

Obstructed Access To Forest Justice:
The Implementation Of Institutional
Reform (FRA-2006) In Andhra Pradesh
Forested Landscapes

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CENTRE FOR ECONOMIC AND SOCIAL STUDIES
Begumpet, Hyderabad-500 016
July, 2010

CENTRE FOR ECONOMIC AND SOCIAL STUDIES MONOGRAPH SERIES

Number - 13
ISBN 81-88793-14-0

July, 2010

Series Editor : S. Galab

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Centre for Economic and Social Studies
Hyderabad

Rs. 200/-

Published by :
Centre for Economic and Social Studies
Begumpet, Hyderabad-500 016
Ph : 040-23402789, 23416780, Fax : 040-23406808
Email : postmaster@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 in 1980 to undertake research in the field of economic and social development in India. The Centre recognizes that a comprehensive study of economic and social development issues requires an interdisciplinary approach and tries to involve researchers from various disciplines. The Centre's focus has been on policy relevant research through empirical investigation with sound methodology. Being a Hyderabad based think tank, it has focused on, among other things, several distinctive features of the development process of Andhra Pradesh, though its sphere of research activities has expanded beyond the state, covering other states apart from issues at the nation level. In keeping with the interests of the faculty, CESS has developed expertise on themes such as economic growth and equity, rural development and poverty, agriculture and food security, irrigation and water management, public finance, demography, health, environment and other studies. It is important to recognize the need to reorient the priorities of research taking into account the contemporary and emerging problems. Social science research needs to respond to the challenges posed by the shifts in the development paradigms like economic reforms and globalization as well as emerging issues such as optimal use of environmental and natural resources, role of new technology and inclusive growth.

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

The present monograph is an explorative study on the Forest Rights Act, 2006 taken up at the Centre. It considers the relationship between the historical emergence of colonial forestry institutions and the chronic poverty of people living there. The study presents the findings concerning the emergence of the FRA in the context of the range of forest rights deprivations in Andhra Pradesh. Further, it looks at the issue of implementation and the processes involved in it. Lastly, the study examines the likely livelihood impact of the FRA implementation as a pro-poor institutional reform for Andhra. The study is based on intensive field study of six villages spread over the three regions of Andhra Pradesh.

The Forest Rights Act passed by India's Parliament in 2006 finally recognized that 'historical injustice' has been perpetrated against forest population living across one quarter of India's land mass. The Act, potentially the most comprehensive institutional reform of forest in India since Independence, may ameliorate the high levels of chronic and acute poverty in forested areas of Andhra Pradesh that includes over 5 million scheduled tribes and at least another 5 million other citizens of forest landscapes. These are the poorest citizens of the state and most of them depend on forests for a substantial part of their livelihoods. The high level of poverty in Andhra's forest landscapes is largely an outcome of historically rooted institutionalised marginalization and deprivation of local people of their customary rights in the forest.

In their assessment, the authors find that the general picture of implementation of the FRA in AP so far reflects a pattern of overhasty action based on lack of comprehension of the complex nature of rights deprivations. Furthermore, there have been systematic obstruction and efforts at diversion of the full and proper implementation of the act.

The authors make two key policy recommendations: (a) that the GoAP renews its implementation of the FRA according to an open-ended process approach, in which tribal movements and NGOs are brought in to support the process, and (b) the Forest Department is treated as the interested party and is kept at a safe distance from interference. They conclude that all citizens, including those residing in forest areas, should be able to expect access to justice from their state, and when it is denied channels for recourse should exist. Checks on abuse of bureaucratic position, whether individual or systematic, form foundation for democracy

I hope that this monograph will be useful to academicians, policy makers and NGOs who are working at the grass roots level for further improving implementation of the Forest Rights Act.

Manoj Panda
Director, CESS

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Acronyms and Abbreviations

APFD	Andhra Pradesh Forest Department
APSALTR	Andhra Pradesh Scheduled Areas Land Transfer Regulation
BPL	Bhadrachalam Paper Board Limited
CFM	Community Forest Management
CIDA	Canadian International Development Agency
CNFA	Culturable Non-Forest Area
DLC	District Level Committee
FD	Forest Department
EDC	Eco-Development Committees
FRA	Forest Rights Act: in full, the 'Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006'
FRC	Forest Rights Committee
FSO	Forest Settlement Officer
GCC	<i>Girijan</i> Co-operative Corporation - A parastatal organisation in AP monopolising non-timber forest product marketing
GoAP	Government of Andhra Pradesh
GoI	Government of India
GS	<i>Gram Sabha</i>
IKP	<i>Indira Kranthi Patham</i> project: A state-wide World Bank-funded poverty reduction project previously known as 'Velugu' or 'District Poverty Initiative Project' (DPIP)
ITDA	Integrated Tribal Development Agency
JFM	Joint Forest Management
MDO	Mandal Development Officer (also known as Mandal Parishad Development Officer or MPDO)
MRO	Mandal Revenue Officer
NGO	Non-Government Organisation
NTFP	Non-Timber Forest Produce
PAF	Project Affected Families
PESA	<i>Panchayat</i> Extension to Scheduled Areas 1996 - National legislation devolving government power in tribal areas
PHC	Primary Health Centre
PRI	<i>Panchayat</i> Raj Institution
PTG	Primitive Tribal Groups - A government label, of colonial origin, used to categorise less assimilated indigenous groups

RAP	Resettlement Action Plan
RFA	Reserve Forest Area
SDLC	Sub-Divisional Level Committee
SLC	State Level Committee
ST	Scheduled Tribe
VRO	Village Revenue Officer
VSS	<i>Vana Samarakshana Samiti</i> : Forest Department created and controlled <i>ad hoc</i> village forest management group, lacking legal basis or link to constitutional local government bodies.
VTDA	Village Tribal Development Association

Local terms

<i>'1/70' Act</i>	AP Scheduled Area Land Transfer Regulation 1 of 70. A law prohibiting transfer of lands between tribals and non-tribals as well as between non-tribals in the Scheduled Areas of Andhra Pradesh (i.e., areas predominantly populated by tribal groups recognised in Schedule 5 of the Constitution)
<i>Ghat</i>	Hill
<i>Gram Sabha</i>	Village assembly
<i>Korralu, Samalu</i>	Small millets – food grains
<i>Mandal</i>	Territorial and administrative unit between the village and district levels
<i>Naxalite</i>	Extremist left-wing group
<i>Panchayat</i>	Local village committee
<i>Pappulu</i>	Pulses
<i>Patta</i>	Deed of Ownership
<i>Podu</i>	Traditional long fallows forest cultivation. Fallows allow the soil fertility to recover in hill areas where <i>podu</i> is practiced, although in recent years, mainly due to tenure insecurity, fallows periods have reduced and <i>podu</i> has often become sedentary cultivation in forest landscapes
<i>Samitis</i>	Committees
<i>Sangham</i>	Association
<i>Sarpanch</i>	Head of a <i>Panchayat</i> or Village headman
<i>Usiri</i>	Amla: the wild fruit or a small shrub.
<i>Vari</i>	Paddy

Notes:

Telangana, Coastal Andhra, Rayalseema are the three regions of Andhra Pradesh

The term 'forest people' is used here to connote people living in forested landscapes. This includes both non-tribal forest-adjacent and forest-dwelling communities. It must be recognised that any such term may be problematic – the inclusion or exclusion of groups within the term tribal is equally difficult as scheduling has excluded many groups. Scheduled Tribe is a constitutional term. The word tribal is mostly used by the Government, whereas indigenous is the internationally understood term. However, the state contests the application of the term indigenous people to Scheduled Tribes in the country.

Acknowledgements

This monograph is an output of a project entitled 'Understanding the Forest Rights Act 2006', coordinated by Oliver Springate-Baginski at the School of International Development, University of East Anglia, and funded under DFID's 'Institutions for Pro-Poor Growth' Research Programme Consortium. For more information: <http://www.ippg.org.uk/>

We are indebted to a wide range of people who have helped us in the completion of the present study. We are particularly grateful to the many local people who gave their time and insights, without whose cooperation the field study could not have been completed. Other people who have also helped us include Shri Nagi Reddy, IAS, the then Principal Secretary, Tribal Welfare, Govt. of Andhra Pradesh, Dr. Suryakumari, Director, Centre for People's Forestry and her Staff, Hyderabad; a range of district-level officials including Sub-Collector, Rampachodavaram, the Divisional Forest Officers of Narsipatnam, Shri Prakash, a film-maker, and other Government and project staff of the study Mandals.

We would like thank the 'Institutions for Pro-Poor Growth' (IPPG) Research Programme Consortium managed by Manchester University and funded by DFID, UK for supporting the study. Our sincere thanks to Professors Adrian Leftwich of the University of York; and Kunal Sen of Manchester University, for their very helpful advice, encouragement and patience throughout the life of the project.

The authors would also like to acknowledge the valuable inputs given by project partners on an earlier version of this draft at a workshop held at Kuseong, West Bengal, in 2009. We would also like to thank Madhu Sarin for her huge help with every stage of the study and her specific inputs into this paper. We also thank Ms. Surabhi Tandon for her help with the initial review of an earlier version.

Our thanks are due to Professor K.K. Misra, Department of Anthropology, University of Hyderabad, and currently Director for Indira Gandhi Rashtriya Manav Sangrahalaya (IGRMS) Bhopal who reviewed and offered useful comments on both the working paper which was brought out earlier and final research monograph. We are also thankful to CESS faculty for giving useful comments at the time of presentation of the paper at CESS. Our partners in the project-Dr. Purnamita Das Gupta, Dr. Ajit Benarjee, Dr. Kailas Sarap, Sricharan Behara and Indranil Benarjee owe our thanks for their valuable inputs. Thanks are due to Prof. P. Vekata Rao, Department of Anthropology, University of Hyderabad and Dr. V.N.V.K. Sastry, Former Director TCR&TI, who were the discussants for the Regional Workshop where findings of the final report were presented.

We are very thankful to them for their valuable comments on the study. We are thankful to all the delegates of the workshop for their useful comments. We would like to thank Prof. Manoj Panda, Director, CESS, for all the support and encouragement during the period of this Study. We thank Dr. Padmanabha Rao, CESS, for all the administrative and infrastructural facilities.

We are thankful to Naga Raju Chikkala, Research Associate, Vijay Kumar, Research Assistant, and B. Sridhar CESS staff for their help in collection of primary data, and also shouldering the overall responsibility of data entry and processing. Thanks are also due to Mrs. K. Rajkumari for meticulous editing and proof reading of the report. Last, but not the least, we are indebted to the villagers of our study area for patiently answering all our questions.

Executive SUMMARY AND KEY FINDINGS

The present study considers the relationship between the historical emergence of colonial forestry institutions in forest areas of Andhra Pradesh and the chronic poverty of people living there. Between 5-15 million of the population of Andhra Pradesh live in forested landscapes depending on definitions, and most of these live in severely deprived conditions; they form what may reasonably be called a 'forest underclass'. By underclass, we mean to signify that people living in forests have been collectively subjugated and impoverished, and that forestry institutions are one of the primary causes for this. It may be argued that forest people inherently have low income levels and that their poverty is latent. However, using a historical institutional analytical framework, we show that regardless of their initial conditions, their livelihoods have been gravely impacted by the expropriation of productive assets (specifically private and collective land) and severe restrictions on their livelihood-related access and use rights in forest areas.

In this monograph, we examine the processes of rights deprivation, applying concepts of critical junctures when institutional change occurred, and 'path dependency' when the consequences of institutional reforms gradually and cumulatively unfolded. We also examine in detail the somewhat arcane aspects of the processes through which the state 'territorialisation' of forest hinterlands occurred in AP, at the expense of the predominantly tribal populations already resident there.

The key deprivations identified are:

1. Extinguishment of hereditary customary tenures through the 'normal' forest settlement
2. Irregularities in the settlement process
3. Criminalisation of shifting cultivation
4. Unjust evictions
5. Illegal land grabbing
6. Recent in-migration of tribal groups from other states not scheduled in AP
7. Displacement for 'development' initiatives
8. Evictions through Joint/'Community' Forest Management schemes

9. Non-recognition of tenures due to boundary disputes between the Revenue and Forest Departments
10. Marginalisation through creation of Sanctuaries and National Parks

Poverty caused by these rights deprivation has shown a high degree of continuity due to the persistence of the institutional arrangements on which they are based, created under a former colonial era but significantly reformed, presumably because the incumbent interest groups (the state forestry bureaucracy and some commercial and private interests) have continued to benefit.

In a subsequent paper, we consider the extent to which the Forest Rights Act 2006 promises to change this *status quo*.

This study also considers the extent to which the Forest Rights Act 2006¹, potentially the most comprehensive institutional reform of forest in India since Independence, may ameliorate the high levels of chronic and acute poverty in the forested areas of Andhra Pradesh.

The passing of the Act in 2006 appeared to presage a historic reversal of the colonial origin processes of state marginalisation and oppression of the many millions who inhabit India's forested landscapes, and usher in a more democratic era, albeit 60 years overdue. But can a stroke of the legislative pen so easily change the fortunes of the poor? Considering the huge momentum of the *status quo* forest institutions and marginalisation processes, and the minimal political power of the marginalised, what are the realistic prospects for actually achieving pro-poor reform? From a lifetime of fighting to protect the interests of the poor in Andhra, the late Balagopal reached a pessimistic conclusion:

“... the motto of all land reform measures in India has been to do what little can be done for the poor without hurting the rich too much. ... lobbies of the privileged constantly work to weaken reform.”²

But is this inevitable? Or can the weak really challenge the strong, effectively using the democratic structures? This paper takes an institutional perspective to answer this question, by considering the actual FRA implementation processes and livelihood impacts, based on primary research conducted across six villages over 2008 and 2009.

¹ The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006

² Balagopal, K., 2007. “Land Unrest in Andhra Pradesh-III Illegal Acquisition in Tribal Areas”. EPW, 4029.

Andhra Pradesh includes over 5 million Scheduled Tribes and at least another 5 million other citizens of forest landscapes³. These are the poorest citizens of the state, and most depend on forests for a substantial part of their livelihoods. The high level of poverty in AP's forest landscapes is largely an outcome of historically-rooted institutionalised marginalisation, as the state appropriated forests and forest land for itself and deprived the local people of their customary rights in the forest.

The local realities of forest rights deprivation are extremely complex, reflecting a century and a half of compounded processes through which the local people were marginalised primarily by the state. These deprivations have led to highly conflictual relations between the state and the local people in the extensive forest landscapes for at least one and a half centuries, while the tribal forest areas in AP remain centres for disaffection and insurgency to date. Although there has been very limited political organisation by tribal and forest dwelling groups there has been substantial participation in the campaign for reform in forest rights.

The FRA does, despite certain limitations, contain extensive provisions to substantially redress most of the rights deprivation. However, securing redress depends critically on its implementation, and much of the provisions depend on the discretionary interpretation of the implementing individuals.

Reform of such fundamental right deprivations will inevitably be a long-term process. The implementation of the act has rapidly gone ahead in AP, and numerous people have put sincere and conscientious efforts to try to ensure that the act is implemented, and much has undoubtedly been achieved in the endeavour to reverse the long-term rights deprivation.

However, from our assessment, we found that the general picture of implementation of the FRA in AP so far is one of overhasty and spasmodic activity, lacking clarity in understanding the scope of the act and its full implications. However, behind this apparently positive picture, there is a pattern of overhasty action based on lack of comprehension of the complex nature of rights deprivation. Furthermore, there have been systematic obstructions and efforts to divert the complete and proper implementation of the act. These patterns reflect the asymmetrical power of the bureaucracy, particularly the Forest Department, and the 'path dependent' behaviour of these organisations. The local people are not in a position to challenge the mis-

³ Of the 26,586 (administrative) villages in AP, 5,080 have forest as a stated land use, the forest area in these villages being 2.57 mha and total population in these villages, 10.67 million persons or 21.95 percent of the state's rural population. (FSI, 2009).

implementation. Community organisations social workers and NGOs acting on their behalf have generally been excluded from the process.

Our study shows that the implementation process of the FRA has not properly taken account of the level of complexity. Rather, several distinct limitations of the process have compounded each other. The same are discussed below:

Implementation has been occurring - in contrast to some states which have not put efforts into rolling out the FRA, in AP implementation has gone ahead rapidly, and numerous people have put sincere and conscientious efforts to try to ensure the Act is implemented. Much has already been achieved to start to reverse the long term rights deprivations.

Excessive haste - the Government of Andhra Pradesh (GoAP) has sought to implement the act in a matter of months, an absurdly unrealistic timescale for an issue of justice which should 'take as long as it takes'. This rush may be attributed to a Government seeking to be 'efficient' in executing its responsibilities, sometimes regardless of the level of effectiveness and equity entailed. But the haste is also clearly fuelled by an attempt to demonstrate patronage to prospective voters.

Lack of transparency regarding extent of implementation: The state has provided no clear data on the key implementation parameters and indicators. At the most basic level, we do not know just how many of the estimated more than 5,000 eligible villages have actually been mobilised to date. Early pronouncements estimated 700-800 by late 2008, but the reliability of this figure is unclear, and so is the subsequent progress. Clearer and more frequently updated data on the status of implementation, the basis for rejection of claims and disaggregation of data by geographical region would help to understand how activities are proceeding.

Lack of understanding of the detailed nature of the rights deprivation, and of the act's provisions across the stakeholders involved (most particularly, in relation to community rights and common property issues). The lack of understanding amongst the senior staff responsible is compounded as the implementation is rolled out to lower levels, particularly in the context of the artificial rush created.

Wrong level of local FRC: The AP Government has been implementing the FRA not at the habitation/settlement level, as required by the rules, but at the administrative village/*panchayat* level. Which often has multiple villages and hamlets. This undermines the democratic intent of empowering the village assembly to act as the initiating authority for the local process for claiming rights in a number of ways.

Poor FRC formation and awareness-raising process: The FRCs were formed in a rush, and hence, awareness raising and training could not result in clear understanding of the act's provisions and the implementation processes. An arrogant manner on the part of many of the public servants responsible for implementing the act, (which incidentally, the tribals are accustomed to) has made the process even more difficult. Lack of awareness on the part of implementers and limited awareness raising led to an atmosphere of confusion over precisely what the legal provisions are.

Obstruction from the Forest Department: Obstructing the state process through the courts, the FD has been a major perpetrator and beneficiary of the 'historical injustice' as it acquired forests unjustly. Being an interested party in the reforms, as it stands to lose control, the FD became a serious obstructor of the proper legal process, and as such illustrates its autonomy from the democratic process.

Private claims effectively submitted: Despite all of the above problems, local private claims are in many cases effectively submitted by eligible claimants - thanks to the FRC committees and local facilitators who take their responsibilities seriously.

Obstruction of claims - in a number of ways: relocation of claimants from Protected Areas without recognising their rights, illegal ignoring of claims in areas from where claimants may be displaced (e.g. Polavaram dam area)

Local plot survey and verification technically poor and subject to routine gross FD interference: The most serious impediment to implementation was during field mapping of the land claims. Firstly, handling the GPS devices effectively seems to have been beyond the ability of the staff assigned, leading to inaccurate surveys, and many people are now demanding a resurvey of their claims. Furthermore, the FD field staff have grossly and systematically interfered with this stage of the process, obstructing and diminishing claims on a range of spurious grounds without having mandate to do so.

High level of individual claim rejection - recent aggregate state data suggests only 49% of claims submitted have been approved, and it is likely most of these are individual claims. Although the reasons for rejection are not given, we can see from our study villages that they are likely to include lack of adequate evidence, claims on ineligible revenue land, and spurious summary dismissal of claims by the Forest Department field staff and the claimants were not given an opportunity to appeal against rejection of their claims required by the Act and Rules

Issue of titles: has still not happened in most places.

Avoidance, obstruction and subversion of community rights issues: Limited implementation to date. State implementation focussed initially on individual rights. There has been very limited awareness raising or promotion of community rights. Further, the Forest Department has sought to usurp community rights through 'their' Joint Forest Management Committees claims, which are not legitimate claimants under the Act.

The outcome in terms of rights has been mixed. Whilst it is encouraging that so many individual claims have been submitted and many verified and approved, many eligible claimants have not been able to submit claims, have had their claims dismissed arbitrarily without giving them an opportunity to appeal, or have had lands surveys misconducted thereby reducing the area claimed. Furthermore many communities have not been able to claim their community rights as yet.

There have been systematic obstruction and efforts at dilution of the full and proper implementation of the act. These patterns reflect the asymmetrical power of the bureaucracy and particularly the Forest Department, and 'path dependent' behaviour of these organisations. Local people have not been in a position to challenge mis-implementation. Community organisations, social workers and NGOs acting on their behalf have generally been excluded from the process.

The outcome is that the problems above have compounded and led to very limited access to forest justice at the local level. This has frustrated expectations across the tribal and other forest people, whom the act intended to help. The pro-poor implications, despite the level of resistance, are nevertheless significant. Already many forest people, hitherto subsisting on a very tenuous basis, are getting land asset titles, and therefore wealth, and are experiencing improved food security. However, it is too early to comment to what extent the full rights reform can be achieved and the full extent of livelihood improvements. For instance, if the village forests were to be managed for local priorities, how much more income could be generated? The long-term processes of improvements could take many years to come to fruition, and will require significant complementary reforms, such as NTFP processing and marketing initiatives before the full gains can be achieved.

Implementation problems may be seen as inevitable in the early stages of such a fundamental reform, as the inertia of 'path dependent' behaviour only gradually changes. An optimistic view would be that reform is ongoing and a positive learning process will gradually assure its full achievement.

A more critical view would be that rather than representing 'teething problems', the level of institutional resistance is actually foreclosing the 'window of opportunity' for change, confirming Balagopal's hypothesis that minimising the empowering and pro-poor implications of any legislative reform mandate is 'business as usual' for a powerful bureaucracy representing the interests of the powerful, including its own staff, and accustomed to limited democratic or judicial oversight.

We conclude that the truth lies somewhere between these two over-deterministic views. The reform process involves political contest between sincere individuals at every level, working to the legislative mandate and its pro-poor principles; but that there are strong interests working against this, sometimes openly as in the gross interference of FD field staff in the mapping of claims.

Our key policy recommendations are:

- 1.) The GoAP should renew its implementation of the FRA according to an open-ended process approach in which tribal movements and NGOs are brought in to support the process.
- 2.) The AP Forest Department, being the incumbent forest manager is an interested party in the reform, and any more than an observational role would self-evidently give rise to an acute conflict of interest. FD staff's involvement in rights claim verification has provided opportunities for this conflict of interest to manifest, leading to a high proportion of legitimate claims being rejected. If forest justice is to be done it is essential that FD staff are kept at a safe distance from opportunities for interference, particularly the field survey.
- 3.) Tribal movements and concerned NGOs should be brought in and included in the process in a co-learning mode. The state should not only induct 'tame' and obedient service provider NGOs
- 4.) That all citizens, including the residents of the forest area, should be able to access justice from their state, and when it is denied, channels for recourse should exist. Checks on abuse of bureaucratic position, whether individual or systematic, are a foundation for democracy.

I

Understanding Rights Deprivations and the Rights Reform Process in AP's Forested Landscapes

1.1 Introduction

AP is the fifth largest state in India, both in terms of geographical area (2,75,069 km²) as well as in terms of population. AP had a population of 75.73 million in 2001, of which 55.22 million are rural, and 10.67 million people live within forested landscapes; many of these may be considered 'forest people'. An estimated 50.24 lakhs are indigenous or tribal people. AP contains extensive forest landscapes, and has the third largest forest cover among the states in India (Forest Survey of India, 2009). A long-term historical process of the state extinguishing forest people's rights and expropriating them has led to severe livelihood insecurity and poverty.

The forested landscapes contain the highest concentrations of poverty. The relationship between the state and the forest people has been conflictual for at least a century, as the colonial state and the Nizam's client state sought to take over control of the forests and delegitimize forest people's use of the forests. After independence, though these people became citizens, the conflictual relations continued, and indeed have been the root of much civil strife and insurgency across forested areas to this day.

The Forest Rights Act was passed by India's Parliament in 2006, finally recognising, 60 years after Independence, that across almost one quarter of India's land, 'historical injustice' has been perpetrated by the state forestry bureaucracy against rural populations:

'... 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 ... (FRA, P. xii)

The act provides the legislative basis to redress this injustice, and so has major implications across AP, promising a more secure basis for the forest people's livelihoods. However, is it realistic to expect that, after more than a century of the state's oppression of the forest

people, the relationship can be reversed at a stroke of the legislative pen? Particularly when the forestry establishment of the colonial regime seems so securely entrenched in its control of the extensive state enclosed lands (about 23% of AP) which it annexed in this way. Does the FRA really signify a fundamental change in the political position of forest people in India? Or will the reform turn out to be more symbolic than material? The FRA process is an important case of apparently pro-poor contemporary institutional reform, and its implementation is clearly a central determinant of just how pro-poor it turns out to be in practice.

The study presents the findings concerning why the FRA emerged in relation to AP, reviewing the range of forest rights deprivation and how they came about. Further, the study also looks at the issue of its implementation and the processes involved. Lastly, the study also looks at the likely livelihood impact of the FRA implementation as a pro-poor institutional reform for AP.

1.2 Research Questions and Methods

This study seeks to understand the extent to which the Forest Rights Act 2006 can be considered as a pro-poor institutional reform for AP. The study focuses on four key research questions in relation to AP:

1. *Why and how did the FRA emerge? (The origins and extent of the underlying rights deprivation, and the political mobilisation processes)*
2. *Do the FRA's provisions adequately cover the range of forest rights deprivation in AP?*
3. *Is implementation of the FRA actually resulting in meaningful and pro-poor institutional reforms at the local level?*
4. *Will the FRA lead to poverty alleviation and pro-poor growth, and if so, how?*

In order to answer these questions we conducted extensive primary research at the field level. This was complemented at the outset by state and district level reviews, by interviews and discussions with key stakeholders; concerned officials, NGOs, and various others, to elicit their views, experiences and suggestions. Secondary data was compiled from reports, appraisal and evaluation documents of the World Bank and the Forest Department, Government Orders, and so on.

We then moved to primary data collection through field surveys at selected study sites using group meetings, household and village questionnaires. Geographical Positioning Systems were used to identify and map village locations.

We selected 6 local villages across 5 districts of AP to reflect the range of different local conditions and institutional arrangements in the state relating to the forest rights deprivations (see Map 1). The factors we sought to cover in village selection were as follows:

1. The three different agro-ecological regions (Telangana, Rayalseema and Coastal Andhra) and the different administrative histories (i.e., Nizam in Telangana, Madras Presidency in Coastal Andhra and Rayalseema)
2. The different contemporary administrative patterns affecting forest people:
 - a. *Scheduled Areas*: districts where tribal populations are predominant and so are 'scheduled' under Schedule 5 of the constitution for specific administrative protections. This applies mainly to the northern tribal belt.
 - b. *Tribal 'Sub-plan' Areas*: areas where tribals are not predominant in the overall districts - therefore, 'sub-plans' are provided for these groups.
 - c. *Plains Non-Scheduled Areas*: mainly in Rayalseema to the south.
3. Variations in type of forest, nature of forest dependency, and social composition.
4. The main forms of rights deprivation in each of the regions.

Map 1: Location of Study Sites



Source: Google Earth 2009; site locations from GPS data.

Through careful selection, we chose five districts with high forest extent which are known to contain extensive forest rights deprivations: Adilabad, East Godavari, West Godavari, Visakhapatnam and Kurnool.

Within these districts, six *panchayats* were selected, based mainly on their reflecting forest rights deprivation scenarios. Within each *panchayat*, one village was selected randomly (Cheruvuguda, Pamuleru, Panasanapalem, Koruturu, Goppulapalem and Nagaluty). See Map 1 above for the location of the study sites across AP. Research was conducted across these villages between early 2008 and mid 2009, using a range of triangulated data collection methods.

1.3 Applying a Historical Institutional approach

Institutional theory tells us that social, political and economic institutions, both formal and informal, not only shape behaviour and opportunities, but also define rights and distribute power. They must therefore have major implications for poverty and its alleviation. Historical Institutionalists (e.g., Harriss, 2006; Saunders, 2006) hypothesize that institutions (i.e., 'the rules of the game' by North's definition) 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. Historical Institutionalists take a politically realistic approach to the link between the authorship and distributional outcomes of institutional reforms. Those with the power to prevail in negotiations can organize institutions best suited to 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.

This approach commonly applies two central analytical concepts: critical junctures and path dependency. The idea of 'critical junctures' suggests that there are moments ('junctures', similar to the concept of bifurcation points in the natural sciences) when sharp institutional changes can be made, at which point contestation and power struggles play a critical determining role. Obvious examples of this are wars, colonial annexations, revolutions, *coups d'état*, and so on. Of course, the extent of 'criticalness' can clearly vary greatly, as does the mix of precipitating causes, which may be due to environmental, political, or economic crises and may be internal to a polity/economy; or brought about by external events.

How these critical junctures are used, and the implementation of the decisions taken during them are not automatically positive or 'progressive'. Reforms and revolutions can and often do lead to new forms of marginalisation, oppression and instability. Predatory or reactionary regimes can get installed, as colonial history shows us. However, seizing

the opportunity and pushing through reforms in the institutional architecture - whether macro or within a sector or in relation to one issue - depends on political processes, and the kind and amount of power which different interests can bring to bear. Moreover, the formal institutional structure within which the decisions are taken will also shape the outcomes. This is clearly the case in India where the formal federal and parliamentary structure allows - as we know from many different sectors - great variation across the state.

Fundamental changes in property and tenure regimes are a good example of a 'critical juncture'. In terms of forest tenures, we will see how the colonial concern to secure sustainable timber supplies led, in the mid 19th century, to the creation of forest bureaucracies and the legal provisions to create a national forest estate. This may be seen as the key 'critical juncture' in India's, and specifically AP's, forest landscapes.

This institutional change, one and a half centuries ago, is still casting long shadows today.

The structure of the administration of public (including forest) lands remains essentially colonial in nature. While reform of agricultural land was pressed forward following independence, the management of public lands has remained frozen (Gadgil & Guha, 1995)

Explaining why this is the case brings us to the second and complementary key idea which Historical Institutionalists use, that of 'path dependency'.

This alludes to the regular pattern by which a consolidated institution becomes very hard to shift and that once established, even when regimes change, it may have a profound proclivity to remain in place. The 'sharp' historical institutionalist in political science would recognize two aspects of this 'institutional stickiness': First, an institution is often embedded in a network of associated and complementary institutions (formal and informal). It is hard to change one without having effective change in others; moreover there will be a culture of familiarity with a particular institutional network. Also, there may be strong ideological/political attachments to an institution and what it represents. Second, underpinning the resistance to change - and hence, sustaining the path dependency - are questions of incumbent power and politics. Power, because there will be deep vested interests committed to defending the institutions ('an organization's biggest output is itself', to paraphrase Stafford Beer); political, because there may be wider electoral considerations which governments don't want to threaten.

So, in historical institutional analysis, critical juncture and path dependency stand in tension with each other. There may be critical junctures - a political regime coming to power or major reform - and there is room for maneuver. But these attempts at change may be thwarted by path dependent factors, power relations and resistance or diversion by bureaucracies and interest groups. In federal structures 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.

This study applies this historical institutional approach to help make sense of the complex historical processes and contemporary contestation over institutions relating to forest rights in the Indian context. In the paper, we can see how India's forest bureaucracy was created from a critical juncture in the colonial period, but has exhibited path dependency, as the 'historical injustices' it perpetrated have persisted and got further compounded over more than half a century into independence.

II. POVERTY IN ANDHRA'S FORESTED LANDSCAPES

2.1 AP's Forested Landscapes

Andhra Pradesh is India's fifth largest state (comprising 275,069 km², or 8.37% of India's area) and also has the fifth largest population - over 76 million (Census 2001). AP contains extensive forested landscapes across its three main physiographic regions; the mainly hilly northern Rayalseema, the dryer central and southern Telangana Plateau, and the fertile Coastal Andhra Region. In each area, forests exist in both contiguous blocks, and also within domesticated mosaic landscapes adjacent to agriculture, pasture and other land uses. AP contains two main contiguous forest belts: one across the north of the state, and the other running in a north-south belt in the Nallamalai Hills). AP's forests are classified into six main types, of which, 'tropical dry deciduous' comprises 90 percent.

AP's actual current forest cover (as defined by the Forest Survey of India (FSI) as lands having more than 10% tree canopy) is 45,102 km² or 16.4% of the state (FSI, 2009).

Map 2: Forest cover of Andhra Pradesh



Source: Forest Survey of India, 2009.

Table 1: Forest Condition in Andhra Pradesh

FSI Category	Criteria <i>Lands with forest cover having a canopy density</i>	Extent in AP (km ²)
Very Dense Forest	<i>more than 70%</i>	820
Moderately Dense Forest	<i>40-70%</i>	24,757
Open Forest	<i>10-40%</i>	19,525
Total Forest Cover		45,102
<i>Scrub</i>	<i>Degraded forest lands having canopy density less than 10%</i>	<i>10,372</i>

AP's 'recorded forest area' (i.e., land recorded as under forest in government records) is 23.2 percent of the state (63,814 km²). This area was gradually taken over by the Forest Department from the late 19th century onwards.

The APFD claims that 95.92% of this has been classified as 'Reserved Forest' (RF), 3.08% as 'Protected Forest' (PF), and 1% as 'Unclassed Forest' (UF). About 62% of AP's total forest area has been declared as Reserved Forests in Scheduled V areas. AP's protected area network covers 15,800 km², constituting 5.76 % of the geographic area of the State (Reddy and Bandhi, 2004).

The discrepancy between the extent of the forest estate (63,814 km²) and the standing forest (45,102 km²) of 18,712km² may be explained in two ways: Firstly, previously standing forests have been cut under the management of the Forest Department, through both routine and illicit felling, and regeneration has not happened. Secondly, it is not clear how much of these areas were not standing forests at the time of reservation, but rather, were areas which the Forest Department appropriated and labelled as 'degraded forests'. Such areas include, for instance, scrublands, lowland meadows and upland forest fallow cultivation plots.

2.2 AP's Forest People

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

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

Approximately, 65% of AP's forest area is in 8 districts in the north of the state⁴, where much of the Scheduled Tribe population is concentrated (Reddy *et al.*, 2004). These districts are amongst the least developed in AP. AP's 'Tribal Sub-Plan' area (created to provide specific administration for tribals) extends over 31,485.34 km², which constitutes the traditional habitat of about 31 tribal groups.

⁴ in Srikakulam, Vizayanagaram, Warangal, Visakhapatnam, East and West Godavari, Khammam, Adilabad and Mahbubnagar districts.

Box 1: How many Forest People are there in AP?

The number of ‘forest people’ in AP, if very narrowly defined to include only its officially Scheduled Tribe (ST) population, would be 5,024 million, constituting 6.59% of the total population (2001 Census). A more comprehensive approach would include all residents of heavily forested districts, also encompassing Scheduled Castes (SCs) and many other poor groups critically dependent on forests; it amounts to as much as 10 million, or 14% of AP’s population (Reddy *et al.*, 2008).

AP’s Scheduled Caste population is currently 12,339 million, constituting 16.19% of AP’s total population, distributed throughout the state both in and outside forest landscapes.

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

Table 2: Andhra Pradesh Tribal Groups

Tribe		Popl.	Tribe		Popl.	Tribe		Popl.
Andh	H	9,735	Kolam	H	45,671	Nayak	H	14,222
Bagata	H	1,33,434	Konda Dora	H	2,06,381	Pardhan	P	23,724
			Konda Kapu	H	11,780			
Bhill	H	421	Konda Reddi	H	83,096	Porja	H	32,669
Dhulia	H	No data						
Chenchu*	H	49,232	Khonds	H	85,324	Reddi Dora	H	1,721
Gadaba	H	36,078	Kotia	H	48,408	Rona	H	200
Gond	H&P	252,038	Koya	H&P	5,68,019	Savara	H	1,22,979
Goudu	H	7,749	Kulia	H	368	Lambada/ Sugali*	P	20,77,947
Hill Reddy	H	77	Mali	H	2,513	Thoti	H	2,074
Jatapus	H	1,18,613	Manne Dora	H	13,579	Valmiki	P	66,814
Kammara	H	45,010	Mukha Dora	H	37,983	Yanadi*	P	4,62,167
Kattunayakan	H&P	161	Nakkala*	P	No data	Yerukula*	P	4,37,459
						Total:		49,97,646

Source: TCR&TI 2008 from 2001 Census

Notes: H – Hill; P – Plains

Nakkala and Dhulia communities are recently included tribes in Andhra Pradesh their census enumeration is not done by the A.P. Govt.

* see details in Table 3.

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

Each tribal group has its own distinct identity, culture and material livelihood practices. Table 3 provides some basic details concerning a few of these tribes.

Table 3: Details of some Diverse Tribal Groups

Chenchu	A hill tribe officially considered to be most 'primitive'. They still largely depend on gathering activity, although some are in transition to food producing. Traditional habitats are the contiguous forest tracts of Nallamalai Hills, although much of this area (through which the Krishna River flows) is presently declared as a Project Tiger Area and so their livelihood practices have been restricted.
Nakkala	A plains tribe, traditionally nomadic hunters (of small animals and birds) and traders of petty articles. They are sparsely distributed in most AP districts, as well as in neighbouring states. Since Nakkala are engaged in hunting fox (<i>Nakka</i> in local parlance) to eat, they are called " <i>Nakkalollu</i> " in Andhra. They have their own dialect which has no script.
Lambada /Sugali	A plains tribe, who settle in separate hamlets, locally termed as <i>tandas</i> , mainly near hillocks or pastures where they could rear cattle. The Lambadas were once nomads, but in recent times, they are becoming sedentary cultivators and rearing of cattle has become their secondary occupation. They are mostly distributed in the Telangana Region, and sparsely in Rayalseema and Coastal areas.
Yanadi	A plains tribe mostly residing on river banks, lakes, tanks and canals. Their main livelihood is fishing, and they also catch field rats for consumption. The Yanadis are mostly concentrated in Nellore District and are sparsely distributed in Coastal Andhra.
Yerukula	A plains 'ex-criminal tribe', they are found throughout the state, and are traditionally basket makers and swine herders. They live mostly in multi-caste villages, maintaining symbiotic relations with non-tribals.

The forest people's livelihoods are closely dependent on access to forest and other lands for a range of purposes, including cultivation, grazing, hunting and product collection. Forests are important both for providing food security and safety nets in periods of hardship. Details are indicated in Box 2:

Box 2: Forest People's Livelihood uses of Forests

Traditionally, the forest people depended closely on forests for a wide range of livelihood uses:

- o *Homestead*: perhaps most important of all, forest landscapes provide living space.
- o *Land for cultivation*: the forest people practice both shifting and sedentary cultivation. Many tribal groups have historically practiced long fallows of forest cultivation ('*podu*'), a practice suited to upland forest areas. *Podu* cultivation involves the clearance of small patches of hill forests for temporary subsistence cultivation (e.g., various crops including cereals, sorghum and millets). After a few years, the soil fertility declines and the cultivators move their cultivation to another area (although typically keeping their location of residence permanent). A cultivator household may have customary tenure to a long rotation cycle of plots over perhaps 10 years or more, and cultivates alternately between them. However, without legal titles, this is unenforceable, and due to tenure insecurity amongst other issues, *podu* cultivation has gradually transformed in many areas into settled cultivation practices.
- o *Pastoralism*: maintaining cattle and goats includes grazing, leaf fodder and bedding materials from forest and pastures.
- o *Gathering and hunting*: virtually all forest people collect forest products for direct use, barter (e.g., for food grains) or cash sale. These products include:
 - Vegetables, fruits, roots, tubers and flowers
 - Hunting for birds, fish, ants, and other wildlife
 - Wood products, fuel wood, poles, timber,
 - Medicinal plants - for herbal and traditional medicines
 - Other forest products such as honey, gum, *tendu pattas*, *mahua* flowers, soap nuts, broom, oilseeds and bark of trees for rope stones to build wells and houses.
- o *Spiritual uses and existence values*: forests have provided sacred groves and sacred trees (and other sacred areas) for spiritual and religious practices.
- o *Other 'ecosystem services'*: the forests provide a range of other benefits, particularly hydrological functions such as water supply (especially important in the dry season), for which they are valued and protected. Also valued are nutrient transfers to fields below.

Box 3: Forest Dependence of Tribals in Andhra Pradesh

(From Yadama, Gautam N, Bhanu R. Pragada and Ravi R. Pragada, (1995) "Forest Dependent Survival Strategies of Tribal Women: Implications for Joint Forest Management in Andhra Pradesh, India") (FAO: Bangkok)

Forests and forest resources, primarily Minor Forest Products (MFP) or NTFPs, play an important role in the viability and survival of tribal households in Andhra Pradesh and elsewhere in India. The tribals in Andhra Pradesh collect a large variety of NTFPs including tamarind (*Tamarindus indica*), adda leaf (*Bauhinia vahlii*), gum karaya (*Sterculia urens*), myrobalans, mahua flowers and seeds (*Madhuca indica*), wild brooms and soap nuts (*Sapindus emarginatus*). One study estimated that the income from the sale of NTFPs in Andhra Pradesh constitutes anywhere from 10 to 55 percent of total household income. Tribal households from Andhra Pradesh accrue a very high proportion of their income from the sale of NTFPs (Burman, 1990). From an economic perspective, NTFPs play a central role in the livelihood strategies of tribal households in ... the entire Eastern Ghats Region. Tewari (1989) estimated that in Andhra Pradesh, 10 to 55 percent of the income of tribal households comes directly from the sale of NTFPs, and this dependence increases markedly as a tribal household becomes more marginalized.

Dependence on forests and common property resources increases as a household becomes economically marginalized. Ramamani (1988), in a study of tribal economy in Srikakulam District in the Eastern Ghats of Andhra Pradesh, disaggregated tribal dependence on forests. The more marginal a tribal household, the greater is the proportion of its income from forests. Data indicated that sub-marginal and marginal tribal households accrue 35 to 36 percent of their income from forest produce. As poverty increases, women become more prominent in ensuring the survival of households by assuming greater responsibility to provide resources from forests and common lands. The importance of NTFPs for the very poor tribal households has been well documented by other studies as well (Hedge *et al.*, 1996; Godoy *et al.*, 1995). In Andhra Pradesh, the poor obtain 84 percent of their fuel supplies from common property resources, and are employed for 139 days to collect products from common property resources (Jodha, 1992). "...The inextricable link between land resources and rural livelihoods, along with increasing role of women as household providers in declining rural economies, stresses the need to consider the gendered terms of access and control of the resource base, particularly in ecologically vulnerable regions" (Thomas-Slyter and Rocheleau, 1995).

Box 4: Centre for Peoples Forestry – Forest Livelihoods in AP

Numerous different NTFPs have been identified, processed and used. The figures vary between different studies according to how income sources are calculated. The Centre for People's Forestry, by analyzing the data from 80,800 households belonging to 680 *Vana Samrakshana Samithis* (VSSs), covering the three geographic regions of the state, found that the contribution of forest use in livelihood is on average up to 31% in Andhra, although 40 to 70 percent of the income for the tribal and other resource-poor communities is from the collection and sale of NTFPs (Suryakumari *et al.*, 2008).

The main types of forest-based livelihood activities comprise: NTFP-based (57%), fodder for goats and sheep (26%), fuel wood sale (12%) and wood-based craft making (5%).

Comparing the three regions, the greatest element in the contribution of forest to income is from NTFP collection and sale in Telangana (73% of total forest contribution) and Coastal Andhra (47%), whereas in Rayalseema, the highest contribution of forests to income is from fodder to goats and sheep (51%). Head loading of fuel wood for sale is more prevalent (20%) in the North Coastal Region than in Telangana (7%) and Rayalseema (8%) regions, where it is a dwindling option due to degradation of forests (Suryakumari *et al.*, 2008).

Table4: Contribution of Forest activities to Livelihoods of Forest People in AP

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

2.3 The Poverty of AP's Forest people

Forested landscapes have historically been populated, but since the mid 19th century, the marginalisation of those populations became pronounced as the state took over the forests. This led to the situation we observe today where there is a close coincidence between forest, poverty and tribal people.

The development indicators for Scheduled Tribes are significantly lower than for the AP population as a whole. The proportion of the Scheduled Tribe population below the GoI-defined poverty line is 23%, while it is 11% for the entire population (TWD, 2007). Similarly, the literacy rate amongst the Scheduled Tribes is 37% compared to 60.5% for the total population, and the infant mortality rate for scheduled tribes is 126 per 1000 births, while it is 62 per 1000 births for the total population. AP has the second highest extent of rural landlessness, the first being Punjab. Over 52 percent of the rural households are landless compared to a National average of 40.9 percent (1999-2000). This landlessness is heavily concentrated among the Dalit and Tribal populations⁵.

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

III. RIGHTS DEPRIVATION PROCESSES IN AP'S FORESTED LANDSCAPES

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

The historical expropriation of the forest people from their forest lands, their political marginalisation and neglect in development initiatives has been a major cause for the prevalence and persistence of acute poverty in AP's forested landscapes. Through the analysis below we identify some key rights deprivation categories.

3.1 Forest People under Changing Forest Policy

In pre-colonial AP, successive dynasties (including the Satavahanas, Kakatiyas, Vijayanagara, Reddies, and Velamas) encouraged the expansion of agriculture into the more accessible and fertile forest areas, often providing irrigation facilities and other incentives (Raman Rao, 1958) for clearance and colonization (Reddy 1979; Sastri 1956).

As the Moghul Empire declined in the early 18th Century, the client Nizam, then controlling the Telangana Region⁶ became independent. The Rayalseema and Coastal Andhra areas, on the other hand, gradually came directly under the British administration of the Madras Presidency.

⁵ Chandrasekhar, C.P. and Jayati Ghosh (2004), "The Continuing Possibilities of Land Reform" (Macroscan).

⁶ The current districts of Adilabad, Karimnagar, Medak, Khammam, Nalgonda, Nizamabad, Mahbubnagar and Warangal.

As the British colonial state was consolidated, a massive agrarian expansion took place, particularly in the first half of the 19th century (Raman Rao, 1958). At the same time, Colonial shipbuilding and railway expansion created massive demand for timber and fuel wood supply (Cleghorn, 1964) - demand which came into competition with forest-based livelihoods.

In both the Presidency and the Nizam ('Residency') areas, the state's interest in forested landscapes gradually changed from extending agriculture to exploiting timber, and the relationship with the people there became increasingly conflictual as the respective states sought to extend monopoly control over the forest areas and institutionalise a forest management regime.

3.2. Forested Landscapes under the British Colonial State

The first steps in assertion of administrative control of forests in the Madras Presidency began 1805 with a proclamation declaring royalty rights over teak and prohibiting unauthorised felling of the tree. The key 'critical juncture' came however with the national Indian Forest Act of 1865, which laid the legislative basis for the creation of an Imperial Forest Service to survey, reserve, manage and police a forest estate.

A due legal process was specified through which Forest Settlement Officers could identify forests perceived to be of value to the colonial state and place them under the sole charge of the Forest Department (FD), extinguishing the customary rights of the local users if deemed necessary after inquiry.

The tentative initial act underwent intense period of review as some colonial officers, notably Baden-Powell, sought to strengthen its provisions to allow the state to more easily take over forests and extinguish rights in 1878. Vocal opposition to its excesses came from Madras forest staff. The 1878 Act was a continuation of the 1865 Act, in which total control of the forest resources was allocated to the Forest Department, bypassing community rights.

'The provisions of this Bill infringe the rights of poor people who live by daily labour (cutting wood, catching fish and eggs of birds).

"It is a known fact that all the jungles in this part of the country are the common property of the people and that the poor persons who live near them enjoy their produce from immemorial time." (Guha, 2001)

Despite protests, the draconian 1878 Act emerged, although a separate Madras Forest Act was developed, and passed in 1882, which applied to the Coastal and Rayalseema districts.

However, in practice, extinguishment of customary rights was hardly less severe under the Madras Act than elsewhere. By 1893, vast tracts covered by forest growth had been declared as Protected Forests, creating the first and major forest rights deprivation.

Box 5: Extinguishment of Hereditary Customary Tenures through the ‘Normal’ Forest Settlement

The current AP forest estate (in both the British and Nizam administered areas) was forest people’s ancestral land. Appropriating this land for the state negated their traditional customary rights, and made them ‘encroachers’ liable to eviction.

The legal basis for state appropriation of forest people’s ancestral domains and hereditary customary property has been the purpose of various Forest Acts⁷, which created a process for ‘settlement’ and extinguishment of customary and traditional rights or ‘privileges’ of local forest-dependent communities by the Forest Settlement Officer (FSO) before the issue of final notification of reservation of forests.

Furthermore, no effective steps were taken to settle the rights of local *communities* over village forest lands. Also, forest dwellers’ rights over the forests were not recognized in the absence of documentary proof to establish their claims.

- ◆ In Andhra Pradesh 2,95,383 ha of forest land is recorded as pre-1980 and post-1980 ‘encroachments’ (on 31-3-2004). Whilst some of this may refer to opportunistic in-migration, much of it is undoubtedly the forest people’s lacking tenure to their hereditary lands.
- ◆ Numerous conflicts between tribals and Forest Department in respect of forest lands and rights are outstanding: 21,210 km of boundary remains under dispute.
- ◆ Since 1980, about 77,661 acres of land has been under cultivation by tribals in reserve forests. However, they continue to be unregularized. (Memo No. 26531 dated 9.5.97, GoAP).

‘Historic injustice’ was caused through the ‘normal’ reservation process according to the due legal process; as forests were Reserved Forests, people had their customary rights curtailed and in many cases, were driven out altogether.

The settlement process sometimes led to rights being granted for protected forests, when the forests were deemed less valuable and village claims to them, recognised. Also through the settlement process, forest boundaries were supposed to exclude habitation and private cultivation land.

However, the settlement is a lengthy process, particularly as it involves touring rugged interior areas. For reasons of convenience, short-cuts were often taken, meaning that settlements were not recognised, or the process was never completed, and forests remained ‘deemed’ Reserved

⁷ Indian Forest Act (1865), Madras Forest Acts (1882), The Hyderabad Forest Acts (1915) and The AP Forest Act (1967).

Forests with the provisional extinguishment of all rights persisting. This represents the second main category of rights deprivation. Irregularities in the settlement process are discussed in the Box 6.

Box 6: Irregularities in the Settlement Process

The reservation of forests by the Forest Department involved the settlement of rights, which often amounted to their extinguishment or severe curtailment. In many cases, the process was not even conducted and completed properly.

Firstly, in many cases, the final settlement of rights was not completed, and local people were only notified that the forest was 'deemed' a Reserved Forest, thus depriving them of all their rights to use it.

Secondly, numerous mistakes were made, and the due process was often not followed correctly. Cultivated lands in forest landscapes were often not excluded from the forest reservation process. During the reservation of forests, forest boundaries were made encircling the habitations without considering the rights of the communities over usage of forests and forest lands situated away from their homes. Forest Settlement Officers failed to recognize the rights of the tribal communities to their way, watercourse, use of water, pasture, forest produce and cultivable lands including *podu* lands.

- ◆ There are many thousands of occupants across 9,93,552 ha of APFD forest who are still covered only by 'preliminary notification' under Section 4 of the AP Forest Act, 1967.
- ◆ No data has been systematically collected on the extent of mistakes in the settlement process but anecdotal evidence suggests that it is widespread.

A third issue that arose from the settlement process is that tribal people's use of the forests involved practices, particularly shifting cultivation, conflicted with the forester's timber focus.

Box 7: Criminalisation of Shifting Cultivation

Long fallow forest cultivation (known as *podu*) has been a prevalent practice across the hill areas. A highly sustainable long fallow cultivation adapted to upland areas. The sustainability of the practice relies on customary tenure over a circuit of fallow patches.

Forests taken over by the Forest Department were typically managed for industrial timber, with long term felling and regeneration cycles under plans which excluded other users. This resulted in decreasing access to forest resources for tribal communities. *Podu* cultivators faced problems particularly due to the forester's prejudice against them. The practice was not recognised as a legitimate cultivation practice, became criminalised and was increasingly obstructed. The authority of customary tenure was undermined.

- ♦ The AP Forest Department even now routinely books criminal cases against *podu* cultivators, charging them with theft and trespass under the AP Forest Act 1967. The cultivators are arrested and remanded by the Judicial First Class Magistrate Courts. On the admission of guilt, the courts impose on fines arrested tribals.

Prior to British rule, the tribal areas were far from the administration's reach. However, the extension of centralized British administration over these areas gradually criminalised its livelihood use, deprived the tribals of their autonomy and compounded pre-existing grievances.

In the 19th century, local client elites variously called *mansabdars* and *muttadars* ruled many of the remote tribal areas in an oppressive manner, often giving rise to unrest and revolt. The British colonial policies further exposed tribals to predatory commercial pressures from the plains. Traders and moneylenders, followed by settlers from outside, acquired large tracts of tribal lands through clandestine transactions and exploitive practices. The administration of Colonial civil law enabled the lowland traders to enforce unfair contracts, and on non-fulfilment, to take over property as collateral.

The exploitation boiled over after the imposition of excise regulations forbidding the drawing of palm wine (or toddy) for domestic use and leasing toddy revenue to contractors. Legal and illegal extortion by the traders and corrupt police was the last straw, sparking the Rampa Rebellion in 1879.

The rebellion was finally suppressed using punitive military force. In order to avoid such recurrence, the administration took steps to ameliorate tribals' conditions. These measures were consolidated in the Agency Tracts Interest and Land Transfer Act, 1917, which limited the interest chargeable to a tribal and prohibited transfer of immovable tribal property to a non-tribal. 'Agency Tracts' were created under the Andhra Pradesh Agency Rules, 1924; areas separately governed by an Agent of the Colonial Government with protections against exploitation by outsiders and without the same revenue imperatives. Most of these tribal ancestral domain areas were left 'unsettled' by revenue officials so that they would not be taxable (land settlement was closely linked to tax extraction, so it was not applied in agency areas). Although this proved beneficial at the time because land rights were not recorded, lack of formal rights recognition made it much more difficult to subsequently prove ownership (PRNRM, 2002). Agency areas became notified as Scheduled Areas after Independence.

In 1927, a new National Forest Act emerged. The Indian Forest Act of 1927 gives jurisdiction to the state government over forests and it also authorises the state government to close portions of forests as long as the remainder of the forests is sufficient for individuals

or tribal people to exercise their legal rights to the forest and its produce. But the Act, at the same time, prohibited grazing, cultivation, charcoal burning and stone quarrying in the forest area without prior permission. The state government is empowered to regulate or prohibit the breaking up, clearing of land for cultivation, pasturing of cattle and maintaining water supply in springs, rivers and tanks. A close survey of the Forest Act reveals that there is no specific provision for the protection of the rights of the tribal people.

After Independence, under the provisions of the Madras Estates (Abolition and Conversion to Ryotwari) Act 1948, the Forest Department took over the *ex-zamindari* (feudal) forests in the Agency Areas, declaring the lands of ex-princely states and the *zamindars* as Reserved Forests. However, no effective steps were taken to simultaneously settle the rights of the tribals and other forests dwellers, effectively extinguishing the customary rights that they enjoyed in these areas at a stroke. This is another case of the second type of rights deprivation - "irregularities in the settlement process", as referred to above.

3.3. Forest landscapes under the Princely Hyderabad State

Forests in Hyderabad State were also generally considered subservient to agriculture until the mid 19th century; the Nizam even invited outsiders to acquire forest land for cultivation to increase tax revenues, dispossessing tribal communities in the process. Prior to 1857, forests were exploited through a permit system under which cutting trees, other than for high-value teak, was allowed without much restriction. The customary rights of communities residing in or near the forests to the first use on non-timber forest produce, timber for housing and agriculture and fuel wood were normally respected as per reports. The *abkari* administrative system in the state also conferred rights to certain communities over select species.

A key 'critical juncture' for forests rights in the Hyderabad State came in 1857 when the Nizam established a Forest Department, placing 13 valued timber species under its control (leaving the rest to still be managed by the revenue administration). Successive Forest Acts made modest incremental changes, but the Nizam's Government finally caught up with the Madras Presidency's more acquisitive practices with its 1890 Forest Policy, which provided a due process for appropriated forested lands, restricted local people's traditional forest access and use in order to fulfill its mandate for preservation and improvement of the remaining forests.

By 1894, about 3,390 square miles of forests were reserved as state property and placed under the Forest Department (Thaha, 2000). The 1900 Forest Act transferred all tree species to the Forest Department, putting an end to the dual control with the Revenue

Department, and classified the forests into Reserved and Open classes. The process of revisions of the Forest Act continued to Independence: the 1916 Forest Act laid the foundation for the establishment of a more comprehensive forest administration, and was superseded by the Hyderabad Forest Act of 1945, modelled on the lines of the 1927 Indian Forest Act (Gogia, 2002).

Whilst some Open forests were set apart to meet the domestic requirements of the villagers, the extensive declaration of Reserved Forests represented a comprehensive abrogation of centuries-old customary rights enjoyed by the tribals in those areas. Most of the tribals in the region cultivated land under a tenure system known as *siwa-ijamabandi*, which did not confer ownership on the land on which they worked. In the northern districts of Telangana, populated by the Gonds, Kolams and Naikpods, the Gonds practised settled agriculture, while the Kolams and Naikpods practised shifting cultivation on the hill slopes. Even the more sedentary Gonds were in the habit of leaving lands fallow and cultivating alternate lands in a two-year cycle.

The demarcation of Reserve Forests ignored these practices and in one stroke rendered many tribals without rights; this led to forced evictions, thus setting the stage for tribal-state conflicts. Large-scale evictions occurred in the 1920s (although again, data is lacking on the extent) with 'mopping-up' operations continuing until 1940, creating an atmosphere of unending insecurity (Haimendorf, 1985).

Forest Rights Deprivation 1.

Box 8: Unjust Evictions

Forest people were evicted from their forests, losing their habitation under a range of unjust processes, not only during forest reservation but also, as tenure became insecure, through a range of other forest 'development' and plantation schemes.

- ◆ The processes of dispossession from forest lands started in the colonial period in the name of reservation of forests, development of sustained revenue and conservation of forests. During the proclamation of Reserved Forests, public enquiries were rarely held, which resulted in the involuntary evictions of tribals from their cultivable lands in the forest areas.
- ◆ Colonial and subsequent National Governments gradually imposed further restrictions on the usage of forest land.
- ◆ Forest development through plantation forestry programs further curtailed the rights of tribals over the forests. Tribals were dispossessed from their shifting cultivation and replaced by monoculture commercial species. Later, evictions also took place in the name of rejuvenation of degraded forests, under the Joint Forest Management Program (discussed below).

The data for the extent of evictions is again very difficult to find, and most of those evicted either became destitute or disappeared, probably to urban slums.

The tribals under the Nizam's rule were thus, as also under the Presidency areas, constantly at the receiving end of marginalisation and criminalisation of their livelihoods, and their customary forest rights gradually denied.

The Nizam's acquiescence to AP's unification in 1956 required the threat of military force from the Indian Government. The subsequent unification of the respective forest administrations in Madras Province and Nizam's Telangana created the AP Forest Department. A Law Commission was established to integrate the two existing Forest Acts, resulting in the Andhra Pradesh Forest Act, 1967 (Gogia, 2002; Sunder *et al.*, 1999), followed by various subsidiary forest legislations⁸.

On 25th November, 1978, a Government Order further extended the provisions of the AP Forest Act to the Scheduled Areas of the state.

Reviewing the state appropriation of forests, it is apparent that since the mid 19th century, colonial imperatives transformed AP's forested landscape into a highly regulated and controlled environment, in which the local people's hereditary and customary claims were gradually deprived. Despite the forest people's gaining citizenship at Independence, their rights deprivation persists. Indeed, conflictual relations continued due the entrenchment of the colonial-origin forestry institutions, and have been the root of much civil strife and insurgency across forested areas to this day.

3.4. Post Independence Tribal Protection, Provisions and Initiatives

Independence brought a range of provisions and initiatives ostensibly to protect tribal interests and deliver services to them.

The Government, both at Centre and State level, formulated a number of policies and schemes ostensibly to safeguard tribals' interests and improve their conditions, particularly since the Fifth Five Year Plan (1974-1979), which contained specific objectives of reducing poverty, improving educational status and eliminating exploitation of the tribals.

Ten Integrated Tribal Development Agencies (ITDAs) were created in August, 1976, in the eight tribal-dominated districts in the tribal Schedule Areas (namely Srikakulam,

⁸ Forest Offence Rules, 1969, Andhra Pradesh Forest Produce Transit Rules, 1970, Andhra Pradesh Minor Forest Produce (Regulation of Trade) Act, 1971, Andhra Pradesh Scheduled Areas Minor Forest Produce (MFP) (Regulation of Trade) Regulation, 1979.

Vizianagaram, Visakhapatnam, East Godavari, West Godavari, Khammam, Warangal and Adilabad). There is also one ITDA for Chenchus at Srisailam and one for Yanadis at Nellore. The ITDAs are the nodal agencies for integrating all welfare and developmental programs for tribal development. Their schemes include irrigation, soil conservation, horticulture, fisheries, sericulture, health and social service infrastructure. Centrally Sponsored Schemes are being implemented to tackle special problems: namely, malnutrition, adult literacy and 'rehabilitation of shifting cultivators'.

In the state, the administrative set-up were more or less the same as per central guidelines. However, the system of decentralised planning, implementation and monitoring was not adhered to as per guidelines. The delivery system of the programme was not effective. A large number of tribal farmers were found to be using irrigation water, HYV seeds, fertilisers, and other inputs from private sources, even though a significant proportion of TSP fund was being spent on free delivery of such inputs. It was found that access to primary schools was good, but most of the schools did not have teaching staff. In the state, the medical facilities available were not up to the mark. Many villages had no PHC within a distance of 5 km. The position is very bad due to non-availability of sufficient staff and absence of doctors. A large majority of the tribals is feeling that their lifestyle was now good with respect to the possession of productive and utility assets, and access to food, clothing, transport facilities, electricity and schools, compared to what it was ten years ago. Land alienation is still a serious problem, though in a number of cases, land has been restored. Land acquisition for development projects and mortgaging for credit from private sources is widely prevalent (planningcommission.gov.in/reports/peo-report/cmpdmpeo/.../168.pdf).

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

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

Yet, since Independence, AP's tribal land expropriation problem became a widespread and visible process of vast magnitude. Non-tribals today own more than half of the land in the Scheduled Areas of the state, and in some districts, significantly more: 52 percent in Khamman District, 60 percent in Adilabad District and 71 percent in Warangal District (Laxman Rao *et al.*, 2006). Further, these official figures are based on land records, and so, understate the problem as they don't include 'benami' holdings in the name of tribals, but actually held by non-tribals.

Seeking legal redress is generally ineffective. The Tribal Welfare Department's official record for 2001-2002 states that of the 69,170 cases of land alienation in the state, only 23,635 have been restored to tribals.

Forest Rights Deprivation 2.

Box 9: Illegal Land Grabbing

The land tenure systems within the *Mutta*, *Mokasa*, *Mahals* and *zamindar* were occupational, without any alienation rights. The occupants had to pay tax to the proprietors of such *Mutta*, *Mahals*, *Mokasa* and estate villages. After the abolition of intermediary proprietors (like *Mahals*, *Muttas* and *zamindars*) there was a survey of settlement conducted during 1970-76. During this time, there was a clamour for individual land titling, which has resulted in massive land alienation through clandestine transactions and land grabbing by wealthy non-tribal individuals with vested interests. The local tribal communities lost their farm lands and common areas.

The State Survey and Settlement's emphasis on individual ownership rights excluded tribal land tenure systems including *podu*, which led to intensifying competition and conflict over tribal lands.

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

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

Forest Rights Deprivation 3.

Box 10: Recent In-migration of Tribal Groups from other States not Scheduled in AP

The Gothikoyas, a clan of the Koya tribal community, migrated from neighbouring Chhattisgarh and settled in the forests. These tribes are not recognized as Scheduled Tribes in Andhra Pradesh, and so the state cannot extend similar benefits and protections to them as with notified tribes.

3.5. Development and Displacement in Forested Areas

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

Such problems are highly prevalent in districts like Visakhapatnam, where cross-border migration from neighbouring Orissa due to projects like Bailadilla, NALCO, HAL and other Mining projects, DBK railway line, five reservoir projects, tourism industry and government infrastructure, have led to severe pressure on land and forests.

Forest Rights Deprivation 4.

Box 11: Displaced for 'Development'

Private and public sector industries have been given lands in the Scheduled Areas in contravention of the LTR Act and the Fifth Schedule of the Constitution. Some such private industries are the Bhadrachalam Paper Board Limited (BPL) located in Palavancha, Khammam District; AP Rayons, Kamalapur, Warangal District; Orient Cements, Devapur, Adilabad District; and NavBharat Ferroalloys, Palavancha, Khammam District. Some of the public sector industries are Singareni Collieries, in four districts of the Scheduled Area; Sponge Iron India Ltd., Palavancha, Khammam District; Manuguru Heavy Water Plant, Manuguru, Khammam District; and Andhra Steels in Palavancha (Samata, Hyderabad)

- ◆ The total number of Displaced Persons/Project Affected Persons (DPs /PAPs) in AP may be as high as five million. Of AP's 3.25 million DPs/PAPs identified as displaced between 1951 and 1995, 30 percent were tribals, though they constitute only 6.7 percent of its population. Around 20 percent of those who are physically relocated (DPs) or deprived of livelihood without being physically displaced (PAP) are dalits, and studies indicate that the so-called 'other backward classes' constitute another 20 percent.
- ◆ For example, 10,000 people were displaced by the Sriharikota Rocket Range and 43,000 people were displaced by the Simhadri Thermal Plant in Andhra Pradesh. (Fernandes *et al.*, 2001).

a) **Irrigation:** Irrigation projects have created inundation of thousands of hectares of forest, and have also led to large-scale displacements. The setting up of minor and medium irrigation projects in areas ostensibly meant for tribals has been another way that the

locals were dispossessed. The government has been sanctioning numerous reservoirs, minor irrigation schemes, lift irrigation and medium canals in the tribal belt, but as the non-tribals hold the more productive lands, these irrigation projects has typically only facilitated their cultivation. The tribals have to depend on *podu* cultivation.

The main electoral plank of the present Congress Government was according high priority to the irrigation sector. On assuming office in 2004, the Rajashekhara Reddy Government identified 26 irrigation projects with an estimated cost of Rs.460 billion. Some of these projects, under various stages of implementation, have become highly controversial, as they will displace tribal villages and submerge forest areas.

The Polavaram/Indra Sagar project (on the Godavari River at Polavaram Mandal in West Godavari District) is the most controversial, as it threatens to submerge as much as 94,357 acres in the Scheduled Areas, of which 29,852 acres are poramboke⁹ and displace 276 villages containing 44,574 families across three predominantly tribal districts. It will submerge an estimated 3,223 ha of forests. The AP Government Order 68 states that compensation will be paid only to those who have been in possession of forest lands prior to 1980. Those tribals who have been cultivating such forest lands prior to 1980, but do not have documentary evidence of this are going to lose¹⁰.

Opposition to the project from civil society organizations, political parties and tribal rights activists (Agency *Girijana Sangham*) is mounting as the government continues to push this agenda without assessment of its impact on locals, and without securing the mandatory approvals from the Central Government (Gujja *et al.*, 2006). Earlier, the project was launched by the State Government even before obtaining environment, forest and other statutory clearances from the Government of India. The Hon'ble AP High Court ordered Stay on the project. However, the State Government, interpreting that the stay pertains only to the barrage component of the project, continues to go ahead with the works connected with left and right canals. Recently, people from Bodigudem, D Ravilanka and Paragasanipadu villages of East Godavari District, and Chegunapally, Devaragondi, Ramayapeta and Pydipaka villages of West Godavari District, and of tribal and non-tribal villages located in the vicinity of the planned site for the

⁹ Poramboke Lands: These are all 'vacant' Government lands other than agricultural 'waste lands' for which generally the RDO (depending on the rules in force, the said lands are not entered in the prohibition register) is competent to change classification and instruct the MRO to issue house site *pattas*. Land types can include grazing lands, grave yards, road poramboke, channel poramboke, tank poramboke, school poramboke, etc.

¹⁰ Palla Trinadha Rao (2006), "Nature of Opposition to the Polavaram Project" (EPW, April).

barrage have been displaced. The Chief Minister, Dr. K. Rosaiah, vowed to make efforts with the Centre to get national project status for the Indra Sagar (Polavaram), Devadula and Pranahita-Chevella projects. Addressing a public meeting held under the aegis of the district Congress committee at the Government Arts College grounds here on Sunday, 11/04/2010, the Chief Minister said that both the Indira Sagar and Devadula projects had got all mandatory clearances, and he had brought the issue to the notice of Prime Minister, Dr. Manmohan Singh, seeking his intervention to get national project status for them.

b) Mining: The Eastern Ghats contain extensive deposits of bauxite, with an estimated 564.33 million tonnes in East Godavari and Visakhapatnam districts alone, spread over an area of 4,700 ha.

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

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

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

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

Box 12: The Samata Judgement

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

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

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

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

Balagopal K., “Land Unrest in AP. III-Illegal Acquisition in Tribal Areas”, EPW, Oct, 6, 2007, P. 4034.

d) Continuing Expropriation by the State: The consequences of loss of land have fundamentally undermined the livelihood pattern of the tribal people. Migration to both rural and urban locations has emerged as an important livelihood option in tribal

areas. Many scheduled locations are in a transition from subsistence farming to commercial cropping due to reduced plot size and growing cash needs, owing to widespread indebtedness.

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

The problem illustrates that forest land expropriation is only one aspect of a general problem of exploitation of the forest people.

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

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

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

Decentralisation of government has thus been obstructed in forest areas. Minimal power has been allocated to *Panchayat* Raj Institutions (PRIs) through both *Panchayat* laws and line agency procedures, such as JFM resolutions. In congruence with the 73rd Amendment, the AP State Government decentralized functions related to social and

farm forestry, which are undertaken outside the forest areas, to PRIs, but it has kept Reserve Forests and Protected Areas outside the *panchayat's* purview, and the PRIs are not involved in discharging any forestry-related responsibilities. The APFD has instead created *ad hoc* VSS groups under its administrative control, having no legal or constitutional status and thus, no right or basis for appeal (discussed below).

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

e) **State Forestry Programmes:** A final area where rights deprivations have occurred, and/or been compounded, has been the activities and programmes of the Forest Department.

The primary *raison d'être* of the APFD is control and management of the government forest estate, and revenue generation from it. Since independence, the forest bureaucracy has not significantly revised its quasi-feudal/colonial relationship with its tribal citizens. The decline in tribal citizen's welfare, precipitated by state control of forests, has been treated as 'not our problem' (despite rhetorical claims to the contrary), despite the fact that APFD works in scheduled tribal areas, manages forest lands appropriated from tribal communities through unjust colonial processes, and often remains in competition for land control with customary tribal land use practices.

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

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

GCC has become the monopoly agent for purchase of 35 NTFP varieties in the Scheduled Areas of the state, but in practice has treated revenues, profits and salaries as more important than high purchase prices for the tribals, creating a situation of *de facto* institutionalised state exploitation through abuse of its monopoly power to fix purchase prices below the market rate, rather than above, as one might expect for a 'support price'.

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

g) **'Social' Forestry:** Despite neglecting to address the underlying conflicts between conventional forest management and local livelihood priorities, without reference to the pre-existing rights deprivation that the creation of the forest estate caused, a range of forest projects have been funded (including by donors), which have effectively compounded rights deprivation. The first of these was a massive 'Social Forestry' (SF) scheme funded by the Canadian International Development Agency (CIDA)

implemented between 1983 and 1991 throughout the state. Under the SF project, fast growing wood species were to be planted in the private and village wastelands and woodlots; this was intended to provide domestic and commercial tree products in order to reduce use pressure on the state's Reserved and Protected Forests.

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

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

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

JFM began to be implemented by GoAP from 1992. After a decade, the AP Government modified the JFM rules (in 2002), and in a case of linguistic inflation, misleadingly renamed it 'Community Forest Management' or (CFM), despite the fact that the substance of the new project clearly remained joint forest management. The total outlay

of the World Bank sponsored second phase of 'Community Forestry' project is Rs.653.97 crores or US\$125.61 million.

The APFD has used VSS groups under JFM/CFM to enforce forest plantations in shifting cultivator's areas, and boasted that an estimated 37,000 ha of forest land, which was under tribal occupations in Visakha Agency Areas, was brought under the World Bank assisted Community Forestry Project by displacing them and was 'rejuvenated'. The food security consequences for the tribal cultivators were not explained, but previous fieldwork (Reddy *et al.*, 2008) has revealed very negative impacts.

Studies¹¹ on the overall outcomes of JFM/CFM indicate that the 'joint'ness of JFM has been asymmetrically biased towards favouring the Forest Department, which has controlled every aspect to its benefit. At a time when declining APFD revenue generation (due to degraded forests) has been threatening the APFD's salary structure, and with the injustice of the forest estate coming into question, substantial donor funding retrenched the APFD staffing and allowed them to gloss over the negation of forest rights.

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

1. The local people have not received rights, and what benefits there may be are often inequitably distributed.
2. The forests and their species mix are generally not under livelihood-oriented management regimes, and grazing is typically prohibited.
3. The JFM/'CFM' projects have caused compulsory evictions of families, who lost their shifting cultivation fields (*podu*) to the Forest Department and suffered severe restrictions on their use of the forest. Many affected Adivasi families received no compensation for the loss of their livelihood.

The Forest Order of 2002 (Andhra Pradesh Community Forest Management Project-Comprehensive Orders) mentioned that the Sarpanch (elected head of Gram *Panchayat*) should be consulted while earmarking forests in the vicinity of JFMC for CFM. In addition to this an Advisory Council is constituted at JFMC level, whose meetings are chaired by Sarpanch. This council is responsible for review of micro plans and annual plans of JFMCs. In reality however, majority of these cases had no advisory council.

¹¹ Reddy, 2008; Mukerjee, S.D., 2004; B. Mamta, 2002; Centre for Peoples Forestry, 2001; Suryakumari, D., 2001; Roy, Apia, 2001; Reddy, Reddapa *et al.*, 2000.

The extreme mutual hostility between the forest people and the Forest Department's field staff has however been mitigated to some extent by Joint Forest Management in many areas. Before JFM, the tribal people Adivasis considered field-level forest officers as hostile, while the foresters tended to perceive the tribals as thieves. A slightly more cordial relation has evolved in some areas over the 1990s through closer interaction. Frequent interaction of the FD officials with the forest users after JFM has contributed for such better relations. However, the relations between the FD and the people are starting to get strained because the FD has been unable to keep some of the promises it made at the beginning of the programme.

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

**Forest Rights Deprivation 5. Box 13: Evictions through Joint/'Community'
Forest Management Schemes**

As discussed above, studies have shown how JFM/CFM has a variable impact - in some cases devolving some powers to local communities to control local forests, whereas in others creating conflicts between community and imposing APFD plantations on lands in which local people are cultivating.

The gravest aspect of JFM has been that the Forest Department has used JFM to 'take over' many tribal village lands under cultivation, imposing tree plantation schemes, even where, in many cases, previously private tenure rights had been issued, thus leading to evictions.

The Resettlement Action Plan submitted by the Government of Andhra Pradesh to the World Bank claims that nearly 37,000 ha of forests under 'encroachment' in the tribal areas of Visakhapatnam have been involuntarily put under tree crops by the tribals who had encroached upon all these lands. In fact, the tribals were dispossessed from the lands without being provided with alternative lands.

The Ministry of Energy, Forests, Environment Science and Technology, Government of Andhra Pradesh issued Memo 26531/87 permitting the assignment of tenures for pre-

1980 forest land under occupations of tribal communities in Reserved Forests. Based on this memo, “D Form” *pattas* were granted to tribals (i.e., land titles granted on Government Revenue lands in form D under the Board of Standing Orders).

However, Joint Forest Management projects (funded by the World Bank 1993-2000) have contradicted this. During their implementation, the Forest Department brought such revenue *patta* lands into the purview of the Scheme and evicted the tribals stating that these lands are classified as forests in their records. (V. Ratna Reddy, 2008).

An additional problem that has emerged from JFM projects is that anomalies between the Revenue Department and the Forest Department seems to be prevailing, invalidating some people’s titles in forest areas.

Forest Rights Deprivation 6. Box 14: Boundary Disputes between the Revenue and Forest Departments

During the *Telugu Grameen Magani Samaradhan* (TGMS) survey land *pattas* (entitlements) were distributed to the occupants of gap areas lying between villages and Reserve Forests. However on Forest Department maps, these areas were anomalously classified as Protected Forests. After 1990 when the Government of AP started implementing the Joint Forest Management Program, the Forest Department sought to bring all such lands into implementation of JFM and dispossessed the tribal occupants from the lands and raised plantations.

The Forest Department pressurised the Revenue Departments for cancellation of Revenue Land *pattas* issued to such occupants, and in turn, the Revenue Department officials have been asking the local people to resubmit the *pattas* granted earlier.

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

Forest Rights Deprivation 7. Box 15: Sanctuaries and National Parks

Around 5.76 percent of the state (1.58 mha) is under the protected area network, (comprising 4 National Parks over 0.33 mha (including Nagarjunsagar Tiger Reserve and Kolleru Bird Sanctuary - 90,000 ha), 21 Wildlife Sanctuaries over 1.25 mha, 13 deer parks and four zoos). The forest-related rights around these parks have been negatively impacted by their creation in a range of ways.

There is a clear due legal process for the creation of sanctuaries. The State Government may by notification declare its intention to constitute any area (other than area comprising Reserve Forest or territorial waters) as a sanctuary if it considers that such area is of adequate significance for the purpose of protecting wildlife under Wildlife Protection Act 1972. The Collector has to determine the rights of the people in or over the lands within such an area, after giving proclamation. The Collector may accept or reject the rights of the people after enquiry. If claims are admitted, the Collector may exclude such portions from the sanctuary or proceed for acquisition of such lands. The Collector has to publish the proclamation in local language, giving details of the limits of the sanctuary, and calling for objections if any. Thereafter, the Collector has to conduct enquiries into the claims of the people.

However, the GoAP has been declaring sanctuaries or national parks without any publicity, depriving people of their rights without due process. There is no data or information currently available on the extent of this problem.

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

1. Non-recognition of tribal rights in 'normal' forest settlement
 2. Irregularities in the settlement process
 3. Criminalisation of *podu*
 4. Boundary disputes between the Revenue and Forest Departments
 5. Joint Forest Management 'Community Forest Management schemes
 6. Sanctuaries and National Parks
 7. Evictions
 8. Displaced by 'Development'
 9. Land grabbing
 10. Recent in-migration of tribal groups from other states not scheduled in AP
- The Forest Rights Act promises the opportunity, a kind of critical juncture, to redress each of these. However this will depend on how the act is implemented.

IV. UNDERSTANDING RIGHTS DEPRIVATIONS AND THE RIGHTS REFORM PROCESS IN AP'S FORESTED LANDSCAPES

4.1. Forest Rights Deprivations on the Ground in Andhra

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

Forests cover 16.4 percent the state (FSI, 2009), and out of AP's total population of 76.2 million, there are 5.024 million Scheduled Tribes, and another 5-10 million non-'scheduled' occupants of forest areas (the absolute number depends on how they are counted). Rural livelihoods in forest landscapes have historically involved close interactions with forests, including for habitation, shifting and sedentary agriculture, grazing, hunting and other forest product collection and spiritual practices.

From the mid 19th century, the colonial state and the princely Hyderabad State both gradually appropriated forests and land, so that today the forest estate represents about 23.2 percent of the state (63,814km²). Almost all of this area has been classified as 'Reserved Forest' (95.93 percent) in which virtually no access or use rights are permitted. Furthermore, the Forest Department has transformed much of the original forest ecology through its management into ecologically simplified timber-oriented tree plantations, thereby reducing the availability of forest products and other 'ecosystem services' for the local people.

4.2. Forest Rights Deprivation in Study Villages

The institutional arrangements through which the state appropriated the forests led to depriving the forest people of customary rights in a number of ways (summarised in an earlier paper Reddy *et al.* 2010). The six study villages reflect a cross-section of the main types of forest rights deprivation (details are summarised in Table 5). These villages are typical of those found across the forest landscapes in AP.

We found that in each of our field study villages had experienced a combination of forest deprivations which contribute to their poverty and marginalisation in a range of overlapping ways:

1. *Extinguishment of hereditary customary tenures through the 'normal' forest settlement and criminalisation of NTFP collection and trading:*

Through the 'normal' due process of forest settlement during both colonial times and post independence, forest laws and forest policies have deprived the local people of their

customary rights in all six study villages, as the state gained monopoly over the forest landscapes. *The felling of trees, cultivation, collecting transporting and marketing of timber and non-timber forest produce in these areas became illegal (and so, all types of forest use has been criminalised and the villagers must break the law for their food security and livelihoods, and be subjected to punitive treatment and bribe-seeking from the FD staff).*

2. Irregularities in the settlement process:

Settlement processes are extremely complex and lengthy and so inevitably shortcuts and other irregularities have occurred. In Panasanapalem, Pamuleru and Koruturu, there are a vast number of irregularities in the forest settlement process: where settlement was not properly conducted according to the due process, (e.g., people were not notified or all areas were not checked, the areas were 'deemed' reserved without completing settlement of rights).

3. Criminalisation of shifting cultivation (podu):

Podu (shifting cultivation) has been a particularly contentious issue. It was a livelihood practice in three of the study villages (Panasanapalem, Pamuleru and Koruturu). However, shifting cultivation lands were declared as 'Reserved Forests' without recognizing the rights of the cultivators, criminalizing the practice and applying punitive treatment to offenders. Much forest cultivation has become sedentary with insecure tenure, due to the fallows being declared as state forest.

4. Unjust evictions:

This category corresponds in our study villages to the shifting cultivation issue discussed above. In Pamuleru Village, the FD took over the *podu* land under 'Reserved Forest' and forcefully evicted everybody from the area.

5. Land grabbing:

The Forest Department took over villagers' occupied and cultivated land in Koruturu Village to create 'ecotourism' lodges, without giving compensation.

6. Recent in-migration of tribal groups:

In-migration in Cheruvuguda occurred 20 years ago. In 2001, ten landless families in the village began cultivating about 4 acres of forest land each. The FD booked encroachment cases against them, and they were remanded for 20 days. The case is still continuing and these families have no tenure on the land they cultivate, as no land rights have been recognized. Village rights to cultivate and to collect NTFPs in the forest were deprived by the FD.

Table 5: Details of Study Villages

Village, District Region	Scenario / Colonial Administration	Social Composition Tribal Groups	Households	Dept. Controlling Land in which Village is Situated	Forest category (Reserved / Protected / Sanctuary)	Tenurial Status of Main Private Landholdings	Forms of Sateel/Local Forest Management	Major Rights Issues
AP5 Koruturu West Godavari Andhra/Coastal	Scheduled Area/ Madras Pres	Konda Reddi, Koya tribe, OFDs.	97	Forest/ Revenue	Reserved & Sanctuary	Cultivating without land title	JFM/ CFM/ ECD	<p>1. Normal forest settlement</p> <p>2. Settlement irregularities</p> <p>3. Shifting cultivation</p> <p>4. Evictions</p> <p>5. Land grabbing</p> <p>6. Recent in-migration</p> <p>7. Displacement</p> <p>8. Participatory forestry</p> <p>9. Revenue/FD dispute</p> <p>10. Sanctuaries</p>
AP6 Nagaluty Kurmool Dist. Rajaseema est	Non-Scheduled Area/Madras Pres.	Chenchu tribe (PTG)	86	Forest	Reserved & Sanctuary	Cultivating without land title	ECD	<p>In the 1970s, the FD created a wildlife sanctuary & excluded villagers from collecting forest products. Many villagers had to shift cultivation to common revenue land. The govt. also occupied villagers' land for 'eco-development tourism' without compensation. Wildlife sanctuaries restrictions imposed by the FD: illegal to collect forest products in the Reserved Forests, and many families were evicted without rehabilitation and compensation.</p>

Note: EDC – Eco-Development Committee groups; OFD – Other Forest Dwellers; PTG – Primitive Tribal Group

7. *Displacement for 'development' initiatives:*

Two of the villages are subject to displacement issues. In Goppulapalem Village 30 households lost agricultural land; the displacement occurred during the 1980s due to the major Pedderu Reservoir Dam. All households received a compensation of Rs.25,000/family (although families from a neighbouring village did not). Koruturu Village is expected to be inundated under the massive Polavaram Project and the inhabitants displaced in the years ahead. Without land titles, they are not entitled to whatever minor compensation package that might be normally offered.

8. *Evictions through 'Participatory' Forest Management schemes:*

In Goppulapalem, Koruturu, Panasanapalem, Pamuleru villages, common forests and cultivated land tenure has been brought under JFM plantation by the Forest Department, leading to evictions of the cultivators. Also, in Koroturu and Nagaluty 'Eco-Development Committees' were created for protection and development of the protected areas, imposing increased restrictions on livelihood use.¹²

9. *Non-recognition of tenures due to Revenue and Forest Department boundary disputes:*

In Goppulapalem Village, displacement occurred during the 1980s due to Pedderu Reservoir Dam. When the project work started, the Government occupied 50 acres of land belonging to 30 families in the village. This land was under dispute between the Revenue and Forest Departments, and hence the non-recognition of tenure rights to the displaced families in the village.

10. *Marginalisation through creation of Sanctuaries and National Parks:* In Koruturu and Nagaluty villages, government sanctuaries were created, and people's use rights were extinguished without due legal process, leading particularly to restriction from cultivation in the forest.

4.3. Negative Livelihood Impacts of Forest Rights Deprivations

In all the study villages, people are cultivating their forest land and collecting NTFPs and fuel wood but without clear rights. Restrictions are variably enforced. The rights deprivations listed above are therefore a major cause of poverty and insecurity among the forest people.

¹² EDCs are constituted under Wildlife (Protection) Act, 1972 (as amended in 1991), Andhra Pradesh Forest Act, 1967, and Forest Conservation Act, 1980. The community receives 'benefits of eco-development activities' (i.e., wage labour opportunities), subject to observance of rules and regulations in relation to forest conservation

AP's rural households have an average annual income of around Rs.42,000 or US\$900 (AP Human Development Report, 2007). Households in our study villages however, have a mean annual income of only around one quarter of this at Rs.10,000-12,000 (about US\$230).

In each study village, agriculture is the main household occupation and source of income, complemented by forest produce and fuel wood collected from the forest, as well as wage labour. Families engaged in agriculture own on average about two acres of land, and also cultivate about 1.5-2 acres of 'forest' land without title. Each family has an average of two cattle, which graze in the forest or in the village common land. In all the villages, the rate for agriculture and casual labour is around Rs.50 to 60 per day.

Due to poverty and the contributory rights deprivations, many people in the study villages (particularly Koruturu, Nagaluty, Goppulapalem and Panasanapalem) are migrating to nearby towns both seasonally to seek labour work in construction, and more permanently.

4.4. Political Contestation over Rights Deprivations in AP and the Emergence of the FRA

The processes through which the forest people have been expropriated have led to a range of responses, varying from resignation to non-violent protest movements to outright insurrection in tribal uprisings such as the Gudem-Rampa Rebellions (1839-1924), the Gond Revolt in 1940, the Naxalite-Maoist Insurrectionary Movement in the 1970s, and the ongoing insurgency in forest areas to this day. These movements have not in recent years been led by tribals, but have undoubtedly received their sympathies as they challenge the authority of the state which has routinely persecuted them.

However, there has been very limited political self-organisation of tribal groups within the democratic process to seek redress. The forest people are remote and fragmented, have limited education and literacy, or acculturation into the socio-political processes. Nevertheless, the absence of political organisation remains very surprising. There are currently only two strong tribal organisations, namely *Adivasi Samkshema Parishad* and *Tudumdebba*, which are not associated with NGOs, and are primarily taking up land conflict issues between tribals and non-tribals (rather than forest-based land issues), and are also evincing keen interest on tribal employment issues.

Most political representation of forest people's interests have come from NGOs and activist groups working on behalf of tribals. These groups express concern over a range of grievances including violation of their rights (particularly lands, forests and other

natural resources), lack of development, service delivery, negligence and lapses in government functioning, and exploitation by non-tribals, money-lenders, traders, and public and private industries. These NGO groups also work towards strengthening tribal communities, in their assertion for self rule and governance, and protecting their cultures and customary rights. However, few NGOs are actually involved in direct field-level advocacy on land and forest issues in tribal areas. The majority of these NGOs lack field capacity, but instead engage in articulating issues through print media and court litigation rather than mobilising the community themselves to raise the issues. Tribal groups associated with NGOs virtually never meet the other tribal groups of NGOs.

Due to very limited self-organisation, external political groups have also stepped in to organise forest people, although this may have led to a tendency for outside agendas to be imposed upon them. The Communist Party of India (Marxist Leninist) affiliated *Ryutu Coolie Sanghams*, and encouraged tribal communities to clear the forests for their survival across the tribal areas of AP; political organisations later mobilised the tribal communities to resist the Forest Department's objections (a phenomenon widely seen across areas). Political organisations supported the tribals to fight against the forest cases booked by the department.

The extreme left 'Peoples War Group' has also supported and helped defend tribal settlers in forest areas. It is hard to say whether on balance so-called Naxalism has led to a furthering of forest people's grievances or not. Certainly, organised insurgency has forced the government to be more sensitive to the forest people's issues, including land rights. On the other hand, the militarisation of the forest landscapes led to much oppression, and non-violent movements became labelled as 'Maoists' along with the Naxalites.

Across India, the main impetus for the civil society's forest rights campaign (coordinated by the Campaign for Survival and Dignity) was the 2002 countrywide wave of evictions by the Forest Department, prompted by the MoEF Directive to evict 'illegal encroachers' (which covers the rights deprived forest people) in response to a Supreme Court enforcement request. Nationally, 13,43,000 ha of forests lands are occupied and categorised as under 'encroachment' by the Forest Department. In AP alone, 2,95,383 ha are occupied with rights (Trinadha Rao, 2007). Nevertheless forest people's extreme insecurity has been a major factor in mobilisations for rights reforms, and the forest people from AP have participated significantly in the national movement.

Although direct political organisation and mobilisation of forest people has been limited, the discontent and disaffection has led to unrest and support for extremism which the

state has only gradually come to recognise as not simply a problem of law and order but of underlying injustice that needs to be remedied.

Furthermore, extreme rights deprivations led to the active participation of tribal groups and supportive NGOs in the mobilisation led by the Campaign for Survival and Dignity to pressurise the political class to sanction the Bill. The political class was also sensitised to the issues through the left extremism in forest areas, contributing to recognition by the political class at the national and state levels to take account of grievances.

4.5. Does the FRA Adequately Cover AP's Forest Rights Deprivations?

The Forest Rights Act, passed by the Indian Parliament at the end of 2006, was the result of an intensely contested drafting process (Bose, 2010). The subsequent implementation of rules to bring the act into force, were issued on January 1st 2008.

Overall the FRA's key institutional reform is that legal rights will be accorded to private occupation, and to village common property resources currently in state forest land, subject to checks and proofs.¹³ It thus promises to redress the main rights deprivations listed above.

In all our study villages, the local people eagerly anticipated that under the FRA they could receive private land titles (*pattas*) to the land they presently are cultivating without titles. In Pamuleru Village, for instance, several families have homes inside the forest boundary from which they were previously evicted. They hoped to receive rights to such lands, under the act.

Private land is not the only rights issue that the local people are eager to have reformed. Access to common lands has also been legally denied by the state through a range of policies, and under the FRA, the local people have the right to their common resources, and are hoping to secure them through its implementation. Although in four of the six study villages, there are *ad hoc* JFM/CFM groups, through which the APFD tolerates NTFP collection, there are no legal rights, and so local people seek to put forest product collection and grazing on a legal basis, taking over their village forests from Forest Department's control.

The act, however is not a panacea as it is constrained in terms of the extent to which it can fully redress rights deprivations. The specific wording of the act leads to indeterminacy

¹³ Readers are referred to the paper by Sarin (2010) for a detailed analysis of the content of the act and rules

over the extent to which its provisions actually provide for redress of rights deprivations. Furthermore, its provisions are limited in some significant ways.

Firstly, the overall rights ensured under the act remain subject to the right of the state to continue eminent domain principles for its acquisition of lands in the name of development projects (as with any land rights, although acquisition has been a particular problem in upland areas).

Secondly, the forest land titles assured under the act are inalienable, and as such, the titles granted to the claimants have no absolute and alienable right over the property. Private titles awarded under the Forest Settlement Rules under the AP Forest Act created absolute title over the forest lands under occupation by claimants during the forest reservation process. Therefore, the titles granted under the act are not creating ownership over the lands in the same way.

Thirdly, although the private rights to be granted are heritable under Sec. 4 cl(4), there is no provision to promote gender equity in inheritance. The act ensures joint title in the name of the spouses in case of married or in the case of the single head, if headed by a single person, and in the absence of a direct heir, the heritable right shall pass on to the next of kin. However, who that successor would be is not specified. Neither the Hindu Succession nor the Indian Succession Act is applicable to the Scheduled Tribes in view of specific bars under the said laws. Only customary law is applicable for the tribal communities in succession of properties, and most tribal communities practice customary law which ensures patrilineal succession of properties. These customary laws exclude the tribal women from claiming a share in the inherited property. This is a clear case of gender discrimination.

Fourthly, the FRA is not explicit whether the claimant should be in actual possession of land or control over land. The Act (Sec.4(3)) gives eligibility to claim forest rights to STs and other traditional forest dwellers if they had occupied the forest land before the 13th December, 2005. However, Sec4(6) restrains the claimant from claiming forest lands which are not under cultivation. The provision ensures title to the 'actual occupant' of forest land to the extent of four hectares. The tribals typically shift their cultivation plots from place to place over time to allow fallows.

Fifthly, the FRA has put a cut off period, i.e., 13th December, 2005, which means that rights deprived after that time will not be considered for redress.

Finally, the rules made under the Act (Rule 11) fixes a three-month period for filing claims. This provision restricts the claimants from making their right to claim. Although

the Rule 14 enables the aggrieved party to file appeals within the limited period (60 days) against the resolutions passed by various levels of committees, the law is silent about the communication of the decision of such bodies to the parties.

Thus, there are a range of concerns over the extent to which the act may fully redress rights deprivations. Evidently a major part of its potential remains contingent on how it is interpreted and followed during implementation. Yet, the implementation provisions in the rules (2008) themselves also leave a large number of ambiguities to the discretionary power of the implementing agencies, as discussed in Sarin (2010).

V. THE FRA IMPLEMENTATION PROCESS IN AP

This section considers the processes through which the nationally mandated institutional reform of forest rights is being implemented in Andhra Pradesh, the extent to which the letter and spirit of the act is being realised at the local level and whether the anticipated rights' redress is actually occurring.

5.1 State level implementation plans and processes

At the state level, there has been a rapid and apparently efficient response: very soon after the act came into force on Jan 1st 2008, the AP Government distinguished itself as being one of the quickest states to start FRA implementation. Table 6 summarises the state level process. Early in January 2008, the GoAP Chief Minister, Y.S. Rajashekhar Reddy, requested the coordinating Principal Secretary of Tribal Welfare Department to develop an implementation 'road map', in consultation with the Forest Department and the Collectors, which was rapidly issued later in January (see annex for a summary of the roadmap). The plan originally required that title deeds should be issued as improbably early as October 30, 2008, within ten months, which to most observers familiar with the complexity of the issues involved seems absurdly brief. However, in a series of joint meetings, the Chief Minister expressed his desire that even this hasty schedule be accelerated, and that a major portion of the title deeds should be distributed by August 15, 2008. This unrealistically rapid schedule required *Gram Sabhas* to be convened for FRC formed before 29th of February 2008, and the claims were to be received by 31st May 2008.

The Chief Minister also asked the Tribal Welfare Department and Forest Department to 'speed up' the survey, verification, mapping and identification of the land so that its ownership would be handed over to the genuine 'beneficiaries'.

The plan focussed only on private land rights; the common property issues were neglected. The welfare language of 'beneficiaries' was used widely by the late Chief Minister to give

the impression of a patrimonial gift, rather than correction of prior injustice. The GoAP allocated Rs.20 crore (about US\$4.4m) in the 2008-09 budget, apparently indicating that the administration was treating the implementation exercise with some seriousness. However, in practice, only one quarter of this (Rs.5 crore or US\$1.1m) was actually spent (according to the outcome budget of GoAP). During the year 2008-09, Rs.2.73 crores under Article 275 (1) were received (Tribal Welfare Department, Andhra Pradesh, Hyderabad, 2010).

The road map inevitably slipped as time proceeded, particularly reflected by the fact that the necessary claim forms did not reach many villages. In practice, mobilisation for FRA implementation had taken place in only 700 to 800 villages of the estimated 5,000 'forest' villages by 30th October 2008 deadline.

Table 6: Summary of Timeline of Main FRA-Related Developments

Action	
31 Dec 2006	Passing of FRA by Indian Parliament
1 Jan – 31 Dec 2007	Interim period whilst rules were drafted
1 st Jan 2008	Passing of rules leading to enactment of FRA
Jan 2008	GoAP Plan/'roadmap' for FRA implementation issued
Mar 2008	GoAP orders to District Magistrates to commence <i>Gram Sabha</i> meetings to form FRCs
13 Aug 2008	Govt Order misinterprets 'community' to allow AP Forest Department JFM Committees to usurp community lands under FRA
21 Oct 2008	AP Chief Minister reviewed progress at a District Collectors' conference. Only 700-800 of estimated 5,000 forest villages mobilised
Feb 2009	Interim order of the High Court to proceed with FRA implementation
1 May 2009	AP High Court accepted State Governments move to complete implementation and issued final title for rights

The overly hasty 'command and control' implementation approach raises serious concerns: the hasty schedule offers only a minimal window of opportunity for seeking to redress rights, and creates a sudden 'cut off date' beyond which redress is impossible. Clarifying

these extremely complex tenure issues for many local people requires a significant period of time if it is to be completed properly. However, under the rapid programme proposed, if compiling of claims takes more than a minimal period, then the rights-deprived citizens will miss their opportunity. Complete and proper implementation of the FRA inevitably demands a detailed and probably lengthy process of assessment. A hasty schedule at the time of the original forest settlements was the cause of many rights deprivations. Hasty 'road maps' inevitably led to compounding problems by cutting corners, as seen in the study villages. Whether or not a rapid disposal of the 'problem' was the intent, or whether the complexity was not understood, is unclear.

The FRA National Rules oblige the state to create four tiers of committees to oversee implementation: state, district, sub-divisional level committees and habitation level Forest Rights Committees (FRCs). The first three could be rapidly formed with administrators. In March, 2008, The GoAP issued Administrative Orders to the District Magistrates to commence *Gram Sabha* meetings to form the lowest, fourth level FRCs.

According to rules, the *Gram Sabha* meeting should be held at the hamlet or habitation level. However, this rule has been bypassed by the Government of Andhra Pradesh. Unlike in other states, under the AP *Panchayat* Raj Act, a 'village' has been interpreted to mean an administrative village; a cluster of hamlets (i.e., *Gram Panchayat*¹⁴) rather than the hamlet level itself. Thus, in AP, the *Gram Sabha* equates with the *Gram Panchayat*, and as such, the FRA formation meetings have been held at the *Gram Panchayat* level, which typically encompasses many hamlets, rather than in the hamlets themselves. This has been a very serious problem for the FRA implementation. While it may be a greater convenience to allow the administrators to rapidly cover many citizens, the much larger *panchayat* meetings cannot focus on the specific needs of the most rights-deprived hamlets. As a result, people or villagers were not properly informed about FRA process, and many could not properly file their claims; a more detailed discussion follows.

Despite the problems, the initial formation of FRCs went ahead, initiating the local level process of awareness-raising, calling for, and processing claims.

Towards the end of 2008, on 21st October, the AP Chief Minister reviewed progress of the implementation process at a District Collectors' conference. The progress in approving claims and distribution of title deeds district-wise was considered. It seemed apparent

¹⁴ However this definition is not applicable to Scheduled Areas, and the applicable definition given to 'village' under PESA Act, 1996 (central legislation), states that a village shall ordinarily consist of a habitation, a group of habitations, a hamlet or a group of hamlets

from this meeting that the Government considers the recognition of forest rights and granting of entitlements as a private land distribution program rather than as a statutory obligation. Additionally, the Government did not show any interest or deliberate effort to register the community rights over forests by this stage.

Over and above the bureaucratic shortcomings in implementation, there has also been attempted obstruction from the current and retired public servants of the Forest Department, an organisation with vested interests affected by reform. Both before and after the Act came into force, the AP Forest Department has made several efforts to obstruct the implementation of the Act at the state level. Firstly, over 2007–2008 several Writ Petitions were filed in the high courts of several states, including Andhra Pradesh, against the implementation of the act on the grounds that this will lead to 'degeneration' of the forest, and that people may misuse the act. These somewhat desperate petitions were filed by retired forestry public servants, seeking to obstruct the rights redressal process in the interests of their former employer and colleagues.

A stay order was granted by the AP High court on 19th August, 2008, directing the state to proceed with the process but not to hand over final titles. Subsequently, in February 2009, the AP High Court issued an Interim Order to proceed with FRA implementation, and on the 1st May, 2009, the AP High Court, after hearing and dismissing objections from the Writ Petitioners, gave clearance for the State Government's move to complete implementation and issue final rights titles. The Petition was transferred to the Supreme Court, although the prospects for a sympathetic hearing seem to be receding..

These legal contests created confusion among the local people, as well as in the implementing machinery. As of February 2009, the interim order of the High Court led to a general apathy among government officials (who widely interpreted the order as a stay order, when it was not one). Individual claims were mostly filed, though the Forest Rights Committees was constituted mainly at the *panchayat* level. The AP High court passed an order on 1st May, 2009, stating:

“the authorities are permitted to issue certificate of title to the eligible dwelling STs and other traditional forest dwellers, and further held that the grant of such certificates will be subject to the result in main writ proceedings challenging the legislation and also subject to the objections pointed out by the petitioners during the enquiry.”

The AP High Court accepts the State Government's move to complete implementation and issued final title for rights and implementation process going on at present.

A second effort on the part of the APFD to obstruct the full implementation of the act, and one of the most serious breaches of the Forest Rights Act by any state, came in August 2008, when the AP Government issued an administrative Government Order Ms 162 (dated 13-08-2008) to re-interpret the Forest Rights Act provisions for community rights, in order to appropriate these rights by Forest Department local bodies, rather than by the actual village community. It enabled the VSS *ad hoc* administrative bodies under the control of the Forest Department, created to implement their Joint Forest Management schemes, to claim community rights. In doing so, the government wilfully misinterpreted the act's meaning of 'community'. The VSS is not a community, but a selected committee constituted for project implementation.

The GO did give some minimal consolation;

“if any individual member of VSS had at any time occupied or was in possession of forest land which has subsequently been brought under common use, he may claim such rights under the FRA.”

However, even this was eroded in a further Government Order. AP's Environment, Forests, Science and Technology (ForIII) Department, clarified (in Ref. No. 5032/For.III/2007 dated 24-7-2009) that individuals cannot get rights in VSS areas as the claimants were not in possession of the land as on the cut off dates of 13th December, 2005, and 31st December, 2007, as per FRA.

The implication of this Government Order can be observed in Adilabad District where 34 VSS have already been given community rights over the forest lands of 2,66,000 acres under the FRA.

Thirdly, it is apparent that FD staff have been influencing the local processes of according rights in order to minimise redress, as we review in the next section.

Overall, we can see that the state-level process has been characterised by a combination of bureaucratic haste plus deliberate obstruction. In the next section we consider how these state-level processes have affected the local-level processes.

5.2 Local level implementation

The Tribal Welfare Department acted as the 'nodal' agency to coordinate the four departments implementing the act (also Revenue, Forest and *Panchayat* Raj Departments) at the local level. These organisations sought to mobilise their field staff and also project workers and NGOs. Table 7 summarises the details of the staff involved.

Table 7: Staff Implementing FRA in AP

Department / Organisation	Staff
Tribal Welfare	- Integrated Tribal Development Agency (ITDA) staff Project Officer (PO) and other subordinate staff
	- Village Tribal Development Association (VTDA) (a village level organisation officially accepted by the Government for all the major decisions in the village)
Revenue	- Sub-Collector, Mandal Revenue Officer (MRO), Mandal Parishad Development Officer (MPDO)
Forest	- Divisional Forest Officer/Forest Ranger/Forest Beat Officer/Forest guard
Project	- <i>Indira Kanthi Patam</i> (IKP) staff (World Bank funded)
Local level/village level staff	- <i>Gram Sabha</i> , FRCs, Bare foot surveyors, Social Mobilisers, Social Animators
NGOs	- <i>Shakti</i> (supporting training to stakeholders to identify Common Property Resources in conjunction with the Dept. of tribal welfare)

The field staff together sought to facilitate five stages of implementation:

1. The initial *Gram Sabha* meeting and formation of Forest Rights Committee
2. FRC awareness-raising and training
3. Distribution of claim forms and receipt of submitted claims
4. Verification of claims
5. Final issuing of titles

It is difficult to ascertain just how many villages were covered by the local implementation process, but it seems at the time of writing that many tribal villages were not covered at all, although it is the most remote villages of all which are most liable to be left out (as with the faulty forest settlements the FRA is supposed to correct).

As mentioned above, early reports from the Department of Tribal Welfare (GoAP) stated that of an estimated 5,000 villages, they could only mobilise 700-800 villages. Undoubtedly this figure has increased with time, but it may be reasonably estimated, in the glaring absence of official figures, that perhaps 50-60 percent of the eligible settlements

have not yet been included in the FRC formation process. Lack of information and transparency over this issue is a major problem with the implementation of the act.

i. Initial Gram Sabha meeting to form Forest Rights Committee:

The first step at local level was to hold local *Gram Sabha* (hamlet assembly) meetings to elect Forest Rights Committees. As per the 'road map', the government fixed the first week of March, 2008 for this, and District Collectors duly issued a letter in February directing all concerned departments to proceed. Meetings were then held across many villages.

The Actual formal notification from officials that they were to conduct *Gram Sabha* meeting for forming FRC was received in our study sites at most only two days before the actual meeting date, while for some, only one day before; in several surrounding villages, the local people told us that they were not even informed until the day of the meeting. Because of this short notice, many meetings were poorly attended and people were unclear about the purpose.

The holding of the meeting at the inappropriate level has also been a serious problem. What should be *Gram Sabha* hamlet-level meetings as prescribed under the FRA were held at *panchayat* administrative level (several hamlets together). This process not only undermines the democratic rights of the members of *Gram Sabha*, but also makes it impractical for many members of the *Gram Sabha* to attend and participate due to the distance. Particularly in the Scheduled Areas, the tribal habitations are situated far from village administrative centres, sometimes as much as 15 to 20 km from the *Gram Panchayat* headquarters. Nevertheless, in all our sample villages, *Gram Sabhas* were organized at *panchayat* level, instead of hamlet level.

A third grave contravention was that whilst the rules direct that the *Gram Sabha* shall elect the FRC, in one-third of our study villages, the FRC members were selected by the officials; not elected, and elected in some cases by officials even without the knowledge of the local community, and in some cases even without the knowledge of those selected! Although not found in our sites, there are many reports that in some FRCs, non-tribal representation is greater than of that of the tribals, and that the ruling party and powerful *sarpanches* (village heads) have become FRC chairpersons in many areas.

Thus villagers were hardly notified before the government officials moved in to form FRCs. So when the government staff did arrive, the people had no idea about what was happening, other than the fact that government officials have entered their villages. In Panasanapalem Village, the public servants behaved in an arrogant manner, warning the

villagers that they will not get *pattas* if they do not form an FRC as instructed. However, local dissent from this mis-implementation has not been tolerated.

Despite the shortcomings of the process, FRC's have been formed across the nine districts of the state that fall within the Scheduled Areas¹⁵, as well as in some non-scheduled districts.

Due to these three grave problems outlined above, we can reasonably conclude that the initial FRC formation process was severely flawed in terms of inclusion and quality. This is due to both bureaucratic expediency and deliberate avoidance of devolution of power to the local government.

¹⁵ Adilabad, East Godavari, Khammam Mahbubnagar, Prakasham, Srikakulam, Visakhapatnam, Warangal, West Godavari and Kurnool districts

Table 8: FRC Formation Meeting at Study Villages

Study village	✓ Hamlet or Village Level	Notice Received (days)	Distance of Meeting from Hamlet	Attendance (apprx.)	Date FRC Formed	Elected or Selected	Organisations Involved					Local People's Perceptions
							I T D	I K P	M R O	M D O	V T A	
AP1 Cheruvuguda	✗ Village	2	2 km	800	05/03/08	✓ Elected	✓	✓	✓	✓	✗ Process ✓ But poor happy with FRC secretary performing well	
AP2 Goppulapalem	✗ Village	2	2 km	200	29/02/08	✓ Elected	✓	✓	✓	✗ Process poor ✓ But FRC doing good job		
AP3	✗ Village	2	4 km	300	24/03/08	✓ Elected	✓	✓	✓	✗ Dissatisfied with process: informed only 2 days before meeting ✓ FRCs doing good job		
AP4 Panasa-	✗ Village	2	0 km	250	01/03/08	✗ Selected	✓	✓	✓	✗ Dissatisfied with process ✗ Few people informed of FRC meeting ✗ FRC members selected and not informed that they are FRC members		
AP5 Koruturu	✗ Village	1	0 km	320	20/06/08	✗ Selected	✓	✓	✓	✗ Dissatisfied with process - officials notified about meeting only one day before		
AP6 Nagaluty	✗ Village	2	5 km	250	26/02/08	✓ Elected	✓		✓	✗ Process poor ✓ FRCs doing good job		

Source: Field ITDA officials and FRC members.

ii. FRC training and community awareness raising:

After the FRCs were created, both committee training and community awareness raising programmes were conducted.

For the FRC members, specific training programmes were organized (at Mandal and ITDA levels) to improve their understanding of the implementation process, and to impart specific skills for filing claims, and GPS land survey.

FRC capacity building does not seem to have been effectively conducted in two-thirds of our study sites. Villagers complained that at the time of training, capacity building was not done properly and was not really effective. Moreover, the training was completed in one day at Mandal level, so there was little time to go into detail.

Many of FRC members did not end up knowing their duties and responsibilities and so FRC members could not create awareness among the wider communities. Furthermore, for these severely deprived groups, a day away from work entails a high cost; and yet, travel and food allowances were not provided.

For the general village population, broad awareness-raising activities were conducted, although the extent of activities was highly variable. In our study villages, the government staff, along with some NGOs (e.g., '*Laya*' Human Rights' in Pamuleru and Kruturu and '*Gondwana*' in Cheruvuguda Village) organised the following:

- o mass awareness-raising through poster display in all six villages.
- o performance-based cultural programs (*Kalajathas*) in two villages (Pamuleru and Nagaluty)
- o awareness raising meetings in two villages (Pamuleru and Koruturu), creating awareness regarding FRA provisions and about individual and community rights among village communities.

The outcome of these awareness raising efforts has been mixed, and generally constrained. The key problem seems to have been the quality, and the extent of the training has been too limited, with superficial trainings prevailing in most areas.

Self-perceived awareness levels regarding the FRA in the study communities greatly varies, ranging from totally 'unaware' to a 'thorough understanding'. In half of the six study villages (Pamuleru, Cheruvuguda and Goppulapalem), most people were roughly aware of the provisions of the FRA and the implementation process, although in Goppulapalem and Nagaluty villages, the people were not aware about community rights

Table 9: Training and Awareness-Raising Programme

Study Village	FRC Training Date and place	Community Awareness-Raising Activities	Resulting Awareness	Local People's Perceptions
AP1 Cheru-vuguda	08/03/08 Utnoor	✓ <i>Poster</i>	<i>-moder-ate</i>	<ul style="list-style-type: none"> ✓ FRCs happy with orientation/training programme - held twice ✓ Most villagers aware about FRA because FRC secretary was from the village and mass awareness was conducted. ✓ Allowance not paid to FRC members at the time of training – disappointed
AP2 Goppu-lapalem	02/03/08 V.Madugula	✓ <i>Poster</i>	<i>-moder-ate</i>	<ul style="list-style-type: none"> ✓ FRC's orientation/training programme poor - just nominal. No mass awareness was conducted ✓ Still most people aware about FRA and process
AP3 Pamuleru	26/03/08 Rampa, Chodavaram	✓ <i>Poster</i> , ✓ <i>Cultural prog.</i> ✓ <i>Village meeting</i>	<i>-moder-ate</i>	<ul style="list-style-type: none"> ✓ FRCs were happy with the orientation/training programme because it was held twice ✓ TA/DA did not paid to FRC members at the time training - disappointed ✓ Mass awareness programme conducted by the officials (IKP) ✓ Most people aware about FRA and its activities
AP4 Panasa-napalem	03/04/08 Rampa, Chodavaram	✓ <i>Poster</i>	<i>ûpoor</i>	<ul style="list-style-type: none"> ✓ FRCs training programme was very poor ✓ people are not aware about FRA ✓ TA/DA did not paid to FRC members - disappointed
AP5 Koruturu	<i>No training</i>	✓ <i>Poster</i> , ✓ <i>Village meeting</i>	<i>ûpoor</i>	<ul style="list-style-type: none"> ✓ FRCs not attended any training programme. training the training was cancelled Because when they went for the first day ✓ Most people not aware about FRA.\
AP6 Nagaluty	04/03/08 1: Atmakur 2: Sundipenta	✓ <i>Poster</i> , ✓ <i>Cultural prog.</i>	<i>ûpoor</i>	<ul style="list-style-type: none"> ✓ FRC Training was conducted twice ✓ Though mass awareness programme was conducted, a majority of the people are not aware about FRA, because the people are hunters and gatherers they were in the forests at the time of the awareness Programme

issues. For the other half (Panasanapalem, Koruturu and Nagaluty), despite official awareness programmes, most people are still very unclear about the FRA and its provisions

One of the major problems causing lack of proper awareness has been because the *Gram Sabha* meetings have been held at the *panchayat* level not at the hamlet level, and so

villagers have often neither known they were being held, nor were able to spend the time to travel and attend the meeting, especially as they were often busy with daily activities.

Thus, a ‘communication gap’ between the officials and the local people is evident across the study sites, and this seems to be reflected across the state. In many areas, even the officials were not aware about the act and they were interpreting it in their own way. At senior levels, there was either an apparent lack of understanding, or a deliberate misinterpretation of the principles of the FRA. This is reflected in the fact that community rights have not been addressed properly both in FRC training and awareness raising. For instance, in Adilabad District, the para legal coordinator doesn’t have much idea about the community rights claims, i.e., how much should be considered under community rights. The local NGOs and community workers have generally not been involved in the process and so are unable to provide need-based services to the community for claiming their rights as per the directions given by the government.

iii. Submitting claims:

Having formed FRCs and raised awareness (at least to some extent), the next stage was for the local people to actually make claims. There are two claims processes: individual (‘A’ forms) and collective (‘B’ forms), and in the beginning of the implementation programme, claims were being mostly individual with less attention on community rights. However, the collective rights issue also gradually gathered pace as understanding increased.

a) Individual claims”

At four of the six sample villages, the FRC distributed claim forms, allowed one month for completion and subsequently received back applications from the claimants. ‘A’ forms for private lands were not distributed in Koruturu and Panasanapalem villages because the land comes under Revenue Department area; so the villagers did not get the opportunity to claim that land according to the FRA provisions.

The completion of a claim requires gathering of supporting evidence and documentation (claims are then to be verified on the ground by the FRC). The local people complained that the month allowed for completion was inadequate for them, considering the requirements, and also in most areas, land survey was conducted with the help of the project staff.

The low level of local people’s understanding, due to poor training, resulted in serious problems at this stage. Many eligible claimants lacked adequate knowledge about the act and the rules, and could not assess their eligibility and the process for claiming. Many eligible claimants have also not claimed due to a perception that they lack adequate

evidence. Furthermore, many eligible claimants also lacked information about the dates of *Gram Sabha* meetings and the cut-off dates for submitting the claim forms.

A particular problem which many eligible claimants have encountered have been obtaining 'caste certificates', as many of them have no *patta* lands, but only customary rights on the land under their possession. In such cases, there was confusion over who will issue the 'caste certificate'.

In order to address the difficulties of the claims process, a support role to a 'social mobiliser' was allocated to each village, deputed from the IKP project. These worked in conjunction with FRC members and the Village Tribal Development Association to help prospective claimants to complete their claim forms and find evidence (e.g., documentation and statement of elders other than claimants). We found their conduct to be generally fair and impartial at this stage.

In total, 275 individual claims were submitted in 5 of the 6 villages (shown in Table 10). In most villages, receipts were given for claims, although in some non-study villages, it is reported that this is not happening.

In four of our six villages, over 80 percent of the households have filed claims. In the remaining two villages, private claims cannot be made under the FRA as it is 'Revenue' land and not 'Forest' land. For those we have data for the mean size of claims - ranges from just 1.63 acres to 6.63 acres.

The overall picture is surprisingly positive: private claims have been made across the majority of the villages for reasonable plots of land. This can be understood because there has been high focus and attention on private claims .. of greatest interest ... / diversion of attention away from community claims.

Table 10: Individual Claims

Study Village	Number of Claims	Extent (acre)	Number of Households	% HH Claiming	Mean Size of Claim per Household	Detail and Perception From Village
AP1 Cheruvuguda	35	232	44	80%	6.63	✓ Virtually all eligible households claimed for reasonable sized plots
AP2 Goppula-palem	80	130	95	84%	1.63	✓ Virtually all eligible households claimed, but for the small plots on which they cultivate
AP3 Pamuleru	38	<i>est.208</i>	47	81%	<i>est.5.50</i>	✓ Virtually all eligible households claimed for reasonable sized plots
AP4 Panasana-palem	42	<i>est.160</i>	167	25%	<i>est.3.80</i>	✓ Almost all claims submitted in error people unaware; land seeking to claim belongs to Revenue Dept. and so not eligible
AP5 Koruturu	0	0	97	0	0.00	~ No one ought to claim because Revenue Dept assigned land which can't be claimed under FRA
AP6 Nagaluty	80	400	86	93%	5.00	✓ Virtually all eligible households claimed for reasonable sized plots
TOTAL	275		536	51%		

b) Community Claims

Mainly due to the lack of awareness, in many settlements, community claim forms (Form 'B') were either not distributed, or distributed but not used. Initially no claim forms were issued for community rights; it was explained to be due to a 'shortage' of claim 'B' forms, even though only one form is needed per hamlet. The 'B' forms were subsequently issued, one per hamlet. However, the prevailing lack of awareness of community claims means that in many places, individual claims are being submitted. In two study villages (Goppulapalem and Nagaluty), community claims were not submitted simply because they were not aware about the possibility of community claims. And in many cases where community claims were made, the people were informed to simply tick those that they wished to claim, which without proper corroboration led to their rejection.

Table 11: Individual and Community Claims made in Study Villages:

Study Village	Community Claims	
	Number	Detail
AP1 Cheruvuguda	3	~ 6 acres: includes village boundaries, internal roads and temple. Only 1 acre surveyed for temple. 5 acres yet to be surveyed
AP2 Goppulapalem	0	✓ <i>Due to lack of awareness.</i> After explanation by the study team about community rights to the villagers, they said that they will approach stakeholders to claim the 'B' form for community rights
AP3 Pamuleru	1	✓ 101 ha community is claiming VSS land for community rights
AP4 Panasanapalem	1	✓ 107 ha.VSS land for community rights
AP5 Koruturu	2	~ NTFP rights and Internal Forest Routes
AP6 Nagaluty	0	✓ <i>No claim due to lack of awareness</i>
Total	7	

However, awareness spread gradually, following mobilisation by grassroots groups and movements, who have been providing villagers training in mapping their community forest resources. Claims for community forest resource rights have now been filed by several hundred villages across the state.

In our study sites, a total of seven community claims have been submitted across four of the six study villages. A very significant reform in two study villages (Pamuleru and Panasanapalem) is that villages have applied to take back community forests from control of the Forest Department's JFM scheme.

In most of the areas, the claimants applied for their individual entitlement and not for community rights like grazing lands, pathways, burial grounds, temples, rivers and streams.

The process of recognition of community rights has incidentally led to rediscovery of many community lands that were illegally seized by the Forest Department, and in some areas (as in the case of Orient Cement in a village in Adilabad), contributed to helping people resist handovers of their common lands to private companies.

Community claims are now being sent directly to the SDLCs. Although District Collectors and ITDA officers have now agreed to accept claims for community rights, no facilitation for these is being provided by the government. Out of an estimated 5,000 tribal villages in the state, organisations have been able to mobilise 700 to 800 villages.

Tracking the claim application process is difficult because of weak record keeping. In many places, there is lack of transparency at the village level about the claims received and sent to the next level.

iv. Verification of collective claims

Community claims are submitted by the Gram Sabha itself to the SDLC, and the 2nd & 3rd verification stages are followed as with individual claims above.

Some communities (such as Cheruvuguda) have however become aware of collective rights and given applications. But even these communities that submitted collective claims find them pending with the Sub-divisional level committee, due it is claimed to 'lack of evidences'.

Girijan Cooperative Corporation(GCC) a state owned agency in Andhra Pradesh has obstructed tribals taking away their non-timber forest produce(hill brooms) from the forest area in the scheduled areas of east Godavari district. Community mobilised on this issue and submitted a memorandum to the concerned officials under the FRA. This was the position when we did the second round of field investigation. We do not know current status.

Claims cut-off deadlines are proving a particular problem for community claims, due to the initial delays and the lack of awareness. As part of the road map the authorities

initiated the process and informed the prescribed period. They did not make it clear to the villagers that the gram sabhas can extend the claiming period of 3 months. However the process did not complete. After the dead line the entire implementing machinery was reluctant to entertain the claims. The implementation of the FRA is not left to the even district level officials. After the dead line no further instructions were issued for receiving claims. Now the district administration is only looking at the claims pending for other reasons. This is a deviation of the FRA, as if the Gram Sabha thinks that the forest rights recognition process is not completed it can extend the time by passing a resolution noting down the reasons for extension.

The authorities are reluctant to entertain the claim forms after the period prescribed by the government. This is a deviation of the FRA. The *Gram Sabha* is the authority to receive the claim forms, and if the *Gram Sabha* thinks that the forest rights recognition process is not completed, it can extend the time by passing a resolution, noting down the reasons for extension.

Furthermore the Forest Department has been interfering with the community claims process in a number of ways.

In the Gudem area of Vishakhapatnam District, the Forest Department has not been permitting the filing of any claims on the grounds that no survey of forest land had been done under the AP Forest Act, 1967, and for which no final notifications have been issued to date (the government officials wanted to finish the reservation process under the notification issued long back; as such they promoted the claimants to urge before the forest settlement officials for settling of their rights).

However, the villagers have rejected this premise saying that there is no link between notification of the land and people's right to file claims under the FRA. Similarly, claims were not being entertained for the land to be submerged by the Polavaram Dam or allocated for other development purposes.

In protected areas as well, the process of claiming rights is continuing. But due to the lack of organisation among the Chenchus in Srisailem Tiger Reserve, efforts are continuing to illegally relocate them.

Overall, we can conclude that because of the shortcomings in the process, claims have been a smaller fraction of the total rights deprivations so far, and there have been some cases of abuse of the process. However, due to lack of records, it is hard to gather an overall picture of the extent. There has been limited application for community rights (e.g., like grazing lands, path ways, burial grounds, temples, rivers and streams). This is

largely because the trainings have not raised awareness of the collective rights provision in the act. In most places, local community-oriented NGOs were not involved in the process, and so were unable to provide the services needed to help the communities claim their rights according to the requirements.

v. VSS usurpation

A third significant issue of FD interference, and the most problematic of all has been the AP Forest Department using their village level *ad hoc* JFM committees to make community claims. This is putting land eligible for authentic community control back under forest department control, a complete perversion of the FRA provisions and may reasonably be seen as an attempted 'coup' against the community forest resource rights provision of the FRA.

On the surface, Andhra has also issued an impressive 2276 'community certificates of titles' (presumably meaning titles for community rights) for a total area of 7,84,949 acres. Information obtained under RTI about the details of these community claims, however, has revealed an attempted 'coup' of community forest rights by the forest department. The majority of community forest rights which have been approved are claims filed by JFM committees (VSSs in AP) which have no right to file claims under the Act. If the forest department created committees continue, the gram sabhas empowered to protect, conserve and manage their CFRs for sustainable use will be illegally deprived of their statutory right under the Act while the FD will retain control over JFMCs as before. In contrast, many of the community claims filed by villagers have either been rejected or approved for a much smaller area than that claimed. The Adivasi Aikya Vedike organized a protest against this abuse of the FRA in Adilabad and the villagers are planning to file fresh claims for CFR rights. Herding and grazier communities have been struggling to file claims for seasonal grazing rights which continue being ignored (<http://forestrightsact.com/current-situation>) accessed 23/6/10

There are two types of claims. One is individual and another is community claims. However the Government has facilitated another category of claims-VSS claims in the name of community claim. The VSS cannot be equated with the statutory gram sabha representing the community. The admission of member in to the VSS is an optional one unlike community. Under the Rules, the FRC is meant to demarcate the boundary of a village's community forest resource and then place it before the Gram Sabha for its approval. After the Gram Sabha's approval, the claim has to be sent to SDLC and finally to the DLC. In case of a shared community forest between one or more villages, the FRCs of the concerned villages are to have a joint meeting for finalising their claim. In

case of a dispute over boundaries between villages, the SDLC is meant to facilitate resolution of the same by calling a joint meeting of the concerned villages.

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

In Adilabad District, where 341 VSS have already been given community rights over 2,66,000 acres of forest land under the FRA other approved community claims are only over 3542.54 acres.

It is surprising to note that the Government has not distributed titles for other community forest land claims but 100 titles were distributed to VSSs in Adilabad district. Even in the east Godavari district pattas over community lands have not been distributed. Initially Tribal welfare department wanted to grant community pattas to the community in the State under FRA however the intervention of the forest department and rural development department has pushed the idea back – a clear example of government departments openly violating the law and colluding against the rights of forest dwellers.

A co-author of this paper is taking steps to move public interest litigation in the high court of AP to challenge the assignments in favour of VSSs against the FRA

A clearer picture is emerging reflecting the role of forest department in continuing their control over the forest resources irrespective of the provisions under FRA. Government

data up to 31st May, 2010 shows that in the name of community claims, the Govt. issued title certificates to 1669 VSSs over 948076 acres in Andhra Pradesh. This data uncovers the state mask of the tall claim of implementation of FRA. As evident from the table below, the government has gone to the extent of creating a new category of 'VSS rights' as distinct from community claims for community forest rights.

So far no officer has sent the rejected memos to the claimants whose claims rejected at various levels of adjudicating forums in the State. This will deprive their right to appeal within a prescribed time period.

Overall we can conclude that, because of shortcomings in the process, claims have been a smaller fraction of the total rights deprivations so far, and there have been some cases of abuse of the process. However due to a lack of records it is hard to gather an overall picture of the extent. There has been limited application for community rights (e.g. like grazing lands, pathways, burial grounds, temples, rivers and streams). Even where villagers have claimed rights over their community forest resources, including over such forests brought under JFM/CFM, instead of recognising their claims, it seems that the claims have been changed and made in favour of VSSs. This is largely because the trainings have not raised awareness of the collective rights provisions of the act. In most places local community-oriented NGOs have not been involved in the process, and so have been unable to provide needed services to help the communities claim their rights according to the requirements.

Box 16: Procedure for Filing, Determination and Verification of Claims by the Gram Sabha

a) The Gram Sabha calls for claims and authorizes the Forest Rights Committee to accept the claims. And such claims should be made within a period of three months from the date of the calling of claims. The FRC, after due intimation to the concerned claimants and the Forest Department, visits the site and physically verifies the nature and extent of the claim and evidence on the site; receives any further evidences or record from the claimant and witnesses; prepares a map delineating the area of each claim indicating recognizable landmarks. The FRC then records its findings on the claim and presents the same to the Gram Sabha for its consideration. After verification of the claims, the Gram Sabha passes a resolution on claims on forest rights after giving reasonable opportunity to interested persons and authorities concerned and forwards the same to the Sub-Divisional Level Committee (SDLC).

b) The SDLC provides forest and revenue maps and electoral rolls to the Gram Sabha or the FRC; collates all the resolutions of the concerned Gram Sabhas; examines the resolutions

and the maps of the Gram Sabhas to ascertain the veracity of the claims; and after verification, forwards the claims with the draft record of proposed forest rights through the Sub-Divisional Officer to the DLC for final decision.

c) Any person aggrieved by the resolution of the Gram Sabha may within a period of sixty days from the date of the resolution file a petition to the Sub-Divisional Level Committee.

Source: Government of India, Ministry of Tribal Affairs www.forestrights.gov.in

vi. Verification of claims:

Verification of claims involves 3 levels; verification by: 1. FRC with *Gram Sabha*; 2. Sub District Level Committee (SDLC); and 3. District Level Committee (DLC). At each stage, claims are checked and decisions passed up. Rejections can be contested with the higher level body. The field staff of the Forest Department are only observers at *Gram Sabha* level and cannot interfere. At the SDLC level, the Forest Department staff may only observe and provide land records as requested. The SDLC forwards their decision to the District Level Committee (DLC). If the *Gram Sabha* rejects a claim, it must state its grounds for rejection.

a) *Gram Sabha/FRC stage:*

In AP, claims are not being directly submitted to the Forest Rights Committees for verification; instead, the process is as follows: 1) they are initially submitted to the *panchayat*, entered into computer records and then 2) the list is passed to the FRC for checking evidence and field verification, after which those approved are 3) placed before the *Gram Sabha* for approval. Under the FRA, the FRC is the authority to lead the field level verification enquiry. If the FD has any grievance it can place its claim before the *Gram Sabha* before the resolution is passed.

In the field, we found *Gram Sabhas/FRCs* have frequently not rejected claims on the grounds of 'lack of evidence', but that the complaints have originated from Forest Department staff, applying informal pressure to members. The FD staff have thus been responsible for getting many claims rejected at the *Gram Sabha* level without proper enquiry being conducted.

The FRC verifies and confirms evidence of claims in the field by land survey using GPS devices for identifying, geo-referencing and mapping the claimed plots. In all our study villages the social mobilisers worked with Forest and Revenue Department staff along with FRCs to survey land; the ITDAs have also sent surveyors.

It is this stage of the process more than any other that has been leading to fundamental problems for the local people to secure their rights, due to two issues: firstly, the technical

skills of the surveying teams to effectively use the GPS devices is lacking, probably due to inadequate training. Secondly, the Forest Department field staff significantly interfere with the field survey.

Many technical problems emerged due to operator's inexperience while using the GPS devices, particularly in the hill areas. Teams have struggled to use the equipment, and many of our study villages complained of 'instrument problems'. More thorough training is obviously the solution as GPS devices in the hands of a skilled operator are highly reliable. The result has been that a large number of readings have been completely inaccurate, leading to the claims being classified as invalid or wrong survey data.

A second and even more concerning problem is that during land mapping, the Forest Department field staff grossly interfere by obstructing or misdirecting surveys in what they are treating as 'their' forest land and acting without legal mandate as judges in the process. During the time of survey verification, many claims were obstructed or arbitrarily 'rejected' by forest guards, sometimes directly and sometimes working through FRC members. Many people were not cultivating their land at the time of the survey and due to this their claims were rejected.

Both problems are evident for instance at our Cheruvuguda study site (AP1). The survey was not properly conducted by the GPS survey team who were evidently not properly trained and complained of 'instrument difficulties', especially while dealing with clouds or uneven ground. Furthermore, the FD field staff played a dominant role, obstructing the survey team from surveying claimed lands which people were not currently cultivating (due to the season or lack of money for seeds) and dismissed the claims. Furthermore, the FD staff insisted that local people should get only one and not several different plots that they use; they directed the surveyors to exclude such multiple plots and thereby reduce the overall extent of claims.

Variations on this pattern were seen in all of our study villages, and it seems this is the institutional practice across AP. At time of survey, the FRC invites the claimant and the FD to participate in the survey. Whereas the National Rules imply a minimal role for the FD staff as an observer, in AP the FD is not simply 'assisting' but totally dominating and controlling. Therefore, the claims approved at the *Gram Sabha* and other levels are the claims which have been accepted by the FD rather than the statutory bodies under the FRA.

We estimate that as much as one quarter of prospective individual claims have been obstructed by such illegal conduct. It is unclear whether the field staff will be disciplined

or prosecuted for this behaviour, or indeed whether local people have any realistic means of recourse. Furthermore, because of the technical problems, many approved claims often contain final survey maps which are often much smaller, (even giving random location) than the land being claimed leading to a mismatch between what people seek to claim and the mapped plots. Consequently, there are widespread demands for resurvey without the technical problems or FD interference.

In two of the study villages (Pamuleru and Panasanapalem), after the FRC verified claims, they did not place the claims before the *Gram Sabha*, but in a miscarriage of the process, they instead held a private meeting with the Forest Department staff and then directly sent the claims to Sub-Divisional Level Committee. The justification they gave for this miscarriage was 'due to lack of time because of deadlines'.

b) SDLC stage:

Those approved by the FRCs and *Gram Sabha* were sent to Sub-Divisional Level Committee.

Some communities (such as Cheruvuguda) have however become aware of collective rights and given applications. But even these communities that submitted collective claims find them pending with the SDLC, due it is claimed to 'lack of evidences'.

c) DLC stage:

Various claims of the claimants have been recognized at *Gram Sabha*, SDLC and DLC respectively.

The SDLCs examine the resolutions passed by the Gram Sabha, hear and adjudicate disputes between Gram Panchayaths on the nature and extent of forest rights if any, prepare Mandal/ Tahsil wise draft record of forest rights and forward the claims to DLC for final decision. The DLC examine the claims, hear the petitions from persons aggrieved by the orders of SDLCs and finally approve the claims and communicate to claimants and Gram Sabha. There are complaints in the field that the Govt. functionaries at local level prepared the documents and placed before the SDLC. At SDLC level it is further purely an officials exercise with the involvement of forest department. Although SDLC and DLC have elected PRI representatives but in practice Government functionaries are looking after preparation of documents.

Table 12: district update of FRA implementation for Adilabad May 2010

Activity	Individual		Community		'VSS'		Total	
	No.	Extent (Acres)	No.	Extent (Acres)	No.	Extent (Acres)	No.	Extent (Acres)
Total Mandals having forest interface	: 50							
Total Gram Panchayaths having forest interface	: 499							
Total Forest Rights Committees	: 499							
Total Sub-Divisional Level Committees	: 5							
No. of Claims received	55,663	221,625	1,090	8,105	341	266,690	57,094	496,419
No. of Claims surveyed	55,663	221,625	1,090	8,105	341	266,690	57,094	496,419
No. of Claims to be surveyed	0	0	0	0	0	0.00	0	0
No. of Claims recommended by Grama Sabha to SDLC	36,319	132,194	67	3,543	341	266,689	36,727	402,425
No. of Claims rejected by the Gram Sabha (Non-Tribals)	18,604	85,303	0	0.00	0	0	18,604	85,303
No. of Claims pending with Grama Sabha	740	4,128	1,023	4,562	0	0	1,763	8,690
No. of Claims recommended by SDLC to DLC	36,319	132,194	67	3,543	341	266,689	36,727	402,425
No. of Claims rejected by SDLC	0	0.00	0	0.00	0	0	0	0
No. of Claims pending with SDLC	0	0.00	0	0.00	0	0	0	0
No. of Claims approved by DLC	36,319	132,194	67	3,543	341	266,689	36,727	402,425
No. of Claims rejected by DLC	0	0	0	0	0	0	0	0
No. of Title granted	34,977	126,425	67	3,543	341	266,689	35,385	396,656
No. of Claims pending with DLC	0	0	0	0	0	0	0	0

Source: ITDA GoAP March 2010.

Table 13: Verification Process

Study Village	Survey properly conducted	FD non-interference	Claims approved have full extent mapped	Legitimate claims approved by FRC?	Legitimate claims approved by DLC?	Verification
AP1 Cheruvuguda	✗	✗	✗		-	All 35 private claims were surveyed 33 claims (227.5 acres) were approved by FRC and forwarded to SDLC 2 claims rejected by the FD due to 'lack of evidence' - unable to produce despite cultivating for generations Approved claims not properly surveyed due FD interfering and technical problems - give incomplete / incorrect / too small plots (surveys being forwarded for approval are smaller than the extent being claimed) Claims are pending, not passed by the DLC 5 acres of community claims yet to be surveyed
AP2 Goppulapalem	✗	✗		✗		50% of the private claims surveyed & all approved by FRC At time of verification 50% claims rightly rejected which come under revenue land Approved claims not properly surveyed. GPS inaccurate – due to slope and bushes/cloud, impatience, FD interference. People complaining plots wrong or too small No community claims due to lack of awareness
AP3 Pamuleru	✗	✗		✗		30 of the 38 private claims approved - FRC and SDLC rejected some claims due to being ineligible revenue lands Approved claims not properly surveyed (similar problems as above) people demanding for resurvey
AP4 Panasana palem	✗	✗		✗		Of 42 individual claims all surveyed - One approved (4 acres) on forest land - Rest rejected – all on ineligible revenue land - people were unaware
AP5 Koruturu	-	-		-		No claims to verify as people aware revenue land not eligible
AP6 Nagaluty	-	-		-		75 of the 80 individual claims surveyed 73 approved Approved claims not properly surveyed – technical problems and FD interference - Local people demanding resurvey No community claims

(✓ / ~ / ✗)

Table 14: Status on Individual Claims in Study Villages (as on August 2009)

Name of Village	Claims Received		Claims Surveyed		Claims yet to be Surveyed		Claims Approved (by FRC, SDLC & DLC)						Claims Rejected		Comment/ Pending	
	#	Extent (acre)	#	Extent (acre)	#	Extent (acre)	#	Extent (acre)	Mean Size	% of Claims Approved	% Claimed Area Approved	#	Extent (acre)	Number	Extent	
AP 1 Cheruvuguda Village	35	232	0	0	0	0	33	228	6.89	94%	98%			2	4	
-Entire Panchayat	773	5,280	0	0	0	0	369	1,663	4.51	48%	31%	404	3,618	APFD rejected claims on grounds that claimants did not produce proper evidence		
AP2 Goppulapalem Village	80	130	0	0	0	0	39	63	1.61	49%	48%	41	67	Reasons for rejection: revenue land		
Entire Panchayat	647	-	0	0	-	0	80	161	2.01	12%	-	567	-			
AP3 Pamuleru Village	38	-	8	8	-	-	30	165	5.49	79%	-					
Entire Panchayat	159	-	46	46	-	-	74	355	4.80	47%	47%	12	41	Yet to be approved by SDL & DLC 27 109		

Table 14: Status on Individual Claims in Study Villages (as on August 2009)

Name of Village	Claims Received		Claims Surveyed		Claims yet to be Surveyed		Claims Approved (by FRC, SDLC & DLC)					Claims Rejected		Comment/ Pending	
	#	Extent (acre)	#	Extent (acre)	#	Extent (acre)	#	Extent (acre)	Mean Size	% of Claims Approved	% Claimed Area Approved	#	Extent (acre)	Number	Extent
AP4 - Panasanapalem Village	42	-	18	69	24	-	1	4	3.50	2%	-	17	65		
Entire Panchayat	96	-	72	1,296	24	-	6	25	4.23	6%		66	1,270		
AP5 Korotutu Village	0	0	0	0	0	0				-		-	-		Total land in this village comes under Revenue Dept.; not entitled for FRA process
Entire Panchayat	0	0	0	0	0	0				-		-	-		
AP6 Nagaluty Village	80	400	75	227	5	25	73	227	3.11	91%	57%				Yet to be approved by SDLC & DLC. Also 5 claims of lands not clear to survey due to bushes
Entire Panchayat	160	800	136	489	24	-	136	489	3.60	85%	61%				
Total for Study Villages	275	-	197	755	37	-	176	686	4.12	63%	68%	58	132	-	4 14
Total for Panchayats	1,188	-	1,094	7,570	94	-	585	2,532	3.43	37%	31%	482	4,929	!	27 109

* Approved

d) Appeal stage:

No opportunity was provided to the claimants to prefer appeals against the decisions of their interests. The enquiries conducted at the *Gram Sabha* level were state managed and the enquiries conducted at higher levels were without any transparency.

To summarise, most submitted claims have been through the verification process, while some are pending due to lack of evidence, and cases which are under dispute between FD and RD. After verification of the claims, the people are not informed about the rejected claims in many areas. Many claims were not even verified at the *Gram Sabha* level, but were forwarded directly to SDLC. Furthermore, verification records were not maintained in many areas.

vii. Issue of titles:

Although titles have been issued in some districts, titles have not yet been issued in the study villages; except In Nagaluty Village some titles have been issued.

The research team visited all the six villages between April and August 2008 and found that not much progress had been made in the implementation process of the act (FRA). When we visited a second time (January 2009), we found that FRA implementation process had been completed in all the sample villages and they are in the process of conferring actual entitlements to the forest dwellers. *Pattas* have been prepared and are ready to be issued. In Nagaluty Village, some people received entitlements, and in other villages, the process of entitlements was yet to be done.

According our research findings, only one village received some of the entitlements. Through newspaper and electronic media, we come to know that in areas like Adilabad, Khammam, Kurnool and Vishakhapatnam have received title grants, while in many places titles grants are yet to be received.

viii. OUT COMES: Summary of local FRA implementation process:

Table 14 shows aggregate data for private claims across the study villages, and also in grey for the Panchayat administrative villages of which they form a part.

We can see that in 3 of the sites the approval rates for private claims are over 75%. In the remaining villages there are much lower claim rates because the land on which people are cultivating is actually Revenue land and so not eligible for claiming.

Table 15 summarises the qualitative process indicators we have used in this study. From it we can see that almost all aspects of the process in almost all the study villages are problematic, as has been discussed above

5.3: Aggregate Status of FRA Implementation in Andhra Pradesh

The claims filing process is believed to be almost complete, as of by the end of August 2009, in Adilabad, Vishakhapatnam, East Godavari West Godavari and Kurnool districts of AP. The patterns of problems with the process that we have been describing have been prevalent across the state, testified by a range of newspaper reports and local studies.

The latest available data for the aggregate status of implementation was supplied by the Government of AP (late 2009) (the reliability of this data is very unclear; however, there is no alternative source). It states that a total of 3,22,313 individual claims (9,60,577 acres) and 5,960 (1,65,404 extent in acres) community claims had been received as on 31.03.2009. The details are given in the Table 16.

Of the total 3,28,273 claims received (11,25,981 acres), 94 percent were surveyed, and 65 percent (2,13,294 claims) were recommended by the *Gram Sabha* to the SDLC. It is not clear what the grounds for rejection are for the remaining 35 percent.

Only 42 percent (1,38,597 claims) of these claims were recommended to the DLC by the SDLC by May 2009, and the DLC had finally approved 39 percent of the total claims (1,28,948 claims). However, three months later, the status report for August shows that 53 percent of the claims have been approved by the DLC.

Reviewing this data, we can see that almost half of the individual claims, and more than half of the community claims were rejected. However, some rights, both individual and collective, have been allocated.

The table 19 indicates the following. 97% of Gram Panchayats identified as having a forest interface have FRC constituted. On average each FRC constituted has received 87 individual claims, for 2.96 acres each (1.2 hectare). Each FRC has submitted 1.85 community claims for 146.7 acres (59.4 ha) each

Of 329,858 claims submitted, 98% have been processed. 45.3% have been rejected, a surprisingly high number. Although no distinction is given between the community and individual claims, since the rejected claims make up only 23.8% of the total area claimed it is reasonable to assume these are mainly private claims being rejected.

For almost half of claims, (49%), the data suggests claims have been approved and titles are ready for or have already been distributed. Approved claims covers 71.2% of the total land area claimed, indicating that the (larger) community claims are more represented than the individual claims.

Box 17: Politicisation of Rights Distribution

Following the Judgement of the High Court, the late Chief Minister of AP, Dr. Y.S. Rajasekara Reddy, on 8/06/09 formally launched a programme of distribution of forestland at Hyderabad.

At the camp office, he initiated distribution of forestland to more than 200 people. A press release was circulated, saying that the government received 3.23 lakh individual claims for an extent of 9.62 lakh acres and 5,971 community claims for an extent of 1.65 lakh acres. So far, survey of 3.11 lakh claims had been completed for an extent of 11.27 lakh acres. After completing all the formalities, the DLCs approved 1.28 lakh claims for an extent of 4.44 lakh acres. Still some claims are pending at the SDLCs and DLCs and they are directed to complete the scrutiny of all these claims by the end of June 09.

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

The AP Chief Minister (Dr. Y.S.R. Reddy) was expected to 'distribute' land title deeds for an extent of one lakh acres at Khammam on July 19 and for another one lakh acres at Adilabad on July 26. It may be mentioned here that the Chief Minister distributed titles to tribal representatives hailing from all the districts on June 8 in the presence of the Minister for Tribal Welfare and tribal MLAs.

This is evidently a matter of seeking to make political capital by styling the rights redressal as if it were an act of personal patronage. The new CM has not yet shown any keen interest in FRA.

The Collectors have been asked to complete issuing the remaining certificates in the entire state by involving the ministers and local public representatives.

5.4 End of process?

The aggregate data for May 2010 shows 98% of villages have been covered and 98% of claims from them processed. There seems to be govt interest to do resurvey, and also follow up, but that also for 6 months no more attention on this issue.

vi. Summary of local FRA implementation process:

Table 15: Summary Indicators of Local Process

Study Village	1.FRC Formation Process			2. FRC Training & Community Awareness Raising	3. Claim Submission Process		4. Verification			5. Issue of Titles
	* Prior notification of meeting	* Meeting at appropriate hamlet level	* FR Committees elected or 4 selected		Resulting awareness	Private claim of main eligible areas	Community claim of main eligible areas	Survey properly conducted	FD non-interference	
AP1 Cheruvuguda	x	x	✓	~	✓	~	x	x	x	x
AP2 Goppulapalem	x	x	✓	~	✓	x	x	x	x	x
AP3 Pamuleru	x	x	✓	~	✓	✓	x	x	x	x
AP4 Panasanapalem	x	x	x	x	x	✓	x	x	x	x
AP5 Koruturu	x	x	x	x	~	~	-	-	-	x
AP6 Nagaluty	x	x	✓	x	✓	x	-	-	-	~
Overall	x	x	x	x	✓	~	x	x	x	x

Note: Good: ✓, Moderate: ~, Poor: *

However no new claims are entertained by the Government under the FRA. The Government is saying that there are several claims pending before the Gram Sabha, which come neither under the category of rejected or approved. These pending claims were not processed before the Gram Sabha for want of clearances from the forest department. The reasons being cited including the maps prepared by the staff of IKP are mismatched with the maps prepared by the forest department, and rival claims between the tribal claimants and the forest staff, and some of the claims placed by the non tribals etc. For instance in the district of Adilabad, the district collector directed his subordinates to look in to these pending claims for its disposal. The doubt expressed as to whether the

Table 16: Progress Report on Implementation of FRA Act 2006

Activity	Nos.	Extent (acres)	Mean Extent per Claim (acres)
No. of Gram <i>Panchayats</i> having forest interface	3,732	5,83,797 (furnished by Forest Dept.)	156.4
No. of Gram <i>Sabhas</i> convened	3,719	-	
No. of FRCs constituted	3,703	-	
No. of individual claims received	3,22,313	9,60,577	3.0
No. of community claims received	5,960	1,65,404	27.8
Total claims received:	3,28,273	11,25,981	
No. of claims surveyed	3,08,417 (94%)	11,00,754 (98%)	
No. of claims recommended by Gram <i>Sabha</i> to SDLC	2,13,294 (65%)	7,82,860 (69%)	
No. of claims recommended by SDLC to DLC (May 2009)	1,38,597 (42%)	4,66,555 (41%)	
No. of claims approved by DLC (May 2009)	1,28,948 (39%)	4,48,375 (40%)	
No. of titles granted (May 2009)	330	891	
No. of claims approved by DLC (August 2009)	1,73,382 (53%)	Not known	
No. of titles granted	1,24,982 (38%)		

Sources: Andhra Pradesh State Status Report on Implementation of RoFR ACT 2006, Tribal Welfare Department, Andhra Pradesh, Hyderabad, as on 31.03.2009, and Government of India, Ministry of Tribal Affairs, till 31st August, 2009.

DLC has cleared all the claims forwarded by the SDLC. The answer is yes. There is no claim pending before the DLC in the district of Adilabad as per the information provided by the ITDA, Utnoor. The State data shows that there are 8538 claims covering an extent of 29132 Ac pending for consideration before the Gram Sabha/SDLC/DLC.

Table 17: Latest Progress Report on Implementation of FRA Act 2006

Sl. No.	Activity	Nos.	Extent (acres)
1	No. of <i>Gram Panchayats</i> having forest interface	3,830	
2	No. of <i>Gram Sabhas</i> convened	3,799	
3	No. of FRCs constituted	3,725	
4	No. of individual claims received	3,22,955	9,49,518
5	No. of community claims received	6,903	10,12,844
	Total for Sl. No. (4&5)	3,29,858	19,62,362
	Action taken		
1	Titles distribution	1,63,108	14,08,654
2	Titles ready for distribution	10,688	46,740
3	Cases rejected	1,49,665	4,66,341
	Total cases cleared	3,23,461	19,21,735
	Action to be taken		
1	Cases pending with <i>Gram Sabhas</i> (Including Survey)	2,491	10,717
2	Cases pending with SDLC	3,678	29,650
3	Cases pending with DLC	228	260
	Total cases pending	6,397	40,627
	Under VSS 1,46,758 beneficiaries		

Sources: Andhra Pradesh State Status Report on Implementation of RoFR ACT 2009; Tribal Welfare Department Andhra Pradesh Hyderabad, till 30th April, 2010.

VI. Is it Pro-Poor? Prospects of FRA Implementation for Livelihood

Although it is too early to draw any definitive conclusion about the extent to which the FRA will reduce poverty, we can see that even despite a very problematic implementation, process rights to private cultivated and collective land are recognised, and for people living an extremely insecure marginal existence, these are very significant.

We can see from our study villages that most households are small and marginal farmers, for whom increasing land security is a significant positive impact. From our study, wealth-ranking exercises based on landholding status, we identified seven major occupational groupings:

- (1) large farmers (10 acres and above)
- (2) medium farmers (5 to 9.9 acres)
- (3) small farmers (2.5 to 5 acres)
- (4) marginal farmers (0.1 - 2.5 acres)
- (5) landless
- (6) agricultural labour
- (7) others (salaried)

Four occupational groups (small farmers, marginal farmers, landless and agricultural labourers) account for 77 percent of all households, with most households belonging to the class of either small or marginal farmers (37 percent and 27 percent respectively). The range of forest rights deprivations had severe negative impacts on forest people's food security and levels of well being. . Lack of tenure for cultivated land and settlement has been a primary problem, and additionally lack of formal rights to collect NTFPs and to graze cattle make livelihoods more precarious.

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

Common land and the resources are the primary source of survival for the poorest households in all the villages.

In all the villages, many individual and communal rights claims have been submitted. However, officials have not accepted all the claims; rather they rejected many claims on different grounds such as lack of sufficient evidence. If the claims are to be accepted properly under this Act, the poor definitely stand to benefit. in a range of ways, summarised here:

The basic benefit is the legal rights: household tenure over cultivated forest lands, and legal basis for collection of forest products and grazing.

Table 18: Number of Households in Different Wealth Groups in the Sample Villages

Study Village	Total HHs	Occupational Groups						
		Large Farmers	Medium Farmers	Small Farmers	Marginal Farmers	Landless	Agricultural Labour	Others (salaried)
AP1 Cheruvuguda	44 (100%)	4 (9)	10 (22)	26 (59)	04 (9)	0	0	0
AP2 Goppulapalem	95 (100%)	0 (0)	03 (3)	39 (39)	48 (48)	3 (3)	0	2 (2)
AP3 Pamuleru	47 (100%)	2 (4)	3 (6)	12 (25)	24 (51)	03 (6)	0	3 (6)
AP4 Panasanapalem	167 (100%)	5 (3)	32 (19)	50 (29)	26 (15)	26 (15)	11 (6)	17 (10)
AP5 Koruturu	97 (100%)	2 (2)	13 (13)	26 (26)	29 (29)	11 (11)	5 (5)	11 (11)
AP6 Nagaluty	86 (100%)	4 (4)	1 (1)	45 (52)	13 (15)	19 (22)	02 (2)	02 (2)
Total	536 (100%)	17 (3.17)	62 (11.57)	198 (36.94)	144 (26.87)	62 (11.57)	18 (3.36)	35 (6.53)

(Percentages for each village are in brackets)

These rights lay the basis for a change in the social status of the hitherto marginalised households. They would expect to be free from the regular harassment from the FD field staff which they have been experiencing. Furthermore they anticipate increased livelihood security and consequent dignity and social status. Rights would also help to resolve land disputes among the members of the communities.

Furthermore legal rights are likely to allow access to credit on the basis of land titles if the government makes a special provision for accepting inalienable titles as collateral. It may also be expected that right holders can better access a range of government development programmes and normal service provision such as agriculture extension, land improvement schemes. Other developmental agencies will be prompted in the forest areas which will have far reaching effect on the development of forest dependent communities, particularly programmes like NREGA and micro-credit schemes.

It is too early to say what the actual livelihood impacts are in the study villages, beyond certainly that in the three villages where individual rights are approved the livelihood security has dramatically increased. More conclusive insights must await revisit.

Table 19: Likely Livelihood Impacts of FRA Implementation in the Study Villages

Study Villages	Existing Access to Resources				Likely Access to Benefits				
	Agriculture	<i>Podul</i> Forest Land ¹	NTFP ²	CPR	Individual Title & Community Rights	Access to Institutional Credit and other Developmental Programmes Including NREGS	Access to other Developmental Avenues		
							Coffee and Pepper Development	Rubber Plantations	Land Development and Horticulture
AP1 Cheruvuguda	v	X	v	v	v	v	X	X	v
AP2 Goppulapalem	v	X	v	v	v	v	v	X	X
AP3 Pamuleru	v	X	v	v	v	v	X	v	X
AP4 Panasanapalem	v	X	v	v	v	v	X	v	X
AP5 Koruturu	v	X	v	v	v	v	X	X	v
AP6 Nagaluty	v	X	v	v	v	v	X	X	X

¹ Cultivating *Podul* forest land without land title

² Accesses to NTFP through VSS

However in many cases officials have not accepted all the claims and they rejected many claims, sometimes on spurious grounds. The biggest limitation on improved livelihood security so far is the rejection of legitimate claims or providing titles for reduced areas than those claimed.

6.1. FOLLOW UP ACTION FOR LAND DEVELOPMENT

Further livelihood benefit may accrue from improving the productivity of the land resources, both private and collective, and the AP Government seems to be thinking along these lines in an initiative for 'land development' through plantations. It recently issued orders for development of lands under FRA extensively under NREGS in convergence with Rubber Board of India, Coffee Board of India and Banks as follows;

- 1) Coffee and Pepper development in Paderu- Rs. 350.00 crores.
- 2) Rubber Plantations in R.C.Varam-Rs. 162.00 crores.

- 3) Land development and horticulture in Adilabad-Rs. 160.00 crores; Rs. 128.00 crores for Bhadrachalam, Rs. 48.00 crores for Warangal, Rs. 28.00 crores for West Godavari.
- 4) By forest department for development of Vana Samrakshana Samithi (VSS) of tribals- Rs. 167.36 crores.

The total land development budget is being implemented at an estimated cost of Rs.1043.36 crores (US\$230m) in lands given under FRA.

It is paradoxical that the state is seeking to control the use of lands for which it has transferred rights to local people. Many community groups are expressing concern that such an initiative may not increase household livelihood options, but rather force them to adopt plantations through again compromising their new rights and livelihood/food security. The contest between the state and forest peoples for control of forest landscapes seems destined to continue, albeit in changing forms.

VII. Conclusions and Policy Recommendations

The FRA, 2006, promises to be a pro-poor institutional reform, and indeed, many poor have already benefited from its implementation. However, the process has been severely anti-poor, and so the pro-poor benefits have been restricted in many ways.

Most forest dwelling families have been regarded as 'encroachers' on forest land. The FRA aimed at providing poor people rights to forest land already occupied by them and access to forest produce for livelihood purposes. The act is a major breakthrough for enabling legislation, despite debate over the details; but its success, whether it will actually lead to meaningful pro-poor institutional reform at the local level, depends on whether it is successfully implemented. Unless the rights are recognized and actually recorded in forest records, they will remain temporary.

Definitely, implementation of the FRA will impact the poor in terms of livelihood security. With the implementation of this act, the forest-dependent people get freedom from regular harassment from the FD. This act will ensure the entitlements over cultivating forest lands. The act also facilitates legal collection of forest products. Legal rights allow access to credit on the basis of *patta*. The land entitlement will also help to resolve land disputes among the members of the communities. It will also provide dignity and security to the landholders in the society. The FRA helps make the poor people eligible for normal service provision such as agriculture extension, and land improvement schemes.

There are several operational issues including receiving of claims through concerned panchayats with the support of the social mobilisers appointed in every village under the

existing World Bank sponsored Indira Kanthi Patham, rather than by the Forest Rights Committees appointed under the FRA by the Gram Sabha. The Government was focusing entirely on individual claims rather than community claims. Many claims were illegally rejected by forest officials during the survey at the initial stage even prior to placing of them before Gram Sabhas for resolution. The act requires hamlet-level Gram Sabhas in Scheduled Areas and revenue village Gram Sabhas elsewhere. However, the Government is considering Gram Panchayat which includes multiple revenue villages and multiple hamlets as a unit for implementation of the FRA. There has been very poor FRC formation and awareness raising. No survey had been done in revenue forest areas stating that the forest areas are revenue forests and not covered by FRA. Revenue lands, which many forest people cultivate without tenure are not eligible for rights redress under the FRA. The Revenue Department should conduct complimentary rights distribution in these areas.

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

There has been a lack of concerted coordination in the implementation of the FRA, that the pro-poor outcome envisaged by the Act may not be widely achieved. This would be due to a lack of co-ordination and transparency at various levels, the continued dominant role of Revenue and Forest Departments which have inhibited democratic FRA implementation. People's institutions like Gram Sabhas and FRCs are reduced to secondary position and because of this People's genuine claims have not been sufficiently heard. Although this act has good potential as a pro-poor measure, effective and transparent implementation is the key. Certainly as an institutional reform, FRA is a laudable achievement, to undo the historical injustice done to the forest-dwelling communities. The spirit with which FRA is brought will be lost if genuine implementation, taking cognisance of the reality, does not take place. It is here the civil society, political parties, academia need to put pressure on policy makers and the concerned ruling governments.

Definitely, implementation of the FRA will impact the forest-dependent people in terms of livelihood security. Transparent and honest implementation, giving scope for few errors and mistakes is the need of the day.

Policy Recommendations:

Although this Act has good potential as a pro-poor measure, effective and transparent implementation is key. As an institutional reform FRA is certainly a laudable achievement, to undo the historical injustice done to the Forest dwelling communities. But the spirit with which FRA is brought will be lost if genuine implementation, taking cognisance of the reality, does not take place. It is here, civil society, political parties, academia need to put pressure on policy makers and the concerned ruling governments.

Definitely, implementation of the FRA will impact the forest dependent people in terms of livelihood security. The transparent and honest implementation giving scope for few errors and mistakes is the need of the day. Lack of commitment to FRA by the GoAP at the state level is obstructing citizens in forest areas for accessing their rights in a number of ways:

- Excessively rapid ‘road maps’ and emphasis on ‘cut-off’ dates
- Focus on private rights
- Promotion of APFD ‘VSS’ *ad hoc* groups to annex community rights over actual community

The Prime Minister has already stated that states are not implementing effectively, and must do so. The GoAP is falling behind much better performing states like Orissa, where the state administration has shown more commitment. An immediate change in the State Government’s approach is needed:

1. Process-oriented, non-time bound implementation approach
2. Involvement of NGOs and civil society groups, (and not just tame compliant ones) in managing the process
3. Desistence of APFD from seeking to subvert and annex community rights through VSS *ad hoc* and administrative groups
4. Follow up all the rejection cases from implementation to submission level
5. Create adequate awareness about the claim process - rejected claimants need to be given chance to file the claims again. The whole process needs to be transparent
6. The key agencies such as (ITDA, IKP, MRO, MDO, MPDO, FD and FRC) who are involved in implementation process must strengthen their knowledge about the act and GPS survey.

7. Land survey needs to be done in the presence of FRC members and FD's role should be least
8. Boundaries of Forest and Revenue Departments must be clearly demarcated. Because of the disputes between the two departments, claimants are not able claim the land under FRA
9. Claims verification must be shared with FRCs. Claims record should be maintained at all the levels (primary to tertiary). Resolution of the claims must be stage-wise (i.e., GS, SDLC, DLC, and SLC)
10. Implementing agencies must list out community rights in all the villages and create awareness about claiming the community rights.
11. Regarding FRA, awareness must be created among PTGs and other traditional forest dwellers because not many claims are submitted by such people
12. Need for vertical and horizontal coordination between various departments involved in FRA implementation
13. Community and individual rights need to be conferred in Wildlife Sanctuaries, national parks and tiger reserves as required by the Act.
14. Government need to maintained breakup data (i.e. for Scheduled tribe and other traditional forest dwellers) for the titles deed
15. There should be a citizen-centric approach required in recognising rights, rather than forest department control oriented.
16. Free and open consent required in all the land development activities.
17. Local perception and indigenous knowledge of the people regarding land should be considered in all the land development activities.
18. Tribal welfare machinery is to be set up to represent the forest related issues of tribals before the adjudicating forums.

References

- Andhra Pradesh Forest Department (2002) *Andhra Pradesh Community Forestry Management: Project Implementation Plan* available at <http://www.ap.nic.in/apforest/>
- Andhra Pradesh State Status Report on Implementation of RoFR ACT (2009) www.aptribes.gov.in/RoFR31032009.pdf
- AP NGOs Committee on JFM (1998) *Joint Forest Management in Andhra Pradesh, Final Report*. AP NGOs Committee on JFM.
- Balagopal, K., 2007. Land Unrest in Andhra Pradesh-III Illegal Acquisition in Tribal Areas. EPW, 4029.
- Burman, J.J. Roy (1990) "A Need for Reappraisal of Minor Forest Produce Policies." *The Indian Journal of Social Work*. 51 (4), 649-658.
- Borgoyary, Mamta (2002) Impact of JFM on Encroachment of Forestland –Case Study of Five Selected VSS/FPC in Visakhapatnam, Andhra Pradesh', Resource Unit for Participatory Forestry (RUPFOR) Winrock International India, September, New Delhi.
- Bose, Indranil 2010, How did the Indian Forest Rights Act, 2006, emerge? <http://www.ippg.org.uk/publications.html>, www.ippg.org.uk
- Census of India (2001) *Provisional Population Totals: Paper 1 of 2001*. Andhra Pradesh, Director of Census Operations.
- Chandrasekhar, C.P. and Jayati Ghosh (2004), *The Continuing Possibilities of Land Reform* (Macroscan).
- Cleghorn, H. (1964) *Forests and Gardens of South India*, H. Allen, London.
- Economic Survey: (2002-03) details
- Centre for People's Forestry (2001) Report on Stakeholder Consultations on Community Forest Management, September
- Centre for Science and Environment (CSE 2008) Rich Lands Poor People: is Sustainable Mining Possible. State of India's Environment: A Citizens' Report (6). New Delhi.

- Fernandes, W., N.G. D'Souza, A. Roy Choudhury and M. Asif (2001) *Development-induced Displacement, Deprivation and Rehabilitation in Andhra Pradesh 1951–1995: A Quantitative and Qualitative Study of Its Extent and Nature*. New Delhi: Indian Social Institute and Guwahati: North-eastern Social Research Centre.
- Forest Survey of India (FSI 2009) India State of Forest Report (FSI: Dehra Dun) www.fsi.nic.in/sfr_2009.htm
- Forest Department, Government of Andhra Pradesh (2006) AP Community Forest Management Project. Project Implementation Plan, Volume I
- GoAP (1976) *Andhra Pradesh District Gazetteers – Mahbubnagar*. Rajagopal M.V. Ed.
- GoAP (2000) *Joint Forest Management: Forest Conservation with People's Participation - A Saga of Success towards Swarna Andhra Pradesh*. Hyderabad, Andhra Pradesh.
- Government of Madras (1871) Board of Revenue Proceedings, June.
- Godoy, Ricardo, Nicholas Brokaw, and David Wilkie (1995) The effect of income on the extraction of non-timber tropical forest products: model, hypotheses, and preliminary findings from the Sumu Indians of Nicaragua. *Human Ecology* 23(1): 29-52.
- Gogia, S. P (2002) *Andhra Pradesh Forest Laws*, Asia Law House, Hyderabad, Government of India,
- Ministry of Tribal Affairs www.forestrights.gov.in
- Guha, R. (2001) 'The prehistory of community forestry in India', *Environmental History*, Vol. 6, pp. 213-238.
- Gujja, Biksham, Ramkrishna Sangem, Vinod Goud (ed.s) (2006) *Perspectives on Polavaram, A major irrigation project on Godavari* (Academic Press: Delhi)
- Harriss, John (2006), Notes on a Historical Institutional Approach to the IPG Agenda IPPG Discussion Paper Series, Number One, April, www.ippg.org.uk
- Haimendorf, Christoph Von Furer (1985) *Tribes of India - The Struggle for Survival*. Delhi, Oxford University Press.
- Hegde, R., S. Suryaprakash, L. Achoth, and K. S. Bawa (1996) Extraction of non-timber forest products in the forests of Biligiri Rangan Hills, India: contribution to rural income. *Economic Botany* 50(3): 243-251.

Hyderabad, District Gazetteers Department. www.mahabubnagar.tripod.com

Human Development Report 2007 Andhra Pradesh (2008) Prepared for Government of Andhra Pradesh by Centre for Economic and Social Studies, Hyderabad.

Jodha, N.S. (1992) Common property resources. a missing dimension of development strategies. World Bank Discussion Papers 169. Washington, D.C.

Land committee report (2006) Submitted to Government of Andhra Pradesh under the chairmanship of Sri Koneru Ranga Rao, Hon'ble Minister for Municipal Administration & Urban Development

Laxman Rao. S, Priya Deshingkar, John Farrington (2006) Tribal Land Alienation in Andhra Pradesh Processes, Impacts and Policy Concerns. EPW, Vol XLI, No (52), December 30, 2006

Mukherjee, S D (2004) Boddugunda VSS: Case Study 10' in Mukherjee, S D et al (Ed) From Policy to Practice: A Study on Joint Forest Management in Andhra Pradesh (Telangana Region). Swiss Agency for Development and Cooperation (SDC) Inter Cooperation (IC) ISNRMPA, Andhra Pradesh, April, Hyderabad

Murali and Rao (1992) 'Tribal Agricultural Labour: An Enquiry into the Depeasantisation Process' in Buddhadeb Chaudhuri (ed) Tribal Transformation in India, Vol 1, Inter-India Publications, Delhi.

Panchayati Raj and Natural Resources Management (PRNRM 2002) AP Situation Analysis & Literature Review: HOW TO DECENTRALISE MANAGEMENT OVER NATURAL RESOURCES, Development Institute (London), Social and Economic Research Associates (London), TARU Leading Edge (New Delhi and Hyderabad), Centre for Budget and Policy Studies (Bangalore), Centre for World Solidarity (Hyderabad) and Sanket (Bhopal), and supported by Ford Foundation, New Delhi.

planningcommission.gov.in/reports/peoreport/cmpdmpeo/.../168.pdf

Ramamani, V. S. (1988) Tribal economy: Problems and prospects. Chugh Publications. Allahabad, India.

Raman Rao A.V., (1958) Economic Development of Andhra Pradesh: 1766-1957 popular Prakasan, Bombay.

Ramaswamy. K., Saghir Ahmad. S., G.B. Pattanaik JJ) Samatha Vs State of Andhra Pradesh JUDGMENT 11.07.1997)

- Rangachari C.S. & Mukherji S.D. (2000) *A Study of Joint Forest Management in Andhra Pradesh, India - Old Roots New Shoots*. WinrockInternational-Ford Foundation Series.
- Rao, Raghunath (1992) *Adhunika Andhra Desa Chititra*, (Telugu), Prajasakti, Hyderabad.
- Reddy, V. Ratna, M. Gopinath Reddy, Velayutham Saravanan, Madhusudana Bandi, Oliver Springate-Baginski (2004) *Participatory Forest Management in Andhra Pradesh: A Review*, Begumpet, Hyderabad.
- Reddy, M.P.R. (1979) *Peasant and State in Modern Andhra History*, Cilo Books, Kavali.
- Reddy, Ratna V et al (2004) *Participatory Forest Management in Andhra Pradesh: A Review of Policies and Implementation*, Working Paper No 4, Center for Economic and Social Studies (Hyderabad) and Overseas Development Group (UK).
- Reddy, M. Gopinath and Madhusudan Bandi (2004) *Participatory Governance and Institutional Innovation: A Case of Andhra Pradesh Forestry Project (JFM)? Presented at the Tenth Conference of the International Association for the Study of Common Property*, Oaxaca, Mexico, August 9-13, 2004.
- Reddy, Ratna V et al (2008) *Governance Issues and Livelihood Impact of Community Forest Management: A Case Study of Selected Districts in Andhra Pradesh*, Centre for Economic and Social Studies, Begumpet Hyderabad.
- Reddy, M. Gopinath, K Anil Kumar, P Trinadha Rao and Oliver Springate-Baginski (2010) *The Making of Andhra's Forest Underclass: An Historical Institutional Analysis of Forest Rights Deprivations*, IPPG Discussion Paper Series, Number Forty Two, June (2010) IPPG Programme Office, IDPM, School of Environment & Development, University of Manchester, Arthur Lewis Building, 2.023, Oxford Road.
- Reddy, Redappa. V, G. Sreedhar, K. Bhaskar, C Sudhakar, K. Govindappa and M. Muninarayanappa (2000) "Impact Assessment Study of Joint Forest Management in Anantapur District", The Department of Rural Development and Social Work, Sri Krishnadevaraya University Anantapur
- Roy, Apia (2001) *Joint Forest Management-Vital issues'*, Kurukshetra August
- Samata, Hyderabad *PROBLEMS RELATED TO TRIBAL PEOPLE IN ANDHRA PRADESH: A Report to the Scheduled Areas and the Scheduled Tribes Commission*
www.samataindia.org/documents/triballandproblems.PDF

- Samatha (2005) Andhra Pradesh Community Forest Management Project: A Preliminary Independent Evaluation of a World Bank Forestry Project, Hyderabad
- Sarin, Madhu (2003) Real Forests versus Forests on Paper? Challenges facing forest Conservation
- Sastri, KAN (1956) History of South India, OUP.
- State of the Forest Report (2003) Forest Survey of India, Ministry of Environment and Forests, Government of India. Dehradun. http://www.fsi.nic.in/sfr_2003.htm
- Subramanyam, V. (2003) Ecology, Technology and Resources Management among the Tribes of Eastern Ghats: An Anthropological Study.
- Sunder, Nandini and Roger Jeffery (1999) Introduction in Roger Jeffery and Nandini Sunder (Eds.) 'A New Moral Economy for India's Forests? - Discourses of Community and Participation, Sage Publications, New Delhi.
- Suryakumari, D (2001) Involvement of Women in Joint Forest Management (JFM) in Andhra Pradesh State-Grass Roots Concern', in Energia News Vol.4, Issue 2 July, 3830 Ableusden, Netherland
- Suryakumari, D, K. Bhavana Rao and C. Vasu (2008) Establishing linkages with other players towards sustainable livelihoods in community forestry initiatives – The CPF experience
- Tewari, D.N. (1989) *Dependence of Tribals on Forests*. Ahmedabad, Gujarat Vidyapith.
- Thaha, A. 2000 Forest Policy and Ecological Change in Nizam's State 1867-1948, Unpublished thesis submitted to University of Hyderabad.
- Thomas-Slayter, Barbara and Dianne Rocheleau. (1995) Gender environment and Development in Kenya a. a grassroots perspective. Lynne Rienner Publishers. London.
- Tribal Cultural Research and Training Institute (TCR&TI) (2008) Basic Statistics on Scheduled Tribes of Andhra Pradesh, Published by (TCR&TI) Tribal Welfare Department, Government of Andhra Pradesh, Hyderabad.
- Tribal Cultural Research and Training Institute/Tribal Welfare Department Andhra Pradesh Hyderabad (2010) Implementation of the Scheduled Tribe and Other Traditional Forest Dwellers (RoFR) ACT, 2006 in Andhra Pradesh State Status Report, Tribal Welfare Department, Andhra Pradesh, Hyderabad.

- Trinadha Rao, P. (2007) Persisting alienation of tribal lands in (Ed) report Rekindling Hope Access, Retention and Development of LAND: A Dalit Perspective Andhra Pradesh Social Watch Report 2007 by Fr. Thomas Pallithanam, Published by: Dalit Bahujan Shramik Union, Andhra Pradesh Social Watch, Hyderabad.
- Trinadha Rao, P. (1996) Policy in Wilderness-a glimpse in to tribal life and governance in agency areas”Displaced Tribals ‘Plight page 47, CARPED Publication, Hyderabad.
- Tribal Welfare Department (TWD 2007) Recommendations of State Level Tripartite Committee Meeting - Constitution of District Level, Municipal Level & Mandal Level TSP Monitoring Committees - ORDERS-ISSUED. www.aptribes.gov.in
- Yojana (2008) Forest Rights: Salient Features of the Act, Fact File (September Issue)

Appendix - 1

Progress report on implementation of RoFR Act, 2006 as on 31.05.2010

Sl. No.	Activity	No	Extent in acres
1	No. of Gram Panchayats having forest interface	3830	
2	No. of Gram Sabhas convened	3799	
3	No. of FRCs constituted	3744	
4	Individual Claims received	322955	949518
5	Community Claims received	6903	1012844
	Total claims received:	329858	1962362
	Action taken		
1	Titles Distributed	165108	1412404
2	Titles ready for distribution	8688	42990
3	Cases Rejected	149665	466341
	Total cases cleared:	323461	1921735
	Action to be taken		
1	Cases pending with Gram Sabhas (including Survey)	2491	10717
2	Cases pending with SDLC	3678	29650
3	Cases pending with DLC	228	260
	Total Pendency:	6397	40627

Appendix - 2
I. STATUS REPORT ON IMPLEMENTATION OF RoFR ACT
(BASIC INFORMATION)

Sl. No.	Name of the District.	Status of convening Gramsabhas in Forest interface Grampanchayats			Individual claims		Community claims (including VSS)		Total Claims	
		No. of Gram Panchayats having forest interface	No. of Gram Sabhas convened	No. of FRCs constituted	No. received	Extent in Acs.	No. received	Extent in Acs.	Total No. of Claims	Total Extent in Acres
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	Srikakulam	131	131	131	18105	32308	405	17349	18510	49657
2	Vizianagaram	150	150	150	15062	43008	477	53112	15539	96120
3	Visakhapatnam	367	367	367	51919	99534	1145	119631	53064	219165
4	East Godavari	132	132	132	14059	35489	820	210257	14879	245746
5	West Godavari	116	116	116	5474	12001	305	51689	5779	63690
6	Khammam	368	368	368	67790	289914	680	102581	68470	392495
7	Warangal	155	155	155	32775	84617	1222	119874	33997	204491
8	Adilabad	499	499	499	55663	221624	1431	274795	57094	496419
9	Mahabubnagar	37	37	37	1280	4796	1	2	1281	4798
10	Kurnool	31	31	31	2351	8753	22	15335	2373	24088
11	Krishna	75	75	75	4099	8129	0	0	4099	8129
12	Guntur	131	131	131	14275	20990	25	2010	14300	23000
13	Prakasham	28	24	24	4479	15454	75	75	4554	15529
14	Nellore	328	328	328	332	563	0	0	332	563
15	Chittoor	343	321	266	793	465	42	27832	835	28297
16	Kadapa	5	5	5	154	394	0	0	154	394
17	Ananthapur	25	25	25	2775	6733	1	20	2776	6753
18	Nalgonda	111	111	111	9440	19977	0	0	9440	19977
19	Medak	182	182	182	3369	4718	52	14719	3421	19437
20	Karimnagar	332	332	332	5016	11105	0	0	5016	11105
21	Nizamabad	215	212	212	11442	24002	12	3397	11454	27399
22	Ranga Reddy	69	67	67	2303	4944	188	166	2491	5110
	Total :	3830	3799	3744	322955	949518	6903	1012844	329858	1962362

Appendix - 3
II. STATUS REPORT ON IMPLEMENTATION OF RoFRACT - (SURVEY)

Sl. No.	Name of the District.	No. of Survey teams constituted	No. of Hand held GPs provided	Individual claims No.	Extent in Acs.	community claims No.	Extent in Acs.	Total No. of claims	Total Extent	Individual claims No.	Extent in Acs.	community claims No.	Extent in Acs.	Total No. of claims	Total Extent	Total No. of claims	Extent in Acs.	Total Extent	% of survey completed
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(7(a))	(7(b))	(8)	(9)	(10)	(11)	(11(a))	(11(b))	(12)			
1	Srikakulam	28	28	18105	32308	405	17349	18510	49657	0	0	0	0	0	0	0	0	0	100
2	Vizianagaram	44	45	15062	43008	477	53112	15539	96120	0	0	0	0	0	0	0	0	0	100
3	Visakhapatnam	38	15	51919	99534	1145	119631	53064	219165	0	0	0	0	0	0	0	0	0	100
4	East Godavari	57	53	14059	35489	820	210257	14879	245746	0	0	0	0	0	0	0	0	0	100
5	West Godavari	20	20	5457	11935	305	51689	5762	63624	17	66	0	0	17	66	98	0	0	100
6	Khammam	159	110	67790	289914	680	102581	68470	392495	0	0	0	0	0	0	0	0	0	100
7	Warangal	59	86	32775	84617	1222	119874	33997	204491	0	0	0	0	0	0	0	0	0	100
8	Adilabad	100	100	55663	221624	1431	274795	57094	496419	0	0	0	0	0	0	0	0	0	100
9	Mahabubnagar	2	5	1280	4796	1	2	1281	4798	0	0	0	0	0	0	0	0	0	100
10	Kurnool	1	3	2351	8753	22	15335	2373	24088	0	0	0	0	0	0	0	0	0	100
11	Krishna	3	3	4099	8129	0	0	4099	8129	0	0	0	0	0	0	0	0	0	100
12	Gunur	20	20	14275	20990	25	2010	14300	23000	0	0	0	0	0	0	0	0	0	100
13	Prakasham	6	7	4479	15454	75	75	4554	15529	0	0	0	0	0	0	0	0	0	100
14	Nellore	3	2	332	563	0	0	332	563	0	0	0	0	0	0	0	0	0	100
15	Chittoor	4	4	793	465	42	27832	835	28297	0	0	0	0	0	0	0	0	0	100
16	Kadapa	0	0	154	394	0	0	154	394	0	0	0	0	0	0	0	0	0	100
17	Ananthapur	8	0	2664	6246	1	20	2665	6266	111	487	0	0	111	487	96	0	0	100
18	Nalgonda	20	2	9440	19977	0	0	9440	19977	0	0	0	0	0	0	0	0	0	100
19	Medak	18	8	3369	4718	52	14719	3421	19437	0	0	0	0	0	0	0	0	0	100
20	Karimnagar	5	5	5016	11105	0	0	5016	11105	0	0	0	0	0	0	0	0	0	100
21	Nizamabad	55	29	11442	24002	12	3397	11454	27399	0	0	0	0	0	0	0	0	0	100
22	Ranga Reddy	3	3	2303	4944	188	166	2491	5110	0	0	0	0	0	0	0	0	0	100
	Total :	653	548	322827	948965	6903	1012844	329730	1961809	128	553	0	0	128	553	99	0	553	99

Appendix - 4
III. STATUS REPORT ON IMPLEMENTATION OF RoFR ACT (RECEIPT OF CLAIMS AT SDLC LEVEL)

Sl. No.	Name of the District.	No. of claims recommended for acceptance by Gram Sabha to SDLC					No. of claims recommended for rejection by Gram Sabha to SDLC						
		Individual claims No.	Extent in Acs.	community claims No.	Extent in Acs.	Total No. of claims	Total Extent	Individual claims No.	Extent in Acs.	community claims No.	Extent in Acs.	Total No. of claims	Extent
	(1)	(2)	(3)	(4)	(5)	(5 (a))	(5 (b))	(6)	(7)	(8)	(9)	(9 (a))	(9 (b))
1	Srikakulam	18105	32308	405	17349	18510	49657	0	0	0	0	0	0
2	Vizianagaram	13800	37529	222	50609	14022	88138	1262	5478	255	2504	1517	7982
3	Visakhapatnam	51919	99534	1145	119631	53064	219165	0	0	0	0	0	0
4	East Godavari	7490	28837	369	210008	7859	238845	6569	6652	451	249	7020	6901
5	West Godavari	5440	11869	305	51689	5745	63558	17	66	0	0	17	66
6	Khammam	33974	118607	210	96795	34184	215402	33816	171307	470	5786	34286	177093
7	Warangal	15523	42477	134	118122	15657	160599	17252	42140	1088	1752	18340	43892
8	Adilabad	36206	131824	408	270233	36614	402057	18159	84262	0	0	18159	84262
9	Mahabubnagar	932	2216	1	2	933	2218	348	2580	0	0	348	2580
10	Kurnool	774	2229	22	15335	796	17564	1577	6524	0	0	1577	6524
11	Krishna	869	1480	0	0	869	1480	3230	6649	0	0	3230	6649
12	Guntur	14275	20990	25	2010	14300	23000	0	0	0	0	0	0
13	Prakasham	3263	8402	57	55	3320	8457	1216	7052	18	20	1234	7072
14	Nellore	332	563	0	0	332	563	0	0	0	0	0	0
15	Chittoor	793	465	42	27832	835	28297	0	0	0	0	0	0
16	Kadapa	74	141	0	0	74	141	80	253	0	0	80	253
17	Ananthapur	2664	6246	1	20	2665	6266	0	0	0	0	0	0
18	Nalgonda	4617	10063	0	0	4617	10063	4823	9914	0	0	4823	9914
19	Medak	2269	1963	51	14660	2320	16623	1058	2747	1	3	1059	2750
20	Karimnagar	1746	2943	0	0	1746	2943	3270	8162	0	0	3270	8162
21	Nizamabad	9513	18455	12	3397	9525	21852	1929	5547	0	0	1929	5547
22	Ranga Reddy	1194	2321	124	83	1318	2404	1109	2623	64	83	1173	2706
	Total :	225772	581462	3533	997830	229305	1579292	95715	361956	2347	10397	98062	372353

Appendix - 5
IV. STATUS REPORT ON IMPLEMENTATION OF RoFR ACT (RECEIPT OF CLAIMS AT DLC LEVEL)

Sl. No.	Name of the District.	No. of claims recommended for acceptance by Gram Sabha to SDLC					No. of claims recommended for rejection by Gram Sabha to SDLC						
		Individual claims No.	Extent in Acs.	community claims No.	Extent in Acs.	Total No. of claims	Total Extent	Individual claims No.	Extent in Acs.	community claims No.	Extent in Acs.	Total No. of claims	Total Extent
	(1)	(2)	(3)	(4)	(5)	(5 (a))	(5 (b))	(6)	(7)	(8)	(9)	(9 (a))	(9 (b))
1	Srikakulam	14565	29073	274	17179	14839	46252	3540	3235	131	170	3671	3405
2	Vizianagaram	12948	36124	112	28468	13060	64592	333	754	0	0	333	754
3	Visakhapatnam	41775	79721	1124	119449	42899	199170	10144	19813	21	182	10165	19995
4	East Godavari	7490	28837	369	210008	7859	238845	0	0	0	0	0	0
5	West Godavari	1189	2645	130	51689	1319	54334	4251	9224	175	0	4426	9224
6	Khammam	31961	114082	144	96304	32105	210386	0	0	0	0	0	0
7	Warangal	14016	40069	134	118122	14150	158191	1507	2408	0	0	1507	2408
8	Adilabad	36206	131824	408	270233	36614	402057	0	0	0	0	0	0
9	Mahabubnagar	932	2216	1	2	933	2218	0	0	0	0	0	0
10	Kurnool	774	2229	22	15335	796	17564	0	0	0	0	0	0
11	Krishna	869	1480	0	0	869	1480	0	0	0	0	0	0
12	Guntur	2202	4300	0	0	2202	4300	0	0	0	0	0	0
13	Prakasham	3263	8402	57	55	3320	8457	11103	14848	25	2010	11128	16858
14	Nellore	332	563	0	0	332	563	0	0	0	0	0	0
15	Chittoor	793	465	42	27832	835	28297	0	0	0	0	0	0
16	Kadapa	67	122	0	0	67	122	7	19	0	0	7	19
17	Ananthapur	513	447	1	20	514	467	2151	5799	0	0	2151	5799
18	Nalgonda	4617	10063	0	0	4617	10063	0	0	0	0	0	0
19	Medak	2269	1963	51	14660	2320	16623	0	0	0	0	0	0
20	Karimnagar	1746	2943	0	0	1746	2943	0	0	0	0	0	0
21	Nizamabad	9513	18455	12	3397	9525	21852	0	0	0	0	0	0
22	Ranga Reddy	1194	2321	124	83	1318	2404	0	0	0	0	0	0
	Total:	189234	518344	3005	972836	192239	1491180	33036	56100	352	2362	33388	58462

Appendix - 6
V. STATUS REPORT ON IMPLEMENTATION OF RoFR ACT
(APPROVAL AND ISSUE OF CERTIFICATE OF TITLES BY DLC)

Sl. No.	Name of the District	No. of claims approved by DLC for grant of title for forest rights					No. of claims rejected by DLC					Certificate of titles issued							
		Individual claims No.	Extent in Acs.	community claims No.	Extent in Acs.	Total No. of claims	Total extent	Individual claims No.	Extent in Acs.	community claims No.	Extent in Acs.	Total No. of claims	Total Extent	Individual titles No.	Extent in Acs.	community titles No.	Extent in Acs.	Total No. of claims	Total Extent
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
1	Srikakulam	14565	29073	274	17179	14839	46252	0	0	0	0	0	0	14565	29073	274	17179	14839	46252
2	Vizianagaram	12717	35422	112	28468	12829	63890	0	0	231	702	0	0	12508	34920	98	24004	12606	58924
3	Visakhapatnam	31749	60833	1124	119449	32873	180282	10026	18888	0	0	0	0	28434	49084	347	115229	28781	164313
4	East Godavari	7490	28837	369	210008	7859	238845	0	0	0	0	0	0	7490	28837	369	210008	7859	238845
5	West Godavari	1189	2645	130	51689	1319	54334	0	0	0	0	0	0	1189	2645	130	51689	1319	54334
6	Khammam	31961	114082	144	96304	32105	210386	0	0	0	0	0	0	31961	114082	144	96304	32105	210386
7	Warangal	14016	40069	134	118122	14150	158191	0	0	0	0	0	0	14016	40069	134	118122	14150	158191
8	Adilabad	36206	131824	408	270233	36614	402057	0	0	0	0	0	0	34977	126424	408	270233	35385	396657
9	Mahabubnagar	932	2216	1	2	933	2218	0	0	0	0	0	0	932	2216	1	2	933	2218
10	Kurnoor	774	2229	22	15335	796	17564	0	0	0	0	0	0	774	2229	22	15335	796	17564
11	Krishna	869	1480	0	869	1480	1480	0	0	0	0	0	0	842	1447	0	0	842	1447
12	Guntur	2202	4300	0	2202	4300	4300	0	0	0	0	0	0	2202	4300	0	0	2202	4300
13	Prakasham	3263	8402	57	55	3320	8457	0	0	0	0	0	0	1742	7660	2	3	1744	7663
14	Nellore	127	108	0	127	108	108	11	218	0	11	218	0	1742	7660	2	3	1744	7663
15	Chittoor	111	152	42	27832	153	27984	682	313	0	682	313	90	127	108	0	127	108	
16	Kadapa	67	122	0	67	122	122	0	0	0	0	0	0	67	122	0	0	67	122
17	Ananthapur	513	447	1	20	514	467	0	0	0	0	0	0	96	207	1	20	97	227
18	Nalgonda	4510	9637	0	4510	9637	9637	107	426	0	107	426	0	4510	9637	0	0	4510	9637
19	Medak	2269	1963	51	14660	2320	16623	0	0	0	0	0	0	1264	1133	13	24	1277	1157
20	Karimnagar	1746	2943	0	1746	2943	2943	0	0	0	0	0	0	1686	2849	0	0	1686	2849
21	Nizamabad	2934	5343	7	2750	2941	8093	6579	13112	5	647	6584	13759	2934	5343	7	2750	2941	8093
22	Ranga Reddy	710	1161	0	710	1161	1161	450	1137	124	83	574	1220	710	1161	0	0	710	1161
	Total:	2E+05	483288	2876	972106	173796	1455394	18086	34796	129	730	18215	35526	163116	463670	1992	9E+05	165108	1412404

As on 31.05.2010
Total Claims approved by DLC= 173796

Appendix-7: ROFR PENDENCY STATUS AS ON 31.05.2010

Sl. No.	Name of the District	Total Received		Rejected at GS, SDLC, DLC levels		Extent of land Pending at Various levels										Total extent of Pendency (column 7 to 16)	
		No.	Extent.	No.	Extent.	At Survey	At Grama Sabha	At SDLC	At DLC	To be distributed	Total extent of Pendency (column 7 to 16)						
						No.	Extent.	No.	Extent.	No.	Extent.	No.	Extent.	No.	Extent.	No.	Extent.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
1	Srikakulam	18510	49657	3671	3405	0	0	0	0	0	0	0	0	0	0	0	0
2	Vizianagaram	15539	96120	2081	9438	0	0	0	0	629	22792	0	0	223	4966	852	27758
3	Visakhapatnam	53064	219165	20191	38883	0	0	0	0	0	0	0	0	4092	15969	4092	15969
4	East Godavari	14879	245746	7020	6901	0	0	0	0	0	0	0	0	0	0	0	0
5	West Godavari	5779	63690	4443	9290	17	66	0	0	0	0	0	0	0	0	17	66
6	Khammam	68470	392495	34286	177093	0	0	0	0	2079	5016	0	0	0	0	2079	5016
7	Warangal	33997	204491	19847	46300	0	0	0	0	0	0	0	0	0	0	0	0
8	Adilabad	57094	496419	18159	84262	0	0	2321	10100	0	0	0	0	1229	5400	3550	15500
9	Mahabubnagar	1281	4798	348	2580	0	0	0	0	0	0	0	0	0	0	0	0
10	Kurnool	2373	24088	1577	6524	0	0	0	0	0	0	0	0	0	0	0	0
11	Krishna	4099	8129	3230	6649	0	0	0	0	0	0	0	0	27	33	27	33
12	Guntur	14300	23000	11128	16858	0	0	0	0	970	1842	0	0	0	0	970	1842
13	Prakasham	4554	15529	1234	7072	0	0	0	0	0	0	0	0	1576	794	1576	794
14	Nellore	332	563	11	218	0	0	0	0	0	0	194	237	0	0	194	237
15	Chittoor	835	28297	682	313	0	0	0	0	0	0	0	0	21	28	21	28
16	Kadapa	154	394	87	272	0	0	0	0	0	0	0	0	0	0	0	0
17	Ananthapur	2776	6753	2151	5799	111	487	0	0	0	0	0	0	417	240	528	727
18	Nalgonda	9440	19977	4930	10340	0	0	0	0	0	0	0	0	0	0	0	0
19	Medak	3421	19437	1059	2750	0	0	42	64	0	0	0	0	1043	15466	1085	15530
20	Karimnagar	5016	11105	3270	8162	0	0	0	0	0	0	0	0	60	94	60	94
21	Nizamabad	11454	27399	8513	19306	0	0	0	0	0	0	0	0	0	0	0	0
22	Ranga Reddy	2491	5110	1747	3926	0	0	0	0	0	0	34	23	0	0	34	23
	TOTAL:	329858	1962362	149665	466341	128	553	2363	10164	3678	29650	228	260	8688	42990	15085	83617