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RESEARCH ARTICLE

EFFECTIVENESS OF FRA IN MADHYA PRADESH

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Abstract

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, popularly called FRA, 2006, was enacted to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes(STs) and Other Traditional Forest Dwellers(OTFDs). The Act became effective from 01 January, 2008. Broadly, all rights can be grouped into three different categories viz, Individual Rights (IR), Community Rights(CR), and Community Forest Resources Rights (CFR). As more than six lakh claims were filed for different categories of rights in Madhya Pradesh and mostly for IR, the present study has been conducted to assess whether all three types of rights guaranteed by the FRA have been recognized and proper approaches followed. The study carried out in six districts of Madhya Pradesh viz. Chhindwara, Mandla, Badwani, Khargone, Shahdol and Sidhhi reveals that the major thrust by the State has been on recognising Individual Rights while other two categories of rights have not received much attention. Although, recognition process has followed defined approaches yet many gaps were noticed.

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Introduction:-

“The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006” popularly called Forest Rights Act (FRA) was passed by the Government of India on 29 December, 2006 with “Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules notified subsequently on 01 January, 2008 and further amended in 2012. The Act vests the forest dependent STs and OTFDs their customary tenurial and access rights over land and resources within the forests over which they have been traditionally dependent. The two major objectives highlighted in the preamble, the soul of the Act are:

“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 for 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.

WHEREAS, the recognised rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers include the responsibility and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and there by strengthening the conservation regime of the forests while ensuring livelihood and food security of forest dwelling Scheduled Tribes and other traditional forest dwellers.”

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Therefore, not only the rights of forest dwelling STs/OTFDs were to be recognized but the rights would also include their responsibilities and authorities for sustainable use, conservation of bio-diversity, maintenance of ecological balance for strengthening the conservation regime of the forests while ensuring their livelihood and food security.

Broadly three categories of rights viz. Individual Rights (IR); Community Rights (CR) and Conservation of Forest Resources Rights (CFR) have been conferred upon forest dwellers/forest communities. Besides, FRA provides another category of “development rights” whereby, the forest land could be diverted for non-forestry purposes that include thirteen different infrastructure development works not involving felling of trees exceeding seventy-five trees per hectare. Accordingly, every State had to recognise mainly IR (under Section 3(1)(a),(f),(g),(m)& Section 4(8); CR (under Section 3(1)(b),(c),(d),(g),(e),(k),(l) and CFR under Section 3(1)(i) soon after enforcement of the Act.

The forest dwelling STs/OTFDs were to claim their rights (both IR & CR) on the forest land on which they had been residing on and also over forest resources over which they have been dependent for bonafide livelihood needs. Besides, Gram Sabhas could also stake claims for CFR and for some CRs on forest land which include both classified and unclassified forests, deemed forests, even including Sanctuaries and National Parks.

The Madhya Pradesh has been one of the few States that has performed well in the implementation of FRA. The State has been pioneer in recognising the large extent of forest land (9,34,088 ha) in the country over which titles have been distributed. About 2,64,043 individual rights and 29,980 community rights (including CFR also) have been accepted as against 5,82,927 individual claims and 42,048 community claims received respectfully in the State (status as on 31.03.2019). Besides, the State has got the largest chunk of recorded forest areas in the country i.e. 94,689 sq km (61,886 sq.km RF; 31,098 sq.km PF; and 1,705 sq.km unclassified forest) which constitute 30.72% of total geographical area of the State. A sizeable number of tribal populations (1.53 crore i.e. 21.1% population) live in the State (Census, 2011) and they belong to 46 recognized groups including three Primitive Vulnerable Tribal Groups (Baiga, Bharia and Saharia). The per capita dependence of people on forests in the State has also been very high.

As more than ten years have passed since implementation of FRA, a study was carried out with the objective “to assess the implementation of Forest Rights Act, 2005 in the State of Madhya Pradesh in the spirit of Land Rights, Use Rights and Forest Protection and Conservation Rights”.

Research questions and methodology:-

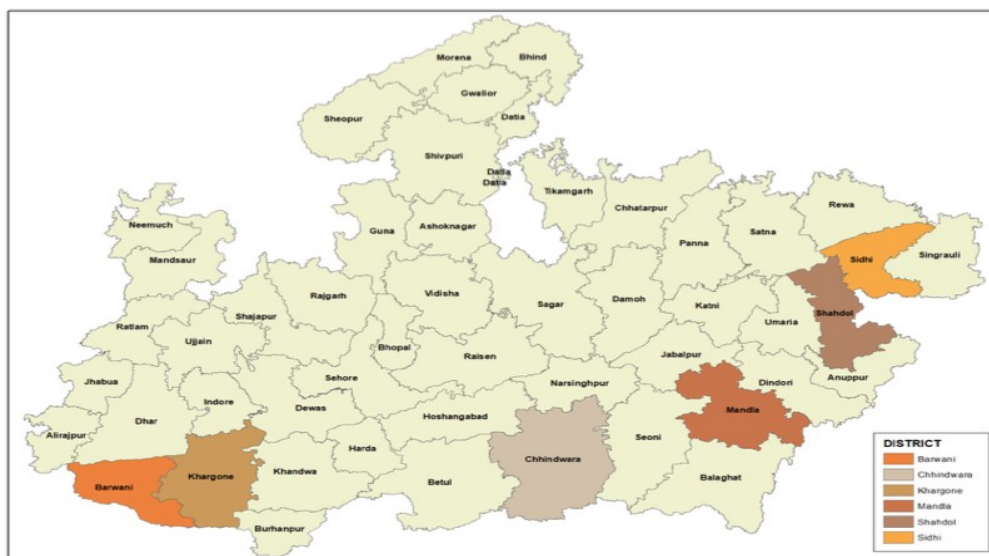
Some of the key questions inter-alia included “whether all three types of rights guaranteed by the FRA have been recognized and up to what extent”; “whether care has been taken in adopting prescribed approaches in recognizing these types of rights”; & “what were the gaps noticed in the recognition processes at implementation levels”.

The study has been made by testing the significant associations between responses about: i) “knowledge of forest rights under FRA, 2006 and applications filed for different categories of rights (IR/CR/CFR) ii) “information about meetings of Gram Sabha Vs presence of adult members of house hold in Gram Sabha” iii) written reasons for cancellation of FRA claims Vs cancelled claims are put up before State level/District level Committees”; iv) “responsibility about protection, sustainable harvest, bio diversity and ecological balance Vs the claims submitted under FRA for forest resources protection and improvement”, v) “written document as evidence Vs difficulty in finding the Government document”, vi) “evidence produced for FRA claims Vs types of evidences”.

Methods:-

The study has been conducted in six representative districts (out of 51 total districts) following a stratified random sampling procedure. The districts selected were Chhindwara, Mandla, Sidhi, Shahdol, Badwani and Khargone chosen from three different geographical regions viz; Mahakoshal; Baghelkhand-Vindhyan region; and Malwa-Nemar region because, the central, eastern and southern parts of the State are rich in forest resources whereas, the northern and western parts are deficient. Besides, the districts were selected based on few criteria viz. where both individual and community rights were settled under FRA; which had more than 15% forest cover; having more than 20% tribal population (Source: Census of India, 2011, India State of Forest Report 2015 & 2017). The same criteria have been followed while selecting Blocks in the districts. The data through semi-structured questionnaire were

collected during 2018-2019. In addition, secondary data have also been collected from Forest and Tribal Welfare departments of Madhya Pradesh for supplementing the results.



The data of total number of forest right claims received, accepted and rejected in Khargone, Chhindwara, Mandla, Sidhi, Shahdol, Barwani districts and whole of Madhya Pradesh was the basis of determining the sample sizes for carrying out study. The proportion of accepted claims (p) to rejected ones ($q = 1-p$) is calculated and minimum number of respondents (n) at 10 % error and 5% error in the field is presented in the table below by formula:

$$n = z^2 \frac{pq}{E^2}$$

[Source: From the book of Fundamentals of Statistics by D.L. Elhance, published by Kitabmahal, 22-A, Sarojini Naidu Marg, Allahabad, edition 1994 Page No. 21.14, Topic, Estimating sample size for population proportion.]

Table 1:- Number of Sample Points.

$Z = 1.96$ for 95% Confidence Interval or 5% level of Significance

S. No.	Name	Claims Received	Claims accepted	Ratio (p)	q = 1-p	No. of Sample Points ($n = z^2 pq / E^2$ (10%))	No. of Sample Points ($n = z^2 pq / E^2$ (5%))
1	Khargone	29635	18766	0.63	0.37	89.22	356.88
2	Chhindwara	14021	7878	0.56	0.44	94.57	378.28
3	Mandla	18166	13076	0.72	0.28	77.48	309.92
4	Sidhi	11259	1981	0.18	0.82	55.70	222.80
5	Barwani	40293	24502	0.61	0.39	91.55	366.20
6	Shahdol	21112	11954	0.57	0.43	94.36	377.42
7	M.P.	624000	250000	0.40	0.60	92.25	368.99

After designing of the questionnaire, the responses of different respondents in the villages were collected and bundles of each district were analysed with reference to different research questions based on various associations developed to analyse the result. The number of respondents decided for the study is based on the 5% error. The surveyed data have been analysed following the Chi Square statistical analysis which is commonly used for testing relationships between categorical variables.

$$\chi^2 = \sum \frac{(O - E)^2}{E}$$

Where,
 χ^2 = Chi-square

Σ = The sum of
 O= Observed values
 E= Expected values

For a given cell, the expected value is calculated as follow:

$$E = \frac{\text{row sum} \times \text{column sum}}{\text{grand total}}$$

The method has been to evaluate the Tests of Independence by using a cross tabulation process for which following has been developed:

Null hypothesis (H0):

There is no association between the two variables at 5 % level of significance in particular district in the State of Madhya Pradesh which means the row and the column variables of the contingency table are independent.

Alternative hypothesis (H1):

There is a significant association between the two variables at 5 % level of significance in particular district and the State of Madhya Pradesh which means the row and column variables are dependent. For each cell of the table, we have to calculate the expected value under null hypothesis.

So at 5% level of significance χ^2 calculated(cal) is made by formula mentioned above and χ^2 tabulated is taken from χ^2 table for a particular degree of freedom and decision rule is made as follows:

If $\chi^2_{cal} < \chi^2_{tabulated}$ then Null hypothesis accepted it means the row and the column variables of the contingency table are independent and there is no association.

If $\chi^2_{cal} > \chi^2_{tabulated}$ then Null hypothesis Rejected it means the row and the column variables of the contingency table are dependent and there is significant association.

The test is also appropriate as the sampling method has been the random stratified, variables under study are each categorical, the sample data is displayed on a contingency table, and the expected frequency of each cell is at-least 5. Accordingly, the two variables to answer the research question using a Chi-Square analysis have been: “responses about knowledge of forest rights under FRA, 2006” and “responses about applications filed for different types of rights (IR/CR/CFR)”. The responses for the results were analysed by comparing the observed pattern of responses with the expected ones, considering the variables truly independent of each other. In addition, similar tests were made to analyse the responses about other variables viz: a) “information about meetings of Gram Sabha Vs presence of adult members of house hold in Gram Sabha” b) written reasons for cancellation of FRA claims Vs cancelled claims are put up before State level/District level Committees”; c) “responsibility about protection, sustainable harvest, bio diversity and ecological balance Vs the claims submitted under FRA for forest resources protection and improvement”, d) “written document as evidence Vs difficulty in finding the Government document”, e) “evidence produced for FRA claims Vs types of evidences”.

Secondary information from government records have also been collected to supplement the results/analysis.

Results and Analysis:-

The results of all sampled six districts viz Badwani, Chhindwara, Khargon, Mandla, Shahdol, Sidhi and Madhya Pradesh have been shown in the Tables below wherein, the association of “responses about knowledge of forest rights under FRA, 2006” and “applications filed for different types of rights” in the form of “Yes/No” have been analysed, with the observed values shown without brackets and expected responses in small brackets:

Table 2:- Badwani Responses about knowledge of forest rights under FRA Vs Claims filed for various forest rights

Knowledge about forest rights under FRA	Claims filed for various forest rights		
	Individual rights (IR)	Community	Total

		rights/Community Forest Resources rights (CR/CFR)	
Yes	60 (61)	2(1)	62
No	32 (31)	0(1)	32
Total	92	2	94

χ^2 cal = 2.05, Degree of freedom = (2-1)*(2-1)= 2 χ^2 tabulated = 3.841

Result:-

Null hypothesis is accepted, it means there is no association between responses about “knowledge of forest rights under FRA” and “Claims filed for various forest rights” in Badwani district. The smaller number of claims filed for CR/CFR is indicative of the fact that demand has been mainly for IR. The district is also known for large scale forest encroachments. It has got mainly open forests or moderately dense forests (17% forest cover) and about one third geographical area falls in recorded forest area. Further, dependence of forest communities on forest resources is significant. But, lack of awareness and limited thrust by State government resulted a smaller number of applications filed for CR. No CFR has been filed in the district.

Table 3:- Chhindwara Responses about knowledge of forest rights under FRA Vs Claims filed for various forest rights.

Knowledge about forest rights under FRA	Claims filed for various forest rights			
	Individual rights	community rights/Community forest resources rights	Total	
Yes	407(409)	6(4)	413	
No	274(272)	-(2)	274	
Total	681	6	687	

χ^2 cal = 3.01, Degree of freedom = (2-1)*(2-1)= 2 χ^2 tabulated = 3.841

Result:-Null hypothesis is accepted, it means there is no association between responses about “knowledge of forest rights under FRA” and “Claims filed for various forest rights” in Chhindwara district. People at large are unaware of CR/CFR. Besides, lack of awareness about FRA and various community rights already being enjoyed by communities viz. nistar facilities, socio-economic activities through JFM, collection of MFPs etc. are some of the reasons for limited number of applications filed under CR. There was no application filed for CFR in any surveyed village although, the district is rich with forest resources (about 38.83% forest cover) with communities highly dependent on them.

Table 4: Khargone

Responses about knowledge of forest rights under FRA Vs Claims filed for various forest rights

Knowledge about forest rights under FRA	Claims filed for various forest rights			
	Individual rights	community rights/Community forest resources rights	Total	
Yes	113(113)	2(2)	115	
No	20(20)	0	20	
Total	133	2	135	

χ^2 cal = 0, Degree of freedom = (2-1)*(2-1)= 2 χ^2 tabulated = 3.841

Result: -Null hypothesis is accepted it means there is no association between responses about “knowledge of forest rights under FRA” and “Claims filed for various forest rights” in Khargone district. The main awareness is for Individual Rights (IR) only. Like Badwani, this district too has got only 16.27% forest cover, mostly open forests although, 33% geographical area is recorded forests. The district is known for large scale forest

encroachments. Lack of awareness about CR/CFR and poor initiatives by the State government are some of the reasons for not having required claims filed for CR/CFR.

Table 5: Mandla

Responses about knowledge of forest rights under FRA Vs Claims filed for various forest rights

Knowledge about forest rights under FRA	Claims filed for various forest rights		
	Individual rights	Community rights/Community forest resources rights	Total
Yes	99(100)	4(3)	103
No	31(30)	0(1)	31
Total	130	4	134

$\chi^2 \text{ cal} = 1.45$, Degree of freedom = $(2-1)*(2-1) = 2$ $\chi^2 \text{ tabulated} = 3.841$

Result:-

Null hypothesis is accepted it means there is no association between responses about “knowledge of forest rights under FRA” and “Claims filed for various forest rights” in Mandla district. People at large are unaware of CR/CFR. Lack of publicity and inadequate awareness about FRA are some of the reasons for limited number of claims under CR/CFR. The district is very rich with forest resources (about 44.4% forest cover and >70% recorded forest area) with communities highly dependent on them. Through existing nistar facilities and different socio-economic benefits being accrued by Joint Forest Management committees, people are already enjoying the benefits of CR/CFR. The JFM Committees are very active in the district.

Table 6: Shahdol

Responses about knowledge of forest rights under FRA Vs Claims filed for various forest rights

Knowledge about forest rights under FRA	Claims filed for various forest rights		
	Individual rights	community rights/Community forest resources rights	Total
Yes	63(64)	2(1)	65
No	48 (47)	0(1)	48
Total	111	2	113

$\chi^2 \text{ cal} = 2.04$, Degree of freedom = $(2-1)*(2-1) = 2$ $\chi^2 \text{ tabulated} = 3.841$

Result:-

Null hypothesis is accepted it means there is no association between responses about “knowledge of forest rights under FRA” and “Claims filed for various forest rights” in Shahdol district. Very poor awareness about all rights was visible. People at large are unaware of CR/CFR. Lack of publicity and inadequate awareness about FRA are some of the reasons for limited number of claims under CR/CFR. Although, the district is very rich with forest resources (about 31.7% forest cover and 36% recorded forest area) with communities highly dependent on it. The existing nistar facilities enjoyed by the communities and different socio-economic benefits through existing Joint Forest Management committees are some of the reasons for not finding the necessity for separately filing claims for CR/CFR.

Table 7: Sidhi

Responses about knowledge of forest rights under FRA Vs Claims filed for various forest rights

Knowledge about forest rights under FRA	Claims filed for various forest rights			
	Individual rights	community rights/Community forest resources rights	Total	
Yes	92(92)	2(2)	94	
No	9(9)	0	9	
Total	101	2	103	
χ^2 cal = 0, Degree of freedom = (2-1)*(2-1) = 2 χ^2 tabulated = 3.841				
Result:- Null hypothesis is accepted it means there is no association between responses about “knowledge of forest rights under FRA” and “Claims filed for various forest rights” in Sidhi district. The awareness for IR is clearly visible. But, insufficient preparedness by implementing agencies for other rights viz. CR & CFR is one of the reasons for limited number of claims under CR/CFR. The district is rich with forest resources (about 48.8% forest cover) with communities highly dependent on them. The existing <i>nistar</i> facilities enjoyed by the communities and different socio-economic benefits through existing Joint Forest Management committees are also the reasons for not finding the necessity for separately filing claims for CR/CFR.				
Table 8: Madhya Pradesh				
Responses about knowledge of forest rights under FRA Vs Claims filed for various forest rights				
Knowledge about forest rights under FRA	Claims filed for various forest rights			
	Individual rights	community rights/Community forest resources rights	Total	
Yes	839(845)	18(12)	857	
No	415(409)	0(6)	415	
Total	1254	18	1272	
χ^2 cal = 9.13, Degree of freedom = (2-1)*(2-1) = 2 χ^2 tabulated = 3.841				
Result:- Null hypothesis is rejected it means there is significant association between responses about “knowledge of forest rights under FRA” and “Claims filed for various forest rights” in State of Madhya Pradesh. Overall, in the State claims for both IR & CR/CFR have been filed although, the number of claims under latter is comparatively less. The level of awareness for IR is significantly high as seen from above figures (839). The major thrust by the State has also been on recognising Individual rights. The JFM Committees particularly in these tribal districts are functioning well. Besides, these districts being rich in forest resources also get good share of benefits through their JFM accounts from sale of forest produces by the Forest department. In addition, the <i>nistar</i> facilities are being provided to all communities living in 5 km distance from forests.				
The test results of few other associations relevant to ascertain the extent of different forest rights recognized under FRA and whether prescribed approaches followed are as under:				
Table 9:-				

Various association studied	Results of various associations						
	Badwani	Chhindwara	Khargon	Mandla	Shahdol	Sidhi	MP
Association of Responses regarding information about meetings of Gram Sabha Vs Presence of adult members of house hold in Gram Sabha meetings	Significant	Significant	Significant	No associations	Significant	Significant	Significant
Association of Responses about cancellation of claims communicated in writing Vs Cancelled claims put up before District/Sub-district level committee	No associations	Significant	Significant	No associations	Significant	Significant	Significant
Association of Responses regarding protection, sustainable harvest, biodiversity conservation and maintenance of ecological balance Vs Claims submitted under FRA for protection, regeneration/conservation of forest resources	No associations	No associations	No associations	No associations	-	No associations	No associations
Association of Responses about Documents produced as evidence Vs Difficulty in finding the documents from Government records	Significant	Significant	No associations	No associations	Significant	No associations	Significant

Evidence produced for FRA claims Vs types of evidences	Significant	Significant	Significant	Significant	Significant	Significant	Significant
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Discussions:-

The relevant research questions of the study inter-alia include i) whether all three types of rights guaranteed by the FRA have been recognized and up to what extent, and ii) whether care has been taken in adopting prescribed approaches in recognizing the rights. In respect of (i) the result as explained clearly reveals no association between 'knowledge about forest rights under FRA' and 'claims filed for three categories of rights' in all six districts. The major demand has been for individual rights (IR) only. People at large were aware about FRA but that has been helpful for claiming individual rights on forest land. Moreover, among different types of IRs under Sec 3 (1) there had been demands either for habitation or self-cultivation (Sec 3(1) a) in the State. Not a single claim was filed demanding *in situ* rehabilitation/alternative land where forest dwellers were illegally evicted or displaced from forest land without receiving legal entitlement to rehabilitation (Section 3(1)(m). Although, the individual *patta* holder in forest villages were found to have been issued titles against the *pattas* issued to them by the forest department but, the conversion of forest villages in to revenue villages were yet to be materialized (under provisions of Section 3 (1)(h) in whole of the State. Since conversion of forest villages in to revenue villages would entail change in legal status of forest land enabling the villages/villagers getting the benefits under M.P. Land Revenue Code, this issue has been lying pending at policy level. Likewise, *patta* holder in forest villages belonging to OTFD categories could not be sanctioned titles for want of proof of 75 years of possession.

Although, the first phase of inviting claims started in 2008 but, apprehending that many claimants could not get recognized for want of proper evidences and also few genuine forest dwellers had missed the recognition processes, the State government had conducted the second phase of recognition process from 24 February, 2016 to 30 June, 2016. During this period, fresh claims were also invited/received and rejected claims were once again examined minutely. Likewise, the third and fourth phases of receiving fresh claims and re-examining of rejected claims were held from 1 April - 31 May, 2018 and 26 January - 15 February, 2019 respectively. Hence, over emphasis on IR defeats the very spirit of implementation of FRA.

The poor responses about the other two types of rights i.e Community Rights (CR) and Community Forest Resources Rights (CFR) in all districts could be attributed to the facts that people, irrespective of communities living in and around forests have been enjoying *nistar* facilities since constitution of the State. Further, they have been enjoying different rights/privileges viz. collection of MFP, firewood, small timbers etc. from the forests through JFM committees. Therefore, number of claims under CR/CFR were comparatively less. Sufficient awareness at grass root levels for CR/CFR is the need of the hour. The different types of CRs in Chhindwara and other districts recognised have been mostly the rights for access to roads, water bodies, playground, burial ground, well etc. Even some of the developmental works carried out under Section 3(2) in Chhindwara have been categorised as CR. There was absolutely no awareness about CFR in any of the districts nor any response was shown for CFR.

Few Focused Group Discussions in association with TERI University were held with villagers and other stakeholders in Bhopal and Betul districts in M.P in 2019 particularly for developing governance models for the implementation of FRA, mainly with reference to CFR. The discussions were attended by the officials of Forest/Revenue/Tribal/Panchayati Raj Departments. It was suggested that the CFR should be recognised on all forest land viz. Reserved Forest/ Protected Forest/ National Parks/ Wildlife Sanctuaries/*bade and chhote jhaad jungle* (Revenue Forests) and orange areas in the State. It was also felt that the assessment and monitoring of the functioning of existing forest governance institutions in the State (Joint Forest Management committees (JFM), Biodiversity Management Committees (BMC) etc.) needed to be carried out and existing arrangements could continue if, these committees are managing and conserving the forests in a sustainable manner. It was felt that the roles and responsibilities of the Gram Sabhas and the Forest Department need to be defined. The implementation would be done by the Gram Sabhas whereas, regulatory role could be performed by the Forest Department. Forest Department should assist in providing the technical support and preparation of the micro plans which would define the activities that are needed to be carried out by the Gram Sabhas. Gram Sabhas must be encouraged to initiate the process of the recognition of CFRs. Forest Department, Tribal welfare department and Revenue Department should jointly demarcate the access of villagers into the forest, village wise, which would reduce the likely conflicts amongst the villages over the forest resources. It was felt that the total area *under chhote jhaad and the bade jhaad*

jungle and the ‘orange areas’ in the State which is about 12,394 Sq. Km (DoJ and UNDP, 2012) is not being managed scientifically. Therefore, Gram Sabhas must be encouraged to initiate the process for better management of the forest resources. There is a need to have merger of different committees viz. Biodiversity Management Committees (BMC), JFMCs etc with the Community Forest Resources Management Committees, prescribed under FRA, which would work under the guidance and supervision of the Gram Sabhas.

Regarding research question (ii) ‘whether care has been taken in adopting prescribed approaches in recognizing the rights’, it is emphasised that in order to verify/prove the claims under FRA the claimant needs to be (a) a member of ST/OTFD, (b) primarily residing in the forests prior to dt. 13.12.2005, and (c) dependent on the forest/forest land for bonafide livelihood needs. Therefore, three dates have been very important to prove the Individual Rights viz. (i) STs/OTFDs had occupied the claimed forest land before 13.12.2005 (provision under Sec 4(3); (ii) the claimed land should be under the occupation on the date of commencement of FRA i.e 31.12.2007 (Sec 4 (6); and (iii) the person should be in possession of the claimed land on the date of enquiry/verification by the Forest Rights Committees. In order to prove one’s claim, at least two forms of evidences as enlisted in Rule 13-A should be produced by the claimant in support of it. The result reveals that, almost in all the districts, the most common form of evidence to substantiate the claims of stay inside the forest has been the “statement by village elders” i.e., Panchnama (oral evidence). The Caste certificate/Voter ID/Ration Card etc. have been the second form of evidences. Even the temporary caste certificates have been issued by Gram Panchayats at few places in Chhindwara. In very few cases only the fine receipts issued by the Revenue Official for encroaching revenue forest land or the preliminary offence report (POR) filed for encroachment in forest land have been produced in support of the claimed forest land. Since, SDLC/DLC are not expected to insist upon any particular form of evidence for consideration of a claim and the lack of it should not be the sole basis of rejection of any claim, this factor has been overtly used but, it is a question as to how claimants have got possession on forest land and issued titles when no encroachment is recorded in forest offence register. As the Forest Rights Committee (FRC) at GP level consists of all members of that village, it was noticed that FRC at GP level have recommended names of even ineligible people. The casual approach of FRC was also noticed in few villages of Shahdol district where the titles issued on surveyed land belonged to some other person in the village. Likewise, in village Gohparu (Shahdol), some of the applicants who have agriculture land in their names have also been granted individual rights on forest land (although, not primarily dependent on forests). In some of the villages people have been issued titles on forest areas which are in others’ name. It was also noticed that in Sendhwa forest division (under Badwani district) while inspecting/surveying the claimed forest land, the data of survey got auto uploaded in the final data sheet of the district before the same was approved by district level committee. As a result, the data of ineligible claimants got uploaded. Further, Even the OTFDs whose claims have been rejected were still occupying the forest land.

It was found out that only in very few cases, difficulties were faced by claimants in getting desired documents from government records.

From the results of the association of responses between caste of the applicant vs. status of claims, the significant associations in Badwani, Chhindwara, Khargone, Sidhi and MP are because most of the claimants belong to STs whereas, the rejection rate among other castes (OTFD) is significantly high because of the difficulties faced by them in proving the 75 years of possession on claimed land before 13.12.2005. Further, the rejection rate among ST claims was less in all districts and various reasons of rejections were: claimed areas not being forest areas; lack of evidences; not occupied forest land before 13.12.2005; claimed forest area not in possession; duplicate applications (members of same family applying). However, not a single genuine claimant was found to have been deprived of titles in any of the villages surveyed because of care taken by State Government through implementing agencies.

As regards the status of communicating the claimant about rejection of a claim by Gram Sabhas or by SDLC or DLC enabling the aggrieved persons to prefer a petition, the results reveal that in most of the districts they have been either orally informed or signatures taken on the decisions but formal intimation of rejection was not issued. Further, many applications were found to be lying pending at various levels for final decisions. Only in very few cases the reasons of rejections have been communicated to the applicant in writing. In the absence of due intimation to the claimant further action within 60 days of intimation could not be carried out by the applicant. Likewise, the results of association of responses about “intimation of meetings of Gram Sabhas vs. Presence of adult members in the Gram Sabha meeting” shows a significant correlation in the State and districts except for Chhindwara and Mandla.

Conclusion:-

In Madhya Pradesh, the main thrust of FRA has remained on recognizing IRs only. It appears no different than regularization of encroachments which had been carried out in the past, since 1950s, in several rounds. The Forest Rights Committees constituted at village level consist of local people who would not mind recommending claims on the basis of oral evidence (statement by elders other than claimant). Therefore, large number of IRs recognized on the basis of oral evidence puts question mark on the genuineness of rights recognized. If the performance of individual districts is examined, Badwani and Khargone having 17.10% & 16.27% forest cover respectively with most areas under open forest cover (ISFR, 2019) have filed a sizeable number of about 40,293 and 28,583 individual claims respectively (including 221 & 1123 CR/CFRs in both districts, data as upto 31.03.2019 from State Tribal Welfare Department). The secondary data from State forest department shows that most of the forest areas in the district have been encroached upon and presently with scattered IRs the entire forest area in the district has been fragmented with few forest covers left in patches which would make the forest management very difficult and even unsuitable for plantations.

The open-end process of recognition of rights by way of revisiting rejected claims and inviting fresh claims even after a decade of enactment of the Act defeats the very purpose of the Act. There is also a need to document CRs and CFRs separately. The recognition of CFRs should be encouraged and merger of different existing forest management committees viz. JFMCs/BMCs/EDCs etc with CFR Management Committees could help better management of forest resources. Further, after completion of the processes of settlement of rights & issuance of titles, the Revenue or Forest Department should prepare a final map of the forest land recognized & the concerned authorities should incorporate the records of rights in the revenue & forest records for future purposes even for settling future/likely disputes.

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