

**Implementation of Schedule Tribes and Other Traditional Forest Dwellers  
(Recognition of Forest Rights) Act in Andhra Pradesh: A Situational  
Analysis**

Sponsored by

Tribal Cultural Research and Training Institute

Department of Tribal Welfare, Government of Andhra Pradesh

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Authors

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## **Executive Summary**

The Scheduled Tribes and Other traditional Forest Dwellers (Recognition of Forest Rights) Act (FRA), 2006 has been the most progressive and path-breaking legislation in the history of forest governance in India. The types of rights recognized by FRA include individual rights over land, communal rights over forest and forest produce, habitat rights of Particularly Vulnerable Tribal Groups (PVTGs) and seasonal rights of pastoralist and nomadic tribes. The implementation of The Forest Rights Act (FRA), 2006, has been started across the forested areas of India including the 'Protected areas'.

The present study tries to examine the Implementation of Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act in Andhra Pradesh. The Department of Tribal Welfare, Government of Andhra Pradesh and Tribal Cultural Research and Training Institute, (TCR&TI), Visakhapatnam has entrusted CESS to conduct the present study.

The specific objectives are:

1. To assess the implementation process of FRA in Andhra Pradesh
2. To analyse the extent of provision of individual and community rights and existing gaps.
3. To examine the rate of rejection of individual and community claims and the reasons for the same
4. To examine the role of institutions involved in the implementation process.
5. To identify lacunae in the implementation process and probing suggestions for the ways out.

The study was conducted in Srikakulam district of Andhra Pradesh. Household surveys were conducted to understand their problems at various levels of the claim process and reasons for the rejection of claims. Schedule for this part of data collection, contained some open-ended questions framed for the collection of data. The household data was collected from purposively selected villages from Srikakulam districts.

The data was collected with the help of a software application. A software application has been developed containing the questions according to the schedule. The software (smart phone application) for data collection was uploaded on to the smart phones of the investigators to enable them to collect data digitally using their smart phones. Log-in ids and passwords were generated for the investigators.

The awareness about their rights under FRA and the procedure for claiming the rights is very low among the villagers. Further, there has been no awareness program by either Government or NGO or individual on FRA since its implementation. When asked about the presence of habitat right and traditional social institutions in their community, majority of them (98.8 percent) responded in negative. However, a majority of 91.9 percent of the respondents have applied for individual claim for cultivable forest land. Though the extent of land received is always not according to the extent of land claimed. Very few have received benefits after getting land entitlement like improved crops, improvement in their children's school education and more work and as a result more income. The data also reveals that either PVTG or women headed households are not given importance for settlement of their claims. A majority of 85 percent responded that there is no FRC in their village. The data also reveals that there is no proper representation of women in FRCs.

The Gram Sabha, receives claims, consolidate and verify them and prepare a map delineating the area of each recommended claim and forward a copy of the same to the Sub-Divisional Level Committee (SDLC). A majority of 87.5 percent of the respondents have, however, responded that Gram Sabha has not submitted community claims to SDLC. Rejection of claims for various reasons, often on very flimsy grounds, has hampered the recognition of rights to the claimants in a big way. And in many cases the claimants are not given an opportunity to appeal. Rejection mainly happened at the SDLC/DLC levels without any valid reasons. The data in the present study also shows that there has been rejection of their claimed land. For nearly 33.9 percent respondents 2 or more acres of land has been not accepted. In case of 22.8 percent of respondents, 1-1.99 acres of land has been rejected. Only for 10 respondents from Seethampeta less than 1 acre of land has been not accepted. On February 13, 2019, the Supreme Court had asked states to evict those claimants under FRA, whose applications had been rejected. The order was subsequently stayed by the court on February 28, at the intervention of the government (Ishan Kukreti, 2020). Improperly rejected cases may have serious implications on the individual claimant or his entire household.

The role of institutions like Joint Forest Management (JFM) in the implementation of FRA act has also been looked into in the study. JFM can be described as management of the state forest lands jointly by the state and the local community with joint sharing of benefits. All the respondents from Seethampeta and 6 respondents from Palakonda stated that there is no JFM/CFM in their village. However, all the respondents from Hiramandalam and Kothuru responded that their village has JFM/CFM. Nearly 36.7 percent of the respondents responded that the Gram Sabha does not play any role in the benefit sharing of NTFP. Nearly 42.8 percent of them are of the opinion that the Forest Department does not play any role in benefit sharing.

#### Recommendations:

1. Large-scale awareness and information dissemination campaigns regarding FRA are required at local level informing both tribal and lower level officials. NGOs can play an important role in the campaign.
2. Since Forest Rights Committee is key to the implementation of the Act, training of FRC members about their functions and procedures is very important. If the FRCs are not existing or FRCs are not aware of their functions, FRCs decisions are questionable. Therefore, it is important to develop a detailed strategy for training and capacity building of people responsible for implementing the FRA, such as village level Forest Rights committee, Panchayats, Gram Sabha, etc.
3. Majority of the applicants are not clear about application procedure for claiming land. They have to depend on others to put up an application. The applicants are not informed at the time of verification of the claimed land. There should be a proper documentation at every stage of the claiming process writing minutes and taking photographs of these processes and
4. Improperly rejected cases may have serious implications on the individual claimant or his entire household. In the process of enlisting proper reasons for rejection of the claims, concerned officials may also consider using genealogy of rejected claimants.

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# **Implementation of Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act in Andhra Pradesh: A Situational Analysis**

## **1. Introduction**

### **1.1 Introduction**

Andhra Pradesh contains extensive forest landscapes, and has the third largest forest cover among the states in India (Forest Survey of India 2009). The forested landscapes contain the highest concentrations of poverty. Tribal economy is intimately connected with the forests. For centuries the tribals have lived in the fringes of forests and depended entirely on forests for their livelihood. Their demands are few and the forest is able to provide them with everything. Traditionally they are food-gatherers, hunters, small farmers and nomads.

The 34 categories of Scheduled Tribes in Andhra Pradesh form a sizeable component of STs in South India. All most all the tribes live in hill and forest regions in Srikakulam, Vizianagaram, Visakhapatnam, East Godavari and West Godavari forming a contiguous belt along with the border of Chhattisgarh, Telangana and Orissa. The population of Scheduled Tribes in Andhra Pradesh, according to Census, 2011, is 27,39,919, constituting 5.53 percent of the total population.

The tribals who occupied these forests earlier, however, gradually lost their habitat and their land. The state gradually gained monopoly over forests. Large forest areas were either declared as reserve forests, or as sanctuaries and national parks and the tribals were forced to vacate their familiar and settled livelihoods. Cultivating land, collecting Non-Timber Forest Produce and felling of trees became illegal. No title deeds or any other rights were given in these forests. Over a period of time, tribals and other poor people's access to forest land and forest produce has been severely curtailed. Constructions of dams, reservoirs, hydro electrical projects and mining have further resulted in huge displacement of tribals on thousands of hectares of forest lands.

### **1.2 Forest Rights Act, 2006**

The Forest Rights Act (FRA), 2006 has been the most progressive and path-breaking legislation in the history of forest governance in India. The types of rights recognized by FRA include individual rights over land, communal rights over forest and forest produce, habitat rights of

Particularly Vulnerable Tribal Groups (PVTGs) and seasonal rights of pastoralist and nomadic tribes.

The implementation process of the FRA was initiated with the recognition by the Government of India in 2004 that several instances of injustice have been meted out to the forest dwellers in the past which needed to be immediately rectified by recognizing their rights over the forest and forest land. As such, the Government of India passed Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The FRA was enacted by the Indian Parliament on 15<sup>th</sup> December, 2006. The FRA came into force on 1 January, 2008.

The implementation of The Scheduled Tribes and Other traditional Forest Dwellers (recognition of Forest Rights) Act (FRA), 2006, has been started across the forested areas of India including the protected areas. The main idea behind its implementation is that the forest dwellers were becoming increasingly vulnerable due to injustice meted out to them for decades together in terms of restricting their access to forest resources through the implementation of various forest acts starting from the Indian Forest Act, 1864 to The Wildlife Protection Act, 1972 (Sarin & Springate-Baginski, 2010; (Sarin & Springate-Baginski, 2010) It restores traditional rights of the forest dwellers while also maintaining an ecological balance with a view to provide sustainable livelihood options to the forest dwelling scheduled tribes (STs) and Other Traditional Forest Dwellers (OTFDs), including those who had been forced to relocate their dwellings due to state intervention (Government of India, 2006). The displacement and relocation of the tribals was also carried out in the context of the establishment of various development projects like dams, ports, irrigation projects, etc. with a multiplier effect in terms of increased deprivation of the Scheduled Tribes and Other Traditional Forest Dwellers with respect to the use of forest resources.

The FRA, 2006, provides both individual and community rights over the forest land and other resources that are under the possession of forest dwellers since generations. The Act also emphasizes that rights provided under the FRA are not alienable, although hereditary rights are allowed under the act. It was argued that provision of rights over the forest resources use is a process to revive community institutions, ensure adequate gender participation, build social capital, ensure collective visualization of ecological landscapes, resolve conflicts and address the issues of social justice and equity (Dash, 2010).

The Forest Rights Act vests authority in the Gram Sabha (village assembly) to initiate the process of determination of rights, which includes receiving, consolidating, and verifying the claims. The Gram Sabha carries out these activities through Forest Rights Committees (FRCs). The sub-district-level committee then examines the claims and prepares the draft record of forest rights, which is recommended to a district-level committee that examines the claims and prepares the record of forest rights. Although the power of the final decision on the validity of a claim lies with the district committee, it is the gram sabha that starts the process to determine the nature and extent of individual or community forest rights. However, if the district committee does not agree with the recommendations of the gram sabha, it is required to record and share the detailed reasons for not accepting the recommendations with the gram sabha (Dash and Kothari, 2010).

The Act provides three committees: District level committee (DLC), sub divisional committee (SDLC) and forest right committee (FRC) to ensure proper implementation of the right. The forest right committee (FRC) is key to the implementation of the Act, and has to be formed within the community members, formed at the hamlet level with due consent of Gram Sabha. But in few state committees are formed at Gram Panchayat level and at revenue villages (Gargi Das and Suryakumari, 2013).

Kailash Sarap et al suggested that effective and comprehensive implementation of the FRA will have a significant impact on the livelihood of forest dwellers and the conservation of forests. The benefits could be more if this is accompanied by value addition to non-timber forest products and action to ensure reasonable prices for them (Kailash Sarap et al, 2013).

### 1.3 Individual Rights

The first component of the Act is the grant of individual rights over forests to the tribal or forest dwelling households, who have been residing and occupying forest land for residential and farming purposes for a sufficiently long period of time. The act gives individual property rights to the tribals and other forest dwellers on the forest lands under their occupation for cultivation and dwelling rights to manage them, and the total ownership rights on Non-Timber Forest Produce (NTFP) / Minor Forest Produce (MFP), alongside community rights. A study undertaken by Palla Trinadha Rao reveals that, in Andhra Pradesh, as compared to the approximate potential of 35.85 lakh acres of forest land over which rights need to be recognized under FRA, only individual forest rights have been recognized over 1.98 lakh acres, i.e. only 5.03% of the estimated forest area for both individual and community forest rights.

#### 1.4 Community Forest Rights (CFR)

The most important right under the FRA pertains to CFR rights which allow communities to protect and manage their customary forests. In combination with various community forests rights under the FRA, the CFR provision effectively democratizes forest governance in India, by providing sufficient legal powers to Gram Sabhas to govern and manage forests. The FRA recognises the podu (slash and burn cultivation) land rights, several sets of community forest land usage rights and community forest resources rights (CFR).

The most critical right which has a bearing on forest governance and on the welfare of tribal communities and other traditional forest dwellers is over Community Forest Resources which provides Gram Sabhas the right to conserve, protect and manage forests. The CFR are ensured under Section 3 (1) of FRA which include access and dispose of minor forest produce, fishing rights and other products of water bodies, grazing and tenures of habitat and habitation rights of PVTGs.

In Andhra Pradesh, approximately 24.56 lakh acres of forest land is situated within the cadastral boundaries of 2,982 Revenue Villages as per Census of India, 2011. These forests lands are under the statutory domain of the Gram Sabha. Additionally, there are 66.60 lakh acres of forests outside the village boundaries in the state. As per the tentative estimate of the potential forest area for the implementation of the FRA, at least 20% of these forest lands located outside village boundaries which will be around 13.19 lakh acres, also come under the territorial jurisdiction of Gram Sabha under FRA. Thus, the total potential forest land coming under the control of Gram Sabha is estimated to be at least 37.75 lakh acres. Since individual forest land rights (podu) over 1.98 lakh acres which were already recognized by the Government of Andhra Pradesh are also located on the same forest lands. Therefore, still the Government of Andhra Pradesh has to recognize the community forest resources rights of the people over the minimum 35.85 lakh acres of forest landscape (Trinadha Rao, 2016).

As of August 2016 in Andhra Pradesh, IFR claims of 1,50,345 were filed covering an extent of 3,34,800 acres. Of which 83,874 claims covering an extent of 1,98,400 acres were allowed, which constitutes 59 per cent of the total land. Besides, 4,493 claims were submitted for the grant of CFRs over 6.52 lakh acres. Of that 1,319 claims were allowed, covering an extent of 4.34 lakh acres, which constitutes around 66.53 per cent (The Hans India, November, 2016).

Gopinath Reddy et al (2011) examines the extent to which the FRA, 2006, is considered a pro-poor institutional reform for Andhra Pradesh. The study, based on both secondary and primary

data, concludes that though many poor have already benefited from the implementation of the FRA, 2006, the pro poor benefits have been restricted in many ways. The FRA aims to provide the poor people rights to forest land, already occupied by them and access to forest produce for livelihood purposes. However, unless the rights are recognized and actually recorded in forest records, they will remain temporary. The government is not willing to implement the act in various areas for development projects like Polavaram project, in order to avoid future legal entitlement conflicts and payment of compensation to forest land occupants. Moreover, the claimants from protected areas are being pressurized to relocate without recognition of their rights. This is a violation of the act. Under Polavaram Project in Andhra Pradesh, the Government of Andhra Pradesh is relocating the tribals without recognizing their forest rights under FRA. Lack of coordination and transparency at various levels, and the dominant role of the revenue and forest departments, have inhibited democratic implementation of FRA and reduced the people's institutions like Gram Sabhas and FRCs to a secondary position. The study concludes that FRA is a good institutional reform to undo the historical injustice done to forest dependents communities and its influence on the forest dependent people in terms of prioritizing livelihood security. It suggests that there is a need to put pressure on the policy makers of ruling government for the effective and transparent implementation of the act (Gopinath Reddy et al, 2011).

### 1.5 Rejection of Claims

The FRA is under implementation across 20 Indian states. As on March 2018, 41.97 lakh claims (40.53 lakh individual and 1.44 lakh community claims) had been made, out of which a total of 19.34 lakh claims (18.88 lakh individual and 0.47 community claims) were rejected. Thus, the rejection rate is as high as 46.1 percent. Uttarakhand, Uttar Pradesh, West Bengal, Karnataka, Maharashtra, Madhya Pradesh, Bihar and Chhattisgarh have more than 50 percent of rejection rate. The recognition of rights to MFPs (Minor forest products), grazing lands, water bodies, habitats of PVTGs and pastoralist communities is very low (Jain and Sharma, 2015). Higher rejection is also observed in case of community rights and rights of OTFDs (Other Traditional Forest Dwellers) and Women Headed households (CFR-LA, 2016; Bose, 2011; Sarin and Springate-Baginski, 2010).

Rejection of claims for various reasons, often on very flimsy grounds, has hampered the recognition of rights to the claimants in a big way. And in many cases the claimants are not given an opportunity to appeal. Rejection mainly happened at the SDLC/DLC levels without any valid reasons and also due to lack of clarity about various modalities of the act, indifferent

attitude towards the programme, hasty enquiries made by senior level officers or higher level committees, etc (Kothari, 2011; MoEF/MoTA, Forest Rights Act Committee, 2010).

Major concern is that huge claims were rejected at the Gram sabha level and by Forest department (Reddy et al, 2011; Bandi, 2015). The reasons for rejection are claims on ineligible revenue lands, misinterpretation of various clauses of the act by the Gram Sabha and other concerned officials, claims on uncultivated lands, obstruction by the Forest department, information gap, pessimistic attitude of officials, improper survey, claims not matching with satellite image, etc (Kumar et al, 2015; Misra, 2018; Sathyapalan, 2010).

Madhusudan Bandi (2015) critically examined the process of FRA implementation in terms of decision making and the transparency at the ground level. The study tried to find out the awareness level for FRA and also the reason behind the low level of community participation. The study was conducted in two states, Chhattisgarh and Gujarat, selected on the basis of population, forest cover, economic infrastructure and governance, including 540 sample households from 18 Gram Panchayats where at least 30 claims have been made. The study reveals that there is very poor awareness among the respondents, mostly in the interior forest areas. This is because no government agencies and NGOs are active in creating awareness. There is absence of the Secretary, Forest Rights Committee, in Chhattisgarh, in examining the claims, while in Gujarat, only 50% of them were involved. This is due to the lack of information given out to Sarpanchs. Moreover, because of various political reasons, the forest department do not inform. There is a huge rejection of claims as the evidence to support their claims did not match with the satellite images or there were insufficient evidences. It was observed that there was a strong need to recognise the importance of community claims. The study recommended the setting up of new government department or cell at Gram Panchayat level for integration and coverage of all developmental programmes and acts like FRA, to weed out any possible ambiguities and manipulation for smooth implementation (Bandi, 2015).

Das et al., (2013) examine the implementation of community Forest Rights under FRA, 2006. The study is based on both secondary and primary data, collected from the households belonging to Srikakulam and Nabrangpur districts of the states of Andhra Pradesh and Odisha, respectively. The rejection rates of community rights on forest lands, in Andhra Pradesh, is high, due to the lack of document evidences, multiple claims of the same area and low awareness about the act among the claimants and villagers. In Odisha, there is no clarity of the local administration over the state government issued guidelines on forest rights act. Forest Rights implementation has been carried out by the forest department without the participation

of Gram Sabha and Forest Rights Committees. District level analysis shows that in Srikakulam of Andhra Pradesh, the community forest rights under 3(2) is ignored, and habitation rights has not been provided to any community in the district. In Nabrangpur of Odisha, villagers have received the claim of one or two common property and not on the entire resources asked by them. The reason for not been able to foster the implementation process, according to the government officials, is the boundary conflict and demarcation problem between two villages and delay at the forest rights committee and sub-divisional level committee. Moreover, the claims are mostly submitted to Welfare officer and not at SDLC. The constitution of FRCs at the hamlet level is not followed in both Andhra Pradesh and Odisha where it is formed at the gram panchayat and revenue village level, respectively. As a result the rights are not ensured to its true sense to the real community members and as such the gram sabha is rendered ineffective. Long distance makes it difficult for the villagers from remote areas to submit their claims. The study suggested that the strengthening of Gram Sabha is very important. There should be mass awareness programme for FRS/SDLC/DLC and community members. It is necessary also to review various environment programmes and laws to bring it in consonance with forest rights act (Das & Suryakumari, 2013).

Kailash Sarap et al also found in their study that FRA has not been implemented in Odisha in a comprehensive manner and it has focused more on providing land rights to individual claimants. Only the individual claims of STs and a few community claims to forest land have been settled. The claims submitted by OTFD households that had been displaced by earlier projects have not been taken up. The specific provisions in the FRA for PTGs, as well as pastoral and pre agricultural nomadic communities, who have been displaced, have not been implemented. There is large scope to implement the FRA in totality, in coordination with other anti-poverty programmes. This will go a long way towards providing forest dwellers with social justice and assure them of dignified livelihoods (Sarap et al., 2013).

Agarwal Neelam, (2018) examined the impact of the forest rights act on the Tharu Adivasis of Uttar Pradesh, particularly those living in forest villages. The study was conducted in two districts, namely, Lakhimpur Kheri and Balrampur where the implementation of forest rights act covers only the Tharu community. The study shows that the claim acceptance rate is very low. Mainly individual rights have been recognised under the act, while community rights have been neglected. The study reveals that one of the main hurdle in its implementation is the conflict between the Tharu adivasis and the forest Department. There is no proper awareness among the officials and the Tharu community. Moreover, there is a belief that the act is meant

for the recognition of individual claims only. As such there is a lack of action on community rights claims and its demarcation. The conversion of forest villages to revenue villages is very slow. Moreover, the forest rights act is helpful to those having land without ownership rights. The act does not indicate about the landless people in these communities (Agarwal, 2018).

Minaketan Behera, 2016, made an attempt to study the implementation status of the forest rights act in the state of Odisha. Odisha is the first state in the country in the distribution of titles of individual claims under the forest rights act. However, many irregularities had taken place in the process of submitting claims to the SDLCL. There are many issues like lack of information and capacity in determining the rights like evidences and technical support required for the determination and verification of claims, non-STs excluded from the implementation process due the residential existence of three generations of habitation and the insistence of the authorities on documented evidences. Moreover, there is lack of awareness and understanding of the officials on the implementation process. The study suggested that there is a need of mass campaign about the rules among the forest dependents and officials involved in the implementation process. NGOs can play an important role in the campaign. There is also a need of equal representation of women in forest rights committees, sub-divisional, district and state level committees (Behera, 2016).

#### 1.6 Need of the Study

Recognition of Forest Rights (RoFR) has immense potential to improve tribal well-being, though a higher rejection of individual and community claims at various levels is a major concern which needs to be investigated. The RoFR status report shows that by March 2020, the rate of rejection of both individual and community rights in Andhra Pradesh (AP) is about 43% (Tables 1.1 and 1.2). A major part of rejection has happened at the Gram Sabha level. Moreover, the rights of non-ST forest dwellers have not been recognised so far in AP which is against the act. These facts necessitate undertaking a study to assess the rate of rejection of individual and community rights and reasons for the same.



Table 1. 1: *Individual and Community Claims and Titles in Andhra Pradesh (upto 31.1.2020)*

Number of Claims	Individual	1,77,446
	Community	4062
	Total	1,81,508
Number of Titles Distributed	Individual	96,675
	Community	1374
	Total	98,049
Extent of Forest land for which title is Distributed (in acres)	Individual	2,39,554
	Community	4,53,384
	Total	6,92,938.00
Number of Claim Rejected		75,927
Total Number of Claims Disposed off		1,73,976
% of Claims Disposed with respect to Claims Received		95.85%

Source: Status Report on Implementation of RoFR Act, 2006, Ministry of Tribal Affairs, GoI

Table 1. 2: *Status of Claims in Andhra Pradesh*

Particulars	As of 30.4.2018			As of 31.12.2019		
	Individual	Community	Total	Individual	Community	Total
Claims Received at GS	170437	4043	174480	177446	4062	181508
Claims Forwarded to SDLC	133143	2692	135835	155011	3105	158116
Claims Forwarded to DLC	93629	1478	95107	108203	1899	110102
Claims Approved by DLC	921111	1461	922572	108267	1535	110102
Titles Distributed	91758	1372	93130	96675	1374	98049
Claims Rejected	65047	1304	66351	73469	2458	75927

Source: Status Report on Implementation of RoFR Act, 2006, Ministry of Tribal Affairs, GoI

The Department of Tribal Welfare, Government of Andhra Pradesh and Tribal Cultural Research and Training Institute, (TCR&TI), Visakhapatnam has entrusted CESS to conduct the present study.

### 1.7 Objectives of the Study

The basic aim of the proposed research study is to analyse the status of implementation of Forest Rights Acts in Scheduled areas of Andhra Pradesh.

The specific objectives are:

1. To assess the implementation process of FRA in Andhra Pradesh
2. To analyse the extent of provision of individual and community rights and existing gaps.
3. To examine the rate of rejection of individual and community claims and the reasons for the same
4. To examine the role of institutions involved in the implementation process.
5. To identify lacunae in the implementation process and probing suggestions for the ways out.

### 1.8 Methodology

The study was conducted in Srikakulam district of Andhra Pradesh. Household surveys were conducted to understand their problems at various levels of the claim process and reasons for the rejection of claims. Schedule for this part of data collection, contained some open-ended questions framed for the collection of data. The household data was collected from purposively selected villages from Srikakulam districts.

The schedule was divided into six sections, based on the objectives. The first section is meant to assess the implementation process of FRA among the respondents on the villages in Andhra Pradesh. The second section attempts to analyse the extent of provision of individual and community rights and existing gaps. The rate of rejection of individual and community claims and the reasons for the same is looked into in the third section. The role of institutions involved in the implementation process is dealt with in the fourth section. The lacunae in the implementation process and suggestions for the ways out were probed in the last section.

The data was collected with the help of a software application. A software application has been developed containing the questions according to the schedule. The software (smart phone application) for data collection was uploaded on to the smart phones of the investigators to enable them to collect data digitally using their smart phones. Log-in ids and passwords were generated for the investigators.

Table 1. 3: *Details of Sample*

Sl.	District	Mandal	Village	Respondents
		Seethampeta	Nowgada	6
			Pedarama	43
			Chinthamanuguda	3
			Devanapuram	11
			Chinthagaluda	4
			Karemguda	14
		Total	6	<b>81</b>
		Palakonda	Venkatarayuni	7
			Valasa	1
		Total	2	<b>8</b>
		Hiramandalam	Dubbaguda	24
		Total	1	<b>24</b>
		Kotturu	Erapadu	<b>47</b>
		Total	1	<b>47</b>
Grand Total		4	10	<b>160</b>

Training of the investigators including technical knowledge about the Act and the use of the mobile application for data collection was imparted. The data collection started from 21st of August and was completed by 13th of September, 2020.

#### 1.9 Limitations

Due to the on-going Covid -19 pandemic, the field work could not be started on time. The investigators were not able to go to the field because of the locked down. Once the locked down was lifted and work was resumed, field work was started and data collected. Most of the ITDAs were shut, due to few cases of Covid-19. As such, most updated secondary data could not be obtained. Villages were visited without prior data about cases of FRA. It was also not possible to interview officials and collect information. Moreover, due to the constraint of time, not much villages could be visited. It was also not feasible to visit far off villages. Only nearby villages could be visited. Many of the villages and hamlets had very poor internet connectivity which made the data collection over the app difficult and took more time. Further, the discrepancy in the data is due to the discrepancy in the number of respondents from different mandals.

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This section is based on the data gathered from the sample households.

## 2. To assess the implementation process of FRA in Andhra Pradesh

Table 2. 1: Perception of the Respondent of the Awareness of rights and the procedure for claiming the rights under FRA

Awareness of FRA	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	0	0	1	0	1
	0.0	0.0	100.0	0.0	0.6
No	24	47	7	81	159
	15.1	29.6	4.4	50.9	99.4
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0

The awareness level of the respondents about their rights under FRA and the procedure for claiming the rights is very low. The field data shows that only one respondent from Palakonda is aware of their rights under FRA (Table 2.1).

Table 2. 2: Perception of the Respondent of Awareness program by any Government agency or NGO or individual on FRA since its implementation

Awareness Program	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	0	0	1	0	1
	0.0	0.0	100.0	0.0	0.6
No	24	47	7	81	159
	15.1	29.6	4.4	50.9	99.4
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0

All the respondents except one also responded that there has been no awareness program by either Government or NGO or individual on FRA since its implementation. Only one respondent from Palakonda said about awareness program about FRA (Table 2.2).

Table 2. 3: Perception of the Respondent of the Presence of habitat right in your community and functional traditional social institutions

Presence of Habitat right	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	0	0	2	0	2
	0.0	0.0	100.0	0.0	1.3
No	24	47	6	81	158
	15.2	29.7	3.8	51.3	98.8
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0

Chenchu, Kondareddy, Kondh, Porja, Gadaba, and Savara are specially categorised as Particularly Vulnerable Tribal Groups (PVTGs) in the state. The District Level Committee (DLC) chaired by the District Collector is under legal obligation under the amended FRA Rules, 2012 to ensure that the habitat rights of PVTGs are recognised. When asked about the presence of habitat right and traditional social institutions in their community, majority of them (98.8 percent) responded in negative. Only two respondents in Palakonda have responded in affirmative (Table 2.3).

Table 2. 4: Perception of the Respondents of whether applied individual claim for cultivable forest land

Applied for Individual Claim	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	20	42	6	79	147
	13.6	28.6	4.1	53.7	91.9
No	4	5	2	2	13
	30.8	38.4	15.4	15.4	8.1
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0

The field data shows that 91.9 percent of the respondents have applied for individual claim for cultivable forest land. Out of these, 53.7 percent are from Seethampeta, 28.6 percent from Kothuru, 13.6 from Hiramandalam and only 4.1 percent from Palakonda. Only 13 respondents have not applied for the same out of which 5 and 4 respondents are from Kothuru and Hiramandalam and 2 each from Palakonda and Seethampeta (Table 2.4).

Table 2. 5: Perception of the Respondent of the acres of land claimed for entitlements

Extent of land claimed	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
less than 1 acre	2	3	0	10	15
	13.3	20.0	0.0	66.7	10.4
1 to 1.99 acres	2	18	3	29	52
	3.8	34.6	5.8	55.8	36.1
2 to 2.99 acres	2	12	0	16	30
	6.7	40.0	0.0	53.3	20.8
3 to 3.99 acres	2	4	1	13	20
	10.0	20.0	5.0	65.0	13.9
4 and above acres	12	4	1	10	27
	44.4	14.8	3.7	37.0	18.8
Total	20	41	5	78	144
	13.9	28.5	3.5	54.2	100.0

Among those who have claimed land, nearly 36.1 percent have claimed between 1 to 1.99 acres, of which 55.8 percent are from Seethampeta, 34.6 percent from Kothuru and 3 and 2 respondents are from Palakonda and Hiramandalam, respectively. Nearly 20.8 percent have claimed for 2 to 2.99 acres of land, of which 53.3 percent are from Seethampeta, 40 percent from Kothuru and only 2 respondents from Hiramandalam. Four and more acres of land has been claimed by 18.8 percent of respondents, of which 44.4 percent are from Hiramandalam, followed by Seethampeta (37 percent), and only 4 and 1 respondent from Kothuru and Palakonda, respectively. Around 13.9 percent of the respondents have also claimed between 3 to 3.99 acres and 10.4 percent for less than one acre of land (Table 2.5).

Table 2. 6: Perception of the Respondent of the extent of land for which received entitlements

Extent of land Received	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
less than 1 acre	4	6	0	4	14
	28.6	42.9	0.0	28.6	13.5
1 to 1.99 acres	8	20	2	22	52
	15.4	38.5	3.8	42.3	50.0
2 to 2.99 acres	2	10	1	11	24
	8.3	41.7	4.2	45.8	23.1
3 to 3.99 acres	1	1	0	2	4
	25.0	25.0	0.0	50.0	3.8
4 and above	5	0	0	5	10
	50.0	0.0	0.0	50.0	9.6
Total	20	37	3	44	104
	19.2	35.6	2.9	42.3	100.0

However, the extent of land received is always not according to the extent of land claimed. The above table shows that half of the respondents (50 percent) have received between 1 to 1.99 acres of land, of which 42.3 percent are from Seethampeta and 38.5 percent from Kothuru. Nearly 23.1 percent received between 2 to 2.99 acres and 13.5 percent received less than 1 acre of land. Moreover, 5 respondents each from Seethampeta and hiramadalam have received more than 4 acres of land (Table 2.6).

Table 2. 7: Perception of the Respondent of whether household has been secured by receiving entitlements for your forest land

Household secured after entitlement	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	24	39	5	15	83
	28.9	47.0	6.0	18.1	52.2
No	0	8	2	66	76
	0.0	10.5	2.6	86.8	47.8
Total	24	47	7	81	159
	15.1	29.6	4.4	50.9	100.0

When asked whether their household has been secured by receiving entitlements for their forest land, a little more than half (52.2 percent) of the respondents have responded in affirmative. Among them, 47 percent are from Kothuru, 28.9 percent from Hiramandalam, 18.1 percent from Seethampeta and only 5 respondents from Palakonda. However, 47.8 percent felt that

their household has not been secured even after getting entitlements for their forest land (Table 2.7).

Table 2. 8: Perception of the Respondents of the benefits received after getting land entitlement

Benefits after land Entitlement	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Improved crops	0	0	0	7	7
	0.0	0.0	0.0	100.0	4.4
Improvement in children school education	0	0	0	3	3
	0.0	0.0	0.0	100.0	1.9
More work, more income available	0	0	5	0	5
	0.0	0.0	100.0	0.0	3.1
No Benefit	13	47	2	19	81
	16.0	58.0	2.5	23.5	50.6
Not Applicable	11	0	1	52	64
	17.2	0.0	1.6	81.2	40.0
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0

Regarding the benefits they received after getting land entitlement, 7 respondents from Seethampeta feel that they are having improved crops. Another 3 respondents, also from Seethampeta are of the opinion that there is improvement in their children's school education. From Palakonda, 5 respondents said that after receiving entitlements, they are having more work and as a result more income. However, almost half (50.6 percent) of the respondents are of the opinion that there has been no benefits even after receiving land entitlements (Table 2.8).

Table 2. 9: Perception of the Respondents as to whether PVTG and Women Headed households given due importance for settlement of their claims

Importance to PVTG & Women Headed HH	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	13	0	2	6	21
	61.9	0.0	9.5	28.6	13.1
No	11	47	6	75	139
	7.9	33.8	4.3	54.0	86.9
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0

The data shows that either PVTG or women headed households are not given importance for settlement of their claims. Only 13, 6 and 2 respondents from Hiramandalam, Seethampeta and



Palakonda, respectively, responded that PVTG and women headed households are not given due importance for settlement of their claims (Table 2.9).

### **Summary**

The awareness about their rights under FRA and the procedure for claiming the rights is very low among the villagers. Further, there has been no awareness program by either Government or NGO or individual on FRA since its implementation. When asked about the presence of habitat right and traditional social institutions in their community, majority of them (98.8 percent) responded in negative. However, a majority of 91.9 percent of the respondents have applied for individual claim for cultivable forest land. However, the extent of land received is always not according to the extent of land claimed. Nearly 47.8 percent felt that their household has not been secured even after getting entitlements for their forest land. Very few have received benefits after getting land entitlement like improved crops, improvement in their children's school education and more work and as a result more income. The data also reveals that either PVTG or women headed households are not given importance for settlement of their claims.

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### 3. Analyse the extent of provision of individual and community rights and existing gaps

Table 3. 1: Perception of the Respondents of any awareness camp to raise awareness of the collective rights provisions in the Act

Awareness of Collective Rights provisions	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	11	0	2	0	13
	84.6	0.0	15.4	0.0	8.1
No	13	47	6	81	147
	8.8	32.0	4.1	55.1	91.9
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0

The Scheduled Tribes and Other traditional Forest Dwellers (recognition of Forest Rights) Act (FRA), 2006, provides both individual and community rights over the forest land and other resources that are under the possession of forest dwellers since generations. It started with the idea to restore traditional rights of the forest dwellers while also maintaining an ecological balance with a view to provide sustainable livelihood options to the forest dwelling scheduled tribes (STs) and Other Traditional Forest Dwellers (OTFDs), including those who had been forced to relocate their dwellings due to state intervention (Government of India, 2006). For the proper implementation of the act, it is necessary that the Scheduled tribes and other forest dwellers should be properly aware of the provisions of the act. However, there has been no awareness camp to raise awareness of the collective rights provisions in the FRA act. Only 11 respondents from Hiramandalam and 2 from Palakonda have stated in affirmative (Table 3.1).

Table 3. 2: Perception of the Respondents as to whether Forest Rights Committee (FRC) constituted in your village

constituted in your village					
FRC in Village	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	11	11	2	0	24
	45.8	45.8	8.3	0.0	15.0
No	13	36	6	81	136
	9.6	26.5	4.4	59.6	85.0
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0

The Gram Sabha is required to elect a Forest Rights Committee to assist it in the task of receiving and verifying claims. The Forest Right Committee (FRC) is key to the implementation of the Act, and has to be formed within the community members, formed at the hamlet level with due consent of Gram Sabha. The Gram Sabha should constitute the FRC, choose its Chairperson and Secretary, and intimate about its formation to SDLC. When asked whether FRC is constituted in their village, a majority of 85 percent responded that there is no FRC in their village. Only 11 respondents each from Hiramandalam and Kothuru and 2 from Palakonda have responded in affirmative (Table 3.2).

Table 3. 3: Perception of the Respondents as to whether there is proper representation of women in the FRC

Women in FRC	District				
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	11	11	2	0	24
	45.8	45.8	8.3	0.0	15.0
No	13	36	6	81	136
	9.6	26.5	4.4	59.6	85.0
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0

FRCs is to be elected at the very first meeting of the Gram Sabhas from among their members. As per the Rules, the Committees were to have 10 to 15 members, with at least a third being women and a third Scheduled Tribes (STs), if the village has ST population. The data reveals that there no proper representation of women in FRCs. Only 11 respondents each from Hiramandalam and Kothuru and 2 from Palakonda have said that there is adequate representation of women in FRCs. However, a majority of 85 percent have said that there is no proper representation of women (Table 3.3).

Table 3. 4: Perception of the Respondents as to whether the FRC recommended any community claims in the village

FRC Recommended Community Claims	District				
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Total
Yes	24	47	8	2	81
	29.6	58.0	9.9	2.5	50.6
No	0	0	0	79	79
	0.0	0.0	0.0	100.0	49.4
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0

The FRCs are expected to play an active role in grant of community rights to a specific tribal or forest dwelling community to collectively own, access and manage forest and non-timber forest produces over a designated patch of forest land. The FRC has to identify the claimants and their cases on behalf of the Gram Sabha. The FRC verifies the claims of pastoral and nomadic tribes to determine their rights, either individual or community or traditional community institution, in the presence of these individuals, communities or their representatives. Similarly, it also verifies the claims of Primitive Tribal Groups or pre-agricultural communities to determine their rights to habitat. The data also reveals that all the respondents from Hiramandalam, Kothuru and Palakonda have responded that FRC has recommended community claims in the village. However, in Seethampeta, only two respondents have responded in affirmation while all the other 79 respondents have responded in negative (Table 3.4).

Table 3. 5: Perception of Respondents as to whether they are clear about the application procedure for claiming land under FRA

Clear about Application Procedure	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	0	0	6	2	8
	0.0	0.0	75.0	25.0	5.0
No	24	47	2	79	152
	15.8	30.9	1.3	52.0	95.0
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0

However, the data shows that the respondents are not clear about the application procedure for claiming land under FRA Act. Only 6 respondents from Palakonda and 2 from Seethampeta are aware of the application procedure. A majority of 95 percent are not familiar with the application procedure (Table 3.5).

Table 3. 6: Perception of the Respondents of being aware of the claim forms needed for the claim of CFR

Aware of Claim Forms	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	11	0	7	2	20
	55.0	0.0	35.0	10.0	12.5
No	13	47	1	79	140
	9.3	33.6	0.7	56.4	87.5
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0

Only 12.5 percent of the respondents are aware of the claim forms needed for the claim of CFR, out of this 11, 7 and 2 are from Hiramandalam, Palakonda and Seethampeta, respectively. Nearly 87.5 percent of the respondents however are not aware of the claim forms needed for the claim. It is noted that all the respondents from kothuru are not aware of the claim forms (Table 3.6).

Table 3. 7: Perception of the Respondents as to whether FRC verify the claim and present their findings on the nature and extent of the claim before the Gram Sabha

FRC present Claim to GS	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	11	11	2	0	24
	45.8	45.8	8.3	0.0	15.0
No	13	36	6	81	136
	9.6	26.5	4.4	59.5	85.0
Total	24	47	8	81	160
	15.1	29.6	5.0	50.9	100.0

The Forest Rights Act empowers the gram sabha to play the pivotal role as the transparent and democratic authority for initiating the process of receiving and verifying rights claims. The field data reveals that nearly 85 percent of the respondents are of the opinion that the FRC does not present their findings on the nature and extent of the claim before the Gram Sabha. Only 11 respondents each from Hiramandalam and Kothuru and 2 from Palakonda stated that this was happening (Table 3.7).

Table 3. 8: Perception of the Respondents as to whether the Gram Sabha submitted the community claims to the SDLC

GS submitted Claims to SDLC	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	11	0	7	2	20
	55.0	0.0	35.0	10.0	12.5
No	13	47	1	79	140
	9.3	33.6	0.7	56.4	87.5
Total	24	47	8	81	160
	15.1	29.6	5.0	50.9	100.0

The Gram Sabha, according to the act, has the authority to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction. It receives claims, consolidate and verify them and prepare a map delineating the area of each recommended claim. The Gram Sabha has to pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee (SDLC). When asked whether the Gram Sabha has submitted community claims to SDLC, a majority of 87.5 percent of the respondents have responded in negative. Only 11, 7 and 2 respondents from Hiramandalam, Palakonda and Seethampeta, respectively, stated that the community claims have been submitted to SDLC by the Gram Sabha (Table 3.8).

Table 3. 9: Perception of the Respondents as to whether community claims submitted, are pending with the SDLC due to lack of evidences

Claims Pending with SDLC	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Don't know	11	0	0	0	11
	100.0	0.0	0.0	0.0	6.9
No	13	21	0	17	51
	25.5	41.2	0.0	33.3	32.1
No evidence	0	7	0	16	23
	0.0	30.4	0.0	69.6	14.5
Not Pending	0	0	5	0	5
	0.0	0.0	100.0	0.0	3.1
Not Applicable	0	15	0	31	46
	0.0	32.6	0.0	67.4	28.9
Yes	0	4	2	17	23
	0.0	17.4	8.7	73.9	14.5
Total	24	47	7	81	159
	15.1	27.0	4.4	40.3	100.0

The Sub-Divisional Level Committee has to examine the resolution passed by the Gram Sabha and prepare the record of forest rights and forward it through the Sub-Divisional Officer to the District Level Committee (DLC) for a final decision. A key responsibility of the SDLC is to assist Gram Sabhas and FRCs with information and supportive documents. A second major task assigned to the SDLC is to examine the claims and to collate the same. Nearly 14.5 percent have said that the claims are pending with the SDLC due to lack of evidences, out of which 73.9 percent are from Seethampeta and 4 and 2 respondents are from Kothuru and Palakonda, respectively. Only 5 respondents from Palakonda said that the community claims submitted are not pending (Table 3.9).

Table 3. 10: Perception of Respondents as to whether intimated about the verification of the area claimed prior to field verification

Intimated about Verification of Claimed area	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	11	0	1	0	12
	91.7	0.0	8.3	0.0	7.5
No	13	47	7	81	148
	8.8	31.8	4.7	54.7	92.5
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0

When asked whether the claimant is being intimated about the verification of the area claimed prior to field verification, only 11 respondents from Hiramandalam and 1 from Palakonda have responded in affirmation. However, a majority of 92.5 percent said that the claimants are not informed about the verification of the claimed area prior to the verification (Table 3. 10).

Table 3. 11: Perception of the Respondents as to whether after verification, the FRC has shared the verification report with the Gram Sabha

Verification Report shared with GS	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	0	28	7	7	42
	0.0	66.7	16.7	16.7	26.3
No	24	19	1	74	118
	20.3	16.1	0.8	62.7	73.8
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0

It is required by the FRC to share the verification report with the Gram Sabha, after the verification. Only 26.3 percent of the respondents have responded that this happening in their village. Among them, 66.7 percent are from Kothuru and 16.7 percent each from palakonda and Seethampeta. All the respondents from Hiramandalam have stated that the FRC does not share the verification report with the Gram Sabha (Table 3.11).

Table 3. 12: Perception of Respondents as to whether Gram Sabha/SDLC/DLC informed about any rejection or modification of your claims

Informed about Rejection	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	11	0	0	3	14
	78.6	0.0	0.0	21.4	8.7
No	13	47	8	78	146
	8.9	32.2	5.5	53.4	91.3
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0

The DLC has to consider and finally approve the record of forest rights prepared by the SDLC. The decision of the DLC on the record of forest rights is final and binding. It is required that the claimants have to be informed about the any modification or rejection of their claims. However, a majority of the respondents responded that the claimants are not informed about any modification or rejection of their claims, out of which 53.4 percent are from Seethampeta and 32.2 percent from Kothuru. Hiramandalam and Palakonda also have 13 and 8 respondents, respectively, who have responded the same. According to only 11 respondents from Hiramandalam and 3 from Seethampeta, the claimants are informed about any changes in their claims (Table 3.12).

Table 3. 13: Perception of Respondents as to whether the aggrieved claimants given opportunity to file appeal against the rejection

Aggrieved Claimants to appeal	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	11	0	1	3	15
	73.3	0.0	6.7	20.0	9.4
No	13	47	7	78	145
	9.0	32.4	4.8	53.8	90.6
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0



The act provides that the claimant aggrieved by the resolution of the Gram Sabha may file a petition to the Sub-Divisional Level Committee (SDLC) within sixty days from the date of passing of the resolution and the SDLC shall consider and dispose of such petition. Moreover, the claimant if aggrieved by the decision of the Sub-Divisional Level Committee (SDLC) can also file a petition to the District Level Committee (DLC) within sixty days from the date of decision of the SDLC. When asked whether the aggrieved claimants given opportunity to file appeal against the rejection, a majority of 90.6 percent responded that the aggrieved claimants are not given any such opportunity. However, 9.4 respondents do feel that the claimants are allowed to appeal against rejection of their claims. Among them, 11 respondents are from Hiramandalam, 3 from Seethampeta and only one from Palakonda (Table 3.13).

Table 3. 14: Perception of the Respondents as to whether the forest department interfere with the community claim process

Interference of FD	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Don't know the information	0	28	0	0	28
	0.0	100.0	0.0	0.0	17.7
No	0	0	0	21	21
	0.0	0.0	0.0	100.0	13.3
No Does not Interfere	0	0	5	36	41
	0.0	0.0	12.2	87.8	25.9
Not Applicable	23	0	0	11	34
	67.6	0.0	0.0	32.4	21.5
Yes it was happening	0	19	2	13	34
	0.0	55.9	5.9	38.2	21.5
Total	23	47	7	81	158
	14.6	29.7	4.4	51.3	100.0

According to a Summary Report on Implementation of the Forest Rights Act, Council for Social Development, the most consistent and serious problem in implementation is continuing interference by the Forest Department in recognition of rights. The above table reveals that according to 21.5 percent of the respondents, there is interference of the Forest Department in the implementation process, out of which 55.9 percent are from Kothuru, 38.2 percent from Seethampeta and two respondents from Palakonda. However, 25.9 percent feel that there is no interference from the Forest Department.

## Summary

The Scheduled Tribes and Other traditional Forest Dwellers (recognition of Forest Rights) Act (FRA), 2006, provides both individual and community rights over the forest land and other resources that are under the possession of forest dwellers since generations. For the proper implementation of the act, it is necessary that the Scheduled tribes and other forest dwellers should be properly aware of the provisions of the act. However, there has been no awareness camp to raise awareness of the collective rights provisions in the FRA act. Forest Rights Committee is key to the implementation of the Act, and has to be formed within the community members. However, a majority of 85 percent responded that there is no FRC in their village. The Gram Sabha, receives claims, consolidate and verify them and prepare a map delineating the area of each recommended claim and forward a copy of the same to the Sub-Divisional Level Committee (SDLC). A majority of 87.5 percent of the respondents have responded that Gram Sabha has not submitted community claims to SDLC.

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#### 4. The rate of rejection of individual and community claims and the reasons for the same

Table 4. 1: Perception of the Respondents as to whether happy with support extended by FRC in the process of the claim of CFR

Support of FRC	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	7	47	6	19	79
	8.9	59.5	7.6	24.1	49.4
No	17	0	2	62	81
	21.0	0.0	2.5	76.5	50.6
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0

The data reveals that almost half of the respondents (49.4 percent) are happy with the support extended by the FRC in the process of the claim of CFR, while the rest half are not happy. Among those who are happy, 24.1 percent are from Seethampeta. Only 7 and 6 respondents are happy from Hiramandalam and Palakonda, respectively. And all the respondents from Kothuru are happy with the support of FRC. Those who are not happy are more from Seethampeta (76.5 percent) followed by 21 percent from Hiramandalam and 2 respondents from Palakonda (Table 4.1).

Table 4. 2: Perception of the Respondents as to whether FRC at the Gram Sabha level is active in mobilising the people to apply

FRC Active in mobilising people	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	0	28	7	7	42
	0.0	66.7	16.7	16.7	26.2
No	24	19	1	74	118
	20.3	16.1	0.8	62.7	73.8
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0

The above table reveals that only 26.2 percent are of the opinion that the FRC at the Gram Sabha is active in mobilising people to apply for claims. Almost 73.8 percent of the respondents are of the opinion that the FRC at the Gram Sabha level is not active in mobilising the people to apply for individual claims. Among these, 62.7 percent are from Seethampeta, 20.3 percent

from Hiramandalam and 16.1 percent from Kothuru. However, in Palakonda, except for 1 respondent, all the rest 7 respondents think that the FRC is active (Table 4.2).

Table 4. 3: Perception of the Respondents as to whether any of your cultivating forest land remains not accepted by Gram Sabha/DLC/SDLC

Forest land not accepted by GS	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	0	0	1	13	14
	0.0	0.0	7.1	92.9	8.8
No	24	47	7	68	146
	16.4	32.2	4.8	46.6	91.3
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0

As to whether any of their cultivating forest land remains is not been accepted by Gram Sabha/SDLC/DLC, only 8.8 percent of the respondents stated that their land has been accepted by Gram sabha/SDLC/DLC, of which 13 respondents are from Seethampeta and I from Palakonda. However, in case of 91 percent respondents, their land is not accepted, out of which 46.6 percent are from Seethampeta, 32.2 percent from Kothuru, and 4.8 percent from Palakonda (Table 4.3).

Table 4. 4: Perception of the Respondents of the extent of land not accepted by Gram Sabha/DLC/SDLC

Extent of land not accepted by GS	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
less than 1 acre	0	0	0	10	10
	0.0	0.0	0.0	100.0	7.9
1 to 1.99 acres	1	16	2	10	29
	3.4	55.2	6.9	34.5	22.8
2 acres and above	15	15	2	11	43
	34.9	34.9	4.7	25.6	33.9
Not applicable	4	1	1	39	45
	8.9	2.2	2.2	86.7	35.4
Total	20	32	5	70	127
	15.7	25.2	3.9	55.1	100.0

The respondents were asked the extent of land not accepted by Gram Sabha/SDLC/DLC. For nearly 33.9 percent respondents 2 or more acres of land has been not accepted. In case of 22.8 percent of respondents, 1-1.99 acres of land has been rejected. Only for 10 respondents from Seethampeta less than 1 acre of land has been not accepted (Table 4.4).

Table 4. 5: Perception of the Respondents of the Reasons for rejection of claims

Reasons of Rejection of Claims	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Did not approach any authorities	0	0	5	0	5
	0.0	0.0	100.0	0.0	3.2
Don't have land	0	0	1	0	1
	0.0	0.0	100.0	0.0	0.6
Don't know the reason	23	47	0	41	111
	20.7	42.3	0.0	36.9	71.2
Not Applicable	0	0	0	39	39
	0.0	0.0	0.0	100.0	25.0
Total	23	47	6	80	156
	14.7	30.1	3.8	51.3	100.0

The respondents were asked about the reasons for the rejection of their claims. Almost 71.2 percent of the respondents stated that they were not aware of the reasons, out of which 36.9 percent are from Seethampeta. All the respondents from Kothuru and Hiramandalam were also not aware of the reasons of rejection. Only 5 respondents from Palakonda did not approach any authorities for the rejection of their claims and one respondent did not have any land (Table 4.5). On February 13, 2019, the Supreme Court had asked states to evict those claimants under FRA, whose applications had been rejected. The order was subsequently stayed by the court on February 28, at the intervention of the government (Ishan Kukreti, 2020). Improperly rejected cases may have serious implications on the individual claimant or his entire household.

Table 4. 6: Perception of the Respondents as to whether approached any concern authorities for rejected land

Approached Authority for Rejected land	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	0	0	7	0	7
	0.0	0.0	100.0	0.0	4.4
No	24	47	1	81	153
	15.7	30.7	0.7	52.9	95.6
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0

The above table shows that only 7 respondents from Palakonda approached the concerned authorities for rejected land. All the respondents from Seethampeta, Kothuru and Hiramandalam did not approach any authority for their rejected land (Table 4.6).

Table 4. 7: Perception of the Respondents of the result of approaching concerned authorities

Result of Approaching Authority	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Gram Sabha decides	0	0	2	0	2
	0.0	0.0	100.0	0.0	1.1
Not applicable	24	46	0	81	151
	15.9	30.5	0.0	53.6	85.8
Not Solved the problem	0	0	5	0	5
	0.0	0.0	100.0	0.0	2.8
Total	24	46	7	81	158
	15.2	29.1	4.4	51.3	100.0

Out of the 7 respondents who have approached concerned authorities for their rejected land, 5 were of the opinion that the problem was not solved while the other 2 respondents opined that everything is decided by the Gram Sabha (Table 4.7).

Table 4. 8: Perception of the Respondents of Any suggestions for improvement with regard to support from FRC

Suggestion for improving FRC	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Don't know the suggestions	11	43	0	42	96
	11.5	44.8	0.0	43.8	61.5
Explain FRC and FRA act in our village. Do more surveys and give the pattas	0	0	5	0	5
	0.0	0.0	100.0	0.0	3.2
Not applicable	13	4	1	28	46
	28.3	8.7	2.2	60.9	29.5
Please improve the agriculture skills.	0	0	0	7	7
	0.0	0.0	0.0	100.0	4.5
Provide some agriculture tools	0	0	0	2	2
	0.0	0.0	0.0	100.0	1.3
Total	24	47	6	79	156
	15.4	30.1	3.8	50.6	100.0

The respondents were asked to give suggestions for the improvement with regard to support from FRC. From Palakonda, 5 respondents were of the opinion that the villagers need to be made aware and explained about the FRC and FRA Act. Moreover they also feel that more

surveys need to be done and more pattas to be given to villagers. Seven respondents from Seethampeta think that agricultural skills have to be improved among the villagers. And 2 respondents, again from Seethampeta want that some agricultural tools have to be provided to the villagers. Nearly 61.5 percent of the respondents, however, did not have any suggestions (Table 4.8).

### **Summary**

The Gram Sabha, according to the act, with the help of the FRC has the authority to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction. The Gram Sabha has to pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee (SDLC). The SDLC has to examine the resolution passed by the Gram Sabha and prepare the record of forest rights and forward it through the Sub-Divisional Officer to the District Level Committee (DLC) for a final decision. The claimant if aggrieved by the decision of the Sub-Divisional Level Committee (SDLC) can also file a petition to the District Level Committee (DLC) within sixty days from the date of decision of the SDLC. When asked whether the aggrieved claimants given opportunity to file appeal against the rejection, a majority of 90.6 percent responded that the aggrieved claimants are not given any such opportunity. The respondents were asked to give suggestions for the improvement with regard to support from FRC. The respondents have suggested that the villagers need to be made aware and explained about the FRC and FRA Act. Few opined agricultural skills have to be improved among the villagers. According to some, agricultural tools need to be provided to the villagers.

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## 5. The role of institutions involved in the implementation process

Table 5. 1: Perception of the Respondents as to whether village has JFM/CFM

Presence of JFM/CFM	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	24	47	0	0	71
	33.8	66.2	0.0	0.0	44.9
No	0	0	6	81	87
	0.0	0.0	6.9	93.1	55.1
Total	24	47	6	81	158
	15.2	29.7	3.8	51.3	100.0

Regarding the role of institutions involved in the implementation of FRA Act, the respondents were asked whether their village has Joint Forest Management (JFM). Joint Forest Management (JFM) can be described as management of the state forest lands jointly by the state and the local community with joint sharing of benefits. All the respondents from Seethampeta and 6 respondents from Palakonda stated that there is no JFM/CFM in their village. However, all the respondents from Hiramandalam and Kothuru responded that their village has JFM/CFM (Table 5.1).

Table 5. 2: Perception of the Respondents as to whether member of JFM/CFM

Member of JFM/CFM	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	24	43	1	0	68
	35.3	63.2	1.5	0.0	42.5
No	0	4	7	81	92
	0.0	4.3	7.6	88.0	57.5
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0

When asked whether they are members of JFM/CFM, all the respondents from Hiramandalam are members. In Kothuru except for 4 respondents, all the respondents are members (Table 5.2).



Table 5. 3: Perception of the Respondents of the extent of land brought under JFM/CFM

Extent of land under JFM	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
less than 1 acre	3	3	0	0	6
	50.0	50.0	0.0	0.0	4.3
1 to 2 acres	4	6	0	0	10
	40.0	60.0	0.0	0.0	7.2
3 and more acres	4	3	0	0	7
	57.1	42.9	0.0	0.0	5.1
Don't know the process	0	28	1	15	44
	0.0	63.6	2.3	34.1	31.9
Not Applicable	12	0	0	59	71
	16.9	0.0	0.0	83.1	51.4
Total	23	40	1	74	138
	16.7	29.0	0.7	53.6	100.0

The respondents were asked about the extent of land brought under JFM/CFM. Only for few respondents from Hiramandalam and Kothuru, their land has been brought under JFM/CFM. In Hiramandalam, for 4 respondents each 1-2 acres and 3 and more acres and for 3 respondents less than 1 acre has been brought under JFM/CFM. In case of 6 respondents in Kothuru, 1 to 2 acres of land has been brought. For 3 respondents each from Kothuru less than 1 acre and 3 and more has been brought under JFM/CFM (Table 5.3).

Table 5. 4: Perception of the Respondents as to whether putting Collective claim for JFM/CFM under community rights

Collective Claims for JFM	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	0	0	1	0	1
	0.0	0.0	100.0	0.0	0.6
No	24	47	7	81	159
	15.1	29.6	4.4	50.9	99.4
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0

Regarding putting Collective claim for JFM/CFM under community rights, only one respondent from Palakonda has responded in affirmation (Table 5.4).

Table 5. 5: Perception of the Respondents as to whether the permission of Forest Department sought in the benefit sharing

Permission of FD in Benefit Sharing	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Don't know	0	11	0	6	17
	0.0	64.7	0.0	35.3	10.7
Don't play Any role	13	0	5	50	68
	19.1	0.0	7.4	73.5	42.8
No	0	4	0	0	4
	0.0	100.0	0.0	0.0	2.5
No benefits	0	32	0	0	32
	0.0	100.0	0.0	0.0	20.1
Not Applicable	11	0	0	25	36
	30.6	0.0	0.0	69.4	22.6
Takes decision	0	0	2	0	2
	0.0	0.0	100.0	0.0	1.3
Total	24	47	7	81	159
	15.1	29.6	4.4	50.9	100.0

The respondents were asked whether the permission of Forest department sought in benefit sharing of NTFP. Nearly 42.8 percent of them are of the opinion that the Forest Department does not play any role in benefit sharing, out of which 73.5 percent are from Seethampeta, 19.1 percent from Hiramandalam and 5 respondents from Palakonda. However, 2 respondents from Palakonda also feel that the Forest Department takes decision in benefit sharing. Moreover, 20.1 percent of the respondents, all from Kothuru opined that there are no benefits (Table 5.5).

Table 5. 6: Perception of the Respondents of the Role of Gram Sabha in benefit sharing of CFM/NTFP issues

Role of Gram Sabha in Benefit Sharing	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Decide the entitlement	0	0	1	0	1
	0.0	0.0	100.0	0.0	0.7
Don't know	0	0	1	0	1
	0.0	0.0	100.0	0.0	0.7
Don't play any role	11	19	0	25	55
	20.0	34.5	0.0	45.5	36.7
Not Applicable	13	28	0	52	93
	14.0	30.1	0.0	55.9	62.0
Total	24	47	2	77	150
	16.0	31.3	1.3	51.3	100.0

The power of decision-making with respect to Minor Forest Produce (MFPs) clearly lies with the Gram Sabha. The Gram Sabha has the authority to regulate transit permits for MFPs where rights have been recognised under FRA. The respondents were asked about the role of Gram Sabha in benefit sharing of CFM/NTFP issues. Nearly 36.7 percent of the respondents responded that the Gram Sabha does not play any role in the benefit sharing of NTFP, out of which 45.5 percent are from Seethampeta, 34.5 percent from Kothuru and 20 percent from Hiramandalam. Only one respondent from Palakonda said that the Gram Sabha decides about the entitlement of NTFP (Table 5.6).

Table 5. 7: Perception of the Respondents as to whether given any other land (Forest land) under any other Government project

Land for Government Project	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	0	0	2	0	2
	0.0	0.0	100.0	0.0	1.3
No	24	47	6	81	158
	15.2	29.7	3.8	51.3	98.8
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0

The FRA aims to provide the poor people rights to forest land, already occupied by them and access to forest produce for livelihood purposes. However, unless the rights are recognized and actually recorded in forest records, they will remain temporary. The government is not willing to implement the act in various areas for development projects. Only 2 respondents from Palakonda have given any other land (Forest land) under any other Government project (Table 5.7).

**Summary**

This section looks into the role of institutions like Joint Forest Management (JFM) in the implementation of FRA act. JFM can be described as management of the state forest lands jointly by the state and the local community with joint sharing of benefits. All the respondents from Seethampeta and 6 respondents from Palakonda stated that there is no JFM/CFM in their village. However, all the respondents from Hiramandalam and Kothuru responded that their village has JFM/CFM. Nearly 36.7 percent of the respondents responded that the Gram Sabha does not play any role in the benefit sharing of NTFP. Nearly 42.8 percent of them are of the opinion that the Forest Department does not play any role in benefit sharing. The government is not willing to implement the act in various areas for development projects. Only 2 respondents from Palakonda have given any other land (Forest land) under any other Government project.

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## 6. Lacunae in the implementation process and the ways out

This section tries to look onto the lacunae in the implementation process and the suggestions for its way out.

Table 6. 1: Perception of Respondents of conflict between the people for claiming same land for entitlement

Claim of same land	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Don't know	12	0	5	0	17
	70.6	0.0	29.4	0.0	11.0
No conflict	0	0	0	41	41
	0.0	0.0	0.0	100.0	26.5
No Forest department staff	0	11	0	0	11
	0.0	100.0	0.0	0.0	7.1
No staff	0	16	0	0	16
	0.0	100.0	0.0	0.0	10.3
Not Applicable	11	19	0	40	70
	15.7	27.1	0.0	57.1	45.2
Total	23	46	5	81	155
	14.8	29.7	3.2	52.3	100.0

In some cases there can be claim of same land for entitlement by more than one person. This can lead to conflict between the persons claiming the same land. Nearly 26.5 percent of the respondents are of the opinion that there is no such conflict. And the rest of the respondents either were not aware of such situation or felt that no forest department staff are involved in such situation (Table 6.1).

Table 6. 2: Perception of the Respondents as to whether the claimed area substantially reduced by the forest department staff

Claimed Area Reduced by FD	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Yes	0	0	1	0	1
	0.0	0.0	100.0	0.0	0.6
No	24	47	7	81	159
	15.1	29.6	4.4	50.9	99.4
Total	24	47	8	81	160
	15.0	29.4	5.0	50.6	100.0

As to whether the claimed area substantially reduced by the forest department staff, only 1 respondent from Palakonda opined that the claimed area is sometimes reduced by the forest department (Table 6.2).

Table 6. 3: Suggestions for improving the implementation of FRA

Suggestions for Improving the Implementation of FRA	District				Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Canal project	0	0	14	26	40
	0.0	0.0	35.0	65.0	20.0
Don't know	0	0	2	4	6
	0.0	0.0	33.3	66.7	3.0
For Government project works	28	18	22	16	84
	33.3	21.4	26.2	19.0	42.0
For road developmental project work	0	0	0	22	22
	0.0	0.0	0.0	100.0	11.0
Given to ITDA	0	0	0	6	6
	0.0	0.0	0.0	100.0	3.0
Not Applicable	0	0	3	25	28
	0.0	0.0	10.7	89.3	14.0
Occupied by the others	0	2	3	5	10
	0.0	20.0	30.0	50.0	5.0
Others (loan, marriage, for reservoir, not in patta etc)	0	0	2	2	4
	0.0	0.0	50.0	50.0	2.0
Total	28	20	46	106	200
	14.0	10.0	23.0	53.0	100.0

The respondents were asked to give suggestions to improve the implementation of FRA (Table 6.3). Nearly 42 percent of the respondents opined that there should be government project works, out of which 33.3 percent are from Hiramandalam, 26.2 percent from Palakonda, 21.4 percent from Kothuru and 19 percent from Seethampeta. A Few (20 percent) said that there need to be canal projects out of which 65 percent are from Seethampeta and 35 percent from Palakonda. Road development project work was said by 22 respondents from Seethampeta. However the field data reveals that the respondents are not clear about the rules and provisions under the FRA Act.

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## 7. Conclusion

In 2006, the UPA government passed the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (the Forest Rights Act, or FRA, for short). The Act provides for recognizing different rights that are central to the lives and livelihoods of tribals and other traditional forest dwellers across the country. These rights include rights to land under occupation as well as customary land, ownership of minor forest produce, rights to water bodies, grazing areas, habitat of Primitive Tribal Groups (PVTGs), conversion of all types of forest villages/settlements to revenue villages, the right and power to protect, conserve and manage community forest resources, etc.

The Scheduled Tribes and Other traditional Forest Dwellers (Recognition of Forest Rights) Act (FRA), 2006 has been the most progressive and path-breaking legislation in the history of forest governance in India. The types of rights recognized by FRA include individual rights over land, communal rights over forest and forest produce, habitat rights of Particularly Vulnerable Tribal Groups (PVTGs) and seasonal rights of pastoralist and nomadic tribes. The implementation of The Forest Rights Act (FRA), 2006, has been started across the forested areas of India including the 'Protected areas'. It restores traditional rights of the forest dwellers while also maintaining an ecological balance with a view to provide sustainable livelihood options to the forest dwelling scheduled tribes (STs) and Other Traditional Forest Dwellers (OTFDs), including those who had been forced to relocate their dwellings due to state intervention (Government of India, 2006).

The present study tries to examine the Implementation of Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act in Andhra Pradesh. The study was conducted in Srikakulam district of Andhra Pradesh. Four Mandals were covered – Seethampeta, Palakonda, Kothuru and Hiramandalam. Household surveys were conducted to understand the problems of the respondents at various levels of the claim process and reasons for the rejection of claims.

The awareness about their rights under FRA and the procedure for claiming the rights is very low among the villagers. Further, there has been no awareness program by either Government or NGO or individual on FRA since its implementation. When asked about the presence of habitat right and traditional social institutions in their community, majority of them (98.8

percent) responded in negative. However, a majority of 91.9 percent of the respondents have applied for individual claim for cultivable forest land. Though the extent of land received is always not according to the extent of land claimed. Very few have received benefits after getting land entitlement like improved crops, improvement in their children's school education and more work and as a result more income. The data also reveals that either PVTG or women headed households are not given importance for settlement of their claims.

The Scheduled Tribes and Other traditional Forest Dwellers (recognition of Forest Rights) Act (FRA), 2006, provides both individual and community rights over the forest land and other resources that are under the possession of forest dwellers since generations. For the proper implementation of the act, it is necessary that the Scheduled tribes and other forest dwellers should be properly aware of the provisions of the act. However, there has been no awareness camp to raise awareness of the collective rights provisions in the FRA act.

Forest Rights Committee is key to the implementation of the Act, and has to be formed within the community members, formed at the hamlet level with due consent of Gram Sabha. The Gram Sabha is required to elect a Forest Rights Committee to assist it in the task of receiving and verifying claims. As per the Rules, the Committees were to have 10 to 15 members, with at least a third being women and a third Scheduled Tribes (STs), if the village has ST population. However, experiences in the field give a different picture. A majority of 85 percent responded that there is no FRC in their village. The data also reveals that there is no proper representation of women in FRCs.

The Forest Rights Committee, after due intimation to the concerned claimant and the Forest Department physically verify the nature and extent of the claim. On receipt of intimation from the Forest Rights Committee, the officials of the Forest and Revenue departments shall remain present during the verification of the claims and the verification of evidences on the site and shall sign the proceedings with their designation. The FRC then record its findings on the claim and present the same to the Gram Sabha for its consideration. The Gram Sabha, receives claims, consolidate and verify them and prepare a map delineating the area of each recommended claim and forward a copy of the same to the Sub-Divisional Level Committee (SDLC). A majority of 87.5 percent of the respondents have, however, responded that Gram Sabha has not submitted community claims to SDLC.

Although a key responsibility of the SDLC is to assist gram sabhas and FRCs with information and supportive documents. However, according to the Summary Report on Implementation of



the Forest Rights Act, 2010, by Council for Social Development, in the majority of states this was never done. A second major task assigned to the SDLC is to examine the claims and to collate the same. However, rather than remand claims back to the gram sabha when the claims are not in order (for instance, evidence is missing or a map is not provided), SDLCs almost always either pass them on to the DLC or rejects them outright. The DLC has to consider and finally approve the record of forest rights prepared by the SDLC. The decision of the DLC on the record of forest rights is final and binding. It is required that the claimants have to be informed about the any modification or rejection of their claims. Rejections are rarely communicated to the claimants, who are then unable to exercise their right to appeal (Summary report, 2010)

Rejection of claims for various reasons, often on very flimsy grounds, has hampered the recognition of rights to the claimants in a big way. And in many cases the claimants are not given an opportunity to appeal. Rejection mainly happened at the SDLC/DLC levels without any valid reasons. The data in the present study also shows that there has been rejection of their claimed land. For nearly 33.9 percent respondents 2 or more acres of land has been not accepted. In case of 22.8 percent of respondents, 1-1.99 acres of land has been rejected. Only for 10 respondents from Seethampeta less than 1 acre of land has been not accepted. On February 13, 2019, the Supreme Court had asked states to evict those claimants under FRA, whose applications had been rejected. The order was subsequently stayed by the court on February 28, at the intervention of the government (Ishan Kukreti, 2020). Improperly rejected cases may have serious implications on the individual claimant or his entire household.

Moreover, the claimant if aggrieved by the decision of the Sub-Divisional Level Committee (SDLC) can also file a petition to the District Level Committee (DLC) within sixty days from the date of decision of the SDLC. The decisions on rights are rarely communicated to claimants, and if they are communicated, this is done long after the DLC has reached its decision – which then cannot be challenged in appeal. The reasons for rejection are practically never communicated. This has led to agitation in several major States, including Madhya Pradesh and Uttar Pradesh, according to the Summary report, 2010. This study also shows that the aggrieved claimants are not given opportunity to file appeal against the rejection. A majority of 90.6 percent responded that the aggrieved claimants are not given any such opportunity. The respondents were asked to give suggestions for the improvement with regard to support from FRC. The respondents have suggested that the villagers need to be made aware and explained

about the FRC and FRA Act. Few opined agricultural skills have to be improved among the villagers. According to some, agricultural tools need to be provided to the villagers.

The most consistent and serious problem in implementation is continuing interference by the Forest Department in recognition of rights. According to Summary report, 2010, in Maharashtra, the Forest department created a 'Forest Cell' consisting only of Forest officers to purportedly assist in the implementation of the Act. However, the line between assistance and interference is a very fine one. The Forest department has passed many orders that are inconsistent with the provisions of the Act.

The role of institutions like Joint Forest Management (JFM) in the implementation of FRA act has also been looked into in the study. JFM can be described as management of the state forest lands jointly by the state and the local community with joint sharing of benefits. All the respondents from Seethampeta and 6 respondents from Palakonda stated that there is no JFM/CFM in their village. However, all the respondents from Hiramandalam and Kothuru responded that their village has JFM/CFM. Nearly 36.7 percent of the respondents responded that the Gram Sabha does not play any role in the benefit sharing of NTFP. Nearly 42.8 percent of them are of the opinion that the Forest Department does not play any role in benefit sharing.

To conclude, one fundamental problem is the abysmal level of awareness about the Act, rights and processes among the beneficiaries. The respondents are not aware of the provisions under the FRA Act. The community members did not even know under which Act/scheme the land was being vested to them, thus, concealing the most significant aspect of the law.

### **Recommendations:**

1. Large-scale awareness and information dissemination campaigns regarding FRA are required at local level informing both tribal and lower level officials. NGOs can play an important role in the campaign.
2. Since Forest Rights Committee is key to the implementation of the Act, training of FRC members about their functions and procedures is very important. If the FRCs are not existing or FRCs are not aware of their functions, FRCs decisions are questionable. Therefore, it is important to develop a detailed strategy for training and capacity building of people responsible for implementing the FRA, such as village level Forest Rights committee, Panchayats, Gram Sabha, etc.
3. Majority of the applicants are not clear about application procedure for claiming land. They have to depend on others to put up an application. The applicants are not

informed at the time of verification of the claimed land. There should be a proper documentation at every stage of the claiming process writing minutes and taking photographs of these processes and

4. Improperly rejected cases may have serious implications on the individual claimant or his entire household. In the process of enlisting proper reasons for rejection of the claims, concerned officials may also consider using genealogy of rejected claimants.

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## Appendix - I

### THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006

#### ARRANGEMENT OF SECTIONS

##### CHAPTER I

##### PRELIMINARY

##### SECTIONS

1. Short title, extent and commencement.
2. Definitions.

##### CHAPTER II

##### FOREST RIGHTS

3. Forest rights of Forest dwelling Scheduled Tribes and other traditional forest dwellers.

##### CHAPTER III

##### RECOGNITION, RESTORATION AND VESTING OF FOREST RIGHTS AND RELATED MATTERS

4. Recognition of, and vesting of, forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers.
5. Duties of holders of forest rights.

##### CHAPTER IV

##### AUTHORITIES AND PROCEDURE FOR VESTING OF FOREST RIGHTS

6. Authorities to vest forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers and procedure thereof.

##### CHAPTER V

##### OFFENCES AND PENALTIES

7. Offences by members or officers of authorities and Committees under this Act.
8. Cognizance of offences.

##### CHAPTER VI

##### MISCELLANEOUS

9. Members of authorities, etc., to be public servants.
10. Protection of action taken in good faith.
11. Nodal agency.
12. Power of Central Government to issue directions.
13. Act not in derogation of any other law.
14. Power to make rules.

THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS  
(RECOGNITION OF FOREST RIGHTS) ACT, 2006

ACT NO. 2 OF 2007

[29th December, 2006.]

An Act to recognise and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded; to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

WHEREAS the recognised rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of the forest dwelling Scheduled Tribes and other traditional forest dwellers;

AND WHEREAS the forest rights on ancestral lands and their habitat were not adequately recognised in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest ecosystem;

AND WHEREAS it has become necessary to address the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers including those who were forced to relocate their dwelling due to State development interventions.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

CHAPTER 1

PRELIMINARY

**1. Short title, extent and commencement.**—(1) This Act may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

(2) It extends to the whole of India <sup>1</sup>\*\*\*.

(3) It shall come into force on such date<sup>2</sup> as the Central Government may, by notification in the Official Gazette, appoint.

**2. Definitions.**—In this Act, unless the context otherwise requires,—

(a) “community forest resource” means customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access;

(b) “critical wildlife habitat” means such areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of wildlife conservation as may be determined and notified by the Central Government in the Ministry of Environment and Forests after open process of consultation by an Expert Committee, which includes experts from the locality appointed by that Government wherein a representative of the Ministry of Tribal Affairs shall also be included, in determining such areas according to the procedural requirements arising from sub-sections (1) and (2) of section 4;

(c) “forest dwelling Scheduled Tribes” means the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for *bona fide* livelihood needs and includes the Scheduled Tribe pastoralist communities;

1. The words “except the State of Jammu and Kashmir” omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10-2019).

2. 31st December, 2007, vide notification No. S. O. 2224(E), dated 31st December, 2007, see Gazette of India Extraordinary, Part II, sec 3(ii).

(d) “forest land” means land of any description falling within any forest area and includes unclassified forests, undemarcated forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks;

(e) “forest rights” means the forest rights referred to in section 3;

(f) “forest villages” means the settlements which have been established inside the forests by the forest department of any State Government for forestry operations or which were converted into forest villages through the forest reservation process and includes forest settlement villages, fixed demand holdings, all types of *taungya* settlements, by whatever name called, for such villages and includes lands for cultivation and other uses permitted by the Government;

(g) “Gram Sabha” means a village assembly which shall consist of all adult members of a village and in case of States having no Panchayats, Padas, Tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women;

(h) “habitat” includes the area comprising the customary habitat and such other habitats in reserved forests and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling Scheduled Tribes;

(i) “minor forest produce” includes all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like;

(j) “nodal agency” means the nodal agency specified in section 11;

(k) “notification” means a notification published in the Official Gazette;

(l) “prescribed” means prescribed by rules made under this Act;

(m) “Scheduled Areas” means the Scheduled Areas referred to in clause (1) of article 244 of the Constitution;

(n) “sustainable use” shall have the same meaning as assigned to it in clause (o) of section 2 of the Biological Diversity Act, 2002 (18 of 2003);

(o) “other traditional forest dweller” means any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forests land for *bona fide* livelihood needs.

*Explanation.*—For the purpose of this clause, “generation” means a period comprising of twenty-five years;

(p) “village” means—

(i) a village referred to in clause (b) of section 4 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996); or

(ii) any area referred to as a village in any State law relating to Panchayats other than the Scheduled Areas; or

(iii) forest villages, old habitation or settlements and unsurveyed villages, whether notified as village or not; or

(iv) in the case of States where there are no Panchayats, the traditional village, by whatever name called;

(q) “wild animal” means any species of animal specified in Schedules I to IV of the Wild Life (Protection) Act, 1972 (53 of 1972) and found wild in nature.



## CHAPTER II

## FOREST RIGHTS

**3. Forest rights of Forest dwelling Scheduled Tribes and other traditional forest dwellers.**—(1) For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely:—

(a) right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers;

(b) community rights such as nistar, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;

(c) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;

(d) other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;

(e) rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;

(f) rights in or over disputed lands under any nomenclature in any State where claims are disputed;

(g) rights for conversion of *Pattas* or leases or grants issued by any local authority or any State Government on forest lands to titles;

(h) rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;

(i) right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;

(j) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of the concerned tribes of any State;

(k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;

(l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;

(m) right to *in situ* rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.

(2) Notwithstanding anything contained in the Forest (Conservation) Act, 1980 (69 of 1980), the Central Government shall provide for diversion of forest land for the following facilities managed by the Government which involve felling of trees not exceeding seventy-five trees per hectare, namely:—

(a) schools;

(b) dispensary or hospital;

(c) *anganwadis*;

- (d) fair price shops;
- (e) electric and telecommunication lines;
- (f) tanks and other minor water bodies;
- (g) drinking water supply and water pipelines;
- (h) water or rain water harvesting structures;
- (i) minor irrigation canals;
- (j) non-conventional source of energy;
- (k) skill upgradation or vocational training centres;
- (l) roads; and
- (m) community centres:

Provided that such diversion of forest land shall be allowed only if,–

- (i) the forest land to be diverted for the purposes mentioned in this sub-section is less than one hectare in each case; and
- (ii) the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.

### CHAPTER III

#### RECOGNITION, RESTORATION AND VESTING OF FOREST RIGHTS AND RELATED MATTERS

**4. Recognition of, and vesting of, forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers.**–(1) Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the Central Government hereby recognises and vests forest rights in–

- (a) the forest dwelling Scheduled Tribes in States or areas in States where they are declared as Scheduled Tribes in respect of all forest rights mentioned in section 3;
  - (b) the other traditional forest dwellers in respect of all forest rights mentioned in section 3.
- (2) The forest rights recognised under this Act in critical wildlife habitats of National Parks and Sanctuaries may subsequently be modified or resettled, provided that no forest rights holders shall be resettled or have their rights in any manner affected for the purposes of creating inviolate areas for wildlife conservation except in case all the following conditions are satisfied, namely:–
- (a) the process of recognition and vesting of rights as specified in section 6 is complete in all the areas under consideration;
  - (b) it has been established by the concerned agencies of the State Government, in exercise of their powers under the Wild Life (Protection) Act, 1972 (53 of 1972) that the activities or impact of the presence of holders of rights upon wild animals is sufficient to cause irreversible damage and threaten the existence of said species and their habitat;
  - (c) the State Government has concluded that other reasonable options, such as, co-existence are not available;
  - (d) a resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfils the requirements of such affected individuals and communities given in the relevant laws and the policy of the Central Government;
  - (e) the free informed consent of the Gram Sabhas in the areas concerned to the proposed resettlement and to the package has been obtained in writing;

(f) no resettlement shall take place until facilities and land allocation at the resettlement location are complete as per the promised package:

Provided that the critical wildlife habitats from which rights holders are thus relocated for purposes of wildlife conservation shall not be subsequently diverted by the State Government or the Central Government or any other entity for other uses.

(3) The recognition and vesting of forest rights under this Act to the forest dwelling Scheduled Tribes and to other traditional forest dwellers in relation to any State or Union territory in respect of forest land and their habitat shall be subject to the condition that such Scheduled Tribes or tribal communities or other traditional forest dwellers had occupied forest land before the 13th day of December, 2005.

(4) A right conferred by sub-section (1) shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next-of-kin.

(5) Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.

(6) Where the forest rights recognised and vested by sub-section (1) are in respect of land mentioned in clause (a) of sub-section (1) of section 3 such land shall be under the occupation of an individual or family or community on the date of commencement of this Act and shall be restricted to the area under actual occupation and shall in no case exceed an area of four hectares.

(7) The forest rights shall be conferred free of all encumbrances and procedural requirements, including clearance under the Forest (Conservation) Act, 1980 (69 of 1980), requirement of paying the 'net present value' and 'compensatory afforestation' for diversion of forest land, except those specified in this Act.

(8) The forest rights recognised and vested under this Act shall include the right of land to forest dwelling Scheduled Tribes and other traditional forest dwellers who can establish that they were displaced from their dwelling and cultivation without land compensation due to State development interventions, and where the land has not been used for the purpose for which it was acquired within five years of the said acquisition.

**5. Duties of holders of forest rights.**—The holders of any forest right, Gram Sabha and village level institutions in areas where there are holders of any forest right under this Act are empowered to—

- (a) protect the wild life, forest and biodiversity;
- (b) ensure that adjoining catchments area, water sources and other ecological sensitive areas are adequately protected;
- (c) ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage;
- (d) ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with.

## CHAPTER IV

### AUTHORITIES AND PROCEDURE FOR VESTING OF FOREST RIGHTS

**6. Authorities to vest forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers and procedure thereof.**—(1) The Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction under this Act by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim in such manner as may be prescribed for exercise of such

rights and the Gram Sabha shall, then, pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee.

(2) Any person aggrieved by the resolution of the Gram Sabha may prefer a petition to the Sub-Divisional Level Committee constituted under sub-section (3) and the Sub-Divisional Level Committee shall consider and dispose of such petition:

Provided that every such petition shall be preferred within sixty days from the date of passing of the resolution by the Gram Sabha:

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(3) The State Government shall constitute a Sub-Divisional Level Committee to examine the resolution passed by the Gram Sabha and prepare the record of forest rights and forward it through the Sub-Divisional Officer to the District Level Committee for a final decision.

(4) Any person aggrieved by the decision of the Sub-Divisional Level Committee may prefer a petition to the District Level Committee within sixty days from the date of decision of the Sub-Divisional Level Committee and the District Level Committee shall consider and dispose of such petition:

Provided that no petition shall be preferred directly before the District Level Committee against the resolution of the Gram Sabha unless the same has been preferred before and considered by the Sub-Divisional Level Committee:

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(5) The State Government shall constitute a District Level Committee to consider and finally approve the record of forest rights prepared by the Sub-Divisional Level Committee.

(6) The decision of the District Level Committee on the record of forest rights shall be final and binding.

(7) The State Government shall constitute a State Level Monitoring Committee to monitor the process of recognition and vesting of forest rights and to submit to the nodal agency such returns and reports as may be called for by that agency.

(8) The Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee shall consist of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government and three members of the Panchayati Raj Institutions at the appropriate level, appointed by the respective Panchayati Raj Institutions, of whom two shall be the Scheduled Tribe members and at least one shall be a woman, as may be prescribed.

(9) The composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions shall be such as may be prescribed.

## CHAPTER V

### OFFENCES AND PENALTIES

**7. Offences by members or officers of authorities and Committees under this Act.**—Where any authority or Committee or officer or member of such authority or Committee contravenes any provision of this Act or any rule made thereunder concerning recognition of forest rights, it, or they, shall be deemed to be guilty of an offence under this Act and shall be liable to be proceeded against and punished with fine which may extend to one thousand rupees:

Provided that nothing contained in this sub-section shall render any member of the authority or Committee or head of the department or any person referred to in this section liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.



**8. Cognizance of offences.**—No court shall take cognizance of any offence under section 7 unless any forest dwelling Scheduled Tribe in case of a dispute relating to a resolution of a Gram Sabha or the Gram Sabha through a resolution against any higher authority gives a notice of not less than sixty days to the State Level Monitoring Committee and the State Level Monitoring Committee has not proceeded against such authority.

## CHAPTER VI MISCELLANEOUS

**9. Members of authorities, etc., to be public servants.**—Every member of the authorities referred to in Chapter IV and every other officer exercising any of the powers conferred by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

**10. Protection of action taken in good faith.**—(1) No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done by or under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

(3) No suit or other legal proceeding shall lie against any authority as referred to in Chapter IV including its Chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act.

**11. Nodal agency.**—The Ministry of the Central Government dealing with Tribal Affairs or any officer or authority authorised by the Central Government in this behalf shall be the nodal agency for the implementation of the provisions of this Act.

**12. Power of Central Government to issue directions.**—In the performance of its duties and exercise of its powers by or under this Act, every authority referred to in Chapter IV shall be subject to such general or special directions, as the Central Government may, from time to time, give in writing.

**13. Act not in derogation of any other law.**—Save as otherwise provided in this Act and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996), the provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

**14. Power to make rules.**—(1) The Central Government may, by notification, and subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

- (a) procedural details for implementation of the procedure specified in section 6;
- (b) the procedure for receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim for exercise of forest rights under sub-section (1) of section 6 and the manner of preferring a petition to the Sub-Divisional Committee under sub-section (2) of that section;
- (c) the level of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government to be appointed as members of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee under sub-section (8) of section 6;
- (d) the composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions under sub-section (9) of section 6;
- (e) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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