

Minutes of the Review-cum- Consultation Meeting on Implementation of Forest Rights Act (FRA), 2006

July 2nd, 2015; India International Center, New Delhi

A Review-cum-Consultation meeting was organised under the Chairpersonship of Secretary, Tribal Affairs on 2nd July 2015 in India International Center, New Delhi. Secretary/ Principal Secretary/ FRA Nodal Officers from the nine State Governments namely Bihar, Jharkhand, Himachal Pradesh, Karanataka, Kerala, Odisha, Telangana, Uttarakhand, Uttar Pradesh and West Bengal which are identified as having lagged behind in implementation of the Forest Rights Act participated in the said consultation. The list of participants is annexed.

1. Inaugural Session

1.1 The Deputy Secretary, Ministry of Tribal Affairs, set off the consultation meeting with welcoming senior officials of MoTA, UNDP and State Governments. In his address, he gave a brief outline of this review-cum-consultation meeting.

1.2 The Joint Secretary (MKP), Ministry of Tribal Affairs in his welcome address, reiterated the Ministry's emphasis on the need to take up the implementation of FRA in a mission mode. It was stressed that FRA being the flagship programme of this Ministry, it is being closely monitored by the PMO and it is important that State Governments take appropriate measures in vesting the forest rights in a time bound manner. The State Governments were urged to set targets for themselves and expedite preparation and implementation of the action plan so that no deserving claimant is left out of his legal right. The States which are lagging behind in the Act implementation were asked to revisit the entire process of Act implementation for identifying hurdles and taking necessary corrective measures. It was also observed that progress in distribution of Community rights and community forest rights is still low in most of the States and that State Governments must take appropriate steps to overcome this issue. He thanked UNDP for collaborating in organizing this important consultation and its valuable technical assistance to MoTA.

1.3 In his address, the Joint Secretary (A), Ministry of Tribal Affairs, Government of India, also highlighted the importance of expediting implementation of FRA in a time bound manner. The State Governments were advised to sensitize FRA functionaries of the State towards recognizing and vesting the forest rights, both individual and community to forest dwelling communities for their sustainable livelihood. The State Governments may associate with TRIs/ SIRDs in generating awareness on FRA, in translating the Forest Rights Act, 2006, its rules and guidelines into local languages which will help in completing the entire process of recognition of rights on time. It was suggested that State Governments may prepare respective action plans adequately and may seek technical assistance from MoTA and UNDP in addressing the issues which are impeding the Act implementation. The State Governments were urged to utilize this platform for seeking any clarification on the FRA related issues.

1.4 A brief power-point presentation was made by the Deputy Secretary (FRA), Ministry of Tribal Affairs, Government of India on the progress being made by the State Governments on Act implementation, highlighting the issues on rights recognition, steps taken by the Ministry in this regard in addition to the indicative outline of activities to be carried out by States by 31st December 2015.

1.5 The Assistant Country Director, UNDP in her address mentioned that with focus on 'faster, sustainable and more inclusive growth', the concerns of Scheduled Tribes and other marginalised groups must be addressed for growth to be inclusive. She mentioned that Human Development Indicator for the STs lags behind with respect to the other social groups. She expressed her happiness that implementation of FRA has received utmost importance from the Hon'ble Prime Minister of India and the fact that MoTA has taken the task on a 'Campaign Mode'. She said that with the results of this consultation effective strategies/ action plans for FRA implementation can be framed and operationalized.

1.6 The Secretary, Ministry of Tribal Affairs, in his inaugural address stressed on mainstreaming of Scheduled Tribes. He accorded high priority on implementation of FRA by State governments in a mission mode keeping with the Hon'ble Prime Minister's stated focus on implementing the FRA in a 'Campaign Mode' in order to reduce the gaps in human development indicators for tribal communities vis-à-vis other social groups. He further emphasized on desisting from denying rights to the poor and disempowered forest dwellers from their lawful right. He urged States with high tribal populations in particular closely monitor FRA implementation and to have a special focus on expediting the process of recognition of community rights which will also contribute in their overall development. Concern was also expressed over the high rate of rejection of claims under FRA which may have resulted from of lack of awareness, lack of advocacy and training on the part of functionaries who are implementing FRA and stressed for greater advocacy and necessary training. He also stressed that now that it is a good opportunity to become proactive towards empowering tribals who have been disempowered traditionally, timelines and milestones have to be achieved by the States. Campaign mode is important because tribal population is deprived and disadvantaged section of society and they have been subjected to harsh treatment and insensitiveness like displacement etc. since long.

2. Issues highlighted by the State Governments

2.1 Technical Session began with the power-point presentation on "*Methodology of estimation of potential areas under Community Resource Rights through GIS based mapping: Experience from Odisha*" by the Dr. A B Ota, Director, SCSTRTI, Odisha. Dr. Ota told that in the year 2014, Ministry of Tribal Affairs has recognized SCSTRTI as National Resource Centre. He mentioned that that SCSTRTI is developing training resource materials, interactive CDs on FRA which will be helpful in recognizing individual rights and community rights, developing technique for learning from field experiences, translation of FRA into 14 tribal languages and also developing training modules for government functionaries and tribal population.

2.2 In his presentation, he informed that Forest Report 1999 is a very useful document and according to the State of Forest Report, 1999, 1.70 lakh villages out of 5.87 lakh villages have forest. Further, 32.198 mha of Forest Land inside revenue villages, which have high forest dependency with a population of 146.77 million. **In Odisha, it is 29,302 villages having 17.79 lakh ha of Forest Land with a population of 15.93 million.** He further gave an insight into the methodology for identification of villages/ habitations and informed about the GIS mapping prepared for Mayurbhanj district which has also been shared with the district administration.

2.3 National Resource Centre is stated to have conducted a national level study and it was found that in most of the States, the pattas for land do not have clearly demarcated boundaries with clear mention of the other land holdings/ structures on each side of the allotted land and claims filed are in respect of land other than that which is being used/ tilled by the claimant. Jharkhand and West Bengal experienced similar issues in particular. Secretary (TA) told that the States should only be concerned with the tribals who are tilling the land and not getting rights.

3. Thereafter, the 9 State Governments presented their respective Action Plans on the implementation of FRA in campaign mode:

3.1. Kerala:

3.1.1 Mr. Subrata Biswas, Principal Secretary, ST Development Department, Government of Kerala informed that the State has taken pro-active steps towards implementation of FRA, 2006 in campaign mode wherein the Forest, Revenue and Tribal Departments have jointly undertaken selection of the potential areas and likely claimants for individual and community rights and the claimants have been made aware about FRA through ST promoters and pamphlets printed in local language and dialects of each community. The District Tribal offices help in filing of applications and the Survey Departments helps in preparation of maps for the area. Presently, GIS based mapping is being done in Wayanad District. List of hamlets and habitations have been made for Gram Sabhas and FRCs have also been informed. Formation of DLCs and SDLCs have also been completed.

3.1.2 The State has committed to go along with the time line fixed by MoTA i.e. completing the processing of claims by November 2015 and creating RoR within December 2015.

3.2. Jharkhand:

3.2.1. From the presentation of Jharkhand it was evident that lack of awareness is the main cause for low filing of claims and overall poor implementation of FRA in the State. It was informed that the State Government has been taking steps for awareness generation on FRA which includes- i) translation of FRA into local languages, ii) mass

publicity campaign through advertisement in local newspaper throughout districts, iii) radio jingles through AIR and FM channels, iv) telecast of documentary films on Doordarshan, v) special drive campaign on gram sabha, vi) distribution of FR act in 6 regional languages, vii) awareness generation through 5 mobile vans at divisional levels etc.

3.2.2 14,996 claims are stated to be pending and 15,946 claims are stated to have been rejected in Jharkhand State. It was told that the State is focusing to reduce these numbers. It was also informed that most of the forest rights are settled under Chhotanagpur Tenancy Act (CNTA) and Santhal Parganas Tenancy Act.

3.2.3 The State has made commitments to introduce GPS and GIS in implementation of FRA and create widespread awareness about FRA through mobile vans at the village level. 401 'Van Mitras have also been identified for providing assistance in claim generation and models for post claim management (convergence model) are being developed with other line departments. Exposure visit of concerned officials to Odisha for cross learning is also being planned.

3.3. Telangana:

3.3.1 Telangana Government is stated to have decided not to entertain any more applications under FRA. This decision is stated to have been taken on 17th January 2015 by Chief Minister Andhra Pradesh during an interactive session with forest officials at Forest Academy, Dulapally and is aimed at protecting the forests in the State. Ms. G D Aruna, Secretary, Tribal Welfare, Telangana clarified the issue during the discussions and stated that the State Government has again started accepting the claims now.

3.3.2 The State has taken action towards creating awareness about FRA and its implementation among political executives, NGOs and all other stakeholders. Village level campaigns are also taking place to raise awareness among communities about common resources rights. Training of Master Trainers is also in progress through workshops and trainings for Revenue, Forest, Panchayat and Tribal Welfare officers at State, District, Division and village levels and also Gram Sabha functionaries. GPS survey of all land parcels and verification with cartosat-imageries being got done from NRSA, Hyderabad for the year 2005 and corroboration of the same with village revenue records, other evidences and census data. SDLCs and DLCs have also been constituted as per rules.

3.3.3 The State is committed to revisit rejected claims filed under community rights. TRI of the State will be the nodal point for undertaking capacity building programme at all levels in association with Tribal Welfare, Rural Development, Revenue and Forest Departments. Special Cell to monitor FRA implementation has been established at each ITDA. The process of creating of record of rights for the rights recognized will be completed by end of December 2015.

3.4. Bihar:

3.4.1 Bihar informed that the very high rate of rejection of claims was due to lack of documents/ evidences. It was, however, assured that the department is revisiting the matter. The State government was suggested to try obtaining evidence of elderly persons as Rule 13 of the FR Rules list out as many as 13 kind of evidence, of which any two shall suffice. It was informed that in two districts- Aurangabad and Muzzafarpur, there is no forest land, no ST population and no OTFD. Further, it was mentioned by the State Government that a team of officers from Bihar visited Gujarat to study the system for identifying potential areas and potential right holders through use of technology/ GIS mapping.

3.4.2 The State is in the process of finalization of resource person/ trainer. Village FRCs are being constituted and the process of constituting SDLCs and DLCs is complete. The State has undertaken steps to implement FRA in campaign mode by way of preparing and distributing training modules in the local language to Gram Sabhas, distributing documentary films for awareness generation, conducting training sessions for functionaries at various levels, and regular review of FRA implementation by Chief Secretary/ Secretary, SC/ST welfare. Other departments like Environment & Forests and Revenue & Land Reform have also been associated.

3.4.3 The potential areas under FRA in each district have already been identified. They will be verified once again within a month through use of technology/ other secondary sources, census data etc. The State has also undertaken to complete the implementation of Action Plan/ claim process and recognition of rights by December, 2015, though recording of rights and updating of records will be continuous process.

3.5. West Bengal:

3.5.1 West Bengal presented that Forest Villages of 12 District have been identified and claims have been received. 86 forest villages have been converted to Revenue villages. The Act, Rules and specific Dos and Don'ts have been prepared in both Bengali and Santhali and circulated along with other training material to create awareness. List of all hamlets/ habitations in all Gram Panchayats in forest areas have been prepared and 2819 FRCs have been constituted; 22 SDLCs and 12 DLCs have also been formed. However, a clarification was sought by the representative of West Bengal regarding Darjeeling District where there are no elected Gram Panchayats. The matter is being examined in the Ministry and the view of the Ministry will be communicated to the Tribal Welfare Deptt., Govt. of West Bengal.

3.5.2 The West Bengal was committed to launching widespread awareness campaign in the forest villages through Large Sized Multi-purpose Co-operatives Societies (LAMPS), FRCs and other dedicated persons of Tribal Community. The claims of forest dwellers will be enquired at habitation level jointly by Forest, Tribal Welfare and Land Department officials and FRC in campaign mode. Constant monitoring on progress would be done at Block, Sub-division, District level and State level monitoring meeting

will be held regularly with Land Department with regard to the issuance of RoR (Title Deed).

3.5.3 It was stated that mostly OTFD claims are rejected (4228 rejected cases in Purulia district itself). District collectors have been instructed to look into the specific grounds on which claims have been rejected. It was also informed that multiple claims by an individual are rampant among OTFD. It was also informed that *Gram Sansad* is at the habitation level and in effect it has the same meaning as gram sabha in other States.

3.6. Uttar Pradesh:

3.6.1 Uttar Pradesh informed that they are committed to the creation of awareness among the Government functionaries as also among all the stakeholders. Frequent meetings of SLMC, DLCs, SDLCs and Gram Sabhas will be held to deliberate on the provisions of FRA and Rules made thereunder for speeding the implementation process. The DLCs will organize meetings, campaigns, conferences, seminars, street shows etc. for raising awareness among the forest inhabitants.

3.6.2 The State representative informed that after the bifurcation of Chandauli district, the Saharias of that district lost their ST status and therefore, became ineligible for claim. She also highlighted the issue of claims being rejected because the claimants in most cases have no proof of occupation of land on or before 13th Dec 2005 and also for not having any record of 75 years of residence (in case of OTFDs).

3.6.3 A case in Bijnor district was also cited where there are 52 pending claims by tribals but the matter has not been settled and is dragging on in court because of the DFO's stand is that forest department has claim over the land.

3.7. Himachal Pradesh:

3.7.1 The performance of the State with regard to FRA implementation that has been dismal so far. Out of a total number of 5692 claims received, only 346 have been honoured and titles distributed. As the FRA has, in effect, not been implemented in the State of Himachal Pradesh, they have been advised to urgently prepare the action plan/strategy of FRA implementation in the campaign mode. 85% FRCs have been formed, amounting to 15,000 FRCs.

3.7.2 The State has made the commitment that State level training shall be organised in 30-45 days for preparing Master Trainers. However, because of Panchayat elections which are slated for October 2015, the Code of Conduct is likely to be imposed in September 2015 and all staff will be busy in the election process. DLCs and SDLCs will have to be reconstituted after elections and claims will also have to be invited and processed after the elections. Hence, they may not be able to complete the process of conferring of rights by December, 2015.

3.8. Uttarakhand:

3.8.1 In view of the extreme slow pace of implementation of FRA in Uttarakhand, the State Government made commitments that training and awareness camps will be organised in every level and Records of Rights (RoR) shall be created. It was also mentioned that the State would be able to complete the process of submission and recognition of claims during the period 15th December, 2015 to 15th March, 2016. Thereafter, by 30th April, 2016 the State shall be completing the processes of creation of rights, updating of land records and distribution of titles.

3.9. Karnataka:

3.9.1 The status of FRA implementation in the State is very poor; out of a total number of 3,65,395 claims filed, only 7715 claims have been accepted while as many as 1,83,159 claims are pending disposal and 1,74,521 claims are under review. Pro-active steps are now being taken for forming FRCs and formulating action plan for training and awareness generation on FRA and the use of technology.

3.9.2 SLMC has already directed the concerned District Collectors to review the rejected applications in SDLC and DLC. Review meetings of all member Secretaries of SDLC and DLC to be held every month; training will be imparted to the District level and Sub-Divisional level implementing officers to create awareness in them, and to evaluate the proper implementation of the Act of the work will be assigned to reputed institutions.

3.9.3 Karnataka made final commitment that by the end of December 2015, title deeds will be issued to eligible applicants and deadline will be fixed to implement the Act.

4. Summary of key points of discussion, actions and recommendations

4.1. Training and capacity building on Forest Rights Act

- Greater advocacy, training and capacity building of officials on FRA as well as the community is required on various provisions under FRA which will expedite the place of Act implementation. Sensitization programmes at the state level should also be organized for policy makers and administrators from different departments to address the issues of tribal communities through their developmental efforts.
- Capacity building of State and field level implementing functionaries should be undertaken in a time bound manner for which technical support could be taken from the Odisha Tribal Research Institute (TRI), recognised as a National Resource Centre and United Nations Development Programme (UNDP).
- TRIs in the states to be strengthened to become the focal point to act as the technical resource centres on the FRA. They must undertake capacity development programmes and provide inputs to the Tribal Welfare Departments for implementing the FRA in the time bound manner. States without a TRI to identify another institute in the state to undertake the relevant activities.

- A cadre or resource pool of master trainers on the FRA must be created at the State, District and Block levels for rolling out training in a mission mode, thus ensuring the training by them of members of the Forest Rights Committees and Gram Sabhas. Training programmes must also be held for members of the various committees under the FRA, such as District Level Committees (DLCs), Sub District Level Committees (SDLCs) and FRCs. Tribal youth in communities should be trained by officials to become torchbearers for implementing the Act.
- Ministry will also review the proposals by states with the Action Plan for undertaking training at state and district level for financial support.

4.2. Awareness generation

- Awareness on FRA and knowledge on both individual and community rights to be raised both with the FRA functionaries and communities who will help in increase in filling of claims by the communities as well as reducing some of the capacity gaps contributing in high rate of rejections of claims at different levels.
- Translate the FRA into multiple local languages and distribute it widely.

4.3. Implementation of Forest Rights Act

- States where progress in implementation is low must expedite the process. For this, clarifications, directions and guidelines issued by the Ministry of Tribal Affairs to be used.
- States needing conceptual or technical clarity on FRA should seek guidance from the Ministry.
- States identified as having low progress in implementing FRA advised to progress in accordance with the suggestive timelines prepared by the Ministry of Tribal Affairs.
- Review of progress in the States by the Ministry through monthly review meetings and video conferencing.
- Claims and appeals for review should not be rejected by states on flimsy grounds; a thorough process of reviewing the validity of rejections should be undertaken. States not to deny valid claims for additional plots under FRA to those who may have received their rights previously under other tenancy Acts of various states, for e.g Jharkhand's Santhal Act of 1946 and the Chhota Nagpur Act, 1908.
- States to provide disaggregated data regarding rejection of claims on the basis of different reasons.

4.4. Cross learning

- States where implementation of FRA is at an early stage to organize exposure and learning visits to States where proper implementation has taken place. They should follow the best practices adopted by the well performing States.

4.5. Estimation of potential areas under FRA

- It is important for States to assess the approximate number of potential rights seekers in order to increase the number of claims that can be filed and also to assess whether its implementation is complete.
- To make estimation of potential areas covered by FRA claimants, SCSTRTI, Bhubaneswar to undertake GIS mapping for all the nine states present during the consultation. The exercise to be completed in three months at an expenditure of approximately Rs 15-20 lakh in all.
- States can use GIS based mapping to help in correctly assessing the number of villages and areas which are to be covered by the FRA. The GIS information should be supplemented with secondary information to do the final mapping. Identification of potential villages and areas would help officials develop Block-wise Action Plans for FRA implementation.

4.6. Addressing Identified Implementation Issues

- In many, States Gram Sabhas are still called at the Gram Panchayat level which is not in accordance with the law. They need to be constituted at the hamlet/habitation level.
- Recognition of rights over Community Forest Resource (CFR) is very slow in most of the States; hence equal attention has to be paid thereon.
- States must look into the causes of high rate of rejection of claims under the Act, and also reasons for claimants not being frequently informed of the reasons of rejection which results in claimant not filling appeals.
- Delay in conversion of forest villages into revenue villages and ROR must be addressed. The ROR issued under FRA should also mention the name of the caste/ tribe so that in future communities do not have any difficulty in obtaining caste certificates.
- Application of FRA must take place in municipal areas as Section 2(d) of the Forest Rights Act defines the term 'forest land' widely to mean "*land of any description falling within any forest areas.*" States must therefore set up corresponding structures at the urban level to initiate the process of implementation of FRA.
- The current monopoly of State agencies over Minor Forest Produce must cease as it violates FRA provisions.

- Ensure implementation of the FRA in non-scheduled and non-tribal areas.
- Ensure institutional support in implementation by planning a role for departments other than the Tribal Welfare departments, like the ST and SC Dept, Panchayati Raj, Revenue department, Forest Department, and also involve NGOs.
- States must set up dedicated institutional structures to facilitate the Gram Sabhas, SDLC and DLC. For instance, set up an FRA Cell and a GIS unit with trained technical operators. Appoint dedicated human resources like RIs, ARIs and a training team including government officials and NGO personnel to expedite implementation through providing handholding support to Gram Sabhas for determining the nature and extent forest rights.
- Undertake special sensitization drives among all officials on the various aspects related to FRA and impart field based training on handling of GIS.

4.7. Suggestive timelines to expedite FRA

- States to prepare their action plans for FRA implementation based on the suggestive timelines issued by the MoTA.
- All States assured to follow the indicative timelines except Himachal Pradesh, where due to the forthcoming Panchayat elections of October, 2015, the process will get somewhat delayed and will be over only by April 2016.
- Implementation of the suggestive timeline should not result in denial of any rightful claim to any eligible forest dweller.
- Undertake real time tracking and monitoring of the progress in implementing the FRA through convening District Review Meetings.

List of Participants

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18. Mr. Kailash Chauhan , Research Officer, Tribal Development Department, Himachal Pradesh
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