

## **Status of Implementation of Forest Rights Act In 172 villages of Nayagram Block, Jhargram District, West Bengal**

Society for Direct Initiative for Social and Health Action  
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Executive Summary of an Interim Report  
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It has been 13 years since, The Scheduled Tribes and other Forest Dwellers (Recognition of Forest Rights) Act, 2006 popularly known as Forest Rights Act, was enacted by the parliament to address 'historical injustice' done to the forest dwelling scheduled tribes and other traditional forest dwellers by not recognizing their rights on ancestral lands and their habitat. However, even after a decade, the law remains to be implemented in various districts of West Bengal.

Nayagram CD Block of Jhargram district was selected as it has a forest cover of 23,875 hectares that is almost 47.40% against a total geographical area of 50,560 hectares. With the objective of ascertaining the level of implementation of the Forest Rights Act and to assess the scope of asserting such rights, a ground level survey was carried out in 172 villages out of 294 inhabited villages in the block, comprising of 20206 families situated in the forest areas or forest adjacent areas of the Block. The surveyed families comprised of 41% other traditional forest dwellers [OTFD], 31% scheduled tribes [ST], 20% scheduled castes [SC] and 8% particularly vulnerable tribal groups [PVTG]. It was found that majority of families belonging to ST and PVTG groups are more dependent upon forest resources with respect to other social groups. Data for the survey was collected through group interaction method. Surveyors established contact with respective villages before going to survey and interacted with the groups.

Forest dwellers were found to be dependent on the forest in many ways. They collect naturally produced forest products and sell those, either in the same form or after a primary stage of processing; villagers were also found to produce direct consumables such as ropes from *Babui* grasses, kitchen utensils from canes, cocoons from insects etc. They send the products or directly go to local weekly markets for selling it to the customers. Agents of different agencies also come in forest villages to buy the collected raw and semi-processed products. Government agencies like forest development corporations, tribal development corporations etc. provide minimum support price (MSP) for a wide range of collected raw materials from forest.

The groups responding to the survey were unaware about existence of any map delineating the forest villages along with the adjacent forest areas where they earn their livelihood. But most of them are traditionally residing in forest land. 56% of ST and 58% of PVTG families are completely dependent on forest for their livelihood. It was revealed that many of the families are traditional forest dwellers but do not have any agricultural land inside forest under their occupation. Some have agricultural land inside forest under their occupation but resides in areas outside forest land. Among them some are residing traditionally in government non-forest land (khas land) and others in individually owned land (rayat).

The villagers in all the villages surveyed did not know the existence of any Gram Sabha in their villages. Even, local authorities among PRIs (Panchayat Raj Institutions) have not taken any initiative to convene Gram Sabha at forest village level. The groups, who have given rough estimate of areas, informed that the livelihood practices on common forest resources are carried on in an average in 5 hectares. But it varies even from 2 hectares to 30 hectares. Some of the villages have customary grazing land for their cattle but others do not. All the villages have at least one place of worship. In some villages there are more than one common places of worship but there is not a single village where such place of worship is absent.

However, they were only aware about existence of one committee which implements decisions of forest department in forest villages. These are Forest Department appointed 'Forest Protection Committees' (FPC) or sometimes these are known as JFM committees. These were introduced when the Joint Forest Management programmes were introduced by the Forest Department.

Although recognition of Common Forest Rights was absent, at least 32 responding groups informed the surveyors that few forest dwellers have received individual '*land patta*' or '*title for forest land under occupation*' (Under FRA). These title deeds on closer inspection revealed that they bear no date or registration number, and although the deeds have been signed by Divisional Forest Officer / Dy. Conservator of Forest; Project Officer-cum-District Welfare Officer, BCW (Backward Class Welfare), Paschim Medinipur; Additional District Magistrate & D.L.L & R.O Paschim Medinipur; the signature of District Collector / Deputy Commissioner was missing in all of them, raising several questions as to the legality of the same.

The findings of our survey lead us to conclude that majority of the population in the villages under survey in Nayagram Block are traditionally dependent on forest resources. Their dependence on common resources as well as occupying individual lands for agricultural and home are primary and bona fide. The Forest Rights Act 2006 needs to be implemented here in order to recognize and secure the rights of the

forest dependents as well as to safeguard them from unjust and illegal threats of eviction, deforestation and construction. Appropriate and immediate action has to be taken to implement the provisions of the Forest Rights Act, 2006 and Forest Rights Rules, 2007 (as amended in 2012)

We therefore recommend that:

1. Widespread awareness is to be generated among the forest villagers and at every stage of administration including workers and authorities of Panchayat, Land Department, Forest Department and the offices of the BDOs and SDOs
2. Government should issue instruction to the Panchayats to hold meeting of Gram Sabha at every forest village level and start functioning of Gram Sabha
3. Forest Rights Committees should be elected by the Gram Sabhas and given responsibility of preparation of the maps of the village areas and common forest resources for submission of claims of Common Forest Rights according to FRA.
4. Sub-Divisional Level Committee and particularly SDO office should extend all sorts of cooperation to the Gram Sabhas and develop capacities to help them to prepare map of common forest resources and submit the claims of CFR of the village.
5. Sub-Divisional Level Committee and particularly SDO office should extend all sorts of cooperation to the Forest Rights Committees to develop their capacity to help the villagers to prepare individual claims of common resources as well as agricultural and homestead lands.
6. Gram Sabhas should be capacitated to receive all the claims prepared by the FRCs, verify and consolidate them, check the maps delineating the areas of each claim and pass a resolution with recommendation. Thereafter a copy of the same with all documents should be passed to the Sub-Divisional Level Committee formed by the State Government.

Sub-Divisional Committees will consider and dispose the petitions. There are further procedures which are clearly laid down in the Act and the Rules. The above recommendations suggest the minimum steps which are required to start implementation of the FRA.