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 govt.s. 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