

# COMMUNITY FOREST RIGHTS AND THE PANDEMIC GRAM SABHAS LEAD THE WAY

A GRAPHIC NOVEL VERSION

This graphic novel by Poorva Goel is an adaptation of a document produced by Vikalp Sangam and Community Forest Rights - Learning & Advocacy network, in August 2020, available at http://vikalpsangam.org/article/community-forest-rights-the-pandemic-gram-sabhas-lead-the-way/#.X8IrLi2B2V4

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The Community Forest Rights-Learning and Advocacy (CFR-LA) process was initiated in 2011 to facilitate exchange of information and experiences related to Community Forest Rights (CFR) provisions of the Forest Rights Act 2006. The COVID19 and Forest Rights bulletin series was envisaged in the light of widescale distress in Adivasi and scheduled areas. The bulletins highlight voices of forest dwelling communities during the pandemic. For more information, please visit: http://www.cfrla.org.in/resource.aspx and www.fra.org.in

This document emerged as a collaborative effort by both CFR-LA and Vikalp Sangam, in order to highlight the importance of recognition of rights, tenure security and community forest governance by Gram Sabhas to build resilient communities in the Covid19 and Post- pandemic scenario.

To learn more about the research and documentation work done by both teams, do follow the links below:

COVID19 and Forest Rights Bulletin <u>One</u>, <u>Two</u>, <u>Three</u>, <u>Four</u> Extraordinary Work of Ordinary People: <u>Volume 1, Graphic Novel</u>

Vikalp Sangam is a platform to bring together movements, groups and individuals working on just, equitable and sustainable pathways to human and ecological well-being. It rejects the current model of development and the structures of inequality and injustice underlying it, and searches for alternatives in practice and vision. About 60 movements and organisations around the country are members of its Core Group (listed below). For more information please see:

For more information please see: http://www.vikalpsangam.org/about/

- · ACCORD (Tamil Nadu)
- Alliance for Sustainable and Holistic Agriculture (National)
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- · Local Futures (Ladakh)

- Maati (Uttarakhand)
- Mahila Kisan Adhikar Manch (national)
- · Mazdoor Kisan Shakti Sangathan (Rajasthan)
- National Alliance of Peoples' Movements (national)
- Nirangal (Tamil Nadu)
- North East Slow Food & Agrobiodiversity Society (Meghalaya)
- · Peoples' Science Institute (Uttarakhand)
- Revitalising Rainfed Agriculture Network (national)
- reStore (Chennai)
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- (Ladakh)
- Thanal (Kerala)
- Timbaktu Collective (Andhra Pradesh)
- Titli Trust (Uttarakhand)
- Tribal Health Initiative (Tamil Nadu)
- URMUL (Rajasthan)
- Vrikshamitra (Maharashtra)
- · Watershed Support Services & Activities Network (Andhra
- Pradesh/Telangana)

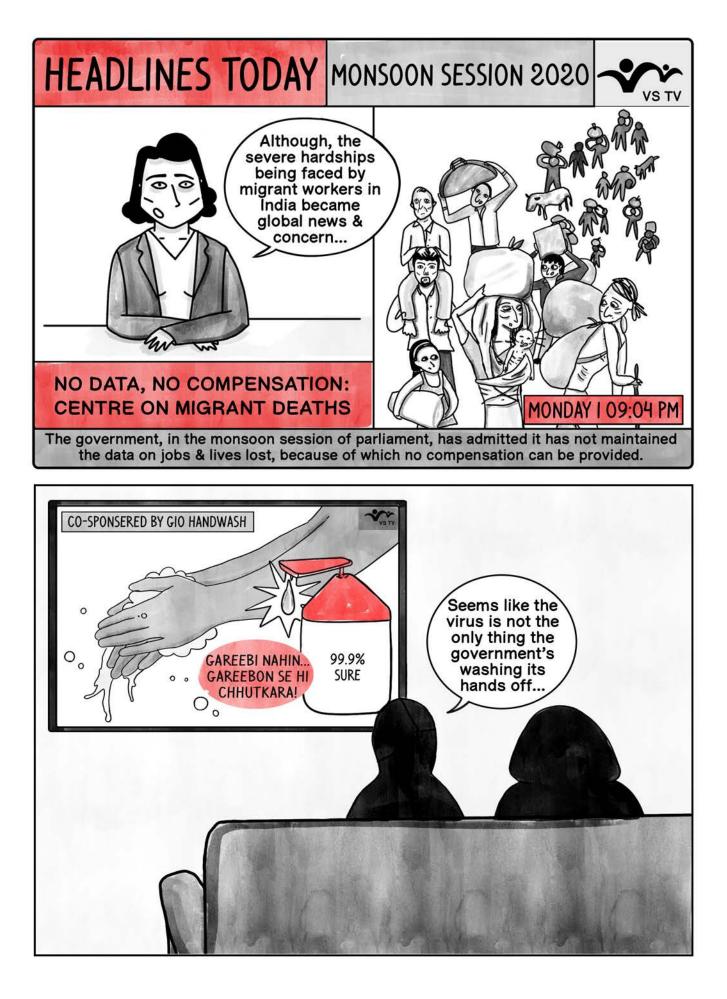
## BACKGROUND

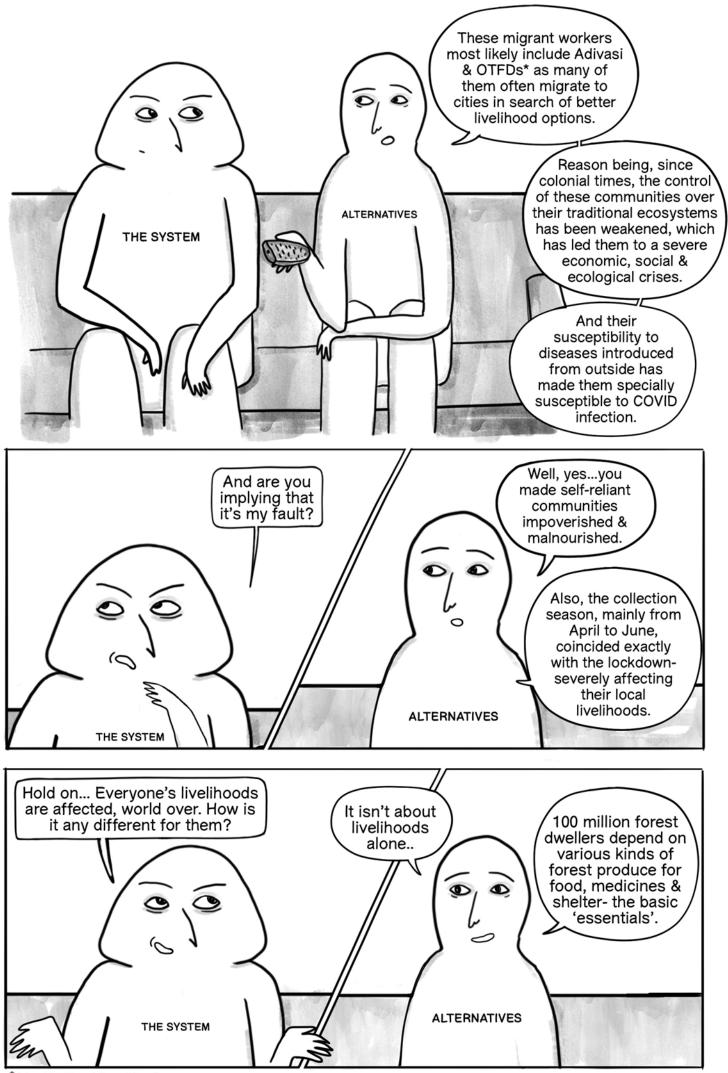
The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) is a law that was brought into force after decades of long struggles by indigenous communities in India for their land resource rights. The FRA recognises the historical injustice committed against Adivasis and Other Traditional Forest Dwellers (OTFDs) by recognizing and vesting their rights, which have gone unrecorded so far. This Act includes both individual rights for cultivation in forestland, community rights over common property resources and habitat rights. FRA recognizes that forest communities are integral for the survival of forest ecosystems, and vests rights and responsibilities in them for conservation of biodiversity and maintenance of ecological balance, resulting in the strengthening of conservation regimes while ensuring their livelihood and food security.

**Community Forest Resource Rights** (CFR) are rights of Adivasi and OTFDs over 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. Section 3 (1) (i) of FRA vests the 'right to protect, regenerate or conserve or manage any community forest resource which they (Adivasi and Other Traditional Forest Dwellers) have been traditionally protecting and conserving for sustainable use'. Section 5 provides the power and responsibility to the Gram Sabha to protect, preserve and manage the biodiversity, natural resources, wildlife and water sources in its CFR, and also its cultural and spiritual resources, and to prevent any activity that causes harm to these resources.

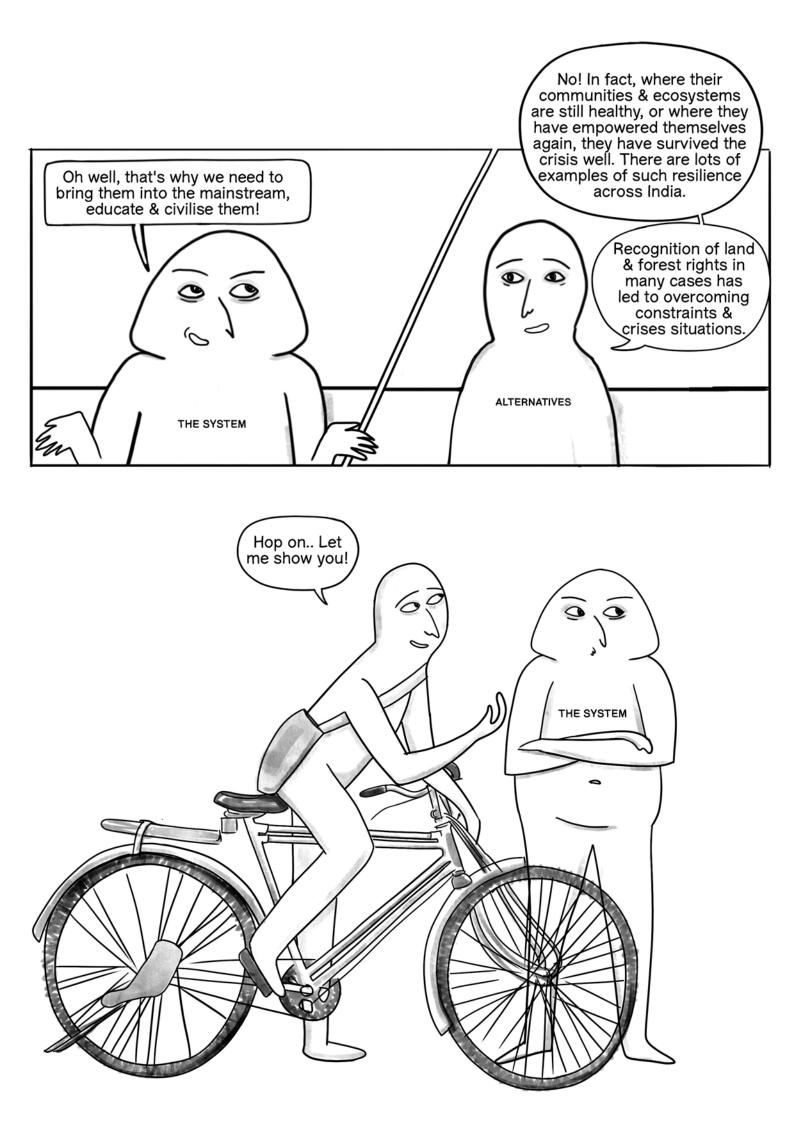
**The Gram Sabha** or village assembly, is the primary unit of local self-governance. As per FRA, the Gram Sabha, which must be composed of at least 1/3 women, has been given the authority to decide about vesting of claims. Apart from that, the Gram Sabha has the power to control, plan and manage minor water bodies (Section 4 (j)), Minor Forest Produce (Section 4 m (ii)) and Resources (Section 4 m (vii)). Section 4 (d) of Panchayat Extension to Scheduled Areas Act (PESA) 1996, says that the Gram Sabha is competent to safeguard among other things the community resources. Gram Sabhas maintain an account where any funds received, be it voluntary contributions, or sales of minor forest produce and minor minerals, or transfers under any devolution schemes, are held. The rights of usage of the funds are under the control of the Gram Sabha.

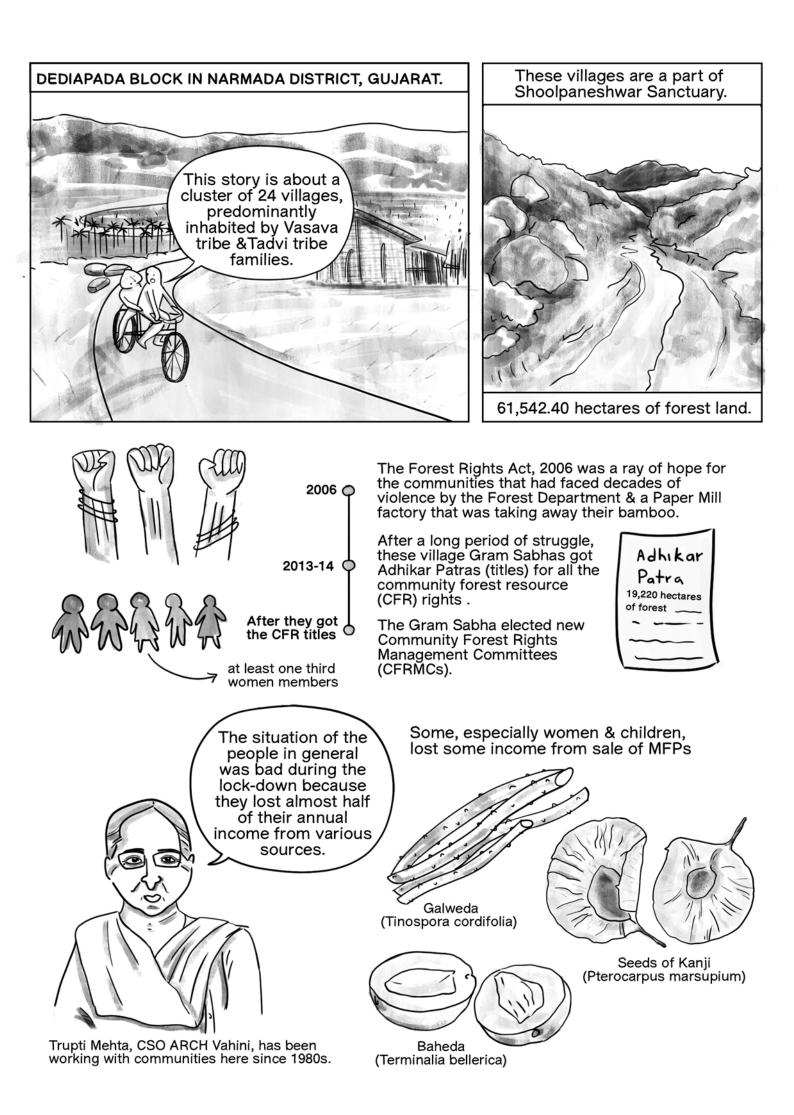
**Community Forest Rights Management Committees** (CFRMCs) are constituted by Gram Sabhas as per Rule 4 (1)(e) for protection of wildlife, forest and biodiversity in exercise of Section 5. Rule 4(1)(f) gives power to the Gram Sabha to monitor and control these committees which are entrusted with the duty to prepare conservation and management plans for community forest resources.





\*Other Traditional Forest Dwellers



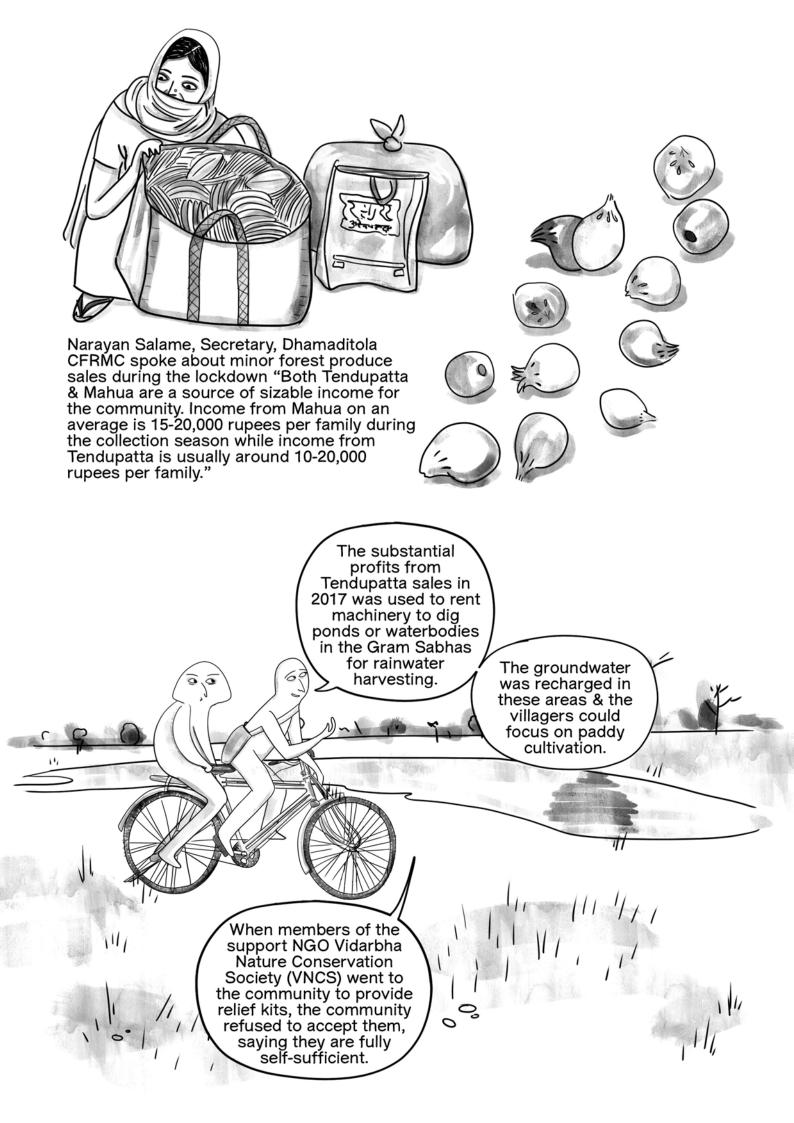




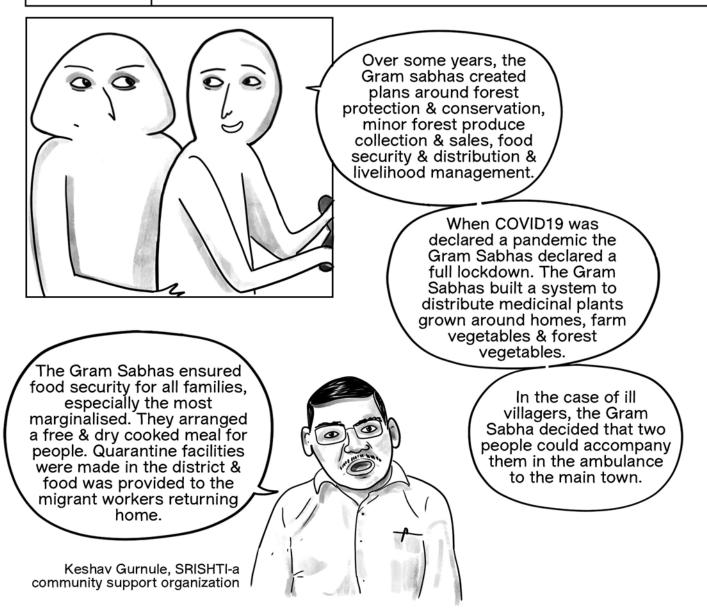
After getting CFR rights, for the 1st time, Gram Sabhas were actively involved in the management & protection of forest resources. The CFRMC members of some villages initiated land leveling work on each family's private or FRA land using Gram Sabha funds. During lockdown, they were also patrolling the forests in a group of 3-4 persons to protect their CFRs from potential threats.



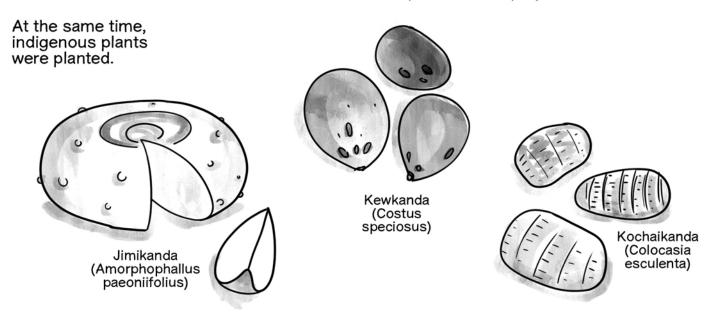




RAJNANDGAON, In this development block, the majority of the population is Adivasi: CHHATTISGARH Gond, Kanwar, Halba & Baiga, who are dependent on forest & agriculture.



As part of CFR management plans & MGNREGA scheme, two ponds were made & fisheries businesses were initiated in these ponds for employment.



For daily use and consumption, they decided that three women and three men from each hamlet should be assigned a different section of the forest, to collect fruits, flowers, tubers, vegetables, firewood and fodder grass everyday. The committees devised a plan for the collection of minor forest produce.

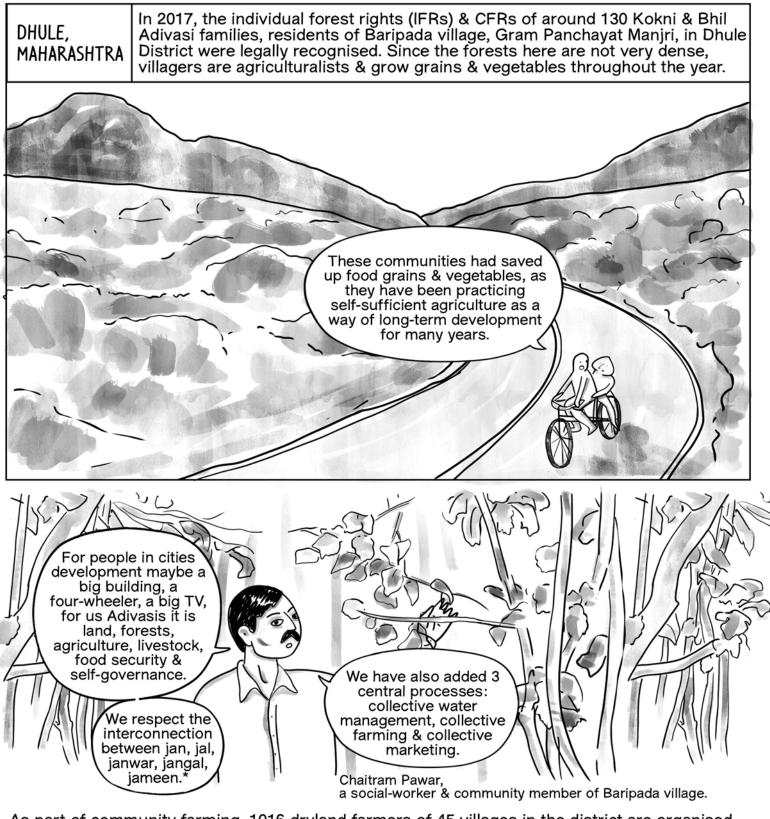


Inter village movement was restricted. All the routes within the forest were sealed & the community kept a check on trafficking & theft of forest tubers, fruits & other minor forest produce by outsiders.

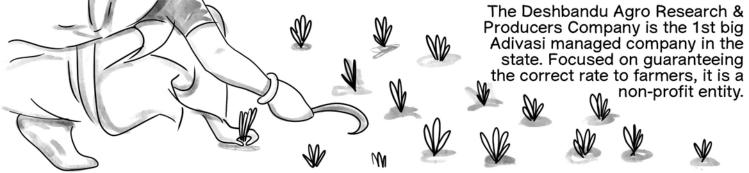


In both forest produce collection & food distribution it was important to safeguard communities from the possibility of infection.

The Gram Sabhas decided to distribute food to each and every household doorstep, via the Gram Panchayat.



As part of community farming, 1016 dryland farmers of 45 villages in the district are organised as a Farmer Producer Organisation (FPO) that has been operating since 2014.



However, in years when there is a surplus, 30% is distributed to the accounts of farmers, while the rest is invested in building up the infrastructure of the company.

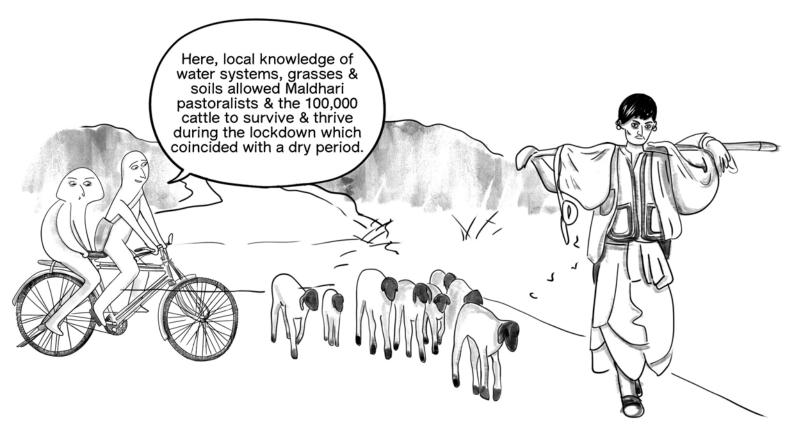
\*jan(human), jal (water), janwar (animals), jangal (forest), jameen (land).

About 7-8 years ago, the villagers carried out a survey & came up with a micro plan for the village so that in a situation of crisis, villagers did not have to go to a sahukar (money lender). Uue to this long-term work, the coronavirus lockdown has not had any drastic impact on this community.	SURVEY EACH FAMILY'S ACCESS & OWNERSHIP OF: LAND WATER ENERGY LIVESTOCK FOOD MEMBERS OF FAMILY: SCHOOLGOING CHILDREN SENIOR CITIZENS
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For several years now, families in Baripada have been growing enough vegetable & food produce for their households in order to store the excess, & therefore even during a lockdown there were no food shortages. In kharif (summer) season, villagers grow rice, urad (split black gram), chauli (cow peas), mungfali (peanuts), soya bean & jowhar (sorghum), while in rabi (winter) season they grow wheat, sugarcane, masoor (red lentils), onions & corn.

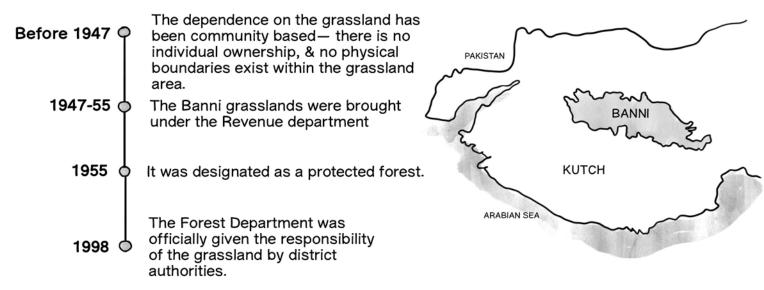


#### KUTCH, GUJARAT

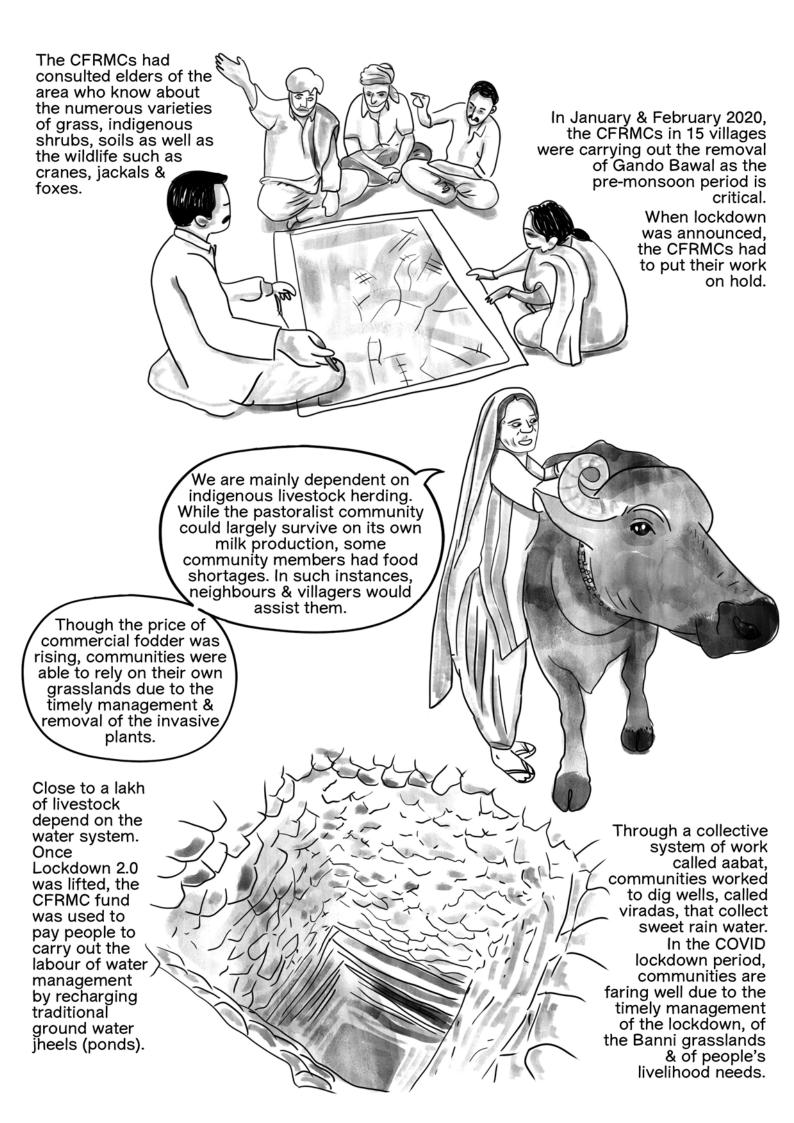


"While we have been living a nomadic life with our buffaloes for over 550 years, after the Indian Forest Act, 1927 & the 1955 notification of Banni Protected Forests were brought into force, we were compelled to live a sedentary lifestyle," Ishabhai, a Maldhari pastoralist from Gorevale village reminisces. He says, "Subsequently the Forest Department began aerial seeding of an invasive tree species called Gando Bawal (Prosopis juliflora). The establishment of the Forest Division in Banni & a new working plan in 2009, which led to closure of grazing areas has affected us. However, since then we have filed our CFR claims that are still under process."

The Maldharis of the Banni grassland, one of Asia's largest grasslands, are the 1st pastoralist group in India to have filed for CFR under FRA.



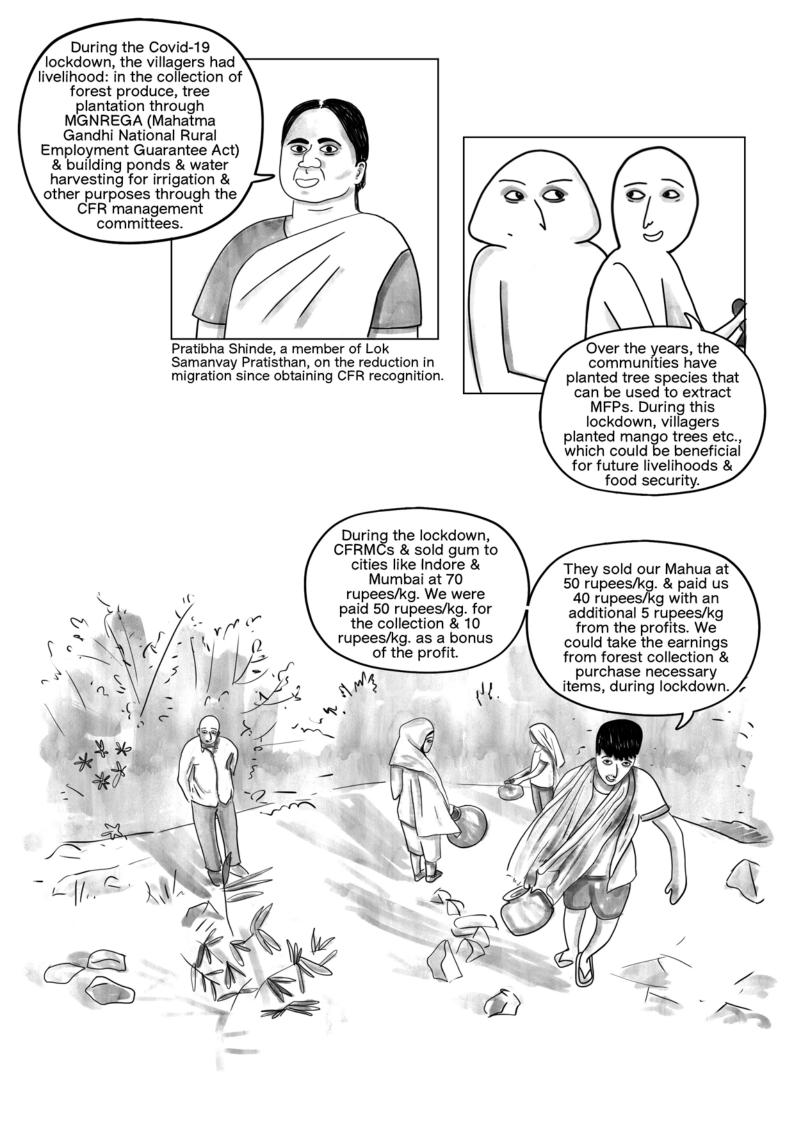
Following this, there has been ambiguity about the ownership of the grassland- neither the Forest Department nor the Revenue Department have acknowledged or accepted the ownership.



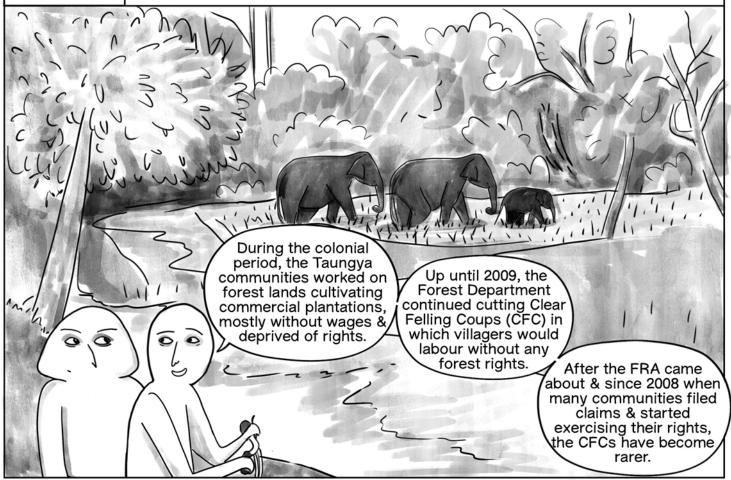
#### NANDURBAR, MAHARASHTRA

This district has the 2nd highest acreage of CFR recognition in Maharashtra, where in April 2018, communities had titles over 2,16,723.10 acres of land.





ALIPURDUAR, WEST BENGAL While CFRs are still officially unrecognised by the Government of West Bengal, the Adivasi communities- Rawa, Santhal, Oraon, Mech & Koch and other Van Taungya (forest village) communities, living in & around the Jaldapara National Park & Buxa Tiger Reserve in Alipurduar district in West Bengal, have been accessing & conserving the forests for several years.

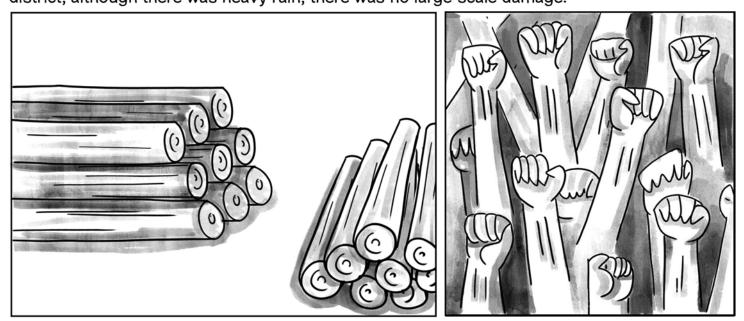


Some villages are leading the way for other forest villages to exercise their forest rights, protecting the forest from looting, collecting fish, firewood & forest produce, & managing forest resources. Kodal Basti, located in the Jaldapara National Park is the first village to self-proclaim their CFR in West Bengal.



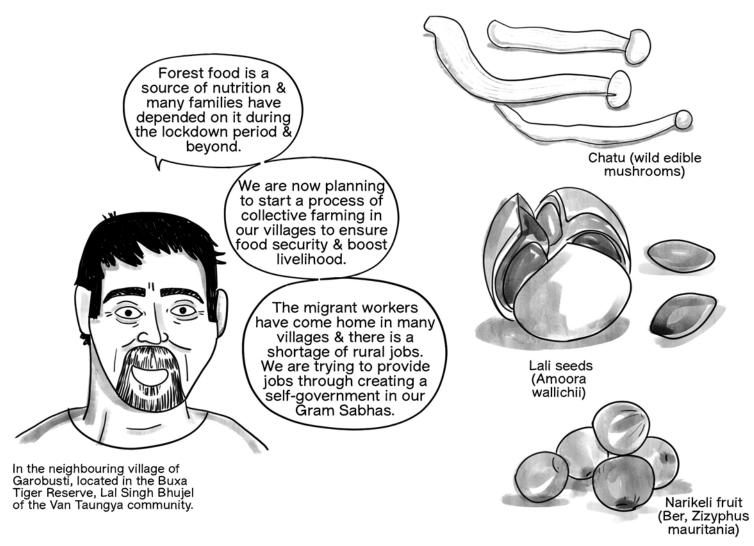
After filing their CFR claims, the villagers put up a board in 2010 indicating that the forest in their area was managed & protected by their community. Thereafter, there was a steady movement of villages putting up boards, some even made of concrete, to demarcate community forests.

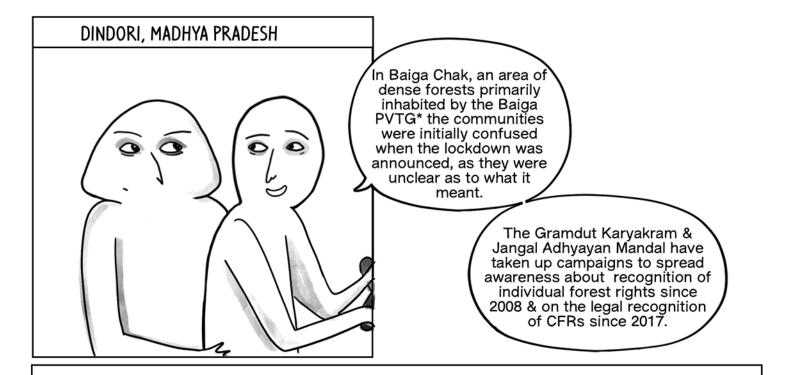
### May, 2020. Cyclone Amphan ripped through various parts of West Bengal. In Alipurduar district, although there was heavy rain, there was no large-scale damage.



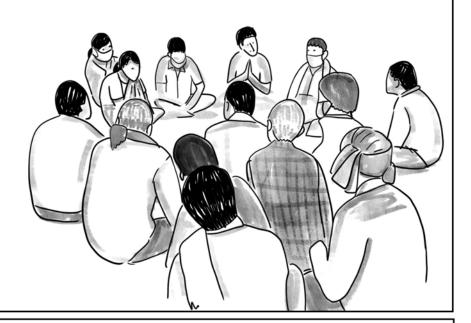
Sunder Singh Rava of Kurmai Basti said, "This year, the cyclone season coincided with the lockdown so there were fewer people in the forests. The Forest Department took advantage of the situation & cut down many trees when in fact, only around 10 trees had fallen due to the rains in our area. The villagers of Kodal Basti intervened & stopped stopped further tree-felling. "

While earlier the police would unquestioningly support the FD, over time, they began to notice when people were taken to the police station that in fact the FD was being brutal to poor people who were defending their rights to the forest.





10 gram sabhas of Dindori block had their documents & evidence ready to claim CFR, when the lockdown was announced. Between March 24 to April 29, there wasn't much support or hardly any information that reached Baiga communities about the lockdown. The rights-based campaigns, with volunteers, health workers & panchayat members, approached the **District Collector of Dindori** on April 29 & demanded that they be allowed to carry out support work in the district.





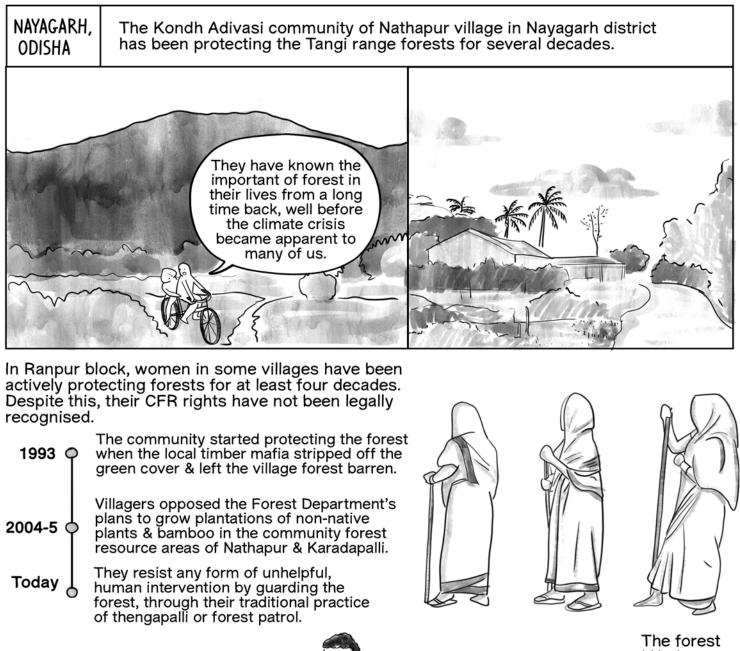
As migrant workers returned to the villages, they were quarantined in the district headquarters itself. At the gram sabha level, many villages put up barricades as there was a fear of outsiders coming into their villages through the forests, which are contiguous with the Chhattisgarh border.

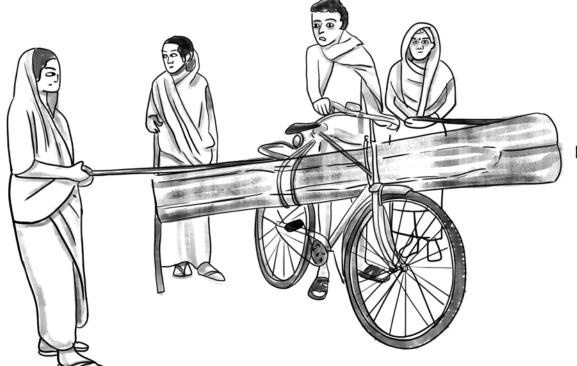
Women, many of whom were empowered through the campaigns, played the leading role in the Gram Sabhas, organising systems to work with social distancing:







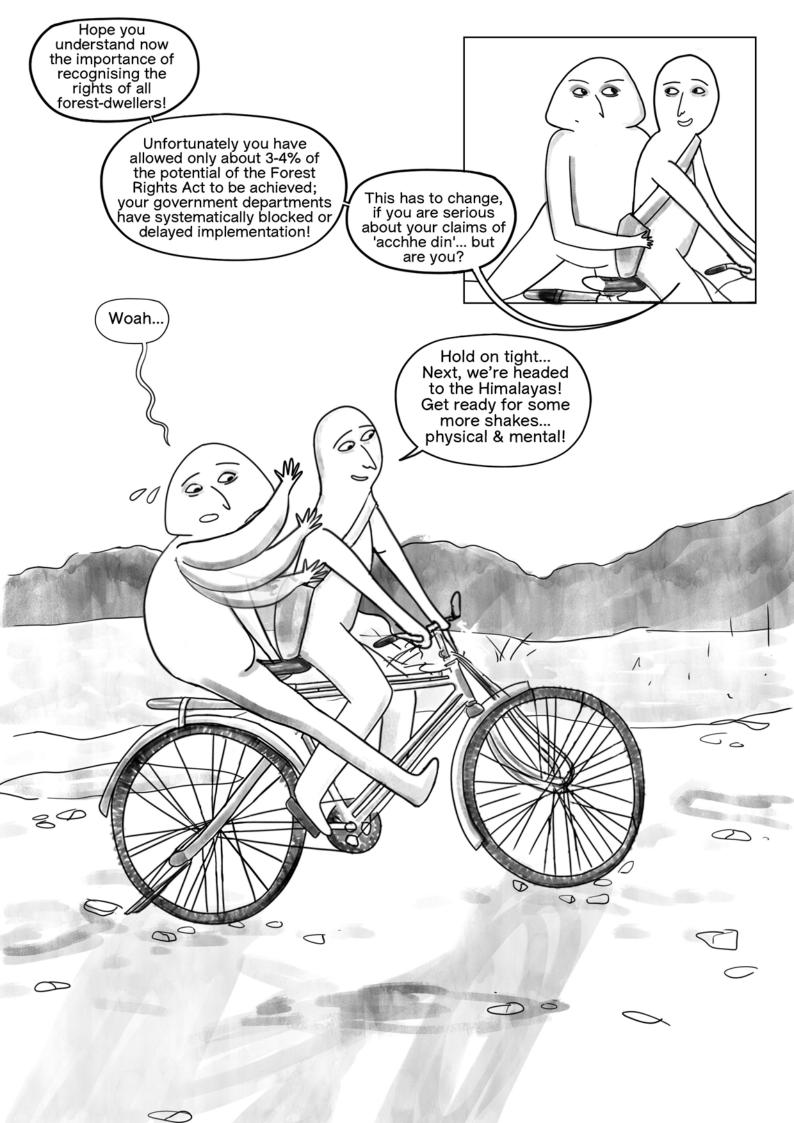




around Nathapur village is an example that it is possible to regenerate to a healthy forest by just leaving it alone, only protecting it from destructive factors.

In the district, 24 CFR claims have been pending since 2013. However, without waiting for recognition, Nathapur village has been exercising its rights tomanage & conserve the forests.





## ABBREVIATIONS AND GLOSSARY

**Compensatory Afforestation (CA)** is defined as the process of afforestation, and associated regeneration activities done to compensate for destroyed forest land that has been diverted to non-forest activities. In line with FRA, the Forest Department should seek free, prior, informed consent from the Gram Sabha for plantation work, as the Gram Sabha has the power to self-govern the community forests and resources under FRA.

**District Level Committee (DLC)** is the body that makes the final approval of forest rights claims and ensures their recording.

**Farmer Producer Organisation (FPO)-** A legal entity, a company or a cooperative, of farmers formed to organise for better income and markets for all producers.

**Federation of Gram Sabhas** are a political and economic organisation of Gram Sabhas coming together to lobby and make collective actions.

**Forest Department (FD)** is a government agency for forest administration. The FD was formed during British colonial era, and the State continues to exert control over Indian forests through it.

**Forest Rights Committee (FRC)** is a body formed by the Gram Sabha to facilitate the process of claiming forest rights.

**Forest Villages (FV)** are villages that historically have fallen under Forest Department control or old habitations, unsurveyed villages and other villages in forests whether recorded, notified or not. As the villages did not fall under the Revenue Department, they received very few developmental benefits and no legal entitlements.

**Individual Forest Rights (IFR)** include the right for Adivasi and Forest Dwellers to live in (housing) and cultivate (agriculture) forest lands.

**Joint Forest Management Committees (JFMCs)**, composed of Forest Department and Gram Sabha members, most often have an imbalance of power where the FD dominates decision-making and profits, and the role of communities is tokenized.

Large Scale Adivasi Multipurpose Cooperative societies (LAMPS) are government scheme supported organisations for providing economic support in which Adivasi communities can buy, sell, get loans and market their produce through agricultural cooperatives.

Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), 2005 is a law that guarantees the right for rural inhabitants to a fixed number of days of work.

**Ministry of Environment Forests and Climate Change (MoEFCC)** is the nodal agency in the administrative structure of the Central Government for the planning, promotion, coordination and overseeing the implementation of India's environmental and forestry policies and programmes.

**Ministry of Tribal Affairs (MoTA)** is the nodal Ministry for overall policy, planning and coordination of programmes for development of ST's. MoTA is the nodal agency for implementation of FRA.

**Minor Forest Produce (MFP) & Non Timber Forest Produce (NTFP)** includes all non-timber forest produce of plant origin that provide cash income and sustenance for forest communities. Section 3(1)(c) of FRA recognises the 'right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries.'

**Nistar Rights** are community rights for access and use of forests recognised earlier in Princely states, Zamindari or such intermediary regimes. Records of nistar rights are found in govt documents and reports in many states.

**Other Traditional Forest Dwellers (OTFDs)** are inhabitants and communities who have resided in and depended on forests for generations.

**Panchayat Extension to Scheduled Areas Act, 1996 (PESA)** is a legislation that vests the control, management and governance of forests and resources in the hands of local tribal communities. PESA also intends to reduce impoverishment, food insecurity, malnutrition and out-migration among tribal populations by providing them better control and management of natural resources which will improve their livelihood and standard of life. Equally important is the recognition that for tribal communities, their economic, social and cultural connection to their lands and forest resources are integral to their identity

**Particularly Vulnerable Tribal Groups (PVTGs)** is a government classification of tribal communities that have been systematically excluded to such an extent that they possess very low developmental indices.

**Protected Areas (PAs),** as per the Wildlife Protection Act, 1972, include areas demarcated by the government for conservation purposes such as National Parks, Sanctuaries,. Conservation Reserves and Community Reserves. The definition of forest land in FRA includes protected areas, and the rights of Adivasis and Forest Dwellers are recognised in all PAs. Section 5 of FRA says that these Gram Sabhas have the power to protect the wildlife, forest and biodiversity. They have the duty to ensure that adjoining catchment areas, water sources and other ecological sensitive areas are adequately protected.

**Record of Rights (RoR)** is the final step in recording of forest rights, when the rights are entered into the Government records of the Revenue and Forest departments.

**Reserved Forest (RF) and Protected Forests (PF)** are defined as per the Indian Forest Act (1927), referring to different levels of protection that the State executes over these forests.

**Sub-Divisional Level Committee (SDLC)** examines resolutions for forest rights claims by the Gram Sabhas and pass it to the DLC.