

12. Protecting and Conserving Natural Resources for Sustainable Uses: National Forest Community Rights of Scheduled Tribes in India

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12.1 Introduction:

India's now 1.3 billion people include about 200 million people, roughly half of them Adivasis, living in forests or their peripheries, dependent on such forests for their subsistence needs. The crossways India, many such forest-dependent communities have been conserving, managing and protecting their locally available natural resources collectively through customary practices, building institutions and specific ownership regimes. The STs are the original inhabitants of India for which they are called Adivasis. They are known as vanyajati (forest dwelling communities) and vanabasi (inhabitants of forest). The STs derive their livelihoods from land and forest resources.

The forests play an important role in the socio-economic activities of the people inhabiting these villages. They have been dependant on the forests for fuel wood, fodder, timber and bamboo since ages but with the manifold increase in their population in the last 60 to 70 years, pressure on forests has also increased in the likewise manner. In India, the rural population is about 68% of the country's total population and a significant part of it is dependent on the forests for meeting the needs of fuel wood, fodder, small timber, bamboo and NTFPs. The livestock population in the country is one of the largest in the world.

The Concept of Community Forest Rights (CFR) and Community Forest resource rights signifies any community forest resources widely used by the tribal and other forest dwelling communities which make significant contribution to their livelihood. The CFR area is the customary common forest land which is traditionally being protected and conserved for sustainable use by a particular community for accessing the resources available within the traditional and customary boundary of the village and seasonal use of landscape in case of pastoralist communities. The each CFR area has a customary boundary with identifiable landmarks recognized by the community and its neighbouring villages. The CFR area has traditionally fulfilled the regular forest-based livelihood and other needs of the community. The community forest resource area may include forest of any category i.e. revenue forest, classified & unclassified forest, deemed forest, District Level Committee (DLC) land, reserve forest, protected forest, sanctuary and national parks etc. In India as major chunk of forest land comes under the jurisdiction and control of the forest department where community's access and control over the forest resources are very much limited.

12.1.1 The present objectives study

- To examine the community forest natural resources and rights scheduled tribes in India
- To analyses Elements of a sustainable community through joint forest management Tribal Welfare.

12.1.2 Methodology:

This study is based on Secondary data. The data has been collected from Reports books, magazine and websites and statistical as well as analytical expressive techniques tables, figure and maps straddling used it.

12.1.3 Discussion:

The Scheduled Tribals (STs) constitute about 8.6 per cent of India's total population. The absolute number of STs Population in India, according to 2011 census, was 104.3 million of which 94.1 million live in remote rural areas. Above 50 per cent of the tribal population live in forests and derive their livelihoods from land and forest resources. It has been estimated that nearly 40 to 60 per cent annual earnings of tribals, especially tribal women, is from the collection and sale of MFPs.

This watershed legislation of the Indian constitution, Schedule Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, has recognized the pre-existing rights of the forest dwelling communities on the resources for it access, protection, conservation and management within the customary boundary. It gives the authority to the Gram Sabha to adopt local traditional practices of forest conservation and management within the community forest resource boundary. Until March 2006 JFM committees have formed involving more than 100,000 villages and covering more than 22 million ha of forests across the country. It has improved protection, and increased the availability of firewood and NTFPs in many places. Besides sharing of usufruct it has given a share in the timber proceeds to local communities in some cases significantly adding to their incomes.

12.1.4 Right Over Community Forest Resources:

The population of forest dwellers in India is approximately the population of Philippines, the world's 12th largest populous country. There is an estimated number of 250 to 350 million forest dependent people in India who have integral ties to the forest and various irreplaceable social, cultural and economic links with it. These communities had their own systems of forest governance and practices for managing forest resources which have evolved with time. The Scheduled Tribes and Other Traditional Forest Dwellers (*OTFDs*) Act, 2006, has been one of the historical legislation by the constitution of India, ensuring the tenurial, livelihood, and ecological security of the forest dwelling communities of India recognizing to a new paradigm of community forest resource protection, conservation, management and governance mechanism. Only 18 States out of 29 States and 7 Union Territories have actually begun implementing FRA. The State governments across the country have been slow in recognizing forest dwellers' right to manage CFR

Table 12.1: Government Recognized Community Forest rights and Total forest cover around the world

Sr. No	Name of continent	Name of Countries	Total forest cover (%)	Government Recognized Community Forest (%)
1	South America	Bolivia	53%	44%
		Brazil	67%	28%
		Colombia	55%	49%
		Ecuador	36%	55%
		Guatemala	34%	10%
		Honduras	46%	27%
		Mexico	33%	71%
		Nicaragua	26%	49%
		Peru	53%	26%
2	Africa	NIGER Cover	1%	N.D
		Tanzania	39%	63%
3	Asia	Indonesia	52	1%
		Nepal	25%	49%
		Papua New Guinea	63%	97%

No Data on Government Recognized Community Forest

Source: World Resources Institute 2014

There are about a 100 million people living on land classified as forest.⁹² 170,379 of the 587,274 villages with a mixed population of 147 million are located in and around these forests. There are 275 million 93 to as many as 350-400 million⁹⁴ forest dependent population.

There are still on official record, 4,526 forest villages as on 2011 with a population of 2,206,011 of whom 1,332,265 are Scheduled Tribes.⁹⁵ 513 forest villages have been converted to revenue villages under FRA.

Table 12.2: State Wise Values of NTFP's and Minimum Potential for CFRs in India

(Excluding five NE States -In Acres)

States	Value of NTFP's per hectare of Forest Land	Recorded Forest	Estimation of forest land within customary boundaries	customary boundaries of which land recognized under IFRs	Minimum potential for CFR Recognition in India
Andhra Pradesh	906.2	9,202,726	2,964,000	198,633	2,765,367
Arunachal Pradesh *	1110.5	-	-	-	-
Assam	944.7	6,627,504	578,605	77,609	500,996
Bihar	1699.8	1,603,771	824,940	0	824,940
Chhattisgarh		14,763,684	8,197,930	745,930	7,452,000
Goa	1121.3	302,575	207,342	0	207,342
Gujrat	1488.6	5,346,809	3,248,050	116,117	3,131,933
Haryana	1397	385,073	60,300	0	60,300
Himachal Pradesh	6753.6	9,147,151	3,211,000	0.35	3,211,000
J & Kashmir &	7364.8	-	-	-	-
Jharkhand	20,63,356	5,830,435	5,236,400	78,010.92	5,158,389
Karnataka	914.1	9,456,148	5,986,203	12,385	5,973,818
Kerala	833.9	2,793,323	2,231,712	33,073	2,198,639
Madhya Pradesh	1268.6	23,388,183	16,517,853	796,938	15,720,915
Maharastra	1361.5	15,210,013	12,282,159	232,088	12,050,071
Manipur *	953.8	-	-	-	-
Meghalaya *	1290.5	-	-	-	-
Mizoram *	904.7	-	-	-	-
Nagaland *	857.1	-	-	-	-
Odisha	1547.9	14,359,592	6,372,600	583,886	5,788,714
Punjab	2704.6	761,748	158,917	0	158,917
Rajasthan	916.1	8,086,039	6,355,811	45,854	6,309,957
Sikkim	1711.4	1,442,727	951,449	0	951,449
Tamil Nadu	827.3	5,650,619	1,921,537	0	1,921,537
Telangana	N.A	6,645,288	3,704,597	331,070	3,373,527

States	Value of NTFP's per hectare of Forest Land	Recorded Forest	Estimation of forest land within customary boundaries	customary boundaries of which land recognized under IFRs	Minimum potential for CFR Recognition in India
Tripura	1065.8	1,554,618	1,319,622	434,119	885,503
Uttarakhand		9,386,000	3,512,678	0	3,512,678
Uttar Pradesh	3724.4	4,095,754	2,053,202	139,625	1,913,577
West Bengal	2486.9	2,934,113	1,464,127	20,405	1,443,722
A&N Island	1327.5	1,771,237	90,651	0	90,651
Dadra & Nagar Haveli	2276.2	N. A	N. A	N. A	N. A
Total	2113115	160,834,544	89,451,687	3,845,743	85,605,944

Note: Exclude *North-Eastern States & J&K state.

Source: Community Forest Resource-Learning and Advocacy, 2016.

The above Table 14.2 shows that most of the states Andhra Pradesh, Assam, Goa, Haryana, Karnataka, Kerala, Punjab, Rajasthan, Sikkim, TN, Telangana, Tripura, Uttarakhand, UP. The Forest Area inside Village Boundaries have covered. The approximate number of people whose rights should get recognized under FRA is based on Census 2011, which provides the population of villages that have forests inside the village boundaries. The MP state under JFM area only.

The Community Rights recognised as provided by Tribal Department. The bare minimum estimated potential forest area over which CFR rights can be recognized in India, excluding five north-eastern states and J&K, is approximately 85.6 million acres (34.6 million ha), Madhya Pradesh, Maharashtra, Chhattisgarh, Odisha, Andhra Pradesh, Telangana, Rajasthan, Karnataka, Himachal Pradesh and Uttarakhand have the largest potential for rights recognition under FRA. It is estimated that rights of over 200 million STs and OTFDs in over 170,000 villages should be recognized under FRA, mostly through CR and CFR provisions.

12.1.5 FRA and Food Security and Sustainable Development Goals:

The role of forests in food security and nutrition is being recognized globally. Indian Forest Rights, through recognizing occupancy rights and allowing investments on the recognized land, can contribute to the food security of marginalized forest dwellers. Similarly, recognition of traditional and sustainable shifting cultivation practices support food security. The transfer of forest governance responsibility from forest department to the communities also creates potential for sustainably managing forest landscapes for food, nutritional production and livelihoods.

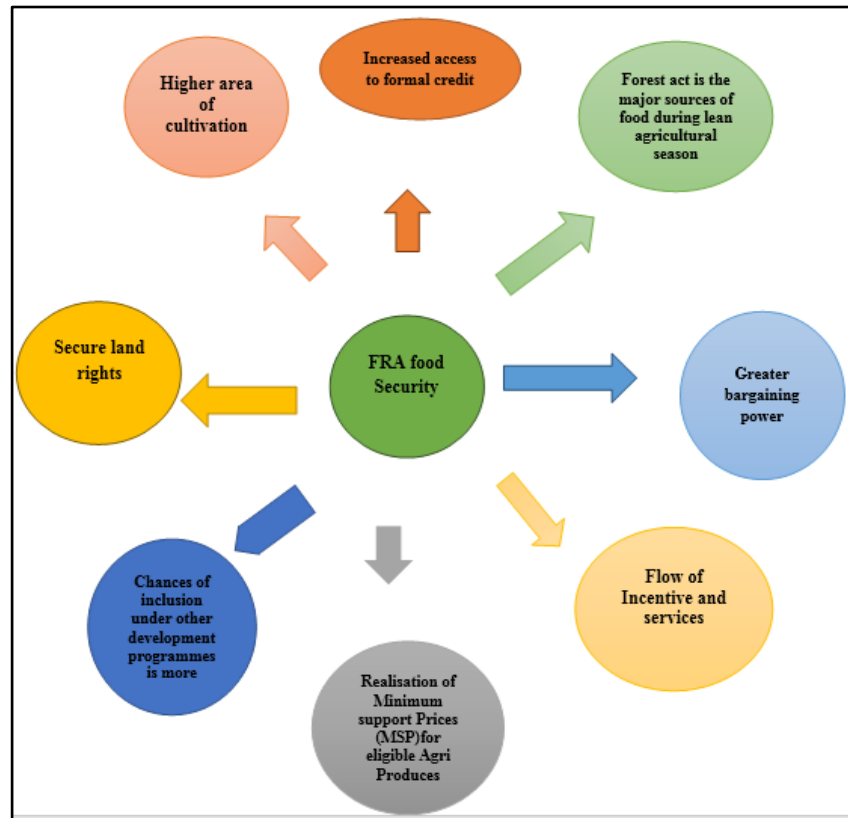
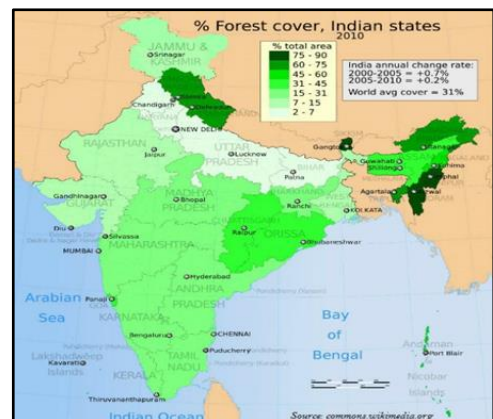
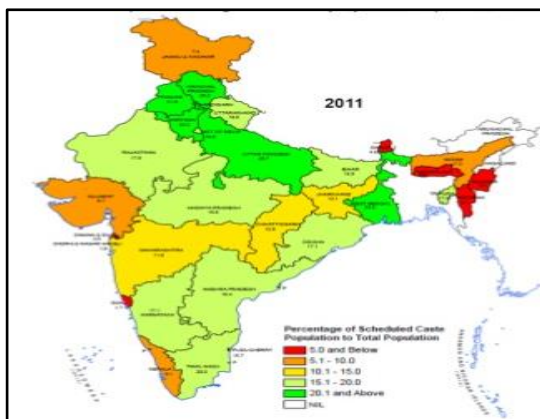


Figure 12.1: Forest Right Act and Food Security



Map 12.1: State wise Scheduled Tribes Population and Map 12.2: Forest cover in India

12.1.6 Elements of a Sustainable Community

ISC developed the following elements of a sustainable community in 1995 (which were adopted by the President’s Commission on Sustainable Development in 1997):

a. Leadership, Civic Engagement and Responsibility

- Adequate access to public information.
- A viable, nongovernmental sector.
- An atmosphere of respect and tolerance for diverse viewpoints, beliefs, and values.
- Political stability and does not compromise the sustainability of other communities.

b. Ecological Integrity

- Satisfaction of basic human needs for clean air and water and nutritious, uncontaminated food.
- Protection and enhancement of local and regional ecosystems and biological diversity.
- Conservation of water, land, energy, and non renewable resources, including maximum feasible reduction, recovery, and reuse and recycling of waste.
- Utilization of prevention strategies and appropriate technology to minimize pollution emissions.
- Use of renewable resources no faster than their rate of renewal.

c. Economic Security

- Reinvestment of resources in local economy.
- Maximization of local ownership of businesses.
- Provision of job training and education to help the workforce adjust to future needs.

d. Social Well-Being

- A reliable food supply that optimizes local production.
- Fosters a community spirit that creates a sense of belonging, a sense of place, and a sense of self-worth.
- Stimulation of creative expression through the arts.
- Protection and enhancement of public spaces and historic resources

e. Community Forest Resource and their Significance

The Forest Rights Act has taken a historic step to support community-based conservation and management by recognizing community rights to “protect, regenerate, conserve and manage” any CF Recourses for sustainable use. The Preamble to the Forest Rights Act states, “responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring livelihood and food security” of the said forest dwellers.

For the first time in Indian forest law, a radical shift in the approach to the forest eco-system has been articulated: where, earlier, it was perceived that it is necessary to exclude forest-dwelling communities (FDC) from forests for the purpose of conservation, the Preamble clearly recognizes that FDCs are not only a part of, but essential to the survival and conservation of the forest ecosystem.

This recognition of the status of forest dwelling people as “integral to the very survival and sustainability of the forest ecosystem”, not their exclusion from its conservation, is emphasized further by giving them “responsibilities and authority” for “strengthening the conservation regime of the forests.

The National Forest Policy (NFP) was released in 2018 by the Ministry of Environment, Forests and Climate Change. The new draft policy’s overall goal is to “safeguard the ecological and livelihood security of people, of the present and future generations, based on sustainable management of the forests for the flow of ecosystem services.” The Policy is an overarching policy for forest management, with the aim of bringing a minimum of one-third of India’s total geographical area under forest or tree cover. The Benefits of CFR initiatives and receive economic benefits from their CFR areas. The communities have also learnt to use GPS and are using this skill to identify and map regions requiring intervention inside their CFR areas.

12.2 Benefits from CFR initiatives and Governance providing livelihood security:

There is an overall improvement in the condition of the forests in the CFR areas as a result of the initiatives. Natural regeneration has led to increased availability of fodder for livestock. So far, amla and teak have been the best surviving species in the degraded conditions. These villages are planning to plant tubers around the periphery of CFR areas, or do some kind of fencing around the bamboo plantations, to protect them from such attacks. ‘These villages are taking ownership of the CFR areas and it shows in the quality of work they have done on these forests. The never before in the history of Indian forest administration had forestry emerged as a major source of livelihoods for forest-dependent communities like it has under FRA. It is also the first time that the right to benefit from economically important NTFPs, including bamboo, have been devolved to the communities. CFR rights have also ushered in an era of collective bargaining which has benefitted these communities immensely in some of these villages.

12.2.1 Effective Community Forest Management:

The Community Forest Management (CFM) encourages participation *in forest management by rural people, whose livelihood depends mainly on forest resources. The forestation-centered projects of the early years of community forestry has evolved to include social, environmental and economic needs of rural communities, as it become more focused on the conservation and development of natural forest to support livelihoods. The success of CFM depends on the relationship between communities and resources on the one hand, and government laws and policies affecting access to forest natural resources on the other.

The CFR rights, on the other hand, have been recognized over only 1.1 million ha of forestland until July 2016, nearly a decade after the enactment of FRA. In community forestry, forest can be sustainably managed to protect natural resource and forest ecosystem functions and also provide income opportunities to community residents from traditional and non-traditional products and services. The benefits and services of forest ecosystems include non-timber forest products, watershed protection, and cultural significance, genetic

resources, medicinal plants and wildlife habitat [In spite of the market values from timber and wood products, non-market values include environmental stability, quality of life and the economic strength of a region. Community forestry is practiced on public forest lands with the partnerships and coordination between communities and forest landowners to foster forest stewardship and economic development.

The sustainable forest management requires a system that is ecologically sound, economically viable and socially responsible. It needs a good understanding of community dynamics and knowledge of forest ecosystems. Community management can protect forests against degradation and deforestation on the one hand, and impact positively on the economic and social wellbeing of local communities, as it promotes participation, ownership and decision making. The CFM actively promotes the rights of people living in the forest through participation in decision making and equitable benefit sharing. The CFR area has traditionally fulfilled the regular forest based livelihood and other needs of the community.

12.2.2 Sustainability and Scheduled Tribal Welfare:

In India, the rural population is about 68% of the country's total population¹ and a significant part of it is dependent on the forests for meeting the needs of fuel wood, fodder, small timber, bamboo and NTFP. The livestock population in the country is one of the largest in the world. The resources for its access, protection, conservation and management within the customary boundary. It gives the authority to the Gram Sabha to adopt local traditional practices of forest conservation and management within the CFR boundary. The FRA's potential to enhance local livelihood and ensure conservation makes it a good legal instrument to address SDGs, especially the goals of eliminating poverty and achieving ecological sustainability (which recognize ownership and control over land). The SDGs envisage "a world of universal respect for human rights and human dignity, the rule of law, justice, equity and non-discrimination" For the whole country (excluding the five north-eastern states and J&K), only 3 per cent of the minimum potential of CFR rights has been achieved in the last 10 years.

The Secure Forest right is crucial for poverty alleviation in tribal areas, for containing extremism and also for achieving some of the sustainable development goals. The fundamental need for survival and sustainable human development of any rural tribal community requires conservation and better management of natural resource like the forest, water, livestock, and soil as interdependent component of the ecosystem. The different issue-based Tribal Development approaches, IBRAD has been working through the approaches to the Sustainable Tribal Development in the framework of SDGs (Sustainable Development Goals).

The Indian Institute of Bio Research And Development (IBRAD) approaches to Sustainable Tribal Development focus upon developing the capacity of the tribal community with a particular focus on women and youth, to develop appropriate social norms and institutions for conservation of the natural resources, community empowerment and community-led social actions for conservation-based sustainable livelihood developments. The FRA has taken a historic step to support community based conservation and management by recognizing community rights to protect, regenerate, conserve and manage any CFR for

sustainable habit. The FRA gives gram sabhas “right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use. A sustainable community manages its human, natural, and financial capital to meet present needs while ensuring that adequate natural resources are available for future generations.

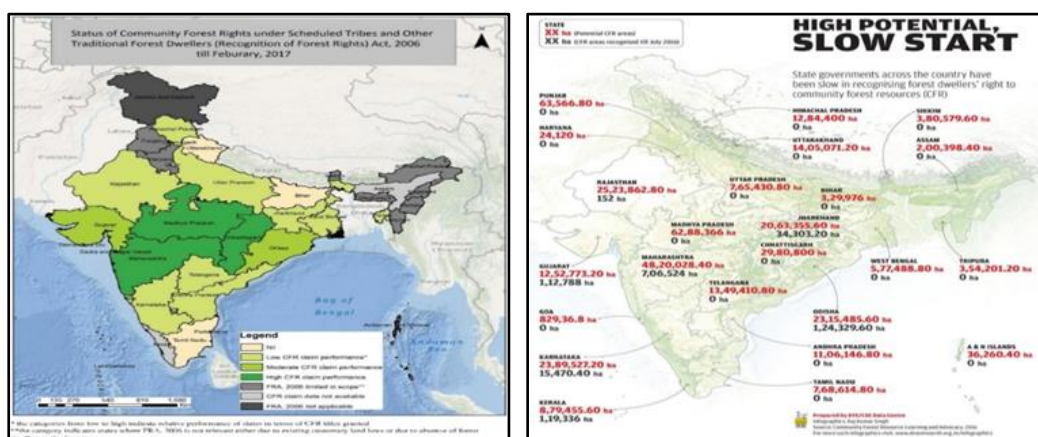


Table 12.4: Quantitative Comparison -of CFRs

	Area	Minimum total Potential for CFR Recognition (%)
Community Forest Resource Rights Recognized	2,782,078	3%
Remaining potential for FRA implementation	78,978,123	97%
		100

Note =*in acres

Source: Community Forest Resource-Learning and Advocacy, 2016.

The full implementation could secure community tenure and jurisdiction over 32 million hectares of forest claimed by 150 million tribal and forest-dwelling people living in 170,000 villages. The total number of community claims that have been received till 31st January 2020 are 1, 48,913 of which 76,377 titles have been distributed (which amounts to 51% of the total claims) over 88, 05,304 acres of forest land. A clearer picture emerges in the per cent-wise performance vis-à-vis the potential. Given that we can make a quantitative estimate for the potential area only for CFRs, they have done a quantitative comparison between the potential and the performance of CFRs in Table 12.1 and Graph 3. The whole country (excluding the five north-eastern states and J&K), only 3 per cent of the minimum potential of CFR rights has been achieved in the last 10 years. The improve the lives of about 150 million people living in over 32 million hectares of forests.

Table 12.4: The state-wise promise and performance of CFRs

1	Laggard states No or extremely poor performance	Assam, Bihar, Goa, Himachal Pradesh, Tamil Nadu, Uttarakhand, Haryana, Punjab, Sikkim
2	Low performing states Achieved less than 2% of minimum potential	Rajasthan, West Bengal, Karnataka, Jharkhand
3	States with only IFR Implementation	Tripura, Uttar Pradesh
4	States which have ignored CFRs but implemented CRs and IFRs	Telangana, Andhra Pradesh, Madhya Pradesh, Chhattisgarh
5	States with both IFR and CFR implementation	Maharashtra, Odisha, Kerala, Gujarat

Source: Community Forest Resource-Learning and Advocacy, 2016

12.3 Conclusion:

The conservation and organization of the land that the communities inhabit, serving open the door to increased revenue-generating activities, and preventing land advance for business use. The Securing Forest rights of tribals is essential because insecure forest tenure activities undermine forest speculation and security, fuel conflict and jeopardise the tribal communities' livelihoods and development prospect. The CFR and Resources is a dominant tool for affirmation of rights for forest dwelling communities to be a part of the decision-making process relating to their forests.

However potential of CFR is being tapped by communities slowly and steadily and there is still a long way to go before the movement catches on all over the country. The conservation of biodiversity soil, MFPs and water benefits tribes in the area of sustainable livelihoods.

The timely effective implementation of the expansion projects and sustainability concern has received many attentions. Hence, the FRA presents one of the most important legal instruments available to the government of India to secure the rights and livelihood of STs and marginalized in the world, and thus achieve its commitments under the Sustainable Development Goals.

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