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## Forest Rights Act-2006 : A Resurvey of Implementation and Impact Analysis in Andhra Pradesh and Telangana



M. Gopinath Reddy  
Ch. Nagaraju



**CENTRE FOR ECONOMIC AND SOCIAL STUDIES  
BEGUMPET, HYDERABAD**

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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. In keeping with the interests of the faculty, CESS has made important contributions to social science research in several areas; viz., economic growth and equity, agriculture and livestock development, food security, poverty measurement, evaluation of poverty reduction programmes, environment, district planning, resettlement and rehabilitation, state finances, education, health and demography. 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.

The present Resurvey study on Forest Rights Act - 2006: Implementation and Impact Analysis in Andhra Pradesh and Telangana States, carried out by my faculty colleague looks at how the new Act of FRA-2006 has progressed during the last seven years. In the initial survey, which was carried out in the year 2010, the focus was more on the process of implementation and the issues surrounding them. The previous study observed that, although, a substantial number of claims were received and disposed, there were few striking lapses occurred during the initial phase. The focus was more on conferring individual rights rather than community rights, which are very vital for the forest dwellers. In addition, the implementation process was found very hasty resulting in serious lapses. Instead of hamlet level gram sabhas, panchayat level gram sabhas were held to ascertain the claim process. As a result of this strategy, broad participation of forest dwellers was not found. Although claims were accepted in big numbers but rejection of the same was also found very high at gram sabha, SDL (Sub-Divisional Level) and DLC (Divisional Level Committees) levels. No proper redressal mechanism was put in place for the cases, where genuine claims were rejected.

In the resurvey (which was subsequently taken by CESS in the year 2013) tried to look at the progress of the implementation as well as its impact on the communities. In the initial survey the six villages in different ecologies of the united Andhra Pradesh were studied, whereas in the resurvey four villages out of six villages studied in the first round were covered. The major findings of the resurvey are: i) Although individual rights were conferred to a large extent in the sample villages, the progress has not been very satisfactory, particularly in respect of recognizing community rights (CR). ii) Eventhough FRA-2006 promises the launching of host of other developmental related interventions like micro irrigation, income generating programmes, liberal access to bank loans, not much has been happening on the ground in the sample villages except in one of the villages studied.

It is brought out in the study, that unless such complementary interventions are initiated, forest people will not hope to get substantial income benefits from the existing land endowments. There few immediate steps that warrant urgent action by the department of tribal affairs of both Telangana and Andhra Pradesh Governments interms of increasing the pace of implementation. Three aspects require urgent attention on the part of the both the governments. First, the large scale rejection of individual claims needs to be addressed through a continuous redressal mechanism. The process should be sustained till all the claims have been properly resolved. Secondly, there is an urgent need for resolving the contradictions between the area controlled by JFM Committees (converted under CFR amounting to 9 lakh acres and declared as community resources) and the community rights claimed under the FRA over local resources such as grazing and NTFP etc. Lastly, Land development activities should be undertaken by the departments concerned under the NREGS programme or through any other new intervention that the beneficiaries who have got ownership rights over their 'podu lands' are able to cultivate their lands and possibly improve crop yields in future.

I hope the findings and the important recommendations emerging from the study will be of help to the policy makers to act upon and the civil society bodies to lobby for such changes.

**S. Galab**  
Director, CESS

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## Acronyms and Abbreviations

ANM	Auxiliary Nurse Midwife
APFD	Andhra Pradesh Forest Department
APSALTR	Andhra Pradesh Scheduled Areas Land Transfer Regulation
APMDC	Andhra Pradesh Mineral Development Corporation
CFM	Community Forest Management
CIDA	Canadian International Development Agency
CSO	Civil Society Organisations
DLC	District Level Committee
DBK	DandakaranyaBailadidaKiribur
FD	Forest Department
FRA	Forest Rights Act
FRC	Forest Rights Committee
FSO	Forest Settlement Officer
GCC	<i>Girijan</i> Co-operative Corporation
GoAP	Government of Andhra Pradesh
GoI	Government of India
GPS	Global Positioning System
GS	Gram Sabha (Village assembly)
IKP	<i>Indira KranthiPathamproject</i>
ITDA	Integrated Tribal Development Agency
JFM	Joint Forest Management
MDO	Mandal Development Officer
MRO	Mandal Revenue Officer (Tahsildar )
NGO	Non-Government Organisation
NTFP	Non-Timber Forest Produce
OTFDS	Other Traditional Forest Dwellers
PESA	<i>Panchayat</i> Extension to Scheduled Areas
PRI	<i>Panchayat Raj</i> Institution
PVTG	Particularly Vulnerable Tribal Groups
RAP	Resettlement Action Plan
SDLC	Sub-Divisional Level Committee
SC	Scheduled Caste
ST	Scheduled Tribe
TCR&TI	Tribal Cultural Research & Training Institute

TERI	Tata Energy Research Institute
TSP	Tribal Sub Plan
VRO	Village Revenue Officer
VSS	VanaSamarakshanaSamiti

### Local terms

<i>Benami</i>	Anonymous
<i>Ghat</i>	Hill
<i>Korralu, Samalu</i>	Small millets - food grains
<i>Mandal</i>	Territorial and administrative unit between the village and district levels
<i>Pappulu</i>	Pulses
<i>Patta</i>	Deed of Ownership
<i>Podu</i>	Traditional long fallows forest cultivation. Fallows allow the soil fertility to recover in hill areas where poduis practiced, although in recent years, mainly due to tenure insecurity, fallows periods have reduced and poduhas often become sedentary cultivation in forest landscapes
<i>Sangham</i>	Association
<i>Sarpanch</i>	Head of a Panchayat or Village headman
<i>Usiri</i>	Amla, the wild fruit or a small shrub
<i>Vari</i>	Paddy

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**Authors**

## Chapter - I

# Introduction

A global 'forest tenure transition' is currently occurring, involving reform of forest rights and their transfer to local communities (Sunderlin *et al*, 2008; Larson, 2010). Representing a contested 'paradigm shift' in forest governance, the tenure transition is arguably the most important development in India, which home to the largest single national population of indigenous communities (estimated at 84 million by census of India, 2010). It is also striking to note that they are the largest group of the poor in the world, of which the tribals groups form a disproportionate part, and probably the largest number of forest peoples, continue to remain deprived of forest rights deprivations.

In 2006, the Indian Parliament passed the 'Recognition of Forest Rights Act' in which it was recognized, for the first time, since independence that, "Historical Injustice" had been committed through the composition of the national forest estate. FRA 2006 created provisions for redressal and recognition of forest rights i.e., private land rights, community management rights and forest product harvesting rights among others. Its implementation began in 2008.

### 1.1 Need for resurvey

The Researcher has already conducted a study in the State of Andhra Pradesh on the implementation of FRA-2006 (during 2008-10) (See CESS Research Monograph on "Obstructed Access To Forest Justice: The Implementation of Institutional Reform (FRA-2006) In Andhra Pradesh Forested Landscapes", *CESS Monograph No: 13*). In the above mentioned study, the Researcher has looked into various governance issues and implementation with regard to FRA in Andhra Pradesh. However, during the study period, the researcher had focused only on the implementation issues not the impact of FRA-2006 on the livelihoods of the forest dependent communities as it was too early to evaluate the FRA impact on the communities. Hence, the current study intends to look into the impact issues related to the livelihoods of forest dependent communities by resurveying some of the villages that we had surveyed earlier during 2008-10.

The proposed project aims to at understanding and improving the implementation of the relatively recent legislation ('Recognition of Forest Rights Act' 2006) and thereby seeks to reduce the marginalization and social exclusion of citizens in the forested landscapes, and to promote more pro-poor and rights-based forest governance.

## **1.2 A Summary of the implementation process in Andhra Pradesh (base on the previous study)**

The picture that emerges is that the implementation process was ?awed across all study sites. The formation process of FRCs (Forest Rights Committees) was weak and training and awareness-raising were equally poor. The claims submission process for private land was assessed as 'good' in four of the six sites, due to the efforts of the local community leaders, while for the community claims, the process was poor or moderate in four of the six sites. The verification of titles was assessed to be poor across four of six sites, and a year after the time of the study, no local people had received their titles. On the whole, there were several operational issues including receiving of claims through panchayats concerned with the support of the social mobilisers appointed in every village under the existing World Bank sponsored Indira Kanthi Patham, rather than by the Forest Rights Committees appointed under the FRA by the respective Gram Sabha. Many claims had been illegally rejected by the forest officials (as also observed during the survey) in the initial stages even prior to the placing of them before Gram Sabhas for resolution. The act requires hamlet-level Gram Sabhas in Scheduled Areas and revenue village Gram Sabhas elsewhere. However, the Government considers Gram Panchayat (which includes multiple revenue villages and multiple hamlets) as a unit for implementation of the FRA. There has been a very poor FRC formation and awareness raising. No survey has been done in revenue forest areas on the ground that the forest areas are revenue forests not covered by FRA. Revenue lands, which many forest people cultivate without a proper tenure, are not eligible to rights redress under the FRA. The Revenue Department should conduct complimentary rights distribution in these areas.

The Government is reluctant to go ahead with the implementation of FRA in the Polavaram Project submergence areas and areas allocated to other development projects with a view to avoiding future legal entitlement conflicts and payment of compensation to the forest land occupants despite this being a blatant violation of the Act. Section 4(5) of the Act bars the eviction of any forest land occupant till the process of recognition of their rights has been completed. Similarly, claimants from protected areas are being pressurised to relocate without recognition of their rights in violation of the Act.

There has been a lack of concerted coordination in the implementation of the FRA, that the pro-poor outcome envisaged by the Act may not be widely achieved. This could be due to a lack of co-ordination and transparency at various levels besides the continued dominant role of Revenue and Forest Departments interms of inhibiting the democratic FRA implementation. People's institutions like Gram Sabhas and FRCs have been reduced to secondary position and because of this; People's genuine claims continue to be ignored.

### **1.3 Historical scenario of the forest people's deprivation in Andhra Pradesh and its forest dwelling people**

AP's forested landscapes, populated by a mix of tribal and other inhabitants, including 35 Scheduled Tribes and 59 Scheduled Castes, (who may be called 'forest people'), reflect their inalienable association with historical residence in forest areas, their cultural affinities and livelihood adaptations to the forest niche.

Of AP's estimated 55.22 million rural population, 10.67 million live within 'forested landscapes', and represent about 22 percent of the total rural population living predominantly in 9 districts, namely, Adilabad, East Godavari, Khammam Mehboobnagar, Prakasham, Srikakulam, Visakhapatnam, Warangal and West Godavari.

Approximately, 65% of AP's forest area spreads over 8 districts in the north of the state<sup>1</sup>, where much of the Scheduled Tribe population is concentrated (Reddy *et al*, 2004). These districts are amongst the least developed in AP. AP's 'Tribal Sub-Plan' area (created to provide specific administration for tribals) extends over 31,485.34 km<sup>2</sup>, and is the traditional habitat of about 31 tribal groups.

Of the 35 Scheduled Tribes in AP, 27 tribes inhabit the Eastern Ghats tracts, while the rest of the tribals are distributed sparsely across other districts. A distinction may be drawn here between tribes of the plains and hills:

Tribes living in plains are typically more integrated with the non-tribal society. Such groups include the Nakkala, Lambada, Yanadi and Yerukula. Hill tribes, classified by the government as 'primitive tribes' have traditionally been dependent on shifting cultivation and forest produce collection. These include the Chenchu, Kolam, Thoti, Konda Reddi, Khond, Porja, Savara and Gadaba groups.

Each tribal group exhibits its own distinct identity, culture and material livelihood practices. The following boxes provide some basic details concerning a few of these tribes.

---

<sup>1</sup> Srikakulam, Vizianagaram, Warangal, Visakhapatnam, East and West Godavari, Khammam and Adilabad districts.



Table 1.1 Tribal groups in Andhra Pradesh and Telangana States

Tribes	Concentration	Population	Tribes	Concentration	Population	Tribes	Concentration	Population
Andh	H	9735	Kolam	H	45671	Nayak	H	14222
Bagata	H	133434	Konda Dora	H	206381	Parghan	P	23724
Dhulia	H	No data	Konda Kapu	H	11780			
Bhill	H	421	Konda Reddi	H	83096	Porja	H	32669
Chenchu	H	49232	Khonds	H	85324	Reddi Dora	H	1721
Gadaba	H	36078	Kotia	H	48408	Rona	H	200
Gond	H&P	252038	Koya	H&P	568019	Savara	H	122979
Goudu	H	7749	Kulia	H	368	Lambada/Sugali	H&P	2077947
Hill Reddy	H	77	Mali	H	2513	Thoti	H	2074
Jatapus	H	118613	Manne Dora	H	13579	Valmiki	P	66814
Kammara	H	45010	Mukha Dora	H	37983	Yanadi	P	462167
Kattunakan	H&P	161	Nakkala	P	No Data	Yerukula	P	437459
<b>Total</b>								<b>4997646</b>

Source: TCR&amp;TI 2008 from 2001 Census

Notes: H - Hill; P - Plains

#### 1.4 Details of some diverse tribal groups

##### *Chenchu*

A hill tribe officially considered the most 'primitive'. Continues to be largely dependent on forest produce gathering activity, even as some of them are food producing. Traditional habitats are the contiguous forest tracts of Nallamalai Hills, although much of this area (through which the Krishna River flows) is presently declared as a Project Tiger Area and so their livelihood practices have been restricted.

##### *Nakkala*

A plains tribe, traditionally nomadic hunters (of small animals and birds) and traders of petty articles. They are sparsely distributed over most AP districts, as well as neighboring states. Since Nakkala are given to in hunting foxes (*Nakka* in local parlance) mainly for consumption, they are called "*Nakkalollu*" in Andhra. They use their own dialect with no script for interacting with others.

##### *Lambada /Sugali*

A plains tribe, living in separate hamlets, locally termed as *tandas*, mainly near hillocks or pastures where they rear cattle. The Lambadas were once nomads, but in the recent times, they have become sedentary cultivators with cattle rearing as their secondary occupation. They are mostly found in the Telangana Region, and sparsely in Rayalseema and Coastal areas.

##### *Yanadi*

A plains tribe mostly residing around river banks, lakes, tanks and canals. Their main livelihood option is fishing, and they are also given to catching field rats for consumption. The Yanadis are mostly concentrated in Nellore District and sparsely in Coastal Andhra.

##### *Yerukula*

A plains 'ex-criminal tribe', they are found throughout the state, and are traditionally basket makers and swine herders. They live mostly in multi caste villages, maintaining symbiotic relations with non-tribals.

The forest people's livelihoods are closely dependent on their access to forest and other lands for a range of purposes, including cultivation, grazing, hunting and product collection. Forests are important as source of food security and safety in periods of hardship.

**Table 1.2 Forest based livelihood options of forest people in Andhra Pradesh**

Type of Livelihood	Percent
NTFP-based	57%
Fodder for goats and sheep	26%
Fuel wood sale	12%
Wood-based craft making	5%
<b>Total contribution of forest activities</b>	<b>100%</b>

*Source:* Primary survey - 2008

### 1.5 The poverty of AP's forest people

Forested landscapes have historically been populated, but since the mid 19th century, the marginalisation of those populations has become more pronounced with the state taking over the forests. This has led to in the process, a situation, as we observe today, where there is a close coincidental convergence of forests, poverty and tribal people.

The development indicators for scheduled tribes are significantly lower than for the AP population as a whole. The proportion of the scheduled tribe population below the GoI-defined poverty line is 23.1%, while it is 9.3% for the total population (Arvind Panagariya 2013). Similarly, the overall literacy rate amongst the Scheduled Tribes is 49.21%, as compared to 67.66% of the total population (Census 2011). AP occupies the sixth highest position in terms of rural landlessness with the first being Goa (95.3%) followed by Tamilnadu second highest with 78.4 % and Punjab the third highest. Over 60.8 percent of the rural households are landless as compared to the National average of 47.4 percent. (NSS, 2011- 12). Besides, this landlessness is heavily concentrated among the dalit and tribal populations.

Poverty is pronounced in the rural areas because, rights deprivation has undoubtedly pushed the forest people into a disenfranchised 'under-class'. Each of the aspects of livelihood from forest use has been negatively affected by rights deprivation the composition of the forest estate, as we will review in the discussion that follows.

### 1.6 Rights deprivation processes in AP's forested landscapes

This section dwells on how institutional changes have deprived the forest people of their rights in the forested landscapes of AP. The major types of rights deprivation are identified and the 'critical junctures' from which they have emerged analysed, as also their long term path of dependent behaviour.

The historical expropriation of the forest people from their forest lands, their political marginalisation and the neglect of development initiatives have been a major cause for

the prevalence and persistence of acute poverty in AP's forested landscapes. Through an analysis below, we have identified some key rights deprivation categories.

### **1.7 Post independence tribal protection, provisions and initiatives**

Independence brought, with it a range of provisions and initiatives ostensibly to protect, the tribal interests and to deliver services to them. Both the central and state governments formulated a number of policies and schemes ostensibly to safeguard tribals' interests and to improve their conditions, particularly since the Fifth Five Year Plan (1974-1979), which contained specific objectives of reducing poverty, improving educational status and eliminating the exploitation of tribal communities.

Ten Integrated Tribal Development Agencies (ITDAs) were created in August, 1976, across eight tribal-dominated districts in the tribal Schedule Areas, namely, Srikakulam, Vizianagaram, Visakhapatnam, East Godavari, West Godavari, Khammam, Warangal and Adilabad. There is also one ITDA for Chenchus at Srisailam and one for Yanadis at Nellore. The ITDAs are the nodal agencies for integrating all welfare and developmental programs for tribal development. Their schemes include irrigation, soil conservation, horticulture, fisheries, sericulture, health and social service infrastructure. Centrally Sponsored Schemes are being implemented to tackle special problems such as malnutrition, adult literacy and 'rehabilitation of shifting cultivators'.

In the state, the administrative set-up was more or less the same as per the central government guidelines. However, the system of decentralised planning, implementation and monitoring was not adhered to as per the guidelines. The delivery system of the programme was not effective. A large number of tribal farmers were found to be using irrigation water, HYV seeds, fertilisers, and other inputs from private sources, even though a significant proportion of TSP (Tribal Sub-plan) fund was being spent on a free delivery of such inputs.

While framing the Constitution of India, the Fifth and Sixth Schedules were included to protect tribals from exploitation. The tribal people have been historically vulnerable to exploitation from non-tribals from the plains, and the Fifth Schedule, which applies to the tribal areas in Andhra Pradesh, is a historic guarantee to indigenous people of rights over the land they possess.

After Andhra Pradesh was formed in 1956, the new government, recognising that land expropriation was a serious problem, enacted a comprehensive 'Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959' (APSALTR 1959 or Regulation 1 of 1959), for the protection of tribal lands. This came into effect in the Andhra Region in the same year, and was later extended to Telangana Region through Regulation 2 in 1963.

Yet, post-Independence, AP's tribal land expropriation problem became a widespread and visible process of a vast magnitude. Non-tribals today own more than half of the land in the Scheduled Areas of the state, and in some districts, significantly more: 52 percent in Khamman District, 60 percent in Adilabad District and 71 percent in Warangal District (Laxman Rao et al., 2006). Further, these official figures based on land records understate the problem as they don't include '*benami*' holdings in the name of tribals, but the actual land held by non-tribals. Seeking a legal redress is generally ineffective. The Tribal Welfare Department's official record for 2001-2002 states that, of the 69,170 cases of land alienation in the state, only 23,635 have been restored to tribals.

It is clear that the legal support for the forest people contradicts the economic interests of both the state and politically dominant groups.

An additional rights deprivation has been due to the non-recognition of the tribal status of immigrant tribal groups from other states.

### 1.8 Development and displacement in forested areas

Historically, forests have always been diverted to agriculture, but in the recent years, they are being converted into a range of other uses, on a large scale, particularly irrigation projects, mining and infrastructure. These developments have often been in hinterland upland tribal areas, leading to as many as five million evictions or displacements in AP (almost 7% of the state's population) with compensation and rehabilitation packages covering only the fringe of the problem.

Such problems are more visible in districts like Visakhapatnam, where cross-border migration from neighbouring Odisha due to projects like Bailadilla, NALCO, HAL and other Mining projects, DBK(Dandakaranya Bailadida Kiribur) railway line, five reservoir projects, tourism industry and government infrastructure, has led to a severe pressure on land and forests.

a) **Irrigation:** Irrigation projects have created inundation of thousands of hectares of forest besides leading to large-scale displacements. The setting-up of minor and medium irrigation projects in areas ostensibly meant for tribals has proved to be another process of dispossessing these local people of their lands. The government has sanctioned numerous reservoirs, minor irrigation schemes, lift irrigation and medium canals in the tribal belt, but as the non-tribals hold more productive lands, these irrigation projects have typically facilitated their cultivation, while, the tribals have no alternative other than depending on *podu* cultivation.

The main electoral plank of the then Congress Government was to accord a high priority to the irrigation sector. On assuming office in 2004, the Rajashekhara Reddy Government

identified 26 irrigation projects at an estimated cost of Rs.460 billion. Some of these projects, under various stages of implementation, have become highly controversial, as they are likely to displace tribal villages besides submerge forest areas.

The Polavaram/Indra Sagar project (on the Godavari River at Polavaram Mandal in West Godavari District) is the most controversial project as it threatens to submerge about 94,357 acres in the Scheduled Areas, of which 29,852 acres are poramboke<sup>2</sup> besides displacing 276 villages with 44,574 families across three predominantly tribal districts. It will submerge an estimated 3,223 ha of forests. The AP Government Order 68 states that compensation will be paid only to those who have been in possession of forest lands prior to 1980. Those tribals who have been cultivating such forest lands prior to 1980, but do not have documentary evidence, are going to lose<sup>3</sup>.

Opposition to the project from civil society organizations, political parties and tribal rights activists (*Agency Girijana Sangham*) is mounting even as the government continues to push this agenda through without conducting a proper assessment of its impact on the locals, has securing the mandatory approval from the Central Government (Gujja *et al*, 2006). Earlier, the project was launched by the State Government even before obtaining environmental, forest and other statutory clearances from the Government of India. Subsequently, the Hon'ble AP High Court ordered 'Stay' on the project. However, the State Government, while interpreting the 'Stay', order as pertaining only to the barrage component of the project, continue to go ahead with the works connected with left and right canals. Recently, people from Bodigudem, D Ravilanka and Paragasanipadu villages of East Godavari District, and Chegunapally, Devaragondi, Ramayapeta and Pydipaka villages of West Godavari District, and of tribal and non-tribal villages located in the vicinity of the planned site for the barrage have been displaced. The then Chief Minister, K. Rosaiah, had vowed to make efforts with the Centre to get the national project status for Indira Sagar (Polavaram), Devadula and Pranahita-Chevella projects. Addressing a public meeting held under the aegis of the district Congress committee at the Government Arts College grounds here in Rajahmundry on Sunday, 11/04/2010, the then Chief

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<sup>2</sup> Poramboke Lands: These are all 'vacant' Government lands other than agricultural 'waste lands' for which generally the RDO (depending on the rules in force, the said lands are not entered in the prohibition register) is competent to change the classification and instruct the MRO to issue house site pattas). Land types can include grazing lands, grave yards, road poramboke, channel poramboke, tank poramboke, school poramboke, etc.

<sup>3</sup> Palla Trinadha Rao (2006), "Nature of Opposition to the Polavaram Project" (EPW, April).

Minister said that both Indira Sagar and Devadula projects had got all mandatory clearances and that he had brought the issue to the notice of Prime Minister, Dr. Manmohan Singh, seeking his intervention to get the national project status for them. The latest position is that, after AP reorganization into Telangana State and AP State, Polavaram Project has been accorded the national project status and the seven mandals of Khammam district which are going to witness maximum submergence, have been given to AP through a presidential ordinance after NDA government came to power recently.

**b) Mining:** The Eastern Ghats endowed with extensive deposits of bauxite, estimated 564.33 million tonnes in East Godavari and Visakhapatnam districts alone, spread over an area of 4,700 ha. In Andhra Pradesh, about 18,178 ha of forest land has been diverted to mining. This is the second highest diversion of forest land for mining during this period in the country, after Chhattisgarh. The forests in regions like Adilabad, Karimnagar and Warangal, which hold both forest and mineral resources (CSE, 2008), are under a threat. On April 10, 2006, in spite of all the opposition and protests by the people, the Ministry of Environment and Forest (MoEF) gave environmental clearance to the proposed uranium mining by the Uranium Corporation of India Limited (UCIL) at Nalgonda's Lambapur and Peddagattu villages, and a processing plant in Seripally. The total leased mining area is spread over 527 ha, while the processing plant occupies about 278 ha. UCIL informed in a public hearing that only a fraction of the area acquired would come under forest land. However, the fact is that about 445 ha out of the total site area of 527 ha lies in the Yellapuram Reserve Forest (CSE, 2008). The total forest land diverted to mining activity in the state (i.e., from 25.10.1980 to 30.09.2008) amounts to 18,178.55 ha, which constitutes 15.90 percent of the total forest land.

New proposals for bauxite mining in this area would affect 247 villages besides displacing 44,000 tribal communities. A Tata Energy Research Institute (TERI) Survey estimated that mining bauxite in Anantagiri Mandal in Visakhapatnam District alone would involve environmental costs of these order of Rs.1,520 crore (US\$340m). An additional impact of mining would be on the coffee plantations, and agricultural production below. It is estimated that the proposed mining project would affect as many as 60,000 coffee growers and workers.

**c) State Land Transfers:** Transferring of lands in the Scheduled Areas to a private company amounts to a violation of the LTR Act. Despite this, the A.P Government has issued many leases to non-tribals for industrial and mining operations since 1952.

Samata, an NGO working in AP's Scheduled Areas, filed a case against the AP Government for routinely flouting the law. The court subsequently decreed in favour of the tribals in the famous Samata Judgement of 1997.

*The Samata Judgement*

Samata moved a Petition in the Supreme Court opposing the GoAP's handing over of Scheduled Area lands in Visakhapatnam District to mining companies for Calcite mining. The main argument was that the Land Transfer Regulations 1 of 70 brought under Fifth Schedule of the Constitution, which prohibits land transfers between the tribals and non-tribals, as well as among non-tribal persons, and as such, leasing out land to non-tribal-owned companies was illegal. The Supreme Court gave a ruling asserting that the Government could be construed as a non-tribal 'person' for the purpose of implementation of Land Transfer Regulations 1 of 70. The word person under the Regulation is inclusive of the Government or its institutions. So, the Government cannot transfer its lands situated in the Scheduled Areas to persons other than tribals.

However, the AP State government continues to pursue a policy of inviting private bidders and investors into tribal areas, in the form of fresh leases and through disinvestments of the public sector companies. The GoAP is taking up mining activity through its own Mineral Development Corporations in Scheduled Areas, while corporate business ties continue, except for operations in the Scheduled Areas.

In the recent years, both the AP State and the Central Governments have even begun to consider amending the Fifth Schedule constitutional protections, and continue to circumvent them:

"After Y.S.Rajasekhara Reddy became Chief Minister [in 2004], the [AP] Government decided to cheat the law rather than amend it. Two mining sites have been chosen, and the mining leases have been given to the public sector AP Mineral Development Corporation (APMDC) which will mine the ore and sell it to private concerns that will process it outside the Scheduled Area. The APMDC is thus a benami for the private concerns. ... [and] Land Transfer Regulations specially bars benami transactions in favour of non-tribals<sup>4</sup>".

**d) Continuing Expropriation by the State:** The consequences of the loss of land have fundamentally undermined the livelihood pattern of the tribal people. Migration to both rural and urban locations has emerged as an important alternative livelihood option in the tribal areas. Many scheduled locations are undergoing a transition from subsistence farming to commercial cropping due to reduced plot size and growing cash needs, owing to widespread indebtedness.

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<sup>4</sup>Balogopal K., "Land Unrest in AP. III-Illegal Acquisition in Tribal Areas", EPW, Oct, 6, 2007, P.4034



Legal battles and violent confrontations between the tribals and non-tribals over land alienation have become intense in the recent times. This is evidenced by recent conflicts between the Koyas and non-tribal occupiers in West Godavari District. In several parts of Adilabad District, the dispossessed Gonds have encroached upon the forest land. This has been a cause for tension between the tribals and forest officials. The problem illustrates that forest land expropriation is only one aspect of a general problem of exploitation of the forest people.

Although administrative structures exist as per the central government guidelines, mandated systems of decentralized planning, the implementation and monitoring are not being adhered to as per guidelines in the state. Furthermore, social provision delivery systems and infrastructure facilities are inadequate. For example, although physical access to primary schools is good, most of the schools do not have a sufficient teaching staff. Medical facilities are also not inadequate; most tribal villages have no primary health centres within a five km radius, and service is very bad due to the non-availability of sufficient staff, particularly the absence of doctors.

In practice, tribal development measures have limited positive impact, and have sometimes even worked against tribals' interests by extending state authority and interference. Land alienation remains a serious problem, though in a few cases, alienated land has been restored to the tribals. Land acquisition for development projects and mortgaging of land for credit from private sources are also widely prevalent.

The legal basis for local governance in tribal areas was changed by the national *Panchayat* Extension to Scheduled Areas (PESA) legislation in 1996. The Government of India PESA Act 1996, required decentralisation of administration power to *panchayats* in all Scheduled Areas of the country, and accordingly instructed the states concerned to bring in a state level legislation. The Government of Andhra Pradesh brought in a PESA Act 1998; however, the state failed to subsequently issue the necessary rules for implementation of the Act. This failure enabled other departments to continue with their powers and functions, undermining the local self government institutions in the process.

Decentralisation of government has thus been obstructed in forest areas. Minimal power has been allocated to Panchayat Raj Institutions (PRIs) through both *Panchayat* laws and line agency procedures, such as JFM resolutions. In congruence with the 73<sup>rd</sup> Amendment, the AP State Government has decentralized functions related to social and farm forestry, which are undertaken outside the forest areas, to PRIs, but it has kept Reserve Forests and Protected Areas outside the *panchayat's* purview, and the PRIs are not involved in discharging any forestry-related responsibilities. The APFD has, instead,

created *ad hoc* VSS groups under its administrative control, having no legal or constitutional status and thus, no right or basis for appeal (has discussed below).

In sum, we can see that neither the legal protections, nor the state development initiatives proved sufficient, whilst HDI/poverty trends continue to decline among the poor SCs. Given the sizeable population belonging to SC and ST communities - together comprising one-fifth of the total population - in Andhra Pradesh, the level of human development among these communities definitely influences the average level of human development of all social groups. Although there has been some progress in terms of many development indicators across the SC and ST communities in the state, they continue to lag behind the 'other' social groups in many respects. In the case of education, the gap between social groups is becoming increasingly narrower. However, the pace of progress among these communities has been below expectations. Health conditions among these communities have been improving at a very slow pace. The situation is alarming with respect to economic wellbeing as the poverty level among the STs has, in fact, increased over the last decade or so. Moreover, landlessness among these communities, especially the STs, is increasing. These two facts may be causes for concern at the policy level. Land alienation and displacement are serious problems for STs in the state. The policy initiative of special assistance through SCP/TSP in terms of budget allocations for the welfare and development of these (SC/ST) communities is still not being fulfilled during implementation. Given the factual situation of these communities with respect to their human development levels, more focused intervention is needed to enhance the pace of development among these communities (HDR, 2007).

**e) State Forestry Programmes:** A final area where rights deprivations have occurred, and/or been compounded, has been the activities and programmes of the Forest Department. The primary *raison d'être* of the APFD is control and management of the government forest estate, and revenue generation from it. Since independence, the forest bureaucracy has not significantly revised its quasi-feudal/colonial relationship with its tribal citizens. The decline in tribal citizen's welfare, precipitated further by state control of forests, has been treated as 'not our problem' (despite rhetorical claims to the contrary), despite the fact that APFD working in scheduled tribal areas, manages forest lands appropriated from tribal communities through unjust colonial processes, and often remains in competition for land control with customary tribal land use practices.

AP's forests have continued to degrade under APFD's responsibility (see Forest Survey of India reports). APFD projects have focused on stemming this degradation through protection, planting of non-forest areas and regeneration as part of the primary goal, besides seeking to increase their control over forests to achieve this through a 'command and control' model.

**f) State Monopoly of NTFP Trade:** One aspect of the forest bureaucracy that has a major effect on tribal's forest livelihoods is the monopolisation of NTFP marketing by the *Girijan* Co-operative Corporation (GCC). The GCC was set up in 1956 as a parastatal enterprise with the prime objective of procuring NTFP from tribals and market them 'to their best advantage'. The AP Scheduled Areas Minor Forest Produce (Regulation of Trade) Regulation, 1979, imposed further restrictions on the purchase, sale, curing, processing, storage and transport of NTFP. Applicable to Scheduled Areas, it allows GCC to be the sole agent for purposes of purchasing and trade in NTFP on behalf of the government. This is contradictory to the provisions of PESA, which vests the control of NTFP with *Gram Sabha* rather than any other institution/organization.

GCC has become monopolistic agent for purchase of 35 NTFP varieties in the Scheduled Areas of the state, but in practice, it gives more importance to revenues, profits and salaries rather than purchase prices for the tribals, creating, in the process, a situation of *de facto* institutionalised state exploitation through abuse of its monopoly power in terms of fixing purchase prices below the prevailing market rates, rather than above, as one might expect in respect of 'support price'.

Furthermore, although GCC's procurement list contains 35 items, it procures only a limited number of these, despite the fact it is the sole buyer of all NTFP products. The tribals do not enjoy any right to sell their produce to private traders even when they are the only buyers or when their rates are higher. The so-called 'support prices' are commonly so low that the tribals are often forced to illegally sell NTFPs in weekly village markets. Furthermore, NTFP collectors often get into a debt trap with local non-tribal traders during the lean season or due to illness, and try to repay loans through the sale of NTFP at distress rates.

**g) Social Forestry:** Despite neglecting to address the underlying conflicts between conventional forest management and local livelihood priorities, without reference to the pre-existing rights deprivation that the creation of the forest estate caused, a range of forest projects that have been funded (including donors), have effectively further compounded the issue of rights deprivation. The first of these was a massive 'Social Forestry' (SF) scheme funded by the Canadian International Development Agency (CIDA) implemented between 1983 and 1991 throughout the state. Under the SF project, fast growing wood species were to be planted in the private and village wastelands and woodlots for a steady supply of domestic and commercial tree products as part of reducing the pressure on the state's Reserved and Protected Forests.

However, due to a limited availability of community lands for plantation (because they were already under community use or as a result of encroachment or privatisation) and

lack of co-ordination/rapport with village communities and *panchayats*, the scheme was only partially successful. Afforestation was attempted across 1,36,885 ha (although it's not clear how many have survived). Additionally, plantations were taken up along river banks to prevent sand drift, and along coastal areas as a windbreak and for fuel wood and fodder purposes. Farmers with small landholdings did not participate in these schemes but large farmers mainly benefited. The biggest beneficiary may be assumed to have been APFD which had received substantial donor funds. The entire exercise effectively distracted policy debate from rights reform issues for a decade.

**h) 'Joint' Forest Management:** In line with national developments, APFD's Joint Forest Management (JFM) programme was introduced in 1992. Forest lands which had been taken over earlier by APFD, but were adjacent to villages, were to be 'jointly' managed with the participation of local communities, but on terms set by the FD. Many villages had already been protecting their forests from outsiders without a legal status or support from APFD. Under the JFM programme, APFD did not transfer legal rights to villages over their forests, but rather entered into administrative agreements with *ad hoc* village groups. They created Vana *Samarakshana Samithis* (VSS) to protect forests (often APFD exotic species plantations unsuited to local needs) in return for allowing the local people to collect NTFPs. Wage labour opportunities were provided for several years under the scheme villages.

The JFM programme was implemented through a number of differently funded schemes in addition to a substantial donor funding. While the World Bank sponsored AP forestry project has been the major contributor (supporting wage labour costs of 2,910 VSSs), welfare payments for wage labour have also been funded through other programmes like the Employment Assurance Scheme (1956 VSSs), NABARD (918 VSSs) and Centrally Sponsored Schemes (411 VSSs).

JFM began to be implemented by GoAP from 1992. After a decade, AP Government modified the JFM rules (in 2002), and in the context of linguistic inflation, misleadingly renamed it as 'Community Forest Management' (CFM), though in terms of substance, the new project was in no way different from joint forest management. The total outlay of the World Bank sponsored second phase of 'Community Forestry' project amounts to Rs.653.97 crore or US\$125.61 million.

The APFD has used VSS groups under JFM/CFM to enforce forest plantations in shifting cultivator's areas, while boasting that an estimated 37,000 ha of forest land, which was under tribal occupations in Visakha Agency Areas, had been brought under the World Bank assisted Community Forestry Project by displacing them and 'rejuvenating' thereby

the forest land. However, the food security implications for the tribal cultivators were not explained, but a previous fieldwork (Reddy *et al.*, 2008) has revealed very negative impacts.

Studies<sup>5</sup> on the overall outcomes of JFM/CFM indicate that the 'joint'ness of JFM has been skewed more in favour of the Forest Department, which has controlled every aspect to its benefit. At a time when a declining APFD revenue generation (due to degraded forests) has been threatening APFD's salary structure, and with the injustice of the forest estate coming into question, a substantial donor funding has retrenched the APFD staffing and thereby allowing them to gloss over the negation of forest rights.

Whilst JFM has generally led to forest regeneration with the government extending its support to protect local forests, the benefits to local people's livelihoods have been limited and often negative:

1. The local people have not received land rights, and whatever benefits there may be, are often found inequitably distributed.
2. The forests and their species mix are generally not under livelihood-oriented management regimes, while grazing remains typically prohibited.
3. The JFM/'CFM' projects have caused compulsory evictions of families, as a result of which they have lost their shifting cultivation fields (podu) to the Forest Department besides experiencing severe restrictions with regard to the use of forest resources. Besides, many affected Adivasi families have received no compensation for the loss of their livelihood source (land).

The Forest Order of 2002 (Andhra Pradesh Community Forest Management Project-Comprehensive Orders) states that the Sarpanch (elected head of Gram Panchayat) should be consulted while earmarking forests in the vicinity of JFMC for CFM. In addition to this an Advisory Council is to be constituted at the JFMC level with the sarpanch chairing its meetings. This council is also responsible for reviewing of micro plans and annual plans of JFMCs. In reality, however, a majority of these cases have had no advisory councils put in place.

The extreme mutual hostility between the forest people and the Forest Department's field staff has however been mitigated to some extent by Joint Forest Management in many areas. Before JFM, the tribal people Adivasis used to consider field-level forest

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<sup>5</sup> Reddy, 2008; Mukerjee, S.D., 2004; B. Mamta, 2002; Centre for Peoples Forestry, 2001; Suryakumari, D., 2001; Roy, Apia, 2001; Reddy, Reddapa et al., 2000.

officers as hostile, while the foresters tended to perceive the tribals as thieves. A slightly more cordial relation has evolved in some areas from the 1990s through closer interactions. Frequent interactions between the FD officials and the forest users post JFM have contributed to such better relations. However, the relations between the FD and the people are showing signs of getting strained because the FD has been unable to keep some of the promises it had made at the beginning of the programme.

Additionally, APFD has co-opted many NGOs through funding them in the JFM program. Many such NGOs have maintained a silence over the dispossession of tribals from their cultivable hill slopes, even as the State Government officials proudly claim that they have brought the lands previously under tribal cultivation back into the JFM treatment area. Only a notable few have conducted a concerted campaign to the World Bank. Even when the State Government initiated the rehabilitation program for displaced people at the Bank's behest, again many NGOs, collaborating with the APFD, such as Vanasamakhyia, Centre for World Solidarity and Centre for People's Forestry, persuaded the displaced tribals to accept compensation rather than expecting the restoration of their alienated forest lands. The sporadic representations made by the tribal communities could not influence the state government to give a due attention to these issues.

A final issue relates to the extent of rights deprivations through the extension of protected areas which, in turn, has shattered the local people's hopes of claiming rights over forest lands. Around 5.76 percent of the state's forest area (1.58 mha) is under a protected area network. There is a due process for the settlement of rights which have implications for redrawing proposed boundaries. However, it seems that processes have often been 'short-circuited' by quietly declaring national parks so that no rights claims are made.

As we have seen, colonial forest laws and forest policies have been systematically anti-forest people, specifically anti-tribal in the sense of not recognising their ancestral domain, customary claims or the validity of their material cultural practices such as podu. Forest rights have been deprived in a number of different ways in Andhra Pradesh. For instance, even normal livelihood practices such as cultivation, grazing, collecting NTFP and felling of trees are considered as violation of forest protection laws. The main processes identified are:

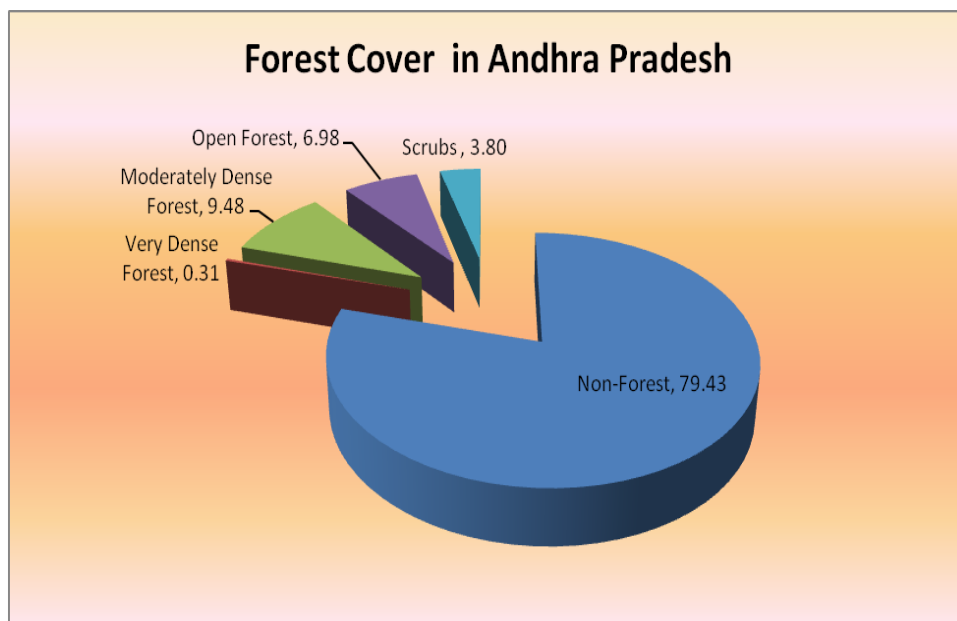
1. Non-recognition of tribal rights in 'normal' forest settlements
2. Irregularities in the settlement process
3. Criminalisation of podu
4. Boundary disputes between the Revenue and Forest Departments
5. Joint Forest Management, 'Community Forest Management schemes'

6. Sanctuaries and National Parks
7. Evictions
8. Displaced by 'Development'
9. Land grabbing
10. Recent in-migration of tribal groups from other states not scheduled in AP. The Forest Rights Act promises the opportunity, a kind of critical juncture, to redress each of these. However, this will depend on how the act is implemented.

### 1.9 Forest rights deprivations on the ground in Andhra Pradesh

Andhra Pradesh is endowed with extensive forested landscapes - areas either with contiguous forests, or more domesticated lands where different forms of agriculture, pasture and forests make up a mosaic of land use.

The forest cover in AP has slightly increased from 16.7 percent to 16.77 of the total geographical area of the state (FSI, 2013), and out of AP's total population of 84.58 million, there are 5.91 millions Scheduled Tribes, and another 5-10 million non-'scheduled' occupants of forest areas (the absolute number depends on how they are counted). Rural livelihoods in the forested landscapes have historically involved close interactions with forests, including for habitation, shifting and sedentary agriculture, grazing, hunting and other forest product collection and spiritual practices. A detailed picture of the forest cover in Andhra Pradesh is given below:



Source: FSI 2013

### 1.10 Key Objectives

The Project's primary objectives are:

1. To look into the implementation process of FRA as of today in both Telangana and AP by undertaking a resurvey of a few selected villages
2. To analyse both individual rights and community rights situation - distribution of land rights and the extent of rejection
3. To see at what level of institutions the distribution process of FRA is being obstructed
4. To assess/examine the impact of FRA on the title holders.

Considering that the field situation has continued to rapidly evolve since our earlier field study in 2008-09, the present proposed project aims at consolidating the achievements of this project by way of updating our findings in relation to the developments that have taken place in between the two surveys.

### 1.11 Methodology

Six villages had been surveyed for the earlier study, drawn from Telangana and Andhra regions. Out of the six villages surveyed earlier, four villages both from Telangana and AP were resurveyed for the current study. The details are furnished below:

**Table 1.3 Details of sample villages and households**

Sl.No.	Name of the Village	Primary Survey (2008) Total hhs & Sample hhs	Follow up Study (2013) Total hhs & Sample hhs
1	Pamuleru	47 (13)	48 (15)
2	Panasanapalem	167 (44)	NC
3	Koruturu	97 (25)	105 (39)
4	Goppulapalem	95 (24)	101 (38)
5	Nagaluty	86 (25)	NC
6	Cheruvuguda	44 (11)	48 (13)
	<b>Total</b>	<b>536 (142)</b>	<b>302 (105)</b>

*Note:* NC - Not Covered

To explore the impact of FRA - 2006, the present follow-up study (2013) covered same sample households in four villages identified for the primary study (2008) from three regions of AP. The four sample villages covered for the present study include Pamuleru, Koruturu, Goppulapalem and Cheruvuguda. Except Goppulapalem, the remaining villages come under scheduled area. Besides primary data, secondary data was compiled from reports, appraisal and evaluation documents of the World Bank and the Forest



Department, Government Orders, and so on. We then moved on to the primary data collection through conducting a field survey across the selected study sites, based on group meetings, household and village questionnaires.

### **1.12 Limitations**

- i) The number of the sample villages covered under the present study is small and few and hence larger generalizations may be read with a fair degree of caution.
- ii) The implementation process between the two survey periods has not witnessed remarkable changes except conferment of pattas on a few claimants. Hence gauging the real impact is a difficult proposition as of now.

### **Study structure**

The present chapter is an introduction to this work in that it dwells on the historical scenario of the forest rights deprivation in Andhra Pradesh besides outlining objectives and methodology of the study. It also emphasizes the need for a resurvey in the selected study villages which had been already covered in a previous study; Chapter two presents a brief review of the existing literature; Chapter three provides a macro picture of the FRA -2006 implementation in the Country - state wise; Chapter four presents a profile of the sample villages; Chapter five analyses the household data collected from the sample villages and presents field findings; Chapter six concludes the study with major recommendations.

## Chapter - II

# Review of Literature

### 2.1 Introduction

The tribal people's struggle for rights over forest lands began ever since the colonial regime, because during the pre-British or pre-modern forest administration, the forests were under the domain of kings and their kingdoms with the local people inhabiting, cultivating grazing their cattle as part of earning their livelihoods without facing any restrictions or impositions (Guha, 1983). However, with the advent of the British, the tribals began to be looked upon as 'encroachers' on their own land, though not in accordance with any formal law of land, but their historical custom. They became illegal occupants in the eyes of those who, in actuality, had claimed control over the forests illegitimately, using force and power.

Saxena (2006) terms this trend as a virtual war against the tribals since the colonial times to the present regime. The 29th report submitted by the Commissioner for Scheduled Castes (SCs) and Scheduled Tribes (STs) brought forth the excesses committed against the tribals. The report precisely quoted that 'the criminalisation of the entire communities in the tribal areas is the darkest blot on the liberal traditions of our country'. The report further reiterated the continuous harassment, evictions and atrocities being faced by the tribals (GoI, 1992).

The immediate reasons that paved way for considering an act such as the FRA by the GoI were the unprecedented excesses heaped upon the tribals in various states, namely, Assam, Madhya Pradesh (MP), and Maharashtra. Attempts were made to forcibly evict them from their houses, farming lands, and inhabitations, following the May 3, 2002 eviction orders issued by the Ministry of Environment and Forests (MoEF). This created quite a stir across the nation leading to 'political liability'. The justification to protect forests and to remove the encroachers (in some instances those who were cultivating land much before 1980) also came under a severe criticism from all quarters. Hence, in October 2002, the MoEF had to issue a clarification order to the effect that not all

occupation of forest lands was illegal or an encroachment and that they cannot be evicted until their rights were verified (Springate *et al*, 2009).

The drafting of the Scheduled Tribes (Recognition of Forest Rights) Bill, 2005, was entrusted to the MoTA. The Ministry followed up by constituting technical resources groups consisting of other Ministries, legal experts, and civil society members, to offer their expertise in shaping the bill for legislation. It is important to mention here that the bill had to go through several hurdles created by the MoEF, wildlife conservationists, as well as the Non-Governmental Organisations (NGOs) working for the environment. They were apprehensive that this bill would cause a severe damage to the forest cover and wildlife and environment as a whole (Bhullar, 2008).

To settle these differences between the pro and anti-lobbies, the bill was referred to the Joint Parliamentary Committee (JPC) in December 2005. Subsequently, when the JPC's recommendations were presented on 23 May 2006, it was again debated intensively by the conservationists. So, JPC suggested certain changes, viz., shifting the cut-off date to 1980; inclusion of non-STs; land ownership ceiling from 2.5 ha to 4 ha per family; and removal of penal provisions on forest dwellers (Ramnath, 2008).

The intensive study was conducted by the ACTIONAID (an NGO) to understand the situation of FRA implementation in eight selected Indian States of Andhra Pradesh (AP), Gujarat, Jharkhand, Madhya Pradesh (MP), Maharashtra, Odisha, Rajasthan and West Bengal (WB). This study covered 400 villages, 219 gram panchayats (GPs), 51 blocks, 26 districts from 8 states of India having substantial forest coverage and tribal population. The study revealed all aspects of the implementation process in that mandatory functions of the SDLC and DLC like meeting at intervals of time, proper scrutiny of applications, field level verifications of sites and proper co-ordination at various levels between the departments were not taking place. The grievance redressal mechanisms at SDLC and DLC levels were non-existent. As a result, the applicants were disqualified at these levels and even after a long period, they did not get any platform to voice their genuine grievances.

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

level of Gram Sabha, the study explored that, on an average, 3.08 acres of land were recommended by Gram Sabha while 2.48 acres were approved at the DLC level.

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

**Problems:** The grievance redressal mechanisms at SDLC and DLC levels were non-existent. As a result, the applicants were disqualified at these levels and even after a long period, they did not get any platform to express their genuine grievances. In many cases, individual settlement titles provided to the villagers were reported incomplete due to the absence of a clear-cut demarcation, maps, wrong coding of names and addresses. The provisions of joint holder's rights over the settled land under IC (Individual Claim) by both spouses had been violated. Single women headed households had either been ignored or not given due importance for settlement of their claims. Around 68 per cent of single women headed HHs in the study villages had not applied for individual rights under FRA. It was basically because of their low level of awareness and lack of access to the service provisions available under FRA, which was beyond their individual capacity. During interactions, they showed their interest in going through all the required processes so that they could acquire land under the Act (ACTIONAID, 2013).

Madhusudan Bandi 2013, conducted a research study as part of an attempt to understand the outcomes of the Forest Rights Act (FRA) 2006 in respect of Chhattisgarh and Gujarat following its implementation since 2008. The study reveals major issues associated with FRA implementation in 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-Governmental Organizations (NGOs) at one point of time or the other. The story is identical in respect of both the states. With such a 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 means that Gram Sabha had not been convened for forming Forest Rights Committees (FRCs). And naturally it is evident that FRCs have been hijacked by the panchayat secretaries and *sarpanches*. 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.

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. It is found that more than half of the claimants belonging to the study HHs are yet to get actual documents of the land claimed despite their having received confirmation at *panchayat* office through an 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 the same amount of land has been given away to industrialists or miners by the state and central governments on a platter in the name of development without even giving a second thought and that not much noise is being made of it unless it benefits the opposition parties to rake it as an issue.

A critical issue in respect of Chhattisgarh is that, many of the study HHs have been informed by their *panchayat sarpanches* and secretaries concerned that their names appear in the list of those who have been allotted lands. However, the fact is that nobody knows which unit of land allotted is theirs, and a few of those who tried to locate them with the help of FD staff and revenue officials also were unable to figure out their lands mainly because of an utter carelessness on the part of the department in terms of combining all the claims and dividing the available land along with a circular to *panchayats* concerned with the names of claimants and the units of land granted against their names.

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 them have access 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. Among those having irrigation facility for at least half of their land holdings just about 1/3rd have land holdings. The main source of irrigation among the majority of the study HHs is dug-wells and tube wells. Infact, now most of the FDP who have got recognition with own respect to their lands are exploring the options of developing their lands with investments on irrigation and other agricultural implements.

As per IDFC 2013, India's recorded forest area is 77 mha, but in 2011, the Forest Survey of India (FSI) estimated the forest cover at 69.2 mha (or 21 per cent of the total geographical area). The recorded forest area is larger because, it includes barren area classified as forests. With its large population and low area under forest cover, India's per capita forest cover comes to only 0.06 ha as against the global average of 0.64 ha (FSI, 2011). The North-eastern states and others, such as Goa, Kerala, Uttarakhand, Himachal

Pradesh, Chhattisgarh, Odisha, Jharkhand and Madhya Pradesh, account for a higher forest cover with many sharing a high proportion of tribal population concentrated in the forest areas who largely depend on them for their livelihoods. Some states have already made progress in granting individual rights as a result of which so that by the end of March 2013, over 12, 64,000 individual titles had been distributed under the Act (MTA, 2013). But inter-ministerial frictions, coupled with other impediments in constituting Gram Sabhas at the habitation level, have led to an unsatisfactory implementation of FRA. The N. C. Saxena Committee Report found wrong recognition and claim rejections common, in part, due to hasty enquiries made by senior officials or higher level committees, or because the state tribal departments failed to monitor progress at the village level (MoEF and MTA 2010). Consequently, the sub-division level committees have often rejected claims arbitrarily and without informing claimants of the reasons for rejection and their right to appeal (CSD, 2010). Importantly, the claims process has generally excluded other traditional forest dwellers on the ground that they had not cultivated the claimed plots for 75 years, this despite their eligibility under the Act if they had primarily resided in forest land for three generations and depended on forests for their livelihood as of December 2005 (MoEF and MTA, 2010).

FCN (Future Conservation Network) Report 2012, while reporting on the status of implementation of FRA across Protected Areas (PAs) of various states, indicates at a mixed situation:

- The relationship between the state and the people continues to be viewed as that of give and take; and the forest use for livelihoods is still being considered by many as contradicting the conservation objectives, especially since most of the earlier forest policies in respect of National Parks, Wildlife Sanctuaries and Tiger Reserves have focused on conservation by exclusion.
- While in some protected areas, community forest rights are being recognised (e.g. Biligiri Rangaswamy Temple Sanctuary, Karnataka), in the case of most others, they have not yet been recognised.
- There are allegations that relocation is also taking place without FRA implementation (especially recognition of rights) at many sites, a situation that has prompted both MoEF and MoTA to issue circulars asking states to ensure a full and proper implementation before undertaking relocation.
- The protocol for relocation of Critical Tiger Habitats (CTHs) of Tiger Reserves has been finalised without taking into account many concerns raised by civil society and conservationists.

- The guidelines on Critical Wildlife Habitat have not yet been finalised, and it becomes important that such guidelines, when finalised, attempt to sufficiently reconcile the social and ecological issues. (FCN, 2012).

FCN has summarized some core issues involved in the implementations of FRA as below:

#### **A. Implementation of FRA in Protected Areas**

FRA is not being implemented in PAs, particularly CFR provision and only a few states like Odisha and Karnataka have implemented FRA in respect of some PAs. FRA is also not being implemented in non scheduled areas and communities such as pastoralists, nomadic, shifting cultivators, fisher-folk and others especially vulnerable groups. The State nodal agencies and other FRA related institutions do not have a consolidated information in the public domain on FRA implementation, number of claims filed and cleared in PAs.

#### **B. Violation of WLPA (Wild Life Protection Act) and FRA processes in the creation of CTHs as 'inviolable' areas**

The term "inviolable" is being interpreted by the forest department and the conservation groups as "human use-free". This is despite Section 38V of WLPA (Wild Life Protection Act) stating that people's rights must not be affected while creating inviolable zones and that no relocation or rights modification can take place unless 'other reasonable options of co-existence are available' and that there is an informed Gram Sabha consent to the relocation. Consequently, in all CTHs, the entire focus of the PA authorities is on relocation, rather than exploring the possibilities of co-existence. NTCA (National Tiger Conservation Authority) on its part, bringing out only a relocation protocol rather than a combined protocol on CTH declaration, co-existence and relocation, clearly indicates at the intention of the state to focus on relocation alone in Tiger Reserves, ignoring co-existence as a possibility. While creating Critical Tiger Habitats/ core of Tiger Reserves, the procedures followed by many state governments tend to violate WLPA and FRA provisions (such as no prior rights recognition before relocation for creating 'inviolable' spaces, no proof in the public domain of irreversible damage and absence of the possibility of co-existence), thereby making the process illegal. There seem to be a dearth of detailed site-specific scientific and social studies prior to prescribing relocation in that area, and the lack of a concrete evidence to show that the specific relocation has necessarily led to the conservation of that area.

The relatively recent order of the Supreme Court (Ajay Dubey Versus National Tiger Conservation Authors dated 24.07.2012) has complicated the situation further by way of directing the state governments to declare buffer zones within three weeks, which is too short a time period to follow any procedure of proper identification and gram sabha consultation. (FCN, 2012).

Oxfam (2013), The Food and Agriculture Organisation (FAO) have estimated that almost 400 million people are dependent on forests for sustenance and complementary income. These populations are among the most vulnerable forest dependents constituting two thirds of the extremely poor with half of them belonging to marginalised Adivasi communities. Data uncertainties cloud assessments of the scale of displacement, but estimates suggest that between 100,000 and 600,000 people have been evicted from protected areas since Independence, thus endangering their sources of livelihood. Poor Adivasis continue remain the only social group in India whose average life expectancy at birth is at 57 years, though declining slightly between 1998-99 and 2005-06.

Despite such promising provisions, progress on the ground was "dismal" according to the Standing Committee on Social Justice and Empowerment that reviewed the implementation of the Act in 2011. A total public Hearings revealed a range of obstacles lack of ambition among top officials, resistance among lower level officials, general lack of awareness, restrictive rules, and commercial pressures linked to the natural wealth within forests. The Forest Department, which has managed forest resources since colonial times, continues to be seen as an obstacle, despite attempts being made to limit its role in the implementation process.

Initially, community claims were expected to be as numerous as individual claims in view of their providing secure livelihood avenues through forest resources. But the number of claims has remained very low with many community claims reported for development projects like roads and health centres. This is despite the fact that there are about 170,000 forest fringe villages in India covering 32 million hectares. Severe data limitations regarding community claims over land are an additional indication of neglect. The neglect is particularly in protected areas, forest falling within the municipal areas and among Particularly Vulnerable Tribal Groups (PVTGs), nomadic pastoralists, shifting cultivators and Other Traditional Forest Dwellers (OTFDs).

Communities and civil society organisations (CSOs) have pointed out various short comings inherent in the FRA implementation, including:



- the conversion of JFMCs (Joint Forest Management Committees) into FRCs with decisions made in violation of the FRA and preventing community-based nurturing of village commons (e.g., in parts of Karnataka and Tamil Nadu) (CSD, 2010);
- the constitution of the GS at the administrative village level (e.g., West Bengal);
- the continued relocation of forest dwellers in violation of the FRA, as in Tiger Reserves in various states;
- the illegal process of FRC formation by state authorities (in West Bengal, for instance, resulting in the closing of government timber depots across northern Bengal for over a month in 2008) (Jha, 2010); and
- The proposed bauxite mining in the Niyamgiri Hills in violation of the FRA in Odisha; was taken to the Supreme Court which rejected the environmental clearance given to a particular mining firm.(IDFC 2013).

While the FRA marks an important step in recognising the rights of forest dwellers and the importance of decentralisation, key features of the Act have been undermined, resulting in the denial of rights to STs and other traditional forest dwellers (CSD, 2010). Concerted efforts must be made to implement the FRA in letter and spirit to fulfill its promise as a pro-poor reform aimed at benefiting a large number of forest dwellers. The rights of forest dwellers must also be balanced with the rights of the entire population that indirectly depends on forests (in terms of mitigating climate change and ensuring food and water security). Protecting the forests is as integral to India's survival as the protection of the rights of forest dwellers.(IDFC, 2013).

As of 31 January 2012, a total of 31,68,478 claims had been received across the country. Of these, a total of 27,24,162 claims (85.98% of the total received) have been disposed of, out of which 12,51,490 titles (45.94%) were distributed and 14,72,672 claims (54%) were rejected. In terms of rejection rate, Uttarakhand remains at the top with 100% followed by Himachal Pradesh (99.62%), Bihar (98.12%), Karnataka (95.66%), Uttar Pradesh (80.48%), West Bengal (73.12%), Maharashtra (67.91%), Madhya Pradesh (63.32%), Chhattisgarh (55.86%), Jharkhand (53.13%), Assam (50.94%), Rajasthan (49.85%), Andhra Pradesh (47.76%), Gujarat (30.95%), Orissa (30.75%), Kerala (16.95%), and Tripura (15.07%). The rejection rate in respect of as many as 11 states is above 50 per cent (AITPN, 2012). The current status of FRA implementation in Andhra Pradesh after the bifurcation of the state into Andhra Pradesh and Telangana presents the following picture: the total individual claims recorded in Andhra Pradesh come to 170764 over an

area of 369597 acres. Out of 170764 individual claims, 74960 (43.9%) claims over an area of 175649 acres have been distributed to the beneficiaries; 69489 (40.7%) claims over an area of 137022 acres have been rejected due to various reasons and pending cases come to 26315 (15.4%) over an area of 56926 acres. In Telangana State, the recorded total individual claims come to 231368 over an area of 837675 acres. Out of 231368 individual claims, 94278 (40.7%) claims over an area 305977 acres have been distributed to the beneficiaries; 93850 (40.6%) claims over an area 349164 acres have been rejected due to various reasons, and pending cases number 42899 (18.5%) over an area of 177773 acres (TCRTI, Hyderabad).

There are a number of frivolous reasons for the rejection of claims under the FRA. *First*, the Forest Rights Committees have not been constituted at the Gram Sabha level in several states as provided for in the Act which has seriously hampered the verification of claims. *Second*, the "predominance of the forest officials and obstructions caused by them" have hampered the process of verification and decision making at various levels across India. *Third*, the claimants are denied proper hearing of their cases which is one of the reasons for a high rejection rate. *Fourth*, the claimants are being denied a reasonable opportunity to appeal against the rejections before higher authorities. *Fifth*, in an overwhelming number of cases, the rejections are not being communicated to the claimants, thereby denying them the right to appeal. Further, there are a number of claims which are not being addressed by the State governments. *First*, the Community Forest Rights (CFRs) are not being recognized and in many States, even the forms have not been supplied. *Second*, claims under the FRA are not being recognised in the protected areas such as National Parks, Wildlife Sanctuaries etc thereby putting the Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OTFDs) at risk of forcible evictions. *Third*, the OTFDs are being denied rights under the FRA (AITPN, 2012).

## 2.2 Looking at the community forest rights

The overall progress on the community forest rights' front continues to be slow. By end March 2013, less than 18,000 community rights claims had been granted out of nearly 67,000 claims received (MTA, 2013). However there is little information available on the areas that were granted community rights. A study in Andhra Pradesh shows that claims granted were often made by the FD on behalf of JFM committees, while claims by communities got rejected or approved over a relatively less areas as against the actually claimed area (Reddy et al, 2010). Even where granted, communities have had trouble effectively using their rights, particularly while selling bamboo. Similarly, in Kerala, it appears that tribals lacked a clear idea about the process of claiming community rights (Sathyapalan, 2010).

The current status of FRA implementation with regard to community forest rights in Andhra Pradesh after the bifurcation of the state into Andhra Pradesh and Telangana presents the following picture: the total community claims recorded in Andhra Pradesh come to 6905 over an area of 736324 acres. Out of 6905 community claims, 1538 (22.3%) claims over an area of 476170 acres have been distributed to the communities, while 1994 (28.9%) claims over an area of 32751 acres have been rejected due to various reasons, and pending cases number 3373 (48.8%) over an area of 227373 acres. In Telangana State, the recorded total community claims number 4184 over an area of 529257 acres. Out of 4184 community claims, 744 (17.8%) claims over an area of 503082 acres have been distributed to the communities, 1831 (43.8%) claims over an area of 8763 acres have been rejected due to various reasons, and pending cases added up to 1609 (38.5%) over an area of 17412 acres (TCRTI, Hyderabad).

*Jamuguda, Odisha, sells Bamboo under FRA:* The community residing in Jamguda in Kalahandi, Odisha, is one of about 4500 groups in the state that protect about 10 per cent of the state's forested area. Most villagers are entirely dependent on the forest for their livelihood. Recognising its importance, Jamguda's youth committee has been protecting the forest from illegal timber felling since 1990, allowing the harvest of timber and bamboo only for personal use and collection of NTFP for sale. In 2010, the village got recognition of community forest rights in the reserve forest area under the FRA. While bamboo is recognised as an NTFP under FRA, being denied a transit pass by the FD, the gram sabha of Jamguda was unable to sell its harvested bamboo at a remunerative price outside the village. It experienced a considerable difficulty in obtaining a transit pass. Finally, after months of struggle and political pressure, in March 2013, Jamguda received the transit pass and became the first village in Odisha and the second in the country in exercising its community right to harvest and sell bamboo under FRA. This will allow the village to augment its income, and going forward, the Gram Sabha has planned to harvest bamboo on a rotational basis so as to ensure a sustainable income stream. A proper implementation of the FRA and recognition of the community rights simultaneously help achieve the dual objective of forest protection and development of the most marginalised communities. Source: Banerjee (2010) and Ulman and Deo (2013).

Recognising the long-standing demands of tribal areas, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, commonly known as the Forest Rights Act (FRA), was passed in 2006, with similar goals as those of the PESA. The FRA is viewed as more inclusive than PESA-it extends to non-PESA areas,

and thus has the potential to address the issues of tribal and other disadvantaged sections in these regions. Further, by defining community forest resources very broadly, it has brought all forest categories within its purview, giving STs and other traditional forest dwellers the rights not only to live in forests, and but also collect and use minor forest products. The FRA is community oriented not only with regard to claims over forest resources, but also in the procedures for determining such rights.

The FD and joint forest management committees (JFMCs) that tend to make decisions in violation of the FRA (CSD, 2010) often bypass the GS. The FD also has been found making community claims on behalf of JFMCs. In Andhra Pradesh, for example, villagers' community claims get rejected or approved over smaller areas than actually claimed (Reddy et al, 2010). Finally, the MoEF has continued violate the provisions of the FRA, including claiming of land for afforestation programmes and diverting of forest land to large projects (CSD, 2010).

Vasundhara and Kalpavriksh, 2013, organised a National Consultation on community forest rights (CFR) under the Forest Rights Act (FRA). Some of the key issues which came up during the consultation include the illegal diversion of forest land without conforming to the Forest Rights Act (as in Madhya Pradesh, Chhatisgarh); improper state action plans imposing impossible deadlines for recognition of forest rights; non recognition of rights, particularly of vulnerable tribal groups (PVTGs); habitat rights (in Odisha, Maharashtra) of pastoralist communities (in Kutch, Gujarat); imposition of illegal conditions while issuing CFR titles (as the incase of Maharashtra, Madhya Pradesh); and non implementation of CFR provisions in states such as Jharkhand.

### **2.3 An overview of CFR implementation under the FRA**

The implementation of CFRs continues to be a low key process. As per figures given in MoTA status reports, there has been no change in the number of CFRs recognised in Andhra Pradesh, Assam, Chhatisgarh, Tripura, Uttar Pradesh and West Bengal since March 2012 while there has been some increase in the numbers for Kerela, Maharashtra, Odisha and Rajasthan. However, it must be noted that the numbers given in MoTA status reports cannot be completely relied on as these depend upon a poor and inaccurate reporting by states. In many cases, claims and titles over 'development' rights under Section 3(2) being given are confused for CFRs.

As per the latest (for the period ending 31-12-2012) progress report on MoTA website, the status of CFRs is given in the following table.

Table 2.1 Status of community claims over forest land and their distribution across Indian States

State	Claims for Community Rights	Community Rights Titles distributed
Andhra Pradesh	6714	2106
Assam	5193	860
Chhattisgarh	4736	775
Gujarat	8723	1758
Karnataka	2917	53
Kerala	1395	4
Madhya Pradesh	13125	-
Maharashtra	5041	1033
Odisha	3304	879
Rajasthan	346	53
Tripura	277	55
Uttar Pradesh	1135	814
West Bengal	7824	108

*Note:* Bihar, Himachal Pradesh, Jharkhand have not provided information on how many of the total claims and titles were CFRs. Madhya Pradesh has not provided segregated information on how many titles distributed were CFRs.

*Source:* (Vasundhara and Kalpavriksh, 2013)

#### 2.4 Emerging issues and challenges

*Post-title governance and management:* There is a lack of clarity regarding post-title governance and management. The 2012 amended rules call for Gram Sabhas to integrate their conservation and biodiversity management plans with working plans of the Forest department. However, it is unclear what the relationship between the two working plans will be like, what the Forest department's continued role is going to be (will it continue to enforce and regulate?) and what specific powers shall rest with the Gram Sabha when it comes to the protection and management rights of CFRs. An Additional element of uncertainty remains in terms of ensuring that right holders benefit from the convergence of relevant schemes.

*Conflicting Laws, Policies and Programmes:* One of the reasons for FRA implementation getting complicated is the related laws, policies and programmes that continue to send out conflicting messages. In the area of conflicting laws, both the Land Acquisition Act and the Forest Conservation land allow for take-over of land without FRA implementation and Gram Sabha consent. Similarly, under the Mines and Minerals Act, there is no

central role give to Gram Sabhas and under the Wildlife Protection Act, there is no Gram Sabha consent taken when protected areas are notified and recognized CFRs continue to be avoided in protected areas. In some states, such as Rajasthan, PESA state rules contradict the FRA. Conflicting policies include the imposition of JFM programmes on states such as Odisha and Maharashtra. In climate change programmes, such as REDD and Green India Mission, there is no clear understanding regarding on the importance of CFRs.

*Rights without Benefits?:* Despite rights being recognized in many state contexts, a full implementation remains a challenge. For example, the 2012 amended rules confer transit permit rules on the Gram Sabha, however, the Forest department continues to control this matter. Similarly, NTFP nationalization (such as the tendu leaf) continues to occur in most states, diluting the transfer of full ownership rights to the forest dwellers as outlined in both PESA and the FRA. In some situations (such as in the BRT Wildlife Sanctuary) communities are not ready for full ownership rights, due to vested interests and power structures, preferring to operate as wage labourers and depending on old arrangements with LAMPS (Large-Scale Adivasi Multi-Purpose Societies). (Vasundhara and Kalpavriksh, 2013).

The National Review (CFR Citizen's Report 2013) on Community Forest Rights reveals that there is a general lack of an in-depth understanding of CFR provisions and the empowerment they bring to local communities in most states. Sometimes, even awareness of the FRA at a rudimentary level is lacking. There is a continued misinterpretation and misunderstanding of the provisions of the Act, including the misconception that section 3(2) also deals with community forest rights. In some cases, the amendment to Rules has led to DLCs demanding a fresh round of filing of claims where these have already been filed. This is contrary to the provisions of the very same amendment. Many state-level nodal agencies have an inadequate understanding of the significance of the CFR, often equating it with individual claims and asking for documentary evidence to prove ownership. In several areas under reserved forests or PAs, the need for forest dwellers to file CFR claims is dismissed on the grounds that CFR rights have already been given during the settlement period. While in some areas, agencies play a proactive role, in many others, the district administration is not actively facilitating the process of claim filing by Gram Sabhas or providing supporting documentary evidence. In many areas where the Forest Rights Act is being implemented, the focus is more on individual forest rights, with claim form B (for CFRs) and C (for CFRs) not even being distributed. In regions like Chhattisgarh, Rajasthan, Dadra Nagar Haveli, Jharkhand and parts of

Maharashtra, such as Raigad district, rights under section 3(2) of FRA (i.e. public utilities) are predominantly - and mistakenly - being granted as CFRs. This also appears to be caused by a lack of availability of appropriate information to the claimants as well as government officials, even though the procedure for diversion of forest land to public utilities under section 3(2) is totally different from the one for claiming individual rights.

**Institutional gaps:** The institutional framework necessary to provide support and to facilitate the process of recognition of rights under FRA is often not in place, or is not functioning as it should, at the central, state and ground levels. In many cases, there is an undue influence of and reliance on the Forest Department for carrying out the processes of recognition of rights. Also, the Gram Sabhas are being held and Forest Rights Committees formed at the Panchayat level instead of at the hamlet level. The SDLCs and DLCs have not been constituted in many areas, thus stalling the process of implementation. Even where these have been formed, in many places, the SDLCs and DLCs do not meet regularly nor are they. The State Level Monitoring Committees have not been meeting regularly and are not monitoring the implementation on a continuous basis, which is why there is a serious gap in dealing with grievances and appeals coming from the community level on issues of implementation and violation of rights (CFR Citizen's Report, 2013).

UNDP and Samarthan (2011), in a study conducted in Madhya Pradesh and Chhattisgarh shows that the number of applications filed for community rights had fallen far short of the potential for claiming such rights in both Madhya Pradesh and Chhattisgarh. The main reasons being that the community as well as the administration were more focused on claiming individual user rights rather than community rights. And the people were also unaware of the long-term implications of not claiming such rights.

Communication materials were developed by the tribal welfare department in the local dialect but these printed materials seldom reached to the villagers, although they were seen in the possession of the president/secretary of the village FRCs in some villages. Similarly, handbills on basic provisions and the procedure for filing claim applications had also been published in most districts and were seen in the possession of tribal youth in the villages. But again, such materials were not available in adequate numbers and were to be found only in a few villages. This lacuna in the distribution of materials and dissemination of information arose mainly because of a poor orientation of FRC members and other official staff linked to the implementation of the Act on the role they were expected to play.

***FRA not applicable to National Parks?***

Turri village of Ramgarh Panchayat lies in the Guru Ghansi Das National Park in Korla district of Chhattisgarh. In 1978, 12 families (8 tribal and 4 non-tribal) from the village cleared part of the forest to cultivate the land. After 2-3 agricultural seasons, the forest department confiscated their farm equipment and registered a case against them. The families found it difficult to come out on bail. Finally, in 1987, the case was withdrawn with an understanding that the families would not till forest land. However, the villagers continued cultivating land in the forest. Following the enactment of the FRA, the villagers asked the forest guards regarding the procedures for filing of applications for individual claims. They were told that since the forest fell within the national park, the Act would not apply and that they could not file claims for individual or community rights. Hence, the families did not register their claims on the land they had been cultivating. The village also depends on a stream flowing through the national park for drinking water. Similarly, there are three ponds which the community uses for usufruct (nistar), a funeral area, two temples, a gaothan and a gram pandal which fall within the national park, but no community claim has been registered for their use under the FRA.

It is natural for people to first protect the forest before claiming their individual rights over the land for livelihood rather than focusing more on claims over community assets. But the administrative machinery was also found to be concentrating more on claims for individual user rights rather than community rights. This approach did help the administration to address the individual user rights component of the Act initially, while deferring claims of community rights at time when it could prepare a more studied response to addressing more complex and contentious issues linked to such rights. However, in doing so, community rights tended to be neglected with very few claims being filed. Until May 2010, only 6,944 applications had been filed in Madhya Pradesh, while the figure being 4,042 for Chhattisgarh. Also, most of these applications were filed following a special official drive launched in July 2009 as part of focus on community rights.

Mahapatra (2011) come up with some valuable findings with regard to FRA Implementation based on a study carried out in Polavaram Irrigation Project affected area, Andhra Pradesh; FRA-2006 has been violated by the local government in terms of not implementing in this area because the area will get submerged by the Polavaram project. So the Government has been trying to delay the FRA implementation in this area. It is over three years since Mulagalagudem village in Polavaram block in West Godavari district filed its claim for community rights over 64.75 ha of forest area and for



individual rights over 24.3 ha in the Papi hills with the area forest rights committee. According to his study, under the joint forest management (JFM) programme, the village community has been protecting another 388.5 ha forestland. Although the forest department recognises such forests as community forests under FRA, Mulagalagudem has not been given rights over them. Under, the provisions of the Act, the forest rights committee should have been formed at the village-level, but here the committee is at the panchayat level and has only three persons from the village as its members. There is no record of the first meeting of the committee conducted. So, nobody knows who made the claims or how many were rejected.

## Chapter - III

# A Macro Picture of the FRA Implementation and Its Current Status (State-wise in India and District-wise in Andhra Pradesh and Telangana States)

### 3.1 Introduction:

In the present chapter, a macro scenario of FRA implementation (until July 2014) has been discussed. All the major states in the country have been covered in the analysis. The status of both the individual and community claims over forest land and the rate of rejection by SDLC, DLC has also been dealt with in detail. Further, in respect of Andhra Pradesh, a district-wise analysis has been carried out for both individual and community claims.

### 3.2 The status of state-wise claims (filing and its distribution)

An analysis of the data (Table 3.1) clearly shows that Odisha has received the highest number of claims i.e., 5,45,279 (5,34,275 individual and 11,004 community) followed by Madhya Pradesh 4,98,346 (4,80,551 individual and 17,795 community), Andhra Pradesh 4,11,012 (4,00,053 individual and 10,959 community), Maharashtra 3,46,230 (3,41,085 individual and 5,145 community). The lowest claims have been recorded in States like Bihar (2,930) and Himachal Pradesh (5,692).

Regarding the distribution of the titles, the data shows that Odisha has distributed more number of titles as compared to other states i.e., 3,28,580 (3,25,449 individual and 3,131 community), followed by Madhya Pradesh with 1,83,608 claims distributed (1,72,539 individual and 11,069 community) and another 9,172 claims being ready for distribution, Andhra Pradesh has distributed titles numbering 1,69,370 (1,67,263 individual and 2,107 community), Tripura has distributed 1,20,473 titles (1,20,418 individual and 55 community), and Maharashtra has distributed 1,03,797 titles (1,01,426 individual and 2,371 community).

The above data also indicates that in terms of the total extent of forest land distributed in absolute terms (in acres), Andhra Pradesh accounts for the highest recorded distribution of the land (14,56,542 acres) (as compared to other states) followed by

Table 3.1 State-wise details of claims received, titles distributed and the extent of forest land over which titles distributed (individual and community) across major Indian States (as on 31.07.2014)

Sl. No	States	No. of claims received	No. of titles distributed	Extent of forest land over which titles distributed (in acres)
1	Andhra Pradesh	4,11,012 (4,00,053 individual and 10,959 community)	1,69,370 (41.2) (1,67,263 individual and 2,107 community)	14,56,542
2	Assam	1,31,911 (1,26,718 individual and 5,193 community)	36,267 (27.5) (35,407 individual and 860 community)	77,609.17 for 34,286 titles#
3	Bihar*	2,930	28 (0.02)	Not Available
4	Chhattisgarh	7,56,062	3,06,184 (40.5)	6,15,652.18
5	Gujarat	1,91,592 (1,82,869 individual and 8,723 community)	42,752 (22.3) (40,994 individual and 1,758 community)	51,570.79 acres for 40,994 individual titles
6	Himachal Pradesh	5,692	346 (6.1)	0.3548
7	Jharkhand	42,003	15,296 (36.4)	37,678.93
8	Karnataka	1,81,768 (1,78,846 individual and 2,922 community)	6,613 (3.6) (6,519 individual and 94 community) distributed	34,893.70
9	Kerala	37,535 (36,140 individual and 1,395 community)	23,167 (61.7) (23,163 individual and 4 community) distributed	32,104
10	Madhya Pradesh	4,98,346 (4,80,551 individual and 17,795 community)	1,83,608 (36.8) (1,72,539 individual and 11,069 community) distributed and 9,172 are ready for distribution.	10,81,426.65
11	Maharashtra	3,46,230 (3,41,085 individual and 5,145 community)	1,03,797 (30.0) (1,01,426 individual and 2,371 community)	7,98,630.70 (2,36,633.28 individual and 5,61,997.42 community )
12	Odisha	5,45,279 (5,34,275 individual and 11,004 community)	3,28,580 (60.3) (3,25,449 individual and 3,131 community)	6,66,050.11 (5,14,886.02 individual and 1,51,164.11(Community)

Table 3.1 Contd..

Sl. No	States	No. of claims received	No. of titles distributed	Extent of forest land over which titles distributed (in acres)
14	Tripura	1,82,617 (1,82,340 individual and 277 community)	1,20,473 (66.0) distributed (1,20,418 individual and 55 community)	4,16,555.58 (4,16,498.79 for individual and 56.79 for community) for 1,16,100 titles#
15	Uttar Pradesh	92,433 (91,298 individual and 1,135 community)	17,705 (19.2) distributed (16,891 individual and 814 community)	1,39,778.04
16	West Bengal	1,37,278 [1,29,454 individual and 7,824 community]	29,852 (21.7) distributed (29,744 individual and 108 community) and 2,969 ready	16,848.88 (16798.59 for individual and 50.29 for community)

*Note:* \*The Government of Bihar has not furnished information regarding the extent of forest land over which titles have been distributed. # The Governments of Assam, Chhattisgarh, Gujarat, and Tripura have not furnished updated information regarding the extent of forest land in respect of all the titles that have been distributed.

*Source:* Ministry of Tribal Welfare, Government of India. <http://www.forestrights.gov.in/>

Madhya Pradesh for 10,81,426.65 acres of forest land, Maharashtra for 7,98,630.70 acres (2,36,633.28 individual and 5,61,997.42 community), Odisha for 6,66,050.11 (5,14,886.02 individual and 1,51,164.11) acres, Tripura for 4,16,555.58 (4,16,498.79 for individual and 56.79 community) for 1,16,100 titles, and Uttar Pradesh for 1,39,778.04 acres. The rest of the states have distributed less than one lakh acres in total. (Table 3.1)

**Table 3.2 Details of distribution of forest land across 14 States of India**

States	Claims	Number of Titles Issued	Extent of Land Distributed (in Acres)
Chhattisgarh, Maharashtra,	Individual Claims	796783	1435267.58
Orissa, Rajasthan and	Community Claims	5670	713633.95
West Bengal	Total	802453	2148901.53
Andhra Pradesh, Assam,	Individual Claims	607485	3328162.94
Gujarat, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Tripura and Uttar Pradesh	Community Claims		
<b>Grand Total</b>		<b>1409938</b>	<b>5477064.47</b>

Source: Ministry of Tribal Welfare, Government of India. <http://www.forestrights.gov.in/>

Table 3.2 explains the distribution of land across 14 states: in the five states of Chhattisgarh, Maharashtra, Odisha, Rajasthan and West Bengal, the data reveals that the titles issued for both individual and community claims number 802453 (Individual - 796783 and community - 5670) with the total extent of distributed land in acres being 2148901.53 (Individual- 1435267.58 acres and community -713633.95 acres). Further, the data shows that in respect of nine states of Andhra Pradesh, Assam, Gujarat, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Tripura and Uttar Pradesh titles issued both for individual and community come to 607485 with the total extent of distributed land (in acres) being 3328162.94.

The data also shows that across 14 states, the total titles distributed to both individual and community claims amount to 1409938 with the extent of land distributed being 5477064.47 (in acres).

Table 3.3 shows an overall macro picture of the distribution of titles and rejections. The total claims received come to 36, 54,420 (35, 78,040 individual and 76,380 community)

Table 3.3 Statement of claims and distribution of title deeds under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (As on 31.07.2014)

Sl. No	States	No. of Claims received	No. of Titles Distributed	No. of Claims Rejected	Total No. of Claims Disposed off (of the % claims received)
1.	Andhra Pradesh	4,11,012 (4,00,053 individual and 10,959 community)	1,69,370 (1,67,263 individual and 2,107 community)	1,65,466 (40.3)	3,34,836(81.46%)
2.	Arunachal Pradesh	-	-	-	-
3.	Assam	1,31,911 (1,26,718 individual and 5,193 community)	36,267 (35,407 individual and 860 community)	37,669 (28.6)	73,936(56.04%)
4.	Bihar	2,930	28	1,644 (56.1)	1,672(57.06%)
5.	Chhattisgarh	7,56,062	3,06,184	4,23,149 (56.0)	7,29,333(96.46%)
6.	Goa	-	-	-	-
7.	Gujarat	1,91,592 (1,82,869 individual and 8,723 community)	42,752 (40,994 individual and 1,758 community)	18,394 (9.6) (13,252 individual and 5,142 community)	61,146(31.91%)
8.	Himachal Pradesh	5,692	346	2,160 (38.0)	2,506(44.02%)
9.	Jharkhand	42,003	15,296	16,958 (40.4)	32,254(76.78%)
10.	Karnataka	1,81,768 (1,78,846 individual and 2,922 community)	6,613 (6,519 individual and 94 community)	1,59,080 (87.5) (1,56,841 individual and 2,239 community)	1,65,693(91.15%)
11.	Kerala	37,535 (36,140 individual and 1,395 community)	23,167 (23,163 individual and 4 community)	4,252 (11.3)	27,419(73.04%)

Table 3.3 Conrd...

Table 3.3 Contd...

12.	Madhya Pradesh	4,98,346 (4,80,551 individual and 17,795 community)	1,83,608 distributed (1,72,539 individual, 11,069 Community and 9,172 ready)	2,78,887 (56.0) (ST-40.90%) (OTD-96.26%)	4,62,495(92.80 %)
13.	Maharashtra	3,46,230 (3,41,085 individual and 5,145 community)	1,03,797 (1,01,426 individual and 2,371 community)	2,33,720 (67.5) (2,31,641 individual and 2,079 community)	3,37,517(97.48%)
14.	Manipur	-	-	-	-
15.	Meghalaya	-	-	-	-
16.	Mizoram	-	-	-	-
17.	Odisha	5,45,279 (5,34,275 individual and 11,004 community)	3,28,580 distributed (3,25,449 individual and 3,131 community)	1,39,519 (25.6) (1,38,905 individual and 614 community)	4,68,099(85.84 %)
18.	Rajasthan	69,769 (69,122 individual and 647 community)	34,040 (33,980 individual and 60 community)	33,410 (48.0)	67,450(96.67%)
19.	Sikkim	-	-	-	-
20.	Tamil Nadu	21,781 (18,420 individual and 3,361 community)	(3,723 titles are ready)	-	-
21.	Tripura	1,82,617 (1,82,340 individual and 277 community)	1,20,473 (1,20,418 individual and 55 community)	21,384 (11.7) (21,164 individual and 220 community)	1,41,857(77.68%)
22.	Uttar Pradesh	92,433 (91,298 Individual and 1,135 community)	17,705 (16,891 individual and 814 community)	73,028 (79.0)	90,733(98.16%)

Table 3.3 Contd...

23.	Uttarakhand	182	-	-	1 (0.5)	1 (0.54 %)
24.	West Bengal	1,37,278 (1,29,454 individual and 7,824 community)	29,852 (29,744 individual and 108 community) and 2,969 titles are ready	79,891 (58.2)	1,09,743(79.94%)	
25	A & N Islands	-	-	-	-	-
26	Daman & Diu	-	-	-	-	-
27	Dadra & Nagar Haveli -	-	-	-	-	-
	Total	36,54,420 (35,78,040 individual and 76,380 community)	14,18,078 (13,95,647 individual and 22,431 community) and 15,864 ready for distribution	16,88,612 (46.2) (16,78,318 individual and 10,294 community)	31,06,690 (85.01%)	

Source: Ministry of Tribal Welfare, Government of India. <http://www.forestrights.gov.in/>



and the total number of titles distributed to 14, 18,078 (13, 95,647 individual and 22,431 community) and 15,864 ready for distribution, while the total number of claims rejected to 16, 88,612 (16,78,318 individual and 10,294 community). On the whole the total claims disposed off number 31, 06,690 (85.01%) as against the total claims (36, 54,420) received.

### 3.3 The status of FRA - 2006: implementation in Andhra Pradesh

The status report of Andhra Pradesh (as on July 31st 2014), shows that the government of AP has appointed a Nodal officer besides forming various committees-SDLC (Sub-Divisional Level committee), DLC (District Level committee) and SLMC (State Level Monitoring Committee) apart from creating awareness among people regarding the provisions of the Act and Rules on the ground. AP Government also has accomplished the task of translating the Act and Rules in the regional language in addition to passing on the FRA Guidelines to Gram Sabhas and Forest Rights Committees. There are 3,744 FRCs (Forest Rights Committees) formed by conducting Grama Sabhas. FRC trainings and awareness campaigns are also being organized in the state.

At the Grama Sabha-level, the total number of claims received workout to 4, 11,012 (4, 00,053 individual and 10,959 community), while number of claims recommended by Gram Sabha to SDLC to 2, 44,910 (2, 41,440 individual and 3,470 community). At the SDLC level, the total number of claims recommended by SDLC to DLC come to 1, 95,926, whereas, the total number of claims approved by DLC for title distribution to 1, 77,769. The total no. of titles distributed were 1, 69,370 (1, 67,263 individual and 2,107 community) with the forest land for which title deeds have been issued being 14, 56,542 acres. A total of 1, 65,466 claims have been rejected due to lack of documentary evidence and other reasons. (Table 3.4)

In Andhra Pradesh including Telangana, there are 3841 Gram Panchayats having a close linkage with forests. To implement the FRA-2006, Gram Sabhas are being convened at all forest linked interface Gram Panchayats besides forest rights committee (FRCs) being formed under the jurisdiction of each Gram Panchayat. There are 44 Sub-Divisional-Level Committees constituted to monitor the FRC and claim verifications and to recommend the verified claims to the DLCs (District Level Committees). And 46 DLCs have been constituted at the district-level for the verification of claims and distribution of entitlements.

In AP, the details of claims (as on 30.09 2014) are: a total of 413221 claims (both individual and community) received over an area of 2472853 acres, individual claims add up to 402132 over an area of 1207272 acres, while community claims to 11089

**Table 3.4 The status of implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in Andhra Pradesh and Telangana (As on 31.07.2014)**

Activities	Status
1) Appointment of a Nodal officer	Yes
2) Status of formation of various Committees (a) SDLC	Yes
(b) DLC	Yes
(c) SLMC	Yes
3) Translation of the Act and Rules into the regional languages and distribution to Gram Sabhas, FRCs etc.	Yes
4) Creation of Awareness regarding the provision of the Act and Rules	Yes
5) Arrangements made for the training of PRI officials, SDLC, DLC members	Yes
6) Constitution of Forest Rights Committees by the Gram Sabhas	3,744
7) No. of claims filed at the Gram Sabha-level	4,11,012 (4,00,053(97.3) individual and 10,959 (2.7) community)
8) No. of claims recommended by the Gram Sabhas to SDLC	2,44,910 (2,41,440 (98.6) individual and 3,470 (1.4) community)
9) No. of claims recommended by SDLC to DLC	1,95,926 (80.0)
10) No. of claims approved by DLC for title distribution	1,77,769 (72.6)
11) Number of titles distributed	1,69,370 (69.2) (1,67,263(98.8) individual and 2,107 (1.2) community)
12) Extent of forest land over which title deeds issued (in acres)	14,56,542
13) No. of claims rejected	1,65,466 (40.3)
14) Projected date for distribution of title deeds	-
15) Problems/Remarks: Land records	-

Source: Ministry of Tribal Welfare, Government of India. <http://www.forestright.gov.in/>

over an area of 1265581 acres.

The details of title distribution: 169238 titles have been distributed in respect of individual claims, over an area of 481626 acres, whereas, 2282 titles have been distributed in respect of community claims over an area of 979252 acres. The rejection of claims: 163339 individual claims over an area of 486186 acres (40.3%) have been rejected due to various reasons while 3825 community claims over an area of 41514 (3.3) acres have

been rejected. In the case of pending claims, 69214 individual claims over an area of 624699 acres have been put on hold due to re-verification and other reasons and 4982 community claims over an area of 244785 acres have also have been put on hold. (Table 3.5)

**Table 3.5 Progression of FRA (By Activity and Action Taken) in Andhra Pradesh and Telangana (As on 30-09-2014)**

SL NO.	Activity	NO.	Extent (in acres)
1	No. of Gram Panchayats having a close forest interface	3841	--
2	No. of Gram Sabhas Convened	3841	--
3	No. of FRCs constituted	3841	--
4	No. of DLCs constituted	46	--
5	No. of SDLCs constituted	44	--
6	No. of Individual Claims received	402132	1207272
7	No. of Community Claims received	11089	1265581
	<b>Total Claims Received</b>	<b>413221</b>	<b>2472853</b>
	<b>Action taken</b>		
1	Titles Distributed - Individual Claims	169238	481626
2	Titles Distributed - Community Claims	2282	979252
1	Cases Rejected - Individual Claims	163339	486186
2	Cases Rejected - Community Claims	3825	41514
1	Cases Pending - Individual Claims	69214	234699
2	Cases Pending - Community Claims	4982	244785

Source: TCRTI, Hyderabad

### 3.4 The status of implementation of FRA in Andhra Pradesh and Telangana

It can be seen from the table (3.6) that in Andhra Pradesh (as on September 30th 2014), the total individual claims recorded from all the districts come to 170764 over an area of 369597 acres. Out of 170764 individual claims, 74960 (43.9%) claims over an area of 175649 acres have been cleared; 69489 (40.7%) claims over an area 137022 acres have been rejected due to various reasons with pending cases being 26315 (15.4%) over a area of 56926 acres.

The district-wise status in AP indicate is that Visakhapatnam accounts for the highest number of claims 59643 (34.9 %) followed by Vizianagaram for 23469 (13.7%), Srikakulam for 22804 (13.4%), East Godavari for 20746 (12.1%), Guntur for 14659

Table 3.6 District-wise status of individual claims under Forest Rights Act in Andhra Pradesh (As on 30-09-2014)

Sl. No.	District	Individual Claims									
		Received	Extent (in acres)	Distributed	Extent (in acres)	Rejected	Extent (in acres)	Pending	Extent (in acres)		
1	Srikakulam	22804 (13.4)	42499	15823 (69.4)	32074	1320 (5.8)	2766	5661 (24.8)	7659		
2	Vizianagaram	23469 (13.7)	54377	12880 (54.9)	35966	4338 (18.5)	11269	6251 (26.6)	7142		
3	Visakhapatnam	59643 (34.9)	115566	28808 (48.3)	54061	20768 (34.8)	37160	10067 (16.9)	24345		
4	East Godavari	20746 (12.1)	53047	8024 (38.7)	30333	12722 (61.3)	22714	0 (0.0)	0		
5	West Godavari	6909 (4.0)	17926	1189 (17.2)	2645	4657 (67.4)	10246	1063 (15.4)	5035		
6	Kurnool	3358 (2.0)	13359	698 (20.8)	1849	1719 (51.2)	7169	941 (28.0)	4341		
7	Krishna	4099 (2.4)	8129	904 (22.1)	1498	3188 (77.8)	6612	7 (0.2)	19		
8	Guntur	14659 (8.6)	22116	2964 (20.2)	5519	11695 (79.8)	16597	0 (0.0)	0		
9	Prakasam	5367 (3.1)	17822	2073 (38.6)	8635	3294 (61.4)	9187	0 (0.0)	0		
10	SPSR Nellore	569 (0.3)	726	365 (64.1)	271	204 (35.9)	455	0 (0.0)	0		
11	Chittoor	793 (0.5)	465	110 (13.9)	148	683 (86.1)	317	0 (0.0)	0		
12	Dr.YSR Kadapa	154 (0.1)	394	67 (43.5)	121	87 (56.5)	273	0 (0.0)	0		
13	Ananthapur	5550 (3.3)	13466	859 (15.5)	1520	4691 (84.5)	11946	0 (0.0)	0		
14	Srisailem	2644 (1.5)	9705	196 (7.4)	1009	123 (4.7)	311	2325 (87.9)	8385		
	Total	170764 (100)	369597	74960 (43.9)	175649	69489 (40.7)	137022	26315 (15.4)	56926		

Source: TCRTI, Hyderabad

Figures in brackets indicate percentage shares

(8.6%), West Godavari for 6909 (4.0%), Ananthapur for 5550 (3.3) and Prakasam for 5367 (3.1%) claims and the rest of the districts have recorded a below 3 percent claims.

As far as the distribution of individual claims is concerned, Srikakulam has recorded the highest distribution of claims 15823 (69.4%) over an area of 32074 acres followed by SPSR Nellore 356 (64.1) over an area of 271 acres, Vizianagaram -12880 (54.9%) over an area of 35966 acres, Visakhapatnam-28808 (48.3%) over an area of 54061 acres, Dr. YSR Kadapa 67 (43.5) over an area of 121 acres, East Godavari 8024 (38.7%) over an area of 30333 acres and Prakasam-2073 (38.6) over an area of 8635 acres.

The rejection of individual claims: Chittoor has accounted for the highest rejection of claims i.e., 683 claims (86.1%) over an area of 317 acres followed by Ananthapur for 4691 (84.5%) over an area of 11946 acres, Guntur for 11695 (79.8%) over an area of 16597 acres, Krishna for 3188 (77.8%) over an area of 66129 acres, West Godavari for 4657 (67.4%) over an area of 10246 acres and East Godavari for 12722 (61.3%) over an area of 22714 acres.

In the case of pending claims, Srisailam is in the forefront 2325 (87.9%) over an area of 8385 acres followed by Kurnool with 941 (28.0%) over an area of 4341 acres, Vizianagaram with 6251 (26.69%) over an area of 7142 acres and Srikakulam with 5661(24.8%) over an area of 7659 acres (Table 3.6).

As can be observed from the table (Table 3.7) for Andhra Pradesh as a whole, (as on September 30th 2014), the total community claims recorded from all the districts number 6905 over an area of 736324 acres of which 1538 (22.3%) claims over an area of 476170 acres have been distributed to the communities, while 1994 (28.9%) claims over an area of 32751 acres have been rejected due to various reasons, and pending cases come to 3373 (48.8%) over an area of 227373 acres.

With regard to the total community claims recorded from each district -Srisailam accounts for the highest number of claims i.e., 3070 numbers (44.5%) over an area of 147829 acres followed by East Godavari for 1248 (18.1%) over an area of 292272 acres, Visakhapatnam for 952 claims (13.8%) over an area of 119451 acres, Vizianagaram for 538 (7.8%) over an area of 52276 acres and Srikakulam for 471 (6.8%) over an area of 17486 acres. The data shows no community claims recorded/received in respect of three districts viz; Krishna, SPSR Nellore and Dr. YSR Kadapa.

The situation regarding the distribution of community claims is that West Godavari has accounts for the highest distribution of claims i.e., 305 (90.0%) over an area of 51689

Table 3.7 District-wise status of community rights under Forest Rights Act in Andhra Pradesh (As On 30-09-2014)

Sl. No.	District	Community Claims									
		Received (Numbers)	Extent (in acres)	Distributed (Numbers)	Extent (in acres)	Rejected (Numbers)	Extent (in acres)	Pending (Numbers)	Extent (in acres)		
1	Srikakulam	471(6.8)	17486	274(58.2)	17179	195(41.4)	304	2(0.4)	3		
2	Vizianagaram	538(7.8)	52276	170(31.6)	38832	358(66.5)	13444	10(1.9)	0		
3	Visakhapatnam	952(13.8)	119451	328(34.5)	115229	624(65.5)	4222	0(0.0)	0		
4	East Godavari	1248(18.1)	292272	369(29.6)	210009	700(56.1)	7461	179(14.3)	74802		
5	West Godavari	339(4.9)	53377	305(90.0)	51689	32(9.4)	696	2(0.6)	992		
6	Kurnool	32(0.5)	19922	22(68.8)	15335	10(31.3)	4587	0(0.0)	0		
7	Krishna	0(0.0)	0	0(0.0)	0	0(0.0)	0	0(0.0)	0		
8	Guntur	25(0.4)	2010	0(0.0)	0	25(100.0)	2010	0(0.0)	0		
9	Prakasam	76(1.1)	82	26(34.2)	25	50(65.8)	27	0(0.0)	0		
10	Spsr. Nellore	0(0.0)	0	0(0.0)	0	0(0.0)	0	0(0.0)	0		
11	Chittoor	152(2.2)	31579	42(27.6)	27832	0(0.0)	0	110(72.4)	3747		
12	Dr.YSR Kadapa	0(0.0)	0	0(0.0)	0	0(0.0)	0	0(0.0)	0		
13	Ananthapur	2(0.0)	40	2(100.0)	40	0(0.0)	0	0(0.0)	0		
14	Srisailem	3070 (44.5)	147829	0(0.0)	0	0(0.0)	0	3070(100.0)	147829		
	Total:	6905(100.0)	736324	1538 (22.3)	476170	1994 (28.9)	32751	3373 (48.8)	227373		

Source: TCRTI, Hyderabad

Figures in brackets indicate percentage shares

acres followed by Kurnool for 22 (68.8%) over an area of 15335 acres, Srikakulam for 274 (58.2%) over an area of 17179 acres and Visakhapatnam for 328 (34.5%) over an area of 115229 acres.

As regards the rejection of community claims- the situation is that Guntur has the highest number of claims rejected 25 (100%) over an area of 2010 acres followed by Vizianagaram- 358 (66.5%) over an area of 13444 acres, Visakhapatnam- 624 (65.5%) over an area of 4222 acres and East Godavari -700 (56.1%) over an area of 7461 acres.

In the case of pending claims-in Srisailam area, all the 3070 (100%) claims over an area of 147829 acres have been put on hold followed by Chittoor -110 (72.4%) over an area of 3747 acres, East Godavarai -179 (14.3%) over an area of 74802 acres (Table 3.7).

The below table 3.8 explains that in respect of Telangana State as whole (as on September 30th 2014), the total individual claims recorded from all the districts were 231368 over an area of 837675 acres of which 94278 (40.7%) claims over an area of 305977 acres have been distributed to the beneficiaries and 93850 (40.6%) claims over an area of 349164 acres have been rejected due to various reasons, while pending cases come to 42899 (18.5%) over an area of 177773 acres.

A district-wise analysis shows that Khammam accounts for the highest number of claims i.e., 101200 (43.7 %) over an area of 424557 acres followed by Adilabad for 56358 (24.4%) over an area of 223789 acres, Warangal for 40543 (17.5%) over an area of 115025 acres, Nizamabad for 11442 (4.9%) over an area of 24002 acres, Nalgonda for 9440 (4.1%) over an area of 19977 acres, and Karimnagar for 5016 (2.2%) over an area of 11105 acres, while the rest of the districts have recorded a below 2 percent claims.

In respect of the distribution of individual claims, Mahabubnagar has registered the highest distribution of claims 932 (68.7%) over an area of 2214 acres followed by Medak -2269 (67.3%) over an area of 1963 acres, Adilabad - 35221 (62.5%) over an area of 127306 acres, Nalgonda -4510 (47.8%) over an area of 9637 acres, Warangal - 14016 (34.6%) over an area of 41315 acres, Karimnagar -1720 (34.3%) over an area of 2905 acres and Khammam -31961 (31.6%) over an area of 114082 acres.

As regards the rejection of individual claims, Nizamabad is in the forefront -8508 claims (74.4%) over an area of 18659 acres followed by Karimnagar -3296 (65.7%) over an area of 8200 acres, Rangareddy -1588 (60.1%) over an area of 3732 acres, Nalgonda - 4930 (52.2%) over an area of 10340 acres, Khammam -36354 (35.9%) - over an area of 173072 acres and Adilabad -18967 (33.7%) over an area of 86522 acres.

Table 3.8 District-wise status of individual claims under Forest Rights Act in Telangana State (As on 30-09-2014)

Sl. No.	District	Individual Claims									
		Received	Extent (in acres)	Distributed	Extent (in acres)	Rejected	Extent (in acres)	Pending	Extent (in acres)		
1	Khammam	101200 (43.7)	424557	31961 (31.6)	114082	36354(35.9)	173072	32885(32.5)	137403		
2	Warangal	40543 (17.5)	115025	14016 (34.6)	41315	18759(46.3)	43302	7768(19.2)	30408		
3	Adilabad	56358 (24.4)	223789	35221 (62.5)	127306	18967(33.7)	86522	2170(3.9)	9961		
4	Mahabubnagar	1356 (0.6)	4797	932 (68.7)	2214	348(25.7)	2582	76(5.6)	1		
5	Nalgonda	9440 (4.1)	19977	4510 (47.8)	9637	4930(52.2)	10340	0(0.0)	0		
6	Medak	3369 (1.5)	4718	2269 (67.3)	1963	1100(32.7)	2755	0(0.0)	0		
7	Karimnagar	5016 (2.2)	11105	1720 (34.3)	2905	3296(65.7)	8200	0(0.0)	0		
8	Nizamabad	11442 (4.9)	24002	2934 (25.6)	5343	8508(74.4)	18659	0(0.0)	0		
9	Rangareddy	2644 (1.1)	9705	715 (27.0)	1212	1588(60.1)	3732	0(0.0)	0		
	Total	231368 (100.0)	837675	94278 (40.7)	305977	93850 (40.6)	349164	42899 (18.5)	177773		

Source: TCRTI, Hyderabad

Figures in brackets indicate percentage shares



Table 3.9 District-wise status of community rights under the Forest Rights Act in Telangana State (As On 30-09-2014)

Sl. No.	District	Community Claims									
		Received (Numbers)	Extent (in acres)	Distributed (Numbers)	Extent (in acres)	Rejected (Numbers)	Extent (in acres)	Pending (Numbers)	Extent (in acres)		
1	Khammam	1236(29.5)	115344	144(11.7)	96304	536(43.4)	6277	556(45.0)	12763		
2	Warangal	1222(29.2)	119874	134(11.0)	118122	1088(89.0)	1752	0(0.0)	0		
3	Adilabad	1473(35.2)	274928	408(27.7)	270232	12(0.8)	47	1053(71.5)	4649		
4	Mahabubnagar	1(0.0)	2	1(100.0)	2	0(0.0)	0	0(0.0)	0		
5	Nalgonda	0(0.0)	0	0(0.0)	0	0(0.0)	0	0(0.0)	0		
6	Medak	52(1.2)	15546	50(96.2)	15543	2(3.8)	30	0(0.0)	0		
7	Karimnagar	0(0.0)	0	0(0.0)	0	0(0.0)	0	0(0.0)	0		
8	Nizamabad	12(0.3)	3397	7(58.3)	2879	5(41.7)	518	0(0.0)	0		
9	Rangareddy	188(4.5)	166	0(0.0)	0	188(100.0)	166	0(0.0)	0		
Total:		4184 (100)	529257	744 (17.8)	503082	1831 (43.8)	8763	1609 (38.5)	17412		

Source: TCRTI, Hyderabad

Figures in brackets indicate percentage shares

In the case of pending claims, Khammam has registered more number of claims -32885 (32.5%) over an area of 137403 acres followed by Warangal -7768 (19.2%) over an area of 30408 acres, and Adilabad -2170 (3.9%) over an area of 9961 acres (Table 3.8).

As can be observed from the table 3.9, in respect of Telangana State (as on September 30th 2014), the total community claims recorded from all the districts number 4184 over an area of 529257 acres, out of which 744 (17.8%) claims over an area of 503082 acres have been distributed to the communities and 1831 (43.8%) claims over an area of 8763 acres have been rejected due to various reasons while pending cases come to 1609 (38.5%) over an area of 17412 acres.

A district-wise picture of community claims in respect of Telangana state: Adilabad has recorded the highest number of claims 1473 (35.2%) over an area of 274928 acres followed by Khammam -1236 (29.5%) over an area of 115344 acres, Warangal -1222 (29.2%) over an area of 119874 acres, Rangareddy -188 (4.5%) over an area of 166 acres and Medak -52 (1.2%) over an area of 15546 acres. The data shows no community claims received in respect of two districts viz; Nalgonda and Karimnagar.

As regards the distribution of community claims - Medak has accounted for the highest number of claims distributed i.e., 50 (96.2%) over an area of 15543 acres followed by Nizamabad for-7 (58.3%) over an area of 2879 acres, Adilabad for -408 numbers (27.7%) over an area of 270232 acres, Khammam for 144 (11.7%) over an area of 96304 acres and Warangal for 134 (11.0%) over an area of 118122 acres.

The rejection of community claims situation is that Rangareddy has recorded the highest rejection of claims - 188 (100%) over an area of 166 acres followed by Warangal -1088 (89%) over an area of 1752 acres, Khammam -536 (43.4%) over an area of 6277 acres and Nizamabad -5 (41.7%) over an area of 518 acres.

In the case of pending claims, in Adilabad -1053 claims (71.5) over an area of 4649 acres and in Khammam -556 claims (45.0%) over an area of 12763 acres have been put on hold (Table 3.9).

### **3.5 Conclusion**

A district-wise analysis of the implementation of FRA in the states of Andhra Pradesh and Telangana (district-wise) clearly depicts a varied and mixed picture. The following conclusions have emerged from AP & Telangana FRA implementation process:

The status of FRA in the residuary state of Andhra Pradesh is that (as on September 30th 2014) the total individual claims recorded from all the districts come to 1,70,764 over an area of 3,69,597 acres. Out of 1,70,764 individual claims, 74,960 (43.9%)

claims over an area of 1,75,649 acres have been distributed to the beneficiaries; 69,489 (40.7%) claims over an area of 1,37,022 acres have been rejected due to various reasons, while pending claims number 26,315 (15.4%) over an area of 56,926 acres. As regards the status of community claims in the residuary state of Andhra Pradesh (as a September 30th 2014) the total community claims recorded from all the districts added up to 6,905 over an area of 7,36,324 acres out of which 1538 (22.3%) claims over an area of 4,76,170 acres have been distributed to the communities, while 1994 (28.9%) claims over an area of 32,751 acres have been rejected due to various reasons, and pending claims come to over an area of 3373 (48.8%) over an area of 2,27,373 acres. In the new State of Telangana (as on September 30th 2014) the status of FRA implementation is that the total individual claims recorded from all the districts number 2,13,368 over an area of 8,37,675 acres out of which 94,278 (40.7%) claims over an area of 3,05,977 acres have been distributed to the beneficiaries and 93,850 (40.6%) claims over an area of 3,49,164 acres have been rejected due to various reasons, while pending claims number 42,899 (18.5%) over an area of 1,77,773 acres. As regards the community claims status in Telangana State (as on September 30th 2014), the total number of community claims recorded from all the districts comes to 4184 over an area of 5,29,257 acres. Out of 4,184 community claims, 744 (17.8%) claims over an area of 5,03,082 acres have been distributed to the communities and 1831 (43.8%) claims over an area of 8763 acres have been rejected due to various reasons, while pending claims number 1609 (38.5%) over an area of 17,412 acres.

## Chapter - IV

### Profiles of the Sample Villages

In this chapter, an attempt has been made to present a profile of the sample villages that include information on basic infrastructure conditions, socio-economic features, issues relating to land tenure system, Joint/Community forest management issues, FRA implementation of both individual and community rights, other developmental programmes being implemented in the villages etc.

#### 4.1 Village 1: Pamuleru (Schedule Area)

The village is situated very close to a hill with a thick forest cover and which is near to Pamuleru stream. Pamuleru village is inhabited by Konda Reddy tribe (PVTG) located in Maredimilli Mandal. The Mandal headquarters is situated nearly 12 Kms away from the village. The road in the neighbouring village Kutrawada, that is about 4 Kms, connects the study village (four Kms by walk). Pamuleru village is a panchayath village, which consists of seven villages, namely Pamuleru (Main village), Kutrawada, Kondawada, Kakuru, Goguvalasa, Elliwada and Muchchulawada.

The total population of the study village stands at 234 of which males constitute 106 and females 128. The study village comprises 47 households of which three are Kutcha and the remaining 44 hhs are semi pucca.

#### **Basic infrastructure facilities**

The village has no transport facility from Kutrawada village. Villagers collect drinking water from hand pumps and stream; there is no protected water facility nearby. Kutrawada village has 'Satya Sai Purified Water Supply' which is 4 Kms away from Pamuleru village. The village has access to electricity and is mainly used for domestic purposes use. There is primary health centre at Maredimalli Mandal headquarters.

There is also a primary school in the village which was established in 1986 with students studying class second, but in 2003 - 04, it was extended up to 5th class. For higher education, people have to go to Maredimalli and Rampa Chodavaram Mandal headquarters.

### **A Socio-economic profile of the village**

The economic activity of Konda Reddy of the study village can be categorised as subsistent economy based on shifting cultivation (Podu) and dry land agriculture. In addition, they are engaged in the collection of minor forest produce, hunting, trapping, tapping, gathering and plantation on hill slopes etc.

Agriculture is the main occupation. The major crops grown in the village are paddy (Vari), Pulses (Pappulu), Maize, Korralu, Samalu, Cashew, Jackfruit, Mango and Citrus fruits etc. Apart from this the villagers are engaged in broomstick making. In the village, out of 48 households, 3 households are land less. Labor wages rates prevailing in the village:

Agriculture wage works: Rs 50 - 60 per day (for both men and women)

Non-agriculture and other wage works: Rs 100

NREGS works: It is piece work per day; one person generally gets between Rs.90 and 137

Although agriculture is the main source of livelihood, the collection of forest produce acts as a supplementary source of income for them. They engage themselves in the collection forest produce like Tubers, Roots, Green leaves, Mushrooms, Amla (Usiri), Honey, Tamarind, Gum, Adda leaves, Soapnuts, 'Naramamidi Chekka' etc during summer. Besides, both men and women collect firewood from the forest for cooking purpose.

### **VSS (Vana Samrakshana Samiti)**

In 1998 a VSS was formed with members working collectively. From the year 2000 onwards VSS has been under CFM. Under JFM/CFM, the committee members have brought 125 hectares of hill land under a nursery by planting Bamboo, Teku and Japra. In Pamuleru, under CFM, in the year 2000 people sold natural bamboo and earned Rs 30000 which was utilized for village development purpose and some of the money spent on purchasing cooking materials like vessels, buckets and steel pots for them as community assets.

### **NREGS works**

In the village, all the households are engaged in NREGS works. Under this scheme, land development, horticulture works, watering, weeding and road laying works are covered. The wages are based on piece work and people usually get between Rs. 90 - 137, as wages per day.

### **Land Tenure System in the sample villages:**

'Muttadari' land tenure system prevailed during the British times. There were 33 'Muttas' and five sub-muttas in the East Godavari District. "Mutta" means a village or group of

villages held by a Muttadar. Muttadar means a person who holds a mutta under a sanad granted by the Government subject to the payment of a fixed amount of land revenue to the Government and who assists the Government in maintaining law and order in the mutta. This feudal Muttadari system was abolished in 1969 through a special legislation known as Andhra Pradesh Muttas (Abolition & Conversion into Ryotwari) Regulation. The underlying rationale of such a notification was to vest all rights and interests of Muttadar in the Government free from all encumbrances. As per the Regulation the Government shall not dispossess any person of any agricultural land if he is primafacie entitled to a ryotwari patta pending a final decision. The tribal ryots in occupation of ryotwari holdings for a continuous period of not less than one year shall be entitled to a ryotwari patta whereas a non tribal ryot is not entitled to a patta unless he is in lawful possession for a continuous period of 8 years before the notified date and that such possession and occupation shall not be hit by the Tribal Protective Land Transfer Regulations 1 of 70. (This Regulation prohibits transfer of lands between tribals and non tribals in the Fifth Scheduled areas of the Constitution). No Ryotwari patta shall be granted to lands, which exceed ten percent gradient in respect of community lands etc. These Regulations restrict the ryots from seeking pattas over the forest lands.

The Government of Andhra Pradesh appointed Settlement Officers to conduct a survey and settlement operations in the Pamuleru 'Mutta' between 1970-76 and granted settlement pattas to tribals who had been in possession and enjoyment of lands prior to the notified date of the Regulations i.e 26th day of December, 1970. Pamuleru was listed as a Mutta in the erstwhile Taluk of the Rampachodavaram. Subsequently, it came under the territorial jurisdiction of Maredumilli Revenue Mandal.

The entire households have been categorized into seven wealth-ranking groups, according to socio-economic conditions of the households. The following wealth ranking categorization has been done keeping in view all the major livelihood activities.

The data (the follow up study - 2013) on household wealth ranking shows that out of 48 households, small farmer households are 15 followed by large farmer & marginal farmer households i.e., 9 each, medium farmer households -8, landless households -4 and 'Others' (Salaried) - 3. When compared to the previous survey, the follow up study reveals that, household wealth rankings have changed because the villagers have received forest land under FRA. Earlier, the number of large farmer households was only two, whereas currently, their number has increased to 9. And the changes can also be seen in respect of other household categories - the number of medium farmer households was 3 earlier, but now it is 8; the number of small farmer households was 12, but now it is

15; the number of marginal farmer hhs was 24, but now the number of households has come down to 9.

Table 4.1 Wealth ranking of the total households - Pamuleru village  
(based on Previous & Follow up Studies)

Wealth Ranking Category	Criteria	Previous Survey - 2008		Follow up study - 2013	
		Total HHs	Sample HHs of the previous study	Total HHs	Sample HHs of the follow up study (present)
Large Farmer	10 acres and above	2	1	9	4
Medium Farmer	5 to 9.9 acres	3	1	8	6
Small Farmer	2.5 to 5 acres	12	3	15	4
Marginal Farmer	0.1 to 2.5 acres	24	7	9	1
Land less	Depending on agriculture wage and other labour wage	3	1	4	0
Agricultural Labour	Depending on Agriculture wage	0	0	0	0
Others (Salaried)	Employee or business people	3	0	3	0
	Total	47	13	48	15

Source: Field data - 2008 & 2013, Note: HHs=Households

The data (the follow up study -2013) on household wealth ranking shows that out of 48 households, small farmer households are 15 followed by large farmer & marginal farmer households i.e., 9 each, medium farmer households -8, landless households-4 and 'Others' (Salaried)-3. When compared to the previous survey, the follow up study reveals that, household wealth rankings have changed because the villagers have received forest land under FRA. Earlier, the number of large farmer hhs was only two, whereas currently, their number has increased to 9. And the changes can also be seen in respect of other household categories-the number of medium farmer households was 3 earlier, but now it is 8; the number of small farmer households was 12, but now it is 15; the number of marginal farmer hhs was 24, but now the number of households has come down to 9.

#### About FRA implementation

In Pamuleru village maximum numbers of people have been found aware of FRA and its activities. The district ITDA officials, IKP (Indira Kranthi Patham), MDO, MRO and

civil society organizations have organised awareness meetings in all the villages under Maredimalli Mandal regarding FRA and its associated benefits. To conduct Grama Sabha Meeting for forming FRC, the above officials had informed the village community two days before. According to the Act, Grama Sabha meeting should be conducted in each and every hamlet, but in respect of this Mandal, they conducted GS meeting at the Gram Panchayath village. Grama Sabha meeting was conducted by the officials in the month of March 2008 at Kutrawada village. A total of 300 members from Pamuleru Panchayat attended the Grama Sabha meeting. To form FRC, 15 members were elected from the respective seven villages of Pamuleru panchayath; from each village, 2-3 members were selected. The respective village members then selected the FRC representatives; out of 15 FRC members 5 were women representatives. In Pamuleru panchayath, the identification of resources and mapping was done with the help of FRC members. The process of submitting claim forms and conducting of land surveys were done with the help of FRC members, IKP and villagers.

The researchers were informed that 35 years ago, the villagers used to cultivate land in the interior thick forested areas besides staying there during the crop period, but when the forest department occupied the forested land for creating a reserved forest they were evicted by the forest department from there.

#### **Individual claims (Form - A)**

After the beginning of Forest Rights Act - 2006 implementation, the villagers came to know that they could claim those forest lands and get ownership rights over the land through FRA-2006. The villagers numbering 30 households have applied for individual claims over their forest cultivating land to an extent of 165.20 acres. Out of 30 households, 26 households received entitlements over their forest land with 4 households yet to get entitlements. It was under verification process at the time of survey. The villagers said that FRC members and a resource person in the village helped them claim individual claims by way of filling the claim and supporting documents and submitting claim forms to the Gram Sabha. The land survey was conducted by a survey team from IKP. The villagers said that the survey was conducted transparently; the survey team handed over the GPRS instrument to the claim applicants to measure their forest lands. The applicants carried GPRS instrument around their lands before handing over the instrument to the surveyor for noting down their land measurements.

#### **Community claims (Form - B)**

The villagers said that FRC members and a resource person appointed by IKP identified all the community assets and common resources like streams, sacred places, trees,



hillocks, ponds, grazing lands, VSS lands etc. IKP authorities informed to the villagers that they would get community rights and customary rights over the community assets and natural resources. The villagers said that they had applied for community claims over the community assets and natural resources, but had no idea about the status of the claim And also that they were waiting for common entitlements over their common property resources.

### **Findings**

Under the FRA-2006, the entitlements of ownership rights have been issued in the name of women. The villagers have reported receiving ownership rights over their forest lands through FRA, but they have been restricted by the forest department from cultivating their forest lands because the total land is under teak plantation which is under the control of the forest department. The Forest Beat Officer warned the villagers that if any person disturbed the teak plantation, he/she would be prosecuted. When the villagers showed land pattas supporting ownership rights over their lands, the forest officers did not bother to accept them besides strictly warning the villagers not to go for cultivation. The villagers were so scared of the forest department that they could not utilize those forest lands.

The villagers said that the land survey had been done during the rainy season, making it difficult for them to cover their entire land by crossing bushes and thorns with GPRS instrument. Mr. Sutru Sanyasireddy said that he was unable to carry GPRS instrument around his total land due to sickness and hence, he got 4.90 acres of land. And Mr. Sutru Lachireddy said that he had applied 4.5 acres of land, but he got 0.40 cents of land because all applicants had measured and covered all land with GPRS instrument and there was no land left for further measurement and hence, he got 0.40 acres. Mr. Vantala Mangireddy had applied for 10 acres of land but got 9.880 (10) acres. The villagers also reported that they were not interested in applying for any loan for improving their forest lands.

### **Other Issues**

Recently, IKP authorities have sanctioned loans for livestock (Goats) units to the villagers as part of improving their livelihoods with the unit (loan) price amounting to Rs. 16000 per household. This livestock loan is a subsidy based loan with the beneficiary getting 50 percent subsidy on the total loan amount. Before taking loans the villagers had requested the IKP authorities not to purchase non-local (plain area) goats because they cannot survive in agency atmosphere and instead suggested that they purchase local goats as they can be comfortable in their region. But IKP official have told the villagers that non-

local (plain area) goats are better than local ones in terms of producing milk, delivering 2 - 4 live births and also that their cost is high. So, in the village, only 9 households have taken loans, under this unit with each household getting 4 goats.

Unfortunately, the goats which 9 household had received from IKP were affected by diseases and in turn spreading communicable infectious/diseases among other goats in the village. Due to communicable diseases, a total of 437 goats died belonging to 31 families. The villagers lodged a complaint with the IKP authorities about the loss of their livestock, but the IKP authorities did not respond to the villagers' complaint. So, the villagers approached the HRC (Human Rights Commission), Rampachodavaram, and lodged a complaint against IKP authorities. The HRC issued a notice to the ITDA, PO and other departmental officials concerned to get a report on this issue. ITDA PO sent MDO and local MRO to the village to get a report on this issue. MDO and local MRO met the villagers and discussed the issue and they came to know that the villagers had lost 437 goats due to infection. And the officials came out with a fact finding report and submitted to the ITDA PO. Later, the authorities concerned from ITDA negotiated with the villagers regarding compensation to be paid for the loss of livestock; they offered 8 goats to each affected household as compensation. After the negotiation, the villagers agreed to receive compensation for the loss of livestock ; out of 31 households 30 households agreed to receive 8 goats for each household and 1 household opted, for 2 bullocks instead of 8 goats for agriculture. Now it is under process.

#### **4.2 Village 2: Koruturu (Schedule Area)**

The village is situated on the banks of Godavari River at the west side and is very close to the hill with a thick forest cover, which is near to Papi Kondalu Hills. Koruturu village is inhabited by different communities- Konda Reddys (PVTGs), Koya, and other forest dwellers. The Mandal headquarters is Polavaram, which is nearly 45 Kms away from the village.

To reach Koruturu village, people have to travel through the ghat road and the other way is to cross the river by boats/ Streamers. Koruturu village is a Panchayath village consisting of 6 villages - Koruturu (Main village), Tekuru, Cheeduru, Sivagiri, Sirivaka and Telladibbalu.

The total population of the study village is 285 (male 146 and female 147). The study village comprises 105 households; Konda Reddy is predominant with 85 households followed by Koya with 16 households and 2 households belong to OBC and 2 households to 'Others'. Out of 87 houses, ten houses are Pucca (Roof with concrete), 4 houses are

Semi-Pucca and the remaining 73 houses are Kutcha. The distribution of 105 households-caste wise-is given in the following table:

**Table 4.2 Details of the total no. of households (sub-caste wise)**

Sl. No.	Village	No. Of Castes in the Village				Total Households
		Konda Reddy (ST)	Koya (ST)	OBC	OC	
1	Koruturu	85	16	2	2	105

*Source:* Field data - 2013

### **Basic infrastructure facilities**

Koruturu village has access transport facility-both road transport and water transport (Godavari river from the Mandal headquarters). The villagers collect water from the river for drinking purpose and also from bores and hand pumps; the village has access street light facility. In the village, 50% of the people use electricity in their houses. There is an ICDS center in this village, while a Primary Health Centre is available at Kondrukota, which is nearly 30 km away from the village, and a Community Health Worker is also available in the village.

Koruturu village has a primary school, which was established in 1972, up to 5th class with hostel facility. The school is monitored by ITDA and caters to the students of nearly 20 villages from three districts of East Godavari, West Godavari and Khammam Districts. For higher education, people have to go from the village to Polavaram and ITDA Schools at KR Puram, which is nearly 80 Kms away from this village.

### **A Socio-economic profile of the Village**

The economic activity of the study village can be categorised as subsistent economy based on shifting cultivation (Podu) and dry land cultivation. Agriculture is the main occupation. The major crops grown in the village are Paddy (Vari), Maize, Pulses (Pappulu), Ragi, Vegetables, Cashew, Mango etc. The communities are also engaged in the collection of minor forest produce, hunting, trapping, tapping, gathering and plantation on hill slopes etc.

In the village out of 105 households, 11 households are completely landless. For agricultural activities, people use draft animals. Labor wages in the village are Rs 50 for both men and women per day. Labor wages prevailing in the village are:

Agriculture wage works: Rs 50 - 60 per day (for both men and women)

Non-agriculture and other wage works: Rs 100

NREGS works: It is piece work per day; one person usually gets between Rs. 90 and 137

Although agriculture is the main source of livelihood, Godavari River acts as a supplementary source of income for them. They engage themselves in the collection forest timber in the river during the rainy season, and also they collect forest produce like Tubers, Roots, Green leaves, Mushrooms, Amla (Usiri), Honey, Tamarind, Gum, Adda leaves, Shikai, Naramamidi Chekka etc. They collect firewood from the forest for cooking purpose - both men and women are engaged in fetching firewood.

**Table 4.3 Wealth ranking of the total households - Koruturu village (based on Previous & Follow up Studies)**

Wealth Ranking Category	Criteria	Previous Survey - 2008		Follow up study - 2013	
		Total HHs	Sample HHs of the previous study	Total HHs	Sample HHs of the follow up study (present)
Large Farmer	10 acres and above	2	1	2	2
Medium Farmer	5 to 9.9 acres	13	4	13	13
Small Farmer	2.5 to 5 acres	26	6	26	8
Marginal Farmer	0.1 to 2.5 acres	29	8	30	10
Landless	Depending on agriculture wage and other labour wage	11	2	16	4
Agricultural Labour	Depending on Agriculture wage	5	1	6	0
Others (Salaried)	Employee or business people	11	3	12	2
	Total	97	25	105	9

Source: Field data - 2008 & 2013

The data (the follow up study - 2013) on household wealth ranking shows that out of 105 households; 30 come under marginal farmer category followed by, 26 hhs under small farmer category 16 households under landless category, 13 households under medium farmer category, 12 households under others' (salaried) category, 6 hhs under agricultural labour category and 2 hhs under large farmer category.

### **VSS (Vana Samrakshana Samiti) Management**

In 1998, VSS was established which during the year 2000, came under CFM. Through JFM/CFM, the committee members have brought 914.5 acres of hill land under a nursery by planting Bamboo and Teak. Earlier, they had been deprived of their rights by the Forest Department to collect non-timber forest products. Further, there was no market facility available for the villagers and hence, they were forced to sell their collected forest products to the GCC at low prices with the quantity to be collected controlled by the forest department. However, with the establishment of VSS in the village, the villagers could make use of the market facility for selling their forest products to anywhere they liked. Earlier, because it was a sanctuary area, the forest department was not allowing them to enter into the forest for collecting forest products. But with VSS established in the village, they got common land in the forest besides NTFP collection rights and market facility to sell their forest products.

### **NREGS works**

In the village, most of the households are engaged in NREGS works. Under this scheme, land development, watering, weeding and road laying works are covered. The wages are based on piece work and people usually get between Rs. 90 - 137, as wage per day.

### **About FRA implementation**

The village is situated in a sanctuary area with people found cultivating podu lands in the forest, but the area comes under unreserved forest controlled by the Revenue Department. The villagers said that IKP authorities and VRO were involved in the creation of to create awareness regarding FRA- 2006 by conducting a public meeting at the panchayat office. In the meeting, the VRO and IKP officials explained about FRA benefits and said that people could claim their forest cultivable land for the ownership rights and also that people could claim common property resources under community rights.

### **Individual claims (Form - A)**

The villagers came to know that the cultivable forest land came under unreserved forest controlled by the Revenue Department. So, the people did not apply for individual claims under FRA-2006.

### **Community claims (Form - B)**

The villagers applied for form 'b' for common property resources such as VSS, forest paths, Village common lands, ponds, NTFP rights etc. The villagers said that they had got patta on VSS land including NTFP rights mentioned above.

## **Findings**

The villagers report that they have not got any benefit under FRA except VSS Patta. After receiving VSS Patta, the villagers approached the forest department regarding that they be allowed to sell bamboo through VSS to the market, but the FD had not yet responded to the villagers' request at the time of the field survey.

## **Other problems**

Although this village has adequate resources i.e. river and forest, the villagers find it difficult to utilize river water for agricultural purpose, because the agricultural fields are in located upland and hill areas (only a few households are utilizing river water by using oil run motor pumps through tubes). Hence people are dependent on rainfall for agriculture. In the village there are 5 to 10 families that use motor pumps for irrigating their agricultural lands.

Here, every year people face floods, mostly during rainy season. During floods, the river water reaches up to the habitation with most of the houses in water. During such times, the villagers move to safer hilly areas and stay there until the flood waters recede. This is a recurring feature in the village.

Andhra Pradesh Tourism Department has made this village a tourist destination with a number of tourism related projects launched since 2003 -2004 for developing tourism. The Government has occupied some land belonging to the tribes near Godavari river bed and built three resorts, but the tourism department has not paid any compensation to the land owners. This village has become a commercial driver of tourist activities with many undesirable things happening because of tourist influence, thus disturbing the tranquility of the village life.

Initially, the resorts and the canteen were being managed by the tourism department with the help of the villagers. Now the management has been leased out to an influential person belonging to the tribal community for five years. The villagers said report that earlier they used to get income from canteen management, but now there are no benefits from the resorts as a private agency is managing them.

Koruturu village comes under the Polavaram Irrigation Project Displacement Programme. The authorities wanted to shift this village to some other place in Jeelugumilli Mandal under R&R Programme. Initially, the villagers were against to the proposal, while asserting that they would not move from their birth place to another unknown area. Later, the authorities managed to convince the villagers in moving to another place. Now, the process of identification and valuation of tress is being started for compensation under the R&R programme.

The villagers are worried that though they receive compensation for the loss of their assets it cannot compensate for the loss of an inalienable bond they share with forest and river. Some of them have all the resources they need - water (for irrigation), forest land to sustain their families. Their fear is that if they move to another place, they will lose their livelihoods.

An old man, Mr. Penta Reddy, belonging to Konda Reddy (PVTG) says that he can live without food for some days, but he cannot live without watching Godavari River and the forest because since his childhood days, he has shared an emotional bond with the river and forest. He feels that river Godavari is like his mother and forest his father with other species of the forest being his kin and relatives. He like his says that all most all the tribal people feel the same way in this regard.

#### **4.3 Village 3: Goppulapalem (Non-Schedule Area)**

The village is situated in the north side of Jalampalli Panchayath village and it is very close to Pedderu reservoir and also the hill with thick forest. Goppulapalem village is inhabited by Konda Komhari community.

Goppulapalem village is a revenue village that comes under Jalampalli Panchayath. Jalampalli Panchayath has 7 revenue villages (Jalampalli, LavaKothapalli, Kamakutram, Goppulapalem, Ravipalem, Medaveedi and Pittagedda) and nine hamlet villages, namely, Kumundanipeta, Gadabapalem, Rachagoppuru, Korramamidipalem, Thummavaripalem, Siripuram Butla Jampalli, Kondaveedi, and Kothpittagedda. The Mandal headquarters is V Madugula, which is nearly 20 Kms away from the village.

The total population of the study village is 365 with males numbering 170 and females 195. The study village comprises 101 households; there is only one block divided by an inter village road; out of 88 households, only three houses are Kutcha and five houses are pucca and the remaining eighty houses are semi-Pucca.

#### **Basic infrastructure facilities**

The Goppulapalem has access to transport facility-both public and private. But private transport is very frequently accessible to the villagers. The villagers collect drinking water from bores and hand pumps for drinking purpose. The village has street light facility. In the village, 90 households use electricity in their houses and there is an ICDS center, which was established in 1995. A primary health centre is available at Kintal village, which is 10 Kms away from this village and also a Community Health Worker (CHW) is available in the village.

The Goppulapalem village has a primary school, which was established in 1985, with schooling up to 5th class. For higher education, people have to go to Dibburu, which is 5kms away from this village, and Chodavaram, which is 45 Kms away.

### **A Socio-economic profile of the village**

The economic activities of the Konda Komhari community of the study village can be categorised as 'subsistent' in nature based on shifting cultivation (Podu) and dry land agriculture. In addition to this, they are engaged in the collection of minor forest produce as an important source of livelihood and income.

As mentioned above, agriculture is the main occupation; the major crops grown in the village are Cotton, Maize, Jowar, Paddy, Pulses (Red grams, Black gram and Moong gram), and Millets ('Korralu' and 'Samalu') etc. For agricultural activities, people use draft animals. Labor wages prevailing in the village are:

Agriculture wage works: Rs 150 for males and Rs. 100 for females

Non-agriculture and other wage works: Rs 150 for males and Rs. 100 for females

NREGS works: It is piece work based; one worker usually gets between Rs. 90 and 137 as wage per day.

Although agriculture is the main source of livelihood, the forest produce acts as a supplementary source of income for them. They engage themselves in the collection forest produce like Bamboo, Tubers, Roots, Green leaves, Mushrooms, Amla (Usiri), Honey, Tamarind, Gum, Mushri seeds, Kokkiri Nuts, Black Cashew Nuts, Soap nuts, Karaka nuts and Naramamidi Chekka etc during summer. They collect firewood from the forest for selling and cooking purposes. Both men and women are engaged in fetching firewood.

### **Conflicts**

40 years ago, there was a big conflict between this village and Bagatha (ST) from Jalampalli village over a land issue. The Bagatha tribes (around 200-300 people) from Jalampalli village came to attack these villagers when they were engaged in agriculture during the harvesting time. A large group of people attacked with knives, sticks and country made guns, opening fire on these villagers that resulted in the death of two persons with three persons injured. During the attack, some people from the Bagathas group went to Goppulapalem village and they destroyed all those houses and burnt some of the houses, which resulted in the villagers running away to the forest with their children for safety.



### **Reasons for Conflict and Conflict resolution**

Since a long time Goppulapalem villagers had been cultivating their agricultural land, while at the same time, Bagatha tribes used to work as labourers and they took some land from Goppulapalem villagers for sharecropping. For some time they occupied those lands, but after some time Goppulapalem villagers reoccupied their lands. And the conflicts continued.

It was a big issue in this Mandal. At that time, both the villagers went to court with the help of non-tribes. The Lok Adalath who came to this village and heard both the victims' versions and based on that they divided that land into two patches; one patch of land for Bagathas and the other patches of land for Konda Kommari. At that time, the judiciary had issued a notice (legal rights) to both the tribes.

### **VSS (Vana Samrakshana Samiti)**

In the 1998s, VSS was started and during the year 2000 VSS became part of JFM/CFM. Through JFM/CFM, the committee members have brought 101 hectares of hill land under a nursery by planting Bamboo, Teku and Japra Tamarind, soap-nut, 'Panasa' (Jackfruit), Eucalyptus and Neelgiri etc.

### **NREGS works**

In the village, all the households are engaged in NREGS works. Under this scheme, land development, and roads laying works have been covered. The wages are based on piece work with labourers getting Rs. 90 - 137 as wages per day as mentioned above.

### **Pedderu Reservoir Compensation**

During 1981 - 1985, a Dam survey was conducted and in 1998, the Dam construction was started. Due to the construction of Pedderu Reservoir near Goppulapalem village, 8 farmers lost their lands to the extent of 18 acres and they received a compensation of Rs 25000 for each family, but the neighboring villagers got more compensation than these villagers.

When the project work started, the Government occupied 50 acres of land belonging to 30 families from Goppulapalem village for digging of soil to construct fencing and Dam related works. The Government gave compassion to the extent of Rs.18, 35,953 to 30 families.

### **RAP (Resettlement Action Plan)**

In this village, during the period of JFM, the committee has bought some patches of podu land from the villagers for collective cultivation in the forest with the help of

Forest Department. In the year 2006, RAP (Resettlement Action Plan) has emerged to those who have lost podu land under JFM project. Under this programme, 31 households were selected for compensation for the loss of their podu land. Out of 31, 10 families have received Rs 25000 each for their livelihoods, as part of RAP (Resettlement Action Plan); SBI (State Bank of India) also has given credit to the extent of Rs. 3600 each to the above families, while the rest of them are yet to get this package.

### The process of RAP (Resettlement Action Plan)

In this village, the VSS committee identified 31 families who had lost their podu land and the committee submitted a list of 31 families to the forest department with help of Civil Society Organisation. The process of RAP followed was that the forest department and VSS committee divided these 31 families into two groups, and all 31 families opened individual accounts and two joint accounts with SBI (State Bank of India) and another joint account was opened in favor of Section Officer (Forest Department), VSS President and Secretary. The understanding was that the Government would deposit the compensation money through VSS President's joint account and the Section Officer and VSS Committee would then deposit the compensation money to the beneficiary joint accounts.

**Table 4.4 Wealth ranking of the total households - Goppulapalem village (based on Previous & Follow up Studies)**

Wealth Ranking Category	Criteria	Previous Survey - 2008		Follow up study - 2013	
		Total HHs	Sample HHs of the previous study	Total HHs	Sample HHs of the follow up study (present)
Large Farmer	10 acres and above	-	-	1	1
Medium Farmer	5 to 9.9 acres	3	1	2	1
Small Farmer	2.5 to 5 acres	39	10	39	18
Marginal Farmer	0.1 to 2.5 acres	48	12	48	17
Land less	Depending on agriculture wage and other labour wage	3	1	9	1
Agricultural Labour	Depending on Agriculture wage	-	-	0	0
Others (Salaried)	Employee or business people	2	-	2	0
	Total	95	24	101	38

The data (the follow up study - 2013) on household wealth ranking shows that out of 101 households, 48 come under marginal farmer category followed by 39 hhs under small farmer category, 9 hhs under Landless category 2 hhs under medium farmers category, 2 hhs under Others (Salaried) category, and 1 hh under large farmer category.

### **About FRA implementation**

In Goppulapalem village, a maximum number of people are aware of FRA and its activities. The district MDO, MRO and civil society organizations organized awareness meetings for all the villages in V Madugula Mandal with the help of IKP staff ('Velugu') regarding FRA and its benefits. To conduct Grama Sabha meeting for forming FRC, the above officials had informed the village community two days before. But in this Mandal, GS meetings were conducted in the Gram Panchayath village. Grama Sabha meeting was conducted by the officials on 29th February at Jalampalli Panchayat village with about 200 members from Jalampalli Panchayat attending the Grama Sabha. Out of 200 members, 50 were women.

### **Selection process adopted for forming FRC**

To form FRC, 15 members were nominated from 16 villages of Jalampalli Panchayat. They identified best 15 members from 16 villages for FRC with the help of authorities concerned. Out of 15 FRC members, 5 were women representatives elected for the committee.

### **The process of the claims (A -Form and B -Form)**

The Panchayat secretary and FRC members distributed both individual and community claims to the people at the panchayat office. The villagers filled their individual claims with the help of FRC Secretary before submitting their claims to the FRC members. After verification of the claims the land survey was done by the Panchayat with the help of GPS instrument. The stakeholders, Forest Beet Officer, IKP Para Legal, FRC members and villagers participated in the land survey.

### **Individual claims (Form - A)**

From the village, 95 families had applied for 80 individual claims to the extent of 130 acres. Out of 80 claims, 38 claims over 78.08 acres of forestland were accepted by the DLC level. The remaining 42 claims to the extent of 51.2 acres land (called Gap area) were not surveyed because this land comes under revenue land.

The villagers said that the surveyor and the forest department with the help of IKP officials and FRC members conducted the land survey, using GPRS.

**Community claims (Form - B)**

According to villagers, they had not claimed for community claims because they were not aware of community claims. After having been explained by the study team about community rights, the community members decided to approach stakeholders to claim B - Form for claiming community rights.

**Findings**

According to the villagers, the entitlements were ready for their individual podu lands, but they could not receive the individual entitlements as they were waiting for collector's signature. Again as per the villagers, they got NTFP rights with no restrictions in posed by the FD. The villagers had not applied for community rights due to lack of knowledge, but now they wanted to claim rights over forest land.

**Other issues related to agriculture**

In this area, NABARD has been supporting farmers in the cultivation of orchard crops like Mango, Citrus, and Cashew etc. Under this scheme, Goppulapalem villagers have also planted baby orchard plants in their podu lands. Due to this, the villagers are not cultivating other crops in their podu lands. Earlier, most of the villagers were dependent on podu lands, cultivating millet crops, pulses etc with a fair income. But now, they depend on NREGS works and labour works for livelihood.

**4.4 Village 4: Cheruvuguda (Schedule Area)**

The village comes under Danthanapalli Panchayat. Danthanapalli Panchayath consists of has one revenue village (Danthanapalli) and 26 hamlet villages. Danthanapalli Panchayath is inhabited by Kolams (Primitive Tribal Groups), Gonds, SC, Minorities and other forest dwellers.

**History of the study village**

Between 1988 - 89, people (about 10 -15 Families) from Utnoor, Narnool, Sirpur, Kerameri and Jainoor Mandals migrated to Danthanapalli Panchayath village in search of food grains, land for cultivation and employment. Due to drought and landlessness, the above people had to face many problems. When they tried to clear some patches of forestland, in places of their origin, the Forest Department booked cases against them and also raised objections their entering into the forested areas to collect minor forest products. This situation resulted in the people to migrating to other places where work and land were available to sustain their life. In search of land, some of the people settled down in nearby villages of Danthanapalli and some of the people, while identifying some forestland at Peddacheruvu and near places, encroached up on some patches of forest land and started cultivation in this area.

Since Cheruvuguda village is an interior village, near to Pedda Cheruvu (Pond) the village settlement come to be named after Cheruvuguda. The village is inhabited by a homogeneous community - Kolams (PVTG). The Mandal headquarters-Utnoor is 11 Kms away from the village. The road with the neighboring village Danthanapalli is about 3Kms that connects Thatiguda village which is also about 2Kms away from the study village. To reach Cheruvuguda village, one has to get down at Danthanapalli village or Thatigud center on the main road and walk about three Kms towards the northeast side of Danthanapalli village through a muddy road. Cheruvuguda village is a hamlet village coming under Danthanapalli Panchayath which consists of one revenue village (Danthanapalli) and 26 hamlet villages.

The total Population of the study village is 215. The study village comprises 48 households. Out of 38 houses only one house is Puccawhichwas constructed under a housing scheme and the remaining 37 houses are semi-Pucca.

#### **Basic infrastructure facilities**

The Cheruvuguda village has no access to transport facility from Danthanapalli village. On the village boundary, there is a Pond which is located at the west side of the village; it has no culvert/small bridge. To reach the village, people have to cross on the pond causeway because there is no alternative way to go out. It is very difficult for the villagers during in the rainy season. The other important infrastructure facilities available in village are:

- o Villagers use Bores and hand pumps for collecting water for drinking purpose.
- o The village has access to street light facility. However, nobody uses electricity at home.
- o There is no Integrated Child Development Service centre in this village.
- o A primary health centre is available at Utnoor, which is near 11 km away from the village, and also Community Health Worker is available in the village.
- o Cheruvuguda village has a primary school, which was established in 1991, with schooling up to 5th class. For higher education, people have to go to Danthanapalli and Utnoor Mandal headquarters.

#### **A Socio-economic profile of the village**

The economic activity of the Kolams of the study village can be categorised as subsistent economy based on forest based cultivation with people mostly dependent on dry land

agriculture. Apart from this, they are engaged in the collection of minor forest produce, hunting, and gathering etc. Agriculture is the main occupation; the major crops grown in the village are Cotton, Rice, Soya, Maize, Jowar, Pulses (Pappulu- Red gram, Black gram and Moong gram), Tomato and Millets etc. Wage rates prevailing in the village:

Agriculture wage works: Rs 150 for males, Rs 100 for females (Per day)

Non-agriculture and other wage works: Rs 150 for males, Rs 100 for females (Per day)

NREGS works: It is piece work based with workers usually getting between Rs. 90 and 137 as wages per day.

#### VSS (Vana Samrakshana Samiti)

No VSS exists in the village.

#### NREGS works

In the village, all the households are engaged in NREGS works. Under this scheme, land development and roads laying works are covered. The wages are based on piece-work with workers getting Rs. 90 - 137 as wages per day.

**Table 4.5 Wealth ranking of the total households - Cheruvuguda village (Previous & Follow up Study)**

Wealth Ranking Category	Criteria	Previous Survey - 2008		Follow up study - 2013	
		Total HHs	Sample HHs of the previous study	Total HHs	Sample HHs of the follow up study (present)
Large Farmer	10 acres and above	4	1	4	1
Medium Farmer	5 to 9.9 acres	10	3	9	6
Small Farmer	2.5 to 5 acres	26	6	27	5
Marginal Farmer	0.1 to 2.5 acres	4	1	8	1
Land less	Depending on agriculture wage and other labour wage	0	0	0	0
Agricultural Labour	Depending on Agriculture wage	0	0	0	0
Others (Salaried)	Employee or business people	0	0	0	0
	Total	44	11	48	13

The data (the follow up study - 2013) on household wealth ranking shows that out of 48 households, 27 hhs come under small farmer category followed by 9 hhs come under medium farmer category, 8 hhs under marginal farmers category and 4 hhs under large farmer category.

### **About FRA implementation**

In Cheruvuguda village, maximum numbers of people are aware of FRA and its associated benefits. The district ITDA officials, MDO, MRO and IKP (Velugu) Legal Coordinator and the civil society organization (Gonduwana Sev Samith Sang) organised awareness meetings in all the villages coming under Uttoor Mandal regarding FRA and its benefits. To conduct the Grama Sabha meeting for forming FRC the above officials had informed the village community just two days before. According to Act, the Grama Sabha meeting should be conducted at each and every hamlet, but in this Mandal, they conducted the gram sabha at the Gram Panchayath village. The Grama Sabha meeting was conducted by the officials in the month of March (5th March 2008) at Danthanapalli village with about 800 members from Danthanapalli Panchayath attending the Grama Sabha. Out of 800 members at attending the Sabha 200 were women.

### **Selection process adopted for forming FRC**

To form FRC, 15 members were nominated from the respective 28 villages of Danthanapalli panchayath; in each village, people identified 'best' of 15 from among them from each village and people selected the top 15 members collectively from all the identified groups for FRC with the help of authorities. The respective village members then selected the FRC representatives and out of 15 FRC members, 5 were women.

### **Trainings**

Mr. Bheem Rao who was elected as FRC Secretary from this Cheruvuguda village said that they received training twice on issues like claim process, and land survey at ITDA, Uttoor.

In Danthanapalli panchayath, the identification of resources and mapping were done with the help of FRC members. And the process of conducting land survey and submitting claim forms were done in the village. Now the claim verification process is under way.

### **The process of claims (Form - A and Form - B)**

The Panchayath secretary and FRC members had distributed both individual and community claims to the people at Panchayath Office; the villagers filled their individual claims with the help of Community Mobilizer before submitting their claims to the FRC members. After the verification of claims, the land survey was conducted by the

Panchayath with help of GPS instrument. The stakeholders, MRO, MDO, Forest Officials, IKP Legal Coordinator, FRC members and villagers participated in the land survey.

#### **Individual claims (Form - A)**

About 44 households had applied for individual claims over their forest cultivating lands to an extent of 224 acres. Out of 44 households, 34 households received entitlements on their forest land to an extent of 171 acres and 12 households are yet to get their entitlements over 53 acres. It is under the verification process.

#### **Community claims (Form - B)**

According to villagers, they claimed community rights over common property resources. The details are as follows:

1. One-acre of land for Lord Rama's Temple (people wanted to build Rama's temple) in the village.
2. Five-acres of land for village amenities (including houses and school building etc).
3. NTFPs and Grazing lands
4. Streams (There is a stream which is located around the village, villagers use this stream for agriculture and fishing).

The villagers said that they had not yet received entitlements on CPR lands and that they are waiting for the CPR for conferment, of CPR ownership rights.

#### **Findings**

- In 2009, under the FRA-2006, the entitlements of ownership rights were issued in the name of women members.
- The villagers were happy that they could receive crop loans from the bank (SBH) since 2009. (This is the third year since they have been receiving crop loans after getting ownership rights).
- The villagers say that they feel secure after having got ownership rights.
- Before the implementation of FRA, they were facing lots of difficulties in carrying on agricultural activities because the financial resources were almost nil. Earlier mostly people used to depend on money lenders, but now they have access to loans from commercial banks.



### Other Issues

Although the villagers had received ownership rights over their individual agricultural lands, they were apprehensive that their village will might be notified as a tiger reserve zone and that they might lose their agricultural lands as well as homestead lands.

The villagers have reported that due to tiger reserves, they are now strictly restricted by the forest department from NTFP collection, hunting and gathering, and grazing.

Kawal Wildlife Sanctuary in the Jannaram forests of Adilabad district in Andhra Pradesh has been declared as the 42nd tiger reserve in the country.

The Andhra Pradesh government issued a notification to this effect under Section 38 V of Wildlife (protection) Act on Tuesday. According to the notification, the main objective for the declaration of Kawal Tiger Reserve is to protect, restore, manage and maintain representative biodiversity of the Deccan plateau of Sahyadri Mountain Ranges along with ecological processes and conservation of wild gene pool with a focus on Tigers. About 893 square kilometers of the wildlife sanctuary has have been notified as the core area, while another 1,123 sq km area as buffer zone of the tiger reserve. While no development activity is allowed in the core area, there are certain restrictions on the developmental works in the buffer zone as well.

The tiger reserve has been demarcated after approval by National Tiger Conservation Authority in June last year. The state forest department will post a field director of the rank of a conservator for the new sanctuary. A scheme seeking funds for the project is being sent to the Centre. According to the department sources, the Kawal wildlife sanctuary has about 20 tigers. "By notifying it as a tiger reserve, we expect an increase in the number of tigers," a forest department official said.

However, the local tribals mostly comprising Gonds, Naikpods and Kollams, are strongly opposed to the declaration of Kawal sanctuary as a tiger reserve. They are allege that in the name of core area and buffer zone, the government is trying to forcibly shift them from the forests into the plains. At least 42 tribal habitations in Jannaram, Kadem, Khanapur, Indravelli and Utnoor blocks would have to be evacuated for the tiger reserve.

"In fact, there is no confirmation of the presence of tigers in the sanctuary. We have been living in the forests for several years and we are living in complete harmony with the wild animals," Adivasi Ikya Porata Samithi district president Sidam Shimbu told the local media.

The forest officials claim that there are at least seven tigers in the forests, but at the same time admit that they have not been recorded by cameras installed in the forests.

Shimbu says that the forest department had not even conducted gram sabhas and meetings before notifying the areas as tiger reserve and that the association would move the court to protect the rights of Adivasis.

The Telangana Joint Action Committee is also strongly opposed to the declaration of Kawal as a tiger reserve, stating that it would dislocate the people living in the area. However, the forest officials claims that there are no proposals to dislocate the tribal habitations at present. (India Today, 2012).

## Chapter - V

### A Household Analysis and Discussion

In the following chapter the key findings emerging from a household analysis are presented. The issues related to household economic activities, interms of the collection of non-timber forest produce (NTFP) , the working of the Vana Samrakshana Samithi (VSS) and the continued role of forest department in its working , the claims position as well as its disposition and the rate of rejection have been analysed. The impact of the implementation of the act in 2010 and the follow-up survey (2013) has also been analysed.

#### 5.1 Details of sample villages and households

Table 5.1 Details of sample villages and households (Previous & Follow up study)

Sl. No.	Name of the Village	Primary Survey (2008)	Follow up Study (2013)
		Total hhs & Sample hhs	Total hhs & Sample hhs
1	Pamuleru	47 (13)	48 (15)
2	Panasanapalem	167 (44)	NC
3	Koruturu	97 (25)	105 (39)
4	Goppulapalem	95 (24)	101 (38)
5	Nagaluty	86 (25)	NC
6	Cheruvuguda	44 (11)	48 (13)
<b>Total</b>		<b>536 (142)</b>	<b>302 (105)</b>

*Note:* NC - Not Covered

*Source:* Field data-2013

To know the impact of FRA - 2006, the present Follow-up Study (2013) covered the same sample households in four villages which had been identified by the Primary Study (2008) from three regions of AP. The four sample villages are Pamuleru, Koruturu, Goppulapalem and Cheruvuguda. Except Goppulapalem, the rest of the resurvey villages come under the scheduled area. Two villages, namely, Panasanapalem and Nagaluty were not covered for the present follow-up resurvey.

One can observe from the above table that there is a slight increase in the number of sample households between the primary and follow-up surveys.

### 5.2 A social profile of the sample households

As regards the social profile of the study villages, all the sample hhs in the study area belong to Scheduled Tribes. The sub-caste-wise sample hhs in the study area are: Kondareddy (52 hhs) followed by Kammara (38 hhs), Kolam (13 hhs) and Koya (2 hhs). In Pamuleru, all the inhabitants belong to Kondareddy (PVTG). Koruturu is inhabited by a mixed tribal population- Kondareddy, followed by koya and others. Goppulapalem is inhabited by a homogeneous community- Kammara. Cheruvuguda also is inhabited by a homogeneous community- Kolam (PVTG).

Table 5.2 A Social profile of the sample households in the study area

Village	Kondareddy	Koya	Kammara	Kolam	Others	Total
Pamuleru	15 (48)	-	-	-	-	15(48)
Koruturu	37 (85)	2 (16)	-	-	0 (4)	39(105)
Goppulapalem	-	-	38 (101)	-	-	38(101)
Cheruvuguda	-	-	-	13 (48)	-	13(48)
<b>Total</b>	<b>52 (133)</b>	<b>2 (16)</b>	<b>38 (101)</b>	<b>13 (48)</b>	<b>0 (4)</b>	<b>105(302)</b>

*Note:* figures in brackets denote the total number of households of the sub-caste in all the sample villages

*Source:* Field data-2013

### 5.3 Basic amenities available in the sample villages

Table 5.3 Basic amenities available in the sample villages

Amenities	Pamuleru	Koruturu	Goppulapalem	Cheruvuguda
Area	Comes under Scheduled area	Comes under Scheduled area	Comes under Non-Scheduled area	Comes under Scheduled area
Drinking water Source	Hand pumps, stream. Water scarcity during the summer	River and Hand pumps	Hand pumps	Hand pumps
Education	Primary school	Primary school with hostel	Primary school	Primary school
Health	Community health worker & ethnic healer	Health Sub Centre, Community health worker & ethnic healer	Community health worker & ethnic healer	Community health worker & ethnic healer
ICDS	Yes	Yes	Yes	Yes
Roads	Kutchra road	Kutchra road	All-weather road	Kutchra road

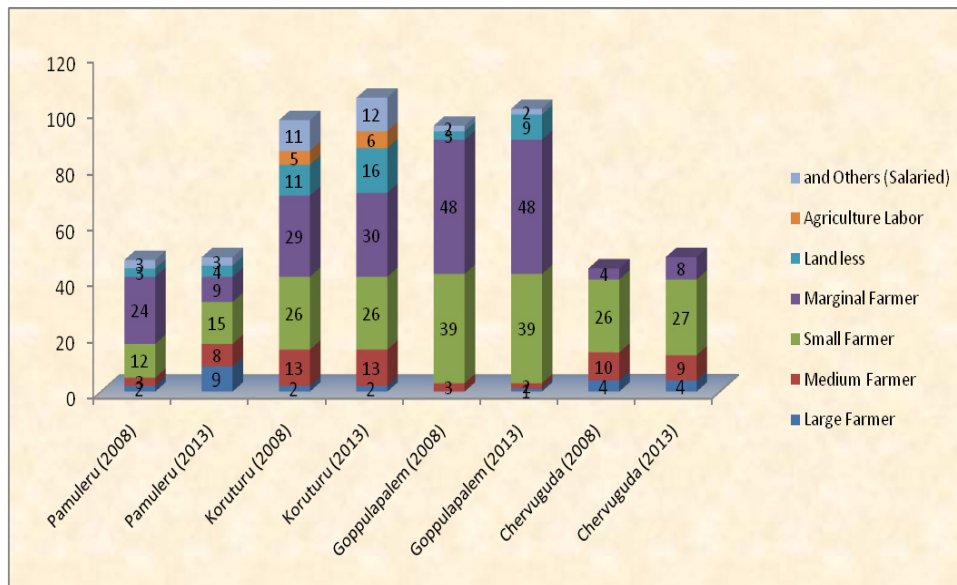
*Source:* Field data-2013

The above information on the basic amenities reveals that drinking water facility is available in all the four sample villages (different sources), but people do face water scarcity during summer. In all the sample villages, an ethnic healer is available and mostly people prefer ethno medicine for general health problems. A Community health worker is available in all the villages and in Koruturu there is a health sub-centre. A Primary school is available in all the villages. In Koruturu village, hostel facility is also available. People have access, to ICDS services in all the sample villages. Except Goppulapalem village (having an all-weather road), the remaining villages have access to Kutcha roads.

#### 5.4 An occupational profile of the sample households

The occupational profile of the sample households (2008 & 2013) has been presented below:

Graph 5.1 Occupational categories of households in the sample villages (2008 & 2013)



Source: Field data-2013

After the launching of FRA - 2006, tribals and other forest dwellers have started receiving ownership rights over their cultivable forest lands. Before this act, tribal people had been treated as 'forest encroachers', but now the Government has recognized them as legal dwellers with many provisions through FRA - 2006 for distributing to give the entitlements. It is clear that after the distribution of entitlements over the forest cultivable land, discernable changes have occurred with regard to the land holding status of the sample hhs.

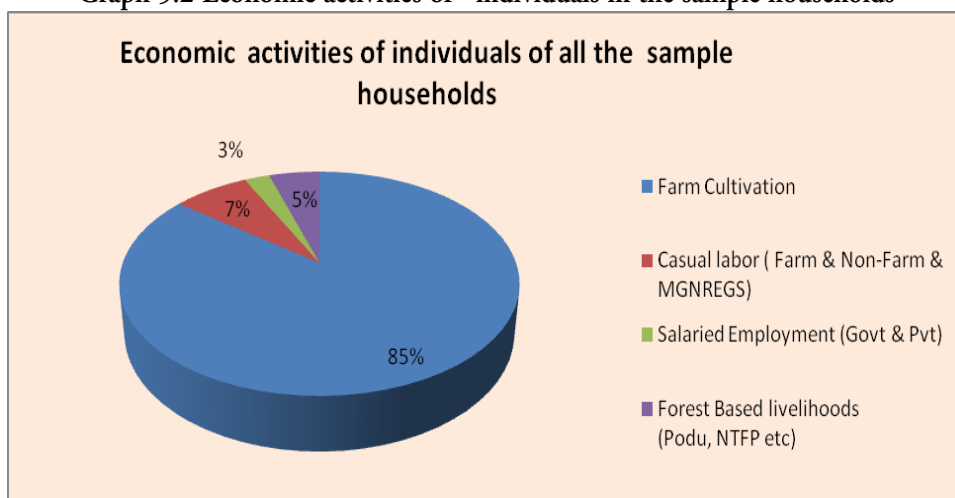
Pamuleru village has witnessed an increase in the average household landholding size. Prior to FRA - 2006, the number of hhs coming under large farmers were only 2, but now the number has increased to 9 hhs; the number of hhs under medium farmers category was 3 earlier, but now has increased to 8; the number of hhs under small farmers category was 12 earlier but at present it is 15 ; It is interesting to note that the number of hhs under marginal farmer category was 24 earlier, but now it has come down to 9 hhs. It is also interesting to note that 30 years back, people from Pamuleru village were cultivating forest land in interior dense forest, but were evicted by the forest department. Now the villagers have got entitlements on the same land, thanks to the FRA - 2006, according to the villagers.

In Koruturu village, no changes have happened due to the sanctuary and also the podu land being cultivated comes under revenue land. In Goppulapalem village too, no changes in land holdings have taken place, but people are going to receive ownership rights over their podu lands. In Cheruvuguda village also, no changes have been observed in land holding size, but people have received ownership rights over their forest based agricultural lands. In brief, one can see some tangible changes taking place after the implementation of the FRA-2006 in the study villages.

### 5.5 Economic activities of individuals in the sample households

The household members' economic activities are varied from farm cultivation, casual labor, forest based livelihoods to the salaried (government/private) employment in the study villages.

**Graph 5.2 Economic activities of individuals in the sample households**



Source: Field data-2013

The data shows that agriculture is the main occupation in all the sample villages (85%) followed by casual labour (7% farm & non-farm), forest based livelihoods (5%) and salaried employment (government/private) (3%).

### 5.6 Household member's working status and details of income from various sources of the sample households (2013)

Table 5.4 Details of the sample households' sources of income (2013)

Income from various sources (in rupees)							
Village	Household Working Members	Primary Occupation	Secondary Occupation	Other sources		Total Income	Per capita Income
				Livestock Income	NTFP		
Pamuleru	41	419200	352000	0	64900	836100	20392.7
Koruturu	89	1323850	468100	68300	29301	1889551	21230.9
Goppulapalem	98	1255700	562850	65200	152520	2036270	20778.3
Cheruvuguda	31	254500	373500	0	0	628000	20258.1
<b>Total</b>	<b>259</b>	<b>3253250</b>	<b>1756450</b>	<b>133500</b>	<b>246721</b>	<b>5389921</b>	<b>20810.5</b>

Source: Field data-2013

An analysis of the working status of household members and the income accruing from various sources to the households reveals that the main income sources are agriculture and wage labour followed by forest based livelihoods and salaried employment. In Pamuleru and Goppulapalem villages, income from NTFP appears significant. In all the sample villages, the per capita income works out to around Rs. 20000.

Table 5.5 Household members' working status and income details of the sample households (2008 & 2013)

Income details (in rupees)						
Village	Primary Survey (2008)			Follow up Study (2013)		
	Household Working Members	Total Income	Per capita Income	Household Working	Total Income Members	Per capita Income
Pamuleru	28	389856	13923	41	836100	20392.7
Panasanapalem	101	1566192	15506.9	NC	-	-
Koruturu	50	1289844	25796.9	89	1889551	21230.9
Goppulapalem	57	1409196	24722.7	98	2036270	20778.3
Nagaluty	46	1229820	26735.2	NC	-	-
Cheruvuguda	26	959998	36923	31	628000	20258.1
<b>Total</b>	<b>308</b>	<b>6844906</b>	<b>22223.7</b>	<b>259</b>	<b>5389921</b>	<b>20810.5</b>

Source: Field data-2013

### **5.7 Income details of the sample households**

In all the sample villages (four), the number of working members contributing to household income has increased in the follow up study period as compared to primary survey.

The data shows that in Pamuleru, per capita income has increased from Rs. 13,923 to Rs. 20,392 due to an increase not only in the number of working members, but also the wage rates. In Koruturu, per capita income has declined from Rs. 25,796 to Rs. 21,230 due to drought and floods, impacting agricultural income considerably. In Goppulapalem per capita income has declined from Rs. 24,722 to Rs. 20,778 because of a declining agriculture. The reason is that NABARD had distributed orchard plants to the farmers under its programme to be planted in their podu lands which involves a long gestation period before yielding incomes. As a result, the villagers have come to depend mostly on agricultural wage works and MGNREGS works.

Earlier, people used to cultivate millet crops, pulses and grains in their podu lands, so they were getting good income from those crops and this opportunity was lost due to plantation crops. In Cheruvuguda also per capita income has declined due to drought from Rs. 22,223 in 2008 to Rs. 20,258 (now).

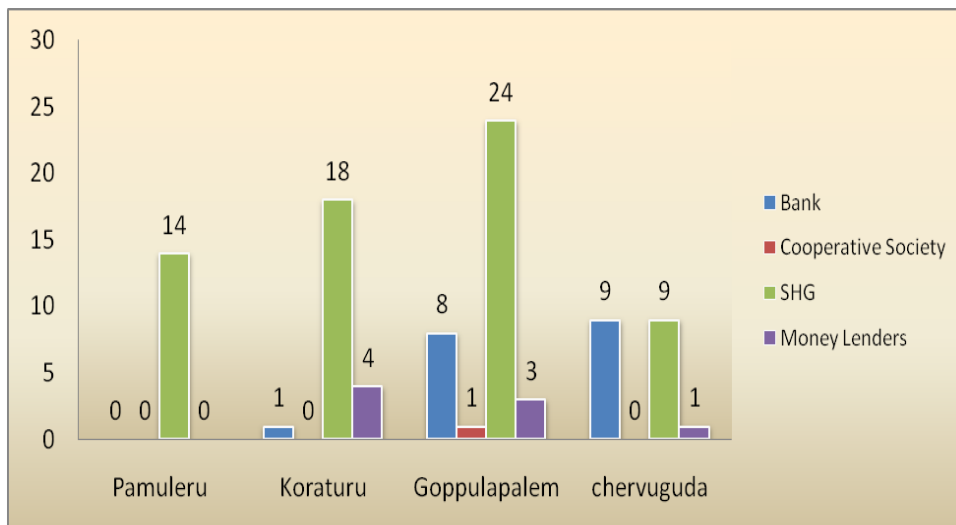
On the whole, not a very positive picture emerges with regard to income post FRA - 2006, except conferring of legal status and tenure security. The other provisions of the Act like irrigation facilities, extension services and other soil conservation works were not implemented and hence, the income levels have not changed rather have recorded a negative growth as a result of drought and floods and changes in the cropping pattern.

### **5.8 Borrowing of loan by the sample households**

It is evident from the graph 5.3 that in Pamuler village, mostly all the sample hhs have borrowed from SHGs and not from any other source. In Koruturu village, only one sample hh has borrowed from bank. Out of 39 hhs, 18 households have borrowed from SHGs and 4 hhs from money lenders. In Goppulapalem, 8 hhs have borrowed from bank and only one hh from Cooperative society; 24 hhs have borrowed from SHGs and 3 hhs have depended on money lenders. In Cheruvuguda village, 9 hhs have borrowed from bank, 9 hhs have depended on SHGs, and only one household has depended on money lenders. It is clear that in all the sample villages, most of the hhs have borrowed from SHGs because they can easily borrow without any surety unlike banks and cooperative societies.



Graph 5.3 Sample households' borrowings from various sources (2013)

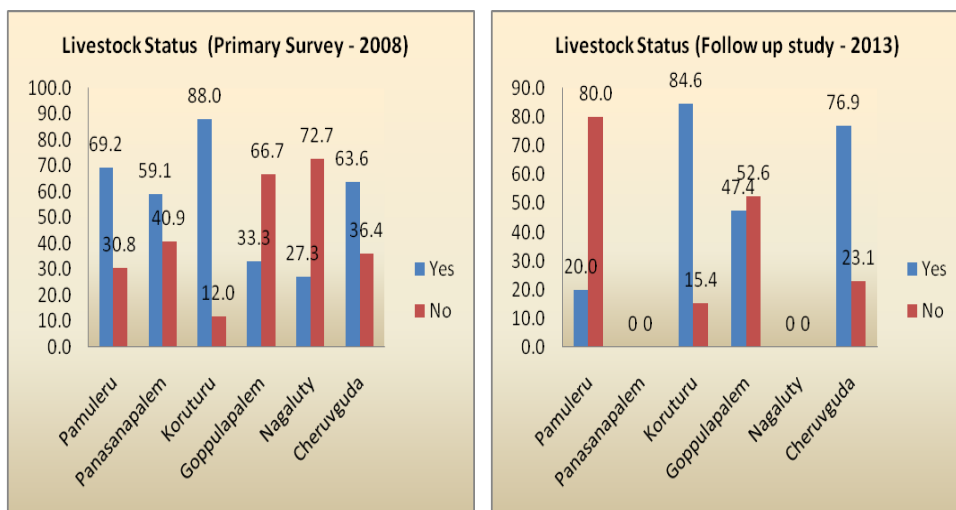


Source: Field data-2013

### 5.9 Livestock status of the sample households (2008 & 2013)

In Pamuleru, as compared to the previous survey, the number of livestock has come down because many animals died due to communicable diseases. Earlier, 69% of sample hhs had livestock but now the number has come down with only 20% of the hhs possessing livestock. In Koraturu, the percentage of hhs having livestock is almost the same as compared to the previous survey, but a few of hhs have sold out their livestock.

Graph 5.4 Livestock status of the sample households (2008 & 2013)



Source: Primary Survey -2008

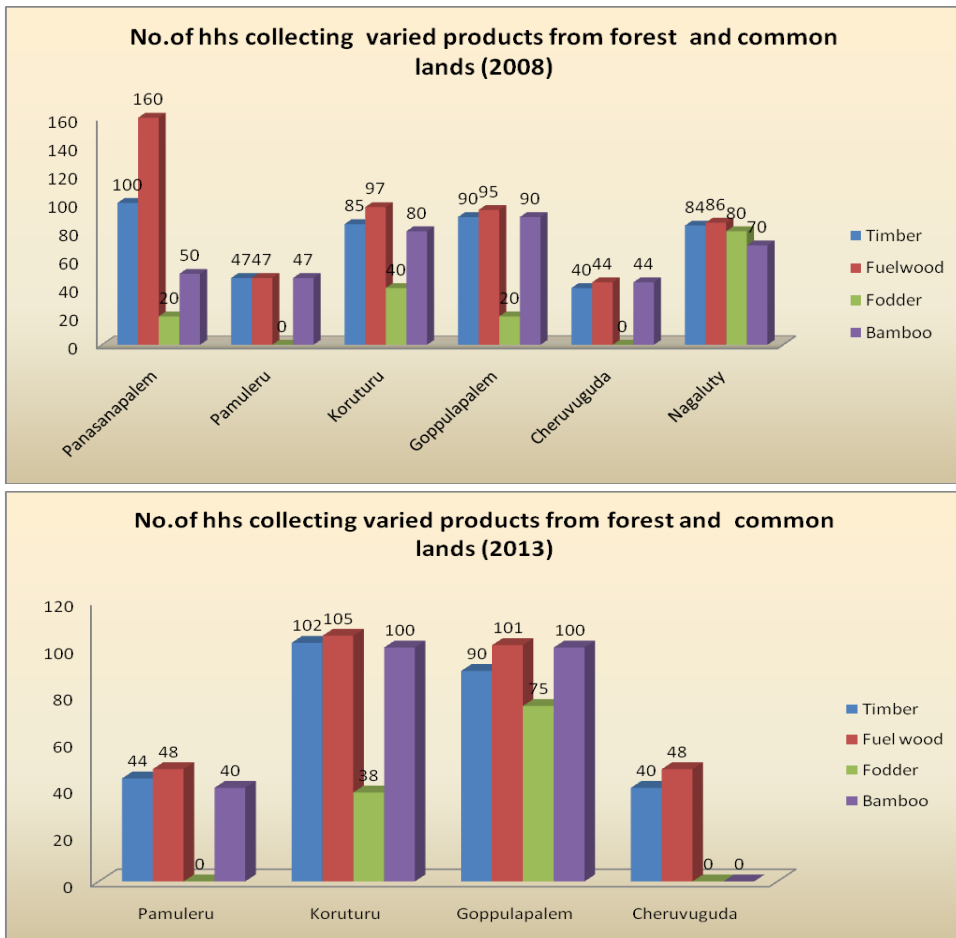
Source: Field data-2013

In Goppulapalem, as compared to the previous survey, the number of hhs having livestock has increased from 33% to 47%, because some households have purchased new livestock. In Cheruvuguda village also, the percentage of hhs having livestock has increased as compared to the previous survey from 63.6% to 76.9%. This is due to the purchase of more livestock by a few hhs as agriculture in post FRA is more secured.

**5.10 Sample households and NTFP (MFP) dependence**

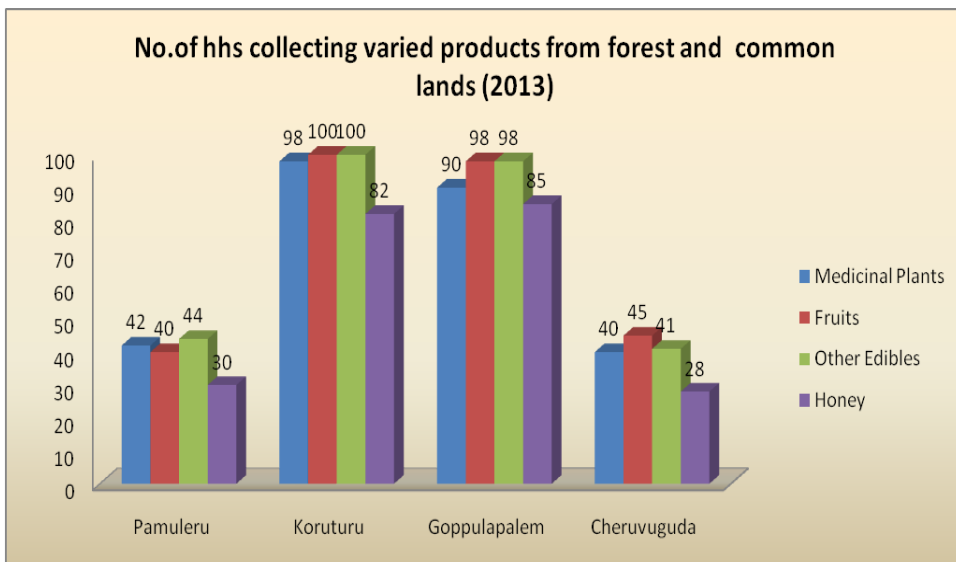
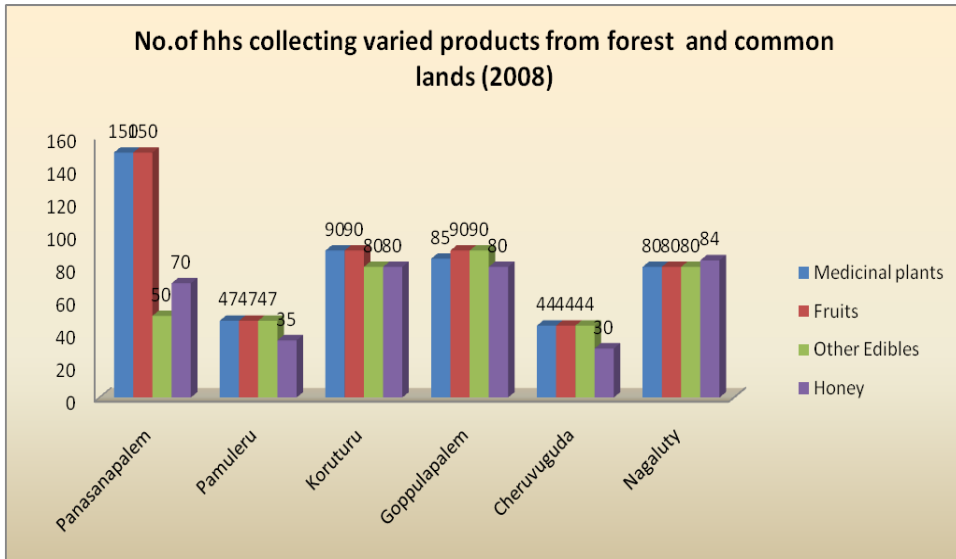
In addition to agricultural income and employment, the sample households usually depend on the collection of non-timber forest produce to earn additional income. Sometimes, NTFP earnings constitute a predominant income source for the forest depended communities. In the following graphs, the sample households' dependence on the collection of NTFP for the year 2008 and the resurvey period (2013) is analysed.

**Graph 5.5 Number of households collecting varied products from forest and common lands of the sample villages (2008 & 2013)**



Source: Field data-2013

Graph 5.5a



A comparison of the initial and follow up studies in all sample villages, shows details of the no. of hhs collecting forest products like timber, fuel wood, fodder, bamboo, medicinal plants, fruits, other edible oil and honey etc.

In Pamuleru, the number of hhs collecting forest products has declined due to depleting forest products. The primary survey reveals that except honey collection, all the hhs

were collecting the above forest products for their self usage and sale. But now the present study reveals that on an average, 44 hhs collect forest products. However in Koruturu, there is no change observed in the no.of hhs collecting forest products.

In Goppulapalem, the no.of households collecting forest products have increased compared to the primary study period. The reason is that hhs' dependency on forest products has increased because the income from agriculture has come down. In Cheruvuguda, earlier, the villagers used to collect bamboo from the forest, but now the villagers do not collect bamboo because of the FD restrictions on the collection of bamboo from the dense forest. There reason is that this area has been notified as a Tiger Reserve area.

#### **5.11 Status of claims (individuals and community), the rate of rejection and the reasons for rejection**

In the following section a detailed analysis of the claims filed by the forest dwelling communities, both individual and community, and the rejection of the same by gram sabha, SDLC and DLC bodies and the various reasons put forward for the rejection is discussed in respect of the sample villages.

It is clear from the analysis (table 5.6) that in Pamuleru village, out of a total of 48 households, 38 hhs had filed claims (79.2 percent) over an area of 208 acres. Mean size of the land claimed works out to 5.5 acres. Out of 38 claims filed, only 30 claims were approved (78.9 percent) over an area of 165.2 acres in all and a majority of the claims approved have been granted the titles. The average land (per household) distributed comes to 5.5 acres. Eight claims were not approved at the gram sabha level, though surprising, for want of evidence. The respondents were not aware of any of the redressal mechanism to challenge the rejections.

In koruturu, the entire village land happens to come under revenue land and hence not eligible for filing of claims under the FRA Act, the claimants were informed.

In the case of Goppulapalem, out of a total of 101 hhs, 80 hhs had filed claims (accounting for 79.2 percent) to an extent of 130 acres. The Mean size of the area that the households claimed works out to 1.6 acres in all. Out of 80 hhs that had claimed land rights, the claims of 38 households (47.5 percent) to an extent of 78.08 acres were approved and the average land distributed comes to 2.1 acres and the rest of the 42 claims (52.5 percent) were rejected in the gram sabha as the land claimed by the claimants comes under revenue land. For households, whose claims had been approved, entitlements have already been notified, but they are yet to receive pattas as they are waiting for the Collector's signature (at the time of our survey).

Table 5.6 Details of individual claims (by area) and the status of approval

Village	No. of hhs	No. of claims	% house holds claiming rights	Extent of area claimed (acre)	Mean size of the area claimed per household (acre)	No. of claims approved	Extent of area claimed approved (acre)	Average land distributed (in acres)	Titles Issued	Remarks
Pamuleru	48	38	79.2	208	5.5	30	165.2 (78.9)	5.5	Yes	8 claims were rejected in Gram Sabha due to lack of evidence. Out of 30 hhs, claims approved, 4 hhs were yet to receive entitlements at the time of survey.
Panasanapalem Covered	Not	42	-	-	-	18 (42.9)	69	-	Not Covered	Not Covered in the follow-up survey.
Koruturu	0	0	0	0	0	0	0	0	0	Total land in this village comes under Revenue Dept. Not entitled to rights under FRA.
Goppulapalem	101	80	79.2	130	1.6	38 (47.5)	78.08	2.1	No	42 claims have been rejected to an extent of 51.2 acres in the Gram Sabha due to the fact that land comes under revenue land. Entitlements have already been notified, but people are yet to receive pattas due to delay of Collector's signature at the time of survey.
Nagaluty	Not Covered	80	-	400	-	75 (93.8)	227	-	Not Covered	Not Covered in the follow-up survey
Cheruvuguda	48	44	91.7	224	5.1	44 (100.0)	171	3.9	Yes	34 households have been given entitlements and the remaining 10 households are yet to receive entitlements to an extent of 53 acres at the time of survey.

Source: Field data-2013

In the case of Cheruvuguda village, the data shows that out of 48 households, 44 had filed claims (91.7 percent) to an extent of 224 acres (mean size of the area claimed being 5.1 acres). Out of 44 hhs that had filed claims, all 44 (100 percent) claims were approved with the average land distributed per household being 3.9 acres.

#### **5.12 Verification process of individual claims (Follow up Study - 2013)**

The data below (Table 5.7) unfolds the various process issues adopted in the settling of individual claims. This is a good indicator of a transparent mechanism put in place in settling the claims of communities.

In Pamuleru village it has been found that the survey had been poorly conducted and the claims approved not mapped to the full extent. Even the interference of the forest department was very much felt in the survey process. As regards the legitimate claims approved by FRC, it has been found moderate as also in the case of legitimate claims approved by SDLC & DLC. The issuing of titles has also been found to be moderate and lastly the villagers whose claims had been approved have received the entitlements, but they have been found not cultivating their lands due to FD restrictions, as discussed elsewhere in the chapter. In Koruturu village, as explained in the foot note of the table, all land cultivated by the villagers has been found to be revenue land and hence, not entitled to rights under the FRA.

In respect of Goppulapalem village, all the processes to be followed - whether the survey was properly conducted; claims approved were fully mapped or whether FD's interference was there and the legitimate claims approved by the Forest Right Committee (FRC) have been found 'poor'; while it has been found 'moderate' with regard to the legitimate claims approved by SDLC/DLC and lastly, titles have not been issued as the claimants are waiting for the Collector's signature. In Cheruvuguda, more or less a similar situation has been observed in the sense that the survey was poorly conducted; claims approved were not fully mapped; forest department interference was there. The processes have been found 'moderate'. Lastly, whatever claims finally approved, titles have been given and the claimants have started cultivating the land and are also in receipt of loans from banks, a very positive sign related to the whole process.

Table 5.7 Verification process of individual claims

Village	Survey properly conducted	Claims approved have full extent mapped	FD non-interference	Legitimate claims approved by FRC?	Legitimate claims approved by SDLC & DLC?	Titles Issued	Remarks
Pamuleru	x	x	x	~	~	~	Entitlements received, but found not cultivating due to FD restrictions
Panasanapalem	Not Surveyed						
Koruturu ♦	-	-	-	-	-	-	Total land in this village comes under Revenue Dept. Not entitled for FRA process
Goppulapalem	x	x	x	x	~	x	Entitlements have been ready but pending due to Collector's signature
Nagaluty	Not Surveyed						
Cheruvuguda	x	x	x	~	~	~	Entitlements received, cultivating their lands and also utilizing credit loans from bank

Note: Moderate: ~, Poor: x Not Applicable:

♦ Koruturu village, most of the land being cultivated by the villagers comes under revenue land and they had applied for entitlements to the Revenue Department. Whenever Government Programs are conducted in the village, the officers concerned distribute entitlements to the applicants as a 'D Farm Patta'. Very recently, Smt. Sambamma received 'D Farm Patta' over 1 acre of land.

### 5.13 Community claims process

**Table 5.8 Community claims process and remarks**

Village	Number (Claims)	Details	Remarks
Pamuleru	1	The Community had claimed 125 ha VSS land as communal rights (Initially, when the FRC was formed by the Panchayat, a resource person from FRC was identified who sketched community resources such as ponds, streams, grazing lands, village land & boundaries, forest paths, sacred places & trees etc., with the help of all the villagers, but later, they were ignored by concentrating on Individual claims).	Yet to receive entitlements
Panasanapalem	1	107 ha.VSS land for communal rights	NC
Koruturu	2	NTFP rights and Internal Forest Routes.	Received entitlement on VSS land
Goppulapalem	0	Lack of awareness regarding community claims	Not applied due to lack of awareness. Now villagers want to apply
Nagaluty	0	No claim due to lack of awareness despite this being a PTG village which can claim rights over its larger habitat and has the highest forest dependence	NC
Cheruvuguda	3	6 acres: includes village boundaries, internal roads and temple. Only 1 acre surveyed for a temple. 5 acres yet to be surveyed	Yet to receive entitlements

Source: Field data-2013

### 5.14 Community claims versus VSS claims

There are two types of claims - one is individual and another is community. However, the Government has facilitated another category of claims-VSS claims in the name of community. The VSS cannot be equated with the statutory gram sabha representing the community. The admission of members to VSS is an optional one unlike community. Under the Rules, the FRC is meant to demarcate the boundary of a village community forest resource before placing it before the Gram Sabha for its approval. After the Gram



Sabha's approval, the claim has to be sent to SDLC and finally to DLC. In the case of a shared community forest between one or more villages, the FRCs of the villages concerned are to have a joint meeting for finalising their claim. In the case of a dispute over boundaries between villages, SDLC is meant to facilitate the resolution of the same by calling a joint meeting of the villages concerned (Reddy *et al*, 2010).

However, in the case of VSSs, the Chairperson submits a memorandum of association (VSS), map showing the VSS area, and a list of VSS members to the FRC. The FRC will then place it before the *gram sabha*, and so on. No doubt, considering the VSS claim in the name of the community is against the provisions of FRA. However, the Government claims that VSSs solely composed of tribal members, can only claim the rights. This position is also legally not correct. The VSSs have separate procedure to take decisions, and are bound by the articles of the association and controlled by the Forest Department. Their decision in respect of the management of community forest lands need not necessarily reflect the decision of the community as a whole. As such, divesting the community of its rights by the Government is unlawful. To claim the right over the VSS area, the community claim form "B" is used by the VSS. The entire procedure adopted by the Government to assign the right to VSS is predetermined, linking the market by changing the usage of the forest land. Community certificates of title issued over community forest rights have not only been issued illegally in the name of VSSs (which are not legal entities or eligible claimants under the Act), but have also imposed conforming to the administratively issued JFM/CFM resolutions as a condition attached to the community forest right. This is an underhand way of converting administrative orders into statutory conditions.

Government data as of 30th September, 2014 shows that in the name of community claims, the Govt. has issued title certificates to 2282 VSSs over 979252 acres in Andhra Pradesh (TCR&TI, 2014). This data uncovers the mask of state government of the tall claim of transparently implementing the FRA. As evident from the table below, the government has gone to the extent of creating a new category of 'VSS rights' as distinct from community claims over forest rights.

With regard to the Community Claims, as explained above, the communities are not sufficiently aware of claiming the community resources. Rather a greater emphasis has been laid on individual rights and land distribution. The implementing agencies seem to be under the impression that FRA is a individual land distribution programme, even though FRA provisions equally emphasize the community rights. As a result of this lopsided understanding on the part of the officers, a sufficient level of awareness has not

been generated among the communities regarding the filing of claims over community resources. However, an attempt was made to convert all the VSS lands into community rights. One can see from the above table that in our sample villages, the community claims filed related more to the VSS lands, except in respect of one village, where genuine community rights were filed.

In Pamuleru village, there was only one claim made over 125 hectares of VSS land under community rights. However, the village is yet to receive the entitlement. In Panasanapalem village also, only one claim was filed for VSS land to the extent of 107 hectares in the year 2008 itself.

In Goppulapalem, the villagers did not file any community claims due to lack of awareness. Even in Naguluty village, during our first survey, the villagers did not file even one community claim although PVTG live here, due to lack of awareness. Only in Cheruvuguda, 3 community claims had been filed to the extent of 6 acres that included land for village boundaries, internal roads and a temple (only one acre had been surveyed for a temple construction and the next remaining 5 acres claimed were yet to be surveyed by the authorities).

There has been a limited number of applications in respect of community rights (e.g. grazing lands, pathways, burial grounds, temples, rivers and streams). Even where villagers have claimed rights over their community forest resources, including over such forests brought under JFM/CFM, instead of recognising their claims, it seems that the claims have been changed in favour of VSSs. This is largely because the training programmes have not been able to raise awareness regarding the provisions of the Act related to collective rights. In most places, local community-oriented NGOs have not been actively involved in the process and thus, are unable to help the communities claim their rights over local resources.

## 5.15 VSS (Vana Samrakshana Samithi) status in the study villages

Table 5.9 VSS status in the study villages

Status	Pamuleru	Koruturu	Goppulapalem	Cheruvuguda
Extent of VSS land	Having 125 ha of hilly forest land for VSS. Started nursery by Planting teak, Bamboo, Japra, citrus trees, and other trees etc under the monitoring of the forest dept.	Having 914.5 acres of hilly forest land for VSS. Started nursery by Planting teak, bamboo, citrus trees, and other trees etc under the monitoring of the forest dept.	Having 101 acres of hilly forest land for VSS. Started nursery by Planting teak, bamboo, tamarind, japra, soap nut trees, panasa, eucalyptus, neelagiri, citrus trees, and other trees etc under the monitoring of the forest dept.	No VSS
Monitoring of the works	Work monitoring by FD; VSS members contributing labour to weeding, nursery, bushes cleaning, etc., on daily wage basis.	It is a sanctuary area; villagers have been engaged in constructing check dams, and no other VSS activities have been taken up.	Work monitoring by FD; VSS members contributing labour to weeding, nursery, cleaning of bushes, etc on daily wage basis.	-
Benefits	Having NTFP rights. (Natural bamboo sold in the year 2008; VSS members received 50% (Rs. 30,000) and used for community development).	Having NTFP rights, VSS members put a request to FD for selling natural bamboo, but FD did not agree due to the sanctuary area.	Having NTFP rights, no other proposals	-
Current status under FRA	Waiting for entitlement, still FD is playing a vital role in the VSS.	Got entitlements, but no other benefits except NTFP rights. still FD is playing a vital role in the VSS.	Want to apply for community claim now. Still FD is playing a vital role in the VSS.	-

Source: Field data-2013

5.16 Benefits (Post FRA 2006)

Table 5.10 Benefits and remarks

Village	Individual Benefits			Community Benefits		Remarks	
	Individual Entitlements	Land Usage	NTFP	Others (Economic Assistance & Technical Support)	Common entitlements		CPR Access & Use
Pamuleru	~	✗	~	✗	✗	~	Individual entitlements received, but not yet started cultivating; no other benefits also; Yet to receive Common entitlements over on VSS; got NTFP & CPR rights.
Panasanapalem	Not Surveyed						
Koruturu	-	-	~	✗	~	✗	Got common entitlements over VSS, but it is no use due to sanctuary.
Goppulapalem	✗	~	~	✗	✗	~	Not received entitlements but cultivating podu lands. Not aware of community claims over VSS and other CPRs, but accessing & utilizing CPRs
Nagalury	Not Surveyed						
Chervuguda	~	~	✗	~	✗	✗	Individual entitlements received; cultivating and also getting financial support from Banks; Yet to receive Common entitlements over temple land; NTFP rights given (However, restrictions are imposed due to proposed tiger reserve).

Note: Moderate: ~, Poor: ✗, Not Applicable: -

Source: Field data-2013

### 5.17 Some observations noted related to the implementation process of FRA across the resurvey villages

#### **Pamuleru**

- Individual ownership rights distributed in favored of women.
- According to the villagers, land survey was done during the rainy season and hence, they could not cover their total lands by crossing bushes and thorns with the GPS measurement.
- Mr. Sutru Sanyasireddy was unable to carry the GPS instrument around his total land due to sickness and hence, he got 4.90 acres of land.
- Mr. Sutru Lachireddy had applied for 4.5 acres of land but he could get only 0.40 cents of land, because all the other applicants had measured and covered all the available land with the GPS instrument and there was no land left for measurement and hence, he got only 0.40 acres. However, Mr. Vantala Mangireddy had applied for 10 acres of land and he got a total of 9.880 acres.
- The villagers are not interested in applying for institutional loans for improving their allotted forest land.
- When the villagers came to know of FRA - 2006 Act, they felt very happy that they could claim their podu lands from where they had been evicted earlier. But after getting ownership rights, the villagers found themselves restricted by the FD from cultivating their lands due to the the presence of a teak plantation. So, the villagers are not currently cultivating their lands. The villagers expect the Govt to settle this problem between the FD and villagers in order to be able to cultivate these lands.

#### **Koruturu**

- No claim process nor a survey was conducted as the land claimed happens to be revenue land besides coming under the Sanctuary.

#### **Goppulapalem**

- Individual ownership rights distributed in favour of women.
- 50 percent of the claims were rejected in the Gram Sabha in view of the land coming under revenue dept.
- All the applicants are waiting for entitlements to be distributed soon after the Collector's signature.

- Villagers feel happy that they are going to receive their ownership rights over podu lands and that they can get financial assistance from formal institutions.

### **Cheruvuguda**

- Individual ownership rights distributed in favour of women.
- The villagers are happy that they can now get bank loans in view of their having received entitlements. The villagers have also been receiving crop loans since 2009 (3 times so far) with the average loan amount being Rs. 40000 to 50000 per farmer.
- According to Mr. Bheem rao, before the implementation of FRA, they were treated as encroachers, but now the Govt has done justice to the tribals by giving ownership rights over their cultivable forest lands.

## **5.18 Other issues in the sample villages**

### **Pamuleru**

Recently, IKP authorities have sanctioned subsidy (50%) for loans on livestock (Goats) units to the villagers as parts of improving their livelihoods with the unit (loan) price amounting to Rs.16000 per household. Under this proposed scheme, villagers (9 hhs) had received non-local goats from IKP. But unfortunately, those goats were responsible for spreading communicable infection/diseases to other goats in the village. Due to communicable diseases, 437 goats belonging to 31 families died. The villagers submitted a petition to the IKP authorities about the loss of their livestock, but the IKP authorities did not respond positively to the villagers' request. So, the villagers approached HRC (Human Rights Commission), Rampachodavaram with a complaint against IKP authorities and the HRC subsequently issued a notice to the ITDA, PO and other departments concerned, asking them to get a report on this issue.

After the negotiations, the villagers agreed to receive compensation for the loss of livestock. Out of 31 households, 30 households agreed to receive 8 goats for each household and 1 household opted for 2 bullocks instead of 8 goats, for agricultural activities. Now the issue is under process.

### **Goppulapalem**

In this area, NABARD has been supporting the farmers in the cultivation of orchard crops like Mango, Citrus, and Cashew etc. Under this scheme, Goppulapalem villagers also have planted orchard baby plants in their podu lands and as a result, the villagers are not cultivating other crops in their podu lands.

Earlier, most of the villagers used to cultivate millet crops, pulses etc on their podu lands and were getting a good income. But now, they depend on NREGS works and labour works for their livelihood.

### **Cheruvuguda**

Although the villagers have received ownership rights over their individual agricultural lands, they are apprehensive that their village might be notified as tiger reserve zone and that they lose their agricultural lands as well as homestead lands. According to the villagers, due to tiger reserves, they have been strictly restricted by the forest department from NTFP collection, hunting and gathering, and grazing.

Kawal Wildlife Sanctuary in the Jannaram forests of Adilabad district in Andhra Pradesh has been declared as the 42nd tiger reserve in the country. The Andhra Pradesh government issued a notification to this effect under Section 38 V of Wildlife (protection) Act recently. According to the notification, the main objective behind the declaration of Kawal Tiger Reserve was 'to protect, restore, manage and maintain representative biodiversity of Deccan plateau of Sahyadri Mountain Ranges along with ecological processes and conservation of wild gene pool with a focus on Tiger'.

### **5.19 Conclusion**

The above chapter looked at the progress of the FRA implementation and, to some extent, the impact it has had on the communities between the two survey periods (2008-10 and 2012-13). The major conclusions emerging from the assessment are as follows.

i) There has been a slight increase in the number of households (both total households and sample households) between the two surveys periods; ii) There are changes observed in the occupational profiles (such as large farmers/medium farmers/small/marginal farmers and others) of the sample villages between the two survey periods. This could be due to land entitlements given under FRA; iii) The economic activities profile shows that agriculture/cultivation is still the predominant occupation in the sample villages followed by casual labor and forest product collection; iv) The income details between the two survey periods reflect that except in one village, there is no change, infact, there is a decline in the income accrual. The primary reason is that except land entitlements, other development activities have not been started (like land improvement, extending irrigation facilities, credit facilities etc) by the state agencies in the sample villages; v) There is a slight improvement in the livestock holding status of the sample households (except one village where the outbreak of diseases has resulted in a large scale deaths of animals) because agriculture has become more secured post FRA; vi) The dependence on the collection of forest products (NTFP) between the two surveys has shown that there is a

decline in one village as a result of lack of availability of forest products, while in another other village, there is an increasing dependence on NTFP due to a decline in the agricultural income. In the rest of the villages, the position has remained unchanged;

vii) In the sample villages, the mean size of the land claimed ranges from 5.5 acres to 1.6 acres, whereas, the mean size of the land finally distributed ranges from 5.5 acres to 2.1 acres; viii) V.S.S. area recognized under community claims (CR) continues to be controlled (monitoring its management) by the forest department, a real concern for the communities; ix) Lastly, the economic benefits, other than land entitlements to the claimants, have not been initiated by any line agency except in one village where bank loans were given.



## Chapter - VI

# Conclusions and the Way Forward

### 6.1 Conclusions

The FRA, 2006, promises to be a pro-poor institutional reform, and indeed, many poor have already benefited from its implementation. However, the process has been severely anti-poor, and hence, the pro-poor benefits remain restricted in many ways. The Government focus has been entirely on individual claims rather than community claims. Many claims have been illegally rejected by the forest officials as observed during the survey. The other issue emerging from the resurvey is that more than 40% of the individual claims have been rejected without citing any specific reasons. This is causing huge hardships and agony to the forest dwellers in the absence of any redressal mechanism put in place. This requires an urgent attention given to addressing this nagging problem of a large scale rejection of the claims. Further, an over-emphasis on the individual rights over community rights negates the very spirit of the FRA implementation, considering that the forest dwellers are largely dependent on community resources for their livelihoods.

The implementation of FRA-2006 and its progress between the two surveys showed very divergent picture. In Pamuleru village, for instance, after the distribution of ownership rights over the forest cultivable land, the average household land holding size has increased, but due to restrictions imposed by the FD, the villagers are not able to cultivate their forest lands because the total land is under a teak plantation which is controlled by the forest department, whereas, in Goppulapalem the situation is different, in that the ownership rights have already been sanctioned, but due to a delay in getting the collector's signature the villagers are yet to receive entitlements over their forest cultivable lands. If they had received entitlements, they could have approached cooperative and commercial banks for crop loans based on land pattas. In Koruturu village, no changes have happened due to the sanctuary and also podu lands being cultivated come under revenue land. In Cheruvuguda village also, no changes have been observed in respect of land holding size, but the villagers have received ownership rights over their settled agricultural lands besides accessing credit facility from banks. Besides, the villagers have been receiving crop loans since 2009 (three times so far).

During the primary study, all the hhs from Pamuler village had been found collecting NTFP for their self usage and sale. But now, the follow-up study reveals that the number of hhs collecting forest products has declined due to depleting forest resources. In Koruturu, there is no change observed in the number of hhs collecting forest products. In Goppulapalem, the number of households collecting forest products has increased as compared to the primary study period. The reason is that hhs' dependency has increased on forest products following a decline in the agricultural income. In Cheruvuguda, earlier, the villagers used to collect bamboo from the forest, but now the villagers do not collect bamboo because of the restrictions imposed by the FD on the collection of bamboo from the dense forest. In this area, according to people, the FD has restricted them from collecting forest products in view of this area being notified as a Tiger Reserve area.

The livestock are integral to all the tribal communities; they are part of their livelihood besides playing a vital role in their daily economic activities. The present study reveals that in Pamuleru, as compared to the previous survey, the number of livestock has come down because many animals have died due to communicable diseases. In Koruturu, the percentage of hhs having livestock is almost the same relative to the previous survey, but a few of hhs have sold out their livestock. In Goppulapalem, as compared to the previous survey, the hhs having livestock have increased because some of them have purchased new livestock. In Cheruvuguda village also, the percentage of hhs having livestock has increased as compared to the previous survey period. This is due to the purchase of additional livestock by a few hhs, as agriculture post FRA is more secured.

The changes in household income levels (pre and post FRA-2006) in the study area show that in Pamuleru, per capita income has increased due to an increase in the working members and another reason is that wage rates have also increased. In Koruturu, per capita income has decreased mainly due to drought and floods. In Goppulapalem, the per capita income has declined because of a declining agriculture. Another reason is that NABARD has distributed orchard plants to the farmers under the NABARD programme and so people now mostly depend on wage works and MGNREGS works. Earlier, people used to cultivate millet crops, pulses and grains in their podu lands with a fair income from those crops, but now they have stopped cultivating those crops and instead planted orchard plants like Mango, Citrus, Cashew etc which are long-gestation crops. In Cheruvuguda also, the per capita income has decreased due to droughts. On the whole, not a positive picture emerges with regard to income post FRA - 2006, excepting the conferring of legal status and tenure security.

In Pamuleru village, eight claims were not approved at the gram sabha level, though surprising in itself, for want of documentary evidence. The respondents were not aware

of any of the redressal mechanism to challenge the rejections (sometime it is done quite arbitrarily), but still they want to produce proper evidence at the Gram Sabha, but there is no active committee to follow up on the process.

As regards the Community Claims, the communities have been found wanting in claiming the ownership of community resources with a greater emphasis being laid on the individual rights and land distribution. The implementing agencies seem to be under the impression that FRA is a land distribution programme aimed at individuals, even though FRA provisions equally emphasize community rights. As a result of this lopsided understanding on the part of the officers there is not much progress observed in respect of filing community rights. However, an attempt was made to convert all the VSS lands into community claims

Regarding the impact of FRA-2006, the follow-up study reveals that most of the households claiming entitlements for ownership rights over their cultivable forest land have been sanctioned entitlements with most of them receiving ownership rights, while a few households from Cheruvuguda and Goppulapalem villages (all the households) are yet to receive ownership rights. Post the distribution of ownership rights, there is a positive scenario observed in Cheruvuguda village with people getting crop loans from commercial banks as well as cooperatives. Except Cheruvuguda village, no village has received financial assistance from banks/cooperatives for cultivation purpose. Although Cheruvuguda villagers have received ownership rights over their individual agricultural lands, they harbour doubts that their village might be notified as a Tiger Reserve Zone (Kawal Wildlife Sanctuary in the Jannaram forests of Adilabad district in Andhra Pradesh has been declared as the 42nd Tiger Reserve in the country) and that they might lose their agricultural lands as well as homestead lands. According to the villagers, due to Tiger reserves, they have been strictly restricted by the forest department from NTFP collection, hunting and gathering, and grazing. Our field observations reveal that in the study area, there are no initiatives/interventions taken by the Government towards promoting land development activities, irrigation and vegetation etc.

The follow-up survey shows only a marginal improvement in the implementation of FRA as compared to the first round of survey (2010). Except in a few villages, the benefits under FRA (getting access to institutional credit by a few households) are not many as promised by the Act. The undivided Andhra Pradesh govt has granted community forest rights titles to more than 1,669 VSSs over 9.48 lakh acres of forest land as of May 2010 instead of gram sabha or community while goes against the letter and spirit of the Forest Rights Recognition Act as well as the PESA Act. The Union Ministry of tribal

affairs held that the grant of Community Forestry Rights titles to VSS was illegal and asked the Principal Chief Conservator of Forests of Andhra Pradesh for its withdrawal. Overall, the pace of implementation of FRA between the two surveys is not satisfactory. Since the issue of bifurcation of the erstwhile AP has taken a larger political space in the last couple of years, the neglect of FRA is easily discernable. Now that AP has been bifurcated into Telangana and AP, one hopes to see a better implementation of the FRA and its processes in the days to come.

## **6.2 FRA and PVTGs**

In Pamuleru, which is a fully PVTG village, the entitlements of ownership rights have been issued in the name of women. Although, the villagers have received ownership rights over their cultivable forest lands, they have not got access to the land for cultivation due to FD restrictions and the fact that the total land is under teak plantation. Under CFR, the villagers are waiting for common entitlements over their common property resources. The study reveals that except entitlements on individual forest lands, the Konda Reddy tribe in Pamuleru village has not received any other benefits such as land development activities, irrigation facilities, loan benefits etc., under the FRA-2006, whereas, Kolam tribe (PVTG) from Cheruvuguda village has received crop loans for three more times from Banks after receiving ownership rights over their individual forest lands. In the village, except entitlements and crop loans there are no other benefits received. According to the tribes from Cheruvuguda village, due to the demarcation of tiger reserve, they have been restricted from entering into the forest for NTFP collection and grazing. It means, the provisions under the FRA-2006 have been violated. Under the CFR, the community has claimed one acre of land to build 'Lord Rama' temple and 5 acres of village land for home stead, school, and internal roads etc. Currently, the community has not received any rights over the above land. In Koruturu village, the situation is different in that it is a heterogenic village inhabited by Konda Reddy (PVTG) (81%) and others (19%). Since all the lands in this village come under revenue land, they have not got any entitlements under FRA, except the conferment of VSS land and NTFP rights.

## **6.3 Way forward**

It is now more than seven years since the FRA-2006 process was set in motion. Infact, what the two surveys bring out is that the progress has not been very satisfactory, particularly in respect of recognizing community rights. The Department of Tribal Affairs both in Telangana and Andhra Pradesh can do much better interms of increasing the pace of implementation. Three aspects require an urgent action on the part of both the governments.

First, the large scale rejection of individual claims needs to be addressed through a continuous redressal mechanism. The process should be sustained till all the claims have been properly resolved.

Secondly, there is an urgent need for resolving the contradictions between the area controlled by JFM Committees (converted under CFR amounting to 9 lakh acres and declared as community resources) and the community rights claimed under the FRA over local resources such as grazing and NTFP etc.

Thirdly, although FRA-2006 promises the granting of individual and community rights over forest land, a host of other development related interventions need to be launched by both the state governments as part of supporting the forest dwellers in terms of provision of irrigation, extension services, access to institutional credit from banks and cooperatives (farmers can pledge land 'pattas' as collateral) and infrastructure facilities which were not available in the reserved forest areas before the FRA-2006 was launched. Sadly, as our field observations reveal, not much discernible is happening on this front. Unless such complementary interventions (as mentioned above) are initiated, one cannot expect substantial income-benefits from the existing land endowments. Land development activities should be undertaken by the departments concerned under the NREGS programme or through any other new intervention that the beneficiaries who have got ownership rights over their 'podu lands' are able to cultivate their lands and possibly improve crop yields in future.

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