



Study on impact of Forest rights Act, 2006 on Scheduled Tribes in Andhra Pradesh

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Introduction

Andhra Pradesh (AP) had 23 districts till its bifurcation into Telangana and Andhra Pradesh in 2014. There are now nine districts in coastal Andhra and four districts in Rayalaseema while the rest 10 districts comprise the Telangana state. The state has 36,914.77 sq. km. of notified forest cover which is 22.73 percent of its total geographical area. Most of the forest areas of Andhra Pradesh are located in 5 predominantly tribal districts in the northern part of the state. Historically, tribal communities have depended on forests for their livelihoods- both for cultivation and forest product collection. Many tribal people engage in a form of shifting cultivation in upland forests, called 'Podu'. There are nearly 200 million tribals and other traditional forest dwellers in India who derive their livelihoods mainly from forest resources. However, in the absence of proper survey, settlement and land record, their customary rights over forest land have always been under threat. They are often considered encroachers of the land on which they live. They were evicted from their home on the pretext of "scientific" forest management or for commercial exploitation and conferred the legal status of "encroachers" and led to their displacement and exclusion from mainstream forestry. After years of protests, intervention and lobbying by the pro tribal groups like the Campaign for Survival and Dignity, the Government

recognised the "historical injustice" vested to the tribals and under the aegis of the Government, the Ministry of Tribal Affairs (MoTA) enacted the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (abbreviated as FRA), in 2008. Ministry of Tribal Affairs, Government of India is the national level nodal agency in the implementation of FRA in different states in the country.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA henceforth) recognises and vests diverse pre-existing rights over forest land. FRA recognises a total of 14 rights for the scheduled tribes and other traditional forest dwellers which secures their tenurial and livelihood rights and empowers them to manage and conserve the forest resource. These include rights over occupied forest land, rights to ownership of Minor Forest Produce (MFP), Community Forest Resource (CFR) rights, rights over produce of water bodies, grazing rights (both for settled and transhumant communities), rights over habitat for Particularly Vulnerable Tribal Groups (PVTGs) and other customary rights. The most critical right which has a bearing on forest governance and on the welfare of tribal communities and other traditional forest dwellers is over Community Forest Resources which provides Gram Sabhas the rights to conserve, protect and manage forests.



The FRA is historic legislation that recognizes and gives scheduled tribes (ST) and other traditional forest dwellers (OTFD) in India, the right to claim their customary livelihoods and guarantee tenure. Alienation of tribal groups and OTFDs from land and forests is central to their continued exclusion from progress and development in India. The FRA undoes the 'historic injustice' meted out to forest dwelling populations, as it has created a mechanism for tribal groups and OTFDs to claim their land and customary livelihoods that forest resources provide. Key stakeholders in the implementation of the FRA are forest dwelling populations, relevant state level departments (forest, revenue and tribal affairs), Non-Governmental Organizations (NGOs) and experts working on the subject. The FRA has a three-tier quasi-judicial system of authority for verifying and adjudicating the claims (GoI 2006; GoI 2008; GoI 2012). Gram Sabha is the primary authority for initiating the whole process by receiving and verifying the claims and then on the basis of verification (in the field as well as of documents submitted), the Gram Sabha sends its recommendation to the Sub-Divisional Level Committees (SDLCs) set up at the Sub-Divisional Level. The SDLCs examine the resolution passed by the Gram Sabha and prepare the record of forest rights and forwards it to district level committee (DLC) for a final decision.

As on 30.09.2019, 42,40,134 claims (40,91,308 individual and 1,48,826 community claims) have been filed and 19,69,461 titles (18,93,299 individual and 76,162 community claims) have been distributed. A total of 37,23,058 (87.81%) claims have been disposed off. A

statement showing percentage of claims disposed off with respect to claims received (state-wise) under the Act as on 30.09.2019 is presented in the following paragraph. Out of the total individual claims Chhattisgarh occupies first place with 8,58,682 followed by odisha (6,17,935), Madhya Pradesh (5,85,200), Karnataka (2,75,446), Tripura (2,00,356). With regard to Andhra Pradesh 1,77,146 individual claims and 4,062 community claims were received. Out of these 96675 individual land rights titles and 1,374 community claims were distributed.

The undivided Andhra Pradesh started the implementation of the FRA in 2008. The main focus was on the recognition of individual forest rights under section 3(1)(a). The state government data also shows large areas of land being recognized under ILR rights. As per the information provided by the Department of Tribal Welfare, Government of Andhra Pradesh (September, 2018). 181511 claims received from the claimants across the state for both individual land rights and also for community claims. Out of them 177446 are for individual land rights the remaining 388633 are for community forest rights. Out of the total individual land rights claims, 53548 claims are from Visakhapatnam district followed by Vizianagaram district (24318), Srikakulam (24,087), East Godavari(21,821), Guntur (14,126) and West Godavari (12,041). With regard to community forest rights claims East Godavari district occupies first place with 1249 claims followed by Visakhapatnam (1008), Srikakulam (592), Vizianagaram (538) and West Godavari (345).

Out of the total claims 97,491 titles were distributed under individual land rights to the claimants with an extent of 6,91,3538 extent of area. Out of



the total titles distributed under individual land rights, Visakhapatnam has got highest number of individual land rights (37,800) followed by Srikakulam (18,790), Vizianagaram (16232), East Godavari (8,530), Guntur (2853), Prakasam (2457), Srilailam (3276), Chittoor (2775). As per the direction of Ministry of Tribal Affairs, Government of India, the state Government established a state level State Project Monitoring Unit (SPMU) to address the issues in the implementation of FRA. This unit is headed by a retired IFS cadre forest department officer and he is supported by subordinates in the implementation of FRA. Government of Andhra Pradesh, Tribal Welfare Department, which is the nodal agency at state level is providing necessary assistance to this SPMU.

The enactment of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Forest Rights Act) (FRA) and Rules 2007, is an important watershed in the history of tribal empowerment in India especially relating to tenure security on forests and forest land. Implementation of the law has got fillip in recent years after some important interventions at the government level which include amendment in the rules (notified in September, 2012) and guidelines issued by the Ministry of Tribal Affairs, Government of India. The FRA rules were amended on September 6th 2012 which may be considered another important land mark in the on-going efforts to implement the FRA Rules. Further, the Particularly Vulnerable Tribal Groups and their rights have also been emphasized and onus has been put on the district level committee to ensure that their rights are recorded and vested. Another significant provision relates to

the post claim support and hand holding to the holders of the forest rights.

Scheduled tribes in India in Andhra Pradesh:

Scheduled tribe population in india is 10.45 cores, constituting 8.6% of the total population of the country(2011 census). Out of the total population of scheduled tribes, ST males is 5.25 crore and ST females is 5.2 crore. They spread across the country except in Punjab and Haryana, Chandigarh, Delhi and Pondicherry. There are nearly about 700 tribal groups are recognized by the government and they speak nearly about 250 different languages. Out of them 75 are Particularly Vulnerable Tribal Groups (PVTGs) and they are found in 18 States and one Union Territory.

Majority of the tribal people are found in the states of Madhya Pradesh, Chhattisgarh, Odisha, Bihar, jharkhand, Gujarat, Maharashtra, Rajasthan, Andhra Pradesh. Most of the scheduled tribes are living in hills and forest. Main occupation of the majority of tribals is agriculture and allied activities and they are also engaged in agriculture labour, collection of minor of forest products, wage labour, wage work in MGNREGS and also forest activities, industrial labour as secondary occupation. The literacy rate among the schedule tribes is 59%, male literacy rate is 68.50% and female literacy rate is 49.40%.

According to 2011 census the scheduled tribe population in Andhra Pradesh is 27.39 lakhs, constituting 5.53% of the total population of the state. Out of the total population of scheduled tribes, 10.54 lakhs are found in the 5 districts namely Srikakulam, Vizianagaram, Visakhapatnam, East Godavari and West Godavari. Majority of them are depend on



agriculture and allied activities. They are also engaged in agriculture labour, collection of minor forest products, wage labour, wage work in MGNREGS and also in forest activities, industrial labour as secondary occupation. There are 34 tribal groups recognized in the state and out of them 6 are Particularly Vulnerable Tribal Groups (PVTGs). The literacy rate among the ST people in the state is 48.8%, literacy among ST males is 56.9% and ST female 40.9%.

Tribals Welfare Department is committed to around development of scheduled tribes in the state through formulation of policies and programs for implementing the constitutional safeguards provided to ST's and Schedule Areas in the state of Andhra Pradesh through various developmental activities of tribal welfare and also under scheduled tribes component (earlier Tribal Sub-Plan). There are 9 ITDAs in the state. They are located in Seethampeta in Srikakulam district, Parvathipuram in Vizianagaram district, Paderu in Visakhapatnam, Rampachodavaram in East Godavari, Kota Ramachandrapuram in West Godavari, Sri Sailam in Kurnool district, Yenadi project (ITDA) in Nellore and Plain Areas ITDA.

Andhra Pradesh is covered under the provisions of V schedule of Constitution of India. In the state the schedule areas covers 5 districts of Srikakulam, Vizianagaram, Visakhapatnam, East Godavari and West Godavari covering 36 Mandals with 4765 villages.

Major tribes in Andhra Pradesh are –

- ❖ Yenadi
- ❖ Yerukula
- ❖ Sugalis, lambada, banjara

- ❖ Konda dora
- ❖ Savaras
- ❖ Bagatas

These communities residing in both hilly and plains areas of the State.

With regard to our study district i.e East Godavari, following are the major tribes- Konda reddy, Koya dora, Konda kammara, konda kapu, Valmiki, Manne dora, others.

Following tribes are found in the district of Visakhapatnam. They are Bhagatha, Kondadora, Valmiki, Konda kapus, Kotia, Benthoriya, Yanadi, Yerukalas, Nooka doras, Kammara, Khonds, Gadaba, Poorja, others.

A key area of impact of the FRA implementation was the development of the tribals and in the year 2012 through FRA amendments, clause no. 16 was added that called for, "Post claim support and hand holding to holder of forest rights" ensure that the right holders are provided with relevant livelihood development, basic amenities and land development through convergence of various government line departments benefit scheme. Accordingly in Andhra Pradesh a number of development schemes were converged with the recognition of land rights and this study aims to know the various schemes implemented in the state and its impact on the lives of the tribals in the state.

Objectives and Research Methodology:

The objective of the study is to understand the progress of the implementation in Andhra Pradesh and the impact of the Act on livelihood of the tribals by addressing the improvement in their socio economic conditions after implementation of FRA. Since only a few



Community Forest Rights (CFRs) are vested in Andhra Pradesh, the focus of this study is on Individual Land Rights (ILR) which is mainly concerned with securing livelihood of the tribals. And the following research questions are raised for the study.

- ❖ What is the progress and relevance of FRA in Andhra Pradesh?
- ❖ How FRA has impacted the livelihood outcomes and is there any change in the socio-economic conditions of the tribal after implementation of FRA?
- ❖ What are the ground realities and issues that surfaced with respect to implementation of FRA during the study?

The present study was conducted in the districts of East Godavari and Visakhapatnam in Andhra Pradesh.

As per the Census, 2011 reports two districts namely Visakhapatnam and East Godavari were selected for the study based on the highest population of scheduled tribes in Andhra Pradesh. A multi stage stratified random sampling method was employed in the selection of Mandals, Gram Panchayats, villages, households etc. for the study. As per the information provided by the Department of Tribal Welfare, Government of Andhra Pradesh, in the first stage, from each of the selected district, 10 Mandals with highest number of beneficiaries of FRA (Individual Land Rights) were selected for the study. In the second stage, from each of the selected mandal, one Gram Panchayat was selected based on the highest number of beneficiaries of FRA for the study. In the third stage, from each of the selected Gram Panchayat, 5 villages were selected for the study based on the highest number of beneficiaries of

FRA. In the final stage from each of the selected village 10 households who availed individual land rights titles under FRA were randomly selected as sample respondents for the study. Therefore, the study covered 2 districts, 20 Mandals, 20 Gram Panchayats 100 villages and 1000 respondents.

Both primary and secondary sources of data was collected and used in the study.

Structured interview schedule was developed and used for the collection of data from the selected sample families in the study area. The schedule was divided into two sections. First section deals with the socio-economic profile of the sample families and second section deals with the information with regard to awareness about FRA, sources of awareness, participation in Grama Sabha, knowledge and awareness about constitution of Forest Rights Committees, capacity building training programs for Forest Rights Committees, process of filing of forms, problems faced in the submission of application for individual land rights, help received from different agencies, time taken for availing land titles/ pattas, present status of land, sources of irrigation, help received from Government under convergence schemes, land leveling and development, type of crops grown, accessibility of services under MGNREGS in the development of land, other benefits availed from Government like modern agricultural tools and implements, fertilizers, seeds and other inputs, social status etc. micro credit from banks and also utilization of community rights for cattle grazing, collection of minor forest produces. Besides their perception towards development of infrastructure such as construction of school buildings,



Anganwadi centres/buildings, community hall, internal and approach roads, drainages, laying of drinking water pipe lines etc. (interview schedule is here with enclosed in annexure).

In addition to interview schedule, the researcher used the following different tools to gather the information from the selected sample families in the study area.

- Focus Group Discussion
- Observation Method

Secondary data was collected from the offices of Directorate of Tribal Welfare, Government of Andhra Pradesh, Project Offices of ITDAs of Paderu in Visakhapatnam district and Rampachodavaram of East Godavari district. In addition, various books and journals including websites used for the collection of literature for the study.

Keeping in view of the objectives of the study, the collected data was processed and analysed by using Special Package for Social Sciences (SPSS) – 26.0 v.

Statistical tools like frequency, percentages were used in the analysis of data in the study.

Conclusions:

- Konda Reddy tribes are predominant in the total sample of East Godavari district and Konda dora tribes occupies first place in the sample of Visakhapatnam district.
- Majority of the sample respondents are males (86.70%) and the remaining 13.30% are females.
- A large percentage of the total respondents (63%) are found in the age group of 40-45 years to 50-55 years.

➤ Overwhelming majority of the total respondents are married.

➤ 53.20% of the total respondents are illiterates. The remaining respondents are literates and distributed as 10th class (22.60%), Intermediate level of education (12.45%), Degree (5.20%) and other courses (6.60%).

➤ 87% of the total sample families have 4,5,6 and above member families. The average size of total sample families is comes to 4.7 persons. With regard to East Godavari district the average sample families comes to 4.74 persons and 4.68 persons in Visakhapatnam district.

➤ Majority of sample families are nuclear type of families followed by 17% are joint families and 1.80% are extended type of families.

➤ Before FRA, 64.40% of the total sample families have no land. All the sample families got individual land rights titles for cultivation under FRA. Majority of sample families are small and marginal landholders.

➤ Main occupation of all the sample families is agriculture and allied activities. With regard to secondary occupation, they engaged in different types of occupations for their livelihood such as agriculture labour (73%), wage work in MGNREGS (70%), collection of Minor Forest Products (76%), wage labour (38%) and 12% engaged in different types of small and petty business.

➤ Out of the total sample families nearly 35% have no livestock and the remaining families have livestock.

➤ 48.20% of the total sample families are found in the approximate annual income range of Rs.45,000-50000



to Rs.50000-55000, 30% families are found in the range of Rs.55,000-Rs.60000 to Rs.60000 and above. The remaining 22% are in the range of Rs. 35000-Rs. 40000 to Rs.40000-50000.

➤ Nearly about 72% of the sample families are found in the approximate annual expenditure range in between Rs.45,000-50000 to Rs.55000-60000, 11% are in the range of Rs.60000-65,000 to Rs. 65,000 and above. The remaining 17.70% are found in the range of Rs.35000-40000 to Rs. 40000-45000.

➤ 33% of the total sample families have no savings. Nearly about 35% of the sample families have savings in below Rs. 35000, 24% are found in the savings group of Rs. 20000-25000 and 8% are in the group of Rs.25000 and above.

➤ Out of the total sample families 18.50% have no debt. The remaining of them are indebt. Nearly 64% of the sample families are indebt in between Rs.20000-25000 to Rs.45000 – 50000. Only 5.70% of them are found in debt in between Rs.50000 and above.

➤ All the indebted sample families raised credit from multiple agencies. 63% of the total sample families got loan from their employer followed by 62% from money lenders and traders, 40% from self help group (women from the respondents families) and nearly 19% from banks.

➤ 46% of the total sample families are living in pucca houses, close to 45% are in semi pucca houses and 9% are in katchcha houses.

➤ Following facilities are available in the sample families.

❖ 53.50% of the sample houses have two bedrooms followed by 44% have one

room and the remaining houses have 3 and above rooms.

❖ All the sample houses have electricity facilities.

❖ 61% of the sample households have toilets facility and the remaining houses have no toilets.

❖ 68% of the total sample families have bathroom facility and remaining 32% have no such facilities.

❖ Nearly 46% of the total sample families are fetching drinking water from government public taps, 38% from hand pumps and the remaining families depend on other sources such as tube wells /dug wells, hill streams, rivulets etc.

❖ 61% of the sample families using LPG as medium of cooking and 39% of the families using fire wood as medium of cooking in their houses.

➤ 78.60% of the total sample families are aware about the FRA.

➤ Gram Sabha Government officers, forest department officers, NGOs, fellow villagers etc., acted as a sources of awareness to the respondents.

➤ Nearly half of the total respondents participated in the proceedings of Gram Sabha and the rest of them were not participated.

➤ Majority of the respondents were not aware about the constitution of Forest Rights Committees and those who know about Forest Rights Committees reported that a few of them (FRC members) were not cooperate with them in the process of application.

➤ A large percentage of the respondents got help from different agencies including FRCs in filling the application for individual land rights claims (Form-A).



- Discrepancy in claimed area and approved area by the Government to the claimants.
- Nearly 50% of the total respondents stated that they did not face problems in getting land rights titles, so, it indicates pro-activeness on the part of the authorities in the smooth process.
- Nearly 77% of the total respondents got land titles within 2 years from the date of submission of application.
- Individual land rights holders under FRA have already made investments on their land to improve its productivity, for instance land leveling and construction of bunds. 90% of the total respondents met the expenditure on land leveling and development from their own sources and only 10% availed loan from banks for this purpose.
- A large percentage of the sample families are dependent on rain for their cultivation, it shows that they have poor sources of irrigation facilities.
- The other provisions of the Act like irrigation facilities, extension services and other soil conservation works were not implemented.
- 27% of them got credit under crop loan from banks.
- Six different types of crops grown in the FRA beneficiaries' lands in addition to paddy cultivation such as coffee, millets, pulses, fruits and vegetables.
- Close to 70% of the beneficiaries got modern agriculture tools and implements from Government under subsidy component.
- Close to 50% of the total respondent families got assistance under horticulture scheme.
- Nearly 80% of the total sample families stated that the conferment of titles has helped them in meeting their subsistence and livelihood needs better than before.
- Individual land rights solved the problem of land disputes among the beneficiaries.
- 77% of the sample families were utilizing the services of MGNREGS in convergence of activities in land development and the remaining were not approached by MGNREGS officers due to lack of knowledge and information.
- With the assistance of MGNREGS the respondents undertook the repairs/construction of traditional water bodies like small ponds, tanks, feeder channels etc., and these were used as sources of water for cultivation.
- There was no proper awareness, motivation, guidance and extension service from the departments of soil conservation, agriculture and officers of ITDA before and after plantation. This has a bearing on the productive use of land under FRA.
- Convergence of various schemes and programmes implemented for the benefit of FRA land rights holders by line departments is irregular. Convergence of schemes was not working properly as per the FRA guidelines.
- FRA has boosted their confidence. They now feel the real ownership of their plots which led to investing in their lands without any fear about secure livelihoods.
- Availing the entitlements over the forest cultivable land, discernable changes have occurred with regard to the land holding status of the sample households.



- Main benefit from Community Forest Rights is being ease of movement in the forest area along with the rights collecting fire wood, fruits, gum, tamarind, broomsticks, adda leaves etc. Thus, helping in meeting subsistence needs of the people and also conflicts between them and forest department has been reduced comparatively before FRA.
 - 76% of the sample families stated that they did not faced any problem from the forest department officers in the collection of Non-Timber Forest Products (NTFPs).
 - Minimum support price (MSP) for Minor Forest Products (MFPs) is not properly implemented in the study area.
 - Nearly 63% of the total sample families reported that developmental works like school buildings, anganwadi buildings, roads, drainages, drinking water, pipelines etc. were under taken in their villages.
 - Only 13.40% of the total sample families got training in skill development program for utilization of available natural resources for the development of livelihood security.
 - Tangible changes taking place after the implementation of the FRA, 2006 in the study villages.
 - Intangible benefits from recognition of individual land rights / community forest rights already evident. For instance, self confidence, a sense of empowerment, control over their life with no harassment from forest department.
 - Nearly 35% of the total families got sanction of housing under Indira Awas Yojana schemes (IAY).
 - Overwhelming majority of the sample families expressed that their social status was increased after getting land rights.
- Recommendations:**
- Extent of land under Individual Land Rights should be increased as per their claims and keeping in view of the economic holding.
 - The Government should take steps for creating alternative employment opportunities for the scheduled tribe people particularly in forest fringe villages as most of them are agriculturalists in nature. It will help in reducing the burden on the forest land and there by helping in forest conservation.
 - Provide livestock to the individual Land Rights holders under convergence of schemes which will provide additional and sustainable income.
 - Houses to the FRA beneficiaries should be sanctioned under IAY.
 - Create and spread awareness among the scheduled tribe people about Forest Rights Act 2006 and 2012 amended rules.
 - Carryout workshops to spread information about FRA and its intricacies in different areas.
 - Gram Sabha should be conduct at village level as per FRA and instruct the implementing officers to mobilise the ST people to participate actively in the proceedings of the Gram Sabha.
 - Discrepancy in claimed area and approved area by SDLC/DLC needs to be reviewed.
 - Convergence support has been irregular, and more efforts are needed at



the village level to make it more consistent for livelihood enhancement.

➤ To increase the agriculture productivity provide subsidized seeds, fertilizers, modern tools and implements etc., on subsidy and also intime.

➤ Motivate the individual land rights holding families for horticulture cultivation.

➤ The state Government should take necessary action for the implementation of Minimum Support Price Scheme for forest products and also agriculture produces.

➤ Value addition to forest products like broom making, leaf plate making, tamarind processing, mat and rope making etc., should be encouraged in the household/cottage industries.

➤ Develop common and sustainable sources of irrigation like community borewells with eneration to the FRA beneficiaries.

➤ Facilitate institutional finance for land development of individual land rights holders and also for cultivation (crop loan). Besides, increase the quantum of loan for agriculture.

➤ Measures to be taken to approve more number of Community Forest Rights claims, which is providing subsidiary livelihood to the forest dependent people.

➤ Apart from tangible material benefits (including easier access to benefits of Government schemes), the conferment of such rights has also contributed to intangible gains such as community mobilization, better access to and management of natural resources, socio-religious gains etc.

➤ Impart training in skill development programmes to FRA beneficiary families which is suitable for locally available resources utilization for economic sustenance.

➤ Land development activities should be undertaken by the departments concerned under the MGNREGS programme or through any other new intervention that the beneficiaries who have got ownership rights over their 'podu lands' are able to cultivate their lands and possibly improve crop yields in future.

➤ Although FRA, 2006 promises the granting of individual and community rights over forest land, a host of other development related interventions need to be launched by the state government as part of to supporting the forest dwellers in terms of provision of irrigation, extension services, access to institutional credit from banks and cooperatives (farmers can pledge land pattas as collateral) and infrastructure facilities which were not available in the forest fringe areas before the FRA was launched.

➤ Association of tribals should be ensured in large scale plantation programme giving them right to usufruct.

➤ Institutional reforms are the need of the hour for effective implementation of FRA.

➤ Monitoring of FRA on a state level dash board with utmost transparency may be emphasized upon. In this way, the district administration can see more clearly the movement of the claims and take appropriate action at processing these.