Implementation of Community Forest Rights Experiences in the Vidarbha Region of Maharashtra

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The Vidarbha region of Maharashtra presents a unique case in the implementation of community forest rights where much of the region’s potential community forest rights claims have been recognised in the name of gram sabhas under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The key factors like the collective action of gram sabhas, the role of non-governmental organisations, grassroots organisations, and state implementing agencies, and their collaboration in advancing the implementation of community forest rights (CFR) are explained here. There is need to support the upscaling of CFR across India, and to analyse the broader implications for forest resource governance at a national scale.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereafter FRA), recognises and vests two broad types of rights to forest-land with forest-dwelling communities: individual forest rights (IFR) and community forest rights (CFR). While IFR secure an individual the right to hold, self-cultivate, and live in forest-land under individual or common occupation, CFR have the potential to bring about radical changes in forest governance by, inter alia, conferring community forest resource rights and management authority on forest-dwelling communities. Over the last 12 years, a total of 76,154 CFR claims to 88,04,870.81 acres of forestland have been recognised and, in many of the recognised CFR villages, forest dwellers have begun to exercise their rights. This includes harvesting and selling bamboo and kendu leaf (Diospyros melanoxylon), increasing forest protection and reducing destructive practices, managing fires, regenerating degraded patches, and identifying patches that require strict conservation in recognised forest areas. But the Vidarbha region of Maharashtra stands out from the rest of the country, as much of the region’s potential CFR claims and areas fall under the customary and traditional boundary of gram sabhas (village assemblies) under the FRA. Most of the other states are yet to recognise CFR claims, and in the states that do so, the CFR area is less than the potential CFR area of the gram sabha.

The Vidarbha region of Maharashtra constitutes 31.6% of the total geographical area of the state and houses 21.3% of its total population (Government of India 2011). Around 28% of the tribal population of the state lives in this region, which has about 53% of the state’s total forest cover (Ministry of Environment, Forests and Climate Change 2017). This area, with its large tribal population, suffers from inadequate development, poor infrastructure, poverty, unemployment, agrarian crises, and migration from rural areas. Recent attempts to attract investors by providing subsidies and various economic incentives have been unsuccessful as most prefer to invest in Mumbai–Thane–Nashik and Pune (Nagpur Today 2018). Due to the absence of livelihood and employment opportunities, forest dwellers in the Vidarbha region have largely depended on agriculture and forest resources for their subsistence. In such circumstances, the enactment of the FRA has given hope to forest dwellers who have been otherwise alienated from their forestland and deprived of its resources for centuries.

There are four aspects in which the Vidarbha region stands apart from rest of the country in its recognition of CFR. First, the boundaries of community forest areas in most parts of this
region overlaps with the traditional and customary boundary of the gram sabha. Second, more than 1,500 villages in this region have asserted their rights over non-timber forest products (NTFP) by opting out of the traditional NTFP regime of the Maharashtra Forest Department. Third, since recognising CFR, the socio-economic benefits to forest dwellers have increased significantly. The fourth unique aspect of the Vidarbha region is the range of community forest resource management plans facilitated and supported by the Maharashtra Tribal Development Department along with grassroots organisations and non-governmental organisations (NGOs). Thus, it is worth discussing the processes and factors that contributed to the implementation of CFR and its impact on the socio-economic conditions of forest dwellers in the Vidarbha region of Maharashtra.

The analysis in the paper is based on case studies from 14 villages in three districts of the Vidarbha region—Gondia, Gadchiroli, and Chandrapur—and information obtained from gram sabha federation members, facilitating NGOs, and forest rights groups working in other parts of Vidarbha, namely, Nagpur, Amravati, Yavatmal, and Bhandara. Villages were selected based on the following criteria: villages with homogeneous and heterogeneous social groups; existing and potential CFR titles; Panchayats Extension to Scheduled Areas (PESA) and non-PESA; a gram sabha federation or a lack thereof; dense or openly degraded surrounding forest; and NGO intervention or a lack thereof in claiming CFR. Village-level information on the nature of CFR recognition and the process of obtaining it was collected by conducting focus group discussions and interviews with members of the gram sabha, the community forest rights management committee, and intervening NGOs and forest rights activists working to enforce CFR in the Vidarbha region. The impact of the recognition of CFR on the socio-economic conditions of forest dwellers was assessed through a household survey. State- and district-level officers dealing with the implementation of CFR were also interviewed to understand their role and methods of intervention following the recognition of CFR in the studied areas.

The study was carried out in two phases in April–May and September–December 2018. This paper is divided into four sections, including this part on background and methodology. The next section provides a detailed description of CFR implementation in the Vidarbha region. This is followed by an analysis on the key factors that contributed to the effective implementation of CFR in the Vidarbha region and the discussion.

**CFR Recognition in Vidarbha**

The recognition of CFR claims across India has been slow and ineffective. Of the 76,154 recognised claims, Madhya Pradesh, Chhattisgarh, Maharashtra, Odisha, and Gujarat are the top five states in terms of number of recognised CFR titles; together, these titles constitute 87.44% of all recognised CFR claims and 80.10% of recognised CFR areas in the country (Sahoo and Sahu 2019). Without crucial evidence and effective implementing agencies to facilitate the claim process, thousands of gram sabhas across India are yet to claim their CFR or have submitted claims without proper evidence, so that they are either pending or have been rejected at different stages (Tiss 2017).

In several cases where CFR claims have been recognised, the recognised forest area is smaller than the claimed area, which is based on the traditional and customary boundaries of forest-dwelling villages. For example, the recognised CFR claims of several villages, such as Jamguda in Odisha, Chalkkarikala in Jharkhand, Kamepur in Chhattisgarh, and many other villages across India, are not as per the traditional and customary boundary of these villages. The recognised area under CFR is either part of the joint forest management (JFM) area or an area decided on by members of the district-level committee.

Another major concern in the enforcement of CFR across India is that gram sabhas with recognised CFR are not allowed to exercise exclusive ownership rights to NTFP; the nodal agency and district-level line departments do not extend the required technical support to the gram sabhas to protect and conserve the recognised forestland. In contrast, the nature, process, and impact of CFR recognition in the Vidarbha region is unique in many ways. The following section highlights some of the most recent advances in the recognition of CFR claims, and the socio-economic benefits and management of recognised CFR areas in Vidarbha.

**Nature and status of recognition process:** Several facts and field insights from case studies indicate the effectiveness of CFR in Vidarbha. First, those in Vidarbha constitute 92% of all the CFR claims recognised in Maharashtra (of the 7,084 recognised claims in Maharashtra, 6,488 are from Vidarbha). Moreover, the number of pending and rejected claims is relatively lesser compared to other parts of Maharashtra. Also, 73% of the recognised community forest areas in Maharashtra are in this region (of 27,36,660.68 acres of forestland in Maharashtra, 19,85,296.1 acres of forestland are in Vidarbha). While the average recognised CFR forestland in Maharashtra covers 386.31 acres, the average recognised CFR area in the Vidarbha region covers 445.53 acres, which is greater than the national average of 115.62 acres (Sahoo and Sahu 2019). Second, the recognised CFR area in most villages precisely overlaps with the customary and traditional boundary of the village. Villages like Mendha Lekha, Pachgaon, Dhirwintola, Palagao, Serpar, Dhamditola, and many others in the Vidarbha region have the rights to their customary and traditional forest areas as per the Nistar Patrak. Third, the recognition of a CFR claim is not based on the number of households in a village or the JFM areas it protects. For example, Bhimanpayili village in Kurkheda taluka of Gadchiroli has only 12 households and a CFR title for 4,000 acres of land. Also, a total of 1,935 villages in this region populated by other forest dwellers (OTFD) have CFR titles. For example, Shankarpur village in Kurkheda taluka of Gadchiroli became the first OTFD village in the country to receive a CFR title. Another important feature of the CFR process in this region is that a total of 242 claims to 307.74 acres have been recognised for development projects under Section 3.2 of the FRA. For example, the Shankarpur Gram Sabha used around one hectare (ha) of land to set up a transformer for village electrification.

**Harvesting rights to NTFP:** One important provision of the FRA is that all powers related to the use and governance of NTFP...
are transferred from the forest department to gram sabhas. With this regime transformation, gram sabhas have gained control over harvesting NTFP and have obtained the exclusive right to determine what and when to harvest, and where and to whom to sell the NTFP. However, gram sabhas have the option to continue with the traditional NTFP governance, led by the forest department, instead of acting autonomously. While forest departments across India continue to regulate the NTFP access, use, and disposal rights of forest dwellers, more than 1,500 villages in the Vidarbha region have exercised their rights to NTFP, especially kendu leaf and bamboo, in a remarkable way.

Mendha Lekha in the Dhanora taluka of Gadchiroli became the first village in the country to exercise its rights to bamboo under the FRA in August 2009. Drawing inspiration from Mendha Lekha, more than 1,500 villages in the Vidarbha region have opted out of the traditional governance and marketing of NTFP, controlled by the forest department. These villages have taken suo motu initiative and, sometimes, the support of grassroots organisations, to identify contractors and sell NTFP from their villages for better prices. More significant is how gram sabha members assert their rights to NTFP even when their CFR claims are yet to be recognised by the district administration.

Gram sabhas have framed a set of rules to deal with NTFP contractors: (i) payment for collected NTFP is made upfront instead of being delayed for years, as was the case in the earlier arrangement; (ii) upfront payment for the NTFP is used for agricultural activities, because of which dependence on the local landlord for credit has come down drastically; (iii) forest dwellers without bank accounts are paid in cash on the day of the sale and are not required to depend on middlemen to sell outside the gram sabha; (iv) contractors pay insurance coverage in the case of any accident during the collection of NTFP; (v) NTFP collectors are not responsible in the case of any damage to NTFP materials after pickup due to natural calamities like fire or rain, and it is the sole responsibility of the contractor to pack and export NTFP materials from the village to markets; and (vi) the gram sabha will not issue a transit permit pass to a contractor to transport NTFP materials, unless the latter makes the full payment as per the agreement.

According to Ramkumar Madavi of Palasgaon village in Gondia district, gram sabha members in this region believe that the “recognition of [a] CFR claim is only a process and their rights over NTFP have already been recognised under Section 3(1)(c) of [the] FRA. [A] pending claim doesn’t mean rejection or denial of their rights over NTFP.” Indeed, villagers do not wait for the forest department to issue the transit permit book in order to dispose of forest products. For example, the gram sabha of Dhiwrintola village in Gondia district has printed its own transit permit book, as required under the FRA, which enables the contractor to take NTFP materials from the village to the godown or nearby market.

**Emergence of gram sabha federations**: One of the most important outcomes of CFR enforcement in Vidarbha is the emergence of gram sabha federations in this region, facilitated by grassroots organisations and NGOs. Despite the enactment of the FRA and provisions for community rights to NTFP, gram sabhas continued to face hurdles and harassment at the hands of contractors and the forest department (Sahu et al 2017). Realising the power of contractors and the forest department, and the monopoly they have over forestlands and NTFP, several gram sabhas have come together to form gram sabha federations at the taluka level without compromising their autonomy and rights recognised under the FRA.

The idea of gram sabha federations has become popular and has spread to other regions of Maharashtra over the last five years. It did not take long for tribal villages, especially in Fifth Schedule Areas, to come together under one platform because collective action has traditionally been a part of tribal governing structures. In the Korchi taluka of Gadchiroli, 87 villages formed a gram sabha federation in December 2016 to increase their bargaining and negotiation powers vis-à-vis the state and market agencies with regard to the disposal of NTFP. Similar associations of gram sabhas have been formed in Dhanora, Kurkhedha, Bhamragarh, and Etpalli talukas of Gadchiroli; Sadak Arjuni and Deori talukas of Gondia; Ramtek taluka of Nagpur; Dharni and Chikhaldara talukas of Amaravati; and Maregaon and Pandharkawada talukas of Yavatmal. Each gram sabha federation is organised as a multi-tiered network at the taluka level and has provided a platform to thousands of forest dwellers to voice their concerns about the NTFP governance process. These associations, through their executive committees that consist of two representatives from each gram sabha, identify contractors, bargain with them about price and payment, and engage with district administrations to address the hurdles that gram sabhas face.

Along with NGO alliances and grassroots organisations, gram sabha federations have challenged conventional NTFP governance processes and have shown great interest in the introduction of scientific approaches to harvesting NTFP and the sustainable conservation of forest sources. However, gram sabha federations think beyond just NTFP and work towards the overall development and empowerment of communities. Discussions with members of gram sabha federations from Dhamditala in Gondia, Mendha Lekha in Gadchiroli, Pavvihir in Amravati, and Awalgaon in Yavatmal reveal that the gram sabhas in these villages have demanded the integration of line department schemes at the district level with those targeted at forestlands and resources. By bridging forest dwellers’ immediate social and economic needs with line department schemes, gram sabha federations have played a crucial role in shaping the agenda and priorities of local and district administrations. As a result, there have been tangible economic benefits in these villages.

**Socio-economic benefits**: There is a great deal of scepticism in the CFR management literature, especially in developing societies, about the possibilities for equitable decision-making and the sharing of benefits from effective resource management among diverse social groups through community-driven governance processes. This concern stems from the fact that social structures in these societies are riddled with hierarchies,
obtained from gram sabha federations, NGOs, and forest rights groups from this region reveals how exclusive ownership rights to NTFP, especially kendu leaf, has resulted in better economic returns for thousands of forest-dwelling households in this region. People in these villages earned a total of nearly ₹33 crore in 2017–18 from kendu leaf alone (Table 2).

Another socio-economic benefit is that dependence on middlemen for credit has come down drastically as the payment for NTFP like kendu leaf and bamboo is made before 30 June every year, which helps forest dwellers finance their agricultural activities. The household survey administered in the studied areas revealed that migration has reduced and, in some areas, reverse migration has started. For instance, in Pachgaon village in Chandrapur, where migration was rampant, employment opportunities through CFR—such as bamboo harvesting, forest fire line demarcation, and patrolling—have helped to reverse the situation today. Survey results from all the 66 households in Pachgaon and information obtained from focus group discussions revealed that not a single unskilled member from this village migrated to another area in the last three years. The recognition of exclusive rights to bamboo has not only resulted in better economic returns but has also provided work for over 150 workers from the village between October and June every year. The improvement in their economic condition has empowered the landless, marginalised forest dwellers and women to be more assertive in decision-making processes at the gram sabha and panchayat levels (Sahu et al. 2019a).

Sustainable use and protection of forest resources: Several wildlife conservation groups have expressed concerns about forest dwellers’ ability and skill to use and manage the recognised CFR area in a sustainable manner. This concern stems from the fact that CFR holders focus largely on meeting the subsistence needs of rural people for fodder, firewood, and minor forest products but do not adequately attend to the conservation and management of recognised forest areas. Since the enactment of the FRA, some have speculated and opined that the recognition of rights to forestland and resources have led to the disappearance and degradation of forests (Shrivastava 2015; Sahgal 2017; Goenka 2018).

Field insights from the studied areas, however, suggest that there has been an increasing sense of responsibility among forest dwellers to protect, improve, and regenerate their recognised forest resources. In the Vidarbha region, evidence from several villages shows that 12 years since implementing the FRA, the prediction that conservationists made regarding the devastation of forests and wildlife has not materialised. In fact, there is counterfactual evidence that, in many cases, the effective recognition of rights, particularly community rights, has led to much better protection of forests and wildlife. Discussions with community members and forest officers in this region reveal that, in the recognised community forest areas, forest regeneration has increased and forest fires have reduced; in the earlier forest governance arrangement led by the forest department, these areas were not given adequate attention by

The recognition of CFR to NTFP has transferred the decision-making power to communities to decide when, where, how, and to whom to sell the NTFP that they collect. The remarkable impact of ownership rights to these forest products on income and empowerment is evident in several parts of the Vidarbha region, where community rights under the FRA have been implemented at scale; almost 20 lakh acres of forests have been transferred to the jurisdiction of gram sabhas. The information

<table>
<thead>
<tr>
<th>District</th>
<th>Number of Villages</th>
<th>Income from Kendu Leaf (₹)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gadchiroli</td>
<td>162</td>
<td>23.36 crore</td>
</tr>
<tr>
<td>Gondia</td>
<td>36</td>
<td>7.44 crore</td>
</tr>
<tr>
<td>Amaravati</td>
<td>28</td>
<td>1.13 crore</td>
</tr>
<tr>
<td>Yavatmal</td>
<td>17</td>
<td>57.73 lakh</td>
</tr>
<tr>
<td>Nagpur</td>
<td>3</td>
<td>47.32 lakh</td>
</tr>
<tr>
<td></td>
<td>246</td>
<td>32.98 crore</td>
</tr>
</tbody>
</table>

Source: Information obtained by the author from the studied areas in the Vidarbha region.

**Table 2: Income from Kendu Leaf in the Vidarbha Region (2017–18)**

Table 1 provides a price comparison for kendu leaf under two different regimes—the kendu leaf auctioning price under Korchi Gram Sabha Federation and the kendu leaf auctioning price under forest department.

**Table 1: Price of Kendu Leaf in Auctions by the Forest Department and Korchi Gram Sabha Federation**

<table>
<thead>
<tr>
<th></th>
<th>Average Price Paid Per Standard Bag* of Kendu Leaf (₹)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Forest Department Auction</td>
</tr>
<tr>
<td>2014</td>
<td>2,173</td>
</tr>
<tr>
<td>2015</td>
<td>4,459</td>
</tr>
<tr>
<td>2016</td>
<td>7,303</td>
</tr>
<tr>
<td>2017</td>
<td>5,700</td>
</tr>
</tbody>
</table>

*Each standard bag of kendu leaf consists of 1,000 bundles and each bundle has 70 leaves.

Source: Korchi Gram Sabha Federation (2019).

Even after the enactment of the FRA—which clearly defines the role and responsibilities of gram sabhas and implementing agencies in facilitating and supporting forest dwellers in the enforcement of the act—local elite capture (village-level powerful persons deciding the terms and conditions for kendu leaf harvesting and auctioning), contractor hegemony, and forest department monopoly over forestlands and resources continue in several parts of India. Learning from past experience, intervening NGOs and gram sabha members in the studied areas have developed rules and regulations to ensure the transparency, accountability, and participation of forest dwellers—especially women and those from landless households—in the benefit sharing and decisions about forest resource management.

Discussions with villagers and results from the household survey conducted in the studied areas reveal that there has been a significant change in the socio-economic conditions of forest-dependent people in the period after CFR recognition. A major economic benefit is that the income of households from kendu leaf harvesting has increased significantly in comparison to during the kendu leaf governance regime led by the forest department.

The recognition of CFR to NTFP has transferred the decision-making power to communities to decide when, where, how, and to whom to sell the NTFP that they collect. The remarkable impact of ownership rights to these forest products on income and empowerment is evident in several parts of the Vidarbha region, where community rights under the FRA have been implemented at scale; almost 20 lakh acres of forests have been transferred to the jurisdiction of gram sabhas.

patriarchal practices, inequality, and unequal distributions of power; these societies also lack vigilant civil society, the social auditing of public policy, and adequate access to information and decision-making power. In India, several supposed community involvement programmes, including the widely discussed JFM, exemplify the hijacking and appropriation of decentralised forest resource management processes by powerful local elites and bureaucrats (Lele 2014). This is due to the partial recognition of community rights to and power over forest resources and the absence of well-defined principles of accountability and responsiveness in the use and management of forest resources.
the forest dwellers. In May 2018, at least 5,000 ha of land under the control of the Forest Department and the Forest Development Corporation of Maharashtra was gutted by massive forest fires in several parts of Gondia. Meanwhile, there was no incidence of a forest fire in the recognised community forest areas, spread over 98,864 acres and controlled by 1,357 gram sabhas in Gondia.\textsuperscript{5}

Similarly, bio-physical variables gathered from satellite images of several villages with recognised CFR disclose an increase in forest cover compared to before forest rights were recognised. For instance, in Payvihir village of Amravati, the once barren 182 ha of land recognised under the FRA has been converted into a lush green forest due to the efforts of gram sabha members from the village. The efforts of the villagers were recognised in 2014 when Payvihir village was awarded the India Biodiversity Award by the United Nation’s Development Programme (UNDP) for successfully improving the forest quality and cover. The village was also honoured by Sanctuary Asia with the Maharashtra Wildlife Service Award, which recognises its invaluable contribution to environmental conservation in the state in 2015.

Forest dwellers in Pachgaon village decided not to harvest minor forest produce from CFR recognised areas, which villagers have traditionally worshiped. Of the 1,006 ha of forestland with recognised CFR, villagers have preserved 85 acres as a sacred grove and have decided not to harvest resources from this part. These villagers have also decided not to harvest kendu leaves, as migratory birds eat the kendu fruit every year. Kendu leaves and fruits are used for different commercial purposes. The leaves are used as raw materials to make beedis and the fruits, a good source of carbohydrates and calcium, are eaten by the forest dwellers. The villagers could earn lakhs of rupees by harvesting kendu leaves, as do villagers across Maharashtra; however, dwellers of Pachgaon are not interested in this. Instead, every year, the gram sabha spends ₹4–₹5 lakh on patrolling the forest to protect it from neighbouring villagers who pluck kendu leaves illegally in Pachgaon.\textsuperscript{6} This shows that the villagers are more concerned about conserving forest resources than about simply asserting rights and gaining economic benefits from forest resources.

\textbf{Contributing Factors}

Various factors have shaped the outcomes of CFR implementation in the Vidarbha region. The objective here is not to provide a complete set of factors, but to outline key factors and their correlations to advancing the implementation of CFR. This attempt is also not to offer a model for the enforcement of CFR in other states, but to contribute to the existing body of knowledge about CFR implementation. The following section highlights some critical factors that have influenced the current state of CFR in Vidarbha.

\textbf{Implementing agencies:} The Ministry of Tribal Affairs (MoTA) at the federal level, and the tribal development department or welfare department in each state, are the nodal agencies in the enforcement of the FRA. However, in Maharashtra, in addition to the tribal development department, the planning department, rural development and panchayat raj department, the governor’s office has played a crucial role in facilitating the implementation and recognition of the importance of CFR. Together, these four departments issued 87 orders in 2008–18 to expedite the CFR implementation process and to provide resources and institutional support in the post-recognition phase (Sahu et al 2019b). Some of the orders issued by the tribal development department include: appointment of forest rights coordinators at the district level to facilitate the claims of gram sabhas; constitution of an FRA cell in every district to update and consolidate forest rights claims; review of rejected claims; regular monitoring and time-bound implementation of forest rights; constitution of a convergence committee at the district level to integrate line department schemes with community forest rights holders; special grants to gram sabhas to prepare community forest resources management plans; seed grants to gram sabhas to dispose of NTFP; regular training and capacity building programmes for the sub-divisional level committee (SDLC), district level committee (DLC), and line department officers on forest rights recognition and integration of programmes in the post-recognition phase; and most importantly, challenging any conflicting policies at the state level that seek to have an impact on the letter and spirit of the FRA. These and many other enabling orders have significantly raised the hopes of forest dwellers in asserting their rights over forest resources.

Likewise, the order of 16 February 2015 by the rural development department gives options to gram sabhas in Fifth Schedule Areas to decide how, where, when, and to whom to sell their kendu leaves. This order has made a huge impact on the economic conditions of people in this region over the last three years.\textsuperscript{7} For example, in 2018, 1,171 villages in the Gadchiroli district opted to sell kendu leaves directly to contractors, who provided them a better price than did the forest department tender process.\textsuperscript{8} Similarly, the planning department in Maharashtra issued an order on 16 May 2018 to provide funds for NTFP use and disposal by gram sabhas in Fifth Schedule Areas.

The governor’s office in Maharashtra has been active in upscaling the implementation of CFR in Vidarba. Over the last few years, the governor of Maharashtra has modified a variety of state and federal laws in order to protect and improve the rights of tribal people. These notifications have ensured the modification of state NTFP rules to the advantage of tribal communities; guaranteed that state laws align with the requirements of PESA; provided autonomy to gram sabhas to make decisions about land alienation and the protection of commons; and amended provisions to ensure devolution to Scheduled Area gram sabhas to match the requirements of PESA. A separate dedicated tribal cell was set up in the governor’s office in 2013 to undertake studies or surveys on socio-economic indicators to ascertain the status of the tribal community and the impact of various welfare measures, including forest dwellers’ rights to NTFP, initiated by the government. These interventions are unprecedented in comparison to the actions taken by the governor’s office to promote the rights of forest dwellers in Fifth Schedule Areas.
in the other nine states. The governor's office, along with the tribal development and rural development and panchayat raj department, has enabled forest dwellers to assert their rights to forest resources and has neutralised the role and power of the forest department, which hitherto was reluctant to deregulate the norms and rules related to NTFP and to recognise the rights of forest dwellers to their customary and traditional forest boundary.

Active NGOs and grassroots organisations: It is well known that hundreds of NGOs are involved in promoting community forest resource management programmes across India, but there has not been any systematic attempt to analyse their impact on the socio-economic conditions of forest dwellers and the state of forest resources. However, recent studies on the role of NGOs in community forest resource management in India have yielded mixed results (Barnes and Laerhoven 2014; Baruah 2011). These studies have advocated for the active involvement of NGOs to produce tangible benefits for forest dwellers and to make community forest resource management processes sustainable and democratic. Such active participation by NGOs in community forest resource management is already being witnessed in the Vidarbha region of Maharashtra.

Forest-dependent communities in the Vidarbha region have been mobilised by a number of grassroots organisations and NGOs to actively defend their claim to customary and traditional forest resources and demand their use of, and access and disposal rights to, minor forest produce. Some NGOs working in the field of forest rights and governance in the Vidarbha region include: Vidarbha Nature Conservation Society (VNCS), Vrikshamitra, KHOJ, Gramin Samasya Mukti Trust (GSMT), YUVA, Parayanvaran Mitra, Srishti, Amhi Amchya Arogyasathi, and Gram Arogya. These NGOs were working in most parts of Vidarbha even before the enactment of the FRA, and their long association with villagers has helped them to easily familiarise gram sabha members with CFR. What makes these NGOs unique in the Vidarbha region is that their involvement in facilitating CFR claims does not solely depend on funding agencies to generate a certain number of claims within a specified time period. Instead, the NGOs orient and involve gram sabha members to take ownership of the whole claim process.

Unlike NGOs in many other parts of India, these NGOs have not limited their focus to the claim process, but mobilised gram sabha members to assert their rights to NTFP in the post-recognition phase. Realising that tangible benefits from forest resources can sustain collective action and motivate villagers to join community forest resource rights campaigns, these NGOs have been in constant dialogue with state and district administrations to deregulate the minor forest produce rules of the state and converge line department schemes with forest rights holders’ recognised land and forest resources. This has resulted in several enabling orders being issued and power decentralised to gram sabhas in decision-making processes related to forest resources. Implementing agencies such as the tribal development department and governor's office acknowledge the importance of these NGOs. These implementing agencies seek the perspectives of these NGOs and have involved some NGO representatives in drafting orders, circulars, and notifications aimed at CFR empowerment and expansion.10

Contextual factors: There is a general perception that the implementation of public policy and statutory law undergoes a linear process of institutional actions through established procedures and rational steps, which leads to desirable outcomes. In reality, the implementation of statutory law is a dynamic, rather nebulous, process that constantly shifts in content and emphasis. The implementation of public policy depends on the prevalent socio-economic, political, and cultural contexts (Trostle et al 1999). It is, therefore, important to contextualise the progressive direction of CFR in Vidarbha over the last decade within the socio-economic and political histories of the region.

Over the last seven decades, there have been a series of movements across social groups in the Vidarbha region of Maharashtra to demand control over forest and land resources, development programmes, employment opportunities, autonomy, and identity. Some of these movements include: the Bhoo dan and Gramdan Movements in the 1950s and 1960s, which were followed by a demand for employment guarantee for the rural population in the 1970s, and the continuous demand for a separate state of Vidarbha (Amrutkar 2009).

Among these movements, the struggle of forest dwellers, especially in the Fifth Schedule Areas of the Vidarbha region, for control over forestland has been the most contentious. There are 11 districts in this region, of which four are within Fifth Schedule Areas and six are affected by left-wing extremism. Around 80% of the state’s mineral resources are located in the Vidarbha region. Irrespective of ideological differences, political regimes have been reluctant to recognise the traditional and customary rights of forest dwellers to forestlands that are also mineral reserves. Though community forest resource management has long been propagated as part of the JFM programme in this region, and as a means to enhance local engagement with the forest governance structure, forest dwellers have never had the opportunity to function independently under the JFM programme due to excessive bureaucratic burdens. However, subsequent legislation, including PESA and the FRA, recognise the gram sabhas’ autonomy and decision-making power over the use of, and access and disposal rights to, forest resources. These two acts and the orders issued from the Governor’s Office of Maharashtra have provided a legal platform to forest dwellers who have been organising and mobilising for several decades to assert their traditional and customary rights to forestland and resources.

Recognising strong collective action, local leadership, and the presence of several other key contextual factors—active NGOs, a long history of tribal councils in Scheduled Areas, the continuous demand for a separate state, law and order problems due to rising left-wing extremism, and a lack of implementation, and failure of, several promises to improve the region—the government agencies, especially the forest department, have found it difficult to interfere with the autonomy and
decision-making power of gram sabhas as recognised under the FRA.\textsuperscript{11} In fact, as stated above, a series of enabling orders issued by the tribal development department, governor’s office, and rural development and panchayat raj department—ranging from rights to NTFRP to obtaining prior consent of the gram sabhas before diverting ownership of and control over forestland in Scheduled Areas—have set a precedent for thousands of villages in Vidarbha to exercise their rights to forest resources under the FRA.

In Conclusion

The experiences from the Vidarbha region provide rich insight into what it takes to execute CFR and its implications for socio-economic conditions and the governance of forest resources. The analysis has considered the relatively recent advances in the post-recognition phase in several villages of Vidarbha. Most of these experiences reveal the relationships between implementing agencies, NGOs, and gram sabhas in the enforcement of CFR. The discussion reveals that institutional support in the period after the forest rights claim process is crucial to enhancing and empowering forest-dwelling communities to assert their rights beyond just access to minor forest products. This paper also advances the view that the mere presence of implementing agencies will not result in the policy being precisely executed because, in the absence of any demand for participation and capabilities to participate among possible beneficiaries, public policy is likely to be ineffective (Fleischman and Rodriguez 2018). The variation in the implementation of CFR within Maharashtra is testament to the fact over the last 12 years. Successful recognition of CFR and exercising recognised rights must inevitably require negotiation power and a willingness among stakeholders to enforce and follow procedures established by the law and, importantly, ensure consistent collective action at all levels. While the discussion on CFR implementation is based on a small sample of villages in Vidarbha, looking at the details of the impact of CFR on socio-economic conditions and the governance of forest resources can yield some useful insights for policymakers, scholars, and practitioners working in the field of CFR.

NOTES

1 For more details, see the monthly update on the status of implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 from the Ministry of Tribal Affairs, Government of India.
2 For more details, see the monthly update on the status of implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 from the Tribal Research and Training Institute (TERTI), Pune.
3 Nistar Patrak, which refers to the rights conceded during the settlement process in Maharashtra, outlines the land use pattern of the village and recognises customary and traditional rights, including access to forestland and minor forest products made by people in rural areas.
4 This information was shared by Ramkumar Madavi, gram sabha member of Palasgaon, during field work.
5 This information was gathered from interviews with local forest users, intervening NGOs, and other selected key informants, such as forest officers from Gondia district.
6 In 2016–17, the Pachgaon Gram Sabha paid a total of ₹5,84,000 in wages to villagers involved in patrolling their forest for almost a month, to prevent neighbouring villagers from stealing kendu leaves.
7 The Government Resolution issued on 16 February 2015 by the rural development department of Maharashtra, gives Gram sabhas two options for whom to sell their kendu leaves to. The first is the forest department, that is, the traditional NTFRP governance structure, and the second involves identifying a contractor and selling kendu leaves independently.
8 This information was obtained from the PESA Cell of the Gadchiroli Collectorate Office during fieldwork in April 2018.
9 For more details, see TISS (2017), a project report submitted to Oxfam India.
10 This information is based on my discussions and participation at several meetings of the tribal development department in Maharashtra.
11 Several civil society members and government officers shared this information with me during my research work in the Vidarbha region.

REFERENCES