

Recognition of Community Rights under ROFR: A case study of Dooty Tola of Gadchiroli district of Maharashtra.

Dooty Tola is one among the five Tolas of Vadagam Panchayat in the Block of Kurkheda in Gadchiroli district of Maharashtra state. This is the only Tola having forest patch in the Panchayat. The Forest department auctions the fishing in the irrigation tank in the midst of Forest. The Forest is dwindling as it is used by all the people of neighboring villages. Girish Kuberji of Hitaraksha, Vanavasi Kalyanasram selected this Tola to learn the process to gain recognition under Forest Rights Act. Sivaramakrishna of Sakti, NGO who is engaged by Tribal Welfare Department of Andhra Pradesh to train the officials and un-officials in preparing traditional customary boundary maps guided the process.

The elders of the Tola informed that many tribes and few non tribes got titles under ROFR but measurements in the title show less extent. With their help Kishore of Kurkheda kalyana ashram prepared the traditional customary boundary map of the Tola with place names indicating the land marks with different type of uses, the wild life, birds and herbs available along with their status. The forest patch gives good income during beedi leaf collection. The process proposed in the new guidelines September 6, 2012 was explained referring to the respective clauses.

12. (f) Delineate the **customary boundaries** of the community forest resource with other members of the Gram Sabha including elders who are well versed with such boundaries and customary access.

13.2

- (b) traditional grazing grounds; areas for collection of roots and tubers, fodder, wild edible fruits and other minor forest produce; fishing grounds; irrigation systems; sources of water for human or livestock use, medicinal plant collection territories of herbal practitioners;
- (c) remnants of structures built by the local community, sacred trees, groves and ponds or riverine areas, burial or cremation grounds;
- (e) earlier or current practice of traditional agriculture;

* 1) Panchayat should submit the list of Tolas to Sub Divisional Level Committee (SDLC).

2A. (a) every panchayat, within its boundaries, prepares a list of group of hamlets or habitations, unrecorded or unsurveyed settlements or forest villages or taungya villages, formally not part of any Revenue or Forest village record and have this list passed by convening Gram Sabha of each such habitation, hamlets or habitations included as villages for the purpose of the Act through a resolution in the Panchayat and submit such list to SDLC;

12A. (2) If any objections are made by the Forest or Revenue departments at a later date to a claim approved by the Gram Sabha, for the reason that their representatives were absent during field verification, the claim shall be remanded to the Gram Sabha for reverification by the committee where objection has been raised and if the representatives again fail to attend the verification process the Gram Sabha's decision on the field verification shall be final.

(3) In the event of modification or rejection of a claim by the Gram Sabha or a recommendation for modification or rejection of a claim forwarded by the SDLC to the District Level Committee, such decision or recommendation on the claims shall be communicated in person to the claimant to enable him to prefer

a petition to the SDLC or District Level Committee as the case may be, within a period of sixty days which shall be extendable to a period of thirty days at the discretion of the above said committees.

(4) If any other state agency desires to object to a decision of the Gram Sabha or the SDLC, it shall file an appeal before the Sub-Divisional Level Committee or the District Level Committee, as the case may be, which shall be decided by the Committee (in the absence of the representative of the concerned agency, if any) after hearing the claimant.

* 2) FRC for the Toli Sabha should be formed.

GRAM SABHA (1) The Gram Sabhas shall be convened by the Gram Panchayat and in its first meeting it shall elect from amongst its members, a committee of not less than ten but not exceeding fifteen persons as members of the Forest Rights Committee, wherein [at least two-third members shall be the Scheduled Tribes]

* 3) The names of the places in the map should be classified according to the serial numbers in the Performa for submitting claims under community use. (Form-B)

* 4) Applications should be submitted for rectifications of mistakes in the title deeds with proofs on the ground and the names of neighbors on four sides with landmarks and sketch of the field. 13. (c) physical attributes such as house, huts and permanent improvements made to land including leveling, bunds, check dams and the like; (*Form-C enclosed*). The villagers attributed mistakes to the use of GPS. It is clarified that new guidelines treats GPS, satellite image as secondary and proofs on ground are primary.

12. 11(2) the satellite imagery and other uses of technology may supplement other form of evidence and shall not be treated as a replacement.

All these forms should be submitted to the SDLC. The Chairperson of FRC should know the official entrusted with this task of collecting, informing and submitting etc process.

* The Toli Sabha members should know the three unofficial members in the SDLC and DLC committees and force them to speak on their behalf in the committee meetings.

* The Chief Secretary the Chairperson of the State Level Committee should convene a quarterly meeting to review the progress and issue clarifications.

10. (c) meet at least once in three months to monitor the process of recognition, verification and vesting of forest rights, consider and address the field level verification and vesting of forest rights, consider and address the field level problems, and furnish a quarterly report in the format appended as Annexure V to these rules, to the Central Government on their assessment regarding the status of claims, the compliance with the steps required under the Act, details of claims approved, reasons for rejection, if any and the status of pending claims;

Three MLAs in the State committee should prevail upon the Chief Secretary to regularly conduct the meetings.

* In the Toli Sabha held on next day the members expressed their doubts.

1) Along with Dooty Tola, part of another Tola belongs to one panchayat ward. Whether those Tola members should be involved? It is clarified Panchayat act and FRA is different acts with different administrative units. The Panchayat units are not binding on Toli Sabha constituted under FRA.

2) Villagers told that the Forest department already formed 3, 4 Vana Samrakshana Samity's (VSS) in the forest. It is clarified that the VSSs have no legal basis. The MOTA clarified that VSS should not be recognized under ROFR, so they will be dissolved and Toli Sabha only governs the forests by getting due recognition.

3) Some of them shifted from the tank side to in to the Tola and now they have boundary dispute on that side. It is advised to resolve this dispute with that Tola people with the help of elders.

4) All the people are depending and using the forest resources. Whether they agree the community rights conferred for Dooty Tola under FRA?

5) It is clarified that each Tola has different type of resources like irrigation, market, minerals, forest etc. Each Tola has every right to develop and benefit from the resources and opportunities available in their Tola and share the surplus with the members of other Tolas or exchange.

The Dooty Tola members should enter in to discussion with other Tolas in this regard and take the help of people's representatives, officials to convince them to honor the rights given to them under the act in a give and take spirit which they practice in customary councils in resolving the disputes. Dooty Tola cleared the forest like other Tolas – there would not have been the little bit of existing forest. So the Tola has every right to claim and protect the forest.

* The success story of Medhalenka is also discussed. It is an isolated case of a Toli promoted over 40, 50 years. The promoters did not visit the neighboring villages to propagate their practice.

Now Medha people, instead of selling or exchanging with neighbors, want to sell in the market. Such actions lead to jealousy, theft etc. and strains the relationship between the Tolas. Instead of such kind of hero/ place worship, the systems in the Governance and solidarity between the Tolas having similar resources should be promoted.

* In the Nagarjuna sagar Srisailam Wildlife Sanctuary of A.P, nontribal fisher folk were allowed through the intervention of Minister Fisheries. Chenchu PVT realizing that the particular Rushula Cheruvu Tank is in scheduled area, asserted by taking over the tank and started fishing. The High Court directed that the District Collector of Mahaboobnagar should decide the rights according to the Wildlife Act. Meanwhile the RoFR came into force. Though formal recognition by the District level committee was not accorded, the Chenchus continuing their possession and fishing. Encouraged by this example, the neighboring Errapenta, Rangapuram Chenchus also taken over the tanks in their villages, continuing fishing. (See page nos.91-93 in the book *Chenchu world of Nalamalla forest*) So one should realize the possession and conflict resolution is prerequisite for the recognition. The piece of paper from government will not automatically confer the rights.

Intensive ground work, persuasion, forging solidarity only shall prove our commitment to the cause.

Ruling parties in the State governments who were given third consecutive term should come forward – and the civil society groups should organize the tribes to catch up with the effective implementation of the act.