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## Role of community forest right in Chhattisgarh with special reference to Bastar district

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### Abstract

The Forest Rights Act, 2006, gives Gram Sabhas the right to protect, regenerate or conserve or manage any forest resources used by the entire community, or village which they have been traditionally protecting and conserving for sustainable use. The study was carried out in 5 villages of Bastar in 4 blocks namely Bastar, Darbha, Tokapal and Jagdalpur in Chhattisgarh. The total population of Bastar more than 70 percent are tribal people like Gond Tribe, Maria, Muria, Dhruva, Koya, Dhruv, Uraon, Pardhan, Bhatra, Halba Tribe, etc. Chhattisgarh is the second state after Odisha which has given CFRR title inside the national park which is in Bastar district. 3516 CFR titles have been given in Chhattisgarh, whose total area is 1463739.928 ha. In Bastar district 193 CFR titles have been given. Whose total area is 41901.810 ha. The maximum 51 titles in the district have been claimed in Jagdalpur block, and the lowest 12 titles Bastanar block claims. In current study problems faced by tribes were Lack of information, Lack of mutual consent of the villagers, Border dispute, Upper class opposition, long process, Border village disagreement, Political reasons and Overlapping claims.

**Keywords:** Community forest right, gram sabha, bastar, tribes

### Introduction

The Forest Rights Act (FRA), 2006 recognizes the rights of the forest dwelling tribal communities and other traditional forest dwellers to forest resources, on which these communities were dependent for a variety of needs, including livelihood, habitation and other socio-cultural needs. The forest management policies, including the Acts, Rules and Forest Policies of Participatory Forest Management policies in both colonial and post-colonial India, did not, till the enactment of this Act, recognize the symbiotic relationship of the Schedule Tribes with the forests, reflected in their dependence on the forest as well as in their traditional wisdom regarding conservation of the forests. National Forest Policy of 1988 marked a drastic departure from the earlier stand of strict conservation. For the first time, the needs of rural and tribal people were taken into contemplation and their rights were recognized. NFP, 1988 aimed to ensure environmental stability and ecological balance between all life-forms depending upon the carrying capacity of forests. The Ministry of Environment and Forests had made a framework to execute the necessary provisions for improving the life of these peoples. According to Section 2(a) of the Forest Rights Act, Community Forest Resource is the customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the 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. With the recognition of the rights, the Gram Sabha can have a say on access allowed in the forest that falls within their traditional boundaries. This empowers the Gram Sabha to protect the wild life, forest and biodiversity and ensure that adjoining catchments areas, water sources and other ecological sensitive areas are adequately protected. Forest dwellers and communities dependent on the forest for livelihood and survival are the natural caretakers of the forest. This also preserves the symbiotic relationship between tribal and forests and hands over the community grazing and harvesting rights in the nearby forest. Therefore, the present study entitled "Role of Community Forest Right in Chhattisgarh with Special Reference to Bastar District" with the specific objectives of to study the different procedure of FRA, 2006 with respect to Bastar District, to assess the major problems faced by Tribals in study area with execution of FRA, 2006 and to study the current status of FRA, 2006 in India with context to Bastar District of Chhattisgarh.

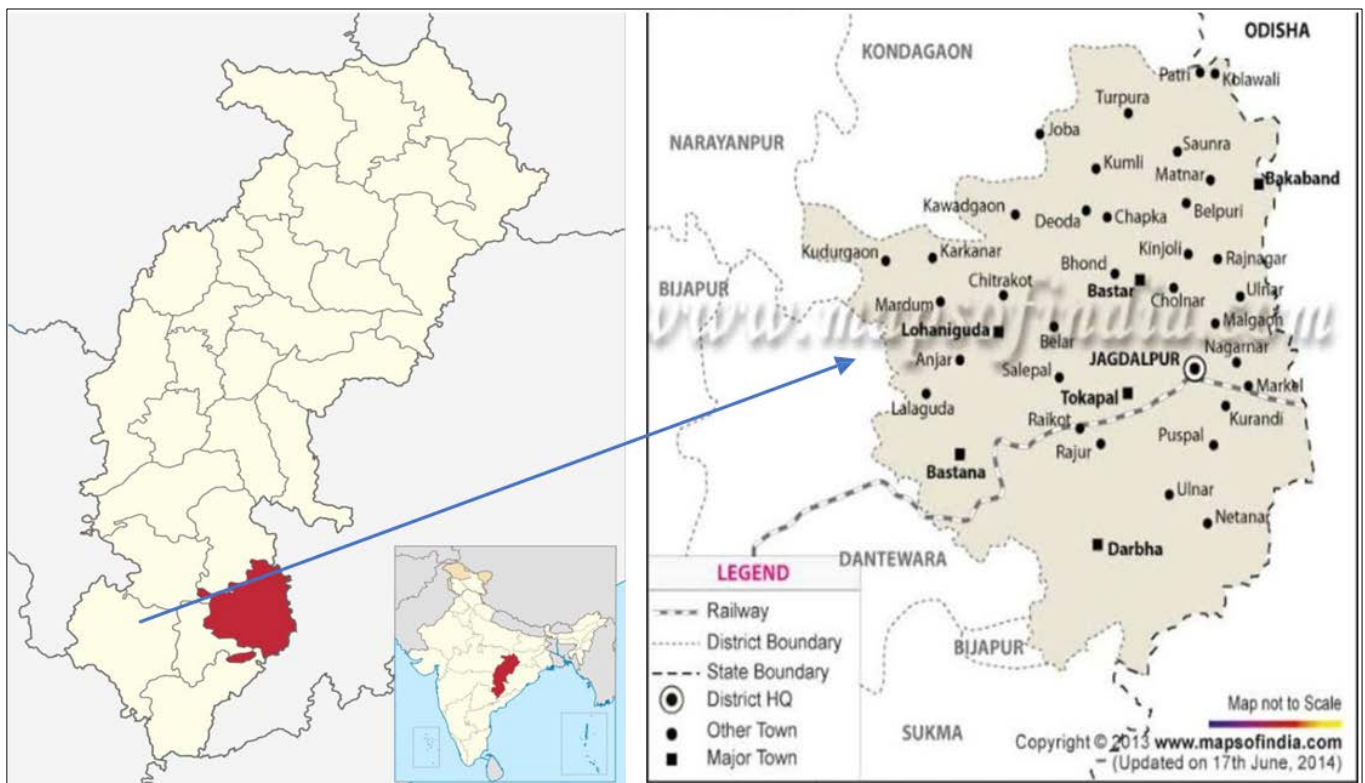
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## Materials and Methods

The present dissertation work was carried out in 5 villages of Bastar in 4 blocks namely Bastar, Darbha, Tokapal and Jagdalpur in Chhattisgarh during 2021-2022. The study deals with the various aspects of “Current status of FRA, 2006 in Bastar District of Chhattisgarh”. Bastar District is a district of the state of Chhattisgarh in central India with Jagdalpur district headquarter. The district has an area of 4029.98 km<sup>2</sup>.

**Method of Data Collection:** The data for the study was generated through interactions with various stakeholders like the government officials responsible for the implementation at the state level including officials of the tribal department, forest department, Revenue department, members of the ATREE, and the tribals. For the first part; secondary data for

the study was collected from different departmental agencies, ministerial data at the Center and the state level, published literature, newspaper articles, government and non-government reports in addition to stake holder interactions. For the second part; a primary questionnaire survey of the tribal households, was conducted during 2021 – 2022. Data regarding the livelihood conditions of the tribals and the improvement in their socio-economic conditions after the implementation of FRA was collected. The parameters selected were, household size and composition, size of land holding, literacy household occupation, income per annum, change in income after FRA and benefit schemes implemented for the livelihood improvement of the households and the schemes availed by the beneficiary households.



Map of Study site

## Result and Discussion

Under this chapter the results of current study has been discussed in 3 parts, in first part we discussed full details of CFR apply procedure and what its requirement, in second part we discussed about problem because the tribal facing so many problems during the CFR apply and it taking so long time and the third part, we discussed what is current status of CFR in Bastar district.

### Process of CFR

- Step 1:** Gram Sabha meeting to initiate claims under FRA
- Step 2:** Preliminary meeting of the Rights Committee to launch the claim
- Step 3:** Preparation and Collection of Claims by the Rights Committee
- Step 4:** Preparation of Claim Verification by the Rights Committee
- Step 5:** Site Testing, Physical Verification of Claims and Map Preparation
- Step 6:** Verification Report and Consolidated map Preparation
- Step 7:** Settlement of Claims by Gram Sabha
- Step 8:**

### Settlement of Claims by SDLC

- Step 8A:** Processing of Petition (Appeals) by Non-Departmental Level Committee
- Step 9:** Redressal of Claims by District Level Committee
- Step 9A:** Action on Petition (Appeal) by District Level Committee
- Step 10:** Updating of Records and Consolidated Fund of Revenue and Forest Department

### Requirement

1. Aimed at undoing the “historic injustice” meted out to forest-dependent communities due to curtailment of their customary rights over forests, the FRA came into force in 2008.
2. It is important as it recognizes the community’s right to use, manage and conserve forest resources, and to legally hold forest land that these communities have used for cultivation and residence.
3. It also underlines the integral role that forest dwellers play in sustainability of forests and in conservation of

biodiversity.

- It is of greater significance inside protected forests like national parks, sanctuaries and tiger reserves as traditional dwellers then become a part of management of the protected forests using their traditional wisdom.

**Major problem in CFR:** During my study period, I was collected the following problems for the implementation of community forest Act in Bastar district of Chhattisgarh:

**Lack of information:** -In many villages, people are still not aware about FRA, because due to lack of information, people do not claim or do not understand their rights properly. This is a major problem in many areas.

**Lack of mutual consent of the villagers:** - In many villages, mutual consent of people is not possible due to their mutual problem, which has an effect in FRA because it is mandatory to have at least 50 percent of the village's population for the resolution to be passed in the Gram Sabha. In less than 50% attendance, the resolution is not passed, due to non-passing of the resolution, the further process is stopped.

**Border dispute:** Traditional boundary is followed in FRA, when a village enters the boundary of another village while demarcating the village, border dispute arises due to which consent letter is not obtained due to non-conformity from neighboring village and dispute starts moving forward due to which the process stops.

**Upper class opposition:** - In many villages, only the rich people of the village start opposing it because they feel that it will lose them control in the village and some rich people do not support it.

**Long process:** - FRA is a long process, the time period of this process is 2 months but it sometimes takes months to years, many months to years have to be waited for submission of claim, it There is a major problem which also has an impact on forest management.

**Border village disagreement:** - While preparing a vision map in the village or demarcating the village, it is necessary to have the prominent people of other villages along the border, but the neighboring villages are often not involved in this process, due to which the process gets stuck or the process is pending.

**Political reasons:** - In many villages, problems also arise due to political influence, people start connecting FRA with elections or other things, people start thinking about their own benefit, not thinking about it in the interest of the village, due to which people's public participation. decreases and people start to retreat.

**Overlapping claims:** - In some cases common forests have been claims by several Villages without coordination, which can lead to disputes. in many areas Resources are shared by many villages. This cannot be resolved at the level of the rules and Act, and needs to be set on at the local level.

#### **Current status of CFR**

**Chhattisgarh:** Chhattisgarh is the second state after Odisha

which has given CFRR title inside the national park which is in Bastar district. Excellent work is being done on CFRR in Chhattisgarh along with other states. So far 3516 CFRR titles have been given in Chhattisgarh, whose total area is 1463739.928 ha. In Chhattisgarh the highest title has been given in Jashpur district followed by Balrampur district and the lowest CFRR title has been given in Narayanpur district. But area wise maximum area is given in Bijapur district (194602.21 ha) and lowest area is in Narayanpur district.

**Bastar:** Excellent work is being done in Bastar district of Chhattisgarh. So far 193 CFR titles have been given in the district. Whose total area is 41901.810 ha. The maximum 51 titles in the district have been claimed in Jagdalpur block, and the lowest 12 titles Bastanar block claims. In May 2020, the Chhattisgarh government had made the state forest department the nodal agency for Community Forest Resource Rights (CFRR). The decision was reversed in June 2020 after protests. The department has been widely criticized for booking forest dwellers for encroachment and ousting people from the forests. The CFRR empowers the gram sabhas to regulate access to community forest resources and stop any activity that impacts wildlife and forests. The Chhattisgarh government revised its May 28 order making the state forest department the nodal agency of the CFRR (community forest resource rights), which is under the forest Right 2006 after drawing severe criticism from activists and tribal rights organizations. According to studies, the implementation of the CFRR was deliberately brought under the jurisdiction of the Union Ministry of Tribal Affairs (MoTA) to ensure that recognition of tribals' rights wouldn't be affected by resistance from the forest department's bureaucracy. According to a study in 2015, even though the tribal affair ministry is the nodal agency of the CFRR, the forest departments have either appropriated or given effective control over the FRA's recognition process. This has created a situation where the officials controlling the implementation of the law often have the strongest interest in its non-implementation, especially of provisions which challenge the powers of the forest department, it added. The study had also said that at least 40 million hectares of forest lands are eligible for the community forest rights recognition across the country. It had noted that at least 150 million people, including almost 90 million tribals, live in communities which would benefit from the CFRR.

**Role of Gram-Sabha in community forest rights:** The government should have talked to farmers, tribals and community leaders before releasing such an order as the forest department has impacted the tribals severely. Vijendra Aznabi, an activist with the Chhattisgarh Van Adhikaar Manch, a tribal forest-rights network alliance, stated that providing the CFRR to tribals was one of the electoral promises made by the Indian National Congress in 2018 before coming to power in the state and they implemented it but giving rights of the forest resources entirely to the community is a complex question for the ruling government. He stressed that the state government doesn't identify gram sabhas as an actual stakeholder in the CFRR. "The real fight is of the management of forests which should be in the hands of the gram Sabha because the villagers are the real force behind the conservation of forests and everyone knows that the forest department has done more damage to the forests instead of conserving it," he said. The Forest Rights Act, 2006

is a historic Act that turned a corner in recognizing the rights of Adivasis and other forest dependent communities in managing and conserving forest resources. However, its implementation has been anything but satisfactory. According to a 2019 TISS report on FRA implementation, in the last 10 years since the FRA rules were framed, only 15.29% of the potential forest area (both individual and community forest rights) have been recognized nationally till November 2018. On 9 Aug 2020, the Chhattisgarh government formally recognized the Community Forest Resource Rights (CFRR) of 54 villages across 10 districts to mark the occasion of World Indigenous Day in the state. This also included the first instance in the country where CFRR rights were recognized in a Tiger Reserve (Sitanadi-Udanti TR in Dhamtari) and Individual Forest Rights (IFR) were recognized in a municipality (Jagdarpur). This is a big win for the forest rights alliance in Chhattisgarh that has been fighting for the rights for more than a decade now. What is encouraging is that the state government has promised to continue and speed up the CFRR recognition process in the state, which has more than 4.65 lakhs pending claims including IFR titles. The story of Chhattisgarh is no different, even if it is regarded as one of the best performing states in the country. Although the state claims to have distributed 30,000 of the 35,000 CFR (Community Forest Rights) claims filed, it should be noted that hardly any of these were CFRR rights or management rights, without which the Act is rendered hollow. Jabarra (in Dhamtari district) became the first village in Chhattisgarh to have been awarded CFRR rights as late as in 2019. Since then, it is the biggest occasion where so many CFRR titles were recognized by any state of the country.

### Some benefits of CFR Rights Recognition in study area

**Giving Justice to Forest Communities:** Aimed at undoing the “historic injustice” meted out to forest-dependent communities due to curtailment of their customary rights over forests. It is important as it recognizes the community’s right to use, manage and conserve forest resources, and to legally hold forest land that these communities have used for cultivation and residence.

**Underlines Role of Forest Dwellers:** It also underlines the integral role that forest dwellers play in sustainability of forests and in conservation of biodiversity. It is of greater significance inside protected forests like national parks, sanctuaries and tiger reserve as traditional dwellers then become a part of management of the protected forests using their traditional wisdom.

**Significance of CFR in study area:** Justice reinstated: Aimed at undoing the “historic injustice” meted out to forest-dependent communities due to curtailment of their customary rights over forests, the FRA came into force in 2008. Recognition: It recognizes the community’s right to use, manage and conserve forest resources Legality: it allows the community to legally hold forest land that these communities have used for cultivation and residence. Integral role that forests dwellers: The role they play in sustainability of forests and in conservation of biodiversity. Part of management: It is of greater significance inside protected forests like national parks, sanctuaries and tiger reserves as traditional dwellers then become a part of management of the protected forests using their traditional wisdom.

**Table 1:** Details about Forest Community Act, 2006

<b>The following rights can be claimed under Community Rights</b>	
1.	Nistar
2.	Minor forest produce
3.	Entitlement to use (water resources, fish)
4.	Grazing
5.	Intellectual property, traditional knowledge, access to biodiversity
6.	Any other traditional right
<b>Common Requirements for Community Rights and Community Forest Resource Rights</b>	
1.	ST/Traditional Forest Dwellers List of Claimants
2.	Name of Gram Sabha, Gram Panchayat, Tehsil, Sub-division
3.	List of minor forest produce
4.	Entitlement to use (water resources, fish)
5.	View map of grazing area
6.	List and area of access to resources traditionally used seasonally by pastoral/nomadic communities
7.	List of Intellectual Property, Traditional Knowledge, Biodiversity
8.	List of any other traditional rights
9.	Traditional border view map
10.	Hasra / Compartment number, if known
11.	Consent letter from border villages
12.	Tatement of elders other than claimants
<b>The FRC will use the following evidence to determine CFR/CR claimss</b>	
1.	Nistar, by whatever name it is known (e.g., records of revenue department such as Nista sheets, settlement records and rights records etc.)
2.	Certified as Forest Right by the Forest Department (e.g., Block History, Action Plan, Forest Settlement Report etc.)
3.	Government document or protected forest or formerly classified as Nistar land of Gocharor village Existing reserve forest, Nistar forest etc.
4.	traditional pastures; roots and tubers; Fodder; wild fruits and other minor forest produce; fishing grounds; irrigation system; water sources for human and cattle use; Field of medicinal plants, etc.
5.	Remains of structures built by the local community, sacred trees, devgudi/sacred places, caves and ponds or riverside areas, graveyards or cremation grounds, etc.
6.	Past or present method of traditional farming.
<b>Procedure for settlement of mutual disputes in claims</b>	
<b>Internal disputes within the village</b>	
1.	Identify and list such claims in the FRC in which there are mutual disputes.

2.	This topic will be discussed in the FRC meeting and a strategy will be prepared to solve it at the village level.
3.	If necessary, the FRC will take the help of elderly persons and traditional leadership (Sirha/Barua, Patel, Manjhi, Mukhiya, Bhumka, Gayata, Perma, Vadde etc.) and record their opinion.
4.	During the site test, the FRC can either call all the claimants together and discuss the matter or give separate dates to each claimant as per the convenience.
5.	The vote of each claimant will be recorded by the FRC.
6.	The FRC may ask for more evidence or information during verification or may seek advice from an elderly person or traditional chief.
7.	The FRC shall maintain a record of each procedure adopted to resolve conflicting claims.
8.	If such disputes are not resolved, then that rights committee will present its findings in the Gram Sabha at a later stage.
<b>Disputes between villages due to conflicting claims</b>	
1.	Provide information to the FRC of the conflicting village through information sheet.
2.	The notice letter should specify the purpose, date, place and time of the joint meeting.
3.	If the proposed time or date is not convenient for other villages, then there is a need to establish contact to fix the date, time and place by mutual coordination.
4.	Those elderly persons of that area will be invited who can help to resolve/resolve the issues/dispute at the local level by telling the history of the village.
5.	Try to solve it by discussing the issues in joint meeting.
6.	If the Gram Sabha is not able to resolve the conflicting claims, a brief note regarding the letter issued in relation to the resolution of the matter and the letter issued in that regard and a copy of the action taken statement shall be attached

**Table 2:** Current status of CFR in Chhattisgarh state

S.N.	District	No. of land claims received from forest dwellers	No. of claims approved	No. of titles distributed	Distributed forest land (ha)	Procedural claims
1	Koria	165	165	165	9138.413	0
2	Sarguja	238	238	172	59347.446	0
3	Jashpur	386	386	369	70704.120	17
4	Raigarh	295	295	295	146223.824	0
5	Korba	126	126	126	90518.085	0
6	Janjgir Champa	18	18	18	1816.486	0
7	Bilaspur	34	34	34	7510.222	0
8	Kabirdham	13	13	13	720.123	0
9	Rajnandgaon	86	86	86	21191.600	0
10	Mahasamund	54	54	54	14539.007	0
11	Dhamtari	123	123	123	80063.518	0
12	Kanker	383	383	342	146055.430	41
13	Bastar	193	193	193	41901.810	0
14	Narayanpur	0	0	0	0.000	0
15	Dantewada	77	77	77	32700.409	0
16	Bijapur	297	297	297	194602.210	0
17	Sukma	352	257	257	108612.433	95
18	Kondagaon	160	160	160	138115.642	0
19	Gariaband	115	114	94	53033.605	0
20	Balodabazar	60	60	60	15501.170	0
21	Balrampur	344	344	344	80419.510	0
22	Surajpur	158	158	158	103072.275	0
23	Balod	11	11	11	2665.787	0
24	Mungeli	9	9	9	1568.713	0
25	Gaurela	59	59	59	43717.490	0
	Total	3756	3660	3516	1463739.33	153

**Table 3:** Current status of CFR in Bastar district

S.N.	Block Name	No. of land claims received from forest dwellers	No. of claims approved	No. of titles distributed
1	Bakavand	48	48	48
2	Bastanar	12	12	12
3	Bastar	28	28	28
4	Darbha	17	17	17
5	Jagdapur	51	51	51
6	Lohandiguda	20	20	20
7	Tokapal	17	17	17
	Total	193	193	193

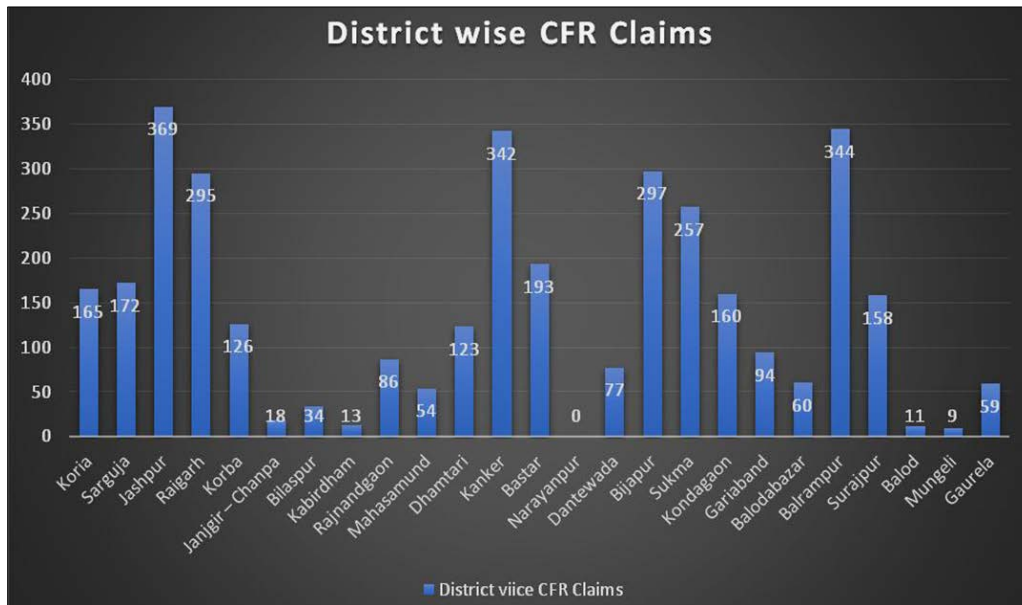


Fig 2: District wise Community Forest Right claims in Chhattisgarh

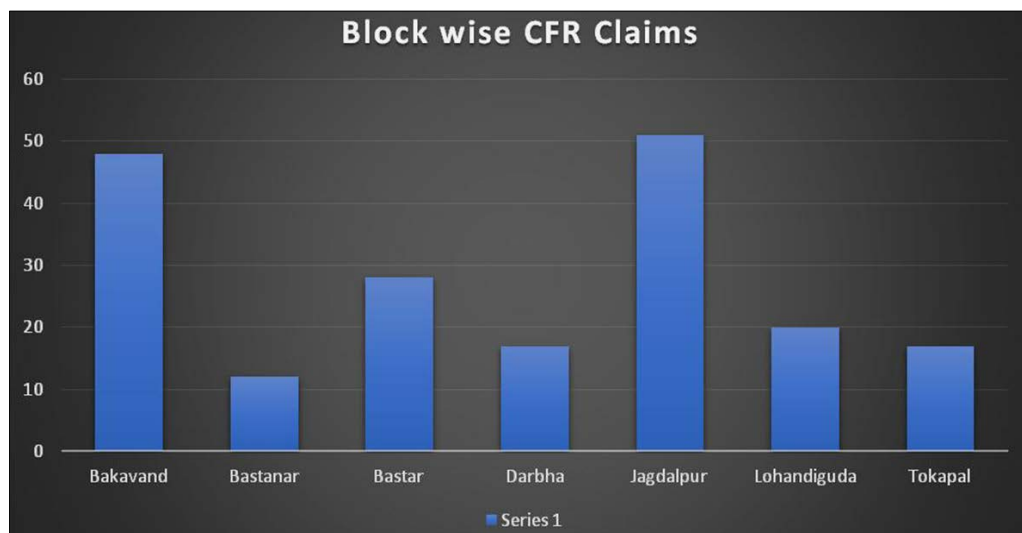


Fig 3: Block wise Community Forest Right claims in Bastar

**Conclusion**

The process of CFRR is completed by various steps and these are - Gram Sabha meeting to initiate claims under FRA, Preliminary meeting of the Rights Committee to launch the claim, Preparation and Collection of Claims by the Rights Committee, Preparation of Claim Verification by the Rights Committee, Site Testing, Physical Verification of Claims and Map Preparation, Verification Report and Consolidated map Preparation, Settlement of Claims by Gram Sabha, Settlement of Claims by SDLC, Redressal of Claims by District Level Committee and Updating of Records and Consolidated Fund of Revenue and Forest Department. In current study problems faced by tribes were Lack of information, Lack of mutual consent of the villagers, Border dispute, Upper class opposition, long process, Border village disagreement, Political reasons and Overlapping claims.

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