

**Minutes of First Meeting of National FRA Committee**

A Joint Committee of Ministry of Environment & Forests and Ministry of Tribal Affairs, Government of India, has been constituted to study the Implementation of the "Scheduled Tribes and Others Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006" vide MoEF, Government of India, Notification No. 12-1/2006-FP dated 16.04.2010. The first meeting of the committee was held on 3<sup>rd</sup> May, 2010 in the Conference Room No. 403, Paryavaran Bhawan, New Delhi under the chairmanship of Dr. N.C. Saxena, Retd. Secretary, Planning Commission. The following members attended the meeting

1. Dr. N.C. Saxena, Former Secretary, Planning Commission Chairman.
2. Dr. Devendra Pandey, Former DG, Forest Survey of India Co-Chairman.
3. Dr. C.K. Sreedharan, Former PCCF, Tamil Nadu
4. Dr. Ranjana Gupta, DIGF(FP), MoEF, New Delhi.
5. Smt. Rashmi Shukla Sharma, Joint Secretary (RSS) Ministry of Panchayati Raj, New Delhi
6. Dr. Sharachchandra Lele, ATREE, Royal Enclave., Srirampura, Jakkur P.O.-Bangalore.
7. Shri Ravi Chellam, Country Director, Wildlife Conservation Society India Programme, Bangalore
8. Dr. Arupjyoti Saikia, Associate Professor-History, Department of Humanities and Social Sciences, Indian Institute of Technology, Guwahati
9. Shri Ashish Kothari, 'Kalpavriksh' Pune.
10. Shri Ravi Rebbapragada. Executive Director, Samata
11. Shri Ramdhan Lal Meena, IAS Retd, Faridabad, Haryana
12. Shri Mannu Lal, Markam, Additional District Judge (Retd.), Shahdol, M. P.
13. Ms. Vasavi Kiro, National Alliance for Women, Ranchi, Jharkhand.
14. Ms. Jarjum Ete, Centre for Environment, Development and Gender Empowerment, Itanagar
15. Shri Achyuta Samanta, KIIT Group, Bhubaneshwar, Orissa
16. Shri Rakesh Kumar Dogra, Asstt. Director General (Edu), ICFRE, Dehradun  
– Member Secretary

(Dr A K Jha did not get permission from the state government, Shri A K Srivastava couldn't attend due to exigency and Shri V R Khare had intimated that he'll not be able to attend the meeting this time)

The Member Secretary welcomed the Chairman, Co- Chairman and all the members of the Committee and introduced the members. The Chairman of the Committee, Dr. N.C. Saxena, in his introductory remarks welcomed all the members of the Committee and explained in brief about the constitution of the committee. He also flagged important issues regarding implementation of the Act and invited all the members for candid discussion. Co-chairman and all the members expressed their view and had lengthy discussion on the topical issues pertaining to the implementation of the FRA in various parts of the country. The following key issues were identified in the deliberations.

- There is widespread lack of awareness of the Act itself, and of the procedures to implement it, both amongst official machinery at grass-roots and also the people.
- Community Rights have been largely ignored so far, states appear treating the Act as if it is predominantly about individual land rights.
- The cooperation of Forest Department is generally lacking, including absenteeism in the meetings of the SDLC and DLC, refusal to help gram sabha with record and evidence, recalcitrant attitude towards the admissibility of evidences and other ways of obstructing the implementation of the Act.
- Gram sabhas in many places are being called at the level of gram panchayat, whereas it is clear in the Act that they can be formed or recognised at hamlet/settlement level.
- High rate of rejection without field verification by the officials has made a mockery of the provisions of law that require a Forest Rights Committee and the Gram Sabha to verify claims and forward to the sub-district committee. Claims are often rejected without even informing the applicant, and in most cases no reason is cited. At the same time the claims are also settled without proper verification and survey at some places.
- Titles have often been issued for far lesser area than that claimed without assigning any reason for the same. Number of titles distributed is known, but land involved is not.
- Some State governments and the Centre had announced deadlines for filing claims, causing an unnecessarily rushed and incomplete process; there is no such time limit in the Act, and implementation should be seen as an ongoing process.

- Claims are not being accepted in most protected areas, with villagers being told that the Act is not applicable to them, or that their rights have already been settled earlier.
- There are many terms in the Act that are not clear, and are being interpreted in different ways at different locations/states.
- There is a need to respect the enormous diversity of local situations and institutions rather than impose a uniform approach in the claims process.
- Issue of the ill-preparedness and institutional capacity of tribal and forest departments and of Gram Sabhas to undertake this enormous exercise at ground level.
- The Ministry of Tribal Affairs (MOTA) should do state-wise monitoring beyond collecting statistical information. It should collect feedback both from state governments and the civil society, do impact assessment, analyse constraints, issue clarifications on Rules and procedures, especially on the role of the Forest department, collect best practices, hold press conferences, and involve research organizations (NIRD, Tribal Research Centers, ICSSR, and non-government professional organizations). It should also put the entire qualitative material so gathered on its website, and get booklets written by experts to be used in training.
- MOTA should also administratively strengthen the state Tribal Depts by attaching professional organizations with them and by enabling them to hire extra contractual staff on the pattern of NREGA and NRHM. Lack of capacity at various levels, including the central Ministry, is one of the causes for poor implementation of the Act.
- Lack of clarity on the role of forest department with reference to areas where rights are being claimed in conservation and protection and synergy (or lack of it) with various grass-root organizations.
- The status of implementation, especially, the extent of land settled apart from just number of beneficiaries, the data on individual and community rights, and within community rights on various kinds of rights within Section 3(1) is not very clear. Many states are not forthcoming with the data.
- The confusion between Sec. 3(1) and 3(2) is widespread, especially at the level of government agencies who are informing that community rights are only about sec. 3(2).

- Special problems that nomads, shifting cultivators, and PTGs are having, to make claims and get recognition. Need for focused attention by state committees to provide full opportunities to these groups.
- Lack of implementation of the provisions regarding Critical Wildlife Habitats, and where implementation is on, the absence of due process of consultation etc laid down in the Act; a provision that has potential to create integrated conservation and livelihoods security, therefore being underused or misused.
- Problems that OTFDs are facing to prove 75 years of occupation. Need for special facilitation to dig out evidence for them.
- Misuse of the FRA by some political interests to encourage fresh encroachments in some areas and thus need for all-Party meeting with MoTA, MoEF.
- Lack of clarity on application of the FRA in Schedule 6 areas, where local governments have autonomy to formulate laws; do they need to pass corresponding legislation.
- Where rights are already granted, especially CFRs, there is confusion on the ground on what they mean in terms of forest management and protection, and what the relationship is with other agencies and laws.
- JFM Committees are very widespread, and the link between them and the FRA needs to be clarified, with the understanding that the gram sabha is the authority to determine the forest protection committees under Rule 4.

**The following decisions were taken in the meeting.**

1. A website will be developed for the committee as an interface to share and elicit information and public opinion.
2. An announcement will be issued to invite public inputs to the Committee, in print and electronic media, as far as possible in several languages
3. The specific theme areas have been identified along with sub-groups for each theme. The subgroups will identify the key issues within each identified theme and prepare a broad template for information to be collected from primary as well as secondary sources for the purpose of the Committee's work. Members in each team have primary responsibility for that theme, but all members are free to contribute to any theme.

Sl. No.	Theme	Team Members
1.	Individual rights	i) Shri Ravi Rebbapragada ii) Ms. Vasavi Kiro iii) Dr. Arupjyoti Saikia
2.	Community forest rights (incl. links with pre-existing CFM)	i) Ravi Rebbapragada ii) Ms. Vasavi Kiro iii) Shri Ashish Kothari iv) Dr. Sharachchandra Lele v) Shri Ramdhan Lal Meena
3.	PA, CWH, CTH issues	i) Dr. Ravi Chellam ii) Shri Ashish Kothari
4.	Technology application to support FRA	i) Dr. Devendra Pandey ii) Dr. Sharachchandra Lele iii) Dr. A.K. Jha
5.	Role of FD in post-FRA forest governance	i) Dr. Ravi Chellam ii) Ms. Vasavi Kiro iii) Shri Ashish Kothari iv) Dr. Sharachchandra Lele v) Dr. Arupjyoti Saikia vi) Shri Ramdhan Lal Meena vii) Dr. C.K. Sreedharan
6.	Development rights	i) Shri Ramdhan Lal Meena ii) Dr. C.K. Sreedharan
7.	PTGs, shifting cultivators, Nomads	i) Dr. Arupjyoti Saikia ii) Shri Ramdhan Lal Meena
8.	FRA applicability in 6 <sup>th</sup> Schedule Areas	i) Ms. Jarjum Ete ii) Dr. Arupjyoti Saikia

4. The states of the country are allocated to the following sub-groups to collect and share information, undertake field visit, public consultations and contact with the officials and various stakeholders of FRA, with reference to all the identified sub-themes. These sub-groups will be responsible for all the information required for the committee's work from the areas allocated to them, but all members are free to contribute. It is also expected that at least one visit is made to each of the states and to the field.

Sl. No.	Regions	Team Members
1.	Orissa & West Bengal	i) Shri Ashish Kothari ii) Dr. Arupjyoti Saikia iii) Dr. Ravi Chellam iv) Ravi Rebbapragada
2.	Jharkhand & Bihar	i) Dr. Sharachchandra Lele ii) Ms. Vasavi Kiro
3.	MP & Chhattisgarh	i) Dr. Devendra Pandey ii) Shri Munna Lal Markam iii) Ms. Vasavi Kiro iv) Dr. N.C. Saxena v) Shri Ramdhan Lal Meena
4.	Andhra & Maharashtra	i) Ravi Rebbapragada ii) Dr. C.K. Sreedharan
5.	Karnataka, Tamil Nadu & Kerala	i) Dr. Sharachchandra Lele ii) Dr. Ravi Chellam iii) Dr. C.K. Sreedharan
6.	Uttarakhand, UP & HP	i) Shri Ashish Kothari ii) Dr. Devendra Pandey iii) Dr. Arupjyoti Saikia
7.	North-eastern India	i) Dr. Arupjyoti Saikia ii) Ms. Jarjum Ete iii) Dr. Sharachchandra Lele
8.	Gujarat & Rajasthan:	i) Shri Ramdhan Lal Meena ii) Shri Ashish Kothari
9.	Islands	Not Decided
10.	Punjab and Haryana	Not Decided

5. The chairman and Member Secretary can join the above groups for field visits and consultations. Similarly the official representatives of the Committee from MoEF, MoTA and Ministry of Panchayati Raj are also requested to join the groups as per their convenience.
6. Letters will be sent to all state governments regarding the members responsible for their states; each member will also be issued a letter to solicit the facilitation of state

- governments; for each public consultation, letters will be sent to relevant state government agencies
7. Information collected by members through meetings and field visits not necessarily linked to the Committee, including in the recent past, will also be used by the Committee.
  8. The contact address of all the responsible officers for implementation of FRA will be maintained.
  9. All the orders issued pertaining to FRA by MoTA, MoEF and as far possible by states will be collected and put on the website proposed.
  10. Member Secretary will work out the budget and specify norms for the members based on budget availability for the study. He'll also identify suitable help in getting the work of the secretariat for the committee, this being a full time affair.
  11. The modalities of expenditure/reimbursement of travel expenses of the committee members need to be specified.
  12. Specific stationery for the committee (letter head) should be prepared and given to the members for use.
  13. The committee also decided to co-opt, on suggestion of members, Ms Roma, NFFPFW (09415233583) as a specialist invitee to the committee with reference to TOR's.

The next meeting of the committee is scheduled on 7<sup>th</sup> June 10 AM at Van Vigyan Bhavan, Sector 5, R K Puram, New Delhi.

The meeting ended with thanks to the chair, co-chair and all the members for their active participation.

  
(Rakesh Kumar Dogra)  
Member Secretary  
National FRA Committee

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Circulation to All the Members.

The Secretary, Ministry of Environment and Forests, Ministry of Tribal Affairs, Ministry of Panchayati Raj, Government of India for kind information.

Director General (Forests), Additional Director General (FC) for kind information.

All the Chief Secretaries of the States for kind information.

Web sites of MoEF, MoTA, ICFRE.