

**REPORT OF THE CFR CONFERENCE AND INDEPENDENT
PEOPLES TRIBUNAL ON ISSUES AND INJUSTICE IN
IMPLEMENTATION FOREST RIGHT ACT 2006 IN KERALA**

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Children's Theatre, Ernakulum

Organised By

Western Ghats Hornbill Foundation, HRLN, Vasundhara and MES Asmabi College

The Independent People Tribunal (IPT) on Issues and Injustice in implementation of Forest Right Act (FRA) 2006 in its 10th year of implementation was organised jointly by Western Ghats Hornbill Foundation, Human Right Law Network (HRLN), Vasundhara and MES Asmabi College along with the National consultation on FRA and CFR: and 4th Kerala CFR Conference is organized by Western Ghats Hornbill Foundation, Vasundhara, HRLN and MES Asmabi college on 19 – 21 November 2017.

The tribal members and tribal FRA Grama Sabhas across the state were able to present their complaints and issues before a panel of senior advocates and experts. The panel was chaired by Adv Madhusudhanan, Senior Advocate, Kerala High Court and the panellists were Adv. Santhamma, Senior Advocate, Kerala High Court, Adv. Maria, HRLN, Dr. Amitha Bachan, FRA Expert, Hornbill Foundation.



Shri. Dayamani Barla inaugurating the IPT – Kerala 2017

The IPT-Kerala 2017 was inaugurated by Dayamani Barla (Journalist and Activist from Jharkhand). She opined it is necessary to study forest rights act in depth to know our rights over the mineral deposits underground, forest produce and the fisheries. She said that we have to arm our self with the act and move forward. The session was chaired by Mr. Sharath of Keraleeyam He mentioned Muthanga and other Protests and how media and politicians portrayed Tribal fights for their rights in a negative light. PESA, which was enacted on 1996, ensures village autonomy in many aspects of governance. However, in Kerala, the act did not come into force as there are no recognized scheduled areas. He concluded, stressing the importance of FRA, 2006 in ensuring various traditional rights

enjoyed by the tribal communities for centuries. Adv.Maria (HRLN Co-ordinator) spoke about injustice to tribal communities in Wayanad. Dr. K.H. Amitha Bachan presented a brief note on major Violations of FRA 2006 implementation in Kerala as a background paper for the IPT.

The IPT – Kerala- 2017 was started with a brief introductory note by chaired by Adv Madhusudhanan, chair of the jury and Senior Advocate, Kerala High Court on the provisions and significance of IPT Kerala. Adv. Maria and Dr. Amitha Bachan, Panle members introduced the modalities of presentation.



The first presentation was from Janardhanan P.G and Jiyesh C.S together on issues in Idukki District, the problems raised after the FRC formations at FRA Grama Sabha or Oorukootams, there are 300 Oorukootams and 93 FRC was formed, according to rule 3 (1) section (a) provide the right to formulating FRC for each Oorukootams but here there is no FRC for some Oorukootams for example Pathippalli valiyakandam, Memoottam. In idamalakudi Panchayath there are 24 ooru but there is only one FRC. Community right is not obtained so far. According to the FRA 2006 the MFPs transit permission is given FRCs of each Oorukootams, but here the VSS and Societies misuse the provisions. Representatives from Idukki complained that FRC's were not formed even in areas of significant tribal population. They also mentioned that the forest department continues to exert control over tribal forest land through VSS. They criticized the forest department policy of planting non indigenous plants resulting in reduced biodiversity and lack of food availability for the animals. They listed this as a reason for increased human wildlife conflict.

Adivasi representatives from Wayand Ms. Lalitha, talked about how habitat rehabilitation is done without consulting adivasis. They said that displacement results in loss

of their vast traditional knowledge and culture. They accused the tribal department of negligence towards adivasis's problems.

Other representatives from Nilambur, Thiruvananthapuram, and Kozhikode also presented their concerns in front of the Jury.

Ramachandran, a young law student from the Muthuvan tribal community of Idukki emphasized the need of having community possession of land rather than having individual partitioning of land. He briefly mentioned, how the Muthuvan settlement was pushed out from their natural habitation due to Shenkulamwater project in early 1940s and various Tea estates popped out in near places of Munnar. Till date, there is no evident progress on FRA in the Edamalakkudi settlement. He concluded by stressing the importance of indigenous cultural practices and customs and the need to preserve them.

Smt.Kunjamma Michel the member padukkuty muthuvan tribal settlement filed a complaints indicating encroachment to the tribal land happening in Idukki district including that in the land given under forest right act. As a leader from the Adivasi gothra maha Sabha she submitted a list of people in which the encroachment has happened. She reported that of the 150 acres of forest land belong to 60 muthuvan tribal families was encroached up to its 60% by non-tribalcommunity. She also complained failure of district administration and other officials in delivering their duties in protection of Adivasi land and their rights. She also provided copies of available petitions made to various authorities and also to the court.Smt.Thankamma from padikkap settlement also made complaint on encroachment to her 1 acre land in which she has forest right. Similar five cases are reported from the Padikkap.

M.Geethanandhan, Representing Adivasi Gotha Mahasabaha spoke about how Adivasis were excluded from the development agenda of the Kerala state. He opined that FRA represents rights of the Marginalized. He made the observation that political mind of Kerala is still not ready to accept the rights of the deprived community.

Murukan, Representatives from Attapadi spoke of how the scheduled tribe co-operative society is hugely politicized at the cost of Adivasi interest. They also mentioned how people who speak up against land mafias are branded as Maoists. They also spoke of how

forest department imposes unreasonable restrictions on timber logging which are illegal as per FRA.

Sri. B. Rama from Malakkapara Perumbara Kadar Colony Thrissur district, reported that CFR is claimed and obtained in 2012 and CFR committee is formed first time in Kerala in 2014. But even now the MFPs only deals with the forest department. In this settlement 75 families involved they are formulated a society on 1999 and starting farming in their traditionally using area but there is no right to given to them. A total of 52 CFRs are passed by DLC in 2012 but only 21 titles are issued and the 31 CFRs not signed by DFO so that are pending.



Dr. Pradip Parbhu addressing the public function at the valedictory session of the conference

A total of 145 participants were registered of which 78 were tribal participants representing 11 districts out of 13 forested districts across the state. Representations were submitted from other two districts Kollam and Pathanamthitta. The jury summarised the presentations. Decided to review each and every petitions and make a comprehensive report and release it by June 2018. They also said the important violations will be compiled with evidences including illegal rehabilitation happened in Wayanad and file to higher authorities or in the court.



Discussion among tribal Grama Sabha members



Release of Book on Status of FRA implementation in Kerala by Dr. Pradeep Prabhu