

New Community Forest Resource Guidelines

Why in news?

Ministry of Tribal Affairs has released new guidelines for conservation, management and sustainable use of community forest resource (CFR) but it is criticised as a move that disempowers Gram Sabhas.

What is community forest resource (CFR)?

- CFR is the common forest land that has been *traditionally protected and conserved for sustainable use* by a particular community.
- Each CFR area has a customary boundary with identifiable landmarks recognised by the community and its neighbouring villages.
- It may include *forest of any category* such as revenue forest, classified & unclassified forest, deemed forest, reserve forest, protected forest, sanctuary and national parks etc.,

What are Community Forest Resource Rights?

- **Forest Rights Act, 2006**- It provides for recognition of the right to “protect, regenerate or conserve or manage” the community forest resource.
- **Section 5**- These rights allow the community to formulate rules for forest use by itself and others and thereby discharge its responsibilities
- **Community rights**- It is provided under FRA which include *nistar rights and rights over non-timber forest products*.
- **Significance**- Both CFR and community rights ensure sustainable livelihoods of the community.
- These rights give the authority to Gram Sabha to adopt local traditional practices of forest conservation and management within the community forest resource boundary.

Forest Rights Act (FRA) 2006

- FRA is also known as the *Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006*.
- **Objectives-**
 - To undo the historical injustice occurred to the forest dwelling communities
 - To ensure land tenure, livelihood and food security of the forest dwelling Scheduled Tribes and other traditional forest dwellers
 - To strengthen the conservation regime of the forests by including the responsibilities and authority on Forest Rights holders for sustainable use, conservation of biodiversity and maintenance of ecological balance.
- **Individual rights-** Self-cultivation and Habitation
- **Community Rights-** Grazing, Fishing and access to Water bodies in forests, Intellectual property and traditional knowledge
- **Habitat Rights-** It is provided for *Particularly Vulnerable Tribal Groups (PVTGs)*,
 - Traditional seasonal resource access of nomadic and pastoral community,
 - Access to biodiversity,
 - Recognition of traditional customary rights
- **Sustainable use-** The right to protect, regenerate or conserve or manage any community forest resource for sustainable use.
- **Development purpose-** It also provides rights to allocation of forest land for developmental purposes to fulfil basic infrastructural needs of the community.
- **Rehabilitation-** It is in conjunction with the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013*
- **Gram Sabha-** It is the highly empowered body under the Act, enabling the tribal population to have a decisive say in the determination of local policies and schemes impacting them.

What is the new CFR guidelines about?

- **Need-** To improve coordination at the field level and to ensure implementation of the Forest Rights Act, 2006.
- **Features-** The guidelines has provided for the formation of *District Level Committee (DLC)* that entrusts Gram Sabhas or the community about who has rights over forest resources.

Issues with the new guidelines

- **Lack of clarity -** There is a lack of clarity regarding multiple functionaries, authorities and departments that are involved in entrusting these rights under Section 3 and Section 5 of FRA.
- **Transit permit-** Currently, the transit permit regime is controlled by the *forest department*.
- This violates Rules under FRA, which states that the transit permit regime in relation to transportation of Minor Forest Produce (MFP) shall be modified and given by the *Committee* constituted under Rule 4 or the person authorised by the *Gram Sabha*.
- **Disenfranchise Gram Sabha-** The new guidelines have clearly not incorporated the suggestions made by the Saxena committee.
- **Governance issues-** The guidelines is unclear about the district level committee members.
- **Government driven-** The new guidelines seemed 'government-driven' rather than the community holding the ultimate rights.

What lies ahead?

- There are about 700 tribal communities which function in their unique way and work closely towards forest conservation.
 - Sacred groves are a unique example of how communities relate forests with their culture
- Rather than forming new guidelines, there is a need to draft committees to evaluate the progress of CFR.

Committees related to CFR Guidelines

- **Saxena committee**- It was formed in 2019 to prepare a draft for the CFR guidelines but, the draft of the guidelines were never accepted.
- **Environment ministry committee**- Another committee was set up by the Union Ministry of Environment, Forest and Climate Change. But the suggestions of the committee were never revealed.

References

1. [Down to Earth- New CFR guidelines undo forest governance](#)
2. [Ministry of Tribal Affairs- What is Forest Rights Act](#)

