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**Implementation and Outcomes of Forest Rights Act:  
A Critical Assessment of Two States in India**

**Madhusudan Bandi**



RESEARCH UNIT FOR LIVELIHOODS AND NATURAL RESOURCES  
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## Foreword

The Centre for Economic and Social Studies (CESS) was established in 1980 to undertake research in the field of economic and social development in India. The Centre recognizes that a comprehensive study of economic and social development issues requires an interdisciplinary approach and tries to involve researchers from various disciplines. The Centre's focus has been on policy relevant research through empirical investigation with sound methodology. Being a Hyderabad based think tank, it has focused on, among other things, several distinctive features of the development process of Andhra Pradesh, though its sphere of research activities has expanded beyond the state, covering other states apart from issues at the nation level.

In keeping with the interests of the faculty, CESS has developed expertise on several themes which included, among others, growth, equity, rural development, poverty, agriculture, food security, irrigation, water management, public finance, health, and environment. It is important to recognize the need to reorient the priorities of research taking into account the contemporary and emerging problems. Social science research needs to respond to the challenges posed by the shifts in the development paradigms like economic reforms and globalization as well as emerging issues such as optimal use of environmental and natural resources, role of new technology, and inclusive growth.

Dissemination of research findings to fellow researchers and policy thinkers is an important dimension of policy relevant research which directly or indirectly contributes to policy formulation and evaluation. CESS has published several books, journal articles, working papers and monographs over the years. The monographs are basically research studies and project reports done at the Centre. They provide an opportunity for CESS faculty, visiting scholars and students to disseminate their research findings in an elaborate form.

This monograph by Dr Madhusudan Bandi is an attempt to understand the outcomes of the Forest Rights Act (FRA) 2006 in Chhattisgarh and Gujarat following its implementation since 2008. Revealing major issues associated with FRA implementation, the research reveals that, the tribals are still very naive and lack awareness not only regarding FRA but also the outside world around them, barring a handful of semi-educated youth or those having been exposed to working with Non-Government Organizations (NGOs) at one point of time or the other. The story is identical in respect of both the states. With such limited awareness level, it is bound to affect the implementation process - and that is what has exactly happened with the reports of *sarpanches* and *panchayat* secretaries choosing and identifying the beneficiaries for claiming their lands in the forests. If this has gone unnoticed by any section of villagers it meant that Gram Sabha was not convened for forming Forest Rights

Committees (FRCs). And naturally it is evident that FRCs have been hijacked by the panchayat secretaries and *sarpanches*.

Further queries on the problems faced by the respondents in claiming their forestlands present a dismal picture of the claims rejected in Gujarat for want of 'satellite imagery' as evidence. It is altogether a different matter that the government has issued an order to relook into the issue following a writ petition filed by the civil society on behalf of Forest Dependent People (FDP) in view of the gross rejection of claims. In villages where the awareness level is better or where the NGOs are very active (example: Dangs), tribals have been able to fight for their rights even with the existing rules. Besides social justice, equality and self respect, FRA is necessarily a determinant factor in terms of ensuring livelihoods of the FDP. The enactment of this act itself is a testimony to the importance of land for the livelihoods of the people dependent on forests. It is amply evident from the analysis, how exaggerated have the views of those opposed to FRA turned out to be. It indicates that, not a great amount of land has been distributed to the FDP under FRA, especially when compared to the land amassed by the industrialists and miners in the name of development (brazenly encouraged by the state and central governments) by destroying forests, pasture lands and catchment areas.

Nevertheless, the only difference post FRA could make was 'psychological'. This has indirectly helped the study House Holds (HHs) invest on their lands, now assured that nobody could take back their lands from them though they have been occupying since decades without 'legal' ownership. A decline in the Minor Forest Produce collection for livelihoods is mainly due to the presence of poor market and the influx of outside workers as labourers employed by the contractors. However, FRA is not an end in itself nor a panacea to all the miseries of the FDP especially tribals. Majority of the tribal respondents in the study are not in a position to compare themselves with the mainstream society of their respective states. Such is their level of backwardness. Administrative problems like 'language' and officials' lack of involvement in development activities because of poor accountability resulting out of naxalism pretext are concerns that need urgent redressal.

I hope the findings contained in Monograph and the issues raised in the report will trigger larger debate on the FRA and livelihoods of the tribal and other forest dependent communities. At the same time the material contained in the report will be useful to the policy makers as well civil society groups working on behalf of tribal communities and academia interested in understanding the complex issues of forest governance.

**S Galab**  
Director, CESS

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## ABBREVIATIONS

CASA	: Church Auxiliary for Social Action
DLC	: District Level Committee
FD	: Forest Department
FDP	: Forest-Dependent People
FDST	: Forest Dependent Scheduled Tribes
FGD	: Focus Group Discussion
FIR	: First Information Report
FRA	: Forest Rights Act
FRC	: Forest Rights Committee
GO	: Government Order
GoC	: Government of Chhattisgarh
GoG	: Government of Gujarat
GoI	: Government of India
GP	: Gram Panchayat
GS	: Gram Sabha
ha	: Hectare
HDI	: Human Development Index
HH	: Household
JFM	: Joint Forest Management
km	: Kilometres
MFP	: Minor Forest Produce
MGNREGA	: Mahatma Gandhi National Rural Employment Guarantee Act
MLA	: Member of Legislative Assembly
MoTA	: Ministry of Tribal Affairs
MP	: Member of Parliament
NGO	: Non-Government Organisation

NTFP	: Non-Timber Forest Produce
OBC	: Other Backward Classes
OTFD	: Other Traditional Forest Dwellers
PESA	: Panchayat Extension to Scheduled Areas
PF	: Protected Forest
PTG / PVTG	: Primitive Tribal Group / Particularly Vulnerable Tribal Group
RD	: Rural Development
RF	: Reserved Forest
Rs.	: Rupees (Indian Currency)
SA	: Scheduled Areas
SC	: Scheduled Caste
SDLC	: Sub-Divisional Committee
SLMC	: State Level Monitoring Committee
sq	: Square
ST	: Scheduled Tribe
TDD	: Tribal Development Department

## GLOSSARY

### Glossary of Local Terms

Beedi	: <i>Abnus</i> (leaves used for rolling local cigars)
Chintal	: A kind of deer species found in Gujarat
Ghar Jamai	: A son-in-law who lives in his in-laws house
Gotra	: Lineage segment within an Indian caste, indicating common descent from a mythical ancestor
Gram Sabha	: Lowest unit of <i>panchayat</i>
Guntas	: 40 <i>guntas</i> is equal to 1 acre
Kachia	: A trader or middleman who buys produce from tribals
Krishimahotsav	: A government programme in Gujarat
Kuchha	: Loose or Temporary
Lakh	: Million (10 lakhs = 1 million)
Myna	: A bird of the starling family ( <i>Sturnidae</i> )
Naxal/Naxalism/Naxalites	: Extremist and outlawed outfit in India
Panchayat	: Assembly ( <i>ayat</i> ) of five ( <i>panch</i> ) wise and respected elders chosen and accepted by the local community
Panchayati Raj	: Decentralised governance at village level
Pattas	: Landholding document
Pucca	: Fir or Permanent
Sal	: <i>Shorea robusta</i> , a species of tree found in southern Asia
Sambhar	: A large deer ( <i>Cervus Unicolor</i> ) found in southern Asia, having three-tined antlers and a reddish-brown coat
Sarpanch	: Village headman
Taluka	: Intermediary administrative block
Tendu	: <i>Abnus</i> (leaves used for rolling local cigars ( <i>beedi</i> ))

### **Glossary of Forestry-related Technical Terms**

- Biodiversity : A biological diversity, which includes diversity of species, genes and ecosystems, and the evolutionary and functional processes which link them.
- Deciduous Forest : A forest exhibiting discontinuous, often seasoned, tree leaf cover (opposite of evergreen).
- Ecosystem : A dynamic and inter-related community of biological organisms and the surrounding environment, linked through nutrient cycling and energy flows.
- Forest : An area characterised by predominance of woody vegetation growing more or less closely together; whether 'closed' or 'open' in canopy, and whether fully intact ecologically or modified, fragmented or planted by humankind. Technically, forests are usually defined as ecosystems with a minimum of 10 percent tree canopy cover.
- Forestry : The science and vocation of forest management. Traditionally regarded as technical endeavour, forestry is now broadening to include more political elements.
- Joint Forest Management : JFM is a variant of community forestry widely adopted in India for managing government-owned forests in which both responsibility and benefits are shared between local user groups and the forest department.
- Landscape : The geographical and ecological integrity and resilience of a particular land area, not merely its aesthetic qualities. Landscape is not just a geographical concept, but includes human, cultural and traditional values that are associated with land.

- Non-Timber Forest Produce : NTFP are medicinal plants, resins, mushrooms, rattans, wildlife, and other non-wood goods obtained from forests.
- Plantation : Tree crop of one or a few species, usually planted and managed intensively for industrial wood production, whether timber or fibre. Sometimes, plantations are also managed to produce fuel wood.
- Policy : A rule or norm usually prescribed by governments to help direct behaviour or decision making.
- Protected Forest : Any forest land, waste-land, or any other land, which is not included in a reserved forest, but which is the property of the government, or over which the government has proprietary rights, or to the whole or any part of the forest produce of which the government is entitled, and which is notified in the government gazette as 'protected forest' under a relevant sections of the Indian Forest Act. Explanation: In such forest, most of the activities are allowed unless prohibited.
- Reserved Forest : Any forest land or waste land or any other land, not being land for the time being comprised in any holding or in any village *abadi* (population), which is the property of government, or over which the government has proprietary rights, or to the whole or any part of the forest produce of which the government is entitled, and which is notified in the government gazette as 'reserve forest' under a relevant section of the Indian forest Act. In such forest, most of the activities are prohibited unless allowed.
- Scheduled Areas : Scheduled areas and the tribal areas are, in fact, the metamorphosed transplantation of the concept of the 'partially excluded areas' and the 'excluded areas' as contained in the Government of India Act, 1935 which were regarded as culturally backward areas. Articles

15(4), 46, 244(1), and 339 provide for special concessions to uplift the tribal population for their welfare and protection in the SAs. Although Article 244(1) does not provide for a clear definition of Scheduled Areas, but, it denotes to those areas where the tribal population is predominant.

Tenure : Ownership or use rights.

Usufruct : Usufruct is the legal right to use and derive profit or benefit from property that belongs to another person, as long as the property is not damaged. In tribal cultures, usufruct means that the land is owned in common by the tribe, but families and individuals have the right to use certain plots of land. Most Indian tribes owned assets such as land as a group and not as individuals. The family never owned the land, they just farmed it. This is called usufruct land ownership. A person must make (more or less) continuous use of the item or else he loses ownership rights. This is usually referred to as "possession property" or "usufruct". Thus, in this usufruct system, absentee ownership is illegitimate.

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## Chapter - I

### INTRODUCTION

*'There could not be a better example of a village like Chathirma (north Chhattisgarh) where one can see how the governments (both centre and state) have been insensitive to the tribals in India consistently. This is because, the tribals have been inhabiting this place for more than 73 years, yet it was not until the 'forest rights act' came into force that some of them could avail themselves of caste certificates and land 'pattas'. This sounds, in a way, ironical because, the central government during the 1970s could think of the welfare of Bengali refugees (Bangladeshis) by having them settle in the proximity of the very forest (Silfili jungles) where these tribals were living since long. Further, these foreigners were provided with pattas over seven acres of forest land for cultivation and build houses, along with a pair of bullocks, seven cows, ration cards, seeds for cultivation for each household besides helping them clear and level the forest land ...'*

- An account of events described by 'forest rights committee' President who also led members of this village in a 'March to Delhi' in 2004 as part of a movement for forest rights act.

#### **I Context**

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, popularly known as the Forests Rights Act (FRA), was enacted in 2007 through the Ministry of Tribal Affairs (MoTA) to correct the 'historic injustice done to forest-dwelling communities'. The act (interchangeably used for FRA henceforth in the text) gives individual property rights to the tribals and other forest dwellers over the forest lands under their occupation for cultivation and dwelling. Besides, it provides for total ownership rights over Non-Timber Forest Produce (NTFP) / Minor Forest Produce (MFP), alongside community rights. The significance of this act is that all these rights are also applicable to the protected areas (sanctuaries and national parks).

The enactment of this act for the Forest Dependent People (FDP) was not an easy development; in fact, from the passing of the act in December 2006 to its enforcement in January 2008 with a notification regarding the rules to be made by the respective states under the act, many apprehensions were expressed by conservationists and environmentalists on the ground that the act was a welfare measure under which rights would be magnanimously granted to the tribals. All the same, scholars such as Springate *et al.* (2009), and Bhatia (2005), tried to put the issue in a perspective by way of drawing the attention of FRA critics to the 'historical injustice' meted out towards the tribals over the years and that the issue was to be understood in a broader context, i.e., as the restoration of the pre-existing rights rather than as the state largesse.

### Understanding FRA<sup>1</sup>

The FRA provides for forest rights to those who have been residing primarily in the forest or forestlands, or those dependent on forests or forestlands for their livelihood (bonafide livelihood needs). As for other forest dwellers, they are required to be residents of the area for 75 years. The law recognises three types of rights: (1) land ownership right; (2) right to use and collect MFP; and (3) right to protect and conserve.

As far as land right is concerned, the claimant has to produce all the required evidence with respect to cultivating such land prior to 13 December 2005, according to Section 4 (37) of the FRA. Those people will also benefit who have been cultivating others land holdings but have no documentary evidence to that effect. Also, such lands that have *patta* or government lease but have been illegally taken away by the Forest Department (FD) are to be recognised. Lands under dispute with the FD or the Rural Development (RD) are also to be considered while granting rights as per Section 3(1) (f) and (g). However, what is important is that all the above lands qualify for a rightful claim provided their size not exceeding 4 ha and that they have been under cultivation by the claimants themselves for their livelihood (Section 3 (1) (a) and 4 (6)). Usufruct rights or collection rights include NTFPs such as *tendu* (abnus) leaves, herbs, and medicinal plants that are being traditionally collected (Section 3(1) (c)). The right to use gives one the access to grazing grounds, water bodies (Section 3), and traditional areas of use by nomadic or pastoral communities that move with their herds, as opposed to practising settled agriculture. The right to protect and conserve entails that the FDP have a right to protect and conserve forest lands under Section 3 (1). Similarly, Section 5 also gives a general power to the community to protect wildlife in the forest areas.

The above rights are recognised under three procedural steps according to Section 6.

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<sup>1</sup> The Gazette of India Extraordinary (2007 and 2008).

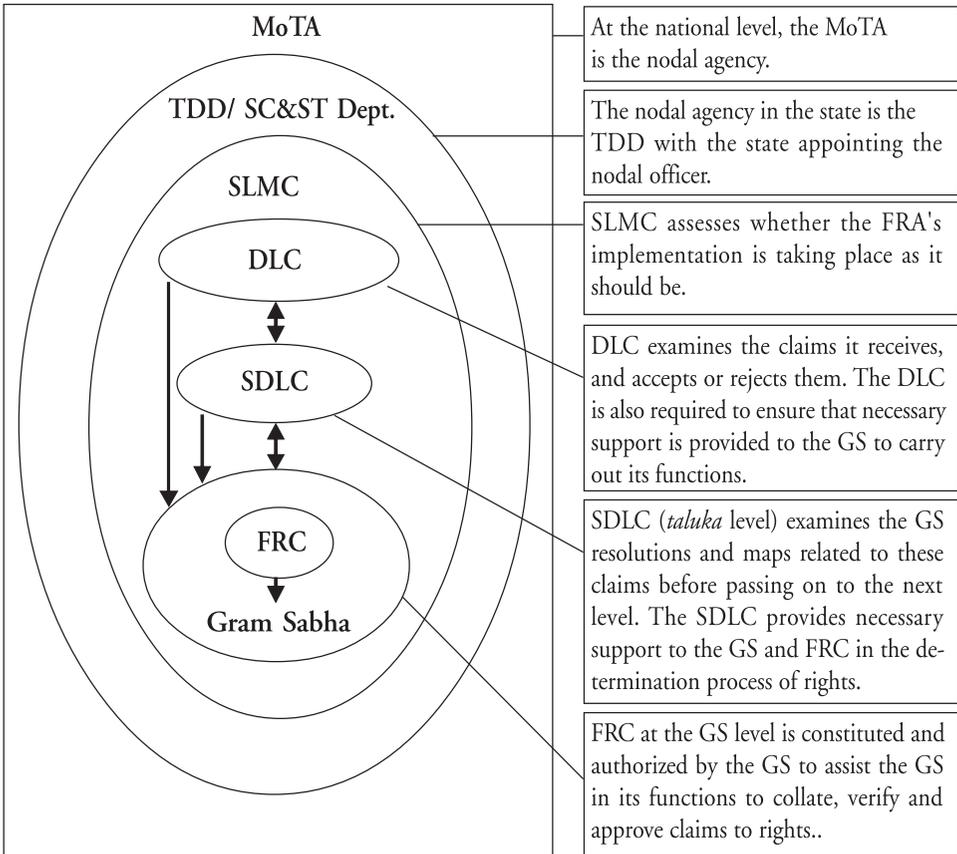
*The Gram Sabha* (GS) or full village assembly (all available adult members) makes a recommendation as a first step; here the claims of cultivation of particular lands with the number of years are made. Then, the Forest Rights Committee<sup>2</sup> (FRC), constituted by the GS concerned identifies the claimants and their cases. This is followed by ascertaining the validity of the claims, and thereafter, the GS forwards the recommendations to the screening committee at the *taluka* and district levels. The *taluka* and District Level Committees (DLCs) are constituted consisting of six members each with three government and three elected members (Section 6 (6)). There is also a provision for any citizen to appeal to the committee against false claims. If the appeal is upheld on being proved true, such rights are denied to the claimants. The right over the land recognised cannot be sold or transferred. In fact, there is a special clause under which the forest land diverted to any community purpose other than cultivation under community rights cannot exceed 1 ha of land (for a single purpose use), and also felling of trees should not exceed 75 trees per ha.

There is also a provision for recognising community tenure on 'community forest resources', which are defined as common forest lands within the traditional or customary boundaries of the village, or seasonal use of landscape in the case of pastoral communities. These lands can fall under Reserved Forests (RFs), Protected Forests (PFs), and protected areas, such as sanctuaries and national parks, to which the local communities have a traditional access.

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<sup>2</sup> Each village is to elect a committee consisting of 10 to 15 people from among its own residents; they verify the claims before placing them before the GS.

**Figure 1: Process and Linkages between Institutions Implementing FRA**



Source: The Gazette of India Extraordinary (2007 and 2008).

Keys: FRC= Forest Rights Committee; GS= Gram Sabha; SDLC= Sub-Divisional Committee; DLC= District Level Committee; SLMC= State Level Monitoring Committee; TDD= Tribal Development Department; MoTA= Ministry of Tribal Affairs; SC= Scheduled Caste; ST= Scheduled Tribe.

From the administrative point of view, the act cannot be implemented in isolation from villages where the forest rights are allotted, as it requires a positive coordination from other departments under the same jurisdiction; hence, the FRA makes a specific mention of the roles that are earmarked for departments concerned. The main department, other than the MoTA, implementing this act is the FD; this is because, the lands claimed and allotted to people come under the jurisdiction of this department. However, the RD<sup>3</sup>

<sup>3</sup> Interestingly, the respective FDs and RDs are the disputing parties with regard to several hectares of land in different parts of the country.

also has a role as it happens to be the custodian of all land records in the country. Finally, the *panchayat* has a role cut out for it in terms of recognising the claims at the GS level and forwarding the same for settlement to the Sub-Divisional Committee (SDLC), and the DLC headed by the District Collector as she/he is the final authority to settle the claims (see Figure 1 for details).

### **Implementation of FRA**

Following the FRA, the respective states have framed suitable rules for implementing the act with main implementing agency being the Department of Tribal Affairs, Government of India. At the state level, this responsibility is vested with the SC and ST Development Department. However, In some states, there are other agencies responsible for carrying out this activity (for example, in Andhra Pradesh, it is the Tribal Development Department (TDD)) (Sathyapalan and Reddy, 2010).

### **Clarifications and Amendments<sup>4</sup>**

Ever since the implementation of the FRA in 2008, there has been a fair degree of ambiguity surrounding several clauses/ issues. Hence, from time to time, the state governments have been seeking clarifications from the MoTA following which, the ministry also has been issuing clarifications to the respective state and union territory authorities, and circulars to all other states.

In the following sections, a few of the most important issues are discussed: one relates to the phrase, 'primarily reside in forests' and are dependent on forests and forest lands for their bonafide livelihood needs under (Section 2 (c) and 2 (o) of the act). The doubt expressed by the states was that, if one were to interpret in verbatim, it would exclude many forest-dependent communities from the potential benefits under the FRA. The clarification provided is that the 'primarily reside in forests' include those Forest-Dependent Scheduled Tribes (FDST) and Other Traditional Forest Dwellers (OTFD) who either live deep inside the forests by building houses/huts, or live on the periphery of the forests but cultivate forest lands for their livelihood.

With reference to Section 4 (c) of the act, the question raised related to the revenue lands under the occupation of the FDST and OTFD for determining the limit of extending rights over 4 ha of land in the forest areas. Responding to this, the ministry drew a point to the basic objective of the act, i.e., providing for livelihood means to the FDST and OTFD. In other words, those claimants not primarily residing in the forest lands under their occupation, and depending on the revenue lands or regularised encroached forest lands for their bonafide livelihood needs cannot claim ownership

<sup>4</sup> MoTA (between 9 June 2008 and 5 May 2011).

right on the forest lands. As or the tribals wanting to commonly hold lands, the ministry clarification is that under Section 3 (1), they are entitled to such rights, provided the limit does not exceed 4 ha under Section 4 (6). In the case of inter-caste couples claiming land ownership rights, they are required to fulfil all the eligibility criteria laid down by the FRA in order to avail themselves of the benefits of the act, in addition to registering the rights conferred on them jointly as per Section 4 (4). However, tribal committees from one state claiming these rights under Sections 2 (c), 4 (1) (a), 4 (3), and 4 (6), in another state stand no chance of recognition of their rights because, the GS of a given village has to recommend such recognition which is not possible as the given GS writ runs only within that particular *panchayat* coming under that state's jurisdiction.

Ambiguity over the final date for receiving claims and their disposal for granting forest rights under the act persisted for a relatively long time, causing immense confusion. However, with a clarification coming from MoTA, it is now clear that the act does not prescribe any time limit for the recognition and granting of forest rights to the eligible claimants. As per Section 11 (a) of the rules notified by this ministry on 1 January 2008, a given GS may, if it considers necessary, extend such a period to three months after recording the reasons thereof in writing.

In connection with the community claims and doubts over who are to be the claimants and in whose names the customary rights would be granted, and how the disputes among community members as also the community rights are to be settled, the MoTA has clarified that the community rights would be rested with all its members according to Rule 11 (1) (a) and (4) of the FRA, and that the disputes between the members would be settled in accordance with the prevailing laws of the state in this regard.

Claims rejected by the DLC would not be reinvestigated, but, if the rejections at the earlier levels are found unduly large, then the state can investigate into the reasons. On finding the inadequacies in the readings of the provisions of the act and the rules, efforts would be made to correct them. However, the cases finalised by the DLCs cannot be reopened under any circumstances.

#### **Highlights of FRA, 2006 Amended Rules as Notified on September 6, 2012**

The fresh rules are expected to strengthen GS with more powers and autonomy, while curtailing the role of FD. The GS's committee (it prepares conservation and management plan for community forest resources once the forest dwellers' rights on such resources are recognised) can integrate the management plans handled so far by FD with its 'working plan'. The GS concerned is authorised to approve all decisions of the committee pertaining to transit permits (a new rule provides for the transportation of MFP by 'any appropriate

means of transport' and the transit passes shall be issued by a committee constituted by the concerned GS), use of forest produce income and modification of management plans. Besides, FD officials cannot reject the claims by choosing to remain absent during the verification process; rejection of claims cannot be solely made on the basis of 'satellite imagery' and other technological tools-there should be supplementary evidence and not replacement for the evidence as prescribed by the rules; only FRC is authorised to receive, decide or reject the forest rights claims and no individual or committee of any official level, be it *panchayat*, block, or forest range, has any say in this regard.

## II. Research Design

### Objectives

The overall objective of this research is to understand the implementation process of FRA alongside the implications for the FDP at the ground level under different action situations, and also to locate the lacunae that are hindering its successful implementation. The study also probes the causes that are holding back community participation to its full potential. The specific objectives of this study are as follows:

1. To examine the awareness level of the FDP regarding FRA
2. To look into the implementation Process of FRA.
3. To examine the Livelihood Impact on the FDP post FRA

### Area/Context of the Study

Chhattisgarh and Gujarat are the two states selected for this study. The rationale behind the selection of these two states is that Chhattisgarh is a developing state as compared to Gujarat, generally considered a developed state in India. Chhattisgarh, on the other hand, is plagued by governance-related challenges due to insurgency activities in the very areas where the act is being implemented. With respect to Human Development Index (HDI), Chhattisgarh, with an HDI value at 0.358, has the dubious distinction of being an Indian state with the lowest HDI value, while Gujarat at 0.621, is considered medium as against the national average HDI value at 0.47 (GoI, 2011). However, Chhattisgarh accounts 7.7 percent of the country's forest cover, while Gujarat for barely 0.46 percent. A look at the proportion of forest cover relative to the geographical area of the respective states shows that Chhattisgarh is way ahead, accounting for a whopping 41.18 percent, while Gujarat for only about 7.45 percent (FSI, 2011)<sup>5</sup>. The tribal

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<sup>5</sup> The total forest cover of the country constitutes 21.05 percent of its total geographic area (FSI, 2011).

population in Chhattisgarh constitutes 32.5 percent of the total population (Census of India, 2001), while in Gujarat, it accounts for 14.9 percent (Census of India, 2001). Coming to Scheduled Areas (SA), FRA is applicable in 20 districts (between Chhattisgarh and Gujarat). Out of the 74 districts (in eight states) in India, 21 are fully under Schedule V Areas, and the remaining 53 come under the non-Schedule V Areas<sup>6</sup> (www.odi.org.uk). The natural differences in terms of forest cover, population, and human contributed factors, viz., economic infrastructure, governance, etc., are expected to make the study interesting to understand how the two states that are so contrasting in many ways deal with a sensitive act such as the FRA.

With specific regard to the forest resources in the two study states, Chhattisgarh easily stands apart with its rich biological diversity-tropical moist deciduous forests, a major forest component. The state is further endowed with 22 varied forest sub-types: The RF in Chhattisgarh stretches across 25782.167 sq km, followed by 24036.100 sq km of PF, while the remaining 9954.122 sq km is un-demarcated PF. It sports some of the major tree species-teak, sal and bamboo. The state is also home to rare fauna species such as the wild buffalo, *myna*, tiger, leopard, gaur, *sambhar* and *chintal* (GoC, 2012).

Coming to Gujarat, it presents a unique formation of various types of forests due to its varying geographical and eco-climatic conditions ranging from hot saline deserts to humid hilly tracts, and from coastline to high hills. The state's forests are concentrated in the eastern region of the state with the hilly areas of Saurashtra, Dangs, Valsad, Surat and Junagad accounting for a major share of the forests. The forests of Gujarat are classified mainly into tropical moist deciduous forests, dry deciduous forests, northern tropical thorn forests, and littoral and swampy forests (GoG, 2007-08). The state covers/shares 14131.15 sq km of RF, 476.73 sq km of PF, and 4319.40 sq km of unclassified forests. The flora and fauna in Gujarat present a diversified species growth. Wild ass, different species of reptiles, fishes, and other mammals are among the notable fauna. More importantly, the state prides itself being home to the Asiatic lions (GoG, 2012).

The tribals of Chhattisgarh mainly inhabit the dense forests of Bastar. Incidentally, 70 percent of Bastar's population is composed of tribals, accounting for 26.76 percent of Chhattisgarh's total tribal population. *Gonds* are the most prominent tribe in the state, followed by *Abhuj Maria*, *Bison*, *Horn Maria*, *Muria*, *Halboa*, *Bhatra*, and *Dhurvaa*

<sup>6</sup> The districts fully under SA in Chhattisgarh are Surguja, Koriya, Jashpur, Kanker, Bastar, Dantewada and Korba, whereas partially covered districts are Raigarh, Bilaspur, Durg, Rajnandgaon, Raipur and Dhantari; in the same way, the only district that is fully under SA in Gujarat is Dangs, while those partially covered under SA include Surat, Bharuch, Valsad, Panchmahal, Vadodara and Sabarkanta (www.odi.org.uk).

(Indianetzone, 2010) - *Abhuj Maria, Baiga, Birhor, Hill Korwa, and Kamar* are the five Particularly Vulnerable Tribal Groups (PVTGs) found in Chhattisgarh (GoI, 2007).

The eastern tribal region of Gujarat state holds 60 percent of the total forest area of the state. Similarly, 60 percent of the state's tribal population also lives in this region. The prominent tribal communities in Gujarat include *Gamit, Chodhra, Vasava, Kotwalia,* and *Dublan* (Kumar, 2009; Indianetzone, 2011). The five PVTGs inhabiting Gujarat are Siddhi, Padhar, Kotwalia, Kathodi, and Kolga (GoI, 2007). There are 43 *talukas* and clusters predominantly populated by tribals across 26 districts of the state (Cowlagi, 2006).

Tribal communities in Chhattisgarh and Gujarat tribals are poor besides being mainly landless. They are basically into small scale farming, pastoralism, and nomadic herding. The tribals, especially in Chhattisgarh, live mostly in the forest villages (Kumar, 2009) set up by the FD with some being as old as 80-90 years. Chhattisgarh has 425 such villages, while Gujarat only 199 (GoI, 2012).

### **Sampling Procedure**

To arrive at the actual sample of *Gram Panchayats* (GP) for the study, a list of the number of claims under FRA awarded against the number of claims made in each district in the respective regions was prepared based on the information gathered from the Commissioner of TDD in the respective states of Chhattisgarh and Gujarat. Based on this data, 9 GPs from 3 different *talukas* from the regions of North Chhattisgarh, Central Chhattisgarh and South Chhattisgarh in Chhattisgarh and similarly from North Gujarat, East Gujarat and South Gujarat were purposefully selected where at least 30 claims had been made under a given GP.

The chosen 18 GPs in their respective 18 *talukas* spread across the districts of (1) Sarguja (2) Suratpur in North Chhattisgarh (3) Rajnandgaon in Central Chhattisgarh and (4) Bastar (5) Jagdalpur and (6) Dantewada in South Chhattisgarh. In Gujarat, (1) Banaskantha and (2) Sabarkantha belongs to North Gujarat followed by (3) Dahod, (4) Panchmahal and (5) Vadodara from East Gujarat and (6) Dangs, (7) Navsari and (8) Valsad from South Gujarat. The final composition of the sample districts came to 14, representing 45 villages or hamlets.

The basic reason for selecting these three regions across two states was to explore the functional dynamics of governance having varied and disparate effects on the physical situation of the forests in these areas and also to identify ethnic differences among the tribal communities, if any in the context of the implementation of FRA. Besides, it was also an effort to record such areas where, community claims had also been made in

addition to the individual claims. Furthermore, certain districts were expected to present the status of non-tribals as well living in the forest areas for the prescribed number of years (75 years or 3 generations as per FRA, 2006). However, the status of non-tribals could not be ascertained in Gujarat despite certain GPs having a sizeable population of non-tribals particularly in east Gujarat, in view of the government preference to address tribal concerns in the first place.

### **Methods Employed for Data Collection**

For the introductory chapter, the study relies on secondary sources-policy documents, scholarly writings and statistical data available with the government and semi-government organizations, governmental reports, Government Orders (GO), various books, periodicals, journals, studies carried out by several researchers and daily newspapers.

For obtaining empirical evidence, diverse methods were employed for documenting quantitative and qualitative information under multiple circumstances in the field for the study. The basic methods used for the collection of primary data include 'Focus Group Discussions' (FGD) and Household (HH) surveys (with the help of structured schedules), direct observations, informal conversations with the officials and people concerned either individually or in groups. This process has helped better understand the dynamics prevailing at the ground level.

### ***Quantification of the Field Study***

For an empirical enquiry, a total of 18 GP-level FGD schedules were moderated in each village with the respondents representing FRC Members including the president of the respective GP (in some instances, there were FRC presidents for individual Hamlets). In addition, 540 members (forest right claimants) were also individually interviewed at the HH level. For selecting 30 HHs for interviewing, the 'Probability Proportionate Sample' (PPS) method was adopted, so as to factor in wealth rank and ethnic/ caste composition of the social groups. Besides, FD officials, tribal department officials from taluka level rank to divisional/ district levels were also approached for interviews to learn about the status of FRA implementation within their jurisdiction. However, on many occasions, our efforts proved futile as a majority of the officials declined to be interviewed. Even those who allowed themselves to be interviewed for a brief time, didn't express anything on record. Nevertheless, couple of high ranking officers like District Collectors were open to explaining FRA implementation and discussing the plights of the FDP within their jurisdiction. On the other side, a large number of Non-Government Organisation (NGO) members working in various capacities in the proximity of the study villages were also interviewed for a broader understanding of the FRA implementation concerning tribal communities.

### ***Time Spent in the Field***

In all, the field survey for the study with reference to Chhattisgarh and Gujarat lasted for 4 months (2 months in each district) with the assistance of investigators. In Chhattisgarh, 'Samarthan', a leading NGO with its network across the state, helped us with manpower and logistic support. The researcher, based in Gujarat was assisted by a team of Investigators at GIDR in carrying out the field work across the state between October 2012 and March 2013.

### **Interpreting and Analysing the Data**

The FGD and HH information was aggregated at the state and regional levels for analysis. The narration has been supported by accounts given by FD, tribal and revenue officials (with all of them wishing to remain anonymous) in addition to the views expressed by NGO representatives. Besides, the description is also enriched by inputs provided by key informants in the study villages. The purpose behind the criteria applied for evaluating the implementation process as also and for comparing the performance of the two states is to understand how democratic have been the implementing staff and agencies viz. *Panchayats*, FD, NGOs, and local politicians and tribal department, besides the involvement and awareness levels of the primary stakeholders (FDPs) themselves.

### **Limitations of the Study**

In any comprehensive empirical research there are bound to be some challenges that might result in the limitations of the study. In this study also, despite the best efforts of the researcher, the women headed applications for claims have not been found even to the extent of the proportion reflected through unofficial claims of the civil society staff working on this subject in both the states. Hence, the sampling could appear skewed against women though this is not true and has no bearing on the overall objectives of the study.

### **Organisation of the Chapters**

The study has been organised into 6 chapters: The first chapter (Introduction) present an overview of the FRA and its significance to the people living in the forest areas while highlighting the important features of the act. Besides, the chapter outlines the context and methodology adopted for the study. The second chapter (A Socio-Economic Profile of the Study Villages and Households) general insights into the villages studied and the HHs interviewed. The third chapter (FRA Under Implementation) highlights the empirical findings in terms of the process involved in the implementation of FRA at the ground level and the dynamics underlying it. The Fourth chapter (Forest Dependent People's Livelihoods and FRA) tries to analyse to what extent this act has been able to make a difference to the quality of life of the FDP. The Fifth chapter (Tribals and their

Future: Post FRA and Beyond) takes a look at the perceptions of FDP regarding their future in terms of political / administrative, environment / biodiversity and livelihood aspects, followed by a brief summary of the key findings and a concluding remarks in the final chapter (VI).

## Chapter - 2

# A Socio-Economic Profile of the Study Villages and Households

### I Introduction

A fair background, with respect to various aspects of any 'subject' is important for any research for a better understanding of the outcomes of the 'objective'. Besides, the background of any subject helps a researcher analyse the findings more logically and regourously. Therefore, in this chapter, an attempt has been made to understand the background of the FRA implemented villages and respondents. The contents of the chapter highlight all those features that have a significant bearing on the functioning of 'FRA' - a legislation of immense magnitude and importance.

### II. Basic Information related to Study Villages

As already outlined in the methodology (chapter 1), the study covers 45 villages coming under 18 GPs in as many *talukas* from 14 districts in the two states of Chhattisgarh and Gujarat. Coming into existence of a village becomes important when one looks at the implementation of FRA because the formation of a village gives an indication how long its inhabitants have been carrying on agricultural activities on lands they claim under FRA. This becomes more important for the non-tribals in view of the fact that they must have been residing and cultivating lands they claim their own for at least 75 years. If the village itself has less than 75 years of existence, claims of non-tribals become difficult to prove. The sample of the study throws up an interesting picture in that. Out of 18 GPs, 15 have been in existence for well over 75 years, whereas, the remaining 5 (3 in Chhattisgarh and 2 in Gujarat) are comparatively new i.e., for over 60 years. From among the GPs present for over 75 years, there are villages or hamlets within their clusters that have been clubbed with the main GPs in the recent times. Such villages are still considered forest villages. Although 15 of the 18 GPs have been in existence for more than 75 years, only 11 of them, according to the respondents, are recognised as 'revenue' GPs, while the remaining 7 (3 in Chhattisgarh and 4 in Gujarat) are identified as 'forest' village GPs.

With the study set in interior forest areas, it is important to understand the basic infrastructure available to the residents. The data suggests that Gujarat fares comparatively better than Chhattisgarh, in that 8 GP villages support a 'good' infrastructure base as against Chhattisgarh's 4 GP villages of which 3 are located in north Chhattisgarh region; this, according to the respondents, is because of serious naxal insurgency activities over the years in the southern region. What people prefer to, while answering this question, is that availability of approach roads, internal roads, potable (drinkable) water, schools, health care, and veterinary treatment provision and transportation facilities. When they say 'bad', it means the non-availability of these facilities.

Almost all village GPs are located in the forest areas, while revenue GP villages are situated within a radius of 2.5 kms from their respective villages. This is an indication of people's partial dependence on forests especially those living in forest villages for their livelihood needs. Coming to the main thrust of the study, no clear proportion between awarding of rights and rejection of claims in the GP villages selected for the study could be established. This is consistently true in respect of all the regions in both the states (table 2.01). However, the reasons for the rejection of claims are discussed in chapter 3. These figures indicate the individual claims. It is important to note here that, these figures are provided by the respondents in the FGD, which, upon verification with the *panchayat* office concerned, are found to be inconsistent for various reasons. For example: the villagers are not aware of the latest circulars.

## II. Socio-Economic Background of the Study Villages and HHs

FRA is all about rights of forest dependent people. The common understanding is that tribals are the main stakeholders. However, as per FRA provisions, even those non-tribals who have lived either for 3 generations or have been residing in such villages for more than 75 years are also eligible to claim land ownership, provided they hold lands in the forest areas. Hence, it is important to know as to how different communities have been targeted by the respective governments while implementing this act. As is evident from the study (table 2.02), the composition of the sample respondents also includes non-tribals, though their proportion is relatively less. Overall it is tribals who form a combined majority (87 %) in both the states. However, it is important to point out that, Gujarat does not represent has no respondents excepting 5 (1 SC and 4 belonging to Other Backward Classes (OBC)) in a total of 270 sample in the state, whereas, Chhattisgarh, accounts for about 10.0 % and 14.4 % of respondents belonging to SC and OBC sections respectively. There is none under others' category in either of the states. The reason for the absence of non-tribals in the sample of the study in Gujarat is that the state government gave first priority to the tribals after the legislation came into

Table 2.01: Details of Study Villages and No. of Schedules Canvassed

S	R	District	Taluka	Panchayat	Village	VFY	VT	Inf.	Dt (km)	CA / CM	Schedules	
											FGD	HH
Chhattisgarh	NC	Surguja	Lakhanpur	Chando	Chando	65	R	G	1	20/40	1	22
					Somada	-	-	-	-	INAA	-	8
	NC	Surajpur	Ambikapur	Chathirma	Chathirma	73	F	G	0	35	1	8
					Badhiyamuriya	-	-	-	-	INAA	-	9
					Aratijiya	-	-	-	-	INAA	-	13
					Dhur	128	R	G	2	INAA	1	17
	CC	Rajnandgaon	Mohala	Metwa	Bamana	-	-	-	-	INAA	-	1
					Fudargath	-	-	-	-	INAA	-	12
					Metwa	113	R	B	1	INAA	1	21
					Bharsatola	-	-	-	-	INAA	-	6
Kalchuva					-	-	-	-	INAA	-	3	
Tolum					213	R	G	2	INAA	1	16	
NC	Bastar	Jagdulpur	Chhorikawali	Navagam	-	-	-	-	INAA	-	14	
				Duwadi	102	R	B	0.5	INAA	1	15	
				Pateli	-	-	-	-	35/110	-	12	
				Parmeta	-	-	-	-	INAA	-	3	
				Guriya	67	F	B	0	19/75	1	30	
				Chhorikawali	93	F	B	0	INAA	1	18	
				Potiyapal	-	-	-	-	INAA	-	12	
				Haurmar	133	R	B	1	INAA	1	30	
Gujarat	NG	Banaskantha	Dantewada	Dholiya	75	R	G	0.5	14/170	1	17	
				Dhondhu	-	-	-	-	18/80	-	13	
				Semalpani	83	R	G	0.5	33/166	1	6	

Table 2.01 Contd...

Gujarat	NG									Naiwada	-	-	-	22/70	-	-	4
										Guda	-	-	-	96/100	-	-	5
										Padaliya	-	-	-	37/100	-	-	4
										Bedapani	-	-	-	16/70	-	-	3
										Viramveri	-	-	-	103/114	-	-	5
										Dabhchhatra	-	-	-	2/50	-	-	3
										Pathora	85	F	G	7/49	0	1	3
										Bavalkanthiya	-	-	-	4/65	-	-	9
										Bodiya Talav	-	-	-	6/115	-	-	6
										Bharmiya	-	-	-	105/138	-	-	12
EG										Odd	93	R	G	0.5	37/109	1	24
										Ozali	-	-	-	-	-	-	2
										Podiya	-	-	-	-	-	-	4
										Gandhara	63	F	B	0	130/300	1	6
										Poyali	-	-	-	-	-	-	20
										Ranjitpura	-	-	-	-	-	-	4
										Chandala	83	F	G	0	16/178	1	30
										Barumal	93	R	G	2.5	100/160	1	30
										Umarkui	93	R	G	2	48/301	1	30
										Bhalkhet	73	F	G	0	48/65	1	27
SG										Khopariamba	-	-	-	INAA	-	-	2
										Shikhala	-	-	-	-	-	-	1
										45	18	18	-	-	-	18	540

Key: S = State; R = Region; NC = North Chhattisgarh; CC = Central Chhattisgarh; SC = South Chhattisgarh; NG = North Gujarat; EG = East Gujarat; SG = South Gujarat; VFY = Village Formed in Year; VT = Village Type; Inf. = Infrastructure in the Village; Dt. = Distance between village and forest; TV HHs = Total Village Households; CM = Claims Made HHs; CA = Claims Awarded HHs = Rights Claimed Households; INAA = Information Not Available Accurately; FGD = Focus Group Discussion; HHs = Households; DNB = Data Not Available; R = Revenue Village; F = Forest Village; G = Good; B = Bad; Source: Field Data.

force. FRA in Gujarat has been restricted to 12 districts covering 43 *talukas* since the act is being implemented in the state since 2008. The state's TDD has announced that it would now (2013) extend this act to the non-tribal areas as well (*The Indian Express, 2013*). The tribal and non-tribal castes that come across in Chhattisgarh include *Bandhel, Bhaswar, Bhatra, Chamar, Dhakad, Dhruva, Dhurva, Doria, Gawar, Gond, Halbi, Harijan, Kojha, Kumbhar, Lothar, Mahra, Moria, Narga, Panda / Pando / Pandu, Panika, Rajwar, Rawat, Sarathi* and *Turi*, while in Gujarat *Baria, Bhooriya, Dabhi, Dammar, Gamar, Harijan, Katara, Katariaya, Koli, Kumbhar, Lohar, Naik, Naika, Ratwa, Sangada, Sutar* and *Thakur* constituted the caste composition.

**Table 2.02: Social Composition of the Study HHs**

State / Groups	SC	ST	OBC	Others	G Total
Chhattisgarh	26	205	39	0	270
	(10.0)	(75.6)	(14.4)	(00.0)	(100.0)
Gujarat	1	265	4	0	270
	(00.3)	(98.2)	(01.5)	(00.0)	(100.0)
Total	27	470	43	0	540
	(05.0)	(87.0)	(8.0)	(00.0)	(100.0)

Key: SC= Scheduled Caste; ST= Scheduled Tribe; OBC= Other Backward Classes; G= Grand. Source: Field Survey (Household); Note: Figures in parentheses are percentages of the respective counts.

Education is an important human development asset for anyone in any kind of society. In the welfare era, it becomes all the more important. Those who keep track of the government schemes and programmes are expected to make full utilisation of them for their benefit. It is all the more important in the context of FRA because, to effectively present one's claims, a fair understanding of the act, and its implementation process is very necessary. However, not much can be expected of the tribals though they happen to be the main stakeholders as their literacy rate is far below the state (any state) and national levels. Coming to the study, the sample reflects a general trend (table 2.03) in that almost half of the respondents i.e. 47.0 % are illiterate; curiously Gujarat accounts for 64.8 % of them. Up to class X, Chhattisgarh appears better placed than Gujarat. Partially this could be because Gujarat sample mostly consists of tribal communities, Chhattisgarh sample comprises non-tribals as well - who are relatively better educated in general. Interestingly, when it comes to higher education, there are 7 respondents in the sample of Gujarat, while only one member in Chhattisgarh. The trend across all the regions of both the states regarding education is uniform excepting central Chhattisgarh where the number of illiterates mainly because the capital of the state is close by.

Table 2.03: Distribution of Respondents in the Study States according to their Educational Status

State / Education	Illiterate	< VII	> VII	X	Inter	Graduation	G Total
Chhattisgarh	79	133	43	8	6	1	270
	(29.3)	(49.2)	(16.0)	(03.0)	(02.2)	(00.3)	(100.0)
Gujarat	175	67	14	3	4	7	270
	(64.8)	(24.8)	(05.2)	(01.1)	(01.7)	(02.4)	(100.0)
Total	254	200	57	11	10	8	540
	(47.0)	(37.0)	(10.5)	(02.3)	(01.8)	(01.4)	(100.0)

Key: < = Below; > = Above; G = Grand; Source: Field Survey (Household); Note: Figures in parentheses are percentages of the respective counts.

The size of HH members has been an issue bothering the people opposed to FRA implementation because their argument is that the population of tribal communities has been increasing and that it would be an injustice to cater to their demand for land in the forest areas at the cost of ecology and biodiversity. However, the size of the family or HH per se can not conclusively reflect a skewed increase in population. There can also be a cultural dimension to it for many in rural areas where one wishes to live in joint families. Nevertheless, this attribute is different among various tribals. If some people prefer large and joint families, others tend to set up new houses soon after they get married on attaining maturity. The study presents a picture of a majority of families (50.3 %) living with an average family size of 6 to 10 members, followed by nuclear families with a size of 3 to 5 members (32.5 %) (table 2.04). These family size intervals are consistent with respect to the two studied states and their regions. In fact, the respondents concede that tribal HHs do not adopt 'family planning' methods to contain the size of their families for two reasons: one, their culture does not encourage anything that artificially prevents the birth of children, two, the areas of this sample are so remote (as already discussed earlier (table 2.01)) that they are devoid of basic facilities especially health related. Hence, the lack of awareness also is a major reason. Further, 80.7 % of these families dwell in *kuchha* houses, followed by thatched (14.8 %), *s-pucca* (3.5 %) and *pucca* (0.9 %) (table 2.04). In fact this trend is overwhelmingly observed in Chhattisgarh with 95.5 % as compared to 65.9 % in Gujarat for *kuchha* houses. 27.0 % of tribals in Gujarat live in thatched houses. Going by the respondents' definition, a thatched house is a temporary shelter. In other words, it is built with hay and small wood and normally ranges between 10 x 15 feet space. As for *kuchha* house, it is comparatively strong though lacking in reinforced concrete and cemented roof. Nevertheless, some houses do have brick or stone-walls but, by and large, otherwise they are mostly built with strong wood as walls. Region wise, the sample presents a similar pattern across both the states.

Table 2.04: Household Size of Respondents and their Type

State / Size and Type	No. of HH Members					Type of House				
	1-2	3-5	6-10	11 >	G Total	Thatched	Kuchha	S-pucca	Pucca	G Total
Chhattisgarh	23	122	116	9	270	7	258	5	0	270
	(08.5)	(45.2)	(43.0)	(03.3)	(100.0)	(02.6)	(95.5)	(01.9)	(00.0)	(100.0)
Gujarat	3	54	156	57	270	73	178	14	5	270
	(01.1)	(20.0)	(57.8)	(21.1)	(100.0)	(27.0)	(65.9)	(05.2)	(01.9)	(100.0)
Total	26	176	272	66	540	80	436	19	5	540
	(04.8)	(32.5)	(50.3)	(12.2)	(100.0)	(14.8)	(80.7)	(03.5)	(00.9)	(100.0)

Key: > = Above; S = Semi; G = Grand; Source: Field Survey (Household); Note: Figures in parentheses are percentages of the respective counts.

The world is witnessing a rapid urbanisation process mainly because of the availability of various employment opportunities in the urban areas. India and the studied two states are no exception to this phenomenon. Hence, it is important to find out the basic sources of income of the sample HHs. Farming (55.3 %) and agricultural labour (44.1 %) respectively come across as the two major sources of livelihood for the sample HHs across the two states with animal husbandry forming less than 1 % (table 2.05). However, the income from agricultural labour is less (33.7 %) for Chhattisgarh HHs, whereas, it is the main source of income for HHs in Gujarat (54.4 %). But, this does not in any way mean that income from animal husbandry is meagre. In fact, for many sample HHs in Gujarat, income from this source is on par with agriculture. The HHs having lands who want to supplement their income as also others do have secondary sources of income in the form of agricultural labour, forest related menial jobs, selling forest produce wherever it is possible and Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGA) option besides animal husbandry. The last but one option is available in areas more nearer to urban cities. This is uniform across both the states and regions alike. However, MGNREGA option is not available throughout the southern region in Chhattisgarh and in other regions of both the states. On the other side, wherever it is available, it is not so attractive as an option as expressed by the respondents simply because of poor wage-rates and abysmally delayed payments for their labour.

**Table 2.05: Distribution of Respondents according to their Primary Source of Livelihood**

State / Sources	Agriculture	Agricultural Labour	Animal Husbandry	Grand Total
Chhattisgarh	177	91	2	270
	(65.5)	(33.7)	(00.7)	(100.0)
Gujarat	122	147	1	270
	(45.9)	(54.4)	(00.4)	(100.0)
Total	299	238	3	540
	(55.3)	(44.1)	(00.6)	(100.0)

Key: G = Grand; Source: Field Survey (Household); Note: Figures in parentheses are percentages of the respective counts.

In the context of MGNREGA, the point of interest lies in the migration status of any particular village. Except for 1 GP in north Chhattisgarh where it is reported that there is migration history, the respondents in the rest of the 17 GP villages under study are given to one or the other form of migration. People from these villages either seasonally, temporarily or permanently. A very small number of HHs are found to have migrated to

other places permanently; however migrating during lean periods or seasons are found more in numbers. Most of these people work as construction labourers, agriculture labourers, non-farm agriculture labourers and workers in factories (sugar mills). As far as MGNREGA is concerned, the respondents in both the states across all the 3 regions have not shown any keen interest in the scheme. This is evident from 21.5 % of the study HHs in Chhattisgarh reporting that they get 100 days of employment under this scheme and that they have stopped migrating to other places. A similar view has been expressed by 36.7 % of study HHs in Gujarat. The remaining respondents are not satisfied for reasons of not getting 100 days of employment, absence of prompt payments, non-provision of job cards to eligible people in the villages and poor wage rates which sometimes work out to as low as Rs. 10/-. Even payments made through banks in interior areas, especially in Chhattisgarh do not seem to have positively influenced people because they have to walk long distances for drawing money. A sad part of MGNREGA is that, even in the remote areas of tribal belts, machines are used either because locals refuse to work for low wages, or the officials concerned deny them work or people simply refuse to do a difficult tasks.

### **III. Conclusion**

45 study villages and 540 sample HHs spread across three regions in their respective states of Chhattisgarh and Gujarat present vast variations with regard to all aspects. Although, the life-story of tribal communities everywhere in India is more or less the same despite their falling under separate administrative jurisdictions, overall in the plain regions of both the study states, the infrastructure base is far better, while it does not reflect in the tribal zones, though Gujarat appears marginally better off on the count of infrastructure. Consistent with the objective, the sample is dominated by tribals since FRA revolves around their rights more than anybody else. Education, a major human capital is very poor among the HHs in the study areas. Although the HH size in the study areas gives an impression of being large, no evidence could be found to the effect that this population is indiscriminately increasing. Perhaps for cultural and economic reasons, many of them are said to be living together under a joint family set-up. Shelter appears still a far cry for many of the tribal citizens in both the states as *kuchha* houses dot the areas where a the majority of them are residing. Agriculture and agricultural labour come across as the main source of income for the sample HHs. Animal husbandry is yielding good income to those in Gujarat, but it is not a primary occupation for a majority of them.

## Chapter - 3

### FRA Under Implementation

#### I Introduction

This chapter touches on the crux of the research objective, i.e. FRA implementation. The implementation process is analysed in two sections with the first one looking into the awareness level of the respondents regarding FRA among the sample this and the actual course of action happening during the constitution of FRCs. The second part tries to understand the implementation of the act and the factors influencing the action situation on ground. Besides, it takes stock of the role of NGOs and other stakeholder officials under whose jurisdiction the act is being implemented.

#### II. Awareness regarding FRA and the Constitution of FRCs in the Study Villages

Tribal department, FD, GP, NGOs and in some places people in the study GP villages learnt about FRA through newspapers. However, a majority of the respondents acknowledge that the *panchayat* secretary informed about FRA to the villagers. It is interesting to note that, in 5 of the 9 GPs studied in Chhattisgarh, the district magistrate directed *panchayat* officials for the formation of FRCs. This was eventually carried out as elsewhere by *panchayat* secretary often attended by GP members and sometimes with the local FD staff also gracing the occasion. In Gujarat, 6 GPs were asked to form FRCs through their local FD. In 2 GPs the GP secretary initiated the process, while in 1 GP, the magistrate concerned ordered the *panchayat* secretary to fulfil the requirement. In general, awareness regarding FRA among the study villages has been very poor, especially much poorer in Chhattisgarh than Gujarat.

When asked about the allegations of Joint Forest Management (JFM) committees being converted into FRCs, the people in the GP villages (4 GPs in Chhattisgarh and another 5 in Gujarat) acknowledge the fact of some of its members belonging to JFM committee with JFM being already active. However, nowhere in the study, have JFM members been inducted en masse as members of FRC. On asking why they have to include JFM members in this committee, a majority of the respondents across these GPs hold the view that, JFM committee members are fairly knowledgeable regarding forests

and that they know the boundaries of their village forests and nitty-gritty involved in handling FD officials. At the same time, most of the respondents are of the view that JFM is no longer functional in their villages, so this could have little interest of conflict.

Table 3.01: Process of FRC Constitution in the Study Villages

State / Level and %	Meeting Held At				% of Attendance				
	V / Hamlet	Panchayat	Other	G Total	0-25	26-50	51-75	76-100	G Total
Chhattisgarh	2	7	0	9	4	1	3	1	9
	(22.2)	(77.8)	(00.0)	(100.0)	(44.4)	(11.1)	(33.3)	(11.1)	(100.0)
Gujarat	6	2	1	9	0	4	3	2	9
	(66.7)	(22.2)	(11.1)	(100.0)	(00.0)	(44.5)	(33.3)	(22.2)	(100.0)
Total	8	9	1	18	4	5	6	3	18
	(44.4)	(50.0)	(05.6)	(100.0)	(22.2)	(27.8)	(33.3)	(16.7)	(100.0)

Key: V = Village; G = Grand; Source: Field Data; Note: Figures in parentheses are percentages of the respective counts.

The constitution of FRCs is an important step in the implementation of FRA simply because it is the body that looks into claims of people having lands in the forest areas and also decides on the authenticity of such claims after consulting the elders in the village and also the GS. Among the 18 studied GPs, it has been found that 50.0 % of them have constituted their FRCs at the *panchayat* level though it should have been done at each of its hamlets (table 3.01). A couple of GP villages, despite having other hamlets under their jurisdiction, have had just one has only one FRC at the GP level to date. But, on enquiring with the forest and tribal department officials, we have come to learn that each hamlet has a duly constituted separate FRC. It needs to be mentioned here that, the constituting of FRCs at the *panchayat* level happened at 7 (77.8 %) out of 9 GPs in Chhattisgarh, while in Gujarat it was better with 7 (6.67 %) GPs having constituted their FRCs at an appropriate level. When further probed about the percentage of attendance at each GS when FRC was being formed, exactly half the number of GPs acknowledged it to be more than 50.0 %. Among them, only 3 (22.2) GPs could attract attendance between 75-100 %. Between the states, 4 (44.4 %) GPs in Chhattisgarh have constituted their FRCs with less than 25 % of attendance in the GS called for this purpose. In all of south Chhattisgarh, FRCs have been formed at the GP level though these are the places that require FRCs to be formed at the hamlet level, because the GPs in these forest areas are in clusters with more than 3 villages falling under each GP

jurisdiction; besides, they are spread across an average radius of 5 to 7 kms from one hamlet to another. This, in other words, means many people are still unaware of this act despite being implemented since 2008.

In 6 of the GP villages in Chhattisgarh, at least a faint level of awareness has been created by local NGOs. Incidentally, all these GPs belong to north and central Chhattisgarh, the reason being the presence of NGO headquarters near the capital city of the state. In view of the prevailing unrest in south Chhattisgarh, many NGOs particularly those not belonging to these areas do not take up any project in these areas. Further, not all local NGOs are specialised in forest or forest related concerns. According to the views of people in the study related GP villages in Gujarat, NGOs have a greater presence in the south and east Gujarat regions, however, only in 3 GPs - one each in Valsad, Dangs and Rajpipla are found receiving the services of local NGOs. People have good opinion about 2 NGOs in Dangs and Rajpipla districts while in Valsad, they accused the local staff of a particular NGO of collecting money from the poor claimants on the pretext of speeding up their cases related to *pattas* of their lands.

It is interesting to note that at least a couple of respondents in each of the study related GP villages in both the states are aware of the organic structure of the FRA implementation. Only these respondents are aware of the existence of committees such as sub-divisional committee (SDLC), district level committee (DLC) and the state level monitoring committee (SLMC) and their role and functions.

### III. Implementation of FRA and Related Issues in the Study Villages

As per FRA, only FRC secretary's role is mandatory with regard to examining the claims made by people over lands in the forest areas. The presence of panchayat secretary or FD officials is not mandatory. With respect to the role of these three authorities, the respondents report that half of the studied GPs have people's claims examined by their respective FRC secretary. That all these GPs are located in Gujarat indicates that none of FRC secretaries in Chhattisgarh GPs has free hand in examining the claims of their people. Either claimants' papers are collected by panchayat secretary (in 3 GPs) or FD officials (6 GPs) or it is that they play a dominant role in this respect instead of FRC secretary all the way at the helm of affairs (table 3.02). On seeking clarification from the officials of the connected departments working under their jurisdiction, they observe that in the beginning, naxalites discouraged people from indulging in this activity on the grounds that, the government had deputed them to learn the exact extent of encroached lands with the people and that they would take it back or they simply had no trust that, the government would legalise their lands so easily, and also that they had to carry out the process on their own under pressure from the top. They cite this as one of the

reasons for not conducting GSs in every hamlet under Chhattisgarh GPs for constituting FRCs (table 3.01).

Table 3.02: Officials Active in Overseeing/Collecting/Examining the Claims

State / Officials	FRC Secretary	Panchayat Secretary	FD Official	Other	G Total
Chhattisgarh	0	3	6	0	9
	(00.0)	(33.3)	(66.7)	(00.0)	(100.0)
Gujarat	9	0	0	0	9
	(100.0)	(00.0)	(00.0)	(00.0)	(100.0)
Total	9	3	6	0	18
	(50.0)	(16.7)	(33.3)	(00.0)	(100.0)

Key: FRC = Forest Rights Committee; FD = Forest Department; G = Grand; Source: Field Data; Note: Figures in parentheses are percentages of the respective counts.

In view of a poor educational background as also the lack of awareness, the studied HHs are expected to face problems in claiming their lands from officials concerned because of processing (documents related) hassles. However, this does not appear to be the case going by their responses because, 90.4 % of them think so (table 3.03). There is not much difference observed across the states and regions in this respective. In fact, Gujarat is almost free of such issues. What is important to know is whether anybody at any stage had prevented them from claiming their lands, or created hurdles in doing so. However, in Chhattisgarh (in south region) 10.7 % of the respondents report suspecting their *sarpanch* for not deliberately informing them regarding this act because of political reasons as they had not supported their *sarpanch* during the GP elections. Besides, a majority of the study HHs (64.4 %) have a grouse against the government authorities for not allotting the demanded lands despite producing the required documents. This trend is more acute in Gujarat with 71.5 %, whereas in Chhattisgarh it is 57.4 % (table 3.03). In Gujarat, in several cases, the claims were simply rejected if they found any of their documents produced not matching with the satellite images. In other words, for verification of claims, the bench-mark followed in Gujarat seems to be only 'satellite image'. In Chhattisgarh, the respondents giving reason for the rejection of their claims said that, the officials simply totalled-up the 'available land' and distributed more-or-less equally among all the claimants irrespective of how much land they had claimed. The respondents also report that they did not press for additional justice as they are happy with whatever land they have got with *patta*. In reality, the land allotted to them is found far less than what they had actually claimed.

Table 3.03: Claims related Concerns of the Study HHs

State / Concerns	Problems Faced			Status of Land Claimed			Criminal Offences					
	Yes	No	NA	G Total	Yes	No	NIY	G Total	NA	HC	DNK	G Total
Chhattisgarh	29 (10.7)	221 (81.9)	20 (07.4)	270 (100.0)	105 (38.9)	155 (57.4)	10 (03.7)	270 (100.0)	238 (88.2)	25 (09.2)	7 (02.6)	270 (100.0)
Gujarat	3 (01.1)	267 (98.9)	0 (00.0)	270 (100.0)	73 (27.0)	193 (71.5)	4 (01.5)	270 (100.0)	255 (94.4)	15 (05.6)	0 (00.0)	270 (100.0)
Total	32 (05.9)	488 (90.4)	20 (03.7)	540 (100.0)	178 (33.0)	348 (64.4)	14 (02.6)	540 (100.0)	493 (91.3)	40 (07.4)	7 (01.3)	540 (100.0)

Key: G = Grand; NA = Not Answered; NIY = No Idea Yet; HC = Have Cases Against Them; NA = Not Applicable; DNK = Don't Know About the Status; Source: Field Survey (Household); Note: Figures in parentheses are percentages of the respective counts.

One of the issues concerning human rights relates to the criminal cases booked with the police stations against the poor tribals for encroaching on lands in the forest areas. Since a copy of First Information Report (FIR) is now considered as one of the valid documents for claiming their lands, it has been made clear in the FRA rules that such cases be declared null and void. Enquiries with respondents in both the states reveals that 91.3 % of them do not have any case of this nature registered against them (table 3.03). However, about 40 respondents (7.4 %) acknowledge that they have cases registered against them. Among them 33 have had no knowledge about this clause under FRA, while 7 respondents had contacted the police station concerned to have their cases withdrawn, but they too are not sure about the present status of their cases. Respondents in Chhattisgarh appear to have suffered more than those in Gujarat with regard to this issue. If looked at regionally in their respective states, respondents in the central regions of both the states appear to have a fair knowledge about the dropping-off of such cases, mainly because majority of the respondents reside here. The reason for this is that; central Chhattisgarh has the state capital in its proximity and hence, there is a greater involvement of the NGOs in helping the FDPs with regard to FRA. Similar is the case with central Gujarat also because, more number of offences have been recorded in this region. The claimants in Jambughoda are still fighting police cases registered against them. In fact, the residents of Gandhara, Poyili and Ranjitpura have become an inspiration for other villagers to claim their rights on lands in forest areas despite threats of facing criminal charges. They are fighting their cases with all vigour. However, the sad part is that, these tribals are still being harassed by the local FD for cultivating lands already recognised as theirs under FRA.

A critical issue in Chhattisgarh is that, many of the study HHs have been informed by their *panchayat sarpanches* and secretaries that their names appear in the list of those who have been allotted lands. However, the fact is that nobody knows which part of lands allotted is theirs, and a few of those who tried to locate them with the help of FD staff and revenue officials also are unable to figure out their lands mainly because of the utter carelessness on the part of the department in combining all the claims and dividing the available land along with a circular to *panchayats* concerned with the names of the claimants and the units of land granted against their names. Add to it, in both the states, despite announcing and sending official circulars with respect to the allotting of claimants, the ownership 'documents'<sup>7</sup> are not given immediately to the claimants instead they are made to wait until the ministers, Members of Legislative Assemblies (MLAs), Members of Parliament (MPs) or even chief ministers make it an event to distribute the documents-

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<sup>7</sup> 7/12 and 8A are the legal documents.

a mere political gimmick to claim credit for themselves and their parties. Till such time, the poor FDP have to forgo benefits such as seeking loans from banks at least.

The common documents presented as evidence by the study HH members alongside their identity include caste and residential proof for claiming their lands, elders' statements, house tax receipts, forestland violation notices, penalty receipts, survey and layout maps, satellite images, statements from *panchayat* records and village development committee statements.

50 % of the total study GP villages have witnessed the rejection of their residents' claims under FRA. This trend has been found more visible in Gujarat than Chhattisgarh because 2/3rd of the studied GPs in the former have reported a gross rejection of claims (table 3.04). The respondents who have got their claims rejected are seemingly not happy in either of the states, particularly those in Gujarat because they claim that they had submitted more than enough number of evidences to support their claims. But, now they have found their claims not corresponding to the 'satellite image' and the resultant rejection. Although not much stress had been laid on the technical aspects in Chhattisgarh, their claims have been rejected on the count of insufficient evidences. This could be attributed to a poor level of awareness on the part of claimants regarding the type of documents to be submitted. If looked at from regional angle, east Gujarat accounts for a large number of rejections followed by the other studied GPs. It is important to mention here that the Gujarat authorities have promised to re-look into the large scale rejection of claims just based on 'satellite image' following the filing of a 'Writ Petition (2011)' by the civil society in the high court of Gujarat, alleging large scale rejections. It is to be noted that FRA provides for reconsideration of the clause, if large numbers of claims are rejected (according to FRA Rules Notification, September 6, 2012, also the rejections based on technological tools are to be re-examined). The officials of FD and tribal department as also the local NGOs have acknowledged this aspect.

A few interesting cases have come to light in the study GP villages. In one instance, the claim of an individual was rejected after its approval, of his claim, when the locals complained to the commissioner that the applicant had not been residing in the village for decades as required under the act and that his family had long back migrated to city. When asked how he could even manage to get the approval, tribals point to corruption being practiced at *taluka* level.

In another case, an applicant had leased-in a stretch of forest land (2.80 *guntas*) from its original occupant who had encroached on the land since 60 years. The lease-holder has been cultivating the land for more than a decade. Now after the enforcement of FRA,

Table 3.04: Issues involved in the Implementation Process of FRA across the Study Villages

State / Individual Issues	Rejection of Claims			Claims on JFM Land			Forceful Evacuation of HHs		
	Yes	No	G Total	Yes	No	G Total	Yes	No	G Total
Chhatisgarh	3	6	9	2	7	9	0	9	9
	(33.3)	(66.7)	(100.0)	(22.2)	(77.8)	(100.0)	(00.0)	(100.0)	(100.0)
Gujarat	6	3	9	1	8	9	2	7	9
	(66.7)	(33.3)	(100.0)	(11.1)	(88.9)	(100.0)	(22.2)	(77.8)	(100.0)
Total	9	9	18	3	15	18	2	16	18
	(50.0)	(50.0)	(100.0)	(16.7)	(83.3)	(100.0)	(11.1)	(88.9)	(100.0)

Key: JFM = Joint Forest Management; HHs = Households; G = Grand; Source: Field Data; Note: Figures in parentheses are percentages of the respective counts.

both of them are at loggerheads as to who is its actual owner. The earlier occupant now has no evidence of his cultivating the piece of land for years. On the other hand, the people in the village acknowledge him as the original owner and that the land had been leased-out and he has been paying rent to the original occupant. Going by FRA rules, the person presently tilling the land appears to have every chance of claiming the piece of land in his name since he has been cultivating the land. Interestingly, both the litigants cannot approach 'court' because theirs is a case of illegal occupation and hence, no court will entertain such cases. In yet another case, the people of the village are opposing a 'ghar jamai's' (son-in-law residing in his in-laws house) application who has been living with his in-laws for a decade and half, cultivating forest land.

In a majority of the study villages in both the states, sabotaging of certain members' claims has been found through a thorough probing. The reasons are political in nature. Such cases have occurred where party politics is the influencing factor with the GP *sarpanch* appearing to have behaved with vendetta against those who were suspected of not voting for him or known opponents. It has been observed that in some instances, on the basis of *gotra* (common descent) was the basis for identifying the beneficiaries from the tribals. The mechanism followed was the non-release of application forms. The *Panchayat* secretary was hand-in-glove with the *sarpanch*. Then, selectively supporters were identified for filing applications. It is obvious that the forming of FRCs by the GS has not been transparent in such GP villages.

The much publicised JFM programme has become the bone of contention for two reasons. On the one side, some of JFM lands are being claimed by the villagers and on the other side, the FD is accused of using JFM to not part with its land for individual or community claims on the pretext that, it already belongs to them. However, the issue involving JFM has been limited to only 3 GPs in the study states out of 18, of which 2 are in Chhattisgarh. Since number is small there is not much significances attached to it from the regional point of view (table 3.04). Despite reports of forceful evacuation of villagers from the forest lands, the study GPs report that only in 2 such incidents - one each in eastern and southern Gujarat such have happened. This has been acknowledged by the locals and in fact they view that the HHs that have been evacuated are trying to encroach on the forest lands in the recent times with a view to claiming lands under FRA (table 3.04). However, one of the well-known FRA activists in Dangs observes that, such incidents are generally exaggerated; he even disagrees with a leading magazine that had carried a story of forcible evacuation which according to him is not true. He also points out that, such false reports about illegal encroachments can hamper the interests of the genuine claimants who have been tilling the forestland for decades together, otherwise he believes that such incidents can only provide the officials with a pretext to claim that all the claimants are not genuine and that they are land grabbers.

Table 3.05: Community Related Issues involved in the Implementation Process of FRA in the Study Villages

State / Community Issues	Land Taken Over for Having Tree Cover			Availability of Forest-related Community Lands			Claims made on Community Lands		
	Yes	No	G Total	Yes	No	G Total	Yes	No	G Total
Chhattisgarh	2	7	9	5	4	9	3	6	9
	(22.2)	(77.8)	(100.0)	(55.6)	(44.4)	(100.0)	(33.3)	(66.7)	(100.0)
Gujarat	2	7	9	8	1	9	8	1	9
	(22.2)	(77.8)	(100.0)	(88.9)	(11.1)	(100.0)	(88.9)	(11.1)	(100.0)
Total	4	14	18	13	5	18	11	7	18
	(22.2)	(77.8)	(100.0)	(72.2)	(27.8)	(100.0)	(61.1)	(38.9)	(100.0)

Key: G = Grand; Source: Field Data; Note: Figures in parentheses are percentages of the respective counts.

Just a couple of HHs coming under 4 GPs in the studied states have reported that their lands have been taken away by the FD for having tree cover. On further enquiry, these lands are found to be having trees and are indeed under forest lands. But, it is not a case of a clear eviction of people from their places for growing trees on their individual plots. There are no significant variations across of regions in either of the studied states; it appears to be a display of enthusiasm on the part of the respondents with respect to their claims.

It is a well known fact that, this act, despite having a provision for community claims was able to attract only individual claims in the initial years. However, with a little awareness creeping-in, people are now claiming 'community purpose lands'. When asked about the availability of such lands in their villages, the respondents report 13 of the total 18 study GP villages have claimable lands in the forest areas for community use. The respondents in Gujarat appear to be making a full use of this provision compared to Chhattisgarh because as against Gujarat's 8 GP villages, only 5 GP villages in Chhattisgarh have identified community lands for claims in the forests. In Gujarat, all the 8 GP villages have submitted made applications for claims, whereas, only 3 GP villages out 5 have made claims on community lands in Chhattisgarh. However there exist no significant variations across regions in either of states (table 3.04). Although the respondents in both the states across all the 3 regions, have had no idea about the exact extent of land available in their villages for community purpose, initially, they now appear to have a clear idea about the possibility of claiming lands thanks to NGOs as also other that they can claim 'community lands' for internal roads, temples, crematorium grounds, check dams, playgrounds, grazing lands, pasture lands, plain lands for assembling on village occasions, electricity poles and schools. Those having membership with FRCs in the study GP villages are aware of the fact that, they can claim up to 10 ha of land under 'community' category. It is important to note that, the demand for community lands may not have a direct impact on their livelihoods. Except for 1 study village, no claims have been made on the forest lands through which the villagers can secure their livelihoods. This particular village is in Valsad in south Gujarat, where the PTGs have been given a stretch of land with bamboo plantation. When asked why they could not think of claiming lands that could serve them financially in the long term, a majority of the HH members observe their forests are left with no such produce any longer that, they could ask for. Whatever little they need, they get for their HH consumption. Invariably almost all of the study HH members in both the states are found to have given a top priority to agriculture.

The relationship between the tribals and the FD officials has never been cordial. When asked whether they have to pay penalty or fine for collecting MFP, almost all of the

sample respondents in both the states opined that, such a practice is a thing of the past. And also that earlier i.e. about 15 to 20 years ago, they used to be harassed by the FD guards and rangers for venturing into forest for collecting whatever they needed. Axes, sickles and bicycles would be snatched away from them and slapped with fines or would be released on paying bribe. Respondents in both the states and across the regions in the study observe that, with new legislations coming into effect, the attitude of the FD officials has improved of late. Interestingly, in some pockets, as reported by many respondents, forest officials have not ventured into the villages since months and years together. In Chhattisgarh, particularly in the southern region, this view is more prevalent. The reason, according to the local respondents in the study villages, is that there is a strong presence of *naxalites* here. Their very presence acts as deterrence and shields the villagers from officials committing offenses against them. As already mentioned, FRA has no significance whatsoever in this connection.

Table 3.06: Views of the Study HHs regarding the Attitude of the FD and Other Officials

State / Behaviour	Attitude of FD and Other Officials				
	Good	Bad	Worst	Indifferent	G Total
Chhattisgarh	243	19	4	4	270
	(90.0)	(07.0)	(01.5)	(01.5)	(100.0)
Gujarat	254	15	1	0	270
	(94.0)	(05.5)	(00.5)	(00.0)	(100.0)
Total	497	34	5	4	540
	(92.0)	(06.3)	(00.9)	(00.8)	(100.0)

Key: G = Grand; Source: Field Survey (Household); Note: Figures in parentheses are percentages of the respective counts.

With regard to the behaviour or attitude of the FD and other officials, a majority (92.0 %) of the respondents have a good opinion of them (table 3.06). The response has been found uniform across the 2 states and regions excepting a small section of the respondents harbouring reservations towards the department officials in central Chhattisgarh and east Gujarat. Especially Panchmahal and Dahod in east Gujarat do have a history of regular skirmishes occurring between the people and the departments of police and forest. Coming to the FD's known image of being an atrocious department, the respondents from both the states observe that the interference of FD started declining since late 1990s<sup>8</sup>. Yet, there are some pockets in the study which do not agree completely with this view. For instance, the *panchayat* secretary in Khedbrahma (Sabarkantha, north

<sup>8</sup> It was also the time when 'community' participation in the management of NRM gained currency in the country.

Gujarat) thinks that FD high handedness still persists against the poor tribals to date. The officer gives an example of how their department is also harassed in that they have been asked to vacate the *panchayat* building on the ground that it stands on the forest land. In Chhattisgarh, FD officials are said to be not visiting the interior areas especially in the southern region of Chhattisgarh. A couple of times in a year an officer of range level goes on rounds, otherwise, a local beat officer (guard) carries out all the departmental formalities. Further, from 2000 onwards, visits by FD officials have almost stopped. Even the guards do not visit the forests because MFP rights have been granted to the locals following a change effected to the existing law, unlike previously when there were several restrictions which in a way helped the guards harass the helpless tribals besides taking bribes from them.

Despite the pressure of the tribal department and a provision for the formation of FRCs and a negligible role for FD under the act, respondents in the sample believe that FD is a crucial factor in terms of either speeding up the process of FRA implementation or smoothening the process without creating hurdles. In Dangs (south Gujarat), the district collector had to issue strict orders (according to FRA Rules Notification: September 6, 2012) to the FD to ensure that the officials concerned were present when the re-examination of claims were to take place and not to object to or reject later the people's claims by remaining absent on the site when the process was carried out. The Collector thought FD's indifference was an unnecessary tactics to delay the forest land right process.

#### IV. Conclusion

A look into the awareness level of the respondents in the sample regarding FRA reveals that it is poor especially in the interior forest areas and these areas happen to be vast in Chhattisgarh. This is basically because no NGOs are active there in terms of creating awareness among them. With such a poor awareness level, it is bound to affect the implementation process - and that is what has exactly happened with the reports of *sarpanches* and *panchayat* secretaries choosing and identifying the beneficiaries for claiming their lands in the forests. If this has gone unnoticed by any section of villagers only it means that GS was not convened for forming FRCs. And naturally it is evident that FRCs have been hijacked by the *panchayat* secretaries and *sarpanches*. Further quarries on the kind of problems faced by the respondents in claiming their forestlands present a dismal picture of the claims rejected in Gujarat for want of 'satellite imagery' as evidence. It is altogether a different matter that the government has issued an order to relook into the issue following a writ petition filed by the civil society on behalf of FDP in view of the gross rejection of claims. The study observations also throws light on the

mismatch between the actual units of land and awarded and also on the assessments made at the village level instead of at the individual level resulting in people not being able to figure out the plots awarded to them that do not match with their actual occupation (i.e. survey and compartment numbers) on the site. The communities in the study are in the dire need of understanding the importance of community claims on land for they are equally as important as individual claims for livelihood needs of the FDP. Although the image of FD officials appears to have improved of late, the sad part is that they are not visiting the forest areas as often as they used to in the past to stop any illegal activities taking place in the forest areas to justify their existence.

*'Finally, given the poor or non-performing role of GS in the formation of FRCs, the question that arises is what difference the latest powers through September 6, 2012 Rules entrusted to GS can make when it comes to protecting the interests of FDP? Until and unless people become aware and enlightened, the agony for them appears to persist. In villages where the awareness level is better or where the NGOs are very active (example: Dangs), tribals have been able to fight for their rights even with the existing rules. It is important to note that GS cannot be a panacea for all rural problems. In the views of the committed social activists and the NGO ground staff members, not only romanticising of this institution needs to be stopped, but also it is necessary to look beyond it for solutions. However, they appeared lost when queried as to what other alternative options they could suggest to overcome this drawback?' (emphasis by the author).*

## Chapter - 4

### Forest Dependent People's Livelihoods and FRA

#### I Introduction

Besides social justice, equality and self respect, FRA is necessarily a determinant factor in terms of ensuring the livelihoods of the FDP. To understand how far FRA has been able to make a positive impact on the lives of the FDP, this chapter presents the findings based on a field survey with respect to certain economic issues in relation to FRA besides discussing its outcomes. The analysis is presented by way of comparing the status of the respondents with the issues before the implementation of FRA and the phase thereafter it. By pre and post, it means the respondent HHs status during a year before FRA was implemented i.e. in 2008 and after (specifically a day after their benefiting in actual terms when they might have learnt about lands being awarded to them or when they actually received the documents to that effect). The issues discussed in this chapter include the status of their lands including the so-called encroached lands, sources of irrigation, crop yields, dependency on forest and livestock possession.

#### II. FRA and Livelihoods

The enactment of this act itself is a testimony to how important land is for the livelihoods of the people dependent on forests. Hence, it is important to look into changes - if any, occurring before the implementation of FRA and post FRA. This exercise is expected to throw light on how far people have benefited from this act (if at all). On examining patta lands, it is found that of the total 409 HHs, the total land holdings comes to 817 acres before the implementation of FRA. After FRA implementation, the total land holdings of 413 HHs have increased to 993, thus showing an overall increase of 21.5 % in land holdings, with an effective increase of 20.0 % change post FRA, an improvement in the average HH land holding from 2.0 acres to 2.4 acres. If this is seen from the states' point of view, Gujarat has recorded 45.2 % change with regard to average HH land holding, an increase from 1.46 acres in pre FRA to 2.12 acres in post FRA. In terms of an actual increase in acres, Gujarat has recorded 39.1 %, i.e., from 323.5 acres to 450.0 acres. However, comparatively, Chhatisgarh falls short in respect of all categories. Just 3.8 %

Table 4.01: Land Ownership (in acres) of the Study HHs Prior to FRA and After

State / Land Issue	Land with Patra			Encroached Land			Patra and Encroached Land Together - G Total		
	Pre	Post	% C	Pre	Post	% C	Pre	Post	% C
Chhattisgarh	HH	188	201	6.9	162	97	350	298	-14.9
		(46.0)	(48.7)	-	(37.7)	(33.1)	(41.7)	(42.2)	-
	TA	493.5	543.0	10.0	392.5	277.4	886	820.3	-7.4
	AL	2.6	2.7	3.8 b	2.4	2.9	2.53	2.75	8.7a
Gujarat	HH	221	212	-4.1	268	196	489	408	-16.6
		(54.0)	(51.3)	-	(62.3)	(66.9)	(58.3)	(57.8)	-
	TA	323.5	450.0	39.1	836.5	562.3	1160	1012.2	-12.7
	AL	1.46	2.12	45.2c	3.12	2.9	2.37	2.48	4.6 c
Total	HH	409	413	1.0	430	293	839	706	-15.6
		(100.0)	(100.0)	-	(100.0)	(100.0)	(100.0)	(100.0)	-
	TA	817.0	993.0	21.5	1229.0	839.7	2046	1832.5	-10.4
	AL	2.0	2.4	20.0 c	2.8	2.9	2.4	2.6	8.3 c

Key: HH = Household; TA = Total Acres; AL = Average Land per HH; G = Grand; Pre = Pre FRA; Post = Post FRA; % C = Percentage Change; Formula Used to Calculate % Change: (post - pre) / pre x 100; T Test: a = 1 % significant; b = 5 % significant; c = 10 % significant; Source: Field Survey (Household); Note: Figures in parentheses are percentages of the respective counts.

change has been recorded with regard to average HH land holding, i.e., a marginal increase from 2.6 acres to 2.7 acres post FRA. As far as an increase in actual acreage is concerned, it is only 10 % change, i.e., from 493.5 acres to 543.0 acres. It would be interesting to analyse the 'so called encroached land'<sup>9</sup> as the crux of FRA revolves around this aspect. There are about 430 HHs that have had their land holdings labelled as encroached before FRA. This has decreased to 293 post FRA, a drop of -31.9 % change. In terms of total acreage, it has decreased from 1229.0 acres to 839.7 acres. However, there has been a marginal increase in the average HH land holding from 2.8 acres to 2.9 acres. If we take a state-wise look, in Gujarat, the total acreage of land shows a drop from 836.5 to 562.3, a -32.8 % change; similarly, the average HH land holding has dropped from 3.12 (pre) to 2.86 acres (post FRA), a -8.3 % change. In the case of Chhattisgarh, the total acreage of land shows a drop from 392.5 to 277.4, a -29.3 % change post FRA, while the average HH land holding has increased from 2.4 to 2.9 acres, a 19.2 % change. What is important to note, particularly with regards to encroached section is that, a -31.7 % change in HH land holdings in respect of Chhattisgarh and a -26.3 % change in HH land holdings in Gujarat indicate that these HHs have now got their lands legalised post FRA. This also means that the distribution of land has taken place comparatively on a larger scale in Chhattisgarh than in Gujarat. However, from a FRA implementation point of view, a -100.0 % change would have been appreciable. A combined land holdings of HHs in both the states signifies that 68.3 % of HHs in a total sample of 540 are yet to get legal recognition for their lands under FRA. When with-patta and encroached lands are observed together, the total land in terms of acres shows a decrease from 2046 to 1832.5, a -10.4 % change. This is basically because the issue of encroached lands is yet to be settled. By and large both the states have recorded similar trends. Excepting for north Chhattisgarh and north Gujarat, the land distribution under FRA in other regions across the 2 states does not appear to be at the desirable level (table 4.01).

*'A Very significant issue to be noted from the above findings is that, lands with patta in the post FRA phase add up to 993.0 acres and similarly for encroached land it is 839.7 acres, while combined land in acres in the post FRA phase shows 1832.5 acres. This amount of land between a sample of 540 i.e., an average of only 2.6 acres, clearly shows how insignificantly is the total size of land when compared to huge stretches of land handed out on a platter to the industrialists, big and small alike. It shows sheer innocence on the part of the tribals when one of the respondents says that 2.5 acres of land with a reasonable irrigation facility is enough to sustain a family of 10 members'* (emphasis by the author). However, every tribal member has made his preference clear regarding the typology of

<sup>9</sup> FD prefers to define such lands as encroached.

his farming land: It is plain land at the bottom of hills for its better productivity with irrigation and it requires relatively less energy to carry on agricultural activities .

Those opposed to FRA on the ground that the entire forest land is being handed over to the tribals that might result in a catastrophe for the rich biodiversity stand exposed. *'In fact, whatever land is being given out under FRA has been under the control of the tribals or other FDP much before the FRA. Asked how they could keep the land under them despite FD atrocities', the tribals in both the states confess that, irrespective of the number of times they may have been evacuated from the forests or FD destroyed their crops, they keep going back because they have no other option to sustain themselves. They could manage this by paying Rs. 500/- to Rs. 1000/- as bribe to the local guard'* (emphasis by the author).

The value of agricultural land inflates only when it is under reliable and assured irrigation. Asked about what percentage of their land holdings has been under irrigation, about 132 land holding respondents report having one or other source of irrigation - that too not for their entire land holdings. What is important to mention here is that a overwhelming majority among them are dependent on rainwater, while comparing the number of land holders as presented in table 4.01 with those presented in table 4.02, it reveals that those who had some source of irrigation are not fortunate enough to bring their entire land holdings under irrigation. In terms of percentage, only 36.4 % (a majority) of those having some irrigation facility are able to irrigate 41 % to 60 % of their land holdings. For the rest of their land holdings, they are dependent on rainwater. Although Gujarat tribals appear well placed in this regard as against Chhattisgarh counterparts, overall, it can be summed up that HHs in both the sample states are poor as far as irrigation facility is concerned. Then again, sources of irrigation are important. And this is mainly (59.1 %) fulfilled by tube wells and dug-wells (it is dug-wells which are overwhelmingly more in numbers), followed by canals, lakes and ravines (25.7 %) and rivers (15.2 %). The point to be noted here is that 40 % of water requirements (for irrigation purpose) are drawn from naturally available sources. Comparatively, Gujarat is far ahead on this issue. If natural source availability is discounted, human intervention (government ?) has made a big difference in Gujarat. Region-wise, north Chhattisgarh and north Gujarat are marginally ahead of other regions.

Crop yields, irrigation facilities, type of land - all play an important role in determining the economic condition of a farmer. Table 4.03 presents a picture of situation in the study areas. As already seen in the preceding description, average landholding size of the study HHs is 2.6 acres, just a fraction above the marginal farmers at less than 2.5 acres per HH. It is interesting to examine what type of crops they produce on their lands and

Table 4.02: Percentage of HH Land (in acres) under Irrigation and Sources

State / Land and Irrigation	% of Land under Irrigation						Main Source			
	1-20	21-40	41-60	61-80	81-100	G Total	RV	CL/LK/RN	WL/TW	G Total
Chhattisgarh	16	4	3	1	0	24	3	2	19	24
	(39.0)	(16.7)	(6.2)	(8.3)	(00.0)	(18.2)	(15.0)	(5.9)	(24.4)	(18.2)
Gujarat	25	20	45	11	7	108	17	32	59	108
	(60.8)	(83.3)	(93.8)	(91.7)	(100.0)	(81.8)	(85.0)	(94.1)	(75.6)	(81.8)
Total	41	24	48	12	7	132	20	34	78	132
	(31.1)	(18.2)	(36.4)	(9.0)	(5.3)	(100.0)	(15.2)	(25.7)	(59.1)	(100.0)

Key: G = Grand; RW = Rainwater; RV = River; CL = Canal; LK = Lake; RN = Ravine; WL = Well; TW = Tube Well; Source: Field Survey (Household); Note: Figures in parentheses are percentages of the respective counts.

the changes in production they have undergone before and after the implementation of FRA. First, a look at the production of cereals and oilseeds shows an increase by 21.0 % and 25.4 % respectively in terms of average weight. Across the two states, Gujarat HHs exhibits a formidable jump of 47.0 % change in respect of cereals as against Chhattisgarh's -0.8 % change. Similarly, a 51.4 % change has been recorded in Gujarat in respect of oilseeds as compared to a -94.4 % change in Chhattisgarh. The reason for this massive change in respect of oilseeds is that farmers in Chhattisgarh have desisted from growing it, whereas, a marginal decline is observed in respect of cereal production in the same state because of lack of irrigation, according to the respondents. However, farmers in Gujarat, show a great improvement because of improved irrigation facilities in the form of tube wells and other government interventions<sup>10</sup>. Migration of tribals exposes them to the techniques used by the farmers there and also they invest the money they have saved while working as labourers outside. There is a marginal decrease observed in the number of HHs in Gujarat and a substantial increase in the number of HHs in Chhattisgarh with respect to the production of pulses and fruits and vegetables. Yet both these items have recorded a positive change i.e., 54.5 % for pulses and 11.7 % for fruits and vegetables. Pulse production has increased by 57 % and 67.1 % in Chhattisgarh and Gujarat respectively. In the case of fruits and vegetables, Gujarat farmers have fared well at 41.4 %, while their counterparts have improved by 18.2 %. Other crops include fennel seeds, turmeric, fenugreek and black pepper. A few sample HHs in Chhattisgarh are now producing these crops after FRA. There has been a -27.8 % decline in this respect which is quite substantial. But, in Gujarat, it shows an increase by 100 %, but the number of HHs have risen from 2 to 4 with the production leaping to 333.0 % - not significant though. As for respective regions in the two states, are concerned, central Chhattisgarh shows a -26.9 % change with respect to cereal production and a positive change of 124.5 % for other crops. These are deviations observed from the state-wise figures in the sample, otherwise, the picture at the state level and their regions are similar.

No specific reasons are attributed to the variations in the production of crops in relation to FRA because, more or less all the respondents have been cultivating the same lands. The only difference is that was some of them now have valid documents for their so called 'encroached' lands. But the major difference is '*psychological*'. This is quite evident

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<sup>10</sup> The government initiation in the form of 'krishimahotsav' was started in 2005 in Gujarat. During Krishi Mahotsavs, 'Krishi Rath (Cars/Buses)' are organized with multi-disciplinary team of scientists, horticulturists and agriculturists who train and educate the farmers in villages. This promotes scientific farming and improves agricultural practices in the State. Besides, the poor farmers are provided with a kit containing fertilizers and seeds. The raths cover the entire state and visit each village in Gujarat.

Table 4.03: Crop Yields of the Study HHs Prior to FRA and After in terms of Average Weight (in kgs. per annum)

State / Crops	Cereals		Pulses		Oilseeds		F and V		Others							
	Pre	Post	% C	Pre	Post	% C	Pre	Post	% C	Pre	Post	% C				
Chhattisgarh	HH	202	199	-1.5	80	52	-35.0	35	18	-48.6	79	49	-38.0	36	26	-27.8
	Wt.	(43.4)	807.3	(43.2)	-	(26.6)	(19.1)	(51.5)	(33.3)	-	(84.0)	(77.8)	-	(94.7)	(86.7)	-
Gujarat	HH	263	262	-0.4	221	220	-0.5	33	36	9.1	15	14	-6.7	2	4	100.0
	Wt.	(56.6)	769.9	(56.8)	-	(73.4)	(80.9)	(48.5)	(66.7)	-	(15.9)	(22.2)	-	(5.3)	(13.3)	-
Total	HH	465	461	-0.9	301	272	-9.6	68	54	-20.6	94	63	-33.0	38	30	-21.1
	Wt.	(100.0)	786.1	(100.0)	-	(100.0)	(100.0)	(100.0)	(100.0)	-	(100.0)	(100.0)	-	(100.0)	(100.0)	-
		649.7	786.1	21.0 c	210.8	325.7	54.5 c	214.4	268.9	25.4 c	881.3	984.1	11.7a	164.3	384.7	134.1

Key: HH = Household; Wt. = Weight; F and V = Fruits and Vegetables; G = Grand; Pre = Pre FRA (for a preceding year); Post = Post FRA (last year); % C = Percentage Change; Cereals = Maize + Paddy + Wheat + Millet + Sorghum + Finger Millet; Pulses = Peason Pea + Black Gram + Custer Bean + Chick Peas + Green Gram + Cow Peas + Green Gram + Split Bengal Gram + Split Beans + Horse Gram + Green Peas; Oil Seeds = Castor + Cotton + Mustard + Ground Nut + Sesame + Almond; F and V = Drum Stick + Mango + Onion + Potato + Cabbage + Tomato; Others = Fennel Seeds + Turmeric + Fenugreek + Black Pepper; Formula Used to Calculate % Change: (post - pre) / pre x 100; T Test: a = 1 % significant; b = 5 % significant; c = 10 % significant; Source: Field Survey (Household); Note: Figures in parentheses are percentages of the respective counts.

when a couple of respondents say that after being in possession of proper documents they are now able to decide on what crops they want to cultivate without the fear of their crops being destroyed by the FD officials on charges of illegal encroachment (these atrocities were rampant before the first half of 1990s). That is why the farmers used to cultivate short-duration crops or vegetables. Now they are able to cultivate cash crops that assure them of more returns. Besides, they are sinking tube wells and investing in equipments such as pump-sets for drawing water without any fear.

It is important to mention here about the agricultural implements and equipments used by the study HHs. In both the states, farmers still use old methods and equipments. The ploughs are still made of wood logs. Shovels, pick axes, sickles etc. are commonly sighted. Only in one instance, it has been observed that, a tractor is used by a farmer for tilling his land in Valsad district in south Gujarat.

Since all of the respondents in the sample have been living in the forest areas and are in fact FDP by definition as far as FRA is concerned, it would be interesting to learn about the extent of their dependence on forests for their livelihoods (table 4.04). With regard to fuel wood, the total number of respondents collecting it from the forests is relatively less (-14.0 % change), however, quantity of fuel wood collection has registered a 16.7 % change. This trend is visible in both the states. But, figures suggest this to be more prominent in Chhattisgarh (-40.8 %) than in Gujarat (-6.4 %) and then again, in both the instances, the average weight of fuel wood collection has recorded an increase (Chhattisgarh: 53.6 %; Gujarat: 9.6 %). The reason for the less number of people from the sample HHs being involved in fuelwood collection is that they are now exploring other sources of fuel in both the states, though in Chhattisgarh, the quantity of average fuel wood extraction has increased because those bringing it from forests are not only using it for their HH consumption but also selling to nearby hotels for their livelihoods. North and central Chhattisgarh have recorded the highest mean weight as far as differences across regions are concerned, otherwise, the state wise information reflects that of the rest of the respective states. This trend is high because the percentage of PTG respondents in these 2 regions is fairly large. Apart from bringing fuel wood for cooking purpose as also for selling to small time hoteliers, the HHs in the sample are dependent on wood logs for most of their other needs (example: to erect beams and pillars at their houses, agricultural equipments, domestic equipments etc.). However, this aspect has not been specifically probed because they collect it as one time requirement.

The tribal economy is also supported by animal husbandry though not for commercial purpose (in Chhattisgarh). The livestock are kept for HH consumption. This practice obviously requires fodder which is met by crop residues of paddy, vegetables etc., grown

Table 4.04: Forest Produce Collection by the Study HHs Prior to FRA and After in terms of Average Weight (in kgs. per annum)

State / Forest Produce	Fuel Wood		Fodder		Leaves		Medicinal Plants		Fruits		Gum/Tadi/Honey		
	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	
Chhattisgarh	HH	71	42	1	149	14800	149	69	180	65	11	47	29
	Wt.	(22.0)	(15.2)	(0.6)	(50.0)	(79.7)	(78.4)	(97.3)	(94.2)	(64.7)	(42.9)	(75.8)	(96.7)
Gujarat	HH	235.1	361.0	60.0	24.9	58.5	2545.3	1455.8	316.3	818.4	561.4	693.9	258.1
	Wt.	(78.0)	(84.8)	(99.4)	(50.0)	(20.3)	(21.6)	(5.8)	(5.8)	(35.3)	(57.1)	(24.2)	(3.3)
Total	HH	277.9	304.7	294.2	298.7	1.5 c	152.5	245.7	184.8	351.0	214.0	31.6	24.0
	Wt.	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)
	HH	322	277	168	298	77.4	187	88	185	69	17	62	30
	Wt.	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)
	HH	268.4	313.3	292.8	161.8	44.7 c	2059.0	114.5	312.7	248.5	438.8	533.7	250.3
	Wt.	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)

Key: HH = Household; Wt. = Weight; Pre = Pre FRA (for a preceding year); Post = Post FRA (last year); G = Grand; Tadi = Palm wine; Formula Used to Calculate % Change: (post - pre) / pre x 100; T Test: a = 1 % significant; b = 5 % significant; c = 10 % significant; Source: Field Survey (Household); Note: Figures in parentheses are percentages of the respective counts.

on their agriculture lands. However, many times, they have to depend on forests for the same, especially if they have goats or sheep, which is true in the case of sample HHs in this study. However, there has been a slump of -44.7 % change despite the number of HHs collecting fodder from forests registering an increase to the extent of a 77.4 % change. However, about 14,800 % change has been recorded with respect to the number of HHs collecting fodder in Chhattisgarh. This huge difference is due to the fact that since a couple of years, the HHs in Chhattisgarh have been stocking whatever fodder they could collect from forests. Earlier, the animals were freely taken for grazing in the forest (table 4.04).

The collection of leaves from forest for preparing leaf-plates and beedis (local cigars) provides an additional source of income for the FDP. Our discussions with the sample HHs reveal that there has been a whopping -94.4 % changes in this respect because less number of HHs (99 HHs) are collecting leaves from forest in the post FRA phase. In both the states, the number of HHs engaged in this activity is less (Chhattisgarh: -53.7 % change; Gujarat: -50.0 % change). However, net weight collection has declined in Chhattisgarh (-42.8 % change) and increased in Gujarat (61.1 % change). The reason is that the number of HHs involved in this activity in Gujarat is less in comparison to Chhattisgarh. In Gujarat, the tribal HHs have been less dependent on this source since the beginning. It is only in thick forests of Dangs (south Gujarat) and Jambhuguda (east Gujarat) pockets that they collect leaves for their livelihoods. On the other side, in Chhattisgarh, the dependency on this source is reasonably good across all the 3 regions - for they (both men and women) have been used to bringing leaves to last for 1 month following which they get it properly dried before selling it to contractors. However, they have realised that they are not getting a proper price for their labour; besides, they are not happy that contractors bring workers from Bihar who are available cheap for plucking leaves during the season. This development has dented their spirit, prompting them to ask for *beedi*-making cottages and leaf-plate making machines for them in their villages and towns instead of sending raw materials to other states. By realising their demand, they expect to get employment all through the year (table 4.04).

Using medicinal plants collected and selling is a recent development being encouraged by the government and NGOs alike. Most parts of Chhattisgarh and certain parts of Gujarat are rich in medicinal plants. However, the number of sample HHs engaged in this activity is found to have declined in terms of a staggering -62.7 % change recorded in the pre and post FRA phases; so has the collection of medicinal plants (-20.5 % change). In Gujarat, it has never been a big attraction for the local people to make money out of medicinal plants and naturally, the number of sample HHs engaged in this activity was and is far less and negligible. But, Chhattisgarh too has recorded a

decline in this respect to the tune of -63.9 % change. However, the collection of medicinal plants in the state has increased (158 % change), the reason being that the market is slowly reaching out to tribals with encouragement provided by the NGOs with specifications regarding the kind of medicinal plants to be collected. From a regional point of view, central Chhattisgarh accounts for a major share in the state in the collection of medicinal plants across the sample HHs (table 4.04).

A small number of tribals in both the states collect fruits from forests. If 17 HHs were involved during the pre-FRA phase, only about 7 HHs are now collecting fruits (-58.8 % change) though with a 44.3 % change in terms of weight. In Chhattisgarh, just about 3 HHs are active now, while 11 HHs were engaged in it before FRA (-72.7 %), with a weight change being 81.3 %. Similarly, in Gujarat, only 6 HHs used to collect fruits from forests, but, now just 4 HHs are involved in it. The HHs collecting fruits have been equally distributed across all the 3 regions of the 2 states. The implementation of FRA has no impact whatsoever on this activity. However, the respondents report that were free to enter into forests for collecting custard apples, jackfruits and other root-fruits even before FRA came into force. Gum, palm wine and honey being other sources of income that are integral to the tribal economy. This sector is found to be losing preference as far as the study HHs are concerned because, the number of HHs engaged in this activity post FRA has got reduced by half (-51.6 % change). The net weight of commodities collected also has got halved. In Gujarat, there were about 15 HHs involved earlier in this activity, but now only 1 HH has reported collecting honey. However, in Chhattisgarh, about 47 HHs used to collect gum, palm-wine and honey that would work out to an average weight of around 693.9 kgs. Per HH; in the post FRA, the number of HHs has got reduced to 29 with the net collection per HH, on an average, coming down to 258.1 kgs., a % change of -62.8. All 3 studied regions of Chhattisgarh present a uniform pattern with respect to the respondents' activities (table 4.04). The reason for a decline in the collection of these items is that the HH members in the no longer have patience to go deep into the forests for collecting whatever they need. Today's youth are said to be not showing patience their fathers and grandfathers used to, more so zest or zeal to do it adventurously. They now look for easy ways to earn more money. Besides, they do not get a proper value for their catch. They are exploited by shopkeepers or money lenders who buy products from them only to sell the same at much higher prices. This clearly emphasises the fact that, whatever changes have been recorded in the study are not entirely due to the impact of FRA and that other factors too have influenced them.

When asked whether they get a proper price for the forest produce collected by them, less than half (45.6 %) of the respondents report said they getting suitable price, while

the a majority (48.9 %) of the respondents in Chhatisgarh are not satisfied with the price they get from the local shopkeepers and traders they traditionally sell their produce to. In Chhatisgarh, about 14.1 % of the respondents still practise the barter system among themselves. In Gujarat, 83.7 % of the respondents believe that they often get cheated on price (table 4.04). Hence, a overwhelming majority of them do not sell their produce the produce, they just collect whatever is sufficient for their consumption. From a regional point of view, south Chhattisgarh and south Gujarat appear to have provided the study HHs with facilities for earning from forest produce even as many of the HHs belonging to these places sell their produce in the market for money/ livelihoods.

When asked about their knowledge regarding 'MFPs' and nationalisation of these items, a majority (76.4 %) of the respondents in Chhattisgarh report being aware of this rule, whereas in Gujarat, 72.2 % of them are aware of this act. All the 3 regions in Gujarat reflect the state trend (table 4.04). In Chhattisgarh, north region respondents appear to know more about this rule than their counterparts in other regions. In the practical life of the study HHs, this rule, according to their assessment, has no significant implications for their lives. It is only when the forest guards come there on rounds that they become careful. Whenever the officers from outside visit for inspection, the locals are informed by the forest guard to not venture into the forests for collecting any produce, especially fuel wood or wood logs. Then again, the residents of the study HHs express their concern with respect to saving the forests for their own survival. They say that they take enough care to not indulge in such activities that would cause further harm to the already depleting forests. They have realised that, if they indulge in indiscriminative activities, the distance between their houses and forests only widens.

In the beginning of chapter 2, it has been stated that additional source of income or dependence on animal husbandry takes position only after agriculture and agricultural labour. To find out the exact status, the study HHs were specifically probed with respect to the number of livestock they possessed in pre FRA phase and the last year (table 4.05). Although, livestock like ox, sheep, poultry and pigs also reared by the study HHs, but they are very small and insignificant in numbers. Hence, only such livestock details are discussed here that are substantial in numbers or make a difference to their living or economy. The 3 important livestock that are discussed here include cows, buffaloes and goats. To begin with cows, their possession by the study HHs has recorded a 10.2 % change despite a reduction in the number of livestock (a -6.6 % change). However, the livestock that yield income to the study HHs has improved (16.1 % change). When the responses are compared across the states, Chhattisgarh sample HHs account for 20.0 % to 30.0 % of the livestock in both the pre and post FRA phases, whereas, livestock holding HHs in Gujarat accounts for as high as 70.0 % to 80.0 % in both the pre and

**Table 4.05: Possession of Livestock by the Study HHs Prior to FRA and After  
(in terms of Numbers)**

State / Animals		Cows			Buffaloes			Goats		
		Pre	Post	% C	Pre	Post	% C	Pre	Post	% C
Chhattisgarh	HH	57	54	-5.3	30	22	-26.7	37	51	37.8
		(27.7)	(23.8)	-	(25.2)	(18.5)	-	(36.3)	(43.6)	-
	AN	126	107	-15.1	83	43	-48.2b	81	113	39.5 a
	IYA	4	2	-50.0	1	0	-100	4	0	-100
Gujarat	HH	149	173	16.1	89	97	8.9	65	66	1.5
		(72.3)	(76.2)	-	(74.8)	(81.5)	-	(63.7)	(56.4)	-
	AN	240	235	-2.1	140	144	2.8	349	180	-48.4b
	IYA	97	116	19.6	65	69	6.1	25	28	12
Total	HH	206	227	10.2	119	119	0	102	117	14.7
		(100.0)	(100.0)	-	(100.0)	(100.0)	-	(100.0)	(100.0)	-
	AN	366	342	-6.6	223	187	-16.1a	430	293	-31.9 a
	IYA	101	118	16.1	66	69	4.5	29	28	-3.45

Key: HH = Household; AN = Animals Number; IYA = Income Yielding Animals; G = Grand; Pre = Pre FRA (for a preceding year); Post = Post FRA (last year); Formula Used to Calculate % Change:  $(\text{post} - \text{pre}) / \text{pre} \times 100$ ; T Test: a = 1 % significant; b = 5 % significant; c = 10 % significant; Source: Field Survey (Household); Note: Figures in parentheses are percentages of the respective counts.

post FRA phases. Besides, HHs in Chhattisgarh that make money through cows by selling milk stand at as low as 4 in the pre and 2 in the post FRA phases, whereas, in Gujarat, 2/3rds of the total cows helped the sample HHs in generate income.

The reason for wide differences between these 2 states with regard to livestock is that Chhattisgarh sample HHs do not keep livestock for commercial gains rather they keep them for personal consumption and also for different reasons like cultural beliefs and the absence of market (since the study GP villages are located quite interior in the forests as compared to Gujarat study GP villages) apart from rampant cheating by traders while buying their commodities. In Gujarat, the tribals look towards other avenues for income generation, taking a cue from their fellow Gujarati brethren. Moreover, Gujarat boasts of government encouraged and promoted dairy collection centres in each village (at a maximum distance of 3 kms from the residences of the respective villages). Any adverse or favourable impact of FRA has not been traced in either of the states even in the context of fodder collection that is required for feeding these livestock because, it is not a problem for the sample HHs in both the states. In all respects, the situation is the same

as in the case of cows, with regard to buffalos and goats in both the states. In both the states, the region wise data reflects that states' figures in more or less the same proportion.

Specific to grazing, in both the states across the 3 studied regions, the respondents have never experienced any problem or restrictions from anyone - even the FD. They acknowledge that they have enough vacant village lands to meet the needs of whatever number of cattle they have. Those having goats and sheep take their herds into forests while taking care that new plants are not disturbed by these animals.

### **III Conclusion**

It is amply clear from the analysis, how exaggerated have the views of those opposed to FRA turned out to be. The analysis presented in this chapter indicates that, not a great amount of land has been distributed to the FDP under FRA, especially when compared to the land amassed by the industrialists and miners in the name of development (brazenly encouraged by the state and central governments) by destroying forests, pasture lands and catchment areas. Further, these poor citizens are left with no suitable irrigation facilities for whatever land they have thereby affecting their crop-yields and productivity. Most of those with one or the other source of irrigation, acknowledge the fact that they are dependent on natural resources like lakes, rivers, ravines, canals and dug-wells and tube wells for irrigating their lands. Variations recorded during the survey are not the result of FRA in anyway because the only difference post FRA being 'psychological'. This has indirectly helped the study HHs invest on their lands, now assured that nobody can take back from them the lands though they have been occupying since decades though not as their 'legal' owners. A decline in the MFP collection for livelihoods is mainly due to the presence of a poor market and the influx of outside workers as labourers employed the contractors. Migration of the villagers in search of better wage rates available in towns and cities as compared to MGNREGA and its operation in many of the study villages is also a reason. Possession of livestock appears to be not a preferred option in Chhattisgarh because it has not caught the imagination of people as it did in Gujarat. Gujarat HHs are earning reasonably well through their livestock (cows and buffalos).

## **Chapter - 5**

### **Tribals and their Future: Post FRA and Beyond**

#### **I Introduction**

From what has been discussed in the earlier chapters, it becomes obvious that the study HHs across all the regions in both the states are not experiencing any sea-change in their economic conditions immediately or directly after or due to FRA implementation because, it is only those who have got proper documents to the effect that they are the owners of lands post FRA are able to breathe easy and feeling psychologically secure. Due to this, they are able to invest (long term) on land development, given that their occupied lands will not be taken away by the FD. In some cases, they are building houses as well. However, FRA is not an end in itself nor a panacea to all the miseries of the FDP especially tribals. In this backdrop, this chapter takes a look at the future of FDP in terms of their lives, political aspirations, environmental concerns and their livelihoods. This chapter primarily explores the perceptions of the main stakeholders i.e. tribals as also those of the NGO members and officials working under the same jurisdiction with a deep understanding of the lives of these FDP.

#### **II. Looking Forward Towards Better Prospects**

With regard to a query on their overall life status after independence, almost 90 % of the respondents are found unable to say anything because they are hardly educated and least aware of the developments around them. However, those who can understand this question blame their leaders for not representing them properly. On drawing their attention to the fact that certain seats for parliament and state assemblies are reserved for them, they vehemently explain that their leaders no longer remain their representatives once elected; they speak only of their party stand. They blame the attitude of their own leaders for the unrest, while observing that a sense of dejection is developing among their youth which is most often cashed-in by outlawed groups wherever they are active. MLAs or MPs are said to be just interested in getting ration cards or voter cards for their supporters and nothing beyond this.

**Table 5.01: Views of the Study HHs on Continuing to Remain in Forests in the Context of Better Prospects Coming Across them on moving out of Forests**

State / Behaviour	Whether Wishing to Stay in Forests			
	Stay Put	Move Out	Can't Say	G Total
Chhattisgarh	225	7	38	270
	(83.3)	(02.6)	(14.1)	(100.0)
Gujarat	267	0	3	270
	(98.9)	(00.0)	(01.1)	(100.0)
Total	492	7	41	540
	(91.1)	(01.3)	(07.6)	(100.0)

Key: G = Grand; Source: Field Survey (Household); Note: Figures in parentheses are percentages of the respective counts.

On a hypothetical question of whether they would prefer to stay in the forests at a time the world around them is changing so fast in addition to the availability of better livelihood options available outside their small world of forests, 91.1 % of the respondents express their wish to stay-put in the forests. However, they expect government measures in the form of proper roads and transportation, healthcare facility, introduction of modern technology, fertilisers, electricity, irrigation facility, latest agricultural implements etc. Besides, they expect an improved public distribution system and education for their children so as to lead an improved life. However, the remaining 7.6 % of the respondents have no concrete views on the aspects. It is to be noted that just about 1.3 % of the respondents want to move out of forests in search of a better living. Respondents in Gujarat are firm in their opinion with as many as 98.9 % of them wishing to stay back in the forests. However, it is 83.3 % in Chhattisgarh because, those who are not clear about their future in forests belong either to OBC sections or come from south Chhattisgarh where unrest is prevailing in the villages (table 5.01).

#### *Political / Administrative Concerns*

Rajat Chaudhry, Church Auxiliary for Social Action (CASA - NGO), is not happy with the implementation of FRA in Chhattisgarh. According to him, many insurgency affected villages (914 according to him) in Dantewada, Sukma, Bijapur and Narayanpur are yet to see the light of the day of FRA. He is all for The Panchayats Extension to the Scheduled Areas (PESA) Act, 1996, but wants GSs to be well aware of their rights, besides developing capability to understand the outside world for achieving success. He also emphasises on active and vigorous role for youth.

PESA is an extension of the provisions of Part IX of the Constitution relating to the panchayats to the SAs. PESA, as this act is popularly known, is all about providing far-reaching governance powers to the tribal community, viz., recognising the tribals as a traditional community; accepting the validity of their traditional rights, customary laws, social and religious practices, and their traditional management of natural resources (Mukul, 1997). The extension of this act in total would have been a determining factor to the outcome of the FRA because, the GS members are expected to be more assertive than in other general areas, as they are entrusted with the responsibility of identifying beneficiaries under the poverty-alleviation programmes. With regard to the knowledge of PESA, none in both the states is aware of such an act, and hence, are unable to make out how its implementation may have helped in speed-up the FRA implementation process.

Jai Narain, Secretary of Red Cross, Dantewada (south Chhattisgarh), points to an important aspect as to why Bastar region is going backward. According to him, language is a big barrier. To begin with, he says, documentation in English should be translated in to Hindi followed by translation into local tribal languages so as to reach out to the tribals. He also sees unnecessary dominance of outsiders from Bihar and Uttar Pradesh over local bureaucracy, especially the secretariat (30 % to 40 % belong to these states according to him). His grouse is that these officers do not understand the local problems but they are in a position of policy making. When asked about the political leaders both in power and opposition who are locals and real policy makers. He rebuts asking, *'from which part of the country I can give an example where people can expect from their politicians for their betterment ?'* He meant to say that none of the politicians in the country could be presented as role models to present as an ideal example. He also draws attention to the fact as to why much of the claimed money being pumped into tribal areas by both the central and state governments is not reaching to the tribals. He answers his own question by way of observing that, in Chhattisgarh, it is the pretext of unrest and troubled situation that the authorities take shelter under when it comes to their accountability. That is why, he says, those posted here do not wish to go to the other so called safe places. The situation in Gujarat, according to activists working in eastern and southern regions, is the same as that of Chhattisgarh sans *naxalism*. But, here also *naxalism* threat is looming large if an account of a *panchayat* secretary in Khedbrahma (Sabarkantha) in Gujarat is to be believed. On conditions of anonymity, the secretary says that efforts are on to infiltrate *naxal* ideology in view of the emerging unemployment problem in that part of the state. Similarly, in the southern region of Gujarat, the tribals are not happy with a uniform examination for recruitment of teachers. This, according to them, deprives the youth of their region employment with north Gujarat youth taking away all the jobs. While taking a dig at the naxalite movement, a couple of FD and NGO personnel in

Chhattisgarh wonder, '*how come these outlawed groups mushroom only where mining or development activity is going on?*' They firmly suspect foreign countries' involvement in promoting these outfits to put spokes in the country's development process because they believe India is emerging as a big player at the international level. When asked which country they suspect, they leave it to the researcher's imagination saying that being educated it should not be a difficult task for the researcher to decipher their words.

### *Environment / Biodiversity*

When asked about their views on wild animals and danger to their existence in the wake of dwindling forests, many of the respondents appear 'more' concerned with their crops, while observing that animals like tiger have disappeared over the years. But, they keep encountering animals like wild pigs, bears, leopards, wild monkeys in their day-to-day life, which are said to be threat to their livestock and crops alike. In fact, they want a fair compensation from the government when any kind of damage occurs. On enquiring whether they would be willing to relocate themselves elsewhere for the sake of creating sanctuaries for the endangered wild-life, none of the respondents in the study appears to appreciate the option. Incidentally, one each GP each in the 2 study states happen to be living near wild-life sanctuaries. An overwhelming majority of the respondents in the study are of the view that, forests, wild-life and human beings can live together in perfect harmony because this is how their forefathers were living. In some of the villages in the study states, the respondents are found genuinely concerned with the depleting state of forests to an extent that, they want government to stop the distribution of lands to anyone (with an emphasis on industrialists and miners) including the villagers after settling FRA claims once for all. Otherwise, they fear that, if forests disappear their existence too will disappear. They believe that a deluge would occur, washing away the entire civilisation. In the study GP villages of south Chhattisgarh, in what can be considered a positive development, there were silver lining examples too; here, villagers have come forward to their forests by employing 3 villagers to guard the forests by turns. Each HH contributes Rs. 100/- p.a. for this purpose.

### *Migration Woes*

With regard to migration, about 5 GP study villages and 6 GP study villages in Chhattisgarh and Gujarat respectively are found to have experienced a marginal decrease. Only a few HHs that have started improving their lands after getting the circulars of recognition to their lands have cut down on their visits to go other cities for earning their livelihoods. Even the members of these HHs observe that, if they need more money or in the event of a poor monsoon, they too have to migrate to cities though for shorter durations for maximising their incomes. The only reason for their migrating is that the amount of money they get as construction labourers or road laying labourers is much

higher. They will be able to save substantially, if their contractor happens to be a good person. Many of the Chhattisgarh respondents have tales to tell of exploitation they have undergone at the hands of contractors who duped them of 2 to 3 months' wages by simply vanishing from the place, leaving these people virtually on the roads, sometimes to an extent of not having enough money to travel back to their homes in the villages. Such exploited youth are targeted for indoctrination into extremist outfits. Not until what they earn in the villages through agriculture or other source matches with the wage-rates they get in cities as migration labourers, a fall in their migration rate cannot be expected. Moreover, as already mentioned, the amount of land those HHs have got under FRA is quite less besides being poor in quality and naturally this forces them to migrate to cities.

### *Livelihood Alternatives*

According to Tarun who heads a local NGO, education with assured jobs would do a great deal of service to the people living in forest areas, especially tribals. Otherwise, he observes, on studying up to X, a tribal youth does not wish to go back and engage himself in village livelihood activities like his elders or parents. Besides, he becomes a virtual misfit in other words. And for his education standard/quality, he will not get a proper job to sustain himself in city. This cycle can affect the society because such young persons become easy prey for the outlawed groups in terms of luring to their ideology. That is why he is happy with the latest initiatives introduced in Chhattisgarh. He gives an example of an institute established in Kasauli in Dantewada. Here, students are trained in 'skill development courses'. They are taught 'tally software', 'hotel management courses', and 'training in sewing'. To each according to his interest and capacity, he says, this has become a big success since the youth taking training in such kind of courses are getting jobs in towns and cities. The seemingly improved status of those doing well after taking training has given hope to other students as well. On narrating this experiment to officials and NGO members in Gujarat, they readily agree that, this experiment should be replicated not only in Gujarat but also all of the tribal areas in the country.

Focussing on the avenues for rural livelihood improvement, the representatives of NGOs believe that livelihoods of the tribals can be improved by encouraging horticulture followed by assured market for them. According to Jai Narain, horticulture should be promoted for improving the livelihoods of tribals. He also stresses the importance of promoting Bamboo plantation in a big way because, from 4th year onwards after plantation, bamboo wood starts giving returns of Rs.1.5 lakh per acre. Further, he observes Aloe Vera plantation and incense sticks making can be explored by giving suitable facilities and privileges to the tribals in every possible way. The mantra for its success, he says, lies in providing a

consistently good price; this will encourage as well as force the locals to think in terms of changing their cropping pattern for their good.

At a higher level, he draws attention to Kerala kind of medical and eco-tourism though latter option is picking up well, it has not benefited the tribals. Hence, the former option can ensure the direct involvement of tribal manpower. However, he cautions that this sector should not be allowed to be hijacked by capitalists. He stresses that it should operate as a small sector so as to benefit the maximum number of today's FDP.

Similarly, the former *sarpanch* of a study GP village in Valsad in Gujarat views that, the livelihoods of tribals in their region could be improved if the government takes the initiative of providing GPs with such facilities that include a shed and motors so that the people from this area who go to Surat for work in diamond factorises (polishing stones) can do the same in their villages thus saving transportation cost and inconvenience to themselves and traffic. He explains that each shed that can accommodate 25 workers needs just Rs. 5 to 10 lakhs as investment. A well known activist based in Dangs is all for an immediate recognition of the farmers who have got *pattas* under FRA for availing themselves of every benefit their counterparts get elsewhere in the state for their immediate well being and also for boasting their livelihoods.

### **III. Conclusion**

Although it might sound strange, the fact is that a majority of the tribal respondents in the study are not in a position to compare themselves with the mainstream society of their respective states. Such is their level of backwardness. Only a few of those who could differentiate are of the opinion that their political representatives have never been their voice at any forum, be it assemblies or parliament because they are always concerned with their own well being. A majority of the tribals in the study states, barring a few young persons who have tasted life in towns, would never want to leave their abodes for better pastures in towns or cities. Administrative problems like 'language' and officials' lack of involvement in development activities because of poor accountability resulting out of *naxalism* pretext are concerns that need an urgent redressal. Concern for environment/ biodiversity is the last thing on the minds of the respondents. First and foremost, they appear to be bothered about their own sustenance. While talking of tribals and their livelihoods, a discussion on migration cannot escape. The respondents explain how the tribal folks are exploited due to their innocence in every possible way by contractors whenever they go out for work, and also the need for their migration. Finally, there appears a bright hope when the local NGO officials list out various sectors through which tribal lives can be boosted in many ways and also sustainably. They expect the government to consider such proposals seriously for implementation.

## Chapter - 6

### Conclusion

FRA is one such legislation in the recent times that has received a lot of attention besides attracting serious debate across the country. With the implementation of the act since 2008 in respective states, reports trickle-in suggesting hurdles cropping up in the way reaching the main objective of the act. If hurdles are genuine in some cases, most of the times, they are created just to deny the tribals or other FDP of their rightful lands by the FD. In pursuit of understanding the dynamics involved in the entire process of FRA implementation, this study was undertaken in two seemingly contrasting states of Chhattisgarh and Gujarat to unravel the ground realities.

It is important to understand the background of the main stakeholders i.e. FDPs and the setting they live-in to determine the impact of the act and the underlying reasons. On investigating the sample, it is found that the locations where the FRA is being implemented are devoid of basic infrastructure facilities such as proper roads, healthcare services, schools etc. There are also a good number of villages still considered as forest villages - meaning they are not recognised by the revenue department of the state. This, in all practicality disqualifies the inhabitants in terms of availing of the rights that their brethren around their neighbouring localities enjoy. The poor state of affairs in these villages still persists despite a majority of these villages coming into existence for more than 60 years - around the same time when the country became independent, declaring itself a welfare state - ironical though it might sound. Coming to the composition of the respondents in the sample, a majority of them are tribals - almost all of them in the Gujarat sample. The reason being, the government in the later state did not entertain applications of non-tribals in the beginning of the implementation of the act. Educational status of the study HHs is not appreciable reflecting their overall status in their respective states. If the samples of both the states are taken as an indicator to understand the family size and the type of the houses FDP live in, then the size of the family averages between 6-10; similarly the state of housing could be counted as deplorable as a majority of them live in *kuchha* houses. The main source of income of the study HHs is agricultural labour followed by agricultural labour. Agriculture practised as it is in both the states is

close to being primitive with no modern equipments or implements used to enhance productivity. Gujarat appears better placed comparatively particularly in the context of the government's intervention measures in the form of '*krishimahotsav*' since 2005.

Coming to the main issues associated with FRA implementation, the research reveals that, the tribals are still very naive and lack awareness not only regarding FRA but also the outside world around them, barring a handful of semi-educated youth or those having been exposed to working with NGOs at one point of time or the other. The story is identical in respect of both the states. FRCs to be constituted duly through conducting of GS with 2/3rds of the eligible members present in the meetings (that too at their hamlet or block level and not at the *panchayat* level) has not proved to be so successful. Both these requirements are found to have been overlooked in a majority of the study GP villages. The reason given out by the *panchayat* secretaries is that they got the directive from the district magistrate to form FRCs at a very short notice. At whatever level the meetings were conducted, the required attendance complied with the FRA rules only in respect of 3 study GPs. Again at the stage of overseeing the applications, it was the *panchayat* secretary and FD officials who dominated the entire proceedings with respect to act. In a good development in Gujarat, it was FRC secretary who completed the obligations, but in Chhattisgarh it was not so. A majority of the applicants did not face problems while applying nor were they discouraged at the village level with regard to claiming their lands under FRA. However, in some villages, sarpanches in Chhattisgarh were accused of deliberately concealing this information by way of not distributing application forms to all the people. The reason - they being their opponents had not voted for the sarpanch in the election, Thus clearly indicating that in such villages, GS may never have been conducted for the constitution of FRCs. Instances of excesses were recorded in both the states. The claimants who got their lands were informed by the *panchayat* office following the GP having received the circular from the higher authorities regarding granting of the lands to the claimants. However, there was no clear mention about which land exactly was theirs according to new documents because, for many awardees, the plots they claimed and the plots that were awarded did not match with each other. Besides, the land that was awarded was far less than what was demanded. The claimants also did not protest saying that whatever little they got was enough even as they were threatened that even this land too could be taken back by the government, if they showed signs of greed. FIRs were lodged by the FD against the hapless tribals for occupying forest land before FRA became an important document of admissible evidence for claiming land under FRA. By FRA rules, these offences stand nullified following the act and hence all such charges had to be formally withdrawn by the police to set the so called earlier offenders free from undergoing any discomfort due to it. But, a majority of the respondents in the study states who had these cases filed against them were not

aware of anything like this. However, they were well informed of the fact that land related FIRs were valid evidences under the prevailing circumstances.

When it comes to the verification of claims, many claims are found to have been rejected in Gujarat as compared to Chhattisgarh. It is because, the authorities in Gujarat went by single point agenda of entertaining the claims only if they matched with the satellite imagery. However, after filing writ petitions in the high court, the government in the state responded by reconsidering all the rejected claims through a physical verification at the sites. There were no serious issues of claims falling under earlier JFM. Similarly there were also no cases of forceful evictions or of lands taken over by the FD for growing trees experienced by the study HHs in either of the states. Although, every village had a demand for 'community land' they kept ignoring it because they had given more priority to their own individual claims. Even wherever they are claiming now, the purpose is to get land for schools, crematoriums, roads, grazing grounds etc., but very rarely have they asked for such forest lands that could be significant to their livelihoods. Except in a case in Valsad, where PTGs were given a stretch of bamboo plantation land. FDP are of the opinion that behaviour and attitude of the FD and other officers in their jurisdiction have improved since one and half decade. They say it is just not comparable with the past when the atrocities were the order of the day. However, there are still a few respondents who still hold FD ruthless.

On further inquisition, it is found that more than half of the claimants in the study HHs are yet to get actual documents of the land claimed despite they receiving their confirmation at *panchayat* office through the official circular.. It is intriguing to mention that the combined amount of land calculated for the entire sample of 540 HHs works out to less than 2000 acres when same amount of land has been given away to the industrialists or miners by the state and central governments on a platter in the name of development without even giving a second thought and not much noise is made of it until it benefits the opposition to rake a issue. An interesting point to note here is that, whatever land being given to the tribals in the forests is not new land; this land has been in their possession before 2005 at the least. That is why the forest land cannot show a decrease in its land share. Just distributing the land rights does not serve the purpose of enhancing the economic conditions of the FDP because not all of these have irrigation facility. If irrigation is extended to certain plots of land, other parts of land of the same owner may have to depend on rains. Those having irrigation facility for at least half of their land holdings just about 1/3rd of those FDP who have land holdings. The main source of irrigation among the majority of the study HHs is dug-wells and tube wells. In fact, now most of the FDP who got recognition with respect to their lands are exploring the options of developing their lands with investments on irrigating and other agricultural implements.

As for crop yields, the variation between the pre and post FRA era cannot be directly attributed to FRA because except for a 'psychological' boost, the difference between the possession of land then and now is not of any significance, because the amount of land held by them then and now has remained the same. The only difference being, those who have been awarded the land have now documents (or at least official confirmation) to claim the stretch of the land as their own. In other words a feeling of 'ownership' has strikingly emerged. On probing the relationship between the FDP and forests in terms of livelihood dependency, what becomes obvious is that dependency is tapering-off. This is because the study HHs appear to be behaving more like 'farmers', for their livelihoods i.e., they seem to depend on agriculture. Whatever produce they collect from forests is mostly meant for HH consumption and not for making an exclusive living out of forest produce. However, quite a small percentage of the study HHs, however, is found engaged in selling fuel wood to nearby small time hoteliers for money. Similarly during seasons, they engage themselves in plucking *tendu* leaves for a month which is also now being threatened by the influx of labour force from Bihar willing to work for low wages. A decline in dependency on forest produce can be attributed to two reasons: one, degeneration of forests and as a result, the available produce in the forest cannot sustain all the families living in the forest areas if they depend entirely on them; two, a very poor market and exploitation by local '*kachias*' (traders/ middlemen in Chhattisgarh). This is applicable to both the states. Possession of livestock is found to be lucrative in Gujarat, while Chhattisgarh does not provide for such a luxury, the reason being, the availability of dairy centres within 3 kms (maximum) of any village in Gujarat.

A majority of the sample HHs in both the states have no special stories to tell of deprivation with regard to their women folk. This is because, the condition of their men folk to begin with has to be good. But, men or women, the social standard of their living is equally poor. Further, they claim that it is only when they receive complete ownership rights on the land they have demanded that the specific issue of women's rights becomes relevant and meaningful. Although, it is an issue for concern, that the study could come out with the facts that women representation in FRCs is dismal and that they mostly get nominated to fulfil the quota. It is only a couple of people who are knowledgeable about the composition of FRCs in their respective villages and therefore, it is not surprising that many of the women despite their names being associated with in the FRC are not aware of it. As for the voice of women, not a hint of it has been found in the study areas concerning their forest land rights.

The exponents of FRA are well aware of the fact that this act is not an end in terms of improvising the lives of FDP even though it is a significant milestone in the annals of tribal history mainly because, it took decades of struggle to make the government realise and recognise their natural rights. To improve their condition, they need to push on all counts i.e., education, provision of infrastructure, employment, regulated markets for their produce including forest produce and more importantly, suitable support a la other farmers belonging to the revenue and plain areas. More so because, the quality of land on hills is not good: it requires interventions to improve the land and this could be possible when other departments come forward to treat the new possession from a new end. The amendment rules (September 6, 2012) have a specific provision according to which, all the departments concerned (revenue, RD, forest, irrigation etc.) have been instructed to extend the benefits of various welfare and developmental schemes of the respective departments to the claimants who have been issued with documents of possession.

The FDP require all the support, particularly in the wake of their wish to stay on in their villages/ hamlets. From a political or administrative point of view, an immediate implementation of PESA would serve the overall purpose as the act has touched upon all the issues concerning tribals including the preservation of indigenous culture, their local dialects and language. Some of the NGO staff working in the tribal areas also point out how the language has been a major barrier to development and also, as a result, their being unaware of many things that concern them. Besides, autonomy through PESA can also end their migration woes, stoppage of excessive and illegal mining in the forest areas which can eventually lead to an improved environment and biodiversity because, it is now a well known fact that more harm is caused to the environment by these mafias rather than tribals.

At the same time, the tribals need to be careful not to indulge in unproductive conflicts which have been emerging post FRA with the brothers or neighbours fighting over the share of land recently recognised by the government. Besides, they need to cut down on liquor consumption because the village elders are worried that their brethren are becoming increasingly habituated to alcoholics which in the past was reserved for only a few occasions. Some of the observers of tribal habits in Chhattisgarh and Gujarat point out that, selected tribes in these regions take life easy and that they are content with whatever they get for the day and also that they do not bother about tomorrow. Therefore, to develop themselves and to advance in the society, they have to work hard, not be so naive, save and plan for tomorrow and future.

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