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New Study: Tribals and Forest Dwelling Communities Have Rights over Half of India's Forests, Empowering Millions and Opening Door to Largest Land Reform in Country's History

Realizing full potential of Forest Rights Act will transform land ownership, forest governance, and rural livelihoods for tens of millions of forest-dwellers on at least 40 million hectares of land

NEW DELHI, INDIA (22 July 2015)—A new study has revealed that India's 2006 Forest Rights Act (FRA) has the potential to recognize the rights of approximately **150 million forest dwellers** on at least **40 million hectares** of forested land.

Conducted by Vasundhara, NRMCI India, and the Rights and Resources Initiative (RRI), the study finds that if the FRA is properly implemented, it would initiate the largest ever land reform in India, shifting forest governance from an undemocratic, colonial system to a decentralized, democratic one where Gram Sabhas are decision-makers. Such a process would also conform to the Indian State's constitutional obligations towards its tribal citizens.

Utilizing government data, the study followed a two-step process to assess forest areas that under the FRA are vested with forest-dwelling communities. The study examined the Forest Survey of India and census data to assess forests that are already listed as a land-use category within revenue village boundaries. The second step added customary forest areas of the North Eastern states which were not covered by FSI. The study then suggested additional work to assess forest area customarily used by forest-dwellers outside of revenue village boundaries and thus eligible under the FRA.

Through this process the study found that at least 170,000 villages – one fourth of the villages in the country – have vested CFR rights based on forest land within their revenue village boundaries. Due to a lack of data, the estimate does not include forest area customarily used by forest-dwellers outside of revenue village boundaries.

Other findings from the report indicate:

- The districts with the largest potential for CFR recognition overlap with the country's tribal population and poorest areas. These are also the districts with the maximum number of land-based conflicts.
- The total forest area over which CFR rights have been recognized so far is less than 500,000 hectares, implying that barely 1.2 percent of the CFR rights potential in the country has been recognized.
- CFR rights recognition is already leading to dramatic examples of major livelihood improvements in certain regions where FRA implementation is underway.

The study comes shortly after Prime Minister Modi's directive to the Ministry of Tribal Affairs (MoTA) to implement the FRA within two months. But while the Prime Minister's directive is a welcome move, it does not fully take into account ground realities inhibiting the FRA's implementation.

"Claim making and recognition of CFR rights under the FRA is a time-consuming process," said Tushar Dash, a researcher at Vasundhara and one of the study's authors. "It involves a democratic process of determination, delineation, and mapping of these rights, and preparation of claims by Gram Sabhas and Forest Rights Committees. Given the intensive and participatory nature of the process, the given timeline is unrealistic."

The FRA implementation process has been slow with state governments largely emphasizing individual claims while ignoring collective rights, including CFR rights. No concurrent campaign to spread awareness about this historic law has been undertaken by any States. To date, most of the 3.13 million hectares of land where rights have been recognized under the FRA is held individually. Furthermore, the study highlights that a lingering impediment to effective implementation has been the reluctance of the existing forestry bureaucracy to relinquish control.

“For land rights to be granted to India’s tribal citizens, the government first needs to deal with the forest bureaucracy’s stronghold on power,” said Arvind Khare, Executive Director at RRI. “This historical transformation can’t be achieved if there is still little understanding of the Act’s potential and implications in government agencies.”

In light of these findings, the study puts forth the following **recommendations**:

- The Government of India, specifically MoTA, needs to take immediate and definitive action to ensure the full, proper, and effective implementation of the FRA, including CFR rights recognition.
- The initial list and data of the 170,000 villages with forest lands within their village boundaries cited in this study should be made available to state and district administrations to facilitate effective FRA implementation and CFR rights recognition.
- A massive awareness campaign should be initiated to ensure that identified Gram Sabhas are aware of the FRA, specially its CFR provisions; and to create capacities at the district level to undertake CFR rights recognition.
- The Prime Minister’s Office and Chief Ministers should ensure that all current state orders and procedures which violate FRA provisions are withdrawn immediately.
- Civil society organizations that have mapped customary forest areas outside of revenue village boundaries are a significant source which can be used to train district functionaries in mapping in districts and identifying customary forests eligible for CFR claims.

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Rights and Resources Initiative (RRI)

RRI is a global coalition of 14 Partners and over 150 international, regional and community organizations advancing forest tenure, policy and market reforms. RRI leverages the strategic collaboration and investment of its Partners and Collaborators around the world by working together on research, advocacy, and convening strategic actors to catalyze change on the ground. RRI is coordinated by the Rights and Resources Group, a non-profit organization based in Washington, DC. For more information, see www.rightsandresources.org.