

# SECURING FOREST RIGHTS AND LIVELIHOODS OF TRIBALS

## Challenges and Way Forward

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2. Undertake, aid, promote and coordinate research on its own and/or collaborate with State, national and international development agencies;
3. Analyse and offer solutions to problems encountered in the planning and implementation of the programmes for rural development, decentralised governance, panchayati raj and related programmes;
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# Securing Forest Rights and Livelihoods of Tribals

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*Tribal communities in India, especially in Vth and VIth Scheduled Areas, substantially depend on forest resources for livelihoods. However, in the absence of legal recognition of customary forest rights of tribals, there is always a threat to their livelihood security. The Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act (FRA), 2006, which recognises their individual and community rights over forest resources, should have ended such insecurity, but its implementation faced multiple challenges. Besides, the government has subsequently passed several laws, rules and executive orders which dilute the key provisions of FRA. The success stories of secure community forest resource rights in about 1,500 villages in Vidarbha region of Maharashtra and 31 villages in Narmada district of Gujarat show how it can unlock huge development and livelihood opportunities and also result in sustainable regeneration and conservation of forests. What is needed is secure forest tenure with unambiguous legal framework, decentralised governance and supportive forest bureaucracy. In addition, capacity building of communities for leveraging technologies for productivity improvement, sustainable harvesting of timber and non-timber forest products, and access to remunerative prices for non-timber forest products, their local processing and value addition is of crucial importance.*

### I. Introduction

Tribals constitute about 8.6 per cent of India's total population. The absolute number of Scheduled Tribe population in India, according to 2011 census, was 104.3 million of which 94.1 million live in remote rural areas. Based on trend growth, the total and rural tribal population in India in 2020 is about 125 million and 112 million, respectively. Above 50 per cent of the tribal population live in forests (GoI, TRIFED, 2019), and derive their livelihoods from land and forest resources. It has been estimated that nearly 40 to 60 per cent annual earnings of tribals, especially tribal women, is from the collection and sale of minor forest produce (GOI, TRIFED, 2019). Additionally, they depend on

cultivation of single crop in a year on tiny holdings with low productivity and poor returns, and some wage earnings. In fact, their incomes from forests could be more if their forest rights become legally and practically secure, but their forest rights and livelihoods have been quite a concern for several centuries. Despite the recent tribal-friendly laws such as Panchayats Extension to the Scheduled Areas (PESA) Act, 1996 and the Scheduled Tribes and Other Traditional Forest Dwellers Act, 2006 (FRA) de facto insecure forest tenure regime continues due to multiple factors. This policy paper analyses the key challenges to securing forest rights and livelihoods of tribals and also suggests the way forward.

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## II. Why Secure Forest Rights?

Tribal communities in India, especially in Vth and VIth Scheduled Areas substantially depend on forest resources for subsistence and income needs. This is because they do not have much alternative; neither do they have effective sources of livelihoods because of the absence of quality education and skills. Hence, secure access to forests is essential for their food and livelihood security. Although the importance of forest resources in household incomes of tribals varies from region to region, depending on factors such as peoples' secure access to such resources, resource productivity and prices, most field studies acknowledge this to be very common in most places (RCDC). There is greater involvement of tribal women in the collection and sale of Non-timber Forest Products (NTFPs). Way back in the 1980s, women's employment in forest-based enterprises in India was estimated to be 571.5 million days, in a year, of which 90 per cent was in small scale enterprises, using NTFPs (Khare, 1990). Besides, all aspects of tribal life in India are closely linked to the forests in such a way that forests are the life support system of tribals and vice-versa. This relationship is symbiotic in nature, as the tribals depend on forests as a child depends on the mother (Government of India, 2004). Securing forest rights of tribals is essential because insecure forest tenure arrangements undermine forest investment and protection, fuel conflict and jeopardise the tribal communities' livelihoods and development prospect (RRI, 2017). Secure forest right is crucial for poverty alleviation in tribal areas, for containing extremism and also for achieving some of the sustainable development goals. Nearly 45 per cent tribal population in rural India is reported to be below the official poverty line, based on the Tendulkar Methodology (Government of India, 2019). In the absence of secure forest rights, tribal communities lack incentive to invest for improvement in the productivity of timber and non-timber forests produce that could help reduce their poverty. The incidence of poverty among tribal households in rural Madhya Pradesh (55.3 per cent), Jharkhand (51.6 per cent) Chhattisgarh (52.6 per cent), Odisha (63.5 per cent) and Maharashtra (61.6 per cent) is comparatively higher. Besides, Government of India has identified 106 districts in ten States as

affected by left-wing extremism (LWE), of which 69 districts have high community forest resource rights potential and also where development projects tend to get stalled due to land conflicts, arising from insecure land and forest tenure. Implementation of FRA in LWE districts will not only reduce land conflicts, but also lead to development of tribals, dalits and other forest dwellers, and help develop a relationship of trust and bond between the tribals and government, thereby containing extremism.

Moreover, secure forest tenure can help achieve some of the sustainable development goals to which India is committed. These are SDG-1 for poverty alleviation, SDG-2 for elimination of hunger, SDG-13 for combating climate change and SDG-15 for life on land. There is global evidence to suggest that when indigenous people and local communities have no or weak legal rights, their forests tend to be vulnerable to deforestation and thus become the source of carbon dioxide emission. For example, deforestation in indigenous community forests in Brazil from 2000 to 2012 was less than 1 per cent as compared with 7 per cent outside them. The higher deforestation outside indigenous community forests led to several times more carbon dioxide than were produced from deforestation in indigenous community forests (Caleb Stevens et al., undated report). The local tribal communities have large stake in preserving and recreating them, as they derive their livelihoods from forest resources. Recently, the inter-governmental panel on climate change clearly recognised that insecure land tenure affects the ability of people and organisations to make changes to land that can advance adaptation and mitigation.

Besides, secure community forest tenure results in increased community cohesion, improved social capital and enhanced capacities of the communities to govern forests democratically, as in Mexico (FAO, 2017). Mexico has about 45.6 million hectare of land owned by indigenous peoples and local communities. Only 3.6 million hectare of forest in Mexico is government-administered and 17 million privately-owned by individuals and firms (RRI, 2018). Similarly, China has about 124 million hectare forest under community management, against 75 million hectare under government management. India has nearly 138

million hectare of potential for forest protection and landscape restoration (Chaturvedi et al, 2018). However, secure tenure is necessary for sustained involvement of local communities in forest protection and landscape restoration.

### III. Evolution of Forest Policy

Tribals are the original inhabitants of India for which they are called Adivasis. Because of their long association with forests, they are known as vanyajati (forest dwelling communities) and vanabasi (inhabitants of forest). During the pre-colonial period i.e., prior to the firm establishment of British colonial rule in the mid 19th century, various tribal communities in India had more or less settled in deep natural forests. They had established their customary rights over forest land and other resources. They lived in forests and also derived their livelihoods from forest resources, without any restrictions (Government of India, 2004). Forest took care of the livelihood needs of the tribals, while tribal communities protected forests and forest ecology against degradation by men and nature (Roy Burman, 1982).

During the British colonial period, the customary forest rights of tribals were hugely disrupted, as the British forest policy was aimed at commercial exploitation of the forests at the cost of secure livelihoods of the tribals. The government gradually increased its control over the forests. The Forest Department was set up in 1864 and the Indian Forest Service was created in 1867, mainly with a view to regulate people's rights over forest lands and produce. This period also witnessed several tribal protests and uprisings against the colonial encroachment of their rights. The waves of revolts of forest dwellers forced the British to enact some pro-tribal laws such as the Scheduled District Act, 1874, which was the pre-cursor to the Vth and VIth Schedule under Article 244 and regional laws such as Chhotanagpur Tenancy Act, 1908 and the Santhal Parganas Tenancy Act, 1949. Besides, the Indian Forest Act, 1927 which is the bulwark for forest governance even today, was used for colonising forests and the tribals (Bejoy, C.R. 2017).

In the post-colonial and early post-independence period from 1947 to 1987, there seemed to be an internal

colonisation of the forests and tribals. The National Forest Policy, 1952 put rigid restrictions on the tribals and others on accessing timber and non-timber forest products. Freedom from colonial rule in independent India resulted in a new form of slavery of the tribal people (Government of India, 2004). With the passage of Forest Conservation Act, 1980, exclusionary wild life and forest conservation became a major concern for the government and tribals were treated as criminals and encroachers of their own forest lands (Government of India, 2004). It delegitimised forest dwellers and part of the forest habitat including derecognition of customary rights and eviction of tribal communities from dense forests. During the 1970s, important non-timber forest products were nationalised. The Wild Life Protection Act, 1972 adopted exclusionary approach to wild life conservation i.e., the setting aside of large tracts of land where little or no human presence was to be permitted. The WLPA also vested extraordinary power in the State to declare any area as a protected forest area, without any process of public consultation or concern for the right of affected people to file their objections (Madhu Sarin, 2014).

In fact, non-recognition and non-settlement of the rights of tribals and adoption of exclusionary enclosure conservation and liberal diversion of forests for infrastructure and development projects presented a grim scenario. The evolution of Joint Forest Management Programme (JFMP) through the 1970's created some hope for participatory management of forests, but lack of legal sanctity and dominance of forest officials in Joint Forest Management Committees (JFM) dashed this hope.

With the 1988 Forest Policy, PESA, 1996 and FRA, 2006, there is substantial improvement on the policy front, in so far as legal protection of people's livelihoods and participatory forest conservation and management are concerned. But tribals and other forest dwelling communities continue to feel insecure about their forest resource rights, especially due to hostile, albeit colonial mind-set of forest bureaucracy as well as prolonged litigations against the forest rights of tribals in several high courts and also in the Supreme Court. Since the filing of famous civil writ petition by Godavaram in the Supreme Court, seeking its intervention to protect

a patch of forest in Nilgiri district in Tamil Nadu, the Supreme Court has effectively taken over the day-to-day governance of Indian Forests (Cruz and Lele, 2008)

The 1988 forest policy clearly recognised that the rights and concession enjoyed by the tribals and other forest dwelling communities should be fully protected. It recognised that conservation and peoples livelihoods are equally important. Following the 1988 policy, the Ministry of Environment and Forest issued a circular on June 1, 1990, highlighting the need and process for involving village communities in the protection, development and rehabilitation of degraded forests. It encouraged village level institutions for forest management.

The PESA, 1996 bestowed absolute power on Gram Sabhas to deal with matters that affect the lives and livelihoods of tribals, including the ownership of minor forest produce, and control over local plans and resources. But PESA was applicable mainly to Vth Scheduled Areas, while the States coming under its purview were not serious about its implementation. Many of them did not make rules and guidelines for it. A decade later, the FRA, 2006 comprehensively recognised the individual as well community forest resource rights of tribals and other traditional forest dwelling communities. These include (i) right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood, (ii) community right such as nistar (iii) right of ownership, access to collect, use and

dispose of minor forest produce, (iv) other community rights of uses or entitlements such as fish and other products of water bodies, grazing and seasonal access of nomadic or pastoralist communities, (v) right to protect, regenerate/conserves or manage any community forest resource which they have been traditionally dwelling and conserving for sustainable use and (vi) right of access to bio-diversity and community right to intellectual property and traditional knowledge related to bio-diversity and cultural diversity, etc. (Government of India and UNDP, 2014). In addition, FRA shifts the control over governance of forests from the Forest Departments to Gram Sabhas, thereby removing the colonial system of forest governance.

The rules and guidelines for implementation of FRA came as late as 2008 and revised guidelines were notified in 2012.

#### IV. Status of Implementation of FRA

Like all other pro-poor land reforms, implementation of FRA has been highly unsatisfactory. According to the Ministry of Tribal Affairs, Government of India, up to March 31, 2019, only about 4.2 million claims, comprising 4.09 million individual and 0.15 million community claims were received, of which 1.75 million i.e., about 41 per cent claims were rejected (Figure-1). It would be seen from Fig. 1 that the percentage of claims rejected was very high in Bihar, Chhattisgarh, Karnataka, Rajasthan, Uttar Pradesh, Uttarakhand and West Bengal.

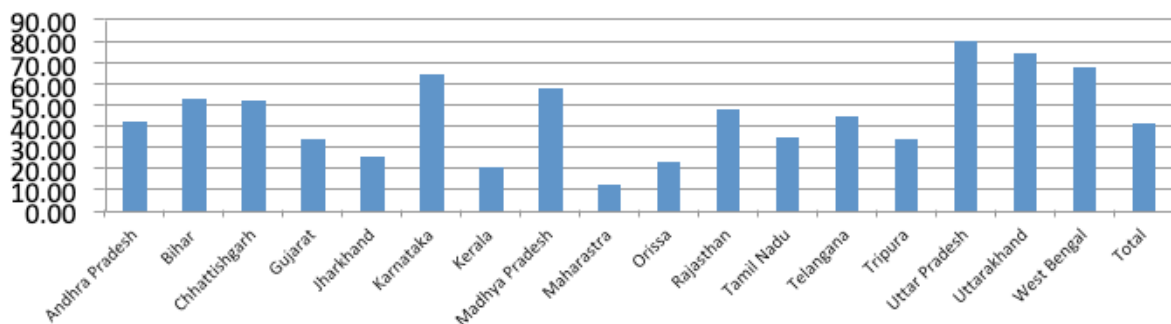


Figure 1: State-wise Percentage of Total FRA Claims Rejected

Only about 1.9 million individual titles and 76 thousand community titles were distributed, covering about 5.24 million hectare (Government of India, TRIFED, 2019-20). It has been estimated that 35-40 million hectare of India's forest area in 1.7 lakh villages should be recognised as CFR (Community

Forest Resource), benefitting about 150 million people including over 100 million tribals (Vasundhara, RRI and NRMC, 2015). So far, after more than a decade of implementation of FRA, total forest area over which CFR rights have been recognised is 3.56 million hectare i.e., about 8.9 per cent (Table-1).

**Table 1: Details of Claims Received, Rejected and Titles and Extent of Forest Land Distributed under FRA in India up to March 31, 2019**

No. of individual claims received	4.09 million
No. of community claims received	0.15 million
Total no. of claims received	4.24 million
Total no. of claims rejected	1.75 million
No. of individual titles distributed	1.90 million
No. of community titles distributed	76.1 thousand
Total no. of titles distributed	1.96 million
Extent of forest land distributed to individuals	1.67 million Ha.
Extent of community forest land distributed	3.56 million Ha.
Extent of total forest land distributed	5.24 million Ha.

Source: TRIFED, Annual Report, 2019-20

In many places, the area settled with the tribals is much less than their occupation (Saxena, 2015). In addition, diversion of small areas of forest land for community facilities requiring a different procedure has been reported as recognition of community forest rights, creating a false impression of such rights

being recognised (Saxena, 2015; Madhu Sarin, 2014). It can be noted from Table -2 that four States namely Chhattisgarh, Madhya Pradesh, Maharashtra and Odisha accounted for 83.5 per cent of the total number of community titles distributed and 73.5 per cent of total area of community forest land distributed.

**Table 2: State-wise Details of Titles Distributed and the Extent of Forest Land for which Titles Distributed (as on 31/03/2019)**

States	No. of Titles Distributed up to 31.03.2019			Extent of Forest Land for which titles distributed (in Ha.)		
	Individual	Community	Total	Individual	Community	Total
Andhra Pradesh	96675	1374	98049	96985.43	183556.28	280541.70
Assam	57325	1477	58802	0.00	0.00	0.00
Bihar	121	0	121	0.00	0.00	0.00
Chhattisgarh	401251	21967	423218	341336.31	825160.38	1166496.70
Goa	17	8	25	31.01	4.15	35.16
Gujarat	83699	3516	87215	52458.14	470182.79	522640.93
Himachal Pradesh	129	7	136	2.41	1890.91	1893.33
Jharkhand	59866	2104	61970	62103.59	42007.68	104111.27
Karnataka	14667	1406	16073	8426.52	11399.09	19825.61



States	No. of Titles Distributed up to 31.03.2019			Extent of Forest Land for which titles distributed (in Ha.)		
	Individual	Community	Total	Individual	Community	Total
Kerala	24599		24599	13367.66	0.00	13367.66
Madhya Pradesh	226313	27962	254275	328884.69	593122.74	922007.43
Maharashtra	165032	7084	172116	159080.46	1107959.79	1267040.25
Orissa	430212	6564	436776	260138.51	95225.06	355363.57
Rajasthan	38007	103	38110	23372.57	1212.00	24584.57
Tamil Nadu	6111	276	6387	3484.72	0.00	3484.72
Telangana	93639	721	94360	121572.47	183827.94	305400.40
Tripura	127931	55	127986	186254.72	36.91	186291.63
Uttar Pradesh	17712	843	18555	7633.20	48907.72	56540.91
Uttarakhand	144	1	145	0.00	0.00	0.00
West Bengal	44444	686	45130	8507.80	231.59	8739.39
Total	1887894	76154	1964048	1673640.22	3564725.02	5238365.24

## V. Key Challenges

Securing forest rights and livelihoods of tribals and other traditional forest dwelling communities' face multiple, as well as complex challenges. First, despite having progressive laws such as PESA, 1996 and FRA, 2006, there is no de facto security of forest tenure and decentralised forest governance for the tribals and other forest dwelling communities, because the Government of India has subsequently or simultaneously passed several laws, rules and executive orders which dilute the key provisions of both PESA and FRA. These include (a) Wild Life Protection (Amendment) Act, 2006, allowing the Wild Life Protection authorities to deny or curtail rights of tribals as provided under FRA; (b) Forest Conservation Act (Amendment) Rules, 2014, which further strengthens the exclusionary conservation policy; (c) guidelines of the Ministry of Environment, Forest and Climate in August 2015, to lease out 40 per cent of the degraded forest in the country to private companies for afforestation; (d) constitution of Compensatory Afforestation Fund Management and Planning Authority under the Supreme Court order, since 2002; (e) enactment of Compensatory Afforestation Fund Act (CAFA), 2016 and (f) CAFA Rules, 2018 and also (g) policy decisions taken at the inter-ministerial meetings in 2012 as well as 2015, allowing diversion of forest land for certain categories of projects without the consent of Gram Sabha. As per FRA, forest land can be diverted only

after implementation of FRA and with the consent of Gram Sabhas. Between 2008 and 2016, about 3.1 million hectare of forest land was diverted for non-forest purposes without the consent of Gram Sabhas. Often a favourable report from District Administration sufficed to justify forest diversion for development projects (Bejoy, 2017). Besides, the Indian Forest Act, 1927 which was used as the legal instrument by the British for colonising the Indian forests, continues to be the bulwark for forest governance till today. The WLPA, aside from vesting extraordinary power with the State to declare any area a protected area also provides for settling only the recorded rights even though few customary rights of tribal are recorded (Madhu Sarin, 2014). Similarly, the provision of the CAFA rules restrict the area where the FRA will be applicable to rights which have been settled i.e., where a patta has been issued, thereby restricting the rights of forest dwellers to the least possible area (Saxena, 2019). Moreover, the MOEFCC guidelines now require that non-forest land, used for compensatory afforestation must be notified as protected forest or reserve forest, and the records should be mutated in the name of forest department. The guidelines specifically recommend bringing the few surviving community lands as well as disputed land like in the case of Madhya Pradesh, orange areas under forest department's control through notifying them as State forests (Madhu Sarin, 2014), and denying the tribal communities, any legal rights over them. In

addition, in many protected areas, several tribal villages have been relocated by the Forest Department even before implementation of FRA. As per the FRA, communities should be given the option of remaining in a protected area with their rights and responsibilities with a mutually-agreed modification of rights where necessary (Sarap et al., 2013).

Second, as per the FRA rules, the Forest Departments have a negligible role in the implementation process of FRA. However, in practice, they are seen to be functioning as veto by denying rights to the people and rejecting their claims at the screening stage itself (GoI, Manthan Report, 2010). They have been rejecting claims without authority on flimsy grounds (Madhusari, 2014; Kailash Sarap et al., 2013).

Third, the meetings of VLCs, SDLCs and DLCs which decide the outcomes of claims submitted are not held regularly in most places, thereby slowing down the pace of implementation of FRA.

Fourth, there is strong reluctance of the forest bureaucracy to recognise community forest resource rights (Citizens Report, 2016). So far, the focus has been on individual forest rights, claimable under the Forest Rights Act, ignoring the community forest rights.

Fifth, many States have not yet devolved power to the Gram Sabhas, as required under the FRA or PESA. Rather, Section 2(f) of CAFA rules define village forest management committee as one constituted for joint forest management, which is equated with Gram Sabha (Saxena, 2019). It should be noted that the joint forest management committees are largely initiated and dominated by forest officials, without any sanctity or security of the statute (Lele, 2014), whereas Gram Sabha consists of all adult members of a village or hamlet, and have the legal sanctity of both PESA and FRA.

Sixth, there has not been any progress to convert forest villages to revenue villages, as required and despite the direction from the Supreme Court (Saxena, 2015).

Seventh, many States have not ensured one-third representation of women in the FRCs and have issued titles in only men's name instead of the names of both spouses (Bandi, 2013; Madhu Sarin, 2014).

Eighth, community forest rights claims have been the victim of lack of proper demarcation of revenue and forest lands. Some CFR claims, in order to qualify for verification need the forest departments' recommendation and the same are being turned down for not being forest lands (Upadhaya et al., 2009). It has also been observed that the customary boundaries delineated by Gram Sabhas are not generally accepted by revenue and forest departments. The rejection rates are very high. There is already a pending Supreme Court order, dated February 13, 2019, asking States to evict all those from forests, whose claims have been rejected. Once and if the present stay order gets vacated, lakhs of tribals and other forest dwellers would lose their forest rights and forest-based livelihoods.

Ninth, the FRA does not mention shifting cultivation as one of the rights to be recognised (Kumar, 2014). In a States like Odisha, land under shifting cultivation by tribals is considered government land even though the cultivators treat them as their own land. Infact, shifting cultivators are the most insecure people in terms of land and forest rights and livelihoods.

Tenth, the Forest Dependent and other traditional forest dwelling claimants are largely being left out of the purview of implementation of FRA due to their inability to produce documentary evidence in support of 75 years of residence (Madhu Sarin, 2014).

Eleventh, litigation against FRA in various high courts and also in the Supreme Court has created uncertainty and insecurity about the future of forest rights of tribals. The constitutional validity of the Act itself has been questioned by several former bureaucrats, forest officials and exclusionary conservationists (Bejoy, 2017). In January 2015, all such cases were transferred to itself by the Supreme Court in response to transfer petition filed by the Ministry of Tribal Affairs. Although the apex court has not stayed the implementation of FRA so far, uncertainty persists about the future of FRA and forest tenure security of the tribals and other traditional forest dwelling communities.

Twelfth, there is a huge challenge of building capacities including knowledge and awareness of tribals and other forest dwellers to submit claims accurately and get their rights recorded in an expeditious manner. In many villages, tribal communities are not simply aware

of FRA provisions. (Sahu, Dash and Dubey, 2017). More specifically, training on how to undertake a basic forest inventory, and use simple tools such as GPS in order to mark the community land boundaries and GIS maps for designating areas for agriculture, housing, forest conservation, etc., remains a challenge. Equally challenging is the capacity building of government officials and civil societies working on implementation of Forest Rights Acts for leveraging appropriate technologies, institutions, and participatory forest governance and management of community forest resources.

Thirteenth, even though forests and forest products are presently important for livelihoods of tribal communities, it is not certain whether the forest sector in its present form can create sustainable livelihoods, especially when accessibility of tribal communities to minor forest produce in protected areas is highly restricted. Besides, there is very little post-harvest processing and value addition at the local level due to poor infrastructure, and there is little incentive for the tribal communities to invest in improved production and marketing (Brain Belcher et al., 2017). In addition, tribal youth may no longer be interested to stay in the forestry business, unless the production/collection and marketing of timber and non-timber forest products become remunerative. Although Government of India fixes minimum support prices for 49 minor forest produce, only a few States like Chhattisgarh, Maharashtra, Nagaland and Jharkhand have shown some interest in implementing it. During 2018-19, about 151 tons of MFPs was procured at minimum support prices in Chhattisgarh, 80 metric tons in Maharashtra, 45 metric tons in Nagaland and 26 metric tons in Jharkhand (Government of India, TRIFED, 2019). Other States did not show much interest in this.

In fact, there is no suitable institutional mechanism for procurement of minor forest products at minimum support prices, with a system of timely payment in most places. Providing support through Van Dhan Vikas kendras does not help much as there are hardly 1,126 such kendras in the country, most of which are non-functional. Also, unlike agricultural commodities which are priced based on the cost plus 50 per cent margin, there is no such remunerative pricing of minor forest products. Besides, in the case of nationalised

MFP such as tendu leaf, the State fixes prices arbitrarily to the disadvantage of tribal collectors/gatherers. While tendu leaf is a nationalised product in most States, and there is a State monopoly over its trade, individual State exercises monopoly control over certain other MFPs too, thereby restricting their free trade in open markets. The exercise of monopoly encourages illicit trade as well as exploitation of gatherers (Government of India, 2011).

## VI. A Few Success Stories

Despite the poor implementations of FRA in most States, there are some success stories. In places where District Collectors have played a pro-active role, tribals and other forest dwellers benefitted hugely from recognition of both individual and community forest rights. A recent study of 246 villages in 2017-18 by Sahu (Sahu, 2020) shows that due to legal recognition and effective realisation of community forest resource rights, more than 1,500 villages in Vidarbha region, i.e., in the districts of Gadchiroli, Gondia, Amravati, Yavatmal and Nagpur have asserted their rights over non-timber forest products by opting out of the traditional NTFP regime of Maharashtra Forest Department and brought about substantial socio-economic benefits to forest dwellers. The communities earned about Rs. 32.98 crore from the sale of kendu/tendu leaf, using their new negotiating power with the contractors for better price in 2017. The success story of Menda Lekha village is well documented (Deshpande, 2016). Menda Lakha was India's first village to secure CFR in 2009, in over 1,800 hectares of its nistar forests. In 2011, it earned Rs. 1.15 crore from the sale of bamboo alone. Similarly, Padboria village, with about 75 inhabitants, nearly 50 km from Gadchiroli earned Rs. 2.71 crore during 2015-16 from sale of bamboo harvest from 508 hectare of CFR land it had got in 2012. Besides, there was significant improvement in the productivity and sale of bamboo due to legal recognition of community forest resource right. For example, the Panchgaon village in Chandrapur district with a mere population of 250 received CFR title over 1,006.4 hectare land in 2013 and earned Rs 1.46 crore during 2013-17 (Agarwal and Chakravarty, 2018). The employment that it has generated due to bamboo harvesting in a sustainable manner decreased the distress of out-migration to almost nil [Gutgutia

et al., 2017). Besides, there was an increase in bamboo productivity from 0.94 tonne per hectare per year in 2013 to 1.89 tonne per hectare per year in 2015. This indicates that even if half the CFR potential area in Maharashtra, Madhya Pradesh, Chhattisgarh and Odisha is brought under bamboo, the production of this resource will at least be two-fold in the country, creating local employment opportunities and bamboo-based industries to contribute significantly to the socio-economic well beings of tribals and other forest dwelling communities. Amravati experience provides another example on how the village communities in Nayakheda, Upatkheda Pey Vihar and Khatijapur regenerated degraded forest lands and are growing species such as bamboo, amla and teak along with intensive soil and moisture conservation and wild life protection. Regeneration of natural resources has led to the increased availability of fodder for livestock, the wild life returned to CFR areas and the rights over CFR have provided round the year livelihood to people. Beyond Maharashtra, the Vasava community in Shool Parmeshwar Wild Life Sanctuary of Narmada district in Gujarat is also reaping the livelihood benefits from the CFR area. During 2013-17, a total of 31 villages earned Rs. 28 crore from the sale of bamboo. In addition, the potential of CFR to provide economic benefits has created incentives for the communities to invest in the management of CFR (Agarwal and Chakravarty, 2018). Using integrated watershed approach, they are improving the health of the forests. Additionally, the communities are identifying and mapping locations in their CFR areas that need intervention using GPS devices.

In fact, these success stories explode the myth that forest bureaucracy conserves forests better than the local communities themselves, especially when the communities have secure forest tenure.

## VII. The Way Forward

Keeping in view the enormous economic, social and ecological benefits of individual and community forest management, the Centre in co-operation with State governments should implement the Forest Rights Act, 2006 in its right spirit. It has the potential of unlocking various development opportunities in tribal areas on win-win basis for all. These opportunities

must not be lost and therefore, all concerned citizens and governments should ensure that key provisions of FRA/CFR are not diluted, under any circumstances.

Second, there is a need to review some of the recent laws, rules and executive orders which have diluted specific provisions of FRA and suggest corrective measures, including amendment in rules and guidelines for effective and expeditious implementation of FRA. Removing conflicts between various laws and policies would be of utmost importance.

Third, the role of forest bureaucracy as conservator of forests, vis-à-vis the local communities should be critically reviewed. This is because the forest department seems more interested in commercial production of timber and not in regeneration and production of MFPs for either securing livelihoods of tribals or protecting biodiversity and environment. In fact, appropriate choice of tree species and growing timber and non-timber species in a balanced manner is generally missing in the forest development plans of forest departments. We should acknowledge the fact that community participation and planning alone can improve the situation.

Fourth, the entire compensatory afforestation fund should be transferred to Gram Sabhas or the forest departments should use this fund in close collaboration with Gram Sabhas for sustainable afforestation and employment generation in tribal areas. However, there is a need to bridge the trust deficit between the forest officials and Gram Sabhas for this purpose.

Fifth, the success stories of community forests resource right in quite a few places such as Gadchiroli, Amravati, Chandrapur and Gondia districts in Maharashtra and Narmada district of Gujarat should be closely studied for replication in other areas. There is a need for sustained advocacy for up scaling and replicating these in other areas with necessary context-specific adaptations.

Sixth, building capacities of tribals and other forest dwellers to submit claims accurately and get their rights recorded, in an expeditious manner is of crucial importance. In the absence of capabilities to participate among possible beneficiaries, it is unlikely that the FRA will be effectively and expeditiously implemented. Equally important will be the capacity building of government officials and civil societies working on



forest rights. Besides, those who either have individual or community forest resource rights should be trained to improve production and productivity of minor forest produce through the use of improved technology, marketing and value addition.

Seventh, there is a need to devise appropriate institutional mechanism for effective implementation of minimum support prices of minor forest products,

involving Gram Sabhas and the Forest Management Committees as provided under the Forest Rights Act, 2006 with necessary financial and logistic support. The State monopoly in the procurement and sale of minor forest products, especially in the case of tendu leaves has proved to be exploitative and counter-productive. Therefore, a competitive marketing framework should be developed, involving cooperatives, and private and public enterprises.

### Box 1: Keys to Secure Forest Rights and Livelihoods of Tribals

- *Defend and close the on-going Supreme Court case against FRA and remove uncertainty about the future of forest rights of tribals.*
- *Amend Indian Forest Act, 1927, Forest Conservation (Amendment) Rules, 2014, Wild Life Protection (Amendment) Act, 2006, Compensatory Afforestation Fund Act, 2016 and related rules and executive orders as also various State forest laws and rules to bring them in harmony with FRA, 2006.*
- *Reorient forest bureaucracy to work in close cooperation with Gram Sabhas and tribal and other traditional forest dwelling communities for ensuring efficient, inclusive and sustainable management of forest resources.*
- *Transfer the Compensatory Afforestation Fund to Gram Sabhas for sustainable afforestation and livelihoods generation by the tribal communities.*
- *Build capacities of tribals and other traditional forest dwelling communities to submit FRA claims accurately, get their rights recorded and use simple tools such as GPS/GIS to mark land boundaries and to prepare land use maps.*
- *Ensure regular meetings of VLCs, SDLs and DLCs to decide FRA claims expeditiously.*
- *Empower tribal communities, especially the MFP gatherers through SHGs, cooperatives, producer companies, etc., to enable them to participate and benefit from organised marketing, processing and value addition at the local level.*
- *Provide adequate trained, albeit dedicated staff and financial resources at various levels for effective and expeditious implementation of FRA because the speed and quality of implementation matters.*
- *Fix remunerative minimum support prices for minor forest products, based on cost plus 50 per cent margin, as in the case of agricultural commodities, and devise appropriate institutional mechanism for their effective implementation involving Gram Sabhas and Forest Management Committees.*
- *Abolish State monopoly in the procurement and sale of minor forest products and develop competitive marketing framework involving cooperatives, private trade and public enterprises.*
- *Develop region specific and cluster-based business plans for harnessing the full potentials of minor forest products in different States, ensuring the participation of tribal and other forest dwelling communities in production, marketing, value addition and other forms of entrepreneurship.*
- *Set-up special cells in PMO at the Centre and CMO in States for close monitoring of implementation of FRA.*

Eighth, there is a need for region-specific and cluster-based business plans for harnessing the potentials of minor forest products in different areas, ensuring the participation of tribal communities in production, marketing, value addition and other forms of entrepreneurship.

Ninth, besides leveraging modern technology to map and monitor the implementation of FRA, the forest bureaucracy should be reformed to serve as service providers to Gram Sabhas. Unless the forest bureaucracy works in close co-operation with the tribals and other forest dwelling communities, the efficient, inclusive and sustainable management of forest resources will remain a distant dream.

### VIII. Conclusions

To conclude, secure forest rights can unlock the huge untapped opportunities for economic and

social well-being of tribals and other forest dwelling communities by leveraging appropriate technologies, institutions and policies. It can help ensure round the year livelihoods and income security for the tribals, and can be the most important step towards making the tribal communities and the nation self-reliant as envisioned by India's Hon'ble Prime Minister, recently. What is needed is a holistic albeit inclusive and participatory approach to forest management and the keys are i) secure forest tenure, ii) unambiguous legal framework, iii) decentralised forest governance, iv) supportive forest bureaucracy, v) use of modern technology for productivity improvement, vi) appropriate choice of tree species for sustainable harvesting of timber and non-timber forest products, vii) availability of market and remunerative prices for minor forest products and their processing with local value addition.

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## Shri S. R. SANKARAN

S. R. Sankaran, a Civil Servant, is known for his commitments and actions for the upliftment of the poor and the marginalised. The seamless integrity between his life, ideas and work was the unique dimension of his personality. As a civil servant he took Constitution as a mandate and made every opportunity to put in practice the fundamental principles of equality, non-discrimination, justice and affirmative action in favour of the economically backward sections. He believed that his true vocation as a civil servant was to serve the people where the poor occupied the primacy of position. Within the poor his concern was about SCs and STs as they have been at the lowest rung of the social hierarchy, wallowing in chronic misery and deprivation and subjected to daily acts of injustice and indignity.

The transformative role that Sankaran as a civil servant, played in the lives of the poor is exemplary to date. His deep understanding of the social environment of the poor is remarkable. In his view, the poor are typically unorganised, hard to reach, inarticulate and often invisible by residing in periphery. Along with lack of access to land and other natural resources, lack of access to education makes them vulnerable to manipulation by adversaries leading them to internalise the ideology of dependence and submission. The conditions of poor can be compressed into five disabilities: (i) lack of access to land and employment, (ii) unfree labour, (iii) low wages, (iv) institutionalised discrimination, and v) deprivation in social services. His work during his career and after retirement devoted to uplifting the poor by relieving them from such adversaries and organising them. While working for the poor he had not only used his professional skill but also brought to bear on the problem of human touch and his moral values.

Sankaran was a legendary civil servant, a crusader for social justice, a civil rights activist, a perceptive critic of development and public policy with extraordinary sensitivity, clarity, and above all, an epitome of compassion. A single social goal of his entire life's work was the reduction of contradiction between political and socio-economic inequality.





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