

**Ensuring a Fair and Sustainable Process  
in Critical Wildlife Habitat (CWH)  
Identification in Melghat Wildlife  
Sanctuary:**

**Interim report on Forest Rights  
Recognition and Ongoing Relocation**

*Submitted to*

*Tribal Development Department, Government of  
Maharashtra*

*by*

**Committee for Monitoring of CWH process under FRA in  
Melghat Wildlife Sanctuary**

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# **Ensuring a Fair and Sustainable Process in Critical Wildlife Habitat (CWH) Identification in Melghat Wildlife Sanctuary:**

## **Interim report on Forest Rights Recognition and Ongoing Relocation**

### **1. BACKGROUND**

The Tribal Development Department, Government of Maharashtra, vide its order of 7 November 2019, has constituted a 5-member committee headed by Additional Tribal Commissioner (Amravati) to ensure that the process of identifying and creating Critical Wildlife Habitat (CWH) in Melghat Wild Life Sanctuary (WLS), including any relocation resulting thereof, follows the steps and procedures laid down in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (hereinafter Forest Rights Act or FRA).

Keeping in mind the ongoing case (PIL No.131 of 2014) in the Mumbai High Court on CWH implementation, this Committee filed a Preliminary Recommendation Report on 13 November 2019 that provided a rapid, desk-based assessment of the status of forest rights recognition in the villages inside Melghat WLS. Subsequently, on 18 December 2019, the Hon'ble Bombay High Court passed an order (dt. 18 Dec 2018) requiring that all forest rights of forest-dwellers be recognized before any further steps are taken towards the identification/creation of CWHs in any Protected Area in Maharashtra. In this backdrop, this Committee conducted a field visit during January 27-30, 2020 to ascertain the field situation. The Committee carried out the following activities:

- a) On 27<sup>th</sup> January, the Committee held a meeting with the Revenue Divisional Commissioner (Amravati Division) Shri. Piyush Singh, the Revenue Collector (Amravati District) Shri. Shailesh Naval, the Chief Conservator of Forests (Territorial, Amravati), Shri. Pravin Chavhan, and the Divisional Forest Officer (Sipna Wildlife Division) Shri. Sivabala, to discuss the status of forest rights recognition, challenges and lacunae therein, and the processes adopted so far in the relocation of villages and the public meetings on CWH held by the CWH Expert Committees.
- b) On 28<sup>th</sup> January, the Committee

- i. Visited and held discussions with villagers in Pastalai village (near Chikhaldara town) inside Melghat WLS, where partial relocation has taken place.



- ii. Visited and held discussions with villagers in Mangiya village on the Paratwada-Dharni road inside Melghat WLS, where also partial relocation has taken place.



- iii. Met with RFO Dipali Chauhan at the Range Office in Harisal village and also met with those villagers from Mangiya village who have already relocated to their new site outside Melghat WLS (partial relocation has taken place).



- iv. Held a public meeting in the Sub-Division Office in Dharni town (announced the day before) which was attended by representatives from Makhala, Boratyakheda, Dhakna, Raipur, Rehtyakheda, Semadoh and Mangiya villages, as well as representatives of relocated villages of Dhargad, Kelpani, Gullarghat, Somthana and Memna.



- v. Visited and held discussions with villagers in Malur (Forest) and Boratyakheda villages inside Melghat WLS.



- vi. Visited and held discussions with residents of the colony of villagers relocated from Memna village (near Jaitadehi village in Chikhaldara tehsil).

This interim report is being submitted in light of issues identified in this field visit **that require urgent attention from the authorities**. It focuses on two issues: concerning forest rights recognition in Melghat WLS, and concerning the ongoing/completed relocation.

## **2. STATUS OF FOREST RIGHTS RECOGNITION IN MELGHAT WLS**

In the preliminary report submitted by this committee on 11<sup>th</sup> November 2019, we had already pointed out the incomplete status of rights recognition under FRA in the Melghat WLS and surrounding areas. Following the preliminary report submitted by this Committee in November, strenuous efforts have been made by the ITDP Project Office in Dharni to ensure that villages are able to file claims, and a number of villages have done so. The ITDP PO has also worked with the SDLC and DLC to try and get rejected claims reviewed. Nevertheless, a series of challenges and issues remain to be resolved (see the list in Table 1):

- a) **Not all villages have submitted claims:** In spite of the efforts made between November and January, one village (Pili) is **yet to submit its CFR claim**.
- b) **CFR claims still pending with the DLC:** This includes Jambli Kesharpur, Khamda, and Makhala. The cases have been pending for several years. Other recently submitted claims include Adhav, Dhakna and Semadoh.
- c) **Illegal rejection of CFR claims:** Most important, a number of CFR claims have been illegally rejected. The various (incorrect) reasons given for rejection include:
  - i. Claimed area is a Critical Tiger Habitat (Boratyakheda, Makhala, Chopan, Vairat)
  - ii. Evidence is incomplete (Rora and Mangiya), when actually grazing passes have been provided;
  - iii. That the village has now been relocated (and therefore does not exist in its original location)—including Churni, Pastalai, Dhargad, Gullarghat, Kelpani, Somthana Khurd, Somthana Budruk—although the claims for Churni and Pastalai were filed **before** relocation began, and later villages were shifted even before the villagers could file their claims.

In all cases, villagers have filed appeals against the rejection and the appeals are pending with the DLC.

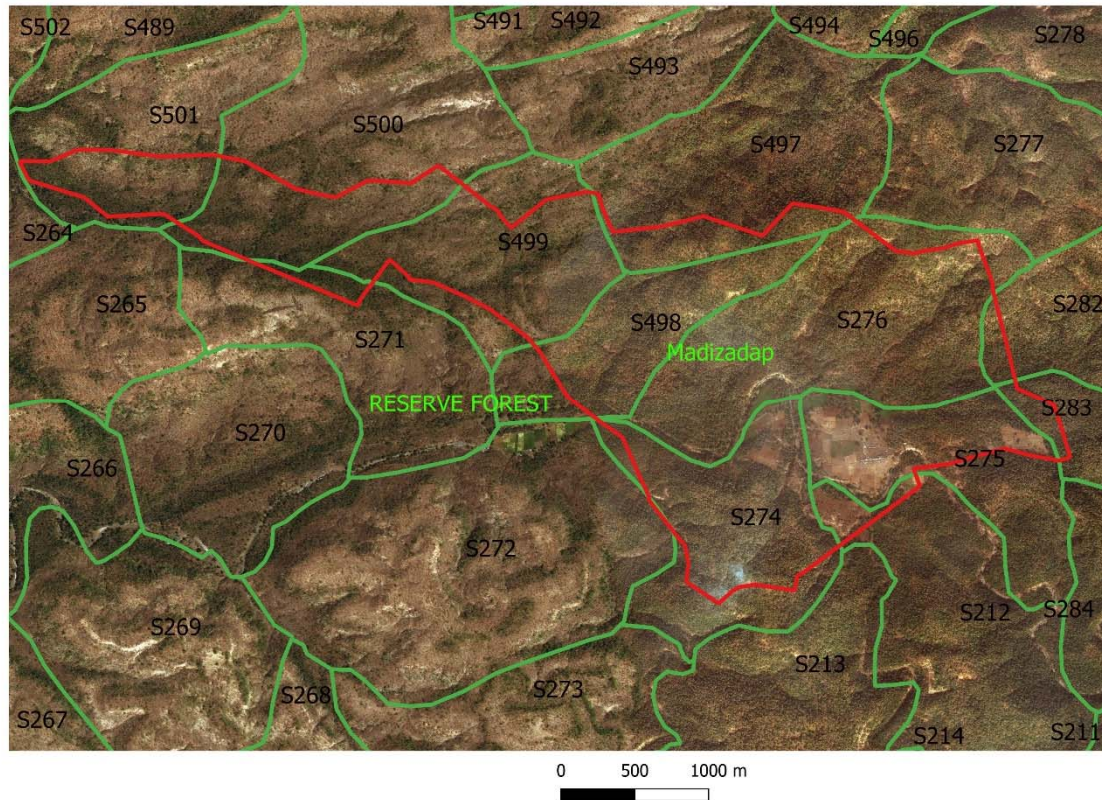
d) **Improper rejection of IFR claims:** As noted in this Committee's preliminary report, many IFR claims have been rejected, especially in Makhala, Semadoh and Rehtyakheda. The following issues emerged during the public meeting and our perusal of the files:

- i. Many IFR claimants pointed out that no information had been provided to them in writing of the rejected status and reason for rejection.
- ii. As per the files, where reason for rejection was given as "lack of evidence", it was often not clarified whether absolutely no evidence was provided or one evidence (out of minimum 2) was lacking, or whether evidence provided was invalid and in what way.
- iii. Where reason for rejection was given as "Ineligibility of claimant", it was not indicated why exactly the claimant was ineligible.

Specifically on the question of what constitutes valid evidence, villagers in the public meeting argued that their IFR claims were rejected without considering the eligibility certificate issued by the District Collector (at that time Ms. Manisha Verma) in 2002 based on a 3-member committee's recommendation (following orders from Supreme Court in the case of Pradeep Prabhu Vs Union of India). In our opinion, this constitutes a valid piece of evidence. But government officials pointed out that there was a need to establish the authenticity of the certificates being produced, because there were no records available in government offices, and the certificates submitted with IFR claims were photocopies, from which authenticity was hard to establish.

e) **Incomplete or partial recognition of CFR claims:** Even where CFR claims have been recognized, the recognition is faulty: the extent and location recognized are quite different from the extent and location claimed and for which evidence has been provided. The case of Madizadap village is a classic example. The Gram Sabha of Madizadap filed a claim for compartment numbers 211, 214, 274, 275, 276, 277, 280, 282, 284, and 285. They had provided grazing passes/receipts obtained in the past (pre-FRA) as proof of having exerted grazing rights for most of the compartments. These compartments add up to an extent of approximately 3,000 ha. But the CFR title was recognized initially only for compartment number 275 (S275 in Figure 1), the area of which is only 143 ha as per Forest Department (FD) records (whereas the title said 258ha). Worse, as the map in Figure 1 shows, this area includes the village cultivation and settlement (gaavthaan) area, and the actual forested area in the compartment is

only perhaps 120ha. Subsequently, due to the intervention of this committee, the CFR title for Madizadap was modified to 299 ha, covering compartment numbers 275 (119ha) and 284 (area 179ha). But this still does not address the question of why other compartments were omitted.



**Figure 1. Madizadap village with revenue and compartment boundaries overlaid on actual land-use**

Similarly, in village Chaurakund (see Figure 2), the CFR title mentions compartment numbers 592 and 593, and a total CFR area of 623.8 ha. But in fact the gross area of these compartments is only 564.5 ha as per the map provided to this committee by FD. More importantly, this includes 169 ha of agricultural, settlement (gaavthaan) and grazing areas of the village as per the revenue record, and the 455 ha of legal 'forest' inside the revenue boundary of the village then includes not just forest within compartments 592 and 593, but also part of 646 (see Figure 2). So again, the CFR title and recognition process short-changes the villagers.





We found similar problems with the CFR recognition of Raipur, a village with a population of more than 1000 people, which claimed a CFR of ~2000 ha across 12 compartments. But their claim was recognized only for 180 ha in a compartment far away from the village without recognizing compartments located in between (see Figure 3). The forest area of 957 ha located within the revenue boundary of the village has been ignored, as also several other compartments to which they have demonstrated customary access.

We also found similar problems of incomplete and incorrect recognition in Rehtyakheda (which applied for ~3000 ha across 11 compartments, but got recognition only for 1 compartment of 310ha, when it is clear that their village agriculture itself straddles 2 compartments), and Harisal, and these problems are likely to be present in several other villages.

There are multiple reasons for all these errors, shortcomings and illegalities.

1. Clearly the delays in processing claims, many filed in 2009, are responsible for a situation where now relocation has taken place and then the claims are denied. This is also in violation of the FRA.
2. The SDLC and DLC clearly have not fully grasped the provisions of the FRA and the fact that the claimed area being Critical Tiger Habitat (CTH) or WLS is not a valid reason for non-recognition of a claim.
3. It is also clear that the SDLC and DLC have not fully grasped the spirit and letter of the FRA, wherein there is no discretion to these committees on how much area is to be recognized, nor can any consideration of 'how much forest does the village need' be brought in. The recognition process must strictly follow the evidence of customary use, including both evidence provided by the villagers and the evidence that may already be present in government records, such as revenue and forest settlement records (to which almost invariably villagers do not have access) If villagers provide copies of past grazing passes from multiple compartments, then all those compartments need to be recognized as being part of the CFR. Similarly, all areas falling within the revenue boundaries of a village must be automatically considered as a minimum part of the CFR.

4. It may also be noted that the Inquiry Report of the Sub-Divisional Officer (Dharni) of 30-Nov-1998 (carried out as part of the WLPA process of finalising rights in the area intended to be made into WLS) clearly states in its "Decision" that "(c) Rights derived by the citizens in these 22 Villages in the Melghat Tiger Sanctuary by inheritance for livelihood like use of wood, collection of honey, collection of *Charoli*, collection of *Moha* flowers, Dink collection, removal of *masoli* from the rivers, grazing cattle, removing *kand-mule* and herbs from the jungle etc. will remain intact." This means that either these villages must be allowed to exercise these rights post-relocation, or they must be compensated for them.
5. It is clear that the villagers were not provided with the forest compartment maps overlaid on their village revenue boundary and land-use maps (preferably satellite imagery as above) so that they may properly determine their traditional use areas and their locations vis-à-vis the official revenue and compartment boundaries. This is in violation of Rule 6 of the FRA. Moreover, the SDLC and the DLC are also not using actual maps to examine and understand the ground situation, the relationship between revenue boundaries, pre-existing agriculture and settlement areas, forest compartment boundaries, the 'nazari-nakasha' (sketch map) and other evidence provided by the villagers. They appear to simply take the word of the Forest Department as to which patch may be granted and the extent of forest in that patch/compartment.
6. Finally, it must be mentioned that the forest rights of the villages under the Panchayat (Extension to Scheduled Areas) Act of 1996 (**PESA**) have not yet been recognized and documented, nor have they been empowered to exercise their rights under PESA.

**Table 1. Updated list of villages in or abutting Melghat WLS and their status**

Village name	Census 2011 code	Total Geographical Area (ha)	Total Households (2011 census)	Total Population of Village (2011)	Total Scheduled Caste Population (2011)	Total Scheduled Tribes Population (2011)	Forest Area (ha)	Status of village
Adhav	531555	213.3	111	592	0	486	96.0	Present (in Core)
Ambapati	531703	465.1	177	884	38	650	310.6	Present (in Buffer, abutting Core)
Amzari	531661	316.7	113	583	1	518	34.6	Present (in Buffer, abutting Core)
Asalwada	531562	45.0		0			0.0	Uninhabited
Bhiroja	531548	331.9	204	856	317	509	25.0	Present (in Buffer, abutting Core)
Bichukheda	531626	38.0	51	264	0	228	0.0	Present (overlaps Core & Buffer)
Bori	529875	124.0	53	233	2	16	71.5	Relocated
Bortyakheda	531536	320.0	147	781	0	781	15.0	Present (in Core)
Chaurakund	531495	624.0	214	1050	3	948	455.0	Present (in Core)
Chopan	531480	219.0	95	466	0	461	145.0	Present (in Core)
Chunkhadi	531627	394.0	117	657	5	652	74.7	Present (overlaps Core & Buffer)
Churni	531664	101.9	13	62	0	0	16.3	Relocated
Dhakna	531560	211.2	155	648	18	617	96.1	Present (in Core)
Dhargad	531586	129.5	90	386	21	294	48.7	Relocated
Dolar	531576	365.0	56	243	0	208	104.1	Relocated
Dolar	531593	0.0	0	0	0	0	0.0	Uninhabited
Girguti	531704	1015.9	214	1044	50	885	660.5	Present (in Buffer, abutting Core)
Gularghat	531584	248.0	112	605	19	510	5.6	Relocated
Harisal	531500	319.0	324	1479	141	794	164.0	Present (in Buffer, abutting Core)
Jambli	531702	735.4	354	2292	12	1900	302.0	Present (in Buffer, abutting Core)
Jawaharkund	531543	12.0		0			0.0	Uninhabited
Keli	531547	496.2	199	840	0	768	318.2	Present (in Buffer, abutting Core)
Kelpani	531587	169.1	218	1013	47	542	55.6	Relocated

Village name	Census 2011 code	Total Geographical Area (ha)	Total Households (2011 census)	Total Population of Village (2011)	Total Scheduled Caste Population (2011)	Total Scheduled Tribes Population (2011)	Forest Area (ha)	Status of village
Kesharpur	531549	394.8	232	1105	20	998	81.2	Present (in Buffer, abutting Core)
Khadimal	531624	427.0	198	1157	71	1064	97.6	Present (in Buffer, abutting Core)
Khamda	531481	185.0	116	510	3	502	66.0	Present (in Buffer, abutting Core)
Khatkali	531578	464.0	116	534	10	483	221.1	Present (in Buffer, abutting Core)
Khatkali	531662	457.3	114	500	0	496	360.2	Present (in Buffer, abutting Core)
Koha	529874	238.0	96	528	8	316	85.7	Relocated
Kolkas	531546	0.0	1	9	0	0	0.0	Present (in Core)
Kumbhi	531538	254.0		0			0.0	Uninhabited
Kund	529873	102.0	48	259	1	258	39.8	Relocated
Kundi	531682	253.6		0			205.7	Uninhabited
Madizadap	531615	215.5	68	298	1	244	37.5	Present (in Core)
Makhala	531539	733.0	258	1080	0	984	464.8	Present (in Core)
Malur	531496	487.0	138	679	0	553	335.0	Present (in Core)
Mangiya	531497	159.0	156	779	14	544	55.0	Present (in Core)
Masondi	531653	304.0	111	608	0	241	0.0	Present (in Buffer, abutting Core)
Memna	531663	809.6	49	172	2	170	728.9	Relocated
Nawalgaon	531625	44.0	90	400	0	400	0.0	Present (in Core)
Palaspani	531583	157.0		0			0.0	Uninhabited
Pili	531544	207.0	108	581	24	417	87.5	Present (in Core)
Pirkheda	531577	203.0		0			0.0	Uninhabited
Raipur	531537	1422.0	187	1080	6	1023	957.2	Present (in Core)
Rehatyakheda	531535	242.9	73	418	0	389	0.0	Present (in Core)
Rora	531498	156.8	87	449	0	364	0.0	Present (in Core)
Semadoh	531545	235.9	407	1754	163	1151	30.0	Present (in Core)
Somthana Bk	531590	205.0	110	565	17	515	118.2	Relocated

Village name	Census 2011 code	Total Geographical Area (ha)	Total Households (2011 census)	Total Population of Village (2011)	Total Scheduled Caste Population (2011)	Total Scheduled Tribes Population (2011)	Forest Area (ha)	Status of village
Somthana Kh.	531589	245.0	113	641	2	630	118.2	Relocated
Tekdakheda	531588	0.0		0			0.0	Uninhabited
Tetu	531660	192.0	55	257	0	203	115.4	Relocated
Vairat	531681	173.6	32	196	0	0	88.7	Relocated
Zira	531573	0.0		0			0.0	Uninhabited
Pastalai	531680		58	269				Almost all Relocated (4 hh left)
Sarvarkheda	531541							NA
Khongeda	531705							Present (in Buffer, abutting Core)
Belkund	531561							Uninhabited

Note: Village Sarvarkheda, listed in Table 1 of our Preliminary Report, does not actually abut the WLS boundary, and so its inclusion (and that of village Bhawai, next to it) in the notice of public meeting of 28 August 2019 issued by the Forest Department in connection with the CWH process is erroneous.

### 3. STATUS OF RELOCATION CARRIED OUT

The Committee reviewed the status, process and legality of ongoing relocation located within in Melghat WLS. The Forest Department has been pursuing the relocation of these villages right since 1994, when the revised 'intent to notify as WLS' was announced vide G. R. No. WLP-1092/C.No.526/F-5, dated 15th February 1994. The first village to be relocated was Bori village, and with the involvement of a number of civil society groups, a 'model' relocation was attempted. The villages of Koha and Kund were relocated soon after Bori. **However**, the final notification of Melghat WLS (vide Notification no. W.L.P-10-2000, C.R- 41/F- 1/ dated 6th November 2000 admeasuring 767.36 sq.km.) did **not** include the area of the 22 villages that were geographically situated with the proposed WLS boundary. **Moreover**, with the passing of the FRA in 2006, the relocation process should have been halted till the forest rights recognition was complete. However, the relocation effort was resumed by the Forest Department after NTCA issued guidelines for 'voluntary' relocation from Critical Tiger Habitat in 2011 (Melghat WLS had been declared as a CTH in December 2007). Details are provided in Table 2 below.

**Table 2. List of relocated (or ongoing relocation) villages**

Village name	Census code	Date relocation notification was issued	Status
Bori	529875	Prior to FRA	Completed
Churni	531664	Post FRA	Completed
Dhargad	531586	15-Mar-12	Completed but now protesting
Dolar	531576	28-Feb-18	Completed
Gularghat	531584	20-Dec-12	Completed but now protesting
Kelpani	531587	10-Jul-14	Completed but now protesting
Koha	529874	Prior to FRA	Completed
Kund	529873	Prior to FRA	Completed
Mangiya	531497	20-Dec-18	Ongoing (only some households agreed)
Memna	531663	20-Dec-18	Completed
Pastalai	531680	28-Feb-18	Ongoing but 4 households have refused
Rora	531498	20-Dec-18	Ongoing (only some households agreed)
Somthana Bk	531590	13-Jun-13	Completed
Somthana Kh.	531589	27-Feb-14	Completed but now protesting
Vairat	531681	Post FRA	Completed

Note: A few other villages (Chopan, Pili) have also been notified for relocation, but process is yet to begin.

Upon examining the legal basis for relocation, we find that **all the post-2000 relocation efforts are illegal for a number of reasons:**

- a) At the outset, the entire set of 22 revenue villages that are geographically located 'inside' Melghat WLS were excluded from the final notification of November 2000 CTH. This is acknowledged even in the Melghat Tiger Reserve Tiger Conservation Plan 2014 (page 20, text below Table 1). (This is true for Wan and Ambabarwa WLSs also.) This means that these villages are legally not on WLS land, and **therefore they cannot be taken up for compulsory relocation under the Wildlife Protection Act 1972 (sections 24 & 25).**<sup>1</sup>
- b) As a corollary of the above, since the villages are not legally part of the WLS, they are also not legally part of the CTH territory, since the CTH notification simply mentions Melghat WLS (and other Protected Areas). **Thus, the Guidelines for 'voluntary relocation' of 2008<sup>2</sup> that are applicable to core areas or CTHs are not applicable to these villages.**<sup>3</sup>
- c) Furthermore, the **declaration of CTH is itself illegal** because it violated all rules and steps laid down in WLPA section 38V itself. For instance, no scientific criteria for notifying CTHs were notified, nor was the Expert Committee required to be constituted (sec 38V(4)(i)) actually formed.
- d) Even the 'voluntary relocation' under CTH provisions first requires (sec.38V(5)) that it be established, in consultation with forest-dwellers and with ecological and social

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<sup>1</sup> They were included in the area 'intended to be notified' u/s 18, and if their lands were to be compulsorily acquired and they were to be relocated u/s 23-24, that should have been completed *prior* to the final notification u/s 26.

<sup>2</sup> Revised Guidelines for the Ongoing Centrally Sponsored Scheme of Project Tiger, National Tiger Conservation Authority, Government of India, February 2008, para 4.9.

<sup>3</sup> The CTH notification of 27 December 2007 incorrectly refers to the 1994 notification of formation of the WLS, because the 1994 notification was simply about 'intent to notify', and CTHs can only be formed out of Tiger Reserves, which in turn have to meet the notification criteria for WLSs or NPs (see section 38V(4)(i)).



scientists familiar with the area, **that the activities of the forest-dwellers or their presence will cause irreversible damage to tigers and their habitat.** No such process has been followed to determine that relocation is required.

- e) The so-called 'voluntary' relocation process that is being followed also violates a number of other provisions:
- i. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR) requires that in addition to compensation of land value, a cash solatium (compensation for mental hardship) of 100% of the total compensation amount must be provided, as also reservation benefits for Scheduled Tribe members in government jobs in the new location, and compensation for rights lost over common lands such as CFRs (sec.41 and 42 of LARR). None of these provisions are being followed.
  - ii. Even the 2008 NTCA guidelines (revised in 2011) clearly state (section 6.1.1) that **prior to even 'voluntary' relocation, the rights of forest-dwellers under the FRA must be fully recognized.** This step has not been followed in all the villages relocated after 2008 (when FRA came into effect), which is the majority of relocated villages (see Table 2 above).
  - iii. The compensation being offered is incomplete even vis-à-vis the NTCA guideline itself, since the CFR claims were not recognized and therefore not compensated for.
  - iv. Even where households have rejected the 'voluntary' relocation package, they face continuous pressure to relocate, including shutting down certain roads (as in Malur) or increasing impoundment of cattle supposedly caught 'illegally' grazing (even as CFR claims are pending). Similarly, in many villages, FD does not provide MGNREGS work in time, or doesn't give permission to projects in pipeline. It is clear that 'voluntary' is for namesake

only, and that the Forest Department is determined to relocate the villages one way or another.

#### **4. RECOMMENDATIONS FOR IMMEDIATE ACTION**

In light of the above findings and given the urgency of the matter, this Committee recommends that the Government of Maharashtra:

- 1) Immediately **withdraw all existing CTH notifications in Maharashtra** as they are in violation of sec 38V of the WLPA and contravention of all provisions of FRA
- 2) Immediately **issue a stay on all relocation in all CTH areas of Maharashtra** for reasons given above, until:
  - a. The process of forest rights recognition is completed, and
  - b. The CTH notifications is redone as per the actual law and the CWH area is notified as per the actual law.
- 3) Issue public notices in the local language and communicate to all villages in and around all CTHs that such a stay has been issued, so as to prevent any further misunderstandings about the availability of relocation packages or misguided attempts at relocation.
- 4) Immediately issue **guidelines on rights recognition of claims submitted by villages that have been partially relocated or fully relocated after FRA came into force**. Guidelines should indicate that:
  - a. this relocation is illegal as it contravenes the FRA,
  - b. therefore SDLCs/DLCs should still consider and decide upon such claims even if the villagers have partially or full relocated,
  - c. once claims, especially CFR claims, are recognized, villagers may then choose to take compensation for the CFR area which they lose because of relocation,
  - d. compensation for IFR claims recognized will follow the usual LARR Rules, and

- e. compensation for CFR area given up should be at 50% of the Net Present Value applicable to the forest, because local communities are known to be the beneficiaries of at least 50% of the benefits from forest ecosystems. (See Kanchan Chopra committee report).
- 5) **Ensure that all villages abutting or located within 1km of the boundary of core portion of Melghat Tiger Reserve** (including Melghat WLS, Gugamal NP, Ambabarwa WLS, Wan WLS and Narnala WLS) **are made aware of their forest rights**, including **Community Forest Resource** rights, and especially that their forest rights exist even inside WLS, NPs or CTHs. Ensure that their claims are filed and processed on a priority basis, by issuing necessary instructions to the relevant SDO/ITDP Project officers and FRA coordinators to carry out this process **in campaign mode within the next one month.**
- 6) Issue **instructions to the relevant DLCs to review all CFRs recognized till date so as to remove any discrepancies between the area that should be recognized as per evidence of *nistar*/customary forest use and the area of CFR recognized in the titles granted so far.** Clarify that the area to be recognized as CFR must follow the letter and spirit of the FRA, in which no arbitrary reduction in area is permissible on the basis of invalid considerations such as ‘the area overlaps with a PA or deemed CTH’ or ‘the area is too much for the villagers’, is permissible. Instruct the DLCs to **make available to claimants and to examine itself** the evidence already available in government records, including forest and revenue settlement records, rights enquiry reports, maps, working plans, and grazing passes.
- 7) The instructions in 6 above must also be followed for all upcoming CFR claims and CFR claim-related appeals. To facilitate proper consideration and recognition of correct CFR areas, **geo-rectified maps showing overlays of a) compartment boundaries, b) village boundary, c) village cadastral maps, and d) recent Google Earth or other high resolution visible-spectrum imagery** should be generated (with help from MRSAC or any other agency if necessary), hard copies should be provided to all villages for preparing their claims (along with nazari nakasha) and preparing

appeals, and hard or soft copies of the same be used by the SDLCs and DLCs when considering the claims/appeals and issuing the final CFR title. The same maps with suitable annotation and boundary indication must be attached with the CFR titles when they are issued. Care must be taken to ensure that the CFR area recognition in the title reflects the actual forest area (after excluding agriculture, *gaavthan* and other non-forest areas from the area of the relevant compartments). Workshops for all DLC and SDLC members should be carried out to explain to them the source of the discrepancies and the use of the maps in CFR recognition and for issuing CFR titles.

- 8) Issue instructions/guidelines that in considering IFR claims, the eligibility certificate issued in 2002 by the then District Collector (Ms. Manisha Verma) should be considered as a valid piece of evidence. Given the lack of records with the government as to the persons to which these certificates were issued, IFR claimants may be asked to come with originals of the certificates for verification by the SDLC. Further, that in cases where a person holds a valid eligibility certificate of 2002 or other valid evidence of having been in possession of their individual land in or before 2002 **but** was subsequently evicted by the Forest Department and hence lost possession of this land, the person must be considered eligible for restoration of his/her land under section 3(1)(m) of the FRA. In other words, the fact that the person had been evicted after 2002 (and was therefore not in possession of the land at the time of making the IFR claim) must not be used as a reason for rejecting the IFR claim.
- 9) Issue instructions for ensuring that the provisions under PESA, including rights of Scheduled Tribe communities over common lands and resources, are recognized and factored into all processes and decisions.
- 10) Immediately carry out necessary training of SDLC and DLC members and TDD staff for the proper implementation of 6, 7 and 8 above (especially #7).
- 11) Since Melghat WLS is not separable from the rest of Melghat Tiger Reserve (which comprises 5 Protected Areas and a buffer zone), and CWH Expert Committees have been set up for all 5 PAs, we recommend that this Committee's mandate be expanded to cover CWH-related processes in the entire Melghat Tiger Reserve.



Shri. Vinod Patil  
Assistant Tribal Commissioner, Nagpur (Chair)



Dr. Sharachchandra Lele  
Member



Dr. Geetanjoy Sahu  
Member



Smt. Purnima Upadhyay  
Member



Ms. Mittali Sethi  
Member-Secretary

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