Background:
According to the Census 2011 there are 17,45,575 Schedule Tribe Households in the state of Chattisgarh constituting 32% of the total population. There are more than 11,000 forest fringe villages and more than 400 forest villages that are home not only to tribal populations but also other traditional forest dwelling communities.

In 2008 the Government of Chattisgarh started the process of settlement of rights vis-à-vis “The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006”. Till date it has issued ‘Van Adhikar Patrak’ for 2,15,443 individual claims to forestland and 250 community claims to forestland. On the basis of these figures Chattisgarh is considered one of the leading states on the implementation of Forest Rights Act in India.

However it has to be noted that that these figures are miniscule given the size of the eligible population in the state and the manner in which the implementation process is being facilitated leaves a vast space for improvement. People’s collectives in the state and civil society organizations have been active in focusing attention on the gaps in the implementation of Act.

Multiple issues that have been raised by these collectives and organizations include

(i) Lack of any information on the status of the 2,71,889 pending individual claims and 3,961 pending community claims
(ii) Unevenly constituted village level committees for example in Surguja, a Schedule V district, the Forest Rights Committees (FRCs) have been constituted at the Gram Panchayat Level while in other districts these have been constituted at the village level
(iii) Irregular meetings of the District Level Committee (DLC) and State Level Management Committee (SLMC) and lack of transparency in their working
(iv) Distribution of less amount of land than claimed
(v) Non-initiation of demarcation proceedings where ‘Van adhikar Patrak’ have been distributed
(vi) Stranglehold of the department of Forests and the Gram Sachiv on the process of implementation and filing of claims
(vii) Lack of adequate public awareness and training of FRCs
(viii) Lack of information/awareness on the claims process for Primitive Tribal Groups(PTGs) and Displaced Communities
(ix) Lack of a transparent grievance response system
(x) Lack of focus on the issue of community forest rights of the communities.
Key developments and issues in the proposed amendments

The Ministry of Tribal Affairs (MoTA), GoI has recognized many of these problems emerging from the process of implementation of the Act in the country and issued guidelines, clarifications and notifications to concerned departments for action however the follow up on these by the state governments has been limited as the SLMC and the nodal agency for the implementation of the Act hold their peace.

In a series of developments over the last one year the Ministry of Tribal affairs, GoI is now proposing to make some amendments in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 to

(i) lay down a procedure for identification or hamlets or settlements and process of consolidation of their lists,
(ii) increase the mandatory tribal membership of Forest Rights Committees from the present one-thirds to two-thirds,
(iii) reduce the present requirement of quorum of two-thirds in the gram sabha meetings to one-half,
(iv) clarify that the term ‘sustenance’ includes fulfilment of livelihood needs of self and family, including the sale of any produce,
(v) allow transportation of minor forest produce within and outside forest area through ‘locally appropriate means of transport for use of such produce or sale by forest rights holders or their cooperatives/federations for livelihood,
(vi) lay down process for recognition of rights, including community rights,
(vii) insert new Claim Forms for Rights to Community Forest Resource and Title Form for Community Forest Resources etc.

There are some critical areas which needs to be further deliberated upon. They are as follows:

(i) Process of settlement of rights of the displaced communities,
(ii) Process of settlement of rights of “Other Traditional Forest Dwelling Communities
(iii) Diversion of forestland for non-forestry purpose (despite an Ministry of Environment Forests circular on the subject),
(iv) Settlements of rights in the ‘naxal affected’ areas.

In this context a state level consultation at Raipur is being proposed on August 14, 2012 where in key stakeholders are invited to discuss the proposed amendments and provide their feedback based on their experiences in the field. Participation is expected from leaders of civil society organisations, people’s collectives, forest rights committees, leaders of tribal communities, print media and concerned departments of the government.

Key objectives of the consultation

• To arrive at a common understanding on the gaps in implementation of FRA in the state of Chhattisgarh.
• To identify the issues that could be included in the proposed amendments to the Rules.
• To give systematic feedback on the contents of the proposed amendments to the Rules.
• To arrive at a consensus on the way forward vis-à-vis implementation of FRA in the state.

Key issues for discussion

• Functioning of Forest Rights Committees at various levels – Preparedness and Gaps
• Communities that have not been able to file individual claims – listing and reasons
• Issues in filing of claims for common property resources
• Issues emerging from the monitoring of the process that can be resolved through proactive action by the SLMC and MoTA – Role of SLMC/MoTA and identification of areas where support is required
• Process and mechanism for addressing grievances – status and possibilities
• Transparency and availability of information on the progress of FRA – Issues and Suggestions

**Expected outputs**

• Strategy paper on FRA in Chattisgarh
• Feedback to MoTA on proposed amendments
• Initiation of a larger public debate on FRA through stories in the media