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The case for implementation of **Forest Rights Act** in Northeast India



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1. What is Forest Rights Act?

The Government of India enacted the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights), Act, 2006 (FRA) to undo the “historical injustice” suffered by the Scheduled Tribes and other traditional forest dwellers whose forest rights on ancestral lands and their habitat were not recognized during the colonial period as well as in independent India. Gross atrocities have been committed against the tribals who have been criminalized for living inside the forests or for their intrinsic relationship with the forests. They were declared as encroachers of forest land inhabited by them for generations and evicted, arrested, tortured or even killed for trying to access the forests.

For the first time, the FRA 2006 recognized and vested forest rights in the forest- dwelling Scheduled Tribes (STs) and other traditional forest dwellers (OTFDs). Hence, the FRA has been considered a landmark legislation in favour of the Scheduled Tribes/indigenous peoples.

The FRA was notified in the Official Gazette on January 2, 2007 and came into force with the notification of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 on January 1, 2008. According to the Ministry of Tribal Affairs, which is the nodal agency for implementation of this law, a total of 44,66,617 claims (42,97,245 individual and 1,69,372 community claims) have been filed and 22,49,671 titles (21,46,782 individual and 1,02,889 community titles) have been distributed across the country to the extent of 1,68,29,864 acres of forest land, as of November 30, 2022.[1] However, except Assam and Tripura, the implementation of the FRA has been a non-starter in Northeast.

2. Flawed position of Northeastern states on FRA

The Northeast region of India comprises of 8 states namely Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura. Except for Assam and Tripura, other states have not shown any interest in the FRA. In fact, these state governments have viewed the FRA with suspicion and even disdain. The official position taken by these states is that tribals have community ownership of forest land and hence, FRA is least relevant to them.

The official response submitted by Arunachal Pradesh to the Ministry of Tribal Affairs (MoTA) is that “Arunachal Pradesh is a 100% tribal dominated State and almost all lands are wholly possessed by the various ethnic tribal groups. As such there is no instance of eviction of forest dwellers who have been dwelling in the Forest even before implementation of the Act, 2006. Consequently, there are no claims of Forest received under the Act, 2006.”

Curiously Manipur where tribals constitute 40.87% of the state population informed the MoTA that “there has been no substantial progress in the implementation of the Act due to the face [fact] that apart from reserved forest/ wild life sanctuaries the tribal communities and Tribal Chiefs are already holding ownership of forest land as they are ancestral land. Therefore, implementation of said Act is likely to be very minimum.”

Meghalaya’s position has been that: “it has 76.44% area under forest cover amongst which only 5.10% area is under direct administrative control of the State Forest Department in the form of Reserved Forest, Protected Forest, protected areas, and rest of the Forest areas are either privately or community owned. The major portion of forest areas are owned and administered by the traditional institutions like Syiem, Dolloi, and Nokma and communities are enjoying surface rights and sub-surface rights since time immemorial.” It was further stated that in the 6th Schedule area (Autonomous District Councils), Gram Sabha is absent to facilitate the implementation of the FRA.

Nagaland and Mizoram have used their special status under Article 371A and Article 371G of the Constitution respectively to keep the FRA at bay. While Nagaland's legislative assembly never decided to adopt the FRA, Mizoram implemented it for over nine years from March 2010[2] till it was revoked in November 2019.[3] However, during these nine years, not a single claim has been entertained. In November 2022, Mizoram officially communicated to MoTA that "nearly 100% of the population of Mizoram are Scheduled Tribe and is sharing common ownership of non-reserved forest land under the jurisdiction of every village. Hence, the issue of deprivation or rejection of rights never arise till date as forest ownership rights was recognized and vested in the hands of the community of every villages since time immemorial." [4] As for Sikkim, it has claimed that there is no forest-dwelling ST or OTFD in the state.

The positions taken by these states are deeply flawed. The fact that Nagaland and Mizoram have used their special status under the Constitution to avoid the FRA implementation only proves that the state governments (and even citizens) have failed to understand the FRA properly. The FRA does not supplant the customary/traditional ownership of land, rather it strengthens the legal rights of the indigenous peoples over their forest land and traditional territories, including in the reserved forests, National Parks, wildlife sanctuaries and other protected forests which are under the forest department.

Today, indigenous peoples in many states of the Northeast, particularly Arunachal Pradesh, are resisting the forced diversion of forest land, including community forests, for the construction of dams[5] or the creation of protected areas such as tiger reserves[6] without the consent of the affected communities. In such struggles, the indigenous peoples will be better off if the FRA is implemented in their state. As per the order dated August 3, 2009, issued by the Ministry of Environment and Forests, it is mandatory for state governments while seeking approval of the Central Government for division of forest land for non-forest purposes under Section 2 of the Forest (Conservation) Act of 1980 to submit certificates from the concerned Gram Sabha that all processes under the FRA have been completed and that "they have given

consent to the proposed diversion [of forests land] and compensatory and ameliorative measures, if any, having understood the purposes and details of the proposed diversion.” The States/UTs must also submit obtaining the written consent or rejection of the Gram Sabha to the proposal for the diversion of forest land. However, since the majority of Northeastern states are not implementing the FRA, it is the indigenous peoples who are the biggest losers.

3. The Case for implementation of FRA in Northeast India

3.1 Threat to traditional/customary control of forests by indigenous peoples

As per India State of Forest Report 2021, 57.28% of the Recorded Forest Areas in the northeast are ‘unclassified’ forests. Nagaland has a whopping 97.28% under this category, followed by Meghalaya (88.15%), Manipur (75.66%), Arunachal Pradesh (52.99%), Tripura (42.96%), Assam (33.43%) and Mizoram (15.46%) while Sikkim has no unclassified forest.[7] This ‘unclassified’ forests are not notified as ‘reserved forest’ or ‘protected area’ under the Indian Forest Act 1927 (or its state versions) and are traditionally and customarily under the control of the indigenous communities in the Northeast. This is what many Northeastern states have alluded to while making the argument that given the community ownership of forest land, the FRA is either not applicable or its relevance is minimal in the states.

However, the dangers are always lurking around the corner. In 2019, the Government of India proposed an amendment to the Indian Forest Act 1927 which was forwarded to the States and Union Territories for comments. Section 2(5) of the proposed amendment defined “forest” as “any Government or private or institutional land recorded or notified as forest /forest land in any Government record and the lands managed by Government/community”. Further, section 2(6) included “unclassified or unclassified forests” in the definition of “forest land”.[8] Clearly there has been an attempt to bring the community forests under the control of the forest bureaucracy.

While strongly opposing the proposed amendment to the Indian Forest Act 1927, a joint statement issued by five indigenous rights organizations namely Borok Peoples' Human Rights Organization (BPHRO), Indigenous Women Forum of North East India (IWFNEI), Karbi Human Rights Watch (KHRW), Naga Peoples Movement for Human Rights (NPMHR), and Zo Indigenous Forum ZIF) stated,

“The northeast has 55% of forest under ‘unclassified’ or ‘unclassified’ category, which is traditionally and customarily under the control of indigenous peoples. The proposed amendment intends to bring this category of forest under the purview IFA, and therefore under the authoritarian control and management of the Forest Department. It will have serious adverse implication on the social practices, ownership and transfer of land, including powers and function of the VI Schedule Autonomous District Council and other autonomous councils and village governance relating to: (i) land and limited legislative powers, (ii) power to make laws on such subjects as allocation of lands (other than reserved forests), management of forests (other than reserved forests), and (iii) the regulation, restriction and prohibition of ‘jhum’ (swidden) cultivation, among others.”[9]

The threats to the traditional/customary control of forests can be addressed through the robust implementation of the FRA. The 1996 Supreme Court judgment in the landmark T.N. Godavarman Thirumulpad vs. Union of India case states that the conservation of forests and matters connected therewith must apply to all forests irrespective of the nature of ownership or classification. This is why, the FRA has inserted a specific provision under the list of forest rights in Section 3(1)(j), namely “rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribal under any traditional or customary law of the concerned tribes of any State”. This, according to eminent forest rights expert Mr C.R. Bijoy, clearly applies to and covers the Northeast.[10]

In the Northeast including the Sixth Schedule Areas the ownership of the forest areas by the tribals or traditional institutions is not extended to the reserved forest, protected forests, Wildlife Sanctuaries and National Parks which are under the Forest Department. As a result, indigenous peoples are being evicted from reserved forests although they have claimed to have lived there for several generations. On the other hand, the FRA envisages the recognition and vesting of forest rights in forest dwelling STs and OTFDs over all forest lands, including National Parks, Sanctuaries, reserved forests, or protected areas. Section 3 of the FRA bestows rights of the STs and OTFDs on “all forest lands” and the “forest land” has been defined under section 2(d) to include “unclassified forests, undermarked forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks”.

The FRA has also recognized “community forest resource” which is customary common forest land within the traditional or customary boundaries of the village, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access. Within the said area, the indigenous community has the right to protect, regenerate or conserve or manage the said community forest resources and the State government cannot impose any condition other than those in FRA and the Rules.

3.2 Community Reserves: Backdoor entry of Forest Department?

The concept of “Community Reserve” was first introduced in the Wildlife (Protection) Amendment Act of 2002. Section 36C(1) of the Wildlife (Protection) Act 1972 (as amended) states, “The State Government may, where the community or an individual has volunteered to conserve wild life and its habitat, declare any private or community land not comprised within a National Park, sanctuary or a conservation reserve, as a community reserve, for protecting fauna, flora and traditional or cultural conservation values and practices.”

The Northeast region has seen a mushrooming of “Community Reserves” (CRs) since the first CR was established in the region in 2011. As of January, 2023, there are 220 CRs in 9 states of India covering an area of 1455.16 km². Out of these, 208 CRs (or 94.5% of the total in the country) have been established in the Northeast covering 1237.6 km² as given below:[11]

Name of state	No. of Community Reserve	Area (in km ²)
Nagaland	114	851.7
Meghalaya	74	141.7
Manipur	11	112.6
Arunachal Pradesh	9	131.6
Total	208	1237.6

State-wise list of all CRs is given at Annexure-1.

A CR is under the control of a “Community Reserve management committee” constituted by the State Government and it comprises of five representatives nominated by the Village Panchayat/Gram Sabha and one representative of the State Forests or Wild Life Department [Section 36D of the WLP Act]. This is nothing but a backdoor entry of the Forest Department in controlling the community forests. Further, the CR is a “protected area” under section 2(24A) of the WLP Act, 1972.[12] Once community forest land is declared as a ‘community reserve’, it is governed by the Forest Department with the involvement of the local tribals as partners of management and conservation.[13]

The Northeastern states are falling into this trap. Hence, the enforcement of FRA is necessary to prevent control of bureaucracy over community forests.

3.3 Community forests are being grabbed in the absence of FRA

As stated above, 57.28% of the Recorded Forest Areas in the northeast are 'unclassified' forests which are either private or community forests. While many Northeastern states which are not implementing the FRA have claimed that the forest rights of the tribals are already protected under the traditional system of forest ownership, the bitter truth is that community forests are being grabbed in the absence of the FRA. Further, the indigenous peoples must remember that the potential violator of their rights could be their own state government. Since the FRA is not being implemented in the state, the affected indigenous peoples may not be able to protect their community forests from forcible acquisition.

A few cases from the Northeast are given below to illustrate the problem arising out of the non-implementation of the FRA.

Arunachal Pradesh: The case of Dibang Multipurpose Project

In July 2019, the Cabinet Committee on Economic Affairs (CCEA), chaired by Prime Minister Narendra Modi, gave the go-ahead for the construction of the 2880 MW Dibang Multipurpose Project (DMP) on Dibang River in Lower Dibang Valley district of Arunachal Pradesh. At a staggering 278 metres, it will be the world's tallest concrete gravity dam.[14] On March 12, 2020, the Forest Advisory Committee (FAC) under the Ministry of Environment, Forest and Climate Change accorded the Stage-II/Final approval of the Central Government for diversion of 4577.84 hectares of forest land.[15] The Dibang Valley is home to Idu Mishmi tribe whose total population in the state is around 12,000 only (as per Census 2011). According to the Idu Mishmi Cultural and Literary Society, the apex organization of the tribe, the DMP would directly affect at least 2,000 of the Idu Mishmis which accounts for 16.6% of the total population of this vulnerable tribe.[16]

The Forest Advisory Committee (FAC) had accorded the Stage-II/Final approval for the diversion of 4577.84 hectares of forest land on certain grounds, which included that Compensatory Afforestation (CA) over identified degraded forest land, twice the size of diverted forest area, shall be taken up by the Forest Department of Arunachal Pradesh. The CA land shall be mutated and notified as Reserved Forest/Protected Forest under Indian Forest Act, 1927, within six months of Stage II approval. Hence, if CA is carried out in community-owned land, the land will be handed over to the Forest Department and turned into reserved forest/protected area. Another condition was that complete compliance of the Forest Rights Act, 2006 shall be ensured by way of a prescribed certificate from the concerned District Collector.[17]



Dibang Valley, Arunachal Pradesh, Image: Wikimedia Creative Commons

Earlier in September 2014, the FAC had recommended the diversion of 4577.84 ha on a few conditions, one of them being that “In case CA land is identified in Unclassed State Forest or Community Forest land the same should be mutated and transferred to the State Forest Department. Such mutated land will be declared as RF/PF under Indian Forest act/local forest act or AFR/VFR [village forest reserve] under local Forest Act.” The FAC also recommended compliance of the Forest Rights Act by the state government and that “the state Forest department should initiate the process to declare the right bank of the reservoir up to the ridgeline bordering the basin boundary between the Siang and Dibang up to Dri River to the north as a National Park for the future preservation of ecological diversity in the River Basin.” The Stage-II approval for the instant proposal was granted on March 12, 2020, based on the submission that the state government has directed the Principal Chief Conservator of Forest (Wildlife) to initiate the process of declaration of the National Park.[18]

However, vide letter dated August 17, 2022 to the FAC, the state government expressed its inability to provide the land for the National Park on the ground that “it has found that the legal status of the land in question is unclassified Forest/community Forests on which the local people are enjoying customary rights since time immemorial and therefore not will to part away with their land by declaration of National Park (sic).” In view of the above objection placed by the State Government, the FAC on October 17, 2022, suggested that “the said land may be considered for declaration as Community Reserve or Conservation Reserve under Wildlife Protection Act 1972 in consultation with the local people to safeguard the rights of indigenous community and the Nodal officer may submit the report within three weeks to this Ministry for further perusal.”[19]

On November 10, 2022, the FAC directed the state government to submit its report within three weeks to the ministry regarding the community reserve to be set up near the DMP and followed up with a reminder on January 2, 2023.[20]

In other words, when the National Park could not be created due to lack of consent of the indigenous communities, there is a conspiracy to convert the community-owned land into a 'community reserve' which is a protected area under the Wildlife (Protection) Act, 1972. The indigenous peoples must see through this conspiracy.

While the FAC has consistently asked the Arunachal Pradesh government to ensure full compliance with the FRA as a condition for the diversion of forest land for the Dibang dam, the state government claims that the FRA is not applicable to the state because "Arunachal Pradesh is a 100% tribal dominated State". Nothing could be more fallacious than this.

Mizoram: Riverine reserved forests

It is not always necessary that the Central Government or a central agency will take away the rights of the indigenous peoples. The indigenous peoples must also jealously guard their rights from their own State Government which is run by elected representatives of the indigenous peoples. Mizoram's case shows why the implementation of the Forest Rights Act becomes necessary even in a so-called "tribal state".

On January 27, 2021, the Gauhati High Court, Aizawl Bench set aside and quashed a notification dated January 28, 1965 that had declared the banks of 16 major rivers (up to half a mile on either side) in Mizoram as reserved forests. These 16 rivers are (1) Tlawng, (Doleswari), (2) Tut, (Gutur), (3) Teirei, (Pakwa), (4) Langkaih, (Longai), (5) Chemlui, (6) Serlui, (7) Tuivai (8) Tuivawl, (9) Tuirini, (10) Tuirial, (11) Tuiruang, (12) Khawthlangtuipui (Karnaphuli), (13) Tuichawng, (14) Kau, (15) De, and (16) Phairuang. Curiously the Mizoram Government chose not to file an appeal against the said judgement but decided to issue an executive order to effectively restore the 1965 notification "for protection and preservation of the said rivers and their banks".

On April 14, 2021, a notification was issued by the Mizoram Government to declare the said 16 rivers with its banks up to 800 meters from the middle of the river on both sides as a 'Restricted Area'. "All the rights within the restricted areas shall vest in the State Government and no development or activities will be allowed within the restricted areas without prior approval of the Government of Mizoram", the notification stated. The notification also stated that "encroacher" within the declared Restricted Areas shall be evicted in accordance with the provisions of the Mizoram (Prevention of Government Land Encroachment) Act, 2001 and land occupied for dwelling and other purposes within the declared restricted area shall be verified and cancelled by the Competent Authority if it is found that the occupancy poses any threat to the preservation of the environment and rivers.[21] An order dated August 19, 2022, issued by the Range Forest Officer, Tlabung Forest Range in Lunglei district stated that none should have garden or jhum within the Riverine Reserve Forest and Reserved Forest and strong action shall be taken if anyone violated this order.[22]

So, the tribals who have been living near the rivers and cultivating the river banks for their bona fide livelihood have been made "encroachers" through an executive order. Strangely, the tribals of Mizoram won't be able to assert their forest rights under the FRA since the Act has been revoked by the state assembly in 2019.

Manipur: Evictions from reserved forests

Alleged forcible evictions of Kuki tribals from reserved forest areas by the Manipur Government since 2022 is believed to be one of the causes of the recent ethnic flare-up in Manipur, although the order of the Manipur High Court to consider granting Scheduled Tribe status to the majority Meitei was the immediate trigger. According to Pradip Phanjoubam, editor of Imphal Review of Arts & Politics, "Since 2015, the government has evicted 24 villages, either partially or fully, depending on the state of encroachment, totalling 413 houses.

Of these 24 villages, only K Songjang is Kuki. Most of them are Meitei, Meitei Pangal (Muslim) and Kabui Nagas mostly in the valley area. Others are a mix of different communities, including Nepalis.”[23] As per data shared by the state government, as reported by The Times of India, of the total 291 encroachers removed from Manipur’s forest land between January 1, 2017, and April 18, 2023, 160 belonged to the Meitei community. Other communities included Kuki, Meitei Pangals, Kabui (Naga), Chiru (tribals) and Nepalis.[24] So, all communities have been affected by the eviction from the reserved forest areas. Importantly, the FRA recognizes rights in the forest land not only of tribals but also non-tribal communities (termed as “other traditional forest dwellers”) who could prove residence of at least three generations prior to the 13th day of December 2005 and who depend on the forest or forests land for bona fide livelihood needs.

On February 27, 2023, the Centre for Research and Advocacy, Manipur organized a consultation on “Indigenous Peoples and Forest Rights in Manipur” at Manipur Press Club, Imphal where several speakers spoke about alleged illegal and forcible evictions from reserved forests. T.R Jacob, Chairman, Kangchup Chiru Village from where several Chiru tribal families were evicted as alleged encroachers of Kangchup Chiru Reserve Forest in December 2022, claimed that “The Kangchup Chiru villagers are further threatened with eviction as the reserve forest area is being expanded.” Another speaker stated that the Kabui community has settled in Langthabal Hills for several generations but several villagers were served notice as encroachers. Mr. Dhana Laimayum, Sekmai Protection Committee shared that recently, Manipur Government declared community forest as Government land in Sekmai, which affected more than 60-70% percent of community forest land in Sekmai. Mr Chaoba Heisnam, Secretary, Loktak Fishers Welfare Association stated that the community land in Loktak wetlands has been declared as forest land and Wildlife sanctuary and restricted community access for fishing, farming and collection of seasonal herbs, fodder, firewood etc. He also claimed that the state government was expanding the Reserve forest land in Keibul Lamjao areas. James Gonmei of Langthabal Chingthak village shared that the Forest department declared several villagers as encroachers and at least 50 families were served eviction notice.[25]

The above discussions and apprehensions only poignantly pointed to the need for the implementation of the Forest Rights Act in Manipur. In the ongoing evictions from reserved forests, the forest department has served show cause notices to the tribals and non-tribals under the Indian Forest Act, 1927 and the Manipur Forest Rules, 1971 to produce land titles without implementing the Forest Rights Act in the first place. Section 4(5) of the FRA states, “Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.” Since the FRA has not been implemented to grant titles in forest areas, some of these evictions could be illegal and arbitrary.

The Government of Manipur’s position that the tribal communities and tribal chiefs are already holding ownership of forest land as their ancestral land in non-Reserved Forest area[26] conveniently missed the point that FRA is also applicable in reserved forests from where evictions are taking place.



Image: Eviction drive of tribals by Forest officials in Manipur; Source: E-pao.net

Nagaland: Threats to community forest land

Of the total recorded forest areas (8623 sq. km) of Nagaland, as much as 8,389 sq. km fall under Unclassed Forests or 97.28% of the total recorded forest area (India State of Forest Report 2021).[27] This Unclassed Forests are owned and managed by individuals, clans or village councils/traditional institutions of the indigenous communities. These community-owned forest areas have come under increasing threats in Nagaland which has largely gone unnoticed.

The Forest Conservation (Amendment) Bill, 2023, introduced in the Lok Sabha on March 29, 2023, to amend the Forest Conservation Act, 1980, was forwarded to a Joint Committee of Parliament and the Committee is expected to submit its report in the upcoming monsoon session of Parliament. The Bill does not take into consideration the community ownership of land/forest land in the Northeast. Sub-section (2) of section 1A of the Bill makes exemption from forest clearance to land “situated within a distance of one hundred kilometres along international borders or Line of Control or Line of Actual Control, as the case may be, proposed to be used for construction of strategic linear project of national importance and concerning national security”. What constitutes “project of national importance and concerning national security” has not been defined. So, allowing the diversion of forests for development projects up to a distance of 100 kilometres along international borders could severely undermine the free, prior and informed consent (PFIC) of the Scheduled Tribes and lead to “land grab” in the Northeast and elsewhere.

There's more to this than meets the eye. Referring to the Forest Conservation (Amendment) Bill, 2023, a recent report published by Frontline magazine states: “The north-eastern States have borders with Bangladesh, Bhutan, Myanmar, Tibet, and China. The Bill is likely to impact virtually 90 per cent of Nagaland's territory, which falls within the 100 km radius of the international border; large parts of Arunachal and Assam; and the entire area of Meghalaya, Mizoram, Manipur, and Tripura.”[28]

So, if the Bill goes through, the community forests can be acquired within the 90% of the total area of Nagaland (i.e. up to 100 km from the international border) to be used for non-forest activity in the name of national security/ projects of national importance without any check and balance.

More so, because the FRA has not been made applicable by the Nagaland Government by citing protection under Article 371A of the Constitution. How far Article 371A can protect “ownership and transfer of land and its resources” in the emerging scenario – only time will tell.

The other issue is the conversion of Community Conserved Areas (CCAs) into Community Reserves (CRs). Most villages conserve and protect their forest resources through community conservation initiatives called CCAs. A 2015 TERI study has found that one-third of the villages of Nagaland have constituted a total of 407 CCAs to voluntarily conserve forest, wildlife and biodiversity by the local indigenous communities.[29] Now, this traditional practice of conservation which dates back to the early 1800s is facing various challenges of sustainability. There are voices within the Forest Department of Nagaland and the conservation lobby to bring these CCAs under the Protection Area Network (i.e. National Park, Wildlife Sanctuary, Tiger Reserves, Conservation Reserve and Community Reserve).[30] It is believed that notification of CCAs as CRs which will bring government support, including funds.[31]

Today, Nagaland has the maximum number of CRs (114) in the country. As already pointed out above, a CR is a “protected area” under section 2(24A) of the WLP Act, 1972 and hence, once a CCA is declared as a CR, the ownership of the community-owned land is transferred to the Forest Department. This will alter the “ownership and transfer of land and its resources” which are otherwise protected by Article 371A of the Constitution. Whether bringing the CCAs under Protection Area Network will lead to sustainable conservation is a different question altogether.

ANNEXURE-1

List of Community Reserves (As on January, 2023) 

Name of State	S.No.	Name of Protected Area	Year of Creation	Area (in km ²)
Arunachal Pradesh	1	Arung	2012	7.50
	2	Banfera Longnakshi	2011	4.75
	3	Chahang	2015	8.80
	4	Martak Rieng	2016	18.00
	5	Lal Aane	2012	37.75
	6	Piji Chello Padung	2017	28.00
	7	Rate	2019	5.77
	8	Singchang Begun Village	2017	17.00
	9	Wanu	2011	4.025
Bihar	1	Gogabil Com R	2019	0.57
Haryana	1	Abubshehar	2018	115.30
	2	Golden Jubilee Braham Sarovar	2017	0.361
	3	Shri Guru Jambheswar	2019	0.05
	4	Shaheed Amrita Devi Memorial	2019	0.0981
	5	Guru Gorakhnath	2019	0.032
Karnataka	1	Kokkare Bellur	2007	3.12
Kerala	1	Kadalundi Vallikkunnu	2007	1.50
Manipur	1	Azuram	2017	5.85
	2	Baneevehdea	2017	2.10
	3	Chipeivao	2018	5.85
	4	Chiibvii & Veimairii	2017	3.39
	5	Chiuluan	2022	8.88
	6	Houphai	2018	3.23
	7	Lungphu	2018	3.70
	8	Mekrimai Ru & Kakramai Bu	2018	72.456
	9	Pfunemai	2016	2.10
	10	Shangneme	2018	3.00
Meghalaya	11	Sofii Khro	2017	2.04
	1	Aruakgre	2013	0.10
	2	Aruakgre	2014	1.00
	3	Baladingre	2013	0.50
	4	Balsri Adingi	2017	0.456
	5	Bandarigre	2013	0.0067
	6	Chandigre	2013	0.37
	7	Chenggni	2017	1.74
	8	Chimanpara	2016	0.102
	9	Chimitap	2017	2.28
	10	Dallengggittim	2017	0.2217
	11	Dambuk Attong	2017	3.66
	12	Dambuk Jongkol	2017	2.648
	13	Dangkipara	2014	0.025
	14	Daribokgre	2013	1.73
	15	Dumitdikgre	2013	0.70
	16	Dura Kalakgre	2013	0.60
	17	Eman Asakgre	2013	0.304
	18	Gokagre	2017	0.1789
	19	Halwa Ambeng	2017	0.941
	20	Jaksongram	2017	0.555
	21	Jirang	2014	2.00
	22	Ka Khloo Langdoh Kur Pyrtuh	2014	0.154

23	Ka Khloo Pohblai Mooshutia	2014	0.335
24	Ka Khloo Thangbru Umsymphu	2014	0.196
25	Ka Khloo Moopyai Wapung Shnong	2021	68.462
26	Ka Khloo Khylllem Shrieh Khloo Thangbru	2021	4.10
27	Ka Khloo Blai Langdoh Ka Kur Lyngdoh Raji Raliang	2021	3.51
28	Ka Lum Luwe	2018	0.141
29	Khloo Amrawan	2015	1.2875
30	Khloo Blai Chyrmang Sein Raji Kongwasan Chyrmang Kmai	2013	0.07
31	Khloo Blai Ka Raji U Landoh longlang	2016	0.1512
32	Ka Khloo Blai Lyngdoh Sein Raji Mynso	2019	0.00852
33	Khloo Blai Sein Raji Tuber	2013	0.8943
34	Ka Wah Umpatho	2019	0.31864
35	Ka Khlaw Umthalong	2020	0.02401
36	Ka Krem Labit Umkyrpong	2020	0.048
37	Ka Khloo Thangbru Sula Lynter Sein Rai Mynso	2019	0.03293
38	Ka Law Lyngdoh	2020	3.481
39	Kitmadamgre	2014	0.70
40	Kpoh Eijah	2014	0.17
41	Lawbah	2014	3.1144
42	Lotnagar	2017	0.456
43	Lum Jusong	2016	1.3046
44	Lumkohkriah	2014	6.11
45	Mandalgre	2013	0.50
46	Matchirampat	2017	0.217
47	Miewsyiar	2014	0.87
48	Mikadogre	2013	0.0128
49	Mongalgre	2014	0.20
50	Nikwatgre	2017	0.495
51	Nongsangu	2014	1.00
52	Phudja-ud	2014	1.20
53	Raid Nongbri	2014	0.70
54	Raid Nonglyngdoh/ Pdah Kyndeng	2014	0.75
55	Resu Haluapra	2014	0.50
56	Rewak Daburam	2017	0.183
57	Rewak Watregittim	2017	0.098
58	Rongalgre	2016	0.165
59	Rongcheng	2017	2.356
60	Rongma Paromgre	2013	0.6230

Nagaland

61	Rongma Rekmangre	2013	1.924
62	Ryngibah	2016	0.96909
63	Ryngud	2014	5.22
64	Sakalgre	2013	1.22
65	Sasatgre	2013	0.60
66	Selbalgre	2013	0.20
67	Siju Duramong-I	2017	0.768
68	Siju Duramong-II	2017	2.51
69	Smaw Der Khil	2020	0.00209
70	Taidang	2017	1.214
71	Thangkharang	2014	1.11
72	Thokpara	2016	0.30
73	Umsum Pitcher Plant	2014	0.40
74	Upper Dosogre	2017	0.19691
1	Ailang	2019	3.00
2	Aimekhi (Japu)	2019	2.05
3	Akhen	2019	2.65
4	Akhegwo	2019	2.65
5	Akumen	2019	3.96
6	Aokangching (Pangsha Old)	2019	3.50
7	Asukhomi	2020	2.40
8	Atoizu	2015	4.00
9	Benreu	2018	30.00
10	Bhumbak	2018	6.50
11	Bonchu	2009	9.05
12	Changpang	2020	5.00
13	Chemekong	2015	29.175
14	Chingmelen	2019	10.00
15	Chishilimi	2015	3.50
16	D. Khel, Kohima Village	2015	3.00
17	Deukwaram	2019	11.20
18	Dihoma	2015	2.00
19	Duina & Hiareu River	2019	35.00
20	Ena Leu (Kingniu)	2019	20.10
21	Ethungya Tongti Project (Vikhum)	2019	23.00
22	Gariphema	2018	2.65
23	Ghotovi	2019	1.30
24	Hakchang	2019	9.32
25	Hekheshe	2019	1.85
26	Hovishe Arkha (Yezami)	2019	5.10
27	Hukphang	2018	3.00
28	Jingru Luyong (Alisopur)	2019	15.00
29	Jotsoma	2018	5.00
30	Kanjang	2018	1.00
31	Kekhezong (Hurong)	2019	4.50
32	Kezoma	2018	2.65
33	Khekiye	2015	2.50
34	Khonoma	2018	2.65
35	Khriyalienuomaiko	2018	2.65
36	Khrokhropfu - Lephori	2009	6.15
37	Khudei	2018	4.80
38	Khutur	2018	4.89
39	Khuzama	2019	8.00
40	Khwuma Khel Jotsoma	2018	3.00
41	Kidema	2018	2.65
42	Kigwema	2015	2.65

43	Kikruma	2015	1.10
44	Kilo Old	2018	2.00
45	Kiyekhu Village	2020	1.77
46	Kiyelho	2018	3.00
47	Kuzatu	2019	2.65
48	Liangmain (Wui)	2019	25.00
49	Litem	2018	1.60
50	Lizuto	2015	2.50
51	Longra	2018	2.275
52	Longtang	2018	5.80
53	Longtoker	2019	30.00
54	Lotovi	2018	1.00
55	Lotsu	2019	10.00
56	Lumithsami Village	2020	3.51
57	Luthsumi Village	2020	2.77
58	L. Yanthan	2020	1.20
59	Lumami Village	2020	7.60
60	Luzaphuhu	2015	14.00
61	Mezoma	2015	2.85
62	Molungkimong	2019	10.00
63	Morakjo	2015	6.50
64	Mpai Namci	2018	20.00
65	Naltoqa (Yezami)	2019	5.25
66	Namen Min (Khar)	2019	15.00
67	Nerhema Perazatsa	2018	20.00
68	Nerhema Yaoke	2018	20.00
69	Nian	2018	2.00
70	Ningkelaksah	2019	50.00
71	Noksen	2018	1.00
72	Old Jalukie	2019	3.70
73	Piphema "A"	2018	1.00
74	Piphema "B"	2018	2.80
75	Pukhato	2019	1.40
76	Pyotchu Village	2020	2.80
77	Rangkang	2018	5.15
78	Sakhabama	2018	2.50
79	Sangdak	2018	5.09
80	Scaly-Mopungchuket	2009	15.00
81	Sekai (Konya)	2019	18.00
82	Sele Aoyang Khanshu (Tuensang P. Khel)	2019	4.90
83	Shatuza	2019	2.65
84	Shitsuasulu (Akhoya)	2019	10.00
85	Sitap	2018	1.50
86	Taknyu	2019	5.00
87	Tamlu	2018	2.00
88	Tampeikituang & Duinaki River	2019	40.00
89	Teyozwu Saku (P. Khel of Viswema)	2019	5.00
90	Thamushui (Chingmei)	2019	15.00
91	Tokugha	2019	1.85
92	Tsecu (Piphewa Old)	2019	5.00
93	Tsekhwelu	2015	8.00
94	Tsiepama	2015	3.325
95	Tsuruhu	2015	2.70
96	Tuophema Village	2018	2.50
97	Tuophe Phezou (Perraziekou)	2020	6.00

Punjab

98	Tupiyak C.K.	2019	1.75
99	Tutheze	2019	1.62
100	Tutim (Kengjong)	2019	10.00
101	Uza Zuzong (Langkok)	2019	1.87
102	Viswema	2018	2.65
103	Viyixe	2019	2.65
104	Wakchin Chingla	2018	30.00
105	Waromung	2019	3.00
106	Weziho	2019	2.65
107	Yali	2018	14.00
108	Yangpi	2018	3.0007
109	Yaongyimchen	2018	8.00
110	Yehemi	2019	7.49
111	Yongshei	2018	1.50
112	Yonyu	2018	4.80
113	Zhanuolie (Chichewa)	2019	0.51
114	Zurutongtchu Project Land Owner Committee	2019	10.00
1	Keshopur Chhamb	2007	3.40
2	Lalwan	2007	12.67
3	Panniwala Gumjal	2015	67.44
4	Siswan	2017	12.95

Source: National Wildlife Database Centre, Wildlife Institute of India

Endnotes:

1. [https://tribal.nic.in/downloads/FRA/MPR/2022/\(A\)%20MPR%20Nov%202022.pdf](https://tribal.nic.in/downloads/FRA/MPR/2022/(A)%20MPR%20Nov%202022.pdf)
2. <https://tribal.gov.in/FRA/data/MPRApril2019.pdf>
3. Ishan Kukreti, "Mizoram revokes Forest Rights Act", Down To Earth, November 20, 2019, <https://www.downtoearth.org.in/news/forests/mizoram-revokes-forest-rights-act-67829>
4. [https://tribal.nic.in/downloads/FRA/MPR/2022/\(A\)%20MPR%20Nov%202022.pdf](https://tribal.nic.in/downloads/FRA/MPR/2022/(A)%20MPR%20Nov%202022.pdf)
5. Ranju Dodum, "Dams, art and protest in Arunachal Pradesh", Mongabay, July 4, 2022, <https://india.mongabay.com/2022/07/dams-art-and-protest/>
6. For example see, "Idu-Mishmi apex body says no to proposed Dibang tiger reserve", The Arunachal Times, April 3, 2023, <https://arunachaltimes.in/index.php/2023/04/03/idu-mishmi-apex-body-says-no-to-proposed-dibang-tiger-reserve/>
7. <https://fsi.nic.in/isfr-2021/chapter-1.pdf>
8. <https://forest.mizoram.gov.in/uploads/attachments/4bdb5e07743b1d97755783ec4d88459b/pages-226-proposed-amendments-to-ifa-dated-7032019.pdf>
9. https://iwgia.org/images/documents/Statements-support/Joint_Statement_on_draft_Indian_Forest_Amendment_Act_1927.pdf
10. C R Bijoy, "Forest Rights in the North East: Inching towards Exclusion", Economic & Political Weekly, November 16, 2019, Vol. LIV No. 45
11. https://wii.gov.in/nwdc_community_reserves
12. The Wild Life (Protection) Act, 1972 (as amended) is available at <https://tribal.nic.in/downloads/FRA/Concerned%20Laws%20and%20Policies/Wildlife%20Protection%20Act,%201972.pdf>
13. Suchitra Jha, "Community reserves: Are they forest department's backdoor entry into North East India", DownToEarth, available at <https://www.downtoearth.org.in/news/forests/community-reserves-are-they-forest-department-s-backdoor-entry-into-north-east-india-85242>
14. Tongam Rina, "Centre approves 2880 MW Dibang Multipurpose Project without final forest clearance", The Arunachal Times, July 18, 2019
15. https://forestsclearance.nic.in/writereaddata/RO_Approved/2020_3_12_Mar_2020_173256017_stage2_8852011-12032020140922.pdf
16. Sangeeta Barooah Pisharoty, "Explainer: The Controversy Surrounding Dibang Dam, India's Largest Hydropower Project", The Wire, July 22, 2019, <https://thewire.in/government/dibang-dam-arunachal-pradesh-hydropower-project>

17. https://forestsclearance.nic.in/writereaddata/RO_Approved/2020_3_12_Mar_2020_173256017_stage2_8852011-12032020140922.pdf
18. https://forestsclearance.nic.in/writereaddata/FAC_Minutes/11113124212141Minutes.pdf
19. https://forestsclearance.nic.in/writereaddata/FAC_Minutes/11113124212141Minutes.pdf
20. Tongam Rina, "FAC sends reminder letter to Arunachal on Dibang HEP land diversion", The Arunachal Times, January 25, 2023
21. <https://gad.mizoram.gov.in/uploads/qms/4a2c5bd1ccdd7b138fb6c5c2cf6e4d0c/notificatio-o-on-riverine-reserved-area.pdf>
22. Office Order No 1 of 2022 vide Memo No. B.12013/17/2006-FRT-216-226 dt. 19th August 2022 issued by the Forest Range Officer, Tlabung Forest Range.
23. "Pradip Phanjoubam's take on forest laws and present crisis in Manipur," Imphal Free Press, May 27, 2023, <https://www.ifp.co.in/exclusive/pradip-phanjoubams-take-on-forest-laws-and-present-crisis-in-manipur>
24. "Manipur official: No tribal bias in evictions or in war on drugs", The Times of India, May 17, 2023, <https://timesofindia.indiatimes.com/india/manipur-official-no-tribal-bias-in-evictions-or-in-war-on-drugs/articleshow/100291179.cms>
25. http://e-pao.net/epSubPageExtractor.asp?src=news_section.press_release.press_release_2023.indigenous_peoples_and_forest_rights_in_manipur_20230228
26. <https://pib.gov.in/newsite/PrintRelease.aspx?relid=87105>
27. <https://fsi.nic.in/isfr-2021/chapter-1.pdf>
28. Rupa Chinai, "Forest Bill and monoculture threaten indigenous rights in Manipur", Frontline, June 2, 2023, <https://frontline.thehindu.com/the-nation/forest-bill-and-monoculture-threaten-indigenous-rights-in-north-east-india/article66879929.ece>
29. The Energy and Resources Institute, "Documentation of Community-Conserved Areas of Nagaland", October 2015, <https://forest.nagaland.gov.in/wp-content/uploads/2019/04/documentation-of-Community-Conserved-Areas-of-Nagaland-final.pdf>
30. "Nagaland: Individuals and communities control 88. 3% of forest wealth, govt. holds meagre 11.7%", The Northeast Today, April 17, 2018, <https://thenortheasttoday.com/states/nagaland/nagaland-individuals-and-communities-control-88-3-of-forest/cid2539134.htm>
31. Sahana Ghosh, "A community in Nagaland strives to sustain wildlife protection amid fresh challenges", Mongabay, October 27, 2020, <https://india.mongabay.com/2020/10/a-community-in-nagaland-strives-to-sustain-wildlife-protection-amid-fresh-challenges/>

The Indigenous Rights Advocacy Centre (IRAC) is a not-for-profit organization based in New Delhi. The vision of the organization is to promote, protect and defend the rights and interests of the tribal communities/Adivasis/Indigenous Peoples in India. As a means of achieving its objectives, IRAC seeks to combine practice, research, advocacy and collaboration as an effective method to promote, protect and defend the individual and collective rights of Indigenous Peoples.

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