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Peoples Ownership Through Forest Rights and Sustainable Development

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ABSTRACT:- The present paper aims to highlight the struggle of Adivasi (Tribal) village Pachgaon of Gondpripri Taluka of Chandrapur District, Maharashtra, for achieving the ownership of the forest through Forest Right Act. The struggle of Pachgaon to achieve the ownership of the forests by Forest Rights Act started in the year 2008 with the intervention of Paryavaran Mitra Sanstha (NGO). On December 2009 the Gram Sabha of Pachgaon passed the resolution of 1006.86 hectares adjacent Forest to be gained as ownership of Pachgaon to be demanded by the Forest Department. After series of meeting, movements and struggle with Forest Department and Government Administration the Pachgaon Gram Sabha was handed collective ownership of 1006.86 hectares of Forest on 25th June 2012. For effective management of Gram Sabha and conservation, preservation and protection of Forest Gram Sabha had made their own 114 rules and regulations which are to be followed by each and every villager. The Gram Sabha has nominated 38 members according to their Education and Skills to manage the functions of Gram Sabha and Forest ownership from among the village youths, and they are paid honorarium.

Key Words: Forest Rights, Gram Sabha, Peoples Participation, Sustainable Development.

Introduction : The Scheduled Tribes and other Traditional Dwellers (Recognition of Forest Rights Act, 2006) is a Key Piece of Forest Legislation in India on 18 December 2006. It has also been called the Forest Rights Act, the Tribal Rights Act, the Tribal Bill and the Tribal Land Act. The Law concerns the rights of Forest dwelling communities to land and other resources, denied to them over decades as a result of the Continuance of colonial forest laws in India.

India's Forests are home to crores of People, including many Scheduled Tribes, who live in or near the forest area of the country. Nearly 250 million People live in and around forest in India of which the estimated indigenous Adivasi or Tribal Population stands at about 100 million. Forest provide sustenance in the form of minor forest produce, water, grazing grounds and habitat for shifting cultivation. Since times immemorial, the tribal Communities of India have had an integral and close knit relationship with the forests and have been dependent on the forests for livelihoods and existence.

India's forests are governed by two main laws, the Indian Forest Act, 1927 and the wild life (Protection) Act, 1972; the former empowers the government to declare any area to be a reserved forest, Protected forest or Village Forest. The latter allows any area to be

constituted as a "Protected area" namely a National Park, Wildlife Sanctuary, Tiger reserve or Community Conservation area. Under these laws, the right of People living in or depending on the area to be declared as a forest area are to be "settled" by a "Forest Settlement Officer". This basically requires that officer to enquire into the claims of People to land, minor forest produce, etc., and in the case of claims to be valid, to allow them to continue or to extinguish them by paying compensation.

Studies have shown that in many areas this process either did not take place at all or took place in a faulty manner. Thus 82.9% of the forest blocks in undivided Madhya Pradesh had not been settled, while all the hilly tracts of Odhissa were declared government forests without any survey. In Odhissa, around 40% of the government forests are "Deemed reserved forests" which have not been surveyed, and because of this situation, millions of people are subject to harassment, evictions, etc., on the pretext of being encroachers in their own homes. Torture, bonded labour, extortion of money and sexual assault are all extremely common. In the latest eviction drive from 2002 onwards, more than 3,00,000 families were driven into destitution and starvation. In Madhya Pradesh alone, more than 125 Villages have been burned to the ground.

The statement of objects and reasons of the Forest Rights Act describes it as a law intended to correct the "historical injustice" done to forest dwellers by the failure to recognize their rights. The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act was Enacted by the Parliament of India on 29th December 2006 and Commenced from 31st December 2007.

Types of Rights: The law recognizes four types of rights.

- Title Rights- i.e. Ownership:- To land that is being farmed by tribals or forest dwellers as on 13 December 2005, subject to a maximum of 4 hectares, Ownership is only for land that is actually being cultivated by the concerned family as on that date, meaning that no new lands are granted.
- Use rights:- To minor forest produce (also including ownership), to grazing areas, to Pastoralist routes etc.
- Relief and development rights:- To rehabilitation in case of illegal eviction or forced displacement, and to basic amenities, subject to restrictions for forest protection.
- Forest Management rights:- To Protect forests and wild life.

Eligibility Criteria:- Eligibility to get rights under the Act is confined to those who Primarily reside in Forest and who depends on forests and forest lands for a livelihood. Further, either the claimant must be a member of the Scheduled Tribes scheduled in that area, or must have been residing in the forest for 75 years.

Process of recognition of Rights:- Section 6(i) of the Act provides that the gram sabha, or village assembly, will initially pass a resolution recommending whose rights to which resources should be recognized. This resolution is then screened and approved at the level of Sub-division (or taluka) and subsequently at the district level. The screening Committees consists of three government officials (Forest, Revenue and Tribal welfare departments) and three elected members of the local body at that level. These committees also hear appeals.

Methodology: The present paper aims at highlighting the struggle of Adivasi (Tribal) Village Pachgaon in Gondpipri Taluka of Chandrapur District, Maharashtra, for achieving the ownership of the forest through Forest Right Act. The Method administered for present study was personal Discussion with Founder of *Paryavaran Mitra Sanstha* (NGO) Mr. Vijay Dethe (M.S.W) and Members of Forest Management Committee Constituted by Gram Sabha of Pachgaon and villagers of Pachgaon and Official documents.

Ownership and Sustainable Development of Pachgaon Village:

Pachgaon is a Tribal Village of Gondpipri Taluka in Chandrapur District of Maharashtra State (India). This tribal village comprises of 61 families with a population of 237 people. 42 families are of tribal community and the rest 19 families are of other backward communities. Five (05) families have ancestral agricultural land whereas Twenty Three (23) families have agricultural land through Forest Rights. Rest of the families depends upon labour work at other farms and forest labour work for their livelihood. Before getting the Collective ownership of the forest by Forest Rights Act, People used to migrate for several months to urban areas such as Chandrapur, Hyderabad, Nagpur, Bangalore, Gujarat etc., for earnings as there was scarcity of employment in local area.

The process and efforts of Pachgaon to achieve the collective ownership of the forest under Forest Rights Act was initiated in the year 2008 with the intervention of *Paryavaran Mitra Sanstha* (NGO). The founder of the sanstha studied the Forest Rights Act thoroughly and decided to gain the collective ownership of the forests by the participation of Gram Sabha and people. On 15th December 2009 the Gram Sabha of Pachgaon in its official meeting passed the resolution of 1006.86 hectares adjacent forest to be demanded as ownership of Pachgaon Village. After series of meetings, movements and struggle at the level of Sub-division (taluka) and subsequently at the district level with government administration, forest department and Tribal welfare department the Pachgaon Gram Sabha was handed collective ownership of 1006.86 hectares of forest on 25th June 2012.

After achieving the collective forest Rights the Gram Sabha of Pachgaon planned for protection, conservation and management of forest resources of their ownership. Gram Sabha in its official meeting passed a resolution that every day two groups of ten People between the age 18 to 60 years will compulsorily guard the forest from wood cutting, stealing of sand and other forest resources. If any person found stealing the Gram Sabha takes action and is Penalized. The Gram Sabha demarked the ownership of forest by marking fire line to prevent forest from forest fire. As a result of this precaution, the forest area has not been destroyed by forest fire since ownership of forest and the forest has been grown dense at present.

For effective management of Gram Sabha and conservation, protection and preservation of forests the Gram Sabha had made their own rules and regulations which are to be followed by each and every Villager. Among these (1) Regular Gram Sabha (2) Responsibilities of Gram Sabha members and (3) Sustainable conservation of forests are the vital clauses. The Gram Sabha has nominated 32 members according to their education and skills to manage the functions and various responsibilities of Gram Sabha and forest ownership from among the villagers and they are paid honorarium by Gram Sabha. For organizing the Gram Sabha meeting, the supervisor of the Gram Sabha rings the bell three times and after the third bell the meeting is Commenced. Out of 120 members of Gram Sabha at least 80 members should be present in the Gram Sabha to complete the Coram. If 80 members are not present the Gram Sabha meeting is postponed. But since last 5 years such circumstances has been very rare.

The Gram Sabha has made a working plan for cutting Bamboos. In due course of time Gram Sabha, Pachgaon has procured Transport Permit (T.P.), PAN Card, TAN Card and VAT registration which were necessary for forest resources occupation.

The People employed in Bamboo cutting and other forest labour work are paid Rs. 385/- per day (men and women gets equal amount). Bamboo cutting is kept at halt between 15th June to 15 October i.e. in the rainy season. The main aim behind this is that, in this period new flora and fauna emerges and they must be preserved and conserved. The bamboo is collected in the warehouse and then it is auctioned. The customers purchasing bamboos have to deposit Rs. 1000/- to the Gram Sabha for auction Process. A person who purchases bamboo in an auction need to pay 25% amount within 7 days to the Gram Sabha. Rest 75% amount has to be paid within a month. If the said person is unable to pay within one month, the Gram Sabha levies 18% interest charges (per annum). The Gram Sabha earned Rs. 30,00,000/- (Thirty Lacs) Income in the year 2013-14, out of which Rs. 12,36,709/- were paid as labour charges. In the year 2014-2015 the Gram Sabha generated Rs. 57,61,499/- out of which Rs. 30 Lacs approximately were paid as labour charges. 50% of the remaining amount is expended on protection, preservation, conservation of forest and demarcation of fire lines, water bodies for wild animals, training of youths etc. Remaining 50% is divided into two parts. 25% is expended on village development and rest 25% in infrastructure and sports activities. The Gram Sabha had paid Rs. 1,20,000/- to the Government as TSC and VAT Tax. The Gram Sabha has also appointed a CA and Accountant who are paid by the Gram Sabha. The Gram Sabha audits the accounts regularly. The people of Pachgaon deposits 10% from their income in a bank to clear

their loans taken previously. In the year 2015-16, 86 Gram Sabhas were held in Pachgaon and each and every decision was taken in Gram Sabha.

The Gram Sabha of Pachgaon has created 85 acres of Jungle as *Devrai* i.e. *Devache* Jungle (Jungle of God). From this 85 acres of *Devrai* Jungle, no person is allowed to take any forest resource. If anyone wants to take some forest resources, he has to take Permission of the Gram Sabha. If anyone wants to go in the forest he has to note down the day, date, time and reasons for going into the forests in Gram Sabha register. This is compulsory to all the villagers as well as outsiders. Recently a few incidences of illegal cutting by adjacent villagers were noticed. So the Gram Sabha made a resolution that instead of five (05) persons as usual, all the villagers of Pachgaon above 18 years will supervise the forest from 6.00 a.m. to 12 noon for the protection of forest.

A man- wild Animal conflict is observed in most of the areas. In forest of Pachgaon, there are 3 tigers, 10 to 15 leopards, bisons, wild dogs etc., but until now there hasn't been any man- wild animal conflict.

Before getting the ownership of the forest people of Pachgaon used to pluck Tendu leaves (*diospyros melanoxylon*) from forest and sell them in market. The overall annual income of the villagers from selling Tendu leaves was near about Rs. 5 to 6 Lacs. After getting the ownership of the forest, the Gram Sabha in its official meeting passed a resolution of not plucking the tendu leaves. Since *Bidis* (cigarettes) are made from Tendu leaves and *Bidis* are harmful to human health, secondly because of cutting of Tendu leaves, a Jungle fruit Tembrou (*diospyros blancoi*) is on the verge of extinction and hence bio-diversity is in great danger. So, to preserve the bio-diversity, the decision of non-cutting of Tendu leaves was taken. The Gram Sabha of Pachgaon has registered bio-diversity of forest, according to their survey. There are 102 types of medicinal herbs and plants, 21 types of wild animals, different species of Birds and 13 types of mineral resources in the forest.

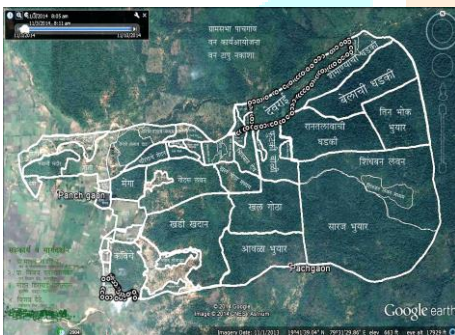
The working plan of the Jungle had been prepared. The forest under ownership has been measured using GPS (Global Positioning system). The educated youths are trained in modern technology. Sports activities are given preferences for healthy life.

Future Plan:- The Gram Sabha has purchased 5½ acres of land by income generated in last few years. The Gram Sabha has planned to construct bamboo houses, gymnasium hall, Library, community hall, office, auction hall and Gram Sabha bhawan in 2 acres and the remaining 3½ acres will be used to establish non-timber forest products units such as bamboo harvesting, Preparation of brooms, flora and fauna materials, and other non-timber forest Products. The Gram Sabha in its official meeting has passed a resolution of non-cutting of timber for sustainable development. The Gram Sabha is planning to establish a centre where it will impart training on manufacturing of non-timber products, the training will include verification, identification, processing, management, marketing and financing.

The Gram Sabha is planning to give pension to persons aged 60 yrs and above, as after this age the person is not able to work as a young person.

Conclusion : The Adivasi villagers and Gram Sabha of Pachgaon after the intervention of *Paryavaran Mitra Santha* got aware of their collective rights. They integratedly strived for the ownership of the forest which they achieved. There was no employment opportunity in their local area, so they have to migrate in urban areas to procure income for their and their family's livelihood. After getting the ownership of the forest, majority of the people had stopped migrating elsewhere as they get employment in their own village. The economic and social condition of the Adivasi families in Pachgaon has improved a lot in last few years. The tribals (Adivasis) considers forest's and nature as their God, so they are striving to protect, preserve and conserve forest's and nature to maintain bio-diversity and ecological balance by their own efforts.

“Where there is a will there is a way, it is proved”



Forest under Pachgaon ownership



Peoples Protecting Forest's



Bamboo's in warehouse



Auction of Bamboo's

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