



Implementation of the Forest Right Act, 2006 in Chhattisgarh

A Case Study of Rawas and Banspattar
Gram Panchayat, Kanker

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April 2019



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Status of FRA in Chhattisgarh

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (commonly known as FRA) acknowledges that the governments before and after independence did not recognize ancestral land and habitat of tribal and other traditional forest dwellers. It further admits that doing so was injustice to these people. The FRA attempts to rectify this gross historical injustice by recognizing their ancestral and traditional rights over forestland and forest produces. The last part of the preamble of the law reads, *“It has become necessary to address the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers including those who were forced to relocate their dwelling due to State development interventions.”*

Overwhelmed by the provisions of the law 40.76 lakh households across the country claimed right over forest land under Individual Forest Rights (IFR) proviso of the Law. Additionally, around 1.48 lakh communities in different state claimed rights over forest and forest produces under community forest rights (CFR) proviso of the Act. The status of forest rights claim in Chhattisgarh is given in following table.

Status of Forest Rights Claims in Chhattisgarh (as on 30.11.2018)

Forest Rights Claim	No. of Claim filed at GS	No. of Claim Recommended to SDLC	No. of Claim Recommended to DLC	No. of Claim approve by DLC	Total No. of Claim Rejected at various levels
Individual	8,56,150	5,14,401	4,43,993	3,98,896	455,131
Community	31,515	26,446	24,450	22,610	7,272
Total	8,87,665	5,40,847	4,68,443	4,21,506	4,62,403

Source: Union Ministry of Tribal Affairs

The Chhattisgarh government received highest number of Individual Forest Right (IFR) claims, which accounts to more than 8.56 lakh. Out of which the state government accepted 3.98 lakh claims and rejected more than 4.62 lakh claims. While the state has received highest number of claims, it also rejected highest number of claims ever since this law came to force. According to the available data, it has rejected more than 52% of forest right claims filed by tribal and other traditional forest dwellers.¹

Of the total claims filed by individuals in Chhattisgarh, the government claims that it has distributed 3.98 lakh titles which accounts for nearly 3.38 lakh hectare of forestland. On an average, each tribal family got nearly 0.85 hectare of land for individual and common occupation and habitation. However, the sub section 6 under section 4 of the FRA law grants maximum of 4 hectare land to each claimant.

Given the high concentration of tribal in Chhattisgarh, the massive rejection of forest rights claims raises several questions. We randomly picked five villages of Rawas and Banspattar Gram Panchayat of Narharpur Tehsil of Kanker district to understand status of the implementation of Forest Right Act at grass root level. This case study attempts to document some insights provided by villagers to understand whether the law made any difference in people's life.

Gram Panchayat Rawas and Banspattar

Rawas and Banspattar are two Gram Panchayat located nearly 30 to 37km southeast from Kanker city in southern part of the Chhattisgarh. Kanker district is part of Bastar region, which still has very thick forest cover. Both of these Panchayats are surrounded by healthy mix forest consist of trees like Sal, Sagaun, Tendu, Mahua, Aam and Kusum. Five villages (Banspattar, Mandabharri, Parredora, Rawas and Aamapani) of these two randomly selected Panchayats has total population of 2668.² Out of this, nearly 63% are Gond tribal.

¹ Union Ministry of Tribal Affairs: <https://tribal.nic.in/FRA/data/MPRNov2018.pdf>, Accessed on 11.03.19

² Census, 2011

Population of Banspattar and Rawas Panchayat, Kanker, Chhattisgarh

Gram Panchayat	Village	Number of Household	Total Population	SC Population	ST Population
Banspattar	Banspattar	64	244	26	103
	Mandabharri	397	1684	6	968
	Parredora	17	75	0	75
Rawas	Amapani	29	123	0	117
	Rawas	125	542	0	411
Total		632	2668	32	1674

Source: Census, 2011

A large part of non-tribal population in these villages belongs to OBC community. The land cultivated by tribal is largely un-recorded, however, most of land belonging to OBCs is recorded in the revenue record of the state government. However, the land holding of the both communities (OBCs and STs) is very less and therefore, both of these communities are heavily depended on forest produces.

Minor forest produce is major source of income and nutrition for tribal and other forest dwellers in these villages. Depending upon season they collect produces for their own consumption and commercial purposes. Major forest produces on which local people are dependent includes *Tendu leaves, Gums, Sal Seed, Harra, Kathha, Mahua, Mahua Leaves, Tamarind, Achaar, Behra etc.* Villagers earn nearly 70 to 80 percent of their income from these forest produces. In order to have sustained income for tribal in this region, forest needs to be in good shape and healthy. Villagers do not have formal control over their local forest but they have been collecting these produces for generations. Tribal have rich cultural practices, strong system of traditional medicine and rich traditional ecological knowledge based on their local forest. The trade of forest produce in Chhattisgarh is very large and substantially contributes to the gross domestic production of the state.

The dependency of local people on agriculture is relatively less, and therefore the land holding is also very less. The entire regions in rain fed, so for most of these people it gives them one crop in a year. Despite these odds, people grow paddy and some lentils for their own consumption. Unlike in typical villages, these villages have no clear boundary, which can separate helms, agricultural land and forest. Everything overlaps here. In non-agricultural season (such as winter) to differentiate between forestland and agriculture land is little difficult, as people tried to cultivate some favourable patches of forestland without disturbing forest and ecosystem.

People's Struggle for the FRA and its Implementation:

Tribal from this region has a long history of struggle for land rights. The Ekta Parishad started mobilizing people for land rights in this area in late 1990s. Villagers in large number participated in various foot marches in Chhattisgarh, Madhya Pradesh and Delhi led by the Parishad. Many of these villagers are member of Ekta Parishad. After enactment of the FRA, the Ekta Parishad slowly moved out from the region. The Parivartan Samaj Sevi Sanstha based in Kanker later filled the mentoring and mobilizing space vacated by the Parishad. This organization led several protests and dharna of local villagers for the demand of land right claim under the FRA, 2006. Parivartan also helped villagers to fill their IFR claims in 2008 and 2009 and CFR in 2016 and 2017.

Implementation of Forest Right Act in Rawas and Banspattar

Individual Forest Rights

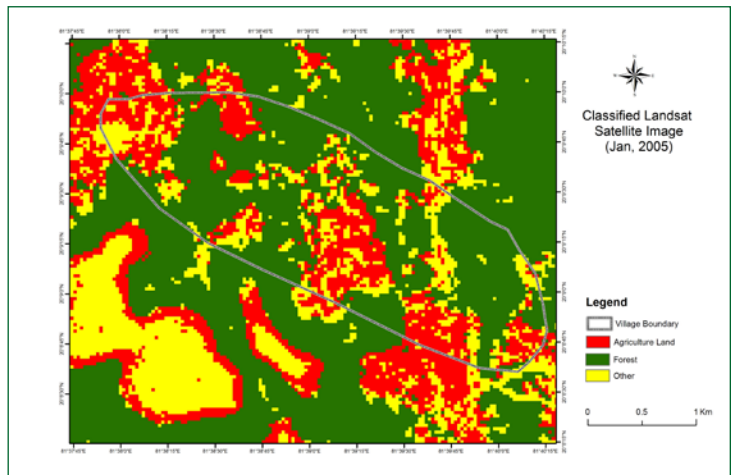
Individual Forest Rights (IFR) under the Forest Rights Act empowers tribal and forest dwellers to claim over piece of land which a family was occupying for occupation or habitation. The *clause (a) of subsection (1) under section 3 of the Act* recognizes rights of tribal and other forest dwellers to “*hold and live in the forest land under the individual or common occupation for habitation or for self cultivation for livelihood*”. The rules under the law came to force in 2008 to address all procedural issues.



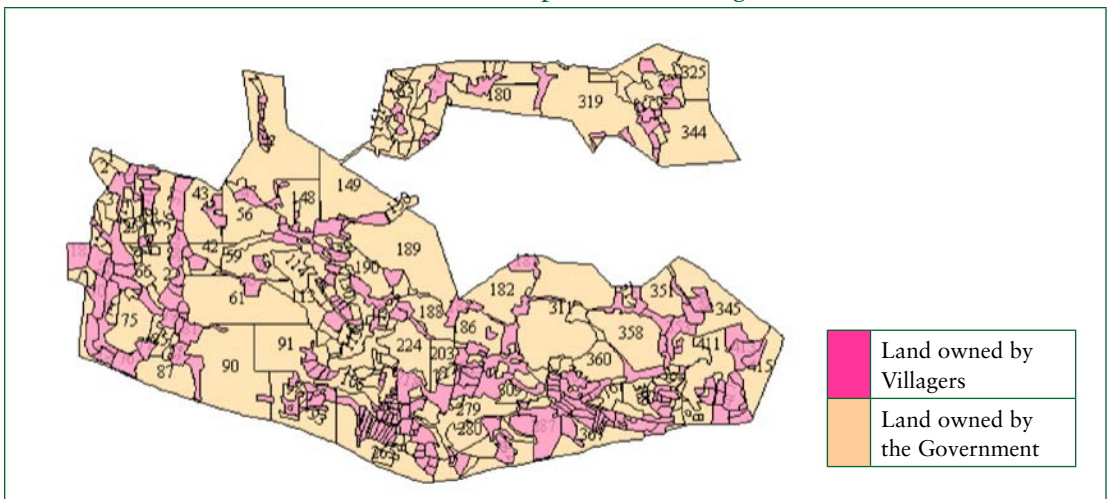
Potential Forest Land for IFR distribution:

Under the Act, any member of tribal community can claim IFR on piece of forestland, which he or she had occupied before the 13th December 2005 (*sub-section (3) of section 4*). The satellite image taken in June 2005 of the Rawas village shows that villagers were cultivating a large part of the land. According to the Section 4(3) of the Act, the agricultural land demarcated in red colour in following satellite image of the Rawas village should be given to people.

In the case of Rawas village the land ownership, largely remain in the hand of government agencies. The following revenue land map of the village accessed from land record website of the Chhattisgarh reveals that most of the revenue land in the village is owned by government agencies.



Revenue Land Ownership of Rawas Village in 2019



Source: Government of Chhattisgarh: <https://bhunaksha.cg.nic.in/#theme-pane>

IFR Claims:

In 2008 with the help of a local voluntary organization namely Parivartan Samaj Sevi Sanstha, people filed their claim in their respective Panchayat through Forest Right Committee constituted as per the law. Almost every tribal family from these five villages applied for land title. The Panchayat of Rawas and Banspattar claims that they have forwarded all application to Sub District Level Committee (SDLC) for their scrutiny and approval.

According to villagers, most of villagers did not get their land title even after more than 10 years after they filed the claim in their respective Gram Panchayats. According information on IFR title distribution published by the state government, as of now, only 38 families in these villages were awarded with land title under the law.³

Status of IFR and CFR Claims

Gram Panchayat	Village	Number of Household	IFR Recognized	CFR Recognized
Banspattar	Banspattar	64	8	0
	Mandabharri	397	0	0
	Parredora	17	0	0
Rawas	Amapani	29	14	0
	Rawas	125	16	0
Total		632	38	0

Source: Department of Tribal and Scheduled Caste, Chhattisgarh <http://itestweb.in/ch56/sites/default/files/fra-kanker.pdf>

IFR Claim Applications:

A close look to the claim filed by individuals reveals that most of claim forms are incomplete and lack basic information. As per the law, applicant should provide at least two out of nine types of evidences listed in the FRA *rule no. 13(1)* in support of the claim. However, it is found that other than voter ID card they do not have any other proof in support of their claim.

Role of SDLC and DLC:

The *Rule no 12A (10)* of the FRA Rules (amended in 2012) provides for transparency and fairness in decision taken by Sub Division Level Committee (SDLC) and District Level Committee (DLC). The rule reads, “*All decisions of SDLC and DLC that involve modification and rejection of a Gram Sabha resolution or recommendation of SDLC shall give detailed reason for such modification or rejection, as the case may be.*” According to

³ Department of Tribal and Scheduled Caste, Government of Chhattisgarh, accessed from: <http://itestweb.in/ch56/sites/default/files/fra-kanker.pdf>, accessed on 11.03.2019



villagers, neither SDLC nor DLC communicated to them in last 10 years about the status of their IFR claims. So they don't know whether the claim is rejected or not.

The *rule no. 6(b)* of the FRA rule, 2012 holds SDLC responsible for providing forest and revenue map of village forest and electoral rolls to the Gram Sabha. However, it is found that map of claimed land is not attached with any claim form in these five villages. In the case of Rawas village, few people in 2017 followed their claim through an online grievance redressal system of Chhattisgarh (Jandarshan). In response to this the Sub-division magistrate of Kanker informed to the villagers that their IFR claim applications submitted in April/May 2008 are pending in SDLC as applications do not have required revenue/forest map of the claimed land.

Role of Forest Department:

People in Mandbhari village, claim that they have been cultivating land even before enactment of the Forest Rights Act. After its enactment in 2008, the *section 4(3)* of the Act not only allows them to continue cultivation but also recognizes them rightful cultivator of their land. Accordingly these villagers also filed their claim for IFR in 2008 and its is been pending in SDLC since then. Recently in 2015 the forest department booked 17 families of Mandbhari village for illegally cultivating forest land. Vulnerable these 17 Gond families fought legal

battle in the court. Interestingly the forest department could not prove that these families were illegally cultivating forestland. The court has already acquitted five out of 17 families booked by the forest department in November 2018.

Community Forest Rights:

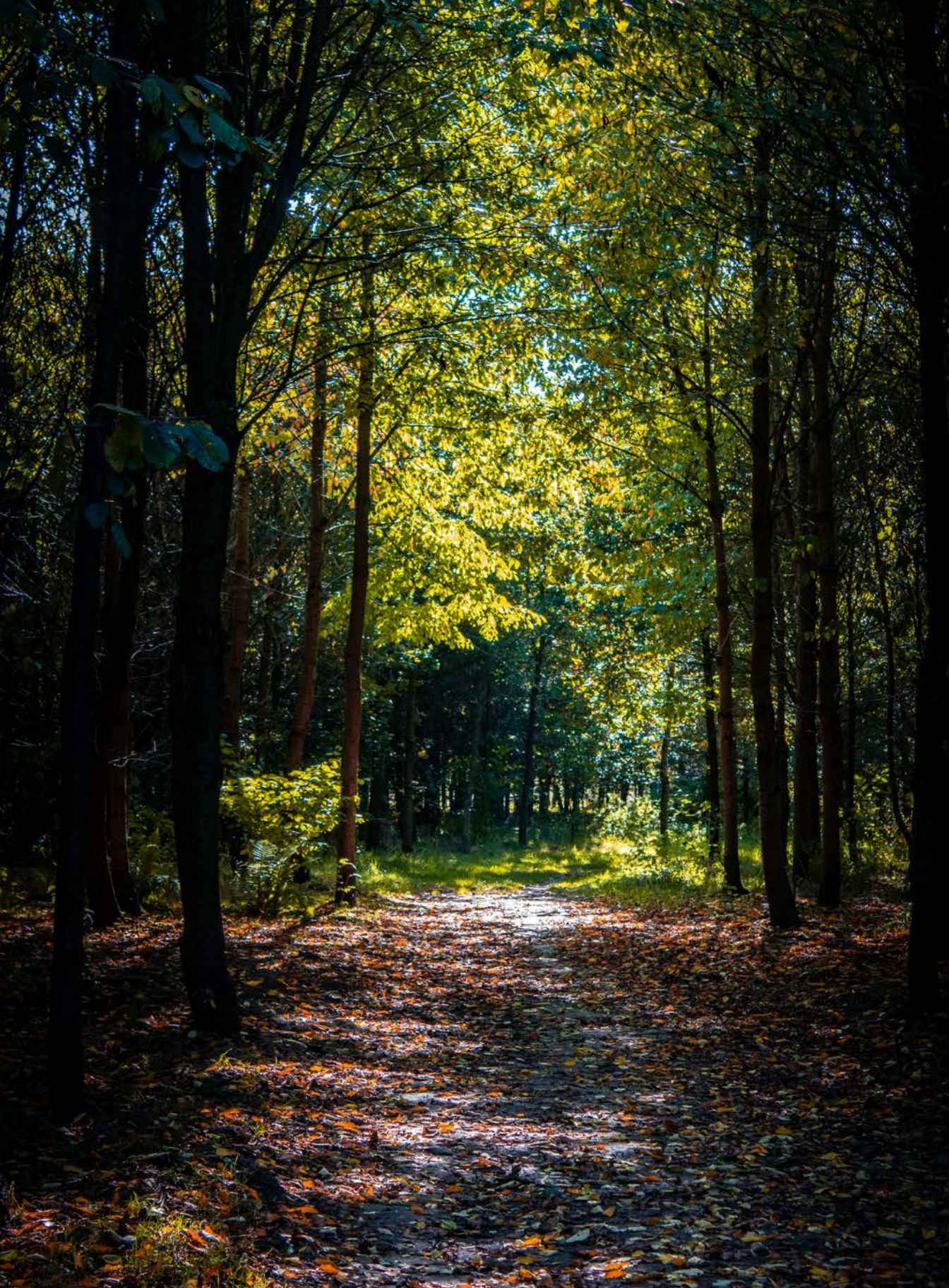
The Forest Rights Act, recognizes all types of customary and traditional forest rights of tribal and other traditional forest dweller communities called Community Forest Rights (CFR). *Section 3(1)b to 3(1)m* recognizes rights such as nistar, collection and use of minor forest produce, fishing and habitat rights. This is very crucial proviso of the Act, which recognizes dependency of tribal and other forest dwellers on forest and its produces for their habitation and livelihood. On the other hand, it removes un-necessary supervision of forest department in regulating collection and trade of forest produce by local villagers. In order to remove procedural and technical hurdles in recognition of community forest rights claims, the union government in 2012 amended FRA rules and inserted suitable provisions for the smooth recognition of the CFR.

CFR Claims:

These five villages through five different applications filed CFR claims over forest and its produces in 2016 and 2017. All five CFR claim applications have been processed by Gram Panchayats and forwarded to SDLC in 2016 and 2017. According to the villagers, none of the village panchayat got its CFR recognized by the District Level Committee. CFR application cycle of Rawas and Banspattar village is given in following table.

Status of CFR claim Procedures in Banspattar and Rawas

Procedures	Banspattar	Rawas
Preparation of CFR claim by the Forest Right Committee (rule 11(3))	Yes (August 25, 2016)	Yes (May, 2017)
Intimate forest department about initiation of CFR claim (Rule 12 (1))	Yes (August 29, 2016)	Yes (May 23, 2017)
Preparation of community forest resource map (Rule 12-1(g))	Yes	Yes
Written request from Gram Sabha/FRC for information, record or document required for CFR claim application (Rule 12-4)	No	No
Intimation of joint verification of CFR claim by Gram Sabha	Yes (November 17, 2016)	Yes (June 12, 2017)
Forwarding CFR Claims to SDLC	Yes (November 30, 2016)	Yes (August, 2017)
Decision by SDLC on the CFR claim (Rule 12A (7))	Not communicated to villager	Not communicated to villagers



Claim Applications:

While the forest produce is important for them as highlighted in the beginning of this case study, no claim application describes them in detail. Additionally these applications lack required evidences in support of their claim over forest and forest produces. None of the application has forest and revenue map along with demarcation of forest compartment claimed by villagers under CFR.

Moreover, it was found that both gram Panchayats informed the SDLC about their intention to apply for CFR well in advance and sought their support as per the section- 4(3) of the FRA rules, 2012. All applications reviewed by us have mentioned their traditional rights over forest and forest produce in detail. Panchayats have also scheduled joint verification, the report of joint verification for Banspattar is attached with the CFR application of Banspattar, but the same report is not attached with CFR application of Rawas village.

Role of SDLC and DLC

The SDLC under Rule 12A(1) of the Forest Rights Rule 2012 to be present during the verification of the claim and the verification evidences on the site. In each CFR claim, villagers requested SDLC to assist them in the process. According to application form, except in Banspattar, the SDLC committee remained missing from claim verification. It is also duty of SDLC to provide forest and revenue map to Gram Panchayat, but no application has this important document.



Key Suggestions:

- Villagers need hand holding support to dialogue with SDLC on their IFR and CFR claims. They also need help to access relevant evidence in support of their claims such as settlement records, satellite images, maps and others.
- The SDLC is inactive and lower level officials are reluctant which has delayed recognition of IFR claims for more than 10 years. The head of department of tribal development in Raipur may direct to SDLC to decide on all claims in next few months (whatever time frame reasonable for the government)
- The CFR is crucial for tribal in this region; however, as happened in other district, the SDLC may reject their major rights over forest produce in the absence of evidence and unclear/incomplete claim form submitted by villagers. These claims need to be reviewed and hand holding by expert can be provided them to strengthen their claim.
- Both Ekta Parishad and Parivartan Samaj Sevi Sanstha played vital role in mobilizing villagers for their land and forest rights. But agitation and protest is not complete solution for change. There is need to engage with these people in some constructive agenda as well. Re-working on IFR and CFR claim is one such agenda. More than protest, people should start using democratic and institutional spaces created through FRA, 2006. Additionally, as the forest produces plays important role in local income, one has to engage with local people on processing, value addition and marketing of these product as well.



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