



NATURAL RESOURCE POLICY BRIEF

DECEMBER 2023

How MP Govt's VanMitra Portal Threatens Tribal Rights Over Forest Land



Photo: Dall.e

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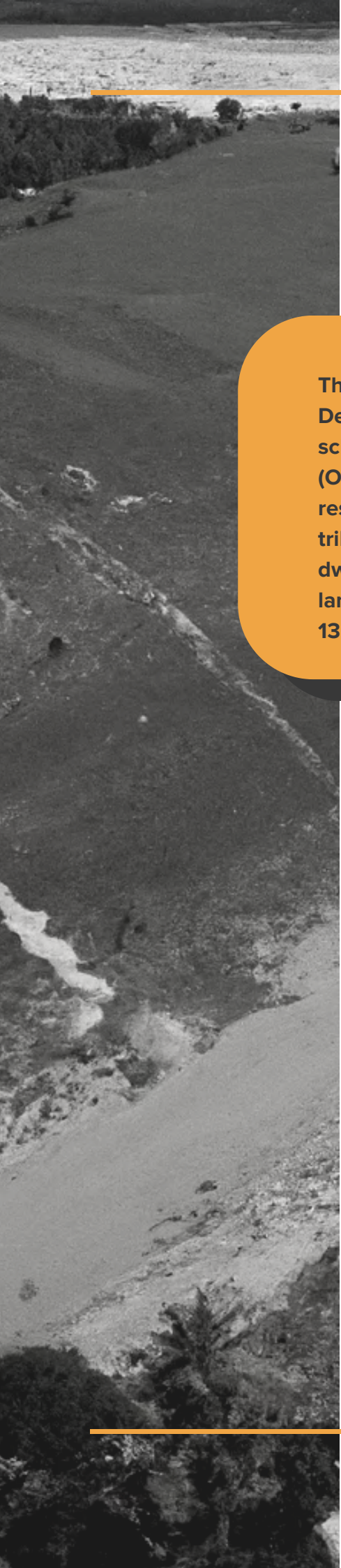
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SUMMARY



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- The Forest Rights Act (FRA) recognises the rights of tribals and forest dwellers over land they have been residing in for generations.
- The VanMitra portal was launched in 2019 to make the review of rejected FRA claims speedy and transparent. However, the rejection rates of individual forest claims increased after its introduction.
- The portal had been dormant for months now. Many claimants alleged that it had not been working since 2020.
- There had been a lot of misinformation around the portal that along with a lack of people's tech knowledge and lack of access to gadgets created a lot of confusion in filing claims.
- At the primary level itself, the power to accept/reject claims had been taken over by the FRC instead of Gram Sabha, invalidating the law that was meant to empower the latter.
- Awareness campaigns, robust site, easy interface, availability of an option to apply offline – all these and more steps can help the system become better.



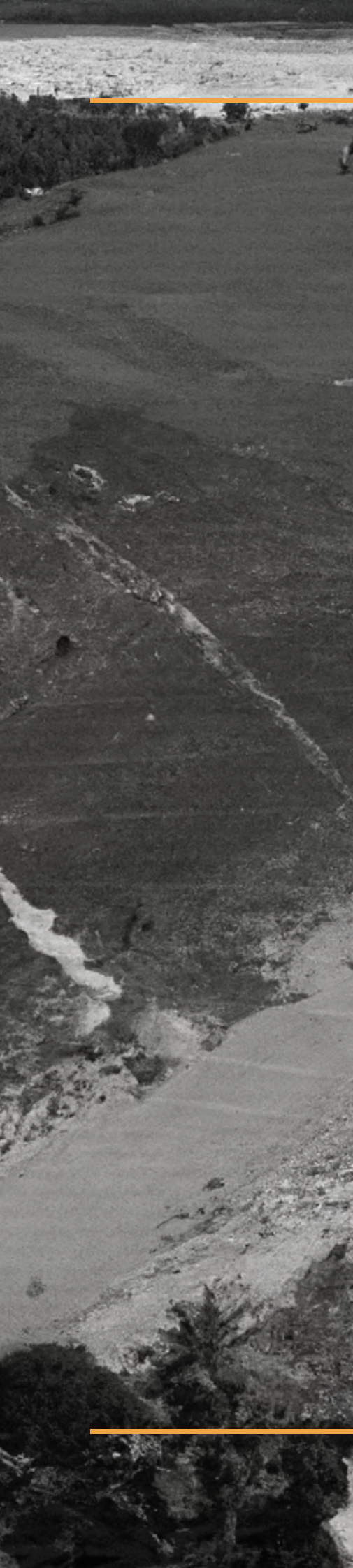
BACKGROUND

The Forest Rights Act (FRA) is a landmark law brought on 29 December 2006 to recognise the rights of forest-dwelling scheduled tribes (ST) and other traditional forest dwellers (OTFD). The Act recognised rights over forest land and resources, on which these communities were dependent. All tribal families using forestlands and those non-tribal forest dwellers who had been residing in or cultivating on the claimed land for at least three generations (75 years), prior to December 13, 2005 are eligible to file claims of rights under FRA.

a. FRA Verification Process

The process of verification of claims gave a lot of power to the Gram Sabhas (general assembly of all the voters of a village). The verification occurs on three levels: The most basic level includes the Gram Sabha, which is expected to constitute a 'Forest Right Committee (FRC)' comprising 10 to 15 people, two-thirds STs and one-third of women members, from among themselves.

The FRC is responsible for preparing a consolidated report on the claimants and a map delineating the area of each recommended claim. They make site verification in consultation with the revenue and forest officials (tehsildar and beat guard). Their recommendations are used by the Gram Sabha to make final resolutions and send them forward to a sub-divisional level committee (SDLC), which then sends them on to the district-level committee (DLC) for acceptance or rejection.



b. Supreme Court order 2019

In 2019, the Supreme Court stayed its direction to evict all individuals who had their claims rejected under the FRA. The ongoing case was filed by Wildlife First, the Wildlife Trust of India and other conservationists, to assess the constitutional validity of FRA, which they believed led to deforestation and encroachment upon forest land. Due to the high FRA rejection rate and the request of the Tribal Ministry to "take a holistic re-look" at the subject so that the interests of tribals are fully protected, the apex court ordered all the states to examine whether due process of the law was followed. This meant reviewing all the rejected FRA claims.

c. VanMitra introduction and aftermath

Madhya Pradesh was the only state at that time, which decided to introduce technology into the process. The previous Kamal Nath-led Congress government in the state had in October 2019 launched a digital portal and a mobile application called 'VanMitra' to review rejected FRA land title claims.

Since the introduction of the VanMitra portal, however, the rejection rate for individual land titles' claims has increased to 74 per cent as of June 2021 compared to a 61 percent rejection rate up to February 2019.

“ IT IS OPEN FOR A LIMITED TIME ON A FEW OCCASSIONS, AND NO ONE KNOWS ABOUT IT IN ADVANCE. THIS SEEMS TO BE A DELIBERATE STEP TO DISSUADE VILLAGERS FROM CHECKING THE STATUS OF THEIR CLAIMS. ”

EMERGING ISSUES

THE IMPACT OF POLICIES ON THE GROUND



Photo: Sukriti Vats

- **Tech Illiteracy:** Villagers lack tech knowledge and resources to file online claims. They depend on kiosk operators who charge exorbitantly and may lack FRA expertise.
- **Portal Glitches:** The portal is frequently down for maintenance, leaving claimants unable to check claim status or file for review. This creates confusion and delays.
- **Misinformation:** Conflicting information about claim filing deadlines and procedures led to duplicate submissions and confusion among villagers.
- **Violations in Claim Filing:** The FRC, now unlawfully headed by Panchayat Sachiv, allegedly makes decisions without Gram Sabha's consent and ignores their resolutions.
- **Limited Transparency:** The online system allows FRC to make decisions remotely, reducing transparency and potentially concealing wrongdoing. This bypasses Gram Sabha's role in the process.

RECOMMENDATIONS

- The government should hold awareness campaigns at the village level to explain how VanMitra works, who all are eligible to apply, and how they can keep track of their applications.
- The OTP system should only be required while filing the claims and not when checking someone's claim status. The claims' status should be publicly available to achieve transparency.
- The District Organiser from the tribal department should ensure that FRCs are not headed by panchayat officials. He/She can do it themselves or appoint someone to do surprise checks in different villages.
- The revenue and forest maps should be made available without the requirement of the officials to make a verification.
- The offline method for filing FRA claims should be made available. Citizens across the state should be informed about the same.

REFERENCES

1. <https://www.indiaspend.com/land-rights/how-mp-govts-vanmitra-portal-threatens-tribal-rights-over-forest-land-880848>
2. <http://fra.org.in/Guideline%20on%20Process%20of%20Claim%20Verification.pdf>
3. https://www.scobserver.in/wp-content/uploads/2021/10/2019.02.13-Wildlife_First-EvictionOrder.pdf

