



act:onaid

Natural Resources – Knowledge Activist Hub

Our Forest Our Rights

Implementation Status of Forest Rights Act – 2006

The background of the entire page is a photograph. The top half shows a dense, green forest. The bottom half shows a group of people, primarily women, standing in a line outdoors. They are holding white sheets of paper, likely documents or certificates. The women are wearing traditional Indian clothing, including sarees and saris. The overall tone is one of community and achievement.

act!onaid

Natural Resources – Knowledge Activist Hub

Our Forest Our Rights

Implementation Status of Forest Rights Act – 2006

All rights are reserved. The document may be freely reviewed, quoted, reproduced or translated, in part or in full, provided the source is acknowledged. The analysis and policy recommendations of this Report do not necessarily represent the views of ActionAid India.

Copyright © ActionAid 2013

Report published in 2013

Photo Credits

Firoz, Sanjit, Biren, Chandra Mohan, Sanjay and Siva Prasad

Editing, Design and Printing by:

New Concept Information Systems Pvt. Ltd.

Email: communication@newconceptinfosys.com

Preface

The present study “Our Forest Our Rights - Implementation Status of Forest Rights Act” done by Natural Resource Knowledge Activist Hub, ActionAid, has been taken up after six years of enactment of Forest Rights Act (FRA) 2006 and four years of its implementation after FRA rule 2008 was framed. The rule was further amended in 2012 to provide more scope to the people to have greater control over forest rights resources.

India has forest coverage of 23 per cent of its total geographical area and more than 200 million citizens of this country live in and around this forest land. Directly or indirectly, they depend on this forest for their life, livelihood and cultural identity. The issue of forest rights in India has been a major concern since colonisation. The rights of tribal and other forest dwelling communities over forests have been alienated through different laws and policies by the state in order to commercially use forest resources. The issue got further intensified in the post independence period through strong forest legislations in the name of forest protection and conservation, ignoring the basic survival rights of tribal/indigenous people and other forest dependent communities. However, in a policy shift in approach, the Parliament enacted the Scheduled Tribes and Other Traditional Forest Dwellers (OTFDs) (Recognition of Forest Rights) Act 2006 to undo the historical injustices suffered by the tribal community, as acknowledged by the Government. FRA ensures both individual and community resource rights. However, people are still not able to access community resource rights even though individual rights have been given to some extent.

The present study analyses the historical origin of forest rights deprivation and the process followed, by which tribal and OTFD communities are seeking to restore their rights over the land they have been living in. The study analyses the history of different pre- and post colonial legislations and policies and traditional government responses to the plight of tribal communities in India. The background history of FRA 2006, the people’s struggle and their contribution have also been reflected in the study.

This study has covered 400 villages, 219 *gram panchayats* (GPs), 51 blocks, 26 districts from 8 states of India which have substantial forest coverage and tribal population.

The study further includes objectives, provisions, processes and different structural mechanisms of the Act. The most important part of this study is functioning of different structures, nature and extent of rights given to the people since the Act came into force. The study has also found out the problems people faced, gaps in implementation of this Act, the role of the Government and other actors like non governmental organisations (NGOs) and *panchayati raj* institutions (PRIs) and functioning of mechanisms for appeal and grievance redressal. The study has included

suggestions and recommendations from people and from the study analysis, which will enrich the process of recognising and vesting forest rights to the people.

I hope this study will be helpful in bringing about changes in policy and process of implementation of FRA. It will also give direction to groups working on forest rights in the country.

I congratulate the study team for their continuous effort to bring about this study report, especially the Head and colleagues of Natural Resource Knowledge Activist Hub.

Sandeep Chachra

Executive Director
ActionAid India

Acknowledgement

This report “Our Forest Our Rights - Implementation Status of Forest Rights Act” would not have been possible without the support of grassroots level movement groups, organisations, community members, leaders, activists, institutions, non-government organisations (NGOs) and Government offices in the States of Andhra Pradesh, Jharkhand, Gujarat, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and West Bengal. Our thanks go to each of these groups for their cooperation.

We are immensely grateful to all the field investigators from the eight states: Vijay Arika, Kuda Krishna Rao, Suresh Bhai Gurji Bhai Chawdhari, Chawhan Rupsing Kalubhai, Aruna Ben, Motilal Besra, Sonika Tuti, Sohan Lal, Magan Singh Kalesh, Sumitra Adiwasi, Anil Premraj Chawhan, Bansilal Parte, Sivaji Adaku Narate, Narayan Athole, Jairam Bariha, Lombodhar Harijan, Ganesh Mukhi, Tapan Kumar Behera, Harabati Gond, Supriya Patra, Meerabai Deo, Priyabrata Satapathy, Ratikanta Rana and Siva Prasad Behera, Magniram Boder, Ramesh Chandra Meena, Katudas Branda, Shatish Kumar Meena, Nanadas Bagora, Sardar Mal, Pabitra Mondal, Balai Chandra Nayek.

We would like to thank, individually and collectively, all the members of the peoples’ organisations such as members of Adivasi Janjati Adhikar Manch (AJAM) in all eight states, DHIMSHA, Vizianagaram Adivasi Samakhya and Srikakulam Adivasi Samukhya in AP, Eklavya Sangathan in Gujarat, Adim Susar Manch, Niyamgiri Suraksha Samiti, Balmiani Kutumi, in Odisha, Jharkhand Jungle Bachao Andolan (JJBA), Serwa Saiwata Samiti in Jharkhand, Khedut Mazdur Chetna Sangathan in Madhya Pradesh, Lodha Sabar Kalyan Samiti, Sundarban Jana Sramajibi Manch, Bhumi Kalyan Samiti in West Bengal, Adivasi Vikas Cham Seba Samiti, Khetihar Majdur Adhar Samiti from Rajasthan for their cooperation throughout the study, particularly during the primary data collection and focus group discussions.

We extend our sincere thanks to NGOs and institutions: ORRC, ARTS from Andhra Pradesh, DISHA, Gujarat Vikas Sanstha Gujarat, BIRSA from Jharkhand, Panchu, Anwesana from Odisha, Kedut Mazdur Chetna Sangathan from Madhya Pradesh, Adivasi Ekkta Parishad from Maharashtra, Prayas from Rajasthan and NCDS Odisha. We are thankful to government officials for their cooperation in collection of secondary information.

There was constant support from eminent activist and Think Tank members of Natural Resources – Knowledge Activist Hub - Paulomi Mistry, Sanjay Bosu Mullick and Dr. Belaram Ghogra. We have received timely inputs for the study from C. R. Vijay. We are highly thankful to each one of them for their support and encouragement to this study.

We express our sincere thanks to Dr. Nilakantha Panigrahi for his outstanding support in analysis and documentation.

We have received remarkable support and cooperation of our ActionAid colleagues from Regional Office and Natural Resource Knowledge Activist Hub, who deserve special appreciation and thanks. Especially, Sion Kongari, Sangita Malse, Narendra Sharma, Saurabh Kumar, Ghasiram Panda, Ashok Nayak, Itishree Sahoo, Chandra Mohan Majhi and Biren Nayak. All the Regional Managers of eight states and their offices have provided constant support during the study. We extend our thanks to all of them. We are grateful to our colleagues in the communication unit, especially Lalit Dabral and Abhilash Binayak for their support.

We thank New Concept for editing, designing and printing the study report.

Our special thanks to Sandeep Chachra, Executive Director, ActionAid India for his constant support and guidance to this study.

Bratindi Jena

Head, Natural Resource Rights Knowledge Activist Hub
ActionAid India

Abbreviations

APL	:	Above Poverty Line
AP	:	Andhra Pradesh
AWC	:	Anganwadi Centre
BDO	:	Block Development Officer
BHS	:	Biodiversity Heritage Site
BMC	:	Biodiversity Management Committee
BPL	:	Below Poverty Line
CC	:	Community Claim
CFM	:	Community Forest Management
CFR	:	Community Forest Resources
CPR	:	Common Pool Resources
CSO	:	Civil Society Organisation
DLC	:	District Level Committee
FGD	:	Focus Group Discussion
FPS	:	Fair Price Shops
FRA	:	Forest Rights Act
FRC	:	Forest Rights Committee
GP	:	Gram Panchayat
GPS	:	Global Positioning System
GS	:	Gram Sabha
HH	:	Households
IC	:	Individual Claim
ICDS	:	Integrated Child Development Services
IMR	:	Infant Mortality Rate
ITDA	:	Integrated Tribal Development Agency
JJBA	:	Jharkhand Jungle Bachao Andolan

JFM	:	Joint Forest Management
MADA	:	Modified Area Development Approach
MFP	:	Minor Forest Produces
MGNREGS	:	Mahatma Gandhi National Rural Employment Guarantee Scheme
MoEF	:	Ministry of Environment and Forests
MoTA	:	Ministry of Tribal Affairs
MP	:	Madhya Pradesh
NBA	:	National Biodiversity Authority
NCA	:	National Commission on Agriculture
NTFP	:	Non-Timber Forest Produce
OBC	:	Other Backward Classes
OTFD	:	Other Traditional Forest Dwellers
PCCF	:	Principal Chief Conservator of Forests
PDS	:	Public Distribution System
PESA	:	Provision of Panchayat (Extension to Scheduled Areas) Act
PRI	:	Panchayati Raj Institution
PRA	:	Participatory Rural Appraisal
PVTG	:	Particularly Vulnerable Tribal Group
RI	:	Revenue Inspector
RTI	:	Right to Information
SBB	:	State Biodiversity Board
SDLC	:	Sub-Division Level Committee
SLMC	:	State Level Monitoring Committee
SIRD	:	State Institute of Rural Development
VSS	:	Vana Surakshya Samity
WB	:	West Bengal
WSHG	:	Women Self Help Group



CONTENTS

Preface	iii
Acknowledgement	v
Abbreviations	vii
Executive Summary	xi
CHAPTER 1	
Introduction	1
CHAPTER 2	
Research Methodology	11
CHAPTER 3	
Profile of the States	19
CHAPTER 4	
Study Findings	35
CHAPTER 5	
Conclusion and Recommendations	69
References	73

Executive Summary

Affiliation between forest dwellers, tribals/indigenous people and the forest is symbiotic in nature because of geographical, ecological, social, economic, religious and cultural connections. Around 23 per cent of India's total land is covered with forest and more than 200 million forest dwellers are dependent on them - directly or indirectly. Most of these forest dwelling communities have been enjoying customary rights over natural resources with respect to use, preservation and its overall management. During pre and post colonisation, these customary rights of communities had not been recognised.

Forest policies in India have always alienated forest dependants from their homeland rather than giving them legal rights to own and regulate their resources. People are branded as encroachers in their own land through pre and post independence forest policies in India. However, a paradigm shift is observed since 1990s, when the nation adopted progressive legislations like *Panchayat Extension to Scheduled Areas (PESA) Act*, *Right to Information (RTI)*, *Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS)* and *Forest Rights Act (FRA)*.

The Forest Rights Act 2006 recognises and secures Community Rights/Community Forest Resources of the communities, in addition to their Individual Rights. The Act came into force from 2008, after FRA rule was framed. The process of formation of different committees from Forest Rights Committee (FRC) to State Level Monitoring Committee (SLMC) has been followed in different states to recognise the rights of forest dwelling communities over their land. But there has been a lot of discrepancy and negligence in implementing this Act in its true spirit by the government. Individual rights are recognised to some extent in many parts but community forest rights recognition is relatively negligible.

Under this backdrop, the present study attempted to understand the situation of FRA implementation in eight selected states of Andhra Pradesh (AP), Gujarat, Jharkhand, Madhya Pradesh (MP),

Maharashtra, Odisha, Rajasthan and West Bengal (WB).

This study has covered a total of 400 villages (50 villages from each state), 219 *gram panchayats* (GPs) distributed over 51 blocks of 26 districts in eight states of India (AP, Gujarat, Jharkhand, MP, Maharashtra, Odisha, Rajasthan and WB).

The study adopted multistage stratified random sampling. In each state, three to four districts were covered, based on the following criteria (i) predominant forest coverage (ii) areas with sanctuary/national park (iii) concentration of more than 40 per cent tribal population (iv) our presence in the district/block. Secondary data on FRA was collected from the Ministry website, different GPs, while block and district level offices documented and analysed the data collected.

Regarding its limitations, the study is largely based on the memory recall of the respondents. It was a challenge getting people's time during information collection within the stipulated time frame.

Regarding its economic category, 75.17 per cent households (HHs) of the study coverage belong to below poverty line (BPL) category, while 24.83 per cent households are Above Poverty Line (APL). Of the BPL HHs, the majority, i.e., 95.75 per cent is in Gujarat, followed by 89.27 per cent in Odisha and 88.77 per cent in WB. With respect to the possession of MGNREGS card, around 82.61 per cent possess the card.

Secondary Data Analysed from Ministry of Tribal Affairs website

As per the data from Ministry of Tribal Affairs website, up to 31.10.2012, institutional structures like FRC, Sub Division Level Committee (SDLC), District Level Committee (DLC) and SLMC required at various levels to implement the Act have not been duly formed in all the states.

The data further reveals the claim settlement at various levels. It indicates that the percentage

of applications filled by the *gram sabha* which has been forwarded to the SDLC is the highest (99.69%) in Madhya Pradesh, followed by Gujarat (98.73%), Maharashtra (85.13%), Odisha (77.45%) while the lowest is reported in WB (33.08%).

Similarly, in the transfer of applications from SDLC to DLC, MP has the highest number (99.1%), followed by AP (84.34%) and Odisha (77.10%), while Gujarat has the lowest (26.52%). Claims approved by DLC show that the highest number of cases has been approved in the case of Rajasthan (98.44%), followed by Odisha (97.37%) and Jharkhand (95.92%).

With respect to recognition of the land title by DLC as per Ministry data, Gujarat and Rajasthan have recognised land titles for all cases approved by the DLC, followed by Odisha (97.29%) and AP (96.05%). The lowest number of titles (90.24%) of approved cases by DLC is observed in the case of WB. However, in the case of Gujarat, MP and Maharashtra, settlement of claims is quite inconsistent.

Primary Data Analysis and Findings Recognition of Individual Claim

Our primary survey in 400 study villages reveals that FRCs have been formed in 344 (86%) villages. As regards members in the FRCs, Scheduled Tribes (STs) constitute 88.67 per cent, followed by Scheduled Castes (SCs) 5.09 per cent, Other Backward Castes (OBCs) 3.16 per cent while the other category is three per cent. Out of a total of 4,873 FRC members, males account for 75.85 per cent, while females account for 24.15 per cent.

With respect to the extent of land approved for individual claims (ICs) at the level of *gram sabha*, the study explored that on an average, 3.08 acres of land were recommended by *gram sabha* while 2.48 acres were approved at DLC level.

Community Forest Rights Claim

The study found that out of 344 villages where FRCs have been formed, only 109 (31.68%) FRCs have recommended community claims (CCs) covering an area of 91,083 acres of forest land, with a proposed average forest land area of 835.62 acres per CC. In WB, not a single CC has been proposed for settlement.

A look into the data of rights holders across the state reflects that Odisha has the highest number of tribal communities (76.51%) under CC, followed by Rajasthan (51.82%). The other states except MP (48.59%) have at least 50.00 per cent tribals. The study shows that a total of 717.42 acres of land have been settled per one CC which includes all categories of lands like revenue, protected and reserve forest. A look into different states' data reflects that in states like AP, Gujarat, Rajasthan and Odisha, settlement of CCs is done only in reserve category land, whereas in Jharkhand, as proposed by the *gram sabha*, all 100 per cent land for settlement of CCs is in the category of protected land.

Main Findings

It was found that FRCs are mostly formed in villages and not at the hamlet level. Even in states like AP, Gujarat, Rajasthan, WB and MP, FRCs have been formed at the *panchayat* level. Mandatory functions of SDLC and DLC, like meeting at intervals of time, proper scrutiny of the applications, field level verifications of the sites, proper co-ordination at various levels between the departments are not taking place.

In pockets which have migrant families, submission of applications under FRA has been ignored due to lack of non-institutional arrangement for late or subsequent applications. Thus, seasonal migrant families in many states are deprived of submitting their applications under FRA.

The processes of verification by the field staff of Forest Department and preparation of maps by Revenue department have neither involved the rights holders nor the members of FRCs in states like WB, AP, Jharkhand and Odisha. This has resulted in identification and occupation of demarcated land which is not as per the community's choice or requirement.

The grievance redressal mechanisms at SDLC and DLC levels are nearly non-existent. As a result, when disqualified at these levels, after a long period, the applicants do not get any platform to present their genuine grievances.

Single women headed HHs have been either ignored or not given due importance for settlement of their claims.

In many unsurveyed villages, since there are no official land records over the claimed land area, the functionaries did not take those cases into account. Very few steps have been taken by the concerned state authorities for conversion of such lands in unsurveyed villages.

The shifting cultivations practised by Particularly Vulnerable Tribal Groups (PVTGs) are also not recognised in the field over their shifting cultivation patches. They are encouraged to apply for land settlement under individual rights for which concerned communities are yet to be ready. Their individualistic attitude and approach to life, infused through individual land settlements, do not have much positive impact on their lives.

With respect to the diversion of forests for development projects, as in the case of Niyamgiri of Kalahandi district of Odisha, CCs in reserve forests are denied despite submission of claims and repeated follow ups. The proposed mining and industry in the region has had a direct impact restricting implementation of FRA.

Plantation activities carried out by Forest Department on forest lands and community lands under different schemes of the Government have restricted land areas for settlement of CCs under FRA. In addition, forest patches are kept reserved for further plantations and kept out of the distribution plan under FRA.

Titles issued for Community Forest Rights (CFR) on forest areas in some pockets do not match the actual area and physical access into the land. In the case of Similipal National Park of Odisha, the relocation of villagers from the tiger reserve area without recognising their rights over forest land and forest based resources have questioned the very objectives of the Act. In Sita Mata sanctuary, Rajasthan, Forest Department is constructing a huge stone wall around the sanctuary for protection of wildlife but it is where thousands of forest dwellers have been living for the last four generations.

Around 68 per cent single women headed HHs in the study villages have not applied for individual rights under FRA. It is basically because of their low level of awareness and lack of access to the service

provisions available under FRA, which is beyond their individual capacity. During interactions, they have shown their interest in getting all required processes in place so that they have the benefit of getting land due to them under the Act.

Involvement of civil society bodies as facilitating organisations are much below the requirement as they have not been involved at various stages of implementation of the Act.

Recommendations

Gram sabha is to be called as and when required to take into account the recommendations of the FRC. Claims should not be rejected. Instead, they should be resubmitted for compliance on the feedback of SDLC and DLC.

A time line should be introduced for delivering services and disposal of settlements under FRA with the imposition of penalty to the deviant, in accordance with RTI Act.

Land used by the community should not be encroached by the Forest Department in the name of proposed plantation, mining and industrial development. While using the GPS Global Positioning System method in land settlement, the community should be involved and the sketch map should be accurate as per the patch in use by the community.

Habitat rights of pre-agricultural tribal communities, popularly known as PVTGs, should be settled through community rights over land. In reserves, sanctuaries and protected forest areas, claims of right holders should be settled on equal priority.

Women headed HHs should be covered on a priority while settling land issues through FRA. In unsurveyed villages, customary community practices should be followed while settling claims, since these villages do not have individual records of land.

Greater importance should be given on the settlement of community claims of PVTGs. Conflict of interest between STs and vested groups should be resolved through settlement of individual claims (ICs) and CCs.

Empowerment of *gram sabhas* is fundamental for the successful implementation of FRA. Revenue, forest and tribal departments and *panchayats* should co-ordinate with each other. Where applicable, FRA should be dealt in conjunction with *panchayat* (extension to Scheduled Areas) Act 1996.

Completion of recognition of rights of occupants of forest land under FRA should be mandatory before any relocation from the forests in practice. Every FRC should have its CFR area demarcated, along


with the formation of the management committee [Rule 4.1(e)].

All forest villages should be converted to revenue villages within a stipulated time frame to ensure that development activities which have been denied due to such non-conversion are overcome. A resource centre for FRA in each state may be set up and further developed at the national level to facilitate implementation of FRA while bridging gaps among different stakeholders.

Chapter-1

Introduction

The relationship between forest dwellers, particularly tribal/indigenous people and forests, whether in India or elsewhere in the world, is symbiotic by nature. Their co-existence has been considered to be an integral part of their survival and sustainability. This is basically because of geographical, ecological, social, economic, religious and cultural linkages between the people and the forest. Most of these forest dwelling communities are marginal cultivators or shifting cultivators, hunters and gatherers who are not well settled. They enjoy customary rights over natural resources with respect to its use, preservation and its overall management. With the advent of alien rule in India, over time, natural resources began to be exploited to fulfil the demands of alien rulers who did not look at the customary rights of forest dwellers and tribal people. These rights were not recognised and recorded by the government while consolidating state forests during the colonial period as well as in independent India (Gol, 2005). The villagers' customary practices were used as 'privilege' and not as 'right', while the absolute control and ownership rights were with the state (Guha, 1984). Introduction of state sponsored systems of management and ownership over forest resources ignored these customary practices and imposed state made colonial management systems which immensely influenced not only the management and use of forest resources but also conservation and governance of these resources. Gadgil and Guha (2007) said; "in these processes the traditional rights of the village communities on forest and forest resources were progressively eroded...."



Scheduled Tribe (ST) population of the country, as per the 2001 Census, is 8.43 crores, constituting 8.2 per cent of the total population

The Indian Forest Act 1865, which came into force during the British period, empowered the Government to declare any land covered with trees as forest land

Natural Resources and Forest Dwellers

Scheduled Tribe (ST) population of the country, as per the 2001 Census, is 8.43 crores, constituting 8.2 per cent of the total population. The population of STs grew at the growth rate of 24.45 per cent during the period 1991- 2001. More than half the ST population is concentrated in the states of Madhya Pradesh (MP), Chhattisgarh, Maharashtra, Odisha, Jharkhand and Gujarat. ST communities live in

about 15 per cent of the country's areas, in various ecological and geo-climatic conditions, ranging from plains and forests to hills and inaccessible areas. Tribal groups are at different stages of social, economic and educational development. While some tribal communities have adopted a mainstream way of life, at the other end of the spectrum, there are certain STs, 75 in number, known as Particularly Vulnerable Tribal Groups (PVTGs - earlier termed as Primitive Tribal Groups (PTGs).

Out of the 300 million people (or 60 million households) estimated to live below the poverty line (BPL) in India, about 200 million people are partially or wholly dependent on forest resources for their livelihoods (Khare et al. 2000). Roughly 275 million poor rural people in India – 27 per cent of the total population - depend on the forest for at least part of their subsistence and cash livelihoods (World Bank 2006). Around 31 per cent of the total land of the nation is covered with forests. According to the Indian Forest Survey Report 2005, around 22.76 per cent of the total land area is covered with forest. There are around 100 million forest dwellers in India of which 54 million belong to tribal communities.



Forest Policy: An Overview

Forest policies in India have always alienated forest dependants from their homeland rather than giving them legal rights to own and regulate their resources. People are branded as encroachers in their own land through pre and post independent policies related to forests in India. The policies fail to recognise people's living pattern and dependence on forests. Injustice to forest dwellers started from the day the Government made rules and regulations to have its total control over forests and natural resources.

Forest Policies in Pre-Independent India

The Indian Forest Act 1865, which came into force during the British period, empowered the Government to declare any land covered with trees as forest land. As a result, the rights of tribal people were constrained in the name of 'national interest'. **The Indian Forest Act 1878** divided forests into three categories - reserve forest, protected forest and village forest. This method of division of forests strengthened government control over forests and forest resources which not only restricted free entry for tribal communities but also restricted their entry in certain other classified forest areas. **The National Forest Policy 1894** again laid emphasis on the regulation of community rights and restrictions on the privileges previously enjoyed by the villagers in the immediate neighbouring forests and brought about a formal relationship to be maintained by the tribals with the Forest Department as a crucial issue in forest management. It protected hill slopes and imposed a ban on shifting cultivation. **The Government of India Act 1935** consolidated the power of the state on forests so as to meet the requirements of the British industry, military and commerce. By this, forest resources of India during the pre-British era were siphoned off for commercial use by non-tribals and even non-Indians. The process of alienating forest dwellers from the forest was legitimated by the Indian Forest Act and the administrative processes adopted in subsequent periods. The Forest Act, The Forest Working Plan,

the Survey and Settlement Operations in forest regions all attempted to limit the rights of forest dwellers over the forest resources long been used by them. Introduction of various categories of reserve forests, protected and village forests and with powers of the Settlement Officers to change the category of the forest as they liked, created agonies in the minds of tribal people. During the British rule and in the early part of independence, availability of forests was quite plenty, therefore, there was no shortage in meeting the subsistence needs of the forest dwellers from the village forests. Thus, historical injustices were very well created in the pre-independence era ignoring the community and their customary rights. The process also carries intense conflict and repeated agitations and risings (Arnold and Guha, 1997; Grove et al, 1998, Sivaramakrishnan, 1999 and Pathak, 2002).

The Indian Forest Act, 1927, which replaced the earlier 1878 Act, was introduced with the aim and objective of consolidating the law relating to forests, transit of forest produce and duty leviable on timber and other forest produce. However, it embodied all the major provisions of the earlier one, extending it to include those relating to the duty levied on timber. It enabled the colonial Government to declare more and more land as reserve forests, without ascertaining the rights of tribals and other forest dwellers. The Act provides for a 'settlement officer'¹ enquiring into pre-existing rights², and recording the accepted claims in a 'forest settlement' prior to the final notification of an area over which the state has proprietary rights as a reserve forest.

Forest Policies in Post-Independent India

In the post-independent period, the first **National Forest Policy of 1952** attempted to redefine the forest policy and traditional rights of forest dwelling tribes. This policy converted certain concessions enjoyed by tribals for long by withdrawing the release of forest land for cultivation, controlling free grazing, encouraging tribals to do away with the practice of shifting cultivation. The forest was classified as protected national forest, village forest, and free

¹ Section 4 (1) (c) of the Indian Forest Act 1927

² Section 11 of the Indian Forest Act 1927

forest on the basis of ownership and national interest. Based on the national forest premise, the state government devised their own interpretation to the state policy by providing tribals rights and privileges over cultivation, grazing, collection of fuel wood, forest produce, timber for house construction and undertaking shifting cultivation. It was, in fact, regressive as the earlier colonial policies had left some space for subsistence use and did not touch the common pool resources (CPRs) (Sen et al, 2006). The **National Commission on Agriculture (NCA) 1976** revised the National Forest Policy which recommended that forests be managed efficiently for commercial purposes and for minimisation of forest productivity, though the Commission became silent about the traditional rights of tribals. Under the **42nd Amendment of the Indian Constitution**, the Government of India **deleted forests from the State list and entered it under the concurrent list in 1976**. This historical injustice was further perpetuated when the Nation adopted **Wildlife (Protection) Act 1972 and the Forest (Conservation) Act 1980** which identified environmental protection and recognition of the rights of the tribal communities as mutually incompatible objectives. After thorough consideration, **Forest (Conservation) Act 1980**, vested powers with forest officers to arrest people and seize forest goods from them. This Act also reflected the colonial legacy which did not treat **adivasis** as friends of the forest and empowered the state government to declare any reserve forest as non-reserved and also allotted forest land for non-forest purposes. With this Act, deforestation took place over large areas which were handed over for mining, industry and various other project purposes. **The National Forest Policy 1988**

The Biological Diversity Act, 2002 also acknowledged the importance of local people's participation in any attempt towards conservation of biodiversity

talked more on environmental stability through the preservation of forests by replacing contractors by tribal co-operatives, gave concession to ethnic minorities and provided suitable alternatives for shifting cultivators. It protected people's customary rights with some riders like linking the access rights to the carrying capacity of the forest. This policy emphasised on a social forestry plan, afforestation so as to supply fuel wood, fodder, minor forest produces (MFPs), and timber to the villagers (Ministry of Environment and Forests (MoEF), 1988). The concept of Joint Forest Management (JFM) started as a participatory model of forest resources management. However, it did not replace the Community Forest Management (CFM) that had existed earlier in many parts of the country.

The clear shift was observed by the 73rd Amendment of the Constitution in 1992 and it mandates decentralisation of governance to rural bodies, like **panchayats** (village councils) and **gram sabhas** (village assemblies). Through the Provisions of (**Panchayati Raj Extension to Scheduled Areas**) Act, 1996 in predominantly tribal ("Scheduled" under the Constitution) areas, the self governance system has been ensured. It confers the ownership and decision-making rights over non-timber forest products (NTFP) to local institutions. It also mandates consultation with local communities i.e., with the **gram sabha** regarding any developmental and other issues relevant for a site.

The Biological Diversity Act, 2002 also acknowledged the importance of local people's participation in any attempt towards conservation of biodiversity. The Act talked about creation of Biodiversity Management Committees (BMC) at the village level as mandatory. BMCs are supposed to help communities in management, protection and recording of local biological diversity. The Act again provides for the declaration of areas being conserved for agricultural or wildlife biodiversity as Biodiversity Heritage Sites (BHS). The Act includes all elements of biological diversity - domestic and wild - and provides for protection of all kinds of ecosystems. The National Biodiversity Authority (NBA) and the State Biodiversity Boards (SBB) established under the Act are required to consult the local BMCs while taking decisions related to the use of biological resources and knowledge associated with such resources.

Deprivation of forest resources resulted in marginalisation of the lives and livelihood of forest dwellers. This has resulted in extreme poverty visible across the length and breadth of central India, which was the original abode of tribal communities in India. Cultural detachment of the tribal people from the forests due to state interventions in the name of development has resulted in their systematic marginalisation and created an identity crisis. The typologies of rights deprivations historically made over the forests dwelling communities includes the normal forest settlement irregularities, declaration of deemed forests, faulty land and forest settlement. Forest dwellers were also deprived by the banning of shifting cultivation, forest land encroachment, declaration of forest village, Primitive Tribal Groups/Particularly Vulnerable Tribal groups (PTGs/PVTGs), declaration of sanctuaries and parks, revenue forest boundary disputes, exercise of authority of Vana Sanrakshya Samity (VSS)/JFM over community used land and natural forests, restriction imposed on the functioning of CFM, forcible eviction and diversion of forest land/land acquisition.

Paradigm Shift in Forest Policy

In post 1990s era, one finds a shift in the approach of the state towards forests, forest resources and forest dwellers. For the first time, the nation classified the rights and concessions for forest communities including tribal people living in and around forests. It involved tribal people in the management of forests and provided gainful employment to the inmates of the forest. On 5th May 2002, The Inspector General of Forests issued an order requiring the eviction of all "encroachments" from forest areas across India. The ensuing eviction drive was one of the most brutal in Indian history, in which lakhs of families saw their houses and fields destroyed, hundreds of villages razed to the ground and dozens killed in police firings. Accordingly, on 16th August 2004, in the Parliament of India, MoEF presented the fact that they had cleared 1.5 lakh hectares of forest land. The Planning Commission of India (2006) estimate suggests that from 1951 to 1990, 21.3 million people have been displaced by development projects, pushing them into a cyclical process of poverty. Meanwhile, the Supreme Court of India passed an interim order restraining the Central

The Planning Commission of India (2006) estimate suggests that from 1951 to 1990, 21.3 million people have been displaced by development projects, pushing them into a cyclical process of poverty

Government from regularising any encroachment without permission of the Court.

This forced civil societies of India to organise campaigns/movements/protests against this order. A large section of people in India came together in solidarity with tribals and other forest dwellers and demanded legislation in favour of tribals in the country. Civil society groups organised public hearings, consultations and submitted a memorandum to Government. Civil Society Organisation (CSO) groups came out with a draft bill after a series of meetings and consultations, to recognise people's rights over forest land. In the years that followed, campaigns for forest land rights grew into a coordinated national force, with support from the state and national level groups and other movements.

In the subsequent period, the Ministry of Tribal Affairs (MoTA) formed a Technical Resource Group consisting of different Ministries, civil society and legal experts to make a draft of the Scheduled Tribes (Recognition of Forest rights) Bill 2005. The Joint Parliamentary Committee reviewed the draft of the Bill in December 2005, which was placed in both the houses of the Parliament in May 2006 and finally, the Act was passed by the Parliament on 18th December 2006 and the Rule of the Act in 2008. Thus, the Parliament of India passed the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006. The Act emerged as a remedial legislative means to undo the historical injustices suffered by tribal communities in India. As a radical paradigm shift, the Act recognised the Scheduled Tribes and Other Traditional Forest Dwellers as integral to the very

survival and sustainability of the forest ecosystem. The major focus of the Act includes: (i) recognising and vesting forest rights and occupancy right to those forest dwellers who have been living in such forests for generations but their rights were not recorded; (ii) provides a framework for recording the rights of the people on forests; (iii) includes responsibilities and authority for sustainable use, conservation of bio-diversity and maintenance of ecological balance so as to strengthen the conservation regime; and finally, ensures livelihood food security of the Scheduled Tribes and Other Traditional Forest Dwellers.

The Forest Rights Act, 2006

FRA recognises and secures Community Rights or Rights over Community Forest Resources , in addition to their Individual Rights. Recognition of Community Rights is a landmark step which is expected to empower communities to assert their rights over CFR which are critical for their livelihood. The Act also recognises rights of vulnerable tribal groups on forest land and forest resources.

Recognition of rights on occupation of forest land is a step towards the historical process of marginalisation of the community arising due to ownership insecurity³. Community Rights⁴, such as right of ownership over minor forest produce, rights of uses or entitlements such as fish and other products of water bodies, grazing rights and rights of traditional seasonal resource access of nomadic or pastoralist communities and *nistar* rights are conferred under the Act. Now forest dwelling communities are empowered to assert their rights over forest land and forest resources. Under the Act, rights over cultural heritage have been ensured to the communities.

The Act has provisions⁵ for securing rights of forest dwelling communities over welfare activities such as health and educational facilities, fair price shops (FPS), electric and telecommunication lines, tanks and other minor water bodies, drinking water

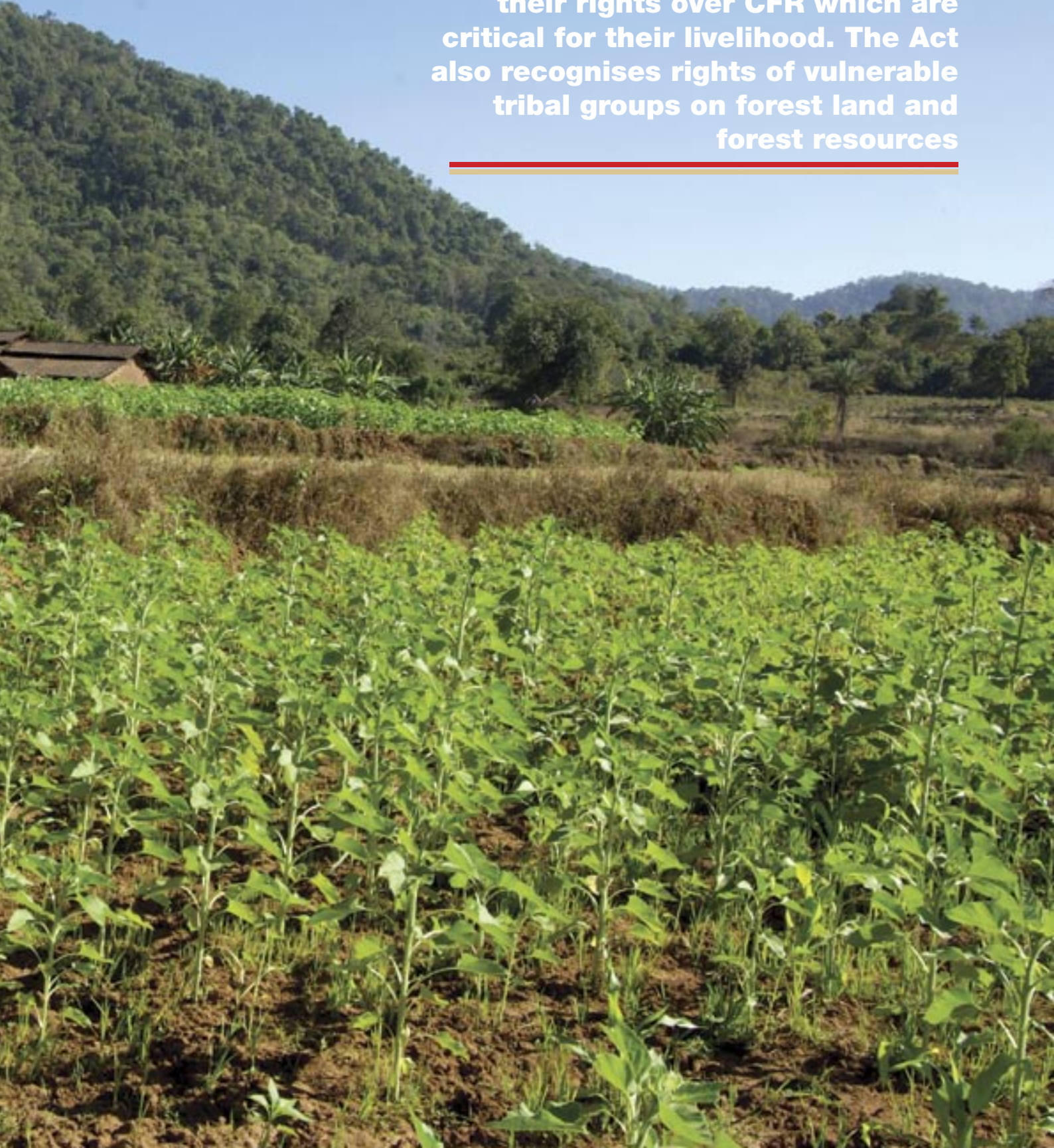
³ Section 3(1) (a) of the Forest Rights Act, 2006

⁴ Clause (ca) of sub-rule (1) in Rule 2 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012. "Community Rights means the rights listed in clauses (b), (c), (d), (e), (h), (i), (j), (k) and (l) of sub-section (1) of Section 3".

⁵ Section 3 (2) of the Forest Rights Act, 2006



**FRA recognises and secures
Community Rights or Rights over
Community Forest Resources, in
addition to their Individual Rights.
Recognition of Community Rights is
a landmark step which is expected
to empower communities to assert
their rights over CFR which are
critical for their livelihood. The Act
also recognises rights of vulnerable
tribal groups on forest land and
forest resources**



supply etc., with due recommendation of the *gram sabha*.

The preamble of FRA informs that the recognised rights of the forest communities include responsibility and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance, thereby, strengthening the conservation regime of the forests while ensuring livelihood and food security of the Scheduled Tribes and Other Traditional Forest Dwellers. Provision⁶ in the Act also empowered the rights holders to protect wildlife, forest and biodiversity. For the first time, responsibility and duty of conservation of natural resources was given to forest dweller communities who were also the rights holders.

The Act strongly recognise the forest rights of the forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers. The relocation and resettlement process has been discouraged and it was ensured that their rights shall not be affected in any manner in the name of conservation. Also, the Act conferred that all the rights under this Act will be free of all encumbrances and procedural requirements.

The *gram sabha*⁷ (village assembly), is the authority to initiate the process for determining the nature and extent of individual or CFR or both that may be given to the forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers within the local limits of its jurisdiction under this Act by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim. Various Committees⁸ like FRC, Sub-Division Level Committee⁹ (SDLC), District Level Committee¹⁰ (DLC), and State Level Monitoring Committee¹¹ (SLMC) have been prescribed to formulate under this Act for vesting of forest rights to the communities.

Any person aggrieved by the decision of the authorities regarding recognition of rights can

appeal¹² to the higher authorities and the authorities are required to hear and dispose such petitions.

Under Section 7 of the FRA, any authority or committee or officer or member of such authority or committee contravening any provision of the Act or any rule made there concerning recognition of forest rights shall be liable to be proceeded against and punished.

Highlights of the Amended Rules of Forest Rights

In implementation of the FRA, there are issues at two levels: first the policy, legislation, and rules are proper and in place and second, the actual execution or implementation of the process. The status of implementation of the Act remained extremely poor since the very beginning. Several CSOs collected the facts of the problems in the implementation process either inherent in the Act or Rules or created by the implementing agencies of the government and presented them to the MoTA. MoEF and MoTA constituted a joint committee in April 2010 to review implementation of the FRA in India. The overall finding of the Committee is that, with notable exceptions, implementation of the FRA has been poor, and therefore its potential to achieve livelihood security and changes in forest governance along with strengthening of forest conservation, has hardly been achieved¹³. The Committee had its view on the implementation of the Act and had given lots of recommendation.

To facilitate efficacious translation of objectives of the Act, the MoTA initiated the process of amendments in the Rule and the “The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 came into force on 6th September 2012.

The amendments to the Rules relate to laying down a procedure for identification of hamlets or settlements and process of their consolidation,

⁶ Section 5 of the Forest Rights Act, 2006

⁷ Section 2 (g) of the Forest Rights Act, 2006

⁸ Section 6 of the Forest Rights Act, 2006

⁹ Rule 5 of the Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012

¹⁰ Rule 7 of the Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012

¹¹ Rule 9 of the Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012

¹² Section 6 (2) (4) of the Forest Rights Act, 2006.

¹³ Manthan, Report of National Committee on Forest Right Act, December 2010

increasing the mandatory ST membership of Forest Rights Committees (FRCs) from the present one-third to two-third, reducing the present requirement of quorum of two-third in the *gram sabha* meetings to one-half, clarifying that the term 'bona fide livelihood needs' includes fulfilment of livelihood needs of self and family, including sale of surplus produce arising out of exercise of rights, allowing transportation of MFP within and outside the forest area through locally appropriate means of transport by gatherers or their cooperatives or associations or federations laying down the process for recognition of rights, including community rights, insertion of new Claim Forms for Rights to Community Forest Resource and Title Form for CFR etc.

Problems behind the improper implementation of the Act according to the National Advisory Committee lay with some of the improper process under the Rules specified under the FRA Act, 2006 and had recommended some amendments to the Rule. The failure to recognise community rights, especially of MFP has been more widespread. The *gram sabhas* are not being held at the village or community level as required by the Act. Through the amendments in the Rules, now it may ensure the democratic process of recognising rights, protection of a range of livelihood rights, and the powers of communities to use, protect, and conserve forests.

The present study attempts to understand the situation of FRA implementation on ground in eight selected states of AP, Gujarat, Jharkhand, MP, Maharashtra, Odisha, Rajasthan and WB

Context of the Study

Under the current context, the present study attempts to understand the situation of FRA implementation on ground in eight selected states of AP, Gujarat, Jharkhand, MP, Maharashtra, Odisha, Rajasthan and WB. These states have been selected for collecting ground level information and consolidating the same on IC and CC. Under CC, attempts have been made to understand community access and control over different forms of natural resources (forest, water bodies, minerals and commons).



Chapter-2

Research Methodology

Study Objectives

- To study the status of ICs and CCs filed and extent of rights given to people under FRA
- To understand status and function of institutional mechanisms at different levels for implementation of FRA
- To find out the gaps and problems people face at different levels while ensuring implementation of FRA.

Study Universe

The study coverage is given in detail in terms of district, block, *gram panchayat* and village.

Table 2.1 Number of districts, blocks, gram panchayats and villages covered - State wise

S. No.	State	Nos. Covered			
		District	Block/ taluka	Gram panchayat	Village
1	Andhra Pradesh	3	7	24	50
2	Gujarat	4	8	32	50
3	Jharkhand	3	7	31	50
4	Madhya Pradesh	3	7	40	50
5	Maharashtra	3	3	30	50
6	Odisha	3	5	17	50
7	Rajasthan	3	4	19	50
8	West Bengal	4	10	26	50
	Grand Total	26	51	219	400

Source: Primary Survey – 2012



Table 2.2 List of sample states, districts and blocks covered under the study

S. No.	State	District	Block/taluka	
1	Andhra Pradesh	Srikakulam Vijaynagaram Vishakhapatnam	1. Seethampeta 2. Kothuvu 3. Kuravan 4. Kurupam	5. Gumma Laxmipuram 6. Paderu 7. G.Madugula
2	Gujarat	Dahod Tapi Surat Vadodara	1. Fatehpura 2. Limkheda 3. Songada 4. Umarpada	5. Chhota Udaipur 6. Kawont 7. Jambughada 8. Halola
3	Jharkhand	Ranchi Saraikela West Singbhum	1. Bundu 2. Mathdar/Mander 3. Kuchai 4. Karsuan	5. Chanho 6. Saraikela 7. Goilkera
4	Madhya Pradesh	Alirajpur Shivpuri Mandla	1. Sodwa 2. Alirajpur 3. Kathibad 4. Kolaras	5. Khaniadhana 6. Pichor 7. Mawai
5	Maharashtra	Amarbati Gadchiroli Nandurbar	1. Dharni 2. Gadchiroli 3. Shahada	
6	Odisha	Mayurbhanj Nabarangpur Rayagada	1. Kaptipada 2. Udala 3. Umerkote	4. Jharigaon 5. Kalyansingpur
7	Rajasthan	Pratapgarh Udaipur Sirohi	1. Pratapgarh 2. Jhadol	3. Kotra 4. Sirohi
8	West Bengal	Purulia North 24 Parganas South 24 Parganas Paschim Medinipur	1. Baghmundi 2. Hingalganj 3. Gosaba 4. Pathar Pratima 5. Medinipur	6. Nayagram 7. Jamboni 8. Binpur-2 9. Binpur-1 10. Jhargram
Grand Total		26	51	

Source: Primary Survey, 2012

This study covered eight states of India (AP, Gujarat, Jharkhand, MP, Maharashtra, Odisha, Rajasthan and WB). It covered a total of 400 villages (on an average, 50 villages from each state), in 219 *gram panchayats* (GPs) distributed over 51 blocks of 26 districts in eight states. Details of study coverage with names of districts and blocks are explained in Tables 2.1 and 2.2.

Criteria for Selection of Sample

The study adopted multistage stratified random sampling. In each state, three to four districts were covered based on the following criteria (i) predominant forest coverage (ii) areas with sanctuary/national park (iii) concentration of more than 40 per cent tribal population (iv) our presence in the district/block.

Study Tools

Both qualitative and quantitative data collection methods were used to explore and gather primary and secondary data. The study has adopted semi-structured data capturing formats to collect both qualitative and quantitative responses. Both close-ended and open-ended

questions were used to collect primary data from the villages. In addition, the study has also adopted other methods like case study, in-depth interviews, along with a couple of Participatory Rural Appraisal (PRA) techniques to enrich the data pool. Sets of guidelines were prepared and used to streamline the qualitative data collection. Two different schedules were used for collecting information.

Village Schedule

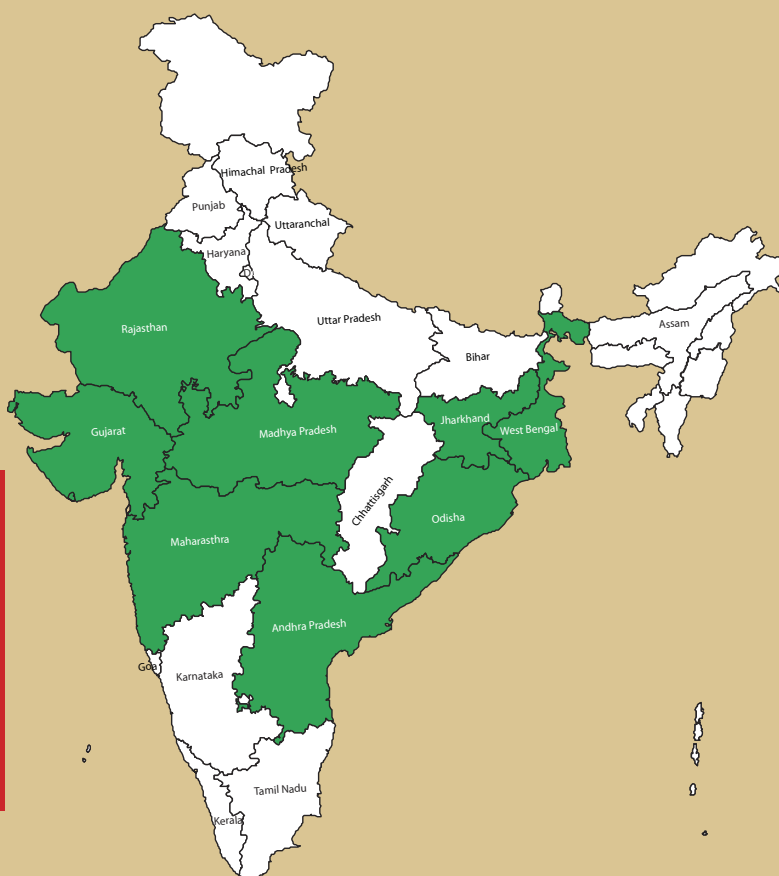
A structured questionnaire was used for collection of village information. This village schedule covered identification of the village, ethnic composition, land schedule, diversion of community land, land types, land ownership pattern, village economy, forest resources, development infrastructure available in the village, major agro produces and Non-Timber Forest Produce (NTFPs)/MFPs of the village and other livelihoods.

Focus Group Discussion

The guideline for focus group discussions (FGDs) covers both structured and semi-structured questions. It covered the background of members

Study Covered

States 8
Districts 26
Blocks 51
Gram Panchayats 219
Villages 400



who participated in FGDs, status and function of institutional structures like *gram sabha*, FRC, SDLC, DLC and SLMC required for the implementation of FRA.

Also implementation status of FRA with respect to individual and community claims, role of revenue functionaries, CSOs, forest officials, problems faced by different stake holders while implementing FRA, was discussed and documented in FGDs.

Participatory Rural Appraisal

In order to find out the pattern, trend and status of implementation of FRA, the study selectively used a couple of PRA techniques relating to land use pattern, livelihood sources, uses of NTFPs, identification of NTFP items and seasonality. Tools like transect walks, seasonality and resource maps have been used. *Case Studies*

Case studies were collected from all the states, taking into account ethnic groups, gender issues and success and challenges people faced at different stages.

Data Analysis

- Both qualitative and quantitative data were processed. Two way tables are prepared and analysed on various accounts.
- Secondary data on FRA collected from the Ministry website, different GPs, block and district level offices were analysed properly and documented. Also, various study reports and documents were referred to.
- Primary and secondary information was collected from the people, community and government offices.

Ethnic Background of Sample Households

Study villages covered ethnic groups belonging to STs, Scheduled Castes (SCs), Other Backward Classes (OBCs) and other caste groups. However, the villages are largely tribal dominated to the extent of more than 90 per cent in states like AP, Gujarat, Maharashtra, Odisha and Rajasthan. In the case of WB, STs share to the extent of 56.35 percent, followed by SC households (26.14%) and OBCs (13.94%).





Table 2.3 Distribution of households according to ethnic groups - state wise

S. No.	States	Total HHs (%)	Ethnic Groups/HHs			
			ST (%)	SC (%)	OBC (%)	Others (%)
1	Andhra Pradesh	1,820 (100)	1,820 (100)	00	00	00
2	Gujarat	9,865 (100)	9,643 (97.74)	75 (0.76)	135 (1.36)	12 (0.12)
3	Jharkhand	4,085 (100)	3,629 (88.83)	33 (0.80)	336 (8.22)	87 (2.12)
4	Madhya Pradesh	5,908 (100)	4,915 (83.19)	204 (3.45)	391 (6.61)	398 (6.73)
5	Maharashtra	9,079 (100)	8,398 (92.49)	146 (1.60)	394 (4.33)	141 (1.55)
6	Odisha	4,335 (100)	4,067 (93.81)	72 (1.66)	171 (3.94)	25 (0.57)
7	Rajasthan	5,657 (100)	5,646 (99.80)	00	5 (0.08)	6 (0.10)
8	West Bengal	5,788 (100)	3,262 (56.35)	1,513 (26.14)	807 (13.94)	206 (3.55)
Grand Total		46,357 (100)	41,200 (88.87)	2,043 (4.40)	2,239 (4.82)	875 (1.88)

Source-Primary Survey, 2012 (Figures in the brackets are per cent to total)

FRA 2006 clearly recognises two categories of people – Schedule Tribes and Other Traditional Forest Dwellers (OTFDs) for forest rights. However, for the purpose of study and to understand caste composition under OTFD, the study has segregated OTFDs further into SCs, OBCs and other category. Hence SCs, OBCs and other categories jointly may be considered as OTFD in this study.

Of the total 46,357 households (HHs) covered, 88.87 per cent belongs to STs, 4.40 per cent SCs, 4.82 per cent, OBC and 1.88 per cent belongs to other category. Almost all HHs covered in AP and Rajasthan happen to be STs while in WB, only 56.35 per cent are tribal households and 26.14 per cent belong to SCs. Details of the state wise ethnic composition in study villages are given in Table 2.3.

Ethnic Group Wise Population Covered

The study covered the maximum number of tribal villages in each state in order to understand community access to natural resources through FRA.

Thus, distribution of ethnic group population shows coverage of 84.87 per cent ST, 5.43 per cent SC, 3.52 per cent OBC and 6.18 per cent others.

The majority of the people covered are from tribal communities.

Gender Segregation

State wise and ethnic group wise data of male and female respondents were analysed in the study. Details of the analysis have been given in Tables 2.4 and 2.5.

Diagram 2.1 Distribution of population in study village as per ethnic group

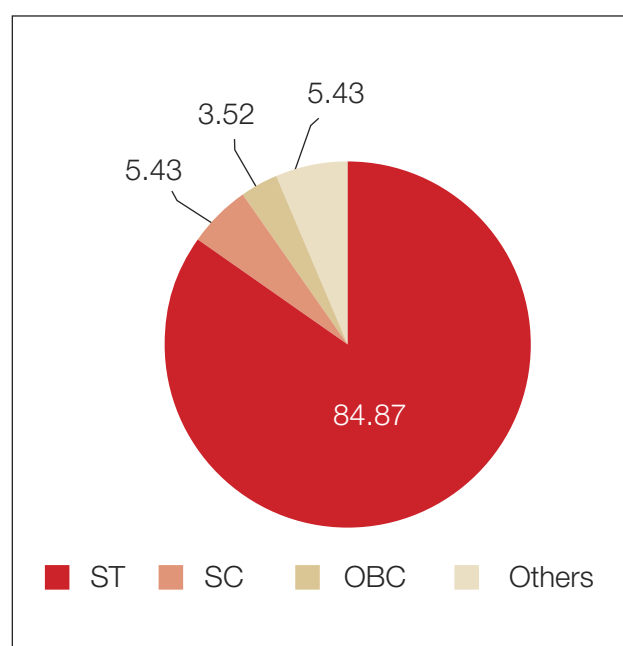


Table 2.4 Distribution of population in study villages according to gender - State wise

S. No.	State	Population		Total (%)
		Male (%)	Female (%)	
1	Andhra Pradesh	3,826 (48.05)	4,135 (51.95)	7,961 (100)
2	Gujarat	28,596 (52.76)	25,597 (47.24)	54,193 (100)
3	Jharkhand	7,781 (48.03)	8,419 (51.97)	16,200 (100)
4	Madhya Pradesh	11,055 (51.21)	10,529 (48.79)	21,584 (100)
5	Maharashtra	29,916 (50.47)	29,358 (49.53)	59,274 (100)
6	Odisha	8,206 (50.46)	8,054 (49.54)	16,260 (100)
7	Rajasthan	14,320 (48.78)	15,032 (51.22)	29,352 (100)
8	West Bengal	11,754 (52.41)	10,673 (47.59)	22,427 (100)
Grand Total		1,15,454 (50.80)	1,11,797 (49.20)	2,27,251 (100)

Source-Primary Survey, 2012

The study covered a total population of 2, 27, 251, of which males account for 1,15,454 (50.80%), while females account for 1,11,797 (49.20%).

Female population is comparatively more in the case of AP, Jharkhand and Rajasthan.

Table 2.5 Distribution of gender in study villages as per their ethnic categories

S. No	Ethnic groups/ Gender groups	Population		
		Male (%)	Female (%)	Total (%)
1	ST	97,589 (50.59)	95,278 (49.41)	1,92,867 (100)
2	SC	6,618 (53.61)	5,725 (46.39)	12,343 (100)
3	OBC	4,188 (52.38)	3,806 (47.62)	7,994 (100)
4	Others	7,059 (50.25)	6,988 (49.75)	14,047 (100)
Grand Total		1,15,454 (50.80)	111797 (49.20)	2,27,251 (100)

Source- Ibid

Ethnic group wise gender distribution indicates female coverage as 49.20 per cent while males represent 50.80 per cent. There has been nearly equal coverage of both male and female population.

Tribal Communities Covered in Different States

In terms of coverage, tribal communities were further segregated state wise to PVTG and tribals.

Table 2.6 State wise number of tribal communities covered in the study

S. No.	State	Total Communities Covered		
		PVTG	Tribal	Total
1	Andhra Pradesh	1	9	10
2	Gujarat	1	5	6
3	Jharkhand	-	6	6
4	Madhya Pradesh	1	3	4
5	Maharashtra	-	5	5
6	Odisha	4	12	16
7	Rajasthan	-	5	5
8	West Bengal	1	5	6
Grand Total		8	50	58

Source-Primary Survey, 2012

The study has covered 58 different tribal communities of which eight groups belong to PVTG. In Odisha, out of 16 tribal communities covered in the study, four are PVTGs. Coverage details of different tribal communities, their names and PVTG status is given in Table 2.6. PVTGs covered in the study are Kandha Savara (Saura), Kathodi, Saharia, Dongaria Kondha, Kutia Kondha, Chuktia Bhunjia and Lodha.

Study Limitations

- The study is largely based on the memory recall of respondents
- It was a challenge getting people's time during information collection
- Often people shy away from answering some questions and need a lot of probing
- Collection and compilation of bulk data has been a tough job
- The study had a time limitation despite having a wide coverage. The study findings are limited to small sample villages in a large state.



Chapter-3

Profile of the States

The states of WB, Jharkhand, Odisha, AP, Maharashtra, Gujarat, Rajasthan and MP are rich in natural resources and are inhabited by a large number of tribal communities. This chapter attempts to provide a brief of three aspects (i) general features of study states, districts and the concerned tribal communities (ii) natural resources coverage (iii) macro status of FRA implementation (secondary source). This will help contextualise the situation better.

General Features

Andhra Pradesh

There are 33 tribes forming about seven per cent of the state population. Their habitat spreads along coastal areas and mountain strips of Srikakulam, Vishakhapatnam, Vizianagaram, Khammam, East Godavari and West Godavari districts. Out of them, 12 are considered as PVTGs. The study has covered three tribal dominated districts and seven tribal communities. These are - Srikakulam, Vishakhapatnam, Vizianagaram and the tribal communities covered are *Saura, Jatapu, Kondadora, Bhagata, Chenchu, Balmiki and Kotia*.

Gujarat

Tribal communities constitute around 14.81 per cent of the total population in Gujarat. There are 29 tribal communities, out of which five belong to PVTGs. In the FRA study, seven tribal communities including one PVTG were covered. Communities covered under the study are *Bhil, Dhanka, Kathodi, Nayaka, Rathawa, Tadv and Vasava*. Among them *Kathodi* is the only PVTG covered in the study. In the study, Tapi, Vadodara, Dahod and Panchmahal districts were covered. Most of the tribal communities



The states of WB, Jharkhand, Odisha, AP, Maharashtra, Gujarat, Rajasthan and MP are rich in natural resources and are inhabited by a large number of tribal communities

MP is the heartland of tribal habitation in India covering around 40 per cent of Indian tribal communities. The major tribes of the State include Bhil, Baiga, Gond, Korku, Kamar, Oram, Kol, and Maria

covered in the study live within and around forests and their livelihood largely depends on the forest and its products.

Jharkhand

The state of Jharkhand was formed during the year 2000 by splitting the state of Bihar along tribal lines. The state has 31 distinct tribal communities declared as STs who share around 28 per cent of the state's total population. There are 30 tribal groups, among whom *Oraon*, *Santals*, *Mundas*, *Hos* and *Kharias* are the dominant groups having a distinct language and culture. Forest and forest resources, mines and mineral resources contribute to tribal life and livelihood and also to the state economy. Three districts - Ranchi, Saraikela & Kharsawan and West Singhbhum and eight tribal communities *Ho*, *Munda*, *Oraon*, *Lohra/Lohara*, *Santal*, *Bhumij*, *Godait*, and *Mahli* were covered in the study.

Madhya Pradesh

MP is the heartland of tribal habitation in India covering around 40 per cent of Indian tribal communities. The major tribes of the State include *Bhil*, *Baiga*, *Gond*, *Korku*, *Kamar*, *Oram*, *Kol*, and *Maria*. Out of 46 tribal communities living in the State, the three tribes of *Bharia*, *Baiga* and *Saharia* are declared as PVTGs. The scheduled area comes to 39.19 per cent of the total geographical area of the state. The state has 31 Integrated Tribal Development Agencies (ITDAs), 30 Modified Area Development Approach (MADA) pockets and six clusters. The state has four districts declared as fully scheduled areas and 29 districts as partially scheduled areas which in total covers 89 Tribal Development (TD) Blocks. The study has covered

three districts named Mandla, Shivpuri and Alirajpur and five communities, viz., *Baiga*, *Bhil*, *Saharia*, *Majhi* and *Bhilala*.

Maharashtra

In Maharashtra, there are 47 tribal communities out of which three belong to PVTGs. In the study, one PVTG community and six other tribal communities are covered from three districts, Amravati, Gadchiroli and Nandurbar. Communities covered in the study are *Kurku*, *Bhil*, *Bhilala*, *Gond*, *Raj Gond*, *Media/Maria Gond*, *Padwi*. Tribal communities constitute 8.85 per cent of the total population of the state. Like in the other scheduled districts of India, tribals from Maharashtra largely depend on forest and forest produce.

Odisha

Odisha is one of the eastern states which houses a total of 62 tribal communities (22% of total state population) including 13 PVTGs. Almost 44.25 per cent of the total state geographical area is declared as scheduled area. The study covered three districts in Odisha,. These are Rayagada, Mayurbhanj and Nawarangpur districts. The communities covered are *Dongaria Kondha*, *Kutai Kondha*, *Jharnia Kondha*, *Mankidia*, *Khadia*, *Lodha*, *Paroja*, *Gondo*, *Savara*, *Bathudi*, *Bhumij*, *Bhunja*, *Bhuyan*, *Mahli/Mahali*, *Munda*, *Ho*, *Kolha*, and *Santal*.

Rajasthan

Tribal population in Rajasthan constitutes 12 per cent of the state population. The tribal dominated districts are Banswara, Dungarpur, Udaipur, Sirohi, Sawai Madhopur, Bundi, Chittaurgarh and Baran. There are twelve tribal communities in Rajasthan. The study covered districts of Udaipur, Pratapgarh and Sirohi. The communities covered are *Bhil*, *Bodar*, *Pargi*, *Khashid*, *Meena*, *Kathodi* and *Bhil Garsia*.

West Bengal

WB has 5.5 per cent tribal population and 40 tribal communities. The predominant tribals are *Santal*, *Oraon*, *Munda*, *Bhumij*. In the study, four districts of WB viz., Purulia, Paschim Medinipur, North 24 Parganas and South 24 Parganas are covered. In the study, one PVTG community *Lodha* has been covered while the five other tribal communities covered are *Lodha*, *Santal*, *Bedia*, *Oraon*, *Bhumij*. The state of WB does not have scheduled areas.



Profile of Study Villages

This section covers an overview of study villages, their ethnicity and the educational status of the community, land holding status, economic strength and diversion of village land for various purposes. The section tries to supplement the chapter to inform readers about the area and its people.

Land status

The land holding status of HHs in study villages was calculated in order to understand the different categories of people covered in the villages in terms of land holdings.

Around 80.42 per cent households do not have any *patta* lands, while around 34.32 per cent HHs belong to marginal land holding groups, 20.09 per cent are small holders, 11.65 per cent are medium land holders and only 3.49 per cent are large land holding groups. Maharashtra has the highest landless HHs (48.05%), followed by Gujarat (39.76%), Rajasthan (26.95%) and WB (24.17%). The details of land holding HHs in different states as per different land holding categories are given in table 3.1.

Irrigation status

State wise distribution of land according to irrigation status was analysed.

Table 3.1 Distribution of households as per their land holding category (in acres)

S. No.	States	Category/No.					
		Landless (%)	Marginal (2.49) (%)	Small (2.5 to 5) (%)	Medium (5.1 to 10) (%)	Large (10 and above) (%)	Total/ %
1	Andhra Pradesh	328 (18.02)	545 (29.94)	592 (32.52)	289 (15.87)	66 (3.62)	1,820 (100)
2	Gujarat	3,851 (39.76)	3,691 (38.11)	1,723 (17.79)	331 (3.41)	89 (0.91)	9,685 (100)
3	Jharkhand	660 (6.36)	1,707 (41.78)	1,028 (34.95)	586 (14.34)	104 (2.54)	4,085 (100)
4	Madhya Pradesh	1,177 (19.92)	1,507 (25.50)	468 (7.92)	2,191 (37.08)	565 (9.56)	5,908 (100)
5	Maharashtra	4,363 (48.05)	2,132 (23.48)	1,366 (15.04)	879 (9.68)	339 (3.73)	9,079 (100)
6	Odisha	799 (18.43)	1,926 (44.42)	1,373 (31.67)	230 (5.30)	7 (0.16)	4,335 (100)
7	Rajasthan	1,525 (26.95)	1,804 (31.88)	1,131 (19.99)	760 (13.43)	437 (7.72)	5,657 (100)
8	West Bengal	1,399 (24.17)	2,605 (45.00)	1,634 (28.23)	137 (2.36)	13 (0.22)	5,788 (100)
Grand Total		14,102 (30.42)	15,917 (34.33)	9,315 (20.09)	5,403 (11.65)	1,620 (3.49)	46,357 (100)

Source: Primary Survey 2012

Table 3.2 Distribution of land in study villages as per irrigation status (in acres)

S. No.	State	Types of land		Total (%)	Average land holding
		Irrigated (%)	Non-irrigated (%)		
1	Andhra Pradesh	224 (2.80)	7,758 (97.20)	7,982 (100)	5.34
2	Gujarat	229 (1.02)	22,196 (98.98)	22,425 (100)	3.84
3	Jharkhand	1,026 (6.57)	14,727 (93.43)	15,753 (100)	4.59
4	Madhya Pradesh	58 (0.29)	18,924 (99.71)	19,982 (100)	4.22
5	Maharashtra	208 (1.24)	16,506 (98.76)	16,714 (100)	3.54
6	Odisha	361 (2.83)	12,376 (97.17)	12,737 (100)	3.60
7	Rajasthan	0	21,486 (100)	21,486 (100)	5.19
8	West Bengal	3 (0.01)	21,945 (99.99)	21,948 (100)	4.00
Grand Total		2,109 (1.81)	14,432 (98.19)	1,16,541 (100)	4.27

Source: Primary Survey, 2012

As regards the irrigation status of *patta* land (private legal holdings) in the study villages, it was found that only 1.52 per cent lands are covered under irrigation, while 98.47 per cent land holdings in the study villages are non-irrigated by nature. The state of Jharkhand has the highest irrigation coverage. Data indicates that tribal land holdings are largely

non-irrigated by nature. Details are given in Table 3.2.

Types of land

Different types of land in terms of ownership such as, *patta* land, community land and forest land were found in the study villages.

Table 3.3 Distribution of various types of land in study villages (in acres)

S. No.	State	No. of villages	Land types			
			<i>Patta</i> Land (%)	Community Land (%)	Forest Land (%)	Grand Total (%)
1	Andhra Pradesh	50	7,982 (11.01)	1,920 (2.64)	62,571 (86.33)	72,473 (100)
2	Gujarat	50	22,425 (18.63)	2,540 (2.11)	95,342 (79.24)	1,20,307 (100)
3	Jharkhand	50	15,753 (20.09)	2,232 (2.84)	60,396 (77.05)	78,381 (100)
4	Madhya Pradesh	50	19,982 (37.48)	1,632 (3.06)	31,689 (59.45)	53,303 (100)
5	Maharashtra	50	16,714 (23.07)	1,479 (2.03)	54,361 (74.92)	72,554 (100)
6	Odisha	50	12,737 (13.04)	1,029 (1.05)	83,860 (85.89)	97,626 (100)
7	Rajasthan	50	21,486 (21.11)	2,750 (2.70)	77,500 (76.17)	1,01,736 (100)
8	West Bengal	50	21,948 (36.37)	955 (1.58)	37,439 (62.04)	60,342 (100)
Grand Total		400	1,39,027 (21.16)	14,537 (2.21)	5,03,158 (76.61)	6,56,722 (100)

Source: Tehsil Office of respective areas, 2012



With respect to the various types of land in the study villages and their proportion to the total land, data indicates that on an average, *patta* land accounts for 21.16 per cent, ranging from 37.48 per cent, which is the highest in the case of MP to 11.01 per cent in the case of AP. The share of community land in the study village is 2.21 percent of the land holding while the share of forest land is 76.61 per cent. Forest land share is the highest in the case of AP (86.33%), followed by Odisha (85.89%), while at 62.04 per cent WB has the lowest of share of forest land. Details of land types as reported in the study are explained in Table 3.3.

Land use pattern

Land use pattern shows that uplands are used for horticulture and partly for agriculture while medium lands are fully used for agricultural purposes. Low lands are used purely for paddy cultivation in all study villages across states. Millets and a variety of pulses are commonly cultivated. Mango, cashewnut, turmeric, banana, guava and jackfruits

are the common types of horticulture plantations found on uplands.

Sources of livelihood

Collection of varieties of NTFPs is the primary source of living in almost all the study villages. Sources which supplement the HH livelihood basket include agriculture, animal husbandry and wage labour. The wage labour available under MGNREGS partially ensures the livelihood basket of the villagers. The NTFPs are consumed and also sold in the weekly *haat* to generate some money to meet other expenses of the family. Lack of a state sponsored market forces the villagers to make a distress sale of NTFPs to middle men and market agents.

Infrastructure

Infrastructure facilities available in villages were detailed out in order to understand community access to the basic entitlements.

Table 3.4 Distribution of infrastructure in study villages (in nos.)

S. N.	State	No of Villages	TYPE OF INFRASTRUCTURE (nos.)										
			Primary School	Tube & Bore Well	Dug Well	Pond/River	Health Sub- centre	Check Dam	Anganwadi	ICDS Sub- centre	Panchayat Office	PDS Centre	Electricity Supply
1	Andhra Pradesh	50	38	65	23	12	1	0	38	8	2	18	7
2	Gujarat	50	43	52	65	29	2	36	13	0	1	9	3
3	Jharkhand	50	35	38	16	22	16	2	35	1	2	21	20
4	Madhya Pradesh	50	49	42	32	3	5	9	42	1	4	32	14
5	Maharashtra	50	54	55	24	1	3	18	22	25	5	17	18
6	Odisha	50	29	42	18	0	1	3	16	33	0	29	21
7	Rajasthan	50	40	38	10	0	6	6	34	13	2	26	7
8	West Bengal	50	47	55	25	2	1	0	41	7	1	30	16
Grand Total		400	335	387	213	69	35	74	241	88	17	182	106

Source: Primary Survey 2012

Around 84.38 per cent villages have primary schools, 8.06 per cent villages have health sub-centres, 60.70 per cent villages have *anganwadi* centres (AWCs), 22.16 per cent villages have *anganwadi* sub-centre, 45.84 per cent villages have public distribution system (PDS) centres, while 26.70 per cent villages have electricity supply. The details of infrastructures available in the study villages are given in Table 3.4.

State Provisions/Entitlements

Possession of voter identity card

The study collected data related to a number of HHs possessing voter identity cards to understand the extent of their participation in the democratic system.

Table 3.5 Households possessing voter identity cards

S. No.	State	Total no. of HHs	Total HHs with voter card (%)	HHs without voter cards (%)
1	Andhra Pradesh	1,820	1,815 (99.73)	5 (0.27)
2	Gujarat	9,685	9,685 (100)	0 (0.00)
3	Jharkhand	4,085	3,058 (74.86)	1,027 (25.14)
4	Madhya Pradesh	5,908	5,636 (95.40)	272 (4.60)
5	Maharashtra	9,079	8,942 (98.49)	137 (1.51)
6	Odisha	4,335	4,090 (94.35)	245 (5.65)
7	Rajasthan	5,657	4,934 (87.22)	723, (12.78)
8	West Bengal	5,788	5,558 (96.03)	230 (3.97)
Grand Total		46,357	4,37,189 (94.31)	2,639 (5.69)

Source: Primary Survey, 2012

With respect to possession of voter cards by HHs, data shows that in total, 5.69 per cent HHs do not have voter cards. In the case of Jharkhand, around 25.14 per cent HHs do not have voter cards, followed by 12.78 per cent in the case of Rajasthan (Table 3.5). Inaccessible remote location, low level of awareness and negligence by states are the reasons for people not having voter identity cards. These are the reasons given by people during data collection.

Economic status of people

The economic status of people in terms of being above poverty line (APL) or BPL was collected and analysed as a part of this study, in order to understand different economic categories among different ethnic groups.

The study shows that around 75.17 per cent HHs of the study coverage belong to the BPL category, while 24.83 per cent households are APL. The magnitude of BPL households is 95.75 per cent in Gujarat, followed by 89.27 per cent in the case of Odisha and 88.77 per cent in the case of WB (Table 3.6).

Households having Mahatma Gandhi National Rural Employment Guarantee Scheme

Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) provides 100 days of employment guarantee to manual workers in rural areas. It is an important entitlement provided for economic gain to people in rural areas. The study was designed to collect data on the number of people in villages who possess this card.

Table 3.6 Distribution of households as per BPL and APL status

S. No.	State	Total no. of HHs	Economic Status of HHs							
			BPL HHs			TOTAL (%)	APL HHs			TOTAL (%)
			SCs	STs	Other		SC	ST	Other	
1	Andhra Pradesh	1,820	10	1,378	2	1,390 (76.37)	2	427	1	430 (23.63)
2	Gujarat	9,685	26	9,149	98	9,273 (95.75)	0	412	0	412 (4.25)
3	Jharkhand	4,085	49	2,817	112	2,978 (72.90)	9	1,027	71	1,107, (27.10)
4	Madhya Pradesh	5,908	184	3,817	390	4,391 (74.32)	21	1,495	1	1,517, (25.68)
5	Maharashtra	9,079	100	4,539	185	4,824 (53.13)	27	4,068	160	4,255, (46.87)
6	Odisha	4,335	47	3,673	150	3,870 (89.27)	8	420	37	465, (10.73)
7	Rajasthan	5,657	3	2,975	5	2,983 (52.73)	0	2,674	0	2,674, (47.27)
8	West Bengal	5,788	1,624	2,636	878	5,138 (88.77)	338	134	178	650, (11.23)
Grand Total		46,357	2,043	30,984	1,820	34,847 (75.17)	405	10,657	448	11,510, (24.83)

Source: Primary Survey, 2012

Table 3.7 Distribution of households having MGNREGS cards (in nos.)

S. No.	State	Total HHs	MGNREGS card holders			
			SC	ST	Other	TOTAL (%)
1	Andhra Pradesh	1,820	12	1,730	5	1,747 (95.99)
2	Gujarat	9,685	64	8,475	93	8,632 (89.13)
3	Jharkhand	4,085	22	2,634	114	2,770 (67.81)
4	Madhya Pradesh	5,908	110	2,963	70	3 143 (53.20)
5	Maharashtra	9,079	87	8,573	228	8 888 (97.90)
6	Odisha	4,335	35	3,557	17	3 609 (83.25)
7	Rajasthan	5,657	0	4,746	0	4 746 (83.90)
8	West Bengal	5,788	1,837	1,778	1,147	4 762 (82.27)
Grand Total		46,357	2,167	34,456	1,674	38 297(82.61)

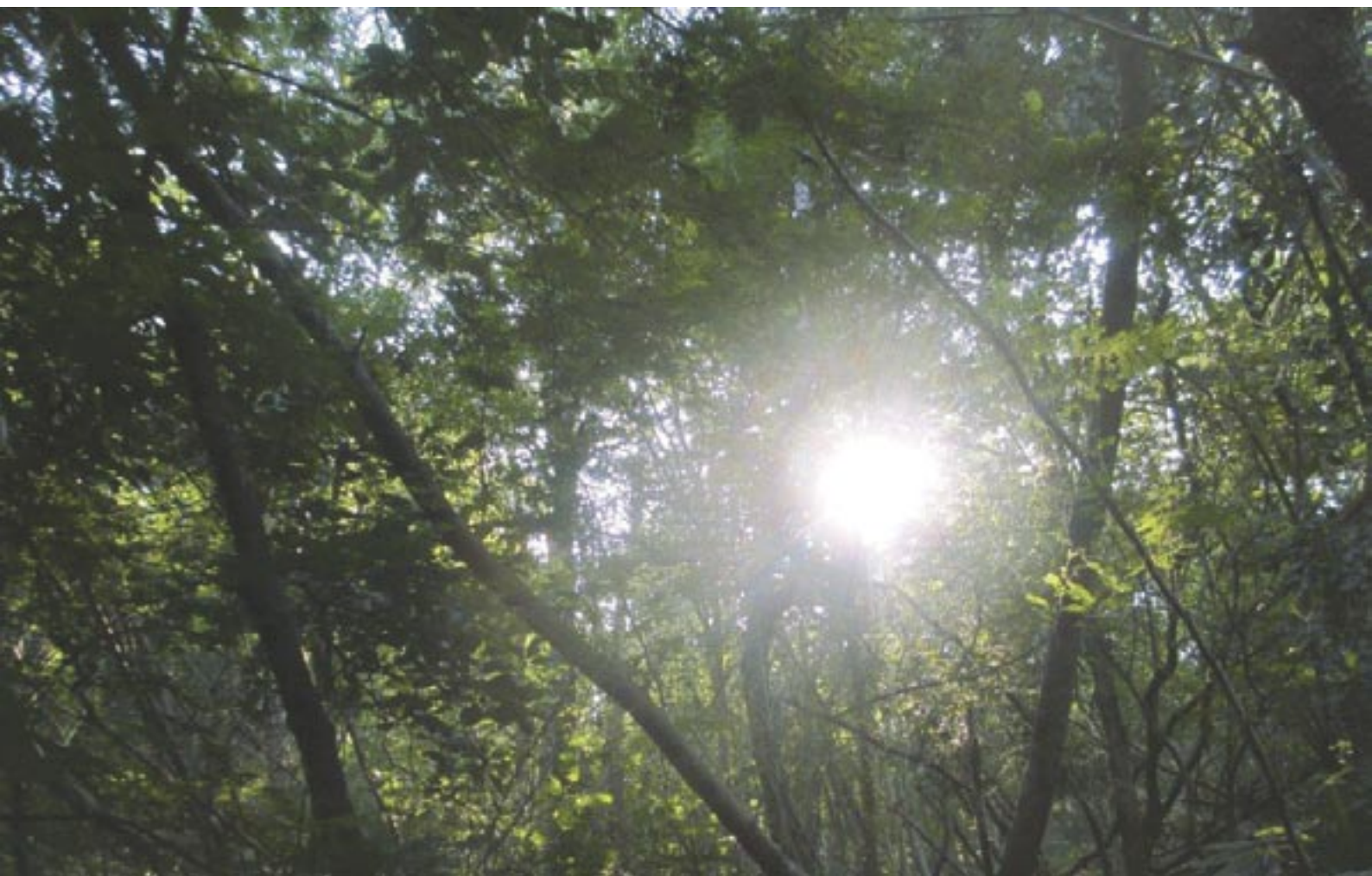
Source: Ibid

With respect to the possession of the MGNREGA card possessed by HHs in the study villages, the study reported that in total, around (82.61) per cent possess the card. It is the highest in the State of Maharashtra to the extent of 97.90 per cent, followed by AP at 95.99 per cent. The lowest number of card holders are reported in the case of MP at 53.20 per cent (Table 3.7). During FGDs and individual interviews, people mentioned instances where despite having the card, community

members were migrating to neighbouring states/ districts (Gujarat, AP, Odisha). People who belong to PVTGs, find it difficult to accept manual work which they feel is not a part of their lives.

Natural Resources

A brief natural resource base related to forest, water and minerals are provided on each state covered under the state.



ANDHRA PRADESH	JHARKHAND
<p>Total Area – 2,75,000 sq. km.</p> <p>Forest Area- 63,814 sq. km</p> <p>River – Nearly 75 per cent of the area is covered by river basins of Godavari, Krishna, and Pannar and their tributaries. There are 17 smaller rivers like Sarada, Nagavali, Yeleru, Gundlakamma, Paleru, Munneru, Kunleru and Musi.</p> <p>Rainfall- Average rainfall is 940 mm</p> <p>Minerals – Second largest storage house of minerals. There are 48 minerals, such as manganese, asbestos, iron ore, ball clay, fire clay, gold, diamond, graphite, good resources of mineral oil and natural gas.</p>	<p>Total Area – 79,714 sq. km.</p> <p>Forest Area - 23, 605 sq. km.</p> <p>River - River Ganga and its tributaries play a dominant role. Other rivers in the state are Subarnarekha, Damodar, Mayurakshi, Koel, Karo, Barakar.</p> <p>Rainfall- Average rainfall is 1400 mm</p> <p>Minerals – State is rich in various types of minerals such as uranium, mica, coal, iron ore, bauxite, granite, gold, silver, graphite, manganese, dolomite, fireclay, quartz & copper.</p>
ODISHA	WEST BENGAL
<p>Total Area – 155,707 sq km.</p> <p>Forest Area- 48374 sq km</p> <p>River – Around 14 rivers flowing in the state major are Mahanadi, Brahmani, Subarnarekha, Baitarani & Budhabalanga. Apart there are three lakes such as Chilika, Ansupa and Kanjia</p> <p>Rainfall- Average rainfall is 1498 mm</p> <p>Minerals – Odisha has rich reserve of minerals. There are around 24 types mineral found in the state like iron ore, coal, asbestos, bauxite, china clay, chromite, dolomite, fire clay, graphite, kyanite, lead ore, limestone, quartz, silica sand, etc.</p>	<p>Total Area – 88,752 sq km.</p> <p>Forest Area- 11,879 sq km</p> <p>River – There are 19 rivers and tributaries flowing in the state. The major rivers are Bhagirathi & Hooghly. Others are Mayurakshi, Ajay, Damodar, Kangsabati, Rupnarayan etc.</p> <p>Rainfall- Average rainfall is 1900 mm</p> <p>Minerals – Some of the major minerals found in the state are coal, iron ore, fire clay, china clay, limestone, copper, manganese, dolomite and possibilities of mineral oil and natural gas.</p>
MADHYA PRADESH	MAHARASHTRA
<p>Total Area – 3,08,245 sq km</p> <p>Forest Area- 95,221 sq km</p> <p>River – Major rivers are Narmada & Tapi. Other rivers in the state are Betwa, Chambal, Dhasan, Kali Sindh, Kuno, Parbati, Shipra and Sindh. Apart from the above, there are many other small rivers flowing in the state viz., Kanhan, Ken, Pench and Penganga.</p> <p>Rainfall- Average rainfall is 1017 mm</p> <p>Minerals – Iron ore and coal are the major minerals found in the state. Beside these, the other minerals found in the state are bauxite, manganese, diamond, mica, silica sand, limestone, manganese, fire clay, dolomite, copper, lead & silver.</p>	<p>Total Area – 3,07,313 sq km.</p> <p>Forest Area- 23,605 sq km</p> <p>River – There are three major rivers flowing through state named Godavari, Krishna and Tapi. Beside other rivers flowing in the state are Shastri, Gad, Vashishtri, Savitri, Kundalika, Gandhari, Surya, Shiwara.</p> <p>Rainfall- Average rainfall is 901 - 1034 mm (Madhya Maharashtra and Vidarbha regions)</p> <p>Minerals – Minerals found the state are Manganese, iron ore, coal, limestone, bauxite, silica sand, chromites, kainite, dolomite, china clay, fire clay, wolfram, quartz, copper, zinc & pyrophyllite.</p>

GUJARAT	RAJASTHAN
Total Area – 1,96,024 sq km	Total Area – 3,42,239 sq km
Forest Area - 18,962 sq km	Forest Area - 32,488 sq km
River – Narmada and Tapi are two major rivers of the state. The other rivers in the state are Sabarmati, Meshovo, Mindhola, Dhadhar, Lindino, Kalubhar.	River –Chambal and Luni are two major rivers besides Kali, Banas, Banganga, Parvati, Sabarmati, Gambbhiri, Kakni, Katli, Sabi, Mantha flow through the state.
Rainfall - Average rainfall is 578 - 1107 mm (Gujarat and Saurashtra/Kachchh regions)	Rainfall - Average rainfall is 313 - 675 mm (West Rajasthan and East Rajasthan regions)
Minerals – More than 12 minerals are found in the state. These are mica, manganese, quartz, vermiculate, salt, silica sand, graphite, gypsum, cement mortar, dolomite, fire clay and crude oil.	Minerals – Principal minerals of the state are copper, lead, zinc ore, gypsum, marble, lime stone and rock phosphate. Other minerals in the state are mica, graphite, asbestos, crude oil, fire clay, silica sand, manganese, etc.

A Macro Analysis of Secondary Information on FRA Implementation

The analysis below is based on the data collected from the website of the MoTA, Government of India which was uploaded up to the period 31.10.2012. Information includes state wise different committees constituted at different levels. This specifically focuses on the Individual Claim settlement (IC)¹⁴, Community Claim settlement (CC)¹⁵, rejection of claims, extent of forest land distributed to claim holders and extent of gaps in the application at *gram sabha* and disposal of cases by the DLC. In this context, it is important to note that the category of the CC that refers to Sec. 3.2 of the FRA should not be mixed up with the CC under sec. 3.1.i. In the website of the MoTA, these two have not been separated even after the latest amendments were brought to the Rules of the Act.

Committees formed at different levels

Implementation of FRA requires different structures, committees and institutions at different levels. Government of India keeps updates of these committees starting from FRC at the village level to SLMC at state level. The study has attempted to make a brief analysis of different committees and the number of members.

As per records of MoTA, the data with respect to the formation of different committees in the study states reflects that at the state level, Gujarat has not formed this SLMC, while in Rajasthan not a single member has been entered into this committee. In the case of Odisha, out of 12 members, the names of only two members have been nominated. In the case of the formation of DLC, in total, only 178 districts have this with 980 members against a total of 1,294 members. Almost 50 per cent members in DLC are yet to be entered in the committee. Similarly, in the case of Maharashtra, only 74 members out of 235 have been entered. In WB, the DLCs are completely formed. Only 447 SDLCs have been formed against 934, while 2,763 members have been entered against a total requirement of 5,086. In the case of AP, 52 SDLCs have been formed against 183 sub-divisions, while in the case of Odisha, it is only 19 against 58 sub-divisions and in case of WB, only 24 SDLCs have been formed. With respect to the formation of FRCs, it is not encouraging in states like AP, Maharashtra and Odisha. In the case of Maharashtra, only eight FRCs have been formed against 499 required villages, while in Odisha, only 531 FRCs have been formed against 44,649 villages. An analysis of the table reflects that the institutional structure required at various levels to implement the Act has not been duly formed by the states. In the national workshop organised by the Government of India, it was suggested that plans

¹⁴ Individual Claim – Rights listed in sec-3, sub-sec 1 of FRA 2006.

¹⁵ Community Claim- Rights listed in sub-sec 1 of section 3 of FRA 2006.

Table 3.8 Status of different committees in eight studied states on Forest Rights Act - 2006

Name	State Committee		District Committees				Sub Divisional Committees				Forest Rights/GS COMMITTEE			
	Total members	Total entered	Total districts	Formed districts	Total members	Total entered	Total sub-division	Formed sub division	Total members	Total entered	Total FRCs	Formed FRCs	Total	Total Entered
Andhra Pradesh	2	1	25	22	181	90	183	52	342	342	3,588	964	14,069	14,026
Gujarat	0	0	24	0	0	0	50	0	0	0	458	0	0	0
Jharkhand	10	10	24	21	131	117	56	34	209	200	4,743	3,342	44,152	43,490
Madhya Pradesh	10	10	48	41	245	239	217	164	2,984	990	34,250	22,682	3,40,225	9
Maharashtra	12	11	36	24	235	74	109	73	679	411	499	8	119	106
Odisha	12	2	30	27	204	171	58	19	205	170	44,649	531	7,087	6,523
Rajasthan	11	0	33	33	219	210	193	81	513	498	1,964	306	2,070	2,068
West Bengal	12	10	19	10	79	79	68	24	154	152	187	44	555	543
Total	69	44	239	178	1,294	980	934	447	5,086	2,763	90,338	27,877	4,08,277	66,765

Source: Ministry of Tribal Affairs, <http://www.forestrights.nic.in/Committeereport/statewiseanalysis.jsp> (as on 24.02.2013)



should be discussed with the respective SLMC as it required coordination among different departments such as Revenue, Forest, *Panchayati Raj* besides Tribal Welfare department as the nodal agency for implementation of FRA (MoTA and UNDP, 2012).

Status of individual and community forest rights claims

Information related to ICs and CFRs was collected from the Ministry's website on 31st Oct. 2012 and analysed state-wise for the covered states.

Table 3.9 Status of Individual Claims & Community Claims under FRA 2006 (As on 31-10-2012)

S N	State (1)	Claims Settlement (in No.)				
		Filled by Gram Sabha (2)/%	Gram Sabha to SDLC (3)/%	SDLC to DLC (4)/%	Claims Approved by DLC (5)/%	Title Distributed (6)/%
1	Andhra Pradesh	3,30,479 (100)	2,30,476 (69.73)	1,94,391 (84.34)	1,74,693 (89.87)	1,67,797 (96.05)
2	Gujarat	1,91,592 (100)	1,89,161 (98.73)	50,156 (26.52)	40,029 (79.81)	42,752 (106.80)
3	Jharkhand	42,003 (100)	23,617 (56.23)	17,046 (72.18)	16,351 (95.92)	15,296 (93.55)
4	Madhya Pradesh	4,64,623 (100)	463186 (99.69)	459212 (99.14)	179201 (39.02)	171673 (95.80)
5	Maharashtra	3,44,330 (100)	2,93,133 (85.13)	1,13,663 (38.78)	1,05,930 (93.20)	99,368 (93.31)
6	Odisha	5,32,464 (100)	4,12,458 (77.46)	3,17,995 (77.10)	3,09,564 (97.35)	3,01,200 (97.27)
7	Rajasthan	64,422 (100)	43,229 (67.10)	32,512 (75.21)	32007* (98.45)	32,080 (100.23)
8	West Bengal	1,37,278 (100)	45,420 (33.09)	34,851 (76.73)	32,725 (93.90)	29,532 (90.24)
Grand Total		2107191 (100)	1700680 (80.71)	1219826 (100)	890500 (73.00)	859698 (96.54)

Source: <http://tribal.gov.in/writereaddata/mainlinkFile/File1507.pdf>

With respect to the claim settlement at various levels, data indicates that the percentage of applications filled by the *gram sabha* that has been forwarded to SDLC is the highest (99.69%) in MP, followed by Gujarat (98.73%), Maharashtra (85.13%), Odisha (77.46%) while the lowest is reported in the case of WB (33.09%).

Coming to another stage of transfer of applications from SDLC to DLC, MP has the highest (99.14%), followed by Odisha (77.09%) and WB (76.73%), while Gujarat has the lowest number (26.52%). Claims approved by DLC shows that the highest number of cases have been approved in the case of Rajasthan (98.45%), followed by Odisha (97.35%) and Jharkhand (95.92%).

Forest rights claims received and distributed

The total number of claims received and titles

distributed from eight states was compiled as a part of this study.

With respect to distribution of land titles by DLC, Gujarat and Rajasthan, followed by Odisha (97.29%) and MP (95.80%) have given land titles to all cases approved by DLC,. The lowest number of titles (90.24%) of the approved cases by DLC is observed in case of WB. Settlement of claims is quite inconsistent in the case of Gujarat, MP and Maharashtra. The details of distribution of claim settlements of both IC and CC are given in Tables - 3.9 and 3.10.

Settlement of claims

The study tried to find out the number of claims settled, land rights distributed and claims rejected in order to analyse the trend.

Table 3.10 Statement of claims and distribution of title deeds under FRA 2006 (As on 31-10-2012)

S N	States	Total Claim Received		Total Title Distributed		Total Land Recognised (In ac)
		IC/%	CC/%	IC/%	CC/%	
1	Andhra Pradesh	3,23,765 (100)	6714 (100)	1,65,691 (51.18)	2106 (31.37)	14,51,223
2	Gujarat	1,82,869 (100)	8723 (100)	40994 (22.42)	1758 (20.15)	51570.79**
3	Jharkhand	42003* (100)		15296 (36.41)		3,7678.93
4	Madhya Pradesh	4,51,453 (100)	13093 (100)	1,71,673		6,45,737.65
5	Maharashtra	3,39,289 (100)	5041 (100)	98,335 (28.98)	1033 (20.49)	6,35,915.57
6	Odisha	5,29,160 (100)	3304 (100)	3,00,321 (56.75)	879 (26.60)	5,39,277.45
7	Rajasthan	64,076 (100)	346 (100)	32,027 (49.98)	53 (15.32)	48,773.54
8	West Bengal	1,29,454 (100)	7824 (100)	29,424 (22.73%)	108 (1.38%)	16,557.76

Source: Ibid, NB: * Includes both IC and CC, **Exclusive of CC

**Table 3.11 Recognition of claims (Both IC and CC) and distribution of title deeds
FRA 2006 (As on 31-10-2012)**

SN (1)	States (2)	No. of Claims Received (3)	No. of Titles Distributed (4)	No. and % of cases disposed (5)	No. & % of Claims Rejected (6)
1	Andhra Pradesh	3,30,479 (100)	1,67,797 (52.24)	3,21,235 (97.20)	1,53,438 (47.77)
2	Gujarat	1,91,592 (100)	42,752 (69.91)	61,151(31.92)	18,399 (30.09)
3	Jharkhand	42,003 (100)	15,296 (47.43)	32,254 (76.79)	16,958 (52.58)
4	Madhya Pradesh	4,64,623 (100)	171673 (38.05)	4,51,176 (97.11)	2,79,503 (60.95)
5	Maharashtra	3,44,330 (100)	99,368 (29.79)	3,33,610 (96.89)	2,34,242 (70.21)
6	Odisha	5,32,464 (100)	3,01,200 (69.53)	4,33,170 (81.35)	1,31,970 (30.47)
7	Rajasthan	64,422 (100)	32,080 (50.93)	62,994 (97.78)	30,914 (49.08)
8	West Bengal	1,37,278 (100)	29,532 (27.34)	1,08,159 (78.79)	78,627 (72.70)
Grand Total		2107191 (100)	859698 (47.66)	1803749 (85.60)	944,051 (52.34)

Source: Ibid. (%in Col 5 is drawn on Col 3, %in Col 6 is drawn on Col 3)

Data, with respect to settlement of claims, reflects that the highest number of cases have been disposed in the case of Rajasthan ((97.78%), followed by AP ((97.20%), MP ((97.11%) and Maharashtra ((96.89%), while the least number of cases have been disposed in the case of Gujarat (31.92%). Disposal of cases also includes rejection of applications at various levels of settlement. Data with respect to the rejection of claims shows that the highest number of cases have been rejected in case of West Bengal (72.70%), followed by Maharashtra (70.21%), MP (60.95%). Rejection of cases is low in

the case of Gujarat (30.09%) and Odisha (30.47%). The data also reflects that around 52.34 per cent cases are rejected in all eight states covered under the study. At one level, this reflects the high level of deprivation of the genuine applications from getting their rights provisioned in the Act, details of which are given in Table 3.11.

Gaps in implementation of FRA

Information was analysed to find out the gaps between claims filed by *gram sabha* and land titles distributed.

**Table 3.12 Implementation gaps of Individual Claims and Community claims under
FRA 2006**

S N	States	Claims Settlement (In Nos)		
		Claims Filed at Gram Sabha	Land Title Recognised/%	% of Claims not Settled
1	AP	3,30,479 (100)	1,67,797 (50.77)	162682 (49.23)
2	Gujarat	1,91,592 (100)	42,752 (22.31)	148840 (77.69)
3	Jharkhand	42,003 (100)	15,296 (36. 42)	26707 (63.58)
4	Madhya Pradesh	4,64,623 (100)	1,71,673 (36.95)	292950 (63.05)
5	Maharashtra	3,44,330 (100)	99,368 (28.86)	244962 (71.14)
6	Odisha	5,32,464 (100)	3,01,200 (56.57)	231264 (43.43)
7	Rajasthan	64,422 (100)	32,080 (49.80)	32342 (50.20)
8	West Bengal	1,37,278 (100)	29,532 (21.51)	107746 (78.49)
Grand Total		2107191 (100)	859698 (40.80)	1247493 (59.20)

Source- Ibid

Table 3.13 Titles distributed over number of claims received in each state under FRA 2006 (As on 31-10-2012)

S N	States	Total Claims Received	Total Title Distributed	% of Title distributed over total Claims received
1	A.P	3,30,479 (100)	1,67,797	50.77
2	Gujarat	1,91,592 (100)	42,752	22.31
3	Jharkhand	42,003 (100)	15,296	36.42
4	Madhya Pradesh	4,64,623 (100)	1,71,673	36.95
5	Maharashtra	3,44,330 (100)	99,368	28.86
6	Odisha	5,32,464 (100)	3,01,200	56.57
7	Rajasthan	64,422 (100)	32,080	49.80
8	West Bengal	1,37,278 (100)	29,532	21.51
Grand Total		2107191	859698	40.80
National Total		32,36,539	12,75,570	39.41

Source – Ibid

With respect to the gaps in the number of cases filed in the GS and the number of land titles distributed in different states, the data indicates that a wide gap is observed in the case of West Bengal (78.49%), followed by Gujarat (77.69%). This shows that the least number of claims settled is in the case of Gujarat (22.31%), followed by Maharashtra (28.86%). The highest number of cases is settled in the case of Odisha, with 56.57 per cent gaps in the settlement of claims submitted by the GS and the final land titles distributed. Details are given in Tables 3.12 and 3.13.

Settlement of land

Data analysis of study states shows that on an average, 4.00 acres of forest land have been recognised per settlement. Since data on forest

land distribution for IC and CC is not available separately, it is difficult to find out the extent of land settled in favour of ICs and CCs in each state.

However, in the case of Maharashtra, the average recognition of land in both the cases is the highest. While the average forest land in case of one IC is 2.62 acres, it is 365.57 acres for settlement of one CC. In the case of Odisha, on an average, 1.61 acres of land is settled in favour of one IC and 62.85 acres of land is settled in favour of one CC. In the case of Rajasthan, around 1.58 acres of average forest land is settled in favour of one IC and 7.91 acres of forest land is settled in favour of one CC. Details of average forest land settled for both types of settlements in three different states are given in Table 3.14.

Table 3.14 Recognition of average forest land under FRA 2006

S. No.	State	Titles distributed		Land recognised (in acs)		Average land (in acs)	
		IC	CC	IC	CC	IC	CC
1	Maharashtra	98,335	1,033	2,58,134.32	3,77,776.25	2.62	365.57
2	Odisha	3,09,321	879	4,84,025.80	55,257.65	1.61	62.85
3	Rajasthan	32,027	53	48,354.01	4,19.53	1.58	7.91

Source – Ibid, NB Other study states do not have separate figures

Chapter-4

Study Findings

From 400 villages, information collection, compilation and analysis were done on the ground, at the village level, with special focus on tribal dominated areas. Findings from the study villages are analysed on various aspects of FRA, viz.,: formation and functioning of structural mechanisms required for the implementation of FRA, FRCs¹⁶ formed by *gram sabha*¹⁷, SDLC¹⁸, DLC¹⁹ and SLMC²⁰. Data on settlement of ICs and CCs were collected through FGDs, reviews of *gram sabha*/FRC, SDLC and DLC records.

¹⁶ Forest Rights Committee - Forest Rights Committee means a committee constituted by the gram sabha under rule 3. Gram Sabha will constitute FRC by taking 10 to 15 members from the village. One third members shall be STs and one third shall be women. ("one third members shall be ST" was substituted by "at least two third members shall be ST" in the amended Rule of 2012)

¹⁷ Gram Sabha - GS means a village assembly which shall consist of all adult members of a village/hamlet (FRA ch. I (2. g).

¹⁸ Sub-Divisional Level Committee- The State Government shall constitute Sub-Divisional Level Committee with the SDO as chairperson, Forest Officer, three members from the block or tehsil as members of whom at least two shall be the STs and/or other traditional forest dwellers, and one shall be a woman member.

¹⁹ District Level Committee- The state government shall constitute the District Level Committee (DLC) with the District Collector or Deputy Commissioner as the Chairperson, Divisional Forest Officer/Deputy Conservator of Forest, three nominated members of the district panchayat, of whom at least two shall be STs, preferably forest dwellers/primitive tribal groups/where there are no STs, two members who are preferably other traditional forest dwellers, and one shall be a woman member.

²⁰ State Level Monitoring Committee- The state government shall constitute a State Level Monitoring Committee (SLMC) with the Chief Secretary as Chairperson, Secretary Revenue, Tribal or Social Welfare, Forest, Principal Chief Conservator of Forests (PCCF), three ST members from TAC as members (Source - FRA Rule 2008 and as amended in 2012).



Table 4.1 Status of formation of Forest Right Committee in study villages

S. No.	State	Total no. of villages	FRC status	
			Formed (%)	Not formed (%)
1	Andhra Pradesh	50	50 (100)	0
2	Gujarat	50	50 (100)	0
3	Jharkhand	50	45 (90)	5 (10)
4	Madhya Pradesh	50	46 (92)	4 (8)
5	Maharashtra	50	41 (82)	9 (18)
6	Odisha	50	48 (96)	2 (4)
7	Rajasthan	50	39 (78)	11 (22)
8	West Bengal	50	25 (50)	25 (50)
Grand Total		400 (100)	344 (86)	56 (14)

Source-Primary Survey, 2012.

Formation of Forest Rights Committee

FRC is the primary village level committee required as per FRA. The study found that out of 400 study villages, 344 (i.e., 86%) have FRC in existence which are also in operation.

In all the study villages of AP and Gujarat, FRCs have been formed, while in Jharkhand, MP and Odisha, more than 90 per cent study villages have FRCs. In WB, only 50 per cent study villages have formed FRCs, while in Rajasthan, 78 per cent study villages

have FRCs. The reasons for the lowest percentage of FRC formation in WB is the people's resistance and not willing to be a part of FRC, due to the fact that land given under FRA is much less (less than one acre) than what the Act ensures. The detail status of the formation of FRCs is given in Table 4.1.

Ethnic Distribution of FRC Members

Representations of different ethnic groups like STs, SCs, OBCs and others were analysed as part of the study.

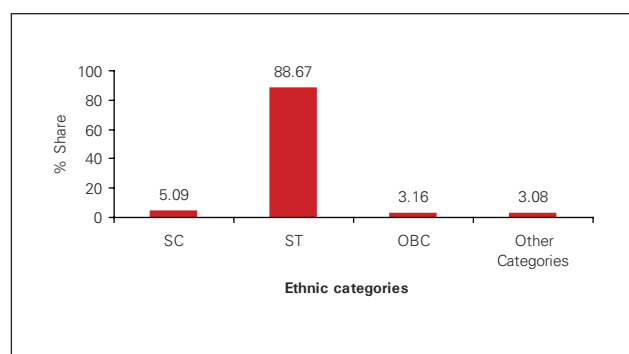
Table 4.2 Ethnic distribution of FRC members

S. No.	State	Total no. of Villages	Ethnic Status								Total (%)
			SC	%	ST	%	OBC	%	Others	%	
1	Andhra Pradesh	50	0	0	655	100	0	0	0	0	655 (100)
2	Gujarat	50	0	0	574	97.62	13	2.21	1	0.17	588 (100)
3	Jharkhand	45	15	2.25	574	86.06	51	7.65	27	4.05	667 (100)
4	Madhya Pradesh	46	32	5.84	451	82.30	6	1.09	59	10.77	548 (100)
5	Maharashtra	41	6	0.90	648	97.74	5	0.75	4	0.60	663 (100)

S. No.	State	Total no. of Villages	Ethnic Status								Total (%)
			SC	%	ST	%	OBC	%	Others	%	
6	Odisha	48	109	19.26	415	73.32	35	6.18	7	1.24	566 (100)
7	Rajasthan	39	0	0	436	100.00	0	0.00	0	0.00	436 (100)
8	West Bengal	25	86	11.47	568	75.73	44	5.87	52	6.93	750 (100)
Grand Total		344	248	5.09	4321	88.67	154	3.16	150	3.08	4,873 (100)

Source - Primary Survey, 2012

Diagram 4.1 Ethnic distribution of FRC members



It is found that STs constitute 88.67 per cent, followed by SCs 5.09 per cent, OBCs 3.16 per cent and other categories 3.0 per cent. AP and

Rajasthan have 100 per cent tribal representation in their FRCs while Odisha has 73.32 per cent. Jharkhand and WB have OBC representation, 7.65 per cent and 5.87 per cent respectively. Also, SC representation in WB and Odisha are 11.47 per cent and 19.26 per cent respectively. Details of members distributed per FRC as per their ethnic categories are given in Table 4.2 and Diagram 4.1.

Gender Representation in FRCs

Gender distribution of FRC members as per their ethnic categories was assessed. Out of a total number of 4,873 FRC members, males account for 75.85 per cent, while females account for 24.15 per cent.

Table 4.3 Gender representations in FRCs

S. No.	State	FRC villages	FRC members				
			Male	%	Female	%	Total
1	Andhra Pradesh	50	410	62.60	245	37.40	655
2	Gujarat	50	443	75.34	145	24.66	588
3	Jharkhand	45	496	74.36	171	25.64	667
4	Madhya Pradesh	46	340	62.04	208	37.96	548
5	Maharashtra	41	513	77.38	150	22.62	663
6	Odisha	48	386	68.20	180	33.57	566
7	Rajasthan	39	388	88.99	48	11.01	436
8	West Bengal	25	720	96.00	30	4.00	750
Grand Total		344	3,696	75.85	1,177	24.15	4,873

Source - Ibid

Comparing among states, one finds that the representation of female members in the FRC structure is the highest in the case of MP (37.96%), followed by AP (37.40%) and Odisha (33.57%). Women representation as the president of FRC is the lowest in the case of WB to the extent of being only four per cent. This is because either FRCs have not been formed or the women are protesting to be a part of FRCs due to negligence of the government in giving them their dues.

Gender distribution of office bearers

Gender distribution of the FRC office bearers in the study villages was investigated.

Out of 344 FRCs formed in 344 villages, it is observed that the post of President of FRC is largely male dominated to the extent of 93.90 per cent, while only 6.40 per cent FRCs are represented by females. In the case of Maharashtra, not a single woman was found to be represented as an office bearer (President/Secretary) in the study villages, while 16 percent FRAs in AP and 12.82 per cent in Rajasthan are represented by females. Similarly, around 88.08 per cent FRCs are represented by male secretaries, while 38 percent FRCs in AP, 17.95 per cent in Rajasthan followed by 8.89

per cent in the case of Jharkhand, the post of Secretary of FRCs are represented by women. Details of variations in the gender representations in different positions of office bearers of FRCs in the study villages of different states are represented in Table 4.4.

Role of Gram Sabha/FRC/SDLC/DLC/SLMC

As per the provision of the Act, *gram sabha* has been given a predominant role. *Gram sabha* is empowered to form FRCs, which will initiate the process of determining the nature and extent of both ICs and CCs. As per the mandate, they have recorded the claims, consolidated and verified them. In certain cases, GS and FRC are not conducted properly. This has affected the roles played by the FRC in settlement of claims.

Also SDLC and DLC, have been formed at the sub-division level and district level to monitor the processes of vesting rights over forest land. In the study villages of all the states, SDLCs and DLCs have been formed by the state government. DLCs act as the final authority to approve the record of forest rights for both ICs and CCs.

Table 4.4 Background of office bearers of FRCs in study villages

S. No.	State	Total no. of villages	Office Bearers									
			President					Secretary				
			Male	%	Female	%	Total	Male	%	Female	%	Total
1	Andhra Pradesh	50	42	84.00	8	16.00	50	31	62.00	19	38	50
2	Gujarat	50	49	98.00	1	2.00	50	50	100	0	0	50
3	Jharkhand	45	41	91.11	4	8.89	45	41	91.11	4	8.89	45
4	Madhya Pradesh	46	44	95.65	2	4.35	46	45	97.83	1	2.17	46
5	Maharashtra	41	41	100	0	0.00	41	41	100	0	0	41
6	Odisha	48	47	97.92	1	2.08	48	38	79.17	10	20.83	48
7	Rajasthan	39	34	87.18	5	12.82	39	32	82.05	7	17.95	39
8	West Bengal	25	24	96.00	1	4.00	25	25	100	0	0	25
Grand Total		344	322	93.60	22	6.40	344	303	88.08	41	11.9	344

Source-Primary Survey, 2012

SLMC shall devise criteria and indicators for monitoring the process of recognition and vesting of forest rights, furnish a six monthly report on the progress and take appropriate actions against the concerned authorities under the Act.

Settlement of Individual Claims

Approval of IC claims in FRC and gram sabha

Settlement of IC at FRC and GS is the preliminary level of IC settlement under FRA. In 344 (86%) out of 400 study villages, FRCs have been constituted. At the FRC level, verification of applications for IC settlement and submission to *gram sabha* in study villages shows that in states like MP, Gujarat, Jharkhand, Rajasthan

and WB, all applicants at the FRC level belong to STs. In the case of Maharashtra and Odisha, a small percentage (0.73% and 2.40% respectively) of applicants belong to SC households.

When one compares the number of IC applications submitted by the FRC to be finally approved by the *gram sabha*, one finds that only a negligible number of cases are rejected by the *gram sabha*. In states like Gujarat, Jharkhand, MP, Maharashtra and WB, all cases of ICs submitted by FRC have been approved by the *gram sabha* and submitted to SDLC for approval. However, the number of claims not forwarded to SDLC is the highest at 49.35 per cent in the case of WB (Table 4.5).

Table 4.5 Filing of ICs in gram sabhas in study villages

S. No.	State	Total no. of FRCs in village	Implementation status/no. of claims						No of claims not forwarded to SDLC
			Verified by FRC and submitted to gram sabha			Approved by gram sabha and submitted to SDLC			
			ST	SC	Total (%)	ST	SC	Total (%)	Total (%)
1	Andhra Pradesh	50	2,947 (100)	0	2,947 (100)	2,871 (100.00)	0	2,871 (97.42)	76 (2.58)
2	Gujarat	50	3,541 (100)	0	2,703 (100)	2,703 (100.00)	0	2,703 (95.63)	162 (4.37)
3	Jharkhand	45	1,692 (100)	0	1,692 (100)	929 (100.00)	0	929 (54.91)	763 (45.09)
4	Madhya Pradesh	46	817 (100)	0	817 (100)	692 (100.00)	0	692 (84.70)	125 (15.30)
5	Maharashtra	41	1,545 (97.60)	38 (2.40)	1,583 (100)	1,300 (97.60)	32 (2.40)	1,332 (84.15)	251 (15.86)
6	Odisha	48	3,113 (99.27)	23 (0.73)	3,136 (100)	2,311 (99.01)	23 (0.99)	2,334 (74.43)	802 (25.57)
7	Rajasthan	39	2,443 (100)	0	2,443 (100)	1,714 (100)	0	1,714 (70.16)	729 (29.84)
8	West Bengal	25	612 (100)	0	612 (100)	310 (100)	0	310 (50.65)	302 (49.35)
Grand Total		344	13 569 (99.77)	61 (0.23)	15,933 (100)	12,830 (99.75)	55 (0.25)	12,885 (100)	3210 (24.91)

Source - Primary Survey, 2012

Table 4.6 Distribution of IC cases settled under FRCs at various stages of implementation

S. No.	State	Total FRC village	Gram Sabha to SDLC		SDLC to DLC		DLC Settlement		HHs issued <i>patta</i>		Claims dropped at DLC
			Total	%	Total	%	Total	%	Nos.	%	
1	Andhra Pradesh	50	2,871	97.42	1931	67.25	1520	78.72	1420	93.42	100 (6.00)
2	Gujarat	50	3,387	95.63	3226	95.26	2606	80.78	1700	81.57	906 (18.43)
3	Jharkhand	45	929	54.89	668	71.91	558	83.53	520	93.18	38 (6.80)
4	Madhya Pradesh	46	692	84.70	271	39.16	118	43.54	109	92.61	9 (7.63)
5	Maharashtra	41	1,332	84.15	510	38.29	212	41.57	175	82.55	37 (17.45)
6	Odisha	48	2,334	74.43	2326	99.66	2223	95.57	2024	91.04	199 (8.95)
7	Rajasthan	39	1,714	70.16	1277	74.49	1134	88.80	935	82.45	199 (17.55)
8	West Bengal	25	310	50.60	238	76.54	221	92.87	207	93.66	14 (6.34)
Grand Total		344	13,569	86.12	10447	46.72	8592	82.24	7090	82.52	1502 (17.48)

Source: Primary Survey, 2012 insert comma after hundreds

Approval of IC claims at SDLC and DLC

In all the study villages, it was observed that SDLCs have approved all the applications for the settlement of ICs and submitted to DLC for approval.

Regarding the HHs distributed with *patta* by DLC, there are gaps between the approved cases by DLC and *patta* distributed to people. Of the total 8,592 cases approved by the DLC, 7,090 (82.52%) titles have been distributed with *pattas* among the applicants. In the case of AP, at the DLC level, the lowest per cent of claims rejected is six per cent while the highest percentage rejected in the case of Gujarat is 18.43. This is explained in Table 4.6.

Extent of land settlement under IC

With respect to the extent of land settled

under ICs at the level of *gram sabha*, the study explored that on an average, 3.08 acres of land was recommended in *gram sabha* ranging from 5.90 acres of land in the case of Jharkhand and 2.61 acres in the case of Odisha with 1.16 acres being the lowest as in the case of Rajasthan. The average extent of land approved in *gram sabha* is 26.47 per cent of the total land applied to *gram sabha*. Similarly, with respect to the land approved in DLC, on an average, 2.48 acres of land approved per settlement ranging from 3.77 acres being the highest as in the case of AP to 0.59 acres being the lowest as in case of Rajasthan. Again, around 62.31 per cent of the total land applied to DLC has been approved by DLC. This comes to 93.42 per cent, as in the case of AP, which is the highest among all the states. Similarly, on an average, DLC has approved 2.48 acres of land per HH. (Table 4.7)

Table 4.7 Extent of land settlement under Individual Claims: (land area in acres)

S. No.	State	Total no. of FRC villages	Land settlement gaps							
			Land applied in gram sabha	Land approved in gram sabha and sent to SDLC			Land applied in DLC	Land approved by DLC		
				Total	% of land approval (in %)	Average per Benef. HH		Total	Average extent of approval (in %)	Average per Rights holder
1	Andhra Pradesh	50	13,014.00	10,635.00	81.72	3.70	5,730.09	5,353.05	93.42	3.77
2	Gujarat	50	40,636.93	14,184.00	34.90	4.40	9,657.50	5,974.65	72.22	3.52
3	Jharkhand	45	27,583.00	3,941.80	14.29	5.90	3,211.80	1,159.86	36.11	2.23
4	Madhya Pradesh	46	6,526.69	1,868.40	28.63	2.07	754.65	291.03	38.57	2.67
5	Maharashtra	41	11,528.55	2,985.25	25.89	2.24	1,240.96	381.50	30.77	2.18
6	Odisha	48	16,254.31	6,105.69	37.56	2.61	5,475.58	3,113.99	56.87	1.54
7	Rajasthan	39	38,719.00	1,309.19	3.38	1.16	1,309.19	669.06	51.10	0.59
8	West Bengal	25	3,758.00	800.00	21.29	2.58	800.00	616.24	77.03	2.98
Grand Total		344	1,58,020.48	41,829.33	26.47	3.08	28,179.77	17,559.38	62.31	2.48

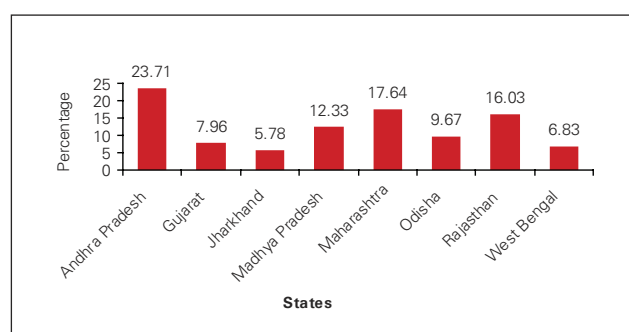
Source: Primary Survey, 2012

Table 4.8 Distribution of women headed households which have not applied for IC under FRA

S. No	State	Total no. of villages	No. of women headed HHs which have not applied for IC	Percentage
1	Andhra Pradesh	50	250	23.71
2	Gujarat	49	84	7.96
3	Jharkhand	47	61	5.78
4	Madhya Pradesh	51	130	12.33
5	Maharashtra	51	186	17.64
6	Odisha	49	102	9.67
7	Rajasthan	50	169	16.03
8	West Bengal	50	72	6.83
Grand Total		397	1,054	100

Source: Primary Survey, 2012

Diagram 4.2 Women headed households not covered in Individual Claims



Status of ICs settlement among women headed households

The study tried to find out about women headed households which could not get access to claims settlement processes.

It is reported that 1,054 women headed HHs in all study villages are deprived of availing benefits under FRA. Such cases are found in AP (23.71%), followed by Maharashtra (17.64%), Rajasthan (16.03%) and MP (12.33%) (Table 4.8 and Diagram 4.2)

Settlement of various types of land under ICs

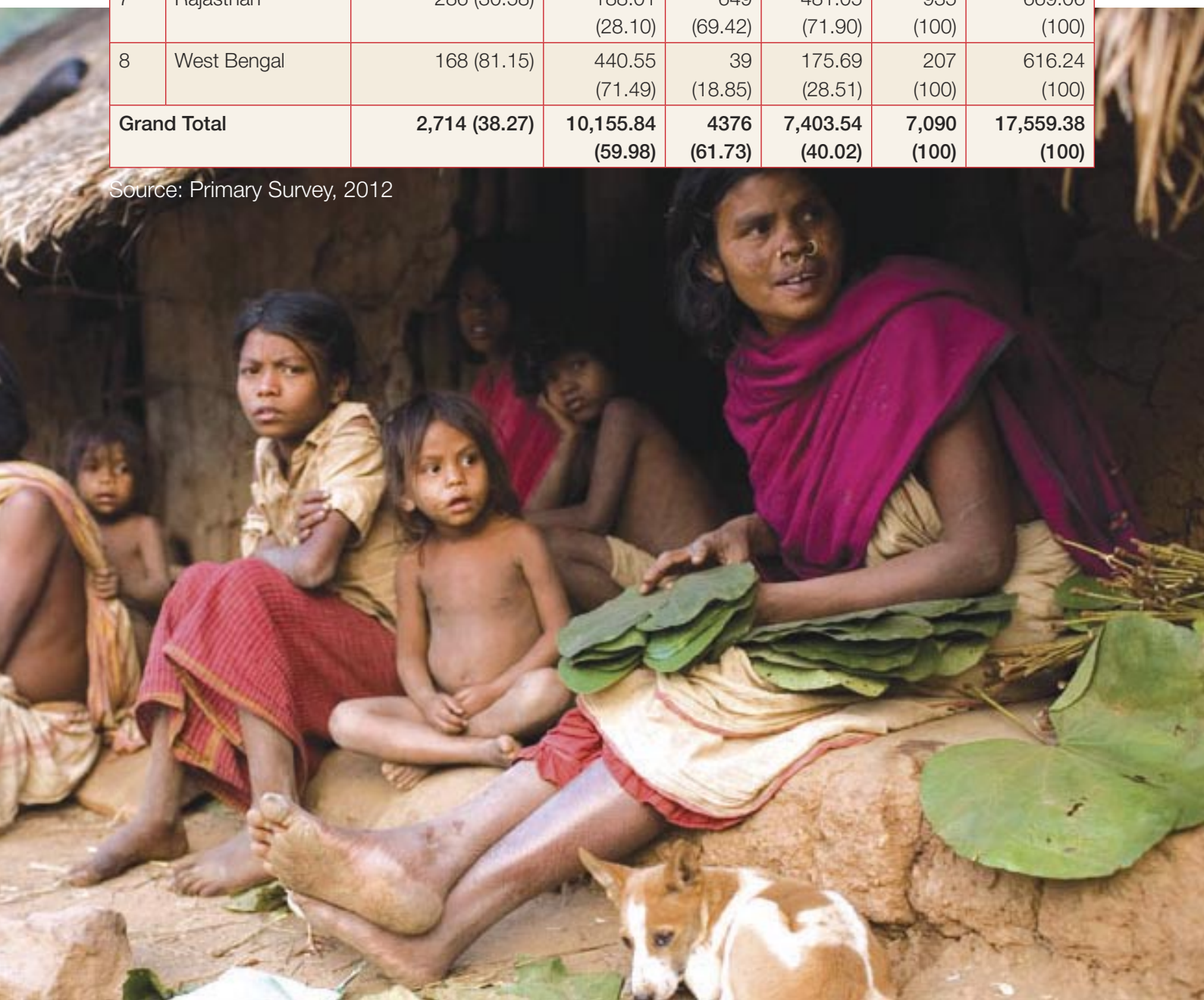
The study tried to find out about various categories of land recognised under claim settlement for ICs.



Table 4.9. Recognition of claim title under Individual Claims as per various types of land (area in acres)

S. No.	State	Title distribution					
		Rights holders land type					
		Revenue		Reserve		Grand Total	
		HHs	Land	HHs	Land	HHs	Land
1	Andhra Pradesh	860 (60.56)	3,241.81 (68.51)	560 (59.44)	2,111.24 (31.49)	1,420 (100)	5,353.05 (100)
2	Gujarat	735 (43.23)	4,234.23 (70.87)	965 (56.77)	1,740.42 (27.13)	1,700 (100)	5,974.65 (100)
3	Jharkhand	280 (53.94)	726.88 (62.67)	240 (46.06)	432.98 (37.33)	520 (100)	1,159.86 (100)
4	Madhya Pradesh	94 (86.23)	225.05 (77.33)	15 (13.77)	65.98 (22.67)	109 (100)	291.03 (100)
5	Maharashtra	97 (55.42)	287.80 (75.44)	78 (44.58)	93.70 (64.56)	175 (100)	381.50 (100)
6	Odisha	194 (9.58)	811.51 (26.06)	1830 (91.42)	2,302.48 (73.94)	2,024 (100)	3,113.99 (100)
7	Rajasthan	286 (30.58)	188.01 (28.10)	649 (69.42)	481.05 (71.90)	935 (100)	669.06 (100)
8	West Bengal	168 (81.15)	440.55 (71.49)	39 (18.85)	175.69 (28.51)	207 (100)	616.24 (100)
Grand Total		2,714 (38.27)	10,155.84 (59.98)	4376 (61.73)	7,403.54 (40.02)	7,090 (100)	17,559.38 (100)

Source: Primary Survey, 2012



A total of 17,559.38 acres of land have been settled of which revenue land accounts for 10,155.84 acres (59.98%) and reserve forest land 7,403.54 acres (40.02%). While 2,714 (38.27%) HHs received titles of revenue land and 4,376 (61.73%) received titles of reserve forest land. (Table 4.9)

Challenges faced at different levels while filing IC claims (community observations)

Community level

- In Maharashtra, tribal HHs in many villages have migrated to other villages and at destination, they cultivate other people's land as tenants. As a result, these tribal HHs are deprived of claim settlements in their favour both at the native place and also at destination. Similar situations were found in some villages in Odisha and AP.
- Dominant encroachers, especially from non tribal communities prevent tribal people from filing claim forms.
- In many tribal villages, people are not aware of the process of filing claim forms and lack support for the same. This is uniform in all the states.

External stakeholders

- Continuing feudal attitude of forest department people towards the forest dwelling community is the major block.
- Non-cooperation from the local revenue and forest officials and politically created obstacles in villages makes it difficult for the community to get cooperation to settle cases under FRA.

In many tribal villages, people are not aware of the process of filing claim forms and lack support for the same. This is uniform in all the states

In the case of AP, villagers argued that actual cultivable land on encroached land was not given to them since the forest department functionaries do not want to give it to them.

- Traditional boundaries which have been established between tribal villages have not been taken into account while settling claims. This has been amply observed in the case of Gujarat.
- In MP, rejection of ICs by SDLC and DLC without sufficient grounds for doing so and without consulting the FRC and gram sabha also seems to be a major problem.
- Rejection of cases without conveying reasons is a common problem in Odisha also. Settlement of land area in favour of individual rights is much less against the proposal submitted by the claimants in FRC., While approving the applications which were forwarded by the FRC, the *gram sabha* should have taken into account the actual possession of the land proposed by the applicants. Sometimes, without taking this into account, the *gram sabha* rejects cases.
- Revenue and Forest Department officials do not consult the GP while giving their reports for settling the cases.

Gram sabha level

- *Gram sabha* is not regularly held to discuss various issues.
- *Gram sabha* does not have a uniform understanding across states which leads to confusion. In some states, a meeting of a cluster of villages is considered as gram sabha where all villages are not well represented.
- *Gram sabha's* decision on the formation of FRCs and its members are often influenced by many external factors like influential communities even if they are in the minority. The Forest Department basically influences the processes. Women in FRCs are not adequately represented.
- Recommendations of the *gram sabha* are rejected by SDLC and DLC without giving any reasons.

Forest Rights Committee level

- In most of the villages of Andhra Pradesh & Odisha, FRC became an extension of JFM/ CFM with the inclusion of a few new members.



During the formation of FRCs, discussions regarding the composition of FRC had not taken place in *gram sabha*.

- In Gujarat, it was observed that VSS was influencing not only the formation of the FRC and but also subsequent decisions taken by it. VSS, being sponsored by Forest Department, is guided by Forest Department's suggestions. In this case, FRC by and large followed the dictums of the Forest Department during settlement of claims.
- In Jharkhand, it was observed that lack of training of FRC members results in poor awareness on FRA and its various provisions. As a result, they are unable to influence or act as proxy members where the Forest Department easily influences them. This does not encourage the President and Secretary to go in for formal meetings of FRC. In AP, Gujarat, Rajasthan, WB and MP, many FRCs have been formed at the GP level. It is basically due to the lack of clarity among functionaries about provisions of the Act.
- In the case of Maharashtra, in a few FRCs, members do not even know that they are members of the FRC, nor do they have any idea about the FRA.
- At the FRC level, there is no provision to receive and acknowledge claims from the villagers. As a result, among the PVTGs of Niyamgiri of Odisha, villagers are not sure if their claim applications will or will not be processed. Therefore, in many situations, they send their applications directly to SDLC through courier/post. This also influences the functioning of FRC as a formal body.
- In many FRCs, it was observed that outspoken people who commonly represented committees of the villages also represented in the FRC. FRC members on the other hand, when asked about their roles under FRA, hardly opened their mouths. In villages where JFM and SHGs are functioning well, FRCs seem to be well entrenched in performing their duties. In many villages, a few hamlets are situated in localities distant from the main village, as a result of which the FRC does not include representatives from each *para* (locality) in the main revenue village. Forest villages and unsurveyed villages do not have FRCs. The Forest Department has imposed restrictions verbally to implement FRA in forest villages.

SDLC level

- SDLC delays the process of verification as a result of which, applicants question the process of verification. Moreover, SDLC rejects cases and does not send the proposals back to *gram sabha*, strengthening the confusions and questions about the lack of transparency maintained by SDLC. This situation is observed in AP, Gujarat and MP.
- SDLC does not communicate to the claimants reasons for rejection of their claims resulting in a gap in the downward information flow and keeping the villagers in the dark for a long time. There is almost no communication for SDLC, *gram sabha*, FRC and claimants with respect to the status of the claims.
- Sometimes SDLC misguides *gram sabha* and FRC when claims cover reserve forest and sanctuary area. In such cases, SDLC basically follows the dictums of the Forest Department to reject cases for such areas.

DLC level

- Processes of claim settlements at DLC level do not maintain transparency. Delays in disposal of cases question the integrity of the authority. In the case of rejection of claims, reasons of rejection are not informed to FRC and the applicants.
- A time line for disposal of claims is not maintained. Thus, while processing claims, the different bodies at various levels are not at all sensitive to people during claim settlements.
- In all the states, the process of disposal of claims at SDLC and DLC suffers from poor and delayed delivery. Moreover, claimants are

ignorant of the processes and the end result if claims are rejected.

- In almost all states, villagers expressed that they do not enjoy rights over land under the FRA. In fact, they feel that government functionaries at SDLC, DLC, Revenue Department and Forest Department wield greater power to reject the claims submitted by them for settlement.
- In none of the states is there any form of grievance redressal mechanism found in place which can take care of the anguish and distress of the claimants over the delay of their cases at SDLC and DLC level. Lack of such institutional mechanisms under FRA has sustained confusion and delayed the process leading to dissatisfaction of claimants.
- The provision of joint holdings in the name of husband and wife have been violated when issued *patta* by DLC. As a result, though the state ensures the entitlement rights of women over land in reality it is neglected.
- Claims of many single women and widows have not been settled.

Problems faced by women headed households

- In villages, HHs headed by women such as widows and divorcees are the most deprived sections. They are deprived due to their economic poverty and lack of awareness about development programmes. They are basically confined to their lot of generating livelihood to meet basic family needs.
- Under FRA, claim submission and processing is a cumbersome process. Many such processes are unknown to the villages. FRC and *gram sabha* ignored single headed households and did not include them in the process, considering them as burdens.
- A significant number of such single women headed HHs in AP, Maharashtra and Rajasthan shared that they could not meet the demand of speed money/bribes of many functionaries involved in the process. Neither do they have the money to pay nor do they have any trust in these people that their cases would be settled efficiently.
- However, many of these deprived households have expressed their need and willingness to become applicants for IC settlement and to get life and livelihood security for their families.

In villages, HHs headed by women such as widows and divorcees are the most deprived sections. They are deprived due to their economic poverty and lack of awareness about development programmes



Major suggestions for the settlement of Individual Claims

- Adequate quality awareness, sensitisation and advocacy programmes should be carried out involving all stakeholders including NGOs on various aspects of the Act and the processes of implementation.
- While fixing boundaries during settlement of ICs, line department authorities should take into account traditional practices and lines of demarcation.
- Any claim, if objected to at any level, instead of rejection, should be provided with feedback for further submission within a time frame for final settlement.
- During their seasonal home coming, migrant households should be provided with guidance to submit their ICs for settlement. Their cases should not be ignored at any cost.
- Gram sabha should take active part in the formation and functioning of FRCs while JFM should not impose department decisions on FRCs.
- The members of FRC, gram sabha, SDLC, DLC

and PRI should be provided with orientation training on various aspects of the Act. During the training, local NGOs should be involved and state level training institutes like State Institute of Rural Development (SIRD), tribal training centres etc., should be specially supported with financial provisions to take up the training programme within a specific duration.

- While processing and disposing the claims, a time line for the disposal of cases should be made mandatory with penalty to the deviants in accordance with the RTI Act.
- Cases of women headed HHs should be taken into account on a priority basis while settling the ICs.

Settlement of Community Claims

Provision of handing over of community rights over forest land under FRA seems to have special importance when one looks at the life and livelihood of tribal communities and 75 PVTGs of India. For the purpose, the present study covered the process of settlement of CCs at various levels of implementation of the Act.

Settlement of community claims by FRC and gram sabha

In study villages, data with respect to approval of CC cases by FRC and *gram sabha* was collected. The study found that out of the 344 villages where FRCs have been formed, only 109 (31.68%) FRCs recommended CCs covering an area of 91,083 acres of forest land with a proposed average forest land area of 835.62 acres per CC. In WB, not a single CC has been proposed for settlement. States like Rajasthan, MP and Gujarat have also proposed quite few CCs. A look into the importance of

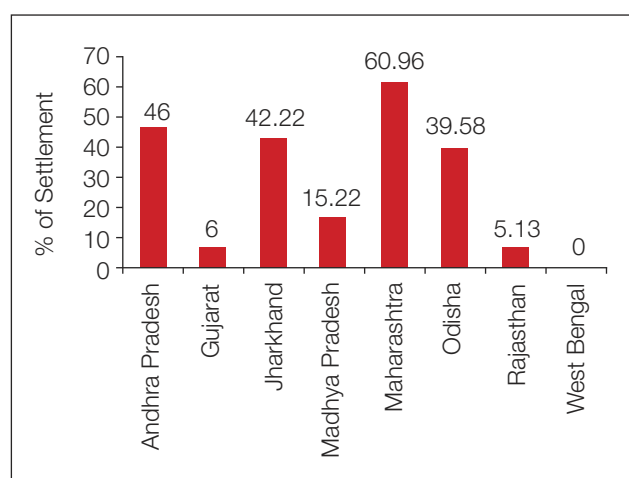
CCs at the level of *gram sabha* shows that a total of 98 CCs has been approved by *gram sabha*. Around 89.90 per cent cases of CCs proposed by FRCs have been approved by *gram sabha*. Out of 109 CCs, 98 (89.90%) CC cases have been approved by *gram sabha* which represented 28.49 per cent of the total 344 study villages. In total, 98 villages who have settled CCs, account for 70,307.77 acres of land with an average of 717.43 acres per CC. The study shows that states like Gujarat, MP and Rajasthan have a negligible number of cases of CC passed by *gram sabha*.

Table 4.10 Implementation of community claims under FRA (area in acres)

S. No.	State	Total no. of villages	Implementation Status			
			CC approved by gram sabha	Percentage of villages with approved CC	Total extent of land	Average land per CC
1	Andhra Pradesh	50	23	46	7618.00	331.22
2	Gujarat	50	3	6	3726.00	1242.00
3	Jharkhand	45	19	42.22	9870.27	519.49
4	Madhya Pradesh	46	7	15.22	2247.00	321.00
5	Maharashtra	41	25	60.98	22327.50	893.10
6	Odisha	48	19	39.58	23139.00	1217.84
7	Rajasthan	39	2	5.13	1380.00	690.00
8	West Bengal	25	0	0	0.00	0.00
Grand Total		344	98	28.49	70,307.77	717.43

Source - Primary Survey, 2012.

Diagram 4.3 Settlement of CCs at gram sabha in study villages



With respect to the recognised forest land, Odisha has the highest area of land settled per CC, followed by Gujarat, Maharashtra, and Rajasthan. The state of AP though have settled highest number of CCs, but the settlement of land per CC tunes to the extent of 331.22 acres is the lowest. The details of CC cases approved by *gram sabha*, extent of land settled in the study villages of each state is given in Table 4.10 and Diagram 4.3.

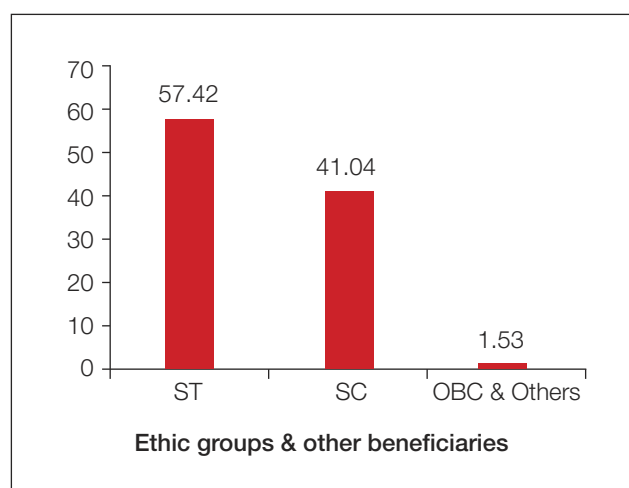
Forest land rights holders covered under community claims

The study also tried to understand distribution of rights holders covered under the settlement of proposed CCs according to their ethnic background.

Table 4.11 Distribution of rights holders covered under CCs

S. No.	State	Total no. of villages	Beneficiaries				
			Total CCs approved	ST	SC	OBC & others	Total HHs
1	Andhra Pradesh	50	23	1,865 (50.04)	1,845 (49.50)	17 (0.45)	3,727 (100)
2	Gujarat	50	3	4,131 (50.00)	4,045 (48.95)	86 (1.04)	8,262 (100)
3	Jharkhand	45	19	1,113 (50.79)	942 (42.99)	136 (6.20)	2,191(100)
4	Madhya Pradesh	46	7	2,363 (48.59)	2,500 (51.48)	0 (00)	4,863 (100)
5	Maharashtra	41	25	1,046 (50.07)	933 (44.66)	110 (5.26)	2,089 (100)
6	Odisha	48	19	7,719 (76.51)	2,154 (21.35)	215 (2.13)	10,088 (100)
7	Rajasthan	39	2	2,860 (51.82)	2,659 (48.17)	0 (00)	5,519 (100)
8	West Bengal	25	0	0 (00)	0 (00)	0 (00)	0 (00)
Grand Total		344	98	21,097 (57.42)	15078,(41.04)	564 (1.53)	36,739 (100)

Source: Primary Survey, 2012

Diagram 4.4 Rights holders covered under the settlement of CC

In total, 98 proposed CCs approved by the *gram sabha* cover a total of 36739 households belonging to STs (57.42%), SCs (41.04%), OBCs (0.50%) and other caste groups (1.03%). A look into the data of rights holders across the state

reflects that Odisha has the highest number of tribal communities (76.51%) under CC , followed by Rajasthan (51.82%) while the other states except MP (48.59%) have at least 50.00 per cent beneficiaries With respect to the SC rights holders under CC settlement, the data reflects that Odisha at 21.35 per cent has the lowest SC rights holders under CC settlement, while MP has the highest percentage of SC households (51.48) under CC settlements. Details of distribution of rights holders covered under the settlement of CC are given in Table 4.11 and Diagram 4.4.

Types of land recognised under CC

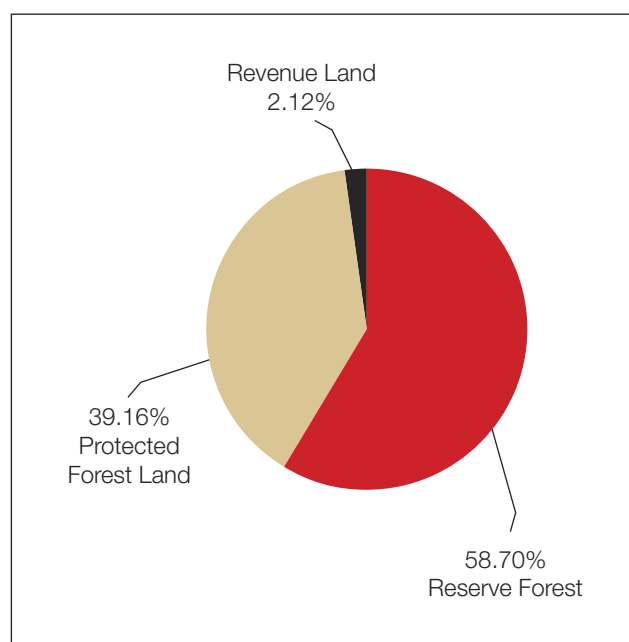
The study observed that of the total 70307.77 acres of land settled at Gram Sabha level and forwarded to SDLC for approval includes revenue land accounts only 1497 acres (2.12%), protected land which accounts 27535.27 acres (39.16%) and that of reserve forest land which accounts 41275.5 (58.16%) acres of land.

Table 4.12 Types and extent of forest land recognised under community settlement rights (land area in acres)

S. No.	State	Forest Land Types & Extent			Total land
		Revenue	Protected	Reserve	
1	Andhra Pradesh	0 (00)	0 (00)	7 618 (100)	7,618 (100)
2	Gujarat	0 (00)	0 (00)	3 726 (100)	3,726 (100)
3	Jharkhand	0 (00)	9,870.27 (100)	0 (00)	9,870.27 (100)
4	Madhya Pradesh	1,470 (65.42)	0 (00)	777 (34.57)	2,247 (100)
5	Maharashtra	0 (00)	17,665 (79.12)	4 662.5 (20.88)	22,327.5 (100)
6	Odisha	27 (0.11)	0 (00)	23 112 (100)	23,139 (100)
7	Rajasthan	0 (00)	0 (00)	1 380 (100)	1,380 (100)
8	West Bengal	0 (00)	0 (00)	0 (00)	0 (00)
Grand Total		1,497 (2.12)	27,535.27 (39.16)	41 275.5 (58.70)	70,307.77 (100)

Source: Primary Survey, 2012

Diagram 4.5 Types of land recognised under CC



In the states of AP, Gujarat and Odisha all lands settled under CC are of reserve category, while in Jharkhand it is of protected forest type. Details of different types of land settled under CC at *gram sabha* are given in Table 4.12 and Diagram 4.5.

Recognition of Types of Forest Land

Recognition of various types of land through settlement of CC as per their average quantity is reflected in Table 4.13.

N.B. Average is calculated by taking absolute figures and dividing it by the number of CCs approved in *gram sabha*

Table 4.13 shows that an average of 717.42 acres of land have been settled per one CC which includes all categories of lands like revenue, protected and reserve forest. The reserve category of land shares are around 471.17 acres (58.7%), while protected category land shares are 280.97 acres (39.19%) and that of revenue land shares are only 15.27 acres (2.09%). A look into different state data shows that in states like AP, Gujarat, Rajasthan and Odisha, settlement of CC is done only in reserve category land, whereas in Jharkhand one hundred percent land proposed by *gram sabha* for the settlement of CCs are in protected type. Details of average recognition of different types of land in study states are explained in (Table 4.13 and Diagram 4.6).

Diagram 4.6 Types of land settled under CC

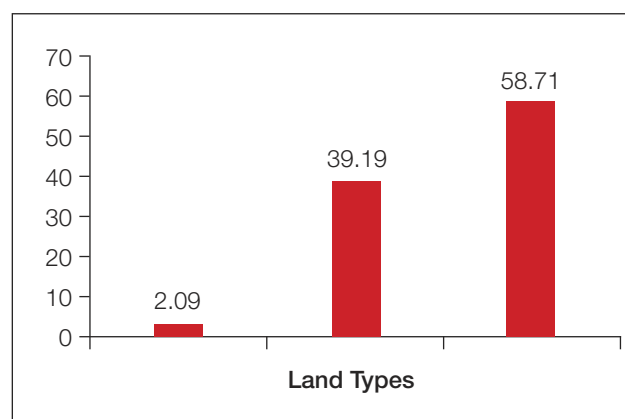


Table 4.13 Recognition of average land settled under CC (in acres) (Figures in the brackets are percentages of total average).

S. No.	State	Total no. of CCs approved by gram sabha	Types of land /average			Total average	Total land
			Revenue	Protected	Reserve		
1	Andhra Pradesh	23	0 (00)	0 (00)	331.21 (100)	331.21 (100)	7,618 (100)
2	Gujarat	3	0 (00)	0 (00)	1,242 (100)	1242 (100)	3,726 (100)
3	Jharkhand	19	0 (00)	519.48 (100)	0 (00)	519.48 (100)	9,870.27 (100)
4	Madhya Pradesh	7	210 (65.42)	0 (00)	111 (34.58)	321 (100)	2,247 (100)
5	Maharashtra	25	0 (00)	706.60 (79.17)	186.50 (20.94)	893.1 (100)	22,327.5 (100)
6	Odisha	19	1.42 (0.12)	0 (00)	1,216.42 (99.88)	1217.84 (100)	23,139 (100)
7	Rajasthan	2	0 (00)	0 (00)	690 (100)	690 (100)	1,380 (100)
8	West Bengal	0	0 (00)	0 (00)	0 (00)	0 (00)	0 (00)
Total Average		98	15.27 (2.09)	280.97 (39.19)	421.17 (58.71)	717.42 (100)	70,307.77 (100)

Source: Primary Survey, 2012

Study found that proposals of settlement of CC at *gram sabha* level and sent to SDLC for approval have not been processed due to the lack of clarity at SDLC and DLC levels whether to include protected and reserve forests in CC settlements.

Main problems in settlement of community claims

- Various problems relating to the processes of implementation, awareness level of the community, co-ordination among the departments etc., were raised during FGDs.
- It was observed that non-tribal members represented at different institutional structures implementing FRA basically do not want to settle CCs, since they want to settle a greater number cases under ICs. Conflict of interests between tribal and non-tribal people are more visible regarding CC settlements.
- At higher levels, SDLC and DLC do not take much proactive interest to settle processes for granting CFR. Villagers felt that basically the Government gives priority to interests of the mining and industrial houses, as they are better prospects for the Government.
- Even at FRC level, CCs are rejected where VSS exists. In states like Gujarat, Rajasthan, WB, MP and AP, FRC is constituted at the GP level violating the amendment of FRA which makes provisions for FRC at the hamlet level. This has created processes where the villagers/community is less involved.
- FRCs basically look at the GP level interests of land use pattern and ownership. They also ignore the interests of the tribal communities and PVTGs in particular
- In a village, very few *gram sabha* meetings are organised, as a result of which, FRC has to adjust with the *gram sabha* as FRC related cases are not given due importance and adequate time for analysis.
- In villages, many members of FRC and *gram sabha* are not aware of the CC settlement processes. They basically give importance to the settlement of ICs. As a result, settlement of CCs is ignored.
- The concept of habits as provisioned in the Act is normally interpreted differently by the implementing departments even for the PVTGs. Among the PVTGs, ICs are promoted

more than CCs. In the case of Niyamgiri of Odisha, it is observed that the concept of Habitat is completely misunderstood.

- FRC and *gram sabha* do not have any mechanism to understand the reasons of rejection of CCs at SDLC or DLC. There is no information flow mechanism in the present institutional structure engaged in the implementation of FRA.
- The poor co-ordination between Revenue, Forest and Tribal Departments, particularly for CC settlement is visible; as a result, the perspective of CC for the tribal people is misunderstood and/or ignored.
- In West Bengal due to a high degree of political interference, settlement of CCs became very difficult. In study villages, not a single CC case has been proposed and processed.
- In AP, Gujarat and Rajasthan it was observed that in sanctuary and national park areas SDLC and DLCs were not accepting CC cases. There is a verbal instruction flow in this regard from the highest level to FRC and *gram sabha*. Different government departments directly interfere in the process of demarcation of lands. Settlement of CCs are not taken seriously for approval at SDLC level if the representatives of the government have not attended the *gram sabha* meeting.
- In the case of MP, SDLC does not accept CCs in reserve forest, sanctuary area, mining, and

dam sites on the ground that CFR will affect further development of these sites. Moreover, reasons of rejection of such cases are never intimated to the claimants.

- In all the states it was observed that DLC intentionally delayed to process CFR related proposals.
- In the case of Rajasthan, large scale claims have been rejected due to proposed mining around sanctuaries/national parks. Verification of such claims is not made in a transparent manner. Government departments concerned disseminate wrong information among villagers and PRI members so as not to settle any sanctuary and reserve forest land.

Main suggestions in settlement of community claims

This section provides suggestions raised by different stake holders to overcome various problems relating to the settlements of CCs.

- In scheduled areas and more particularly among PVTG dominated regions, a greater emphasis should be given on the settlement of CCs. Conflict of interests should be amicably settled looking at the majority of interests of tribal communities.
- CCs for areas prone to so called 'development projects' must be settled on priority.
- SDLC and DLC at higher levels need to take



more proactive roles for settlement of CCs. Mining and industrial zones should be clearly demarcated and CC settlements should not be affected by them.

- FRCs should be constituted in each village and hamlet of revenue villages. VSS and JFM bodies should not impose their own interests while settling CCs. Interests of the community at the village level should be given priority.
- Adequate awareness and sensitisation along with advocacy programmes involving PRI institutions and civil societies be carried out within the time frame with the help of NGOs.
- The concept of habitat should be defined on the basis of customary practices of tribal people which account for their life and living.
- Reasons of rejection of CCs at *gram sabha* and SDLC, must be conveyed to the community at large. Instead of total rejection, feedback should be given for revision and re-submission since such settlements are related to the livelihood of the people living there. All claims should be approved.
- Clear guidelines in local languages relating to the Act should be developed and be a part of the implementation process.
- Villages within sanctuary areas should be legalised as per the guidelines of the FRA without further confusion. This should be settled within a time frame and if that is deviated from, legal punishment should be imposed on the violating stakeholders.
- A strict time frame needs to be developed for disposal of cases of ICs and CCs under FRA at various levels in the line with the RTI Act and stringent punishment be given with those who do not comply.

Role Played by Different Stakeholders in Settlement of Claims

Different government departments like Forest, Revenue and ST and SC development are supposed to play various roles in the settlement of claims under FRA. It is observed that the members of these departments represent at the level of SDLC and DLC to see that settlements are carried out as per the spirit of the Act. However, there are lot of questions raised by the people about their role and function. At the community level, the functionaries of Revenue and Forest Departments have provided technical services

At the community level, the functionaries of Revenue and Forest Departments have provided technical services during demarcation and measurement of land required for settlement of claims

during demarcation and measurement of land required for settlement of claims. Keeping this in mind, the study more specially assessed the role played by the Revenue Inspector (RI) and *Amin* during demarcation, measurement of land and sketch map preparation of the settled land. The qualitative observations made in the field in this respect are as follows:

- It is commonly observed in all states that the RIs and *Amins* have demanded and were paid speed money by the claimants during land settlements. HHs which could not pay any speed money faced a lot of problems and many of them could not even settle their claims.
- RIs and *Amins*, by and large, follow verbal instructions of the functionaries of the Forest Department. As a result, RIs/*Amins* do not give rights for shifting cultivation patches. They object on the grounds that such cultivated lands do not have individual demarcations.
- The Forest Department does not purposely co-operate to settle land in reserve forest area though the villagers practice cultivation in the forest area.
- Similarly, *Amins* and RIs do not allow settlements to take place in reserve forest saying that the Forest Department is yet to give clearance for the purpose.
- Members of SDLC and DLC exhibit confusion as to whether reserve forest land will be settled under FRA or not. Due to this, SDLC and DLC did not settle claims to be settled under FRA, on forest land. In Gujarat, tribal people living in the sanctuary area have not been settled with individual claims. All the ICs submitted in the sanctuary area have been rejected. Again

it was observed, that in the shifting cultivation area, the Forest Department has undertaken mass plantations making those lands as restricted zones for settlement under FRA.

- The GPS Global Positioning System method adopted by the Revenue Department to measure land in Jharkhand is beyond the understanding of the local tribal people. Though the communities have protested the department has not listened at all. Villagers said that under this method, distribution of land patches is confusing and the allotted area is reduced in size. In CC settlements, traditional boundaries are not taken into account. In reserve forest area, revenue personnel do not take up measurements under claim settlements.
- In MP due to the non-payment of speed money by the villagers, measurements and preparation of sketch maps are not taken into account to settle claims. The revenue personnel makes excuses that there are a fewer number of RIs to take up the claim settlement assignment under FRA. This makes the settlement process slow and delayed.
- In Godchiroli district of Maharashtra, RIs and *Amins* have given all their cooperation in the process of claim settlements under FRA. However, in other districts of the state the use of GPRS has caused confusion in the claimants over the actual land and sketch map over the same patch which reduces the size of the land.
- In Odisha also, introduction of GPRS has created confusion both among the community and the revenue personnel involved in the

process. As a result, there are many claims pending in the settlements at various levels of processing of claims under FRA.

- In Rajasthan, RIs are not measuring land covered under Sitamata and Phulbari sanctuary areas. The Forest Department has an understanding with the Revenue Department not to take up any measurement in villages covered under the sanctuary area. Few revenue personnel at the district and sub-district level has affected the progress of settlement claims under the Act by the department.
- In Sunderbans sanctuary area and Purulia in West Bengal, RIs did not take up any measurement of land. Since these districts are not covered under scheduled areas of the state, it becomes difficult for the community to convince the functionaries to take up the settlement process in their areas. Till date, the Revenue personnel are not convinced that FRA is meant for both scheduled and non-scheduled areas for settlement of land.

Roles played by forest officials in the settlement of claims under FRA

As per FRA, the Forest Department in each state is provisioned to play a facilitating role in close coordination with the Revenue department so as to give justice in the process of settlements of claims. During data collection, the study team had interacted with forest functionaries to find out about the roles played by them and the problems they encounter during the processes. A few pertinent observations are made here.

- Forest functionaries involved in the process of identification and demarcation of land for settlement are confused as to whether the reserve forest area is covered under settlement processes or not. However, lower level functionaries are instructed not to take up any survey and settlement of ICs in reserve forest area and in forest villages.
- Introduction of GPS method for measurement of land during the settlement of claims recently introduced by the Revenue Department is yet to be used skillfully by the functionaries. There is, thus, a knowledge gap in the functionaries while within the community, there is the problem of accepting the technology.

The GPS Global Positioning System method adopted by the Revenue Department to measure land in Jharkhand is beyond the understanding of the local tribal people



- There is a coordination problem between the Forest Department and the Revenue Department, both at the higher level and at the middle level. This affects the implementation of settlement processes in the village.
- Shortage of working hands in the Revenue Department at the ground level has slowed down the progress of work. The Revenue personnel are unable to coordinate with the Forest Department at various stages of claim settlement.
- The Forest Department also suffers from staff shortage. Looking at their pre occupation with protection of forest and plantation activities, they are unable to get sufficient time to be involved with the community processes during the settlement of land.

Role played by civil societies in the settlement of claims under FRA

The study also explored the extent and areas where the civil societies in general and NGOs

in particular have played some role in different stages of settlement. The study tried to know whether the villages faced any problems in getting the application form to become a claimant under FRA.

There is a coordination problem between the Forest Department and the Revenue Department, both at the higher level and at the middle level. This affects the implementation of settlement processes in the village

Table 4.14 Problem faced to get an application form under FRA?

S. No.	State	Total no. of Villages	Total no. of Respondents	Responses			
				Yes	%	No	%
1	Andhra Pradesh	50	2,116	2,116	100	0	0
2	Gujarat	50	3,462	1,985	57.34	1,477	42.66
3	Jharkhand	45	4,236	4,004	94.52	232	5.48
4	Madhya Pradesh	46	1,904	1,472	77.31	432	22.69
5	Maharashtra	41	47	25	53.19	22	46.81
6	Odisha	48	5,020	4,050	80.68	970	19.32
7	Rajasthan	39	35	30	85.71	5	14.29
8	West Bengal	25	5,819	0	0	5,819	100.00
Grand Total		344	22,639	13,682	60.44	8,957	39.56

Source: Primary Survey, 2012

Responses (Table 4.14) show that around 60.44 per cent respondents said that they have faced various problems while collecting application forms to apply under FRA. Except WB, where none of the respondents said that they had faced problems during claim settlements, in all other states, a considerable number of respondents have faced problems at various stages of their claim settlement under FRA. In Andhra Pradesh, all respondents questioned said that they have faced many problems in collecting the application form. The following reasons have been put forth by the respondents.

- The most common problem in all the states (except in WB) is that villagers were unaware of the provision of the Act and the sources of collection of the application form. In other words, they were unaware about the Nodal Department implementing the FRA.
- Application forms were not available on time. Therefore, claimants had to run to the local offices of the Forest Department as well as the Revenue Department offices like RI/Ranger's office.
- For a long time, grass root functionaries like RI/Amin and forest guards were not aware of the Act, and the processes to be adopted causing further confusion among the villagers.
- Even the FRC and *gram sabha* did not know about the roles of government functionaries in implementation of the Act. None of the government departments have translated

and transferred to the villagers the provisions and processes of implementation of FRA.

Appeal and Redressal Mechanisms

- Section 7 of Chapter 5 clearly mentions that any officer deemed guilty of an offence under this act shall be liable to be proceeded against and punished with a fine which may extend to Rs.1000. However, despite the series of violations expressed by the villagers, the study could not find out about a single case of such punishment meted out to any of the officials involved in the process of implementation of the Act. A few members of the FRC in AP, Gujarat and Odisha suggested that punishment to the extent of Rs. 1000 was too little and it should be restructured and settled in the line of the punishment provisioned in the RTI Act.
- Sub-section 2, 3, 4, and 5 of Section 6 made the provision that any person aggrieved by the resolution of the *gram sabha* may prefer to submit a petition to the higher committee. The study tried to find out the extent of appeals made by the aggrieved parties. There are several such examples in the case of PVTGs like Mankidias of Mayurbhanja district and Dongaria Kondhs of Niyamgiri hill region. PVTGs of Odisha have submitted their grievance appeals at SDLC and DLC and also approached the Principal Secretary of the ST and SC Development Department of the State. However, no satisfactory action has

been taken so far to settle the issue. Similarly Kondo Doras of Vishakhapatnam in AP, Bhils of Alirajpur district in MP have made appeals against their grievances but no action has been taken.

- In the absence of an effective reporting, monitoring and evaluation system, a progressive feedback and rectification mechanism is yet to be in place leading to an inadequate monitoring system at the national level. This is due to the fact that there is lack of adequate monitoring at SLMCs and absence of the function of monitoring and evaluation at the district and sub-divisional level.

Villagers were also asked about the help received by respondents. In some states, the local NGOs were involved in creating awareness about various provisions of the Act.

Around 52.54 per cent of respondents viewed that they have received various kinds of help from volunteers of the local NGO who were involved as facilitating agencies, like collection of application forms, processing applications, coordinating the role of FRC, *gram sabha* and SDLC, as well as creating awareness about the Act. (Table 4.15).

Based on empirical facts, one can say that preparedness on the part of the states to implement FRA is yet to be at the expected level. The settlement of land under individual claims has been done as a part of the routine work, while that of community claims has been neglected almost at all levels. Involvement of different shareholders in the implementation processes of the Act is taking place in an un-coordinated manner. Therefore, integration of services by various departments is much below the expectation of policy makers.

PRA Tools Analysis

Participatory Rural Appraisal (PRA) tools were used to ensure community participation especially those who are not well versed with written documentation. Different maps and diagrams were drawn on ground and later were transferred to paper by the facilitators. This helped women and old people also articulate their views clearly.

Three tools were commonly used – resource map, transect walk and seasonality.

Table 4.15 Help received from volunteers in your village to process application form

S. No.	State	Total no. of Villages	Total no. of Respondents	Responses			
				Yes	%	No	%
1	Andhra Pradesh	50	2 116	2 116	100	0	0.00
2	Gujarat	50	3 462	3 409	98.47	53	1.53
3	Jharkhand	45	4 236	1 790	42.26	2 446	57.74
4	Madhya Pradesh	46	1 904	1 770	92.96	134	7.04
5	Maharashtra	41	47	27	57.45	20	42.55
6	Odisha	48	5 020	2 760	54.98	2 260	45.02
7	Rajasthan	39	35	23	65.71	12	34.29
8	West Bengal	25	5 819	0	0.00	5 819	100.00
Grand Total		344	22 639	11 895	52.54	10 744	47.46

Source Primary Survey, 2012



Participatory Rural Appraisal Tools Analysis

PRA tools were used to ensure community participation especially of those who are not well versed with written documentation. Different maps and diagrams were drawn on the ground and later transferred to paper by the facilitators. This also helped women and old people to articulate their views clearly.

Three tools were commonly used – resource mapping, transect map and seasonality.

Resource Map – Resource map was used to identify resources available for the community from the forest they are claiming entitlement under FRA 2006. Such a mapping helped identify land, forest, mineral and commons that are available around the village. In many villages, the community had attached such maps while filing for community resource rights.

Village: Kadraka Bandeli, GP: Sunakhandi, District: Rayagada, Odisha

Transect Walk – This exercise helped identify resources available in the forest which are used by communities living there. During the transect walk, study team members got to know about not only about the resources and varieties of trees, creepers, medicinal plants available in the forest but also about sacred groves and water bodies being used by the community for generations. These are the places from which they draw mental and spiritual strength. Often, traditional healing is practiced in such places. Also, there are places of rest for their forefathers in the deep forests. Apart from this, sacred mountains, rivers and springs were covered in different locations.

Seasonality of NTFP – Seasonality exercise was carried out in different study villages to know the seasonal availabilities of fruits, tuber and leafy vegetables and medicinal plants from the forest.

This has been shown in the seasonality map. The compilation of seasonality of NTFP/MFP (mostly on fruits, tuber, leafy vegetables and medicine plants available in the eight studied states are shown here.

The community basically identified three seasons – summer, rainy season and winter. They categorised available NTFPs under these three seasons. They drew the seasonality map on the ground and indicated the items.

Summer – hill broom, tubers, kendu, kendu leaves, chahar, mango, jackfruit, tamarind, palash, mahua seed, siali leaves,

Rainy season - pineapple, blackberry, mushroom, bamboo shoot,

Winter - beer, amla, harada, bahada, mahua, orange, lemon, siali leaves, turmeric, ginger

Case Studies

Ground realities

Historic injustice to forest dwellers continues

Man-animal conflict inside Sita Mata Sanctuary, Pratapgarh, Rajasthan

Sita Mata was declared as a protected forest area vide Government of Rajasthan Notification no. F 11 (9) Revenue/8/79 dated 2.11.1979. It occupies 422.95 sq km of which 40 per cent of the total land area is a dense forest of dry deciduous vegetation, exceptionally rich in flora and fauna. This sanctuary is the centre of attraction in Pratapgarh district of Rajasthan. The thickly wooded sanctuary sprawls over the Aravalli ranges and the Malwa plateau with seasonal rivers - Jakham, Karmoi, Sitamata, Budhho and Tankiya flowing through the forest. Jakham is the only major river.

There are 193 villages and 14 GPs inside Sita Mata sanctuary. The core area of this sanctuary has 96 villages and eight GPs. Pal *Gram Panchayat* is one of the GPs situated in the core area. It has 24 hamlets, eight villages and 1,523 families, all of whom belong to the Bhil Meena tribal community. They have been living there for the last four generations. Traditionally, their profession has been collection and supply of herbs, fruits, leaves and tubers from the forest for preparation of herbal medicines and cosmetics.

About fifty years back, their population was around 1,750. Over the years, many people, displaced by different projects, came and settled in Pal GP. About fifty years back people displaced from Jakham Dam area came and settled in the forest. Again, about 25 to 30 years back, people displaced from the Mahi and Kadana Dam areas also came and settled in Sita Mata. This last lot was from the drought prone area of Kushalgarh. Each family cultivated some patches of land on their own. But forest officials threatened to evict them from that land. Some officials even took people's written consent that they would not harm wild animals (tigers, lions) at any cost.

While approaching Sita Mata Sanctuary, one can see construction of a boundary wall under progress in many patches. The wall is being constructed by the Forest Department under Mahatma Gandhi National MGNREGS. People of this GP are of the opinion that 'the government wanted them to live with wild animals inside the forest boundary because their ancestors had also lived in the forest'. In earlier times, the forest was thick and spread over large patches of land. Although many types of wild animals existed in the forests, there was no scope for conflict between people and animals because of the vastness of the forest. At present, with both vegetation and wild life being depleted, there is apprehension that tigers and lions will attack livestock and human

beings. However, all those who were displaced from their land of habitation have no alternative but to comply with all conditions put before them or else they will be evicted from their habitation.

A total of 996 HHs of Pal GP had applied for individual rights over forest land and 462 families have got recognition under FRA. People have not submitted their CCs because local forest officials told them that they would not get community rights since they are all staying inside the sanctuary. For the people of this GP, FRA 2006 has no meaning. They are facing the same harassment by forest officials and will continue to face the consequences of struggle with wild animals.

Deprivation of land ownership under FRA in reserve forest land

Kavel village is situated in Phulbari ki Nal sanctuary (Aravalli range) under Dehya GP, Jhadol block, Udaipur district of Rajasthan. This village was settled about 130 years ago, much before the Phulbari ki Nal sanctuary was notified in 1983 vide Government of Rajasthan Notification no. F11 (1)/8/83 dated 6th October-1983 under the provision of Wildlife (Protection Act) 1972. There are 80 villages from Katra and 54 villages from Jhadol block of Udaipur district which are situated in this sanctuary. In Kavel village, 130 families are



living and they depend upon forest based natural resources and agricultural activities.

After the declaration of the sanctuary, Kavel villagers were excluded from their traditional rights over forest and cultivation of forest land because it is situated in the core area of the sanctuary. They usually cultivate a variety of minor millets, pulses and oil seeds but gradually they were prohibited from cultivating their land by the forest officials.

After enforcement of the Forest Rights Act-2006, villagers started the process of submitting ICs to FRC. Dunga Garasia (encircled in picture) also submitted his claim for four acres of land. As he constantly asked for his rights under FRA, the Forest Department used a strategy to control him. He was appointed as a forest guard at a remuneration of Rs. 2000 per month which was a huge amount for a tribal family living in the forest. He was also assured that he would be permitted to cultivate his forest land. However, the forest department prohibited him by constructing a boundary wall around the Sanctuary. Upon completion of the boundary wall, his appointment was terminated. He had been employed by the forest department for two years but he got his salary for only 11 months. After that, he was fined Rs. 15,000 by the forest department for encroachment inside the sanctuary. When he objected, he was threatened to be put behind bars.

Villagers are threatened by forest officials and asked not to submit any individual and community rights claims because the land is within the sanctuary area. This is a complete violation of the rights conferred under the FRA 2006.

Women struggle for community rights over forest resources

In Simalwada block of Rajasthan, community forests form an integral part of the life of the people especially women, providing innumerable livelihood and living benefits to them. The economy of Simalwada block of Dungepur district is dominated by community resources based exclusively on NTFPs.

In Jharni, Sarthuna, Ambau, Duka, Panihari tribal villages of Simalwada block, there is about 350 ha of forest, locally known as "Garada Ban Upaj Jangal" protected and managed by local tribal

women as the primary source of their livelihood, especially when the male members migrate to the neighbouring State of Gujarat. The forest produce currently available from this forest are fodder (both tree and grass), firewood for cooking and selling, Timber for construction of houses and animal sheds, tendu *patta* for making beedis, honey, mahua etc. The tribal community here has a marginal area as agricultural land. Although the legal ownership of the Garada Ban Upaj Jangal lies with the government, the local communities cultivate, protect and manage the forest as a primary source of livelihood.

During the past four years various factors have marked a significant reduction in livelihood of these communities, particularly women. In 2009,

the Garada Ban Upaj Jangal was taken under Jal Grahani Yojna and cement boundaries were constructed.

- Plantation was done using the community land in the name of water conservation under the Jal Grahani Yojna by the forest authorities
- All agricultural land was occupied for plantation
- Village committee was created under Jal Grahani Scheme to engage people for construction of boundaries, plantation and water tanks (med bandi)
- Trees such as Akasia, Retan Jot, beer planted in the common land was of no use to the communities.



In the beginning there was no formal organisation. In order to discuss the issues, a Mahila Jagaran Manch consisting of 30 women was formed in 2009 because women are the main users of the forest. The reasons for forming the Mancha were three fold. Firstly, they have no access to alternative sources of forest resources, secondly, NTFP collection is the most essential need of the people and lastly, women are excluded from taking part in any decision making or public hearing because of local cultural norms and values that prescribe that women should not take part directly along with men.

There has been no strong individual leadership but all have participated equally in the protest. Initial decisions were made in general meetings through direct participation of one woman from each household. During 2010, women had organised rallies and meetings with government authorities against illegal wall construction and prevention of NTFP collection from the forest. No step was taken by the administration to address the issues and ensure people's right to livelihood. As a mark of strong opposition, the communities decided to boycott the construction and plantation work and refused to take their unpaid amount.

Looking at the seriousness, the forest department made a partnership approach with the communities depending and living on the resources. In 2011, the forest department granted permission for collection of NTFP with partnership arrangement. It was a bargaining process between the local communities and the forest department.

Now the situation as observed is more critical as compared to the situation in previous years. The present problem has several facets.

- The forest department illegally occupies more spaces by constructing new boundaries that the population was holding, using and cultivating for generations.
- Rejection of claims for individual rights stating that forest land cannot be transferred to individuals.
- Communities living inside the wall are at the risk of losing everything.



People don't matters in Simlipal National Park, Mayurbhanj, Odisha

Simlipal National Park which has an area of 2,750 sq km is located at the centre of Mayurbhanj district in Odisha. The total area has been divided into two zones i.e., the critical tiger habitat (core) area extending over 1,194.75 sq km and a buffer area of 1,555.25 km. In 1956, it was formally designated as a 'tiger reserve'. In 1979, the Government of Odisha declared it a Wildlife Sanctuary and in 1986, it was declared a National Park. In 1994, the Government of India declared it as a biosphere reserve and UNESCO added this National Park to its list of biosphere reserves in May 2009. At present, there are around 10,000 people living in this forest. At least 12 rivers cut across the plain area. Prominent among them are Rivers Budhabalanga, Palpala Bandan, Khairi and Deo.



People have been living inside Simlipal for more than six generations. There are 65 villages in three GPs, of which four are located in the core area and the other 61 in the buffer zone. Now, the administration is displacing people from one of the core villages. The villages of Jamuna, Kobatghai and Bakua are in the process of displacement and 72 families will be affected. One village, Jenabil, has been partially displaced to a location where there is no forest, no water and it is literally on the road side. Most often, children and women fall ill and starve. “We are now in hell without any food and land to cultivate. We have no water to drink. We want to work and go to our forest to collect food items but we are not allowed to do so. We were promised a lot of things – land, cash, house and work but actually we have got nothing. So we want to go back to our old village to live in peace away from this crowd,” says Hagal Ho. From the other side, Shati Ho replies, “How can we go back when the forest guards are going to

beat us up badly?” These communities – Mankidia, Khadia and Lodha - belong to the PTG/PVTGs and the FRA ensures that such groups have right over their area of habitation and cannot be displaced. But the innocent people are forcibly thrown out and are denied CC over forest land where they have been living for generations. All three communities practice livelihoods in harmony with nature and among their own communities.

In the absence of access to forests they are not able to collect non-timber forest products and are losing access and control over resources. This displacement has not only impoverished them but also alienated them from their traditional skills like honey collection and identification of herbs for preparation of medicines, crafting baskets from bamboo and other household items from tree barks. These skills will be extinct over a period of time.

Since the people inside the Simlipal core area are living almost like captives without any outside contact, it was not possible to get information regarding the status of FRA claims made by those people. However, people from the buffer area have submitted their claims but are yet to get recognition.

Visibility of non-cooperation of government machinery to implement FRC

Kuldiha Wildlife Sanctuary forest range is connected to Simlipal and is situated in Nilgiri block of Balasore district in Odisha. Kuldiha, with an area of 272.75 km² in the Kuldiha forest, was declared to be a sanctuary in 1984. Now, authorities are planning to expand its area and are in the process of displacing (approximately) 2000 families, from different communities like - Mankidia, Lodha, Bindhani, Ho, Santal, Teli and Gauda - covering 49 villages from 11 panchayats. Among these, there are two PVTGs whose existence would be affected as they may not be able to survive outside the forest. The Forest Department started digging trenches in and around the Sanctuary without taking the consent of the villagers. This was opposed by the affected villagers and they filed a case in the High Court of Odisha. Finally, the Court has given a mid-term verdict in favour of the people and held up its work. People are struggling to get the Forest Rights Act implemented for CC.

The two communities of Kolho and Santal stay in Khadikaniamunda village, while the Lodha community lives in Padaghat. These two villages are located inside the Kuldiha elephant sanctuary of Kaptipada block of Mayurbhanj District with 142 families residing there since 70 years. In the year 2008, without considering the provisions under FRA 2006, officials from forest and revenue departments formed the Forest Rights Committee. In total, 13 male members were selected without a single woman representative in the Committee. In the year 2009, the villagers proposed one claim for CFR and a hundred ICs for approval in the *gram sabha*. The *gram sabha* recommended these claims to SDLC.

People waited for one year but no action was taken on their claims. They had no records or acknowledgment of their claim submission, hence, they could not do anything on this. Finally, the villagers met some key government officials.

First, the community members approached the Block Development Officer BDO and shared with him their problem regarding the CC. The BDO expressed his inability and suggested that they meet the Sub Collector at the Sub Divisional Level Committee. At the second stage, the villagers went to the Sub-Collector, who was also the Chairperson, SDLC but nothing happened. The villagers were disappointed and disheartened. They did not know where to go and what to do. During that time they had a few village meetings where they decided to meet the Commissioner, SC/ST Department in Bhubaneswar.

In the third stage, on December 2009, a ten-member team met the Commissioner-cum-Secretary and shared their claim-related problems with him. The Commissioner said that he would send a Central Survey Team to look into the matter. Accordingly, a survey team visited the village and started the investigation. The survey team conducted a *pallisabha* in the village and enquired about the FRC. The team observed that the FRC had been formed but was not functioning till now and the villagers were unaware of the role of the FRC. After the visit, the survey team went back to Bhubaneswar and gave a report to the Commissioner.

In the year 2010, the Commissioner wrote a letter to the District Collector, Mayurbhanj and

instructed for quick action to be taken to resolve the issue. The District Collector asked the Sub Collector to give a status report regarding how many families were residing at Khadikania and Padaghat villages and how many claims had been made. The Sub Collector sent a five-member team for verification. The team collected information, prepared the status report and submitted it to the Sub Collector. Finally, the Sub Collector submitted the status report to the District Collector and the Collector submitted the same to the Commissioner SC/ST Department, Government of Odisha.

Till today, the struggle of tribal communities like the Munda, Kolho and Santal in Khadikania village and the Lodhas in Padaghat village is going on. Nothing has changed since then. At present, tribal communities are demoralised after going through such mental harassment for the last four years. Nevertheless, they are highly hopeful that one day they will get their rights by way of CCs as well as ICs.

FRA 2006: Story of a battered law in Jharkhand

The status report of implementation of FRA 2006 in Jharkhand from January 2008 to December 2012 has been the most shameful one as compared to other states. The progress is horribly slow and fractured. But more importantly, the implementation process and its outcome have been causing more injustice rather than doing away with it. The average land under cultivation recognised under the Act has been only 2.46 acres per family, much lower than what was claimed. No family, consisting of at least five members can live in the forest on this paltry and un-irrigated land. The District Administration and the Forest Department distributed an unwarranted 'record of rights recognition' to some villages in Godda District of Santal Parganas that allowed the villagers only to pluck Tendu and Sal leaves, consume Mahua flower and fruits and undertake sericulture. No community forest resources rights have been recognised. It is quite clear now that not only the Forest Department but the District Administration is also involved in frustrating the Act in the state. The following instance is a glaring example of this.

In November 2011, the District Commissioner of Ranchi requested the Jharkhand *Jangal Bachao*

Andolan (JJBA) to help people prepare claim forms for claiming CFR under section 3.1.i of the FRA. The villagers submitted 12 claim forms in January 2012. Some claim forms could not be submitted owing to Forest Department's perpetual absence in the spot verification process. In the SDLC meeting, the Forest Department refused to agree to the claims on the plea that the right to bamboo and tendu leaf could not be given to the people because they were nationalised NTFPs. The JJBA representative present at the meeting pointed out that after the framing of the FRA, all previous orders of the government regarding NTFPs stood null and void and the FRA enlisted the NTFPs to be freely collected, consumed and sold by the forest dwellers including bamboo and tendu leaf. The Sub Divisional Officer took the side of the Forest Department and adjourned the meeting with the assurance that the matter would soon be sorted out and the process of claim settlement would be resumed. Till date, nothing has moved since then. On the other hand, the FD has been promoting JFM in blatant violation of the Act.

Absence of FRC prohibits people to file their forest rights claim

Laxmikant Mondal is from Kumir Mari village of Kumir Mari GP in Gosaba block in North 24 Parganas district of West Bengal. There are around 102 families, out of which 32 are from STs and 70 are from OTFDs. This village is a 150 year old settlement. In the year 1973, it was notified as a tiger reserve and in 1977 as a sanctuary. Later on in 1984 and 1989, it was declared as a National Park and Biosphere Reserve respectively. After the area was notified as a protected area, the villagers were prohibited from collecting NTFPs and harassed by the forest officials and other influential people.

The formation of the FRC was not made according to the provisions under FRA 2006. It was jointly formed by the Forest Department, local political parties and a few influential villagers. In the absence of a proper FRC, the proper implementation of the FRA is not taking place in this area.

Laxmikanta and some other villagers said that the FRC was formed by the existing members of VSS which was not proper. Also, these members are financially supported by the Forest Department and political parties, hence, they are not concerned about the rights of the communities. In such a

situation, FRA could not be implemented in its letter and spirit. As a result, the community cannot claim ICs and CFR. The villagers were misguided during village meetings by the FRC members about not claiming ICs and CFR because it is a National Park. Hence, the villagers till date have not applied for community forest rights and the claim for individual rights are also very negligible.

Forest Land Rights - still a distant dream for women

Ira Gobind Basawa and Jaisna Guruji Basawa are two women living in a forest village called Libadi in Boroda GP of Songadh block in Tapi district of Gujarat. Both of them head their families and manage their house finances with great difficulty. Each of them possesses five acres of forest land which they use for cultivation.

They file their claim for recognition of forest land rights along with other villagers after FRA 2006 came into force. Their claim got approved in FRC and *gram sabha* but it was rejected by the higher bodies. On enquiry, they came to know that as per the Government record, the land has been settled in their names long before, when Government regularised all those forest occupants who were there before Indian Forest Conservation Act was passed in 1980. But they neither have got their record nor do they have any information about this settlement.

However, they are cultivating the land without any recognition of rights. Now, under FRA 2006, they want to assert their rights on the land. The higher level committees are not taking their claims. Being single women they are not able to assert their rights.

Silver Lining in Dark Clouds

Mendhalekha Tribals became rich after Community Forest Rights

Mendha is a small tribal (Maria Gond) village in the Lekha *Panchayat*. It is situated in the Gadchiroli District in the eastern end of the central Indian state of Maharashtra. The village is well known for its declaration of self-rule, its biomass-based subsistence economy and its self sufficiency. Gadchiroli District is situated at the tail end of the Satpura range of mountains and is largely

Total Area: 1930 ha
Forest Area: 1806.49 ha (98.73%)
Total population: 430
Total number of HHs: 82
Caste/Ethnic group
Composition: 100% Maria Gond
(a Scheduled Tribe)

forested. It is predominantly tribal and poor, with high dependency on its natural resource base. Mendha rose against the Government's policy of taking over CFR back in the 1930s, when it initiated the struggle to assert control over its 18 km² forest. The village worked its way around the

official policies and has invested its social capital in watershed development and protection of the forest as well as its judicious use. Over the years, the State has realised the folly of separating tribals from the forests which leads to problems in conserving them. Thus, the Joint Forest Management (JFM) programme was introduced in the late 1980s. These programmes, due to their top-down approach have little community say/stake in the preservation and use of forests and fail to address issues of land ownership and use.

In this village, *gram sabha* (stronger than the GP) takes all decisions pertaining to the village by consensus. The village has a “Study Circle” comprising all adult villagers which holds evening meetings in the village square to discuss and assess all matters related to the village. The Village Forest Protection Committee looks after the 18 km² forest. Even government agencies are not allowed to work within the village boundary without prior permission from the *gram sabha*. A fine of Rs 101 is levied on illegal cutting of trees from the forest.

All uses of the forest are to be cleared by the *gram sabha*. All internal disputes are settled within the village by the village court. No one goes to the police or court and accepts the decision of the *Nyaya Panchayat* i.e., gram sabha. Every person contributes 10 per cent of his/her income in cash to the village fund and each family contributes 2.5 per cent of its produce in the grain bank.

Management of the forest in Mendha is interlinked with the struggle for tribal self-rule. Gonds, being forest dwellers, have always enjoyed unhindered use of the forest. The village is involved in JFM programme from 1992, protecting 1809.61 hectares of forest. Members from four families do the forest patrolling every day and record the observations. *Gram*

[illegible]

sabha got CFR over 1809.61 hectares under Forest Rights Act on 28th August 2009. This recognition helped the people to harvest MFP including bamboo which is their main forest products. The village got permission to issue transit passes for bamboo transportation, a PAN number for income tax return, bill book for selling of bamboo.

Mendha became the first village to get CFR in the country and assert their rights over the forest and forest resources. It became the first village in the country to earn more than one crore rupees through bamboo sale with a transparent tendering system. With this handsome revenue, the villagers are planning to implement their own integrated all-round village development plan for irrigation, agriculture and increase bamboo production.

Jamguda - the second village to get CFR

Jamguda became the country's second village where gram sabha was empowered to handle a forest resource. Mendha Lekha in Gadchiruli in Maharashtra was the first village where villagers were given the transit permit to procure forest produce. This happened because of a gram sabha struggle for community resource rights under FRA 2006.

Jamguda is a small village in Barabandha panchayat of M. Rampur block of Kalahandi district in Odisha. Surrounded by bamboo forests, Jamguda gram sabha comprises of 64 families of which 60 are tribal while four families belong to other castes. This village had been given community forest rights in 2010 for 123.50 hectares of land where villagers had grown bamboo. Although their community rights were recognised, it was not communicated to them. They got to know about this after getting information under the RTI Act. In 2012, the gram sabha then decided to dissolve the VSS and manage the community forest by the gram sabha. People decided to go in for bamboo harvesting from their forest. In June 2012, the gram sabha contacted different buyers to sell bamboo. They contacted Mr. Bhakta Charan Das, MP, of Kalahandi to be the first buyer of harvested bamboo from this gram sabha. People harvested bamboo asserting their right and sold 300 poles of bamboo to Mr. Bhakta Charan Das at a cost of Rs. 3000. However, Mr. Das was not able to take the bamboo as the gram sabha could not give him a transit permit.



Subsequently, the gram sabha applied for a transit permit on 19th of June 2012 to the Divisional Forest Officer (DFO). In the absence of the DFO, the concerned Assistant Conservator of Forest (ACF) refused to issue a transit permit to the gram sabha and stated that they could not issue such transit permits. However, he informed that villagers could harvest and use bamboo from CFR areas for their domestic use but could not use it commercially to gain profit. It was difficult for them to sell bamboo to other buyers in the absence of transit permits. As a result, bamboo worth Rs. 80,000 got destroyed causing a loss to the village. The gram sabha brought this matter of issue of transit permit to the notice of the Central and State government and constantly lobbied for it.

On 3rd of March, the Minister of Tribal Affairs and the Minister of Rural Development along with the Revenue Minister of Odisha State Government visited Jamguda village and issued transit permits to the gram sabha to sell bamboo. The forest department officials issued transit permits to Jamguda gram sabha on the same day and the gram sabha issued a transit permit to Bhakta Charan Das, MP Kalahandi to carry the bamboo which he had purchased from Jamguda gram sabha on 23rd of June 2012.

This is definitely a success not only for the people of Jamguda but for other such tribal villages. However, the interpretation of rights as it is provided in the FRA is not an easy path for the people. The community was able to exercise its rights after a long battle with the forest bureaucracy. The forest department had conveniently misinterpreted the definition of MFP under the FRA. It did not allow harvesting of bamboo yet interpreted it in a way that people believed that they had the right over

MFP, including bamboo and tendu. However, they did not have the permission to use them to make monetary gains. In April 2011, Jairam Ramesh, the then Environment Minister, gave transit permits to the people of Mendha Lekha to transport bamboo. The harassment to the community by the forest officials had raised many concerns and the Tribal Affairs Ministry has asked the State Government to ensure that the villagers got access to bamboo for earning their livelihood. But the question here is how many villages would the Minister visit and issue transit permits to while the Act clearly recognised community rights over natural resources.

Forest land rights secured livelihood of daily labour to agriculture

Savara Sailaja, a Konda Savara, one of the PVTG of AP, lives with his wife Savanna, along with his other family members. He is from Sundarayagoda village, Puliputi *panchayat* of Seetampeta block in Srikakulam district. The family had been cultivating 10 acres of agriculture land in the forest for generations. After declaration of this area as a reserved forest in 1985, the forest department did not allow them to enter or cultivate their land. After that, the family filed their claim to get the *patta*. They approached the sub-divisional level and submitted an application to Integrated Tribal Development Agency (ITDA) Sreetampeta. In this process, they have also given bribes, losing a large part of their income earned through daily wages.

After being deprived of their land, they were forced to work as daily wage labour at very nominal wages. Occasionally, they sold some NTFPs in the local village market to supplement their income. However, they were harassed and exploited by the forest officials to collect NTFPs. The above activities forced them to borrow money from the money lender at a higher interest rate.

Before asserting their rights over the forest land under FRA 2006, they were living in a very miserable condition without proper food to eat and unsecured livelihood options. The family was in an abject poverty condition. Savara Sailaja claimed his rights under FRA 2006 and fought a lot with the administration to get the land. Then he got four acres of forest land in the year 2011. Now he is cultivating the land to secure a livelihood where he can lead a proper life. Besides, the family is also earning from horticulture activities like growing pineapple, banana, guava etc., from the same piece of land and by collecting NTFPs from the forest. Hence the family income has been increased.

An important observation may be made - when communities are deprived from their land and resource rights they are forced into food and livelihood insecurity. Hence, it is important that forest dwelling communities should not be deprived from their rights over forests and natural resources.



Chapter-5

Conclusion and Recommendations

Ethnic groups are the organic components of Indian society. They can be broadly classified as STs, SCs, OBCs and the general caste group. For centuries, tribal communities have been living in and around the bounty of natural resources. Their intangible cultural heritage influences their life and living.

Findings

- FRCs are mostly formed in villages even though the Amendment Rule of 2012 provides for the formation of FRCs at small hamlets with the aim of delivering services in remote pockets. Even in states like AP, Gujarat, Rajasthan, WB and MP, FRCs have been formed at the *panchayat* level
- Mandatory functions of the SDLC and DLC like meeting at intervals of time, proper scrutiny of applications, field level verifications of sites and proper co-ordination at various levels between the departments are not taking place.
- In many states, it was commonly alleged that claims submitted for IC settlement were many times left unsettled, highlighting the incomplete nature of the applications.



- In many cases, individual settlement titles provided to the villagers are reported incomplete due to the want of clear-cut demarcation, maps, wrong coding of names and addresses.
- In some pockets, migrant families were absent from the village during the submission of applications under FRA. Later, upon returning to the village, when they approached the village leaders for settlement of their claims, their requests were ignored due to the lack of non-institutional arrangement for late or subsequent applications. Thus, the seasonal migrant families in many states are deprived of submitting their applications under FRA.
- The processes of verification by the field staff of Forest Department and preparation of maps by the Revenue Department have neither involved the beneficiaries nor the members of FRC in many states. This resulted in identification and occupation of demarcated land which are not as per the community choice and need. .
- The grievance redressal mechanisms at SDLC and DLC levels are non-existent. As a result, the applicants were disqualified at these levels and after a long period, they do not get any platform to present their genuine grievances.
- The provisions of joint holder's rights over the settled land under IC by both spouses have been violated.
- Single women headed households have either been ignored or not given due importance for settlement of their claims.
- In most of the unsurveyed forest villages, FRCs have not been formed due to the fact that these villages are to be displaced in future.
- In many unsurveyed villages, since there are no official land records over the claimed land area, the functionaries did not take those cases into account. Very few steps have been taken by the concerned state authorities for conversion of such lands in unsurveyed villages.
- The rights of some nomadic tribes who are also PVTGs have not been properly addressed since their customary practices over their geo-physical spread of resources have not been properly defined and addressed under FRA by the concerned authorities.
- The shifting cultivations practised by PVTGs are also not recognised in the field over their shifting cultivation patches. They are encouraged to apply for land settlement under individual rights for which the concerned communities are yet to be ready. The individualistic attitude and approach to life infused through individual land settlements do not have much positive impact on their life.
- With respect to the diversion of forests for development projects in the case of Niyamgiri of Kalahandi district of Odisha CCs in reserve forest areas are not encouraged. The proposed mining and industry in the region has had a direct impact to restrict the implementation of FRA.
- Plantation activities carried out by Forest Department on forest lands and community lands under different schemes of the Government have restricted land areas for settlement of CCs under FRA. In addition to this, forest patches are kept reserved for further plantations and kept out of the distribution plan under FRA.
- In the case of Niyangiri region of Kalahandi district of Odisha, the proposed compensatory plantation by Vedanta, had also restricted the opportunities of forest land distribution to the beneficiaries under FRA.
- In some pockets in forest areas, titles issued for CFR do not match the actual area and physical access to the land. In the case of Similipal Sanctuary region of Odisha, the relocation of villages from the tiger reserve area without recognising their rights over land and land based resources have questioned the very objectives of the Act.

- In spite of the FRA, many villages in protected areas are not provided with basic life support services on the premise that these villages will be displaced.
- Around 68 per cent single women headed HHs in the study villages have not applied for individual rights under FRA. It is basically because of their low level of awareness and lack of access to the service provisions available under FRA which is beyond their individual capacity. During the interaction, they have shown their interest in going through all the required processes to have the benefits of getting land under the Act.
- Involvement of civil society bodies as facilitating organisations are much below the requirement. They have not been involved at various stages of implementation of the Act.
- Habitat rights of the pre-agricultural tribal communities popularly known as PVTGs should be settled through community rights over land.
- In reserve, sanctuary and protected forest areas, claims of the rights holders should be settled on equal priority.
- Provision should be made for training and awareness of different stakeholders involved in the implementation of FRA at various levels.
- The coordinating department should develop and maintain all related records, maps etc., for each village on priority in order to expedite the process of implementation.
- Through convergence programmes, the development of land under both individual and community claims should be given equal priority.

Recommendations

- *Gram sabha* is to be called as and when required to take into account the recommendations of the FRC.
- One nodal department implementing FRA is supposed to shoulder the responsibility of quality implementation of the Act in terms of co-coordinating the process, providing guidelines and incorporating the amendments to the Act.
- There should not be rejection of claims. Claims may be resubmitted with compliance bases on the feedback of SDLC and DLC.
- A time line may be introduced for delivering services and disposal of settlements under FRA with imposition of penalty to the deviant, in accordance with the RTI Act.
- Land used by the community should not be encroached upon by the Forest Department in the name of proposed plantation, mining and industrial development.
- While using the GPS method in land settlement, the community should be involved and the sketch map should be accurate as per the patch in use by the community.
- Sufficient awareness and advocacy related programmes may be implemented to build knowledge among people at large and among different stakeholders involved in the process of implementation.
- Priority should be given to single women HHs while settling land through FRA.
- In unsurveyed villages, customary community practices should be followed while settling claims, since these villages do not have individual records of the land.
- Customary practices should be taken into account while fixing the boundaries between the villages for the settlement of CCs and ICs.
- Greater importance should be given to PVTGs for settlement of CCs.
- The conflict of interest between the STs and vested groups should be resolved through settlement of ICs and CCs.
- Empowerment of *gram sabhas* is fundamental for successful implementation of FRA.

- Revenue, forest and tribal departments and *panchayats*, should co-ordinate with each other. FRA should be dealt with in conjunction with Panchayat Act 1996 (Extension to Scheduled Areas) where applicable.
- Completion of recognition of rights of occupants of forest land under FRA should be mandatory before any relocation from the forests.
- Every FRC should have its CFR area demarcated, along with the formation of the management committee [Rule 4.1(e)].
- All forest villages should be converted to revenue villages within a time frame to ensure that development activities denied due to such non-conversion are overcome.
- Resource centres may be set up in each state for FRA and further developed at the national Level to facilitate implementation of FRA and bridging gaps among different stakeholders.

References

1. Aiyappan, A, 1948: Report on Socio-Economic Conditions of Aboriginal Tribes of the Province of Madras: Madras Government Press.
2. Asian Indigenous and Tribal Peoples Network, 2012. The State of the Forest Act: Undoing the Historical Injustice withered, New Delhi, India
3. Bhullar, L, 2008. The Indian Forest Rights Act 2006: A Critical Appraisal, Law, Environment and Development Journal, Vol-4-1, ISSN-1746-5893
4. Das, J.K., 1972 Refer on Scheduled Tribes of Odisha Manohar Publication, Delhi.
5. Dhatron Paj, 1968, The Land and People, Rajasthan, National Book Trust, New Delhi, pp – 25-32
6. Elwin, Verrier, 1926; Leaves from the Jungle; Life in a Gond Village; London, John Murray
7. Elwin, Verrier, 1951; The Tribal Art of Middle India, London, Oxford University Press.
8. Hiralal, 1926, Marriage Customs in Central Provinces, Men in India, 6 (i), pp-1-12
9. Khare, A, M Sarin, NC Saxena, S Palit, S Bathla, F Vania and M Satyanarayana (2000) India – Joint Forest Management: Policy, Practice and Prospects. IIED: London.
10. MoTA and UNDP, 2012. Regional Consultations on Forest Rights Act, 2006 (FRA) organised by Ministry of Tribal Affairs, in collaboration with UNDP, hosted by the State Tribal Welfare Departments.
11. Naik, T.B., 1984, “The Saharias”, Tribal Research Institute, Gujarat Vidyapith, Ahmedabad.
12. Orans Martin. 1965. The Santal: A Tribe in Search of a Great Tradition, Wayne State University Press Detroit, P-106.
13. O-Springate-Beginski et.al, 2009, Redressing Historical Injustice through the Indian Forest Rights Act 2006: A historical institutional analysis of contemporary forest rights reform, Discussion paper series-27, IPPG Discussion Paper.
14. Ray Choudhury, 1962, The creation of the Santal Parganas, in Bengal Past and Present, Calcutta.
15. Ray, S C 1025, The Bihors a little jungle Tribe of Chota Nagpur (Ranchi Main in India Office, report. – 1978)
16. Risely H.H., 1981: The tribes and castes of Bengal, Kolkata : Bengal Secretariate Press, report 1981, Calcutta: Firm Mukhopadhyaya) Vol. – II.

17. Russell, R.V. and Hiralal, 1916, The Tribes and Castes of the Central Provinces of India, (London, Macmillan and Company, 1916; rpt., 1975, Delhi, Cosmo Publications, Vol – III
18. Saxena, R. P., 1964. Tribal Economy in Central India, Calcutta, Firma K.L. Mukhopadhaya.
19. Singh, K. S. `1985 Tribal Society in India: An antho-historical perspective, Delhi, Manohar Publications.
20. Summers George E., 1976. The Dynamics of Santal Tradition in a Peasant Society, Abhinava Publications, New Delhi.
21. Vasundhara and Kalpavriksh: 2012, A national report on community forest rights under FRA: status and issues.
22. World Bank 2006 India: Unlocking Opportunities for Forest Dependent People. World Bank: Delhi.

act!onaid

R7, Hauz Khas Enclave
New Delhi – 110016
Ph: +91 - 011- 4064 0500

www.actionaid.org/india,
www.actionaid.org/india/hindi

facebook.com/actionaidindia



@actionaidindia