

Sub Theme – Forest Rights and Tribal Farming

1. FRA implementation

A. Policy

Issues	Good/Current Practices	Recommendations
No clarity on Community Forest Resources delineation Procedure.	Currently under the FRA rules there is no procedure laid down for the delineation of Community Forest Resource Areas. The law is also silent on the situation where there are conflicting 'claims'.	MOT A has to define the procedure for delineation of CFRs and documentation of the same such that all customary use areas of the community are included
Confusion on JFM areas and CFR area (JFM committees have upto 70% BC and other communities as members)	GOAP issued collective rights titles to VSSs in scheduled areas and suggested that they have to be managed as per CFM GO	Once CFRs are delineated the management responsibility should be vested with the Grama Sabha
No Clarity on community intellectual property		
Obtaining "tribal" certificate	The issuing and verifying agency is the same. (sub-divisional level)	Tribal certificate should be issued at Gram Sabha level

B. Legal

Issues	Good /Current Practices	Recommendations
SDLC rejecting gram sabha recommendations (SDLC-does not have the right to reject claim-only suggestions etc)	Currently SDLC plays the role of a verifying agency only as opposed to a facilitating role.	SLMC and DLC to monitor on a quarterly basis and ensure that SDLC plays its mandated role-to support the FRC and Gram Sabha Reasons for rejection/non-consideration at Gram Sabha as well as at SDLC should be conveyed
Spouse name (wife) not on title		Titles should contain names of both wife and husband
Non tribals from revenue villages in FRCs		Constitution and composition of FRCs to be as per law- (evidence)
Written resolutions are not there with Gramasabhas		The procedure of written resolutions should be strictly followed.
Other forest dwellers and their forest rights - why 75 years cut off?	Claims are not being entertained-as it is difficult to prove 75 years of engagement	Other forest dwellers - onus should be on the gram sabha to determine identification of OTFDs with a reasonably long enough and genuine traditional relationship (use

		and access) to forests
Issue of resettlement and rehabilitation	Relocated tribals prior to FRA not properly rehabilitated Presently practice of relocating on piece meal/individual basis of communities is creating a lot of conflict within the community, undermining the spirit of the Act and doesn't serve the conservation purpose for which it is being done.	Status of relocated communities to be reviewed and satisfactory rehabilitation ensured by Tribal Commissioner. Wherever it is determined that relocation is required the rights should be settled and Gram Sabha approval in writing about the resettlement and rehabilitation package should be mandatory and ensured by the Tribal Commissioner.
C. Institutional		
Issues	Good/Current Practices	Recommendations
FRA implementation very slow (that too only individual rights) in many states	Political will hastened this process – AP. Government (Tribal Department) pro-actively involved the committed NGOs to facilitate the FRA implementation process Surveyors hired to speed up the process of FRA claims Funds earmarked for awareness creation in AP AP government issued regular guidelines/clarifications for implementation	MoTA and State Tribal Affairs Departments to be more proactive in implementation of FRA.
FRCs formed at Panchayat level		FRC to be formed at habitation level
No Records at Gram Sabha		Records to be maintained at Gram Sabha
No clarity with regard to areas of conflict and/or overlap between different legislations (BDA, FRA, PESA, WLPA)		MoTA needs to take lead in arriving at synergies and resolving areas of conflict or overlap between different legislations (BDA, FRA, PESA, WLPA)
Lack of monitoring at district level		Independent District level monitoring committee should be formed with representations of local NGOs/CSOs
Titles for lesser land than claimed without proper survey	Local Vanasamakhyas and CPF demanded for resurveys when the titles were not to the extent claimed	

	and status was corrected after such resurveys	
2. Strategy for Title holders – Land development		
Issues	Good/Current Practices	Recommendations
Till now, farming in forest land considered as illegal and hence they could not receive any institutional support	<p>Some of the banks extending credit based on the titles received</p> <p>CPF in Odisha and AP - Sustainable farming, Planning and convergence</p> <p>GOAP initiatives in promoting horticulture</p> <p>District Collector in Umariya, MP – initiative to link to various existing schemes</p>	<p>Financing agriculture development in IFR lands</p> <p>Incentivize sustainable farming</p> <p>Focused allocations of MNREGA and other funds for tribal agriculture development</p>
Development of CFR areas		Gram Sabha to Include CFR area in its land use plans and seek fund from panchayats and line agencies(MNREGA,GIM, CAMPA) for their development and needs
3. NTFP (Collective rights/CFR/otherwise)		
Issues	Good/Current Practices	Recommendations
Non electrification of tribal hamlets limit opportunities of value addition of NTFPs	GCC in AP allows tribals to sell MFP to other traders if they get better price (though GCC has monopoly)	<p>Minimum Support Price (MSP) for select NTFP</p> <p>Flexibility in favour of communities where there is monopoly of trade till MSP comes in place</p> <p>Financial and professional support to primary NTFP collectors collectives</p> <p>Facilitation of community based micro-enterprises (NTFP)</p> <p>Market Linkages</p> <p>Share in revenue generated out of sale of Forest resources to tribal/communities living there</p> <p>Valuation of ecological services (including carbon) of forests and share revenues asap with the communities</p>

4. Livestock		
Issues	Good/Current Practices	Recommendations
Concept of growing fodder does not exist	Free grazing in the forest/CFRs	Land use planning (revenue waste/grazing land) at Gram Sabha (habitation) level Fodder/grazing needs to be included
People from plain areas send their unproductive cattle to forest fringe villages under payment to tribal families, leading to stress on existing fodder resources		A mechanism at the Panchayat and habitation level to levy cess and to regulate such practices
5. Irrigation and development of water resources		
Issues	Good/Current Practices	Recommendations
Ground water exploitation (bore wells etc) at the lowest 3 Phase power supply for pumps – lacking	In VR Puram mandal of the 9797 ha.m of the ground water available, only 1% is being used. In Chintur mandal it is 6% against the available ground water of 2930 ha.m. Whereas in non tribal mandals of Khammam district the use of ground water is to the tune of 70-90%	Special allocations to be earmarked for development of water resources for irrigation of tribal lands for assured irrigation for at least one crop Water and soil conservation mechanisms using MNREGS funds.
6. Land Alienation		
Issues	Good/Current Practices	Recommendations
Informal ways of leasing land from tribals by non tribals causing land alienation. Acquisition by the Government (for other projects/industries) without following due procedures (Grama Sabha resolution)	District collector, ITDA PO and DFO took collective initiative in Periyar tiger reserve to wean the exploitative money lenders away and facilitated agriculture development in the lands of tribals	District administration in all scheduled areas has to be directed to take up this issue and sort out within a stipulated time frame
7. Allocation and Channeling of Funds		
Issues	Good/Current Practices	Recommendations
Fund allocation not proportionate to population Allocated funds not fully utilized by State Governments (often diverted to other purposes)		Fund allocation should be at least as per proportion of population Allocation of even higher amounts need to be considered to keep pace with development in plain areas (equity)