

Rights Wronged

State of **rights** in FRA

The Inception

- Came into existence in **Dec 2005**
- Almost 150 years of struggle
- First step towards making tribal existence **'legal'**
- Brings in community into conservation, **'officially'**

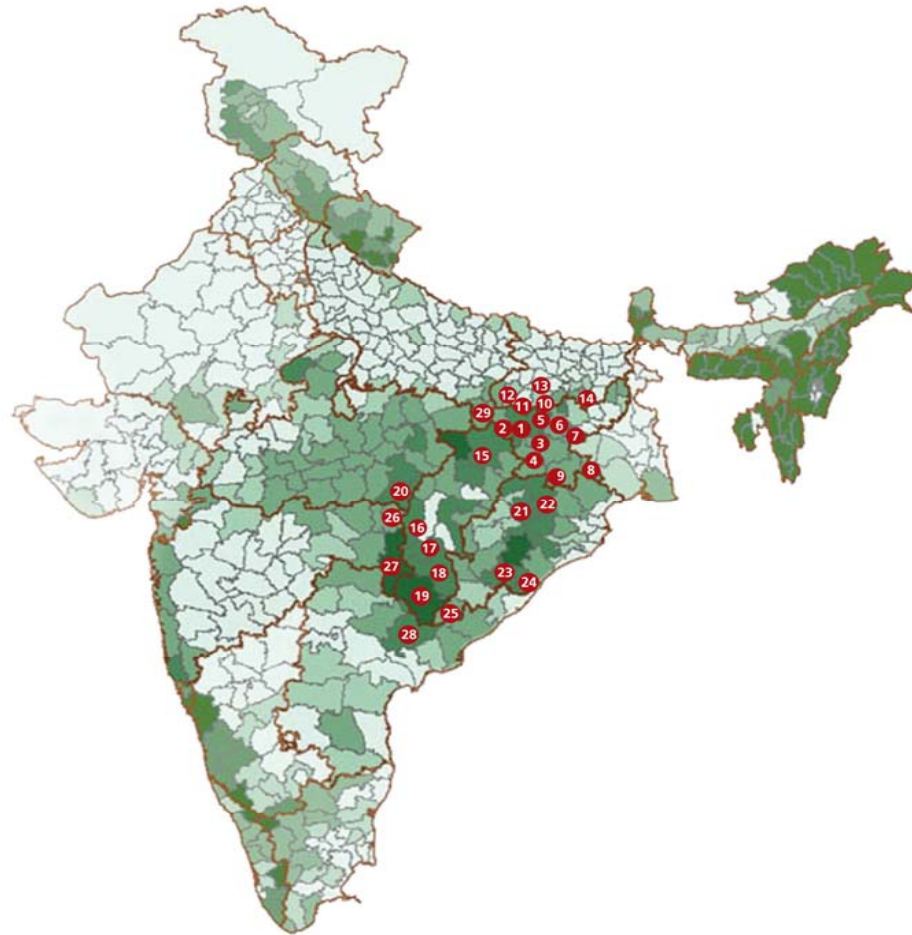
Rights recognised

- Recognises 3 types of rights
- **Land rights**: up to 4 Ha for tribal and forest dwellers
- **Use rights**: use and collect MFPs/grazing and water bodies/traditional use by nomadic
- **Protect and conserve right**: Community right to protect and manage forest/wildlife

Context

- April- Jan.: Planning Commission Vs MoHA Vs MoEF Vs MoPR Vs MoTR Vs States....
- At the core: **non-implementation** of MFPs rights under **FRA** and **PESA**
- The trigger: spread of **Naxalite influence**; every second district has their presence
- A **new plan for Naxalites affected districts**; FRA and PESA implementation crucial

Story starts from here..



The coverage

- Eight states with **33 districts** worst affected by **Naxalite violence**
- They are **prime beneficiaries of FRA** and also **PESA**
- They are the **poorest** and heavily dependent on **MFPs**
- A critical layer to the map: the states account > **90% MFPs trade**

FRA and MFP rights

- First time, **defines MFPs**; includes nationalised MFPs like bamboo and *tendu*
- Gives Gram Sabha **complete rights** over collection and disposal
- **Cleared confusions** over PESA and MFPs rights

The state of FRA

- **30.39 lakhs total** claims filed (Jan 31)

11.09 lakhs distributed (36.5%)

- 13.77 lakh Ha forest land distributed (**1.8% of total forest areas**)

- Surprise: out of distributed, only 3,628 (**0.33 %**) **community** claims

- Suppressed: rights to **MFPs hardly given**

The findings (1)

- **Community rights** under FRA: less than **1%**
- Within this, may be **70** are for **MFPs rights**
- Rest, rights for community infrastructures involving forest diversion

The findings (2)

- Under FRA, MFP rights are hardly popularised
- Not enough Gram Sabha involvement in FRA rights settlements
- Utter confusion in process and procedures

The findings (3)

- Uniform **resistance** from FDs to **hand over MFPs**
- **MFP definition** is the most contentious point
- **State govts.** oppose the **MFPs clause**
- Create obstacles to enforce rights
- They have **resisted PESA** provision for 13 years

What FDs say?

- Most **MFPs are with people** barring 'few' nationalised
- **Handing over** these will lead to **destruction of forests**
- Communities don't have the **know hows** to manage
- **Panchayats** are political and weak; may cause more harms than benefits
- **JFM committees** are the best way out

Why they say so...

- FDs **earn more** out of MFPs than timber
- FRA and PESA** combined render many corporations and federations illegal
- Effectively, FDs **secede** absolute **control**

But communities say..

- Without rights over key MFPs, they remain just wage labourers
- That also hardly compensate for their labours
- Nationalisation has curbed their market access
- And, they need more MFPs now; decay in agriculture
- Plantation programme a threat to MFPs production; Green India Mission

Way out

- MFP right without filing claims in tribal areas
- Regime of monopoly should go
- Forest departments focus on market linkage and productivity enhancement
- Changes in FRA to make the right absolute