

Management of Community Forest Resource (CFR) in India

Introduction

This report seeks to document the implementation of the provisions in Forest Rights Act pertaining to the protection and management rights of forest dwelling communities in India. The report is a compilation of cases, mechanisms and practices that communities in different parts/states of India are adopting to govern their community forest. The collection of the information in the report has been done and compiled by Action for Community Organization, Rehabilitation and Development (ACCORD), Gudalur, Tamil Nadu as part of the CEPF-ATREE project. ACCORD has been working for the implementation of forest rights in Gudalur valley since 2009 and has focused more specifically on community forest rights with support from CEPF-ATREE. These cases have been compiled using secondary research and information shared by individuals and groups working on implementation of Forest Rights Act in the country.

Background

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.

Before colonial rule in India, such forest-dwelling communities used to have a degree of sovereignty in management of local forest resources. Many of the colonial laws imposed were aimed at achieving easier administration and control in areas under forest cover. The most significant of these laws was the Indian Forest Act (passed in 1865, 1878 and once again in 1927) which brought forest resources under the direct control of the state. While there has been legal acknowledgement that 'historic injustice' was meted out to forest-dependent people during consolidation of forests as government property, till date the colonial Indian Forest Act continues to be implemented, with a few amendments. (Desor et al, 2013)

The Post-Independence National Forest Policy (1952) and laws like the Wild Life (Protection) Act of 1972 and the Forest (Conservation) Act of 1980 did little to alleviate the situation of social injustice and loss of livelihoods for the forest dependent communities. The regulations further curtailed the local use of forests, thereby further alienating village communities from their age-old relationship with forest, even labelling these communities as “encroachers” or “illegal” users. At the same time, movements led by

forest dependent people against rights deprivation and mis-governance in forested landscapes have also occasionally driven forest tenure reforms to accommodate forest-people relations. The category of village forests in Indian Forest Act, the provisions of community forest governance in the fifth and sixth schedule in the Constitution, the category of 'community reserve' in WLPA, the recognition of Van Panchayats in Uttarakhand as a managing institution and the Chhota Nagpur Tenancy Act (CNTA) are some such examples. (Desor et al, 2013)

Yet, it was only in 2006 that after a history of people's movements for recognition of customary rights of forest dependent people, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act was enacted. This Act, often called a 'watershed legislation' for forest governance in India, is the first to acknowledge that 'the forest dwelling scheduled tribes and other traditional forest dwellers are integral to the very survival and sustainability of the forest ecosystem'. The Act (hereafter referred to as Forest Rights Act or FRA) aspires to undo 'historic injustice' of neglect of their rights by recognizing and vesting the rights to use, manage and conserve forest resources and legally occupying forest lands that they have been residing in and cultivating. (Desor et al, 2013)

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 community forest resource (CFR) 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 from forests for the purpose of conservation, the Preamble clearly recognizes that forest dwelling communities 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 provisions of section 3(1)(i) and section 5 of the Act together with Rule 4(1)(e) entrust the Gram Sabha with the rights and responsibility for sustainable use, for conservation of biodiversity and wildlife, ensuring that internal and external factors do not destroy their community forests and for maintenance of ecological balance. This is recognition of the fact that the forest dwellers are integral to the very survival and sustainability of the forest ecosystems. Thus these provisions together strengthen the conservation regime while ensuring livelihood and food security for the concerned community.

Chapter 1 Sec 1(a) of the Act defines “community forest resource” as, “customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access.”

Sec 3(1)(i) provides the “right to protect, regenerate, conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use”.

Section 5 of FRA empowers the holders of forest rights, Gram Sabhas and village level institutions to protect the wildlife, forest and biodiversity and to regulate access to community forest resources and stop any activity that may adversely affect the same. The Gram Sabha is also empowered to ensure that the ecologically sensitive areas are adequately protected and the habitats of forest dwelling communities are preserved from any form of destructive practices that may affect their cultural and natural heritage.

Rule 4(1)(e) under the Act states that communities which claim rights under the Act have a right to “constitute Committees for the protection of wildlife, forest and biodiversity, from amongst its members, in order to carry out the provisions of section 5 of the Act”.

The CFR provisions are crucial for changing the manner in which forests have been viewed and governed thus far. CFRs have a potential to change the top-down centralized style of governance of forests to enable greater decentralization and site-specificity, and for providing collective livelihood security to communities and ensuring biodiversity conservation simultaneously.

Implementation of CFR provisions and Post CFR governance

Based on our secondary research and information collected, we have learnt that the implementation of CFR provisions has been a different experience not only for each state, but also for different districts within the same state. In this section, we are presenting selected case studies where the process of CFR management and governance has been initiated. There are numerous cases of CFR governance and management across the country. It is beyond the scope of this document to cover all such cases. Please note that this is not an exhaustive list; rather an indicative one that seeks to compile the varied experiences with CFR management in different states with focus on the scenario post recognition of CFR rights.

Vazhachal, Kerala

The case of Vazhachal Forest Division made headlines in the year 2014 when news of formal recognition of CFR rights arrived. The information provided for Vazhachal has been kindly shared by Dr.Amitha Bachan from the Hornbill Foundation.

The process of filing and submission of claims in Vazhachal was facilitated by Hornbill Foundation and WWF-India. Recognizing the powers and responsibilities of the Gram Sabhas under the Act and with greater clarity on the CFR application and post CFR governance process following the Amendment of Rules in 2012, Hornbill Foundation ensured that the relevant sections in the Act and its rules were complied with in letter and spirit of the Act.

The Gram Sabha is the statutory authority as defined by the FRA 2006. According to the Rule 4(1)(e), the Gram Sabhas are supposed to “constitute committees for the protection of wildlife, forest and biodiversity, from amongst its members, in order to carry out the provisions of section 5 of the Act”. Also rule (4)1(f) indicates development of a management plan for the purpose and linking it with microplans and management plans of the forest department. Rule (4)(1)(g) empowers the Gram Sabha for the modifications, if any, in these community based management plans, issuing of transit permits etc.

Hornbill Foundation started with focusing on one Gram Sabha, Malakkpara Gram Sabha comprising of the Kadar community, in Vazhachal, where they facilitated the process following all the required steps as stated in the Act for post CFR governance. The Malakkpara Grama Sabha designated CFR management committee on 2nd January 2014, the first of its kind in the state. The committee started functioning as an official body under FRA and has been working in synergy with other institutions and government departments in the area. Some of the initiatives and achievements of Malakkappara GS are listed below:

i) Developed a bylaw for the functioning of the committee based on FRA, Rules and related Govt orders and designated functionaries from the Forest Rights Committee (FRC) members to act as President, Secretary, Joint Secretaries and Treasurer.

ii. Developed letter head, seals for office bearers

iii. Started functioning as official body under FRA, keeping minutes book, regular meetings with prior public notice and intimation to officials

iv. Gram Sabha opened an account in the State Bank of India, Chalakkudy.

v. Elected 15 member CFR management committee (CFRmC) on 2nd February 2014 including members from Van Suraksha Samiti (VSS), FRC members, NTFP collectors and elders with a valid resolution, a copy of which was sent to the Sub Divisional Level Committee (SDLC) and District Level Committee (DLC). This has been accepted by DLC and two similar CFRmCs were subsequently elected in the Vazhachal Gram Sabha and Anakkayam Gram Sabha later with support from Forest Department & Tribal Department using Malakkapara Gram Sabha as a model.

vi. Malakkapara Gram Sabha is recognized as the legal body to deal with MFP, land and agro products It has signed MoU with tribal cooperative society facilitated by District Collectorate and Hornbill Foundation for the management of coffee and other agri products in the area on January 2015. This was the first case where the GS and CFRmC established MoU with Govt. bodies for the CFR management.

vii. The ST department and District Collectorate sanctioned training programme on Bamboo based traditional craft and modern furniture and eco product manufacturing unit and training to 13 Gram Sabhas in the Athirapilly Panchayath coordinated by Malakkapara GS with the support of Hornbill Foundation. The project envisages collection, value addition, sale and preparation of plan for sustainable harvest, conservation of bamboo and reeds contributing to the CFR management plan.

x. The Malakkappara Gram Sabha developed a framework for the CFR management plan incorporating sustainable use, value addition, sale and conservation of their Agriculture land, Bamboo and reeds collection, other MPFs, fish, firewood, etc. It also includes identification and prioritization of species, ecosystems and areas for conservation, long-term monitoring, protection and eco-restoration. Finance management by GS and benefit sharing among the members are also important component. All these important aspects were brought under draft CFR management plan and discussed among the members, prioritized and listed. A basic protocol for each has been developed and being tested this year. A time frame of six months from the March 2015 was decided for the finalization of the final CFR management Plan.

BRT Wildlife Sanctuary, Karnataka

The information for BRT Wildlife Sanctuary has been shared by members from the ATREE team and also collected from the **Community Forest Rights under Forest Rights Act: Citizen Report 2013**. BRT Wildlife Sanctuary was the first case where community forest rights had been recognized inside a Protected Area. This was also one of the first cases where the protection and management rights of communities provided under Section 3(1)(i) of the Act were formally recognized.

In October, 2011, CFR titles were issued to 25 Gram Sabhas formed by 35 *podus* (settlements) inside BRT wildlife sanctuary. Conditions under which rights are recognised, as mentioned on the CFR title, are:

1. Rights holders must protect wildlife, forest and biodiversity.
2. Recognised traditional rights exclude the right to hunting and trapping.
3. The Gram Sabha should regulate the use of forest resources and ensure that there are no adverse effects on wildlife, forest and biodiversity.

After the CFR title deeds were issued, a community based tiger conservation plan workshop was organized with the collaboration of Zilla Budakattu Girijana Abhivrudhi Sangah, Ashoka Trust for Research in Ecology and the Environment (ATREE), Vivekananda Girijana Kalyana Kendra (VGKK), Kalpavriksha and Taluk Soliga Abhivriudhi Sangas. The workshop was attended by 230 members from the community, NGOs, forest researchers, social activists, NTCA members, research institutions like ATREE, NCF. The discussion mainly focused on using scientific research and local traditional knowledge to assess the following three aspects towards the protection the biodiversity and livelihood security:

- 1) Conservation (Problems of forest and solution)

2) Livelihood of Soliga community

3) Governance and management

An action plan was prepared at the end of the workshop. Here are some highlights from the action plan:

1) Lantana was identified as a major threat to the forest; the primary cause for the reduction in food for wildlife. In the first phase, lantana was planned to be removed from grassland forest and *boli* land. Forest department would sow the seeds of variety of indigenous trees in place of lantana after making necessary financial arrangements.

2) A parasite called *Uppilu* is causing the reduction in the yield of gooseberry, which is an important forest produce for the Soliga community. The Soligas identified the need to remove Uppilu on gooseberry and other trees.

3) The Soligas also discussed the necessity to revive their traditional system of putting litter fire, also called *taragu biki* on a small scale in the forest. In the past, these small scale fires were helpful for the growth of fodder and animals were getting enough fodder. But since 40 years, there has been no small scale or litter fire in the forest. This was also cited as one of the reasons for the increase in lantana in the forest. However, forest conditions have changed and the consensus was that before putting dried leaf fire, lantana in the forest will need to be removed completely.

4) Among other conservation and protection measures, the Soliga community would support the Forest department in identifying poachers and hunters, in regulating the use of plastic inside the sanctuary from tourists, and in digging ponds in suitable locations inside the forest to provide water for birds and other wildlife which have been the victims of water scarcity in the area.

5) In terms of livelihood, the Soliga community focused on collection and marketing of Non Timber Forest Produce (NTFP) directly by inviting tenders and use the income thus generated for the development of the Soliga community. Value addition of important NTFPs like bamboo to make and sell bamboo products, and also using lantana for making furniture was put in the plan.

6) Through the action plan, the Soliga community asked the government to take back the leased forest land given to coffee planters and return it to them as it is their traditional land.

7) Initiatives like constructing check dams to check the flow of water and provide for fishing in the forest ponds, employing Soliga youth in forest related activities like construction, tourism, fire watching, etc were also included in the plan.

8) For governance and management purposes, there would be committees at the Podu (settlement/hamlet), Taluk or Block and District level. The rules for the functioning of these committees and their roles and responsibilities were also formulated at the workshop.

i) Podu level forest management committee: Each Podu level management committee would comprise of a total of 21 members of which there would be 10 female and 11 male members. One president and one secretary would be selected from among the 21 members. Office bearers of the committee would be elected and changed each year. In cases where an office bearer was doing some good work towards forest protection and management, they would be continued based on the decision of the committee.

ii) Block level forest management committee: The presidents and secretaries of all the Podu level forest management committee would be the members of Block (Taluk) level forest management committee. One president and secretary would be selected among them. The Range Forest Officer, CEO of the Taluk panchayat, (CEO, TP), one person from block level Soliga development organization and Scheduled Tribe development organizations working with Soliga people would also be members of this Block level forest management committee. One person each from VGKK and ATREE would also a member of block level forest management committee.

iii) District Level forest management committee: Six Soliga people from 3 blocks (Taluks), district forest conservative officer, deputy forest conservative officer, the district commissioner, one ecology scientist, one person each from VGKK and ATREE would be members of district level forest management committee.

These committees would meet once every month to discuss the progress with the implementation of the action plan, identify hurdles and discuss the way forward.

As a follow up to this, a one-day workshop on Community-based conservation was held in August 2012 at VGKK, B.R.Hills. The workshop was organized by ZBGAS and supported by ATREE and VGKK. Around 200 Soligas, members of civil society groups and a Range Officer from the Forest Department attended. The follow-up actions decided upon during the meeting were:

1. The Biligiri Community-based Tiger conservation plan will be implemented after the remaining Gram Sabhas of BRT have received CFRs, as Soligas felt that only after all BRT podus received CFR would it be able to implement the plan. 2. A one-day meeting on the Biligiri Community-based Tiger conservation plan will be organized at the District level, and the Deputy Commissioner, Conservator of Forests, and the director, BRT Tiger Reserve and officials of the Tribal Welfare Department and other officials will be invited for this meeting, along with Soliga representatives from the 61 podus.

3. The Biligiri Community-based Tiger conservation plan will be submitted to MP and MLAs of Chamarajanagar district to ensure policy change. 4. Periodic meetings on issues of FRA implementation with the President and Secretary of the DLC and corresponding office bearers of the SDLCs . 5. Podus that have received forest rights have also received funds for basic facilities like that for drinking water, roads, community hall, etc. from the Tribal Directorate, Bengaluru.

The process of exercising the right to protect, manage, conserve and regenerate forest resources is moving slowly through plans and group-meetings as elaborated above. The major focus in the post-recognition scenario has been on NTFP rights because of its more apparent and immediate connection with livelihoods. At the same time, Soligas continue to exercise their rights of forest access for worshipping and grazing.

Gadchirolli, Maharashtra

The information for Gadchirolli has been shared by members of the NGO, Vrikshamirta which works in Chandrapur and Gadchirolli districts of Maharashtra.

For those working on Forest Rights Act in the country, the village of Mendha Lekha in the Gadchirolli district of Maharashtra is a familiar and inspiring name. Movements towards tribal self-rule started much before FRA in many villages including Mendha, which today stands as a model of self-rule and self-reliance in the country.

Mendha-Lekha was arguably the first village to receive CFR titles in the country. This village had constituted Gram Sabha as early 1985 after a prolonged and determined resistance to a government proposed hydroelectric project in their area. Efforts towards forest protection started in 1987 through various discussions in the Gram Sabha. Van Suraksha committee (Forest Protection Committee) was formulated for penalising those who didn't adhere to the rules. The important decisions include:

i) All domestic requirements of the village would be met from the surrounding forests without paying any fee to the government or bribes to the local staff.

ii) Approval of a set of rules for sustainable extraction.

iii) No outsider, including governmental, would be allowed to carry out any forest use activities without the permission of the Gram Sabha. If someone was caught doing so, the material would be seized by the village and the offender would have to accept any punishment decided by the village.

iv) No commercial exploitation of the forests, except for minor forest produce that has traditionally been collected.

v) The villagers would regularly patrol the forest.

vi) The villagers would regulate the amount of resources they could extract and the times during which they could extract resources from the forests.

Through Joint Forest Management (JFM), the tribals got involved with the forest department in 1990s and 2000s in protecting and using the forest. But they were disgruntled and disillusioned by the fact that despite their full hearted participation for over 15 years, the state had shown no signs of sharing the 50% profits with them as specified in the rules of the JFM committees. The enactment of the FRA provided a new legal opportunity to the village to claim the forests without having to depend on the government machinery to fulfil their promises.

Mendha Lekha developed formal maps of their traditional resource use area and filed their CFR claim. In July 2008, the village arguably became the first village in the state (if not in the country) to claim the 1800ha area as community forest under the FRA 2006. Around April 2010, the Gram Sabha approached the Forest Department for transit passes to allow them to cart bamboo out of the forest. After struggling for almost a year to get transit passes, the village community decided to stage a protest by organizing bamboo sale in the village. This struggle led to the formulation of the rule 2(d) in the Amended Rules of the Act which authorizes Gram Sabhas to issue transit permits for transporting MFPS to the market. Mendha emerges as a village which has taken a lead in initiating the process of filing the claims, following up. Post recognition of rights, they have continued to fight for the real benefits of the rights by clarifying issues for future implementation of the Act and to the benefits of thousands of village communities across the country. They have also put in place many systems for sustainable harvest and sale of bamboo from their forest and use of resources thus generated for livelihood development and forest governance and conservation.

Mendha has developed a detailed plan of action for CFR management and protection with the help of a number of experts including Prof. Madhav Gadgil from within and outside their village. The Gram Sabha has prepared their own management rules for the CFR area. In addition, they have identified and mapped various ecological habitats within the boundary. They have also carried out stock mapping of important plant species including bamboo as part of their monitoring plan. In addition, the community has set aside 10% of CFR area i.e. nearly 180 Ha as 'Nature Reserve' called "*Pengeda*" (Forest of God) where no human intervention will be done. Boundary of the Pengeda has been marked. To ascertain full CFR rights and to demonstrate capacity to manage the resource, the community felt the need to prepare their own 'Forest Working Plan'. The process of preparation of the working plan has already started. This Forest Working Plan is within the framework of National Working Plan Code 2012 or NWPC12, which is an improved version of National Working Plan Draft prepared by Forest Research Institute, Deharadun in 2012.

Baiga Chak, Madhya Pradesh

The information in this section has been collected from ***Community Forest Rights under Forest Rights Act: Citizen Report 2013.***

Baiga Chak or Baiga Reserve refers to the area that was set aside in Madhya Pradesh for Baigas where their traditional method of shifting cultivation was allowed to continue by the colonial administration, but with certain restrictions. It falls in the Dindori district of Madhya Pradesh. According to the Baigas, there has been significant loss of biodiversity since the 1970s and the forests have turned from mixed forests into monocultures of sal trees. In particular, there has been a significant reduction in vines like the *mahul bel* in the forest leading to drying up of water sources and also loss of medicinal plants. The practice of coupe felling by the forest department is a contentious issue in the area. Coupe felling is an exercise of timber felling by the Forest Department with the argument that it encourages re-growth, keeps a check on sal borer epidemic and converts 'inferior' forests into more 'valuable' forests. Villagers challenge the methods used by forest department in coupe felling while forest department justifies it as a scientific method.

One of the first incidences of opposition to coupe felling began in 2004 where the forest dwelling communities who had been protecting the forest protested that the trees marked for felling were ten times the trees which were supposed to be cut as per Forest Department's working plan. Since then many villages have been opposing the forest department operations and there have been many

attempts at meetings of the department with Gram Sabhas for reconciliation, but in general the conflicts and occasional face-offs on the issue continue.

CFRs are of particular significance to the community as an assertion against Forest Department's operations of coupe felling in the area. CFR title deeds were issued to villages in Baiga Chak in the year 2011. There were major flaws with the title deeds, among which the most important are that they were issued in the name of Van Suraksha Samiti, where Forest officials have membership and not in the name of Gram Sabhas as required in the Act. Also, the title deeds did not mention the right under Section 3(1)(i) of the Act. In many cases, the title extends to a much smaller area than was claimed by the village, the claims having been according to customary or traditional boundaries as provided for by the FRA. Appeals have been filed with the Sub District Magistrate, District Collector and the State Tribal Welfare Officer raising these issues. Their response is awaited.

This has not deterred the spirit of the Baiga community in asserting and exercising their protection and management rights. Coupe felling opposition has also been strengthened with many villages having passed numerous Gram Sabha resolutions against such felling. Pondi is one of the villages in Baiga Chak. In a recent incident of clash between the Forest Department administration and the right holders, when coupe felling started in village Pondi in December 2011, villagers confiscated the load of timber being cut. Forest Department filed an FIR against the villagers but police, on investigation, and being told about FRA, dismissed the case. After that there was a negotiation with FD in March 2012 where they signed on the Gram Sabha register saying that they would stop all operations and not engage in any further felling without permission of Gram Sabha. Yet, it restarted in October 2012, at which time there were again village protests and confiscation of implements by the villagers. In November 2012, Gram Sabha passed a resolution that no coupe felling will be allowed in the Community Forest Resource area of Pondi. Now villagers in Pondi claim that forest protection has caused the streams in the surrounding area of forest to become perennial in their flow again.

Although no formal Forest Protection Committees have been made, many villages through their Gram Sabhas are taking decisions to protect forests. Some of the villages have imposed rules for their own villages for forest protection. These include:

- Protection from fire
- No young bushes should be cut. Fine to be imposed on cutting of green trees.

- People need to stick to their customary boundaries for collection, grazing based on mutual understanding between neighbouring villages. Fine to neighbouring villagers who violate this. Fine to people from same village who flout rules.
- Ban on collecting unripe fruits.
- Ban on grazing in one plot to increase forest produce. These include sacred patches.
- Imposition of strict rules in some stretches of the forest resource area such as collection of only dried wood for 3 years.
- Patrolling (*paaribandhi*) for preventing exploitation of forest.

In addition, there has been some planting of locally used plant species such as bamboo in areas where CFRs had been claimed and that had been denuded of trees. Additionally, the Jungle Adhyayan Mandal, an initiative of the local organization, NIWCYD, is involving local youth in documenting the biodiversity of the area and in encouraging villages to be more sensitive towards forest conservation.

Mayurbhanj, Odisha

The information in this section has been collected from ***Community Forest Rights under Forest Rights Act: Citizen Report 2013***.

Odisha has its own identity for self-initiated Community Forest Management (CFM) where villages or groups of villages protect and manage forests according to their own sets of rules and regulation but without any legal recognition. CFR recognition as per FRA has the potential of paving the way for legal recognition of existing CFM practices and promoting good practices of CFM in other areas.

In January 2012, the forest department started construction activities for the project in the sal tree forest for an eco-tourism project. Under the project, the forest department planned to fence off the whole forest with only one gate for entry, enlarge existing ponds for boating, build a 3-km-long jogging track inside the forest, create sitting and dining places, build staff quarters, a watch tower and overhead tank for water supply, convert part of forests into lawns, panchakarma centre and a deer park.

The forest area in which the project was proposed had been claimed as Community Forest Resource by 4 villages in the district of Mayurbhanj. Approximately 200 families critically depend on the forest for their livelihoods and have been engaged in community forest protection initiatives since 1985. The four villages felt that the project will adversely affect the existing community forest rights of the villagers. They decided to assert their CFR rights to challenge the FD's authority over their CFR. Since then, they

have organized strong protests against the project in different forms asserting their authority under Section 5 of the FRA and have succeeded in stopping the project.

Others

In addition to the cases mentioned above, there are many other ways in which the potential of CFR is being recognized in different states. In the Thane district of Maharashtra, villagers are fighting against illegal construction of Kalu dam (being constructed to provide water to Navi Mumbai), with the help of Shramik Mukti Sanghathan, the local NGO. The dam was being constructed without completing the processes under FRA. Many affected villages have filed CFR claims thus asserting their community rights.

In Chilapata forests of West Bengal, the communities have taken a different stand. They have constituted Gram Sabhas but not filed CFR claims. What the Gram Sabhas have instead done is to constitute Section 5 committees for the protection of forest. The Gram Sabhas have passed resolutions for the protection of the forest, wherein any activity in the forest cannot be initiated without the Gram Sabha's permission. They have infact started exercising their conservation and protection rights by opposing the annual harvest of timber by the Forest Department. Such continued efforts to assert their rights has intensified conflicts between the Forest Department and the forest dependent communities. Infact, false charges were slapped against a few leading activists protesting the tree felling, but the Court has, in its bail order, argued that Gram Sabha members, being protected under Section 10 of FRA, should be treated as public servants, rather than as forest offenders.

Conclusion

As seen in the cases above, there is no one way in which CFR rights are being asserted by forest dwelling communities. Ranging from NTFP governance to stalling eco-tourism projects, from limiting coupe felling operations to opposing environmentally destructive development projects like mining, the experience of CFR governance has been varied and inspiring. While some have taken the route of preparing formal conservation and management plans, others have adopted more informal methods of exercising protection and management rights.

CFR is a powerful tool for assertion of rights for forest dwelling communities to be a part of the decision making process relating to their forests. The 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. Having said that, there is reason for hope of a decentralized system of community based forest governance.