

Forest Governance and Collective Action in India

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The Setting

Conceptualising Collective Action

Pre- Forest Rights Act Phase

Post-Forest Rights Act Phase

Under What Circumstances Collective Action Will Emerge?

Dependence level is very high

Homogeneous Group

Absence of internal and external threats

Local institutions are not hostile

Benefits are shared in an equitable manner

Pre- Forest Rights Act Phase

Forest Governance was driven by the principles:

- * Extraction
- * Exclusion
- * Centralisation

Pre-FRA Phase

* Policy and Legal Instruments

-Indian Forest Act 1927

-National Forest Policy 1952

-Wildlife Protection Act 1972

-42nd Constitutional Amendment 1976

-Forest Conservation Act 1980

Transition Phase Before FRA 2006

National Forest Policy 1988

MoEF's 1990 Guideline to Regularise Encroachments

Joint Forest Management Guideline 1990

73rd Constitutional Amendment 1992

Panchyats Extension to Scheduled Areas (PESA) 1996

Implementation failed (1990-2006)

Factors Triggered- Evolution of FRA

Judicial Excessivism (T N Godavarman Order- 1996)

Tribal Rights Movements (Campaign for Survival & Dignity)

Political Culture (UPA Alliance-2004)

**The Scheduled Tribe and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Act 2006**

Preamble of the Act

An Act to recognise and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers who have been residing in such forests for generations but whose rights could not be recorded; to provide a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

Contd..

“AND WHEREAS the forest rights on ancestral lands and their habitat were not adequately recognized in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest ecosystems”.

FRA 2006

- * Addresses historical injustice
- * Recognition of Rights and Not Creation
- * IFR and CFR
- * Tribal and OTFDs
- * 13th December 2005
- * Minimum Potential Areas: 32 million hectares, 173000 villages, 150 million
- * After Ten Years: 3% of potential area has been recognised

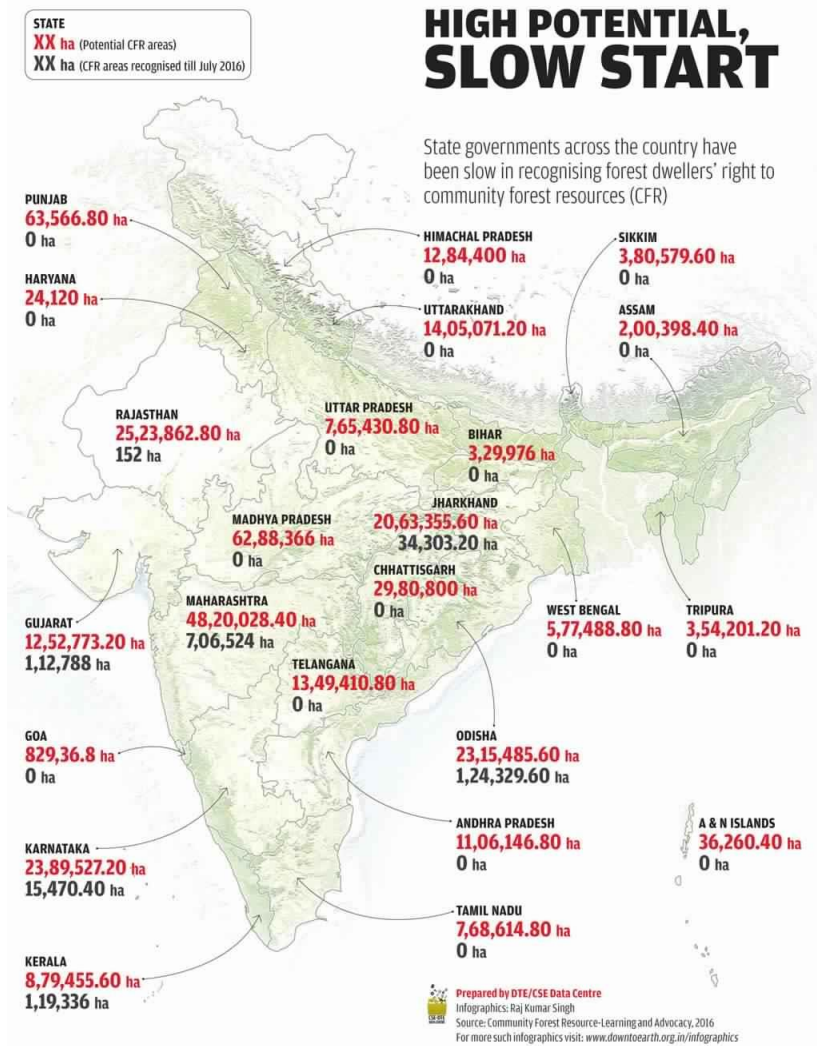
Performance By 4th July 2018

Sl. No	Activity	Status
1	Number of Claims received/ filed	41,89,712 claims (40,36,805 individual and 1,52,907 community claims)
2	Number of titles distributed	18,52,490 titles (17,83,056 individual and 69,434 community claims)
3	Extent of forest land for which titles distributed (in acres)	1,43,22, 721(41, 94,701 IFR and 1,01,28, 020 CFR)

How the states have performed

	Categories	States
1	<i>Laggard states</i> No or extremely poor performance	Assam, Bihar, Goa, Himachal Pradesh, Tamil Nadu, Uttarakhand, Haryana, Punjab, Sikkim
2	<i>Low performing states</i> Achieved less than 2% of minimum potential	Rajasthan, West Bengal, Karnataka, Jharkhand
3	<i>States with only IFR Implementation</i>	Tripura, Uttar Pradesh
4	States which have ignored CFRs but implemented CRs and IFRs	Telangana, Andhra Pradesh, Madhya Pradesh, Chhattisgarh
5	<i>States with both IFR and CFR implementation</i>	Maharashtra, Odisha, Kerala, Gujarat

Potential and Performance



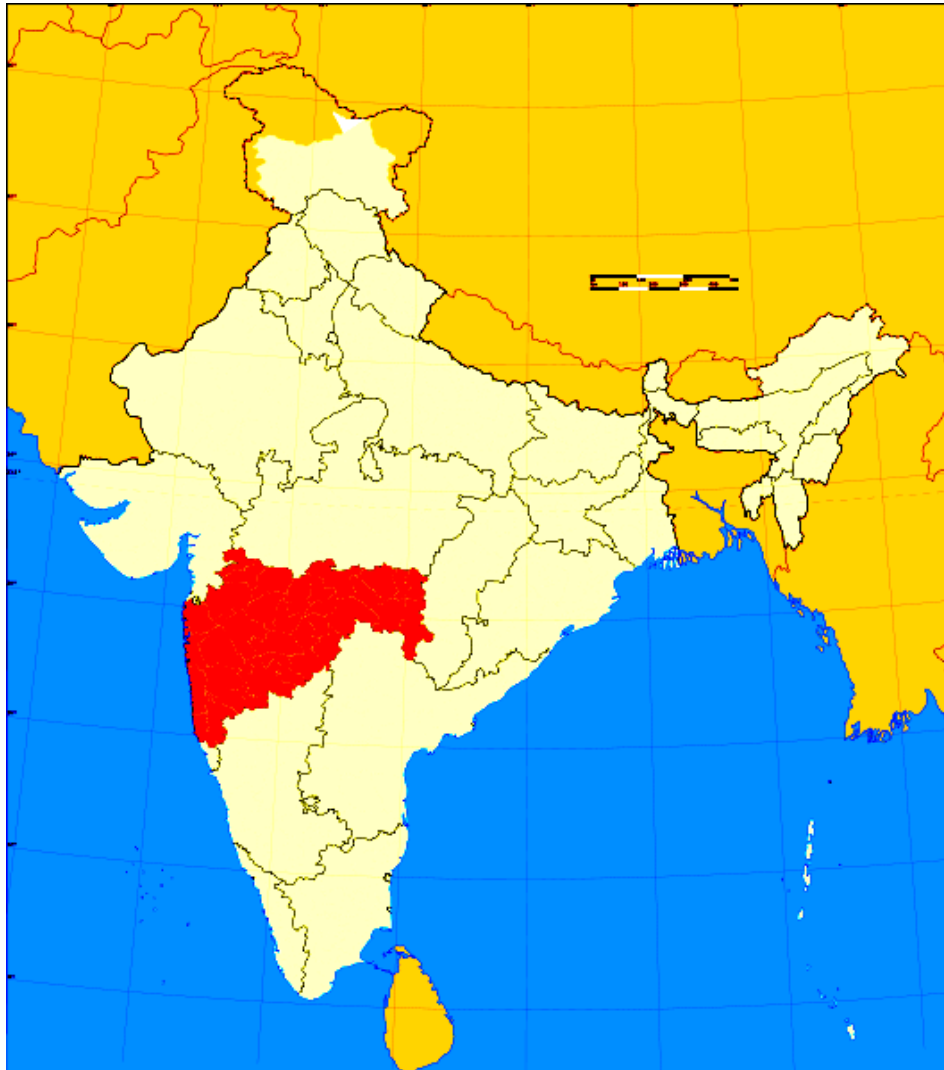
Report 2016

PROMISE & PERFORMANCE

TEN YEARS OF THE FOREST RIGHTS ACT IN INDIA

Citizens' Report as part of Community Forest Rights-Learning and Advocacy (CFR-LA) process

Experiences from Maharashtra



2017

MAHARASHTRA

PROMISE AND PERFORMANCE

10 YEARS OF THE
FOREST RIGHTS ACT

IN INDIA

CITIZENS' REPORT

Produced by
CFR Learning and Advocacy Group Maharashtra

As part of
National Community Forest Rights-Learning and Advocacy
(CFR-LA) process

Collective Action in Post FRA Phase: Experiences from Maharashtra

Several positive trends have emerged over the years

- Suo Motu Initiatives
- Enhancement of Livelihood
- Reverse migration
- Robust Governance Structure

Multiple Factors

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Village Name	CFR Title Received	Area	Number of HHs	Composition
Mendha Lekha	2009	1800.19 hectares	109	STs
Shankarpur	2010	592 hectares	543	OTDFs
Bortolla	2011	1100 hectares	33	STs
Dhamditola	2012	300 hectares	194	STs and Others
Pachgaon	2012	1006 hectares	66	STs
Bhimanpayili	2013	1900 hectares	12	STs

Shift in Forest Governance

No exclusion from forest areas and extraction of resources without consent and settlement of rights (Niyamgiri Hill Tribals' Struggle Against Vedanta Company)

Decentralised Forest Governance System
(Ownership, Access, Use and Disposal Rights)

Key Observations

Forest Governance debate- Two Opposite Positions

Conventional Answer

- No trade-off, Highly centralised

Alternative/Radical Answer

- Village Council (Gram Sabha) as a sacrosanct institution
- Emphasis on local interests

Focus is more on efficiency and **not on sustainability**

Need to Think Beyond Binary Positions

Multilayered Governance Structure

- Operational Role
- Regulatory Role
- Policy Making Role

More about FRA

CFR-LA Network (cfrla.org.in)

www.fra.org.in

www.tissrrr.org

Thanks

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