

Recognition of Community Rights under FRA in Madhya Pradesh and Chhattisgarh

Challenges and Ways Forward

Study conducted by Samarthan
Supported by UNDP

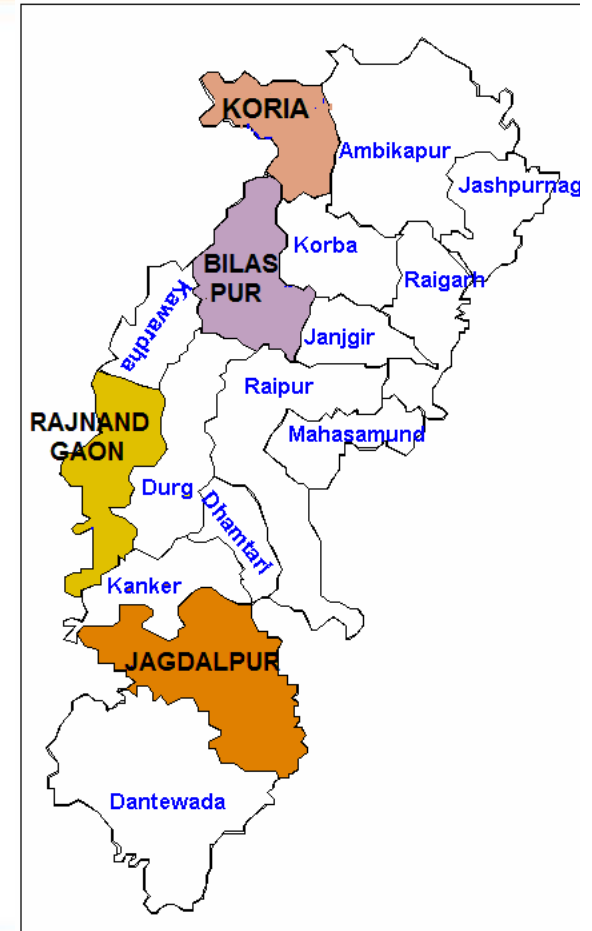
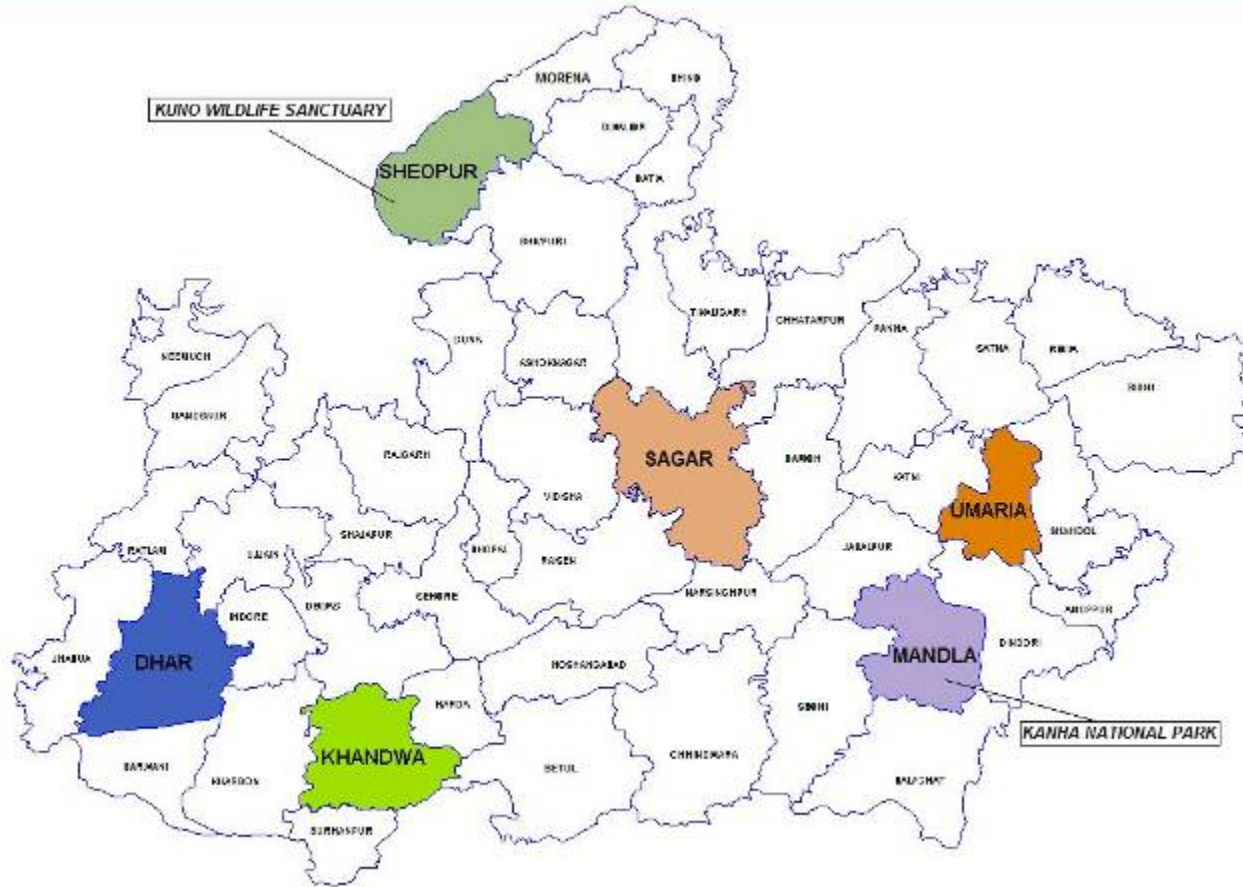
Objectives

- Review implementation of the Act in relation to the provisions of Community Rights
- Understand the reasons for low or high claims and rejection of claims
- Identify constraints and explore ways forward

Methodology

- 10 Districts (6 from MP and 4 from CG)
- Selected on Community Claims and tribal population basis
- 2 blocks with highest number of community claim
- 12 villages from each block (1 where community claim was made and 1 where community claim was not made from each of below categories)
 - High Tribal Population (>60%)
 - Low Tribal Population (<20%)
 - Near Block HQ (Within 10 – 15 Kms)
 - Far from Block HQ (>40 Kms)
 - Near Forest (<10 Kms)
 - Far from forest (>20 Kms)

Selected Districts – MP & CG



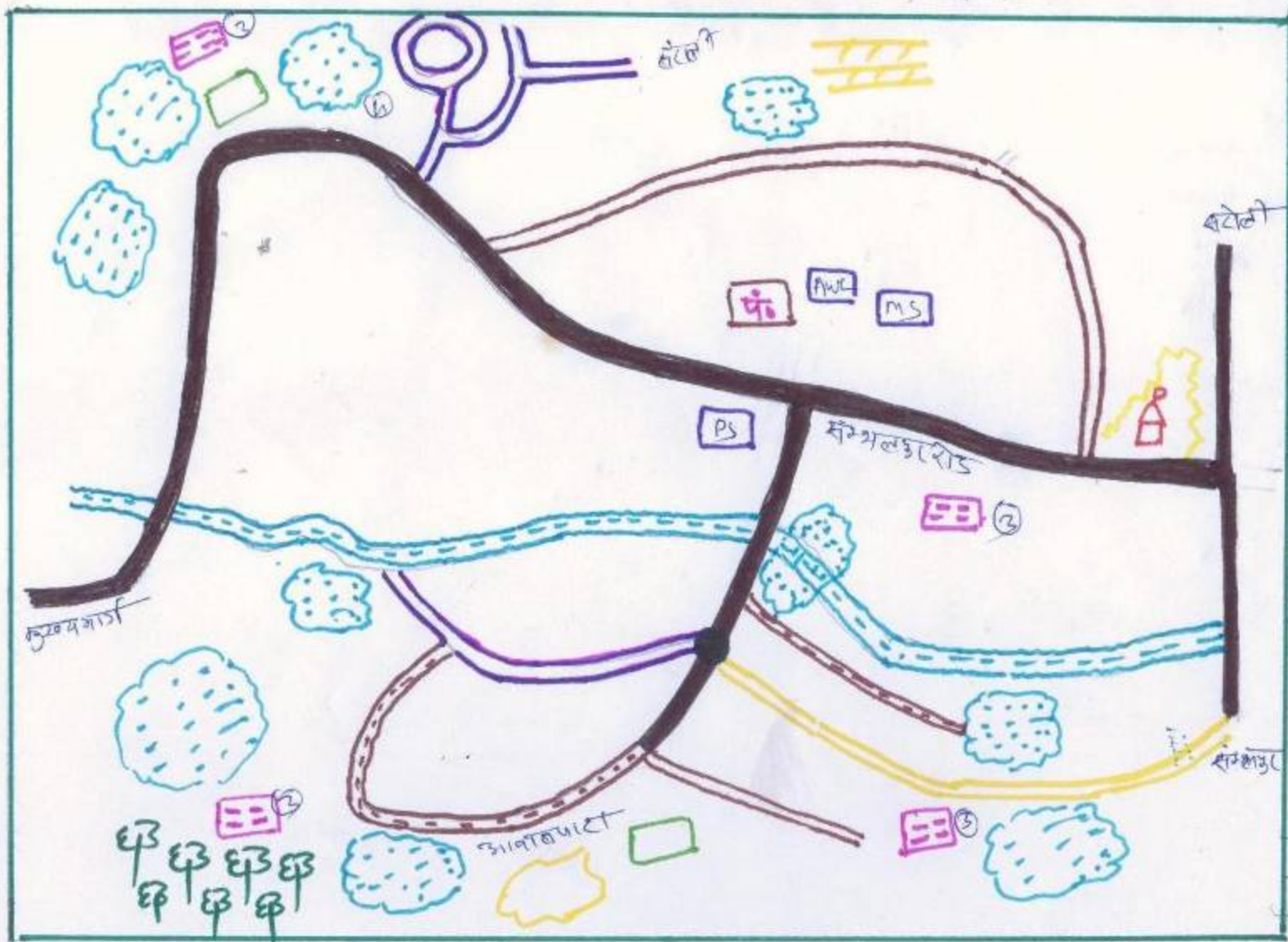
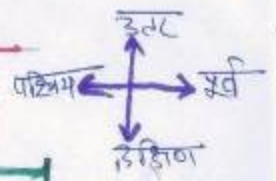
Sample of Respondents

Respondent Category	Target Sample in One Unit	MP	CG	Total
Community Members	10 (Each Village)	720	480	1200
FRC Members	5 (Each Village)	360	240	600
Panchayat Secretary	1 (Each Village)	72	48	120
Official Who Conducted Gram Sabha	1 (Each Village)	72	48	120
SDLC Members (Non – Official)	3 (Each Sub-division)	36	24	60
SDLC Members (Officials)	3 (Each Sub-division)	36	24	60
DLC Members (Non-official)	3 (Each District)	18	12	30
DLC Members (Official)	3 (Each District)	18	12	30

Methods Used

- Semi structured questionnaire
- Focused Group Discussions
- Participatory Appraisals
- Interviews with stakeholders
- Case Studies

सामुदायिक संसाधन मानचित्र ग्राम पंचायत डोकला विखंड मानपुर
जिला राजनांदगांव



- पन्डीसिड्ड
- डालू-दीरम
- लड्ड
- गोखीसिड्ड
- खीसिड्ड
- पनगार
- ललाय
- नाला
- आवाग
- माशाल
- पंचायत भवन
- प्राशाल
- शिक्षण
- खेलभूमि
- बोडान
- बंगला
- मन्डिर

सहाय्यगी-

Defining Community Assets

Sub Section 3.1 (b)
Sub Section 3.1 (c)

Sub Section 3.1(d)

Sub Section 3.1 (e)

Sub Section 3.1 (i)

Sub Section 3.1 (k)

Sub Section 3.1 (l)

- Rights for *nistar*
- ownership, access to collect, use, and dispose of minor forest produce
- Fish and other water body products, grazing, resources for nomadic and pastoral communities
- Habitat and habitation for primitive tribe groups
- right to protect, regenerate, or conserve or manage any community forest resource
- access to biodiversity and community right to intellectual property and traditional knowledge
- Customary practices

Significant Achievements of the States

- MP and CG are better performing states at the national level
 - Individual Claims
 - Madhya Pradesh : 119430 (July 2010)
 - Chhattisgarh: 214668 (Dec 2009)
 - Community Claims Sanctioned
 - Madhya Pradesh : 3816 (Jul 2010)
 - Chhattisgarh : 287 (Dec 2009)

Community Claims Approved in Districts of Chhattisgarh

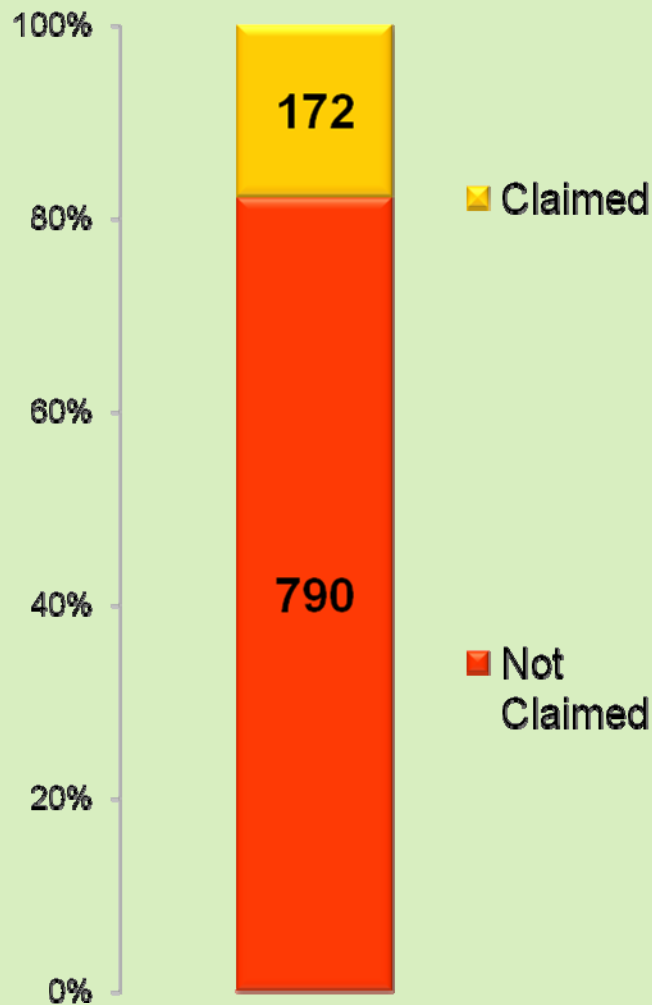
District	No. of Approved Claims	Rank	% ST Population
Kanker	175	1	56.04
Bilaspur	59	2	19.92
Dhamtari	36	3	26.25
Sarguja	11	4	54.6
Rajnandgaon	6	5	54.6
Bastar	0	6	66.54
Bijapur	0	7	66.54
Dantewada	0	8	78.56
Durg	0	9	12.41
Janjgir	0	10	11.62
Jashpur	0	11	63.24
Kabirdham	0	12	20.86
Korba	0	13	41.5
Korea	0	14	44.35
Mahasamund	0	15	27.03
Narayanpur	0	16	35.38
Raigarh	0	17	12.11
Raipur	0	18	26.63
Total	287		

Community claims approved in Madhya Pradesh

District	No of approved claims	Rank	% ST population	District	No of approved claims	Rank	% ST population	District	No of approved claims	Rank	% ST population
Umariya	742	1	44.04	Guna	36	18	12.22	Katni	1	35	23.07
Panna	619	2	15.39	Harda	33	19	26.63	Satna	1	36	14.34
Dindori	381	3	64.48	Indore	29	20	6.65	Barwani	0	37	67.02
Dewas	377	4	16.45	Ashoknagar	25	21	12.22	Bhind	0	38	0.47
Sagar	245	5	9.72	Hoshangabad	23	22	15.13	Burhanpur	0	39	29.68
Annuppur	172	6	44.48	Narsinghpur	23	23	13.17	Chhattarpur	0	40	3.5
Sheopur	162	7	21.53	Neemuch	20	24	8.51	Chhindwara	0	41	34.68
Shivpuri	154	8	11.19	Bhopal	14	25	3.29	Damoh	0	42	12.56
Jhabua	134	9	86.85	Morena	14	26	0.81	Khargone	0	43	35.48
Dhar	98	10	54.5	Mandsaur	12	27	3.17	Rajgarh	0	44	3.78
Jabalpur	80	11	15.01	Mandla	10	28	57.23	Shahdol	0	45	44.48
Khandwa	77	12	29.68	Sehore	10	29	10.76	Shajapur	0	46	2.74
Raisen	70	13	15.74	Ratlam	8	30	25.89	Sidhi	0	47	29.89
Alirajpur	64	14	86.85	Rewa	8	31	12.87	Singrauli	0	48	29.89
Betul	63	15	39.41	Seoni	7	32	36.78	Tikamgarh	0	49	4.32
Gwalior	56	16	3.49	Vidisha	7	33	4.88	Ujjain	0	50	3.11
Balaghat	37	17	21.8	Datia	4	34	1.59	Total	3,816		

GoMP – Dec 2010

Claims on Community Assets in MP and CG



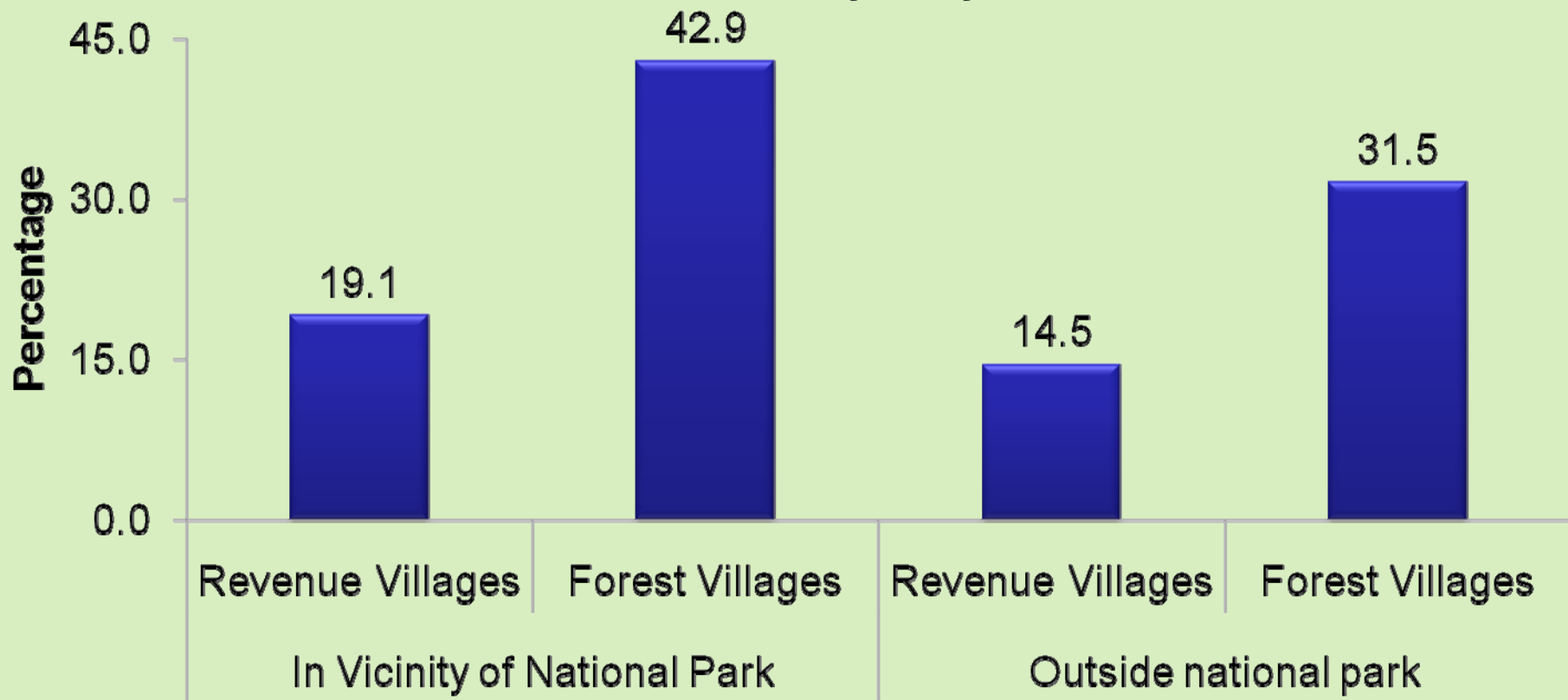
- In the studied villages, large number of assets are in use which are not claimed

- In Madhya Pradesh (110) 20.5% assets in use are claimed

- In Chhattisgarh (62) 14.6% are claimed

- 37 claims in MP and 48 claims in CG are sanctioned under Section 3(2)

Claims Made Out of Total Assets in Use in MP and CG combined (in %)



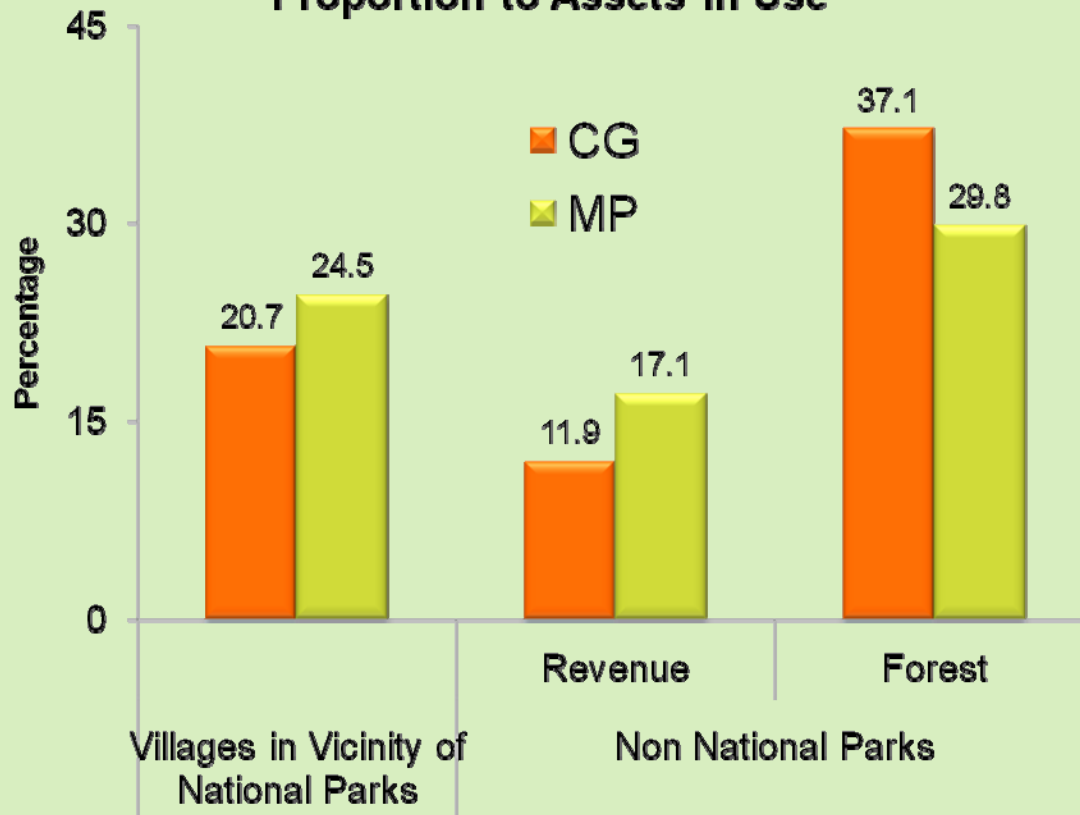
- Claims in Forest villages are higher than revenue villages
- Claims in revenue villages away from national parks is the lowest

Claims in National Parks

- General reluctance of the forest departments to accept any claims within National Parks and Wildlife Sanctuaries
- Only 19 assets out of the 82 potential assets claimed in the sample villages
- Most claims made on assets used for customary purposes followed by assets for collection of MFP.

State wise comparison- claims in National Parks

Claims made in the Villages in Vicinity of National Parks and Other Villages as Proportion to Assets in Use



- In CG, 37.1% of the assets in use were claimed in the forest villages
- 20.7% of the assets in use were claimed in the village in the vicinity of National Parks in CG.

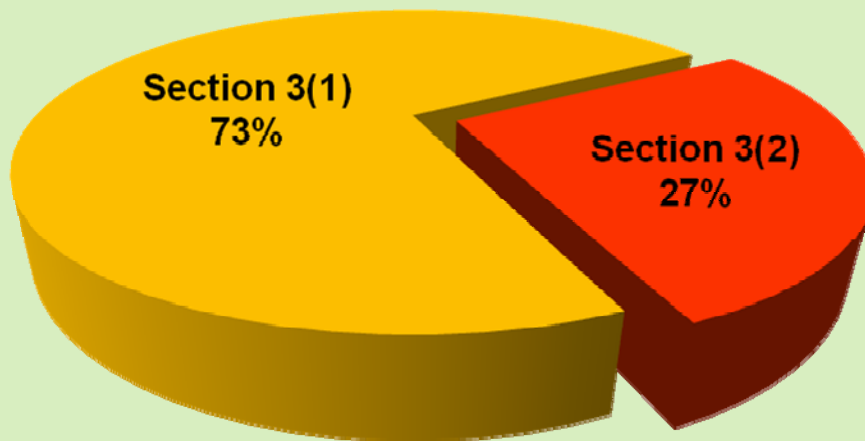
Claims Made in Villages with PTG

- PTGs were found in 22 villages (8 villages in Chhattisgarh and 14 villages in Madhya Pradesh). Six primitive tribal groups were found in these districts

State	District	Village	PTG
CG	Bastar	Bangladongri, Titirgaon, Bejapadar	Maria and Muria
	Koriya	Dharampur, Murma, Durgapur, Champajhar,	Pando, Pahadi Korba
	Bilaspur	Rajak	Baiga
MP		Badretha, Balawani, Benipura, Chimalwani, Girdharpur, Kalarna, Kariyadeh, Malipura, Moreka, Ranipura, Shyampur, Simrai	Sahariya
	Umariya	Majhokhar	Baiga
	Sagar	Jamuniya Deeraj	Sahariya

Claims Made in Villages with PTG

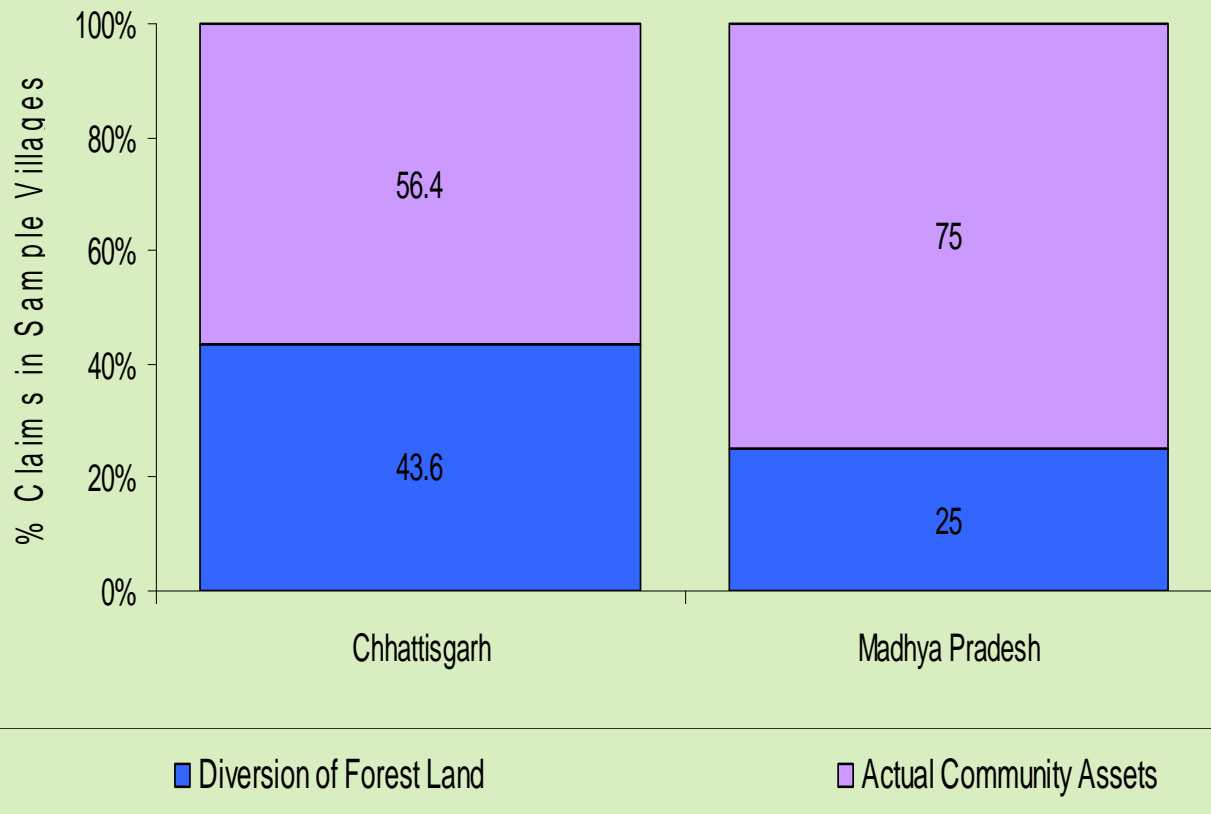
Claims Made in Villages with PTGs



- Large proportion of claims are in Section 3(2) (27%)
- The utility of these infrastructures from the point of view of the PTGs remains question
- Chances that the dominant groups may use these resources more than the PTGs.
- No conscious efforts to ensure that the community and individual rights of PTGs are claimed.

Claims under Section 3(2) – Diversion of Forest Land

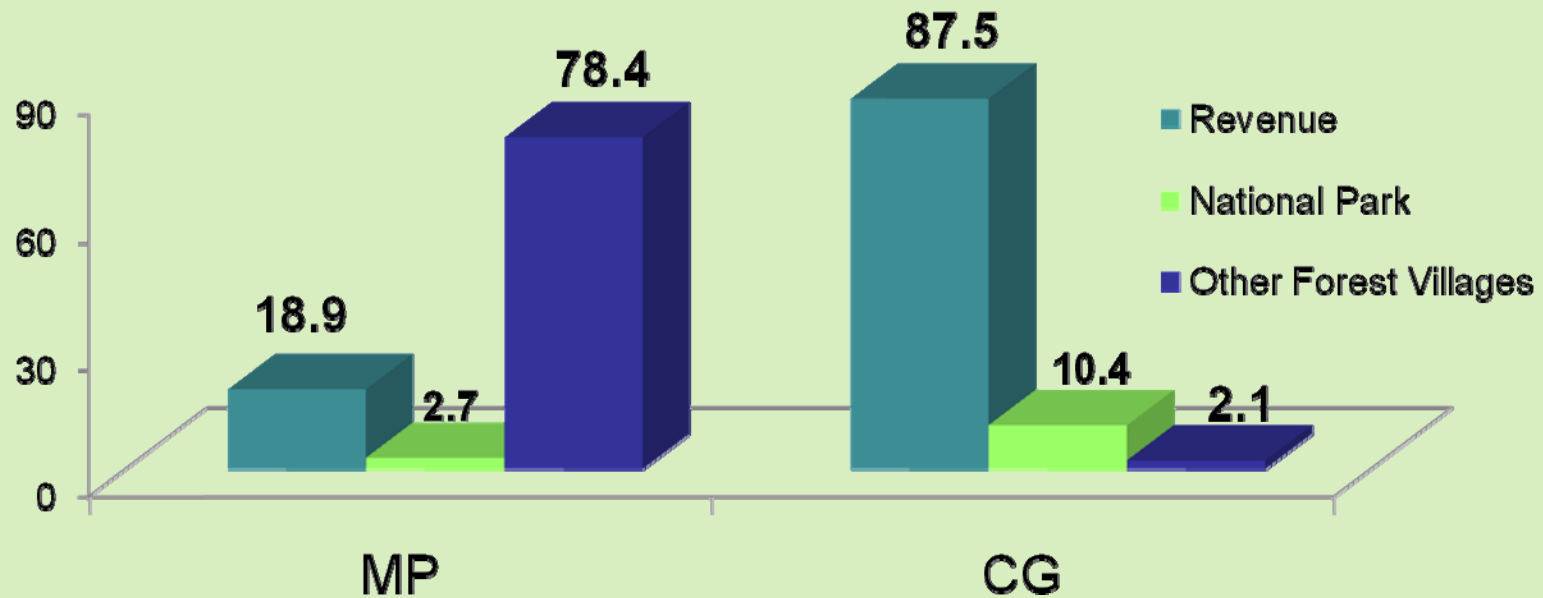
Diversion of Forest Land Claimed as Community Assets



- Large proportion (43.6%) of claims in Chhattisgarh and 25% in MP are under this section
- Claims under Section 3(2) also shown as community claims

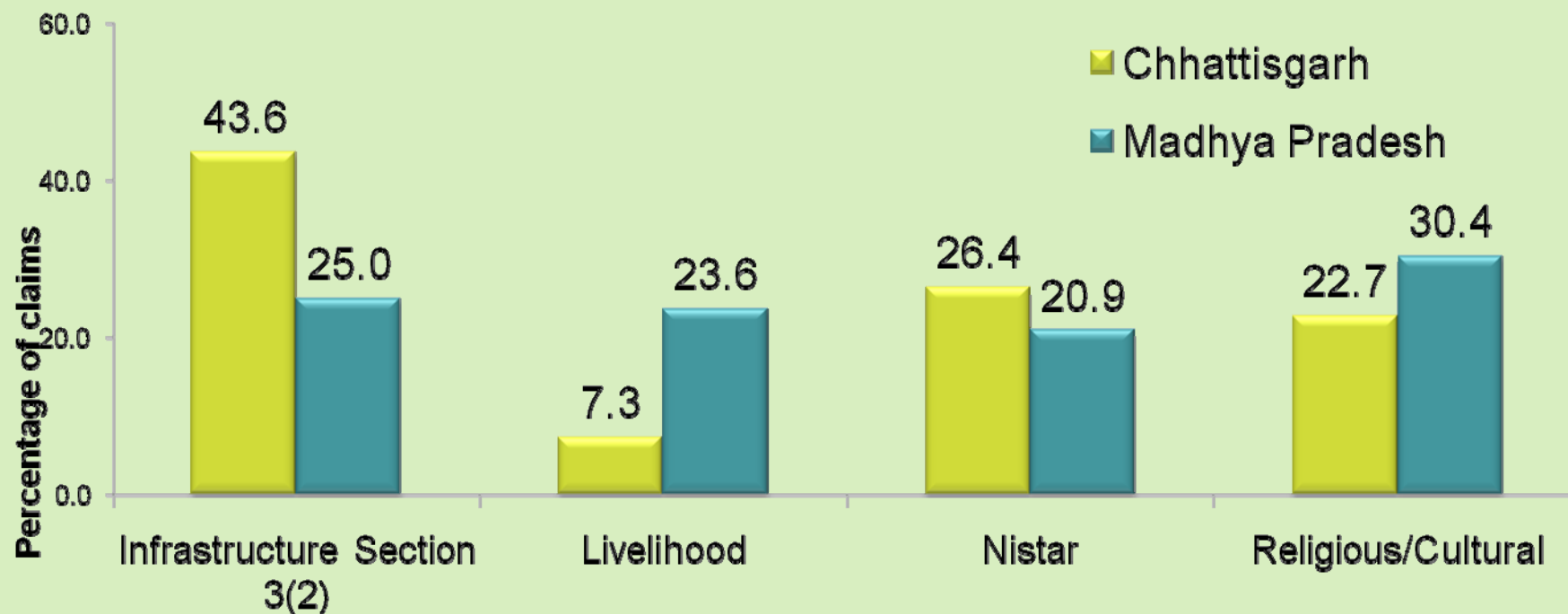
Claims under Section 3(2) – Diversion of Forest Land

Distribution of Claims in Section 3(2) in MP and CG



- Overall 57.6% claims in Section 3(2) are given in the revenue villages
- Overall 35.3% in forest villages
- Overall 7.1% in villages in the vicinity of national parks

Types of Assets Claimed As Per Utility



- In CG, significant number of claims given are for infrastructure (43.6%)
- 26.4% claims in CG are for nistar by the community
- Very few cases related to livelihood (7.3%) in CG
- Largest number of claims in MP are on places of religious importance (30.4%).
- In MP, the claims for livelihood resources is in higher proportion (23.6%).

Utility of Assets Claimed

- Surety of forest produce like firewood, Minor Forest Produce etc
- Unrestricted usage of forest land for Gothan
- Use of stone quarries for construction of house etc
- Panchayats are planning maintenance works on the community assets like ponds
- Works under NREGS can be initiated

Reasons for not claiming Community Assets

- **Use of the asset was not prohibited ever, therefore no “felt-need” to apply under FRA- Individual claims were more important**
- **Extremely low knowledge of the community for claiming community rights**
- **Inappropriate information was provided to the community to claim only one or two assets under community rights.**
- **The evidence or proof in case of community claim was not clearly defined and explained**
- **Lack of clarity on the rightful users (ST alone or others as well)**

Structure of Delivery of Forest Rights – under performing

- Sub – divisional committee rejected claims found incomplete
- SDLC did not inform the FRC the decisions of rejection or acceptance of claims.
- Low or negligible attendance of people's representatives in SDLC or DLC meetings
- The implementation was handled by officials alone with practically no role played by the elected representatives.

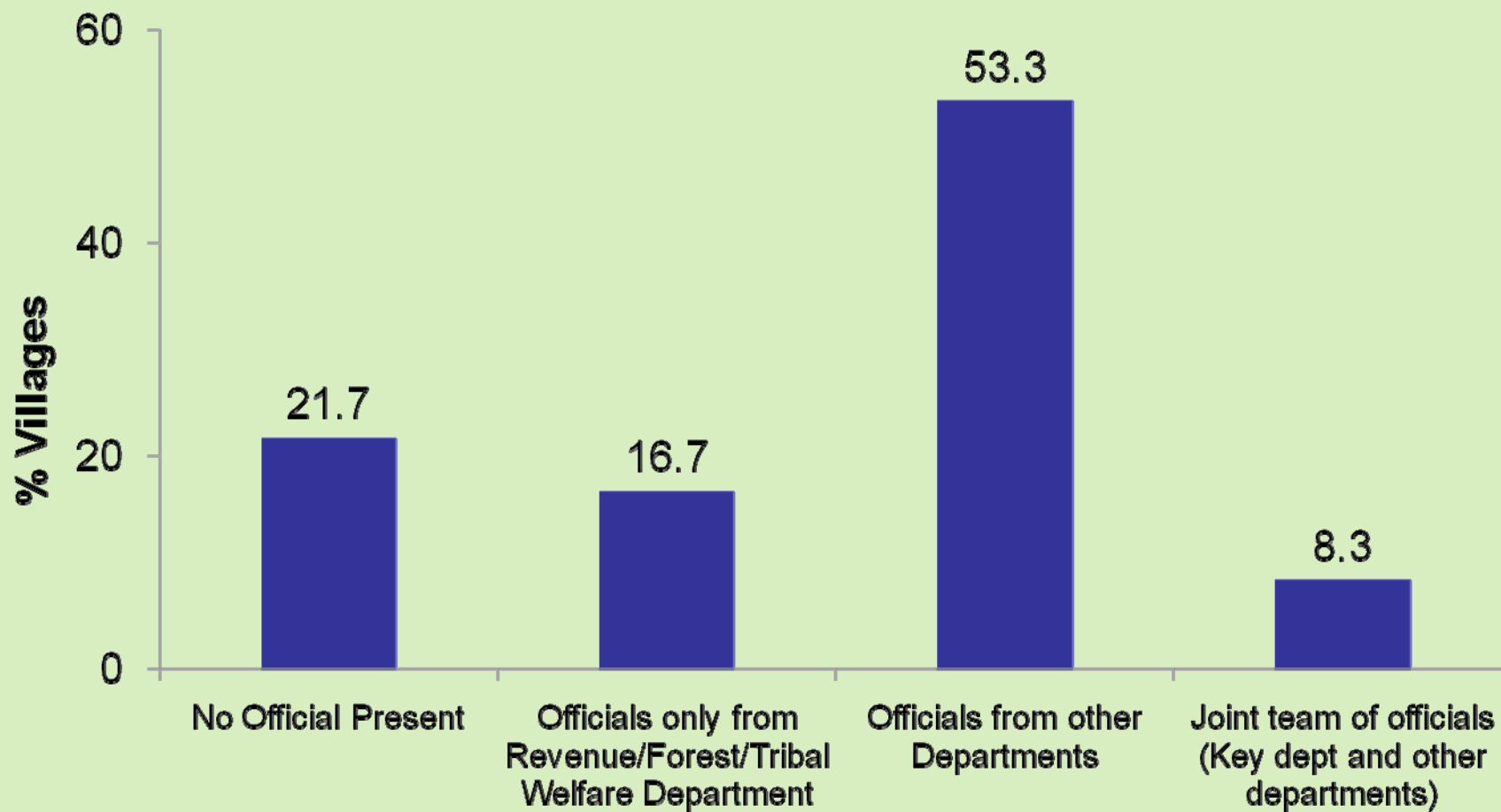
Gram Sabha – a weak link in FRA

- In 33% sample villages in MP and 25% in Chhattisgarh Gram Sabhas were conducted without notice
- In 60% sample villages of CG and 49% villages of MP, notice was given only 1 day in advance
- Overall in 21% villages no nodal officers attended Gram Sabha
- Gram Sabha and FRCs got exposure with the Act on the day of the Gram Sabha
- Insufficient reach with information among tribals

Attendance in 1st Gram Sabha

District	Village	Panchayat	Population of the Village	Attendance in the FRA Gram sabha
Umaria	Karhiya	Guruvahi	547	9
Sagar	Nayakheda	Kalraho	198	15
Khandwa	Hantia	Hantia	851	16
Mandla	Turur	Pandiwada	624	19
Sagar	Dalpatpur	Mahunajaat	323	28
Mandla	Bargi	Bargi	964	32
Mandla	Kodra	Kodra	160	35
Khandwa	Edhawadi	Edhawadi	1780	38
Rajnandgaon	Devarsur	Devarsur	440	39
Sagar	Khajrabheda	Khajrarbheda	303	40
Rajnandgaon	Kahgavn	Kahvavan	1492	40

Officials Presiding Over the 1st Gram Sabha



Capacity Building for FRA

- Efforts of training was concentrated on Master Trainers level at State.
- The quality and duration of the training at district and SDLC level was lesser than required
- FRCs were oriented only in the 1st Gram Sabha
- Very little budgetary provision (Rs 10000 per SDLC) for orientation of FRC in MP and no budget in CG
- Training at district and lower level was focused primarily on individual rights

Interdepartmental coordination

- The departments were of the view that FRA is applicable only on Forest Department land hence there was indifference by the other departments.
- Panchayat Sachiv played a major role but RD and Panchayat department was not engaged hence there was lack of coordination at the field level
- There was unclear role division among Tribal, Forest, Revenue or Rural development (Panchayat Secretary)

Key Conclusions

- Inadequate efforts in promotion of community compared to individual rights
- Insufficient communication strategy to reach out to the unlettered tribals
- Top-down approach to enhance targets of community assets
- Inadequate preparedness to facilitate filing of application

Key recommendations

- Design and organize large scale Awareness Campaign
- Intensive capacity building approach
- Improve implementation mechanism for greater dividends
- Keep village maps at Panchayat Level
- Inform administrative machinery on extension of time by office order

Key recommendations

- Organise second round of campaign on caste certificates
- Develop long term strategy for supporting Village Forest Rights Committee
- Use technology to strengthen outreach
- Long term planning with resource commitment on claimed Community Assets

THANK YOU!