

Preliminary analysis of Parliamentary Constituencies and FRA Potential for 2019 Parliamentary Elections

The importance of Forest Rights Act and its transformative potential for securing rights and livelihoods of millions of poorest tribal and forest dwellers remains understated in the political discourse and electoral process. Even though FRA's potential has been unmet (with implementation limited to only 5-10% of the potential), but still it has emerged as the most important pro-poor land reforms in India's history, transforming the life of millions of poorest tribal and forest dwellers. The Community Forest Resource (CFR) Rights provision of FRA is even more revolutionary in replacing the colonial forest governance by a people centered, democratic forest governance. Wherever implemented properly as in Gadachiroli district, Community Forest Resource (CFR) Rights Recognition has dramatically transformed rural economies.

Unfortunately, in most states Forest Rights Act remains very poorly implemented due to lack of political will and extreme opposition by forest bureaucracy. As per various estimates, at least **40 m ha** of forest land (more than 50% of forest area) can be vested as CFRs with Gram Sabhas, securing rights and livelihoods of at least **20 crore people**, including almost **9 crore** tribals. At least **one fourth of the villages in the country (170,000)** are eligible for CFR rights. The majority of districts with a high number of villages eligible to claim CFR are located in tribal majority and poverty-stricken regions, and face conflicts over land and resources. Evidence from the ground shows that rightsholders have used FRA, specially its community rights provisions, for:

- Transforming forest management to meet local livelihood and cultural needs;
- Ensuring food security and poverty alleviation;
- Securing gender justice and rights of women over land and forest;
- Strengthening conservation efforts and meeting India's international commitments for climate change mitigation.

This note seeks to bring to the attention of political parties and parliamentary candidates the political importance of Forest Rights Act in terms of how many of the potential forest rights holders and voters would benefit from the proper implementation of this law. Much of this benefit is in form of community rights and community benefits from forests as also in the form of land for cultivation and habitation.

Methodology

This note is based on two sources of data- the election commission data on 2014 Parliamentary Constituency (PC) results and the PC Wise FRA potential based on census data. The FRA Potential data is based on Census 2011; and includes all forest area located inside village boundaries. The assumptions made during calculating FRA potential are in the footnotes¹.

The parliamentary constituencies have been categorized in five categories as per the value of FRA as potential influencing factor in the elections, namely Critical Value; High Value; Good Value; Medium

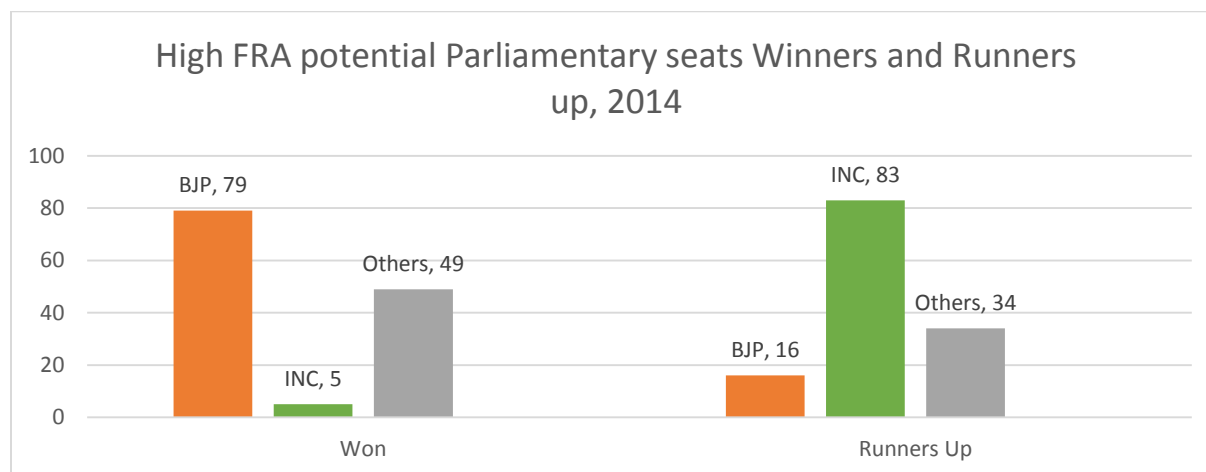
¹ All inhabitants of villages having forest areas inside the village cadastral boundary are treated as forest rights holders (for Community rights, specially Community Forest Resource Rights which provides power to govern and manage CFRs). The community rights are also applicable to most of the forests outside village boundaries- however making an estimation of such forest areas is relatively more difficult. This is the reason why we use the term minimum FRA potential

Value and Marginal Value. The criteria for the same are provided in the annexure. Based on the data, the following observations are available for the mainland India states accounting for 517 Parliamentary Constituencies (excluding the North-East India, J&K, A&N and Lakshadweep.) The detailed tables are provided in the Annex, with statewise information.

We assume that the Parliamentary Constituencies falling in the first four categories² have Forest Rights Act as a core issue, which can significantly influence winning margins in these constituencies. There are 133 such Constituencies across the mainland India. There are another 124 Constituencies where potential Forest Rights Act rights holders constitute between 10-20% of the eligible voters. In these constituencies, FRA issue can play an important role, though it is not necessarily a core issue.

Value of FRA as an electoral factor	No. of Seats	BJP		INC		Others	
		Won	2nd	Won	2nd	Won	2nd
Critical Value	30	21	3	0	21	9	5
High Value	20	12	7	1	9	7	4
Good Value	35	18	2	2	22	15	11
Medium Value	48	28	4	2	31	18	14
Total No. of Constituencies where FRA is a core factor (at least 20% voters are also potential Forest Rights Act Rightholders)	133	79	16	5	83	49	34
Constituencies where FRA is a marginal but substantive issue	124	71	14	11	52	42	58

In the 133 Core constituencies for Forest Rights Act, the BJP won as many as 79 PCs in 2014, while INC, won a meagre 5 PCs. However, INC remains in the running in these 133 constituencies, as it came in 2nd place in 83 out of 133 constituencies. Others won 49 seats, mostly in Odisha, AP, Telangana, Maharashtra and West Bengal. The breakup of others who won in these seats are BJD (17), Shiv Sena (6), TRS (6) and YSSRC (5), AITC (4).



² At least 20% of the eligible voters are also potential Forest Rights Act rightholders, mainly collective rights

It becomes very clear that INC, which enacted Forest Rights Act, has done miserably in PCs where FRA is a core issue, even though they are the runners up in as many as 83 out of 133 such constituencies. Within these 133 core FRA constituencies, **INC and BJP ran directly against each other in as many as 68 seats, of which INC won only 3.** One may safely say, that these 68 constituencies can be decisive in influencing next government formation.

A statewide breakup of the 68 Core FRA PC Constituencies where BJP and INC run against each other is as below:

State	No of Core FRA Constituencies	Won by BJP	Won By INC
Chhattisgarh	8	8	0
Gujarat	7	7	0
Himachal	4	4	0
Jharkhand	4	4	0
Karnataka	7	6	1
Madhya Pradesh	16	14	2
Maharashtra	8	8	0
Rajasthan	11	11	0
Uttarakhand	3	3	0

In four of the above states, the incumbent BJP state government has been voted out in 2018, implying that these states have become competitive in the Lok Sabha elections also. **In that context, ability to leverage proper implementation of Forest Rights Act becomes extremely crucial. At least in Chhattisgarh, even during the assembly elections, the INC had made poor implementation of FRA as a key issue and this was an important factor in its resounding success.** This was not replicated in MP and Rajasthan by the INC with the same strength and vehemence – the FRA remained a small part of the manifesto, and likely therefore the margin of victory for INC was very poor.

Except Maharashtra and to some extent Gujarat, FRA implementation in BJP ruled states such as Jharkhand, UK and HP has been shoddy and aimed to subvert the intent of the law. Combined with MOEFCC/Forest bureaucracy led efforts at diluting FRA through CAF Act, the Draft National Forest Policy, changes in LARR, BJP remains extremely vulnerable to a campaign based around Forest Rights, land rights and transfer payments of CAMPA and other green economy funds. This likely would extract a major price from the current dispensation in the forested constituencies, specially because BJP did so well in these in 2014. These PCs are for BJP to lose.

Parliamentary Constituencies reserved for Scheduled Tribes (50)

There are 36 ST seats in the mainland Indian states (excluding NE, L&K and the Islands). BJP won most ST seats and therefore has the most to lose as FRA is a core issue in all these constituencies. Combined with MOEFCC/Forest bureaucracy led efforts at diluting FRA through CAF Act, the Draft National Forest Policy, changes in LARR, BJP remains extremely vulnerable to a campaign based around Forest Rights, land rights and transfer payments of CAMPA and other green economy funds.

Party	Won	Runners Up
BJP	25	5

INC	1	24
Others	10	7

INC, has everything to gain in ST constituencies by using the forest rights and land rights as a core campaign issue. It won only 1 ST seats, but was runner up in 24 of the ST seats. The campaign issues in these seats, especially the ones in mainland India, for INC, would be effective implementation of FRA, specially community rights, implementation of PESA, transfer payments of green funds³ (including CAMPA money) to Gram Sabhas for forest and commons restoration directly, withdrawal of forest cases, effective price for MFPs etc. Given the poor record of incumbent governments, this approach will likely win INC a majority of ST seats if it makes these issues a central plank in its campaign.

What steps need to be taken by political party leaderships?

The political parties seeking to address the forest rights issue need to commit for the following as demanded by forest rights and tribal organizations.

- i) Strengthening the Ministry of Tribal Affairs to allow it to guide and undertake FRA implementation on a mission mode, including separate funds for FRA implementation and provision of human resources more in keeping with this major job.
- ii) Direct and regular monitoring of FRA by the Prime Ministers Office (PMO) on a regular basis
- iii) Launch a National Mission for Forest Rights Act with the following objectives:
 - a. Coverage of all potential FRA eligible villages
 - b. Recognize all Community Forest Resource rights, ownership rights over minor forest produces, rights of PVTGs, nomadic and pastoral communities, rights of other traditional forest dwellers, women's rights, rights of displaced communities and conversion of all forest, surveyed villages.
 - c. All rejected and pending claims should be reviewed to secure rights of STs and OTFDs
 - d. Empowerment of Gram Sabhas for governance and management of CFRs.
 - e. Allocation of forest development funds available under compensatory afforestation, MGNREGA etc directly to Gram Sabhas.
 - f. Ensure integration and convergence of all relevant government schemes, such as MGNREGA, Public Distribution System and others, with the FRA
 - g. Allocation of additional funds for FRA implementation under the union budget and Article 275.
- iv) Ask states to withdraw all forest offence and other retributive cases criminalizing tribals and other traditional forest dwellers whose rights are recognized in the FRA
- v) Constitute a high-level empowered committee headed by MoTA which ensures that other laws are amended to comply with Forest Rights Act

³ Transfer payment to Gram Sabhas for forest protection and restoration: We assume that Rs. 2000/year/ha. would be transferred to the Gram Sabha accounts for their protection of forests; additional costs of plantations/other activities will be over and above this. The funds will come from the Rs. 60,000 CAMPA money and other schemes of greening India. We estimate that this would transfer at least Rs. 5,000 crores directly to tribal and forest dweller Gram Sabhas for effective and sustainable forest protection and management.

- vi) Amend Compensatory Afforestation Fund Act to ensure compliance with the Forest Rights Act and to transfer the Rs. 60,000 crores Compensatory Afforestation Fund directly to Gram Sabhas for protection, conservation and restoration of forests and biodiversity
- vii) Scrap the illegal Joint Forest Management Program and reform the Forest Bureaucracy to serve as service providers to Gram Sabhas
- viii) Provide marketing and MSP support to forest products collected/harvested by Gram Sabhas and individual forest dwellers; create mechanisms to support community forest enterprise
- ix) Ensure that all forest and landscape restoration programs for meeting climate change commitments are directly supported to Gram Sabhas

Annexure I

Critical Value Constituencies

Definition: These are i) tribal (ST) constituencies where more than 10% of the eligible voters are also potential Forest Rights Holders or ii) non-tribal constituencies where more than 60% of the eligible voters are also potential Forest Rights holders.

State	PC Name	PC Type	winner Party 2014	Losing Party 2014	Margin 2014	Voters eligible for FRA rights	% total voters eligible of FRA rights	Minimum Forest area eligible for FRA recognition (ha)
Chhattisgarh	Bastar	(ST)	BJP	INC	124359	904818	70%	725647
Chhattisgarh	Kanker	(ST)	BJP	INC	35158	712924	49%	246280
Chhattisgarh	Raigarh	(ST)	BJP	INC	216750	703155	43%	126069
Chhattisgarh	Surguja	(ST)	BJP	INC	147236	794376	52%	247558
Gujarat	Chhota Udaipur	(ST)	BJP	INC	179729	463908	30%	96257
Gujarat	Dahod	(ST)	BJP	INC	230354	791618	56%	94837
Gujarat	Valsad	(ST)	BJP	INC	208004	622907	41%	194805
Jharkhand	Chatra	GEN	BJP	INC	178026	861318	66%	370775
Jharkhand	Khunti	(ST)	BJP	JKP	92248	742780	67%	191566
Jharkhand	Lohardaga	(ST)	BJP	INC	6489	663764	59%	176987
Madhya Pradesh	Betul	(ST)	BJP	INC	328614	659442	41%	201742
Madhya Pradesh	Mandla	(ST)	BJP	INC	110469	1136361	62%	188983
Madhya Pradesh	Ratlam	(ST)	BJP	INC	108447	552756	32%	105582
Madhya Pradesh	Shahdol	(ST)	BJP	INC	241301	781982	50%	396903
Maharashtra	Dindori	(ST)	BJP	NCP	247619	688042	45%	186735
Maharashtra	Gadchiroli-Chimur	(ST)	BJP	INC	236870	988638	67%	692421
Maharashtra	Nandurbar	(ST)	BJP	INC	106905	548111	33%	175803
Maharashtra	Palghar	(ST)	BJP	BVA	239520	593995	38%	163368

Odisha	Kandhamal	ST	BJD	BJP	298868	775036	68%	241957
Odisha	Keonjhar	(ST)	BJD	BJP	157317	994742	74%	167873
Odisha	Koraput	(ST)	BJD	INC	19328	750077	58%	115199
Odisha	Mayurbhanj	(ST)	BJD	BJP	122866	999092	75%	79657
Odisha	Nabarangpur	(ST)	BJD	INC	2042	1106812	85%	261603
Odisha	Sambalpur	GEN	BJD	BJP	30576	858368	66%	211220
Odisha	Sundargarh	(ST)	BJP	BJD	18829	786792	56%	154775
Rajasthan	Banswara	(ST)	BJP	INC	91916	785873	46%	159182
Rajasthan	Udaipur	(ST)	BJP	INC	236762	913104	50%	297322
Sikkim	Sikkim	GEN	SDF	SKM	41742	270193	73%	104211
Telangana	Adilabad	(ST)	TRS	INC	171290	464382	33%	340501
Telangana	Mahabubabad	(ST)	TRS	INC	34992	472366	34%	312634
West Bengal	Jhargram	(ST)	AITC	CPM	347883	515882	35%	103705

Annexure II

High Value Constituencies

Definition: These are i) tribal (ST) constituencies where more than 10% of the eligible voters are also potential Forest Rights Holders or ii) non-tribal constituencies where between 50%-60% of the eligible voters are also potential Forest Rights holders.

State	PC Name	PC Type	winner Party 2014	Losing Party 2014	Margin 2014	Voters eligible for FRA rights	% total voters eligible of FRA rights	Minimum Forest area eligible for FRA recognition (ha)
AP	Araku	(ST)	YSRC	TDP	91398	169539	13%	71391
Chhattisgarh	Korba	GEN	BJP	INC	4265	752257	53%	300802
Gujarat	Bardoli	(ST)	BJP	INC	123884	327410	20%	121835
Jharkhand	Dumka	(ST)	JMM	BJP	39030	304568	24%	35939
Jharkhand	Hazaribagh	GEN	BJP	INC	159128	800687	53%	208226
Jharkhand	Kodarma	GEN	BJP	CPI(ML)(L)	98654	869316	53%	171832
Jharkhand	Palamu	(SC)	BJP	RJD	263942	957072	58%	260304
Jharkhand	Rajmahal	(ST)	JMM	BJP	41337	317363	23%	60818
Karnataka	Bellary	(ST)	BJP	INC	85144	342205	23%	85540
Karnataka	Raichur	(ST)	INC	BJP	1499	251028	15%	25821
MP	Dhar	(ST)	BJP	INC	104328	455766	27%	126266
MP	Khargone	(ST)	BJP	INC	257879	482457	28%	91534
Odisha	Bargarh	GEN	BJD	BJP	11178	752015	53%	43639

Odisha	Bolangir	GEN	BJD	BJP	104299	920886	59%	90131
Odisha	Dhenkanal	GEN	BJD	BJP	137340	800918	59%	96254
Odisha	Kalahandi	GEN	BJD	BJP	56347	842832	57%	59048
Rajasthan	Dausa	(ST)	BJP	NPP	45404	388773	26%	122736
Uttarakhand	Almora	(SC)	BJP	INC	95690	722564	58%	280926
Uttarakhand	Garhwal	GEN	BJP	INC	184526	540188	43%	175792
Uttarakhand	Tehri Garhwal	GEN	BJP	INC	192503	353086	26%	656194

Annexure III

Good Value Constituencies:

Non ST Constituencies where potential forest rights holders voters are between 30%-50% of the eligible voters in the constituency

State	PC Name	PC Type	winner Party 2014	Losing Party 2014	Margin 2014	Voters eligible for FRA rights	% total voters eligible of FRA rights	Minimum Forest area eligible for FRA recognition (ha)
Chhattisgarh	Mahasamund	GEN	BJP	INC	1217	509706	34%	127947
Gujarat	Panchmahal	GEN	BJP	INC	170596	632610	40%	75873
HP	Kangra	GEN	BJP	INC	170072	472986	38%	347773
HP	Mandi	GEN	BJP	INC	39856	443461	39%	506772
Jharkhand	Giridih	GEN	BJP	JMM	40313	586067	39%	113423
Jharkhand	Singhbhum	(SC)	BJP	JBSP	87524	507703	44%	123779
Karnataka	Bidar	GEN	BJP	INC	92222	597579	37%	44822
Karnataka	Dakshina Kannada	GEN	BJP	INC	143709	576966	37%	141619
Karnataka	Shimoga	GEN	BJP	INC	363305	485649	31%	254062
Karnataka	Udupi Chikmagalur	GEN	BJP	INC	181643	450594	32%	204342

Karnataka	Uttara Kannada	GEN	BJP	INC	14070 0	67693 9	47%	869255
Kerala	Alathur	(SC)	CPM	INC	37312	43720 0	36%	58756
Kerala	Palakkad	GEN	CPM	SJ(D)	10530 0	43138 4	36%	84487
Kerala	Wayanad	GEN	INC	CPI	20870	58239 7	47%	127495
MP	Balaghat	GEN	BJP	INC	96041	73730 6	45%	178035
MP	Chhindwara	GEN	INC	BJP	11653 7	58743 6	42%	232452
MP	Damoh	GEN	BJP	INC	21329 9	58904 0	36%	145252
MP	Khandwa	GEN	BJP	INC	25971 4	56311 9	32%	131256
Maharashtra	Ahmednagar	GEN	BJP	NCP	20912 2	64241 7	38%	78926
Maharashtra	Baramati	GEN	NCP	RSP	69719	68373 8	38%	77815
Maharashtra	Bhandara- Gondiya	GEN	BJP	NCP	14925 4	74905 3	45%	126163
Maharashtra	Madha	GEN	NCP	SWP	25344	52251 4	30%	44302
Maharashtra	Raigad	GEN	SHS	NCP	2110	50156 5	33%	117788
Maharashtra	Ramtek	(SC)	SHS	INC	17579 1	55862 5	33%	95900
Maharashtra	Shirdi	(SC)	SHS	INC	19992 2	46920 7	32%	75333
Maharashtra	Shirur	GEN	SHS	NCP	30181 4	56815 1	31%	69447
Maharashtra	Wardha	GEN	BJP	INC	21578 3	56599 2	36%	62270
Odisha	Aska	GEN	BJD	INC	31199 7	45014 5	32%	20747
Odisha	Balasore	GEN	BJD	BJP	14182 5	59777 9	44%	11985
Odisha	Berhampur	GEN	BJD	INC	12772 0	43796 9	33%	91339
Odisha	Cuttack	GEN	BJD	INC	30676 2	45263 5	33%	33963
Odisha	Jajpur	(SC)	BJD	INC	32027 1	52241 8	40%	32332
Odisha	Puri	GEN	BJD	INC	26336 1	44388 7	32%	22739

Rajasthan	Jhalawar-Baran	GEN	BJP	INC	28154 6	67433 7	40%	325712
West Bengal	Purulia	GEN	AITC	AIFB	15387 7	59347 4	40%	45273

Annexure IV

Medium Value Constituencies

Definition: Non ST Constituencies where potential forest rights holders voters are between 20%-30% of the eligible voters in the constituency

State	PC Name	PC Type	winner Party 2014	Losing Party 2014	Margin 2014	Voters eligible for FRA rights	% total voters eligible of FRA rights	Minimum Forest area eligible for FRA recognition (ha)
Andhra Pradesh	Hindupur	GEN	TDP	YSRC	97325	336878	23%	82407
Andhra Pradesh	Nellore	GEN	YSRC	TDP	13478	341816	21%	71387
Andhra Pradesh	Rajampet	GEN	YSRC	BJP	17476 2	361865	24%	75217
Andhra Pradesh	Tirupati	(SC)	YSRC	BJP	37425	366163	23%	146896
Bihar	Jamui	(SC)	LJP	RJD	85947	366171	24%	83713
Chhattisgarh	Janjgir-Champa	(SC)	BJP	INC	17496 1	357947	21%	49337
Chhattisgarh	Rajnandgaon	GEN	BJP	INC	23591 1	378587	24%	121934
Gujarat	Sabarkantha	GEN	BJP	INC	84455	419246	26%	96464
HP	Hamirpur	GEN	BJP	INC	98403	310825	25%	68621
HP	Shimla	(SC)	BJP	INC	84187	240290	21%	199157
Jharkhand	Ranchi	GEN	BJP	INC	19930 3	458347	28%	85558
Kerala	Idukki	GEN	IND	INC	50542	335021	29%	228731
Madhya Pradesh	Guna	GEN	INC	BJP	12079 2	329634	21%	136827
Madhya Pradesh	Khajuraho	GEN	BJP	INC	24749 0	503515	30%	90828
Madhya Pradesh	Sagar	GEN	BJP	INC	12073 7	375051	25%	113202
Madhya Pradesh	Satna	GEN	BJP	INC	8688	425270	29%	192760
Madhya Pradesh	Tikamgarh	(SC)	BJP	INC	20873 1	371293	24%	71544
Madhya Pradesh	Vidisha	GEN	BJP	INC	41069 8	478198	29%	309175

Maharashtra	Bhiwandi	GEN	BJP	INC	10945 0	438747	26%	167106
Maharashtra	Chandrapur	GEN	BJP	INC	23626 9	452258	26%	168213
Maharashtra	Dhule	GEN	BJP	INC	13072 3	484420	29%	118647
Maharashtra	Hingoli	GEN	INC	SHS	1632	405378	26%	136603
Maharashtra	Jalna	GEN	BJP	INC	20679 8	335921	21%	48180
Maharashtra	Ratnagiri- Sindhudurg	GEN	SHS	INC	15005 1	289741	21%	56938
Maharashtra	Raver	GEN	BJP	NCP	31806 8	342112	21%	48844
Maharashtra	Sangli	GEN	BJP	INC	23929 2	353644	21%	29644
Maharashtra	Satara	GEN	NCP	IND	36659 4	463865	27%	105443
Maharashtra	Yavatmal- Washim	GEN	SHS	INC	93816	514738	29%	136243
Rajasthan	Bharatpur	(SC)	BJP	INC	24546 8	446550	26%	87530
Rajasthan	Bhilwara	GEN	BJP	INC	24626 4	470581	27%	127138
Rajasthan	Chittorgarh	GEN	BJP	INC	31685 7	390077	21%	201878
Rajasthan	Jaipur Rural	GEN	BJP	INC	33289 6	409036	24%	80168
Rajasthan	Jalore	(SC)	BJP	INC	38114 5	416921	23%	188201
Rajasthan	Karauli- Dholpur	(SC)	BJP	INC	27216	399796	26%	225838
Rajasthan	Kota	GEN	BJP	INC	20078 2	351084	20%	203572
Rajasthan	Tonk-Sawai Madhopur	GEN	BJP	INC	13531 1	369665	22%	115966
Tamil Nadu	Dharmapuri	GEN	PMK	AIADM K	77146	379150	28%	182933
Tamil Nadu	Krishnagiri	GEN	AIADM K	DMK	20659 1	278530	20%	148844
Telangana	Khammam	GEN	YSRC	TDP	11974	299974	21%	175647
Telangana	Medak	GEN	TRS	INC	36127 7	315287	21%	54780
Telangana	Nizamabad	GEN	TRS	INC	16718 4	307474	21%	90611
Telangana	Zahirabad	GEN	TRS	INC	14463 1	375398	26%	84021

Uttar Pradesh	Hamirpur	GEN	BJP	SP	26678 8	352897	20%	40312
Uttar Pradesh	Jhansi	GEN	BJP	SP	19046 7	465853	24%	59338
Uttar Pradesh	Robertsganj	(SC)	BJP	BSP	19048 6	479134	29%	142184
West Bengal	Alipurduars	(SC)	AITC	RSP	21397	352159	24%	82179
West Bengal	Bankura	GEN	AITC	CPM	98506	321601	21%	52505