

CERTIFICATE

This is to certify that the work incorporated in this report entitled “Forest Rights Act in Udaipur” submitted by the undersigned Research Team was carried out under my mentorship. Such material as has been obtained from other sources has been duly acknowledged.

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ABSTRACT

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act), 2006, commonly referred to as the Forest Right Act (FRA), is a landmark legislation that acknowledges and aims to undo the historical injustice meted out to India's tribal and other traditional forest dwelling communities. However, since its enactment in 2006, there have been several inconsistencies and gaps in its implementation.

This paper seeks to study the implementation of the FRA from the perspectives of three stakeholders; its beneficiaries, government officials, and NGO workers and political activists in two villages of Udaipur district, Kaya and Pai. It describes the contribution of each stakeholder towards the Forest Rights Act. The initial chapters provide context of the district of Udaipur, its demographic and gives the reader a brief introduction to the Act in question. Next, it discusses the methodology adopted for the purposes of this research as well as the pre-existing literature on the FRA and the gaps in this literature that led the team to the research question. Further on, the report presents the data collected on-field from tribal households, NGOs, political activists, and the government official alongside the inferences the researchers arrived at based on this information.

The findings of the research indicate that there are vast gaps between the intended consequences of the FRA and the reality of its implementation 13 years on.

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CHAPTER 1

INTRODUCTION



1.1 Forest Rights Act, 2006

The Scheduled Tribes and Other Traditional Forest Dwellers Act, 2006 also known as the Forest Rights Act (FRA, hereafter), is a landmark legislation that aims to correct the historical injustice meted out to tribal and other traditional forest dwelling communities by granting legal recognition of their rights. This act recognises individuals' right to inhabit and cultivate any forest land that they have occupied before 13 December 2005 and grants community forest rights to manage, protect, regenerate the forest and to own and dispose minor forest products from forests to which they had traditional access (Ministry of Tribal Affairs, 2014).

The Scheduled Tribes and Other Traditional Forest Dwellers Act, in practice, regulates the degree of access that members of tribal communities and other traditional forest dwellers (OTFDs, hereafter) have to forest land and grants them legal ownership of their ancestral land. The introduction of this act has been extremely crucial because it is the first of its kind to provide a framework through which the members of tribal communities can legally claim rights for the land they have been cultivating and using for generations; in the process, ensuring livelihood and food security to forest dwelling tribes and other traditional forest dwellers. The FRA also gives tribal communities the authority to sustainably use forest resources, alongside responsibilities for the conservation of biodiversity and maintenance of ecological balance.

Across India, the state of Odisha has been one of the best performers the best in terms of implementation - 65.85% of total claims have been accepted and titles have been distributed for these claims. Tripura follows next with 63% claims receiving distribution of titles. The states where implementation of the FRA has not been as successful are Uttarakhand, Bihar, Tamil Nadu, and Himachal Pradesh. Rajasthan figures somewhere in the middle, with 50.89% of the claims having been processed. The actual allotted forest land however, is just 55,615.40 acres, which pales in comparison to the allotment of land by other states such as Tripura, Madhya Pradesh and Maharashtra (Status Report on implementation of FRA, 2018).



Image 1.1: A picture of the landscape captured from the village of Kaya.

1.2 Scheduled Tribes and Other Forest Dwelling Tribes

The Forest Rights Act was implemented in 2006 as an attempt to “undo the historical injustice” that had been inflicted on tribal communities and OTFDs who are heavily dependent on forest resources for their sustenance (Bose, 2010). This act is applicable to all of India except the state of Jammu and Kashmir, a country which is home to some 700 tribes (census data). In the earlier times, the tribes in India were not recognized in their complete essence and the people who belonged to the tribal communities were addressed by various terms like ‘aboriginals’, ‘animists’, ‘depressed classes’, etc. Moreover, unlike other castes and races, the tribes in India were not recognized by the existing government. The tribal communities had always been perceived as unconventional because they lived in geographically isolated areas and were culturally distinct. Furthermore, they had little to no contact with mainstream society and therefore, weren’t as economically benefited as people that lived in conventional societies. These groups were recognized as “degraded” groups for the first time in the year 1935. In the year 1950, after the Indian Constitution came into effect, the tribes which were categorized as degraded came to be known as Scheduled Tribes (Xaxa, 2012).

Rajasthan is India's largest state in terms of geographical area accounting for approximately 10.4% of the total land area in India. The total population of Rajasthan is 74.8 million, and the total land area is 3,42,200 km square (Population Of Rajasthan 2018, 2018). The members of tribal communities constitute about 12% of the total population of the state. Of the twelve Scheduled Tribes in Rajasthan, Minas, Bhils, Bhil-Minas, Damor, Garasia, and Saharia, constitute the major part of tribal communities in the state. Although the tribal population is present throughout the state, most of it is concentrated in five districts of South Rajasthan, namely, Udaipur, Chittorgarh, Bhilwara, Banswara, and Dungarpur. Tribal communities in these five districts constitute about 54% of the total tribal population of the whole state (Census, 2011).

Minas are the largest tribal community in the state that constitute 51.1% of the total tribal population in the state. This community is dispersed all through the Jaipur-Sikar belt of Shekhawati, continuing into Alwar district in southwest Rajasthan. The Mina settlements also merge with the Bhils of Bundi-Kota, Jhalawar. Historical accounts claim that Minas were the original inhabitants of prehistoric Indus valley civilization (Dada et al, 2011).

Bhils are also a significantly large part of the population and are the largest tribal group in South Asia, comprising of 39% of the total tribal population in Rajasthan ("Bhil Tribals", 2018). They are found in the districts of Banswara, Dungarpur, Udaipur and Chittorgarh (Raghu & G, n.d).

1.3 About Udaipur

The district of Udaipur has 11 tehsils, amongst which Girwa is the largest comprising of 2479 villages and Lasadiya is the smallest comprising of 114 number of villages. The sex ratio of Udaipur district (958) is higher than that of the state of Rajasthan (928) by a significant amount. Further, the work participation rate in the district was 44.5%, and the gender gap in the same was 18%. The economy of the district is heavily reliant on agriculture. Around 61.7% of the workforce are either involved in cultivation or are agricultural laborers. The literacy rate in the district (61.8%) is lower than that of the state (66.1%), and ranks 21st among the other districts in Rajasthan. Further, the gender gap of literacy is 26.3%. In addition, the population of scheduled tribes in the district is 49.4 per cent, whereas in the state it is 13.5 per cent (Census, 2011).



Image 1.2: A bird's eye view of Udaipur city from Sajjangarh Fort

1.4 Research Statement, Aims and Objectives

As discussed above, FRA was implemented to rectify the “historical injustice” meted out to the tribal population of India in the past. However, data from many studies suggest that there have been discrepancies in the implementation of the act. The researchers were interested in studying the extent of the implementation of the FRA, its impact on the population of two primarily tribal villages in Udaipur district and some of the factors and processes working behind these outcomes. To this end, the researchers arrived at the following research statement-

“To study the extent of the implementation of the Act, examining factors and processes critical for access, and its socio-economic impact on tribal households”

Aims and Objectives:

1. To study the impact of social capital on accessing land under the act.

The researchers aim to study the impact of factors such as political affiliations, government jobs, media such as radio, newspapers, internet etc. and literacy or educational attainment on access to FRA related information.

2) To examine the legal entitlements and real possessions under the act.

The researchers aim to study the disparity that has been found in the initial literature review between the legal entitlements and actual possession of land by members of tribal communities and OTFDs.

3) To assess the extent of women's participation in FRA related processes.

Women in India have historically struggled to access rights in general, but even more so when it comes to land ownership. In context of the FRA, the few claims that have been accepted have been in the name of men. The participation of women has been very negligible (Bose, 2011). The researchers aim to assess the involvement of women in the entire process of the FRA, beginning from the filing of claims to receiving entitlements, from their own perspective.

4) To study the economic impact of FRA on household economies.

A majority of the population inhabiting forestland depends on activities such as agriculture, cattle rearing, collecting minor forest produce like firewood and grass for sustenance. All of these activities require access to land and other forest resources. Due to the discrepancies in the implementation of the FRA, members of tribal communities may have difficulty accessing these resources. The researchers aim to study the impact of legal entitlement to land on the household economy of tribal and other forest dwelling populations.



Figure 1.3: Picture of a household in Kaya.

1.5 Rationale

The FRA was implemented pan-India except the state of Jammu and Kashmir after years of protests and demands by the marginalised tribal communities of India. The main purpose of this act was to amend the injustice of the non-recognition of the land occupied by tribal communities and their suffering because of this over the years. However, since 2006, there have been various inconsistencies and problems in its implementation in various parts of the country. Hence, through interacting with the various stakeholders (i.e. the beneficiaries - tribal and other forest dwelling groups, NGOs, government officials and political activists), the researchers aim to understand the effects of the implementation of the act and the various factors contributing to discrepancies in implementation. Moreover, Rajasthan is an under-researched area with respect to the implementation of the FRA. The villages the researchers chose are Kaya and Pai, two tribal dominated villages in Udaipur district that are easily accessible from Udaipur city.

The data gathered by the researchers can perhaps contribute to the body of knowledge that already exists about the FRA and its implementation in Rajasthan. This research could potentially provide clues about what should change in order for this act to work more efficiently.

1.6 Limitations

As is the case with every research, this research has many limitations too. One of the most significant limitations is that the researchers had only 5 days on field which affected the number of people that could be interviewed as well as the duration of each interview. The researchers also had a limited amount of time on field per day with field trips to the villages ending before sunset. The households were sparsely scattered and the terrain was hilly, which made travelling from one household to another time consuming. The researchers had to often spend a considerable amount of time finding households to interview.

As one of the three key stakeholders, interviews with government officials were integral to this research, but unfortunately, the time we were on-field coincided with a strike and we could only interview the Block District Officer (BDO, hereafter).

Another obstacle that the researchers faced was that of some respondents being hesitant to share information regarding the FRA and of some others being suspicious of our motives for doing this research in fear of facing backlash from government functionaries.

More significantly, the researchers had to navigate a language barrier while communicating with the locals, since only 3 researchers could fully understand the local language. This made it difficult for other interviewers who did not know the language to communicate effectively, making the interviews more time consuming as well as adding the risk of not being clear about what we were asking.

The research also aimed to study the participation of women with respect to the FRA. To this end, the researchers tried to conduct a focused group discussion with a group of women but unfortunately, due to the presence of men and perhaps the language barrier, the researchers were unable to obtain a lot of significant information and also had to switch to a group interview since the women weren't very open to talking much unless we directed questions at them.

1.7 Methodology

The research study has employed a combination of varied research approaches for primary data collection. Two village panchayats- Kaya and Pai, were selected for the study based on high numbers of Schedule Tribes and Other Forest Dwelling Tribes as a part of their population composition. The qualitative and quantitative tools that were used included household level survey, semi-structured and unstructured interviews, and group interviews with women. These spanned across key stakeholders; tribal communities, government officials, NGO workers and political activists to get a holistic view of the socio-economic factors, processes and impact of the act.

1.7.1 Stakeholders

1. **Tribal Communities** - Being the primary beneficiaries of the Forest Rights Act, tribal communities are directly affected by the way the act is implemented. As the research data indicates, even after over 10 years of its implementation, more than half of the tribal households have not been given their rightful due under the act. Hence, understanding the perspective of the tribal population in the entire scenario was crucial for the research.
2. **Government Officials** - Tribal communities and government officials share a history of strained relationship. Multiple reports, one of them being the report released by the Forest Rights Committee in the year 2010 cited the harassment of members of tribal communities by government officials as one of the primary causes of concern in the implementation of the act. Interviewing government officials provided the researchers with a more comprehensive picture.
3. **NGO Workers and Political Activists** - As the research data indicates, the NGOs have played a catalytic role in spreading awareness about the act and making the process of claiming the rights for the members of tribal communities easier. Organisations like Seva Mandir and Astha Sansthan have taken the onus upon themselves to help members of tribal communities file for claims under the Forest Rights Act. Moreover, political activists from civil societies have been fighting for the forest rights of the tribal communities even before the formulation of the act. Therefore, getting their point of view on the implementation as well as being an active participant in the process was very important to the research study.

1.7.2 About Methods of Research Used:

1. **Household Level Survey Method:** This method is used as a tool for collecting household level information where a questionnaire was canvassed among the respondents with quantitative and qualitative questions. The questionnaire had both, quantitative and qualitative questions, however, the focus on qualitative or descriptive answers was less.

The primary reason for selecting this method of research was to get answers to very objective questions crucial to our research such as the amount of land owned by the family members, the education received by them, etc. A compilation of the data collected from the survey method for tribal households gave us a holistic understanding of the various topics such as demography, education, land distribution etc which complimented the data collected through qualitative methods of data collection.

2. **Semi Structured Interviews:** In a semi-structured interview, the interviewer conducts a formal interview with the respondent. The interviewer refers to an 'interview guide' which contains questions or topics that are of relevance to the study, often in a given order. Tribal households, government officials, NGOs and political activists were administered with a semi structured interview to be able to understand their perspective about the various aspects related to the implementation and regulation of the act in the selected villages. Since, semi structured interviews allow the interviewer scope for building more questions on the information provided by the respondent during the interview, this method proved to be particularly useful for the research.

3. **Group Interviews:** Group interviews is a method of research where the interviewer interviews a group of people based on one questionnaire and note down their replies collectively for each question asked. This method of data collection was used during the field trip mainly with a group of women. During the field work, the researchers realized that due to the ingrained patriarchy and suppression of female expression of opinion, the women did not talk much when interviewed. Hence, this method was used by the researchers because it was observed that some women spoke up when they saw the fellow women taking an initiative to speak up and answer the questions of the interviewers as well.



Image 1.4: Picture of a household in Kaya.

Chapter 2

LITERATURE REVIEW



2.1 What is the Forest Rights Act?

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights), 2006, is an important forest legislation passed in India on the 18th of December in the year 2006. The Act enables scheduled tribes and other forest dwellers to claim ownership on land that they have occupied before 13th December, 2005 and demand remuneration in case they were removed from their land without compensation. It also requires these communities to maintain biological diversity in this land while harvesting forest produce required for their day-to-day life and bans hunting and procurement of animal body parts under the Wildlife Protection Act, 1972. This Act was intended to give agency to tribal peoples and forest dwellers due to a past of exploitation and rejection of their authority on land that they have used for generations by certain government and private institutions. (Ministry of Tribal Affairs, 2014)

The FRA, passed by the Indian Parliament in 2006 has not been passed without its problems and detailed deliberations. Instead, it was a fight to keep the key elements intact. The passing of this act by the Indian Parliament highlights the importance the protests and campaigns hold in the realm of Indian politics; and at the same time, also sheds light on the activists need to form coalitions that can prove to be effective, and involve individuals and groups which can help in influencing the course of the legislation. While the preponderance of politics in matters of economic decision-making gets highlighted, the process underlying the legislation of the FRA reveals the multi-layered and multi-actor nature of the Indian state and the significant role of intra-state politics in promoting or thwarting pro-poor decisions (Bose, 2010).

The Forest Rights Act does two things. First, the Act grants the legal recognition to the tribal communities' rights as well as of the traditional forest dwelling communities; partially correcting the injustice inflicted upon them earlier by the forest laws. Secondly, it marks the beginning in giving the communities residing in these areas a voice in forest and wildlife conservation. (Ministry of Tribal Affairs, 2014).

2.1.1 Provisions in the Act:

The Forest Rights Act recognizes three types of rights.

1) Land Rights:

No individual gets rights to a land that they have been working on or cultivating before the designated date, (13th December, 2005), and one that they are not working on as of now. Individuals who are cultivating land but do not have legal documents can claim up to 4 hectares, with the condition being that they are working on the land themselves, and for the purpose of earning a livelihood. Also, those people who are possessing a *patta* or a government lease, or whose land is a subject of a dispute between the forest department or the revenue department, can now claim those lands (Bose, 2011).

2) Use Rights:

The second right under this law is the right to collect/use a) Minor Forest Produce- such as tendu leaves, herbs, medicinal plants etc. that have been traditionally gathered Essentially the act allows the collection and use of forest produce that has been traditionally (under section 3(1)), excluding timber.

b) Grazing grounds and water bodies

c) Areas that have been used traditionally as nomadic or pastoralist communities. That is, communities which move with their herds and do not practice settled agriculture.

3) Right to Protect and Conserve:

Till now, no one except the Forest Department has had the right to protect the forests, even though it is a public resource. For the first time after a long while, this right now gives the community the right to manage as well as protect the forest. Section 3(1) (i) of the law allows a right and a power to conserve community forest resources, while the fifth section (5) of the law gives the community a greater power to protect wildlife, forests, etc. This is really important for the thousands of village communities who are protecting their wildlife and forests from the threats such as forest mafias, industries and land grabbers; most of whom work in connivance of the forest department (Somanathan et al., 2013; Ministry of Tribal Affairs, 2014).



Image 2.1: Landscape of conserved forest land captured in Pai

2.2 Eligibility

The Forest Rights Act, now twelve years into its implementation, recognizes individual rights to homestead and agricultural land, as well as community rights to access non-timber forest produce (NTFP) and manage and conserve forest resources. As the name suggests, the eligible forest-dwellers under this Act include individuals and communities of both Scheduled Tribes (STs) as well as Other Traditional Forest Dwellers (OTFDs) (Sharma, 2018).

2.2.1 Criteria for Claiming Land:

One of the major limitations of the Forest Rights Act is the differentiated eligibility of ST and OTFD (other traditional forest dwellers) claimants, which, compounded by the ambiguity in the wording of the Act, has disadvantaged the latter. OTFD's are required to provide proof of continuous residence of dependence in the areas being claimed for three generations (75-80 years). An issue with this is, that it dates back to a period when most of these areas were under *princely states* or *zamindars*, with no survey or land demarcation,

and especially, no official government records. Thus, these equally deserving communities are unable to produce documentary evidence to support their claims (Sharma, 2018; Bose, 2011).

2.2.2 Regularization Attempts Before the FRA:

The forest question entered mainstream politics in the run up to the 2004 general elections and was on the Common Minimum Programme of the United Progressive Alliance, which came into power after the elections. The Prime Minister's Office initiated the process of settling the rights of forest dwellers and converting forest villages to revenue villages, and concluded that the real solution lay in new legislation. A look at the detailed process of drafting the Act shows that every actor who was involved in its creation including tribal rights movements, anti-evictions and land rights movements, the Campaign for Survival and Dignity (CSD), MoTA, the ruling Congress party leadership, the political Left, the conservation lobby, the PMO, etc., all had a different idea of what the problem at hand was. At different stages, these various actors controlled the drafting and brought it in line with their respective conceptions of the solution, and this was finally subjected to last-minute political negotiations (Sharma, 2018).

With no single view reigning, the final document ended up with some provisions pushed by each actor. In a compromise, the clause 'provided they have lived in forests for three generations', pertaining to OTFDs, was inserted at the final stage to ensure that the Bill was passed. Thus, the FRA differentiates in the eligibility and criteria for verification in Section 2 of rights of STs and OTFDs. While STs must prove that they have primarily resided in the forest or forest land prior to 13th December, 2005, OTFDs must prove that they have primarily resided in forests or on forest lands for approximately 75 years or three generations. Also, while STs have reservations to ensure their participation in the institutions prescribed by the FRA – like the Forest Rights Committee, Community Forests Resource Management Committee (CFRMC) and even in the panchayat representatives of sub-divisional level committees and district level committees – there is no measure to guarantee OTFD participation (Sharma, 2018).

2.3 Implementation of the Forest Rights Act:

Of the various states that have reported on implementation of Community Forest Rights, Assam appears to have the highest rate of acceptance of claims, and Andhra Pradesh the highest rate of titles given (Sharma 2018; Bose, 2011). Other states with a relatively large number of claims include Chhattisgarh, Gujarat, Madhya Pradesh, Maharashtra, and West Bengal, but in all these cases, acceptance or titling is very low (Bose, 2011). Orissa has accepted/titled about 30% of claims made, but it has also rejected twice as many as accepted (it is difficult to compare this with other states as it is the only state to report on rejections of Community Forest Rights (Bose, 2011).

2.3.1 Status of Implementation:

There has been inadequate preparedness and a lack of trained staff for the implementation of the FRA at revenue or forest land is a laborious, complex and time-consuming process. At the bureaucratic level, according to the act, states are required to create 4 different committees for ensuring the execution of the act: State Level Monitoring Committee (SLMC), District Level Committee (DLC), Sub-divisional Level Committee and Forest Rights Committee (FRC). Administrative officers usually comprise the first 3 committees, but the most important committee is the Forest Rights Committee, which ideally should be formed of well-informed, knowledgeable tribal community members (Suman, n.d). The problem lies in the operations of the Forest Rights Committee. Firstly, the members of the Forest Rights Committee are elected by the Gram Panchayat, and the elections of these panchayats are irregular and biased, thus the committee is not prepared to make the right decisions and judgements for the well-being of the forests and their communities. Thus, the members of the FRC do not possess the tools and skills to receive, record and communicate several claims, they have infrastructural and technical training issues, which does not allow them to access their rights. Most of these tribal people, who are target of this act, are illiterate, and the process of registering and documenting the claim is a tedious task, thus many face issues on technical grounds and their claims are rejected. (Iyer, 2018)

Tasks such as measurement or claim preparation have been either outsourced or completed by engaging staff on contract basis. This has adversely affected the quality and accuracy of the output in many states resulting in wrongful rejections and also in a few cases wrong

acceptance of a number of claims. The FRA stipulates that the forest-dwelling STs/OTFDs are not to be evicted or removed from forest land under their occupation until the process of recognition and verification of their rights is complete (Bose, 2011).

There is a lack of baseline information on the existence of rights (recorded or unrecorded), and existence of customary practices relating to management, use, and protection, in most places. This makes difficult for any robust comparative assessment of the situation.

In majority of sites in India, the CFR process has not even got off the ground, due to lack of awareness, amongst communities, civil society organizations, or relevant officials. The main reason is that state governments have not adequately publicized the CFR provisions or even internalized their importance themselves (Chellam et al., 2010).

2.3.2 How the government is disestablishing the Forest Rights Act

Research data suggests that out of 2.9 million claims made, only 1.6 per cent of the 2.9 million claims have been approved under the Forest Rights Act recognize community rights; the rest recognize individual rights over forest dwellings and farms in forestland. (Sharma, 2018). Community rights under the Act include the right to collect minor forest produce, like bamboo and tendu leaves, which accounts for half the forest department revenue. Reason enough for states to scuttle community rights, which the Centre is trying desperately to enforce. The government of India views MFP rights as a means to curb Naxalism since the states most affected by Naxalism are also home to the maximum number of people dependent on forest produce (Mahapatra et al, 2018).

After filing for claims, document transferring rights to villages was ambiguous and imposed seven conditions; one of them was the residents could collect MFP but only for self-use. Members of tribal communities realized they still had to battle forest officials unwilling to relinquish control over MFP. Besides rights over MFP, community rights include rights to pasture, water bodies and diversion of up to one-hectare (ha) forestland for community infrastructure like schools. While official numbers show higher number of clearances to claims, in reality numbers are much smaller. Most lower level forest officials who are supposed to help process forest rights claims are not aware of the provisions of the Act. “The directive from senior officials was to go to forest villages and collect signatures on forms that identify agricultural land and dwellings. We were not told about MFP,” said a forest officer (Bose, 2011).

Another reason for the forest department officials to keep members of forest dwelling communities are not telling people about rights over MFP is that it is a major source of revenue for forest departments. MFP accounts for 60 percent of forest revenue. After the Supreme Court banned tree felling in forests without working plans, MFP has emerged as the main source of revenue for forest departments.



Image 2.2: Woman fetching water in Kaya.

2.4 About the Villages

2.4.1 Kaya Village

Kaya Village falls under the Girwa tehsil in Udaipur District. It is located 24 KM towards South from District headquarters Udaipur. It is the 35th most populous village and it is the 6th biggest village by area in the sub district. The village accounts for a total geographical area of 22 square kilometres. The village has 480 houses. The Local Language spoken in Kaya is Hindi. According to Census 2011, Kaya's population is 2570. Out of this, 1294 are males whereas the females count 1276 here. This village has 545 children in the

age bracket of 0-6 years. Among the 269 are male and 276 are females. Average Sex Ratio of the village is 986. Literacy rate in Kaya village is 44.10%. Among males, the literacy ratio is 59.80% female literacy ratio is 28%. This ratio of literacy ratio is really low indicating poor literacy Kaya. As discussed earlier the total population of Kaya is 2570, out of which 16% of the whole population are from general caste, 1.36% are from schedule caste and 82.49% are schedule tribes (Census, 2011).

Kaya has 28% (718) population engaged in either main or marginal works. 624 males and 94 female population are working population. 90.95 % of workers describe their work as Main Work i.e. employment or earning more than 6 months, while 9.05 % were involved in Marginal activity providing livelihood for less than 6 months. Of 718 workers engaged in main Work, 135 were cultivators (owner or co-owner) while 14 were Agricultural labourer (Census, 2011)



Image 2.3: A cluster of houses in Kaya

2.4.2 *Pai Village*

Pai is a village in Girwa Tehsil in Udaipur District of Rajasthan State, India. It comes under the Udaipur Division. It is located 35 kilometers south of the district headquarters of Udaipur and 31 kilometres from Girwa. 416 kilometres from State capital Jaipur. Pai's Local Language is Hindi and the total village population is 4558 divided amongst 876 houses in the whole village. The females consist of 48.8% of the total Population, wherein their literacy rate is 8.3%, compared to the entire village's literacy rate which is 28.9%. According to the 2011 Census information the location code or village code of Pai is 313031. (Census, 2011)

The village is home to 4558 people, among them 49.7% are female and the rest are male. 65% of the whole population are from general caste, 32% are from schedule caste and the remaining 3% are scheduled tribes. The children (age 6 years and below) comprise 18% of the population of the village, amongst which 42% are boys and 58% are girls. Pai has 54% (317) of the population engaged in either main or marginal works. 60% male and 49% female population are working population. 55% of total male population are main (full time) workers and 4% are marginal (part time) workers. For women 23% of total female population are main and 26% are marginal workers. (Census, 2011)

2.4.3 *Economic Impacts:*

A dominant feature of livelihoods in Rajasthan is that they have been livestock-based livelihoods. Since the arid landscape is subjected to extremely low rates of precipitation, a combination of subsistence agriculture and livestock rearing exists. The natural vegetation of the forest especially the north-western part encouraged sheep and goat rearing that can survive on low productivity of the common lands as well as the forest lands.



Figure 2.4: Livestock in the village of Pai.

After 1951 the forests have been brought under regular scientific management and according to the state forest department the demarcation and settlement of forest boundaries has almost been completed. Supposedly all forest divisions have regular working plans to carry out the scientific management of all forests. The extent of natural forests in Rajasthan, other than being one of the lowest in the country is also the lowest in productivity. They are spread unequally in northern, southern, eastern and south eastern parts. (Vyas, 2008)

The floral wealth is rich and varied. The entire region is dotted with vegetation because of the strong local tradition of agroforestry. In the tribal well-forested regions, the local economy and livelihood of the tribal community is agriculture based on people being involved in livestock rearing, horticulture and seasonal migration to urban areas for unskilled labour work. Fodder for livestock usually comes from forest land and gauchar (Pandey, 1999), revenue wasteland and partially from crop residue. The gauchar land is managed by the village communities. Non-timber forest products provide supplementary income to their livelihood and gives them something to fall back on during the times of drought. Forest resources act as a coping mechanism for the fairly poor communities by

providing non-timber forest products, especially during the years of poor harvest (Angelsen and Wunder, 2003). Since there are a large number of people living in and around forests and also managing resources, one can observe a strong interdependency between forests and the people.

The forests are largely edapho-climatic climax forests. Forests have a biotic as well as a climatic potential for dry deciduous forest production. Other than partially meeting the need for fuelwood and fodder demand of the rural population, the forests also contribute Rs 7160 million to state domestic product. Regeneration and Afforestation is difficult given the adverse effect of climatic conditions along with existent socio-cultural constraint. One can attribute the main reasons for imbalances in demand and supply of various forest products to unbridled growth of human and livestock population, shrinkage of resources based on account of expansion of agriculture. (Pandey, 1999)

The total contribution of forestry sector in the state of Rajasthan, in the form of recorded and unrecorded withdrawals works out to Rs 716 crores. If one takes a look at empirical data, they would observe that nearly 60 million-man days are generated in the primary sector for harvesting these products. Considering a stumpage value of fuelwood as Rs 1000 per tonne, the contribution of fuelwoods amounts to Rs 2000 million. The total demand of timber in the state is approximately 2.0 million cum, out of which only 0.56 million, comes from forest areas. The rest comes from agricultural fields or is imported. The value of timber coming from forests amounts to Rs 1680 million, per year. (Pandey, 1999)

Average annual recorded revenue from tendu leaves is Rs 60 million. In addition to the revenue, on account of collection charges @ Rs. 320/- per standard bag, (about Rs.100 million worth of wages are paid to the labourers during the collection season.) On a cumulative basis, Tendu Patta alone contributes to the tune of Rs. 160 million. Approximately 5 million standard bamboo are also extracted directly and indirectly from forests, this amounts to Rs. 100 million. Annual revenue realised through various sources comes to about Rs. 30 million. On a conservative estimate, contribution of about Rs. 200 million from unrecorded off take of various types of forest products in the form of leaves, fruits, flowers, bark, roots, tubers, medicinal plants which are locally collected by the right holders. The total contribution of NTFP works out to approximately Rs. 520 million annually (Pandey, 1999).

CHAPTER 3

SCHEDULED TRIBES AND OTFD



3.1 Introduction

In the simple sense of the word, when one thinks about a village, there is a predisposed idea of the environment one would expect in a village setting. One would expect kachcha houses, with straw roofs and cattle grazing in the field, full of men and women working in farms or drawing water from wells or underground systems. However, the observations made by the researchers when they first started their on-field research are slightly different from what their initial expectations were.

Both the villages which were the focal point of the research were on the outskirts of the city, but were still very well connected. Kaya village, for instance, started on the highway itself and the houses were scattered over a large area. It was initially difficult to find a starting point for the field work. A little different but similar situation was found in the Pai village as well. Pai village was towards the inner section.

The initial observation about Kaya village when the team got to the homes of the people was that they were extremely welcoming. It could have been partly because of the fact that there was a local person accompanying the team; along with the fact that he was helping the group out with translations, getting individuals for interviews, etc.

When teams were divided amongst the interviewees to talk to the researchers, they were initially a little hesitant to speak to anyone, presumably for fear that the researchers have certain affiliations and that the information might be released to authorities such as maybe the forest department or government organizations.

The interviewees were standing in groups, and the researchers also divided themselves into groups of three or four to make the data collection easier. When the interviews began, the people got relatively more nervous than they were before, however, the interviews went smoothly; rapport forming questions such as their names and number of family members in their house, the kind of occupations they take part in etc., helped ease the atmosphere. But when the respondents were asked questions regarding the topic of research, that is, the Forest Rights Act, they had a lot to say. Many were unaware of what it actually was. The women were standing off to the side, saying very little and speaking only when they were spoken to.



Image 3.1: The residents of Jhada Adua

Pai village was a little further away from the highway than Kaya. Pai was comparatively more collected and less spread out than Kaya was, however, one interesting thing to note about Pai is that, especially with being such a remote place, spread out over some hills and valleys, it was more connected to the city than Kaya was. There were mobile towers, specifically for Airtel, and people were more well-versed in general.

One thing the researchers found interesting was that on the way to the part of the village where the interviews would be conducted, there was a Church; the existence of which was explained by later interviews conducted that there was around 70% of Christian population living in Pai which is another community on their own. Even though they still were part of the tribal population which had been residing in the area for generations, they still identified themselves as Christian. Out of the team's sample, the interviews with the Christian population, especially with the former sarpanch who himself identified as Christian, proved to be very fruitful. It is such because the Christian people who had applied for the claim for the patta had been allegedly discriminated against, solely on the grounds of the religion they followed.

3.2 Sample Size:

Out of the research team's total collected data with the help of 55 interviews, it was noted that the number of male respondents was more than the number of female respondents. The number of total female respondents was 12, with the remaining being male, total coming out to be 43.

Table 1: Age of Respondents

Age of Respondents (in years)	
Min	20
Average	41.1
Max	80

Source: Field data

Table 2: Sex of Respondents

Sex of Respondents		
M	43	78.18%
F	12	21.82%

Source: Field data

Table 3: Level of Education

Educational level	
None	18
1st to 5th	16
6th to 8th	12
9th to 10th	7
11th to 12th	1
Undergraduate	1

Source: Field data

Table 4: Literacy

Literacy		
Yes	29	52.73%
No	26	47.27%

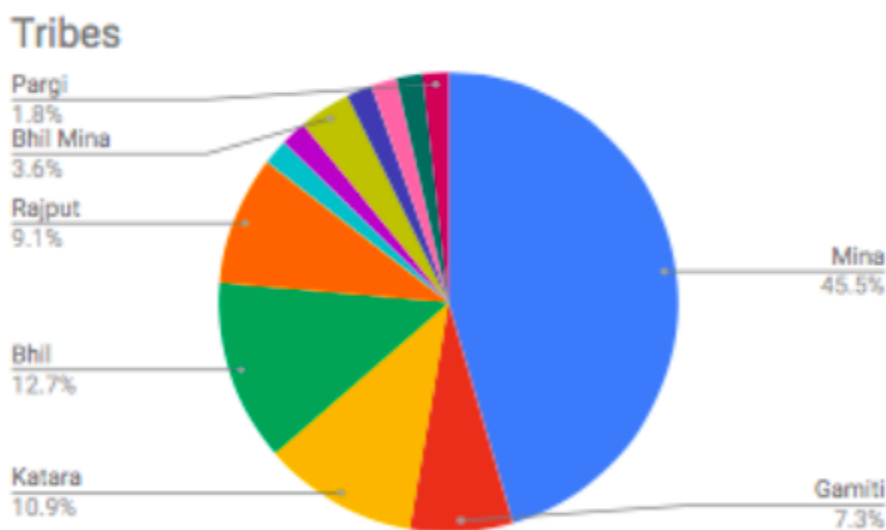
Source: Field data

Almost everyone who was interviewed had been working two jobs, mostly the first responses would consist of them saying they worked in the fields, and the second occupation consisted of either seasonal work or NREGA work that they would have to travel to the city for.

3.3 Patterns of Homogeneity

We observed patterns of homogeneity in the population of the people residing in the villages of Kaya and Pai. Most of the interviewees of the households that we interviewed identified as Bhil, Meena or Bhil-Meena. Other castes that existed in small numbers were Katara, Rajput and Nath. Most of the people were also followers of Hinduism. Moreover, there was an absence of inter-caste discrimination or hostility in the villages.

Chart 1: Tribes



Source: Field data

Occupationally, agriculture and manual labour seemed to be the most common means of earning a living. Certain families had members that had attained jobs in the city of Udaipur because of which, they had to travel to Udaipur and back to the village. Most households that owned forest land utilised it for agriculture- the crops grown on these lands were only utilised for household consumption. Maize was the most commonly cultivated

crop, while crops like bajra, jowar and wheat were also cultivated. As far as the use of minor forest produce is concerned, there was no significant use of the forest resources. Firewood was collected, however, for the purpose of cooking.

When the interviewees were asked about the different castes that exist in the settlement, most of them answered saying that Bhil and Mina were the most prevalent. Interestingly, none of them were observed to discriminate on the basis of caste. Moreover, when interacting with government officials, almost none of them complained of any kind of discrimination based on caste or religion.

When asked why the people did not sell the crops they cultivated, they said that it was because there was not enough output and there was only enough for household consumption. On further enquiring about why maize was more or less the only crop grown, they said that it was because of the lack of rain and proper irrigation.

Since the shortage of water is the biggest problems faced by them, cultivation of any crop that is not capable of surviving without abundance of water is highly unfeasible. Whenever there is a period of higher availability of water, crops like bajra and jowar are cultivated. This however, is a very rare occasion. On being asked why there was no commercial use of the firewood collected, the interviewees spoke about how the quantity of firewood collected is extremely small and only enough for household consumption.

In conclusion there is not too much difference between the people of different castes. Most of the population leads a similar lifestyle. Majority of the interviewees practised manual labour as a secondary means of earning their living. The forest land was used for agriculture. The most grown crop was maize as it is the only crop that can survive despite the shortage of water.

3.4 Maize Cultivation

Out of the 75 respondents interviewed, 70 households depend primarily on agriculture. Almost all of these households consume the produce themselves and very few sell whatever little surplus is generated. Clearly, the importance of agriculture in their lives can and should not go unnoticed. A small change in this specific aspect of the system has potential to mitigate our entire understanding of their livelihood. 61% of the area within Udaipur district has arid and semi-arid weather conditions with poor soil fertility and low

water holding capacity. The crop has to survive high temperatures and wind. Groundwater sources for irrigation are limited. Moreover, agriculture is still practiced using traditional methods on a small-scale, and technology to make farming more efficient is not yet introduced, and is probably too expensive for most of the households (Aadigyan).



Image 3.2: Maize cultivation in Kaya

During the on-field research, the researchers noticed that almost all of the standing crop within sight was maize. This also reflects in the quantitative data, with 45 of the 55 farming households (81.8%) producing maize in the Kharif season. Maize can be grown in moderate temperatures with a minimal water requirement, which makes it the preferred crop to cultivate in Udaipur district. With maize being the primary output of agriculture in this region, the diet of these households consists primarily of maize as well. Maize is supposed to have well-rounded nutritional values, with every vitamin present in significant values. But, in this case due to lack in diversity of food items only maize makes the overall nutrition low. The survey we conducted has said that in Rabi season, 38.2% (n=55) of the households cultivate wheat, which is, similar to maize, also consumed within the household in most cases.

The most significant take away from the crop yield of these households is that almost all of the produce that they cultivate is being used within the household itself. Hence, economic growth through agriculture is highly unlikely, with factors such as soil that isn't very fertile or suitable for the cultivation of crops besides maize, hot and dry weather, lack of irrigation and advanced agricultural implements and methods.

3.5 FRA related awareness

In the villages of Kaya and Pai, the population is scattered over a wide area. The discrepancy between the patta being received amongst these households is vast. With miles of distance between one house to the other, members of tribal communities from these villages belong to a variety of castes- from known tribes like the Bhil, Meena to the Gamiti caste. The topic of importance is of the knowledge possessed by the members of tribal communities with respect to the forest rights act. During the interaction with the members of tribal communities of the two villages, information gathered with respect to the acquisition of information of the forest rights act came to be known. What the researchers gathered is that this knowledge came predominantly through the Panchayat and some from the Ngo, known as Aastha. With these two bodies, the members of tribal communities were able to gather information about the forest rights act that led them to apply for the Pattas in the hopes of claiming their land.

Living so disconnected from the city of Udaipur; in almost all households none of the members possessed a supply of newspapers or in fact technological gadgets such as a smartphone, a radio or a television that would enable them to hear or read the news. Additionally, those households that do possess such gadgets, lack the literacy that would allow them to read and understand what the news would mean unless broken into a simpler form. This is where the Panchayat steps in, the Panchayat that comprises of elected members bridge the connection between the city and the villages. The knowledge they possess is then transferred to the members of tribal communities in these villages. But amongst the interviews of the households, this information has only aided in the process of registration for the Patta and not through till the end. As most members of tribal communities have only received half the needed land in the Patta or none at all, they require

news as to what is currently occurring at the governmental level or at the forest rights department. As far as the NGO is concerned, it is able to contact those that live close within its radius. Those households that are geographically cut off, do not receive help from the NGO as it becomes difficult to reach them. This inconvenience can also be attributed to the fact that there is no established means of transportation to and from the village. With ‘a kutchha road’ leading to the where the Panchayat or the NGO resides, even gathering information about such comes at a cost. Inevitably, the trend seen to occur is that of the members of tribal communities having not received the Patta and not knowing the status of their claim. With little to no information about where their file is, the members of tribal communities do not possess the power to take any action or to file for another claim.



Image 3.3: Image of a kutchha road leading to Kaya.

In some cases, the members of tribal communities were only made aware of the implementation of the forest rights act because the government officials were mapping their land out and after that, they received machinery and water to irrigate and tend to the crops. The awareness amongst these households are not only subject to the workings of the Panchayat and the NGO but also that of the manner of the proceedings. In the aforementioned case, the head of the household would have to visit the city multiple times

in order to complete the registration for their Patta and were looked down upon by the officials because they were uneducated- they were told to ‘stick to their plants and farms and leave the papers to the government officials’. With this in mind, it is important for the members of tribal communities to not only receive information from the Panchayat or other sources but also through responsible authorities like the government. A lack of communication amongst these members leads to a lack of awareness with respect to the forest rights act.

3.6 Situation of implementation over the years

The implementation of the FRA has changed over the years, since the introduction of the Act. Though the Forest Rights Act was introduced in December 2006, its implementation only began from 2008 onwards. According to Mangilal from Astha Sansthan, “About 32000 individual titles have been approved out of the claims presented from 2008 to 2012. While between 2012 and 2018, the number of approved claims has dropped to 6000 only” (See Appendix, Mangilal). Even though the number of claims being made have increased, and will continue to increase; with increasing knowledge and awareness about the FRA since its induction, yet the number of claims approved has reduced. (See Appendix, Mangilal)

This observation is reflected in the thoughts and behaviour of the locals. A larger proportion of the locals who had applied for claims in 2008, have received individual titles, compared to the locals who have applied recently. The locals who applied for individual title ownership over the last 6 years, have not received any replies regarding the status of their claims. These claims have been passed at the FRC level, by the Gram Panchayat, but they have not been processed by the Sub-Divisional Level Committee, and Division Level Committee. Several locals are unhappy, but they are unable to take any action.

In Mr. Mangilal’s opinion, when the Act was introduced, the Sub-Divisional Level Committee was passing almost all of the claims passed by the Gram Sabha. Though after 2012, the forest department and revenue department began to believe that the ownership of the land belongs to them, and they are handing it over to locals. While the Act was made in the spirit, that the ownership already belongs to the locals, their rights just need to be recognised. Due to this misconception, the forest department and revenue department are misreporting land ownership and usage data. They reject claims on minor technical grounds, and exploit the fact that most of the locals are illiterate.

From interviews with the locals, most of them believe that the process should be more decentralised mainly so that the maximum deciding power is in the hands of the Gram Sabha instead of lying in the hands of the Forest department and Revenue department.

3.7 Religious Disparity

One of the most interesting findings of the research was the discrimination towards religion, to be specific Christianity. According to the sources and pre-field data most of the people in the villages were Hindus. The researchers visited kaya villages where most of the people happened to be Hindus. As they came across a village named '*Pai*' they found that 70% of the population in that village were Christians which was very surprising. The people in '*Pai*' village were much educated when compared to kaya and '*Aastha*' the NGO helped the people of '*Pai*' village understand FRA better.



Image 3.4: Children outside their school belonging to the Bhil-Meena and christian caste in Pai.

The researchers also interviewed the ex-Sarpanch of the village Mr. Dinesh Khatana who belonged to the Bhil-Mina caste and followed Christianity. According to him the NGO provided him with information that led to the awareness of the FRA that further aided in the application of the patta. Furthermore, according to him his patta was rejected because he was a Christian and he also had to make 10-12 trips to the panchayat even though he was the ex-Sarpanch of the village. However, he did not lose hope and re-applied for the patta but it was rejected again for the same reason. The ex-Sarpanch however did not face any kind of harassment because he was well connected, but he said that there was discrimination against other people and he knows who has faced harassment from the panchayat and forest officials. The researchers also found that the higher officials at the panchayat also have a hand in this discrimination towards religion. Mr. Dinesh also mentioned that the law made is really beneficial for us and the only thing that has to change is the people exercising it. The findings of this interview show us that there is clearly a bias and discrimination towards religion when issuing patta to the people.

Through the interviews in Pai village and also through the ex-Sarpanch the researchers have found that there is a complete discrimination towards people if they belong to a different religion other than Hinduism. There is bias and discrimination by the government officials working in the concerned Panchayat and forest departments. Mr. Dinesh wants and appeals that this bias should be removed and everyone should be treated equally and should be given their patta without any harassment.

3.8 Interaction between tribe and state

During the interactions of the researchers with members of tribal communities of the two villages, substantial amount of data was gained about the relationship of the members of tribal communities with the people working for the government on various levels. The researchers inferred some interesting information from the observations made while talking about the assurance of the forest officials, role of patwaris, their support for the political party- BJP and the claims made by the BDO of the Girwa district.

3.8.1 Forest Officials

While talking to the members of tribal communities about the process they followed for applying for their claims and receiving them, the researchers received substantial

information on the behavior of the officials working in the forest department. The process followed by the members of tribal communities at large for the application for claims started by a survey that occurred 6 to 7 years ago across all the villages of the Udaipur district. Everyone residing in the villages at that time were given assurance that they will receive legal claims of their land by the end of their process. However, over the years, barely few people received complete claims of their lands. Out of the 75 households interviewed by the researchers, only 20 people has actually received some form of claim. Even out of the 20 people, some of them only received half of the claims. Furthermore, the members of tribal communities informed the researchers, that every single time someone has contacted the officials to ask about the status, they have been given repeated reassurance of getting the claims soon.

3.8.2. Patwari

The researchers received some complaints about the patwaris as well from majority of the members of tribal communities that were interviewed. According to the account given by most of the members of tribal communities, the patwaris who came to their villages to take measurements of their lands, in a way cheated the people residing in the villages. During an interview with the resident Mr. Kamla Shankar Mina from Aamadri village under Kaya panchayat, the researchers got to know that when the patwaris come to take measurements of their lands, they usually come at times when there is no one at the house. Moreover, the measurements taken by the patwaris are less than the actual measurements of the lands. In Mr. Mina's and most of the members of tribal communities' opinions, the measurements happen when no one is there so that they can take false measurements without any interruptions. Secondly, the false measurements are taken so that the forest department will have to give rights to less area of land than the original and the remaining forest land can still lie under the claim of the forest department.

3.8.3. Influence of BJP

On field, when the members of tribal communities were asked about their affiliation with political parties, a trend was noticed where most of them supported BJP and some of them were even workers of BJP. A follow up question to this was asking the members of tribal communities why they did not seek help from BJP for receiving their land claims.

The researchers did not receive any proper answer to this question from any of the members of tribal communities. While talking further about the influence of BJP, some of the members of tribal communities even said that the forest officials sometimes came accompanied by the other BJP workers for land inspection. From these responses, a very strange and interesting inference was made. The members of tribal communities supported the BJP and even worked for it. However, they did not have enough confidence in the government to go and seek for their help in receiving their land claims. There was a strange relationship of the members of tribal communities with the government, where they supported the government, however, did we deem it right to seek support from them. When an attempt was made to get BJP's views on the implementation of the Act the party representative refused to speak to the team on record.

3.8.4. BDO Claims

Throughout the field work, the researchers came across households that were not happy with the way the system was functioning. They were unhappy with the fact that even after so many years of implementation, most of them had not received the rightful claims to their lands. In one of the interviews with Mr. Mangilal from Kaya village, the researchers were told that out of nearly 100 households in the area only 20 received their land rights.

However, during an interview with the BDO of the Girwa district, the researchers were told that the condition of the implementation of the FRA is going very well and that almost 90% of the people residing in the villages have received rights to their land. More information about the interview with the BDO and his claims will be available further on in the chapters on government officials.

3.9 Women

Women have been at the forefront of discrimination at multiple levels for years. This reflected during fieldwork in Udaipur too. Existence of patriarchal structures is evident as women were the primary respondents of only 21.82% (n=55) of the household interviews. Most female interviewees came across as submissive and unwilling to speak. They worked within a fixed framework and participated only in activities that were deemed appropriate for women. Tribal women preferred to remain behind *purdah*. The Rajput-

Marwari culture of the purdah system seems to have had an influence on tribal communities in Udaipur. Perhaps as a result of the social conditioning, most women seemed satisfied with the status-quo. Men in the family would speak over women, sometimes even answering questions directed specifically for women participants. While women of tribal communities in other parts of India participate actively in all spheres of life, Udaipur was a different story. Intersectionality of their gender, caste, class and economic condition has put them at the bottom of the development ladder.



Image 3.5: A group of women in Kaya

Women were unaware about the Forest Rights Act and its provisions. Even women who were given pattas were unaware of its clauses and benefits. Out of 55 male respondents, 78.18% had knowledge about the act while in the case of women respondents the number stood at 33.3%. The power dynamics at play at the household level seems to be an observed limiting factor in women's participation in FRA claims. Traditionally, in most parts of India, women inherit land in the absence of male members in the family. Udaipur was no exception. As men are viewed as 'heads' of the family, women do not get pattas in their names. Only 14.54 % of the total women had pattas in their name. All the villages visited had limited knowledge about the Forest Rights Act and women had even less. One of the major shortcomings of the FRA has been even though the act has provisions for

issuance of deeds to single men or married couples in form of joint pattas, it is silent on issuance of pattas to women applicants.

3.10 BJP

After 4 years of BJP rule, even though there is considerable dissatisfaction and anti-incumbency, it seems that the BJP has been successful in establishing a very strong and loyal tribal voter base in Udaipur. Almost all tribal households interviewed were either strong supporters of or just preferred the BJP over the Congress Party. A possible reason for this support could be the policies initiated by the BJP led NDA Government at centre. A lot of the interviewees were beneficiaries under various Central Government schemes like the Pradhan Mantri Awas Yojana and Swachh Bharat Abhiyan.

CHAPTER 4

NGOs AND POLITICAL ACTIVISTS



4.1 Seva Mandir:

Introduction:

Established in 1968 by Dr. Mohan Sinha Mehta, Seva Mandir works in the southern region of the state of Rajasthan across 626 villages and 56 urban settlements, majority of which are situated in the district of Udaipur and the district of Rajsamand ("SEVA MANDIR | NGOs in Rajasthan, NGOs in Udaipur | Chief Functionary / CEO Neelima Khetan, NGOs in INDIA from Rajasthan.", 2018).

Close to 90% of the people Seva Mandir works for rely on agriculture. Seva Mandir, over almost 45 years, has worked with these people with an aim of improving their material well-being, and building ethical communities through its various programs. A self-proclaimed factor that differentiates Seva Mandir from other NGOs working for similar causes is that it does not only provide aid to people, but it also uses every single project as a means of building stronger communities. This is achieved through numerous village forums and associated village funds, which manage all projects undertaken by Seva Mandir and ensure that residents of the village take responsibility for their homes ("Seva Mandir", 2018).

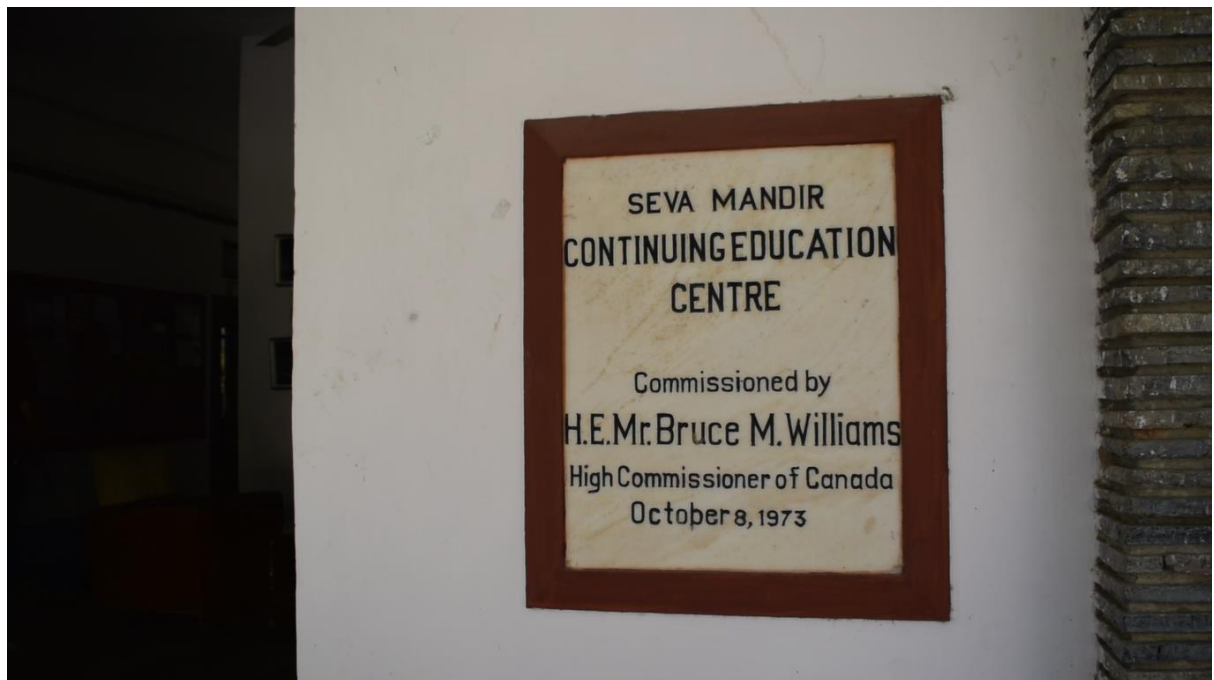


Image 4.1: The entrance of Seva Mandir

Findings:

During the interview with Mr. Suresh Kapoor and Mr. Ramesh Sharma (names changed for privacy) it was found that most of the forest dwellers are not completely aware of the Forest Rights Act. Additionally, the cause for encroachments was found to be twofold. First, out of need of land for sustenance and second, out of greed due to the feeling of insecurity caused by expansion of the family. There is an idea that there exists a direct relationship between the number of family members and amount of land required by them, which in the opinion of the respondents is a cause for encroachment of land. However, encroachment does not happen on the basis of equity. According to the respondents, “usually encroacher enters into a relationship with official and political members and in this game, they opt for their individual benefits in opposed to a collective one.” (See appendix 2, Suresh Kapoor)

Through the interview, it was found that Seva Mandir works heavily towards promoting community forest rights, even to the extent that they discourage individual forest rights. This is done because they firmly believe that if land is granted to the community, it does more good than if legal recognition of land is given in fragments to many individuals. They discourage individual forest rights unless the family or individual is solely and completely dependent on the land in order to survive, in which case they accept the need for the claim. However, to whatever extent possible, they try to persuade individuals to claim land under community forest rights instead as it would be more beneficial.

The respondents also threw light on the fact that the process of receiving patta through the Forest Rights Act is extremely time consuming, However, it is not due to the length of the process, but in their opinion, it is due to the intentions behind implementation. In other words, it is a matter of whether or not the various stakeholders plan to implement the act in an efficient and effective manner. It is their opinion that no process in the country should take more than 2 years to complete, however there are cases where the verdict of patta has not been given for 8-9 years. This shows that the authorities do not intend to implement the act effectively.

It was also found that in the opinion of the respondents, the selection of the forest rights committee is not being done in a thorough manner. There is no adequate preparations for the selection. However, they believe that the cause could be because the government has many constraints while working in rural areas. Additionally, it was found that in places

where the process of selection is followed in a better way, women participate. However, where the selection process is not thorough, the focus is greater on filling in the gaps.

Further, it was found that the government did conduct some training programs for with regard to the Forest Rights Act.

Inferences:

Through the findings brought unveiled by this interview, it is revealed that Seva Mandir works towards increasing the number of claims of community forest rights under the Forest Rights Act as it is more beneficial to the society as a whole. However, it is only very recent that community forest rights were granted in the state of Rajasthan, the primary focal point for Seva Mandir. As mentioned by Mr. Saurabh of Seva Mandir, in another interview, in January 2018, 9 villages like *Talai* and *Parda* have received land under community forest rights for the first time in the state of Rajasthan. Hence, it can be inferred that the great efforts being taken by NGOs such as Seva Mandir are slowly but surely making a change. However, it can also be said that despite these efforts, the legal recognition of rights of the land under the Forest Rights Act is taking much longer than it should which shows that the implementation of the act is inefficient and ineffective.

Through the fact that Seva Mandir discourages claims for individual forest rights, it can be said that there is a greater benefit to society when the forestland is used by the community as a whole in order to satisfy their collective needs rather than when individuals use it to satisfy their own personal needs. Additionally, since it was seen that Seva Mandir promotes and work towards community forest rights, it can be said that the community as a whole has better facilities through which they can claim rights. They have more help when they claim rights as a community, which will cause an increase in the number of people willing to apply for community forest rights rather than try to apply for legal entitlement of land on their own, without the same support. Additionally, it can be inferred that since community forest rights are spoken about in such a positive light, that locals may have a better impression of those individuals who have chosen not to apply for individual rights, for the benefit of their society. As mentioned by the respondents, “We encourage people to have discussions with the encroaching families and convince them to vacate their encroachments and pave the way to the development of the commoners under common property regime”.

Conclusion:

In conclusion, it can be said that Seva Mandir creates a pathway for villages to claim their community forest rights. The Van Udhan Sansthan instrumentally serves for upscaling joint forest management due to its ability to resolve local forest disputes and put adequate pressure on the government, in the hope of collective bargaining power.

In the opinion of the respondents, the Forest Rights Act provides an opportunity to reinstate one's way of life as the tribal community has been dependent on forest land for their sustenance, and hence consider that land their own. For many years, they have been living and relying on forests and their relationship is very symbiotic. The FRA can help bring back this relationship.

4.2 Astha Sansthan

Introduction:

Astha Sansthan, formed in 1986, is an NGO which aims to help citizens realize their rights and responsibilities, as well as the responsibilities of the government. They have made many attempts in the past relating to making sure people have access to the right to justice, peace, development, and do not face any kind of discrimination. Their work is mainly based in the state of Rajasthan.

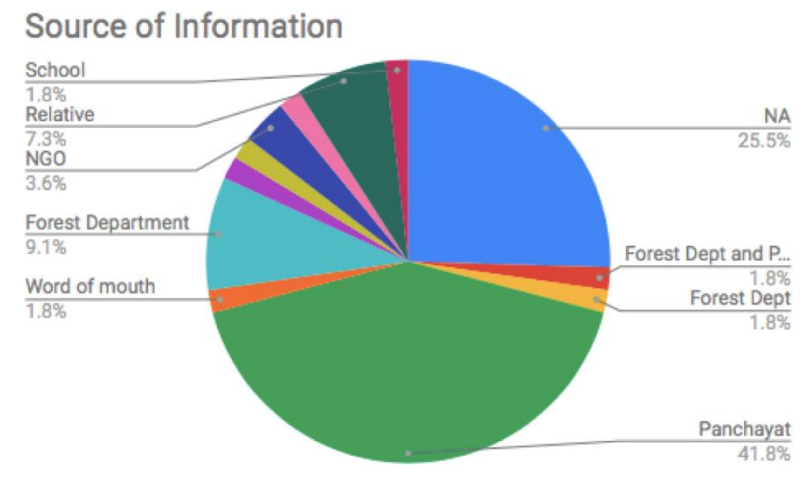


Image 4.2: Entrance of the Astha Sansthan

Findings:

During the interview with Mr. Mangilal, who was working towards forest rights act since the last 25 years, we have found out the knowledge about forest rights act which the tribals have has been attained by NGOs. It was also found out that the government officials in committees involved in the functioning of the act, i.e. SDLC, DLC, Gram Sabha-FRC training is sub-par and inefficient.

Chart 2: Source of information about the Forest Rights Act



He also commented on the functioning of the act. He mentioned that the act states that the people should have rights over their natural resources. And this was not implemented properly by the government, as it was conducted just as a formality. Though they have worked towards educating and supporting the locals in the preparing legal documents, and providing legal support. The procedure is very extensive, and the government officials look for reasons to reject claims, such as a missing map, or not marked area in the application process, to reject claims. Most of the claim preparation has been done by NGOs, governments never took initiative towards.

When asked regarding the reasons for the rejections and slow processing of the claims, he explained by saying that the people from the revenue and the forest department who come to check the land of the locals, entered the data according to their inclination. And the people at the forest department and revenue department believe that all forest land is owned by the forest department and they are distributing the land to locals. But in actuality locals already have ownership of the land by birth, their rights are just being recognised, as they were termed as encroachers by the government during the British times.

In order to resolve these difficulties, this process is meant to be more decentralised, the maximum deciding power should be with the Gram Sabha, though now the power lies in the hands of the forest department and revenue department.

To tackle this issue, he said that the members of forest and revenue department should be present in the surveying for the land. Claimants should receive their status on their claims within 3 months. And they can file for a re-examination with the SLMC (State-Level Monitoring Committee) and then High Court, within 60 days, this decision should be given in 15 days. Due to decision making power with government officials, community claims are not being approved, their reviewing is not proceeding further, as the forest department do not want to pass the ownership of the land.

Inferences:

By the role defined by Mr. Mangilal, it can be inferred that Aastha is different from other NGOs, as it works towards issue-based projects not relief-based like other NGOs. Aastha works towards empowering the locals, in a manner such that they are able to access

their given rights, and they are able to understand their rights, and create a more decentralised system in the country's management.

It can be inferred from the finding that government's role in the implementation is sup par, from spreading awareness about the act, helping locals apply for patta to approval of claims. NGO's like Aastha Sansthan play a vital role in the process of spreading awareness and applications of claims. Even with the increase of claims being made, yet the number approved has drastically reduced. About 32000 have been approved out of the rights claimed in between 2008 and 2012, and after that between 2012 and 2018 only 6000 have approved, despite protests, there have not been any changes.

As he mentioned, the alienation of locals to their land and branding them as encroachers was a result of British colonisation at the peak of industrial revolution. Indian Forest Rights act passed in 1927, made it punishable by law to occupy forest land and terming forest dwellers as encroachers. This has led to the forest and revenue department under an impression of distributing forest land to locals instead of viewing it as recognition of the locals' ownership over the land by birth.

4.3 Ramesh Nandwana

Introduction:

Ramesh Nandwana is a political activist and advocate from Udaipur working for the Jungle Jameen Andolan since 1993. Since the inception of Jungle Jameen Andolan Mr. Nandwana recalls, that when he started Jungle Jameen Andolan, a lot of locals used to be afraid to walk on the streets of Udaipur due to government threats. The whole system and administration of the forest rights act was so loose and inefficient that officials and policeman casually used to demand a bribe of about 2000 from the locals, if they had to complete any FRA related activities. Apart from his contribution to the forest rights act, Mr. Ramesh Nandwana is also a part of the PEOPLE'S UNION FOR CIVIL LIBERTIES, RAJASTHAN. He defended the Muslims when the Hindutva Groups Used Adivasis To Attack Muslims and Their Homes, and issued a PUCL Report on communal violence in Udaipur on their behalf.

Findings:

During the interview with Mr. Ramesh Nandwana, it was found that there is an official system of 3 tiers. The first layer is the Gram Sabha. Under the Gram Sabha, whoever got the entitlement got it before 13th December, 2005. Mr. Nandwana raised a relevant point, bringing to light where most of these claims come from. Majority of these claims came from the districts of Udaipur, Dungarpur, Banswara and Pratapgarh wherein the officials don't notify them, therefore in that case when you inform them that their claims are rejected, they tend to not take it very well. Mr. Nandwana also highlighted a very important point, stating that we only went to villages which were very close to the city, for example Kaya is 20 km from Udaipur and Pai is 25 km from Udaipur. We only saw the condition of 2 villages, and it is unfair to make generalizations of the villages in Udaipur based on only the conditions of 2 villages. He made us realize that we hadn't seen the conditions of the villages situated in the interiors, where there are no streets, where people have to cross mountains; what would their condition be? So wherever there are higher-level government functionaries, village administration is monitored much better compared to wherever there are lower-level functionaries. Proper attention, time and effective monetary allocation has not been given. He also made a connection between the "adivasi" and the forest, saying that "If you look anywhere in the world, anywhere in India, wherever there are indigenous people, there is forest, and vice versa". Elaborating further on how the political affiliation works, Mr. Nandwana said "BJP has knowledge at the top of the hierarchical pyramid". He was trying to explain to us how it is not in the agendas of these political parties, to improve the implementation of the forest rights act. Therefore, any discrepancies or loopholes found in the administration, cannot be blamed on anyone. Talking about women participation while receiving the patta, he said that women participate more than people think they do. In fact, most pattas have the man and the woman's name on it, if not the whole family's name. Lands are under the names of men, allotment of land was also done under the names of men, but now fortunately that is changing. So now if the husband dies, and he owned some land, the wife can receive the patta. Talking about how the "Patwari's", take undue advantage of the local's unawareness, and sometimes charge bribes up to 5000 rupees, Mr. Nandwana claimed that this is not very unusual as there have been multiple cases like this. Government personnel taking bribes is something which is bound to happen.



Image 4.3: Advocate Ramesh Nandwana (Mid-interview)

Inferences:

Since the researchers interviewed the ex-sarpanch of Pai Panchayat, and he said that because he was a Christian his patta got rejected, the researchers found it relevant to ask Mr. Nandwana about the correlation between religion and receiving the patta. In Pai, there are a lot of people working in the Jungle Jameen Andolan; a few of them were Christians, whose battles Mr. Nandwana helped them fight. But the lower level political workers see the religion these people follow and tag them as Christians and not adivasi and therefore they cannot be given the patta. Mr. Nandwana feels that there should not be any discrimination against any religion, however this mentality is difficult to explain to the officials. Talking about discrimination, he also made the researchers aware about how there was a discrimination against the Rajputs in Kaya Village, wherein the same scenario that happened in Pai, occurred in Kaya Panchayat as well, where the Rajputs were denied patta based on their religion. Speaking about what can be done to change the mentality of the villagers, Mr. Nandwana said that recently they organised a one-day training for a few collectors, but they showed up late looking jaded and lacking any enthusiasm to learn. Mr. Nandwana says “They should have a more uniform method of training from the bottom to the top”. Emphasizing on what the BDO said to the researchers, and why the BDO story doesn’t corroborate to what the villagers had to say, Mr. Nandwana’s response was very

pragmatic. He said because of the high number of villages that come under one BDO, that individual cannot fulfil every demand. It isn't even the BDO's role in the first place to do that; the sub-divisional committee is supposed to do it, whose chairman is the SGM. However, the SGM sends this information to the BDO, not realizing how much work the BDO has. Since the BDO doesn't even go to the field, he won't have a clue about what is going on, therefore his\her reports are very inaccurate. Under the forest rights Act, they enjoy a lot of perks, such as they cannot be removed from the job, they cannot be investigated without prior hearing, and overall insurance of their welfare. So whatever benefits that they're reaping, when the time comes to give, they neglect the same principles. When you don't want to be sacked without a hearing, how can you reject a tribal's claim without the same? When we asked him what the government is doing to improve the whole administration of the "patta giving" process, he said the government is providing the functionaries with training which is crucial. They are asking them to speed up the process of accepting community rights, which is the heart and soul of the whole Act. They don't have a problem with the higher levels; is it the lower levels that are difficult to deal with. The head office sends letters to the patwaris to tell them to try and improve their output. But the main problem arises in the lower level functionaries. No one can say, that the government hasn't made sincere efforts as the 35000-36000 households that have received the pattas, is a clear indication of the effort the government puts in. To conclude, Mr.Nandwana feels that the government officials and employees should be pressurized by the majority of the population, in order for them to be effective and rectify their mistakes as despite multiple protests and rallies, the situation remains the same.

4.4 Rajesh Singhvi

Introduction:

Mr. Rajesh Singhvi is part of the Communist Party of India (Marxist) and has actively worked on tribal issues in Jhadol and Kotra districts for the past 25 years.



Image 4.4: The symbol of the Communist Party of India (Marxist) in Khanjipeer, Udaipur

In stark contrast to the BDO, Mr. Singhvi paints a grim picture of the implementation of FRA and the general condition of tribals in Rajasthan. He makes a very important point, the lackluster implementation of FRA has something to do with the lack of political will and concern about the living conditions of tribals. He says that while development is on the agenda of the government, whose development are they talking about? He cites the example of the plan to declare a heavily populated tribal area as a game sanctuary that might attract tourists; this might seem like a good move in terms of economic stimulation but where are these tribals to go? Are they going to be sufficiently rehabilitated? His emphasis on politicizing tribal issues in order to mobilize and affect change is an

important cue to answer questions of how to better implement policies that benefit the marginalized. He speaks also of administrative negligence and police brutality – both issues whose existence has been vehemently denied by the BDO when we pointedly asked him questions regarding the same.

He presented dismal numbers of patta distribution – some 25% who have filed claims haven't received pattas yet. He qualifies this statement with the fact that these people haven't even received pattas for all the land that they use or occupy.

Inferences

What happens to their eligibility to claim land under FRA once they have been moved from the land they've occupied over multiple generations?

4.5 Government Officials

Introduction:

Before reading the segment analysis, it should be known that this research is withholding the name and distinct designation of the concerned officer to avoid political discrepancies. A significant part of our research was the interview with the Block District Officer of Girwa. His interview was the key source of information that uncovered the facts from the government's perspective.

The Block District in-charge of Girwa, under whom all the villages interviewed fall, has been working in this post for 5 months. Before being declared as the BDO, he worked in the same village as its developmental officer. His interview gave us a new lens from which we could look at and analyze the research.

The government official, after calling other officials up to gather information about the Act and statistics associated to it, states that The Forest Rights Act was made for people living in the forests before and after 1995, who began asking for pattas to their land. Seeing this demand for pattas, surveys of the land and land owners were carried out and the land was distributed accordingly. These were the proceedings of 1991. There was a condition imposed here which stated that the supposed beneficiaries of the act should not be in the possession of legally inherited land in the before this survey as the act was made only for the tribes and land owners whose lives depended on resources from the forest and don't possess any land. A really interesting thing to note here is that during the 1991 proceedings,

the tribal communities and land owners residing in these forests were seen as encroachers and were initially told to live elsewhere. After the implementation of the Forest Rights Act, however, they were given pattas for their inherited land. To ensure smooth implementation, a committee consisting of 12-13 people was made at the gram-level (village-level) which consisted of a Secretary, a Vice-Secretary and 2 females whose presence was mandatory. The surveying of the land takes place in a highly organized, systematic manner. First, the assigned Patwari goes out to the villages to map the land out. S/he measures the area of the land that the land owners possess which includes the land they live on and the land that they use for farming and other activities. These Patwaris then send this data to the gram-level committee which then goes to the block-level committee. This block-level committee, in turn, consists of the BDO of the block, the SDM officer and one Patwari. This is the committee that then decides if the claims to the land should be distributed to the land owners.



Image 4.5: Entrance of the office of the Block-district Girwa.

Findings:

Primary Data that was collected during the field trip portrays that out of the 55 recorded interviews, 27.3% of them do not know about Forest Rights Act. Out of the 72.7% who have known about the Forest Rights Act, only 69.09% of them have applied for the land. Furthermore, out of that 69.09% that have applied for the pattas to their land, only 10.90% have received the claims with half of the claimed land being given while the others are waiting for an average time period of 3.8 years for their claims to get approved. Out of the 55 people we interviewed, only 9 people are active political participants and all of them deny that political association is of no help when it comes to approval of claims. 5 out of 55 interviewees have disagreed to pay any bribe to get the claim approved which seems to be an interesting statistic. Their acceptance to pay the bribes could be attributed to the fact that the interviewees are given false hope by the respective officials and bureaucrats about the land claimed soon to be approved, which is the reason why most of the interviewees didn't know why their claims were still not sanctioned.

Table 5: Beneficiaries of the Forest Rights Act

Beneficiary of FRA	
Not Applied	17
Applied, no claims received	29
Half	6
Full	3
Total	55

Table 6: Time (in years) since application

Time since application (in years)	
Min	0
Average	3.818182
Median	3
Max	15

An interviewee has claimed that he has paid around 50,000 to 60,000 for the process of getting the Patta. He says, "The Patwari, the Gram sewak and these people come and ask us for money in installments. They say, give me 2,000 now, then later, give me 2000 again

in promise that we will receive the Patta. If we pay them, they will get us our land back. Give me 2000, give me 2000, they say this and take all our money and run away.

We are poor, uneducated people. What do we know? Or what do we do? We assume that by giving them the money, we will receive our Patta. They say, you will receive the Patta and the Land will be yours. But nothing has happened up until now. I'm 60 years old now and if I still haven't received the Patta then what can I do?" (See Appendix 4, Kalu Ji)

There are numerous conversations like these residing in the villages. Furthermore, he claims that all the land owners get all the land that they applied for as the data that has been sent by the surveying forester gets taken into full consideration and the claims for the land are distributed exactly according to the data. In other words, "they get the land they had encroached. They aren't huge land areas, they are really small and are scattered in the hills so they get it" (See Appendix, BDO, Girwa). Over the past 3 years, the government officials have distributed the pattas for most of the files that they got (over 90%)— the claims that didn't get approved (around 3-4%) didn't have their files approved at the gram-level. These claims don't receive clearance majorly because they either already have inherited land or they weren't "part of the 1991 proceedings" (See Appendix, BDO 5, Girwa). The researchers obtained data proving that landowners from the villages of Kaya and Pai didn't receive their pattas because their files had been left unattended, their claims had been rejected on unsubstantial grounds or they didn't get an explanation for the rejection at all. To this, the official says that the pattas cannot be denied because it is the landowner's right. If the rejection does take place, however, it's because of "major issues" that consist of the land coming under the forest department's land or the landowners not being residents for over 15 years. If their claims get rejected, they are informed in the Gram Sabha meetings, in front of all the people present. In addition to that, it had been found out that the Patwari (the surveyor) had not been coming to the villages on time (or not coming at all) to map the land out. The official attributes it to the Patwari being "stuck in some major work" or being overworked because one Patwari is in charge of more than 1 village. He adds that they do have meetings where the Patwari is told to come to the villages on time, which also apparently adds to the functionality of the block-level committee. Furthermore, this committee determines how much land the landowners get. For example, if a family has filed claims for 4 bigha of land and they get only 1.5-2 bigha, it's not because the Patwari measures it wrong, either unintentionally or deliberately because even though he *is* the only person in charge of mapping the land out, he does not have the power to do

so. The block-level committee is thus in-charge of the final decision. Thus, this official denies that landowners get lesser land than they applied for. He further states that in case of such disparity, the landowner always has the option to approach the committee, who would be willing to help him/her out immediately. He also denies any such appeals, with the claims that the files that the block-level committee has received were “complete” in all aspects and if there’s anything missing, the bureaucrats know what to do about it and since they’re trained for such work, they are highly efficient. In addition to that, he states that the government officials have no right or reasons to deprive the tribal communities or landowners of the land that they’re entitled to. Research proves that in the villages like Pai, the allotment of land in 2011 was 50%, which was a lot more than the allotment of land 3-4 years ago. The official attributes this to the fact that in 2011, there was a campaign that took place to summon everyone who didn’t have pattas to their land. Due to this, a large number of files were assessed and people whose files were “complete” got pattas to their land. This played a huge part in raising awareness about this act as people were directly called on by the government officials to claim their land.

Circling back to the proceedings of 1991, the researchers asked this official if he thinks there were political influences due to which the number of people actually surveyed are significantly lesser in number than people in possession of the forest land. He replied with the fact that the government gave land to the ‘encroachers’ because they’d inherited the land and were heavily dependent of forest resources— if a family wasn’t a part of the proceedings, it was because it was the government’s land which doesn’t make them ‘encroachers’ of that land. This obviously doesn’t answer the question that the researchers had asked him. He was further asked if illiteracy of the landowners or tribal communities plays a part in their difficulty to come up with evidence to prove that they’re in possession of the land. He then claimed that if people fail to prove that they’re the ‘encroachers’ of that land, the word of the elders of the village is taken into consideration as evidence as they’re part of the gram-level committee too. However, the people who were surveyed during the proceedings of 1991 received a small receipt that acts as proof for their land. This official states that there is an official government document that divides the forest land between the forest department and the tribal communities residing there. This division is done on the basis of the nature of the terrain (for example, a relatively plain land is generally used for growing the crops).

The forest department in Kotra has proven to be unnecessarily intimidating and hostile to the people of the village and has even gone to the extent to burn their homes down and moving them out of their houses without any rehabilitation. To this, this official says that “they just can’t do such a thing” and attributes this to an internal or inter-group conflict in the village. He then claims that the information that the researches have received is wrong because the officials or police officers just don’t have the right or authority to behave in such manner. He further stated that the forest officials can’t intervene in the process of collection of forest resources anymore because the law now allows the people residing in villages to collect resources like Tendu leaves from the forest. The researchers then quote another example of Savina (a village that comes under Girwa), where the officials from the forest department actually broke their houses down and the residents had to build them all over again. This official denied this information too.

Finally, this official was asked about how he thinks the act could be implemented in such a way that it satisfies the demands of the tribal communities and other landowners to the best of its abilities. To this, he said that the act functions very well on its own and doesn’t need improvements because all the claims that he received had been sanctioned and the pattas were distributed. He does believe that people residing in villages need to be more aware about the act so that they know all the proceedings, “complete” all their files and can use this act to its fullest potential. He also states that the government is working a efficiently as it can to ensure smooth implementation of the Forest Rights Act because he’s only seen smooth implementation of the act, has never gotten “incomplete” files, has sanctioned almost all the claims he’s received and he can see that the tribal communities and landowners are happy with the fact that they have their inherited land to live and farm on.

Inferences:

The quantitative data quoted above doesn’t match this official’s claims, that are incoherent. He has very confidently stated that the land that the tribal communities claimed has been fully distributed to them while the data shows that the people whose claims are sanctioned aren’t in possession of all the land they applied for. Moreover, the official has also overestimated the functioning of the government officials and bureaucrats, which is evident by the fact that he stated that more than 90% of the villages getting their legal entitlement, a claim which is also not true. He has shown the government’s role to be very

efficient and sincere, but after quoting and collecting data, it is evident that there is an immense lack of efficiency and the degree of functionality on the government's part.

The government official is further not only denying data that proves the inefficiency of the government but is also claiming the government officials to be really helpful—he makes it seem like the officials apparently go out of their way to make sure that they are always available in case of any conflicts, queries or problems that the people in the villages may have. The researchers have procured no data that backs this claim up. On the contrary, the officials in-charge have proven to be unresponsive to the issues that do arise.

This official has, therefore, repeated himself throughout the interview and has failed to provide substantial answers to the questions posed to him. He firmly believes that the Forest Rights Act has been implemented as smoothly as it can be and there are no problems that have “clogged” this process. He refuses to believe a lot of things that the researchers claim and just responds to it by appealing to the sanctity of the act itself and saying that since officials are accessories to ensure smooth implementation of this act, they cannot misbehave with the people of the village, they're very well-versed with the knowledge about this act, they are highly functional and they cannot put work off because the law *states* that they cannot. Similarly, when asked questions that have the potential to refute his idealistic claims, he refuses to believe the information itself and again, appeals to the absoluteness of the act and attributes the researchers' findings to something entirely irrelevant or clearly untrue.

In conclusion, this research attempts to elucidate the disparity between the government's understanding of the implementation of the Forest Rights Act and the actual data that the researchers have obtained on-field, concerning this implementation. Clearly, the data collected and the government official's claims do not seem to have a correlation. It can be stated then that this research has succeeded, to an extent, in unearthing this disparity.



Image 4.6 The BDO of Girwa

Chapter 5

CONCLUSION

The struggle for rights by minority communities in India is a concept vastly known. The history of the Indian subcontinent is dotted with various such major and minor struggles. Forest Rights Act for the tribal population in India is no such exception. For years people belonging to different tribal communities have been exploited because of their different culture and livelihood. This extremely prevalent discrimination against the tribal population of Indian society resulted in them getting denied even the most basic rights such as right to their own land (Halavath, 2014).

For years, tribals were denied claiming of legal rights to the land on which they grew crops, built houses and used other means of sustaining. The FRA which was implemented in the year 2006 finally gave the tribals the opportunity to legally claim the land and recognize their rights for it. The act allowed individual households and communities to legally recognize rights of the land that they have been in a symbiotic relationship with for decades. The act gave an opportunity to finally undo this 'historical injustice' which was inflicted upon the tribal population for years.

However, since 2006, there have been reports that suggested major inconsistencies in the implementation of this act all over India. The reasons for such discrepancies were majorly attributed to the continuous conflicts between the tribals and the forest department of the government. Other reasons for poor implementation were lack of awareness about the act and education in the tribal population, poor networks of villages with various resources etc.

During research on field, these reasons were found to be true based on the interviews taken of the tribals living in the villages. The tribals talked about the problems they had to face because of the failure of government in proper implementation of the act. The researchers were told that often the *patwaris* who came to map the land, falsely mapped it by measuring less area than the actual. The forest department denied claims of the tribals on trivial and sometimes false grounds. The only claims that were accepted were during the initial few years of the implementation of the act. Since the past 4 to 5 years no claims were

accepted by the forest department. Some tribals went on and said that there have been several cases where the files with the claims were lost in the process.

Other than the feud with the government, through the interviews the researchers understood that a good number of the tribal population is not completely aware of the act and the rights the act gives them. Such unawareness can be attributed to two reasons- there is lack of proper education in the villages due to poor accessibility to schools and *anganwadis*; and the government does not launch enough awareness programs to spread awareness among the tribals.

The aforementioned claims were further established through the interviews with the NGOs and political activists that have been working closely with the tribals for the past many years. Interviews with the NGOs and the political activists gave the researchers valuable insights into the working of the forest department. It was confirmed that there have been many cases where the files of the tribals were lost to the layers of bureaucratic processes. They talked about some cases of forest department setting fires to areas in villages where people resided in order to create fear and clear up land for industrial use.

Finally, an interview with the BDO of the Girwa district brought to light the inconsistency in thoughts that exist between the tribals and the members of the government. After 4 days of every tribal household constantly talking about the atrocities inflicted on them because of the forest department, the interview by the BDO was anti climatic in the research. He completely denied the feud between the tribals and the forest department and confidently claimed that the process of providing legal entitlements under the act is going well.

Initially, the researchers had based their aims and objectives on both the overarching and specific themes that were prevalent in review of the available literature. After repeated interaction with the empirical, qualitative and quantitative data procured on-field, however, a necessity to alter the previous aims and objectives came to the foreground. The revised aims and objectives are hence listed below:

- 1. To study the relationship between existing and possible means of information propagation across tribal communities and their effectiveness in conveying information about the Forest Rights Act.**

These modes of information propagation consist of possible political affiliations and the government jobs that the interviewees may have along with their level of education attainment. These modes of information acquisition also consist of the Panchayat meetings and media such as radio, newspapers and internet.

2. To examine the dichotomy between the land claims sanctioned by the government officials and the actual possession of titles across the beneficiaries of the Forest Rights Act.

Research suggests that the number of land claims legally sanctioned by the government officials exceeds the observed distribution of titles across the concerned villages.

3. To analyze the extent of women's participation in FRA entitlements and provide reasons for the patterns of engagement observed.

The land claims that have been sanctioned by the government are mostly in the name of men. The participation of women in this process of land acquisition is almost negligible. The researchers, thus, aim to analyze the involvement of women in the aforementioned process and draw inferences based on the empirical, qualitative and quantitative data obtained on-field. (no provisions in place)

- **4. To analyze the relationship between the hierarchy of procedures of the bureaucrats with respect to the efficiency of land acquisition in the tribal communities.**

The plethora of procedures for the procurement of the *Patta* are veiled through the layers of hierarchy in governmental bodies. An emphasis to the relation between the layers of this hierarchy need to be made. Research suggests that Pattas with claims for land acquisition would either get lost in these layers of procedures or procure no status on the claim. Villagers are unaware and awaiting an announcement on further action needed with respect to their claim.

5. To analyze the implementation of FRA through the perspectives of NGOs, political activists and government officials to draw relevant inferences based on the differences observed across these perspectives

APPENDIX

The appendix contains only the introduction to the interviewee and the part we extracted from the transcription.

1. Mangila Astha Sansthan

Project Manager

Have you seen any change in the type of claims being made across the years?

The number of titles which have been approved are have changed across the years. About 32000 have been approved out of the rights claimed in between 2008 and 2012, and after that between 2012 and 2018 only 6000 have approved. The number of claims has increased actually, yet the number approved have drastically reduced, and in spite of protests, there have not been any changes.

2. Mr. Suresh Kapoor – Director of the project

Mr. Ramesh Sharma – General Secretary

Seva Mandir Findings

If say more individual rights were accepted what would be the effect of that according to you?

As far as forest land is concerned, before independence tribal communities have been protecting and managing these forest lands under common property regime and in recent years when the deforestation started in late 50's and early 60's, there has been widespread privatisation and there are regions one is out of need and second is out of greed because when your family expands everyone feels insecure and want to have more and more land under ownership. So, one is out of genuine need. The households which had very less amount of land they needed it. But at the same time some household's needs to yield their power over land resources tried to encroach large chunks. So, encroachment is not on the basis of equity. Always there is a skewed relationship and always there is a power game in the process of encroachment. Usually encroacher enters into a

relationship with official and political members and in this game, they opt for their individual benefits in opposed to a collective one. We are advocating and building institutions around land and encouraging them to negotiate with state as well as within the community to pave the way for development of all the land which are common land under common property.

3. Kadu Ji

[00:00]- AA: What is your name?

Respondent (R): Kadu

AA: From which caste do you belong?

R: Mina

AA: So, do you face any problems? Since your 10-15 bigha land is under the forest department, so do the forest officials trouble you or anything?

R: They don't trouble us madam but they don't give us the claim.

AA: So, if you receive the claim it will be better?

R: Yes, it will be better.

4. Kalu Ji

0:10 What is your name?

My name is Kalu Ba. You can write it as Kalu ji though.

0:42 What caste/ social group do you belong to?

Mina

4:14 An approximate, how much money did you spend for all of this?

Well, around 50,000 to 60,000 rupees have been spent in all of this. What do I say to you now?

4:26 50,000 to 60,000 rupees have been spent in what exactly?

The Patwari, the Gram sewak and these people come and ask us for money in installations. They say, give me 2,000 now, then later, give me 2000 again in promise that we will receive the Patta. If

we pay them, they will get us our land back. Give me 2000, give me 2000, they say this and take all our money and run away.

We are poor, uneducated people. What do we know? Or what do we do? We assume that by giving them the money, we will receive our Patta. They say, you will receive the Patta and the Land will be yours. But nothing has happened up until now. I'm 60 years old now and if I still haven't received the Patta then what can I do?

5.Ramesh Nandwana- Political activist and advocate

Question 13: Has the government ever taken any action to assist the people in the villages to help them in securing pattas with more ease?

Answer 13: The government is providing the functionaries with training which is crucial. They are asking them to speed up the process of accepting community rights, which is the heart and soul of the whole Act. We don't have a problem with the higher levels; even the commissioner. We sit cordially with him and have a productive discussion. The office sends letters to patwaris to improve their output. But the problem arises in the lower level functionaries. Government has definitely made sincere efforts. The 35000-36000 households that have been given pattas is a clear indication of it.

6. BDO, Girwa

1.Your Name and Designation?

Ramswaroop Prajapati, BDO Girwa

4. What had happened during the proceedings of 1991?

In 1991, people living in the forest were charged to be the encroachers of government land and they were told to move out, but since the rule came out, people who were identified as encroachers were given the patta.

The committee made at the gram level has 12-13 members and one Secretary and one Vice-Secretary. There has to a presence of 2 females in the form of committee members.

The system goes in the way that after this the forester goes and checks the latitude and longitude of the land and measures the amount of land the family uses and then the proposal goes to the committee and then the committee after checking everything sends it to the block level committee

consisting of the BDO of the block, the SDM officer and one forester. These people decide who should be approved of the claim and then the claim is given out.

5. How is the implementation of FRA in your block (Girwa)?

In our block, the Act has been implemented very well. Whichever files we have received, we have gone through them and given out the claims. A lot of people are happy also because they have their own land and because of this he can do better farming. They can invest on it also and now the family has a source of income also.

13. From our data collected, we got that a lot of files are pending for years because of the Patwari not coming on time or sometimes not coming at all, so what do you have to say about this?

The patwari must be stuck in some major work, otherwise then do their work correctly on time. Other than that, the Patwari must be responsible to handle more than 1 village which is why he isn't possible most of the time. There is a legit meeting that is held so patwari must be there. That is why this block has most of the claims approved.

21. There have been cases where the forest department deny families to live because they claim the land to be theirs, while the families that are living there for generations and that is their family land, so what do you have to say about this disparity?

It is not wrong that the land belongs to the forest department, but is also not wrong that their forefathers having been living and farming in that land for years. The pattas need to be given so there is nowhere the forest department can say that they won't give the pattas. It is the government's law and if it is proved that it his land then the land will be given to him, the forest department can't do anything.

23. What was the concept of the 1991 proceedings?

The proceedings made in 1991 was to remove the encroachers from the land, but when it happened that they were living there for years then the govt. decided to give them the land on their name.

24. Do you feel that the people who fall under the proceedings of 1991 are very less because a political angle would also have been there where the opposition might have not wanted this to happen, and because of this the number of decreased?

Yes, it started from here only, when the proceedings took place to remove them, they came up and said that if the govt. removes them then how will their livelihood work. Their fathers and forefathers have been here for generations and if the govt. removes them where will they go. So, they suggested that instead of removing them give the land to them because they want to live here only, so give the land to them for certain income. Considering this plea, the govt. took a great decision.

40. So when we went there some people send that the forest officers had destroyed their whole house and they had to make it all over again. So, do you know about this?

No, no the forest officers can never do such a thing. The forest officers or govt. officials can never do such a thing. They cross-question them but burning the house down is not something they would do. You should take it as some internal fights. The officers will work according to the laws they are bound to.

41. We have got to know that a lot of claims have been under the jurisdiction of UTI as their area of coverage has increased, and so they haven't received any confirmation on land, so what is happening in that area?

UTI does not cover forest area so it is not possible that they are holding their files. So, these files can never go to the UTI.

42. What according to you, are the ways in which the Act can implemented in a better way? What improvements are required in the act itself?

No, so the functioning of the act is such the majority of the patta have already been sanctioned. The government wanted to give them the land smoothly so they have been given easily. The government is also providing money now. There is no problem, if there would have been a problem then the work would get clogged, which isn't the case as of now so the functioning and the implementation is going fine.

43. Till now in our study we haven't come across any community claims, so what is the reason?

Community claims till now hasn't been cleared at the Gram level till now. So, I haven't received a file till now. Individual claims are a lot. The law that has passed has made the tribes happy and they submit their files and complete it as soon as they can. Which person would not want land in his name.

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GLOSSARY

Sr. no.	Term	Description
1	BDO	Block Development Officer
2	CFR	Community Forest Rights
3	CFRMC	Community Forest Resource Management Committee
4	FRA	Forest Rights Act
5	FRC	Forest Rights Committee
6	MFP	Minor Forest Produce
7	NTFP	Non-Timber Forest Produce
8	OTFD	Other Traditional Forest Dwellers
9	Patta	Legal entitlement of land
10	ST	Scheduled Tribes

