

## Community Forest Rights – A Tangled Web

“We have to walk for nearly two days with a head-load of two bundles of fire-wood before they can be sold. One bundle fetches about Rs. 40/-,” Laxmitai of Vavekarwadi tells me. The womenfolk of Vavekarwadi, a tribal hamlet near the town of Vadkhal in Pen tehsil of Raigad district, have assembled in the premises of the ‘Ankur Grameen Vikas Trust’ in Pen town.

Located some 90 km from the city of Mumbai, Vavekarwadi has hardly any forest left around the hamlet. The little that is left is tapped by the tribals for fire-wood to be sold. Selling fire-wood, it turns out, is one of the main sources of income from around December till May, the other being wage-labour. Once the rains arrive, there is work to be done in their fields – most of them grow vegetables and millets, for their homes as well as the market. Till October-November, there is also wage-work to be found in others’ fields. Such is the annual livelihood-cycle of the tribals here, gingerly balanced on farm-produce, wage-labour and sale of fire-wood from their forest.

A number of individual claims have been filed from Vavekarwadi under the Forest Rights Act (FRA), but not a single one for community forest rights.

Pradhanwadi is situated at the base of the Badruddin Fort in Pen tehsil. If one walks in expecting a picturesque little hamlet nestled in the foothills, one is apt to be disappointed. The nearly barren hillocks with a sparse cover of stunted shrubs and a handful of houses loosely scattered along a dirt road bear testimony to the economic status of the people living here. One may spy a stray ‘pucca’ brick-house, here and there in the largely ramshackle cluster. A brick-house in such hamlets is usually the outcome of city-earned money and sheer perseverance or, occasionally, of being lucky enough to end up at the receiving end of a government scheme.

It is still early in the afternoon when I enter the hamlet and most of the menfolk are yet to return. Most of the 50 families of this hamlet work as labourers in brick-kilns. The usual practice is to borrow money from the kiln-owner for one or the other tribal celebration and then work off the debt by toiling in the kiln. People from this hamlet routinely go as far as the towns of Panvel or Vadkhal for any wage-labour that may come their way. During the monsoon months, sweet-potatoes, cucumbers, gourds and leafy-vegetables are grown using rain-water. With little other forest-produce available, these people turn to the forest only for fire-wood. By the end of our informal discussion, it is quite obvious, though, that while people believe that it is important to conserve the forest, there is very little attachment left for that forest.

Pradhanwadi depends on its forest, essentially for fire-wood and – for the short duration of the monsoon – a few wild vegetables. With individual claims having been filed under the FRA, there is no longer any trouble from the ‘forisht-wala’ quarter, either. So the people never got round to filing any community-rights claim.

The scene that greets me in Davansar is a trifle different. Not many people from this hamlet go out to work as labourers, so a large number gather around me as soon as I step in. Here too, dependence on the nearby forest is essentially for fire-wood, while another forest quite

far off is accessed for wild fruits, vegetables and the 'Karvi' stems that tribals use for building their houses. People here were completely ignorant of the very concept of community forest rights. Neeratai of 'Ankur', who has accompanied me, said, "We'd conducted many workshops and distributed booklets to inform people about the FRA. At that time, we'd told these people about the provision for community rights." But the people had evidently forgotten all about it.

I had hoped to be discussing community-protection of forest-resources and community-run forest-restoration, conservation or management programmes, but now it seems as though these people do not even know about the concept of community forest rights, much less file claims for any.

Even so, while in Davansar, I do muster the courage to ask, "What would have to be done if the forest is to be saved?" "Clear off all the undergrowth and the big trees will grow," is the answer I get.

Can big trees alone be called a forest? Ecologically, a forest would mean a large group of plants, diverse in species and age, together with all the diverse habitats they create and the diverse life they support. How can one hope to create such diversity by only saving the big trees?

Actually, the procedure for filing community claims under the FRA is not much different from that for filing individual claims. Except that, in the case of community claims, the very first step could present a difficulty – that of being able to clearly delineate the land being claimed. An individual claimant is bound to know the exact boundaries of the land he has tilled year after year. It is unlikely that a community is aware of the precise limits of the community lands they access. And a community claim requires these boundaries to be precisely stated at the very start of the process.

Often, more than one village depends on the same patch of forest. Should such be the case, any one of these villages cannot lay claim to that forest all by itself. The law requires that all the concerned communities discuss the matter and agree over the claim being filed. Records available with the NGOs Kalpavriksha and Vasundhara show that there are examples, from other states, of 2-3 villages coming to a consensus on one another's share in a common community forest, either amicably or after some altercation, and filing a joint community claim on it. So, evidently, this is quite doable.

However a common problem can be noted in the case of both, Pradhanwadi and Davansar. Though both of these have a separate community forest patch close to the village, both forests in question happen to be highly degraded. They barely manage to supply the firewood needs of their respective villages. Neither village seems to be taking any effort to protect its forest, though, from time to time, they do warn people from other villages against taking firewood from these forests. Again, neither forest has any other forest-produce to offer, including the 'Karvi' stems used for house-building, so that both sets of villagers find themselves having to access another forest, a long way off, for these.

Though this other relatively better-preserved forest is known to serve the needs of many other villages, too, there seems to be little inclination to start a dialogue, regarding a community



final decision on all claims that have passed successfully through the earlier two stages. The district-level committee of Raigad district has recognized 4,326 claims (see table giving government figures), out of which only one is a community claim (see Box 1).

According to the District Officer's office, "Of the community claims that reached the district-level committee, all, save one, were for use of forest land for public utilities. As per the law, it is the concerned divisions that are supposed to file such claims directly with the Forest Division, and it is the Divisional Forest Officer who is invested with the power to give a decision on them. So, obviously, all those other claims got rejected."

Thus, it turns out that public utility-related claims were actually supposed to be filed by the concerned divisions. Whereas the letter issued by the Panchayat division regarding community forest rights exhorted villagers to file these very claims. This reality only brings out the utter confusion at the government-level regarding implementation of the FRA. The Alibag sub-divisional office openly admits that it is because of this misunderstanding regarding community forest rights and public utilities in Raigad district that only one community here ended up getting community forest rights.

#### Box 1

The only community forest rights claim to be recognized by the Raigad district-level committee: A tribal hamlet of Velas in Shrivardhan Tehsil filed a community forest rights claim to be able to collect gum, honey, *karvanda* fruit, cashews, fire-wood and other forest produce. They have been granted rights over 12,000 sq m of forest land.

No. of rights claimed under FRA (Raigad District Level Committee)							
Claims	Gram Sabha		Sub-Divisional Level Committee		District Level Committee		
	Total no. of claims received	No. of claims rejected	Total no. of claims received	No. of claims rejected	Total no. of claims received	No. of claims rejected	No. of claims accepted
Individual	18,716	3,187	15,529	11,024	4,505	180	4,325
Community	459	12	447	442	5	4	1
Total	19,175	1,199	15,176	11,466	4,510	184	4,326

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claim, with any of these other villages. Nor does one find any local NGO taking efforts to bring this about.

Of course, it is evident that these people have started turning to such a far off forest only recently. By no means is this their traditional forest. Which makes one wonder how likely is it that they would get around to ascertaining the precise boundaries of the forest in question, arriving amicably at a consensus on sharing its bounties and, finally, protecting an area physically so very far from their homes.

Then there is the issue of utilization. Land acquired through individual claims is, after all, going to be used and managed – if only to farm or build a hut upon – by an individual. But land acquired for community-use is meant to belong to an entire community or even, communities. The rules regarding its utilization, the decisions regarding its management are all meant to be at a community-level. The benefits as well as responsibilities of a community forest are meant to be shared.

One can understand the somewhat inevitable selfishness being observed in connection with the implementation of the Act. People seem to be taking the view that it is better to first get hold of what one can individually, and then think of the community. There are, of course, villages like Mendha-Lekha which have chosen to give priority to community rights over individual rights, but their numbers are few.

One other issue comes to the fore. The women of Vavekarwadi, for instance, seem to comprehend fully well that their fire-wood needs shall be met only if the village forest is conserved. But they are obviously finding it difficult to actually do anything about it. The Vadkhal Gram Panchayat has a population of 10,000, only about 2,000 of whom are tribals. “Should we decide to conserve the village forest, would the ‘others’ listen to us?” they ask. It’s another matter that the non-tribal residents of the village take fire-wood out of that same forest, for, after all, it comes free of cost. Vaishali Patil of ‘Ankur’ says, “The skewed tribal to non-tribal ratio in many villages of Raigad district is proving to be a hurdle in the implementation of community forest rights.” She adds that the government hasn’t been doing much to ensure this implementation, either.

One realizes that most of the claims for community forest rights in Raigad district have been filed under Section (3)2, namely, the provision to divert forest land for erecting a public utility. (For more information regarding this law, refer to the article “With Rights Is Needed Empowerment” in Lokprabha, 18 March, 2011 issue.) The letter issued by the Panchayat division of the Raigad Zilla Parishad in May, 2011 to inform people regarding community forest rights, cites only use for public utilities as an example of possible uses to which community forest land could be put if claimed under Section (3)2. Interestingly, Section (3)1 of the same Act, which covers issues of protection, restoration, conservation and management of community forest land, is not mentioned at all.

The District Office at Alibag further bears out Patil’s observation.

The district-level committee has an important role to play in the implementation of the FRA. Claims are first verified by the Gram Sabha and sent up to a sub-divisional committee which re-examines them and forwards them to the district-level committee with either a recommendation or pointing out shortcomings, if any. The district-level committee gives the