

REGIONAL CONSULTATION

ON

IMPLEMENTATION OF FOREST RIGHTS ACT:
*'Issues in implementation of community rights with focus on
management and governance of CFR'*

23rd-24th September 2013

BHUBANESWAR, ODISHA

Organized by

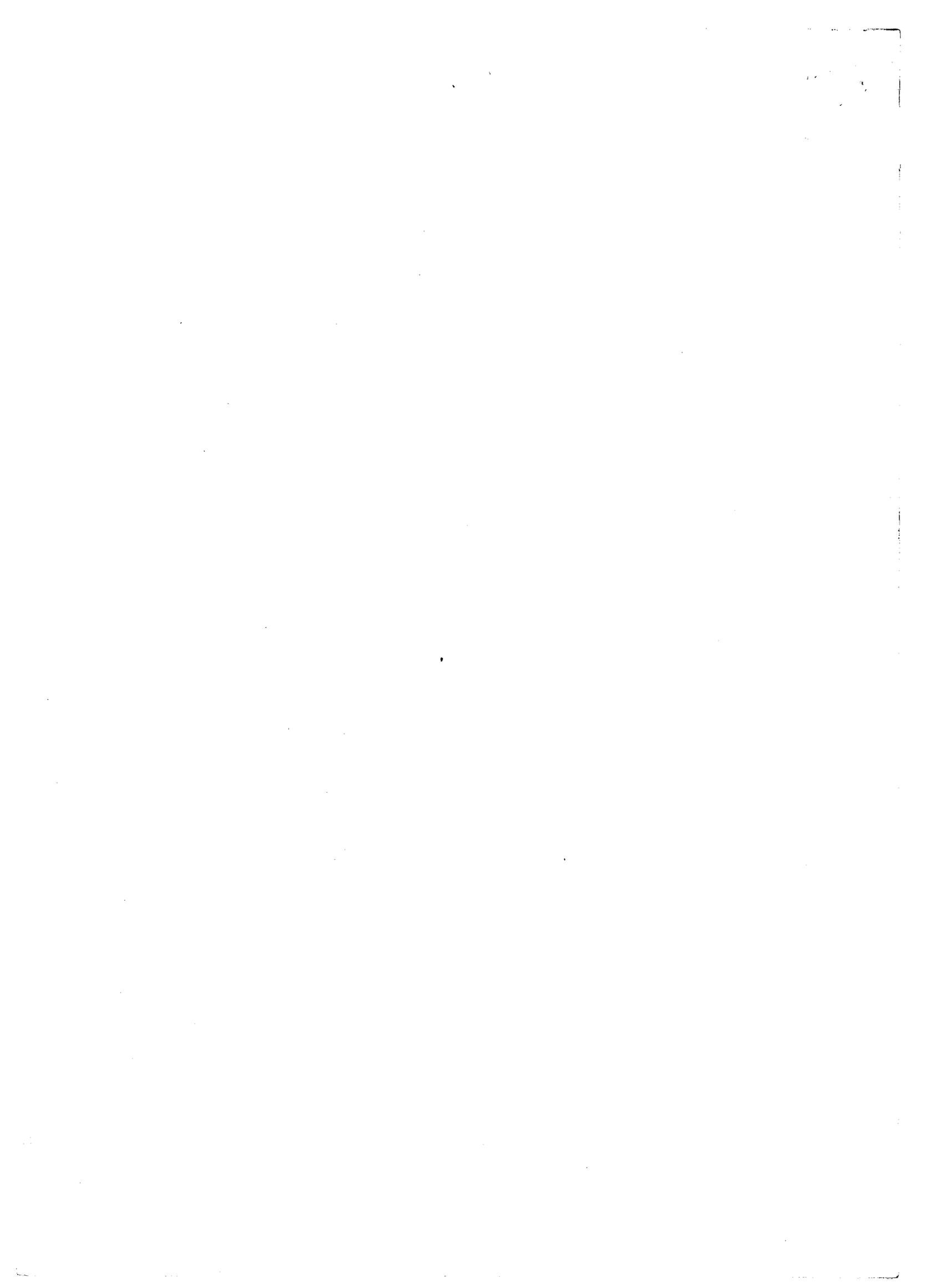
Ministry of Tribal Affairs
Government of India

In collaboration with

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Hosted by

ST AND SC Development Department
Government of Odisha



IMPLEMENTATION OF FOREST RIGHTS ACT:

‘Issues in implementation of community rights with focus on management and governance of CFR’

23-24 September, 2013

Bhubaneswar, Odisha

Background

About 275 million people in India, mainly scheduled tribes and forest dwellers, directly depend on forest resources for livelihoods and about 100 million people live on land classified as forests. According to one estimate, 40 percent of India’s poor live in about 1.73 lakhs forest-fringe villages. Poverty in forest areas is mainly due to insecurity of tenure and deprivation of access rights to forest resources – both pointing to the need for forest tenure and governance reforms. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereafter called FRA) has been enacted to secure tenure and recognise pre-existing access rights of the STs and OTFDs and to facilitate community forest governance. In the process of implementation claims and recognition of community forest rights, which hold the key to livelihoods and community forest governance, remain a major challenge.

Section 3(1)(i) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereafter FRA) recognised the right to protect, regenerate, or conserve community forest resources and section 5 of the Act empowers the holders of forest rights, Gram Sabha and village level institutions to:

- Protect forests, wildlife and biodiversity
- Ensure the adjoining catchment areas, water resources and other ecologically sensitive areas are adequately protected
- Ensure that the decisions taken in Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with.

← The FRA Amended Rules, 2012 have specified a procedure for delineating the customary boundary of community forest resources and added a separate “Form C” for claiming rights over Community Forest Resources. Rule 4 (1) e, f and g specifically provide for constitution of a committee by Gram Sabhas for carrying out provisions of section 5 of the Act and preparation of a conservation and management plan. Rule 12B (3) & (4) of the amended rules require recognition of CFR rights for every village with a forest interface and recording of reasons for cases where this has not been done.

Along with CFR, Community Rights constitute overlapping and integral parts that are required to be protected, conserved and managed to ensure sustenance of forests and livelihoods. Section 3(1), besides individual rights, also provides a number of community rights viz. rights such as nistar [Section 3(1)(b)]; rights over minor forest produce [Section 3(1)(c)]; rights [Section 3(1)(c)] over fish, water bodies, grazing; conversion of all forest villages, old habitation, unsurveyed villages and other villages into revenue villages; right to access biodiversity, intellectual property and traditional knowledge [Section 3 (1)(k)]; pre-existing rights under any state law [Section 3 (1)(j)]; Habitat rights of PVTGs [Sec.3(1)(e)] and traditional seasonal resource access of nomadic or pastoral communities [part of Sec.3(1)(d)] and any other traditional right [(Section 3(1)(l)].

Objectives:

This consultation focussed primarily on the progress of recognition of CFR and Community Rights along with the below listed key issues that were identified in the previous consultations on different aspects of Community Rights.

Key issues related to recognition of Community Forest Resource (CFR) rights and Community Rights

- Clear identification of areas where FRA is to be applied: The exact areas of implementation should be clearly identified and listed. Moreover, FRA is applicable in all areas where there are forest lands irrespective of the category of forests and includes protected areas.
- Constitution of village/hamlet/habitation level Gram Sabhas: The Gram Sabha is the key authority under the Act, and therefore, constitution of village level Gram Sabhas and their empowerment is fundamental. The Act does not provide for Gram Sabha meetings to be held at the Panchayat level. Such meetings should be held at the level of actual villages or hamlets. The procedure for identification of these villages/hamlets is provided in the amended Rule 2B. This is yet to be adhered to in many states and was to have been rectified.
- Inclusion of Other Traditional Forest Dwellers (OTFD): Recognition of rights of OTFDs has been grossly neglected due to continued misinterpretation of the provisions in the law despite clarification of how their eligibility is defined in the law. OTFDs are not required to establish occupation of a particular piece of land for three generations which has been the most widely reported cause of rejection of their claims; proving residence in forest areas for three generations is sufficient. Further, any form of permissible evidence is acceptable and particular documentary evidence should not be insisted upon.
- Poor recognition of CFR rights and community rights: Barring a few pockets in a few states, there has been poor filing of claims and recognition of the CFR rights despite MoTA's July 12 Guidelines and the amended Rules largely due to lack of capacity for facilitating the claim and verification process. There is inadequate understanding about the identification and mapping of customary boundaries as required in the amendment rules. In some States, CFR

rights are conferred on JFM committees when it should be conferred only on the Gram Sabhas. The majority of Gram Sabhas remain unaware about this critical right or the procedure for claiming the same. Official maps and other records, such as nistarpatraks, Khatian part II and other such records have not been made available to Gram Sabhas. A similar situation exists for most of the community rights, and to a lesser extent for minor forest produce.

- **CFR and Community titles and Boundary Issues:** Where issued, CFR and community titles often do not have a clear map showing the boundary of the CFR area or the community rights areas. Where multiple villages are protecting and depending on the same forest, little facilitation has been done for issuing joint CFR and community titles to prevent boundary disputes in the future.
- **Insertion of illegal conditions on CFR and community titles:** Many of the titles, particularly CFR titles issued to date have inserted conditions which violate the provisions of the Act such as following JFM provisions or forest department working plan prescriptions. These need to be removed.
- **Empowerment of right holders and the Gram Sabha to protect wildlife, forest and biodiversity, and to regulate access to their forest areas:** Where CFR rights are recognised, the CFR management Committee are to be constituted by the concerned Gram Sabha [Rule 4(1) (e)]. The State governments are to facilitate the Gram Sabhas to constitute such committees and enable them to evolve plans for protection, regulation and management of the wildlife, forest and biodiversity as required by the Gram Sabhas. There is no information on how many States have formed this committee where community rights and CFR rights have been recognised. This is important from the point of view of sustainable livelihood and conservation.
- **Monitoring, grievance redressal and appeal:** The law envisages a multi-tiered monitoring system with the State Level Monitoring Committee, the District Level Committee, the Sub-Divisional Level Committee and the Gram Sabha at the other level. There is also a grievance redressal and appeal mechanism on decision of the authorities vis-a-vis the Gram Sabha and the Sub-Divisional Committee which requires that the aggrieved receive reasons for modification or rejection of claims in time which is not operationalized in most instances. There is also a prescribed mechanism for actions on violation of the law by any officials which are offences under the Act. The operationalization of all these and their institutionalization is mandatory to ensure that the claims and approval process are correct, to ensure that there are no conflicts and contestations in the future over these.
- **Very low recognition of the habitat rights of the PVTG groups:** Particularly Vulnerable Tribal Groups (PVTGs), and the nomadic and pastoral communities are sections whose distinct rights, for instance habitat rights of PVTGs, are not yet been initiated for lack of clarity. It would be necessary for the State governments to take special initiative to facilitate that these communities make their claims as appropriate to their diverse life situation.

- Conversion of forest villages into revenue villages: Forest villages and habitations, whether recorded or not, are required to be converted to revenue villages after the recognition of all their eligible rights. These are villages which exist precariously denied of development programmes and rights simply because these exist on forest land. Conversion of these habitations into revenue villages remains largely unattended.
- Recognition of pre-existing rights: FRA does not take away any existing rights (for instance under Chottanagpur Tenancy Act and Santal Pargana Tenancy Act in Jharkhand) recognized under any State laws. FRA recognizes all rights mentioned under Section 3 (1) of FRA including section 3(1) (j). The State governments are to proactively take steps to ensure that these claims are claimed and recognized under FRA.
- Rights recognition a precondition for relocation from any critical wildlife habitat: Recognition of rights is a precondition for any relocation from critical wildlife habitat. Further, the relocation has to ensure 'secure livelihood'. It is necessary that is fulfilled in all cases of relocation since the date of FRA coming into force and any proposed relocations. Any deviation from this is a violation of law.
- Diversion of forests: All diversion of forests for industries or other development projects that this be carried out only after the process of completion of recognition of all the relevant rights under FRA. It is necessary to ensure that this is strictly adhered to since FRA has into force.
- Full recognition of rights to Minor Forest Produce: Recognition of rights to minor forest produce (MFP) has been initiated in some earnestness in some parts of the country (Gadchiroli in Maharashtra and parts of Odisha). The rights include collection, transport and sales. States like Odisha are yet to abolish royalties and many have provisions for monopoly control over certain MFPs (tendu for example) and continue to adhere to them. States need to withdraw from them while ensuring minimum support price and active support to their value addition and marketing besides organizing credit support to the rights holders.

Key issues for post recognition management of CFRs and Community Rights

- Capacity building of Gram Sabhas and institutionalizing support mechanism has to be carried out with regard to CFR and community rights management after the recognition of rights for facilitating effective management of the community forest resources. Converting rights to gainful livelihoods for the community and for protection, conservation or regeneration of forest resources is fundamental for CFR management with emphasis on revitalizing indigenous knowledge and traditions, including for sustainable use. This requires training, knowledge and skill sharing and experience sharing process.
- Issues relating to preparation of conservation and management plans: Local communities have been protecting and managing their forests since long on the basis of rules without written plan documents. While facilitating preparation of conservation and management plans by Gram Sabhas and their committees, they must be kept simple and brief outlining their

major proposed activities in a form which the ordinary villager can understand and to ensure that they do not require complex and elaborate documents. They could be assisted in documenting the floral and faunal biodiversity in their forests to monitor change over time.

- **Benefit sharing issues:** In most cases, community forest resources provide a variety of ecosystem services which also support the livelihoods, particularly of the poor. Gram Sabhas need to be provided facilitative support in developing access rules and regulations which are equitable and just.
- **Conflict resolution:** Effective conflict resolution mechanisms need to be developed for dealing with conflicts within and between villages over CFR management and common resource use. Most forest communities have traditional conflict resolution systems which are still effective. In other cases, federations of CFR villages could be facilitated for dealing with conflicts, a system which is already being used in most, if not all, States.
- **Convergence of Government Livelihood Programmes:** Efforts will need to be made to facilitate support for Gram Sabha conservation and plans through convergence of schemes of different departments. Gram Sabhas may require use of MNREGA funds for protection, undertake assisted natural regeneration by planting useful local species for watershed management, soil conservation and afforestation of degraded parts of their CFRs. NTFP gatherers may require support for skill development and value addition and marketing of their products. In the Scheduled Areas, the convergence plans should be in conformity with PESA.
- **Monitoring:** It's necessary for the Gram Sabhas to develop monitoring strategies at different levels and across landscapes to deal with the issues and challenges relating to management of community forest resources.
- **Networking:** Networking among all the CFR management communities is needed for cross-learning, issue solving, sharing of experiences etc.

It is necessary to ensure that Gram Sabha both in PESA and non-PESA area are empowered to prepare the CFR management plan and that all line departments are instructed to assist them when they need help.

Expected Outputs

- States are able to identify clearly the bottlenecks that are impeding the implementation of the Act with regards to recognition of community rights especially to review the pre-existing rules, regulations and laws governing for instance harvesting, processing and sale of MFPs, or water bodies or pastures along with State laws, rules and orders that are not in compliance with or are inconsistent with or contradictory to the provisions of FRA .
- Review the status of implementation of Action Plan focussing on the key issues and recommendations that had emerged in previous consultations as mentioned above and

updated State Specific Action Plans specifying the issues mentioned in the post recognition and management of CFR and community rights.

- Identify areas of the line departments, who are required to fine tune their programmes and services to be in compliance with the provisions under FRA, such as working plans and JFM plans of forest department and the management plans of the CFR areas prepared by the Gram Sabha.

Participating States:

Andhra Pradesh, Chhattisgarh, Madhya Pradesh, Maharashtra Himachal Pradesh, Uttarakhand, Kerala, Rajasthan, West Bengal, Goa, Gujarat, Jharkhand and Odisha.

Day 1 - 23rd September 2013

INAUGURAL SESSION:

The inaugural session on 'Issues in implementation of community rights with focus on management and governance of CFR' was graced by Hon'ble Minister, ST and SC Development, Government of Odisha as the Chief Guest and the panel was shared by Smt Vibha Puri Das, Secretary, MoTA, Govt. of India, Shri Injeti Srinivas, Development Commissioner, Govt. of Odisha, Dr. Sadhana Rout, Joint Secretary, MoTA, and Shri Santosh Sarangi, Commissioner-cum-Secretary, SC and ST Development Department, Govt. of Odisha.

Setting the context, Dr. Sadhana Rout welcomed the dignitaries participating in the consultation and recalled that exactly one year ago, the Ministry had organised its first Regional Consultation on this path breaking legislation at Bhubaneswar after issuing the amendment to FRA Rules and the new guidelines addressing the operational challenges and bottlenecks in FRA implementation. Last year, comprehensive guidelines were issued on 12th July, 2012. Following this, FRA rules were amended and notified on 6th September, 2012. Soon after, the Ministry of Tribal Affairs carried out orientation of tribal departments of all States and Union Territories on the amended rules through regional consultations. The first such regional consultation was held at Bhubaneswar on 25th September, 2012 where representatives from different states participated. The series of regional consultations culminated into a National Level Consultation on 3rd December, 2012 at Delhi which was graced by the Hon'ble Minister of Tribal Affairs. Each state presented their action plans on FRA implementation as per the revised rules and guidelines and set their targets to implement FRA in a time bound manner.

The review of Action Plans of the State by the Ministry during May 2013 pointed out clearly that while most of the states proceeded well with the recognition of individual rights, recognition of community rights and community resource (CFR) rights was lagging behind in almost all the states. During the review process, certain states pointed out certain operational challenges and difficulties in recognition of community rights and CFR rights. Further, recognition of habitat rights of the PVTGs has also not been initiated by the states.

She informed that the theme of the consultation was finalised keeping this felt need and expected that the consultation would provide a platform for the states to get conceptual clarity on the issues impeding the implementation of Community rights and CFR rights. Further, it would also provide opportunity to the states to learn from innovative practises adopted by certain states and help resolve the operational challenges. Lastly she stressed that the states should reflect on their own action plans and commitments made and how far they have managed to progress till date.

Welcoming the delegates, Shri Injeti Srinivas, Development Commissioner expressed his happiness to host this important workshop which aimed at resolving the field level impediments to FRA implementation. He expressed that States need to understand that FRA is not just a tenurial rights recognition process but it aims at 'right to livelihood'. Expressing his concern, he stressed the fact that there was serious failure in the governance system since there was a need felt to legitimise such a fundamental right and bring the Forest Rights Act in 2006, after so many years of independence. Citing the case of Odisha, he said that prior to Forest Conservation Act in 1980, rights of a large number of forest dwellers have been settled but with the enactment of FCA, 1980, the focus shifted to conservation and all the forest dwellers were looked upon as encroachers. With the implementation of Forest Rights Act, Odisha has pioneered in settling about 3.5 lakh individual rights and another about 75,000 more are under consideration.

He expressed that FRA is a democratic legislation and the authority has been entrusted upon the Gram Sabhas. Hence it is vital that Gram Sabhas are made aware of the provisions of the Act and have the capacity to carry out their responsibilities and duties in an effective manner; the role of the State is very crucial in extending the handholding support and capacity building of the Gram Sabhas to executive their duties.

Citing the example of OTELP, which is piloted in Odisha with the support of DFID, he shared that impact of the OTELP project has been quite spectacular to improve the livelihoods of the tribals. He said that FRA needs to be also visualised in similar manner and the outcomes of the rights can only be realised with the convergence of different programmes and schemes.

He also said that there is a need for a National Guideline highlighting the non-negotiable in FRA implementation and a result based framework needs to be devised fixing the targets and outcomes which should be monitored and reviewed at set intervals.

Smt. Vibha Puri Das, Secretary, MoTA, said that while implementing the historic FRA, we had moved forward considerably in individual rights, but as far as community rights were concerned, the progress was not satisfactory. Community right settlement was estimated to be less than 5 per cent. The states should come out with innovative plans and work on campaign mode to settle community rights under the FRA.

Further, she shared that each state had fixed their own targets and deliverables during December 2012 and now it is the responsibility of the states to evaluate their progress, the steps taken by them and what remains to be done. Since recognition of community rights and

CFR rights have been identified as major lacunae in almost all the states except few pockets, each state needs to learn from each other's experiences and share the success stories achieved in few pockets of the country. She highlighted few of the key challenges which need to be addressed:

- Role of the institutional structure mentioned under FRA is very crucial. While the fundamental focus on the roles and authority of the Gram Sabha needs to be emphasised, regular monitoring needs to be done at frequent intervals to ensure that the process is moving in the right track and direction.
- Identify the key issues and bottlenecks in recognition of community rights and CFR rights and develop strategies to resolve the issues.
- Identify the key issues in recognition of habitat rights of PVTGs.
- Government of India has introduced the new scheme of Minimum Support Price for minor forest produces. With the change in the transit regime and introduction of the new scheme, she asked that states to factor in all the ground level issues related to minor forest produce transaction and marketing and devise action for ground level implementation of the new scheme.

Concluding her remarks she asked the states to identify and thrash out all the 2nd generational issues and take FRA to the next level of implementation.

Shri Lal Bihari Himirika, Hon'ble Minister, SC and ST Development, Government of Odisha welcomed the delegates and said that Odisha has not only settled the highest number of individual claims in the country till date but also gone beyond just settling of rights and covered more than 2 lakh title holders in some kind of development programmes, like IAY, Mo Kudia, land development programmes and so on.

He shared that in a mission mode to settle the community rights and CFR rights, the State has initiated the process of identification of forest fringe villages and would take all initiatives to cover all CFR claims within reasonable time frame. With the commitment to settle community rights and CFR rights in the state within a time bound manner, the Hon'ble Minister sought for necessary support from the Ministry as and when required to realise the goal of recognition of community rights in the state.

Finally Shri Santosh Sarangi, Commissioner-cum-Secretary, SC and ST Development Department, Govt. of Odisha in his Vote of thanks said the State Government has so far settled over 3.35 lakh individual claims while the community right claims' number stands at 3,500. Odisha has managed to mobilize over 10,000 claim applications in last six months and raised issues about institutional mechanism of gram sabha, roles and shared responsibilities of administrative departments to facilitate preparation of CFR management plan and grievance redressal mechanism post rights recognition. Similarly, matters related to MFP were also flagged by Odisha. Issue of transit permits for MFP and their authentication during intra-state transportation, marketing support and working capital support to gatherers were also pointed out.

TECHNICAL SESSION 1

Panel members were Dr. N. C. Saxena, Member NAC, Shri C. R. Bijoy, FRA expert, Smt Shomona Khanna, Legal Expert and Smt Vibha Puri Das, Secretary, MoTA.

At the outset Dr. N. C. Saxena, Member NAC said that Odisha had done quite well in implementation of individual forest rights but did not do well so far as community rights are concerned. Odisha had made a beginning but it will take time for settling community rights. Emphasis should be given on communities, which are collecting minor forest produce and engaging in cow herding so that they feel a sense of security.

The session started with the brief presentation by Shri C. R. Bijoy on overview of Forest Rights Act. He stated that as on June 2013, only a mere 15% of the 20% of forest land estimated by Ministry of Environment and Forest (MoEF) to be covered under the occupational titles through FRA has been recognised. The conversion of forest settlement into revenue villages requires the inclusion of the actual current land use or future use of the 'entire' village, and should be incorporated into the revenue records. He highlighted that the PVTG groups live precariously depending mostly on the natural forest resources for their survival more than anyone. The PVTG habitat recognition needs to be tribe and location specific. Not all PVTGs are alike. The same PVTG have different survival mechanisms in different locations. Thus the PVTG rights may be spread over continuous land mass which includes both forest and revenue lands. Each State could consider recognizing rights over revenue lands under relevant revenue laws of the State simultaneously. A similar approach could be adopted for nomadic and pastoralist communities. The law makes it mandatory to ensure that all the Gram Sabhas delineate CFR, and in exceptional cases where CFR is not delineated the Secretary of the District Level Committee has to record the reasons. Forest dwellers are not to be relocated prior to completion of recognition of all the forest rights. Secure livelihood, and not mere compensation is what is now legally permissible when there is relocation for critical wildlife habitat. Forest diversion in addition to recognition of rights now requires the consent of the Gram Sabha with a quorum of 50% as per MoEF orders under Forest Conservation Act.

Smt Shomona Khanna clarified the relationship between Supreme Court judgments, interim orders, and the FRA

Definition of forest land: "The term "forest land", occurring in section 2 (of the Forest Conservation Act, 1980), will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership.....The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof." (TN Godavarman Thirumalpad vs. Union of India & ors Judgment of 12.12.1996 reported in (1997) Vol. 2 Supreme Court Cases pg.267] This definition is harmonious with the definition of forest lands in FRA and hence there is no conflict.

Minor Forest Produce: “In the meantime, we restrain respondents No.2 to 32 from ordering the removal of dead, diseased, dying or wind-fallen trees, drift wood and grasses, etc. from any National Park, Game Sanctuary or forest. If any order to this effect has already been passed by any of the respondent-States, the operation of the same shall stand immediately stayed.” (‘Forest Bench’ in Godavarman case WP 202/95 on 14.2.2000 in I.A. No. 548 in WP 202 of 1995, unreported). The order was interim in nature and was passed without considering the relevant provisions of the Indian Forest Act, 1927 and the Wildlife Protection Act, 1972. This order was further modified 28.2.2000 prior to enactment of FRA. The word “forest” was deleted vide order dated 28.2.2000. Again “it is clarified that the said interim order will have no application in so far as plucking & collection of tendu leaves is concerned” on 3.4.2000 upon an application for modification by the State of Rajasthan. The Court again clarified on 18.2.2002 “that the order of this Court prohibiting cutting of trees does not apply to bamboos including cane, which really belongs to the grass family, other than those in the national parks and sanctuaries. In other words, no bamboos including cane in national parks and sanctuaries can be cut but the same may be cut elsewhere.”

Settlement of rights: In the WWF Case (WP (C) 337 of 1995), the Supreme Court said on 22.8.1997 that “Even though notification in respect of sanctuaries/national parks have been issued under section 18/35 in all States/ Union Territories, further proceedings as required under the Act i.e. issue of proclamation under section 21 and other steps as contemplated by the Act have not been taken. The concerned State Governments/ Union Territories are directed to issue the proclamation under section 21 in respect of the sanctuaries/national parks within two months and complete the process of determination of rights and acquisition of lands or rights as contemplated by the Act within a period of one year.” This order for settlement of rights of forest dwellers inside PAs was not complied with, and further orders reiterating it were passed on 23.11.2005, 29.8.2006 and 11.1.2007.

Dereservation of forests/sanctuaries/national parks: It is true that the Supreme Court on 13.11.2000 ordered that “Pending further orders, no dereservation of forests/ sanctuaries/ national parks shall be effected.” (In I.A. No. 2 in WP 337 of 1995). But again this order was passed as an interim arrangement “pending further orders”. This was modified in specific situations numerous times by the Supreme Court itself, so that dereservation/ change in land use was permitted by the Court in specific cases upon an application by the project proponent/ State Government. The current practice is that the proposals under S. 2 FCA do not seek change in status of forest land, therefore no ‘dereservation’ and permission of Supreme Court is NOT required; Proposals under S. 2 FCA relating to PAs are referred to the National Board for Wildlife, which sends its report to the Supreme Court for a approval—Court normally follows the advice of the NBWL, and only a formal order is passed. The Court has reconsidered its own judgments granting approval to certain projects, where it has been shown that the Court itself had failed to consider the FRA in its earlier judgments. See Section 4(1) and (7) of FRA for this purpose. Therefore, the order dt. 13.11.2000 stands modified by the provisions of the FRA and *the forest rights granted thereunder in forest lands do not require permission of the Court.*

She made this observation that previous orders and judgements of Supreme Court are not an obstacle to the implementation of FRA.

Thereafter the house was open for discussion.

KEY ISSUES/OPERATIONAL CHALLENGES

Issues Raised	Response from the Panel
1. Recognition of rights for communities residing outside the Forest area:	
<p>West Bengal pointed out that there is no habitations within Sundarbans Tiger Reserve and some parts of Sunderbans Biosphere Reserve; hence there is no applicability of individual rights in those areas.</p> <p>Fishermen from Howrah are dependent on Sundarbans for fishing purpose but the fisher groups are changing frequently. Similarly honey collectors also come to collect honey from Sundarbans in an interval of 3-4 months and these groups also change frequently.</p> <p>Clarification was sought on the applicability of FRA for communities residing outside forest areas and how the rights of the groups could be recognised if they change frequently and are not constant?</p>	<p>FRA is applicable for STs and OTFDs who primarily reside in and who depend upon forest or forest land for bonafide livelihood needs. In case of STs the cut-off date of occupation of forestland is 13th December 2005. In case of OTFDs, the evidence of residence in forestland is required for 3 generation (75 years) but the evidence for occupation should be prior to 13th December 2005 as in case of STs.</p> <p>If any community is dependent on forest or forestland for 'bonafide' livelihood needs (<i>defined in the amended rules</i>) like grazing, MFPS, fishing and the like, then their rights need to be settled under FRA.</p>
2. Constitution of Gram Sabha at Village/Habitation Level	
<p>In many States Gram Sabhas are still called at Gram Panchayat or revenue village level. (West Bengal, Himachal Pradesh etc).</p>	<p>Reconstitution of village as per Rule 2 (A) at the hamlet/habitation level has not progressed sufficiently. This is a basic requirement under the Act and needs to be adhered to by the States.</p> <p>It is clearly mentioned in the FRA rules that the Gram Sabha meeting has to be convened by the Gram Panchayat and the meeting has to be held at the village level. Hence, there should be no conflict between State Panchayati Raj Department and Tribal Department in convening the meeting of the Gram Sabha at the village level and any such conflict, if exists needs to be resolved by the respective states and each state has to abide by the provision of FRA to convene the Gram Sabhas at the village/habitation level.</p>

3. Need to delineate the areas of community rights:	
<p>Kerala enquired if there is a need to identify and delineate the community rights areas if the communities are not anxious for such rights recognition process as they are already enjoying similar rights.</p>	<p>Ministry needs to undertake field level evaluations with objectivity to assess such issues of why the recognition of community rights is not progressing in some of states due to lack of community will and demand or lack of initiative of the state administration. It was clarified that the law is not creating any new rights but recognising the pre-existing rights. States must be aware of the legitimate right holders and accordingly facilitate the claim making process from the community to get their rights. It is the responsibility of the state to facilitate the process.</p> <p>There was also a suggestion that not necessarily administration has to facilitate the claim making process all alone but the community members could also come forward with their capacity and knowledge to facilitate the process. In Maharashtra, facilitation of community claims is being done by the Government officials, Gram Sabha and good community facilitators as a team and has shown quite good result in the field.</p>
4. FRA vis- a-vis other laws like PESA	
<p>Confusion over the provisions of PESA and FRA as PESA recognises the Gram Panchayat as the authority and under FRA Gram Sabha is the authority.</p> <p>PESA recognises the ownership rights over the minor forest produces to the whole Gram Panchayat but FRA is applicable to only STs and OTFDs and not the whole community. This may lead to conflicting situation in the village if certain section of the community is excluded from the rights.</p>	<p>FRA is a statute which is subsequent to PESA and recognises Gram Sabha at the village level as the authority. PESA in its objective and spirit also empowers the Gram Sabha but the disjunct has happened when the provisions of PESA as the Central legislation has been amended and brought into State statute. The State legislations recognise Gram Panchayats and in some states even the Zilla Parishad as the authority. This is in contradiction with the spirit of PESA which empowers the Gram Sabha.</p> <p>Rights of the people other than STs and OTFDs are governed by other relevant state laws. As per Sec 13 of the Act, FRA should be read in conjunction with the other relevant</p>

	<p>State Laws.</p> <p>PESA gives ownership rights to the Gram Sabha or Gram Panchayat at appropriate level. It is now up to the Gram Sabha, as the competent authority, to decide how the entire community can exercise their rights over minor forest produces or other common resources without any conflict.</p>
5. Compensation package in case of displacement	
<p>FRA only mentions of compensation package if right holder is settled in National Parks and Sanctuaries but there are many right holders outside the Protected Areas. If they are displaced, how would they be compensated?</p> <p>What would be the compensation in case of community rights and habitat rights of PTGs?</p>	<p>New land acquisition law covers compensation in case of private lands and such forestland where FRA rights have been conferred. The new law does not cover any compensation in case any forestland or other categories of government land on which rights have not been recognised are transferred for some other purposes. Unfortunately the new act applies to acquisition only and not resumption. In colonial period there was a law called wasteland claims act, which applied to resumption of government land where any Govt. land if used for some other purpose, even then people need to be compensated. Under the new law, compensation would be given only for private land and forestland where rights have been recognised are acquired.</p> <p>Ministry of Rural Development is working on the guideline for compensation of community rights and the habitat rights in case of PTGs which would be soon in the public domain.</p>
6. Conditionality in the titles is a violation of the spirit of the Act.	
<p>It was raised that conditionalities put in the titles of many states is in violation of the spirit of the Act and it should not be a practise</p>	<p>Instead of conditions in the titles the duties and responsibilities should be highlighted and further titles should be issued in the name of the Gram Sabhas and not in the name of any JFM/VSS committee.</p>
7. Rights of OTFDs	
<p>Certain communities are cultivating forestland but are not traditionally dependent on the forestland? Do they qualify as OTFDs</p>	<p>Definition of OTFDs has not been properly understood and evidences for both residence and occupation for three generations are</p>

<p>under Forest Rights Act?</p>	<p>insisted in support of claims from OTFDs. In spite of clarifications issued by MoTA that evidence for 3 generation is required only for residence and not occupation of land, claims of OTFDs are being rejected on the ground of lack of evidences of occupation of land for 3 generations</p>
<p>8. Whether the developmental facilities as mentioned in Sec 3(2) of FRA should be considered as a development rights.</p>	
<p>Procedure has been laid down by the Government of India for processing the developmental facilities under Sec 3 (2). Many State Governments are sending proposal to the Centre to consider the diversion of forestland for such developmental purposes under FCA. Is this correct or not?</p>	<p>Diversion of forest land under Section 3 (2) is notwithstanding is notwithstanding anything contained in the FCA, 1980 and therefore there is no requirement of sending the proposals to the Centre. The guidelines issued by the MoTA in this respect clearly says that if the area applied for diversion is less than 1 ha and involves cutting down of less than 75 trees for any such development purpose as mentioned in the Act, then it can be done at the Collector's level and the whole purpose is to facilitate the process of development and rights of the villages to access those developmental facilities. It was also clarified that the provisions for developmental facilities under Section 3 (2) are treated as 'developmental rights' as per section 4 (1) read with section 3.</p>
<p>9. What are the monitoring mechanisms to ensure that the implementation of protective clause of this law are being implemented and monitored?</p>	
<p>There are conflicts existing on the ground level such as cases of diversion of forestland, plantation programmes in forestlands, eviction from Tiger Reserves etc. where rights recognition is in process or even in forestlands where rights have been recognised under FRA but compliance of FRA and the informed consent of the Gram Sabha are not properly obtained and monitored. In such cases, what administrative monitoring mechanisms can be developed to ensure that the protective clause of this law u/s 4 (5) can be monitored and implemented properly at the ground level.</p>	<p>If there is violation of any provision of the Act, u/s 7 it constitutes an offence and u/s 8 the Gram Sabha can issue notice to the State Level Monitoring Committee giving 60 days time for enquiry and action. After the lapse of 60 days the complainant can approach the court for judicial intervention. But it is desirable to see that robust administrative mechanisms are created to ensure that such type of conflicting issues do not happen at the ground level.</p>

10. Average area identified under community rights ranges between 0.2 ha -3 ha in most of the states (Observation by the Panel).

In the last 18 months, as per the reports submitted by the States to the MoTA, there has been no progress with respect to CFR in the states of Assam, Andhra Pradesh, Karnataka, Kerala, Tamil Nadu, West Bengal and Chhattisgarh.

There are many states which do not give the areas recognised under CFR like Assam, Gujarat, Kerala, Tamil Nadu, UP and West Bengal. What are the reasons behind this?

Without such information, such as how many titles given and how much area has been recognised, it is very difficult to assess the progress pertaining to CFR.

Only 5 states (Odisha, Maharashtra, Chhattisgarh, Rajasthan and West Bengal) are providing the information regarding CFR and in these states as well, the average area recognised under CFR is very minimal. For instance, in Rajasthan it is only 2.9 ha, 1 ha in Chhattisgarh and 0.2 ha in West Bengal.

PRESENTATION BY MAHARASHTRA

Key Points	Observations
<ul style="list-style-type: none"> • Out of 3,41,085 individual claims received as on August 2013, 1,438,38 3,38,164 have been approved and out of 5,145 community claims, 2,861 have been approved for 5,63,815.42 acres. • 1,94,531 claims are rejected and the reasons attributed are lack of written records, non-possession of forestland, occupation of forestland post the cut-off date, doubtful tribal status etc. <p>Key Initiatives taken by the State</p> <ul style="list-style-type: none"> • ‘Information kits’ containing the village records, revenue maps, forest maps, electoral rolls, nistarpatraks, village maps etc. are provided to Gram Sabhas in Gadchiroli district. • Proactive steps taken to review the rejected claims where necessary. To facilitate the filing of appeals, letters have been issued to District Collectors to get the appeals free of cost at Tehsil and District Level. • To facilitate speedy disposal of cases, the Additional Collectors have been given the powers to hear the cases under this Act by Government of Maharashtra vide letter 	<ul style="list-style-type: none"> • The innovative steps taken by the state, especially the District Administration Gadchiroli, in building CFR management committees at village level, providing handholding and budgetary support to the Gram Sabhas for auction of Tendu leaves and bamboo were commendable. • Local level planning and proactive steps at the district level was appreciated and such innovations should not remain single generational and should be sustainable. • State should also ensure that similar processes as Gadchiroli are taken up in other parts of the state as well. • State should also gear up in recognition of habitat rights of the PTGs.

<p>dated 14th February, 2011.</p> <ul style="list-style-type: none"> • An online software is made available on which the data of all individual claims under Section 3(1)(a), community forest rights claims under Section 3(1)(b), community forest resources rights under Section 3 (1) (i), diversion of forest land for civic amenities under Section 3(2), progress of constituting the committees under Rule 4(1) (e) etc. can be filed online by the SDLCs and DLCs. The data collection becomes easier and post claim handholding support can be extended quickly. • Post-claims budgetary support and handholding extended to holders of forest rights and Gram Sabhas. Withdrawal of all existing leases, licenses and auction rights etc with regard to the Gram Sabhas who are recipients of CFRs and assistance for e-tendering for bamboo and technical assistance and guidance to conduct Tendu leaves auction provided to Gram Sabhas by the District Administration in the case of Gadchiroli district. 	
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This was followed by a documentary film on 'Living with Dignity' showing the successful initiative taken in Gadchiroli district.

DAY 2- 24th September 2013

TECHNICAL SESSION 2: STATE WISE PRESENTATION

PRESENTATION BY ODISHA

Key Points	Observations
<ul style="list-style-type: none"> • Total Claims received under Community Rights is 10731, out of which 4,905 have been approved as on 17 September 2013 (2,26,982.31 acres for 2,897 titles as on 31 August 2013). • Initiatives taken by the State are Extensive Sensitization Program for frontline officers, Guidelines and FAQs developed and shared with facilitating officers, PRI & FRC 	<ul style="list-style-type: none"> • Initiatives taken by the state are appreciated. • State needs to progress in recognition of community rights and CFR rights. • State needs to focus on the recognition of habitat rights of the PVT Gs.

<p>members, Block level Support teams have been formed to provide handholding support to Gram Sabhas, etc.</p> <ul style="list-style-type: none"> • Mapping exercise is going on to identify forest fringe villages and villages having forest land within its revenue boundary to expedite the process of Community Forest Resource. • Titles issued on CR is free from any kind of conditions (in place of conditions, <u>“Responsibility and Authority of Gram Sabha/ right holders”</u> has been mentioned). • Conversion of Forest Villages, old habitations and settlements located inside the forestland into Revenue Village [<i>Right over land for self-cultivation has been recognised</i>]. <p>Key Issues and Challenges:</p> <ul style="list-style-type: none"> • What would be the Institutional Mechanism of the committee formed under sec 4 1 (e)? • Defined roles and shared responsibilities of the line departments with respect to facilitation of institutional mechanism and preparation of CFR management plan. • Grievance Redressal Mechanism post rights recognition (Present Grievance redressal mechanism is primarily related to recognition of Forest Rights, but what after recognition? Is SDLC/DLC going to carry out the same function or any other institution or networks of CFR Committee? 	
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PRESENTATION BY RAJASTHAN

Key Points	Observations
<ul style="list-style-type: none"> • FRA implementation was taken up in a Campaign mode by the state since last year when MOTA pointed out that Rajasthan has not fared well in FRA implementation. • Since December 2012, State Government developed its strategy for systematic implementation of the Act and following it State Level Consultation was held at Udaipur, with representation from districts. 	<ul style="list-style-type: none"> • IAY, NREGA, etc. are handholding or convergence activities which are carried out by the Government as post FRA activity for ensuring sustainable livelihoods of the FRA right holders. • No of titles that have been given under CFR is very low and more over the average area recognised under CFR is very less which needs to be

<p>Involvement of NGOs in facilitation and capacity building.</p> <ul style="list-style-type: none"> • State has not made much headway in community rights. Only 59 titles were distributed as on June 2013 for 170.843 ha. There is confusion between JFMs and community rights. It is clear that JFM could not replace the community rights. • JFM consist of both non-tribals and tribals groups and during recognition of community rights, the non-tribals pose the biggest opposition. • Gram Sabhas could be given the rights but Gram Sabhas are not capable of sorting out the issue . <p>Clarification Sought:</p> <ul style="list-style-type: none"> • Are habitat rights and house/habitation rights same? Around 25, 000 Indira Awas has been given to the claimants and can they be considered as habitat rights? • Food Security Bill has an inclusion and exclusion clause. The exclusion says 4 categories of people and there are 14 categories under inclusion. The suggestion is to include all the tribals as a inclusion category as they have major mal nutrition problem. 	<p>relooked.</p> <ul style="list-style-type: none"> • CFR and JFM are two parallel processes. Any JFM committee need to align itself to the provisions of FRA. Any committee formed under FRA by the Gram Sabha will supersede the JFM committee as JFM is not a statutory committee. • Tribals are not included as inclusion category in the Food Security Act because tribals in certain parts of the country are well off and states having tribal population falling in poor categories will automatically come under the 'inclusion category' of the Food Security Act. • Special Meeting between Rajasthan with few experts from states where community rights have progressed well can be held so that issues can be sorted out.
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PRESENTATION BY MADHYA PRADESH

Key Points	Observations
<ul style="list-style-type: none"> • Progress of community rights is slow in the state and steps have been taken to mobilise the claims from the community • 26,247 habitations have been identified by the state having forest areas within 5 kms of their boundaries where Special Gram Sabhas have been organised and the FRA Act and Rules have been distributed in their vernacular languages. After this initiative; 17,607 community claims have been received from these identified villages. 12,841 community claims have already 	<ul style="list-style-type: none"> • State should write down the requirements and it would be ensured that any sort of technical assistance or other support would be extended by MoTA in collaboration with the other states and UNDP. • States which have progressed well in community rights can extend their assistance to other states to expedite the process of recognition of community rights.

<p>been recognised and titles have been distributed.</p> <ul style="list-style-type: none"> • Around 2000 claims are in process and would be completed at the earliest possible time. • Rejection rate in the state is hardly 17-18% . Rejection cases have been reviewed in the state and fresh titles have been issued to rightful claimants. • Out of the remaining 9,000 villages in the states, titles are ready for distribution soon in 2,600 villages. • More than 1 lakh credit cards have been issued to beneficiaries through cooperative banks and it is reviewed on a monthly basis on what are the kinds of benefits received by the beneficiaries and individuals who have been left out. • IAY, electric pumps, fertilisers, seeds, land development works are carried out under convergence. <p>Clarification Sought/Support Required:</p> <ul style="list-style-type: none"> • Technical support required on how to use technology, Satellite imagery in identification of CFR and recognition of rights. 	
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PRESENTATION BY GUJARAT

Key Points	Observations
<ul style="list-style-type: none"> • State has focused on FRA implementation in non-scheduled district in the last one year. • Training imparted to DRDI in the non-scheduled district and also in the scheduled district • Around 56,538 claims have been recognised over 93,210 acres of forestland as on 31 August 2013. Average area recognised under individual rights is 1.65 acre. • State has initiated the review of rejected claims. 	<ul style="list-style-type: none"> • What is the total area recognised under CFR? • Coupe felling of Bamboo is still in practice in-spite of bamboo being recognised as MFP under FRA and any such decision need to be taken only by the Gram Sabha. • Need some clarity on the break-up of community rights.

<ul style="list-style-type: none"> • Total community claims recognised is 2,595 claims over an area of 3,19,314 acres of forestland. Average area is 120 acres. • Around 2,595 CFR claims have been approved by the State. • Conversion of forest villages to revenue village is taken as a high priority and measurement of 82 villages has been completed. Proposal has been sent for 45 villages from FD to Revenue Department. • Convergence activities like agriculture diversification, IAY, NREGA, etc. are also taken up. 	
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PRESENTATION BY WEST BENGAL

Key Points	Observations
<ul style="list-style-type: none"> • State has shown significant improvement in individual rights with settlement of more than 30,879 claims. • State has 170 forest villages with more than 45,000 tribals, but yet to begin CFR rights recognition process. • 7,824 community rights claims have been received out of which 109 claims have been recognised for 60.29 acres. • Special team has been formed to review the rejected cases. • Conservation and Management Committees are yet to be started in the state. • Evidence for OTFDs is a major constraint in the state. • West Bengal has issued clarificatory order for Constitution of Gram Sabha at habitation level instead of Gram Sansad level. 	<ul style="list-style-type: none"> • State should provide community rights regarding collection of MFP and also mention the areas recognised under community rights. Only providing IDs to people for collection of forest produces is not the solution if the community rights are not recognised. • Reconstitution of FRC need not be done after the Panchayat elections as FRC is formed at the village or hamlet level and has nothing to do with the Panchayat elections.

PRESENTATION BY KERALA

Key Points	Observations
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<ul style="list-style-type: none"> • 96,000 claims received in the state including community rights. • State has progressed well in individual rights but have to gear up in Community rights. • Out of 510 FRCs formed in the state, community rights claims have been received from 506 FRCs. • Out of 506 CFR claims, 110 have been recognised in the state. • 666 applications received under development rights of which 212 have already cleared by the State. 	<ul style="list-style-type: none"> • The enthusiasm amongst community with regards to FRA is not much in Kerala may be because Kerala government has already been allocating land to the landless and providing alternate land to the land which has been alienated in response to the Supreme Court order. • Need to relook at the titles and the claims as the area recognised even under individual rights is abysmally low.
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PRESENTATION BY UTTARAKHAND

Key Points	Observations
<ul style="list-style-type: none"> • Out of 13 districts, there are 5 districts having tribal population. In these 5 districts, there are 3 blocks where tribals are a majority and are migratory groups. • There are 13 National Parks and Sanctuaries with 65% forest area in the State. • 77,505 FRCs have been formed at villages and state has received 797 claims. Out of 797 claims, 90 are individual claims and rest are OTFD claims • Awareness programmes, workshops, etc had been planned but on 16th/17th June the state faced a natural calamity which disrupted the FRA activity as everyone was engaged in relief operation. • There are 14,000 Van Panchayats where people have their own rights over forest produces, Hence community rights have no significance for the people of the state. 	<ul style="list-style-type: none"> • In Panchayat forest the community have rights over the MFPs and Van Panchayat Adhiniyam Niyamavali takes care of community rights in Panchayat forests. • People also access the Reserve forest area for MFP collection, grazing and other purposes over which their rights need to be recognised under FRA. Hence there is a great deal of scope of applying FRA as regards to CFR in reserve forest area. • The proposed amendment to the Van Panchayat Adhiniyam Niyamavali had a threat of taking away powers of Van Panchayat over their forests and there was a lot of opposition to it. • The panel enquired about the process now being followed by the State in terms of community rights and particularly CFR rights where Van Panchayat boundaries can be recognised as CFR boundaries.

OPEN HOUSE DISCUSSION

- Lack of clarity on how to confer CFR rights in cases where large number of communities/villages and hamlets are protecting common forest areas. Clarification was sought, if common CFR titles could be issued to number of villages protecting common forest patch.
- The use of technologies as GPS mapping, Google imagery, etc. could be used as supportive tool in mapping of the CFR boundaries and recognition of CFR rights.
- As per Sec 3 1(m) of FRA, rights of displaced communities need to be recognised. In situ rehabilitation including alternative land need to be ensured in cases where the Scheduled Tribes and OTFDs have been illegally evicted or displaced prior to 13th December 2005.
- Managing CFR areas after rights recognition process will be a big challenge for the Gram Sabhas. It is very important that the capacities of the Gram Sabhas need to be built for managing their own CFRs.
- Efforts should be made to ensure establishment of good community level enterprises for better marketing of the forest produces.
- Example of Gadchiroli was cited as a good practise, where the committees formed under Rule 4.(1)(e) have made their own rules for transit and management of MFPs which is endorsed by the Gram Sabha and have carried forward the sale of bamboo as well as Kendu Leaves, without waiting for any amendment to happen at the state level transit regime of MFPs.
- Habitat rights of PVTGs needs to be recognised and it should be taken up on a priority basis by the states. Possibility of recognition of shifting cultivation could also be explored under Sec 3(1)(e). Similarly, rights recognition of pastoral communities also needs to be initiated by the States.
- Good Coordination is required between line departments for facilitation and mobilisation of communities to make their CFR claims, ensure timely verification of claims and recognition of rights.
- Emphasis should be given on recognition of CFR rights in left wing effected (LWE) areas as it is a potential tool to empower communities and counter backwardness.
- It was shared that a learning process has been initiated at the national level on community rights and CFR and similar learning group could be created by the MoTA, where the experience of difference States could be shared and issues could be taken forward.
- Need for developing training manuals on CFR for ready reference by the states. All relevant orders/circulars/notifications need to be compiled and made available at public domain.

CONCLUDING SESSION

Panel Members: Dr. N C Saxena, Member NAC, Shri Sushanta Nanda, SC and ST Development Department Govt. of Odisha, and Dr. Sadhana Rout, Joint Secretary, Ministry of Tribal Affairs, Government of India.

Shri Sushanta Nanda summed up the recommendations from the two days consultation process.

RECOMEMNDATIONS

1. States to identify the operational issues impeding the recognition of community rights and take proactive steps to mobilise maximum number of community rights and CFR claims.
2. States to indicate total areas in ac/ha, recognised under community rights or CFR.
3. States to disaggregate between Community rights under Sec 3 (1) and developmental rights under Sec 3 (2).
4. Each state to review the causes of high rates of rejection of claims and all the rejected claims are to be re-examined, and reasons for rejection should be communicated to the claimant and to the concerned Gram Sabha for reconsideration/appeal.
5. CFR are to be claimed by the Gram Sabha and titles should be issued in the name of the Gram Sabhas only. Titles shall not be issued in the name of any persons or committees or institutions like VSS or SHGs. CFR claims are not to be made by the JFM committees.
6. Gram Sabhas are to be held at village/habitation level. Reconstitution of village as per Rule 2 (A) at the hamlet/habitation level, a basic requirement under the Act, has not progressed sufficiently.
7. States must assess objectively the legitimate right holders and accordingly facilitate the claim making process from the community to get their rights. It is the responsibility of the state to facilitate the process.
8. Instead of conditions in the titles the empowered authorities and responsibilities under Section 5 of the FRA should be highlighted.
9. Conversion of Forest/unsurveyed villages to revenue villages needs to be taken up by the State.
10. Mechanisms need to be devised to incorporate the record of rights in revenue and forest records.
11. Previous orders and judgements of Supreme Court are not an obstacle to the implementation of FRA.
12. Recognition of habitat rights for PVTGs needs to be initiated by the States.
13. Rights of OTFDs need to be recognised even in the Scheduled Areas.
14. FRA rights need to be recognised in Tiger Reserves and any relocation should not be carried out without the recognition of rights.
15. Issue of coordination between line departments has been examined by the National Committee of FRA and the report 'Manthan' has been submitted to the MoTA and MoEF. States are directed to refer to the report for any issues related to coordination between line departments and act as per the recommendations mentioned in the report.

CONCLUDING REMARKS

Dr. Sadhana Rout extended her heartfelt thanks to all the participants from various states, resource persons, civil society representatives, media, UNDP representatives for whole heartedly participating in the consultation and making it a success. She expressed that monitoring and coordinating FRA implementation in letter and spirit has been the most challenging task she has handled in the last 27 years of her career and was grateful to all the states for realising it.

She encouraged the young and dynamic District Collectors to work innovatively and come out with local solutions to the local specific issues. The real action lies with the States and very strong coordination between different line departments to achieve the true spirit of FRA.

She shared that exposure visits can be planned for States to learn from the successful initiatives from other states under the MoTA- UNDP partnership project so that states can gear up towards effective implementation of the Act, particularly the community rights and recognition of the CFR rights. She appreciated the role played by the civil society organisations in extending their support to the state governments which has helped the states in gearing up the process in their respective areas. Finally she hoped that all the participants are going back with doubled commitment in their hearts and minds and would work with renewed commitment to make FRA implementation a success in their states, both in quantitative and qualitative terms.

She thanked the Government of Odisha for organising the consultation so effectively and leaving 'no stones unturned' to make the consultation productive and also proposed the Government of Odisha to take the lead in extending technical support in collaboration with other States to the States where progress of FRA implementation has been slow.

Last but not least she invited a proposal from the state Govt. of Odisha for setting up of a National FRA Resource Centre this year under the aegis of MoTA, GOI can extend technical supports, provide resources and training materials and help clarifying doubts on FRA issues to different states for better and effective implementation of FRA.

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Annexure I : Agenda of the Regional Consultation on "Implementation of Forest Rights Act: Issues in implementation of Community Rights with a focus on management and governance of CFR

Annexure II : List of Participants



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Annexure-I

AGENDA OF THE REGIONAL CONSULTATION ON IMPLEMENTATION OF FRA Community Rights and Management and Governance of Community Forest Resource (CFR)

BHUBANESWAR, ODISHA
[Date: 23- 24 September 2013]

Day-I

Date: 23rd September, 2013

Time	Agenda
Inauguration 14.30-15.30	<ul style="list-style-type: none">• Setting the Context: Joint Secretary, Ministry of Tribal Affairs• Address: Development Commissioner cum Additional Chief Secretary, State Government of Odisha (TBC)• Presiding Address: Secretary, Ministry of Tribal Affairs, GOI• Inaugural Address: Hon'ble Minister of SC/ST Deptt. Govt. of Odisha• Vote of Thanks: Commissioner-cum-Secretary, ST & SC Development Department, State Govt. of Odisha
Technical Session: I 15.30-17.00	<p>Building understanding on concepts in implementation of recognition of Community Rights and CFR Rights & bottlenecks impeding the implementation at the field level</p> <p>Chair :: Secretary, Ministry of Tribal Affairs, GOI</p> <ul style="list-style-type: none">• Opening Presentation: Shri C. R Bijoy and Ms Shomona Khanna, Resource persons• Remarks: Dr N.C Saxena, Member, NAC• Open house discussion and Q &A• Summing up
Technical Session: II 17.00-18.00	<p>Presentation by selected States on critical issues of implementation of FRA related to Community Rights and recognition of CFR Rights</p> <p>Chair :: Secretary, Ministry of Tribal Affairs, GOI</p> <ul style="list-style-type: none">• Presentation: Secretaries of State Tribal Welfare Departments of Odisha and Chhattisgarh; and District Collector Gadchiroli, Maharashtra• Discussion and Summing up

Day-II

Date: 24thSeptember, 2013

Time	Agenda
9.30-12.00 Technical Session: III	State wise review of implementation of FRA <ul style="list-style-type: none">• Issues impeding the implementation of recognition of Community Rights and CFR Rights at the field level¹• Summing up Panel : Dr N.C Saxena, Member NAC, Ms. Shomona Khanna ,Legal Expert and Mr. C. R Bijoy, CSO representative
12.00-13.00 Concluding Session	<ul style="list-style-type: none">• Summary of Proceedings and recommendations: Commissioner-cum-Secretary, ST & SC Development Department, State Govt. of Odisha• Way Forward : Dr. N.C Saxena, Member, NAC & Joint Secretary, MoTA• Concluding Remarks: Secretary, Ministry of Tribal Affairs,• Vote of Thanks: Director, , ST & SC Development Department, State Govt. of Odisha

¹10 minutes duration for review of each state on progress in FRA implementation

Annexure II: List of participants			
S. No	Name	Designation/Dept./Organization	State
1	Shri Lal Bihari Himirika	Hon'ble Minister of ST & SC Development, Minorities & Backward Class Welfare Department, Government of Odisha	Odisha
2	Smt Vibha Puri Das	Secretary, Ministry of Tribal Affairs, Government of India	New Delhi
3	Smt Sangeeta Verma	Economic Adviser, Ministry of Tribal Affairs, Government of India	New Delhi
4	Shri Ashok Pai	Joint Secretary, Ministry of Tribal Affairs, Government of India	New Delhi
5	Dr. Sadhana Rout	Joint Secretary, Ministry of Tribal Affairs, Government of India	New Delhi
6	Shri Manoj Jhalani	Joint Secretary, Ministry of Health and Family Welfare, Government of India	New Delhi
7	Shri P L Verma	Deputy Secretary, Ministry of Tribal Affairs, Government of India	New Delhi
8	Shri Uttam Kar	Under Secretary, Ministry of Tribal Affairs, Government of India	New Delhi
9	Shri Munna Lal Tiwari	Section Officer, Ministry of Tribal Affairs, Government of India	New Delhi
10	Dr. Nikhil Utture	Consultant, Tribal Health, Ministry of Health and Family Welfare, Government of India	New Delhi
11	Shri Anand Bang	Consultant, NHSRS, Ministry of Health and Family Welfare, Government of India	New Delhi
Resource Persons			
12	Dr. N.C. Saxena	Member, National Advisory Council	New Delhi
13	Smt Shomona Khanna	Legal Expert/ Advocate, Supreme Court of India	New Delhi
14	Shri C.R. Bijoy	Campaign for Survival and Dinnity	New Delhi
Participating States			
15	Dr. A. Vidyasagar	Principal Secretary Tribal Welfare Department, Government of Andhra Pradesh	Andhra Pradesh
16	Shri M. Samuel	Special Chief Secretary, Forest Department, Government of Andhra Pradesh	Andhra Pradesh
17	Shri Somesh Kumar	Commissioner, Tribal Welfare Department, Government of Andhra Pradesh	Andhra Pradesh
18	Dr. M Bhanga	Additional Principal Chief Conservator of Forest, Hyderabad, Government of Andhra Pradesh	Andhra Pradesh

19	Dr. P Rajendra Prasad	JD, TH I/C, Government of Andhra Pradesh	Andhra Pradesh
20	Shri J. Nivas	Project Officer, ITDA, Uttoor, Government of Andhra Pradesh	Andhra Pradesh
21	Shri Mudit Kumar Singh	Chief Conservator of Forests, Forest Department, Government of Chhattisgarh	Chhattisgarh
22	Smt. Sharda Verma	Additional Director, SC & ST Development Department, Government of Chhattisgarh	Chhattisgarh
23	Shri Sanjay Gaur	Deputy Commissioner, SC & ST Development Department, Government of Chhattisgarh	Chhattisgarh
24	Shri Arvind Bugde	Director, Tribal Welfare Department, Government of Goa	Goa
25	Shri R. C. Meena	Commissioner, Tribal Welfare Department, Government of Gujarat	Gujarat
26	Shri I. K. Chhabra	Joint Director, FRA, Government of Gujarat	Gujarat
27	Shri R.R. Rawal	Project Administrator, Godhra (Panchmahals), Government of Gujarat	Gujarat
28	Shri Raman Jeet Gupta	Project Consultant, Tribal Welfare Department, Government of Gujarat	Gujarat
29	Shri Rakesh Kumar Sharma	Special Secretary, Tribal Development Department, Government of Himachal Pradesh	Himachal Pradesh
30	Shri C. B. Pandey	Chief Conservator of Forest, Forest Department, Government of Himachal Pradesh	Himachal Pradesh
31	Shri Sandeep Kadam	District Collector-Chamba, Government of Himachal Pradesh	Himachal Pradesh
32	Shri Rajeev Arun Ekka	Secretary, Welfare Department, Government of Jharkhand	Jharkhand
33	Shri Deprava Lakra	District Collector, Giridih, Government of Jharkhand	Jharkhand
34	Dr. A K Choudhary	Director, Health Department, Government of Jharkhand	Jharkhand
35	Dr. Vinay Kumar	Deputy. Director, Tribal Welfare Department, Government of Jharkhand	Jharkhand
36	Shri Abraham M.S.	Joint Secretary, Directorate of ST Development Department, Government of Kerala	Kerala
37	Shri G. Hrishikeshan Nair	Joint Director, Directorate of ST Development Department, Government of Kerala	Kerala
38	Shri K. P. Ouseph	Principal Chief Conservator of Forest, Government of Kerala	Kerala
39	Shri Pranab Jyothi Nath	District Collector-Pathanamthitta, Government of Kerala	Kerala

40	Shri Umakant Umrao	Commissioner-Tribal Development Department, Government of Madhya Pradesh	Madhya Pradesh
41	Shri Pawan Kumar	Asst. Commissioner, Government of Madhya Pradesh	Madhya Pradesh
42	Shri Jagdish Prasad Sharma	Additional Principal Chief Conservator of Forest, Bhopal, Government of Madhya Pradesh	Madhya Pradesh
43	Shri Rajeev Shrivastava	Deputy Director, NRHM, Government of Madhya Pradesh	Madhya Pradesh
44	Shri Girish Deshmukh	Dy. Commissioner (Finance), Government of Maharashtra	Maharashtra
45	Shri T. S .K. Reddy	Chief Conservator of Forest, Gadchiroli, Government of Maharashtra	Maharashtra
46	Dr. Mohan Jha	Chief Conservator of Forest, Amaravati, Government of Maharashtra	Maharashtra
47	Shri S.V. Rama Rao	DCF, Gondia, Government of Maharashtra	Maharashtra
48	Shri Ranjit Kumar	Collector, Gadchiroli, Government of Maharashtra	Maharashtra
49	Shri Preetam Singh	Principal Secretary, Tribal Area Development Department, Jaipur, Government of Rajasthan	Rajasthan
50	Shri Subodh Agarwal	Commissioner, Tribal Area Development Department, Udaipur, Government of Rajasthan	Rajasthan
51	Shri C. S. Ratnasamy	Secretary, Department of Forest, Jaipur, Government of Rajasthan	Rajasthan
52	Shri Kunj Bihari Gupta	District Collector, Banswara, Government of Rajasthan	Rajasthan
53	Shri Sumti Lal Bohra	District Collector, Baran, Government of Rajasthan	Rajasthan
54	Shri B. R. Tamta	Additional Secretary, Social Welfare Department, Government of Uttarakhand	Uttarakhand
55	Shri Pankaj Kumar	Divisional Forest Officer, Haldwani Forest Division, Government of Uttarakhand	Uttarakhand
56	Shri Sanatan Sonker	Divisional Forest Officer, Haridwar, Government of Uttarakhand	Uttarakhand
57	Shri Yogendra Rawat	Deputy Project Director, Tribal Welfare Department, Dehradun, Government of Uttarakhand	Uttarakhand
58	Shri C. S. Napalchyal	Additional Secretary, Panchayati Raj, Government of Uttarakhand	Uttarakhand
59	Shri Sanjay K. Thade	Secretary, Backward Classes Welfare Department, Government of West Bengal	West Bengal
60	Dr. Subesh Kumar Das	Additional Chief Secretary, Department of Forest, Government of West Bengal	West Bengal

61	Shri Atonu Chatterjee	WBCS (Exe.), Managing Director, West Bengal Tribal Development Co-operative Corporation Ltd.	West Bengal
62	Shri Partha Pratim Manna	WBCS (Exe.), Managing Director, West Bengal SC & ST Dev. & Finance Corporation	West Bengal
Hosting State (State Government of Odisha)			
63	Shri Injeti Srinivas	Development Commissioner, Government of Odisha	Odisha
64	Shri Santosh Sarangi	Commissioner-cum-Secretary to Government of Odisha	Odisha
65	Shri L. Sahoo	FA cum Addl. Secretary, Government of Odisha	Odisha
66	Shri B.K. Behera	Addl. Secretary Health & Family Welfare Department, Government of Odisha	Odisha
67	Shri S. S. Sribastava	Spl. Secretary Forest Department, Government of Odisha	Odisha
68	Shri B.P. Singh	Principal Chief Conservator of Forest, Government of Odisha	Odisha
69	Dr. A.B. Ota	Director (ST) -cum-Addl Secretary, Government of Odisha	Odisha
70	Shri Sushanta Nanda	Project Director, OTELP, Government of Odisha	Odisha
71	Shri Rajesh Patil	Collector, Mayurbhanj, Government of Odisha	Odisha
72	Shri Arati Mall	Deputy Director, Government of Odisha	Odisha
73	Shri Khirod Ku Swain	A.D. (Admn) SCSTRTI, Government of Odisha	Odisha
74	Smt Rajshree Mohanty	Deputy Secretary, Government of Odisha	Odisha
75	Shri Bigyanananda Mohanty	Deputy Director, Government of Odisha	Odisha
76	Smt Roopa Mishra	Director, NRHM	Odisha
77	Shri P. K. Sohdi	P.S to Hon'ble Minister of ST & SC Development, Minorities & Backward Class Welfare Department, Government of Odisha	Odisha
78	Shri M. R. Dhanu	P.S to Hon'ble Minister of ST & SC Development, Minorities & Backward Class Welfare Department, Government of Odisha	Odisha
79	Shri Sanjay Ku. Mohapatra	AD (STAT/ DDO)	Odisha
80	Shri Raj Kishore Das	Spl. Officer	Odisha
81	Shri Santyananda Mishra	AD (FRA)	Odisha
82	Dr. J. Samantray	I.O. ST&SC Dev. Deptt	Odisha

83	Shri Ramesh Chandra Behera	P.A. ITDA Thu. Rampur	Odisha
84	Shri S. Trinath Rao	SO. DKDA Chatikona	Odisha
85	Shri Partha Das	Project Coordinator (Livelihood)	Odisha
86	Shri Haribandhu Barad	Research Asst.	Odisha
87	Smt Sandhya Majhi	S.O-cum-U.S.	Odisha
88	Smt Surbhi Sribastaba	Consultant PMU-DGIP	Odisha
89	Smt Sonali Sinha	State Nutrition Co-Ltd	Odisha
90	Shri Jowar Bhattacharya	Nutrition specialist	Odisha
91	Shri B.P.Panigrahi	Director Progs.	Odisha
92	Dr. P.K. Behera	DIR.Nurshing	Odisha
93	Dr.N. K. Das	DHS	Odisha
94	Dr. N.K. Dei	DPH (O)	Odisha
95	Shri A. K. Pradhan	SPN-NRHM	Odisha
96	Shri P.K. Mahanty	Senior Consultant THP	Odisha
97	Dr. Mihir Kumar Jena	Area Coordinator FES	Odisha
98	Shri Ankit Jain	Finance Manager, OMTES	Odisha
99	Shri Bipin Bihari Mishra	Sr. Asst.	Odisha
100	Shri Sridhar Panda	SA	Odisha
101	Md.S. Fazle Baque	P.A	Odisha
102	Shri Aditya Pr. Roy	Jr. Asst.	Odisha
103	Shri Chittaranjan Hota	S.O, SSD Deptt.	Odisha
104	Shri Suresh Ch. Pattnaik	R.A	Odisha
105	Shri Bijay Ku Mohanty	SO, SSD	Odisha
106	Shri Dillip Ku. Mohapatra	ASO. SSD	Odisha
107	Shri Pravat Ku. Mishra	Prog. Manager RCDC	Odisha
108	Shri Aditya Pr. Das	Asst. Manager OBCFDCC	Odisha
109	Dr. D.K.Panda	TL, SHSRC, NRHM	Odisha
110	Shri B.K.Nayak	Senior Research CYSD	Odisha
111	Shri Sanjay Pattanaik	Director	Odisha
112	Shri Jayanta Dakua	Sr. Manager	Odisha
113	Smt Sanghamitra Das	OSD-cum- U/S	Odisha
114	Shri Pradeep Mahapatra	Secretary, Udyama	Odisha
115	Smt P.Mekro	CF Nodal	Odisha
116	Dr. P.C. Mohapatro	Director COATS Koraput	Odisha
117	Shri Sudarsan Das	HDF	Odisha
118	Shri Trilochan Sahoo	Consultant	Odisha
119	Smt Sweta Mishra	Consultant	Odisha
120	Dr. E Venkata Rao	Associate Professor	Odisha

UN Personnel			
121	Shri Ambika Prasad Nanda	State Project Officer- Odisha, UNDP India	Odisha
122	Shri Sushil Chaudhary	Programme Associate, UNDP India	New Delhi
123	Ms. Sreetama Bhaya Gupta	Project Manager, MoTA- UNDP Project	New Delhi
124	Ms. Manorama Dei	Project Officer, MoTA-UNDP Project	New Delhi
125	Ms. Ranjana Rawat	Project Assistant, MoTA-UNDP Project	New Delhi
126	Dr. Vani Sethi	Nutrition Specialist, UNICEF India	New Delhi
127	Shri Sourav Bhattacharjee	Nutrition Specialist, UNICEF India	Odisha
Civil Society Members			
128	Shri Dilip Gode	Secretary, Vidarbha Nature Conservation Society	Maharashtra
129	Shri Tushar Dash	Civil Society Vasundhara	Odisha
130	Shri Y. Giri Rao	Civil Society Vasundhara	Odisha
131	Shri Devjit Nandi	Civil Society Vasundhara	Odisha
132	Shri Rana Ray	Civil Society Vasundhara	Odisha
133	Shri Richard Mahapatra	CSE India	New Delhi