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**A Study of Forest Rights Act, 2006 in Andhra Pradesh:
An Assessment of its Major Features and Issues in
Implementation Process**

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ABSTRACT

The passage of the Scheduled Tribes and Other Traditional Forest Dwellers Forest Rights Act, 2006 is another Act, after the enactment of PESA, for adivasis and other forest dwellers of the country. For the first time in the history of Indian forests the State formally admits that rights have been denied to forest dwelling people for long, and the new forest law attempts not only to correct that 'historic injustice' but also give forest communities' a predominant role in forest management.

There are many firsts in the Act. For the first time, the law recognizes and vests forest rights in scheduled tribes and other traditional forest dwellers, thereby undoing the historical injustice done to them. Also for the first time the Act provides land rights (private and /or communal), for 'Community Rights' and rights over 'Community Forest Resources', thereby ensuring rights and ownership of tribal and traditional forest dwelling communities over 'Common Property Natural Resources'. A democratic model of biodiversity conservation is also envisaged in the law, in the form of Critical Wildlife Habitat in Sanctuaries and National Parks. The actual process of FRA implementation on the ground was largely undemocratic and non-participatory. Gram Sabhas are held at Panchayat level but not at habitation or habitations level which was prescribed under the FRA. In many villages mostly individual Claims (Form 'A') are being submitted and (Form 'B') Community claims are not being submitted simply because they are not aware about community rights.

Though the Act contains many positive elements, there are still enough ambiguities and loopholes, which created hurdles in the implementation process. While implementing the Act many new issues are being continuously emerging and the organizations, which have been facilitating the process, have different opinion on different issues. Definitely implementation of FRA impacts on poor in terms of livelihood security. However, the main challenge before the Government is transparent and accountable mechanism required for effective implementation.

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A Study of Forest Rights Act, 2006 in Andhra Pradesh: An Assessment of its Major Features and Issues in Implementation Process

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1. Introduction

The passage of the Scheduled Tribes and Other Traditional Forest Dwellers Forest Rights Act, 2006 is another Act, after the enactment of PESA, for adivasis and other forest dwellers of the country. For the first time in the history of Indian forests the State formally admits that rights have been denied to forest dwelling people for long, and the new forest law attempts not only to correct that 'historic injustice' but also give forest communities' a predominant role in forest management.

There are many firsts in the Act. For the first time, the law recognizes and vests forest rights in scheduled tribes and other traditional forest dwellers, thereby undoing the historical injustice done to them. Also for the first time the Act provides land rights (private and/or communal), for 'Community Rights' and rights over 'Community Forest Resources', thereby ensuring rights and ownership of tribal and traditional forest dwelling communities over 'Common Property Natural Resources'. A democratic model of biodiversity conservation is also envisaged in the law, in the form of Critical Wildlife Habitat in Sanctuaries and National Parks.

In this context, a regional research had been conducted on Status of Implementation of Forest Rights Act, 2006 in Andhra Pradesh.

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The specific objectives of the study were

- To understand the salient features of Forest Rights Act, 2006
- To explore pre-existing forest tenural rights deprivation of tribal communities
- To assess and understand the actual implementation process of Forest Rights Act, 2006 in the State

1.1 General Issues Related to Forest Rights Act (FRA) and the Livelihood of Forest People in Andhra Pradesh

Andhra Pradesh (AP) is the fifth largest state in terms of geographical area (which has a population of 76.2 million) and the third largest in terms of forest cover in the country. It has 6.4 million hectares of forest land, which constitutes 23% of the state's geographical area, and 8.24% of the total Indian forest area (AP Forest Department, 1999). The recorded forest area in the state is spread over 63,814 sq km (2,75,068 sq km of its geographical area) consisting of about 50,479 sq km of Reserved Forest (RF), 12,365 sq km of Protected Forest (PF) and about 970 sq km of Unclassified Forest (UF). However, the actual forest and tree cover in the state is 53,648 km, which is about 19.5% of the state's geographical area and 7.1% of the country's geographical area. Of the total actual forest and tree cover, about 25,827 sq km is categorized as dense forest, which is about 2,779 sq km more compared to the assessment of 1997, while the extent of open forest cover reduced from about 19,859 sq km in 1997 to about 18,810 sq km in 2001. Together, these categories constitute about 16.2% of the geographical area of the state. In addition to the recorded forest cover, the state has about 205,673 sq km of Culturable Non-Forest Area (CNFA), which has tree density of about 11.2 trees per hectare (FSI, 2001). About 62% of the RFA is in tribal areas, and around 60% in the Scheduled V Tribal Area has been declared as RF. About 21,210 km of the forest boundary is under dispute. According to 25.11.1978 GO extended AP Forest Act, "All lands in the SAs containing trees, shrubs and coppice growth shall be forest". About 3,695 Gram Panchayats in AP have forest interface covered by 2,032,303 acres of land as per the report of Tribal Welfare Department.

Before the State of AP was formed on 1st November 1956, part of it was under the domain of British and the other part was under the Nizam. Hence, two different forest acts were in practice. The Madras Forest Act, 1882 governed the Coastal and Rayalaseema districts of Srikakulam, Vishakhapatnam, Kakinada, Eluru, Machilipatnam, Ongole, Godavari, Krishna, Anantapur, Kurnool, Cuddapah, Nellore, Chittoor and Guntur, while the Telangana districts of Adilabad, Karimnagar, Medak, Khammam, Nalagonda, Nizamabad, Mahbubnagar and Warangal were governed by the Hyderabad Forest Act, 1915.

A unique feature of the Telangana region was that its forest resources were not managed separately till the 19th century; instead it was under the control of the Revenue Department, though in 1857, a separate department for forests was established for controlling 13 species. From time to time, forest acts were made, but only to consolidate on the revenue aspect. The revision of the 1916 Forest Act over the earlier one of 1900, laid the foundation for the establishment of a proper forest administration. It was also repealed by the Hyderabad Forest Act of 1945, which was modelled on the lines of the Indian Forest Act (Gogia, 2002). On the tribal front, the Nizam's rule was unfortunate for them, since their customary rights were never taken seriously.

In the post-independence era, a Law Commission was set up to integrate the two existing forest acts. The result was the Andhra Pradesh Forest Act, 1967, that was drafted and passed by the legislature and came into force from April, 1967 (Gogia, 2002; and Sunder et al., 2001). This was followed by various legislations such as the Forest Offence Rules, 1969, The Andhra Pradesh Forest Produce Transit Rules, 1970, the Andhra Pradesh Minor Forest Produce (Regulation of Trade) Act, 1971, and lately, the Andhra Pradesh Scheduled Areas Minor Forest Produce (MFP) (Regulation of Trade) Regulation, 1979. Some of the important reasons for making these legislations were to combat the situations of forest offences and to acquire trade control over forest produce.

The Tribals were severely affected during the colonial period due to reservation of forests; they strongly resisted the denial of their customary rights in the forest. The relationship between the tribals and the government agencies, particularly the Forest Department (FD), became much strained, and there were both political movements and armed struggles by the tribals to regain control over their lands, including numerous risings, such as the most recent 'Rampa' revolt, 'Komaram Bheem' revolt and the 'Naxalite' movements.

There has been an influx of non-tribals into the Scheduled Areas over the years, more so in the last two decades. Several tribal areas such as Adilabad, Warangal and Khammam, which were wholly tribal a few decades ago, now consist of more than 50% of non-tribal population, who exploit the tribals through dubious money-lending practices only to usurp their lands eventually. Statistics available with the Tribal Welfare Department of the Government of AP, show that nearly 7,53,435.66 acres of land in the Scheduled Areas has gone into the hands of the non-tribals. About 71,155 cases were booked by the special deputy collectors, of which only around 44,487.68 hectares (109,931 acres) was restored to the tribals in about 27,498 cases. The rest of the land continues to be in the hands of the non-tribals. **Only about 9.8% to 33% area in the scheduled districts is**

under cultivation. Fallow shifting cultivation lands have been declared as 'forests', and a few pattas have been given for cultivated lands. About 77,661 acres of pre-80 cultivated land, not regularised, was brought under Joint Forest Management (JFM). About 3.25 lakh ha of land has been labeled as 'encroachment'.

Around 65% of the forest area in AP is spread over eight predominantly tribal districts in the northern part of the state. These areas are amongst the least developed in AP. Historically, tribal communities have depended on forests for their livelihoods, both for cultivation and forest product collection. Many tribals engage in cultivation in upland forests, called podu. Podu cultivation involves the clearance of small patches of hill forests for subsistence cultivation (e.g., various crops including cereals, sorghum and millets). After a few years, the cultivators move on to another area. A cultivator household may have customary tenure to a long rotation cycle of plots over perhaps 10 years or more; they move between them.

Traditionally, the collection and sale of Non-Timber Forest Produce (NTFP) from forest areas have been the major occupation and source of livelihood for tribal communities (10 to 20%). It is also an important source of revenue for the Government (about Rs. 20 billion per year at the all India level). Products such as bamboo, beedi leaf, tamarind and mahua, account for about 75% of the total value of NTFPs in AP. Bamboo and tendu account for more than 60% share in the total value of NTFPs. However, the agricultural produce from tribal lands is inadequate to maintain the households at subsistence level.

1.2 Methods Used in the Study

The state of AP has three broad agro-climatic regions, namely, Coastal Andhra, Telangana, and Rayalaseema. In the late nineteenth century, the present regions of the state were under two different systems of rule. The Coastal Andhra and Rayalaseema regions were ruled by the British-administered Madras Presidency, while the Telangana region was ruled by the Nizam of Hyderabad. Among these two different administrative systems during the colonial period, five predominant forest rights deprived representative districts - Adilabad, East Godavari, West Godavari, Visakhapatnam and Kurnool were selected for the study. On the basis of regionalization (Scheduled Area, Tribal Sub-Plan Area, and Non-Scheduled Area), six Panchayats were selected from the five districts. Among the six Panchayats, the study was undertaken in six villages (Cheruvuguda, Pamuleru, Panasalapalem, Koruturu, which come under Scheduled Areas; Goppulapalem, which comes under Sub-Plan Area; and Nagaluty, which comes under Non-Scheduled Area), were selected randomly according to the different forest rights deprivation scenarios and the status of the FRA implementation process.

All the households in the village were enumerated taking important socioeconomic and demographic details. Based on this information, the households were categorized as Large Farmer (10 acres and above), Medium Farmer (5 to 9.9 acres), Small Farmer (2.5 to 5 acres), Marginal Farmer (0.1 to 2.5 acres), Landless, Agriculture Labour and Others (salaried)

In the second stage, the sampling of the households was done as per the following procedure: if a village had more than 40 households, 25% sample was selected among them. If the households were between 21 and 40, 50% sample was selected. If the households were less than 20, all the households were selected for study.

The primary data was collected through field surveys, using household and village questionnaires. Additionally, formal and informal discussions with concerned officials, NGOs, and various stakeholders, to elicit their views, experiences and suggestions with respect to FRA were also held. Secondary data was compiled from reports, appraisal and evaluation documents of the World Bank and the FD, Government Orders, etc.

2. Pre-existing Forest Rights Situation in Andhra Pradesh

In Andhra Pradesh, there existed differences in management and legislation pertinent to the forest areas in the British-administered Presidency, the ceded districts and the Telangana region. In the Telangana region, the forests were under the control of the revenue administration till the Nizam created a Forest Department in 1857. Prior to 1857, forests were exploited through a permit system under which permit holders were allowed to cut trees without much control on the manner and extent of felling. However, customary rights of communities residing in or near the forests for the first use of MFP, timber for housing, agriculture and fuel wood are reported to have been respected. The abkari administrative system in the state also conferred rights to certain communities over select species. When the FD was established (which was for several years placed under non-professional officers), only 13 species were placed under its control, leaving the rest to be managed by the revenue administration.

Extensive areas in the northern tribal belt have never had their forest rights settled properly and 20% of the state's so called forest land has never been legally notified, although the FD has recently started the process now, out of fear of the Supreme Court. The Forest Policy was announced in 1890 envisaging preservation and improving the existing forests and the Forest Act was passed in 1900. The Forest Act transferred all species to the FD, putting an end to the dual control, and also classified the forests into two classes – reserved and open. This was a comprehensive abrogation of the centuries-

old customary rights enjoyed by the tribals, in those areas declared as Reserve Forests, to the hands of the state. The open forests were set apart to meet the domestic requirements of the villagers. Most of the tribals in the region cultivated land under a tenure system known as *siwa-i-jamabandi*, which did not confer ownership of the land on which they worked. The northern districts of Telangana were populated by the Gonds, Kolams and Naikpods. The Gonds cultivated settled agriculture, while the Kolams and Naikpods practised shifting cultivation on the hill slopes. Even the Gonds who practised a more settled type of agriculture were in the habit of leaving lands fallow and cultivating alternate lands in a two-year cycle. However, in Reserve Forests no such practices were followed; in one stroke, this rendered many tribals without rights, and also led to forced evictions, thus setting the stage for tribal-state conflicts. In the name of forest conservation, large-scale evictions occurred in the 1920s, and mopping operations are reported to have continued till 1940, creating an atmosphere of unending insecurity (Haimendorf, 1985).

2.1 Forest-Livelihood Links

Forest is an important source of livelihood for the tribal poor in Andhra Pradesh; this is one fact that no one can deny. Many landless indigenous people are unable to sustain themselves for more than six months because of their reliance on single rain-fed crops. They heavily rely on uncultivated food sources such as vegetables, roots, tubers, flowers, fish, birds and red ants, which are provided by forests. Besides, resources from forests such as gum, tendu pattas, mahua flowers and oilseeds are exchanged for food grains or sold for a price from which they can purchase food grains. Furthermore, forests also provide herbal and traditional medicines in the absence of the health care machinery; free fruits and vegetables to take care of nutrition in the absence of the fair public distribution system. Firewood for cooking, stones to build wells and houses, fodder for animals and bark of trees for rope are some of the other requirements in daily life that are fulfilled by the forests. Hence, the entire livelihood of the tribal poor is based on forests. Gathering from the forests for subsistence and sale are an integral part of the livelihood strategies of the poor. Where forests have been destroyed, they have suffered. Besides the above basic needs, forests occupy a key position, in their economy. There is huge potential for forest economy if handled well, and its full control given to the people with government backing.

Forest-dependent/dwelling communities belong to the poorest sections of communities. They most often do not have considerable land resources. Thus, the forest is seen as a natural resource base that can provide sustainable livelihood. All the three geographic regions of the state recognized that the dependence on forests, for predominant livelihood

types is up to 31%. The types of forest-based livelihoods of the poorest sections of communities have been identified as – NTFP based (57%), fodder for goats and sheep (26%), fuel wood sale (12%) and wood based craft making (5%). Among the three regions, households dependent on NTFP collection and sale are more in Telangana (73%) and Coastal (47%) regions, whereas in the Rayalaseema region, the forest dependence (51%) is more for fodder to goats and sheep. Head loading (fuel wood collection and sale) as a livelihood option is more prevalent (20%) in the north coastal region compared to the Telangana (7%) and Rayalaseema (8%) regions, where it is a dwindling option due to degradation of forests. About 40 to 70% of the income for the tribal and other resource-poor communities is from the collection and sale of NTFPs. There are more than 65 different kinds of NTFPs available in the forests of AP (D. Suryakumari, K. Bhavana Rao and C. Vasu, 2008).

2.2 Forests Users - Tribal and Non-tribal

Andhra Pradesh has a sizeable Scheduled Caste (SC) and Scheduled Tribe (ST) population, whose culture is an outcome of their interaction with nature; they can be mostly regarded as 'ecosystem people'. Agriculture, livestock rearing and collection of NTFPs are their main activities. There are about 26,586 villages in the state, out of which 5,080 use forest for cultivation; the forest area in such villages is 2.57 mha, and the total population in these villages is 10.67 million persons (21.95% of the state's rural population).

There are 59 SCs in Andhra Pradesh and their population, according to 2001 census is 123.39 lakhs (16.19%), and the ST population is 50.24 lakhs (6.59%). While SC population is distributed throughout the state, the ST population is concentrated mainly in the hilly and forest areas of Srikakulam, Vizianagaram, Vishakhapatnam, East Godavari, West Godavari, Khammam, Warangal and Adilabad districts and the Nallamala Forest. Of the 33 Scheduled Tribes in Andhra Pradesh, 27 groups inhabit the Eastern Ghats tracts, while the remaining are distributed sparsely in other districts. In AP, according to the latest estimates, about 14% of the population that is mainly SC/ST and poor is critically dependent on forests for their livelihoods. Besides, a sizable population depends on forest resources for domestic requirements such as collection of NTFPs, firewood and grazing.

2.3 Schedule V Areas

While framing the Constitution of India, two unique Schedules were added, namely the Fifth and Sixth Schedules, to deal with the tribal areas, and to protect them from undue exploitation by the mainstream societies. In AP, the Fifth Schedule covers the tribal areas. The Scheduled Areas extend over 31,485.34 sq km, which is about 11% of the

total area of the state, and is distributed in Visakhapatnam, East Godavari, West Godavari, Adilabad, Srikakulam, Vizianagaram, Mahbubnagar and Prakasam (only some mandals are scheduled mandals). Essentially, the Fifth Schedule is a historic guarantee to indigenous people on the right over the land they live in. The Fifth Schedule of the Constitution of India deals with administration and control of Scheduled Areas and the Scheduled Tribes in these areas. As per the 73rd Amendment Act, 1996, “every Grama Sabha shall be competent to prevent land alienation in Scheduled Areas and to take appropriate action to restore any unlawful alienation of land of a Scheduled Tribe.” Minerals are to be exploited by the tribals themselves, either individually or through co-operative societies with the fundamental assistance of the state. Activities such as transfer of land in Scheduled Areas by way of lease to non-tribals, corporation aggregate etc., stand prohibited. Renewal of lease implies a fresh grant of lease, and therefore, any transfer stands prohibited. Transfer of mining lease to a non-tribal company, corporation aggregate or partnership firm is an unconstitutional void and inoperative.

The Andhra Pradesh (Scheduled Areas) Land Transfer Regulation, as amended from time to time, prohibits transfer of land situated in Scheduled Areas to any person other than tribals. But land is still being held by non-tribals, in contravention of the law. As per the Performance Budget of Tribal Welfare Department for the year 2003-2004, 125768.3 ha (310,779 acres) of land was held by non-tribals in contravention of the Land Transfer Regulation.

2.4 Forest Rights Deprivations in the State

Right from colonial times, forest laws and forest policies have been anti-tribal. The tribal is perceived as an encroacher and an enemy of the forest, who plunders the forest for his selfish ends. With the Indian Forest Act, 1878, Forest Act, 1927, and state enactments after independence in India, the state gradually gained monopoly over forests. Forests were declared to be Reserve Forests from where the tribals were driven out. Cultivating land, collecting NTFP and felling of trees became illegal. Tribals, who occupied these forests earlier, lost their habitat, land, livelihood and everything else that they had. The people were given neither title deeds nor any other rights in these forests. Over a period of time, the tribals' and other poor people's access to forest land and forest produce was severely curtailed, and the tribals were removed from their familiar and settled livelihoods. Large forest areas were either declared as Reserve Forests or as sanctuaries and national parks. Construction of dams, reservoirs and hydro electrical projects further resulted in huge displacement of tribals from thousands of hectares of forest lands. Many tribal villages were washed out in the process. Compensation and rehabilitation have touched only the fringe of the problem. The price tribals seem to pay for the so-called development appears very high.

2.5 A Summary of the History of Rights Deprivations

The Government of Andhra Pradesh issued a Memo 26531/87 through the Ministries of Energy, Forests, Environment Science and Technology, permitting the assignment of pre-1980 forest land occupations of tribal communities in Reserved Forests. Based on this memo, D-Form Pattas were granted to tribals. However, during the implementation of the JFM Scheme, the FD brought only revenue patta lands into the purview of scheme and evicted tribals, stating that those lands are classified as forests in their records. Such instances have been evidenced in the tribal areas of the East Godavari district.

The increased competition and conflict over tribal lands resulted due to the State Survey and Settlement emphasis and individual ownership rights that excluded Tribal Land Tenure Systems and the land-forest agriculture relationship. During the Survey and Settlement period, i.e., 1970-76, after the abolition of intermediary proprietors such as Mahals, Muttas and Zamindars, there was a rush to provide individual land titling, which resulted in massive land alienation through clandestine transactions and land grabbing by wealthy non-tribal individuals with vested interests. In the process, the local tribal communities lost their farm lands and common areas.

Conflicts between tribals and the FD in this are not yet settled. 21,210 km of boundary was under dispute and 77,661 acres of land was under cultivation by tribals in Reserve Forests prior to 1980. These were not regularised (Memo No. 26531 dated 9.5.97-GoAP). Deforestation, mainly due to exploitation of forests for industrial purposes, is another manifestation of resource displacement. This has resulted in decreasing access to forest resources by tribal communities.

Non-recognition of customary and traditional rights of tribals over forest land cultivations is another major concern. Tribals are often evicted by the FD from their forest land cultivations, labelling them as encroachers. According to records, 13.43 lakh hectares of forest land is under encroachment in the country. In AP alone 2,95,383 hectares of forest land is recorded as pre-1980 and post-1980 encroachment as on 31-3-2004.

The Indian Forest Act, 1927, provides a comprehensive process and procedure for settlement of customary and traditional rights and privileges for local forest dependent communities by a Forest Settlement Officer (FSO) before issuing a final notification of reservation of forests. However, no effective steps were taken to settle the rights of the local communities over the forest lands, and the forest dwellers' rights over the forests were not recognized in the absence of documentary proof to establish their claims. The

rights of occupants in 9,93,551.84 hectares (24,838,79.6 acres) in the state of AP, which are covered by preliminary notification under Section 4 of the AP Forest Act, 1967, are still to be settled under FRA.

2.6 Implications for Livelihoods and Coping Strategies

Agriculture is the primary source of livelihood for the tribals. Land-based livelihood has gained importance with the depletion of NTFP. Land alienation in its broad sense is among the major causes of impoverishment of tribals. Due to influx of non-tribals, their access to forest-based livelihood reduced; reservation of forests made restrictions on shifting cultivation. Because of land administration policies and development projects like mining and dam construction, the tribals have been displaced from their traditional habitat, and deprived of their livelihood. In the recent past, some development projects in AP have become highly controversial due to their implications for tribal land and livelihoods.

Loss of land has led to major changes in the livelihood pattern of the tribal people. A major consequence is the growing number of agricultural labourers, an indication of the “depeasantisation” process (Murali and Rao, 1992). The census data also shows that the proportion of agricultural labourers among the STs is on the rise. Migration to both rural and urban locations has emerged as an important livelihood option in tribal areas. Many scheduled locations are in a transition from subsistence farming to commercial cropping due to reduced plot size and growing cash needs owing to widespread indebtedness. Legal battles and violent confrontations between tribals and non-tribals over land alienation have become intense. This is evidenced by the recent conflicts between the Koyas and the non-tribal occupiers in the West Godavari District. In several parts of Adilabad District, the dispossessed Gonds have encroached upon the forest land. This has been a cause of tension between the tribals and forest officials. The traditional livelihood pattern of the Koyas of Khammam District is changing as a result of the loss of their customary rights. The incidence of landlessness has gone up and a majority of the landless work as waged labourers. The non-tribal infiltration in some districts is changing the demographic composition where the tribals are at the risk of being reduced to a minority.

The livelihoods of forest-dwellers have not been recognized in policy until recently. Predominantly, tribal lands have been declared as state forests. The reservation of forests has been a historical process, whereby indigenous communities are pushed deeper into forests and tribal lands are appropriated by non-tribals. The state has appropriated large tracts of land without recognizing customary rights, particularly of shifting cultivation.

Much of the land classified as “encroached land” in AP is actually under customary tribal podu forest fallows management (Reddy et al., 2004).

Boundary lines were drawn around villages in the state, where most of the land was not actually under cultivation, in the name of forest conservation, and was notified as government forest. This was in violation of the principles of reservation; the tribals in many locations were cultivating land falling under the RF. In several villages, there have been conflicts between the tribals and the forest officials over such “encroachments”. Though the state policy and forest laws have succeeded in bringing the tribals from the forest to the mainstream, they have not provided them with either opportunities or support systems to help cope with the contradictions and challenges of new realities.

2.7 Political Economy of Tribal of Development in Andhra Pradesh

During the pre-British rule, tribal areas were far away from administration. The extension of centralized administration by the British over such areas deprived the tribals of their self autonomy. The British colonial policies exposed tribals to the pressure of more advanced populations in the plains. Outsiders such as traders, moneylenders, followed by settlers, successfully acquired large tracts of the aboriginals’ land. Alienation of tribal land to non-tribals has been the most widespread and visible process of dispossession in tribal tracts. The major reasons for land alienation included indebtedness, illiteracy among tribals, manipulation of land records, benami, fictitious lease, mortgage, sale transactions, encroachments by individuals or a group of non tribals, and taking up of development-induced projects, both external and internal to the forest; and land policies, state evictions of tribals from cultivable forest lands, loopholes in the land laws and an ill-suited legal system.

The tribals in the state have historically been vulnerable to large-scale exploitation by the non-tribals from the plains due to severe neglect from the government. In spite of the existence of constitutional safeguards and reservations, apathy from the State Government has led to vast areas of land in the agency (tribal) areas being transferred to non-tribals or non-tribals. This is particularly prevalent in the foot hills, where a majority of the population is tribal. Yet these areas have been excluded from the Scheduled Area category, implying that the tribals do not enjoy the legal protections enjoyed by those in the hills. The magnitude of the problem can be assessed in the Andhra Pradesh report for instance, from the fact that today non-tribals own more than half the land in the Scheduled Areas of the state. The figure is 52% in Khammam District, 60% in Adilabad District and 71% in Warangal District (Laxman Rao et al 2006). It may be noted that these are official figures based on land records, and would not include ‘benami’ holdings

in the name of tribals but held by non-tribals. The official record of the Tribal Welfare Department for the year 2001-2002 states that out of the 69,170 cases of land alienation in the state, only 23,635 have been restored to tribals, which indicates the pace at which such cases are being disposed.

The Government, both at the centre and the state, has formulated a number of policies to safeguard the interests of the tribals, and also initiated a number of development schemes for the welfare and upliftment of the tribal communities. The detailed programme was started and implemented since the Fifth Five Year Plan with the specific objectives of reducing poverty, improving educational status and eliminating exploitation of the tribal families.

In AP, 10 Integrated Tribal Development Agencies (ITDAs) have been created for the development of tribals in the Tribal Schedule Areas. These were established for the development of tribals in the tribal dominated eight districts ? Srikakulam, Vizianagaram, Vishakhapatnam, East Godavari, Khammam, Warangal, West Godavari and Adilabad. Apart from this, there is one ITDA for the Chenchus at Srisailam and one for Yanadis at Nellore. The ITDAs are the nodal agencies for integrating all the welfare and developmental programs for the tribals. The main schemes implemented by the ITDAs include minor irrigation, soil conservation, horticulture, fisheries, sericulture, health and infrastructure for social support services. Centrally sponsored schemes are also being implemented to tackle special problems, namely, malnutrition, adult literacy, rehabilitation of shifting cultivators, etc.

In the state of AP, Girijan Co-operative Corporation (GCC), 1956, was set up to give monopoly to the state over NTFP under a law called the AP Scheduled Areas Minor Forest Produce (Regulation of Trade) Regulation, 1979. These regulations impose restrictions on the purchase, sale, curing, processing, storage and transport of any NTFP. GCC is the monopoly agent for purchase of 35 NTFP varieties in the Scheduled Areas of the state. The prime objective of the GCC is to procure NTFP from tribals and market it to their best advantage. Because of a shift in the policy of the government, profits to the GCC are being considered more important than benefits to the tribals. Although there are 35 items in the procurement list of GCC Ltd., it procures a limited number of commodities and at very low prices compared to the market rates. It has the right to fix prices for the products it procures. It generally fixes prices at the wholesale rates which are not fair to the tribals, whose time, labour and risks taken in collecting NTFP are not sufficiently compensated. The tribals officially do not have the right to sell their produce to private traders, who pay higher prices. In fact, the tribals find the

price so low and unprofitable for them that, they often cheat the GCC and sell the NTFP in the weekly markets organized in centrally located villages, or at mandal headquarters. However, according to records, GCC uses appropriate weights for their produce and the tribals are happy.

The period between 1983 and 1991 witnessed the implementation of a massive social forestry scheme (CIDA-funded project) throughout the state, which aimed at the plantation of fast-growing wood species in the private and village wastelands and woodlots to provide more resources for domestic access and reduce the strain on the forests. The social forestry schemes of the FD had attempted to relieve pressure on Reserved and Protected Forests, and to meet the subsistence requirements of the rural communities. But due to the non-availability of community lands for plantation (as a result of encroachment and privatisation of revenue wastelands) and lack of co-ordination/rapprochement with village communities and Panchayats, the schemes were only partially successful. Evidence suggests that farmers with small landholdings did not participate in these schemes, while bigger farmers benefited most.

After the social forestry scheme, realizing the importance of people's participation in forest management, the Joint Forest Management (JFM) approach was implemented by the Government of AP in 1992, in which all the fringe forest villagers were made partners in forest management with legal entitlement to the usufructs. People living on the fringes of the forests were encouraged to form Vana Samarakshana Samithis (VSS) to protect and rejuvenate degraded forest areas. After one decade, the AP Government modified the JFM to Community Forest Management (CFM), promulgated in 2002. About 24,000 hectares of forest land under encroachment has been rejuvenated through the VSS.

Many studies on the JFM/CFM indicate that there has been an improvement in forest conditions and benefit to the local people in terms of livelihood. However, the truth is that the local people have not been empowered, and the benefits have not been entirely and equitably distributed.

Under the JFM/CFM programmes, nearly Rs. 10,000 million is being spent, but the results are not commensurate with the money spent. This project was heavily criticised by the Adivasi and support organisations for causing compulsory evictions of Adivasi families, who lost their shifting cultivation fields (known locally as podu) to the FD and suffered severe restrictions on their use of the forest. Worse still, these many affected Adivasi families have not received compensation whatsoever for the loss of their livelihood and cultural resources.

The setting up of minor and medium irrigation projects in areas meant for tribals has been another way to dispossess the locals. Although such projects come under tribal sub-plans, the emphasis has been on cultivating crops alien to the Adivasis. For example, the tribal sub-plan for Warangal District is aimed at bringing 1.56 lakh hectares under cultivation, though tribals hold only 24,000 hectares. Apparently, the government has been sanctioning too many reservoirs, minor irrigation schemes, lift irrigation and medium canals in the tribal belt only to facilitate the cultivation of land occupied by people from the plains. While the non-tribals hold the rich lands, the tribals are forced to depend on podu (hill slope) cultivation.

Since the independence, several Five Year Plans have made efforts for gradual socioeconomic development of the STs, but they still remain the weakest sections of the society. The administrative setup existed as per the central guidelines. However, the system of decentralized planning, implementation and monitoring was not adhered to as per guidelines in the state. The delivery system of the programme was not effective, and hence it failed in the tribal areas. Though access to primary schools is good, most of the schools lacked infrastructure, teaching staff and hence, quality education. The available medical facilities are not up to mark. Most villages have no access to a PHC within a distance of 5 km. The position is very bad due to non-availability of sufficient staff, equipment, and medicines. Land alienation is still a serious problem, though in a number of cases, land had been restored. Land acquisition for development projects and mortgaging for credit from private sources are widely prevalent.

2.8 Role of Central Government, Local Governments and PESA

The State of Andhra Pradesh envisages a limited role for Panchayati Raj Institutions (PRIs) in forestry and accordingly, minimal power has been allocated to PRIs through both JFM resolutions and Panchayat laws. The state has devolved the decision-making process and moved from JFM to CFM. However, the PRIs are not involved in discharging any forest-related responsibilities.

Though the state has adopted the Panchayat Extension to Scheduled Areas Act (PESA), it has not formulated enabling rules, which are mandatory for exercising this power, making the provisions ambiguous and non-effective. Furthermore, the Andhra Pradesh Scheduled Areas MFP (Regulation of Trade) Regulation, 1979, is applicable in Scheduled Areas, which allows GCC Ltd., Vishakhapatnam, to act as the sole agent for the purpose of purchase and trade of NTFP on behalf of the government. This is contradictory to provisions of PESA, which vests the control of NTFP with Grama Sabha in preference to any other institution/organization.

In the Forest Order of 2002 (AP CFM Project - Comprehensive Orders), it is mentioned that the Sarpanch (elected head of Grama Sabha) should be consulted while earmarking forests in the vicinity of JFM Committees (JFMC) for CFM. In addition to this, an Advisory Council is constituted at the JFMC level, whose meetings are chaired by the Sarpanch. This council is responsible for reviewing micro plans and annual plans of the JFMCs. However, in reality, in most cases, such advisory councils have not even been constituted.

In congruence with the 73rd Amendment, the State Government decentralized activities and transferred all functions related to social and farm forestry, undertaken outside the forest areas, to PRIs, while keeping RFs and Protected Areas outside the Panchayat's purview.

2.9 Relationship between FD and Forest Users

A notable contribution of participatory forest management in Andhra Pradesh has improved relations between the people and Forest Department (FD). Before JFM, while people considered the forester as their enemy, the forester perceived the people as thieves. Also, the forest users were very much afraid of FD officials, because they used to enter in the villages with sticks and guns to tackle forest users. However, this relationship has changed ? in the context of participatory forest management, and a cordial relation between people and foresters has evolved over the period. However, relations between FD and people are still strained as the FD is unable to keep some of the promises given at the beginning of the programme. Nevertheless, frequent interaction of FD officials with the forest users after JFM has contributed to better relations.

2.10 Industrial Development and Forest Users

Non-forest activities such as setting up of industries, mining projects, construction of reservoirs, and other such 'development' projects led to large scale and multiple displacement of tribal population, who were forced to migrate. They faced constant harassment for being 'criminals' and were forcefully evicted from the lands they occupied. Their rights and access to forest resources were curtailed both by government and the locals. Such problems are highly prevalent in districts like Vishakhapatnam, where cross-border migration from neighbouring Orissa due to projects like Bailadilla, NALCO, HAL and other mining projects, DBK railway line, five reservoir projects, tourism industry and government infrastructure, have led to severe pressure on land and forests. The private and public sector industries have been given lands in the Scheduled Areas in contravention of the Land Transfer Regulation (LTR) Act and the Fifth Schedule of the Constitution. Some such private industries include the Badrachalam Paper Board

Limited (BPL) located in Palavancha and Khammam districts; AP Rayons in Kamalapur, Warangal District; Orient Cements in Devapur, Adilabad District; and NavBharat Ferroalloys in Palavancha, Khammam District. The public sector industries include Singareni Collieries in four districts of the Scheduled Areas; Sponge Iron India Ltd. and Andhra Steels in Palavancha, Khammam District; and Manuguru Heavy Water Plant in Manuguru, Khammam District.

Transferring lands in Scheduled Areas to a private company is a transgression of the LTR Act, but the State Government has issued many leases to the non-tribals to carry on industrial and mining operations since 1952. This has proved detrimental to the tribal community as a whole. Samata, an NGO working in the Scheduled Areas of AP, filed a case against the Government of AP for leasing tribal lands to private mining companies in the Scheduled Areas. This argument was upheld in favour of the tribals in the Samatha Judgment of 1997. Yet the State Government is pursuing a policy of inviting private bidders and investors into the tribal areas in the name of economic development, both in the form of fresh leases and through disinvestments of the public sector companies.

2.11 Political Organizations and Forest Users

In the name of development, the tribals are not only being displaced from their traditional habitat, but are also being deprived of their livelihoods. In the recent past, some development projects in AP became highly controversial due to their implications on tribal land and livelihoods. The main electoral plank of the present Congress Government in the state was according high priority to the irrigation sector. On assuming office, the Rajashekhar Reddy Government identified 26 irrigation projects with an estimated cost of Rs. 460 billion. Some of these projects, under various stages of implementation, have become more controversial as they will displace tribal villages and submerge forest areas. The Polavaram project is the most contested among the ongoing projects as far as the tribal livelihoods are concerned. This multipurpose mega project on the Godavari River at Polavaram in West Godavari District is expected to irrigate about 727,000 acres. However, the project would displace 276 villages and uproot 44,574 families in three districts, 50% of which is tribal population. Though severe opposition to the project from civil society organizations, political parties and tribal rights activists (agency Girijana Sangham) is mounting, the government is going ahead with the project in haste without conducting any scientific studies and without securing the mandatory clearances from the Central Government.

Political and voluntary organizations who are working for tribal rights in AP express their concern on the violation of tribal rights, protection of lands, forests and other

natural resources, problems of development negligence, lapses in government functioning and exploitation of tribals by non-tribals, money-lenders, traders and the public and private industries. They are also working towards strengthening tribal communities, in their assertion for self rule and governance, and protecting their cultures and customary rights. Mobilization of people against these policies by political organizations forced the state to protect the interests of the vulnerable sections of the society.

2.12 Why are Rights not already Allocated?

Laws governing forests have also contributed to large-scale land alienation in the Scheduled Areas. The concept of state ownership of forests came into conflict with the traditional rights and practices of the tribals. In several locations, tribals lost access to their agricultural land and commons following the demarcation of forest boundaries. In the Telangana and north coastal districts of AP; particularly, large chunks of land that they had used for podu (shifting cultivation). Around 65% of the AP forest area is spread over eight tribal districts in the northern part of the state. Historically, the relationship between the tribals and the state agencies has been antagonistic, which gave rise to several uprisings. The widespread commercialisation of forests during the colonial era, following the adoption of forest acts, restricted the traditional rights of the tribals.

AP was formed in 1956 by merging the erstwhile Hyderabad and Andhra states. The new government enacted the first comprehensive legislation, AP Scheduled Areas Land Transfer Regulation, 1959 (APSALTR 1959 or Regulation 1 of 1959), for the protection of tribal land. It came into effect in the Andhra Region in the same year and was extended to the Telangana Region through Regulation 2 in 1963. The Regulation 1 of 1959 provides that: (i) In the Scheduled Areas, transfer of immovable property by a member of ST to non-tribals without permission from the competent authority shall be null and void; and (ii) Where a transfer of immovable property is effected in favour of non-tribals, the designated official, on representation or *suo motu* may restore the property to the transferor. However, this legislation did not bar land transfer by non-tribals. Even in the case of transfer from tribal to non-tribal, it was only restrictive and not proscriptive. Moreover, the regulation remained largely unimplemented as the working rules were not framed for almost 10 years after its passage. Land alienation in Scheduled Areas continued in spite of this legislation. The government began moving in this direction after the tribal uprising in Srikakulam District in the 1960s by initiating more stringent measures in the form of Regulation 1 of 1970.

The 1970 Amendment prohibits transfer of immovable property in Scheduled Areas. It has a presumptive provision stating, “any immovable property in the agency areas in the possession of non-tribals shall be deemed to have been acquired from a Scheduled

Tribe”. When this regulation was questioned, the high court of AP upheld the regulation with a directive that it would not have retrospective effect. Following the passage of 1 of 1970, branches of the Cooperative Land Mortgage Bank had to suspend their operations in Scheduled Areas. With the intention to overcome this hurdle, the APSALTR was further amended by the Regulation 1 of 1971. Yet another amendment was effected to the above enactment in 1978, which prohibits the registration of sale transactions in favour of non-tribals.

The tribal land policy took an interesting turn in 1979, following a lull in tribal tracts, when the State Government directed the officials concerned not to evict non-tribals occupying up to five acres of wetland or 10 acres of dry land in the Scheduled Areas. Predictably, the high court of AP declared the order bad in law and doubted the sagacity of the government which tried to dilute a legislative enactment through an executive order. The policy towards tribal land entered into another decisive phase in the 1990s. Attempts were made in the late 1990s and early 2000s by the reform-oriented Telugu Desam Party Regime – especially in the wake of the Samata Judgment – to amend Regulation 1 of 1970 to allow land transfers between non-tribals. Both State and Central governments began initiatives towards amending the Fifth Schedule following the Supreme Court Verdict in the Samata case. However, a new policy environment began to unfold in 2004 with the Congress Party Government coming into power both in the state as well as the centre.

3. Finding: Forest Rights Deprivations in the Study villages and Their Livelihood Implications

3.1 Context of Sample Villages

Village selection procedure and extent to which it reflects the range of rights deprivation in the state

According to the different forest rights deprivation scenarios, six villages of Cheruvuguda, Pamuleru, Panasalapalem, Koruturu, Goppulapalem and Nagaluty were selected through random sampling as already mentioned in the earlier section.

At the state level, we identified the different forest rights deprivation ‘scenarios’ within the state by region. Until the formation of AP in 1956, the tribal areas of these regions were governed by two distinct administrative systems. Among the two different administrative systems, the colonial system determined many of the current rights deprivations both pre and post independence. At the regional level, two sets of criteria were used for sample stratification. At the first instance, agro-climatic criteria were used to stratify the sample. These criteria are linked to the variations in type of forest

cover, the nature of forest dependency and the administrative basis for rights. At the second level, we identified forest-dependent population in the agro-climatic areas to ensure adequate representation of three regions (i.e., Coastal/Andhra, Arid region/Rayalaseema and Telengana) with tribal and other forest dwellers.

For our study in the state we identified and characterized two sets of criteria. At the first instance, a regionalization of the different situations by administrative history or geographic zone which most determines current forest rights scenarios. Secondly, the range of different scenarios of forest rights deprivation and the groups affected through the different historical processes (see Table1).

Table 1: Tenural History

Andhra Pradesh	Colonial Administration
Telangana	Nizam
Andhra Region/Coastal and Rayalaseema	Madras Presidency

On the basis of different forest rights deprivation scenarios within the state at the regional level, we consider three regions for the study (see Table 2).

Table 2: Sampling Proposal

Scenarios	Number of Study Locations
Scheduled Areas (mainly northern tribal belt)	Four Panchayats (e.g., one from Adilabad, two from East Godavari, and one from West Godavari, where dam is coming up)
Tribal sub-plan areas (areas where tribals not predominating)	One Panchayat (e.g., Vizag)
Plains Non-Scheduled Areas	One Panchayat (Kurnool)
Total	Six Panchayats

Having identified the forest rights deprivation scenarios such as shifting cultivation, JFM, earlier evictions, forest reservation process disputes, encroachment, revenue and FD boundary disputes, unresolved differences in rights, customary boundary disputes, displacement in Scheduled Areas, issues of NTFP and sanctuary areas, we have randomly selected six villages which fall into this category.

From three regions, villages were identified for the study, village clusters were selected based on stratification with regard to various criteria. The criteria used were as follows: a) type of village-forest/revenue; b) type of forest-reserved/protected/sanctuary; c) tenural status-encroached, land holdings, evicted; d) form of community forest management - JFM/CFM; and e) social composition of forest dwellers (see Table 3).

Table 3: Criteria for Selecting Village Clusters Based on Stratification

Name of the village, district and region	Scenarios and Colonial Administration	Type of village	Type of forest	Tenural status	Form of community forest management	Social composition of forest dwellers
Pamuleru (East Godavari District Andhra/Coastal Region)	Scheduled Area Madras Presidency	Forest	Reserved	En-croached	JFM, CFM	Konda Reddi Tribe
Panasalapalem (East Godavari District Andhra/Coastal Region)	Scheduled Area Madras Presidency	Forest	Reserved	En-croached	JFM, CFM	Konda Reddi, Konda Kammara, Valmiki Tribe and other forest dwellers
Koruturu (West Godavari District Andhra/Coastal Region)	Scheduled Area Madras Presidency	Forest	Reserved and Sanctuary	En-croached	JFM, CFM	Konda Reddi, Koya Tribe other forest dwellers.
Goppulapalem (Visakha District Andhra/Coastal Region)	Non-Scheduled Area Madras Presidency	Revenue	Reserved	En-croached	JFM, CFM	Konda and Kammara Tribes
Nagaluty (Kumool District Rayalaseema Region)	Non-Scheduled Area Madras Presidency	Forest	Reserved and Sanctuary	En-croached	None	Chenchu Tribe
Cheruvuguda (Adilabad District)	Scheduled Area Nizam Region	Forest	Reserved	En-croached	None	Kolam Tribe

3.2 History of Sample Villages

Pamuleru Village (East Godavari District)

Pamuleru Village has become a settlement village long back. It is now the main village in a Panchayat which includes six others. Historically, the village was under the Muttadari feudal land tenure system, which prevailed during the British time. The village is inhabited by 47 Konda Reddi (Primitive Tribal Group or PTG) households with a total population of 219 ? 104 males and 115 females. Out of the 47 households, only six houses are kutcha, while the remaining 41 houses are semi-pucca; most of the houses are brick and stone built, while only six are traditional huts. The village is situated very close to a thick forest hill near a stream. It is said that few tribals settled on either side of the Pamuleru Valley (Pamuleru is a hill stream in the shape of a snake passing through the tribals' settlements; hence the name Pamuleru ? literally, '*pamu*' means snake and '*eru*' means stream in Telugu). The tribals were granted Ryotwari pattas for their landholdings. However, settlement officers did not grant settlement pattas for the tribals who have been cultivating podu lands under the survey settlement regulations following the 10% gradient rule. However, during 1970-76, the people received pattas for their revenue lands.

In the year 1998, a JFM committee was established in which the villagers work collectively. Under JFM, the VSS members brought 125 hectares of the hill land under plantation of bamboo, teku, japra and naramamidi chekka (bark). In the year 2000, the villagers earned about Rs. 30,000 by selling natural bamboo through the VSS committee. This amount is being spent on village development.

The Mandal Maredimilli is nearly 12 km away from Pamuleru. The village has no transport facility from the main road which is 4 km away from the village. There is no protected water supply nearby, so villagers have to go to the stream for drinking water. The village has non-functioning street lights, but the houses have electricity. A primary school was established in the village in 1986, and the nearest Primary Health Centre (PHC) is at Maredimilli.

Livelihood of the people is based on subsistence cultivation, both podu and dry land agriculture, supplemented by collection of MFP. In the village, three households are landless. Agriculture is the main occupation, and the major crops grown are paddy (vari), pulses (pappulu), small millets (korralu, samalu, and bobbarlu), maize, cashew nuts, jack, mangoes, etc. In the village, forest produce acts as a supplementary source of income, particularly during the summer season. They collect amla, honey, tamarind, gum, adda leaves, soap nuts, naramamidi chakka, tubers, roots, green leaves, mushrooms,

etc. The villagers also engage in broomstick making. Labour wages in the village are about Rs. 60-80 per day for both men and women. Both men and women collect firewood from the forest for cooking.

Panasalapalem Village (East Godavari District)

The Panasalapalem village has become a settlement village long back. Historically, the village was under Muttadari feudal land tenure system that prevailed during the British time. The village is inhabited by a mixed population of Konda Reddi (PTGs), Konda Kommari, Valmiki, Koya, SC and others.

During 1970-76, the people received pattas for their revenue land. In the year 1998, a JFM committee was established, in which the villagers worked collectively. Under JFM, the VSS members brought 500 hectares of hilly land under plantation of bamboo, teku, japra, cashew and naramamidi chekka (bark). In the year 2000, the villagers earned Rs. 70,000 by selling natural bamboo through VSS committee, out of which Rs. 35,000 was saved in a common account, while the remaining Rs. 35,000 was distributed among the villagers.

The Mandal Y Ramavaram is nearly 5 km away from Panasalapalem. The village is located on the main road from Y Ramavaram to Addateegala. The village is inhabited by 167 households with a total population of 656. Panasalapalem is the main village in a Panchayat which includes eight others. Village has transport facility. A primary school was established long back, and was later extended up to high school level. Though there was no health care facility earlier, now a PHC sub-centre is available nearby.

Most of the houses in the village are kutcha, and although the villagers have access to a government housing improvement scheme, they are evidently not utilizing it. In this village, the people hire draft animals from the neighbouring villages, for which they pay Rs. 600 per animal per annum. Their livelihood is based on subsistence cultivation, both podu on non-patta land and rain-fed farming on revenue land. The major crops they cultivate are same as the Pamuleru Village. In the village, forest produce is also an important source of supplementary income source.

Koruturu Village (West Godavari District)

Koruturu Village became a settlement village long back, and it was under the Muttadari (payment of fixed sum of land revenue) feudal land tenure system that prevailed during the British time. The village is inhabited by different communities including Konda Reddi (PTG), Koya and others. Koruturu is the main village in a Panchayat which includes six others. Kuruturu village is situated on the bank of the Godavari River, and is very close to the Papi Kondalu Hills. The village is also one of the tourist places in the

state. In the year 2003, the government occupied some land belonging to the tribes to built resorts, and no compensation has been paid so far.

During 1970-76 the people received pattas for their revenue land. In the village, out of 97 households, 11 households are landless. Under the JFM, the VSS members have brought 500 hectares of forest land under cultivation for bamboo, tekku and other plantations.

The village is situated to the north of the Mandal. The Mandal headquarters at Polavaram is nearly 45 km away from the village. The village is estimated to have 97 households with a total population of 282. Out of the 97 houses, ten houses are pucca (roof with concrete), four are semi-pucca, while the remaining 83 are kutcha. To reach the village, people have to travel on a ghat road; the only other way is by boats/ streamers. The village has no transport facility from the main road, which is 5 km away. In the village, a primary school was established in 1972. This village has students coming from other districts like East Godavari and Khammam. However, for the high school, children have to go to the ITDA School which is located at KR Puram. There is no protected water supply nearby, so the villagers fetch water from the Godavari River. The village has street lights which are in functioning condition, and houses have electricity connections. A PHC is available at Kondrukota, which is nearly 30 km away from the village.

The livelihood of the villagers depends on agriculture and forest products. Agriculture is the main occupation, and the major crops grown in the village are paddy (vari), maize, pulses (pappulu), ragi, vegetables, cashew, etc. They also engage in collection of MFP. They collect firewood not only for cooking but also for selling. Both men and women engage in fetching firewood. For agriculture purpose people are use draft animals. Labour wages in the village are Rs. 50 per day for both men and women.

Pamuleru, Panasalapalem and Koruturu villages are come under Scheduled Area and belong to the Andhra Region. The villages were under Madras Presidency until independence. Historically, the villages were under Muttadari (payment of fixed sum of land revenue) feudal land tenure system prevailed in British time. The system was abolished in 1969 through the Andhra Pradesh Muttas (abolition and conversion into Ryotwari) Regulation, which vested all rights and interest of the Muttadar in the government 'free from all encumbrances'. But Ryotwari settlement pattas were only granted for settled agriculture on rain-fed revenue land in the plains, and not for shifting cultivation on the hill slopes.

Goppulapalem Village (Vishakhapatnam District)

Goppulapalem Village belongs to the Andhra Region and is classified as a Non-Scheduled Areas. It was under Madras Presidency until independence. Goppulapalem Village became a settlement village around 200 years back. The village is inhabited by the Konda Kommara Tribe. Goppulapalem is a revenue village, and comes under Jalampalli Panchayat, close to the Pedderu Reservoir and forest. The village is situated to the north of the Jalampalli Panchayat.

In the year 1998 under JFM, the VSS members brought 101 hectares of forest land under cultivation for bamboo, tekku, japra, tamarind, soap nuts, jack fruit, eucalyptus and neelgiri trees.

Mandal headquarters, V Madugula, is 20 km away from the village. The total population of the village is 355. The village comprises of 95 houses, out of which only five houses are pucca (roof with concrete), eight houses are being constructed under the housing scheme, and the remaining 82 houses are kutcha. A primary school was established in 1985. An Integrated Child Development Services (ICDS) center was established in the year 1995. For high school, the villagers travel to either Dibburu (5 km away) or Chodavaram (45 km away). The nearest PHC is in Kinthal Village, which is 10 km from the village.

The village has transport facility, both public and private, though private is more frequently accessible. The villagers use drinking water from hand pumps. Though the village has electricity, only seven households use electricity in their houses.

The economic activities of the villagers include agriculture and forest produce collection. Agriculture is the main occupation and the major crops grown in the village are cotton, maize, jowar, pulses (pappulu - red grams, black gram and moon gram) and millets (korralu and samalu). For agriculture, people use draft animals. Labour wages in the village are about Rs. 50-60 for men and Rs. 40-50 for women per day. Agricultural labour is also provided with one time meal during the time of work.

Although agriculture is the main source of livelihood, forest produce acts as a supplementary source of income for the villagers. They engage themselves in collection of forest produce. During summer, they collect forest produce such as bamboo, tubers, roots, green leaves, mushrooms, amla (usiri), honey, tamarind, gum, mushri seeds, kokkiri nuts, black cashew nuts, soap nuts, karaka nuts and naramamidi chekka, etc. They also collect firewood from the forest not only for cooking but also for selling purpose. Both men and women engage in fetching firewood.

Nagaluty Village (Kurnool)

Nagaluty Village comes under Non-Scheduled Areas in the Rayalaseema Region. Historically, the village was under the Madras Presidency until independence. The village became a settlement village long back. The village is inhabited by 86 Chenchu (PTG) households with a total population of 245 - 123 males and 122 females. All the 86 families live in 70 houses, out of which only 10 are kutcha, 30 houses are pucca and the remaining 30 pucca houses are under construction.

The village is situated to the north of Bairluty Village and is very close to the thick forest of Nallamala. Nagaluty is a hamlet village to the Siddapuram Panchayat, which consists of four other villages. Its Mandal headquarters is at Athmakur, which is 16 km away. Nagaluty Village has a kutcha road through the Nallamala forest, and connects to the Srisailem Mallanna's Temple. People use this road to walk their way to Srisailem. The road was laid during the reign of Sri Krishnadevarayalu, 400 years back.

The village has a primary school up to the 3rd standard. For high school, the people travel either to Bairluty or Athmakur. The village also has an ICDS and mid-day meal programme. A PHC is available at Bairluty, which is 2 km away from the village. Nagaluty has no transport facility from the main road which is 4 km away. The villagers use drinking water from hand pumps. The village has street lighting facility, and most of the houses have electricity.

The livelihood of the villagers includes agriculture and forest products. Agriculture is the main occupation and the major crops grown in the village are paddy (vari), sunflower, pulses (pappulu) and maize. Apart from this the villagers also engage in broomstick making. In the village, out of the 86 households, 19 are completely landless. People use draft animals and tractors for agriculture. Labor wages in the village are around Rs. 80 -100 for both men and women. Apart from agriculture, the villagers also engage in the collection of forest produce.

An Eco-Development Committee has been formed in the village. The committee is represented by the villagers and the FD. The responsibilities of the committee include protection of the forest and wild life, checking dams for prevention of soil erosion, and storage of water for wildlife.

Cheruvuguda Village (Adilabad District)

Cheruvuguda Village is classified as a Scheduled Area in the Telangana Region. It was under the Nizam of Hyderabad until 1956. In the year 1988, families from Utnoor, Narnoor, Sirpur, Kerameri and Jainoor Mandal migrated to Danthanapalli Panchayat village in search of land and employment. Cheruvuguda is an interior village situated

very close to *Pedda Cheruvu*. It is said that few tribals were settled near the *Cheruvu*. Literally '*cheruvu*' means pond and '*guda*' means settlement in Telugu. Hence the name, Cheruvuguda.

The village is inhabited by 44 Kolam (PTG) households with a total population of 202. Out of the 44 houses, only one house is kutchra and the remaining 43 houses are semi-pucca. Cheruvuguda is a hamlet village which comes under Danthanapalli Panchayat, and the Mandal headquarters Utnoor is 11 km away from the village. A primary school was established in 1991 up to the 5th standard. For high school they travel to either Danthanapalli or Utnoor. A PHC is located at Utnoor; but the village has community health workers. The village has no transport facility from the main road which is 3 km away. To reach the village people have to cross the pond; this makes access very difficult during the rainy season. The village has street lights in functioning condition; however there is no electricity connection in the houses. The villagers use drinking water from hand pump and tap. Very recently, a water tank was constructed for drinking water by the ITDA.

The economic activity of the Kolams in the study village includes settled agriculture. Agriculture is the main occupation and the major crops grown in the village are cotton, maize, jowar, pulses (pappulu - red grams, black gram and green gram), vegetables, etc. Apart from this they also engage in collection of forest produce. In the village every household has livestock, including draft animals used for agricultural purposes, and small ruminant (goats and chickens). The labour wages in the village are around Rs. 50-60 for men and Rs. 40-50 for women per day.

3.3 Poverty Characteristics

This study used wealth-ranking exercise based on the land holding status. Wealth ranking was conducted with a complete list of all the households in the villages. Based on this, seven major occupational groupings were identified: (1) Large Farmers (10 acres and above), (2) Medium Farmers (5 to 9.9 acres), (3) Small Farmers (2.5 to 5 acres), (4) Marginal Farmers (0.1 to 2.5 acres), (5) Landless, (6) Agricultural Labour and (7) Others (salaried).

It is observed from the table above that the proportion of households in different wealth groups varied considerably among the villages. Overall, the four groups - the small farmers, marginal farmers, landless and the agricultural labour - accounted for about 77% of all households. Most of the small farmers were in Panasanapalem, Nagaluty, and Goppulapalem. Similarly, most of the marginal farmers were in Goppulapalem and Koruturu. A majority of the landless were in Panasanapalem and Nagaluty, and agricultural labour were mostly in Panasanapalem.

Table: 4 Number of Households in Different Wealth Groups in the Sample Villages
(Percentages for each village are in brackets)

Villages	Large farmers	Medium farmers	Small farmers	Marginal farmers	Landless	Agricultural labour	Others (salaried)	Total HH
Pamuleru	02(4)	03(6)	12(25)	24(51)	03(6)	00	03(6)	47
Panasalapalem	05(3)	32(19)	50(29)	26(15)	26(15)	11(6)	17(10)	167
Koruturu	02(2)	13(13)	26(26)	29(29)	11(11)	05(5)	11(11)	97
Goppulapalem	00	03(3)	39(39)	48(48)	03(3)	00	02(2)	95
Nagaluty	04(4)	01(1)	45(52)	13(15)	19(22)	02(2)	02(2)	86
Cheruvuguda	04(9)	10(22)	26(59)	04(9)	00	00	00	44
Total	17	62	198	144	62	18	35	536

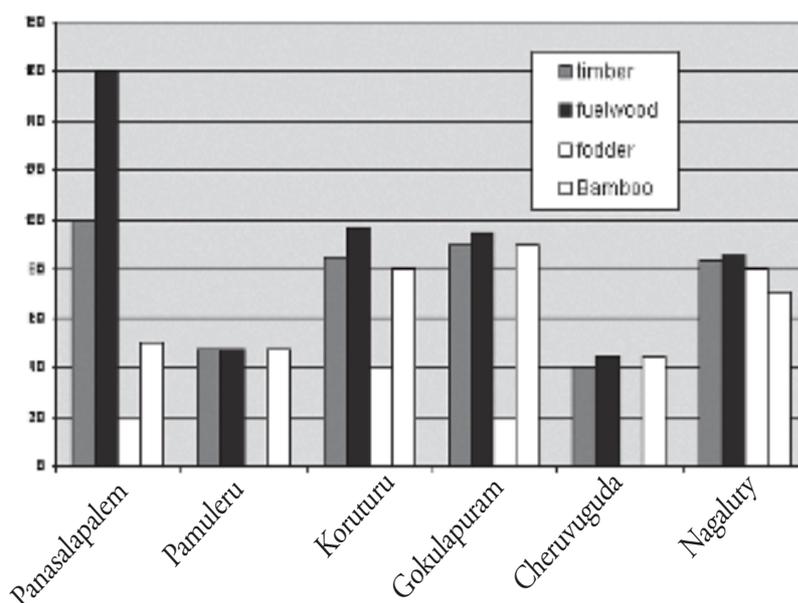
The main occupation is agriculture in all the villages. Few of them are also occupied in labour. They also collect forests produce and fuel wood from the forest. In all the villages, agriculture and casual labour earn around Rs. 50 to 60 per day. Families engaged in agriculture own, on an average about 2 acres of land, in addition to about 1.5-2 acres of forest land, which they claim to cultivate. Each family on an average has two cattle, which graze either in the forest or in the village common land. Very few families have modern agricultural machinery. The annual income of the poor families is only about Rs. 10000-12000, from cultivation, and an additional small amount from the sale of forests produce and fuel wood.

3.4 Livelihood in Relation to Forest Resources

In the study areas, the main livelihood activities include agriculture, forest related, wage labor and livestock activities. Among these, agriculture is the main occupation and the most important source of income in all the villages. There are two main types of cultivation practices in the above study villages. The first type is shifting cultivation, which is generally no longer rotational; they now cultivate small millets in the cleared podu patches on a sedentary basis. The second type is conventional cultivation on non-irrigated agriculture land on revenue or assigned land. Livelihood here is based on subsistence cultivation, both podu and non-patta land and rain-fed farming on revenue patta land, supplemented by the collection of MFP, gathering hunting, trapping, and plantation on hills slopes. The major crops grown are paddy, jowar, maize, ragi, millets, cotton, tobacco, tubers, pulses, vegetables, cashew, mango, jackfruit, citrus fruit, etc. Forest produce is an important supplementary source of income, particularly during summer. They collect tubers, roots, fruits, bark, green vegetables, mushrooms, honey, gum, broomsticks, amla, tamarind, shikai, firewood, bamboo, etc. Thus, people in the area have long depended on forest resources for both subsistence and income. Fuel wood is used for

everyday cooking and for sale. Both women and men engage in collecting fuel wood, which they carry either by head loading or by using a cart. Tree poles are used to make implements to cultivate agriculture fields and to construct houses as well as buildings used for village activities such as festivals and marriages. NTFPs such as adda and beedi leaves are collected for household use and sale. Trees and fodder are also important dietary sources of small ruminants such as sheep and goats. Yet, dependency on forest resources such as fuel_wood and NTFPs are higher among the marginal farmers and the landless; the forest is accessed more frequently by the women of these groups.

Graph: 1 Number of Households Collecting Following Products from Forests and Common Lands

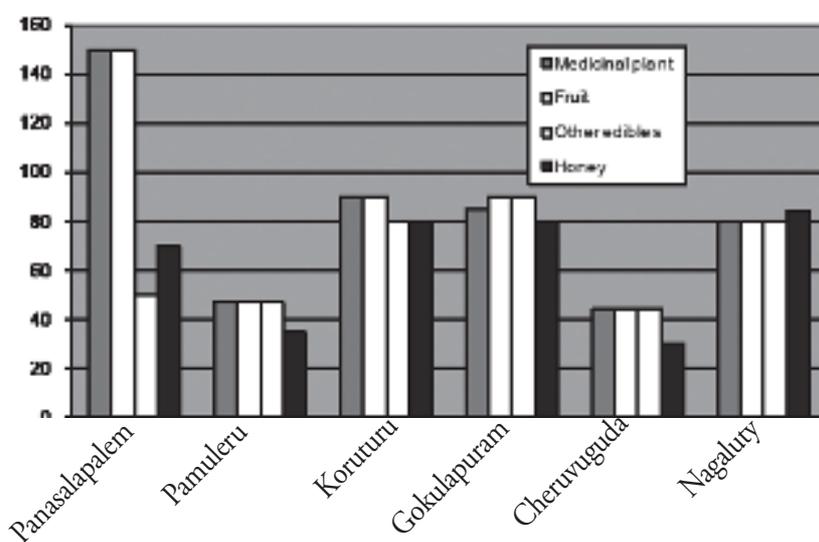


From the above graph, we see that:

- Except for two villages (Pamuleru 47 HH and Cheruvuguda 44 HH), in all the other four villages (Panasalapalem 167 HH, Koruturu 97 HH, Gokulapuram 95 HH and Nagaluty 86 HH), more than 80 households depend on Timber collection from the forest.
- All the villages now rely on firewood collection from the forest. In three villages (Koruturu 97 HH, Gokulapuram 95 HH and Nagaluty 86 HH), more than 80 households collect Firewood from the forest. In Panasalapalem, out of 167 HH, 160 households engage in collection of Fuel wood.

- Except for one village (Cheruvuguda), all the other five villages depend on Fodder from the Forest. Particularly in Nagaluty, out of 86 HH, 80 households collect Fodder from the forest.
- All the villages collect bamboo from the forest. In Goppulapalem, Koruturu and Nagaluty, more than 60 households collect Bamboo from the forests.

Graph: 2 Number of Households Collecting Following Products from Forests and Common Lands



From the above graph, we see that:

- Except in two villages (Pamuleru and Cheruvuguda), in all the other four villages, more than 80 households collect Medicinal plant and fruits from the forest.
- All the villages collect other Edibles from the forest. Especially in Goppulapalem, Koruturu and Nagaluty, more than 80 households collect other Edibles from the forest. In the other three villages, it is seen that more than 40 households collect other Edibles.
- All the six villages engage in collection of Honey from the forest. Particularly in the four villages of Panasalapalem (167 HH), Koruturu (97 HH), Goppulapalem (95 HH) and Nagaluty (86 HH), it is seen that more than 60 households engage in collection of Honey.

4. Details of Rights Deprivation Scenarios Present and Livelihood Implications

4.1 Examination of Rights Deprivation Scenarios in Villages

All the households are tribal in Pamuleru. In this village, most of them depend on podu for cultivation, but they do not have any tenure. They are considered as encroachers and are liable to eviction. About 30 years back, a few families from the village cultivated podu inside the forest, and lived there during the period of cultivation. The FD occupied that land under RFs, and the villagers were evicted from that place. Some tribal families of the Pamuleru Village had to leave their podu lands covering an area of 20 acres at their earlier settlement called 'Boyinavada'. Previously, the FD did not allow these villagers into the RF to collect forest products. The villagers were also not allowed to continue the podu cultivation in the RF. At present, some villagers have 'patta' land for settled agriculture; most of them depend on podu on a hilly forest land where no rights are recognized. All the families in the village are JFM members, on JFM land; the villagers have only usufruct rights.

In the year 1986, in the Panasalapalem Village, non-tribals cultivated the tribal lands on lease. By cultivating the land on lease, they occupied 20 acres of land from the tribes. However, under the 1/70 act, the villagers got back their lands from the non-tribals. Previously, they were deprived of their rights to collect forest products in RFs by the FD. Also, there were quantity controls by the FD on fetching of firewood and bamboo. Currently, they have only usufruct rights on the forest.

In Koruturu Village, in the name of Wildlife Sanctuary, eco-development and tourism, the government occupied the land of the people. Due to the Wildlife Sanctuary and the eco-development restrictions imposed by the FD on forest products collection, the villagers are not allowed to collect forest products in the RF. The villagers found it difficult to collect NTFP. Also there were quantity controls by the FD on NTFP. Traditionally, the villagers have been cultivating both revenue and forest land. During 1970-76, land surveys were conducted by the government and pattas were issued to the villagers. Before 1970, the villagers did not have patta on their revenue lands. Hence the villagers were forced to migrate to places like Rajahmundry, Gunturu and Hyderabad where they worked as construction labour. All the families in the village are JFM members currently; they have only usufruct rights in the forest.

In the village of Goppulapalem, some patches of land under podu cultivation were reclaimed by the FD for VSS. However, the government has formulated the Resettlement Action Plan (RAP) to those who lost podu land. Under this programme, 31 households have been selected for the compensation. However, out of the 31, only 10 families received Rs. 25,000 as compensation. The remaining 21 families did not get the

compensation package. During 1981-1985, a survey was conducted near the village for the construction of the Pedderu Reservoir dam beside the Goppulapalem village. At the time of the survey, eight farmers had lost up to 18 acres of their land, while they received a compensation of Rs. 25,000 for each family. However, the neighbouring villagers received more compensation. At the time of the construction of dam, the government occupied 50 acres of land belonging to 30 families from Goppulapalem Village. As compensation, the government gave an amount of Rs. 18,35,953 to 30 families. In the year 1985, non-tribals cultivated tribal lands on lease. In this way, they occupied 18 acres land from the tribes. Besides, the villagers were also deprived of their forest rights by the FD, as they were not allowed to collect forest products from the RF; also there were quantity controls on firewood and bamboo. However, under the 1/70 act, they got their lands from the non-tribes. All the families in the village are JFM members enjoying its privileges of NTFP collection for home use but without any legal backing or any tenure of its land.

All the members are Chenchu Tribes (PTG) in the village of Nagaluty. In Nagaluty Village, the people were more dependent on forest resources. In the year 1984, the villagers encroached upon forest land for the cultivation. Because of the Wildlife Sanctuary, many families have been evicted in the past as encroachers, without proper rehabilitation and compensation. Due to the Wildlife Sanctuary in the village, their forest rights were deprived by the FD from collecting forest products in the RF. However, the people are now allowed to collect forest products as usufruct in RF.

In the village of Cheruvuguda, all the members belong to Kolam Tribe (PTG). In the year 2001, 10 landless families in the village encroached upon the forest land four acres for each family. At the time of encroachment, the FD booked cases against them, and they were put in remand for 20 days; the case continues. In Cheruvuguda Village, people's rights were deprived by the FD, restricting people from cultivating the forest land, and from collecting NTFPs in the forest. Currently, most of them depend on agriculture on forest land where no rights are recognized.

4.2 Livelihood Implication of Rights Deprivation - How they are Historically and Currently Constrained

In the matters of land, the STs are a specifically vulnerable group. The government, on recognizing their vulnerability enacted special laws (such as LTR) and legislations to safeguard the interests of the tribal poor. Yet in Andhra Pradesh today, land alienation among tribals is remarkably high, and the tribals face multitude of problems in securing the rights of their lands.

Though protective LTRs prohibit transfer of lands not only from a tribal to a non-tribal but also among non-tribals in the Scheduled Areas, yet thousands of acres of land have illegally passed into the hands of the non-tribals. The non-tribal population holds as much as 48% of the lands. Every year, more and more lands are passing into the hands of the non-tribals, and if not checked with a very strong executive action, very soon the tribals may not have land at all.

Despite the progressive constitutional safeguards in force, great injustice has been done to the tribals and the legal mechanism evolved to address the land problems has not been able to read the laws in the light intended and construe the adjudicatory and administrative principles accordingly. The administrative apparatus presently hinders rather than furthers the objective of the laws.

The tribal areas of AP have a long history of special legislation, due to the distinct characteristics of the tribes. Andhra Pradesh has the dubious distinction of not granting secure rights to a single settlement of tribals, despite a specific provision being provided for joint survey being conducted by the Departments of Forest and Revenue to recognize the pre-1980 settlements. Historically, the consolidation of forest laws started during the British period, and the commercial interests of the then government motivated it to declare more lands as RFs, without ascertaining the rights of the tribals and other forest dwellers.

However, even after independence in 1947, this activity continues and the State Government proclaimed the lands of ex-princely states and the Zamindars as RFs. However, no effective steps were taken to simultaneously settle the rights of tribals and other forest dwellers. Absence of records of rights became the main constraint in resolving this issue. The tribals have come to be erroneously looked upon as encroachers of forestlands.

The non-recognition of tribal rights over land with its origin in faulty implementation of legal provisions in pre-independent India remained unresolved even after independence. Realizing the gravity of the problem, the government has been contemplating ways to address it. The guidelines under the Forest (Conservation) Act, 1980, showed the way for legal solutions to the problem of settlement of rights of the tribals. The 1988 Policy gives due regard and safeguards the customary rights and interests of the tribal people on forest land.

To fulfill the commitments of the National Forest Policy, 1988, the Government of India (GoI) issued guidelines on 18.9.90, which were reiterated on 30.10.2002, requesting the State Governments to consider the settlement of claims of tribals and to set up

committees at the district level involving the Revenue, Forest and Tribal Welfare Departments for the settlement of disputed claims of tribals and to submit proposals to enable the GoI to take a final decision in the matter. However, in AP, the issue remains unresolved.

In the villages of Pamuleru and Goppulapalem, the tribals were forced to give up podu land for the Reservation of Forests. Due to Wildlife Sanctuaries in the villages of Koruturu and Nagaluty, the people are restricted to cultivate land in the forest. In the villages of Panasanapalem, Pamuleru and Koruturu, there are a vast number of cases where the forest settlement process has either not been properly conducted according to the due process, or people were not notified. In these villages, the survey was not conducted properly, and so the rights of the tribals have not been recognized. Shifting cultivation was a sustainable livelihood system adopted by the villagers. However, in the above villages, shifting cultivation lands were declared as RFs, without recognizing the rights of the cultivators, criminalizing the practice, and applying punitive treatment to offenders. Much of the forest cultivation became sedentary due to insecure tenure as the fallows were declared to be state forest. In the village of Goppulapalem, eight farmers lost their 18 acre land due to the construction of the Pedderu Reservoir. Tribal households were also displaced without proper compensation. Establishment of Wildlife Sanctuaries in the villages of Koruturu and Nagaluty led to extinguishment of people's rights in protected areas without due legal process. Both Revenue and Forest Departments usually have the same land in their respective records in the villages of Panasalapalem and Koruturu, where the land settlement process has not been properly conducted. In the villages of Goppulapalem, Koruturu, Pansanapalem, and Pamuleru, some common forests and cultivated lands with unclear tenure have been brought under JFM by the FD leading to evictions of cultivators. Many households have been evicted as 'encroachers' because they lacked tenure for their customary land.

Right from colonial times, forest laws and forest policy have deprived the tribals from their rights in the villages. The tribal is perceived as an encroacher and an enemy of the forest. After the formation of AP, the state gradually gained monopoly over forests. Forests were declared to be RFs from where the tribals were driven out. Cultivating land, collecting NTFP and felling of trees became illegal. The tribals who occupied these forests earlier lost their habitat, land, livelihood, and everything else they had. Neither title deeds nor any other rights were given in these forests. Over a period of time, the tribals and other poor people's access to forest land and forest produce was severely curtailed. Large forest areas were either declared as Reserve Forests, or as sanctuaries and national parks.

Due to the deprivation of rights, many people from the villages of Koruturu, Nagaluty, Goppulapalem and Panasalapalem began to migrate to nearby towns. Such people work mainly as construction labour. In all the villages, the people who now cultivate their forest land or collect NTFP do not possess clear rights; however they collect fuel wood without major restriction.

5. Findings: Livelihood Prospects if FRA is Implemented Properly

5.1 Significance of the Prospective Livelihood Benefits

In AP, presently 9,93,551.84 hectares of land is under Section 4 Notification, i.e., under preliminary notification for reservation under forest. Two facts pertaining to this bear out a tale. Fact 1: Of the lands under Section 4 Notification, more than 75% have been under the notification for the last 2 decades or more, i.e., the process of reserving forest has been in a limbo. Fact 2: A significant chunk of these lands are occupied by the tribals. The moot point here is that whether the tribals were under encroachment when the notification was given, and if so, there should have been objections to the notification of forest. The fact here is that the objections on file are few in number because of the ignorance of the tribals of such formal notification, and also their rights in the event of such a notification. The very fact that the FD did not go ahead with the next stage in the reservation of these lands as forests proves that the occupation of tribals on a major chunk of these lands is a major constraint in the process.

However for all practical purposes, though these lands are under only a preliminary notification for RF, they are treated by the FD as forest lands and the tribals occupying these lands are being treated as encroachers of forest lands.

In almost every district, there are a few thousands of acres of land under dispute between the Revenue and Forest Departments. These lands are shown as government lands in old revenue records, while the FD claims that they come under their forest blocks. Such lands are often under the occupation of the poor from a long time - in some cases, they were also given assignment pattas by the Revenue Department, based on the entries in the old revenue records. However, the occupants are under constant pressure from the FD to vacate the lands. Due to this fear, sometimes, the lands are not under continuous cultivation. As they do not have secure right over these lands, the development of these lands also cannot be undertaken, keeping them in perpetual poverty.

The Forest Rights Act (FRA), 2006, seeks to ensure livelihood and food security for forest-dwelling STs and strives to correct the historical injustice meted out to them. The FRA, if implemented successfully, offers a great opportunity to a large number of ST families to come out of poverty. There is about 50.44 lakh ST population in AP, and it

is estimated that more than 3 lakh applicants filed their claims at the Grama Sabha level under FRA. In Andhra Pradesh, the FD is expected to settle more than 9,00,000 acres of land under FRA, 2006. There is a provision to transfer forest lands for community assets that are to be managed by the State Government. Under this act, the tribal communities have great opportunity to get forest land. The community, therefore, must be motivated to avail these rights. With regard to policy, land tenure and rights over forest, the act is expected to bring about a positive change amongst the poor tribals. The FRA, 2006 provides for individual as well as community land rights and also several community forest rights under sections 3(1), b, c, d, e, i, k and l. These include the very important right to ownership and access to MFP, as well as other community rights traditionally enjoyed by the forest communities.

If FRA is implemented properly, two main sets of rights can be gained: (1) land rights (private or communal) including those of past illegal eviction/displacement; (2) community rights including collective management of common (or community) forest resources; right over common property resources such as grazing rights, sacred places, water bodies (both for settled and nomadic communities); rights over habitat for PTGs; other customary rights and usufruct (actually ownership) rights over NTFPs (there is some ambiguity over whether these shall be community or individual rights).

5.2 Is the Distribution 'Pro-Poor'?

In all the sample villages, forest land and forest resources, primarily MFPs or NTFPs, play an important role in the viability and survival of tribal households. The tribals in the villages collect a large variety of NTFPs including tamarind (*Tamarindus indica*), adda leaf (*Bauhinia vahlii*), gum, karaya (*Sterculia urens*), myrobalans, mahua flowers and seeds (*Madhuca indica*), wild brooms and soap nuts (*Sapindus emarginatus*), etc. Income from the sale of NTFPs in all the villages constitutes anywhere between 10 to 55% of the total household income. In the study villages, data indicated that small and marginal tribal households accrue more percent of their income from forest produce.

According to the claiming status of individual rights in Pamuleru Village, marginal (51%) and small (25%) farmers are expected to benefit more than other farmers. In Panasanapalem Village, only individual claims are filed, because the land which they claimed comes under revenue boundary. In Koruturu Village, the people cannot claim individual claims because their forest lands come under revenue forest. In Goppulapalem village marginal (48%) and small (39%) farmers are expected to benefit more in the form of individual rights. Similarly, Small (52%) and marginal (15%) farmers are expected to get more benefit in Nagaluty Village, and in Cheruvuguda Village, small (59%) farmers are expected to benefit more than the others. Overall, in all the villages under individual rights, the small and marginal farmers are expected to benefit more if claims are accepted.

Common land and the resources derived from it is the primary source of survival for the resource-poor communities in all the villages. Pamuleru villagers have claimed 101 ha of VSS land under communal rights. Panasanapalem villagers have claimed 107 ha VSS land under communal rights. Koruturu villagers claimed forest resources and forest path under communal rights. Cheruvuguda villagers submitted claims for 6 acres under communal rights, which includes the village boundary, village internal road and village temple; but only one acre was accepted - for the village temple. Goppulapalem and Nagaluty villages did not apply for communal rights because they are not aware about the communal rights.

In all the villages, many individual and communal rights claims have been submitted. But officials have not accepted all the claims; rather they rejected many claims on various grounds. If the claims are going to be accepted properly under this Act, the poor definitely stand to benefit more not only in the villages under study, but also in the state in general.

5.3 Distinguish Between Range of Rights-Private and Collective

In the beginning of the implementation programme, claims are submitted mostly for individual rights. In most of the areas, the claimants applied for their individual entitlement, and not for community rights such as grazing lands, pathways, burial grounds, temples, rivers and streams, etc. This is because there is no awareness on collective rights among the villagers. Communities that have submitted collective claims are pending with the Sub-Divisional Level Committee (SDLC). As there is dispute between revenue and forest land demarcations, the communities are not showing interest to submit claims in some areas. The actual beneficiaries, however, have not submitted community claims due to lack of awareness. Awareness has not been created on community claims considering JFM/CFM context in VSS level. In the sample villages, more emphasis was on individual claims and less (almost insignificant) claimants on community forest rights. A total of 275 individual claims were submitted in the entire sample villages (Pamuleru-38, Panasanapalem-42, Goppulapalem-80, Nagaluty-80 and Cheruvuguda-35) and 7 community claims have been submitted (Pamuleru-1, Panasanapalem-1, Koruturu-2 and Cheruvuguda-3). Two villages, i.e., Goppulapalem and Nagaluty did not submit for community claims simply because they are not aware about community rights.

In AP, a total of 3,22,313 (9,60,577 extent in acres) individual claims and 5,960 (1,65,404 extent in acres) community claims were received as on 31.03.2009. The details of the progress report on FRA implementation in the state is given below in the table: 5.

Table:5 Progress Report on Implementation of FRA Act, 2006

Sl. No.	Activity	Nos.	Extent (in Acres)
1	No. of Grama Panchayats having forest interface	3,732	5,83,797.37 (furnished by FD)
2	No. of Grama Sabhas convened	3,719	-
3	No. of FRCs constituted	3,703	-
4	No. of individual claims received	3,22,313	9,60,577
5	No. of community claims received	5,960	1,65,404
	Total for Sl. No. (4 & 5):	3,28,273	11,25,981
6	No. of Claims Surveyed	3,08,417 (94%)	11,00,754 (98%)
7	No. of claims recommended by Grama Sabha to SDLC	2,13,294 (65%)	7,82,860 (69%)
8	No. of claims recommended by SDLC to DLC	1,38,597 (42%)	4,66,555 (41%)
9	No. of claims approved by DLC	1,28,948 (39%)	4,48,375 (40%)
10	No. of titles granted	330	891

Source: Andhra Pradesh State Status Report on Implementation of FRA Act 2006

5.4 Data Analysis

The research team visited all the six villages between the months of April to August 2008 and found that not much progress was made in the implementation of the act. When we visited all the villages a second time, in the month of January 2009, we found that FRA implementation process has been completed in all the sample villages, including the conferment of actual entitlements to the forest dwellers. In Pamuleru Village, (Maredumilli Mandal), this process was started in the fourth week of March. But on our enquiry, the project officer (Indira Kanthi Patham or IKP) told us that in the first phase, they will conduct Gram Sabha meeting, verify the land records and prepare resource maps of forest land under the possession of tribals in the district of East Godavari.

The Pamuleru Grama Sabha meeting was conducted by the officials in the month of March at Kutrawada Village. About 300 members attended the Gram Sabha from the

Pamuleru Panchayat. To form the Forest Rights Committee (FRC), 15 members were elected from the seven villages of the Pamuleru Panchayat; from each village 2-3 members were selected. The respective village members selected the FRC representatives; out of the 15 FRC members, 5 were women. In Pamuleru Panchayat, the identification of resources and mapping was done with the help of the FRC members. The process of conducting land surveys and submitting claim forms was completed in the village.

Current Status on Individual Claims in Pamuleru Village (Study Village)

Sl. No.	Name of the Village	Total Claims received		Total claims Surveyed		To be Surveyed		Approved by FRC, SDLC & DLC	
		Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres
1	Pamuleru	38	-	30	164.75	8	-	30	164.75

Current Status on Individual Claims in the Entire Pamuleru Panchayat

Sl. No.	Name of the Village	Total Claims received		Total claims Surveyed		To be Surveyed		Approved by FRC, SDLC & DLC		Total claim rejected		To be approved by SDL & DLC	
		Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres
1.	Pamuleru	159	-	113	505.51	46	-	74	355.07	12	41.20	27	109.24

In Pamuleru Village, 38 individual claims were submitted. Out of these, only 30 (164.75 acres) were approved by the SDLC & DLC. On the whole, in Pamuleru Panchayat 159 claims were received. Out of these, 113 (505.51 acres) claims were surveyed, while 46 claims were yet to be surveyed. Out of the 113 surveyed claims, 74 (355.07 acres) claims were approved by the officials, 12 (41.20 acres) were rejected, and 27 (109.24 acres) claims were yet to be approved. Pamuleru villagers have claimed the VSS land (101 hectares) for communal rights. Out of the 13 sample households in this village, seven households cultivate podu, which comes under the RF area. The seven households applied their land (total 47.96 acres) as individual claims under FRA, 2006.

In Panasanapalem Village (Y.Ramavaram Mandal), a Grama Sabha meeting was conducted by the officials in the month of April at Panasalapalem Panchayat. For the FRC meeting, about 250 members from the panchayat attended the Grama Sabha; of these 250 members, 150 members were women. The Implementation process of the FRA has been completed in this village.

Current Status on Individual Claims in Panasalapalem Village (Study Village)

SI. No.	Name of the Village	Total Claims received		Total claims Surveyed		To be Surveyed		Approved by FRC, SDLC & DLC		Rejected by SDL & DLC		Reasons for not Approval
		Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres	
1.	Panasalapalem	42	-	18	68.60	24	-	1	3.50	17	65.10	The total rejected land come under revenue

Current Status on Individual Claims in the Entire Panchayat

SI. No.	Name of the Panchayat	Total Claims received		Total claims Surveyed		To be Surveyed		Approved by FRC, SDLC & DLC		Rejected by SDL & DLC	
		Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres
1.	Panasalapalem	96	-	72	1295.59	24	-	6	25.40	66	1270.19

In Panasalapalem Village a total of 42 individual claims were submitted. Out of these, 18 (68.60 acres) were surveyed, while the remaining 24 were yet to be surveyed. Out of the 18 surveyed claims, only one was (4 acres) approved by the committee; the remaining 17 were rejected on the grounds that the total land surveyed comes under the Revenue Department. Panasalapalem villagers claimed the VSS land (107 hectares) for communal rights. On the whole, in the panchayat, 96 claims were received; out of the 96 claims, 72 (1295.59 acres) were surveyed, while the remaining 24 were yet to be surveyed. Out of the 72 surveyed claims, only six (25.40 acres) were approved by the officials. The remaining 66 claims were rejected by the FRC & SDLC. Out of these 66 claims, six claims (24.38 acres) was rejected by the FD on the ground that the land was not under cultivation, and 60 claims (1270.19 acres) were rejected because the land comes under revenue area.

Koruturu villagers did not make any individual claims because the people came to know that their forest lands which they are cultivating came under the revenue forest, and hence they are not allowed to submit individual claims. The villagers submitted two community claims - one forest resources rights and another for internal forest path, which were accepted by the officials.

In Goppulapalem Village, a Grama Sabha meeting was conducted by the officials on February 29th at Jalampalli Panchayat Village. About 200 members attended the meeting, out of which 50 were women. The implementation process was completed with the help of officials.

**Current Status on Individual Claims in Goppulapalem Village
(Study Village)**

SI. No.	Name of the Village	Total Claims received		Total claims Surveyed		Total Rejected claims by FRC & SDLC		Approved by FRC, SDLC & DLC		Reasons for Rejection of the Claims
		Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres	
1.	Goppulapalem	80	130	39	62.88	41	67.12	39	62.88	The total rejected claims come under revenue land

Current Status on Individual Claims in the Entire Panchayat

SI. No.	Name of the panchayat	Total Claims received		Total Rejected claims by FRC & SDLC in the GS		Total claims surveyed		Approved by FRC, SDLC & DLC	
		Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres
1.	Goppulapalem	647	-	567	-	80	160.90	80	160.90

In Goppulapalem Village, a total of 80 (130 acres) individual claims were submitted. Out of these, 39 (63 acres) were surveyed and approved by the committee. The remaining 41 (67.12 acres) claims were rejected on the grounds that the total land comes under the Revenue Department. The villagers did not apply for any community claims because they were not informed. On the whole, in the Goppulapalem Panchayat, a total of 647 claims were received, out of which 80 were surveyed and approved by the officials. The remaining 567 claims were rejected by the FRC & SDLC because the land comes under revenue jurisdiction.

The Nagaluty Village Grama Sabha meeting was conducted by the officials in the month of February at Siddapuram Village. About 250 members from the Siddapuram Gram panchayat attended the Grama Sabha. The process of conducting land surveys and submitting individual claim forms has been completed.

Current Status on Individual Claims in Nagaluty Village (Study Village)

SI. No.	Name of the Village	Total Claims received		Total claims Surveyed		To be Surveyed		Approved by FRC, SDLC & DLC		To be approved by SDL & DLC		Reasons for non Approval
		Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres	
1.	Nagaluty	80	400	75	227.19	5	25	73	227.19	2	10	5 claims of lands not clear to survey due to bushes

Current Status on Individual Claims in the Entire Panchayat

SI. No.	Name of the panchayat	Total Claims received		Total claims surveyed		To be surveyed		Approved by FRC, SDLC & DLC	
		Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres
1.	Siddapuram	160	800	136	489.05	24	-	136	489.05

Nagaluty villagers submitted 80 (400 acres) individual claims. Out of these 75 (227.19 acres) were surveyed while five (25 acres) were yet to be surveyed. Out of the 75 surveyed claims, 73 were approved by the committee, while 2 (10 acres) were yet to be approved. The villagers did not apply for any community claims because they were not aware of such claims.

The Cheruvuguda Grama Sabha meeting was conducted by the officials in the month of March (5th March, 2008) at Danthanapalli Village. About 800 members from the Danthanapalli Panchayat attended the Grama Sabha. Out of the 800 members, 200 were women. The process of conducting land surveys and submitting individual claim forms has been completed by the officials.

**Current Status on Individual Claims in Cheruvuguda Village
(Study Village)**

SI. No	Name of the village	Total Claims received		Total claims surveyed		Approved by FRC,SDLC & DLC		To be Approved by SDLC & DLC	
		Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres
1.	Cheruvuguda	35	232	35	232	33	227.5	2	4.5

Current Status on Individual Claims in the Entire Panchayath

SI. No.	Name of the Panchayat	Total Claims received		Total claims Surveyed		Approved by FRC, SDLC & DLC		Rejected by SDLC & DLC		Reasons for Rejection
		Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres	Claims	Extent in acres	
1.	Cheruvuguda	773	5280	773	5280	369	1662.48	404	3617.52	Forest Department did not accept the approval those claims because the claimants did not produce proper evidences

In the study village of Cheruvuguda, a total of 35 (232 acres) individual claims were submitted. All 35 claims were surveyed, and 33 claims (227.5 acres) were approved by the committee. The remaining 2 claims were yet to be approved. In the village, the people have submitted three community claims for six acres, which includes village boundaries, internal roads and Ram's Temple. Out of the six acres, only one acre, which covers the Ram Temple, was surveyed, while the remaining were yet to be surveyed. On the whole, in Dathanpalli Panchayat, a total of 773 (5280 acres) claims were received and surveyed. Out of the 773 claims, 369 (1662.48 acres) claims were approved by the officials, while 404 claims (3617.52 acres) were rejected by the FD on the grounds that they did not produce proper evidences. In Utnoor Mandal, 30 community claims were received. Of these, only 12 claims were surveyed. The remaining 18 claims are yet to be surveyed. The 12 claims which were surveyed by the IKP and FRC are yet to be approved by the SDLC.

6. Findings: Actual FRA Implementation Process

6.1 To what extent are the potential poverty alleviation prospects detailed in 4 being achieved? (Refer to and compare with provisions of FRA and Rules)

The rules notified for the implementation of the STs and other Traditional Forest Dwellers (recognition of forest rights) Act on 1st Jan 2008, has finally paved the way to undo the injustice to the tribals and other forest dwellers. After the enactment of the Act, the tribals and other forest dwellers now have the right to cultivate forest land to the extent under occupation, the right to own, collect, use and dispose of MFP, rights inside forests which are traditional and customary, e.g., grazing. The tribals who have been living in and depending on forests, for their livelihood prior to 13 December, 2005, and other traditional forest dwellers, who have been living in and depending on forests for their livelihood, for three generations prior to 13th December, 2005 will have these rights.

The FRA, 2006 results in recognition of forest rights of the STs and other traditional forest dwellers over the forest land under their occupation and their habitat for self cultivation of the land for their livelihood. The STs and other traditional forest dwellers will now be able to use MFP, and they will not face the threat of eviction from forest land under their occupation. The people will be entitled to the benefits of various schemes of the government after being vested with a clear title of land in their favour. Since the Grama Sabhas have been designated as the competent authority for initiating the process of determining the nature and extent of individual or community forest rights that may be given to the STs and other traditional forest dwellers, this would empower the local communities in management of their natural resources in tune with the provisions of the PESA Act, 1996. The recognition and vesting of forest rights in the forest dwelling STs and other traditional forest dwellers also includes the responsibility of protection, conservation and regeneration of wild life, forests and biodiversity. The act envisages registration of the title of the forest land jointly in the name of both the spouses, where married, and in the case of single person headed households, in the name of the single head. This would also benefit the women dwelling in the forests.

In all the sample villages, most of the families are tribal, mostly small and marginal farmers. Many of families are using the forest for cultivation, but they do not have any tenure. They are considered as encroachers and are liable to eviction. People in all the villages expect that patta will be given to them under FRA. In Pamuleru Village, a few families have been evicted in the past, especially those who have homes inside the forest boundary; now they are also expecting legal rights under this act. In all the villages under the JFM/CFM, the people who were accessing NTFP and other forest produce for home use and for sale as per government orders without any legal rights are now expecting

legal rights under this act. After independence, the access of poor communities to common lands was legally denied by the state through different policies. In the sample villages, only four villages applied for community claims. According to them, they will be very satisfied if they get legal rights on community claims.

Different opinions have come from the people regarding FRA implementation. According to some, if FRA is implemented properly the tribals will be free from regular harassment from the FD. They will also be free from the fear that the forest land may be taken away from them. They will get legal rights and ownership on private and collective properties. The villagers also expect several other benefits. After entitlement they intend to go for development of the lands, which will increase the production and yield. They can easily access credit from the banks and cooperative society. Finally, the villagers feel that the FRA will ensure their secure entitlements over cultivating forest land and collective control of the forest.

6.2 Summary of the Timeline of Developments

Andhra Pradesh will be one of the first states to implement the FRA of the Government of India that came into force on December 31, 2007. The Government of AP prepared a road map in January 2008 for the implementation of FRA, fixing dates for commencement and completion of grant of title deeds by 31-7-2008. As per the road map, the grant to forest rights title deeds was to be issued to all the beneficiaries by October 30, 2008, but the Chief Minister desired that a major portion of the title deeds be distributed on or around August 15, 2008. The Grama Sabhas were to be convened and the FRCs formed before the 29th of February 2008. The claims were to be received up to 31 May 2008. The aim was to finalise claims by October 31st 2008. The Chief Minister YS Rajasekhara Reddy asked the Tribal Welfare and Forest Department to speed up the survey, verification, mapping and identification of the land so that its ownership would be handed over to the genuine beneficiaries.

The State Government issued almost simultaneous orders in March, first through the backward classes department such as the Department of Tribal Welfare, Commissioner Social Welfare, ITDA, and then through the Revenue Department, Panchayat and the Rural Department. District Magistrates in all districts with recorded forest cover were ordered to initiate proceeding for formation of Forest Rights Committees at Grama Sabha level. Not only in the sample villages, but also in the whole state, Grama Sabhas were formed at the panchayat level, and not at hamlet level. In the all the sample villages, the officials have informed villagers two days before conducting Grama Sabha meetings for forming FRCs.

Table: 6 State Summary Timeline of FRA Implementation

Sl. No	Event	Authority Responsible for the Event	Date of Commencement	Cut off Date for Completion
1	Constitution of State level Monitoring Committee	State Govt.	-	21/01/08
2	Chief Minister's First review meeting	-	-	22/01/08
3	First meeting of the State level Monitoring Committee Chief Secretary (CS)	Director, Tribal Welfare & Convener	-	29/01/08
4	Chief Minister's second review meeting	-	-	31/01/08
5	Video conference with Dist Collectors and Dist. Officials for Awareness Building	Director, TW	-	07/02/08
6	Release of Telugu version of Rules	Director, Tribal Cultural Research & Training Institute	-	07/02/08
7	Release of publicity material	Director, TW	immediate	10/02/08
8	Submission of nomination of Zilla Parishad & Mandal Parishad members for inclusion in the district level & Sub-division Level Committees	District collector & CEO, Zilla Parishad	immediate	10/02/08
9	Identification of habitations, village and Gram Panchayats having forest interface	District Collectors	immediate	11/02/08
10	Instructions to all the village and mandal level functionaries to cooperate with FRCs	Revenue Dept., EFS&T Dept. Tribal Welfare Dept P.R. Dept. R.D. Dept.	immediate	12/02/08

Table: 6 contd...

Sl. No	Event	Authority Responsible for the Event	Date of Commencement	Cut off Date for Completion
11	Constitution of District Level & Sub-divisional Level Committees	Govt. TW Dept.	immediate	12/02/08
12	One day workshop with stakeholders at state level, district level and NGO and training of district resource persons	Director, TW	immediate	16/02/08
13	Conducting of district level and Sub-divisional Level Committee meetings	District collectors & Sub Collectors/ RDOs	immediate	20/02/08
14	Positioning of Secretarial assistance and barefoot surveyors at the disposal of FRC	Government	immediate	29/02/08
15	Training of Mandal Resource Persons	District Collectors	17/02/08	29/02/08
16	Procurement and supply of digitized forest block maps showing occupations/ encroachments to collectors, FRCs & Grama Sabhas	Prl. CCF	immediate	29/02/08
17	Procurement and supply of survey of India maps, village maps, (including those of villages not surveyed) to FRCs & Grama Sabhas, Sub-divisional & District Committees	District Collectors	immediate	29/02/08
18	Meeting of Grama Sabhas, formation of FRCs, invitation of claims	District Collectors/ MPDOs/ Tahsildars	immediate	11/02/08
19	Printing and supply claim forms, stationery for recording statements of witnesses, field inspections, resolutions book, etc.	Director, TW	immediate	1/03/08

Table: 6 contd...

Sl. No	Event	Authority Responsible for the Event	Date of Commencement	Cut off Date for Completion
20	Orientation programme for the FRCs	District Collectors	immediate	15/03/08
21	Training to mandal and village level staff including social mobilisers, bare-foot surveyors	District Collectors	29/02/08	15/03/08
22	Receiving of claims	Grama Sabha/FRC	immediate	31/05/08
23	Preparation of maps by super posing village maps/rough village maps with occupations and survey of India maps over forest block maps	Tahsildars, RFOs, Mandal Surveyors	immediate	07/06/08
24	Submission of regulations by Grama Sabha to the Sub-divisional Level Committees	Grama Sabha/FRC	15/03/08	15/06/08
25	Submission of proposals for vesting forest rights by Sub-divisional Level Committee to the District Level Committee.	Sub-Collector/RDO	16/05/08	16/08/08
26	Finalization of forest rights and grant of title deed by the district level committee	District Collectors	20/05/08	30/10/08

Source: Road Map for the Implementation of Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

Table: 7 Village-wise Summary Timeline of Developments

Name of the Village	Place of Grama Sabha formation and No People Attended	Date of FRC Formation	Date and Place of Training	Authority Responsible for the Event
Pamuleru	Kutrawada 300 members	24/03/08	26/03/08 Rampa chodavaram	ITDA, Indira Kanthi Pathakam (IKP) officials, MRO, MDO
Panasalapalem	Panasalapalem 250 members	01/03/08	03/04/08 Rampa chodavaram	ITDA, IKP officials, MRO, MDO
Koruturu	Koruturu 320 members	20/06/08	No Training	ITDA, IKP officials, MRO, MDO
Goppulapalem	Jalampalli 200 members	29/02/08	02/03/08 V.Madugula	IKP officials, MRO, MDO
Nagaluty	Siddapuram 250 members	26/02/08	04/03/08 First at Atmakur second at Sundipenta	ITDA, Village Tribal Develop- ment Association (VTDA)
Cheruvuguda	Danthanapalli 800 members	05/03/08	08/03/08 at Utnoor	ITDA, IKP officials and MRO, MDO

In all the sample villages, as per the rules FRC received the claim forms from all the claimants, the claims were verified and placed before the Grama Sabha, before sending the forms to the SDLC. The FRC completed all this within three months of holding the Grama Sabha in which it was formed. In Pamuleru and Panasanapalem villages, the claims were not placed before the Grama Sabha after verification. Instead they were directly to the SDLC.

In the state, FRCs were formed in the eight districts that fall within the Scheduled Areas, as well as in a few Non-Scheduled districts. Forms for filing claims were distributed, but did not reach all the villages. In Adilabad, Vishakhapatnam, East Godavari, West Godavari and Kurnool districts, the claims filing process was almost complete by the end of November 2008.

Initially, no claim forms were issued for community rights, as the government was focusing entirely on individual claims. Out of an estimated 5000 tribal villages in the state, organisations were able to mobilise 700 to 800 villages.

6.3 Key Agents and Structures

The State Level Monitoring Committee (SLMC), District Level Committee (DLC), and Sub-divisional Level Committee (SDLC) were formed in the state for overseeing the implementation of the FRA. At the administration level, four departments, namely tribal, revenue, forest and Panchayat Raj worked in coordination for implementing the act, with the Tribal Welfare Department being the nodal agency. At the local level, the government took steps to implement the act in the state through the formation of FRCs. The government fixed the first week of March 2008 as the deadline to form FRCs at the village level. District Collectors issued a letter in the month of February to all concerned departments to hold Grama Sabhas on the first of March. In order to disseminate this information to the general public in the state, an advertisement was given in the newspapers. Besides, it was also propagated through advertisements in television channels, radio, poster presentations and by mike announcements in interior places.

Table: 8 Key Agents and Structures at Village Level Responsible for FRA Implementation

Name of Village	Event	Authority Responsible for the Event
Pamuleru Panasalapalem Koruturu	Conducting Grama Sabha, Formation of FRC, Conducting training programme to FRCs,	ITDA officials, IKP officers, MRO, MDO.
	Awareness about FRA	ITDA officials, IKP officers, MRO, MDO. Laya and Human rights NGOs
	Land survey (No land survey in Koruturu)	MRO, Forest officials, FRC,
	Resource mapping	IKP and Social mobilisers
	Filing of claim forms	Social mobilisers and FRCs

Table: 8 contd...

Name of Village	Event	Authority Responsible for the Event
Goppulapalem	Conducting Grama Sabha, Formation of FRC, Conducting training programme to FRCs,	ITDA officials, IKP officers, MRO, MDO.
	Awareness about FRA	MRO, MDO, IKP
	Land survey	MRO, MDO, IKP
	Resource mapping	IKP Para legal
	Filling of claim forms	FRCs and Social mobiliser & IKP Para legal
Nagaluty	Conducting Grama Sabha, Formation of FRC, Conducting training programme to FRCs,	ITDA officials, IKP officers, MRO, MDO.
	Awareness about FRA	ITDA officials, IKP officers, MRO, MDO, VTDA members
	Land survey	Forest officials, FRCs and ITDA officials
	Resource mapping	Social mobilisers
	Filling of claim forms	VTDA & FRCs
Cheruvuguda	Conducting Grama Sabha, Formation of FRC, Conducting training programme to FRCs,	ITDA officials, IKP officers, MRO, MDO.
	Awareness about FRA	ITDA officials, IKP officers, MRO, MDO, Gondwana Seva Samithi sang NGOs
	Land survey	ITDA officials, IKP officers, MRO, MDO, forest officials, FRCs, VRO
	Resource mapping	Social mobiliser
	Filling and filing of claim forms	Social mobiliser & FRCs, IKP officials

In all the sample villages, the ITDA officials, IKP officials, MRO and MPDO played major roles in various activities such as conducting Grama Sabha meetings, formation of FRCs, training of FRCs and creating awareness about FRA. Resource mapping was done by social mobilisers in all the sample villages. Filling of claim forms in the study villages was done by FRCs, IKP and VTDA members. In the study villages, the Forest and Revenue departments, along with FRCs were involved in the survey of land. At the time of survey, in almost all the villages, the Forest and Revenue departments were making their choices in land survey. However, the villagers complained that at the time of training, capacity building was not done properly and they were not provided food and travel allowances.

In several areas of the state, the ITDA undertook surveys using Global Positioning Systems (GPS) to assist in mapping. The claims applications in AP were not directly submitted to the FRCs for verification. Initially, they were submitted to the panchayat, entered into computer records, and then the list was given to the FRCs for verification. One “social mobiliser” was appointed in every village under the existing World Bank sponsored IKP scheme (formerly known as the Velugu scheme), and these mobilisers were instructed to help the villagers in filling claims forms. The ITDAs sent officials to survey the lands for which individual claims were made. During the time of survey itself many claims were rejected by forest guards during the initial phase of verification. In Adilabad, many claims were initially rejected, but the people re-filed them.

6.4 Awareness Levels

The ITDA officials, MROs, MDOs, VTDA members and proactive NGOs namely, ‘Laya’ human rights and Gondwana Seva Samithi (Cheruvuguda village) got involved in the process of creating awareness regarding FRA in all the sample villages. In all the sample villages, mass awareness was created through poster display. Particularly in the villages of Pamuleru and Nagaluty, awareness was also created through cultural programs.

In Pamuleru, Cheruvuguda and Goppulapalem villages, a number of people were aware about FRA and its activities. In Goppulapalem, the people were not much aware about community rights. ITDA officials, MDO, MRO and proactive civil society organizations such as Laya human rights organized awareness meetings in Pamuleru and Koruturu. They created awareness about FRA provisions and about individual and community rights among village communities.

Though the above officials organized awareness programmes in the villages of Panasalapalem, Koruturu and Nagaluty a number of people were not sufficiently aware about the FRA. During the time of creating awareness, many villagers were away. Also

many of them did not attend the Grama Sabha, as they were engaged in their daily works.

Except in three villages, the other three villagers' awareness level was not satisfactory. The reason was that the Grama Sabha meeting was held at the panchayat level, and not at the hamlet level. Due to this, many villagers were not able to attend the meeting. Even the FRCs did not take much interest in creating awareness among communities. The FRCs capacity building was also not done properly. Due to communication gap between officials and people, awareness and communication could not reach the grass level.

The awareness level situation was more or less the same throughout the state. Several problems were encountered during the implementation of this act. Eligible claimants lacked adequate knowledge about the act and the rules. Similarly, many of them had no information about the dates of Grama Sabha and the last dates for submitting the claim forms. Many eligible claimants only had customary rights on the land under their possession, and not patta lands. In such cases there was confusion as to who will issue caste certificates. Similarly, many claimants could not claim due to the lack of evidences.

6.5 Politics in Implementation Processes

As of February 2009, the interim order of the High Court led to a general apathy among the government officials (who widely interpreted the order as a stay order, when it was not one). Individual claims have mostly however been filed, though FRCs were constituted mainly at the panchayat level.

Initially, no claim forms were being issued for community rights, and when they were subsequently issued, people were informed to simply tick those that they wished to claim; this clearly led to their rejection. Following mobilisation by various movements and grass-root groups, and providing villagers training in mapping their community forest resources, claims for community forest resource rights were filed by several hundred villages. This has incidentally also led to the rediscovery of many community lands that had been illegally seized by the FD, and in some areas (as in the case of Orient Cement in a village in Adilabad), contributed to helping people resist handovers of their common lands to private companies. Community claims are now being sent directly to the SDLCs. Although District Collectors and ITDA officers have now agreed to accept claims for community rights, no facilitation for these is being provided by the government. Out of an estimated 5000 tribal villages in the state, organisations have been able to mobilise only 700 to 800 villages.

It appears that the AP Government intends to promote the use of the claimed individual lands for plantations and biodiesel. The government has begun promoting coffee

plantations on people's lands in Vishakhapatnam District, rubber in East Godavari District and biodiesel in several districts.

August 15th was announced as the date on which the recognition of rights was to begin. Almost 2 lakh claims for individual pattas were received by then and the State Government was planning to issue titles for 30 to 40% of these when the Court issued its interim order. Political parties, including CPI (M), pressurised the State Government to get the order vacated, but nothing happened in the matter till date. In November, several public meetings were organised against the Court order.

In protected areas too, the process of claiming rights continues. In the Gudem area of Vishakhapatnam District, the FD did not permit the filing of claims on the grounds that no survey of forest land had been done under the AP Forest Act, 1967, and for which no final notifications have been issued to date. However, the villagers rejected this premise saying that there is no link between notification of the land and people's right to file claims under the FRA. Due to the lack of organisation among the Chenchus in the Srisailem Tiger Reserve, efforts are continuing to illegally relocate them.

6.6 The extent of Diversion/Deviations/Breaches and Attainments of FRA Provisions

The actual process of FRA implementation on the ground was largely undemocratic and non-participatory. The villagers were informed about it only one or two days before (sometimes on the same day) the government officials such as MRO, FRO, MDO or IKP project director moved in to form FRCs. The people had no idea about what was happening, except that government officials have entered their villages, telling them that they would get pattas only when they form the FRCs according to the government prescription. Grama Sabhas were held at panchayat level, and not at the habitation or habitations level, as was prescribed under the FRA. While this process undermines the democratic rights of the members of Grama Sabha on one hand, it has become impractical for many members of the Grama Sabha to attend and participate in the decision-making process on the other. Particularly in Scheduled Areas, tribal habitations are situated at far-flung distances. Sometimes, the headquarters of the GP is situated around 15 to 20 km away from the habitations. In the sample village of Panasalapalem, the officials warned them that they cannot obtain pattas if they do not form FRCs. In all the sample villages, Grama Sabhas were organized with few members at the panchayat level instead of the hamlet level. Officials clubbed all the villages which came under one panchayat. In the study villages, FRC members were nominated by the officials, and not elected; whereas rules say that the Grama Sabha shall elect a FRC. Many FRC members did not know that they were members in the committee. Form "B" (Community Claims) was not applied in Nagaluty and Goppulapalem villages due to lack of awareness. Form

“A” (Individual Claims) was not applied in the village Koruturu because the land came under revenue area.

In AP, the FRA implementation process is going on everywhere though at different levels. Awareness in the community varies between totally unaware to thorough understanding. In most places, individual claims are being submitted. Physical verification of claim forms is not taking place in some cases. Though training programmes and workshops for FRC members are being organized at the mandal and ITDA level, mass awareness programmes are not being conducted in most of the districts.

There have been communication gaps between officials and community/FRC members. In some places, non-tribal's representation on FRC was more than of tribals. Usually members of the ruling party and dominating Sarpanches are the FRC chairpersons. After receiving Form “A”, receipts were not given to applicants in some villages. Due to the lack of awareness, Form “B” was not applied in many habitations. In some panchayats, though records exist, they are not maintained (about the claims submitted, etc). Some places there was lack of transparency at the village level, regarding the claims received and sent to the next level. While in some areas, the committee members are nominated without the knowledge of the local community, some tribal villages are not covered for the implementation. Highly influential people, who are not eligible, have submitted claims in some areas. The claimants have been identified without conducting Grama Sabha in many villages. In some areas, the Project Acceptance Forms (PAFs) of APCFM project who received compensation also claimed for entitlement. The forest dependents are leveling lands afresh in a few villages. In many places, the local NGOs are unable to provide need-based services to the community for claiming their rights as per the directions given by the government as they are not involved in the process. Political interference is creating problems in some areas. Smugglers with their vested interests are encouraging the local community to clear the forest so that claims can be submitted. In most of the areas, the claimants applied for their individual entitlement and not for community rights such as grazing lands, pathways, burial grounds, temples, rivers and streams, etc.

Secondly, many tribals lost their forest lands due to the implementation of the World Bank aided JFM programme. They lost both collective and individual rights over the forest lands. After building pressure on the Government, the Social Welfare Department issued a GOMs No. 162 directing the implementing authorities to recognize community rights of VSS for conservation and management of forest lands, and the right of any individual who at any time occupied, or was in possession of forest land, which has subsequently been brought under common use. However, the FD is hindering the

realization of rights of individuals over their podu or other plain forest lands which were in their occupation before they were brought into the purview of JFM.

Thirdly, no acknowledgement has been given to the claims received from the claimants under the FRA. The authorities are reluctant to entertain the claim forms after the period prescribed by the government. This is a deviation from the FRA. The Grama Sabha is an authority to entertain the claim forms. If the Grama Sabha thinks that the forest rights recognition process is not completed, it can extend the time by passing a resolution mentioning the reasons for extension.

Various claims of the claimants have been recognized at the Grama Sabha, Sub-Divisional Committee and District Level Committee respectively. However, there is no opportunity provided to the claimants to prefer appeals against the decisions of their interests. The enquiries conducted at Grama Sabha are state managed and the enquiries conducted at higher level are without any transparency.

Under the FRA, the FRC has the authority to take part in the field-level enquiry after receipt of claim forms on the instructions of Grama Sabha. However, the FD officials were involved during the survey; they rejected the survey itself and deprived the rights of the tribals in many cases. In fact, if the FD has any grievance, it can place its claim before the Grama Sabha before passing a resolution. However, the department interfered at a pre-determined field-level enquiry process and has become responsible for rejection of claims at the Grama Sabha level even without any enquiry by the Grama Sabha. Therefore, the claims approved at the Grama Sabha and other levels are the claims which have been accepted by the FD, rather than the statutory bodies under the FRA.

6.7 How are these being Contested?

In the field, the government officials violate many rules such as formation of Grama Sabhas at Panchayat level, nomination of FRC members, involving FD in land survey, and many others as already mentioned in the above section. People's organizations and civil society groups have protested against such violations. In Pamuleru Village, such violations were contested by the Laya human rights organization. Similarly in Cheruvuguda Village there were protests by the Gondwana Seva Samithi. Such protests against violations were also carried out by the people's organization, VTDA in Nagaluty Village. It is again evident that the official response to the implementation in the state is spasmodic rather than concerted.

7. Conclusion

7.1 To what extent is the FRA showing prospects for being a pro-poor institutional reform? Is the implementation likely to lead to pro-poor impacts? What are the constraints on it being pro-poor?

The FRA recognizes and gives forest-related rights to STs who live in forests, as well as to other communities who have traditionally been living in forests for generations. The act aims at addressing the historical injustice done to those communities whose forest rights have so far not been legally recorded. Two categories of people can claim rights under this Act: (1) Forest dwelling Scheduled Tribes: members of STs who primarily reside in, and depend upon, forest or forest lands for bonafide livelihood needs. This also includes ST pastoralist communities. (2) Other traditional forest dwellers: anyone who has, for at least three generations, prior to the 13th of December 2005, has primarily resided in and depended upon forest or forest land for bonafide livelihood needs.

Many tribals and forest dwellers' families today are regarded as 'encroachers' on forest land, i.e., people who are cultivating or residing on forest land without a legal right to be there. The FRA aimed at providing poor people with rights to the forest land already occupied by them and access to forest produce for livelihood purposes. The FRA is a major breakthrough in enabling legislation, despite debate over the details; but its success and whether it will actually lead to meaningful pro-poor institutional reform at the local level, stands or falls on how successfully it is implemented. Unless the rights are recognized and actually recorded in government land and forest records, they will remain temporary.

Definitely, the implementation of FRA impacts the poor in terms of livelihood and security. With the implementation of this act, the pro-poor get freedom from regular harassment by the FD. This act will ensure the entitlements over cultivating forest lands. The act also facilitates collection of forest products in the forest legally. Legal rights allow access to credit on the basis of patta. Land entitlement will also help resolve land disputes among the members of the communities. It will also provide dignity and security to the land holders in the society. With the FRA, the pro-poor will be eligible for normal service provision such as agriculture extension, land improvement scheme, etc. Though the Act contains many positive elements, there are still enough ambiguities and loopholes, which created hurdles in the implementation process. While implementing the Act many new issues are being continuously emerging and the organizations, which have been facilitating the process, have different opinion on different issues. However, the main challenge before the Government is transparent and accountable mechanism required for effective implementation.

7.2 What do Difficulties in Implementation Process tell us about 'Pro-Poor' Institutional Reforms?

There are several operational issues including receiving of claims through concerned panchayats with the support of social mobilisers appointed in every village under the existing World Bank sponsored IKP instead of the FRCs appointed under the FRA by the Grama Sabha. The government has been focusing entirely on individual claims rather than community claims. Many claims were illegally rejected by forest officials during the survey during the initial stage, even prior to placing of them before the Grama Sabhas for resolution. The act requires hamlet level Grama Sabhas in Scheduled Areas and revenue village Grama Sabhas elsewhere. In view of this, the government is considering Gram Panchayat which includes multiple revenue villages and multiple hamlets as a unit for implementation of the FRA. No survey had been done in revenue forest areas stating that the forest areas are revenue forests and are not covered by the FRA. The government is reluctant to go ahead with implementation of FRA in the Polavaram Project submergence areas, to avoid future legal entitlement conflicts and payment of compensation to the forest land occupants.

The direction, or rather the lack of it, in the implementation of FRA makes it difficult for any desirable outcome. Lack of transparency at various levels, the continued dominant role of Revenue and Forest departments hamper the democratic implementation of the FRA. People's institutions such as Grama Sabhas and FRC are reduced to a secondary position. People's genuine claims have not been sufficiently heard. Although this Act has good potential as a pro-poor measure, an effective and transparent implementation is the key. Certainly as an institutional reform, the FRA is a laudable achievement, which helps undo the historical injustice to the forest-dwelling communities. The spirit with which FRA has been introduced will be lost if genuine implementation, taking cognisance of the reality, does not take place. It is here, that the civil society, political parties and academia need to put pressure on policy makers and the concerned ruling governments.

Lastly, although the recent changes that have been brought by the new government to implement FRA are appreciable and noteworthy, a transparent and honest implementation giving scope for few errors and mistakes is the need of the day.

7.3 Dissenting Voices of the Act

According to forest officials in the field, the implementation of the FRA could lead to degeneration of forests. They feel that tribal and other forest dwellers may misuse the act. The act leads to reduction of forest land as it could be cleared for cultivation. Too much grazing, cutting of trees, collection of firewood and other forest resources could

lead to degradation of the forest. Opposition to the act had mainly come from retired IFS officers (forest administrators). That several petitions were being filed in the high courts of several states including AP against the implementation of the act should be viewed with serious concern¹. In the state, retired IFS officers, namely J V Sharma, Lohit Reddy and A H Qureshi filed a case in the court; their key arguments² were: (1) Section 4 recognizes, restores and vests forest rights without adequate care and precaution to safeguard forests; (2) Encroachments and illegal occupation of forest land is punishable under law either with imprisonment, fine, or both. The FRA seeks to legitimize these illegal acts and works at cross-purpose with the prevalent laws of the land; (3) The FRA places an embargo on eviction of encroachers till the process of recognition of rights is complete. This provision not only gives protection to illegal occupants, but also encourages further encroachments; (4) Decisions by State Governments to regularize encroachments from time to time have acted as strong inducement for further encroachments into forest areas; hence, pressure on forest land would only increase. This is proof that no lessons have been learnt from past experience; (5) The AP State Government in Government Order Ms. No. 2262 dated 25.11.1968, affirms that forest lands should be treated as unassignable and that all encroachments into forests that have come into existence 1964 onwards should be evicted; (6) Ceiling of vesting land rights up to 4 ha is ad hoc and without any basis. On the contrary, according to a paper placed before the National Commission to review the working of the Constitution, the average land holding by tribes is about 2.07 ha; (7) The FRA is in violation of Article 51-A of the Constitution of India (CoI); and (8) The tribal communities would not benefit from the FRA since it does not facilitate their move into mainstream economic activity. Through the above arguments, they asked the Hon.ble Court to issue an order declaring the FRA (Chapter II, III and IV) as illegal and unconstitutional (Source: Original Petition).

7.4 Latest Development in the FRA Implementation

The High Court of Andhra Pradesh issued an interim order in February 2009, observing that the implementation of the act should proceed but no title for any rights should be granted until further orders of the Court. This order created confusion among the beneficiaries as well as the implementing machinery. Further, the High court of Andhra Pradesh passed an order on first May, 2009 holding that “the authorities are permitted to issue certificate of title to the eligible dwelling STs and other traditional forest dwellers”, and further held that the grant of such certificates will be subject to the result in main writ proceedings challenging the legislation and also subject to the objections pointed out by the petitioners during the enquiry. Following the Judgment of the High Court, the Chief Minister of AP Dr. Y.S. Rajasekhara Reddy on 8/06/09 launched the programme of distribution forest land at the camp in Hyderabad, and initially distributed to above 200 members. A press release was circulated saying that the government had received

3.23 lakh individual claims for an extent of 9.62 lakh acres and 5971 community claims for an extent of 1.65 lakh acres. So far, survey of 3.11 lakh claims had been completed for an extent of 11.27 lakh acres. After making all the exercises, the DLCs approved 1.28 lakh claims for an extent of 4.44 lakh acres. Still some claims are pending at the sub-divisional and district level committees, and they have been directed to complete the scrutiny of all these claims and complete the process by the end of June 2009.

7.5 Implications for Pro-Poor Economic Growth

The FRA was aimed at providing rights to forest land already occupied by the poor people and access to forest produce for livelihood purposes. These indicate a range of benefits from the act, the most obvious being improvement and economic growth in poor people's conditions. Additional benefits have apparently been to the livelihood of the tribals, where the evidence is that they have not been empowered, and that benefits have not been entirely dispersed. With the help of this act, many tribal people and other forest dwellers will get forest land for cultivation which results in economic gains of the poor people. With the enforcement of this act the dependency of people on forest resources for various livelihood activities is expected to increase. As a result, poor peoples' dependency on NTFP will get better and income from the forest in the households will increase. Local people will be able to generate good employment and income in the view of the fact that in so many areas the commercially important species like tamarind, soap nut, honey, gum, bark, beedi leaves, medicinal plants, etc., are abundantly grown.

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