

Working of Forest Rights Act 2006 and Its
Impact on Livelihoods: A Comparative Study of
Odisha and Jharkhand

Tapas Kumar Sarangi



RESEARCH UNIT FOR LIVELIHOODS AND NATURAL RESOURCES
(Supported by Jamsetji Tata Trust)



CENTRE FOR ECONOMIC AND SOCIAL STUDIES
Begumpet, Hyderabad-500016

December, 2014

CENTRE FOR ECONOMIC AND SOCIAL STUDIES MONOGRAPH SERIES

Number - 36

December, 2014

Series Editor : M. Gopinath Reddy

© 2014, Copyright Reserved
Centre for Economic and Social Studies
Hyderabad

Note: The views expressed in this document are solely those of the individual author(s).

Rs. 200/-

Published by :
Centre for Economic and Social Studies
Begumpet, Hyderabad-500 016
Ph : 040-23402789, 23416780, Fax : 040-23406808
Email : post@cess.ac.in, www.cess.ac.in

Printed by :
Vidya Graphics
1-8-724/33, Padma Colony,
Nallakunta, Hyderabad - 44

Foreword

The Centre for Economic and Social Studies (CESS) was established as an autonomous research centre in 1980. Conducting interdisciplinary research in analytical and applied areas of social science, encompassing socio-economic and other aspects of development, constitute the predominant activities of the centre. The Centre's research has developed expertise on themes such as rural development and poverty, agriculture and food security, irrigation and water management, public finance, demography, health, environment and other studies. Its sphere of research activities has expanded beyond the state of Andhra Pradesh, covering other areas of the country. The Centre has made important contributions to research in these areas.

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 prepared at the Centre. They provide an opportunity for CESS faculty, visiting scholars and students to disseminate their research findings in an elaborate form.

The CESS has established the Research Unit for Livelihoods and Natural Resources (RULNR) in the year 2008 with financial support of Jamsetji Tata Trust. The core objectives of the RULNR are to conduct theoretical and applied research on policy relevant issues on human livelihoods and natural resource management, especially in areas related to river basins, forest and dryland ecosystems and to provide an effective platform for debates on policy relevant aspects for academicians, policy makers, civil society organizations and development practitioners. RULNR intends to adopt a multidisciplinary approach drawing on various disciplines such as ecology, economics, social anthropology and political science.

This RULNR-CESS monograph titled "Working of Forest Rights Act 2006 and Its Impact on Livelihood: A Comparative Study of Odisha and Jharkhand", by Tapas Kumar Sarangi is an attempt to understand the actual process of implementation of Forest Rights Act 2006 at different institutional levels and its impact on livelihoods of the forest dwellers in Odisha and Jharkhand. These two states have high concentration of ST population and high dependence on forest resources for livelihoods. It gives a comparative analysis of the two states, on different stages of implementation in two different scenarios, which is very much helpful to understand the intricacies of the implementation process of the act. It also addresses the problems faced during the implementation and finally suggested some measures for its proper working. This study is based on extensive field survey in eight sample villages from the two tribal dominated states.

Dependence on forest for livelihood is quite high in the eastern part of India. For example, in Odisha, more than one-third of the general population and half of the tribal population depend on forest directly or indirectly for their livelihood. Such dependence is also high in the state of Jharkhand. Forest as a source of livelihood is important in all the study villages in Odisha and Jharkhand especially for the poor tribal households. Findings from the study showed that in the study villages in Odisha many household who have received title under FRA has begun land development activities (levelling and bounding of land) and improved their sources of water within 2-3 years of receiving titles. The members of such beneficiaries are now able to get caste and residential certificate from the government offices without any hassles. They are eligible to receive grants under various schemes, including the Indira Awas Yojana (IAY) and assistance for school going children. However in case of Jharkhand there is hardly any such development taken place. The access to formal credit on the basis of FRA title is yet to be decided in both the state. Since the nature of the title is inalienable the formal banks are not accepting it as collateral for any kind of loans.

Clearly, the monograph addresses a set of critical issues related to the forest rights and livelihood and makes a sincere effort to draw attention to the plight of forest dependent communities. Policy makers should realize that millions of Tribals with small holdings in biodiversity rich areas offer the potential to make gains in conservation, food security and poverty alleviation.

The overall focus of the monograph is that the recognition of forest rights is highly essential in order to halt the forest erosion and sustain forest based livelihood and maintaining biodiversity, to achieve this objective the state has a crucial role to play in proper implementation of the FRA 2006 and integrating it with the other welfare programme in states. It will encourage the forest dwellers to actively participate in management, development and conservation of natural resources.

This monograph thus contributes to our understanding of various dimensions of FRA implementation process and its impact on livelihoods. It will contribute to the policy debate and its policy outcome will helpful in identifying and formulating suitable policy measures for a better livelihood options to the forest dependent in general and the tribal communities in particular. I hope that the research community, policy makers and development practitioners shall find this useful.

S. Galab
Director, CESS

CONTENTS

	Page No.
<i>Foreword</i>	<i>iii</i>
<i>List of Tables, Figures & Maps</i>	<i>ix</i>
<i>Acronomy</i>	<i>xi</i>
<i>Acknowledgement</i>	<i>xiii</i>
<i>Executive Summary</i>	<i>xiv</i>
CHAPTER- 1	
Introduction	1-17
<i>1.1. Background</i>	<i>1</i>
<i>1.2. Land and Tribals</i>	<i>2</i>
<i>1.3. Statement of the Problem</i>	<i>3</i>
<i>1.4. Review of Issues</i>	<i>4</i>
<i>1.5. Research Questions</i>	<i>6</i>
<i>1.6. Objectives</i>	<i>7</i>
<i>1.7. Conceptual Framework: Forest and Livelihood</i>	<i>8</i>
<i>1.8. Access to Assets, Markets and Livelihoods</i>	<i>10</i>
<i>1.9. Sustainable Livelihood</i>	<i>11</i>
<i>1.10. Sustainable Livelihood Approach</i>	<i>13</i>
<i>1.11. The Methodology, Location and Sampling Design</i>	<i>13</i>
<i>1.12. Location of the Study</i>	<i>14</i>
<i>1.13. Database</i>	<i>14</i>
<i>1.14. Design of the Sample</i>	<i>14</i>
<i>1.14.1. Village Selection</i>	<i>15</i>
<i>1.14.2. Household Selection</i>	<i>16</i>
<i>1.15. Data Collection</i>	<i>16</i>
<i>1.16. Observation</i>	<i>16</i>
<i>1.17. Limitation of the Study</i>	<i>16</i>
<i>1.18. Structure of the Monograph</i>	<i>17</i>
CHAPTER- 2	
Socio Economic Characteristic of Sample Households in Study Area	18-37

2.1. Overview of Scheduled Tribes in Odisha and Jharkhand	18
2.2. Forested Landscapes in Odisha and Jharkhand	20
2.3. Socio Economic Condition of the Sample Household	21
2.4. Major Sources of Livelihood and Forest Dependence	22
2.5. Caste Composition	26
2.6. Occupational Profile	26
2.7. Demography Profile	27
2.8. Housing & Other Amenities	28
2.8.1. Housing Structure	28
2.8.2. Sources of Drinking Water	28
2.8.3. Access to Electricity	29
2.8.4. Type of Fuel used for Cooking	29
2.9. Basic Infrastructure	30
2.10. Land Holding	30
2.11. Value of Asset Possession	30
2.12. Consumption Expenditure	34
2.13. Income Distribution	35
2.14. Sources of Income	35
2.15. Possession of Beneficiary Cards	37
2.16. Conclusion	37
CHAPTER- 3	
Marginalisation of Tribals: A Historical Perspective	38-58
3.1. Introduction	38
3.2. Historical Evolution of the State of Odisha	40
3.3. Land Alienation in Tribal Odisha	41
3.4. Tribal Rights in Pre-colonial and Colonial Period	42
3.5. Land Alienation in Independent Odisha	42
3.5.1. Loss of land due to non-recognition of shifting cultivation	42
3.5.2. Land lost through Survey and Settlement	43
3.5.3. Poor Settlement Rights during creation of forest	45
3.5.4. Un-surveyed Areas	45
3.5.5. Deemed Forest	46
3.5.6. Forest Villages	47

3.5.7. Land loss due to Developmental Projects	47
3.5.8. Mining, Forest and Tribal Land	48
3.5.9. Acquisition of land for development purpose	49
3.5.10. Private Land legally held by the Tribals	49
3.5.11. Mechanism of Land Transfer through Usury	50
3.5.12. Private Land Alienation through Debt Mortgage	50
3.6. Marginalisation of Tribal in Jharkhand	51
3.7. Tribal Land Tenure in Jharkhand	52
3.8. Tribal Land Holding in Jharkhand	52
3.9. Legal Tenure System under SPTA	52
3.10. Legal Provisions against Land Rights	54
3.11. The Process of Land Alienation	54
3.12. Development-Induced Displacement in Jharkhand	55
3.13. Land Alienation in Jharkhand in recent years	55
3.14. Conclusion	58
CHAPTER- 4	
Process of FRA Implementation at Different Institutional Levels	59-77
4.1. Introduction	59
4.2. Implementation and Outcomes of FRA in Odisha	62
4.3. Operational Challenges in Odisha	64
4.4. Implementation and Outcomes of FRA in Jharkhand	65
4.5. Operational Challenges in Jharkhand	67
4.6. Training and Awareness Building	73
4.7. Conflicts of Interest in Implementation of FRA 2006	73
4.8. Conclusion	77
CHAPTER- 5	
Livelihood Impact of FRA 2006	78-91
5.1. Introduction	78
5.2. Why SL Framework?	78
5.3. Vulnerability and Occurrence of Shocks	79
5.4. Coping Strategies	79
5.5. Livelihood Impact of FRA 2006	80
5.6. Natural Capital	81

5.6.1. Forests	81
5.6.2. Water	82
5.6.3. Farming Land	82
5.7. Physical Capital	84
5.7.1. Housing Structure	84
5.7.2. Facility of Drinking Water	84
5.7.3. Livestock Possession	84
5.7.4. Access to Basic Amenities	84
5.8. Financial Capital	85
5.8.1. Markets	86
5.8.2. Financial Services	86
5.8.3. Microfinance	86
5.8.4. Moneylenders	87
5.9. Human Capital	87
5.9.1. Educational Status	87
5.9.2. Health Services	88
5.9.3. Existing Occupational Skills	88
5.10. Social Capital	88
5.10.1. Conflict	89
5.10.2. Self-Help Groups	89
5.11. Overall Impacts of FRA on Livelihoods	89
5.12. Conclusion	90
CHAPTER- 6	
Summary and Conclusion	92-95
References	96-103

List of Tables, Figures, Charts, Boxes & Maps

Table No.	Particulars Tables	Page No.
1.1:	Snapshot of the Sampling Design	15
2.1:	Socio-economic Condition of Scheduled Tribes in Odisha and Jharkhand	20
2.2:	Forest area in Odisha and Jharkhand	21
2.3:	List of Sample Villages	22
2.4:	Characteristics of study villages	24
2.5:	Study village details	24
2.6:	Sources of Livelihood and Forest Dependence	26
2.7:	Occupational distribution of Households	27
2.8:	Sources of fuel for cooking	29
2.9:	Socio-economic Condition of the Household in the studied villages	31
2.10:	Infrastructural Facilities and Public Service Institutions	32
2.11:	Land Particulars	32
2.12:	Asset Possession	34
2.13:	Average annual Expenditure on different items	34
2.14:	Distribution of Sample Households according to Income	35
2.15:	Sources of Income	36
2.16:	Possession of Beneficiary Cards	37
4.1:	Summary Timeline of FRA Implementation in the Study Area	70
4.2:	Progress and Distribution of Individual and Community Claims under FRA	71
4.3:	FRC formation meeting at study villages	72
4.4:	Training and Awareness Building in the Study Villages	73
5.1:	Top Five Shocks Among the Households	80
5.2:	Land Holding Pattern (Before and After) FRA	83
5.3:	Access to CPRs (Before and After FRA)	83
5.4:	Access to NTFP Collection (Before and After FRA)	83
5.5:	Asserts Possession (Before and After FRA)	85
5.6:	Household Income from different sources (Before and After FRA)	86
5.7:	Immediate, Medium and Long term benefit of FRA	90

Figures

1.1: Factors affecting Forest Based Livelihood	8
1.2: Sustainable Livelihoods Framework	12
1.3: Sample Villages Breakup	14
4.1: Role of Different Institutions in FRA Implementation	60

Charts

2.1: Occupational Break-up	27
2.2: Housing Condition	28
2.3: Access to Drinking Water and Electricity	29
2.4: Fuel Used for Cooking	30
2.5: Land Particulars	33
2.6: Asset Possession	33
2.7: Sources of Income	36

Boxes

4.1: Entitlement to Households under FRA	59
4.2: Steps for FRA Implementation Process	61

Maps

2.1: Forest Cover in Odisha and Jharkhand	21
---	----

Acronyms

BDO	Block Development Officer
BPL	Below Poverty Line
CF	Community Forest
CFM	Community Forest Management
CFR	Community Forest Resource
CPR	Common Property Resource
CNTA	Chotanagpur Tenancy Act
CSOs	Civil Society Organisations
CWH	Critical Wildlife Habitat
DFID	Department for International Development
DFO	Divisional Forest Officer
DLC	District Level Committee
DRDA	District Rural Development Agency
FCI	Food Corporation of India
FD	Forest Department
FRA	Forest Rights Act
FRC	Forest Right Committee
FSI	Forest Survey of India
GoI	Government of India
GP	Gram Panchayat
GS	Gram Sabha
HHs	Households
IFA	Indian Forest Act
IFR	Individual Forest Right
ITDA	Integrated Tribal Development Agency
ITDP	Integrated Tribal Development Project
IAY	Indira Awas Yojana
JFM	Joint Forest Management
JFMC	Joint Forest Management Committee
LAA	Land Acquisition Act
LWE	Left Wing Extremist
MADA	Modified Area Development Approach
MFA	Madras Forest Act
MFP	Minor Forest Product
MGNREGA	Mahatma Gandhi National Rural Employment Guarantee Act

MoEF	Ministry of Environment and Forests
MoTA	Ministry of Tribal Affairs
MoU	Memorandum of Understanding
NGO	Non-Governmental Organisation
NTFP	Non-Timber Forest Product
OBC	Other Backward Caste
OFA	Orissa Forest Act
OFDC	Odisha Forest Development Corporation
OTFD	Other Traditional Forest Dwellers
PDS	Public Distribution System
PESA	Panchayat Extension to Scheduled Areas
PF	Protected Forest
PMGSY	Prime Minister Gram Sadak Yojana
PRI	Panchayati Raj Institution
PS	Palli Sabha
PTG	Primitive Tribal Group
PVTG	Particularly Vulnerable Tribal Group
RF	Reserved Forest
R & R	Rehabilitation and Resettlement
SAR	Scheduled Area Regulation
SC	Scheduled Caste
SCSTRTI	Scheduled Castes and Scheduled Tribes Research and Training Institute
SDLC	Sub-Divisional Level Committee
SDO	Sub-Divisional Officer
SLA	Sustainable Livelihood Approach
SLF	Sustainable Livelihood Framework
SLMC	State Level Monitoring Committee
SPTA	Santal Pargana Tenancy Act
SRS	Simple Random Sampling
ST	Schedule Tribe
TD	Tribal Department
UCIL	Uranium Corporation of India Limited (UCIL)
VSS	Vana Samrakhyan Samitee
WLPA	Wild Life Protection Act
ZP	Zilla Parishad

Acknowledgements

This Monograph is an outcome of a research study entitled, *Working of Forest Rights Act 2006 and Its Impact on Livelihood: A Comparative Study of Odisha and Jharkhand*, under the Visiting Fellowship Programme of the Research Unit for Livelihoods and Natural Resources (RULNR) (Supported by Jamsetji Tata Trust, Mumbai) at the Centre for Economic and Social Studies (CESS), Hyderabad. I am indebted to a wide range of people who have helped me in the completion of the study. I am thankful to the RULNR and the entire CESS fraternity for giving me an opportunity to carry out this study independently. My special thanks are also due to Prof. M. Gopinath Reddy (Principal Coordinator, RULNR), Prof. S. Galab (Director, CESS) and Prof. Manoj Panda (Director, IEG & Former Director of CESS) for their whole-hearted support, guidance and constant encouragement during the study. Comments and suggestions from Dr. Arobinda Behera (IAS), Prof. Pradyut Bhattacharya (Guru Govind Singh Indraprastha University) on the draft report of the Monograph were extremely useful in giving final shape. Comments from Madhu Sarin (Independent Adviser, Chandigarh) and Prof. P. Venkat Rao (University of Hyderabad) were also useful at initial stages of the work. I express my sincere regards and thanks to all of them.

During the field investigations I have received generous support, sympathy and assistance from many people. In each of the study village a large number of people treated me as one of their own and helped me in several ways. The beneficiaries of the Forest Rights Act and others in each of the villages have made the work such an enjoyable and rewarding endeavour. In fact their support, help and enthusiasm contributed a lot for completion of the work.

I would like to express my thanks to many officials and professional staff of the Tribal, Forest and Revenue departments who have generously given their time for my work, at the state capital, district and local levels. I have received generous support from many NGO groups in different study districts and the state capital.

During the field work Mr. Ramesh Kumar Nayak and Mr. Chaudhury Sindria have helped me a lot in data collection in Jharkhand and Odisha. I would like to offer my sincere thanks to both of them. I am also thankful to Mr. B. Sreedhar for his efficient data entry relating to the study. Last but not the least; my thanks are due to all the faculty members, officials and library staff at the CESS for their timely help and cooperation at different stages of the work.

(Author)

Executive Summary

Millions of people around the world live and work on land that they do not legally own in accordance with enforceable state law. Secure land rights are a basis for household food security and shelter, and provide a safety net in case of unemployment. The absence of state recognition for property rights on forest and forest land is considered to affect people's tenure security, which in turn impinges on people's socio-economic security and impedes development. People who are not secure in their property rights will not invest labour and other resources in the fertility and productivity aspects of their agricultural land, and the improvement of their houses built on the land. Tenure in security also hinders the provision of services and infrastructure by the government. Furthermore, people are unable to acquire formal loans, as they cannot use their land or houses as collateral.

Historically forest dwelling populations in India especially the tribals have been subjected to a range of forest rights deprivations that have affected their livelihood adversely. Due to continuous and concerted efforts by the civil society organisations, legal activists and intellectuals the historic Forest Rights Act (FRA) was passed in India in 2006. The Act was further amended in 2012 to provide more scope to the people to have greater control over forest resources. The broad objective of the study was twofold: the first objective was to analyse the actual process of implementation at different institutional levels and the factors that constrain its proper implementation. The second objective was to understand the livelihood impact of FRA on the beneficiaries. Odisha and Jharkhand were selected for the study because of the high concentration of Scheduled Tribe population and high dependence on forest resources for their livelihoods. Primary data was collected through intensive field survey and group meetings with households having forest land under possession and those households who received title under FRA 2006. This study covers eight selected villages with total sample of 194 households from the two states.

In a federal state like India, a critical juncture which gives rise to new policy or legislation will have a very different implementation effects across different states, due to the diversity of local institutional arrangements. Therefore, a part of this study has used the historical institutional approach to explore the complex historical process and contemporary contestation over institutions relating to forest rights in two tribal dominated states. However the other part of the study using the DFID Sustainable Livelihood Approach analyses the impact of FRA on livelihood of the beneficiaries.

This study considers the extent to which the FRA 2006, potentially the most comprehensive institutional reform of forest rights in India since independence, may

ameliorate the high levels of chronic and acute poverty in forested areas of Odisha and Jharkhand. Now it's more than five years since FRA has started its implementation in most of the states including in Odisha and Jharkhand but still the impact is very low. The progress of implementation in Jharkhand is very slow and is not satisfactory as compared to Odisha. The progress has been tardy due to a number of factors such as: inadequate man power, lack of awareness among the claimants, weak legal, political and social mobilisation. There is also high ambiguity among the different implementing agencies relating to the actual process of implementation. Most of the districts in Jharkhand were affected by Left-wing extremists who do not allow the smooth running of the implementation process.

As it is often said, India has some of the best environmental and human rights legislation of any country, but implementation is very often poor. One problem is that many laws seem to contradict each other, or contain self-contradictory clauses. This is particularly evident in the FRA 2006, which has been rightly celebrated as a milestone, granting Tribals and other forest-dwellers their traditional rights. Another problem with the Act, however, is that it marginalises community rights claims compared to individual rights. Applications for community rights are harder to make and very few have been granted till date. Processing community claims over forest is probably the best way to ensure tribal communities' long-term food security. Further the average size of land distributed under FRA is also very small in both the state. It has been found that there is a big gap between the size of land claimed under FRA and the actual size of land finally distributed to the claimants. This issue need to focus by the implementing agencies carefully.

Forest as a source of livelihood is important in all the study villages in Odisha and Jharkhand especially for the poor tribal households. Further, the livestock possessed by households also depend on forest for grazing. Income coming from livestock is a reasonable source of livelihood for the majority of the households in all the study villages. The annual income from crops and other sources is not enough to meet even the minimal expenditure. As a result most of them have to borrow from moneylenders to meet their subsistence requirement such as social, medical and also for consumption purpose.

Finding from the study showed that in the study villages in Odisha many household who have receive title under FRA has begun land development activities (levelling and bounding of land) and improve their sources of water within 2-3 years of receiving titles. The members of such beneficiaries are now able to get caste and residential certificate from the government offices without any hassles. They are eligible to receive grants under various schemes, including the Indira Awas Yojana (IAY) and assistance for school going children. However in case of Jharkhand there is hardly any such development taken place. The access to formal credit on the basis of FRA title is yet to be decided in

both the state. Since the nature of the title is inalienable the formal banks are not accepting it as collateral for any kind of loans.

The FRA if implemented properly in both the state will thus not only provide stable property rights on forest land but also enforce the entitlement of forest dwellers on forest produce such as NTFPs. The secure land tenure will empower them with access to credit; technology and incentive for hard work on production and the rights and access to NTFPs will facilitate the conservation and development of forest. Further, both, assets and produce (crop and forest products) will enhance their income and capability to shape their livelihood options. Hence, institutional change in property right structure and decision making on use, disposal of forest products and development of forest will empower them to control on forest which would be pro-poor in nature. Given that there is high level of poverty and low level of human capital in all the study villages in both the state, increase access to land and forest is a sure way of providing them with better livelihood opportunities.

Chapter-1

Introduction

1.1. Background

The forest dwellers in general and the Scheduled Tribes (STs) in particular are the most disadvantaged in respect to land, which largely accounts for their perpetual poverty and makes them vulnerable to injustice and exploitation. There are a large number of processes through which tribals have lost their access to land and forests essential for their survival and livelihoods in India. These not only include alienation of land which is legally owned by the tribals through debt mortgaging and sale, but also loss of access to land through reservation of forests, loss of traditional shifting cultivation land through survey and settlement, displacement, unsuitable and unimplemented land reform law etc. Over a period of time, all these processes have led to loss of control and access to livelihood support systems vital to existence, resulting in marginalisation and destitution of tribal communities. Influx of non-tribals since the last two centuries, many of whom are more capable of negotiating state enforced legal and tenure systems, have pushed tribal communities to the bottom of the local power hierarchies, even in areas where they are in a majority. In areas where tribals are in a minority, their conditions, along with that of Scheduled Castes (SC) or *dalits*, are even more miserable and powerless. Lack of ownership claim over land and other factors of production are some of the fundamental reasons behind the deprivation of rights of the tribals in India.

More recently, the Indian parliament has legislated to acknowledge the "rights" of Scheduled Tribe areas by taking them further towards self-rule. In 1996, the Indian Parliament passed the Panchayats Extension to the Scheduled Areas Act (PESA), 1996. The Act covers nine Schedule V states of Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and Rajasthan; and instead of individuals, recognises and stresses on traditional community rights over natural resources. The recent Forest Rights Act, 2006 is a step further as it adopts a rights-based perspective and acknowledges the pre-eminent rights of STs to natural resources.

The basic proposition that Scheduled Tribes and other forest dependent communities¹ are the most disadvantaged in respect to land, which largely accounts for their perpetual poverty and makes them vulnerable to injustice and exploitation. However attempts have been made by both the Union and state governments to promote and protect their rights with regard to the control and use of forest land. The nature of legislative measures and their implementation such as; the Forest Rights Act 2006 and their achievements are likely to vary from state to state. This variation is due to the influence of the complex interaction of historical necessities and socio-political and economic forces which are largely state or region - specific. In such a context, a comprehensive and comparative study of the working of the Forest Rights Act and their impact on livelihood will be helpful in understanding the situations at the grassroots level.

The emergence of the Act highlights both the pressure for and the obstacles that were faced in its making. One of the consequences of the disagreements was the delay in the finalisation and notification of the Act. The Bill which was drafted on 13th December, 2005 was tabled in the Parliament on 18th December, 2006 and was finally notified on 1st January 2008. Moreover, the rules that were notified are truncated, taking away the spirit of the Act in many ways. The Act was unique in several ways such as: it covered both agricultural land and forest lands including National Parks and Wildlife Sanctuaries; provided individual and community tenure, combined rights and responsibilities; and provided key role to *Gram Sabhas*. There are enormous challenges in the implementation of this Act which seeks to create a new democratic system of forest governance by redistributing power between the communities and bureaucracy.

1.2. Land and Tribals

The fulcrum of rural livelihood rests on land. Land is the major economic resource in any agricultural society and the tribes of Odisha and Jharkhand are no exception. Land is not only a source of livelihood for the tribals, it is also connected with their sense of history and is a symbol of social prestige (Elwin, 1963). The ownership of land or the assured possession of a few acres is not only the means of economic subsistence but is also a symbol of status and dignity (Merillat, 1970).

Since tribal-inhabited regions are rich in mineral, forest and water resources, large-scale development projects (such as dams, irrigations, power plants, roads, railways) invariably

¹ Forest dependent communities refer to the people who are mainly dependent on forest and forest based products to maintain their living. A major portion of their earnings, food, firewood and other items come from forest.

came to be located in tribal areas. No states in India illustrate this better than Odisha and Jharkhand in the eastern India. And yet, the two states have the highest percentages of tribal people living below the poverty line. In 1993-94, in the state of Odisha, 71.26 per cent of tribals lived below the poverty line. In Jharkhand, which was then part of Bihar, the share of tribal people living below the poverty line was 69.75 per cent; in 1999-2000, the proportion of tribal people below poverty line has declined to 59.68 per cent and in 2004-05, to 54.20 per cent. But in Odisha, there has steady increase in the proportion of tribal people living below poverty line. In 1999-2000, it rose to 73.93 per cent and in 2004-05 it was 75.6 per cent (MoTA, 2007, Planning Commission, 2001). In contrast, where such development has been relatively absent such as in Maharashtra, Gujarat, Rajasthan, and Madhya Pradesh in mainland India, or north-eastern India, the share of tribal people living below the poverty line is significantly small.

The question is how this outcome is to be interpreted. Development has been pursued in tribal areas, as in the case of Odisha and Jharkhand. However, such development has been pursued by expropriating tribals of their land, forests, and other resources in the name of national and regional development.

1.3. Statement of the Problem

In the absence of adequate resource endowment such as; land, human capital and access to service sector, forests play a crucial role in the livelihood strategies of many rural households in Odisha (Sarap and Sarangi, 2009). The situation is almost similar in the case of Jharkhand. However, the multifaceted deprivations faced by the tribal and other forest dwellers have led to loss of private land, forest land and forest products of these communities. It has severely restricted their access to these sources of livelihoods. Similarly the people living in un-surveyed areas, and forest villages were also deprived of access to any sort of service provisions provided by the state. As a result their level of living is at rock bottom. Large scale displacement of tribals on account of development projects including mining activities further eroded their livelihood options. In order to survive they had to borrow loans from the moneylenders at exorbitant rates of interest by mortgaging their tiny pieces of private land which they could not recover due to lack of funds or malpractices adopted by the moneylenders. Thus cultivable land held under private ownership was lost due to indebtedness in many parts of these states.

The access to land especially the average size and quality of land available to the tribals in the scheduled areas of Odisha and Jharkhand is very low. Clearly the tribals of these states were characterised by landlessness and small holdings - which resulted in low levels of crop output and income. In such a situation the dependency of the tribals on forest

would be high. But due to loss of forest land and forest they have to foray to further deep into the forest or work as uncertain wage labour. Moreover, majority of the tribal workers are agricultural labourers and marginal farmers. Deforestation has had a particularly negative impact on women as collection of NTFPs has been their primary occupation and access to resources outside these areas is not ensured. Several decades of special development efforts by these states (particularly in Odisha) through Tribal Development Plans has not resulted improvement of their livelihood. Similarly even in more than a decade old states like Jharkhand the Tribal Development programmes have not much improved the livelihood condition of majority of the tribals.

1.4. Review of Issues

As forest policies spread around the world, they were controlled and implemented by elite whose interest was to maximise profit (Guha, 1989; Peluso, 1992; Scott, 1998; Ribot, 1999). Taxes were introduced to support the colonial state. Concessions were established to assure that "natives" would not compete with colonial merchants (Buell, 1928). Licenses and quotas were created to enable governments to allocate production and use rights (Ribot, 2001). The net result is a sector dominated by a great extractive policy infrastructure. Although the discourse has evolved and laws have begun to change, the local poor remain at a substantial disadvantage in comparison with outside commercial interests. Over the past two decades there has been a wave of reforms designed to increase local participation and the benefits for forest dwellers. A number of authors argue that forests can play a potentially important role in poverty alleviation and in the improved well-being of poor, rural communities. Kaimowitz (2003) emphasises the numerous direct and indirect ways in which communities benefit from forests through forest products, small enterprises, wage employment and environmental health. Dubois (2003) uses the sustainable livelihoods framework to argue that forests contribute to livelihoods, not only as natural but also financial and political capital, and serve social and spiritual needs. Sunderlin et al., (2005) specifically examine; the poverty-alleviation potential of forests, particularly through community forest management, tree planting, non-timber forest products and environmental service payments (Ndoye and Tieguhong, 2004).

However in India the forest rights have been a major area of concern as well as debate since last few years. In colonial and independent India, although a large tract of land would be recorded as "unclassed" forest in government records, ownership was unclear, and because most of these forests were home to a large number of tribals, the land was acquired by the Forest Department without settling their rights over them. After Independence, supported by improper survey and settlement, large tracts of land were

declared as "reserve forests," meaning that either rights existed there or would exist later, and all who either resided or claimed rights would be termed as encroachers.

Institutional theory tells us that social, political and economic institutions, both formal and informal, shape behaviour and opportunities; define rights and distribute power. They must therefore have major implications for poverty and its alleviation. Historical Institutionalists (e.g. Harriss, 2006, Sanders, 2006) hypothesise that institutions (i.e. 'the rules of the game') are inevitably framed in the context of power relations, and hence institutional formation and change is essentially a political process which has far reaching economic implications. This view contrasts with the rational choice approach (e.g. Levi, 1997, Weingast, 2002) that posits rational actors can and do rationally choose better institutional arrangements, in pursuit of their economic objectives. Historical Institutionalists' insight here is to take a more politically realistic approach to the link between authorship and distributional outcomes, and ask 'best institutions for whom'? Those with the power to prevail in negotiations can organise the institutions best for their interests and can ensure they endure, even if this leads to divisive or dysfunctional outcomes for the wider society or particular sections of it.

In a federal state like India, a critical juncture which gives rise to new policy or legislation will have very different implementation effects across different states, due to the diversity of local institutional arrangements. Therefore, a part of this study has used a historical approach to explore the complex historical process and contemporary contestation over institutions relating to forest rights in two Indian states (Odisha and Jharkhand).

Looking at some of the recent studies conducted across states in India it is clear that the process of implementation is not satisfactory at various institutional levels. In Andhra Pradesh most of the forest dwelling families have been regarded as encroachers on forest land. There has been a lack of concerted coordination in the implementation of the FRA, such that pro-poor outcomes envisaged by the Act have not been widely achieved. Poor implementation is due to lack of coordination and transparency at various levels, as well as the continuing dominant role of the Revenue and Forest departments. People's institutions such as *Gram Sabhas* and FRCs have been reduced to a secondary position and as a result many genuine claims have not been considered (Reddy et. al, 2011). A study conducted by Satyapalan, (2010), in Kerala reveals that Community rights and conservation provisions have been neglected. There is lack of sensitisation of the community on different provisions of the Act. There is also lack of coordination between different departments involved in the implementation process. Even though the *Gram Sabhas* are the most empowered authorities in the implementation process they have been directed

by higher authorities in Kerala. The study also highlights the importance of integrating the implementation of FRA and PFM by providing community rights over the use of forest products.

Another study conducted by Sarap et. al., (2013) in a tribal dominated state like Odisha found that the process of implementation was more focused on providing land rights to individual claimants, neglecting community forest rights and rights in protected areas are given less importance compared to the other provisions of the Act. A narrow perspective has governed the implementation of FRA in Odisha. This has been so because the approach to implementation has bureaucrats at the helm in the absence of political initiatives, and weak mobilisation of the primary stakeholders. Exclusion of many potential beneficiaries in the process results in a poor outcome of the implementation. There is very slow progress in the villages inside the protected areas such as national parks and wildlife sanctuaries. This study suggested that effective and comprehensive implementation of the FRA will have a significant impact on the livelihood of forest dwellers and the conservation of forests. The benefits could be more if this is accompanied by value addition to non-timber forest products (NTFP) and action to ensure reasonable prices for them.

A comparative study of two states of Gujarat and Chhattisgarh conducted by Bandi (2013), critically examined the process of implementation and outcome of FRA 2006. It reveals that the emergence of FRA is an outcome of long decades of struggle against the government to realise and recognise their natural forest rights. The findings of the study point out that more than half of the claimants in the study area are yet to get the record of title despite receiving confirmation from the *panchayat* office through an official circular.

An extensive review of the existing studies on FRA clearly indicates that, most of the studies limited in the sense that analysed only the process of implementation of the Act. However the impact of the FRA 2006 on livelihood of the forest dependent communities has hardly been covered by the existing studies. This lacuna in the existing studies is the basis of the motivation behind the current study and triggers some of the research questions given below.

1.5. Research Questions

In view of the above research problems and literature review the current study raises the following research questions:

1. What process has been adopted to implement the Forest Right Act (FRA) in both the states? And what are the practical difficulties faced by different institutions at various levels?

2. How have the entitlement under FRA affected the livelihoods of the forest dependent people?
3. What are the institutional barriers for recognition of Community Forest Rights under FRA? And why is the progress under Community Rights slow?
4. How the provisions under FRA will be helpful to the other forest dependent communities (non-tribals) in Odisha and Jharkhand?

1.6. Objectives

The broad objective of the study is to understand the working of Forest Right Act 2006 and its impact on livelihoods of the forest dwellers in two different states namely Odisha and Jharkhand. These two states were selected for the study because of the high concentration of ST population and high dependence on forest resources for livelihoods. However the specific objectives are as follows:

1. To review the historical evidences regarding the injustice of getting rights over forest land by tribals and other forest dependent people;
2. To account for the process of implementation of FRA and to understand the practical difficulties associated in implementation at various levels;
3. To study the scope of Community Forest Rights and its progress under FRA in Odisha and Jharkhand.
4. To analyse the Livelihood impact of FRA 2006 in both the states; and
5. To suggest suitable policies and measures for the proper working of FRA in Odisha and Jharkhand.

1.7. Conceptual Framework: Forest and Livelihood

A number of factors influence the livelihood system of forest dependent communities. Some of these factors are: the size of forest, quality of forest, access to forest products, property rights and reasonable income derived by households from such produce from value addition as well as selling it at reasonable prices. Proper working of institutions and secure property rights encourages the actual users to utilise the resources properly, safeguard the resources and to develop the same. Malfunctioning of institutions and unfavourable government policies affect the livelihood of local population adversely (Sarap and Sarangi, 2009 and 2010).

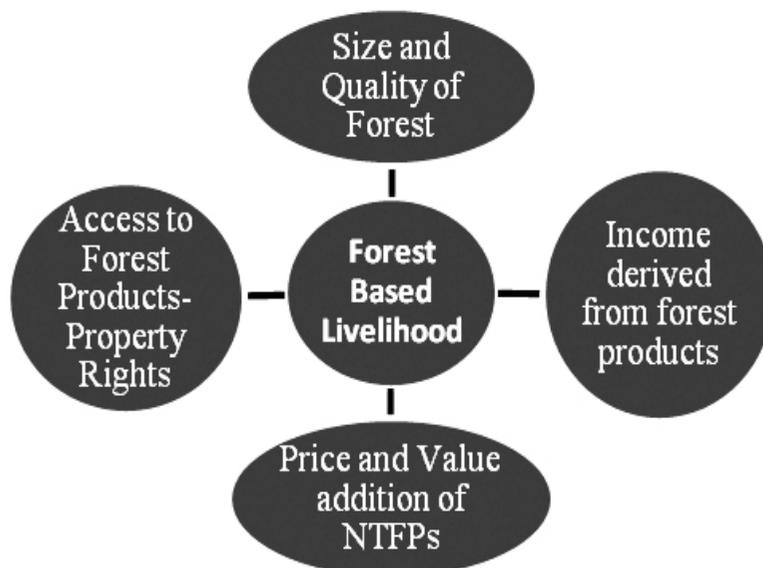


Figure 1.1: Factors affecting Forest Based Livelihood

1.8. Access to Assets, Markets and Livelihoods

Tribal economies are mostly subsistence economies whose survival is closely linked to land and natural resources, including forest products. Estimates for Odisha and Jharkhand indicate that over 30 per cent of land in these states comprises of commons such as forests and one half to over one-fifth of annual income of tribal households comes from Non-Timber Forest Products (NTFPs). More so in Odisha and Jharkhand, tribal areas are coterminous with mineral deposits and have thus attracted considerable attention by the private sector in recent years, both for extraction and industrial development. All this together with the increasing threat of naxalite violence in these areas has made focus on tribal development a policy imperative².

Historically, tribals in Odisha and Jharkhand have always been far removed from the economic mainstream; some argue by default not design. De Haan (2004), and De Haan and Dubey (2005) suggest that the institutions that emerged at the time, particularly in the time of the British, were driven by a priority of maximising state revenue. Current state policies in Odisha, De Haan argues, are still reflective of the same objective. Even though the state like Odisha has devolved the procurement and marketing of 68 NTFPs to *gram sabhas*, the government retains control over high revenue earning products (e.g.

² See in particular the Planning Commission's report on development challenges in extremist affected areas (Government of India, 2008).

kendu leaves) which are prone to commercial exploitation. Further, the lack of capacity of *gram sabhas* (village assemblies) in these areas has meant that even for NTFPs over which communities have supposed control, middlemen benefit more than tribal people. Tribals who do sell on their own, sell in a buyers' market with no control over prices (Saxena, 1999). On the other hand deforestation continues unabated. It is estimated that Odisha has lost more than a quarter of its forests in the last 25 years resulting in considerable decline in the proportion of tribal income contributed to by NTFPs.

Besides their tenuous hold over NTFPs another major reason for tribal poverty is the classification of huge tracts of tribal forest land as state property. Although living in these forests for generations, given poor documentation of customary rights, most tribals find it difficult to convert their *de facto* access to forest land and resources to *de jure* ownership. Legislation to prevent sale of ST land to non-tribals too has been largely ineffective as witnessed in the large number of cases involving land grabbing by non STs through marriage or through fraud. Non-STs getting ST certificates and usurping ST lands and other advantage is now a serious political issue in Odisha and Jharkhand. Tribal indebtedness is another important reason for lands being handed over to moneylenders.

Studies estimate that more than 50 per cent of tribal land in Odisha has been lost to non-tribals over a period of 25-30 years through indebtedness, mortgage and forcible possession. Worse, the process of tribal alienation, i.e. STs gradually losing their access to traditional commons has accelerated in recent years. While studies vary with regard to the impact of displacement in Odisha and Jharkhand, mostly on account of setting up of mineral-based industries, all agree that of those displaced a disproportionate number are tribals. These states also have a controversial track record of resettlement and rehabilitation³. Most activists and academics working on tribal issues think that it is alienation from these communal resources which forms the fulcrum of tribal angst and revolt.

Alienation together with reduced income from NTFPs, stagnant agriculture and limited opportunities for non-farm self-employment, push tribal households into a cycle of high interest debt from private moneylenders resulting in food insecurity and forced migration. The cycle is usually linked to the agricultural season, with most tribals migrating in the months of March-April after harvest to repay the loans taken during monsoons (Kabra, 2004). A majority end up working as manual labour employed in construction sites or as domestic workers.

³ See for instance, Mishra, I. 2007. "Heat and Dust of Highway at Kalinganagar" *Economic and Political Weekly*, March 10, pp. 822-25. Also see, Action aid 2007. "Vedanta Cares? Busting the myths about Vedanta's operation in Lanjigarh, India".

There are several policies in place to secure the rights of tribals to their land, natural resources and livelihoods; but there is a slip between the cup and the lip. One of the most important pieces of legislation in the last decade has been PESA. It is unique in being in consonance with customary laws, focusing more on tribal hamlets based on culture rather than revenue villages. Several steps have been taken to operationalise PESA-state amendments and rules have been passed and monitoring is underway. However field studies in Odisha reveal that many people on the ground are not even aware of the legislation (Upadhyay, 2007). Similarly, the Forest Rights Act is a significant step in the direction towards recognising the pre-eminent rights of tribals on forest land, but in most cases it doesn't yet harmonise well with forestry/ wild life/environmental laws. As a result the tribals, formerly communal owners, end up as 'encroachers' on protected forests, dependent on the mercy of rent-seeking revenue inspectors.

1.9. Sustainable Livelihood

Livelihood, in its simplest sense, is a means of gaining a living and comprises the capabilities, assets and activities required for a means of living. A livelihood is sustainable if it can cope with and recover from stress and shocks, maintain or enhance its capabilities and assets, and provide sustainable livelihood opportunities for the next generation, and contribute net benefits to other livelihoods at the local and global levels in the short and long term (Chambers and Conway 1992). Ellis (2000) defines livelihood as that which comprises: "... the assets (natural, physical, human, social and financial capital), the activities, and the access to these that together determine the living gained by the individual or household". This definition stresses the means rather than the ends.

The livelihood approach to understand the survival strategies of the poor people, as well as development process, has become increasingly popular in the last decade. Since the late 1980s, a new angle in such literature has been the emphasis on sustainability. In its simplest form, the framework views people as operating in a context of vulnerability. Within this context, they have access to certain assets or poverty-reducing factors. These gain their meaning and value through the prevailing social, institutional and organisational environment. This environment also influences the livelihood strategies-ways of combining and using assets -that are open to people in pursuit of beneficial livelihood outcomes that meet their own livelihood objectives. These all relate to processes of change to the conditions in which people's livelihoods operate, and the response of livelihoods to these changes.

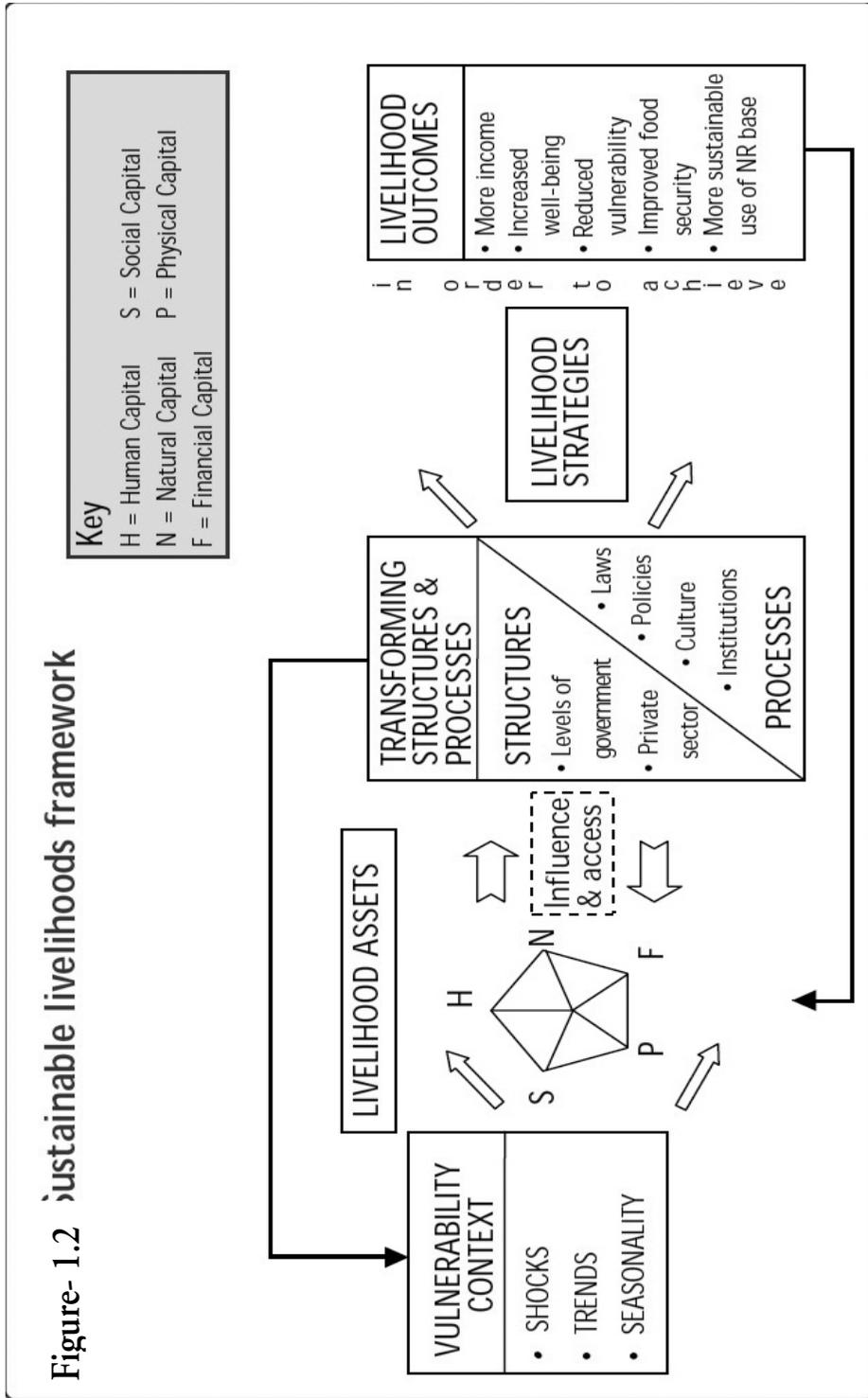
People require a range of assets to achieve positive livelihood outcomes. They are, Human Capital, Natural Capital, Financial Capital, Physical Capital and Social Capital. These capitals are the different forms of livelihood assets that the households can use to make

a living. *Human Capital* represents the skills, knowledge, ability and good health that enable people to pursue different livelihood strategies and achieve their livelihood objectives (DFID, 1999). *Natural Capital*, which entered into the development discussion in the 1990s, consists of two elements: Non-renewable resources such as minerals, forests and soils; and Renewable resources such as ecosystem services and nutrient cycling. Natural capital is measured in terms of changes in availability of drinking water, land quality, ground water and environment (Reddy and Soussan, 2004). The conceptual definition of *Social Capital* is still being debated. The general notion is the existing stocks of mutual trust or connections between people that provide a flow of resources enabling not only solutions to problems but also pursuit of political and economic activities. *Physical Capital* comprises basic infrastructure and producer goods needed to support livelihoods. Important components of infrastructure are affordable transport, secure shelter and buildings, adequate water supply and sanitation, clean affordable energy and access to information. Producer goods are the tools and equipment that people use to function more productively. *Financial Capital* denotes the financial resources that people use to achieve their livelihood objectives. They include savings and convertible liquid assets as well as regular flows of money such as: earned income, pensions, transfer from the state and other remittances (DFID, 1999).

1.10. Sustainable Livelihood Approach

The Sustainable Livelihoods Approach (SLA) emerged in the late 1990s and is based on a series of principles that development should be people centred, responsive, and participatory; multilevel; conducted in partnership; sustainable; and dynamic (Carney, 2002); and on the conception of different kinds of capabilities and the livelihoods assets that permit poor people to overcome poverty and combat vulnerability (Carney, 2002; Scoones, 1998). Though these are not always incorporated by practitioners, SLA is also concerned with governance and the institutional and policy context or "the social structures and processes through which sustainable livelihoods are achieved" (Scoones, 1998). Newell (2000), argues that "governance should ensure that a supportive environment for sustainable livelihoods is developed at all levels at which decision-making takes place". Carney (2002), argues that though the public sector is often part of the problem, it can also play a key role in counterbalancing inequities.

After several years of SLA implementation, complaints have arisen regarding the loss of focus on institutional concerns and the failure to fully incorporate questions of power into the framework. This has led to the development of the rights-based approach to livelihoods, which is tied to conceptions of citizenship and the empowerment of poor people to play a more direct role in decision making (Carney, 2002). Rights-based approaches are based in part on legislative changes that clearly specify resource rights



Source: DFID (1999).

and hence provide a clear legal foundation for negotiation (Scoones and Wolmer, 2003). They also include: "greater accountability on the part of states and international actors, a greater stress on empowerment, participation and non-discrimination and attention to vulnerable groups" (Tsikata, 2005). This approach would appear to address directly the structural inequities that commonly characterize resource access in many developing countries including India.

1.11. The Methodology, Location and Sampling Design

This study aims at understanding the processes, institutions and mechanisms of implementation and impact assessment of FRA on livelihoods of the beneficiary households in the states of Odisha and Jharkhand. The study is based on evidence, collected from a number of sources including primary field survey, interaction with different stakeholders and secondary sources. The primary data was collected from eight different villages located in four districts of Odisha and Jharkhand. Area under forest in these districts is high and a significant proportion of population constituted tribal and other forest dwellers. The number of households in each of the villages varied from 83 to 180. Majority of these households are marginalised and ST communities. Collection of Non-timber Forest Products (NTFPs), wage labour and subsistence agriculture are important sources of livelihood of the villagers in these districts.

Primary data was collected through intensive field survey and group meetings with households having forest land under possession and dependence on forest. Several visits have been done in all the study villages at different points of time between the periods of last quarter of 2012 to first quarter of 2013. A number of interactions have been carried out with several implementing and facilitating agencies such as: Non-Governmental Organisations (NGOs), FRC members, officials at the block, sub-division, district, and state level, and discussions were held on the issues with them relating to the effectiveness of the implementation of FRA 2006.

1.12. Location of the Study

Both the state Odisha and Jharkhand have a significant number of Schedule Tribe populations dependent on forest and forest resources for their livelihood. These two states are also coming under the Fifth Schedule area of the constitution popularly known as PESA regions of India. Among the four districts selected for the study 3 district such as Sambalpur⁴ from Odisha, Ranchi and Khunti from Jharkhand are under the Fifth Schedule area. Even though Deogarh is not coming under this category it has a significant number of populations belong to ST communities and the dependence on forest for livelihood is also high. In terms of the total number of claims received and titles distributed

⁴ One Block of Sambalpur district i.e. Kuchinda Block is a fully schedule area.

in Odisha are quite higher than Jharkhand. In view of this, the comparison between the two states is justified for the study.

1.13. Database

The study utilised both secondary as well as primary sources of information. The secondary sources include different reports by the government and Non Governmental Organisations. However the primary information has been collected through household level survey as well as Focus Group Discussion (FGD) with different village level committees and local government bodies such as *Gram Panchayat*.

1.14. Design of the Sample

1.14.1. Village Selection

In all, a total of eight villages have been selected from four districts in Odisha and Jharkhand. The study site has been selected by consulting the forest officials, revenue officials, NGO personnel and based on the official records. Further, villages have been selected to reflect a range of criteria such as: (a) type of village- forest/revenue; (b) tenurial status-forest land under possession, evicted from earlier sites and settled, un-surveyed areas, (c) type of forest- reserved / protected/ village forest / sanctuary; and (d) form of forest management - JFM, CFM (e) time since the title has been distributed in the villages (at least since 2010). The range of different scenarios of forest rights deprivation and the groups affected through the different historical processes will be taken into consideration.

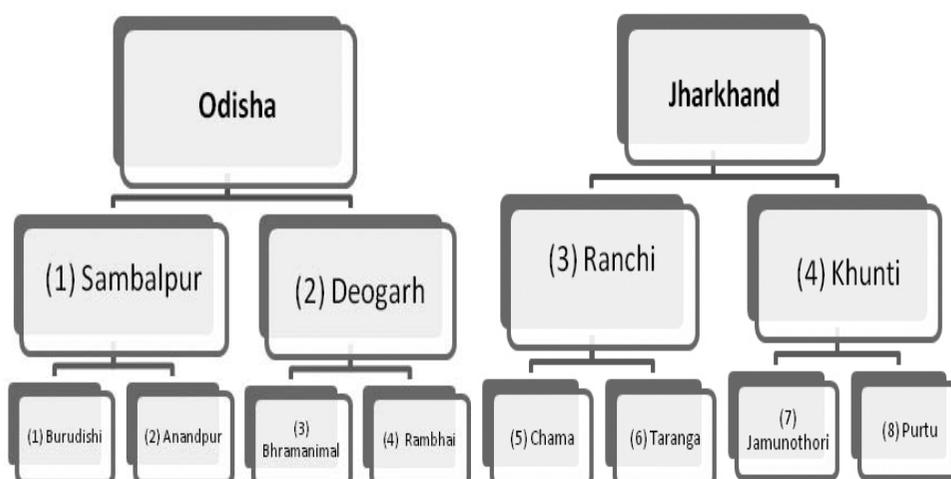


Figure 1.3.: Sample Villages Breakup

1.14.2. Household Selection

Households are the final sampling units in the sampling design. Selection of households has been done through stratified random sampling (SRS). All the households in the selected villages have been listed first to stratify them on the basis of certain characteristics like *beneficiary*⁵ and *non-beneficiary*⁶ household, size of the landholding, occupational pattern, and income and asset levels. Then a total of 20-25 households that have been distributed the title under FRA 2006 has been selected for the survey from each sample villages. The non-beneficiary households have also been interviewed through a semi structured questionnaire to understand the reasons for their exclusion or for their inability to get title under the FRA.

Table 1.1: Snapshot of the Sampling Design

Level	Method of selection	Number of Samples selected
State	Purposive (Odisha and Jharkhand)	2
District	Based on the forest area and ST population and their dependence on forest	2 from each state
Village	From the list of villages where the titles under FRA have been distributed in the first phase of the implementation (i.e. during 2010). Those villages where the titles have been distributed very recently (say less than one year) have not been selected for the study.	2 villages from each district (A total of 8 villages)
Household	Stratified Random Sampling. All the HHs in the village has been listed first to stratify them basis of two categories i.e. Beneficiaries & on the Non-beneficiaries. Secondary information like the caste composition, occupational status and nature of use of forest has been used to identify the sample households.	Total-194 households (Odisha-100 and Jharkhand- 94)

Note: Beneficiaries- Those HHs who already received title under FRA and Non-beneficiaries category refers to HHs who applied or submitted claim under FRA but due to some procedural or any other problem their claim has been rejected.

⁵ Households received titles under FRA 2006.

⁶ Those households could not receive title under FRA, 2006. This category includes some potential households who have submitted their claims but due to some reason or unaware of their claims have been rejected either at *Gram Sabha* level or at a higher level.

1.15. Data Collection

The study used both quantitative and qualitative methods of data collection. The field research has also been involved in: institutional assessment, resource assessment and household interview. The household level information has been collected through structured and semi-structured questionnaires comprising both open ended and closed ended questions. The questionnaire relates to get household level information, pre-testing of questionnaire has been done in two villages (one from each state). The responses of the households to pre-testing have been incorporated. The final fieldwork has been carried out between October 2012 and February 2013. Primary data on household level variables relating to dependence on forest, income levels, assets possession etc. and the forest right situation have been collected through personal interview method in the selected villages from Odisha and Jharkhand.

1.16. Observation

Information on each of the five capitals (Human, Natural, Physical, Social and Financial) has been captured by means of posing relevant questions relating directly or indirectly to the key indicators under each capital. Using the personal interview method and Participatory Rural Appraisal (PRA) techniques, the survey has also recorded other relevant information at different institutional and household levels. It has tried to find out the impact of FRA on the livelihood of the forest dependent people. Like most of the impact assessment studies this study has also explored the before and after comparison using different parameters. However it will also emphasise the impact of FRA at different periods of time like short term (immediate benefits), medium term and long term. Since FRA has been implemented only few years back and the land title has been distributed to a limited number of beneficiaries, the study has to assess the likelihood impact for medium term and long term period. In this regard, people's perception towards the expected benefits has been taken for consideration.

1.17. Limitation of the Study

The present Monograph, mainly based on field information is subject to many of the limitations of field-based information. Sometimes the respondents overstate their problems and understate the benefits accruing from a particular programme. The information collected from them is based on their memory. In rural areas there is no tradition of keeping records. In such a situation the information provided by the respondents is based on their memory only. However the researcher found that the respondents treated them as one of their own and helped us in all possible ways in providing information. The secondary data on the status of individual and community titles distributed are different in Odisha as compared to Jharkhand. So compilation was not possible at a certain level. Moreover, the most updated data for Jharkhand was also

not available at times. Besides, some officials at different institutions provided information and help while collecting data. Many officials were hesitant to provide their feedback, considering the implementation of the Act as a politically sensitive issue. Even though the scope under Community Rights in both the states is very high, the progress under CFR is very slow so it was very difficult to identify some villages where the community title has been distributed. The information collection from different sources has been cross checked. Despite this, there may be some limitations that may have remained in the data set. The inference drawn and policy recommendations made may be viewed with the above limitations.

1.18. Structure of the Monograph

Including the Introductory chapter this monograph consists of six chapters. The Database, Methodology and the Socio-economic backgrounds of the studied villages are discussed in the *first* chapter itself. The *second* chapter gives an overview of the socio-economic condition of the study villages and the sample household. *Third* chapter of the report critically examines the process of marginalisation of tribal population in a historical perspective. The *fourth* chapter provides an in depth analysis on the process of FRA implementation at state level in general and in study area in particular. The *fifth* chapter analyses Livelihood Impact of FRA 2006. The sixth chapter provides a summary of the main findings of the study and conclusion.

Chapter-2

Socio Economic Characteristics of Sample Households in Study Area

2.1. Overview of Scheduled Tribes in Odisha and Jharkhand

Odisha is an eastern coast state of India having a rich tradition of history and culture. The state is situated off the Bay of Bengal and has an interesting geography. It is also one of the most mineral-rich states of India. The total area of the state is 15, 5707 sq. kms. There were 13 districts earlier which have been divided in 1993-94 to form a total of 30 districts and 314 blocks. Odisha is characterised by high inequality of landownership, landlessness and ambiguous tennurial rights. Majority of the rural population of the state depend on agriculture and forests for their livelihood. The state has 8.145 million tribal people who constitute 22.8 per cent of total population as per 2011 Census. The scheduled areas, spread over 134 blocks (out of 314) of the state, have very high concentration of tribal population. Almost 44.21 per cent of land area of the state has been declared a scheduled area. Out of 46,989 villages, there are 29,302 forest fringe villages, with a forest area of about 1.7 million hectare, and a population of nearly 15.93 million (Government of India, 1999). The tribals have historically settled in forest fringe and forest dwelling villages and practiced shifting cultivation. Even during late 1980s, about 8 per cent of forest areas in the state were under active shifting cultivation (*Podu*)⁷.

The Scheduled Tribe (ST) population of Odisha forms about 22.8 per cent of the total population according to the 2011 Census, constituting 62 tribes including 13 Primitive Tribal Groups (PTGs)⁸. Eight districts in Odisha have more than 50 per cent ST population. About 44.7 per cent of the total area in the state is Scheduled Area as per the Fifth

⁷ The districts under shifting cultivation practice are: Koraput, Rayagada, Malkangiri, Gajapati, Nabarangpur, Phulbani, Keonjhar, Deogarh, and Sambalpur.

⁸ The PVTGs in Odisha include: *Birhor, Bondo, Didayi, Dongoria-Khond, Juang, Kharia, KutiaKond, LangiaSaura, Lodha, Mankirdia, PaudiBhuyan, Saura, and ChuktiaBhunjia*. Further, the number of ST households has increased from about 18 lakhs during 2001 to 21 lakhs as per the 2011 Census.

Schedule of the Constitution of India. The majority of the tribals live in the 12 districts coterminous with the Scheduled Area located in the southern Odisha (the most backward area), and other hinter land districts (also underdeveloped area). About 75.6 per cent of the ST population in Odisha in comparison with 46.4 per cent at the overall Odisha level lived below the poverty line during 2004-05 (Government of India 2011). They also lack access to education, health care, and food security. The major proportion of working population among the ST communities comprises: agricultural labourers (47 per cent); small and marginal cultivators (33 per cent); and others (2001 Census).

During the British period, sensitive tribal areas were specially administered as Scheduled Districts, Excluded Areas or Partially Excluded Areas. For instance, in Odisha Angul, Sambalpur, Kandhamal and Koraput were known as Partially Excluded Areas, where the administration was to essentially focus on the socio-economic as well as political development of the tribals. With the declaration of Scheduled V areas, the old terms are no more used and also the tribal areas under special administrative privileges have since been reorganised. These areas cover more than one-third of the states since the undivided districts of Koraput, Mayurbhanj and Sundargarh alone comprise about more than 30 per cent of the state's total geographical area. The Tribal Sub-plan areas are co-terminus with the scheduled areas.

Similarly, the state of Jharkhand is situated in eastern India and is a new state carved out of Bihar. Jharkhand, meaning land of forests is well known for its rich mineral resources. It became the 28th State of India on 15th November 2000. The region has a history of Adivasi struggles against non- adivasi incursion and domination, even as it is the case today. Though Jharkhand is the heartland of the Adivasis in Eastern India, they are a minority today facing economic deprivation through land alienation and political subjugation by non-Adivasis more than ever before and hence this study is significant. It covers an area of 79,714 sq km. The state is divided into 24 administrative districts and 211 blocks. About 75.9 per cent of the people in Jharkhand live in rural areas. According to the Census of India 2001, people belonging to the SCs and STs constitute 38 per cent of the total population in the state. The tribes of Jharkhand consist of 32 tribes (including 8 PVTGs)⁹ inhabiting the Jharkhand state in India. The dominant tribes of Jharkhand are Santhal, Oraon, Munda, Ho and Kharia. In the overall poverty ranking of states in India, Jharkhand ranks 29 out of 30. In both the states, the level of living and Human Development Index (HDI) is very low (see Table 2.1).

⁹ The PVTGs in Jharkhand include: *Asur, Birhor, Birija, Hill Kharia, Korwa, Mal Pahariya, Parhaiya, Sauria Pahariya and Savar.*

Table 2.1: Socio-economic Condition of Scheduled Tribes in Odisha and Jharkhand

Indicators	Odisha	Jharkhand
Percentage of ST population	22.8	26.21
Rank in terms of ST population	3rd	6th
Percentage of Scheduled Areas to the total geographical area	44.7	29.0
Number of Tribal Communities	62	32
Number of Primitive Tribal Groups (PTGs)	13	08
Percentage of ST population living Below Poverty Line (BPL)	75.6	54.2
Percentage of Literacy among STs	Overall: 37.37 Female: 23.37	Overall: 40.70 Female: 27.2
Workforce participation of STs	Main workers:57.4%, Marginal workers:42.6%, Cultivators:33.35%	Main workers: 59.4% Agriculture Labour: 31.0% Cultivators: More than 50%
Concentration	12 districts (non-coastal) of southern and western parts of Odisha	All most in all districts
HDI Index (2011)	0.362	0.376
Rank in terms of HDI Index	15th	19th

Source: Compiled by the author from different official reports.

2.2. Forested Landscapes in Odisha and Jharkhand

Odisha contains extensive forest landscapes. The actual forest cover is 50,347 km² (Forest Survey of India, 2013). The recorded forest area is significantly higher than this, at 58,136 km², which constitutes 37.34 per cent of the geographical area of the state. In Jharkhand the actual forest cover as per the FSI is around 29.4 per cent of the total geographical area of the state.

The percentage of forest cover in both the states is reasonably high. However the dense forests are degrading day by day. Odisha and Jharkhand have become the mining hot spots in India and the major mining activities being undertaken in the forest area are resulting in high level of degradation of forest cover, displacement and livelihood loss in both the states.

Table 2.3: List of Sample Villages

State	District	Village Name	Total No. of Households	Total Sample Households
Odisha	Sambalpur	1 Burodihi	93	25
		2 Anandpur	85	25
	Deogarh	3 Bhramanimal	83	25
		4 Rambhei	102	25
Jharkhand	Ranchi	5 Chama	160	22
		6 Jamunothri	180	22
	Khunti	7 Taranga	120	25
		8 Purtu	90	25
	Total		913	194

Source: Field Survey.

2.4. Major Sources of Livelihood and Forest Dependence

Forest as a source of livelihood is an important factor in all the study villages especially for the poor households directly and indirectly. Further, the livestock possessed by households also depend on forest for grazing. As such the growth of a portion of livestock (for example bullock, cow and goats etc.) is dependent on the forest. Income coming from livestock is a major source of income for the households in all the study villages.

The major crops grown are paddy (of short duration), millets, pulses and oil seeds on a limited scale. In Odisha study villages the main crops grown are paddy, millets, turmeric, chilly and some vegetables. Mixed crops are practiced in these villages. In all the study villages the livelihood of a majority of households are dependent on subsistence agriculture, consumption and sale of forest products and wage labour. The households practice subsistence agriculture only in *kharif* season with primitive technology and as such the productivity of crops is low and hence total output and income are low. In some of the villages many households practice cultivation based on rain-fed farming system on private (*patta*) as well as on forest land under their possession. Collection of forest products is an important supplementary source of income in all the villages. They collect a variety of NTFPs items including *mahul* and *tol, siali* leaves for making cups and plates and *kendu* leaf, sal leaf and seeds for self consumption and generation of cash, myrobolan (*amala, harida, and bahada*), medicinal plants, and a variety of consumption items like tubers, roots, fruits, mushrooms etc. The dependence of poor on the forest products is relatively higher in comparison with that of comparatively less poor households. Further the women members of poor households utilise more of their labour for collection of forest products.

Table 2.4: Characteristics of study villages

Sl. No.	Village	Total No. of HHs	Percentage of ST HHs	Village Administrative status (Forest / Revenue / Other)	Forest - Administrative Status	Tenurial status	Form of Forest Management
1	Burodih	93	96.3%	Revenue (Settled by displaced HHs from Rangali dam)	Reserved Forest, Village Forest	Cultivated and homestead land belong to FD	Earlier CFM but since 1998 JFM
2	Anandpur	85	92.8%	Revenue village	Village forest	K form <i>patta</i> lease holders on forest land, home stead	JFM
3	Bhramanimal	83	64.4%	Revenue	Reserved Forest, Community Forest	Forest land under possession of households	FD
4	Rambhai	102	62.8%	Revenue	Village Forest	No <i>patta</i> or lease holders on forest land, home stead	FD
5	Chama	160	80.3%	Revenue	Village Forest	Forest land under possession of households	JFM
6	Taranga	120	77.1%	Revenue	Village Forest, Reserve Forest	Forest land under possession of households	CFM
7	Jamunothori	180	69.7%	Revenue	Village forest	Forest land under possession of households	CFM since 1981-82, now JFM
8	Purtu	90	91.4%	Revenue	Proposed Reserved forest	Forest and homestead land on forest land under possession	FD

Source: Field Survey.

Table 2.5: Study village details

Village	Enactment of the Village	Current Occupations			Deprivation	
		Initial occupations	Land	Grazing	Access to Forest	
(1)Burodihi	30 years ago	FD Wage labour in, NTFP Collection	Agriculture, NTFP collection, Wage Labour Households were provided 2 to 2.5 acres of land by the FD but till date they have no titles	Pre 1970 grazing livestock in forest allowed with nominal fee. After 1970 FD restricted	Restricted access over forest products	
(2)Anandpur	60 years ago	NTFP Collecting, wage labour	Agriculture, NTFP Collection, Wage Labour, Petty trade Since 1979-80 households were provided lands but till date they have no titles	Restrictions on the forest area	Restricted access over forest products	
(3)Bhramanimal	100 years ago	NTFP Collecting, wage labour, livestock rearing	Agriculture, NTFP collection, Livestock rearing, Wage labour, petty trade The villagers have been cultivating the forest land since 45 years. They have not given the <i>pattia</i> till date.	Restrictions in the forest area	Strong Restrictions on Collect the Forest Products	
(4)Rambhai	100 years ago	NTFP collection, livestock rearing	Agriculture, NTFP collection, Wage labour, Livestock rearing The Households have been given K- form <i>pattia</i> before 1980 but till date they have no titles	Restrictions in the forest area	Restricted access over forest products	
(5)Chama	80 years ago	NTFP Collection, Livestock rearing	Petty agriculture, NTFP Collection, wage labours, Trade The villagers have been cultivating forest land since early 1980s. But till date they have not given the records of lands	Restrictions in the forest area	Restrictions on the collection of forest products in the plantation area by the forest department	

(6) Taranga	100 years ago	Agriculture, NTFP collection, livestock rearing	Agriculture, Wage labour, NTFP collecting, petty trade, Livestock rearing	Most of the SC and ST households have been cultivating the forest land since long without any records of lands	Restrictions in the forest area	Restrictions over Timber cutting but no restrictions over NTFPs
(7) Jamunothori	90 years ago	Agriculture, NTFP collection, livestock rearing	Agriculture, Wage labour, NTFP collection.	K-form land titles were given to settled households but till today not regularised, tribal families cultivating forest land since long without security of tenure.	Restrictions in the forest area	Restriction over timber cutting, but collection of NTFPs allowed
(8) Purttu	60 years ago	Forest Collection	Agriculture in both plains and podu	The households are deprived of the ownership of their customary-?	Restrictions in the forest area	They had to pay fine to the forest personnel for cultivation and access to forest products

Source: Field Survey and various District Statistical Reports of relevant Districts of Odisha and Jharkhand

For majority of households forest is a source of subsistence income generation activity, fuel and fodder supply and as such works as an insurance against hunger during lean seasons.

Table 2.6: Sources of Livelihood and Forest Dependence

Sl. No.	Name of the Village	Dominant Tribes	Major Sources of Livelihood	Dependence on forest
1	Burodihi	Munda, Gond, Kissan	Agriculture, Forest Products, Wage Labour, Livestock	High
2	Anandpur	Munda, Gond, Kissan	Agriculture, Wage Labour, Forest Products, Livestock	High
3	Bhramanimal	Oram, Munda, Kandha, Gond	Agriculture, Wage Labour, Forest Products, Livestock	Medium
4	Rambhai	Oram, Kandha, Munda	Agriculture, Forest Products, Wage Labour	High
5	Chama	Munda, Oraon	Agriculture, Wage Labour, Forest Products, Livestock	High
6	Taranga	Munda, Oraon, Pohan	Agriculture, Wage Labour, Forest Products	Medium
7	Jamunothori	Munda, Chrichri	Agriculture, Wage Labour, Forest Products, Livestock	Medium
8	Purtu	Munda, Chrichri, Pohan	Agriculture, Forest Products, Livestock	High

Source: Field Study.

2.5. Caste Composition

The caste composition of households in different study villages revealed that the ST community is a dominant caste in all the sample villages. It varies from 60 to 95 per cent. Even in some villages like Burodihi it is more than 95 per cent. In sample villages of Deogarh district in Odisha it is lower than that of Sambalpur as the two villages were selected from the schedule block of Sambalpur. Similarly overall in Jharkhand it is more than 89 per cent. Clearly the tribal households form majority of households in most of the villages.

2.6. Occupational Profile

Looking at the occupational distribution of the sample households (Table 2.7) we can find out that overall 50.5 per cent of the households comprise landless labourers and 25.2 per cent are marginal farmers i.e. less than one acre of land for cultivation. Small

farmers constitute 6.7 per cent followed by petty business at 13.4 per cent. However, in the case of Jharkhand the percentage of landless labourers is higher than Odisha. Similarly the percentage of marginal farmers in the case of Odisha is slightly higher than Jharkhand. There are only 9 per cent and 4 per cent households that come under small farmer category in Odisha and Jharkhand respectively. Similarly around 15 per cent households in Odisha and around 12 per cent in Jharkhand are dependent on business related activities like shopkeeper or petty traders as their primary occupation.

Chart 2.1: Occupational Break-up

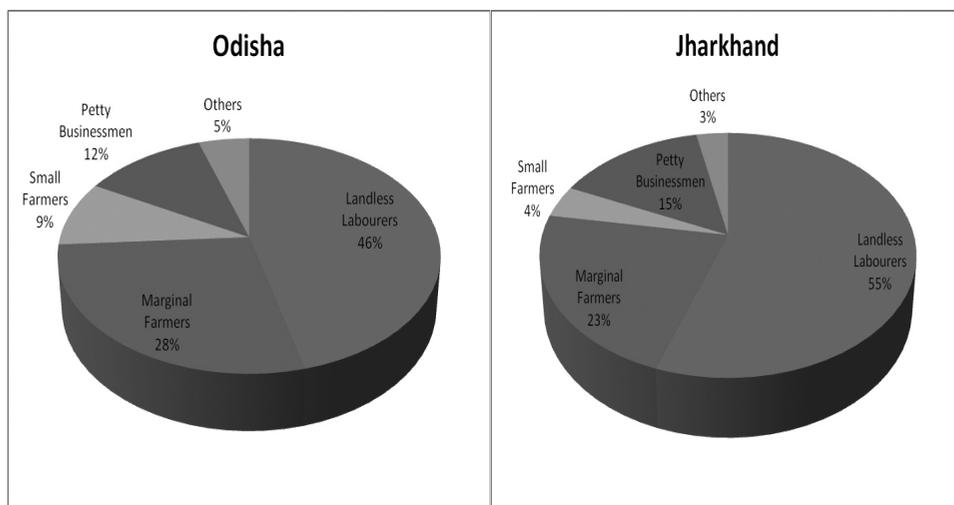


Table 2.7: Occupational Distribution of Households

Name of the State	Landless Labourers	Marginal Farmers	Small Farmers	Petty Businessmen	Others	Total
Odisha	46 (46.0)	28 (28.0)	09 (9.0)	12 (12.0)	05 (5.0)	100 (100.0)
Jharkhand	52 (55.3)	21 (22.3)	04 (4.3)	14 (14.9)	03 (3.2)	94 (100.0)
Overall	98 (50.5)	49 (25.2)	13 (6.7)	26 (13.4)	08 (4.1)	194 (100.0)

Source: Field Survey.

*Figures in the brackets represent percentage to total number of HHs

2.7. Demographic Profile

Table- 2.9 summarises the family profile of the sample households of eight villages in four districts of Odisha and Jharkhand along with the housing quality and basic amenities

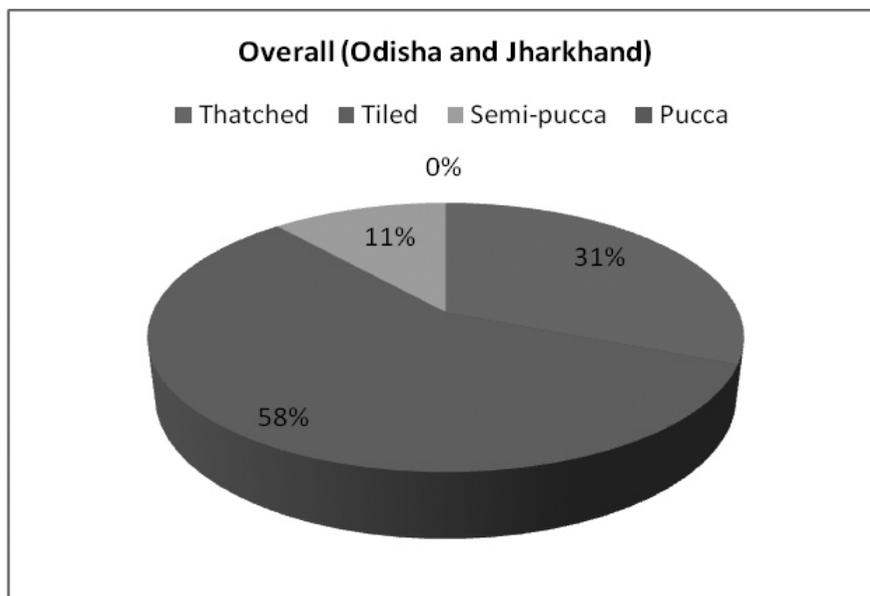
like sources of water and access to electricity. Looking at the family profiles of all the sample villages it is found that, out of the total population: 42.8 per cent are adult male; 38.8 per cent are adult female; and 18.4 per cent are children. However, analysing the population break up across different occupational categories, it is observed that the male population is higher than female population. As regards the family size of the overall studied villages, it is ranging from 6 to 7 members per family.

2.8. Housing and Other Amenities

2.8.1. Housing Structure

About the type of houses in which the sample respondents are living, it was observed that about 57.5 per cent households are having tiled type of houses followed by 31.1 per cent having thatched and 11.4 per cent having semi-pucca type of houses. Comparing across the two states we can see that in both the state most of the household staying in tilled or thatch type of house and no pucca type of housing structure are found in any of the sample household.

Chart 2.2: Housing Condition



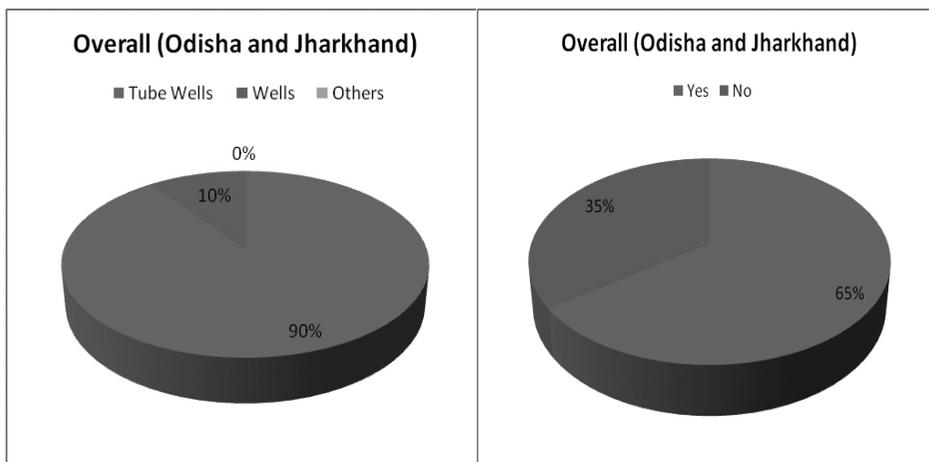
2.8.2. Sources of Drinking Water

The overall situation of the drinking water facility, the main sources for drinking water in the sample villages are tube wells and dug wells (90.0 per cent) followed by well (10.0 per cent) (Table-2.9). Among the tube well users Odisha and Jharkhand show a similar trend.

2.8.3. Access to Electricity

From the information presented in the relevant Table 2.10, it is observed that, 35 per cent households have access to electricity for domestic use in the studied villages. However the rest 65 per cent, do not have access to it.

2.3: Access to Drinking Water and Electricity



2.8.4. Type of Fuel used for Cooking

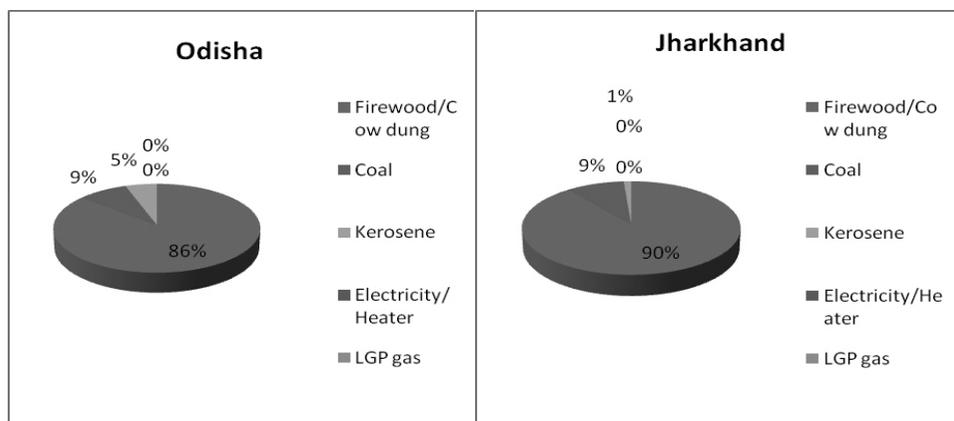
Around 86.7 per cent of the households (overall) in the studied villages are using firewood and dried cow dung cakes for cooking, followed by 8.8 per cent using coal and 4.5 per cent using kerosene. Since there is no access to electricity in most of the forest areas none of the households are found using electricity and LPG for cooking purpose. Comparing the same across the state, it is found that around 89.6 per cent households in Jharkhand are using firewood and dried cow dung cakes and 86.3 per cent in the case of Odisha are using the same for cooking.

Table 2.8: Sources of fuel for cooking (N= 194)

Name of the State	Fuel used for cooking				
	Firewood/ Cow dung	Coal	Kerosene	Electricity/Heater	LGP gas
Odisha	86.3%	8.4%	5.3%	0.0%	0.0%
Jharkhand	89.6%	9.2%	1.2%	0.0%	0.0%
Overall	86.7%	8.8%	4.5%	0.0%	0.0%

Source: Field survey.

Chart 4.4: Fuel used for cooking



2.9. Basic Infrastructure

The availability of various types of infrastructure facilities in the selected villages has been shown in Table 2.10. It can be seen that most of these facilities are available within 4-126 km, in case of Odisha, while the distance varied from 8-61 km or more, in case of Jharkhand. However only in a few villages some basic facilities like, tube well drinking water and primary school are available within the village itself or the approximate distance less than 1 km from the village.

2.10. Land Holding

Table 2.11 summarises the information on land holding pattern in both the states. It can be observed from the table that in Odisha, the average land owned per household is about 1.4 acres and the average land operated per household is around 2.6 acres. The average land encroached per household is 1.6 acres. In the case of Jharkhand the average land owned per household is 1.2 acre which is a bit lower than Odisha. The average land cultivated is also lower in Jharkhand. Similarly if we compare the average encroached land per household we can see that Jharkhand (1.9) is higher than Odisha, even higher than the overall average land encroached in all the villages.

2.11. Value of Asset Possession

Table 2.12 gives a brief summary of assets possession of the sample households. Looking at the asset position of overall households in both the states, it is observed that almost every HH has one or more than one bicycle and the total number of bicycles in all the villages is 176. Besides bicycle some HHs has assets like mobile phone (54), and radio (124). A few households also have pump sets (27) and around 30 to 40 are having small agricultural implements. Overall the mean value of all physical assets per household is

Table 2.9: Socio-economic Condition of the Households in the Studied Villages

Name of the Village	No. of HH	Illiterate head of the HH (in % age)	Demography			Average family size	Housing Quality					Sources of Drinking Water			Water Percentage electrified
			Adult		Children		Thatc- hed (in % age)	Tilled (in % age)	Semi- Pucca (in % age)	Pucca (in % age)	Tube well (in % age)	Well (in % age)	Others (in % age)		
			Male (in % age)	Female (in % age)	(in % age)		8	9	10	11	12	13	14	15	
1. Burodihi	25	64.6	41.3	37.9	20.8	6	40.2	35.5	24.3	0.0	85.0	15.0	0.0	0.0	
2. Anandpur	25	57.4	36.3	35.4	28.3	7	30.6	45.5	23.9	0.0	90.0	10.0	0.0	50.0	
3. Bhramanmal	25	66.6	43.9	41.8	14.3	7	20.5	60.6	18.9	0.0	95.0	5.0	0.0	40.0	
4. Rambhai	25	54.0	34.3	37.4	28.3	6	25.5	70.5	4.0	0.0	100.0	0.0	0.0	32.0	
Overall ODISHA100		61.3	37.7	36.6	25.7	7	32.5	55.8	11.7	0.0	90.0	10.0	0.0	18.0	
5. Chama	25	62.8	38.8	39.5	21.7	5	46.6	42.2	11.2	0.0	100.0	0.0	0.0	40.0	
6. Taranga	22	64.6	40.5	38.5	21.0	6	20.3	65.6	14.1	0.0	100.0	0.0	0.0	20.0	
7. Jamunotori	22	59.3	45.2	40.5	14.3	7	15.6	70.5	13.9	0.0	75.0	25.0	0.0	20.0	
8. Purru	25	52.9	37.6	41.5	17.9	7	36.8	60.6	2.6	0.0	100.0	0.0	0.0	00.0	
Overall															
JHARKHAND	94	60.3	42.5	39.6	17.9	6	32.2	58.8	9.0	0.0	90.0	10.0	0.0	20.0	
OVER ALL (ODI+JHR)	194	60.1	42.8	38.8	18.4	7	31.1	57.5	11.4	0.0	90.0	10.0	0.0	35.0	

Source: Field Survey.

Rs.4869. However, the mean value for consumer durable is Rs.4374 followed by agricultural assets Rs.1073 and Rs.878 for livestock. In the case of Jharkhand the mean value of livestock is higher than that of Odisha.

Table 2.10: Infrastructural Facilities and Public Service Institutions

Facilities	Odisha				Jharkhand			
	Availability (Y/N) & Approximate Distance (km)				Availability (Y/N) & Approximate Distance (km)			
	Burodihi	Anandpur	Bhramanimal	Rambhai	Chama	Jamunothori	Taranga	Purtu
Drinking Water	Y	Y	Y	Y	Y	Y	Y	Y
Electricity	N (05)	Y	Y	Y	Y	Y	Y	N (05)
Bus Stop	N (07)	N (04)	N (08)	N (12)	N (12)	N (09)	N (17)	N (08)
Market	N (07)	N (06)	N (08)	N (12)	N (08)	N (09)	N (04)	N (06)
Post Office	N (10)	N (08)	N (12)	N (14)	N (12)	N (19)	N (12)	N (08)
Block Office	N (17)	N (15)	N (29)	N (31)	N (18)	N (15)	N (21)	N (20)
District Head quarter	N (97)	N (95)	N (33)	N (38)	N (34)	N (46)	N (21)	N (29)
Bank	N (17)	N (15)	N (29)	N (31)	N (18)	N (15)	N (21)	N (20)
Railway Station	N (57)	N (55)	N (123)	N (126)	N (34)	N (46)	N (61)	N (60)
PHC	N (17)	N (15)	N (29)	N (31)	N (18)	N (15)	N (21)	N (20)
Primary School	Y	Y	Y	Y	Y	Y	Y	N (02)
Tribal Dev. Dept/ Micro Project	N (17)	N (15)	N (29)	N (31)	N (18)	N (15)	N (21)	N (20)
Forest Dept Office	N (17)	N (15)	N (29)	N (31)	N (18)	N (15)	N (21)	N (20)

Note: Y- The facilities available in the village, N- Not Available, Figures in the bracket represent the approximate distance and if the facility is available in the village itself then the distance has been treated as zero.

Table 2.11: Land Particulars (N= 194) (Area in acres)

Districts	Average Land Owned per household	Average Land Operated per household	Average Encroached per household	Average value of land per household (at current price)
Odisha	1.4	2.6	1.6	Rs. 40,225
Jharkhand	1.2	2.4	1.9	Rs. 34,647
Overall	1.3	2.5	1.7	Rs. 36,358

Note: Area in Acres and value in rupees

Source: Field Survey.

From the Table 2.11 we can also see the average value of land per household. Overall it is rupees 36,358 per acre of land. However it is Rs.40, 225/- in Odisha followed by Rs.34, 647/- in Jharkhand.

Chart 2.5: Land Particulars

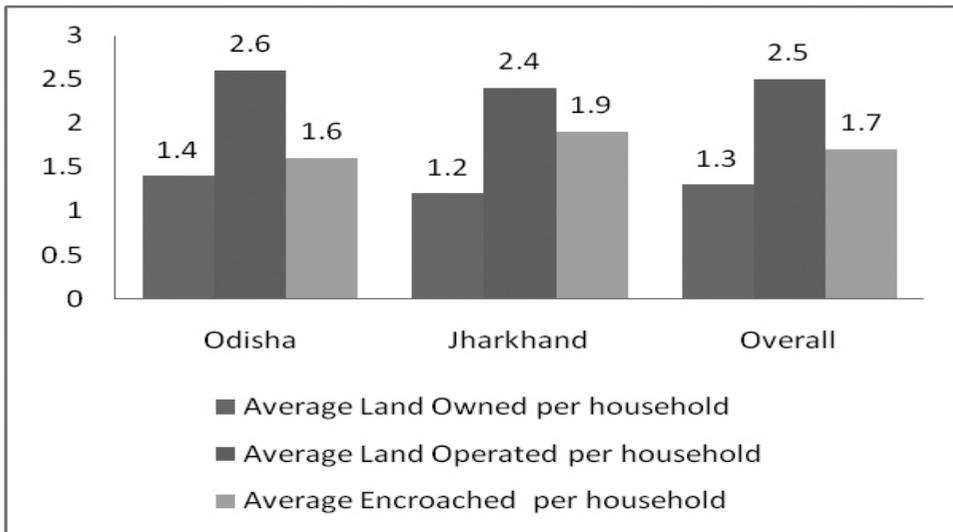


Chart 2.6: Asset Possession

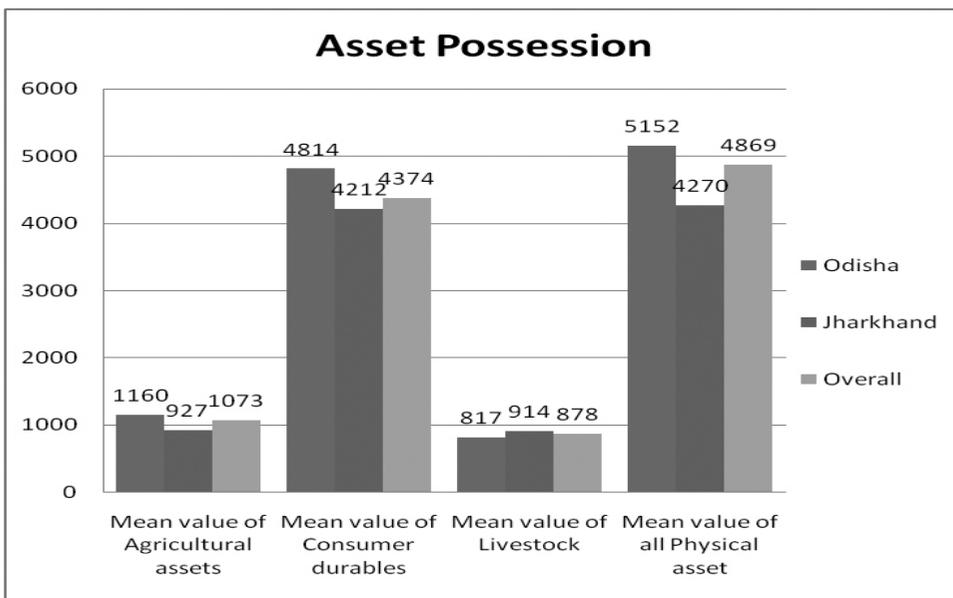


Table 2.12: Asset Possession (N= 194) (In Rupees)

Name of the State	Mean value of Agricultural assets	Mean values of Consumer durables	Mean value of Livestock	Mean value of all physical asset
Odisha	1160	4814	817	5152
Jharkhand	927	4212	914	4270
Overall	1073	4374	878	4869

Source: Field Survey.

2.12. Consumption Expenditure

Family expenses are a major portion of the expenditure for the rural households. If the expenses incurred are within the level of income earned, the households can augment their saving and investment. If a person is unable to get the expected income from his occupation, his consumption need forces him to depend on the informal sources of borrowing like private moneylenders, friends and relatives. The loss in business or agriculture, interest burden, social obligation, insufficient income, additional investments in the farm or business out of family income drive the borrower to carry the heavy burden of family expenses. Higher expenses above the income level forces the rural households to approach more than one credit agency and shouldered heavy burden of debt. The annual income from crops and other sources is not enough to meet even the minimal expenditure. As a result most of them have to borrow from private lenders to meet their subsistence requirement, social or medical expenditure.

Table 2.13: Average Annual expenditure on different items (N= 194) (In Rupees)

Sl. No.	Items	Odisha	Jharkhand	Overall
1	Food Items	5615 (43.4)	4991 (36.9)	5602 (40.5)
2	Clothing	970 (7.5)	916 (6.8)	914 (6.6)
3	Footwear	416 (3.2)	320 (2.4)	389 (2.8)
4	Construction and repair of residential houses or purchase of land	1267 (9.8)	1481 (10.9)	1224 (8.8)
5	Purchase of utensils and furniture	455 (3.5)	402 (3.0)	437 (3.2)
6	Social functions (Marriage/ Funeral ceremonies etc.)	2153 (16.6)	3124 (23.1)	2917 (21.1)
7	Educational expenses	320 (2.5)	227 (1.7)	339 (2.5)
8	Medical expenses	923 (7.1)	1229 (9.1)	1306 (9.4)
9	Repayment of old debt	654 (5.1)	718 (5.3)	595 (4.3)
10	Others	170 (1.3)	111 (0.8)	122 (0.8)
OVERALL		12,943 (100.0)	13,519 (100.0)	13,392 (100.0)

Source: Field Survey.

Figure in the brackets represent percentage to the overall

Table 2.13 presents the average annual expenditure in terms of rupees on different items. Expenditure on the non-durable food item is very high in both the state. In case of Odisha village it is around 43.4 per cent where as in the case of Jharkhand (36.9) it is a bit lower as compared to Odisha. On the other hand for the durable goods, commodities and services such as: clothing, footwear, construction or repair of residential houses or purchase of land, expenditure on utensils, social functions expenditure, educational and medical expenses, repaying the old debt a similar kind of trend is found in both the states. In the case of expenditure on social function, Jharkhand villages spend much higher than those of Odisha.

2.13. Income Distribution

The distribution structure: number and percentage of sample households according to their annual income class categories in the studied region is shown below in Table 2.14. Out of 194 households surveyed all over the four districts of Odisha and Jharkhand 21.2 per cent households come under the income range of Rs. 10,000 to Rs. 20,000 and least percentage belong to the more than Rs. 30,000 income group. In Odisha the distribution in pattern of annual income ranges between the different households, is more or less the same as Jharkhand, as their percentage share does not have a significant gap. However in the case of Odisha it can be seen that around 43 per cent households come under income range of Rs. 20,000 to Rs. 30,000. It is clear from the distribution of income in the study villages that most of the ST households are poor and ultra poor, and have a very low level of financial capital.

Table 2.14: Distribution of Sample Households according to Income

State	Odisha	Jharkhand	Overall
Annual Income			
<Rs. 10,000	19 (19.0)	22 (23.4)	41 (21.1)
Rs. 10,000- Rs. 20,000	31 (31.0)	51 (54.3)	82 (42.3)
>Rs. 20,000- Rs. 30,000	43 (43.0)	13 (13.8)	56 (28.9)
>Rs. 30,000- Rs. 40,000	03 (3.0)	05 (5.3)	08 (4.1)
>Rs. 40,000- Rs. 50,000	03 (3.0)	03 (3.2)	06 (3.1)
>Rs. 50,000	01 (1.0)	00 (0.0)	01 (0.5)
Total HH	100 (100.0)	94 (100.0)	194 (100.0)

Source: Field Survey.

2.14. Sources of Income

The major source of income is agriculture in all the study villages of Odisha and Jharkhand. The agriculture is subsistent in nature and the productivity of crops is very low. Hence the income coming from this source is very low. As a result they have to supplement

Table 2.15: Sources of Income (N= 194)

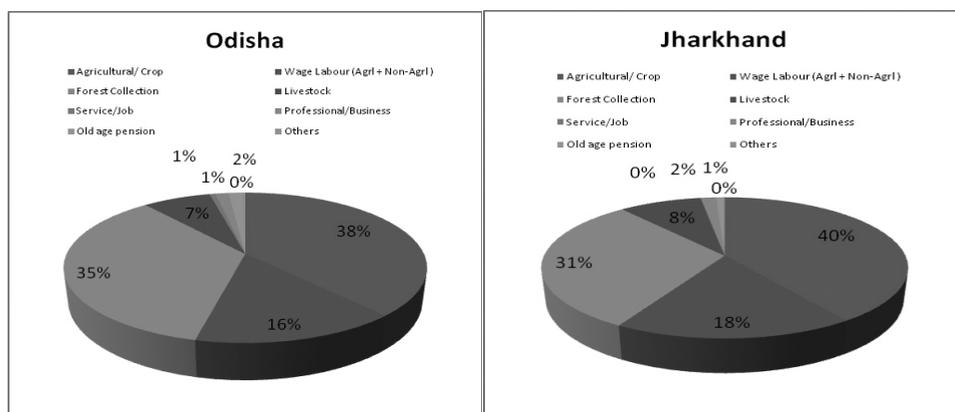
Name of the States	Percentage share of different sources to Household's total Annual Income							
	Agricultural/ Crop	Wage Labour (Agrl. + Non-Agrl.)	Forest Collection	Livestock	Service/ Job	Professional/ Business	Old age pension	Others
Odisha	38.2	15.5	35.3	7.2	0.6	1.4	1.5	0.3
Jharkhand	40.2	18.1	30.6	8.6	0.0	1.6	0.9	0.0
Overall	38.9	17.2	32.8	7.6	0.3	1.5	1.6	0.1

Source: Field Survey.

their livelihood from forest collection and wage labour. The number of days of wage employment available in all the villages was low and wage rate for casual workers per day ranged from Rs. 50 to Rs. 70 for male and Rs. 50 to Rs. 60 for female worker. The asset holding of households was also very low. The average number of livestock bullock/ cow/ buffalo was less than two per household. Besides some of them have few small animal (goat/sheep) and birds. Hence the income originated from livestock is not very significant in all the villages.

It may be seen from Table 2.15 that around 39 per cent of the total annual income of the households is sourced from the agriculture or crop sector, for both the state as well as overall. The second and third important sources after agricultural sector are from forest collection and wage labour which comprises agriculture, non-agriculture and MGNREGA work followed by livestock rearing respectively. The other sources like service/job, professional/business, old age pension, all these contribute marginal amounts to the total annual income for both the state.

Chart 2.7: Sources of Income



2.15. Possession of Beneficiary Cards

It can be seen from the following Table- 2.16 that, overall there are 94 per cent households in the sample villages having BPL card. Similarly there are 88 per cent households having a voter card. The percentage of households having PDS card, Job card, and UDI card are 80 per cent, 43 per cent and 15 per cent respectively. The percentage of households having a bank or post office account passbook is around 36 per cent. In most of the cases, the households open an account in the bank to receive the wages under MGNREGS. They hardly have any savings or any other transaction except receiving wages.

Table 2.16: Possession of Beneficiary Cards (N=194) (In percentage)

Sl. No.	Type of Cards	Odisha	Jharkhand	Overall
		Percentage of HH having		
1	BPL Card	95%	92%	94%
2	Voter Card	90%	86%	88%
3	Ration Card (PDS)	86%	72%	80%
4	Job Card (MGNREGS)	52%	32%	43%
5	UDI (Adahar)	21%	12%	15%
6	Bank/Post office Passbook	46%	24%	36%

Source: Field Survey.

Note: B- before FRA, A- after FRA

2.16. Conclusion

The socio-economic conditions of the study villages such as, pattern of landholdings, possession of assets, consumption expenditures reflect the weak economic status of the majority of households in all the study villages. The income derived from the tiny plots operated by majority of households in both the states are very low due to a number of factors including use of primitive methods of production, lack of irrigation facility etc., leading to low productivity. Given the low level of income, low level of education, low assets position and lack of adequate employment opportunities these poor tribal households have to depend on forest for their livelihood. However, the low per capita forest land is a constraint on their economic conditions, which are reflected in low levels of income and consumption of majority of poor households in all the study villages. With this backdrop, the next chapter will critically analyse the process of marginalisation of tribals and forest dependent communities in Odisha and Jharkhand in a historical perspective.

Chapter-3

Marginalisation of Tribals: A Historical Perspective

3.1. Introduction

The extreme poverty prevalent across forest peoples in Odisha and Jharkhand is closely linked to their being systematically marginalised since colonial times. They have experienced deprivation of customary rights to practice their traditional livelihoods and to own control and use forests and other common property resources (CPRs). During the pre- British situation the local people had access to land and forests which were given by the rulers under some conditions. For instance, under the ex-princely state regimes of Odisha, the locally dominant tribes, like the Bhuyans and Juang in Keonjhar, the Bhuiyan in Bonai and Pala Lahara, the Kondh in Kalahandi and the Juang in Dhenkanal had enjoyed certain rights. The Hill Bhuyan or Pauri Bhuiyan, a "more primitive tribal group" was granted rights much earlier than the nineteenth century, when such rights were formally reported in colonial records and were standardised through periodic land revenue assessment (see Mahapatra, 1994). As members of tribe had no ownership documents, but legally have been in the possession of the lands, they had occupied for decades on the basis of traditional rights.

There has been a long struggle between the state and different sections of civil society and local people over the control, management and use of India's land resources, particularly over what have been officially classified as forest lands and forest resources. Indeed, the state's right to control forests is asserted in the earliest South Asian texts on state-craft (see Kautilya, 1992)¹⁰.

The case of the Santhal Parganas, in Jharkhand, has witnessed many struggles against exploitation and land alienation. These struggles repeatedly emphasised the integration of resources with social, cultural and political institutions. The colonial and post-colonial

¹⁰ Kautilya (1992), *The Arthashastra* (Ed. L.N. Rangarajan), Delhi, Penguin.

state responded with a combination of strategies: suppression of the revolts on the one hand, and legislation and development interventions to address the people's grievances on the other (Rao, 2003).

The multifaceted deprivations faced by the tribals and other forest dwellers have led to loss of private land, forest land and forest products to these communities. It has severely restricted their access to these sources of livelihoods (Sarap and Sarangi, 2010). Similarly the people living in un-surveyed areas, and forest villages were also deprived access to any sort of service provisions provided by the state. As a result their level of living is at rock bottom. Large scale displacement of tribals on account of development projects, including mining activities further eroded their livelihood options. In order to survive they had to borrow loans from the moneylenders at exorbitant rate of interest by mortgaging their tiny pieces of private land which they could not recover due to lack of funds or malpractices adopted by the money lenders. Thus cultivable land held under private ownership was lost due to indebtedness.

There is provision in the state to check land alienation of tribal communities. The Orissa Scheduled Area Transfer of immovable property (by STs) 1956, Regulation 2, restrict the transfer of tribal land to non-tribal without permission of the appropriate authorities. But transfer can be made with prior permission of the competent authority (Collector, Sub-divisional Officer). But it has been pointed out by many reports of the Commission for SC, ST, that the non-tribals have purchased land from the tribals through various means. In practice, however, land alienation remains prevalent (see Fernandes et al., 1988, Mohanty, 2001). The access to land especially the average size and quality of land available to the tribals in the scheduled areas is very low. Clearly the tribals of the state are characterised by landlessness and small holdings - which resulted in low level of crop output and income. In such a situation the dependency of the tribals on forest would be high. But due to loss of forest land and forest they have to foray into further deep into the forest or work as uncertain wage labour. Majority of the tribal workers are agricultural labourers and marginal farmers. Deforestation has a particularly negative impact on women as collection of NTFPs has been their primary occupation and access to resources outside these areas is not ensured. Several decades of special development efforts by the state through Tribal Development Plans has not resulted in improvement of their livelihood. In view of the above situation, the current chapter is an attempt to examine the extent and process of erosion of livelihood and tribal rights in the context of Odisha followed by Jharkhand.

3.2. Historical Evolution of the State of Odisha

Prior to 1930s, the Odia speaking population was scattered under different Presidencies and it was only in 1936 that a separate Odisha Province was formed. The British Odisha constituted the unconquered coastal belt (*Mughalbandis*) and 18 Tributary *Mahals* (*Garjats*). The former was under the direct control of British while the latter were under the self-rule of Feudal chiefs (Hunter, 1872).

The British did not interfere in the internal affairs of the feudal chieftains and only protected their territories from foreign invasions. In return the chiefs maintained the British army by taxing the peasants heavily even at the cost of neglecting the economy. Apart from this, proprietary rights on land were as erratic as only the military chiefs (*Dalbeheras*) and their subordinates (*Dalias*) and the warriors (*Paik*) were granted land in return of their services. Some land also was given to the servants of the kings (*Jagirdars*) to perform other services (Pathy, 1988).

The *Mughalbandi* was divided into 150 *Parganas* (Revenue units)¹¹ and the revenue Commissioners (*Amins*) administered them. *Talukdars* and *Mukaddams* (village headman) collected revenue from the peasants for which they were granted rent-free land. Land Tenure System in modern Odisha has a variety of legacy. From 1936 to 1948, Odisha consisted of six districts and undivided Ganjam was a part of it. The Ganjam region had two types of land administration systems, *Royatwari* and *Muthadari* system. The land system of tribal regions of Odisha varies from area to area due to historical factors. Merger of 24 Feudal states with the modern Odisha after independence has influenced the land related law of the tribal communities.

On the eve of Independence, Odisha had a complex historical as well as forest administration situation. One finds the operation of Indian Forest Act 1927, as well as Madras Forest Act 1885. Moreover, each of the 24 Princely (Feudal) states had its own forest laws and survey and settlement procedure. In view of this a brief analysis of land tenure system as well as the governance of forests in each of the broadly classified areas is in order.

Tribal parts of Odisha have inherited their land and forest administration systems from areas directly controlled by the British such as: Madras Presidency (South Odisha), Bengal Province (Coastal Odisha) and Central Provinces (parts of Western Odisha) as well as many Princely states; such as Bamra, Rairakhol, Bonai, Boudh, Kalahandi, Keojar and Mayurbhanj.

¹¹ A *Pargan* consists of several Mouzas, which are the smallest revenue units, consisting of one or more villages and the surrounding country side.

It is to be noted that the tribal land of *Konds* i.e. the Kandamals was ceded to the British from among the feudatory state. During the pre-British period most tribal areas were generally autonomous with a high degree of political and economic independence. Subsequently the province witnessed continued uprising as the tribal people could not get along with the *Mudhadari* system with heavy taxes levied on them. The *Khandas*, *Savaras*, *Bondos* and *Koyas* revolted against the oppressive system (ibid). As a result the British were forced to amend the settlement several times temporarily. Since there were no proprietary rights on land, permanent settlement could not be worked out and thus *Zamindari* system was created under which rent was paid to the British directly. Thus, forcibly created land structure impoverished the people of Odisha and the economy (ibid, 1988). With this historical background the following section will discuss the demographic and socio-economic features of tribal communities in the state.

3.3. Land Alienation in Tribal Odisha

Land Policies in Odisha in general and tribal in particular have been relatively ineffective in broadening access to livelihood of large parts of the population including that of tribal. Rather land policies have systematically reduced the access of the tribals to lands, since the days of British rule in the country in general and tribals in particular in Odisha.

Tribals in Odisha faced loss of land on two counts in the pre-independence era. These are: (1) cultivable land held under private ownership was lost due to indebtedness and inability to pay land revenue, influx of non-tribal into tribal areas, non-recognition of rights over their land, which they had been in possession under customary right; (2) the shifting cultivators lost their land due to notification of this land as forest or Government land. Further, the forest land has not been settled properly. If it has been done, it has discriminated against the forest dwellers. Both the processes were accelerated by the expansion of state and markets into the tribal areas.

At the time of independence in 1947, much of the customary land held by tribal communities had already been either converted into state land or had passed into the hands of non-tribals. Despite the fact that laws have been enforced to check alienation of tribal land, thousands of acres of land have been transferred from tribals to non-tribals through legal and illegal means, for which tribals are being pushed out of their natural abodes.

The problem of tribal land alienation assumes special significance today in the context of commercialisation of agriculture, urbanisation, industrialisation and globalisation. With depleting forests and scarce land resources, and further precipitated by a development model alien to their needs, the tribals are being pushed out of their natural abodes.

3.4. Tribal Rights in Pre-colonial and Colonial Period

"Under the ex-princely state regimes the locally dominant tribes, like the *Bhuyans* and *Juang* in Keojhar, the *Bhuiyan* in Bonai and Palahara, the *Kondh* in Kalahandi and the *Juang* in Dhenkanal had enjoyed certain rights. The *Hill Bhuyan* or *PauriBhuiyan*, a "more primitive tribal group" was granted rights much earlier than the nineteenth century, when such rights were formally reported in colonial records and were standardised through periodic land revenue assessment (see Mahapatra, 1994). Members of tribes had no ownership documents, but legally have been in the possession of the lands they had occupied for decades on the basis of traditional rights. The British government, through its land revenue policies and elaborate bureaucratic structure, made land alienable in India and tribal areas in particular.

The upper caste elites, who had a dominant position in British administration because of their educational background, consolidated their land holding position through the state machinery by acquiring land from the tribal and other poor peasants through a variety of ways. The tribals, who were cultivating land by clearing forest within their customary norms and practices without any experience of landlessness, were compelled to work as labourers on their own land and subjected to various kinds of exploitation by the rich new owners. This phenomenon of pauperisation of tribals resulted into deep discontentment and tensions among the tribals. This, in turn, led to revolts and rebellions against the British rulers (see Mohanty, 2001). Agrarian problem was one of the important mobilising forces in the discontentment.

In order to contend such types of problems, the British rulers initiated some measures to pacify the tribals. The Central Provinces Land Alienation Act 1916 and Bihar Tenancy Act 1885 were enacted. But these Acts were not implemented properly because it affected the interests of the dominant groups including landlords and moneylenders in the rural areas. Despite the provision of prevention of land transfers from tribal to non-tribals, land alienation through debt mechanism, tenancy and other dishonest practices continued in many parts of tribal India including in Odisha (see Haimendorf, 1945, Patnaik, 1983; Rao, 1987; Mahanty, 1997). The tribal movements that began in many parts of India including *Santal* Agitation (1937-40) in Purnea, Bihar had also spread in many parts of Odisha.

3.5. Land Alienation in Independent Odisha

3.5.1. Loss of land due to non-recognition of shifting cultivation

Non-recognition of rights on shifting cultivation land or their categorisation as state land: Shifting cultivation land on hill slopes, estimated variously as ranging from 5,298

sq. km to 37,000 sq. km of area (see Patnaik, 1983, Thangam, 1984) have not been settled with tribal communities and are categorised as state land, either forest or revenue land or both during pre-and post-independence periods. The tribal communities have either no rights or very little rights on these lands.

The Forest Enquiry Committee Report (1959) estimated that 1200 sq. miles (about 30,720 sq. km) of land in Odisha was under shifting cultivation (Government of Odisha, 1959). Section-10 of the Indian Forest Act 1927, denies the rights to shifting cultivators during declaration of Reserved Forests, only providing that the forest settlement processes should keep aside some area for shifting cultivation (Kumar and Choudhury, 2005).

During survey and settlements, the shifting cultivation lands on hill slopes were categorised as government land with no recognition of tribal rights over it, either individual or collective. In the state land over 10 per cent slope was categorised as state owned land, even though it was often used for shifting cultivation and in many cases even terraced permanent cultivation. Land below 10 per cent slope was not settled with tenants.

3.5.2. Land lost through Survey and Settlement

One way the tribals have lost communal land rights is through survey and settlement operation. In recent decades CADAstral survey by the chain survey method has gradually given way to the plane-table method to reduce operation costs. But land with a gradient greater than 10 per cent cannot be accurately surveyed by the plane table method. In Odisha three un-surveyed lands have customarily been lumped together as 'uncultivable waste land' in the record of rights in land. The outcome has been catastrophic for tribal groups. In a 1961 land survey and settlement operation in Niyamgiri hills of Kalahandi district (South Western Odisha), for example, only 15 acres out of a total village area surveyed of 2647 acres were declared to be 'cultivable land' (Roy Burman, 1987). Only on this land was rent assessed and demanded from the 16 owners in the village. One acre was recorded as grazing land, and seven acres under housing.

The communal nature of ownership of land especially swidden (shifting) land amongst tribes like Juangs, Kutia Kandhas etc. was ignored, and such areas were classified as government land (Rath, 2005, Padel, 1995). Even in tribes where customary individual ownership over hillside was recognised, the cultivated hill slopes were declared as government land. Clearly land under swidden cultivation on hill slope of 10 per cent gradient, or even below it, was resolved by the revenue officers to the detriment of the occupation rights of swidden cultivators. The reasons are as follows:

As the *podu* cultivation is not continuous the cultivating persons cannot acquire *Ryoti* right by prescription. The prescription is as follows: The hill slopes being cultivable come under the definition of *Ryoti* land. So the person who had occupied *Ryoti* land for 12 years by the date of vesting had become a *Ryot* by adverse possession. The view held was that as the *podu* cultivation is not continuous the cultivating persons cannot acquire *Ryoti* rights by prescription (see Mahapatra, 1999).

By 1906 the practice of shifting cultivation or *podu* had been totally prohibited in some places like Boud and Athamallick, while in some other states, it was allowed on a limited scale. *Podu* cultivation was permitted in the forest areas of Bamra, Bonai, Keonjhar to the *Kondh*, *Bhuyan*, *Juang* and a few other aboriginal tribes. In Bamra, the authorities allowed certain concessions to the *Khonds* and the *Bhuyans* and each family was given an acre of forest land for shifting cultivation. But they were given free bullock, seeds and land without rent for five years or more which they agreed in 1940 to settle down to wet cultivation. They were also supplied with free cloth.

In Kandhamal, Ganjam and Koraput districts only Scheduled Tribes were allowed to practice this. *Podu* was also permitted in Chandragiri, Paralakhimundi, Malia and Thumba Mutha under certain conditions, but in the unreserved forest of Baliguda it was freely practiced. It was prohibited in Pondakhol and Chakapad Khandam. In the ex-states of Ganjam and Koraput, *podu* cultivation was prohibited inside the reserved forest land but allowed in the unreserved forest with the permission of the collectors.

The Partially Excluded Area Committee recommended that *podu* cultivation should be abolished as quickly as possible. The Committee also recommended levying taxes upon *podu* cultivation. There were provisions in the Indian Forest Act, 1927 to control *podu* cultivation. These laws were made stringent in the Orissa Forest Act (OFA) 1972. Under section 10 (3) of OFA, 1972, it has been emphasised that the practice of shifting cultivation shall in all cases be deemed to be a privilege subject to control, restriction and abolition by the state government.

The intention of National Forest Policy, 1952 was to "wean the tribal away from shifting cultivation" and a forest dependent way of life. Even now most of the shifting cultivation is practiced on land with customary community rights. But the state has embarked on afforestation activities on these lands despite resistance from the tribal communities. Similarly horticulture has been encouraged by the state on these lands. But replacement

of these *podu* practices by settled agriculture or horticulture (as has been done in many tribal areas of Odisha) has resulted in alienation of the lands from common categories where the tribal had access, putting further pressure on the remaining common categories. This has eroded the livelihood of tribals.

3.5.3. Poor Settlement Rights during Creation of Forest

Another important reason for lower access to land by tribals and other poor is conversion of barren wasteland, on which the dependence of poor was high for their livelihood, to un-demarcated protected forest. For instance in Khurda, which was directly under the control of British rule, a vast area of barren and waste land without any trace of forest was declared as un-demarcated protected forest. Similarly in many Princely States, including Bamra¹², Athamallik, Pala lahara, Boudh, Bonai, Dasapalla and Rairakhol¹³, all waste land not declared as reserved forest or protected forests were declared as Khesra forest, whether they had forest or not. This means that government land not settled in post-independence survey and settlement as tenant land or specific categories of government land were automatically retained as Khesra forests in the records.

3.5.4. Un-surveyed Areas

One of the reasons for low access to land by tribal/forest communities in the state is due to un-surveyed areas where rights of people living there have not been settled on these lands. This includes officially un-surveyed areas (over six hundred thousand acres), as well as areas which were categorised as deemed forests and land over 10 degree slopes in shifting cultivation areas. This has led to non-settlement of rights of tribals on these lands.

As per the Board of Revenue, Government of Odisha, approximately 6.4 *lakh* acres of land in the State have not been covered by survey and settlement at all. Most of these lands are located in remote hilly areas mainly inhabited by tribals, including primitive tribes. In the district of Kandhamal there were 51 un-surveyed villages covering 8013 acres. Similarly the survey and settlement processes have left out vast stretches of land in undivided district of Koraput. It includes all the reserved lands, protected land as well as settlement of land was carried out beyond 10 per cent slopes line, where the tribals have been cultivating land since long. In the absence of rights in these areas, effectively rights were denied to the inhabitants who are living there (Sarap and Sarangi, 2010).

¹² In these days, Bamra is under Deogarh district and Kuchinda *Tahasil* of Sambalpur district.

¹³ Currently Rairakhol is a sub-division of Sambalpur district.

3.5.5. Deemed Forest (Lack of Proper Right Settlement in Forest Land)

It has been found that by now about 46 per cent of land in tribal dominated districts is categorised as forest land, making it one of the most important constraints for tribals access to land. In the state, in large areas of forest land proper rights settlements have not taken place. One such example is Deemed Forest. All the forest lands which were brought into the state of Odisha from the Princely States as well as areas under Madras Presidency, areas were deemed to be Reserved Forest or protected forest in 1954 and later in 1972.

Most of the Princely States had their own forest Acts or rules based on the Indian Forest Act, 1927 or Madras Forest Act (MFA), 1885. Most of the princely states, had declared certain forest areas as reserved forests or some other classification of forest as per the Indian Forest Act 1927 or Madras Forest Act 1885. But in most cases proper survey and settlement of rights as prescribed in the IFA 1927 and MFA 1885, were not followed and forests were created in an ad-hoc fashion. For instance, "Reservation of Forests has been made with little consideration for the interests of cultivators and probably by summary orders". Often the areas declared as forest had existing settlements, especially for those tribal areas, where no detailed Revenue Survey and Settlement had taken place.

During the post-independent period the Government of India amended section 20-A (i) of the IFA 1927 during 1954. The amendment provided that all areas that were reserved forests in the princely states would automatically be deemed to be Reserved Forests under the IFA 1927. Also the amendment, of the section 20-A (ii) of the IFA 1927, laid down that "Forests recognised in the merged territories as *Khesara* Forests, village forests or protected forest, or forests by any other name designated or locally known, shall be deemed to be protected forest within the meaning of the Act. Thus the blanket amendment of 20-A, IFA 1927, managed to convert all the "Reserved Forests" and other forests in merged ex-state areas into Reserved forest or protected forests as defined under the IFA 1927, even though most of these areas had not been properly surveyed and rights settled as required by the law.

Similarly, in the erstwhile Agency Trusts of Madras Presidency in the undivided districts of Koraput and Gajapati, reserved and protected land created under chapter III of the Madras Forest Act 1882, were deemed to be protected forests, under Odisha Forest Act, 1972 (section 3(4)). Saxena has pointed out that "The Reserved Forests which are constituted under section 21 or deemed to be Reserved Forest under section 81 of the Odisha Forest Act are excluded from survey and settlement". However, protected forests, demarcated or non-demarcated are invariably classified as non-forest areas in the Records of Rights

(RoR) prepared and maintained under the Odisha Survey and Settlement Act and instruction issued by Revenue Department (GO No. 4898 of 1966) for reservation of Government land for specific purposes. There is dual control of both the departments (Revenue and Forests) over such land/forests. Most of the protected forests are either declared as such under sub-section 4 of section 33 of the Odisha Forest Act 1972 or deemed to be protected forest under sub-section 4 of section 81 (see Saxena, 2001).

Thus in almost all the above forests which are treated as deemed forest reserved or protected, no proper settlement of rights of the inhabitants have been carried out either through forest settlement process under forest laws or through the survey and settlement process under the revenue laws. As a result large number of tribals and other categories of people living in these forest areas since generations have been deprived of their rights to the forest land.

3.5.6. Forest Villages

There are a large number of examples where tribal villages are located inside reserved and protected forests whose rights have not been settled. Many forests have been converted into protected areas. It is an important step to protect the natural ecology and such conservational activity has been directed at creating free space for the biomass to execute its own natural evolution (Rangarajan, 2001). But such a conservation paradigm has had its implications for the tribals who depend on forest for their subsistence. The externality may impose restrictions on the forest resource utilisation or the inhabitants may be asked to vacate merely designated protected areas.

3.5.7. Land Loss due to Developmental Projects

One of the major reasons for land loss in the tribal areas, in independent India, is due to developmental projects. Land laws also facilitate acquisition for this purpose. Of late, the focus of development of the state has been mining-based activities and other such projects, leading to large scale diversion and degradation of forest and forest areas. The area under forest has been diverted for non-forest use; between the periods 1982 to 2000-01, it was about 25,136 hectares followed by 13,860 hectares during the periods 2001-02 to 2010-11. Land allotted for mining in Odisha has either been forest land, agricultural fields or common land (CSE, 2008). This has adverse implication for livelihood of tribal and other poor. The current thinking of regeneration of forest through compensatory afforestation programme would take a long time to compensate the loss of forest as it is difficult to ensure high survival rate of plants, and their growth takes a long time before any tangible result is observed. Instead of integrating tribals into the mainstream, mining has marginalised them further.

3.5.8. Mining, Forest and Tribal Land

Odisha has taken up a proactive policy with respect to attracting investment in mining, industries and infrastructure. As the state is a depository of a substantially large proportion of the country's natural capital, namely forest, minerals and water resources, the state government has started viewing this as a special opportunity for improving its economic growth through external as well as internal investment by private sector including Multinational Corporations. In view of this policy of the state government, the pressure is mainly on forest land, which is rich in ecological value but critical for supporting livelihood of the poor tribal in remote forest fringe areas. Besides, the pressure is also on common land that is owned by the state, but which is also an important source of livelihood for the poor.

Mining activities have severe adverse impact on the land quality and directly contribute to environmental degradation and pollution and ultimately affect the tribal population adversely. However, many a times the displacement as a consequence of mining may not be simply deemed necessary to present disasters. Decades of indiscriminate mining have left many villages highly polluted, rendering the lives of the inhabitants miserable due to widespread pollution levels and ill effect on health and agriculture (Panda, 2006). The situation becomes further complicated when mining of radioactive minerals is involved.

The long term effects of mining are more severe than the immediate ones. For instance, a few decades of indiscriminate mining destroys all available agricultural levels. Mining as a major economic activity in a particular area also hinders the growth of other industries. Water resources get exhausted or contaminated with time. Therefore, once the mines get completely exhausted, the local populations are left with no livelihood option and their lives also get deteriorated (Mahadevia, 1999).

Most of the development activities in the forest lands directly affect the tribal population that is displaced due to activities in forests. Although irrigated projects and industrialisation are the major factors effecting displacement, the activities that are exclusive to forests are conversion of open forests into sanctuaries that necessitates displacement of the tribals.

The development projects for power generation and mineral extraction have caused large-scale displacement, which has disproportionately affected tribals. It has been estimated that some 3 to 5 million people have been displaced since 1950 in Odisha on account of various development projects of which more than 50 per cent are tribal (see Saxena, 2001, Chakma, 2005). There is evidence to show that displacement induced by development is on the rise in recent years (see Mahapatra, 2007). Most of the development activities

in the forest land directly affect the tribal population, who are the indigenous inhabitants. In the absence of human capital (lack of education, skill and access to health) it has been difficult for them to get any alternative source of livelihood. As a result they have made further forays into the forest.

3.5.9. Acquisition of Land for Development Purpose

The legal structure governing land acquisition and compensation in India represents a fairly complex cobweb of policies. Before the globalisation in India, the approach to conversion of forest land to other uses was more a conservationist approach. But in recent years the process of diversion of land from forest or agricultural sector has been mainly an outcome of congruence of interest of various stakeholders including the state, the private sector (including Multinational Corporation) and the local elites. Globalization has accelerated these processes further through liberalising the land use policies.

Even though there is resettlement and rehabilitation (R&R) policy, the present R & R policy is detrimental and prejudicial to the interests of tribals. The process of erosion of corpus of tribal land continues at an accelerated pace, under the new economic dispensation while the policy options are being debated¹⁴.

3.5.10. Private Land Legally Held by the Tribals

This section analyses the factors contributing to alienation of private land held by the tribal communities and working of the different set of policies enacted by the state with a view to prevent such land alienation. The Agency Tracts Interest and Land Transfer Act 1917, enacted by the government of Madras was repealed by the Odisha Scheduled Areas Transfer of Immovable Property (by Scheduled Tribes) Regulation, 1956, commonly known as the Regulation 2 of 1956.

Alienation of land held by members of STs has been restricted by legislation as a matter of public policy. The Odisha Scheduled Area Transfer of immovable property (by STs) 1956, regulation 2, which restricts the transfer of tribal land to the non-tribal households in scheduled area was first introduced in the state on 4th October, 1956. This Act provides that land held by a person belonging to a ST cannot, without permission of the appropriate authorities, be given to a person not belonging to a scheduled tribe.

Section-3 (1) of the Regulation 2 of 1956, stipulates that a member of a Scheduled Tribe (ST) who intends to transfer any of his immovable property situated within a scheduled area to a member of non-Scheduled Tribe, shall submit an application for the purpose in

¹⁴ See Eleven Five Year Plan Document, vol. II, p. 31.

a prescribed proforma and obtain the prior consent in writing of the competent authority. Section-22 of the Odisha Land Reforms Act restricts transfers of tribals' land in non-scheduled areas. Section-23 and 23-A of the Act deals with restoration of land to tribals.

However transfer can be made with prior permission of the competent authority (Collector, Sub-divisional Officer, among others), which ultimately leaves the implementation of these measures to the discretion of the bureaucrats. It has been pointed out that (see Reports of the Commissions for SC, ST, on various issues) the non-tribals have purchased land from the tribals through various means. The so-called competent authority has permitted the rich non-tribals to acquire the land of the ST groups without much difficulty (see Mohanty, 2001). The State Government has amended the Odisha Scheduled Areas Transfer of immovable property (by Scheduled Tribe) Regulation, 1956, in 2002. As per the amendment transfer/alienation of land belonging to ST to non-ST person has been completely banned.

3.5.11. Mechanism of Land Transfer through Usury

Tribal people, with very low level of education and skills and limited access to formal credit markets, have had little option but to seek credit at high rates of interest from moneylender/traders for consumption and other purposes. In the event of default of loan repayment, informal lenders have tended to appropriate first tribal's forest produce and later their land itself. Even in many loan transactions the borrowing of loans is interlinked with sale of forest produce and mortgage of land of tribals and of other poor borrowers. This process has been reported in numerous village studies for over a long period (see Bailey, 1961, Mohanty, 2001, Sarap, 1991, Sarap, 2007, Sarap and Sarangi, 2010). Further it has been found that poor tribal borrowers have had to borrow money for consumption and/or other purposes by promising to sell their produce or transfer of user's right of land to the lenders. In the absence of mobilisation of funds, the borrower cannot recover the piece of land from the lender and in many cases it is transferred to the lender (see Sarap, 1998). Even before the final transfer of land, the tribal household is reduced to the status of a bonded labour producing crop for the moneylender, on land that legally remains his own.

3.5.12. Private Land Alienation through Debt Mortgage

Since inception till the end of October 2008, a vast number i.e. 1,07,884 number of land alienation cases was instituted, out of which 1,07,434 cases were disposed of. Even if some cases were disposed off, the illegally alienated land was not restored to the tribal owners in all the cases. The status reveals a wide gap between disposal of cases and physical restoration of possession to tribal landowners.

Almost all the literature relating to tribal land alienation in Odisha focuses on the alienation of *patta* land through mortgages and sales. Viegas's study in four districts of Odisha found that scheduled tribes had lost almost 56 per cent of their private land, out of which 40 per cent was lost through debts and mortgages and rest 16 per cent through personal sales (Viegas, 1991). Another study by Dash in 18 villages in Koraput district found that ST families in these villages lost 13.72 per cent of their land during the period 1990-94 out of these, 51 per cent was lost through sale after permission from district authority, 26 per cent through mortgage and 15 per cent by oral transfer (Dash, 2001). A four-village study with a sample of 483 households had mortgaged a total of 44.5 acres of land. Of the 49 households, 17 (35 per cent) needed the money for marriage purposes or for funeral ceremonies and 23 per cent borrowed money for health related factors (Panigrahi, 2001).

3.6. Marginalisation of Tribals in Jharkhand

The formation of Jharkhand state came after decades of collective struggle around issues of tribal identity, socio-economic exploitation and land alienation. Unfortunately the Vision 2010 document for the state outlining a policy focusing on commercialisation, export orientation and market development in agriculture and industry, has meant that acquisition of land has become a priority state concern with little effort being made to prevent tribal land alienation or ensure food security in the state (Rao, 2003)¹⁵.

The alienation and restoration of *adivasi* land and land rights has been one of the most complex and sensitive issues in Jharkhand. Over the years, the *adivasis* have witnessed continued dispossession of both individual and community control over their resources. The continued alienation has not only intensified their poverty, but also seriously threatened their identity in their own homeland. The history of earlier phases is obscure but it seems that various tribal groups cleared the forest, made their habitation and developed a system of land rights and inheritance, a system of village governance and inter-village organisation. Each phase of history has brought new challenges before the communities. The alienation began during the medieval period, but intensified at an unprecedented pace in the colonial period. The communities not only lost their rights on forest, but a new set of intermediaries were imposed on the tribal areas. This led to widespread protests which caused the colonial authorities to pass a legislation which recognised the rights of the *adivasis* through survey and settlement operations. However, these laws also legitimised the rights of the landlords.

¹⁵ See Nitya Rao (2003): "Life and Livelihood in Santal Pargnas", *Economic and Political Weekly*, September 27.

3.7. Tribal Land Tenure in Jharkhand

The tribal land tenures today originate from three specific legislation -- the Chotanagpur Tenancy Act (CNTA) 1908, the Wilkinson's Rule (WR) 1837 and the Santal Parganas Tenancy Act (SPTA) 1949. While the CNTA pertained mainly to the Mundas and Oraons of the old Ranchi district, the WR was specific to the Hos of Singhbhum and the SPTA was meant for the Santals of Santhal Parganas.

3.8. Tribal Land Holding in Jharkhand

Tribal landholdings, both household-wise and individual wise, were assessed on the basis of 1971, 1981 and 2001 Census. A declining trend of landholding was observed among tribals both individually and household-wise. On an average the per capita landholding of tribals in the scheduled areas has declined from 0.71 ha during 1971 to 0.51 ha during 2001. Likewise, on an average, the landholding of tribal households has also declined from 4.67 ha during 1971 to 3.05 ha during 2001. Tribal landholding has declined by 50 per cent during 1971 and 2001 in districts like Dumka, Godda, Latehar, Ranchi, Lohardaga and Sahibganj. Two reasons are mainly believed to be responsible for the declining tribal landholding. First, fragmentation of land due to increase in population and second, due displacement of the tribal people due to land acquisition for development projects viz. mining, industry, construction of major dams and other public purposes. A total of 112 Blocks of Jharkhand fall under Schedule V of the Indian Constitution, which gives the tribals and indigenous population special protection to preserve their land, cultural heritage and ethnic identity. In Jharkhand tribal lands are protected through three major Acts (as discussed above) viz. the Chotanagpur Tenancy Act 1908 (CNT Act), Wilkinson's Rule, for Ho and Kolhan area, and the Santhal Pargana Tenancy Act 1949 (SPT Act). Under these acts, no tribal land can be transferred without the permission of the Deputy Commissioner and the State must take measures to safeguard tribal rights over their land. However, ironically the State has the right to acquire land for public purposes under the provision of 'Eminent Domain'. Since most natural resources and mineral reserves are found in the tribal area, the State often acquires the tribals land under the guise of public purpose displacing thousands of tribal in Jharkhand alone.

3.9. Land Tenure System under SPTA

The Santhal Parganas Tenancy Act 1949 passed soon after independence, provides the legal framework governing the land system in the Santhal Parganas. Section 20, the main protective clause in this Act, ensures non-transferability of land. It does not permit any transfer of a *raiyat's* land by sale, gift, mortgage, will, lease or any other contract or agreement either expressed or implied unless the right to do so has been recorded in the

record-of-rights¹⁶. As a result most Santhals have some landholding, even though often small due to division and sub-division over generations. The Paharias, or forest tribes, still largely reside on hilltops in forested villages. They cultivate land that has been cleared in the forests, but which is not yet regularised due to the non-appointment of a forest settlement officer. They also engage in shifting cultivation or *Jhums* do the Santhals in these forested villages. This is seen as an illegal activity by the forest department, often subjugating the people to bribes in return for such cultivation. However, as per Rule 10 (i) of the Santhal Pargana Protected Forest Rules, Paharias do have legal rights to *jhum*, not just unsettled areas but also in settled villages in the areas, which have been set apart for the purpose by the settlement officer. There are various forms of land tenures in Santal Parganas as given in the SPTA. First of all there is a range of tenancy and sharecropping arrangements. The most common form is land mortgage, locally termed as *bhorna*, in which grain or money is borrowed when needed and a proportionate amount of land is given for the crop season. The second type of tenancy is called *bhag* or sharecropping, which is a more equitable arrangement than *bhorn*. The output is divided equally between the owner of the land and the producer of the crops. It provides an insurance against risk for the owner and an incentive to the tenant. A large number of women-headed households, unable to cultivate their land, due to the lack of male labour for ploughing, give out their lands on *bhag* arrangements, often to their male kin. The third arrangement is *krishani*, where the owner of the land gets two parts, while the cultivator gets a third of the output. The fourth arrangement is called '*bhugat bhandha*', a lease of land that is legally recorded and the maximum duration of which can extend to six years as per section 21 of the SPTA¹⁷. Section 23 allows for the exchange of raiyati land between two jamabandi raiyats for their mutual convenience. This section has also been misused in consonance with section 20 (v) to secure land title by non-jamabandi raiyats, especially in semi-urban and peripheral urban areas. Sections 27,28,33,35 and 41 of the SPTA guide the settlement and use of wastelands or vacant holding, grazing lands, *nalas*(canals), roads and other common property resources, now classified as uninhabited land, though earlier known as *gairmazrua aam* and *gairmazrua khas*. The right to manage and distribute such land is vested in the village headman, acting on behalf of the village, in the case of *pradhani* villages. In the case of settlement of such waste lands by the *pradhan*, this is later regularised by the Circle Officer and *pattas* for the land are issued. These rights of the village headman and community over common property are however being overlooked

¹⁶ Prasad, B.M. 1997. *Santal Parganas Tenancy Manual*, Patna: Malhotra Brothers, p. 30.

¹⁷ Rao, N. 2005 *Displacement from Land: Case of Santhal Parganas*, *Economic and Political Weekly*, XL, No. 41, Oct. 8-14, 2005, p. 4439.

at present in the case of lease of land for coal mining in Pakur district or for stone crushing in Dumka district in Section 2.3116.

3.10. Legal Provisions against Land Rights

The Chotanagpur Tenancy Act 1908 (CNTA); the Santal Pargana Tenancy Act 1949 (SPTA); the Land Acquisition Act (LAA) 1894; the Scheduled Area Regulation 1969 (SAR); the Coal Bearing Areas Act 1957; and the SC and ST Prevention of Atrocities Act 1989; are some of the important laws which govern land rights, regulate acquisition for public purpose and give *adivasis* an executive protection from individual resource alienation. These laws, albeit to a limited extent, also guarantee the customary rights of the community, define various categories of '*raiyats*' and recognise special categories of tenures ('mundari khuntkatti' and 'bhuinhari'), protect the rights of '*raiyats*' against high rents/enhancements of rents, protect against transfer of '*raiyati*' land, regulate the conditions of transfer and make provision for the restoration of illegally alienated land. The SPTA is in many respects similar to the CNTA, but goes a step forward in recognising the customary rights and community life, particularly in relation to the settlement of land and the protection of the rights of *paharias*. The SPTA prohibits transfers of all lands (including that of non-*adivasis*) and allows transfer only in a few categories (see Rao, 2003) while CNTA permits the sale of non-*adivasi* land, and of *adivasi* lands to other *adivasis* within the same police station and with the permission of the deputy commissioner. The SC land can be sold to other SCs within the same district. The CNTA also permits the alienation of land for specific purposes like mining. The SC and ST Prevention of Atrocities Act have a provision for action against encroachment of land (Saran, 2005).

One of the most important steps in the direction for restoration of illegally alienated land to individuals is SAR 1969. In the light of its provisions, SAR courts have been established to expedite the process of restoration. The other important act has been PESA (1996), which has made provisions that the *panchayat* at the appropriate level and the *gramsabha* shall have the power to prevent alienation of *adivasi* land and take an appropriate action to restore any unlawfully alienated land.

3.11. The Process of Land Alienation

The history of the Adivasis in Jharkhand has been a history of land alienation from the Adivasi chief to the Mughal emperors and to the British colonial regime. The process of land alienation continued even in independent India including Jharkhand on account of the development projects and the land grabbing by the non-Adivasis. The process of land alienation in Jharkhand mainly happens with regard to: (1) the forest policies and

laws,(2) political division of Jharkhand from Bihar, (4) land reform law,(5) private sales and land grabbing, (6) protective legislation and its impact and (7) the implications of urbanisation.

3.12. Development-Induced Displacement in Jharkhand

The process of land acquisition for development projects got accelerated in Jharkhand after independence particularly because of the region's abundance of natural and mineral resources. A study on land acquisition for development projects in Jharkhand from 1951-1995¹⁸ gives a conservative estimate of 15,45,947 acres (6,25,889 hectares) of total land acquired for various development projects. This total is divided into 8,52,033.30 acres of private land, 3,48,828.39 acres of common land and 3,45,085.35 acres of forestland. This amounts to 7.96 per cent of the total landmass of the region. Of this, 32.86 per cent has been used for water resource schemes. Industries have used only 11.37 per cent of the total land acquired. One needs to remember that industrial development in Jharkhand started in a big way much before independence. The percentage of the total land lost for industries as listed is only for those units, which have come after the 1950s. When one does an estimation of land used by all the industries irrespective of their age, then the percentage would go much higher. The contribution of mining projects to the total land acquired is 33.32 per cent while that of miscellaneous schemes is 11.57 per cent. It is estimated that the proportion of land used for industries and mining activities is expected to go up substantially in the coming decades.

3.13. Land Alienation in Jharkhand in Recent Years

Ever since the New Economic Policy was ushered into India in the 1990s, the economic scenario of the country has changed drastically. While on one hand it opened up the Indian economy and made it favourable for the domestic houses and multinational companies, it also became unfavourable, especially for the landholding rural populace, on account of the massive land alienation for development projects, housing colonies, and the creation of infrastructure in the name of industrialisation and urbanisation of Jharkhand. The state promptly brought out the 'Jharkhand Vision 2010' and 'Jharkhand Industrial Policy', both aggravating the plight of the rural poor from bad to worse. It also promises to provide land on easy terms for the prospective investors for the industrialisation and urbanisation of the state (Government of Jharkhand, 2001). That is why as many as seventy-four Memorandums of Understanding (MoUs) have been signed by the Jharkhand government in the last few years by availing 3,000 acres of land

¹⁸ Ekka, Alexius and Mohammed Asif. 2000. *Development-Induced Displacement and Rehabilitation in Jharkhand*. New Delhi: Indian Social Institute. 2000.

to Jindal Steel at Ghatshila and 25,500 acres to Tata Steel for Greenfield Projects at Manoharpur and Chandil in East Singhbhum, to mention a few (Ekka, 2008). The state has not been able to benefit adequately from hundreds of development projects in Jharkhand in the pre-reform era besides causing colossal human dislocation and deprivation to the displaced and the project-affected people. And yet, it pursued the development model which was capital intensive, high technology driven, large-scale based, and resource depletion oriented.

Land alienation on account of the development projects becomes a clear violation of human rights of these people in the state. And since land is the prime requirement for the development projects like: irrigation dams, hydro-power stations, industrial complexes, mining projects, and defence establishments; the tribal people are forced to lose in the bargain. First of all, they not only do not benefit adequately from the proceeds of the development projects like power, water, and finished industrial goods and services, but also have no chance to re-establish their lives due to the insufficient resettlement and rehabilitation measures. Electricity was in poor supply and not all the resettlement colonies were electrified even at the thermal power projects situated at Tenughat, Patratu, and East Bokaro. The displaced people complained that the power generated at these projects was taken for consumption of the urban dwellers and industries. There was also scarcity of drinking water for the displaced people in the resettlement colonies. The few ponds and tanks that were available were also polluted, especially at Uranium Corporation of India Limited (UCIL), Jadugora; Fertilizer Corporation of India (FCI), Sindri; and at the open-cast coal mines at Topa, Urimari, Sauda, and Mugma; to mention a few. Similarly, majority of the displacement affected people as the Boudha reservoir in Palamau district failed to provide water for irrigation to those displaced people whose lands were acquired for these projects. On the other hand, those who were not displaced, especially the big farmers of the area, benefited from the irrigation facilities of the projects. In a similar manner, only 35 per cent of the total displaced and project-affected households had got jobs in the Subarnarekha Multipurpose Project at Chandil in East Singhbhum (Ekka and Asif, 2000).

As mentioned earlier, displacement on account of the development projects is a clear violation of human rights of the tribals. Despite the fact that the tribal people of India are also the indigenous people of the country, the Government of India does not accept them to be so (Samta, 1992). Regarding the development projects till date, there has never been any free, prior, and informed consent of the people who are affected directly or indirectly on account of the development projects either under the public sector or

the private sector. The Panchayat Extension to Schedule Areas (PESA) Act, 1996, has some provisions regarding people's say in the development projects and the land acquisition for the same. Its Article 4 has many sections and subsections that indicate these aspects. While section 'i' states that, the *Gram Sabhas* of the *Panchayat* at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Area for development projects....' The subsection (i) of 4e mentions about *Gram Sabha's* approval of plans, programmes and projects for social and economic development....' And sections 'k' and 'l' speak about *Gram Sabha's* or Panchayat's recommendation to be mandatory, prior to grant of prospective licence or mining lease of minor minerals' and 'grant of concession for the exploitation of minor minerals by auction respectively', nothing of the sort has ever happened in Jharkhand. But contrary to this liberal measure in the PESA Act, which gives some space for people's point of view, the Amended Land Acquisition Act of 1984 does not give any legal provision for free, prior, and informed consent of the people or their point of view, whose lands are acquired for development projects. It only issues notifications for land acquisition.

The much talked about consultation with the *Gram Sabha* regarding land acquisition for development projects, as put under PESA, is as good as non-existent. There has never been any consultation with the *Gram Sabha* on any development projects in Jharkhand prior to the decision and land acquisition for the same. Even the mandatory publication of the notification in the gazette as per section 4 (1) and the publication of the declaration in the gazette as per section 6 (1) of the Land Acquisition Act, 1984, is kept secret from the public (Vaswani et. al., 1990: 17- 30). It happened in 1993 concerning the gazette notification regarding the Netarhat Field Firing Projects in Palamu and Gumla districts where about 245 villages were to be affected on account of the said project. People came to know about the proposed project through informal sources and soon got mobilised to oppose it (Ekka, 1994). Similarly, in the signing of sixty-six MoUs by the Jharkhand government with many national and international companies for setting up industries for the technological development of the state, there has never been any consultation with the people, let alone any free, prior, and informed consent.

People's movements against destructive development projects have been strong in Jharkhand as an effective way to safeguard their rights and control over the resources. Today, people's struggles against unjust displacement must take up the issue of human rights' violations and must be challenged in the national and international forums and in the legal institutions and governance systems. Besides, a greater general awareness must be created that destruction of natural resources is nothing but the gradual destruction of human life and society.

3.14. Conclusion

It can be seen from the preceding discussion that a number of factors have contributed to the loss of land belonging to the tribal communities in Odisha and Jharkhand both in pre and post independence period. This has led to shrinkage of land available to these communities and which in turn has significantly contributed to their poverty and low level of living. On the whole it is clear that during pre and post independence period, a host of policies, relating to, both, forest land and private cultivable land, have worked adversely against the tribal communities. As a result it has reduced their access to forest land and private land significantly. In contrast some legislations have attempted to safeguard tribal rights such as the recently passed FRA, 2006 and the PESA act 1996 which are the two best example. However the first tries to legalise tribal rights over the lands inhabited by them, the second has attempted to involve them in the decision-making process and give them greater control over local resources. But despite these, land alienation of tribals persists; in fact, it is endemic in large areas of both states as well as in the country. With this backdrop the next chapter will critically analyse the actual process of implementation of FRA 2006, at different instructional levels in both the states.

Chapter-4

Process of FRA Implementation at Different Institutional Levels

4.1. Introduction

The passing of the Forest Rights Act 2006 undoubtedly represents a seminal moment in India's highly contested forest politics. For the first time an Act has recognised the 'historical injustice' perpetrated by the state:

... The forest rights on ancestral lands and their habitat were not adequately recognized in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers... (FRA 2006).

Box 4.1: Entitlement to Households under FRA

Proper implementation of FRA will lead to a number of entitlements to the claimants. The benefits include:

- ✓ Ownership rights on forest land (subject to a maximum of four hectares) under possession (up to 13 December 2005) by the claimants such as tribals and Other Traditional Forest Dwellers (OTFDs).
- ✓ The people who have constructed small houses on the forest land and living there would get the right on the land to dwell perpetually.
- ✓ Right to settlement of old habitations and un-surveyed villages.
- ✓ Right to habitat and habitation for primitive tribes.
- ✓ Right to conversion of forest villages into revenue villages¹⁹.
- ✓ Right for conversion of pattas (record of land) or lease or grants issued by the state government on forest land to titles.
- ✓ Right to rehabilitation of illegal eviction or forced displacement.
- ✓ Right to ownership, access to collect and dispose minor forest products that have been traditionally collected within or outside village boundaries, and grazing rights.

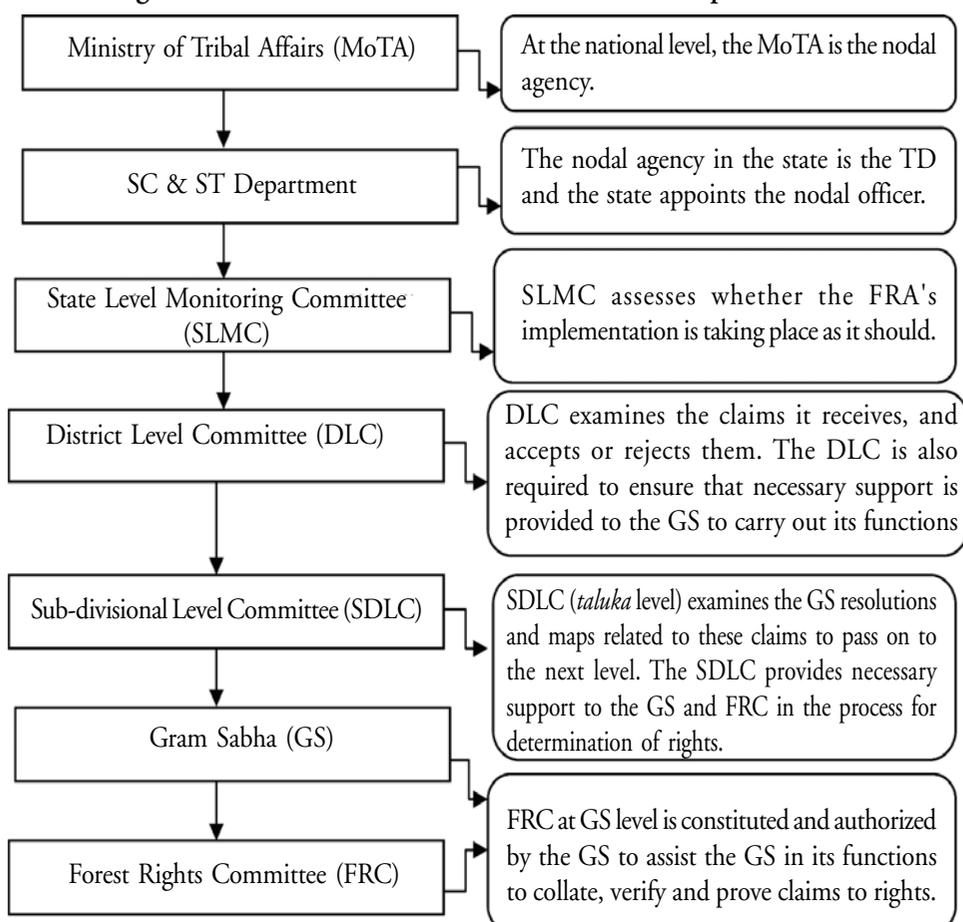
¹⁹ Presently, households in forest villages are deprived of several benefits under anti-poverty programmes including monetary assistance under the *Indira Awas Yojana* (IAY).

contd..

- ✓ Right to protect, regenerate, conserve or manage any community forest resources. The community forest resources may be in reserved forest, protected forest, and protected areas such as sanctuaries and national parks to which the community has access.
- ✓ Community rights to intellectual property related to forest diversity, cultural diversity, and any other traditional rights customarily enjoyed by the forest-dwelling communities, excluding the right to hunting.
- ✓ Other community rights for use or entitlements, such as fish and other products of water bodies, grazing, and traditional seasonal resource access for nomadic or pastoralist communities.

It is to be noted that the vested forest rights are heritable, but not alienable or transferable.

Figure 4.1: Role of Different Institutions in FRA Implementation



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

The FRA makes provision for the restitution of rights to forest dependent households. However, the FRA is only an enabling legislation. The actual allocation of rights at the local level depends on the ways the Act is implemented.

Box-4.2: Steps for FRA Implementation Process

The Act prescribes a number of sequential steps for the implementation of the provisions of the Act from the *gram sabha* to the state level committee. The following sequential steps are to be undertaken for the smooth implementation of the Act.

- A meeting of the *palli sabha*²⁰ is convened by the *sarpanch* on the request and presence of a representative of the *panchayat samittee* and the secretary of the concerned GP/village/hamlet *panchayat* to elect the Forest Rights Committee (FRC) comprising 10 to 15 members including one-third women representation. The role of FRC is to assist the *gram sabha* in its function to collate, verify and approve claims to rights.
- The FRC receives claim forms from individuals and communities on behalf of the *gram sabha/palli sabha*. It has to provide reasonable time and opportunity to the FRC and the claimants to prepare maps demarcating the area of each recommended claim as prescribed under the Act. The claim form is to be accompanied by at least two evidences (out of nine given in the Act) authenticating the claim. The *gram sabha* shall, then, pass a resolution on the claims submitted and forward a copy of the same to the Sub-Divisional Level Committee (SDLC). Any person aggrieved by the decision of the *gram sabha* may apply to the SDLC within 60 days from the passing of resolution by the *gram sabha* for a decision on the petition.
- The SDLC consists of the SDO, tribal welfare officer, forest range officer, and three members from the *Panchayat Samittee* (PS), appointed by the PS. The SDLC examines the resolution/decision of the *gram sabha*, prepares the records of forest rights and forwards it through the SDO to the district level committee for a final decision.
- The District Level Committee (DLC) composed of the collector, District Forest Officer (DFO), District Welfare Officer (in Odisha it is the DRDA/ITDA), and three representatives of the *Zilla Parishad* (ZP), appointed by the ZP. The DLC is the final authority to decide and approve on the forms (both individual and community) prepared by the SDLC.
- The state level monitoring committee monitors the progress of recognition and vetting of the forest rights.

Source: Forest Rights Act 2006.

²⁰ Village-level assembly is known as *Palli Sabha* in Odisha.

4.2. Implementation and Outcomes of FRA in Odisha

The FRA is a new Act passed in 2006. Immediately afterwards, the implementation of the Act got locked in court cases. The Retired Foresters' Association filed cases in at least 10 states of India against its implementation, as they alleged, it encouraged illegal encroachment and led to disruption of the eco-system. One study was done at the behest of the Ministry of Tribal Affairs by the Scheduled Castes and Scheduled Tribes Research and Training Institute (SCSTRTI), Bhubaneswar, Odisha. It identified the institutional and administrative bottlenecks in the implementation of FRA and made recommendations for redressal of such problems. Other Studies by NGOs like Skill Share International, Campaign for Survival and Dignity (CSD) and other tribal organisations are related to the difficulties in implementation. They argue that the MoEF set arbitrary deadlines, relocated people without approval, and diverted land in the name of critical wildlife habitats. They also focused on lack of adequate awareness of the provisions of the Act.

There is a vast amount of literature on the forest policies in India -- changing use and management of forests. It starts from the Indian Forest Act, 1865. In Springate-Baginski and Blakie, 2007, the core theme has been how the Forest Act aimed at securing steady increase in timber production and silvi-cultural improvement. It was meant for construction of railways. So the colonial approach was "the starting point of State intrusion in to the complex customary rights and resource-use patterns then existing in India (Springate, 2007).

When the tribal and other forest dwellers suffered hardships and resisted, the Government of India introduced social forestry in its Fifth Five Year Plan. It aimed at helping forest dwellers to meet their needs of fodder, firewood and timber whilst reducing their dependence on forestlands. This was supported by SIDA and DFID among others as recorded by Hobley, 1992. Saxena and Ballabh (1995), evaluated the social forestry programmes and conclude how they failed. Poffenberger (1990) also joins in terming the social forestry as environmentally and socially undesirable. Sarin, *et. al.*, (2007), captures the shift from State control or facilitation to participatory approaches and community management, enshrined in Joint Forest Management (JFM). Dharamadhikary (2008), deals with the latest trend of compliance of industrial needs by forest policies like mining and large hydroelectric projects.

In the state of Odisha the process of implementation of the Act started since January 2008. A number of agents are involved in the process. Four departments namely Tribal, Revenue, Forest and *Panchayati Raj* are working in coordination for implementing the Act, with the Tribal Welfare Department being the nodal agency. Based on the Forest Rights Act 2006, the Department of SC and ST Development Commission, Government of Odisha has written to all the collectors of the districts to form committees at the

district, sub-divisional and the village level through *Palli Sabha*²¹ on 15 February, 2008.

The *Panchayati Raj* department in consultation with other departments directed the officials at district and block level to hold *Palli Sabhas* on 16 and 23 March, 2008 to form FRC at the village/hamlet level after giving proper orientation on the FRA and its Rules. The dates of holding *Palli Sabha* were published through local Media. Officials to be entrusted for implementation of FRA at different levels were familiarised through discussion and training on the different provisions of the act. However, dissemination of different provisions of law could not be widely given to the villagers due to shortage of time and officials and local level people conversant with the Act.

Initially FRCs were formed with only revenue villages and many forest villages, un-surveyed villages and forest habitations were excluded. Further *Gram Sabhas* could not be held in many villages due to lack of preparedness by the *panchayat* level authority, lack of quorum and due to the confusion about the purposes for which the meeting was held at the village/ hamlet level. Even some *Gram Sabha* meeting were held after the fixed dates. The state further allowed convening FRC meeting by Gram Sabhas in later period. Continuous and wider interactions among the different stakeholders, including the implementing agencies and facilitating agents such as civil society organisations led to simplification in the understanding of different provisions of the Act among the local officials and potential beneficiaries.

4.3. Operational Challenges in Odisha

The implementing departments facilitated the forest rights committees in the preparation of the map relating to the land under possession by the potential beneficiaries, types of evidence in support of their claims. The civil society organisations (CSOs) played an important role in enabling the communities, protecting forests on a community basis, and to submit claims to the implementing agencies.

However, it is to be stressed that given low level of literacy among the ST/SC and other backward caste (OBC) households in general and rural areas in particular, all these efforts of awareness building had limited impact on the prospective claimants and FRC members²² initially but later on it picked up momentum. Awareness campaigning was largely absent in the remote areas²³.

²¹ Village level assembly is known as *Palli Sabha* in Odisha.

²² Many claimants found difficult in getting caste certificate (for ST) as they have no *Patta* land but only customary rights on the land under their possession. Because of this there is confusion as to who will issue caste certificate. Because of this type of confusion many potential claimants could not submit the claim forms in time, even though they have forest land under their possession.

²³ See also Sathyapalan (2010), for a similar experience in Kerala.

Even though the act has to be implemented within a time frame, most of the departments of the state have taken the task of implementation as one of the several functions it has to perform. Initially the attitude of the forest department has not been proactive given its control over the forest for over hundred years but later on this department has been a part of the process and co-operated in the implementation along with the other departments. There was inadequate sanction of funds for hiring of technical personnel (*patwaris* and others) for preparation of map for the claimants and verification of land records.

Due to legal and technical grounds on the control and management of land by both Revenue and Forest Department, only the maps for the lands occupied and cultivated within the revenue boundary had been prepared excluding the areas under Reserve Forest (RF), Protected Forest (PF), National Parks, Sanctuaries, etc. This is happening only in case of the individual rights over forestland. However, the right over Community Forest (CF) was not getting much attention for long. The FRA has been largely considered as land rights over a piece of forestland negating the Community Forest Right (CFR) as the most important one. This has been a major gap in understanding FRA at government level as well as civil society. Besides, there are specific provisions for PVTGs, pastoral and pre-agricultural nomadic communities, displaced people under FRA, which has been a non-starter. There has been a complete lack of clarity at the government and civil society level.

4.4. Implementation and Outcomes of FRA in Jharkhand

Implementation of the Act only began in Jharkhand in October 2008, due to the lack of elected *panchayats* in the state. The state government claimed that it was not able to implement the Act due to this, since the Act requires elected members in the Sub Divisional and District Level Committees, while the Rules require the *panchayats* to summon a *gram sabha*. The Ministry of Tribal Affairs was requested for a clarification on this and had, in July 2008, informed the Jharkhand government that the state government can, in consultation with the *gram sabhas*, appoint members to fill these positions. In Latehar, West Singhbhum and East Singhbhum districts, gram sabhas were called at the end of November 2008 and Forest Rights Committees elected, though in some areas the Forest Department had tried to impose JFM Committee members as FRC members. Initially during the year 2009, systematic distribution of claim forms had not yet taken place in most areas. Although District Collectors had received some funds for printing forms etc. even where had been printed the forms the BDOs had not bothered to distribute them. There are reports of revenue field level officials demanding bribes for giving forms. The Forest Department had attempted to restrict recognition to pre-1980's claimants in some areas.

Though hundreds of settlements submitted resolutions seeking constitution of hamlet level *gram sabhas*, initially most *gram sabhas* have taken place at the revenue village level. In Latehar, the Collector has agreed to hold *gram sabhas* as per the provisions of the *Panchayati Raj* Act of Jharkhand. The process of recognising hamlet level *gram sabhas* had begun in the district. In early 2009, there were also intensifying efforts to remove people from their lands for plantation purposes. In Latehar district, in the second week of February, false cases were filed against people who resisted plantations and two people were arrested. Even in August 2009, cases were filed against people occupying forest land since ages and they were jailed. Many villagers had been evicted since 2005 in the name of undertaking plantations.

As of October 2009, the State government had not issued any clear orders, and actual implementation was dependent on the District Collectors. In the absence of clear procedural guidelines being issued across the state, and the limited personnel available with the welfare department, implementation is largely being led by the district collectors. There seems to be wide variation in the approach being followed by different collectors. In some districts, the Collectors have delegated the task of getting FRCs elected to poorly trained BDOs. In some areas the BDOs have nominated FRC members on their own without calling *gram sabha* meetings while in other cases, the Collector insist on seeing the signatures of 2/3rd members of the *Gram Sabha* on the voters' list before accepting the validity of the *gram sabha* meeting. From 2010 onward, the process of implementation in Jharkhand has picked up a little bit of speed as compared to the initial days of its implementation. Largely due to state government pressure to show some results, about 15,296 titles have been distributed in the whole state as on 31st July 2014. In many cases the titles are for lesser area than that claimed but no reasons have been given for the same. The claims of other traditional forest dwellers are being ignored. There have reportedly been almost no claims for community forest rights. In one area, the Birhors claimed the right to collect NTFPs which had been granted over a 150 acre forest area. The Forest Department is refusing to accept claims in most wildlife sanctuaries, national parks and tiger reserves on the grounds that rights in reserve forests were recognised during the colonial period. However, some individual land titles have been issued in Hazaribagh wildlife sanctuary. No effort has been made to convert forest villages (there are 28 forest villages in the state) into revenue villages, although individual titles have been issued in one village. Bamboo and Tendu leaf continue being managed as nationalised MFPs by the forest department.

Out of 41,346 individual claims received, 15,134 claims were approved and 11,876 rejected. Out of 24 districts, 18 are Left Wing Extremist (LWE) affected districts. Villages identified in the LWE districts number 8,723. The *Gram Sabhas* and FRCs have been

constituted in 12,157 habitations/villages. Out of 11,388 individual claims received from LWE affected areas, 2,943 claims have been approved and 2,840 rejected. Of 106 community rights claims received from 57 LWE affected villages, 23 have been approved and 79 claims rejected. Progress of community rights and community resource rights is very slow. In case of community forest resource rights, only 16 claims have been received, of which 12 have been approved. Recognition of rights in Protected Areas is a non-starter in the state. Similarly recognition of habitat rights of PVTGs have not been initiated due to lack of clarity amongst officials on the habitat rights of PVTGs. Need of Synergy and coordination between line departments for better convergence and linkage of FRA right holders in development programmes is very poor in the state. Creation of Record of Rights has not been initiated in the state.

The process of implementation in the state of Jharkhand is very slow as compared to Odisha. The process has taken place in an unsystematic manner. Jharkhand is an important state for FRA implementation, with a large forest area and a very large tribal and non-tribal forest-dependent population. However, by 31st July, 2014, the number of individual claims received in Jharkhand was only 42,003; and of these, only 15,296 had been granted, which makes it less than one claim per forest dependent village. This is a surprisingly low figure, and a cause for concern about the manner of implementation. Moreover, very few claims for Community Forest Rights have been received; those listed as CFR claims are mostly for diversion to non-forest activities or minor claims for graveyards and threshing grounds. The main objective of giving community rights to forest resources has not been achieved. The reasons for this situation include:

1. A number of potential claimants appear to be left out of the process entirely, due to lack of awareness and information, non-supply of forms, etc.
2. A large number of applications have been rejected for the wrongful interpretation of the Act.
3. A number of cases of inordinate delays in processing claims, in providing support to *Gram Sabhas* to process claims, and tenable allegations of corruption by implementing staffs and village leaders have emerged.
4. Several cases of Forest department illegally initiating plantation activities inland for which cultivation claims have been filed (or could be filed) are occurring.
5. Several deviations have occurred from the process of implementation laid down in the law, including less involvement of the *Gram Sabha*, wrong attribution of rejection made by officials to the *Gram Sabha*, lack of communication of rejection to the claimants, etc.

6. Where claims have been granted, the process of mutation of land records is incomplete, and in the case of community claims, the titles issued are faulty.
7. Several communities believe that applying under the Act will weaken their claim for full forest rights as per earlier Acts, for which they had been agitating for a long time.

The main underlying reason for this state of affairs appears to be a lack of interest in the state government towards implementation of the Act, and the consequent inadequate realisation of the potential of the Act to reduce land right conflicts and empower tribal and forest dependent communities. In spite of resources being available, on the ground implementation is poor, misdirected, with inadequate staffing, poor understanding of CFR provisions, and willingness to take the easy route by asking the Forest Department to play a major role.

4.5. Operational Challenges in Jharkhand

Lack of awareness amongst the members of the *Gram Sabhas* on the procedures of claims filing the progress is slow in Jharkhand. Claims on non-forest land organising *Gram Sabhs* in LWE affected areas is a major challenge and in many cases, the required quorum of the *Gram Sabha* is not met and claims are sent to the SDLCs without being approved by 2/3rd majority of *Gram Sabha*. There is a lack of availability of written documents, maps etc. at the district and field offices as most of the documents and maps are available with the Government Press at Patna, Bihar. There is lack of clarity amongst officials on evidence required for OTFDs.

Pre-existing rights have been recognised in the *Khutkatti* area and hence not filing any claim because they fear that filing any claim under FRA will weaken their status vis-à-vis *Khutkatti* rights and restrict the area to 4 ha. At the government level, there is confusion regarding applicability of the FRA in this context. Jharkhand Government has requested MoTA to issue clarification on this. The procedure for the conversion of Forest villages into Revenue villages has not yet been started in Jharkhand.

The National Committee on FRA headed by N.C. Saxena that studied the state-wide progress of FRA implementation, found that in different districts of Jharkhand viz: Dumka, Khunti, Gumla etc., the pre-existing rights were recorded in "*Khutkatti* areas" under Chottanagpur Tenancy Act, 1908 (CNTA), and Santhal Parganas Tenancy Act, 1949 (SNTA) and people from these areas were not willing to apply for their claims under FRA.

One of the reasons for the slow progress in Jharkhand has been people's fear to claim their rights under FRA as they apprehend that it would indicate that the land belongs to the Forest Department and their pre-existing rights would not be recognised. This is

because of the lack of awareness amongst the communities about the provisions of FRA and the State Government has to take effective measures for awareness building and sensitisation of both the communities and the government officials. Moreover, in these areas, even though people had pre-existing rights over the forest land under CNTA and SPTA; their rights have been alienated with the declaration of Protected Forests, Wildlife Sanctuaries etc. He clarified that FRA recognises the pre-existing rights and *Section 3 (1) (j)* clearly mentions that rights recognised under any State Act are covered under FRA. The State Government has to mobilise claims from these areas as it is important that the rights are recorded under FRA and the claimant should get a copy of the record of their rights, either for individual land rights or community rights, which will help them to strengthen their livelihood. Further, once this is ensured, they would be motivated to invest in the development of their land for sustainable livelihood.

Over the years the nature of forest use has been drastically changed by different policies and practices. Forests were initially used for multiple purposes by the forest dwellers but slowly their use was changed to timber oriented forest policy, and the rights of people over the forest and forest products, especially minor forest produce, were curtailed. The FRA secures the rights of ownership, access to collect and dispose the MFPs which have been traditionally collected by the tribals and OTFDs. While ensuring sustainable livelihood security of the forest dwellers, the need of the hour is to work towards post-claim management framework and aim at achieving three major objectives:

- Increasing the productivity and sustainability of the forest produce especially MFPs;
- Ensuring access of people over the MFPs; and
- Setting up institutional arrangement for the management and marketing of MFPs.

Currently, there are two marketing models: one is nationalisation of forest produce like tendu and bamboo where government alone has the monopoly over the produce and the other is free market for de-regularised MFPs. However, both the models are not suitable for tribals. He opted for the third model as in the case of wheat and rice, where the Minimum Support Price (MSP) is fixed by the government and at the same time forest dweller is free to sell the MFPs in the market. The price fixed by the Government should be so high and remunerative that the MFP collector is tempted to sell his produce to the Government.

As per the data from Ministry of Tribal Affairs, institutional structures like FRC, Sub Division Level Committee (SDLC), District Level Committee (DLC) and SLMC, required at various levels to implement the Act have not been duly formed in all the states. The data further reveals the claim settlement at various levels. It indicates that the

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

Similarly, in the transfer of applications from SDLC to DLC, MP has the highest number (99.1%), followed by AP (84.34%) and Odisha (77.10%), while Gujarat has the lowest (26.52%). Claims approved by DLC show that the highest number of cases have been approved in the case of Rajasthan (98.44%), followed by Odisha (97.37%) and Jharkhand (95.92%). With respect to recognition of the land title by DLC as per Ministry data, Gujarat and Rajasthan have recognised land titles for all cases approved by the DLC, followed by Odisha (97.29%) and AP (96.05%). The lowest number of titles (90.24%) of approved cases by DLC is observed in case of WB. However, in the case of Gujarat, MP and Maharashtra, settlement of claims is quite inconsistent.

Table 4.1: Summary Timeline of FRA Implementation in the Study Area

Name of the District	Name of the Village	Presence of the Community Forest, (area in Acre); whether applied under section 3.1 of FRA	Whether under Joint Forest Management (JFM)?	Capacity building of FRC	Invitation by FRC to submit claims: (a) individual (b) collective	Process of submission of claims by FRC on behalf of Gram Sabha	Field verification of claims followed by Resolution of Gram Sabha over claims for recommendation	Verification of claims and preparation of record by SDLC	The approval of claims by DLC and distribution of Title
1	2	3	4	5	6	7	8	9	10
ODISHA Deogarh	1. Burudih* (15)	150 (No)	Yes	No	April 2008	June 2008	Completed	Completed	A
	2. Anandpur* (15)	00 (No)	No	No	April 2008	June 2008	Completed	Completed	A
	3. Brahmanimal (15)	00 (No)	Yes	Yes	May 2008	June 2008	Completed	Completed	A
	4. Rambhei (15)	00 (No)	Yes	Yes	May 2008	June 2008	Completed	Completed	A
JHARKHAND Khunti Ranchi	5. Chama* (15)	00 (No)	No	No	November 2008	January 2009	Completed	Completed	A
	6. Jamunothori* (15)	350 (No)	Yes	No	November 2008	January 2009	Completed	Completed	A
JHARKHAND Khunti Ranchi	7. Taranga* (15)	00 (No)	No	No	November 2008	January 2009	Completed	Completed	A
	8. Purtu* (15)	120 (No)	Yes	No	November 2008	January 2009	Completed	Completed	A

Note: *Under Schedule Area (PESA)

Col. 2: Figure in the bracket represents total number of members selected for the FRC.

Col. 6: Even though community forest is present in three villages (col.3), villagers have not applied for it. Because, (in all the villages) they were told by the forest officials that as there is JFM, they are not eligible for the CFR claim and (in one village), they didn't have information about CFR.

Col. 10: A = The titles have been finally approved by the DLC and distributed to the beneficiaries.

Table 4.2: Progress and Distribution of Individual and Community Claims under FRA upto 31st July 2014

Particulars	States		
	Status	Odisha	Jharkhand
1 Number of claims filed at <i>gram sabha</i> level	Total	5,83,231	42,003
	Individual	5,71,145	--
	Community	12,086	--
2 Number of claims recommended by <i>gram sabha</i> to SDLC	Total	4,57,585	23,617
	Individual	4,52,262	--
	Community	5,323	--
3 Number of claims recommended by SDLC to DLC	Total	3,63,916	17,046
	Individual	3,58,593	--
	Community	5,323	--
4 Number of claims approved by DLC for title	Total	3,56,618	16,351
	Individual	3,51,295	--
	Community	5,323	--
5 Number of titles distributed	Total	3,38,762	15,296
	Individual	3,35,443	--
	Community	3,319	--
6 Extent of forest land for which titles were distributed	Total	6,93,982.93	37,678.93
	Individual	5,34,549.95	--
	Community	1,59,432.98	--
7 Average amount of land distributed per title holder (in acre)	Total	2.1	2.46
	Individual	1.6	--
	Community	48.1	--
8 Number of claims rejected	Total	1,40,296 ²⁴	16,958
	Individual	1,40,002	--
	Community	294	--

Source: Government of India, Ministry of Tribal Affairs, 2014.

Note: Individual and community-wise data are not available in the case of Jharkhand.

²⁴ About 1.40 lakh titles up to July 2014 at the state level have been rejected. In many cases, the SDLC/DLC has rejected the claims without assigning adequate reasons (see also Vasundhara 2011, p.6).

Table 4.3: FRC formation meeting at study villages

Study village	Organisations involved at village level		✓village or ✗Hamlet Level	Notice received (between days)	Distance of meeting from hamlet	Attendance (%)	Date FRC formed	✓Elected or ✗Selected	Local people's perceptions Formation process ✓satisfactory, poor
	FD	PRD							
Burodithi	✓		✓	3-7	Within	90	16th March 2008	✓	✓
Anandpur		✓	✓	3-7	Within	80	16th March 2008	✓	✗
Bhramanimai		✓	✓	3-7	Within	85	23rd March 2008	✓	✓
Rambhai		✓	✓	3-7	Within	70	23rd March 2008	✓	✗
Chama		✓	✓	3-7	Within	70	26th March 2009	✗	✗
Jamunothori		✓	✓	3-7	Within	65	26th March 2009	✗	✗
Taranga		✓	✓	3-7	Within	55	16th March 2009	✗	✗
Purtu		✓	✓	3-7	Within	90	16th March 2009	✗	✓

Source: Field Survey.

Note: FD- Forest Department, PRD- Panchayati Raj Department.

4.6. Training and Awareness Building

Out of the eight study villages in Odisha and Jharkhand no awareness building has taken place in four villages. The awareness campaign conducted by agents in the district of Sambalpur is much lower in comparison with other study districts, namely Deogarh. In these villages civil society and NGOs are involved in awareness building. However, in Jharkhand the situation at rural level has become tense for the last few years or so, due to naxal tension in the state. As a result the awareness building measures have been meagre. However awareness about the FRA has been picking up in different regions of both the states including the study districts due to the efforts by civil society organisations in the latter part of the implementation process.

Table 4.4: Training and Awareness Building in the Study Villages

Sl. No.	Name of the Study Village	FRC Training Date and Place	FRC Perceptions	Community Awareness Raising Activities	Local People's Awareness Level
1	Burodihi	NA	NA	Nil	Medium
2	Anandpur	NA	NA	Nil	Low
3	Bhramanimal	Within village May 2008	Good	Village meeting	High
4	Rambhai	NA	NA	Nil	Medium
5	Chama	NA	NA	Nil	Medium
6	Jamunothori	NA	NA	Village meeting	Low
7	Taranga	NA	NA	Poster	Medium
8	Purtu	NA	Good	Village meeting,	Medium

Source: Field Survey, NA: Not Available.

It can be seen from the above table very clearly that there was limited campaign and training relating to salient features of FRA and its proper implementation to FRC members, potential claimants and the lower level officials associated with FRA implementation.

4.7. Conflicts of Interest in Implementation of FRA 2006

The Forest Rights Act is the most recent manifestation of conflicts, and the intense struggle over it from 2005 onwards, allows us to map the social forces involved. The actors in this struggle can broadly be categorised into three groups. The first, and the most vocal in the English press, is the forest bureaucracy and its handful of very visible allies among hard line wildlife conservationists. This group, defending centralisation, autocracy, and enclosure system of the forest bureaucracy, as the be all and end all of

wildlife conservation, attacked the Forest Rights Act head on and aimed to do nothing less than destroy it²⁵.

In the resulting controversy, it is common to then assume that all other actors can be classed together as supporters of the law. But there is, in fact, a fundamental distinction within this group as well, which is crucial to understanding the way the struggle around the Act was shaped and is still being shaped in the present day. Thus, one group of 'supporters', comprising much of the non-forest state bureaucracy, some non-governmental organisations (NGOs), and progressive elements in the forest bureaucracy, saw the forest rights struggle as legitimate but limited. To this group, the key purpose of any move on forest rights was to mitigate conflicts, recognise people's lands and homes, and basically, address the immediate burning problems of the *adivasi* in particular, so that forest areas could cease to be a cauldron of violence and impoverishment. This could be done through a clear, well-designed, and 'focused' legislative effort to correct the historical injustice of the past.

The other group of 'supporters', including most of the forest dwellers' and tribals' movements, and certain elements in the Left parties, the Congress, and other political parties, argued that would address the deeper reality of a system of resource control that is inherently extractive and exploitative and which would not allow a 'simple', straightforward rights recording exercise to ever take place. For the movements in particular, this issue was not an end in itself, but an entry point into a deeper, wider political of struggle over resources.

It is important to note that this broad sketch does not concern merely different points of view but different social forces. Each of these actors occupied a socio-political position determined by the material basis of their action—the forest bureaucracy, NGOs, etc., attempting to protect and promote stability in the face of one of the country's most severe internal conflicts; and the movements and sections of political parties, attempting to bring about a more fundamental change to empower their mass bases.

The struggle over the law and its meaning has been shaped at each stage by the question as to which force dominated the political space in question. Considering the politics of the institutional reform in forest governance, we can see that there are numerous vested interests and conflicts of interest found in the state in the process of implementation as well as in the ideological background of the major political parties in the state.

²⁵ See Sankar Gopalkrishnan, "The Forest Rights Act, the Adivasis, and the State", India- Social Development Report- 2010: The Land Question and the Marginalised, *Council for Social Development*, New Delhi, pp.62- 69.

The major political parties in the state have not taken up the issues relating to improvement of livelihood of tribals and other forest dwelling communities except for conservation of forests. Given such a political situation in Odisha it was left to the bureaucrats and some civil society groups who raise the issues of livelihood of tribals. It is the civil society groups and some NGOs who are active in raising the issues of forest dwellers. Here also there is contradiction among these groups and between the groups. For instance, there are some NGOs who are more interested in the protection of wild animals and biodiversity and for that, the growth of forest. They emphasise less about the plights of tribals. In such a situation the interpretation of FRA in the context of 'Critical Wildlife Habitat' as no claim area to keep the tribals out of the area is crucial. Given that 11 percent of forest area in Odisha is under national park and sanctuaries and more areas are under pipe line, where many tribal hamlets are located, it is doubtful about the proper interpretation of the FRA in such areas for the benefit of tribals. Third party intervention on behalf of tribals is necessary for proper implementation of FRA in these areas.

The forest bureaucracy in the state has been a very strong influence relating to forest policies of the state. Even though two other important departments (Revenue and Tribal Welfare) are involved in the process of implementation of FRA, information on forest land by the forest officials at the lower level is crucial. The revenue officials such as the *Patwari*, who actually do the survey work at village level is also important. But they take it routinely. In such a situation the forest officials play an important role in deciding the forest land under possession by the claimants. Given their attitude they would try to be conservative in the decision to allocate forest land. It has been observed in some study villages that the claims forms of some claimants were rejected because at the time of verification, it was found that the plot under consideration was not located at a place where it was mentioned in the claim but cultivating forest land in another site of the village²⁶. There can be several such cases in which the forms will be rejected at the preliminary level by the committee.

Another problematic feature of FRA is in regard to other forest dwelling communities. It will be difficult for the claimants to prove their residence status for 75 years in the village where they are currently staying. It becomes further difficult for households who have been displaced earlier but settled in the existing village. In order to prove the residential status at least two evidences are necessary. One can be testified by an older person of the village who personally knows the applicant person. Besides this any other evidence is difficult for the claimants to provide. In such a situation the forms submitted by other forest dwelling households may be rejected or may not be taken for verification,

²⁶ See Sarap, Sarangi and Naik 2013.

unless there is a strong political will on the part of the administration/state. Similarly, there are many Other Traditional Forest Dwellers (OTFD) households who have been displaced from several projects earlier but settled in the current villages. These OTFD households do not know how to collect residential proof of three generations.

Further in a fragmented village society like that of Odisha and Jharkhand, even these claims may be objected to by certain groups in the *Gram Sabha*. During our field investigation in Deogarh district village it was found that the joint verification team has given preference for verification of claims submitted by the tribal households and told the villagers to verify for other groups later. During the course of implementation of the Act except for regularisation of forest land under possession, giving community right to groups on forest resource, other provisions of the Act are not taken into consideration by the SDLCs and DLCs in the state. Of course there are problems in ascertaining the records of the claimants for instance in the case of persons displaced from forest land more than one time. But there is no effort on the part of the state to find a solution for this.

In the aforesaid situation one does not find positive and proactive political process for land related matters in general and forest land in particular in the state. The routine matter on FRA in addition to several other issues the attitude of majority of bureaucrats and also the important role played by the forest bureaucracy, the process of implementation of FRA would be slow and truncated despite some occasional evaluation of the process by the political authorities. One finds some enthusiastic officers and few NGO personnel, who are eager to expedite the process of implementation at a rapid rate and with a positive attitude. However, their numbers are small and they are crowded out in the midst of majority of the implementing agents who take the matter routinely. Given that the size of the civil society organisations dealing with the FRA issues is small and weak, the catalytic role played by them is also weak.

Further there is shortage of manpower in all the departments implementing the FRA especially at the ground level. As a result the process of implementation of the Act especially the joint verification at the block/sub divisional level is slow. There are hardly any efforts at the political level to overcome this problem to expedite the process of implementation.

It is clear that the good intentions of the FRA may be neutralised to some extent due to lack of political will on the part of the major political parties, weak administration with shortage of technical/ administrative staff with an indifferent attitude and weak civil society organisations. There is need for building political processes as to overcome these obstacles.

4.8. Conclusion

There is neither the political mobilisation that a programme such as implementing FRA requires nor is there any competitive political alternative or a critique of existing process of implementation in both the states. Socio-political change driven by bureaucracy has its limitations, and the process is extremely slow in both the states. Despite these weaknesses, Odisha has implemented some provisions of the FRA, especially those that deal with individual rights and a few community rights. Progress on several other provisions of the FRA has been minimal or nil. The FRA if implemented properly in the state will thus not only provide stable property rights on forest land but also enforce the entitlement of forest dwellers on forest produce. The former (land) will empower them with access to institutional credit, technology and incentive for hard work on production and the latter will facilitate the conservation and development of forest. Further, both, assets and produce (crop and forest products) will enhance their income and capability to shape their livelihood options. Hence, institutional change in property right structure and decision making on use, disposal of forest products and development of forest will empower them to exercise control on forest which would be pro-poor in nature. Following the process of implementation of FRA, the next chapter will analyse the livelihood impact of FRA in the study area.

Chapter-5

Livelihood Impact of FRA 2006

5.1. Introduction

In order to obtain decentralised property rights, it is often necessary to invest in capital assets. Investment in capital assets has two distinguished characteristics: *first*, every capital investment has an opportunity cost; and *second*, by investing in capital assets, a community can obtain stable and commonly-beneficial outcome (Reddy and Saussan, 2004). It is therefore, necessary to understand the differential capital assets that exist within a community in order to achieve an equitable and sustainable decentralised resource ownership regime. In view of this the Sustainable Livelihood Framework (SLF) has been used to analyse the impact of entitlement under FRA 2006 on the livelihood of the people.

5.2. Why SL Framework?

The sustainable livelihoods framework presents the main factors that affect people's livelihoods, and typical relationships between these. It can be used in both planning new development activities and assessing the contribution to livelihood sustainability made by existing activities. In particular, the SL framework provides a checklist of important issues and sketches out the way these link to each other. It draws attention to core influences and processes; and it also emphasises the multiple interactions between the various factors which affect livelihoods. The framework is centered on people.

Since the Sustainable Livelihood Approach (SLA) is a comprehensive framework that assesses various dimensions of livelihood at the household level. This study has used the SLA framework to analyse the impact of FRA on livelihood of the beneficiaries. For analysis of different livelihoods assets, the study has used different indicators under Human capital, Natural capital, Physical capital, Social capital and Financial capital.

Without following the traditional methods of employment generation and target group programmes, SL framework provides new ways to address poverty issues which are examined

in relation to five capital assets-- physical, financial, natural, human and social. The understanding of these concepts can be gained by looking at them in relation to entitlement theory (Sen, 1982, 1985 cited in Reddy et al., 2004: 299-300). The livelihood assets can be seen as a capability or as a potential that can be deployed in livelihood activities. Although the five capital assets are assumed complementary to each other; especially, natural capital has a pivotal role in the livelihoods of rural people: the poor in the world predominantly depend directly on natural resources through cultivation, herding, collection or hunting for their livelihoods. Therefore, the natural resources must be protected for the livelihoods to be sustained (Rennie and Singh, 1996; Reddy et al., 2004). Sustainable Rural Livelihood (SRL) can be termed as strong improvement in all the five capitals and less dependent on other activities; on the other hand, SRL refers to improvement in some of the capitals and high dependency on other activities (for example, activities that are highly related to transitory or causal income).

5.3. Vulnerability and Occurrence of Shocks

Vulnerability is the degree of exposure to risk, shocks and stress; and proneness to food insecurity (Chambers, 1989; Davies, 1996). It has the dual aspect of external threats to livelihood security due to risk factors such as climate, markets or sudden disaster, and internal coping capability, determined by assets or social support system that could carry them through periods of adversity. Vulnerability has important social dimensions as well as those resulting from natural or economic risk factors. Social obligations such as dowry, bride wealth, wedding or funerals may result in an already precarious ability to cope with adverse events becoming even more so (Chambers, 1983). Likewise, insecurity of land tenure under rental or crop share tenancy, and insecurity of wage employment in agriculture, add to livelihood risks and increase vulnerability.

Shocks define, in part, how households are vulnerable to their particular circumstances. During the household survey over 194 households in eight villages of Odisha and Jharkhand, the top five shocks cited by the households and the frequency of the shocks were: major illness, death or losses of livestock, death of member of the households, poor agricultural production and loss of land (see Table- 5.1).

5.4. Coping Strategies

Household coping strategies were the sequence of survival responses to the crisis or disaster. The initial coping strategies that households employed in the wake of these shocks were primarily in the form of cash loans: 67.6 per cent in the case of major family illness; 45.8 per cent in the case of livestock or poultry death; 65.2 per cent in the case of a family member's death; and 50.5 per cent in instances of poor agricultural production

(table-5.1). Loans were also the most common coping mechanism mentioned by the majority of the households in both the states. Another common strategy many of the household adopt is modifying diets. During the season where there is shortage of food, many households decrease the number of meals per day from four to two meals per day. In the place of rice they substitute with so many forest products or inferior crops stored for the lean season.

Table 5.1: Top Five Shocks among the Households (during last 12 months)

Sl. No.	Type of Shocks	Odisha (N=100)	Jharkhand (N=94)	Overall (N=194)
		Percentage of HH	Percentage of HH	Percentage of HH
1	Major illness in the family	66.0	68.6	67.6
2	Death or loss of livestock or poultry	43.0	40.2	45.8
3	Death of household member	63.0	65.5	65.2
4	Poor agricultural production	52.0	55.5	50.5
5	Loss of land	54.0	46.0	48.2

Source: Field Survey.

Poor households reported borrowing money, primarily from moneylenders at high interest rates; to purchase food during the hungry season, pay for medicines, and fund marriages, funerals, and festivals. Borrowing money for non-productive purpose can push the poor households into debt and increase their current and future vulnerability. In some sample villages of Odisha it was reported that the SHGs provide loans or donate forest products to poor households, if they experience a shock such as a death of the major wage earner or loss of employment. Borrowing from the SHGs at an interest rate well below those of private moneylenders can take pressure off from poor households.

Other coping mechanisms mentioned by the sample households includes: marriages, shifting from chemical fertilizer to compost, taking children out of school, and joining the Maoists group. Marriage as a coping strategy is especially popular in areas that practices dowry system, where families can receive significant resources. Girls generally marry in the age between 15 and 25. Interestingly, several households in Jharkhand mentioned that joining Maoists allowed poor households to increase their food security and income via donations that the Maoists collected from wealthier landowners.

5.5. Livelihood Impact of FRA

The FRA is an important piece of legislation which can provide succour the forest dwelling communities in reducing their vulnerability and generate capacity to improve their livelihood,

both in the short and medium period, if the provisions of the Act implemented properly. The Act provides a range of benefits to forest dwellers. The FRA's impact on development of forest will be dependent on two accounts. One is that of the amount of forest land to be distributed and the loss of forest thereof in any. In any case the claimants have been utilising the forest lands, under their possession. Second, relates to what extent enhanced livelihood due to implementation of FRA will provide incentives to the beneficiaries for protection, development and regeneration of forest.

Farming, forest collection and wage labour are the major economic activities and the basic sources of subsistence in the study areas of Odisha and Jharkhand. In spite of this reliance on farming and forests major villages are deficient due to the traditional methods of farming. Major crops grown in the study areas are paddy, millets and potato. Livestock rearing is the main secondary occupation in which people raise buffalos, goats, pigs and cows. People migrate due to the lack of work opportunities in their own area. Seasonal migration is common among men. However households have access to both tangible and intangible resources that allow them to meet their needs and achieve 'livelihood outcome'. This has been discussed below using the five capital assets framework:

5.6. Natural Capital

5.6.1. Forests

Forests are one of the most important natural resources available to communities. Communities depend on forests for firewood, fodder, charcoal, and leaves for making compost. Some communities have access to valuable timber, for personal use or commercial sale and others harvest medicinal herbs and wild fruits. The size of forests available to communities in 8 sample villages ranges from 100 to 300 hectares.

Two sample villages (Burodihi and Anandpur) reported that their community forests provided sufficient, non-timber forest products (NTFP) to meet basic needs. The community accesses firewood, fodder, leaves, medicinal herbs, and a variety of wild fruits and vegetables from its forest. In addition to meeting the daily basic needs of firewood, fodder, and charcoal, some JFM villages harvest timber and NTFP to generate income. The FRA 2006 defines minor forest produce (MFP to include all NTFPs of plant origin, including bamboo and tendu leaves (used to wrap tobacco in *Bidi* making). However no steps have been taken by the state to hand over the ownership rights of tendu leaves to *gram sabhas*; and the right to grow, produce, and sell bamboo under the Act was granted by the state only in March 2012²⁷. In recent years, the forest department has undertaken

²⁷ The trade in tendu leaves was nationalised in 1973. It is basically controlled by the forest bureaucracy and is an important source of revenue generation for the state government.

plantation work on land in the possession of tribal households. Such land is excluded while verifying claims and this has led to conflicts between tribals and forest department.

5.6.2. Water

Water is an important natural resource that is critical to the livelihoods of communities. The lack of water in Taranga village of Jharkhand addresses a situation where women have to walk for an hour to the water tap and back. However in the study villages of Odisha, the drinking water availability is comparatively better which benefits the household to some extent. But the irrigation water availability is not at all encouraging in this area. The household faces water shortage for farming and as a result they have to depend on the regular monsoon rain for cultivation. However if the FRA is properly implemented in conjunction with the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), it will lead to watershed development in the study villages as well as in other areas.

5.6.3. Farming Land

Agricultural land is also extremely important to households so that they can produce sufficient food to feed their families and sell excess produce for cash income. However, the availability of agricultural land is scarce and decreasing, especially in the tribal region due to a number of factors. On an average, the size of land holdings for households in the sample is just above 1 hectare. The average household land holding in study villages are not sufficient. The quality of land is also not very suitable for agricultural practices. Hence the output per hectare is also very low. Availability of land for grazing is also problematic for many study villages. In some villages, JFM do not allow animals to graze in the community forest. In other villages, grazing land is being converted into farmland. It has been found that after getting title under FRA several beneficiaries in the study the villages of Bhramanimal, Rambhai and Anandpur of Odisha had begun land development activities (levelling and bounding of land) and improving their sources of water within a year of receiving title.

Natural capital is a key to livelihood security in agrarian societies. This study focuses on measurement of natural capital in terms of change in access to land such as own land, total operated land, total irrigated land etc. and access to different CPRs and forest collection. A comparison of different types of land reveals that there is some improvement in the ownership of land and also the quality of land in the study villages after the FRA implementation. The per acre land ownership has been increasing in both the states (table- 5.2). However in case of access to CPRs such as grazing land, water and forest

resources, there is some improvement in case of Odisha but in Jharkhand there is hardly any improvement (table- 5.3).

Table 5.2: Land Holding Pattern (Before and After FRA) (In acre)

Name of the State	Average Size of Land							
	Own Land		Encroach Land		Total Operated Land		Irrigated Land	
	B	A	B	A	B	A	B	A
Odisha	0.7	1.4	2.2	1.6	2.2	2.6	0.3	0.4
Jharkhand	0.5	1.2	2.6	1.9	2.0	2.4	0.2	0.2
Overall	0.6	1.3	2.5	1.7	2.2	2.5	0.2	0.3

Source: Field Survey.

Note: B=before FRA; A=after FRA.

Table 5.3: Access to CPRs (Before and After FRA)

Type of CPRs	Odisha		Jharkhand	
	B	A	B	A
Grazing Land	Good	Improve	Good	Same as earlier
Water Resources	Poor	Improve	Poor	Same as earlier
Forest Resources (NTFPs, Firewood etc.)	Normal	Improve	Good	Same as earlier

Source: Field Survey.

Note: B= before FRA; A= after FRA

The NTFPs are an important source of livelihood in all the study villages. However it can be seen from the Table- 5.4 that in both the states there has been a marginal change in the value of NTFP collection and sale in the market.

Table 5.4: Access to NTFP Collection (Before and After FRA) (N= 194) (In Rs)

Name of the State	Average value of total collection		Average value of total consumption		Average value sold in the market	
	B	A	B	A	B	A
Odisha	5,206	5,804	2,609	2,824	2,522	2,657
Jharkhand	4,903	4,958	3,104	2,938	1,912	1,863
Overall	5,122	5,354	3,028	2,657	2,365	2,456

Source: Field Survey.

Note: B= before FRA; A= after FRA

5.7. Physical Capital

The range of physical capital that the households in the study area have access to include: housing, drinking water facility, livestock, roads, schools, healthcare centre, electricity, telephones, post offices and holding of different beneficiary cards etc.

5.7.1. Housing Structure

It has been observed that about 57.5 per cent households are having tilled type of houses followed by 31.1 per cent having thatched and 11.4 per cent having semi-pucca type of houses (see table- 2.9). After getting title under FRA now the households receive their caste certificate and possession of caste certificate and land title further open the scope for the household to get free housing schemes like the *Indira AwasYojana* (IAY).

5.7.2. Facility of Drinking Water

All villages in the study area reported that they had access to drinking water. The quality of drinking water system, however, varied from village to village. Women reported that they had to fetch water from a dirty pond when the water system was not working. In the villages of Khunti district of Jharkhand, the community has access to several open wells but not to a piped water system.

5.7.3. Livestock Possession

The most common animals raised by sample households were buffalo, cows, goats, and chickens. In the villages located at higher altitudes, households reported owning sheep. Pigs are common in all the study villages in Jharkhand. In fact, many SHGs in the study preferred small animal husbandry practices to generate income. This activity has been also promoted by the local NGOs both in Odisha and Jharkhand.

5.7.4. Access to Basic Amenities

Accesses to other basic amenities like Road, School, Health Centre, Electricity and Communication have been discussed here:

Several roads are in the process of being constructed. In villages like Bhramanimal of Deogarh district of Odisha, the road is under construction and limited services are available during fair weather seasons. A six-kilometre stretch of road covering half of the distance from the main road has been constructed under PMGSY to the Burodihi village in Sambalpur. During focus group interviews, community respondents in both states commented that the roads would help to facilitate the transportation of agricultural and forest products to district markets. With the exception of Purtu (Jharkhand), all villages in the sample had access to atleast one primary school. None of the villages had convenient

access to secondary schools. In most cases, their children have to walk between 30 minutes to an hour to attend secondary schools that are usually located in the nearby area.

Similarly, majority of the villages do not have health centre and villagers have to walk for about 30 minutes to two hours to arrive at the nearest health centre. Very few households in the sample have access to electricity; in most cases, electrical infrastructure has not yet reached the villages. The few villages that have access to electricity are having trouble to pay the user's fee. Even though they have access to electricity the power supply is very poor and they experience frequent power failure. Communication facilities such as post offices and especially telephones are extremely important for the households that have family members working outside the district. These services allow families to make important social and economic transactions at lower costs. Telephone and post office services are available in some of the larger villages located near the study villages. However, most of the villages reported that they had to walk for about 30 minutes to two hours to the block headquarters to use a telephone or mail a letter. In some places the Maoists destroyed the telephone line in the study location of Jharkhand.

Table 5.5: Asserts Possession (Before and After FRA) (N=194) (In Rs.)

Name of the State	Agriculture Assets		Livestock		Consumer Durable	
	B	A	B	A	B	A
Odisha	1074	1160	850	817	4513	4814
Jharkhand	865	927	815	914	3845	4212
Overall	1042	1073	822	878	4025	4374

Source: Field Survey.

Note: B= before FRA; A= after FRA

5.8. Financial Capital

Households in the sample villages identified several important areas of financial capital. These included markets, financial services such as savings and loans, remittances from migrated workers of the family member, and old age pensions etc. Improvement in financial capital under SRL framework in the present context is assessed in terms of sustainable increase in income potentials because of the entitlement under FRA. After a look at different sources of income in a before and after context; it can be observed that there is an improvement in the income from agriculture and the forest collection in both the states (see table- 5.6).

Table 5.6: Household Income from different sources (Before and After FRA)

(N=194) (In Rs.)

Sl. No.	Source of Income	Odisha		Jharkhand		Overall	
		B	A	B	A	B	A
1	Agriculture	7825	8963	5962	6220	7178	7685
2	Wage Labour	4563	4670	4110	4212	4223	4562
3	Forest Income	5456	6223	4965	4866	5156	5395
4	Livestock	1232	1365	1525	1660	1385	1356
5	Petty Trade	325	452	585	623	420	433
6	Others	221	563	465	465	367	350
7	All Sources	19,122	21,354	17,290	17,996	18,298	19,654

Source: Field Survey.

Note: B= before FRA; A= after FRA

5.8.1. Markets

Access to markets is important to communities because it facilitates the sale and purchase of goods and services critical to maintaining livelihoods. Most of the households in the sample villages had to walk between 30 minutes to about 2 hours by foot, bicycle or bus to access a local market. Residents of the sample village in Jharkhand complained that they had to walk 2-3 hours to markets. Several villages such as Burodihi (Sambalpur district) have access to temporary markets one to two days per week, which are typically within a 30-45 minute walk.

5.8.2. Financial Services

Financial services, especially access to credit, vary across the study villages. Villages in Khunti district reported that the only source of credit they can access is from village moneylenders or credit from merchants in near-by markets. Moneylenders charge interest rates that range from 3 per cent to 5 per cent per month. Other villages in Odisha have relatively easy access to banking services from cooperatives at the Block office. Besides these a number of SHGs are giving loans at a lower rate of interest without taking any collateral security.

5.8.3. Microfinance

The majority of households in the sample villages reported that they used financial services from Self Help Groups. Some SHGs generate funds through the sale of NTFPs to capitalise on loan funds for members for income generating activities. However, several

ST households said that the higher caste households received a majority of loans from SHGs due to their social status in the village.

5.8.4. Moneylenders

Moneylenders provide the most consistent source of loans for all the sample villages. Residents interested in working outside the village also borrow from moneylenders to finance their trips in search of employment. Loans to migrated workers generally carry higher interest rates due to the higher perceived risks.

5.9. Human Capital

An important aspect of human capital depends on educational status, access to health services, existing occupational skills, and training received by the households.

5.9.1. Educational Status

Nearly all villages have primary schools within 30 minutes walking distance and primary school teachers reported in Odisha that enrolment runs over 90 per cent. But in the case of Jharkhand (70 per cent) it is lower than Odisha. Purtu in Jharkhand is the exception where children have to walk for more than an hour to attend primary school. Enrolment for boys is slightly higher than for girls. Children from the poorer households stay at home to help during seasons when agricultural activity is high. For example, 95 per cent of children living in sample villages in Sambalpur district are enrolled in school. As reported by the teachers, 25 per cent of the children, mostly from poor ST and SC households, miss school during the planting and harvesting seasons. These figures remain consistent throughout the sample villages.

Boys have more opportunities in education; their families give them priority over girls to attain middle and high schools and therefore boys generally continue their education longer than girls do. Enrolment in secondary school drops off relatively sharply. Teachers believe that the main reasons for this are a combination of the distance to walk to school, and responsibilities at home. Unlike primary schools, secondary schools are located further away from sample villages making it more difficult for children to attend. In the study sample, most secondary schools are situated in Block headquarters or market towns some 45 minutes to two hours walk from the villages.

In Odisha there is provision of scholarship and free books for the ST school going children. However one has to show his/her caste certificate to avail the scholarship. In a pre FRA scenario where many of the households in Bhramanimal, Rambhai, Anandpur and Burodihi do not have caste certificates and so they were unable to avail such benefits

for their children. After getting the title (*Patta*) under FRA now many of their children are getting the scholarship and other related benefits such as free books for their education. In a long run these benefits will help them to improve their educational status.

5.9.2. Health Services

It was observed during the field investigation in the sample villages that communities are gradually beginning to prefer western medicine to traditional practices. However, the services of traditional healers are more easily available when compared to the distance it takes to reach the nearest health post. Residents in the study villages reported that they were more likely to seek medical treatment from the health centre if it was located within 30-45 minutes of the village. In situations where health centres were not convenient to the community (more than one an hour's walk), households tended to use traditional medicine as a first option. If treatment provided by the traditional healer did not solve the problem, residents said that they travelled to the nearest health centre, or hospital depending on the gravity of the health problem.

Many people in the villages of Jharkhand are not satisfied with the services they receive from health centre and often find the services to be inconvenient and troublesome. Residents complained that the health centre usually lacks medicines and that they had to travel to the District hospital to see another doctor, so that he could prescribe the necessary medicine.

5.9.3. Existing Occupational Skills

Residents that possessed fundamental skills such as: carpentry, masonry, blacksmithing, and tailoring were found in most of the sample villages. Villages where NGOs or government programmes have been or are currently active have received training in areas of forestry management, agriculture, livestock and animal husbandry, etc. Other villages that are more remotely located however, have received very little training. Training or capacity building activities are still lacking in these remote villages.

5.10. Social Capital

The degree of social and political resources within the village or at household level is largely determined by the level of social cohesion, participation, or discrimination within community based self-help groups as well as in politics. In states like Odisha and Jharkhand social cohesion is influenced by the composition of ethnic groups and castes, and the quality of their relationships. In the majority of the study villages, the upper castes people dominate social and political life. Upper caste male households occupy influential positions in Village Development Committees, *Panchayat* level bodies and political parties.

In all the study villages where the majority of households are of Scheduled Tribes, Brahmin households have the most influence over social and political decisions. Where Brahmin and other upper castes tend to dominate social and political affairs in the villages, STs remain marginalised and excluded in community development activities and politics.

Four study villages namely Burodihi, Anandpur, Bhramanimal and Rambhai in Odisha got title under FRA. Interaction with the title owner of the land reveals that the social status of such households has been improving now- a - days. Earlier some of them are poor landless labourers and for that they don't even have residential certificates. After the FRA has been implemented and the records of titles or *pattas* has been distributed to these households now they can approach for many government programmes in which they have been excluded over a long period of time.

5.10.1. Conflict

Despite the marginalisation of STs and other ethnic groups such as Scheduled Castes, none of the sample villages reported conflict between different castes and ethnic groups. It was not clear whether conflict did or did not exist or whether village residents were uncomfortable to speak about it. Some study villages in Jharkhand did note conflict caused by alcohol abuse within their communities and identified it as a threat to social cohesion. During the Focus Group Discussion for the Women SHGs, the women's group complained that alcohol is at the root of domestic violence. Men who drink heavily, return home and beat their wives. In few villages in Odisha there are some conflicts between the forest department and the people who cultivate the forest land. However, after getting the title under FRA such conflicts have reduced to a large extent.

5.10.2. Self-help Groups

All sample villages contain several self-help groups that are actively working on social issues and community development. The SHGs are advocating social issues such as: discouraging gambling, alcohol drinking, and domestic abuse. In few villages, both district level and national NGOs are active. For example, in Deogarh district in Odisha, the District Level Federation of Community Forest Management (i.e. Deogarh Zilla Jungal Manch) was providing training and raising awareness about forest rights issues in Bhramanimal and Rambhai.

5.11. Overall Impact of FRA on Livelihood

The overall impact of FRA on livelihood in different time periods such as immediate benefits, medium benefits, and long term benefits has been given for Odisha and Jharkhand below:

Table 5.7: Immediate, Medium and Long term benefit of FRA

Sl. No.	Particulars	Odisha	Jharkhand
1	Immediate Benefits		
a	Reduction of uncertainty about the right of the forest land	High	High
b	Availability of formal borrowing	Low	Low
c	HYV seed, New Technology	Medium	Low
d	Intensity of labour use	High	High
e	Dignity of collection of NTFPs	High	High
f	Safeguard and development of the trees in the forest land	High	High
2	Potential Benefits (Medium term)		
a	Irrigation potential (pond, dug well etc.)	Low	
b	Land development	Medium	High
c	Land development under MGNREGS	High	High
d	Construction of check dam for irrigation development	Low	Low
3	Potential Benefits (Long term)		
a	Reduction of dependence on forest and improvement of livelihood	High	High
b	Safeguard of the nearby forest	High	High

5.12. Conclusion

The above five capital assets based analysis reveals that given the fact that there is a high level of poverty and low level of human capital among the sample households (mostly schedule tribes), increase in access to land and forest resources is a sure way of providing them with better livelihood opportunities. However, expanding the entitlement of the provisions under FRA or convergence of FRA with other anti-poverty and livelihood enhancement programmes is therefore of urgent need, for sustaining the livelihood of the forest dependent communities in Odisha and Jharkhand. Essentially, the holistic strategy that may facilitate the process of FRA implementation is to build effective institutions first, whereby the forest department and local community will set a common goal and agreed upon plan of action for resource conservation, followed by economic interventions for improving livelihood options based on an enhanced natural resource foundation. In this regard, natural capital (particularly stream of non-timber forest products and employment in the forestry sector) and social capital (such as trust and solidarity with the communities for conflict resolution, social cohesion and inclusion within the community or village etc.) may play an influential role. Moreover, enhanced livelihood security should be assessed based on the resilience of various livelihood assets and improvement therein.

Indeed, the policy steps towards the forest-dependent groups for their livelihood anxiety and enhance their potential capital assets both now and in the future, while not undermining their natural resource base. Overall the FRA has led to some improvement in the socio-economic and livelihood condition of the forest dwellers in the study areas and raised their expectation for further improvement in future.

Chapter-6

Summary and Conclusion

This chapter is an attempt to make an overall evaluation of the working of FRA 2006 and its impact on livelihood in the study area, especially its implementation, outcome and impact in the light of the analysis contained in the earlier chapters. The discussion points out the key findings in regard to the above aspects. Some of the policy implications arising out of the findings are given at the end this chapter.

Historically forest dwelling populations in India especially the Tribals have been subjected to a range of forest rights deprivations that have affected their livelihood adversely. Due to continuous and concerted efforts by the civil society organisations, legal activists and intellectuals, the historic Forest Rights Act (FRA) was passed in India in 2006. The Act was further amended in 2012 to provide more scope to the forest dependent communities to exercise greater control over forest resources. This study was an attempt to analyse the actual process of implementation at different institutional levels and the factors that constrain its proper implementation. Further the livelihood impact of the FRA has been analysed using five capital assets based framework.

The forest dwellers in general and the Scheduled Tribes in particular are the most disadvantaged in respect to land, which largely accounts for their perpetual poverty and makes them vulnerable to injustice and exploitation. There are a large number of processes through which tribals have lost their access to land and forests essential for their survival and livelihoods in India. These not only include alienation of land, which is legally owned by the tribals through debt mortgaging and sale, but also loss of access to land through reservation of forests, loss of traditional shifting cultivation land through survey and settlement, displacement, unsuitable and unimplemented land reform law etc. Over a period of time, all these processes have led to loss of control and access to livelihood support systems vital to existence, marginalisation and destitution of tribal communities. Influx of non-tribals since the last two centuries, many of whom are more capable of

negotiating state enforced legal and tenure systems, have pushed tribal communities to the bottom of the local power hierarchies, even in areas where they are in majority. In areas where tribals are in a minority, their conditions, along with that of Scheduled Caste (SC) or *dalits*, are even more miserable and powerless. Lack of ownership and claim over land and other factors of production are some of the fundamental reasons behind the deprivation of rights of the tribals in India.

The socio-economic conditions of the study villages such as, pattern of landholdings, possession of assets, and consumption expenditures, reflect the weak economic status of the majority of households in all the study villages. The income derived from the tiny plots operated by majority of households in both the states are very low due to a number of factors including use of primitive method of production and lack of irrigation facility leading to low productivity. Given the low level of income, low level of education, low assets position and lack of adequate employment opportunity these poor tribal households have to depend on forest for their livelihood. However, the low per capita forestland is a constraint on their economic conditions, which is reflected in low level of income and consumption of majority of poor households in all the study villages.

A number of factors have contributed to the loss of land to the tribal communities in Odisha and Jharkhand both in pre and post independence period. This has led to shrinkage of land available to these communities and which in turn has significantly contributed to their poverty and low level of living. On the whole it is clear that during pre and post-independence period a host of policies, relating to, both forest land and private cultivable land, have worked adversely against the tribal communities. As a result it has reduced their access to forest land and private land significantly. In contrast some legislations have attempted to safeguard tribal rights such as the recently passed FRA, 2006 and the PESA act 1996 which are the two best examples. However the first tries to legalise tribal rights over the lands inhabited by them, the second has attempted to involve them in the decision-making process and give them greater control over local resources. But despite these, land alienation of tribals persists; in fact, it is endemic in large areas of both states as well as in the country.

Looking at the overall process of implementation in Odisha and Jharkhand, it is clear that, there is neither the political mobilisation that a programme such as implementing FRA requires nor is there any competitive political alternative or a critique of existing process of implementation in both the states. Socio-political change driven by bureaucracy has its limitations, and the process is extremely slow in both the states. Despite these weaknesses, Odisha has implemented some provisions of the FRA, especially to do with

individual rights and a few community rights. Progress on several other provisions of the FRA has been minimal or nil.

The five capital assets based analysis in chapter five reveals that given there is a high level of poverty and low level of human capital among the sample households (mostly schedule tribes), increased access to land and forest resources is a sure way of providing them with better livelihood opportunities. However, expanding the entitlement under the provisions of FRA or convergence of FRA with other antipoverty and livelihood enhancement programmes is therefore of urgent need, for sustaining the livelihood of the forest dependent communities in Odisha and Jharkhand. Essentially, the holistic strategy that may facilitate the process of FRA implementation is to build effective institutions first, whereby the forest department and local community will set a common goal and agreed upon plan of action for resource conservation, followed by economic interventions for improving livelihood options based on an enhanced natural resource foundation. In this regard, natural capital (particularly stream of non-timbers forest products and employment in the forestry sector) and social capital (such as trust and solidarity with the communities for conflict resolution, social cohesion and inclusion within the community or village etc.) may play an influential role. Moreover, enhanced livelihood security should be assessed based on the resilience of various livelihood assets and improvement therein. Indeed, the policy steps towards the forest-dependent groups for their livelihood anxiety and enhance their potential capital assets both now and in the future, while not undermining their natural resource base.

Forest as a source of livelihood is important in all the study villages in Odisha and Jharkhand especially for the poor tribal households. Further, the livestock possessed by households also depends on forest for grazing. Income coming from livestock is a reasonable source of livelihood for the majority of the households in all the study villages. The annual income from crops and other sources is not enough to meet even the minimal expenditure. As a result most of them have to borrow from moneylenders to meet their subsistence requirements such as social, medical and also for consumption purpose.

Findings from the study showed that in the study villages in Odisha many households who have received titles under FRA have begun land development activities (levelling and bounding of land) and improve their sources of water within 2-3 years of receiving titles. The members of such beneficiaries are now able to get caste and residential certificate from the government offices without any hassles. They are eligible to receive grants under various schemes, including the *Indira Awas Yojana* and assistance for school going children. However in the case of Jharkhand hardly, any such development has taken

place. The access to formal credit on the basis of FRA title is yet to be decided in both the states. Since the nature of the title is inalienable the formal banks are not accepting it as collateral or security for any kind of loans. Overall the FRA has led to some improvement in the socio-economic and livelihood condition of the forest dwellers in the study areas and raised their expectation for further improvement in future.

The FRA if implemented properly in both the states will thus not only provide stable property rights on forest land but also enforce the entitlement of forest dwellers on forest produce such as NTFPs. The secure land tenure will empower them with: access to credit, technology and incentive for hard work on production; and the rights and access to NTFPs will facilitate the conservation and development of forest. Further, both, assets and produce (crop and forest products) will enhance their income and capability to shape their livelihood options. Hence, institutional change in property rights structure and decision making on use, disposal of forest products and development of forest will empower them to exercise control on forest which would be pro-poor in nature. Given that there is high level of poverty and low level of human capital in all the study villages in both the states, increased access to land and forest is a sure way of providing them with better livelihood opportunities.

Based on the findings of the study it has been strongly recommended that "If the FRA is properly implemented in conjunction with the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), it will lead to land, forest and water shed development in the study villages and other areas." Mere grant of legal ownership of land is hardly going to make any difference in the lives of the tribal communities as the quality of land allotted is very poor. Hence, implementing MGNREGS along with the FRA seems to be the only way to maximise the impact of both these landmark legislations on livelihoods as far as they apply to forest dwellers. Land improvement activities in line with watershed principles can be implemented under the MGNREGA, which would eventually improve the productivity of the land claimed under the FRA. However, this further needs inter-departmental coordination at various institutional levels.

References

- Bailey, F.G. (1961): "Tribal and Caste in India--Contribution to Indian Sociology", Vol.5: 5 to Conbden Ramsay, L.E.B. 1910 and Gazetteer of the Odisha Feudatory State, Calcutta.
- Bandi, M. (2013): "Implementation and Outcomes of Forest Rights Act: A Critical Assessment of Two States in India", CESS Monograph-31, RUNLR Monograph-17, Centre for Economic and Social Studies, Hyderabad.
- Carney, D. ed. (1998): *Sustainable Rural Livelihoods. What Contribution Can We Make?* Department for International Development, London.
- Carney, D., (2002): *Sustainable Livelihoods Approaches: Progress and Possibilities for Change*, Department for International Development, London.
- Chambers, Robert and Conway Gordon R. (1992): *Sustainable Rural Livelihoods: Practical Concepts for the 21st Century. IDS Discussion Paper - 296*. Institute of Development Studies (IDS). Brighton.
- Chakma, Suhas (2005): "Forest Right Bill vs. Environmental Extremism", Asian Centre for Human Rights, May, 4, Delhi.
- CSD (Campaign for Survival and Dignity) (2013): Critical Observation on the "Implementation Status Report of Forest Rights Act 2006." Produced and Uploaded by State Level Monitoring Committee (SLMC), Government of Odisha.
- CSE (2008): "Rich Land Poor People", *6th Citizen Report*, Centre for Science and Environment, New Delhi.
- CSE (2014): "State of India's Environment- 2014", A Down To Earth Annual, Centre for Science and Environment, New Delhi.
- Dash, S.N. (2001): "A Study of the Problem of Land Alienation in Tribal Areas with Special Reference to the District of Koraput", Utkal University, Bhubaneswar.
- De Haan, A. (2004): "Disparities within India's Poorest Regions: Why do the same Institutions Work Differently in Different Places?", Background paper prepared for the *World Development Report, 2006*.

- De Haan, A. and A. Dubey. (2005): "Poverty, Disparities, or the Development of Underdevelopment in Orissa." *Economic and Political Weekly*, May 8 - June 4: 2321:29.
- DFID, (Department for International Development) (1999): *Sustainable Livelihoods Guidance Sheets*. London: DFID.
- Dharmadhikary, S., (2008): "Mountains of Concrete: Dam Building in the Himalayas". Berkeley, California: International Rivers.
- Elwin, V. (1963): *A New Deal for Tribal India*. Delhi: Government of India/Ministry of Home Affairs.
- Ellis, Frank. (2000): *Rural Livelihoods and Diversity in Developing Countries*. Oxford: Oxford University Press.
- Government of Odisha (1959): "Forest Enquiry Committee Report", Government of Odisha Press, Cuttack.
- Government of India (1999): *India State of Forest Report, 1999*. Forest Survey of India, Ministry of Environment and Forests: India
- Government of India (2007): *The Gazette of India (Extraordinary)*. Part II- Section I. Delhi. 2 January, Ministry of Law and Justice (Legislative Department), New Delhi.
- Government of India (2008): *The Gazette of India (Extraordinary)*. Part II, Section 3, Sub-Section (1), January 1, 2008, Ministry of Tribal Affairs, New Delhi.
- Government of India (2008): "Development Challenges in Extremist Affected Areas", Report of an Expert Group to Planning Commission, New Delhi.
- Government of India (2010): "*Manthan*", Report by National Committee on Forest Rights Act (A Joint Committee of Ministry of Environment and Forests and Ministry of Tribal Affairs), December.
- Government of India (2011): "Press Note on Poverty Estimates", *Planning Commission*, New Delhi.
- Government of India (2012): *The Gazette of India (Extraordinary)*. Part II- Section #3 (i). Delhi. 6th September, Ministry of Tribal Affairs, New Delhi.

- Government of India (2012): "Status report on implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 [for the period ending 31st March, 2013]", Ministry of Tribal Affairs, New Delhi.
- Government of India (2013): "Mechanism for marketing of Minor Forest Produce (MFP) through Minimum Support Price (MSP) and development of value chain as a measure of social safety for MFP gatherers", Press Information Bureau, Ministry of Tribal Affairs, New Delhi.
- Himendrof, C.V.F. (1945): "*Tribal Hyderabad*", Government of HEM. Nizamha.
- Hobley, M., (1992): *Policy, Rights and Local Forest Management: The Case of Himachal Pradesh*, India. London: Overseas Development Institute.
- Hunter, W.W. (1872): *Orissa*, Vol-I, London, Smith Elder and Co.
- Kabra, A. (2004): "Chronic Poverty and Vulnerable Social Groups: The Case of the Sahariya Adivasi Community Displaced from Kuno Wildlife Sanctuary", Madhya Pradesh" CPRC-IIPA Working Paper 10. New Delhi: IIPA.
- Kalpavriksh (2013): "Community Forest Rights Under Forest Rights Act-- Citizens' Report" 2013, Kalpavriksh&Vasundhara in Collaboration with Oxfam India.
- Kalpavrikh (2011): "Protected Area Update", Volume-17, Number- 4, August (No-92), Pune.
- Kautilya (1992): *The Arthashastra* (ed. L.N. Rangarajan), Penguin, Delhi.
- Kumar, K. and Choudhury, P.R. (2005): "A Socio-Economic and Legal Study of Scheduled Tribes' Land in Orissa", Bhubaneswar, Vasundhara, Supported by the World Bank.
- Kumar Sambhav, Shrivastava, Aparna Pallavi and Richard Mahapatra (2013), "Rights without benefits", *Down To Earth*, 15th November, Centre for Science & Environment, New Delhi.
- Mahadevia, Darshini (1999): "Economic Growth and Environmental Degradation: Case of Gujrat", Research Foundation for Science, Technology and Ecology, New Delhi.
- Mahapatra, L.K. (1994): *Tribal Development in India Myth and Reality*, Vikas Publishing Home, New Delhi.
- Mahapatra, L.K. (1999): "H.T. Tribal Rights to Land and the State in Orissa", in D.K. Behera and G. Pfesfor, *Contemporary Society: Tribal Studies, Social Unemployment*, Vol. III, pp.135-151, Concept Publication Company, New Delhi.

- Mahapatra, L.K., (2005): "Tribal Rights and Entitlements in Land, Forest and Other Resources". Paper prepared for the UNDP Orissa Resettlement Policy Project.
- Mohanty, B.B. (1997): "State and Tribal Relationship in Orissa" *Indian Anthropologist*, Vol.27, No.1, pp.1-17.
- Mohanty, B.B. (2001): "Land Distribution among Scheduled Castes and Tribes", *Economic and Political Weekly*, October 6, pp.3857-3868.
- Mohapatra, Subash (2007): "Development-induced displacement on Rise", *Asian Tribune*, September, 8.
- Mishra, I. (2007): "Heat and Dust of Highway at Kalinganagar." *Economic and Political Weekly*, March 10, pp. 822-25.
- Newell, P. (2000): Governance and Sustainable Livelihoods (Draft for Discussion). Retrieved January 17 2005, from www.livelihoods.org
- Orissa Forest Manual (2005): Orissa Law Review, Cuttack.
- Padel, Felix, (1995): *The Sacrifice of human being: British Rule and The Konds of Orissa*, Oxford University Press, New York.
- Padel, Felix, (2012): "How Best to Ensure Adivasis' Land, Forest and Mineral Rights?", *IDS Bulletin*, Volume 43, Number S1, July, Blackwell Publishing, Oxford, UK.
- Panda, Ranjan Kumar (2006): "Orissa villagers say relocate us, we want to leave right away", *Down To Earth*, 15th May 2006, 14 (24).
- Panigrahi, N. (2001): "Impact of State Policies on Management of Land Resources in Tribal Areas of Orissa", *Man and Development*, March, 2001.
- Parera, Jayanta (2009): "Land and Cultural Survival: The Communal Land Rights of Indigenous Peoples in Asia", *Asian Development Bank*, Philippines.
- Pathy, Jaganath (1988): "Political Economy of Khonda Land" in J. Pathy (ed.), *Underdevelopment and Destitution*, Inter-India Publication, New Delhi.
- Pattnaik, N. (1983): "Swidden Cultivation amongst two Tribes of Orissa", CENDERET, Bhubaneswar, SIDA, New Delhi, ISO/SWEDFOREST, Bhubaneswar.
- Poffenberger, M., & McGean, B. (1996): *Village Voices, Forest Choices: Joint Forest Management in India*. Delhi: Oxford University Press.

- Ramakrishnan, V. (2008): "Hope and Fear". *Frontline*. 25 (4): 4-8.
- Ramnath, M. (2008): Surviving the Forests Rights Act: Between Scylla and Charybdis. *Economic and Political Weekly*. 43 (9) 37-42.
- Rangarajan, (2001): *India's Wildlife History: An Introduction*, Permanent Black and Ranthambore Foundation, Delhi.
- Rao, Burmon. (1987): "Land Alienation in Tribal Areas", Andhra Pradesh Kakatiya University, Warangal.
- Rath, B. (2005): "Vulnerable Tribal Livelihood and Shifting Cultivation: The Situation in Orissa with a case study in the Bhuyan-Juang Pirth of Keonjhar District", Vasundhara, Bhubaneswar.
- Reddy, M. Gopinath, Kumar, K. Anil, Rao, P. Trinatha and Baginski, Oliver Springate (2011): "Issues Related to Implementation of the Forest Rights Act in Andhra Pradesh", *Economic and Political Weekly*, April 30, 46 (18), pp.73-81.
- Reddy, V.R. and Soussan, J. (2004): "Assessing the Impacts of Watershed Development Programmes: A Sustainable Rural Livelihoods Framework". *Indian Journal of Agricultural Economics* 59(3): 331-343.
- Rao, Nitya (2003): Jharkhand--Life and Livelihood in Santhal Parganas: Does the Right to Livelihood Really Exist?, *Economic and Political Weekly*, September 27, pp.4081-84.
- Sarangi, T.K., (2003): "Forest and Livelihood among the Forest Dependent People in Orissa", M.Phil. Dissertation submitted to Sambalpur University, Orissa.
- Sarangi, T.K., (2007): "Participatory Forest Management: Its Impact on Livelihood of Forest Dwellers in Orissa", *Financing Agriculture*, May-June, Volume 39, Number 3, pp.29-32, Agricultural Finance Corporation Limited (AFCL), Mumbai.
- Sarangi, T.K. (2008): "Evolution of Forest Policies in Orissa: A Historical Analysis", *The Political Scientist*, January Issue, Volume-3, Number-3, pp.58-68, Orissa.
- Sarangi, T.K. (2012): "Land, Forest and Tribal Rights: Cycles of Exploitation in Odisha" in Amalendu Jyotishi, Sushanta Kumar Mahapatra and Maarten Bavinck (Eds.), *Legal Pluralism in Natural Resources Management: South and South-East Asian Perspectives*, Excel India Publishers, New Delhi. ISBN: 9789382062165.

- Sarangi, T.K. (2013): "Legalising Rights through Implementation of Forest Rights Act 2006: A Critical Review on Odisha and Jharkhand", CESS Working paper No-126, RULNR Working Paper No.20, May 2013, Research Unit for Livelihoods and Natural Resources, Centre for Economic and Social Studies, Hyderabad.
- Sarangi, T.K. (2013): "Implementation and Outcome of Forest Rights Act 2006: Evidence from Two Indian States", *International Journal of Biodiversity Watch*, January-June, Issue-1, No.1, pp. 79-99, ISSN: 2348-4497.
- Sarap, K. (1991): *Interlinked Agrarian Markets in Rural India*, Sage Publication India, New Delhi.
- Sarap, K. (1998): "On the Operation of the Land Market in Backward Agriculture: Evidence from a Village in Orissa", *Eastern India: The Journal of Peasant Studies*, Vol.25, No.2, January, pp-102-130.
- Sarap, K. (2007): "Forest and Livelihoods in Orissa" in Oliver Springate-Baginski and Piers Blakie (Eds), *Forest, People & Power: The Political Ecology of Reforms in South Asia*, Earthscan, London.
- Sarap, K. and T.K. Sarangi (2009): "Malfunctioning of Forest Institutions in Orissa", *Economic and Political Weekly*, September 12-18, Vol.44, No.37, pp.18-22.
- Sarap, K and T.K. Sarangi (2010): "An Analysis of Working of Forest Institutions in Orissa", *Journal of Social and Economic Development*, Vol. 12, No.2, July-December, pp.193-210.
- Sarap, K. and T.K. Sarangi (2010): "Factors Contributing to Erosion of Access to Forest and Private Land in Contemporary Tribal Orissa" in Kailas Sarap (Ed.) *Institutions, Livelihood and Natural Resource Management*, Bookwell, New Delhi.
- Sarap, K., T.K. Sarangi and J. Naik (2013): "Implementation of Forest Rights Act 2006 in Odisha: Process, Constraints and Outcome", *Economic and Political Weekly*, September 7-14, Volume-48, No-36, pp.61-67.
- Sarin, M., Singh, N.M., Sundar, N., and Bhogal, R.K. (2003): "Devolution as a Threat to Democratic Decision-Making in Forestry? Findings from three states in India". London:ODI Working Paper 197.
- Sarin, Madhu (2010): "Democratizing India's Forests through Tenure and Governance Reforms", *Social Action*, Volume 60, April-June, pp.104-120.

- Sathyapalan, Jyotish (2010): "Implementation of Forest Rights Act in Western Ghats Region of Kerala", *Economic and Political Weekly*, July 24, Volume XLI, No.30, pp.65-72.
- Saxena, N.C. (1999): "Forests in Tribal Lives". Draft. New Delhi: Planning Commission.
- Saxena, N.C. (2001): "Empowerment of Tribals through Sustainable Natural Resource Management in Western Orissa", Report for IFAD/DFID, December, pp-10.
- Saxena, N.C., and Ballabh, V. (eds.) (1995): *Farm Forestry in South Asia*. New Delhi: Sage Publications.
- Scoones, I. (1998): "Sustainable Rural Livelihoods: A Framework for Analysis". IDS Working Paper No. 72. Brighton: Institute of Development Studies at the University of Sussex, June.
- Scoones, I., and Wolmer, W., (2003): "Introduction: Livelihoods in Crisis, Challenges for Rural Development in Southern Africa". *IDS Bulletin*, 34(3), 1-14.
- Sharma, B.D. (2000): *The Fifth Schedule: Volume I*, Sahyog Pustak Kuteer Trust, New Delhi.
- Sharma, B.D. (2006): "Forest Rights Act 2006: Undermining the Foundational Position of the Forest", *Economic and Political Weekly*, 46 (15).
- Shrivastava, Kumar Sambhav (2012): "Land Unrest Set to Increase in India: Study", *Down To Earth*, Web special, December 17, <http://www.downtoearth.org.in/content/land-unrest-set-increase-india-study> (accessed on 22.12.2012).
- Sen, A., (1997): Editorial: Human Capital and Human Capability. *World Development* 25(12), 1959-1961.
- Springate-Baginski, O. and Blaikie, P. (2007): *Forests, People and Power: The Political Ecology of Reform in South Asia*. Earthscan, London.
- Springate-Baginski, Oliver., M. Sarin., S. Ghosh., P. Dasgupta., I. Bose., A. Banerjee., K. Sarap., P. Misra., S. Behera., M.G. Reddy and P.T. Rao (2009): "Redressing 'Historical Injustice' through the Indian Forest Rights Act 2006--A Historical Institutional Analysis of Contemporary Forest Rights Reform", *Discussion Paper Series*, IPPG, School of Environment and Development, University of Manchester, Manchester.
- Springate-Baginski, O., Madhu Sarin and M. Gopinath Reddy (2012): "Resisting Rights: Forest Bureaucracy and the Tenure Transition in India", *Small Scale Forestry*, Published online, 09 October, Springer.

- Sundar, Nandini (2012): "Violent Social Conflicts in India's Forests: Society, State and the Market", in Rights and Resources Initiative, "Deeper Roots of Historical Injustice: Trends and Challenges in the Forests of India", Washington, DC: Rights and Resources Initiative.
- Thangam, E.S. (1984): "Agro-forestry in shifting cultivation control programmes in India", in Jackson, J.K. (Ed.), *Social, Economic and Institutional Aspects of Agro-forestry*, United Nations University, Tokyo.
- Tsikata, D., (2005): The Rights-based Approach to Development: Potential for Change or More of the same? *IDS Bulletin*, 35(4), 130-133.
- UNDP and SAMARTHAN (2011), "Recognition of Community Rights under Forest Rights Act in Madhya Pradesh and Chhattisgarh: Challenges and Way Forward", Study Report by SAMARTHAN - Centre for Development Support, and UNDP, New Delhi.
- Upadhyay, S., (2007): "Assessment of Orissa PESA- Legal Perspective." Draft, New Delhi, World Bank.
- Vasundhara (2011): Report of the National Workshop on Management of Community Forest Resources under Forest Rights Act, 2006, 26-27 March, Bhubaneswar.
- Vasundhara and Kalpavriksh (2013): Proceedings of National Consultation on Community Forest Rights under Forest Rights Act, 16th & 17th March 2013, Indian Social Institute, New Delhi.
- Viegas, P. (1991): "Encroached and Enslaved: Alienation of Tribal Lands and Its Dynamics", Indian Social Institution, New Delhi.
-

About the Author

An economist with specialisation in Agricultural and Natural Resource Economics, *Tapas Kumar Sarangi* is at present working as an Assistant Director at Institute of Applied Manpower Research (IAMR) under Planning Commission of India, New Delhi. He has earlier worked as Senior Researcher with the Division for Sustainable Development Studies (DSDS) and as Visiting Fellow with Research Unit for Livelihoods and Natural Resources (RULNR) at Centre for Economic and Social Studies (CESS), Hyderabad. He has also worked with the NABARD- Bankers Institute of Rural Development (BIRD) at Lucknow and Xavier Institute of Management (XIM) at Bhubaneswar. He holds MA and MPhil degree in Economics from Sambalpur University, Odisha. He has submitted his PhD thesis in Economics with the same university. He was the recipient of the centrally administered ICSSR Doctoral Fellowship to pursue his PhD during 2007-10. He is also the recipient of the IEG-Think Tank Initiative Post Doctoral Fellowship from Institute of Economic Growth (IEG) at University of Delhi supported by IDRC Canada. He has published research articles in professional journal like Economic and Political Weekly, Journal of Social and Economic Development, International Journal of Biodiversity Watch and Financing Agriculture. He has also published a number of papers in different edited volumes and working papers. His research interests include Natural Resource Economics, Rural Livelihood and issues relating to Tribal and Marginalised Communities. He can be contacted via email at sarangi.tapas@gmail.com

Current Monographs

- Land Laws, Administration and Forced Displacement in Andhra Pradesh, India
C. Ramachandraiah, A. Venkateswarlu *October, 2014* 35
- Livelihoods of Agariyas and Biodiversity Conservation in the
 Little Rann of Kutch, Gujarat
*Jyothis Sathyapalan, Ajoy M Bhatt, P S Easa, Jeena T Srinivasan,
 Nimisha Shukla and Pankti Jog* *July, 2014 (RULNR Monograph - 20)* 34
- Decentralised Forest Governance, Institutions and Livelihoods in Odisha:
 A Study of Evolution of Policy Process and Politics
Bishnu Prasad Mohapatra *June, 2014 (RULNR Monograph - 19)* 33
- Visualising resources on Gandhamadhan Hill
*Mapping revenue and forest land in Bargarh district of Western Odisha
 for improved community rights*
Patrik Oskarsson *November, 2013 (RULNR Monograph - 18)* 32
- Implementation and Outcomes of Forest Rights Act : A Critical Assessment of
 Two States in India
Madhusudan Bandi *October, 2013 (RULNR Monograph - 17)* 31
- Primary Schooling in Andhra Pradesh
 Evedence from Young Lives School based Component
S. Galab, P. Prudhvikar Reddy and V.N. Reddy *May, 2013 (CESS Monograph)* 30
- Livestock-dependent Livelihoods at the Forest Interface in Schedule V and Plain/Rural
 Areas of Telangana and Andhra Regions of Andhra Pradesh
Collaborative Research by CESS (RULNR) and ANTHRA
Sagari R. Ramdas, S. Ashalatha and M.L. Sanyasi Rao *March, 2013 (RULNR Monograph -16)* 29
- Bauxite Mining in Koraput Region of Odisha: A Socio-Economic Impact Analysis
*M. Gopinath Reddy, Prajna Paramita Mishra, Ch. Nagaraju
 and S.V. Ramana (MSSRF)* *January, 2013 (RULNR Monograph -15)* 28
- Groundwater Governance: Development, Degradation and Management
 (A Study of Andhra Pradesh)
M. Srinivasa Reddy, V. Ratna Reddy *November, 2012 (RULNR Monograph -14)* 27
- Let it be Banni Understanding and Sustaining Pastoral Livelihoods of Banni
Charul Bharwada, Vinay Mahajan *October, 2012 (RULNR Monograph - 13)* 26