

FGLG-India

NARRATIVE REPORT 2011



Forest Governance Learning Group- India

Narrative Report for the Period: January – December, 2011

Submitted to

IIED

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Forest Governance Learning Group- India

Narrative Report

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1. Introduction:

The overall objective of the Social Justice in Forestry project in India is 'improving and strengthening forest governance in India through promotion of local rights - especially community rights - benefits and control over forest resources'. Keeping in mind the larger objective of FGLG, FGLG-India, in the second phase, chalked out a definite action plan with clear targets. Four broad themes were selected, which partake of the most crucial aspects of Forest Governance in India, see *Box 1 below*.

Box 1- FGLG-India Outputs for the Second Phase

¹ Former Convener, Forest Governance Learning Group-India.

Output 1: Forest rights and small forest enterprise

1A: Forest Rights Act - implementation, institutions and processes

1B: Strengthening Community Forest Management through recognition of rights

1C: Strengthening community-based institutions to run NTFP enterprises

Output 2: Legitimate forest products

2A: Investment in forestry: tackling the contradiction of huge imports despite large scale plantations

Output 3: Pro-poor climate change mitigation and adaptation through forestry

3A: REDD: India's REDD readiness/ preparedness

3B: Supporting better decision-making on bioenergy development strategies – a focus on rural energy security

Output 4: Trans-national learning and preparedness.

A separate work plan with clear outcomes and timelines has been prepared for selected theme as agreed by the team for the past one year (**See Annex 1 for details**). Each selected theme and activities are being carried out by the team as per the Work plan. The section below describes the activities planned and progress so far.

2. Progress on Individual Themes

2.1. 1A: Forest Rights Act - implementation, institutions and processes

FRA Implementation in Chhattisgarh, Jharkhand and Madhya Pradesh

Key issues and potential steps for redressal :

On Procedural Inadequacies:

2.1.1. FRA does not provide a mechanism to know the status of claims:

After the claim forms of recognition of forest rights are submitted by the Gram Sabha (Village Assembly) to the respective Sub Division Level Committee (SDLC) till a final decision on them is taken by the District Level Committee (DLC) the claimants do not have any means within the framework of FRA to know the status of their claims under FRA.

Potential Redressal Mechanisms:

As specific direction may be issued by the MOTA or alternatively a clarificatory order needs to be issued by the MOTA or the respective state governments

2.1.2. Rejection of Claims by SDLC:

It has also been informed in states such as Jharkhand that SDLC is rejecting claims whereas FRA does not give power to SDLC to reject or accept claims. It is only mandated to collate all the claims and make a recommendation to the DLC. DLC is the final authority under the law to accept or reject the claims.

Potential Redressal Mechanisms:

Therefore to deal with this issue it was suggested that an RTI can be filed to know the membership of SDLC, their date and frequency of meeting, proceedings of the meeting and the reasons for rejection of claims. If any discrepancy is found, this information needs to be forwarded to the State Level Monitoring Committee along with a written request through the Gram Sabha to correct the process.

2.1.3. Right of ownership over minor forest produce:

It was informed that in Santhal Pargana area of Jharkhand, community got patta for the collective right of ownership over non timber forest produce. However, the NTFP was defined as tendu patta, *phool beej* etc. in the patta. This is inconsistent with law, as there is already a legal definition available for Minor Forest Produce which says that "minor forest produce includes all non-timber forest produce of plant origin including bamboo, brush wood,

stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like”.

2.1.4. Land allocated was less than what was claimed:

FRA entitles the community actual land claimed or four hectares whichever is less. However, it was informed that the patta that was given to the claimants was for less land than what was claimed.

Next steps:

RTI can be filed at the DLC office to know why less land was allocated than what was claimed.

2.1.5. Difficulty in giving proof of three generations by other traditional forest dwellers:

FRA is applicable to Forest Dwelling Scheduled Tribes and Other Traditional Forest Dwellers (OTFD). OTFD means any person or community who has been staying in and who have been dependent on forest lands for their bona fide livelihood needs for at least last three generations or for the last 75 years from December 13, 2005. For the purpose of calculation each generation is of 25 years, making three generations as 75 years. However, it was informed that there has been a difficulty in giving evidence of three generations.

Next steps:

There is a need to informing the community about different sets of evidences that can be given to prove 75 years of stay or dependence on forest land for bonafide livelihood needs. Other evidences that can be given are a written state of elders, record of genealogy, Government records such as Gazetteers, Census, survey and settlement reports, maps, satellite imagery, record of rights, privileges, concessions, favours, from erstwhile princely States or provinces or other such intermediaries; documentation of customs and traditions that illustrate the enjoyment of any forest rights and having the force of customary law, by reputed institutions, such as Anthropological Survey of India

2.1.6. Right Over community intellectual Property:

Pando tribe in Chhattisgarh possesses a unique method of extracting poison from a scorpion. This knowledge of the community can be protected under the right over community intellectual property under FRA. However, there is no mechanism to protect community intellectual property.

2.1.7. Unavailability of Caste certificates with the FDST community:

Caste certificates are not available with approximately 30% of the scheduled tribe community in Jharkhand. Therefore, the claim forms cannot be filed, as the caste certificate needs to be appended with the form. For filing an application for a caste certificate, a copy of Khatiyani part II (record of rights) needs to be appended with the application, but a copy of khatiyani part 2 is also not available with the people. It was suggested that the Gram Sabha be given the power to issue Scheduled tribes certificates.

2.1.8. Procedure being followed for recognition of rights is at variance with the corresponding provisions of FRA:

The claims are verified by the Forest Rights Committee which then forwards its recommendations to the Gram Sabha for approval. Gram Sabha passes a resolution on claims after hearing the claimants and authorities concerned. This resolution is being sent to the Block level officers (Circle officers / Circle Inspectors) who in turn send the documents to the Forest department for verifications. After verification the documents are sent back to the block from where it is sent to the SDO

The law does not envisage any role for Block level officers and the forest department in the process. The recognition of rights process as per FRA is mentioned as follows:-

Claimants (FDSTs and OTFDs) file individual and community rights claims in forms A and B respectively given in Annexure 1 of FRA Rules. Then these claim forms are verified by a Forest Rights Committee comprising of members of Gram Sabha.² Recommendations of the FRC are then considered by the Gram Sabha and a resolution is passed accepting or rejecting them.³ The resolutions of all the Gram Sabhas claims, maps and other details accompanying the claims in the block/tehsil are then collated by the Subdivision level committee and forwarded to the District Level ⁴ Committee which then finally approves the claims.⁵

2.1.9. Implementation Challenges:

Apart from this, section 7 of FRA holds liable and penalizes officer of any authority or committee who contravenes the provisions related to recognition of rights given in FRA or Rules there under. Therefore, officers or forest department in case they are accepting and verifying claims can be held liable under this section. Section 8 provides that no court shall take cognizance of any offence under section 7 unless the Gram Sabha through a resolution against any higher authority gives a notice of not less than sixty days to the SLMC and the SLMC fails to take any action against such authority within sixty days.

It was suggested that a letter should be sent through the Gram Sabha informing the SLMC about this issue.

² See rule 12(1)

³ See rule 12(2)

⁴ Rule 6

⁵ Rule 8(c)

2.2. 1B: Strengthening Community Forest Management through recognition of rights

The activities under the said theme is concentrated on a study that looks at the issue of legal recognition of self-initiated forest protection initiatives in Odisha popularly known as Community Forest Management (CFM) within the provisions of Forest Rights Act 2006 and does make reference to the provisions of Panchayat Extension to Schedule Areas Act, 1996. Some broad areas of inquiry have been; within CFR (Community Forest Resource) provisions of FRA, there is ample opportunities for the CFM groups to engage the State into a dialogue for recognition considering the fact that CFR makes CFM legal, as well as explore possibilities of working out a guideline for recognition bringing in Gram Panchayat centre stage that forms and convenes the village forest protection group.

2.2.1. Progress with activities

- Consultation with Forest Department at various levels on the PFM guidelines and feedback.
- Currently, working of a review of the CFR document designed by the odisha Forest Department.
- Two rounds of consultation with Odisha Jungle Manch (OJM) on designing the feedback on the PFM guidelines on the lines of FRA and CFM.
- Currently, working with FES for the Forest Commons Consultation at the national/state level.

2.2.2. Forest governance developments

- The PFM guidelines of Govt of Odisha has considered and incorporated changes suggested by the NGO consortium/FGLG and OJM.
- Govt of Odisha is introducing a Eco-Tourism policy in the lines of traditionally using the local youths for conservation and profit.
- The Forest Department has come out with a CFR guideline that needs review.

2.2.3. Impacts

- Government is showing interest for constant interface and to incorporate changes to the guidelines through additional government orders (like incorporating a technical support team of communities and FD) for developing the micro-plans.

2.2.4. Lessons

- The Forest Department is fairly apprehensive of losing control over forests, especially after promulgation of the Forest Rights Act that has prompted them to come out with corrections to the JFM guideline in the form of PFM guidelines and the CFR guidelines that they are not authorised to do as per law. It does not come under their jurisdiction, though they can always write a guideline.

2.2.5. Implications for the work ahead

- The CFM guidelines will impact the forest management trend by influencing the PFM and CFR guidelines.

2.3. 1C: Strengthening community-based institutions to run NTFP enterprises

Postponed to next quarter

3. Output 2: Legitimate Forest Products- Study on Experience of Tree Plantations in India

3.1. Background and Rationale

India has invested heavily in establishing tree plantations since independence, and especially since 1980s. Some of these plantations are of commercially valuable species such as teak while others are of subsistence-oriented fuelwood and fodder species.

The plantation estate should have been the primary source of legitimate forest products in the country. This is, however, not the case as evidenced by increasing imports on one hand and increasing pressure on the remaining natural forests on the other. The need for the plantation estate, both public and private, to meet the country's needs of legitimate forest products is now greater than ever as the primary role of natural forests is increasingly seen as a provider of ecosystem services rather than products such as timber.

3.2. Governance Objective

There is a need to analyse experience of the tree plantation strategy in India as the country not only continues to make substantial investments on tree plantations – to reach 33% tree and forest cover – but is also relying on the strategy to address the climate change challenge through initiatives such as the 'National Mission for a Green India'. The learning from this study can help in strengthening forest governance in the country through critical analysis of the contribution of a key component of national forest policy that has absorbed a lion's share of the investments made in the forestry sector.

3.3. Key Questions

The key questions that will be explored include:

1. What is the extent of tree plantations raised through public investment in the country since independence?
2. What is the broad species-mix of these plantations?
3. What is the actual status of tree plantations?
4. What is the demand of tree and forest products (mainly wood-based products) in the country and what proportion of it is met domestically and what proportion is met through imports?
5. What proportion of the domestic supply comes from plantations?
6. What are the key issues and challenges in meeting the country's need of legitimate forest products (commercial and subsistence) from tree plantations?

3.4. Methodology

The study will be carried out through analysis of official records and semi-structured interviews with a few key informants. A detailed analysis of the Forest Survey of India's *State of Forest* reports will be undertaken to understand the contribution of plantations to the country's forest and tree cover.

3.5. Outputs

The following outputs will be produced:

1. A short report highlighting the investment made in tree plantations, their current status, and their contribution towards meeting the need of legitimate forest products in the country. The report will also provide an overview of the current demand of forest products (wood-based) in the country and main sources through which this demand is currently being met.
2. A short policy brief highlighting key findings and recommendations.
3. A PowerPoint presentation for relevant stakeholders.
4. A short piece in media.

3.6. Outcomes

The following outcomes are envisaged:

1. Better understanding of the extent of investment made in tree plantations, their current status, and contribution towards meeting the country's need for legitimate forest products.
2. Policy recommendations based on past experience for incorporation into new plantation initiatives such as the 'National Mission for a Green India'.

3. Potential for significant savings of scarce foreign exchange spent on importing forest products.
4. Potential for improved livelihoods of concerned community members, especially through better policies related to subsistence-oriented tree plantations.
5. Strategies for improved supply of legitimate forest products through tree plantations could lead to reduced pressure on natural forests and also improve and strengthen forest governance in India.

Progress: The work is begun and an extension has been sought and agreed upon by the team.

4. Dialogue with CFM stakeholders on Forestry & Climate Change (including REDD/REDD+)- Progress Report- D. Suryakumari

4.1. Progress report shared by SU on behalf of Surya with prayers for her quick recovery

Presented below is the progress accomplished with regard to Output 3A of the FGLG India work plan for the period from July to November 2011:

4.2. Progress of activities

Following a State level workshop on “Dialogue with community forestry stakeholders on Climate Change and REDD+”, a Training of Trainers was organised from 14 – 16 September 2011. It was attended by 12 representatives of NGO and community belonging to five forest divisions of Andhra Pradesh. This was represented by all the three regions (Telengana, Rayalseema and Coastal) of the State. These persons were trained and groomed as resource persons to conduct workshops on climate change and REDD+ at Forest division and range levels. The resource material titled “A Community Guide to Climate Change and REDD+ - communication material to create awareness among community forestry stakeholders” was translated into Telugu and was presented to the resource persons for reference. Besides, an abridged version of the resource material to help their presentations was also circulated to them.

Six divisions representing the three regions were selected for the Division and Range level workshops: Srikakulam, Paderu, Adilabad, Medak, Achampet and Kurnool. It was planned to have one workshop each at division level involving FD officials, other NGOs working in NRM in the Division (total of 6 workshops) and two Range level workshops in one division involving forest-based communities (total of 12 workshops). The workshops in Adilabad division were organised by CPF and other divisions were coordinated by NGOs. So far, six division level workshops and 10 range level workshops have been organised, and two more range level workshops will be conducted very shortly. Schedule and status of these workshops have been attached. Each of these workshop has had two sessions: in session

one, the resource persons made presentations on the resource material developed on climate change and REDD+, and in session two, participants were asked to share their feedback on the material presented as well as were asked to discuss on 10 key questions on how Community forestry and REDD processes can be benefitted from one another (these questions were taken from the FGLG Asia meeting held in Bangkok on 13th June). The proceedings of each of the workshop have been documented and a consolidated report of these workshops will be prepared for use in the National level workshop tentatively scheduled for January 2012.

5. Other Key Policy Events and Programs:

5.1. DFID and South Asia Alliance for Climate Resilient Landscapes and Livelihoods- FGLG network have been considered again by DFID for a larger South Asia program. This can be a great opportunity for FGLG India to continue its activities in the forest Governance sector. One of the members is involved in the scoping study and this will be watched closely as to how it develops.

5.2. FGLG Asia is taking shape:

Its first meeting took place in Bangkok, 13 June 2011. Several publications on Governance Issues in REDD+ and Community Forestry in Asia, Bangkok, have been obtained.

5.3. Policy intervention on NTFP:

FGLG India members have helped in drafting a letter on Non Timber Forest Product (NTFP) for Government of India with regard to bamboo. (*appended as Annex 2*)

5.4. Committee to look into forestry on private land and non forest land under the control of the government :

FGLG India members Arun Bansal, BMS Rathore and Sanjay Upadhyay are now part of the Committee to look into forestry on private land and non forest land under the control of the government. The first meeting was held on August 9, 2011. (*Committee Constitution along with terms of reference Attached as Annex 3*)

5.5. Subgroups of the Working Groups on Forest and Natural Resource Management (NRM) of the Planning Commission:

FGLG members such as Prodyut Bhattacharya and Sanjay Upadhyay are also members of the Subgroups of the Working Groups on Forest and Natural Resource Management (NRM) of the Planning Commission.

5.6. Sub group on International Cooperation and Law:

In one of the sub group of the Planning Commission on International Cooperation and Law, regional cooperation and international cooperation of FGLG Asia and FGLG has been submitted as lessons to be learnt and may find mention in the Planned Document of India under the aegis of Planning Commission. (***attached as Annex 4***)

5.7. Ist National Forest Congress:

FGLG India Members participated actively in Ist National Forest Congress. Convener was the Lead Speaker for Forest and Society Subgroup and on specific theme of Forest Governance and Institutional Reforms. Convener has presented a paper as FGLG input titled, "**Forest Governance and Institutional Reforms in India: Urgent and now**" (***circulated to the Group- attached as Annex 5***)

5.8. JFM Plus- the way forward:

The MoEF is currently looking at an evolved JFM model – a JFM plus with livelihood security of the people involved in forest management as its focus. FGLG India has invited perspectives of the group members in developing such a framework. Secondly, FLG India has pointed out that currently there is no focus or investment towards development of title holders under FRA. In this regards a note has been prepared by ELDF on Post claim strategy, sharing its experience of District Umaria in Madhya Pradesh and learnings on what should be the post claim strategy. The note has already been circulated to the members and their comments/ suggestions are awaited.

6. Handing Over the Convenership

- Sanjay Upadhyay (SU) handed the Convenership of FGLG India to Sanjoy Patnaik (SP) for the next two years based on an earlier agreed policy of rotation of leadership.

- SP mention that he does not have the requisite support to take care of financial and logistic aspects and requested SU to continue extending the admin and account staff support at a reasonable cost. SU has agreed to this request in principle.

7. Follow up – Next Steps

Apart from the agreed work plan mandate (Annex I) , the following are also crucial to show case FGLG India work at the national and international forum.

7.1. CBD 2012 as an opportunity to show case work on FGLG India :

In October, the mega event is taking place in Hyderabad in India . The Group will work on how to respond to this opportunity.

7.2. Forest Certification Council of India has been established:

It fits very well into the legitimate forest products theme. It is contemporary. Maharaj Mutthu committee report on the same subject. As a group we will examine and engage wth this group.

8. Closing Remarks:

I personally thank all the members and specially IIED members such as Elaine, James and Leianne for their continued support and guidance during the tenure of this Convenership. FGLG India is very highly thought off in terms of responding to challenges. I wish the Group will grow better with the new convenership. Further I hope that Sumana would carry FGLG bytes to the print media.

Annex 1:

FGLG India Work Plan

Action Table

January 2012 – December 2012

List of Acronyms

CAMPA	Compensatory Afforestation, Management and Planning Authority
CFM	Community Forest Management
CGMFPF	Chhattisgarh Minor Forest Product Federation
FGD	Focused Group Discussion
FRA (Recognition	The Scheduled Tribes and Other Traditional Forest Dwellers of Forest Rights) Act, 2006
GIM	Green India Mission
LWE	Left Wing Extremism
MoTA	Ministry of Tribal Affairs
NTFP	Non Timber Forest Produce
OFDC	Orissa Forest Development Corporation
PB	Prodyut Bhattacharya
PESA	Provisions of Panchayat (Extension to Scheduled Areas) Act, 1996
REDD	Reducing Emissions from Deforestation and Forest Degradation
SHG	Self Help Group
SK	Surya Kumari
SP	Sanjoy Patnaik
SS	Sushil Saigal
SU	Sanjay Upadhyay
UFDC	Uttarakhand Forest Development Corporation

FGLG India Work Plan

Action Table

January 2012 – December 2012

Serial No.	Activities	Who	When	How
1. (a)	<p><i>Forest Rights and Small Forest Enterprise</i></p> <p><i>Forest Rights Act (FRA) status of implementation</i></p> <ul style="list-style-type: none"> • Analyze the transparency and democratic nature of processes in place where implementation is either completed or is underway and suggest suitable measures to improve upon these if found necessary • Study post FRA activities planned by the recipients of benefits and the 'state' and the likely outcomes and impacts (both social and environmental) of these activities • Study the impact of implementation of FRA on the environment especially in the context of fresh attempts for occupation of forests and the nature of political activism in this regard • Study implementation of FRA in the context of communities and individuals who had migrated from neighboring states for better living opportunities and assess likely future scenarios • Study post FRA livelihoods convergence initiatives as a forest conservation mechanism. 	<p>SU, SP and other team members</p>	<p>Jan-Dec 2012</p>	<ul style="list-style-type: none"> • Learning and dissemination through workshops and strategic meetings with policymakers, and use of the media. • Conduct a Management Development Programme: a training programme for key target groups such as Members of Legislative Assemblies/Member of Parliaments. • Influence the recently constituted National Committee to oversee the implementation of FRA • Sample study in a few states of implementation of FRA and its outcomes and impacts

(b)	<p><i>Strengthen Community Forest Management (CFM) through recognition of rights</i></p> <ul style="list-style-type: none"> • Wider consultation on CFM work in Odisha in context of Community Forest Management, Forest Rights Act (FRA), (Provisions of Panchayats Extension to Scheduled Areas) Act, 1996 (PESA) and Reducing Emissions from Deforestation and Degradation (REDD) • Work with CFM groups to devise a benefit sharing mechanism in the context of REDD and work with the State and National Government to devise a statutory benefit sharing model. • 	SP and other team members	Jan-Dec 2012	<ul style="list-style-type: none"> • Field work, Local workshops, Dialogues • The consultations would target policy makers – political and executive, research institutions, NGOs, donors and forestry support organizations at the national, state and sub-state level.
(c)	<p><i>Strengthen community based institutions to run Non Timber Forest Product (NTFP) enterprises in three states</i></p> <ul style="list-style-type: none"> • FGLG- India would continue to provide technical support the state and national governments like Chhattisgarh Minor Forest Product Federation (CGMFPP), Uttarakhand Forest Development Corporation (UFDC), Orissa Forest Development Corporation (OFDC), etc. and informal organization (Self Help Groups (SHGs), NGOs, primary cooperative societies etc.). • Work with Ministry of Tribal Affairs, Rural Development and Environment and Forests to provide technical and research inputs on NTFP trading, pricing, sustainable harvesting, etc. • Support Government programmes like National Rural Livelihoods Mission to develop a national NTFP Livelihoods Plan. • Continue to provide support to bilateral programmes – livelihoods 	PB and other team members	Jan-December 2012	

	<p>and poverty reduction – to factor in NTFP trading as one of the key intervention areas.</p> <ul style="list-style-type: none"> • Work with local NGOs and government programmes on product development, market support, sustainable harvesting, capacity building etc. 			
2.	<i>Legitimate Forest Products</i>	SS	2012	
3.	<i>Pro poor climate mitigation and adaptation through forestry</i>			<p>Consultations</p> <p>Field assessment, Workshops</p>
(a)	<p>a. Developing a policy brief based on the National consultation and experiences of others</p> <p>b. Exposure visit to North East – Meghalaya (who attended the National consultation)</p> <p>c. Interactions with the DG Forests and the Convenor of REDD cell at MOEF, based on the policy brief developed</p> <p>d. Meeting with select representatives who have been associated with initiation of REDD pilot projects in India for formation of an informal network of REDD enthusiasts in India</p> <p>e. Providing inputs to National REDD strategy, when MOEF initiate the process and/or influencing them to initiate</p>	SK and other team members	2012	<ul style="list-style-type: none"> • Develop a “Learning Platform” on climate change and REDD as a priority area, to develop strategies for replication. • Generate awareness for all stakeholders. • Develop understanding of the Government of India’s Climate Change Action Plan so as to align the FGLG’s strategy • Interact with experts and field visit • Advocacy on allocation of funds from CAMPA • Develop discussion notes.

(b)	Support better decision making on bio-energy strategies	SU	2012	Consultations Analysis FGDs
4.	<p>Other activities: Respond to emerging governance developments and challenges</p> <ul style="list-style-type: none"> • Working with national government to focus on forest in area development plans including it special plans on Left Wing Extremism through Integrated Action Plan programmes in 76 districts – MoRD and Planning Commission. • Continue work on PESA, FRA, Joint Forest Management – Connect • Continue tracking Green India mission & Compensatory Afforestation, Management and Planning Authority (CAMPA) • Promoting Non Timber Forest Produce cell at Ministry • Working with state government on NTFP policy – marketing and sustainable harvesting issues – • Following land – forest – climate change work in different parts of the country with innovative models and linking them to ongoing FGLG work. • FGLG-Asia • Fundraising • Organise presentations by thematic experts • Ongoing information and communication within team and externally through FGLG India website etc. 	All members	2012	Through policy dialogues, blogs, web-discussions, seminars, webinars, strategic meetings, media briefs

ANNEX 2-Attached -Declaration and treatment of Bamboo as Minor Forest Produce

ANNEX 3- Attached- Committee Constituted to study the regulatory regime regarding felling and transit regulations for tree species grown on non-forest/ private lands.

ANNEX 4- Attached- International Cooperation and Law -Submissions to the Planning Commission

ANNEX 5- Attached -Forest Governance and Institutional Reforms in India: Urgent and now