
FOREST-BASED BAMBOO TRADE IN MENDHA LEKHA AND JAMGUDA

Centre for Civil Society

(Working Paper)

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Executive Summary

Majority of India's growing stock of bamboo is in forests. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) – through its provisions for community forest rights – makes it possible for forest-dwelling tribal communities to utilize this resource for their livelihoods. There are reports of many tribal villages successfully earning their livelihoods through harvest and sale of minor forest produce other than bamboo. The same kind of success hasn't been seen when it comes to bamboo. Literature review revealed two villages which have managed to successfully establish bamboo businesses viz Mendha Lekha (Gadchiroli District, Maharashtra) and Jamguda (Kalahandi District, Odisha).

Primary data was collected through semi-structured interviews with residents of the two villages, local activists and NGO personnel, and forest department officials.

It was found that the villages faced a range of issues from claiming community forest rights to harvesting and transport of bamboo. This included, among other things, non-availability of CFR application forms, inadequate awareness regarding rights accorded under Forest Rights Act, modification of land titles by Forest dept. Both the villages in this study overcame these hurdles through continuous support and advocacy from civil society groups.

Mendha Lekha has prepared detailed forest management plan, and instated a tender-bid process for sale of bamboo. As of 2014 have put in place an e-tendering system which has now been adopted by the district administration of Gadchiroli. Mendha Lekha has earned over INR 1 crore through sale of bamboo between 2011 and 2014. The revenue earned through sales is utilized for various development and social welfare activities like building toilets, implementing soil and water conservation measures, and buying a computer for the village.

Jamguda has taken a very different approach. Bamboo is harvested as and when a buyer places an order. Jamguda has earned approximately INR 3.7 lakh through bamboo sales between 2013 and 2015. The revenue thus earned is used to give interest-free loans to village residents among other things.

This paper documents two different models that can be adopted by tribal villages for forest-based bamboo trade under the ambit of the FRA, 2006.

Keywords: *Forest Rights Act, Tribal Rights, Minor Forest Produce, Sustainability, Local Self Governance, Livelihoods, Bamboo*

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List of Abbreviations and Acronyms

CFR	Community Forest Rights
Dept	Department
DFO	District Forest Officer
DLC	District Level Committee
FRA - 2006	The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
FRC	Forest Rights Committee
Ha.	Hectare
HH	Household
IFA	Indian Forests Act
JFMC	Joint Forest Management Committee
MFP	Minor Forest Produce
MoEF	Ministry of Environment and Forests
MoTA	Ministry of Tribal Affairs
MT	Metric Tonne
PESA - 1996	Panchayats (Extension to Scheduled Areas) Act, 1996
SDLC	Sub-District Level Committee
VSS	Van Suraksha Samiti

A. History of Forest Rights in India

The forest dwelling tribal communities in India had historically never enjoyed full legal rights over their customary forests. The erstwhile princely states and zamindars under whose jurisdiction these customary forests lay afforded the tribals limited rights in the form of *nistar* or other forms of usufruct. They were allowed to collect timber and other forest produce, and hunt animals, but were not given ownership of the land. Subsequently the British colonial government gave itself the power to acquire any forest land and to frame rules to manage any forest land by passing The Indian Forests Act, 1865 (IFA-1865). However, the rights of forest dwelling communities were acknowledged to a limited degree; forest lands could only be notified as long as such notification did not impinge upon the existing rights of these communities. The amendment to IFA-1865 passed in 1878 sought to abolish the traditional systems of rights and privileges that the forest-dwelling and forest-dependent tribal communities had historically enjoyed. "The Indian Forest Act of 1878 radically changed the nature of common property and made it state property. The rights of people over forest lands and produce were later regarded as concessions"¹ (Vaidya, 2011). The Indian Forests Act of 1927 (IFA-1927) retained all (what Vaidya calls "accessionist") provisions which denied the tribal communities rights over forests, and introduced levies and duties on transportation and sale of timber and other forest produce.

Post independence forest management continued to be governed by IFA-1927. The National Forest Policy re-instated monopoly rights of the state over forests. "Village communities in the neighborhood of a forest will naturally make greater use of its products for the satisfaction of their domestic and agricultural needs. Such use, however, should in no event be permitted at the cost of, national interests. The accident

¹ "A history of forest regulations", Archana Vaidya, 2011

of village being situated close to a forest does not prejudice the right of the country as a whole to receive the benefits of a national asset.” (National Forest Policy, 1952). In 1980 the Indian Forest Conservation Act of 1980 placed strict restrictions on “non-forest” use of forest land (“non-forest use” defined as any use other than reforestation). The National Forest Policy of 1988, for the first time acknowledged the importance of local participation in forest management and conservation. Subsequently, through the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA-1996), and the Joint Forest Management Programme of 1990, local forest dwelling communities were given a voice in management of forest resources. However, these acts did not proffer any security of land tenure to the forest dwelling tribals.

This historic injustice is what The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) sought to undo.

B. Community Forest Rights and Access to Bamboo

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – a.k.a Forest Rights Act, 2006 (FRA) – introduced mechanisms to accord community rights as well as individual land ownership rights to tribal communities dependent on the forest. It sought to formally recognize some of the traditional usufructuary rights of these communities, so as to enable them to secure their livelihoods through the use of forest resources.

Sections 3(1)(b) to 3(1)(l) describe various types of community forest rights (CFRs) that forest-dwelling / forest-dependent tribals can claim. Under section 3(1)(b) they can claim rights to harvest, transport and dispose of MFPs as they see fit. Sections 4(e), and 5 vests the power to manage, conserve, and protect local forest resources with the *gram sabha*, and any committees that it appoints for that purpose. Section 3(1)(i) further

provides the community rights holders power to manage, conserve and protect areas claimed.² Individual land rights can also be claimed (under section 3[1][a]), however, the maximum area that can be claimed has been capped at 4 Ha. This ceiling does not exist for CFRs: the tribal village can legitimately claim the entire area of their customary forest. Thus CFRs, assume huge importance from the point of view of securing livelihoods based on forest-resources.

Under the PESA-1996 and IFA-1927 while tribal communities were given rights to harvest certain Minor Forest Produce (MFP) such as honey, medicinal plants, cocoons and fruits – they were still barred from harvesting bamboo. Biologically bamboo is a variety of grass (family Poaceae) and like other grasses it has a short growth cycle (typically 3-4 years). However, since the IFA-1927 classified bamboo as timber³ all transportation of bamboo for trade was strictly regulated under the transit rules framed under the act. Thus the tribal communities were deprived of an important source of livelihood over a mere technical error (on part of the state legislature). The FRA recognized this crucial distinction and reclassified bamboo as MFP under section 2 of the act. It gave tribal communities access to this important resource without being subject to the discretion or the red-tape of the Forest Dept.

² Note: The FRA makes a distinction between individual rights and community rights. Claims of individual rights (*pattas*) have an upper limit of 4 Ha. However, community rights claims have no such limit. A forest-dwelling tribal community can claim rights over the entire area of its customary forest, regardless of the population of the community. This is of particular importance in the context of livelihoods based on forest-based bamboo, since a larger area per capita entails greater revenue for the community.

³ Indian Forests Act (1927) Section 2(7): "tree" includes palms, bamboos, skumps, brush-wood and canes

C. India's Bamboo Resources and Bamboo Industry

There are over 1000⁴ known species of bamboo in the world, with hundreds of documented uses ranging from construction material to cookware to incense sticks. It is estimated that of the total bamboo resources (plantation+forest) in India, only 15.4% lie on privately owned land (i.e. plantation), i.e. 84.6% of the bamboo growing in India is in forests⁵. Of the total growing bamboo growing-stock of approximately 16.8% is harvested⁶. The estimate for total growing stock in India is 169 million MT (Forest Survey of India, 2011). According to the 10th Five Year Plan, an estimated 8.6 million Indian citizens depend on bamboo for their livelihoods. The plan document estimated that the domestic bamboo market (in 2003) was worth INR 2043 crore, expected to cross INR 26,000 crore by 2015.

Compare these figures with China, where bamboo provides livelihoods to an estimated 35 million people and generates annual revenues in the range of USD 10 billion (i.e. INR 65,000 crore)⁷.

India has approximately 30% of the world's growing stock of bamboo but constitutes only 4% of the global bamboo trade. Despite the extensive native growing stock of bamboo and its potential to provide livelihoods to millions more people, India imported bamboo and bamboo products worth INR 174 crore in 2014 alone (COMTRADE database, accessed on 3/7/15).

⁴ Encyclopedia of life (http://eol.org/pages/10496148/hierarchy_entries/50834677/overview)

⁵ "World Bamboo resources", FAO and INBAR, 2005

⁶ "Bamboo: Poor Man's Gold", Malavika Vyawahare, 2009

⁷ "Viewpoint 12", Centre for Civil Society

D. Scope of Study

In light of the facts mentioned above, it is critical that we develop our domestic forest-based bamboo harvesting and conservation systems. The legal framework for this is adequately provided for in the FRA. Therefore, we need to study villages where the forest-based bamboo industry through CFRs has been successfully implemented. Mendha Lekha in Gadchiroli district, Maharashtra and Jamguda in Kalahandi, district, Odisha are two such pioneering villages. Their journey to claiming CFRs has been well documented⁸. Majority of the available research publications focus mainly on the struggle to claim CFRs. There is scant literature available describing the processes and details of how the two villages are operating their respective bamboo business models after successfully claiming CFRs. This report aims to shed light on the current situation of the forest-based bamboo trade in Mendha Lekha and Jamguda, and the post-CFR processes for establishing and running a successful *gram sabha*-based bamboo enterprise. In the process we aim to document the issues faced by the two villages' residents over time since the commencement to the present day, as well as best practices.

⁸ Publications by Kalpavriksha for Mendha Lekha. Publications by Vasundhara for Jamguda.

E. Mendha Lekha: Case study

Mendha Lekha is a small village (approximately 100 households)⁹ in Gadchiroli district of Maharashtra, situated approximately 30 km East of the district headquarters viz Gadchiroli town. The resident population consists of Gond tribals who are primarily agriculturalists. Traditionally their sources of livelihoods have been paddy-cultivation, cattle-rearing, and harvesting minor forest produce.



PHOTO 1: MENDHA LEKHA ENTRY ROAD MARKER

Mendha Lekha is well known in academic circles as well as among activists and NGOs, for being one of the pioneering villages in rural self-government. There is extensive documentation available on Mendha Lekha's history and road to self governance¹⁰. In the late 1970s, the tribal communities in eastern Maharashtra and parts of Madhya Pradesh engaged in wide-spread protests by local tribals (with the support of activists and NGOs) against two proposed dams at Bhopalpattanam and Inchampalli. In 1985 Govt of Maharashtra acceded to the demands of the local communities and shelved the two

projects. The community participation this agitation sowed the seeds self-rule Mendha Lekha, and the village started working towards that goal under the leadership of Devaji Tofa (and other local leaders), Mohan Hirabhai Hiralal (anti-dam activist and protester) and other activists.

In 1992 Mendha Lekha became the first village to become part of the JFM scheme despite having standing forests, and formed an official *Van Suraksha Samiti* (VSS). In

⁹ According to 2011 census

¹⁰ "Tribal Self Rule and Natural Resource Management", Neema Pathak and Vivek Gour-Broome, 2001

1997-98, after the creation of JFM micro-plan (1994), the *gram sabha* adopted a resolution for joint extraction of MFPs with the Forest Dept.

In 2009 Mendha Lekha became one of the first few villages in the country to claim and receive CFRs under the FRA. Initially their claim was rejected because it was submitted on a regular piece of paper, hand-written, instead of on the form issued by the Forest Dept. After appealing to the SDLC and DLC their claim was accepted regardless. The residents successfully claimed CFRs over 1800 Ha of forest land. Although, the right to harvest MFP were successfully claimed by the villagers, the right to protect and conserve their community forest area (section 3(1)(i)) was only granted to the village in 2010. The villagers still could not sell the bamboo they had harvested since they did not have transit passes. Finally in 2011, after the villagers, NGOs and activists appealed to the sub-district level committee (SDLC) and the district level committee (DLC) transit passes were issued to the *gram sabha*.

The MoEF, taking cognizance of this particular administrative hurdle, amended the FRA rules in 2012. Instead of the forest dept, the *gram sabhas* now have the authority to issue and print transit passes for MFPs including bamboo.

After having faced a host of issues with the process of claiming CFRs, the local civil society published a step-by-step guide for claiming CFRs for tribal villages. This guide has been adopted by the Gadchiroli district administration and is available at the district headquarters.

ORGANIZATIONAL SET-UP AT THE LOCAL SELF-GOVERNMENT LEVEL

The residents of Mendha Lekha have set up three organizations that are involved in the overall administration of the village, including management of forest resources, viz. *gram sabha*, mahila mandal, and abhyas gat.

GRAM SABHA

Under the FRA rules the *gram sabha* has to be constituted at the village level. This is very different from a regular *gram sabha* which is constituted at the *panchayat* level. Village *gram sabhas* constituted under FRA, typically only deal with the issue of forest rights and forest resource management,



and not much else. What makes **PHOTO 2: MR DEVAJI TOFA STANDING IN FRONT OF MENDHA LEKHA GRAM SABHA** Mendha Lekha a special case is

that the villagers have constituted their own *gram sabha* at the village (not *panchayat*) level since the 1980s, and their *gram sabha* wields all such powers which a typical *panchayat* level *gram sabha* does¹¹. The *gram sabha* conducts official business with the Lekha Gram *Panchayat*¹². In all matters of government funding and implementation of government projects, the *gram sabha* coordinates with the *gram panchayat*.

The *gram sabha* has a unique way of functioning, in that all decisions are taken by full consensus; there is no majority vote system. The *gram sabha* has also been registered as an NGO. As an NGO it carries out various development activities such as soil and water conservation works, and welfare programmes. It is self-funded; it operates on regular contributions from the villagers and the revenue from MFP sales. Household contributions to the *gram sabha* are based on the incomes of individual households.

¹¹ A *gram sabha* is the lowest tier of the panchayati raj system. The *gram sabha* considers the *gram panchayat*'s annual accounts, passes budgets, and votes on development activities such as building roads, gutters etc.

¹² Mendha village is part of a 3 village group *gram panchayat* viz Lekha Gram *Panchayat*, hence Mendha-Lekha.

The *gram sabha* appoints executive committees to take decisions regarding extraction of MFPs (including bamboo) and conservation of forests on its behalf. It also carries out revenue collection and disbursement of wages for those locals who are engaged in bamboo extraction.

MAHILA MANDAL

Mahila mandal is an organization composed of all the women in the village. They are in charge of regular monitoring of the forests and for punishing those who breach the established rules of forest protection. The forest protection rules have been formulated by the *gram sabha* itself. It includes clauses such as disallowing any commercial exploitation of the forest resources except MFPs, restrictions on fire-wood collection, monitoring forest fires, and keeping outsiders out of their community forest.

ABHYAS GAT

Abhyas gat literally translates to 'study group', which is precisely what the function of the institution is. It was formed for capacity building through collective gathering, and sharing of knowledge. The meetings are usually informal, open to all, and involve dialogue and discussion. The topics of study range from forest conservation and biodiversity, to law and governance. From time to time the *abhyas gat* invites experts for seminars and discussions, on technical subjects. As and when required, the *abhyas gat* forms smaller sub-groups to study specific topics (Eg: one study group was formed to study how to make an inventory of avian biodiversity in the forest). This enables the *abhyas gat* to perform participatory research which then informs the *gram sabha's* policies (Eg: A detailed study of honeybees and honey extraction methods, led to the village adopting a "non-violent" honey extraction technique.). As a logical extension of this institution, the residents are also receiving training on the use of GPS units, resource mapping, conducting tree censuses, and other forest resource management techniques.

BUSINESS CYCLE

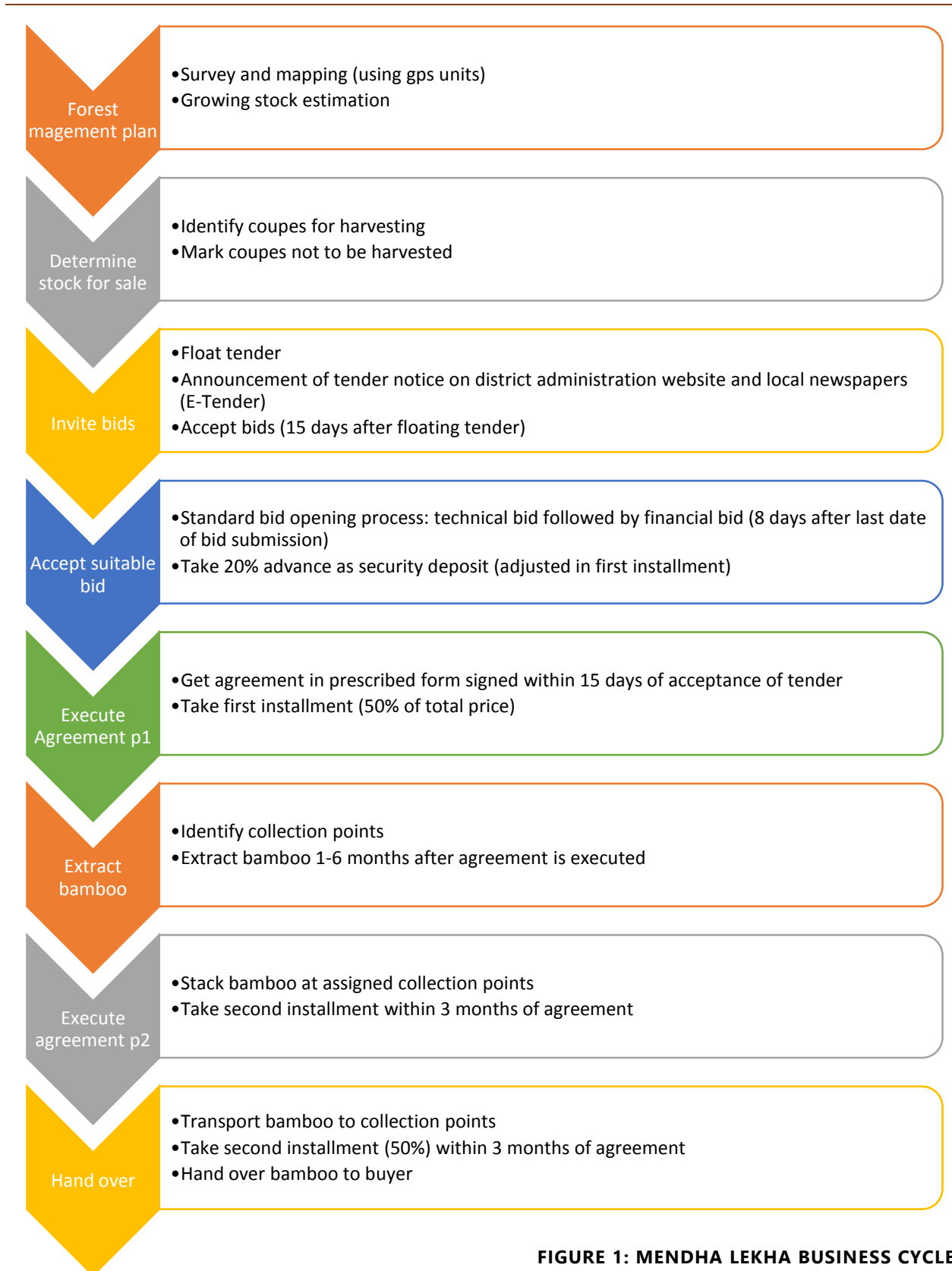


FIGURE 1: MENDHA LEKHA BUSINESS CYCLE

FOREST MANAGEMENT PLAN AND CONSERVATION MEASURES

The village residents and civil society activists sought help from noted environmental scientist Dr Madhav Gadgil to prepare a forest management plan for the community forest. The locals performed the actual on-ground surveys with GPS units. With the data from the ground, a resource map and resource inventory was prepared. The forest has been divided into sectors for systematic management of resources.



PHOTO 3: BAMBOO CLUMP AND TRENCHES

Using statistical techniques they calculated the total growing stock, coupes that were ready for harvest and those that would be ready for harvest in the subsequent years. Thus, a scientific felling cycle was put into place, so as to prevent over-extraction of the resource. A detailed forest management plan was prepared; it is due for an update now as of 2015. Dr Edlabadkar and Mr Hiralal are training the locals on actual plan formulation to make them independent.

In 2011, the villagers invited BAIF to conduct a training session for all residents on sustainable harvesting and bamboo

conservation practices. This covered topics such as soil mounding, digging trenches for natural water retention.

The locals have devised a monitoring system for protecting the forest from intruders as well as from forest fires. Each household takes up the task turn by turn. The members of the household patrol the forest, drive out intruders and alert the rest of the village in case they spot a forest fire.

Currently efforts are underway for preparing a resource map and inventory of teak trees, as well as rare and medicinal plants.

HARVESTING AND SALE

Till the writing of this report, only one major harvest has taken place. Every harvesting season, sectors and coupes from which bamboo is to be harvested are identified and the total available stock for harvest is calculated. A coupe which is harvested is allowed a time of 3-4 years to regenerate.

In the case of Mendha Lekha in 2011-12 application forms were sold to interested parties for INR 2000 each. This is to ensure that only parties who are genuinely interested in buying the bamboo submit a bid. Parties who submit a bid have to abide by certain terms and conditions regarding harvesting the bamboo, the most important one being that the villagers will themselves extract bamboo and bring it to a pre-decided collection point. The buyer is not allowed to enter the forest, let alone harvest the bamboo. The villagers have formulated the tender document (and terms and conditions) with the help of activists Mohan Hirabhai Hiralal and Subodh Kulkarni.

It is worth noting that in the one and only major sale that has taken place till date, the *gram sabha* rejected the highest bidder, because the bidder was not willing to follow the terms and conditions related to harvesting the bamboo.

Through this tender-bidding process, the village managed to get a record rate of INR 8100 per notional tonne; the highest the rate the forest dept managed to get was INR 3300 per notional tonne. The table below summarizes the volumes and accounts of the bamboo harvests that have taken place till date.

TABLE 1: MENDHA LEKHA BAMBOO SALES

Year	Sector (acc to forest mgt plan)	Area Harvested (Ha)	Total Bamboo (no. of poles)	Total sale value (lakh INR)	Wages paid (lakh INR)	Taxes and Duties paid (lakh INR)	Net addition to Village Development Fund (lakh INR)	Method of sale
2011	471	426.52	89882	21.96	8.09	1.32	12.56	On demand
2011-12	470	268.46	226381 (+13098 bundles of small bamboo pieces)	78.78	29.03	5.58	44.16	Tender
	468	421.5	68823(+4702 bundles of small bamboo pieces)	14.53	8.52	1.03	4.99	Tender
2014	469	N/A	7025	4.05	1.4	0.29	2.36	On demand
Total	-	1116.48	385086 (+17800 bundles)	101.93	47.05	8.21	64.06	-

Source: Mendha Lekha Gram Sabha records

The local NGOs and activists along with the district administration have developed an E-tendering platform for bamboo. It is open to any and all villages which may choose to use it. There is standardised format for entering information regarding quantity for sale and floor price, like any government issued tender.

Also worth noting is the fact that since the 2011-12 tender-auction, the *gram sabha* has floated tenders twice, once in 2013 and once in 2014, however no contractors bid either of



PHOTO 4: BAMBOO STORAGE YARD

these times. Activist Mohan Hirabhai Hiralal attributes this to collusion between the forest dept, district administration and the contractor lobby after noticing the

extraordinary success of the first tender. He claims that contractors are deliberately avoiding buying bamboo from Mendha Lekha in hopes that the villagers will resort to the old model of selling bamboo through mediation from the forest dept, resulting in royalty payments to the forest dept while also lowering the price for contractors.

DISTRIBUTION AND UTILIZATION OF REVENUE GENERATED THROUGH THE BUSINESS

The *gram sabha* pays each labourer INR 13-20 per bamboo pole (as against the INR 13 per 20 poles offered by forest dept). The revenue generated from the sale is put into the *gram sabha's* bank account and utilized for a variety of development and welfare activities. *Gram sabha* undertakes several conservation activities such as building trenches for water retention near bamboo coupes, soil mounding to protect the rhizomes etc. In 2014 the village constructed toilets for every single house, some with attached bio-gas units.

PHOTO 5A & 5B: BAMBOO WORKSHOP, MENDHA LEKHA



F. Jamguda Case Study

Jamguda is a small village approximately 20 km south of Madanpur Rampur, in Kalahandi district, Odisha. It has a population of 65 households¹³, out of which 60 HHs



PHOTO 6: JAMGUDA VILLAGE MARKER-STONE

are tribal (Gonda tribe) and rest 5 HHs are Sc). The resident Gond populations have traditionally been agriculturalists. Extraction of MFPs was limited to what they required for their own sustenance, with sale of surplus MFPs forming only a supplementary source of income. The villagers engage in artisanal bamboo work such as basket weaving and as a supplementary source of livelihoods. Bamboo has also been used traditionally for building huts.

Jamguda residents have been managing and protecting their forests by themselves since 1990.

In conjunction with the Forest Dept, the *gram sabha* formed a Van Suraksha Samiti in 2004. After the enactment of FRA, in March 2008 with support from the *Kalahandi Jungle Suraksha Manch*, Vasundhara and other civil society actors, the villagers applied for CFRs over their customary forest. Initially the local forest dept office opposed the formation of a Forest Rights Committee (FRC) claiming that Joint Forest Management Committee (JFMC) is the same as an FRC, and since that already exists, the FRC formed by the residents of the village will not be recognized. Technical and advocacy support from various civil society groups led to the Jamguda FRC eventually being recognized by the Forest Dept in 2009. In 2010, after persistent appeals and follow-ups, Jamguda's CFR claims got approved. However, instead of their claim of 500 Ha, which is their customary

¹³ Population info as provided by locals

forest area, the Forest Dept only recognized Jamguda's residents rights over 123.5 Ha.. However, the villagers have not initiated any appeal process to get the originally claimed area.

Once Jamguda's tribals' rights were recognized, a copy of the CFR title was not given to the *gram sabha*, indeed it wasn't notified at all that their claims had been granted. In 2010, an RTI filed by *Odisha Jungle Manch* revealed that the claim had been granted. They in turn provided the *gram sabha* with a copy of the title. After getting a photocopy of the title deed, *gram sabha* convened a meeting to dissolve the VSS and manage the community forest resources areas independently. It must be noted that even after this struggle, the title document does not explicitly state the rights as granted under section 3.1(b) to section 3.1(k). The title document mentions "Right of ownership, access to collect, use and dispose sell of Minor Forest Produces and, Kendu Leaf"; the CFR title



PHOTO 7: JAMGUDA CUSTOMARY FOREST AREA AND ANCESTRAL SHRINES

conspicuously omits bamboo from the list of MFPs. There has been no effort by the villagers to have the title amended to include all the community rights under section 3.1

In June 2012, the villagers

harvested coupes which were flowering so as to prevent damage to the other coupes. However, the Forest Dept refused to allow the transport of this bamboo out of the village stating that Jamguda did not have a transit pass. After several appeals to the SDLC, DLC and the state government, the Ministry of

Tribal Affairs issued a letter to the Odisha State Govt to grant the village transit passes. In September 2013, the village finally received the transit pass-book at the hands of the then Minister for Environment and Forests. It is important to note that even so, the forest dept still maintains the rights to print transit pass-books. It makes these available for free, but the *gram sabha* has to approach the forest dept whenever it is in need of more transit passes. Jamguda *gram sabha* has approached three times near the forest department to revalidate the transit permit issued.

ORGANIZATIONAL SET-UP AT THE LOCAL SELF-GOVERNMENT LEVEL

Jamguda is a small village; the organizational setup consists only of the *gram sabha* and an executive committee of 16 members appointed by the *gram sabha*. The *gram sabha* has nominated one member from the village to manage and issue transit passes. A group of villagers visited Mendha Lekha in 2011-12 to study their business model. However, it has not been adopted by them owing to the fact that Jamguda has significantly smaller community forest.

Mr Trinath Patra, Secretary of Kalahandi Zilla Jungle Manch visits the village regularly to help the locals with their accounts and finances.

BUSINESS CYCLE



FIGURE 2: JAMGUDA BUSINESS CYCLE

FOREST MANAGEMENT PLAN AND CONSERVATION MEASURES

The village has traditionally had self-imposed systems of rules that control the volume and schedule of bamboo extraction however, they do not have a proper forest management plan in place. This includes restrictions on outsiders felling bamboo from



PHOTO 8: JAMGUDA RESIDENT SHOWING GROWING READY TO HARVEST BAMBOO, AND BLOCKED TRENCHES IN NEED OF CLEARING

their forests; the villagers patrol the forests regularly to protect it. This did not significantly change the processes which governed forest resource conservation and exploitation; the village continued with its traditional systems of forest resource management.

Extraction and sale takes place year round except July 15 to September 15; this is the time when bamboo shoots appear. It is important to desist harvesting during this time to allow proper regeneration of the bamboo

coupes.

The villagers approached the forest dept for training on conservation practices. No formal training was conducted but the villagers did discuss conservation practices such as digging half-moon trenches, soil mounding and drawing fire-lines. They have employed these practices using their own ingenuity and the limited knowledge received from the forest dept.

HARVESTING AND SALE

In June 2012, the bamboo in Jamguda’s customary forest started flowering. The traditional knowledge about bamboo dictated that the flowering clumps must be harvested, lest the bamboo wither away (rendering it useless). Flowering bamboo also attracts a large number of rats and other rodents which cause large scale damage not just to the bamboo but also to other crops and stored food stocks. After consultations with retired DFO Mr Hota, the residents of Jamguda decided to harvest 170 clumps of bamboo that were in the flowering stage. They invited the local MP Mr Das to buy the first harvest of bamboo, along with other interested parties. However, the Forest Dept refused to issue a transit pass to the Jamguda on the grounds that the FRA did not allow commercial extraction of MFPs.

Despite this obstacle, the villagers managed to sell bamboo to the MP – Mr Das – for INR 30 per pole. The rest of the stock was disposed of by selling it to neighbouring villages at INR 4 – 12 depending on the length of the pole.

After Jamguda was issued a transit pass-book in Sept 2013, the processes have been streamlined. They have adopted an “On Demand” approach. Bamboo is harvested piece-meal as and when the villagers receive orders from buyers. Currently the *gram sabha* sells bamboo at fixed rates of INR 10, 20 or 30 per pole according to the length of the pole. The *gram sabha* also maintains a stock of up to 50 poles for ready sale in case a buyer turns up without prior notice.

The table below summarizes the year-wise bamboo sales and revenue.

Sr No	Year	Total Revenue (lakh INR)
1	2013	1.48
2	2014	0.81
3	2015 (till July)	1.42
Total	-	3.71

Source: Jamguda Gram Sabha records

DISTRIBUTION AND UTILIZATION OF REVENUE GENERATED THROUGH THE BUSINESS

The wages for labourers involved in cutting and transporting bamboo are fixed at INR 4 per short pole, INR 6 per medium length pole, and INR 10 per long pole. In 2013, of the INR 1.48 lakh that the *gram sabha* earned from bamboo sales, INR 51914 were disbursed to the villagers in the form of wages. The *gram sabha* has a bank account to deposit their funds. After meeting all costs, the village earned a net profit of INR 65,000.

The *gram sabha* issues interest free loans to villagers for education, medical expenses, and emergency expenses. The women's SHG in the village also takes loans from the *gram sabha* for various livelihood activities. In 2013 the *gram sabha* issued interest free loans worth a total of INR 26,545. *Gram sabha* undertakes activities such as making soil mounds around bamboo clumps, making fire-lines etc, out of its own funds.

G. Key Issues:

This list of issues is drawn from primary research and secondary research. Issues with the implementation of FRA have been documented by authors from several organizations - most notably by Council for Social Development¹⁴, Vasundhara¹⁵ and Kalpavriksha¹⁵ – and publications such as Down To Earth. The issues presented below are those pointed out by residents of the two villages, and civil society members during interviews with the researcher.

- **Claiming CFRs.**

1. Forms for CFRs are not readily available.
2. **Step-by-step guides to filing claims are not available.**

Such a guide has actually be designed by the civil society members in Gadchiroli, and subsequently it has been adopted by the district administration as well. However the rest of the state of Maharashtra has not adopted it. There is no evidence of similar guides in other states of the country. The Saxena Committee Report (2010) on implementation of Forest Rights Act had recommended that such guides be made created and distributed in tribal villages in each district.

3. **Forest department omits some rights or issues conditional titles.**

In the case of Jamguda the CFR title fails to acknowledge the community's

¹⁴ "Summary report on the implementation of Forest Rights Act", Council for Social Development, 2010

¹⁵ "Community forest rights under Forest Rights Act: Citizen's Report 2013", Kalpavriksha & Vasundhara, 2013

rights over bamboo and other rights granted under sections 3.1(b) to (k). The aforementioned publications have documented several such cases. Another example is that of Ghati village in Gadchiroli. In the claim title granted to Ghati the Forest Dept omitted the right to protect and conserve their forest (under section 3.1.i), and inserted a list of 7 arbitrary conditions which have no grounding in FRA¹⁶. Such discrepancies were present in the original title issued to Mendha Lekha *gram sabha* as well, but through their own efforts with support from civil society members the title was suitably amended to include all relevant rights.¹⁷

4. **Claimants are not informed about the status of their claim / not given a copy of the land title.**

The villagers of Jamguda were completely unaware that they had been granted community forest rights over a part of their customary forest. A glance at existing literature shows that this is not an isolated incident. This is a common occurrence.

5. **Titles are often granted on an area smaller than the one claimed.**

In the case of Jamguda the claim area was reduced by the Forest Dept without informing the *gram sabha*. Secondary research reveals that this is

¹⁶ "Conditions Apply", Down To Earth, 2011

¹⁷ As reported by civil society member and activist Mr Mohan Hirabhai Hiralal

a common issue; so common in fact that it finds mention even in the Saxena Committee Report (2010).

6. Titles are granted in the name of entities other than the *gram sabha*.

In case of Jamguda the title is in the name of the "all residents of Jamguda", rather than the *Gram Sabha* of Jamguda. In some other cases titles have been issued in the name of JFMC or VSS¹⁵.

7. There have been no large scale awareness programmes regarding CFRs. The focus has been on individual land rights.

Civil society activists interviewed by the researcher claim that this is done on purpose. Individual rights are doled out as political favours. Tribal villages are deliberately steered away from community rights because the FRA gives them sweeping management powers over their claimed areas, as well as better bargaining power. The activists' contention is that this is undesirable to local contractors, politicians and the forest department because it hurts their profit margins. Data from the Annual Report on Implementation of Forest Rights Act 2013-14 (Ministry of Tribal Affairs, Govt of India) show a vast majority of the claims made under the FRA are for individual land titles. Community rights claims constitute only 3% of the total claims submitted. Of the total claims received by the forest dept, total claims granted amount to 39%. Of the total claims granted,

community claims amount to 6%. The number of CFR titles stated in the ministry's data are the combined figures for claims under section 3(1)(b) to (m), and section 3(2). The two sections deal with two vastly different types of land use: section 3(1)(b)-(m) accords usufructuary community rights for traditional tribal modes of livelihood (which includes MFP extraction and sale, fishing, grazing, and farming), whereas section 3(2) provides for diversion of forest land for other uses such as construction of social infrastructure. However, delineated numbers for the two are not available. This makes it difficult to ascertain exactly how much progress has been made in granting community forest rights. This also makes it difficult to identify villages which require support, training and hand-holding, be it for legal processes, or forest resource management.

- **Transport of bamboo**

Forest department still maintains that transit passes are required to transport bamboo out of the village, and that transit passes can be issued only by them (i.e. Forest Dept). FRA Rules notified in 2012 clearly state that the *Gram Sabha* does not require transit permits to transport bamboo, and if it so chooses it can print its own transit pass-books. Despite this the Forest Dept refuses to allow Jamguda *gram sabha* to print transit permits.

- **Protection and conservation of resources in the claimed area**

There is still confusion among the forest dept officials regarding the permissibility of commercial harvesting of bamboo under FRA. The forest dept officials interviewed by the researcher maintain that the FRA only confirms traditional use rights (i.e. for personal consumption) and does not allow for commercial exploitation of bamboo.

- **Sale of bamboo**

1. Currently there is no organized platform for bamboo sales. (There has been an effort to develop one in Gadchiroli, but it has not succeeded)
2. The E-tendering process developed by the civil society groups in Gadchiroli has not been adopted by other areas, even within Maharashtra state

- **Other issues**

1. All villages which have managed any kind of success in claiming CFRs have done so only with extensive support from civil society groups. The mechanism and implementation machinery makes it nigh impossible for a village to go through the process by itself.
2. There is a disconnect between the revenue dept and forest dept. Claim titles are not recorded, or recorded but claimants are not communicated the same, or copies of the titles are not issued to title-holders

ADDRESSING THE CONCERNS RAISED BY FOREST DEPT

Sr No	Claim	What the Evidence Says
1	There is no standard formula for demarcating CFR lands	This is not completely true; the FRA, Rules 12 & 13 of the Forest Rights Rules (2008, 2012, 2014) and Guidelines for Implementation of Forest Rights Act (2014) lay down procedures as well as a list of parameters which can be used to demarcate CFR lands.
2	If tribal villages are given full control over management of forest resources they will end up destroying the forests	This is a stance that the state has taken since the time of the British Raj, despite a distinct lack of evidence to support their claim. Evidence from multiple countries (Brazil, Mexico, Liberia, and Panama among others) shows that securing the rights of local forest dwelling-communities in fact leads to better conservation outcomes. ¹⁸
3	No monitoring framework in place whereby forest dept can evaluate whether or not resources in community forests are being sustainably utilized	Section 13 of FRA states "...the provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force." What this clearly means, is that the conservation frameworks prescribed by the Forest Conservation Act (1980) and the various states acts still apply.
4	Status of bamboo as MFP is contestable; transport of bamboo requires transit passes	FRA clearly defines bamboo as MFP and, the Forest Rights Rules (2012) have done away with the requirement of transit passes
5	Roles of some forest officers will be irrelevant / redundant if all powers listed under FRA are granted to villages. ¹⁹	Sections 3(1)(i), section 4(1)(e) and section 5 of FRA provide the <i>gram sabha</i> power to patrol, monitor and protect its community forest areas. So this claim has substance. However, keeping in mind the theme of 'Minimum Government Maximum Governance' this is in fact a good thing.

¹⁸ "SECURING RIGHTS, COMBATING CLIMATE CHANGE: How Strengthening Community Forest Rights Mitigates Climate Change", World Resources Institute, 2014

¹⁹ In interviews with forest dept officials in both project areas, this was a recurring theme: that the forest dept's powers are being eroded to the point where the entire dept might become irrelevant

H. Conclusions

The key to successfully leveraging India's bamboo resources to provide sustainable livelihoods lies in ironing out the functional gaps in implementation of the FRA. The bottlenecks that currently exist in its implementation have been highlighted by not only NGOs and activists, but also by the Saxena Committee (2010). These include (but aren't limited to) making CFR forms readily available, and providing step-by-step guides in local languages for filing CFR claims.

Sale of harvested bamboo is another downstream component where tribal communities will require support from the government. In this regard, Gadchiroli District Administration (with support from forest rights activists) has shown the way by creating an E-tendering platform. To increase the bargaining power of tribal villages clusters of adjacent villages could be organized into co-operatives or federations.

In view of the changes in the nature of rights and responsibilities instituted by FRA, the technical expertise of the Forest Dept could be utilized by restructuring it along the lines of the Agriculture Dept. It can act as an advisory body for *gram sabhas*, and it can also be tasked with conducting field-based research to develop an indigenous body of knowledge on forest conservation and forest-based industries.

The success of business models implemented by Mendha Lekha and Jamguda show how the FRA can be deployed to establish thriving forest-based bamboo businesses. With appropriate institutional and technical support thousands more tribal villages will be able to earn their livelihoods in a similar fashion.

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