 20-member FRC included former members of VSS as well; while the community members of VSS comply with the new Act, it is the forest department that is finding it difficult to let go of its power that it wielded through these Samitis.

In the meanwhile, an abandoned school was used as a Gram Sabha bhavan and meetings were held regularly. A bank account was opened in the name of the Gram Sabha—something that hasn't been the practice in the state. During trainings and meetings, FRC realised that though they had Community Forest Rights for 216 ha they could claim more. A map needed to be prepared; the absence of a map made it impossible for the Gram Sabha to demarcate their forest area. This was even more important as

Padki and the neighbouring Pangri village had some common forest areas. The forest department used the lack of well-defined forest boundaries to pit Padki and Pangri against each other.

The forest department continues to harass and threaten the villagers but the community has put up a strong fight. In order to lay claim on their forest, the villagers first fenced the boundaries. The Gram Sabha members collected nearly Rs 12,000 from the community¹⁰ and purchased barbed wires. "Once we fenced the forest boundary, the forest guard threatened to pull it down. We asked them 'all these years as part of the VSS we did this so what was wrong now?' We have guarded this 216 ha day and night," says Rohit. He was part of the VSS earlier. Women too perform guard duties during the day.

In order to leverage the CFR titles the community decided to go for bamboo plantation. This idea too came from the erstwhile VSS members who carried out bamboo plantation for the forest department under Joint Forest Management (JFM). "We were trained in bamboo plantation and we knew it would be a good source of income. So why not?" says Nakul Prasad Yadav, FRC member. He earlier worked under Forest Development Corporation (FDC), an autonomous agency set up to develop forest plantations for revenue generation.

The trainings facilitated by Oxfam India and Srishti have helped unravel the Act and the rules for the community as well as assisted them through the tangle of administrative processes. "Once the FRC was formed, the ratification from the Gram Sabha and the Sarpanch needed to be sent to the Sub-Divisional Level Committee (SDLC) and District Level Committee (DLC) members. During the trainings and meetings we found that the community had formed the FRC but not intimated the authorities. It would have left the FRC invalid," informs Jaydev Mahurle, coordinator, Srishti.

The FRC filed the application, at the SDLC and DLC, requesting the title be rectified and transferred to the Gram Sabha instead of the VSS. When they received no response, the community filed a petition with the State Scheduled Tribes Commission at Raipur. The concerned authorities failed to show up. Then a memorandum was sent to the Chhattisgarh Governor and MOTA. In March 2016, the community efforts bore fruit and the Sub Divisional Magistrate summoned the Gram Sabha to record their statement.

In the meantime, the community is busy making plans for the forest. "There are over 4000 mahua trees. Earlier everyone, including those from neighbouring villages, could collect the flowers from the forest. Now we will restrict the collection to the village. We have plans to form a Mahua collective as well," says Manisha Dhurve, member of the 4(1)(e) committee of Padki village.



The villagers take turns to guard the forest.

COMMUNITY RESISTS FOREST DEPARTMENT: PANDRIPANI & JUNWANI VILLAGE (DHAMTARI)

While the forest department is trying to control the forest through an erroneous CFR title in Padki village, in Dhamtari's Pandripani and Junwani village it is resisting Gram Sabha's attempts to claim their CFR.

The Pandripani village lies in the buffer zone of the Udanti-Sitanadi Tiger Reserve in Dhamtari district. A forest village, Pandripani¹¹ was converted to a revenue village in July 2014. The conversion ensured, that apart from getting access to rural development programmes, the forest department would not be able to dominate the forest; the community stopped the forest department from felling trees, and fencing of forests and digging of cattle-proof trenches or CPT (creating physical barriers restricting entry of cattle). In the meantime, the Gram Sabha also filed their CFR claims.

"We always believed that forest belonged to the forest department. It is after we filed CFR claim that we realised that the forest belonged to the community and not the Forest Departments. *Jal* (water), *jangal* (forest), *jameen* (land) was ours after all," says Devan Singh Markam. Devan Singh and his family settled in the buffer zone in 1965. 'Siyaan', as he is fondly called, is the member of Pandripani's Forest Rights Committee. He is also a member of the School Management Committee (SMC) and the Village Health Sanitation Nutrition Committee (VHSNC). He has, in the past, been a member of the VSS and also the Sarpanch of the village.

Devan Singh's village filed claims for 588.5 ha (1454.3 acres) but the Forest Department objected and gave approval for only 222.6 ha (550 acres)¹². According to the Forest Department, the village wouldn't require more than 550 acres. They based it on a general thumb rule that a cow and calf pair required 1.5 to 2 acres of grazing land through the year. "But it's not just grazing

that we need the forest land for. We need forest for conservation and management. The community is dependent on the forest for almost nine months," says Devan Singh. He explains – January to March is the mahua season, tendu collection is done during April and May, sal seeds in May, mushrooms during July and August, *mahaul patta*¹³ for making leaf plates and cups are collected during August and September, and October is the season for *amla*¹⁴.

The Gram Sabha nominated the 4(1)(e) committee – *Sansadhan Prabandhan Nistar Nirnayak Samiti*; it comprises nine men and six women. While the committee awaits a final stamp of approval (from the Panchayat and SDLC), they have laid out plans for conservation, protection and management of forest resources. The committee has inventoried the flora and fauna of the forest¹⁵. Fireguards are appointed to keep a check on forest fires; penalties are fixed for those found guilty of starting fire in the forest. The committee decides the quantum of collection of minor forest produce (MFP) and non-timber forest produce (NTFP), and its extraction; fine will be imposed if anyone is found stealing honey or collecting MFPs and NTFPs out of turn.

Oxfam India and KHOJ started working in Dhamtari in 2015. After meetings and trainings on the provisions of the Act, the community decided to challenge the unlawful intervention of the Forest Department. "After several meetings with the Gram Sabha, it was decided that the Gram Sabha should submit a dissent note, stating the reasons for their claims, to the SDLC. They have now done that," says Saraswati Dhruw, KHOJ.

At Kongera Gram Panchayat's Junwani village, the resistance came from within the FRC. The Gram Sabha applied for CFR claim over 315.6 ha (780 acres)¹⁶ of its forest, Kongera Dongri. Oxfam



Though women are not yet members of the 4(1)(e) committee, at Padki village, they attend whenever they can. The women also don the role of *Thengapalis* to guard the forests

India-KHOJ supported the community in filing claims; the FRC secretary who is also the Sarpanch has been uncooperative.

"We did a GPS survey of the forest area but we wanted the forest department to come as well. First the FRC secretary did not take any action. He said he had no instructions from the Sub-Divisional Magistrate (SDM) and so couldn't take any action. We went to the SDM. Only after the SDM's instruction did the secretary approach the forest department. The forester did come but refused to do a physical verification of the forest boundary. He wanted us to sign on some number that he proposed. We refused to do that," says Dhansai Netam, secretary of Junwani's 4(1)(e) committee. The community is standing by its claim over the forest that they need for nistari, grazing, biodiversity, and *devta-dhaam*¹⁷.

The 4(1)(e) committee, here, meet monthly, have inventoried the forest, and set penalty for offenders caught stealing from the forest or setting fire. Though the committee has plans to prevent trespassers¹⁸, there is a glitch. The concept of fine and punishment comes from erstwhile VSS, which was supported by the forest department. The 4(1)(e) committee in these villages, far from being endorsed by the forest department, have been formed without a resolution and ratification by the Gram Sabha and the

SDLC. During meetings the Gram Sabha was asked to endorse the committee and get it approved by the SDLC as well.

"The names of the members of the 4(1)(e) committee should be put up so that everyone is aware. It was also decided that the community should work closely with the forest department so if the members of the 4(1)(e) committee do catch somebody violating the forest, it is the department that should *challan*¹⁹ them. The intent is right, but the processes still need to be in place," says Nandini Sahu, block coordinator, KHOJ.

It is evident, from the implementation of the Act in the state, that information from the government is neither forthcoming nor clear, and the forest department, reluctant to let go of its powers, is pitting the VSS against the 4(1)(e) committees. "Though we have filed CFR claims, during the trainings we find a lot of discrepancies from our end. We need the support of organisations like Oxfam India, Khoj, and Srishti to guide us through the process and paper work, and support us in the conservation and management of forest resources. This will help enhance our incomes and improve our livelihoods," says Rohit Kumar Dhurve, FRC member, Padki village.

NOTES

- 1 Uttar Pradesh, Jharkhand, Bihar, Odisha, Chhattisgarh, and Assam
- 2 http://cseindia.org/docs/environmental_governance/feb2016/FC_analysis-2015.pdf (as viewed on 21 June, 2016)
- 3 http://cseindia.org/docs/environmental_governance/feb2016/FC_analysis-2015.pdf (as viewed on 21 June, 2016)
- 4 Forests cover 41.2 per cent of the state's geographical area. The total area under forests comprises very dense forests (4 lakh ha), moderate dense forests (35 lakh ha) and open forests (16 lakh ha). Source: <http://www.cgforest.com/English/Introduction.htm#145> (as viewed on 22 June, 2016)
- 5 <http://www.outlookindia.com/news/article/chhattisgarh-poorrest-state-with-479-poverty-rangarajan-panel/848766> (as viewed on 15 March, 2016)
- 6 http://tribal.nic.in/WriteReadData/CMS/Documents/201603111003551696366FRAMP_R_JAN0001.pdf (as viewed on 15 March, 2016)
- 7 'Thenga' means stick and 'pali' loosely translated means turn. The guards go into the forests at night armed with a stick. The next morning, when they are back from the forest they leave the stick in the house

- of the person who is next on duty. The guard duties are rotated and schedules are made in advance.
- 8 Joint Forest Management (JFM) initiated in 1990's, promised profit sharing between the community and the forest department the controls of the forest lay with the department.
- 9 It is the prerogative of the Gram Sabha to decide whether to nominate the members of the JFMCs in the new Committee under Rule 4(1)(e) or constitute it with new members. It is further clarified that only the members of the Gram Sabha are eligible to become a member of the Committee under Rule 4(1)(e). Automatic conversion of JFMCs into Committee under Rule 4(1)(e) is neither mandated nor desirable under the FRA as the objectives, structure and mandate of JFM is different from that of Committee under Rule 4(1)(e) | Source: <http://tribal.nic.in/WriteReadData/CMS/Documents/201303010546387158203File1539.pdf> (as viewed on May 3, 2016)
- 10 The amount was collected through individual contribution and the sale of dead wood
- 11 Chhattisgarh has 425 such recorded forest villages, which FRA 2006 gives right to convert them as revenue village.
- 12 The Forest Rights Committee proceeds with the verification of the claims after it has intimated both the Gram Sabha and the Forest Department (Source: Forest Rights Act Rules)

- 13 Mahul patta, as they are locally known as, are the leaves of a creeper plant. The plant is scientifically known as Bauhinia Vahlia. The tree is found in wet Sal forest and has very high regeneration capacity. Leaves are used in making plates, cups for taking and packing food & flowers. (Source: <http://ruralenterprise.blogspot.in/2009/05/1-introduction-district-of-dindor-i-is.html> (as viewed on May 4, 2016))
- 14 Indian gooseberry
- 15 Trees (59 varieties), herbs (30), tubers (14), vegetables (7), animals (20) and birds (22)
- 16 The community has realised that though they have applied for CFR title on 780 acres of land, and couldn't claim much forest area which was under submergence, the forest department had supported a forged resolution in which meagre area of forest was registered as community forest area. This has caused a huge loss to the community
- 17 Place of worship
- 18 Junwani is surrounded by villages that have lost major part of their forest to the Dudhawa Dam way back in 1970s, leaving them dependent on forest belongs to neighbouring villages, which is also subjected to rapid degradation.
- 19 An official form or document, such as a receipt, invoice, or summons

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