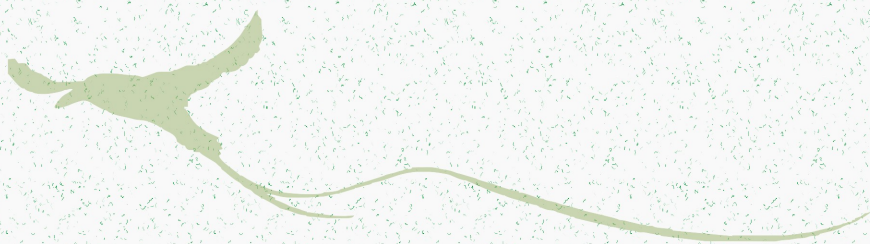


**Status of Implementation of the Scheduled Tribes
and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Act, 2006,
Amendment Rule, 2012 – a Case of Jharkhand State**



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Published by:

B. N. YUGANDHAR CENTRE FOR RURAL STUDIES
Lal Bahadur Shastri National Academy of Administration
Mussoorie (Uttarakhand)

Produced by : Apna Janmat, 18A, Subhash Road, Dehradun

PREFACE

India's tribal population is 10.43 crore, which is 8.6 per cent of our total population. Of this 89.97 per cent tribal live in rural areas while 10.03 per cent live in urban area. Also, the Scheduled castes are about 16.6 per cent of India's population, 76.4 percent of which live in rural areas and 23.6 percent live in urban area (Census 2011). The total population of OBCs at All India level was 41.1%. Thus, more than half of the Scheduled tribes are concentrated in Central India which includes Andhra Pradesh Chattisgarh, Gujarat, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan. The remaining tribal population lives in the Northeastern states.

The tribals and forest dwelling communities have always had a symbiotic relationship with forests as they have been dependent on forests for livelihoods. They not only use forest resource but also conserve, preserve and sustain their forest. These forests remains home to millions of people, ironically, their forest rights have not been recognized. In the absence of ownership of the land, the marginalized forest dependent communities remain vulnerable, they are first to be evicted To protect and safeguard, tribals and other forest dwelling communities and to ensure their forest rights, “The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006” was enacted in 2007 and enforced in January, 2008 by the Ministry of Tribal Affairs (MoTA), GoI. The Ministry of Environment, Forest and Climate Change and the Ministry of Tribal Affairs, Govt. of India are the two major agencies directly responsible for the implementation of the Act.

The present study entitled “Status of Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, Amendment Rule, 2012 in the state of Jharkhand” was entrusted to the B. N. Yugandhar Centre for Rural Studies, Lal Bahadur Shastri National Academy of Administration, Mussoorie from the Ministry of

Tribal Affairs, Govt. of India. The main objectives of the study are 1.) To study the profile of the respondents viz. caste, religion, household size, literacy and occupational status 2.) find-out awareness level of the procedure and process of individual forest right and community forest right both among the implementing agencies, the forest dwelling communities and other stakeholders 3.) extent of granting and rejecting IFRts and CFRts claims and time gap at different stages of implementation of Individual Forest Rights 4.) role of implementing agencies in facilitating the forest dwelling communities to get their forest rights 5.) whether the implementation of FRA, 2006 impacted improving the household economy 6.) review various forest laws enacted by Ministry of Environment, Forest and Climate Change as in force in Jharkhand and find-out whether these laws have taken cognizance of FRA, 2006 and whether the forest laws are facilitating the implementation of FRA, 2006 or putting hindrances 7.) whether women were granted forest right, if not reasons 8.) to review Compensatory Afforestation Fund Act (CAFA), 2016 at three levels viz. gram sabha, ecology and livelihood 9.) to study the inter-departmental co-ordination and identify problems coming in the way of coordination 10. Findings of the study and suggestions for effective implementation of FRA, 2006.

This study has fourteen chapters. The first chapter deals with the introduction of FRA, 2006 in India. Chapter discusses the forest dwelling communities and their forest rights; the second chapter is on the research methodology and the sampling frame, the third chapter focuses on the demographic features and profile of land and minerals in Jharkhand; chapter four deals with the brief profile of the sample districts viz. Chatra and Koderma and chapter five highlights the demographic profile of the respondents of the two sample districts namely Chatra and Koderma where household surveys were conducted; chapter six focuses on the definition and provisions of individual forest rights, and district wise status of IFRt in the state of Jharkhand, chapter seven is on the implementation process of the individual forest rights. This includes the process of implementation, extent of accepted forest right claims, whether there was difference between size of land claimed and recognized, etc.; chapter eight is on the rejection of

individual forest right claims, extent and reasons for rejection of claims, chapter nine deals with the community forest right, the provisions and procedures, extent of recognition of community forest right, functioning of Joint Forest Management and implementation of Compensatory Afforestation Fund Act, 2016 and its impact. Chapter ten focuses on the accessibility of minor forest produce to forest dwelling communities, nature of MFPs accessed by them, the status of minor forest produce in Jharkhand and provisions made for the forest dwelling communities in FRA 2006. Household data was analysed to understand the difficulties faced by the communities in accessing the MFP, behaviour of forest officials towards the forest dwelling communities. Chapter eleven focuses on the Particularly Vulnerable Tribal Groups in Jharkhand (PVTGs), provisions for PVTGs in FRA 2006. A case of Birhor tribe is discussed to understand the status of implementation of FRA. Chapter twelve is on the nomadic and pastoral communities. It focuses on the provisions of forest rights for the nomadic/pastoral community in FRA, 2006, the constraints coming in the way of getting their forest rights. A case study of Chittoria community is conducted to understand their lifestyle and the mechanism to get access to medicinal plants and traditional food and problems faced in claiming their forest rights. The household data analysis was made to assess their awareness about FRA, 2006 and the status of claiming their forest rights. Chapter thirteen deals with forest laws which are in conflict with FRA 2006 and emphasis is on the need for further consultation for modification where required. Lastly, chapter fourteen focuses on major findings of the study and gives suggestions to make the implementation of FRA, 2006 more effective.

This empirical study is primarily based on the household survey conducted in Chatra and Koderma districts of Jharkhand. Both are in Chotangapur plateau which in turn is rich in terms of natural resources such as forest, mineral resources and the tribal culture. The issue of forest dwelling communities and their land rights is very contemporary in nature. It is not exaggeration to say that the implementation of forest law is still in its infancy. There are flaws that need to be plugged for its effective implementation. From the very beginning of the enactment the issue of forest land

right is facing problems. The Forest Department, retired forest officials and various NGOs working in the area of wildlife protection and environment protection have filed a writ petition in Supreme Court and questioned the Act. The Hon'ble Supreme Court in its verdict in February 2018 ordered states to evict forest dwellers. This verdict has made the issue more sensitive. There is a need for round table discussion among the implementing agencies, researchers, experts, civil societies and communities to find out ways for the effective implementation of FRA, 2006. This report on the status of implementation of forest rights in Jharkhand is contemporary in nature and will prove useful for the policy makers, planners, researchers, the academicians and the millions of forest dwelling communities whose interests have been affected.

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Saroj Arora

ACKNOWLEDGEMENTS

This study has been made possible by the kind support and collective contribution of various individuals and organizations. I extend my sincere thanks to the Ministry of Tribal Affairs, Government of India for funding the research project.

I remain grateful to Dr. Sanjeev Chopra, IAS, Director, Lal Bahadur Shastri National Academy of Administration (LBSNAA) and Chairman of the B. N. Yugandhar Centre for Rural Studies (BNYCRS), Mussoorie for his administrative support. I owe gratitude to Mr. Manoj Ahuja, IAS, Special Director, LBSNAA and mentor of BNYCRS for extending all possible help in completion of this report on Jharkhand. I am grateful to Mr. C. Sridhar, IAS, Deputy Director (Senior) LBSNAA and former Centre Director, BNYCRS as it has been under his leadership this project began. I thank him for his constant support and encouragement. I thank to Professor Niranjana K. Sudhansu, IAS and the Centre Director, BNYCRS, LBSNAA, for his patience and cooperation in completing this study. It was his co-operation that made it possible to complete this assignment. Ms. Aswathy S. IAS, Deputy Director (Senior) has always been extended help and cooperation whenever required in the course of project. I express my warm thanks to her. Mr. R. Ravi Shankar, Divisional Forest Officer (DFO), former Deputy Director, LBSNAA has played a significant role in various stages of this study. I would like to place on record my sincere thanks for the valuable contribution made by him.

I am indebted to Mr. N.C. Saxena, IAS (Retd.), Chairperson, National Committee on Forest Rights Act, December, 2010 and Dr. Madhu Sarin, Fellow, Rights Resources, Washington, DC United States of America for sparing their valuable time in going through the interview schedules developed for various stakeholders. Both of them gave rich inputs which has helped in adding value to this draft.

Mr. Shailendra Kumar Lal, Jharkhand Civil Service (JCS), Joint Secretary, Welfare Department of Scheduled Tribe, Scheduled Caste, Minority and Other Backward Castes, Ranchi has spared his valuable time to explain the status of implementation of FRA, 2006 and the history of land system in Jharkhand. I express my thanks to him. I also thank Shri Rai Mahimapat Ray, IAS, Deputy Commissioner, Ranchi for his co-operation and logistic support during stay at Ranchi. I am thankful to Mr. Ranendra Kumar, IAS, Director, Dr. Ram Dayal Munda, Tribal Research Institute (RDMTRI) for sharing information and experiences on the issue of forest dwelling communities and their forest rights in the state of Jharkhand. He remained instrumental in organising meetings with resource persons working in the area of forest land rights in Jharkhand. Mr. Sajid, Librarian, RDMTRI provided the references and xeroxing of papers. I thank to him. Dr. Walter Beck, Dr. Seerat Kachhap, Assistant Professor, Department of Anthropology and Dr. Gunjal Ikir Munda, Assistant Professor, Department of English all from Central University, Ranchi have all contributed in this knowledge building exercise by sharing their knowledge and experiences. I thanks to each of them.

I am grateful to Mr. Jitendra Kumar Singh, IAS, Deputy Commissioner, Chatra district for providing the logistic support during stay in Chatra district and co-ordinating meeting with various government officials. Discussions held with Mr. Kali Kinker, Divisional Forest Officer (DFO), Chatra and his colleagues have helped in understanding the issue of forest rights and the problems encountered by them in implementation. Ms. Sadhna Jaypuriyar, Jharkhand Civil Service (JCS), the then District Welfare Officer (DWO), Circle Officers Mr. Yamuna Ravidas, JCS, Mr. Ranjeet Lohara, Mr. Ram Suma Prasad, Hunterganj and Mr. Rajiv Kumar, JCS, SDO, Chatra, helped in many ways, by providing information on the status of forest right claims in their respective areas. They visited villages where forest dwellers live and explained various social realities in their lives. I am grateful to them for their co-operation and contribution.

I thank to Mr. Bhuvnesh Pratap, IAS, former Deputy Commissioner, District Koderma and his team for helping with logistic arrangements and coordinating meetings with various stakeholders. Mr. Anuj Kumar Prasad, JCS, DWO, Koderma, Director, District Rural Development Agency and Director, DWO remained supportive. He coordinated meetings with various stakeholders in Koderma district, provided data on forest rights claimed, recognised, rejected in the district. He shared his experiences about forest dwelling communities in the state. This was of enormous help in understanding tribal society and critical issues obstructing implementation of forest rights act. Mr. Basant Prasad, BDO accompanied us during field visits to the village which gave exposure to how the block was helping the forest dwelling communities in improving their life conditions.

Mr. Suraj Singh, IFS, Koderma was very forthcoming in providing the data of his forest division, responding to each question patiently. I thank him and his supporting office for their cooperation. Discussion held with Mr. K.K. Ojha, Forest Range Officer, Domchanch, Koderma helpful in drafting the report. Mr. Uday Raj Sinha, Amin, Koderma and Mr. Ram Lakhan Barai, Amin, Chatra and many others have appraised about the nitty gritty about the implementation process of FRA, 2006 at the grass root level. I am thank them all. Mr. Mohd. Haider, Computer Operator and Mr. Pramod Munda from DWO office remained very helpful during my stay in Koderma district. They provided documents and data as and when requested to them. I am thank to them for their support.

Dr. Sanjay Basu Mullick, Jungle Bachao Andolan, Mr. R. Vishwabandhu, Secretary, Ambedkar Social Institute, Giridih, Ms. Sabita Banerjee, Gramoday Chetna Kenra, Chatra are working silently with the forest dwelling communities in Jharkhand. They have shared their own set of experiences of working with the communities at the grass root level, focusing on the forest rights of forest dwelling communities, I thank them.

Mr. Onkar Vishwakarma, Mr. Santosh Kumar Chandravanshi, Mr. Mohd. Aftabul Haque, Mr. Raju Kumar and Ms. Sushma have

helped in collecting household data in Chatra and Koderma districts. They worked in the field with full dedication. I thank all of them.

From BNYCRS, LBSNAA, I am thankful to Mr. Ramesh C. Kothari for helping in generating tables out of household data. Mr. Adesh Kumar has provided all possible help at different stages of the study. I am grateful to him for his contribution in completing this assignment. I am also thankful to Mr. Dalip Bist, field assistant and Mr. Suresh Kumar for providing secretarial support.

Saroj Arora

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ABBREVIATIONS

ACF	Assistant Conservation Forest
BMAY	Birsa Munda Awas Yojna
CFRt	Community Forest Right
CFRMC	Community Forest Right Management Committee
CAFA	Compensatory Afforestation Fund Act
CO	Circle Office
CCL	Central Coalfields Limited
CWH	Critical Wildlife Habitat
CNTA, 1908	The Chota Nagpur Tenancy Act, 1908
DC	Deputy Commissioner
DWO	District Welfare Office
DLC	District Level Committee
DFO	Divisional Forest Office
FCA, 1980	Forest Conservation Act
FGD	Focus Group Discussion
FPC	Forest Protection Committee
FRA, 2006	Forest Right Act
FRC	Forest Right Committee
GM	Gair Majarua
IFRt	Individual Forest Right
IK	Indigenous Knowledge
IW(P)A, 1972	Indian Wildlife (Protection) Act, 1972
JSFDC	Jharkhand State Forest Development Corporation
JFM	Joint Forest Management
JFMC	Joint Forest Management Committee
LPG	Liquefied Petroleum Gas
MFPs	Minor Forest Produce
MoTA	Ministry of Tribal Affairs
MSP	Minimum Support Price
NAREGA, 2005	National Rural Employment Guarantee Act, 2005

NGO	Non Government Organization
NoC	No Objection Certificate
NTFP	Non Timber Forest Produce
OBCs	Other Backward Castes
OTFDs	Other Traditional Forest Dwellers
PBR	People's Bio-diversity Registers
PESA	Panchayat (Extension to Scheduled Area, 1996)
PMJDY	Pradhan Mantri Jan Dhan Yojana
PTG	Primitive Tribal Group
PVTG	Primitive Vulnerable Tribal Group
RoR	Record of Right
SCs	Scheduled Castes
SDLC	Sub Divisional Level Committee
SDO	Sub Divisional Office
SPTA	Santhal Pargana Tenancy Act, 1908
STs	Scheduled Tribes
WLPA, 1972	Wildlife Protection Act

INTRODUCTION

Forests are home to millions of people. These include scheduled tribes and other traditional forest dwellers. Nearly 250 million people live in and around forests in India, of which the estimated indigenous *Adivasi* or tribal population is about 100 million. However, their forest rights are rarely recognized. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 also known as the Forest Rights Act (FRA) was enacted in 2007 to correct the 'historic injustice done to forest-dwelling communities'. These communities were cultivating /occupying forest land and using forest produces for generations yet they had no tenurial security. This Act recognizes and vests individual forest-dwellers with forest rights to live in and cultivate forest land that was occupied prior to 13 December, 2005. The Act also grants community forest rights.

Since times immemorial, the tribal and other traditional forest dwellers communities of India have had a symbiotic relationship with the forests, a resource on which they have been dependent for their livelihoods and existence. Yet, their rights were rarely recognized by the authorities and in the absence of ownership of the land, the already marginalized local communities faced numerous problems.

India's tribal population is 10.43 crore, constituting 8.6% of the total population (Census 2011). 89.97% live in rural areas and 10.03% in urban areas. Broadly, the Scheduled Tribes inhabit in two distinct geographical areas- the Central India and the North Eastern India. More than half of the Scheduled Tribes population is concentrated in Central India, that is, Madhya Pradesh (14.69%), Maharashtra (10.08%), Orissa (9.2%), Rajasthan

(8.86%), Gujarat (8.55%), Jharkhand (8.29%), Chhattisgarh (7.5%) and Andhra Pradesh (5.7%). The other states with the tribal population are Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim. Among all the States, Mizoram has the highest proportion of STs (94.43%) and Uttar Pradesh has the lowest proportion of Scheduled Tribes (0.57%). There are no Scheduled Tribes in three states viz. Delhi NCR, Punjab and Haryana and the 2 Union Territories (Puducherry and Chandigarh). The State wise STs population to total State population reveals that in Mizoram STs population constituted 94.43%; in Arunachal Pradesh 68.79%; in Nagaland 86.48%; Meghalaya 86.15%; in Manipur 35.12%; in Chhattisgarh 30.62%; in Jharkhand 26.21%; in Madhya Pradesh 21.09% and in Orissa 22.85% (Census 2011).

To protect and safeguard the tribals and Other Traditional Forest Dwellers "The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006" was enacted. This Act was enacted in 2007 and enforced in 2008 by the Ministry of Tribal Affairs (MoTA). The legislation came after a sustained campaign for forest rights by forest dwellers, tribal organizations and civil society. The forest dwelling communities uses forest land for cultivating and using forest produce since ages without having any tenurial security. By recognizing their land rights on forest land, the FRA attempted to secure livelihood and food security, while promoting sustainable use of commons. In fact, the legislation attempted to correct the 'historic injustice done in the colonial era to STs, Adivasis and other traditional forest dwelling communities' whose livelihoods were depended on the forest. MoTA has defined the definition of OTFDs under the FRA. It states that all those who can prove 75 years of residence in the area (not necessarily on the plot being claimed), and dependence on the forest land as of December 2005. "Forest Dwelling Schedule Tribes" means the members or community of the Scheduled Tribes who primarily reside in and who depend on the

forests or forest lands for bona fide livelihood needs and includes the ST pastoralist communities". And "Other Traditional Forest Dwellers" means any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forests land for bona fide livelihood needs (The Gazette of India 2007). The Act proved to be a landmark social legislation which addressed pertinent issues related to land tenure security and access to land of the most vulnerable sections of the society. The purpose was to empower forest dwellers with the power of safeguarding their forests against destructive developmental practices (Sec 5) and provide for legal recognition and vesting of rights before eviction from forest land (Sec 4 (5)). The Act legitimizes use of forest commons and common property resources (CPRs) through land rights. The Act is applicable all over India except Jammu & Kashmir. The FRA, 2006 recognizes and vests individual forest dwellers with forest rights to live in and cultivate forest land that was occupied before 13 Dec 2005 and grants community forest rights to manage, protect, regenerate the forest under section 3(1)(i) and to own and dispose minor forest products from forests where they have traditional access.

The Union Ministry of Tribals Affairs (MoTA) - the nodal agency for this programme has been regularly monitoring the progress of implementation, issuing clarifications and updating the figures for land allotted to the people.

It is important to mention here that the tribals in Mizoram, Meghalaya and Nagaland already had special constitutional safeguards with regard to their ownership and transfer of land which includes community land including forest and CPRs. Article 387G in Mizoram and Article 371A in Nagaland gives the special status and autonomy to the tribals customary laws and their land. Buying and selling cannot be done without the consent of the

people/village authority. The entire state of Meghalaya, two districts in Mizoram (Saiha and Lawngthlai), three districts in Assam (Dima Hasao, Karbi Anglong and Kokrajhar) and one district in Tripura namely West Tripura comes under the 6th schedule of the Indian Constitution². In Sixth Schedule Area, the customary rights of tribal communities are recognized by the Constitution of India and tribals are given a considerable amount of protection over their lands, forest, customs and village chief ships. Similarly, tribal dominated pockets in other nine states are protected under the 5th Schedule of the Indian Constitution³. States under the Fifth Schedule are: Andhra Pradesh, Gujarat, Karnataka, Himachal Pradesh, Odhisha and Rajasthan. Gram sabha plays an important role in the Fifth Schedule area. Fifth Schedule is governed by Panchayats Extension to Scheduled Areas. December 2016 marked the 10th anniversary of the promulgation of the “The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006”.

LAND RIGHTS UNDER FRA, 2006

Under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, land rights can be acquired by individuals as well as communities. The Act vests holders with rights of tenure that are heritable but not saleable on forest land that have been traditionally used by them. The land in question continues to remain classified under state forests, but the ownership of resources on that land is vested to the right-holder. FRA recognizes 14 types of pre existing rights of forest dwellers on all categories of forestland, including protected areas. The most significant rights include, i.) Individual forest rights; ii.) Community forest rights; iii.) Community forest resource rights.

A brief on two major categories of land recognized under FRA, 2006, that is: i.) individual tenurial rights on forest land, ii.) community rights to gain access to common property is discussed below:

1. INDIVIDUAL FOREST RIGHTS

Individual Forest Right (IFR) is a significant category of rights provided under the FRA. The Act recognizes and vests individual forest dwellers with rights over cultivation and homestead in forestlands, that were occupied before 13 December, 2005. Most states prioritized the implementation of IFRs, treating the FRA as a land distribution scheme rather than the recognition of pre-existing rights. About 3.845 million acres have been recognized as IFRs till July 2016. The state wise data on IFR recognition is adapted from the Community Forest Rights–Learning Alliance (2016: 34) report. The data shows that in terms of numbers seven states have done well in IFR recognition. These states are Madhya Pradesh, Andhra Pradesh, Telangana, Chhattisgarh, Odisha, Maharashtra and Tripura (Kundan Kumar, Neera M. Singh, Y. Giri Rao. 2017: 41). However, several reports indicate that recognition of individual rights have been ridden with several problems, such as Illegal rejection of land claims, non acceptance of valid claims, under recognition of claims and mistakes in the titling process. In many cases, the proper procedure for recognition of rights has not been followed and decisions were taken by local officials sidelining the gram sabhas (Kundan Kumar, Neera M. Singh, Y. Giri Rao. 2017: 42).

2. COMMUNITY FOREST RIGHTS

Community Forest Rights (CFRts) refers to use and access to forest land and forest based resources which include rights to firewood, grazing and other products for subsistence; rights over minor forest products; water bodies and fishes; rights to access biodiversity; intellectual property and traditional knowledge. The Act grants CFRts holders to manage, protect, regenerate the forest under section 3(1) (i) and to own and dispose minor forest products from forests where they already had traditional access. Studies reveal that the recognition of collective rights over forests as CFRs is seen as threat by the Forest Department.

In terms of area, potentially, up to 85.6 million acres or 34.6 million hectares of forest could be recognized as Community Forest Rights (CFRs) in the country. This estimate excludes mainly northeastern states of Arunachal Pradesh, Manipur, Nagaland, Mizoram and Meghalaya, and is based on the data from the Census of India (2011).

In terms of potential beneficiaries, an estimated 200 million STs and OTFDs was in over 1,70,000 villages are the users of this potential area, and could, therefore, gain collective rights over forests under the CFR provisions of the FRA (Community Forest Rights –Learning Alliance 2016: 11). These are significant numbers, given the fact that 250 million people depend on India's forests (Kundan Kumar, Neera M. Singh, Y. Giri Rao. 2017: 40-43).

As per the provisions of the FRA sizeable area of the country's forests is likely to fall under the category of the Community Forest Resource where forest dwelling communities will exercise the CFRts under the Act. “Community Forest Resource,” this means that customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape (in the case of pastoral communities) including reserved forests, protected forests and protected areas such as sanctuaries and national parks to which the community have traditional access (The Gazette of India 2007). Such forests if managed, protected and regenerated by the communities would impact the governance of forests in these areas which has so far been done by the State Forest Departments. There are many examples in the country where local communities have been formally recognized and empowered to govern and manage the forests of their villages, or where they have self-initiated community-based governance systems. These include some areas of Chhota Nagpur region of Jharkhand, several thousand *Van Panchayats* in Uttarakhand, a large area in the north east, and several thousand community forest protection initiatives in Orissa, Maharashtra, and other states.

COMMUNITY FOREST RESOURCE RIGHTS

Community Forest Resource Rights (CFRRt) refers to use, manage and govern forests within the traditional boundaries of villages. This is managed under the authority of gram sabhas. This is seen as an encroachment by the forest department over critical forest resources. Studies show that the forest bureaucracy has tried to subvert community rights recognition process (Springate-Baginski et al 2012; Kumar et al 2015). Forest department is apprehensive that the vesting of individual as well as community rights will put more pressure on the already stressed forest resources.

Community Forest Rights –Learning Alliance (2016) reports that only 2.7 million acres have been recognized as CFRRs in the last 10 years. However, till date, only 3% of this potential area has been realized (Kumar, Singh & Rao. 2017: 41). Several conditions are being attached to CFRt titles that limit the ability of communities to use the forests. The relationship between the Gram Sabha and the Forest Department in the post-claim scenario is still opaque.

In the areas where civil society groups and officials are proactive claims have started coming up, covering several thousands of hectares especially in States like Gujarat, Maharashtra, and Orissa.

There is a widespread assumption especially amongst forest officials that CFRt need not be applied for, since people are already benefiting either from nistar rights, JFM or van panchayat, etc.. In some cases, CFRt claims are either not accepted because 'land is under JFM' or only land under JFM is being permitted for CFRt claims. However, it must be remembered that it is the FRA, 2006 which extends tenurial security so the, apprehensions raised by the Forest Department is not incorrect.

POTENTIAL OF COMMUNITY FOREST RIGHTS

In case FRA is implemented in letter and spirit it may result in much needed public lands reform. Research from around the world, including India, shows that communities can be good caretakers of local forest resources and can be more efficient and effective in managing, protecting and conserving forests as compared to private entities or governments. It can empower the weakest and most marginalized sections of society (Ostrom 1990; Somanathan et al 2009; Stevens et al 2014).

The data shows that most states have not even started recognizing CFRts. Madhya Pradesh, Maharashtra, Chhattisgarh, Odisha, Andhra Pradesh, Telangana, Rajasthan, Karnataka, Himachal Pradesh and Uttarakhand have high potential for CFRts recognition. But hill states like Uttarakhand and Himachal Pradesh have hardly taken any initiative in this direction. Madhya Pradesh and Chhattisgarh, the highest and the third highest potential states, also show little progress in CFR recognition. Andhra Pradesh, Telangana, Jharkhand, Karnataka and Rajasthan have also recognized very small areas of CFR. The only states with substantial CFRt recognition are Maharashtra, Odisha, Gujarat and Kerala (Kundan Kumar, Neera M. Singh, Y. Giri Rao. 2017 p. 41).

WOMEN AND FRA, 2006

Women play an important role in conservation and management of the community forest and minor forest produces. Being closer to nature, they are primary producers and the protectors of the forests. They spend almost 90% of their time in forest in collection of NTFP, fuel wood, leaves and fodder, etc. Denying women their CFRts and MFP makes their position critical. FRA, 2006 granted both men and women equal ownership rights on forest land. It recognized the women rights on community forest resources as well as the individual forest rights. But in practice, women are yet

to get involved in community forest governance. Therefore, it is important to ensure CFRts to women. They should be encouraged to participate collectively and file their community claims, by organizing cooperatives to manage and control the MFPs.

STATUS OF IMPLEMENTATION OF FRA, 2006 ACROSS THE STATES

States can be categorized into five broad categories based on state wise data on the recognition of IFR and CFR claims. (1) States, which have either not started implementing FRA at all or have barely made a beginning. A large number of states fall in this category. (2) States like Tripura and Uttar Pradesh, which have focused only on IFR implementation. (3) States that have recognized IFRs and CFRts instead of CFR rights; Madhya Pradesh is an example of this. (4) the “low CFR performing” states have implemented CFR rights but are at a very low level of implementation compared to their potential (less than 2%). (5) States which are performing better. Four states Gujarat, Kerala, Maharashtra and Odisha are in the better performing category as they show substantial efforts in implementing both IFRs and CFRs. These Maharashtra stands out as the state with the highest achievement in recognizing CFRs though even Maharashtra has only achieved 18% of its potential. Similarly, Odisha has achieved only 6% of its CFR potential. This shows that the potential of FRA is still not tapped properly (Kumar, Singh, Rao 2017: 40-43). The states that have made good progress in the recognition of CFRs have done so due to constant mobilization from civil society organizations who have convinced the political and bureaucratic leadership of the benefits of recognizing CFR rights, by pushing the nodal agencies, district administrations, and the political leadership to take actions. Some progressive bureaucrats, especially officials from the tribal departments and district collectors have actively sought civil society support for CFR rights recognition, for example, Gadchiroli in Maharashtra and Mayurbanj in Odisha. In Maharashtra, the governor's office has

intervened and used its special power for Schedule V areas to promote CFR rights (Kundan Kumar, Neera M. Singh, Y. Giri Rao.2017: 42).

There have been serious flaws in many states about the constitution of the Forest Rights Committee (FRC) which is empowered to take decision at the grassroots level. FRC has a crucial role in assisting the Gram Sabha (GS) in determining the claims from individuals by receiving, consolidating and verifying them on the ground. In most states, GSs have been recognized at the panchayat level, instead of the revenue village or as defined under PESA. Panchayats usually consist of more than one revenue village and several habitations/ hamlets. With this size, convening GS to reach a quorum in its meetings and forming FRCs to function effectively has been extremely difficult. In addition FRCs in some of the States has not been formed in a fair manner; for example, women and STs/OTFDs have not been adequately represented and government officials have been included, which is in violation of the Act/ Rules. SDLCs and DLCs, have often been issuing rejection letters without adequate grounds. This has been one of the biggest reasons for the inadequate implementation of the FRA in most of the States. Monitoring in some States has been very poor, due to infrequent monitoring meetings of the SLMC and absence of necessary clarification and guidelines to the implementing agencies and the non involvement of members of the civil society. Several SLMCs or state nodal agencies have issued impossible deadlines, or guidelines and directives causing distortions such as not measuring the land before issuing titles, or giving predominant weightage to satellite imagery when assessing.

SOME OF THE MAJOR CONCERNS IN THE IMPLEMENTATION OF FRA, 2006

Some of the major challenges coming in the way of effective implementation of FRA programme are mentioned below:

1. In many states rates of claim rejections are very high. Claimants are not even informed about the reasons of rejection. A large numbers of applications are being rejected by the implementing agency without any valid ground.
2. Lack of awareness among the claimants about the kind of documents required to prove their residence in the forest as proof of 75 years of residence and the agencies which can provide those documents. Sometime even officials are not aware of.
3. Lack of awareness of the procedure to be followed for ensuring individual and community land rights, issuance of certificates under the FRA and its entry in the record of rights, land settlement and forest settlement records which a requisite for taking loan from the bank.
4. Almost in every state the implementation of the CFRt under FRA has yet not initiated. Also almost no information is maintained state wise on the extent of area over which CFRt have been claimed or vested.
5. Where agencies have approved the CFRt claims, there are two major lacunae in the titles given: often titles are being issued in the name of a group of individuals rather than Gram Sabha, and there is lack of clarity as to how titles are to be entered in the RoRts and other government land records.
6. Poor land records maintenance has led to a large number of land disputes. Maintaining various rights vested under the FRA is a big challenge.
7. The FRA provides for systematic vesting of individual and community rights. But there are other Rules/Regulations in force in some states which work contrary to this. For instance, working plans/management plans are being prepared by the Forest Department for management of forest and wildlife. These plans specify certain rules and regulations for access and enjoyment of rights in the areas covered under them, for example, grazing rights, collection of fuel wood and MFP, etc. Similarly, JFM programme⁴ claims to have covered 55 million acres in the country. Joint Forest Management Committees

(JFMC) have been constituted in various villages by the Forest Department for the protection and management of the forest areas. Community is given access and enjoyment of the rights including rotational grazing, fishing rights, collection of fuel wood and minor forest produce etc. The area covered under JFM comes in conflict with the area under CFR. Until March 2006, JFM committees have formed involving more than 100,000 villages covering more than 22 million ha of forests across the country. Similarly, the institution of *Van Panchayat*⁵ in Uttarakhand (which has a legal sanctity) already has provision for the community forest. However, it seems that the whole state is not covered by *van panchayat*. In Garhwal region, community conserves and manages forest on Civil *Soyam* Land. Thus, there are pre-existing legally recognized rights under *Van Panchayats*. How FRC will function in areas where *van panchayats* are functioning remains an unresolved?

8. In case, if no Community Forest Resource Rights (CFRRt) are recognized in a village (either due to JFM or van panchayat) the reasons for the same are not recorded.
9. Though FRA provides a statutory procedure for recognizing and protection of CFRs and CFRts by a Gram Sabha-based Committee. But there are insufficient details available on the aspects of community-based forest governance. There is some confusion as to whether the community has rights to manage the entire CFR as defined in section 2(a) of the FRA or only those areas within the CFR that had been traditionally protected as provided under section 3(1)(i) of the Act. Rights, powers, and responsibilities given to local communities are not clear as to how those responsibilities will be discharged, and what will happen when they are not discharged.
10. Forest records, maps and working plans are almost not available to the FRC; lands that are being used by communities are routinely taken up for afforestation programmes under various projects; communities are being denied CFRt claims on lands because they are 'demarcated for

mining'. In some places CFRt claims have been rejected for procedural reasons or kept pending. In large number of cases, the rejections are not being communicated to the claimants and their right to appeal is not being explained to them.

11. In a few states areas earmarked for mining or plantations the claims of the tribal communities cultivating land in these areas (individual/community) are not being accepted without assigning any reason. Although as per rule, the rights of the communities cannot be denied in the name of the development or afforestation works.
12. Lack of coordination between Tribal Affairs/ Social Welfare, Forest, Panchayati Raj and Revenue has emerged as one major factor posing the biggest challenge in the effective implementation of FRA, 2006.
13. Absence of national and state level consolidated picture of the status of FRA implementation in Protected Areas and National Parks. There is a trend of initially denying the rights and rejecting claims under FRA within PAs in some states.
14. In view of the provisions of Section 4(5) of the Act, no member of the forest dwelling STs or OTFDs can be evicted and resettled from the National Parks and Sanctuaries till all the formalities relating to recognition and verification of their claims are completed. The Act clearly states to ensure that their rights need to be recognized first before any exercise for modification of their rights or their resettlement is undertaken. But in practice, the Act is blatantly violated.
15. The FRA has specific provision under section 4(2) for creation of Critical Wildlife Habitats (CWHs) within National Parks and Sanctuaries to keep such areas as *inviolable* for the purposes of wildlife conservation. Such areas are to be finally notified by the Union MoEF. So far no CWH has been established under the FRA. There is also confusion in the states between CTH and CWH, especially since CTHs have already been established in most Tiger Reserves under the WLPA.

16. A large chunk of forests have been diverted for developmental projects. This diversion of land has affected a large population of people dependant on forests for their livelihood and sustenance and their rejection or consent to such projects has not been taking into consideration. There is a trend of by passing Gram Sabha in taking their consent in diverting forest lands for development projects.
17. Very often Gram Sabhas consent is not taken in DLC and SDLC meetings.
18. Lack of initiative by the Forest Department in providing protection and Technical support to the Gram Sabhas to empower them to carry out Forest Monitoring, that is, the extent of compliance with sustainable use and conservation regulations in the community- managed areas.
19. Forest Department is assigned the task of maintaining the documents related to rights vested under the FRA. Forest officials are of the view that when Revenue Department with the entire wherewithal at its command could not secure the rights of the aforesaid STs, than how can the Forest Department with much less staff and capability ensure that these rights stay with rightful owners? The timely & smooth transfer of rights by the Forest Department to the next heir in the case of death of the right holder is another challenge. Here, mention needs to be made of Uttar Pradesh, where in an innovative step, Record of Rights are being updated through introducing a new column in books of records to enter the rights recognized under FRA.
20. PTGs face difficulties in dealing with the formal procedure of different offices and filing of various forms hence, not able to get their IFRs, CFRts and right to habitation. Even DLC could not ensure habitat rights claims of PTGs, pastoralists and nomadic tribes.
21. Lack of national level data on the status of FRA implementation with regard to Nomads and pastoralist comes in the way of formulating an effective plan for their CFRt.

22. Women in DLC, SDLC and FRC constituted under FRA, 2006 are not given adequate representation. Women are often not intimated to participate in the meetings.
23. Lack of capacity building and awareness among the implementing agencies.
24. Compensatory Afforestation Fund (CAF) Act, 2016 recognizes no role of local community and gram sabhas in afforestation.

OBJECTIVES OF THE STUDY

1. Household profile (caste, education and occupation) of the beneficiaries;
2. Time gap at different stages of implementation of Individual Forest Rights and Community Forest Rights;
3. Whether Gram Sabha and forest right committee members are aware of the procedure of IFRt and CFRt and whether they are receiving applications from the claimants. If not , reasons;
4. Extent of understanding of provisions of FRA, 2006 among stakeholders;
5. Extent of granting IFRts and CFRts and how many have been granted land titles and legal status of land ownership;
6. Role of revenue authorities in facilitating beneficiaries to get forest land rights;
7. Extent of accepted or rejected claims and find-out how far implementation of FRA, 2006 impacted in improving the household economy;
8. To collate and review various forest laws/ legislations enacted by Ministry of Environment, Forest and Climate Change and land revenue laws as in force in different states and find out whether these laws have taken cognizance of FRA, 2006 and also to review whether the forest laws are facilitating the implementation of FRA, 2006 or putting hindrances;
9. To analyze panachayat level officials, sub divisional level officials, District (ITDA officials and CSO, if any in the block/ district;

10. To analyze the role of women at various stages in the settlement of IFRts and CFRts, if women were denied their rights under the act, find out the reasons;
11. To review and analyze Compensatory Afforestation Fund Act (CAF), 2016 at three levels viz. gram sabha, ecology and livelihood;
12. To study the inter –departmental co-ordination and identify problems coming in the way of coordination; and lastly
13. Suggest interventions for effective implementation.

SIGNIFICANCE OF THE STUDY

So far no study has been conducted on issues like awareness of stakeholders under FRA, 2006; performance appraisal of processing of claims; response of institutions in facilitating rights; profile analysis of beneficiaries; gender and socio-economic aspects of impact of rights granted and institutional interventions for inter-departmental coordination. The proposed study will attempt to identify the constraints coming in the way of effective implementation and enable the implementers to modify their strategies wherever needed.

NOTES

1. Fifth Schedule of the Constitution deals with the tribal areas in nine states of India, namely Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and Rajasthan. This is regulated by Panchayat Extension in Schedule Areas, 1996. Gram Sabha has a greater role to play in 5th Schedule Areas.
2. Joint Forest Management (JFM) has been initiated by the GoI for involving the forest dwelling communities in the management of forests since 1990 and has been implemented by most of the states. JFM is not supported by law and being run as a programme under executive orders. As a result, there is limited tenurial security for the local communities and can

be rescinded any time. JFMC may belong to one village while the area managed by it may be having rights recognized under the FRA of another village. This may lead to conflict between two villages. Some of the JFM areas overlap with areas where community rights are being claimed under the FRA. Recently, the Ministry of Environment and Forests has begun discussions with the MoPR and the state governments on the future of JFM.

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RESEARCH METHODOLOGY AND SAMPLING FRAMEWORK

The present study titled “Forest Rights Act 2006: Intervention for Effective Implementation in Jharkhand” was conducted in the state of Jharkhand. Administratively, the State of Jharkhand has five divisions viz. 1. Palamu; 2. North Chotanagpur; 3. South Chotanagpur; 4. Kolhan; and 5. Santhal Pargana. The North Chotanagpur is the largest among all five divisions. Chota Nagpur is a Hqrs- Nagpuri was a king of Chotangagpur. There are 24 districts in Jharkhand. The North Chotanagpur division has seven districts namely 1. Bokaro, 2. Chatra, 3. Dhanbad, 4. Giridih, 5. Hazaribagh, 6. Koderma and 7. Ramgarh. South Chotangapur division has five districts namely 1. Gumla, 2. Khunti, 3. Lohardaga, 4. Ranchi and 5. Simdega. Santhal Pargana division has six districts viz. 1. Deoghar, 2. Dumka, 3. Godda, 4. Jamtara 5. Pakur and 6. Sahebganj. Kolhan division has three districts viz. 1. East Singhbhum, 2. West Singhbhum and 3. Saraikela Kharsawan. Palamu division has also three districts viz. 1. Garhwa, 2. Latehar and 3. Palamu. Out of 24 districts, two districts namely Chatra and Koderma from the Chota Nagpur division were included for the study purpose. A chart exhibiting five divisions and districts falling in each of these divisions is placed at Annexure Table 2A.1.

TOOLS AND TECHNIQUES

Data was collected both from quantitative and qualitative methods. Multiple tools and techniques were used for the purpose of data collection. Primary data was collected from interview schedule, interview guide, focus group discussion and observation method. Secondary sources of data collection were official data, primary census, notifications, gazetteer, publications and literature survey.

Different sets of interview schedules were developed for the stakeholders such as interview schedule for the household, officials of the concerning agencies and the representatives of forest right committee. Interview schedules and interview guides were tested on pilot basis and administered after incorporating necessary corrections.

A list of IFRt claims (both recognized & rejected), claimant's addresses and other related information were collected from the office of the District Welfare Office of Chatra and Koderma district. District Welfare Office is the nodal agency and monitors the implementation of FRA, 2006.

Both random and purposive sampling were used for household survey. Total 150 households (75 households each in Chatra and Koderma) were surveyed in Jharkhand. Out of these 150 households, 111 were those households whose individual forest rights claims were recognized. Remaining 39 household were those whose claims were rejected. Household belonging to Scheduled Tribes, Primitive Tribal Groups, Nomads and Other Traditional Forest Dwellers were included in the sample universe (see Annexure Table 2A.2)

There are 12 blocks in Chatra district. It has 1474 revenue villages and only one municipality. FRA was implemented in six blocks. Similarly, there were total 577 inhabited villages in six blocks in Koderma district. In Chatra district four blocks and three blocks in Koderma district were included in the sampling frame. Blocks included in Chatra district were: 1. Chatra, 2. Itkhori, 3. Mayurhand and 4. Pathalgada. Blocks included in Koderma district were: 1. Domchanch, 2. Koderma and 3. Markacho.

1. STATUS OF INDIVIDUAL FOREST RIGHT CLAIMS IN CHATRA DISTRICT

In Chatra district total 1599 IFRt claims were submitted for IFRt. Out of 1599 claims 1475 IFRt claims (constituting 92.25% of the

total) were from STs households and remaining 124 IFRT claims (constituting 7.75% of the total claims) were from Other Traditional Forest Dwellers. Out of total 1599 IFRT claims, 546 IFRT claims (constituting 34.15% of the total) were recognized. Out of which 433 claims were of STs (constituting 79.30% of the total) and the remaining 113 IFRT claims (constituting 20.70% of the total) were of OTFDs. Maximum IFRT claims were submitted in Tandwa and Pathalgada blocks. Maximum concentration of STs population in Chatra district were in these two blocks (15.19% STs population in Tandwa block and 10.03% STs population in Pathalgada block). Maximum IFRT claims were recognized in Tandwa block (N=284) and Pathalgada block (N=57). Villages selected from Chatra district were 1. Geri 2. Karma (BT) 3. Katua, 4. Kori 5. Mardanpur 6. Pitij and 7. Sirkol.

Out of total claims 610 IFRT claims were rejected in Chatra district. Maximum numbers of claims (N=113) were rejected in Tandwa block.

2. IFRT CLAIMS IN KODERMA DISTRICT

In Koderma district, total 301 IFRT claims were recognized till 2018 under FRA, 2006. The implementation of FRA, 2006 took place in 18 villages. These 18 villages were located in five blocks in the district. These blocks were 1. Chandwara, 2. Domchanch 3. Jainagar 4. Koderma, and 5. Markachho. Villages where IFRT claims have been recognized in Koderma district were Bendi (Chandwara block); Jharna kund Tilaiya (Koderma block); 1. Pichari, 2. Navadeaha, 3. Parsabad, 4. Daldal, 5. Dangarnava, 6. Sher Singa and 7. Bandarchokwa (Markachho block); 8. Gadga village (Jainagar block), 1. Jamunia Tand, 2. Dhab (Rajba), 3. Kalideah, 4. Fulvaria, 5. Bedvar, 6. Nalva, 7. Chak and 8. Nava Deah were from Domchanch block. The table shows that the maximum IFRT claims were recognized in Markachho block (N=118). Minimum IFRT claims were recognized in Chandwara block (N=8) in Koderma district. Total 97 IFRT claims were

rejected in Koderma district. Maximum numbers of IFRT claims were rejected in Satgavan block (N= 56) followed by Domchanch (N=41). Seven from each of the two districts) were selected for household survey. Villages selected from Koderma district were 1. Dagarnava 2. Dhab 3. Dhajva 4. Jamunia Tand 5. Jhumri Telaiya 6. Masnodih (Pipara Tand); 7. Nawadih and 8. Peechari (see Annexure Tables 2A.3 and 2A.4).

ANNEXURE TABLES

Table 2A.1

Division-wise Districts in the State of Jharkhand

Palamu Division	North Chotanagpur	South Chotanagpur	Kolhan Division	Santhal Pargana Division
1	2	3	4	5
1. Garhwa	1. Bokaro	1. Gumla	1. East Singhbhum	1. Deoghar
2. Latehar	2. Chatra	2. Khunti	2. Saraikela Kharsawan	2. Dumka
3. Palamu	3. Dhanbad	3. Lohardaga	3. West Singhbhum	3. Godda
	4. Giridih	4. Ranchi		4. Jamtara
	5. Hazaribagh	5. Simdega		5. Pakur
	6. Koderma			6. Sahebganj
	7. Ramgarh			

Table 2A.2

Distribution of Respondents by District

Sl. No.	District	No. (%)
1.	Chatra	75 (50.0)
2.	Koderma	75 (50.0)
	Total	150 (100.0)

Source : Primary Data.

Table 2A.3
IFRTs Claims Submitted and Recognized in Chatra District
(in nos.)

Block	Total No. of Villages in Block	Villages where IFRT claims Recognized	No. of IFRT Claims Submitted		No. of IFRTs Recognized		IFRT Claims Provided Title
			STs	OTFDs	STs	OTFDs	
1	2	3	4	5	6	7	8
1. Chatra	194	1.Geri	Figure not Available	Figure not Available	12	0	12
		2.Mardanpur	Figure not Available	Figure not Available	35		35
		3.Sanghri	Figure not Available	Figure not Available	1		1
Sub Total					48		48
2.Lawalong	103	4.Ratnag, Panchayat Katiya 5. Lawalong		-	-	-	10
3.Simariya	16		312	-	-	-	-
4.Hunterganj	270	6.Chakla	Figure not Available	-	14	NIL	14
		7.Dalkoma		-	21	NIL	21
		8.Kurkheta		-	9	NIL	9
	Sub Total			-	44	NIL	44
5.Pathalgada	30	9.Sirkol	28	-	20	7	28
		10.Korambe	02	-	2		02
		11.Meral	32	-	8		32
		12.Khaira	18	-	18		18
		13.Simratari	6	-	5		04
		14.Bahera	4	-	4		
		15.Nawadih Damoul		12	-	12	
		16.Maranga		03	-	3	
		17.Choutha		02	-	2	
		18. Barwadih		17	-		
		19.Kubba		25	-	25	
		20. Belhar	-	19	-	19	
		21. Dumbi	-	10	-	10	
		22. Singhani		13	-	13	
		23. Lemboiya		22	-	22	
		24. Jori		01			
Sub Total			90	124	57	113	84
6.Tandwa	22	25.Kalyanpur	37	NIL	05	-	-
		26.Baanpur	02	NIL	02	-	-
		27.Chirlonga	72	NIL	06	-	-
		28.Banhe	16	NIL	16	-	-
		29.Sandhar	08	NIL	08	-	-
		30.Koyad	32	NIL	32	-	-
		31.Thethangi	76	NIL	16	-	-
		32.Sidalu	02	NIL	02	-	-
		33.Kutki urf Thena	09	NIL	09	-	-
		34.Ulaatu urf Somara gand	07	NIL	07	-	-

		35.Sidya	219	NIL	18	-	-
		36. Thena urf Tamstand	09	NIL	09	-	-
		37. Saradu	167	-	154	-	-
		38. Kanoda	10	-		-	-
		39. Karo	03	-		-	-
		40. Jhulan Deaha	35	-		-	-
		41. Rajdhar	12	-		-	-
		42. Samodiah urf Chirva	07	-		-	-
		43. Soparam	02	-		-	-
		44. Daridag	02	-		-	-
		45. Latanga	21	-		-	-
		46. Devalgadda	325	-		-	-
	Sub Total		1073	NIL	284	NIL	NIL
	635	Total	1475	124	433	113	186

Source: Circle Office, Chatra, August, 2018.

Table 2A.4
Individual Forest Rights Claims Rejected in Chatra District
(in nos.)

Block	Villages Name where IFRT claims Rejected	No. of IFRT Claims Submitted		No of IFRT Claims Rejected
		STs	OTFDs	
1.Pathalgada	Sirkol	28	-	11
2.Tandwa	1.Kalyanpur	37	NIL	32
	2.Chirlonga	72	NIL	66
	3.Thethangi	76	NIL	60
	4.Sidalu	02	NIL	13
	5. Saradu	167	-	11
	6. Kanoda	10	-	10
	7. Karo	03	-	03
	8. Jhulan Deah	35	-	35
	9. Rajdhar	12	-	12
	10. Samodih urf Chirva	07	-	07
	11.Soparam	02	-	02
	12. Daridag	02	-	02
	13. Latanga	21	-	21
	14. Devalgadda	325	-	325
	Total	799		610

Source : Circle Office, Chatra, August, 2018.

SOURCES OF INFORMATION ON IFRT CLAIMS:

The information was collected from the Circle Offices of the respective circles. Name of Circle Office and date when information has collected is given below:

1. Circle Office, Chatra: August, 2018
2. Circle Office, Hunterganj: 12 September, 2018
3. Circle Office, Pathalgada: September. 2018.
4. Circle Office, Simariya: 15 September, 2018.
5. Circle Office, Tandwa: 12 September, 2018

NOTES

1. In Pathalgada block, 214 IFRt claims (90 claims of STs and 124 of OTFDs) were submitted. Out of 90 claims submitted by the ST households 57 claims of ST households were recognized and 33 claims were rejected. Out of total 124 household claims of OTFDs 113 claims were recognized and the remaining 11 IFRt claims were rejected.

Table 2A.5
IFRts Claims Recognized under FRA, 2006 in Koderma
District (in nos.)

Sl. No.	Block	Village	No. of Claims Recognized	Total
1.	Chandwara	1.Bendi	8	8
2.	Sub Total			8
3.	Koderma	2. Jharna kund Tilaiya	25	25
4.	Sub Total			25
5.	Markachho	3. Pitchari	46	
		4.Dagarnava	44	
		5. Navdeaha	8	
		6.Bandarchokwa	8	
		7.Sher Singa	7	
		8.Parsabad	3	
		9.Daldal	2	
6.	Sub Total			118
7.	Jainagar	10. Gadgai	33	33
8.	Sub Total			33
9.	Domchanch	11. Nava Deah	24	
10.		12. Dhab (Rajba)	23	
11.		13. Jamunia Tand	22	
		14. Fulvaria	21	
		15. Kalideah	11	

		16. Chak	8	
		17. Nalva	6	
		18. Bedvar	2	
	Sub Total			117
	Grand Total			301

Source: Deputy Commissioner Office, Koderma & District Welfare Office, Koderma, December, 2018.

Table 2A.6
IFRts Claims Rejected in Koderma District (in nos.)

Sl. No.	Block / Circle	Village	Claims Rejected	Total
1.	Satgavan	1. Khera Kalan, Birhor Colony	28	-
		2. Khiri Kalan	26	-
		3. Karmo	1	-
		4 . Kataiya	1	-
	Sub Total		-	56
2.	Domchanch	5. Masno Deah	34	-
		6. Dhab	7	--
	Sub Total		-	41
	Grand Total		-	97

Source : Deputy Commissioner Office, Koderma, December, 2018.

EVOLUTION OF JHARKHAND

Jharkhand means “*Bushland*” (the land of forest). Jharkhand was carved-out of the southern part of Bihar on 15 November 2000 as a 28th State of Indian Union. It is one of the most prolific mineral producing states consists primarily of Chhotanagpur Plateau. The state is known not only for its rich minerals resources but also its forests which occupy more than 29% of the state's area. In fact, Jharkhand state is always known in the country for its natural resources, distinct culture as well as various forms of deprivation and exploitation (Roy 2012). Jharkhand remained occupied for long mainly by the *Adivasies*. Natural resources remained untouched by the migrants who had no use for these resources at that time. They settled on the riverine plains and brought significant contribution to economic pursuits and cultural development. Later on, migrants from the neighbouring plains entered in the forested region may be for safety and settled there. Mundas, Oraon, Santhals and Hos are some of the tribal communities who were living in the forest since long, though no evidences are available to depict the exact period of their living in this region. It seems probably that Mundas, Oraons and Santhals were the first to come and enter the region from west and the northwest. As the Mundas belong to the Austro-Asiatic race, they are found in considerable number in the south eastern area (Oraon 2003). The aboriginal races such as Kharwars, Oraons, Cheros and Hos practically ruled over this region. It is during the British period the formal system of administration was established, exploitation of natural resources began, service amenities were started and transport network was developed. All these changes had influenced the local *adivasis*. The process of development accelerated soon after Independence, especially in the area of land reforms, resource appraisal, industries and urban centres.

DEMOGRAPHIC FEATURES OF JHARKHAND

Jharkhand has population of 3,29,88,134 of which 1,69,30,315 were males and 1,60,57,819 were females (Census 2011). District-wise population shows that Ranchi (29,14,253) has the highest population in the state followed by Dhanbad (26,84,407) and Giridih (24,45,474). Contrary to it, Lohardaga (1.40%), Khunti (1.61%) and Simdega (1.82%) have comparatively lesser population in the state. The literacy rate in the state was 55.56% out of which 64.28% males were literate and 46.37% females were literate Districts comprising higher literacy more than the regional average include East Singhbhum (69.42%), Ranchi (65.69%), Bokaro (62.98%) and Hazaribagh (58.05%). Literacy rate in India was 74.04 per cent. The Male literacy rate was 82.14% and Female literacy rate is 65.46% according to Census 2011. Notably, PVTGs such as Birhors have the lowest percentage of literacy. 0.47% Birhors was pursuing intermediate or Higher Secondary education. Sex-ratio in the state was around 948 compared to 943 which was national average of India. Sex ratio was highest in West Singhbhum (1005) followed by Khunti (997) and Simdega (997). Contrary to it, Dhanbad has the lowest sex ratio (909) followed by Bokaro (922) and Palamu (928). Dhanbad and Bokaro are the industrial towns and Palamu is rich in minerals/ resources. Districts having density of population less than the average of the state (388) consist of Chatra, Dumka, Garhwa, Gumla, Kodarma, Lohardaga, Palamu and West Singhbhum. These districts have comparatively poor development in terms of industries and other resources.

In rural areas, livelihood is primarily dependent upon combinations of activities like agriculture, forestry and wage labour. Due to very small holding and very low productivity of agricultural land, most households eke out a living by maintaining a multiple ways of occupations. There is however, a small artisan community of tribals who lend out their services or engage in small scale processing and marketing.

Women's work is critical for tribal households both in terms of provisioning food and income as well as management of resources. Amongst the Primitive Tribal Groups such as Birhors, Pahari Korwa and Sawar women play an important role on food gathering, rope making, honey collecting, and herbal medicinal plant collection, basket making and even fishing and hunting. Thus, work participation of tribal women in rural areas is more as women's work is regarded as crucial for survival of tribal households. Also tribal society is based on egalitarian value system in Jharkhand. Women contribute in the household income along with the male counterparts of the household.

Out of total population of the state the share of tribal population was 27.67%. Jharkhand contributes 8.29% of STs population to the total ST population of the country (Census 2011). The major concentration of tribal population in Jharkhand was in districts namely Ranchi (12.05%), West Singhbhum (11.70%), Gumla (8.18%) and East Singhbhum (7.56%) (see Annexure 3A.1). The state of Jharkhand came into being as large numbers of tribes live within its boundary. There are 32 tribes in Jharkhand. Santhals are the most populous tribe constituting 34% of the total ST population of the state. Oraon, Munda and Ho are the 2nd and 3rd and the 4th largest tribes of the total ST population of the State. Oraon, Munda and Ho constituted 19.6%, 14.8% and 10.5% respectively of the total ST population of the state. Out of 32 tribal groups in the state, eight are Particularly Vulnerable Tribal Groups. They are 1. Asur, 2. Birhor, 3. Birajia, 4. Korwa, 5. Savar, 6. Pahariya (Baiga), 7. Mal Pahariya and 8. Souriya Pahariya. According to the reports by the Health Department Birhor, Birajia, Baiga and Souriya Pahariya are declining (Roy 2012).

Tribes in Santhal Pargana are well established. They are located mainly in Dumka, Godda, Jamtara, Pakur and Sahebganj. Santhal is the most populous tribe, constituting 34% of the total ST population of the State. Oraon, Munda and Ho are the 2nd, 3rd

and 4th largest tribes of the total Scheduled Tribes population of the State. Language of each tribe differs from the other. Oraons are concentrated mainly in Chatra, Daltonganj in Palamu district, Garwa, Gumla, Lohardaga, Latehar, Ranchi, Simdega. Illiteracy rate is high in tribals in Santahal Pargana. Oraon and Munda are the dominant tribes in Jharkhand. Tirki, Kachhap, Ekka, Kujoor, Topo are gotras in Oraon. Most of them are employed in service sector. Maximum conversion into Christianity took place among Oraons and Mundas. Tribals do not like outsiders whom they call as '*Dikku*'. Mundas are concentrated mainly in East Singhbhum, Gumla, Khunti, Ranchi and West Singhbhum. Ho tribe is mainly in East and West Singhbhum. Kharia are in Gumla, Ranchi, Simdega and West Singhbhum. They are artisan tribes who are dependent on art and craft for their livelihood. Lohara tribe was engaged in iron smith. They make agricultural tools such as sickle, hammer, hunting tools, tools related to religious activities. They are located in Gumla, Hazaribagh, Lohardaga, Ranchi and Simdega. Majority of Birhor (N=1837) are in Hazaribagh district. They live in isolation. They are not literate. They are completely dependent on common property resources. Kolhan tribals in Kolhan are attached to their customs, traditions and rituals. If any outsider interfere in their customs and ritual, they retaliate.

Given the fact that Jharkhand was carved out from Bihar for welfare of tribal people and also the fact that Jharkhand is termed as a “tribal state” data shows that the tribal population in Jharkhand is declining. The population of STs was 26.2 percent of the total population of state. As per Census 2001 total population of STs was 26.3 per cent of the state (Tiwari A. 2013).

POPULATION OF SCHEDULED CASTES

SCs population constitutes 12.08% of the total population of the state (Census 2011). The concentration of SC people is more marked in the districts located in northern half of the state like Palamu (13.46%), Dhanbad (10.97%), Chatra (8.54%) and

Giridih (8.17%). They have comparatively lower percentage in the tribal dominated areas in the south like Lohardaga (0.38%), Khunti (0.60%), Pakur (0.71%) and Gumla (0.81%). The highest percentage of SC population has been recorded in Palamu district.

Annexure Table 3A.1 shows that in Jharkhand 26.21% were STs out of the total state population (Census 2011). Simdega (72.45%), Gumla (69.76%) and West Singhbhum (66.41%) have the largest number of STs population. Among the districts Gumla, Lohardaga and West Singhbhum account for more than 50% tribal population. Contrary to it, Koderma (0.89%), Chatra (3.83%) and Dhanbad (8.81%) have the lowest concentration of ST population.

GEOLOGY AND LANDSCAPE OF JHARKHAND

Jharkhand is considered to be a part of the *Gondwana* land. So it has geological and structural formations ranging from the earliest period to the recent. Granite and gneisses dominate about 90% of Archean formation. It is store house of metallic minerals which occupy large areas in the Kolhan upland. It is known as the Iron-ore series. Besides this region, such rocks also occur in Chaibasa area. In Koderma, Hazaribagh and Giridih districts huge quantity of good quality of mica is available. In Garhwa and Palamu districts crystalline limestone, dolomite and sandstone are found. The best quality of coal in India is in Jharia (Dhanbad). The entire Rajmahal highland covers the Santhal Pargana having topography formed of lava eruptions, excepts the south and south western areas in Palamu and Ranchi have lots of bauxite. Erosion, deposit, intrusion, eruption, faulting, uplifting, tilting, etc had controlled the final landscape of Jharkhand. Thus, the state has plateaus, hills, valleys, scarps and ridges (Oraon 2003 p.10). Jharkhand can broadly be divided into three regions: Mining and forest region, Industrial region and Agricultural region.

Despite rich in natural resources the state is at a very slow pace of development in relation to its potential and expectations. The

incidence of poverty in Jharkhand is estimated at 46%; however 60% of schedule caste and schedule tribes are still below poverty line. Hence, it may be said that agro ecological and social factors are main causes for poverty in Jharkhand state. (Singh, K.M. et. al 2016). The state has one of the richest mineral reserves yet there is vast social and regional disparity. The state has a large tribal population and they are the one who are the most deprived section of the society. Roy (2012) says that the poverty is generally found to be high in regions of ST concentration. This is reiterated by the fact that Santhal Pargana and Palamu have shown exceptionally high levels of poverty. Not only are these regions drought prone but they also having a long history of feudal system alongwith exploitation and bonded labour.

GEOGRAPHICAL FEATURES

Total geographical area of Jharkhand state is about 80 thousand km². It is the 14th smallest state by area in the country. Geographical area of the state accounts for 2.42% of the country's area. As far as district wise geographical area is concerned West Singhbhum, Gumla and Ranchi are the largest districts in the state, and Ramgarh, Lohardaga, Jamtara and Pakur were the smallest in area. West Singhbhum is the biggest district in the state with an area of 7224 km² while Ramgarh is the smallest with 1341 km².

LAND USE

The forest having rough terrain, drainage pattern, poor accessibility, suitable climatic conditions are the controlling physical factor of land use. Many ethnic communities of the state depend on the forest for their livelihood (Oraon 2003).

The presence of mining, industrial use, for transport network, and settlements are examples of non agricultural use of land. Almost 7.0% of Jharkhand has waste land, consisting of rocky, bare, rugged, barren land of the hills or plateau, because

development of agricultural land is very difficult in these areas. In non agricultural use of land covering about 8% of the state usually settlement, communication, waste bodies, industries are included. Miscellaneous tree crops and groves cover 1.09% of the total land of the state. The state also has area under permanent pasture and grazing land (Oraon 2003: 28). Cultivable waste land is one which has not been cultivated for more than five years. About 4% land of the state come under this category. These are marginal land and can be used for cultivation if efforts are made to improve the irrigational facilities (see Annexure Table 3A.2).

FOREST LAND

The recorded forest area of the state is 23,605 km² which is 29.61% of its geographical area. Reserved forests constitute 18.58%, protected forests 81.28% and Unclassed Forests 0.14%. Annexure table 3A.3 shows district-wise data on forest land. Table shows that districts namely Chatra, Kodarma and Palamu have the large area of forest land. Similarly, Dhanabad, Deoghar and Dumka have smaller area under forest land (see Annexure Table 3A.3).

PROTECTED AREA

Jharkhand has one national park and 11 wildlife sanctuaries covering 2,182.15 km² which constitutes 2.74% of the state's geographical area. Palamu Tiger Reserve is located in the state covering an area of 1,026 km². A list of a national park and wildlife sanctuaries and their areas are listed at Annexure Table 3A.4.

AGRICULTURE

Due to hilly terrain, forest cover and less involvement of native population in agriculture, agriculture was never a primary activity for the population of Jharkhand. Agricultural activities can be seen in certain patches where plains, homogeneous plateau areas

and accessible areas existed. It is because the immigration of people from other areas outside Jharkhand who took shelter in these forest for the business and developing financial improvement. Lesser agricultural developments can be observed in areas where concentration of native population is there than the areas dominated by the non tribals.

The agriculture of this region is comparatively less developed because of the dominance of tribal ecology, sustenance agriculture, no native interest in improved agriculture techniques because of traditional belief and paucity of finance and the geographical constraints. Agriculture is rain fed and only such crops are grown which are locally suitable.

MINERALS

As mentioned earlier Jharkhand is endowed with forest resource and large quantity of minerals. It has put the state into not only for minerals in India but also gives position in the world. This region provides more than 40% minerals of the country. Jharkhand has huge reserve of good quality coal (80% of India) and produces about 35% coal of the country. The area has 30% of reserve but produces about 14% iron ore of the country. Among other products, Jharkhand records 53% mica, 29% bauxite, 38% copper, 21% fire clay, 23% graphite, 64% kynite. Apart from these, there are good amount of other metallic, non metallic and atomic minerals (Source). Broadly speaking, three types of minerals are available in the state

1. Metallic minerals (iron ore, bauxite manganese, copper, chromites, tungsten, gold and silver)
2. Non- metallic minerals (mica, limestone, asbestos, dolomite, china clay, fire clay and feldspar);
3. Atomic and power generating minerals (thorium, uranium, graphite, vanadium and coal).

The exploitation of minerals has attracted large number of migrants towards the mining and the industrial region of the state and urban centres. Areas with minerals and industries have experienced phenomenal economic development and social transformation (Oraon 2003). District wise concentrations of minerals are shown at Annexure Table 3A.5.

INDUSTRIES

Comparatively some of the districts in the State have better industrial development. Bokaro, Dhanbad, Godda and Jamshedpur are highly industrialized towns of Jharkhand. As the State has various minerals, power support and forest resources with solid rock base, transport facilities and cheap labour force of tribals, it has become one of the most important industrial regions of the country. As the state is a storehouse of minerals, it has a potential to develop various metallic and non metallic minerals based industries.

The state has power resources in the form of thermal, hydel and atomic power needed in the industries, as well as huge reserve of all types of coal. Other regions of the country depend upon the coal from here. There are possibilities of developing hydel power like in the the Damodar Basin. Non-metallic minerals are also important for developing metallic based industry in the state. Tata Iron and Steel Company Limited (TISCO) and TELCO at Jamshedpur, Glass and Ceramic industries at Kandra and industries known for electrical cable, Railway Wagon Engineering and Agricultural implements. Ghatshila area is known for its Copper industry. There are immense forest resources to set up forest based industries, while Agro based industries can well be developed in agricultural areas. TATA has established Adityapur SEZ TATA's Greenfield project in Sarai Kela Kharsawa district. Forest based industries like saw mills, lac, paper and Biri making industries can be established.

MAJOR INDUSTRIES IN JHARKHAND

1. IRON AND STEEL INDUSTRIES

Jharkhand is the storehouse of all types of minerals needed for production of iron & steel which attract industrialists to establish plants. They select this place because of the availability of high quality iron ore in close the mines of Noamundi, Badam Pahar, Gurumahisani, and Joda east. Bokaro Steel Plant was established at Marafari, a place close to coal belt of Damodar basin. The Heavy Engineering Corporation at Ranchi uses the iron produced by these companies to produce machinery and tools.

THERE ARE OTHER INDUSTRIES TOO SUCH AS ALUMINUM AND MICA

Mica from in Kodarma is used in coal washeries, glass industry and lac and shellac industry.

TRANSPORTATION

Trains are the primary mode of transportation to carry raw materials and finished goods from mine and industrial factories in Jharkhand. The network of railways is developed in the Damodar valley area, where there is a concentration of coal mines and other minerals. The minerals, iron ore and copper are carried through main Howrah Bombay route from Noamundi, Gua and Ghatshila.

ANNEXURE TABLES

Table 3A.1

District wise Demographic Features in Jharkhand

Sl. No.	District	Population	Area (km ²)	%	Sex - Ratio	STs Population %	SCs Population %	Literacy Rate %
1.	Ranchi	29,14,253	5,097	8.83	949	12.05	3.84	10.43
2.	Dhanbad	26,84,487	2,040	8.14	909	2.70	10.97	9.40
3.	Giridih	24,45,474	4,962	7.41	944	2.76	8.17	6.84

4.	East Singhbhum	22,9 3,919	3,562	6.95	949	7.56	2.80	8.23
5.	Bokaro	20,62,330	2,883	6.25	922	2.96	7.51	6.95
6.	Palamu	19,39,869	4,393	5.88	928	2.10	13.46	5.59
7.	Hazaribagh	17,34,495	3,555	5.26	947	1.41	7.62	5.53
8.	West Singhbhum	15,02,338	7,224	4.55	1005	11.70	1.43	3.97
9.	Deoghar	14,92,073	2,477	4.52	925	2.09	4.77	4.33
10.	Garhwa	13,22,784	4,093	4.01	935	2.38	8.03	3.57
11.	Dumka	13,21,442	3,761	4.01	977	6.61	2.00	3.67
12.	Godda	13,13,551	2,266	3.98	938	3.23	2.90	3.30
13.	Sahibganj	11,50,567	2,063	3.49	952	3.57	1.82	2.64
14.	Saraikela Kharsawan	10,65,056	2,657	3.23	956	4.33	1.41	3.34
15.	Chatra	10,42,886	3,718	3.16	953	0.53	8.54	2.78
16.	Gumla	10,25,213	5,360	3.11	993	8.18	0.81	3.05
17.	Ramgarh	9,49,443	1,341	2.88	921	2.33	2.67	3.25
18.	Pakur	9,00,422	1,811	2.73	989	4.38	0.71	1.93
19.	Jamtara	7,91,042	1,811	2.40	954	2.78	1.83	2.33
20.	Latehar	7,26,978	4,291	2.20	967	3.83	3.89	1.91
21.	Koderma	7,16,259	2,540	2.17	950	0.08	2.73	2.13
22.	Simdega	5,99,578	3,774	1.82	997	4.91	1.12	1.87
23.	Khunti	5,31,885	2,535	1.61	997	4.51	0.60	1.55
24.	Lohardaga	4,61,790	1,502	1.40	985	3.04	0.38	1.42
	Total	32988134	79,716	100.00		100.00	100.00	100.00

Source: Census 2011

Table 3A.2
Land Use Pattern in Jharkhand

Sl. No.	Land Use	Area in '000 ha	Percentage
1.	Total geographical area	7,972	
2.	Reporting area for land utilisation	7,970	100
3.	Forests	2,239	28.09
4.	Not available for cultivation	1,332	16.71
5.	Permanent pasture and other grazing lands	110	1.38
6.	Land under misc. tree crops and groves	93	1.17
7.	Culturable Wasteland	336	4.22
8.	Fallow lands other than current fallows	962	12.07
9.	Current fallows	1,394	17.49
10.	Net area sown	1,504	18.87

Source: Land Use Statistics, Ministry of Agriculture, GoI, 2008-09.

Table 3A.3
District wise Forest Cover (Area in km²)

Sl. No.	District	Geographical Area	Per cent of GA	Rank in Ascending Order
1.	Chatra	3,732	47.62	1
2.	Koderma	1,435	41.53	2
3.	Palamu	8,657	40.74	3
4.	Pashchimi Singhbhum	9,907	38.77	4
5.	Hazaribagh	5,998	34.38	5
6.	Lohardaga	1,491	33.74	6
7.	Garhwa	4,092	33.36	7
8.	Purbi Singhbhum	3,533	30.51	8
9.	Sahebganj	1,834	29.99	9
10.	Gumla	9,077	29.27	10
11.	Bokaro	1,929	29.03	11
12.	Ranchi	7,698	24.73	12
13.	Godda	2,110	18.91	13
14.	Pakur	1,571	18.01	14
15.	Giridih	4,963	17.41	15
16.	Dumka	6,212	10.25	16
17.	Deoghar	2,479	6.82	17
18.	Dhanbad	2,996	6.84	18
	Grand Total	79,714	28.82	

Source: India State of Forest Report 2011; p. 150

Table 3A.4
List of Wildlife Sanctuaries in Jharkhand, Year of Notification and Total Area under these sanctuaries

Sl. No.	Name of Wildlife Sanctuary	Year of Notification	Total Area (in km²)
1.	Palamu Wildlife Sanctuary & Tiger Reserve	1976	752.94
2.	Dalma Wildlife Sanctuary, Jamshedpur	1976	193.22
3.	Hazaribagh Wildlife Sanctuary	1976	186.25
4.	Gautam Budha Wildlife Sanctuary, Koderma and Gaya	1976	121.14
5.	Mahauadanr Wolf Wildlife Sanctuary, Latehar	1976	63.25
6.	Lawalong, Wildlife Sanctuary, Chatra	1978	211.03
7.	Topchanchi Wildlife Sanctuary Dhanbad	1978	12.82
8.	Parasnath Wildlife Sanctuary, Giridih	1984	12.82
9.	Koderma Wildlife Sanctuary	1985	177.35
10.	Palkot Wildlife Sanctuary, Gumla and Simdega	1990	182.83
11.	Udhwa Lake Wildlife Sanctuary, Sahebganj	1991	5.65
	Total		1919.3

(Website accessed on February 16, 2019 by Vijay Choudhary)

Table 3A.5
Districts where Minerals are Concentrated in Jharkhand

Sl. No.	Types of Minerals	Districts Where Minerals are Concentrated	Remarks
	Metallic Minerals		
1.	Bauxite	Region adjoining higher plateaus of Lohardaga and Gumla	In this region bauxite mineral contains above 50% alumina.
2.	Copper	East Singhbhum There is also probability of huge reserve of copper in the district of Palamu and Garhwa.	The Copper Corporation of India digs-out copper at Moubhandar where pure copper is extracted.
3.	Chromite	Singhbhum	
4.	Iron Ore	Giridih	The Jharkhand has about 30% reserve of iron ore of India but it produces only 14%. This area provides iron ore to the steel plants of Jamshedpur, Bokaro, Rourkela, Durgapur, Bhilai, etc.
5.	Manganese	Kolhan region	
6.	Tungsten	In areas near Hazaribagh	.
7.	Gold		Gold is reported to have been found in parts of Jharkhand with special reference to the Subarnarekha valley, Son valley and in Damodar valley.
8.	Silver	Hazaribagh, Chatra, Palamu, Ranchi, Singhbhum	It is exploited in association with sulphur, lead, copper but it cannot be exploited at commercial scale anywhere.
9.	Non Metallic Minerals		
10.	Mica	The state has a full belt spread in an area of 3770 sq kms in Giridih and Hazaribagh districts but part also occurs in Gaya, Munger, Nawada district of Bihar. The major mica producing areas lie in Kodarma reserved forest area. Mica of this state deserves special mention as Ruby mica fetches foreign exchange in the world market. The are as of Koderma and district hqrs f Kodarama, Jhumri Tilaiya, are famous for mica industry.	Jharkhand state is the leading producers of mica in the world. Mica is of two types. This mica belt produces about 80% of the world's supply of better quality mica sheets. The presence of mica is in 100 feet thick bed facilitates easy and cheap mining.
11.	Dolomite and Limestone	Areas of Palamu and Garhwa, Damodar basin, Santhal Pargana and Singhbhum have small reserve of limestone.	

12.	Asbestos	Ranchi and Singhbhum	
13.	China Clay		
14.	Fire Clay	Damodar Basin, Ranchi, Koel Basin and Singhbhum. Plenty of fire clay deposits are found in Rajmahal hills.	
15.	Felspar	Hazaribagh, Giridih & Santhal Pargana	
16.	Sulphur	Eastern parts of the state	
17.	Atomic & Power Generating Minerals		
18.		Uranium, Graphite, Illeminite, Thorium and Coal	

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PROFILE OF SAMPLE DISTRICTS**I****PROFILE OF CHATRA DISTRICT**

The district of Chatra is bounded by Gaya district of Bihar in the north, Palamu district in the west and Latehar in the South and Koderma and Hazaribagh district in the East. Chatra is one of the 24 districts of Jharkhand and is a part of North Chotanagpur Plateau. Most part of district area is full of forest and stones. Chatra is the administrative headquarters of the district. The district has a population of 1042886 (Census of India 2011) and literacy rate of 60.18%. Sex ratio was of 951 females for every 1000 males. 3.83% population of the district belonged to Scheduled Tribes and 32.42% were from Scheduled Castes. Chatra district was a sub division of Hazaribagh district and was created as district on 29 May, 1991.

The district has one wild life sanctuary also known as the Lawalong Wildlife Sanctuary, which is home to tigers. It was established in 15 July 1978. 82 villages are located within the sanctuary area of which 21 villages are in the core area and 61 villages are situated in the buffer zone (<https://chatra.nic.in/about-district/> accessed on 27 Feb 2019).

ADMINISTRATIVE SET UP

The district comprises two sub-divisions and twelve development blocks viz. 1. Chatra, 2. Gidhour, 3. Huntergunj, 4. Itkhor, 5. Kanhachatti 6. Kunda 7. Lawalong 8. Mayurhand, 9. Pathalgada 10. Pratappur, 11. Simaria, and 12. Tandwa. Table no 4.1 depicts the statistical profile including total population, total literates, male and female literate and SCs and STs populations.

Table 4.1
Basic Statistics of Chatra District

Sl. No.	Block Name	Total Population	Total Literates (%)	Male Literates (%)	Female Literates (%)	SC Population (%)	ST Populatio (%)
1.	Mayurhand	58925	53.18	58.15	41.85	26.21	0.35
2.	Lawalong	50553	38.67	61.38	38.62	57.21	5.32
3.	Itkhor	74929	55.75	58.11	41.89	23.86	0.45
4.	Kanhachatti	63012	51.72	59.45	40.55	32.22	3.20
5.	Pathalgada	31530	55.68	58.24	41.76	25.14	10.03
6.	Hunterganj	187590	44.13	60.52	39.48	37.28	0.33
7.	Pratappur	120221	42.55	61.29	38.71	36.29	1.12
8.	Simaria	107871	52.15	58.38	41.62	30.12	8.12
9.	Tandwa	126319	53.90	59.95	40.05	22.70	15.19
10.	Kunda	30018	34.62	64.45	35.55	63.5 6	3.84
11.	Gidhaur	40919	55.35	58.40	41.60	24.03	1.72
12.	Chatra	101014	44.43	60.52	39.48	37.97	3.74
13.	Nagar Parsad Chatra	49985	67.51	57.10	42.90	13.20	0.88
	Total	1042886	60.18	69.92	49.92	32.65	4.37

Source : Census 2011

CASTE COMPOSITION IN CHATRA DISTRICT

Number of Scheduled Castes population was quite high (32.65 %) in Chatra district. Bhuiya, Bhokta, Chamar, Ganju, Dhobi and Paswan belonged to Scheduled Castes. Concentration of SCs population was more in Lawalong, Hunterganj and Pratappur blocks. Earlier they were having their traditional occupations but now they have lost their traditional occupations. They do not have any asset. Earlier Bhuiyas used to be bonded labour. Yadavs and Koris are in large numbers among Other Backward Castes. High caste population such as Bhumiar and Rajpur were lesser in number. And highest concentration of STs population was 15.19% in Tandwa block and Pathalgada block 10.03%.

PHYSICAL ASPECTS

Chatra district has considerable flat land, which provide suitable site for agricultural use. The hilly areas are mostly under forest with patches of cultivation.

This area is full of several plateaus, mountains and valleys. Major parts of the geographical area of the district are formed of red laterite acidic soil. Upland has generally covered by morum and stone. The landscape is formed of hills and undulating plateau.

The inhabitants of this area depend primarily on agriculture and forest produce for their livelihood. Almost 90% of the total population depends on agriculture. The main crop of this area is paddy. Millet, mustard, niger, maize, wheat, gram, pea, soya bean and groundnut are also being cultivated. Total cultivated land is about 134024 hectare, out of which only 16367-hectare (12.21%) of the total agricultural land was irrigated. Elsewhere agriculture is rain fed and the main source of irrigation are well and tube wells.

AVAILABILITY OF MINERALS

Coal, Sand, Graphite and Stones are main mineral produces in Chatra district. Coal is available in Keradari and Tandwa Block of the district. The Central Coalfields Limited (CCL) is engaged in mining of Coal in the district. To facilitate coal supply to other states, three projects viz. i.) Construction of Railway track, ii.) National Thermal Power Corporation and iii.) Road Construction was also going on in Chatra district.

Various types of land exist in Chatra district viz. 1. Bakkas Land, 2. Khatian Land, 3. Forest Land, 4. Hukumnama., 5. Raiyyat Land, 6. Gair Mazarua. Nature of land is not static and is always changing.

1. KHATIAN LAND

Land which is registered in land record is called Khatian land, it is an original copy of land records or very old land records. It has 18 columns and it contains all the land details of a raiyat. Each column describes different aspect of land records. In Chota

Nagpur area, land was surveyed in 1912-14. In Santahal Pargana Tenancy area the khatian land was surveyed in 1932. It reflects the details of raiyyat, nature of land (waste land, forest land, barren land and khatian land, etc.). All those who have raiyyat land, their names are recorded in land records. One can get caste certificate, residence certificate, Adhar card only when one has Khatian land. Caste certificate were used from 1950.

2. GAIR MAZARUALAND

Gair Mazarua is a government land. 60% land is Gair Mazarua land, which people cultivate and pay revenue to the Govt. They were given receipts for over 30-35 years, that is, since 1982-83. Their names have been entered in Register No. 2. Now this can be accessed online. At some places, zamindars have settled land illegally. Sometime some influential people have shown the Hukumnama. Hukumnama means when land is given by Raja. Some influential people show that they have been given land on Hukumnama basis.

3. FOREST LAND

The major portion of the district is covered by forest (60.4% of total geographical area) and has scattered settlement pattern. The forest is full of minor and forest produces such as Chironji, Lah, Mahuwa, Jackfruit, Black berry, medicinal plants, Kendu leaves, bamboo, Sal, Teak and other timber species.

4. BARREN LAND

30% land in Chatra district is barren land.

5. BAKKAS LANDS

Bakkas land is a princely land. When king of small estate used to find that he cannot cultivate the whole land and land was getting wasted he used to give his land to a zamindar in return for

revenue. If zamindar failed to pay revenue then the land used to go back to government. Bakkas land can be sale/purchase and mutated. Basically it is a kind of raiyyat land.

II

PROFILE OF KODARMA DISTRICT

Koderma district lies on one of the northern tips of Jharkhand state. The district is the mica kingdom of Jharkhand. Plenty of marwaris are into mica mining business. Mining of mica is banned after the implementation of FCA. Mining is permissible with clauses such as mining can be done only till one meter of the surface, sharp /pointed tools should not be used and there should not be noise, etc. It is popularly known as gateway of Jharkhand. The district of Koderma forms the northern portion of the North Chotanagpur division. Bokaro, Chatra, Dhanbad, Giridih, Hazaribagh, Koderma and Ramgarh districts come in North Chota Nagpur Division. Similarly, Gumla, Khunti, Lohardaga, Ranchi, and Simdega districts come in Santhal Pargana division. Dumka is the headquarters of Santhal Pargana. Koderma town is the principal town and administrative headquarters of the district. The district was formed by trimming off Hazaribagh district on 10th April, 1994. The district is situated 165 km away from Ranchi -the capital of Jharkhand. The main city is Jhumri Tilaiya. Koderma district has one sub division, Koderma itself and 6 revenue circles. The district is divided into 6 developmental blocks namely:

1. Koderma; 2. Chandwara; 3. Domchanch 4. Jainagar; 5. Markachho and; 6. Satgawan. There are 717 villages and 109 panchayats. This district is famous by the name of the Mica city (Source: Census of India 2011 Jharkhand Series 21 Part XII District Census Handbook Koderma Village and Town wise Primary Census Abstract (PCA) Directorate of Census Operations, Jharkhand). The main means of livelihood are farming, labour welfare, and industries. Main forest produces are Jackfruit, Kendu Leaf, Jamun and Mahua.

MICAMINES OF KODARMA DISTRICT

Kodarma district of Jharkhand state is famous for its mica mining especially for ruby mica. The district had the monopoly in producing mica for years and the mica was exported to many countries worldwide. The main reserve of mica is found under the forest of wildlife sanctuary of Kodarma. Mica is also found in the area of Dhab, Dhodhakola, Khalagthambi, Dibour and Bandarchua. During sixties, about one lakh workers were engaged in mica industry and mica mining. Mica was exported to England, Japan, America and to other European countries on large scale. Mica industry slowly declined due to advent of fibre, a chemical product and also with enforcement of Forest Conservation Act, 1980. Mica found in Koderma district is of world class. Mostly the Marwari community is engaged in this sector. It is to be noted that though mica mining is banned in Jharkhand after the implementation of FCA, 1980 yet mining is allowed with certain conditions/ clause for example mining can be done only till 1 meter depth, there should not be noisy, sharp tools should not be used, etc.

EARLY HISTORY

There is no document regarding the history of the district, as Koderma was an integral part of the Hazaribagh district till 9 April, 1994.

In early days, the district was covered with inaccessible hills and forests to which many non-Aryan tribals who refused to surrender to the steadily advancing Aryans. The entire territory of Chotanagpur known as Jharkhand (meaning forest territory) was presumably beyond the pale of direct Hindu influence during ancient India. This region was first ruled by Muslim rulers and Later came British rule.

1857 MOVEMENT

Kodarma district then part of Hazaribagh district played an important role in the freedom movement of 1857. The Ramgarh battalion in Hazaribagh rose in revolt on the 30th July. The Deputy Commissioner, Capt Simpson along with other Europeans fled on foot to Ichak. Capt. Dalton, the Commissioner of Ranchi sent Lt. Graham with a detachment of the Ramgarh light Infantry to disarm the regiment at Hazaribagh. But, this returned to via Badam. Capt. Dalton evacuated the Europeans of Ranchi to Hazaribagh and later to Bagodar. When Davis took charge of Hazaribagh on 4th August to find the treasury empty and the records partially destroyed. However, Hazaribagh was reoccupied by Dalton with the help of the Sikh regiment under Col. Rattary. The rebels, thereafter, did not get much support in Hazaribagh and very little in Ranchi. They tried to join Kuer Singh but were attacked and defeated on the 2nd October, 1857 at Chatra by a British force Commanded by Major Enlish. The movement in Hazaribagh was thus crushed. This sporadic uprising of the Santals in the wake of their earlier efforts was also stopped ruthlessly.

The Non-cooperation Movement in 1920 influenced Kodarma district. Many students gave up their studies and some lawyers their practice, joined the movement. Mahatma Gandhi visited Hazaribagh district in 1925. A large number of people participated in the Civil-disobedience Movement of 1930. In the 1937 elections, the Congress party swept the polls in the district. The 53rd annual session of the Indian National Congress was held at Ramgarh in 1940. In the movement of 1942 also, there was large scale participation by the people. The district of Hazaribagh has thus, played a prominent role in the national freedom struggle of the country.

Table 4.2
CD Block wise Distribution of Inhabited and Uninhabited Villages

Sl. No.	Name of C.D. Block	No. of Villages	Inhabited Villages	Uninhabited Villages
	1	2	3	4
1.	Chandwara	88		
2.	Kodarma	94		
3.	Markacho	108		
4.	Jainagar	135		
5.	Satgawan	144		
6.	Domchanch	130		
	Total	699	577	122

Table 4.3
Demographic Features in Koderma District

Items	State Jharkhand	District Kodarma
Literates		
Persons	66.41	66.84
Males	76.84	79.78
Females	55.42	53.23
SCs Persons	12.08	15.22
Males	12.07	15.07
Females	12.09	15.37
STs Persons	26.21	0.96
Males	25.49	0.98
Females	26.96	0.95
Area (in Square km)	79716	2540
Agricultural land		49960 ha.
Forest land area		64796.90 ha.
Sex Ratio	948	950
Workers and Non – Workers Total workers (Main & Marginal)	39.71	35.94
Main Workers	20.67	20.01
Marginal Workers	19.04	15.93
Cultivators	29.12	32.29
Agricultural Labourers	33.87	24.97

Source: District Census Handbook, Kodarma, Village and Town wise Primary Census Abstract, Census of India 2011

Agricultural land	49960 hectares
Forest land area	64796.90 hectares

About 41% part of the Koderma district is covered with forests. The total forest area of Koderma district is 64796.90 hectare scattered in 309 forest villages as protected forest under administrative control of Koderma Forest Division together with 15062.77 hectare scattered in 35 forest villages as a reserved forest. The reserved forest area of Koderma district is declared as wild life sanctuary and is under administrative control of wild life division Hazaribagh.

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DEMOGRAPHIC PROFILE OF THE RESPONDENTS

This chapter deals with the socio-demographic profile of the respondents whose IFRT claims were recognized or rejected. This includes social category of the respondents, tribe/ caste they belong to, name of tribe/ caste, religion, category of forest dwelling, that is, whether tribals or Other Traditional Forest Dwellers, household size and occupations.

1. SOCIAL CATEGORY

As per Census 2011 SCs population constitutes 11.85% of the total population of the state of Jharkhand. The concentration of SC people is more marked in the districts located in northern part of the state like Palamu, Giridih, Hazaribagh, Dhanbad and Dumka. 27.67% were STs out of the total state population. Among the districts Gumla, Lohardaga and West Singhbhum account for more than 50% tribal population. STs population in Chatra district was 3.83% and SC population was 32.42%- constituting almost one third of the total population of the district. In Koderma district, STs population was 0.89% and SC population was 14.64%.

Data analysis of the social category of the respondents exhibits that majority of the respondents (92.0%) belonged to Scheduled Tribes, 6.0% were from Scheduled Castes and 2.0% were from Other Backward Castes (Table 5.1).

Table 5.1
Distribution of Respondents by Social Category

Sl. No.	Social Category	No. (%)
1.	Scheduled Tribes Including PVTGs	138 (92.0)
2.	Scheduled Castes	9 (6.0)
3.	Other Backward Castes	3 (2.0)
	Total	150 (100.0)

2. NAME OF TRIBE/ CASTE

An attempt has been made to find-out name of tribe/ caste of the respondents. Data analysis shows that (30.87%) respondents were from Santhal tribe; 29.53 % were Oraon and 4.03 % were Mundas. 22.15% respondents were from Birhor tribe, 2.01% were from Other Backward Castes. They were from Gop caste and 8.05% Scheduled Castes respondents were from Bhuiya and Bhulla castes (Table 5.2).

Table 5.2
Distribution of Respondents by their Tribe/ Caste Name

Sl. No.	Social Category	No. (%)
1.	Santhal	46 (30.87)
2.	Oraon	44 (29.53)
3.	Munda	6 (4.03)
4.	Primitive Tribal Groups	33 (22.15)
5.	Nomads STs	5 (3.35)
6.	Scheduled Caste	12 (8.05)
7.	Backward Caste	3 (2.01)
	Total	149 (99.99)

(N varies because of missing figure)

RELIGION

As far as religious category of Jharkhand population is concerned, two-third of the population (67.83%) as faith on Hinduism; 14.53% were Muslims; 12.84% were having faith in other religion; 4.3% were Christian; and 0.22% was Sikhs. Jain and

Budhist were miniscule in number, that is, 0.05% and 0.03% respectively. In 0.21% cases, religion was not stated.

Table 5.3
Distribution of Population by Religion in Jharkhand

Sl. No.	Religion	%
1.	Hindu	67.83
2.	Muslim	14.53
3.	Other religions and persuasions	12.84
4.	Christian	4.3
5.	Sikh	0.22
6.	Religion not stated	0.21
7.	Jain	0.05
8.	Buddhist	0.03
	Total	100.00

As far as household data analysis is concerned, it reveals that majority of the respondents (46.0 %) were having faith in animism, little more than one-third of them (34.0%) were Christians, little more than one -tenth of them (12.67%) were Hindus and 7.33% were follower of Sarna sect. Sarna is the indigenous religion of the Adivasi populations of Jharkhand centred on the worship of nature represented by trees (Table 5.4).

Table 5.4
Distribution of Sample Population by Religion

Sl. No.	Religion	No. (%)
1	Animism	69 (46.00)
2	Christian	51 (34.00)
3	Hindu	19 (12.67)
4	Sarna	11 (7.33)
	Total	150 (100.0)

Followers of Sarna religion primarily belong to the Baiga, Bhumij, Ho, Khuruk, Munda and Santal ethnic groups. They are

concentrated mainly in north and South division in Chota Nagpur. They are not converted to Christianity. Sarna alleges that STs who are converted, they are taking double benefits of being STs and of being Christians and now they are taking land under FRA, 2006. Women in Sarna community practice several Hindu customs. For example, married women apply Vermilion (*sindoor*). A Sarna follower have been organizing protests and filing petitions to have their religion recognized by the government of India in census form.

3. HOUSEHOLD SIZE

Data analysis on the size of household reveals that majority of the households (57.33%) were having upto 5 members. Little more than two-fifth (42.67%) households were having more than 5 members (Table 5.5).

Table 5.5
Distribution of Respondents by their Household Size

Sl. No.	Household Size	No (%)
1	Upto 5 members	86 (57.33)
2	5<members	64 (42.67)
	Total	150 (100.00)

4. CATEGORY OF FOREST DWELLERS

Data analysis on the category of forest dwellers shows that 92.0% respondents were from Scheduled Tribes and the remaining 8.0% were from Other Traditional Forest Dwellers category. STs Category included Scheduled Tribes, Primitive Vulnerable Tribal Groups and nomads (Table 5.6).

Table 5.6
Distribution of Respondents by their Forest Dwelling
Category

Sl. No.	Dwelling Category	No. (Col %)
1.	Scheduled Tribes	138 (92.0)
2.	Other Traditional Forest Dwellers	12 (8.0)
	Total	150 (100.00)

5. OCCUPATIONAL PATTERN

Tribals have always engaged in their traditional occupations. As per new Amended List of Scheduled Tribes, there were 32 notified STs in Jharkhand. These tribes were 1. Asur (Agaria), 2. Baiga, 3. Banjara, 4. Bathudi, 5. Bedia, 6. Binjhia, 7. Birhor, 8. Birjia, 9. Chero, 10. Chiks Baraik, 11. Gond, 12. Gorait, 13. Ho, 14. Karmali, 15. Kharia (Dhelki Kharia, Dudh Kharia, Hill Kharia), 16. Kharwar, 17. Khond, 18. Kisan, 19 Kora (Mudi-Kora), 20. Korwa, 21. Lohara, 22. Mahli (basket maker), 23. Mal Parahiya (Kumarbhag Paharia), 24. Munda (Patar), 25. Oraon (Dhangar Oraon), 26. Parahiya, 27. Santhal, 28. Sauriya Paharia, 29. Savar, 30. Bhumij, 31. Kavar, 32. Kol. Each tribe used to have expertise in a specific occupation. For instance, Chik Baraik, Karmali, Lohara, and Mahali were artisan communities. Mahalis were engaged in bamboo craft and used to make baskets. Mahli, Lohra, Karmali, Chik Baraik were simply from artisans community. Chik Baraiks were the weaver community. They were the primary supplier of weaving items. Loharas were iron-smith. They used to make implements for agriculture use and other weapons, utensils, etc. Earlier they used to be financially a very strong community. Bhumij, Chero, Ho, Kharia, Kharwar, Munda, Oraon, and Santhal, were settled agriculturists. Sauria Paharia was engaged in shifting cultivation. Thus, each tribe was engaged in a specific activity and tribal village used to be self sustained. With the growing influence of market, their traditional occupations could not compete. Gradually, tribals started losing their traditional occupations. They did not have education and any

skill hence, reduced to wage labourers in mining or industries. Oraon are mostly educated and are in government jobs A list of tribes and their traditional occupation is enclosed at **Annexure “A”**.

During household survey, it was found that most of the households in Jharkhand in general and in Chatra and Koderma districts in particular were engaged in forest based activities. They collect minor forest produce such as Tendu leaves, twigs (*datum*) and bamboo, etc and sell in the local *hatt* at minimal prices. To meet food requirements, some of them collect traditional food and root such as *kandmool*, sweet potatoes (tubers), carrots, radish and turnip (tap roots) from the forest. Both men and women of most of the household were engaged in wage labour and supplement their household income. Forest dwelling communities collect mica residues available till the depth of 1-2 meter. They get wages on the basis of quantity of mica collected. They get wages in the range of Rs. 5/- to 7/- per kg. of mica. They work for the contractor who makes payment on weekly basis. Koderma district was known for mica mining. Although after the implementation of Forest Conservation Act, 1980 mining has been banned yet those mines which were leased earlier are mined even now.

Tribals society is an egalitarian society. All household members including men, women and children work and contribute to the household income. Although as per Jharkhand Government Policy every PVTG household was entitled for family pension of Rs. 600/- per month. But, some PVTGs have become so poor that they have started begging.

CONCLUSIONS

Based on the above analysis, it can be concluded that the majority of the claimants for forest rights belonged to Scheduled Tribes. Respondents from Other Traditional Forest Dwellers were lesser in numbers. Among the STs it has been Santhal, Oraon and PVTGs

namely Birhor who have got the maximum benefit under FRA, 2006. Most of these respondents were having faith in animism or Christians. Hindus were lesser in numbers. Most of the households were having upto five members. Majority of the respondents were dependent on forest for their livelihood. To supplement the household income most of them were engaged in wage labour too.

STATUS OF INDIVIDUAL FOREST RIGHTS UNDER FRA, 2006

This chapter deals with the provisions of IFR as mentioned in FRA Rule, 2012, comments on implementation of FRA by National Committee constituted by MoEF & MoTA in 2010, district-wise status of implementation of IFRt under FRA, 2006 in Jharkhand till November 2018 and household data analysis of the respondents whose IFRt claims were accepted or rejected.

I

PROVISIONS OF IFRS UNDER FRA, 2006

Section 3 of the FRA describes the forest rights of forest dweller that are to be recognized. Among these, section **3(1)(a)** describe about individual rights, viz., 'right to hold and live in the forest land under the individual and common occupation for habitation or for self cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or Other Traditional Forest Dwellers'.

It should be noted that rights in some of the other sections may also be made as individuals. More specifically: 3(1)(f) gives rights over disputed lands

3(1)(g) gives rights to conversion of pattas or leases, etc.

3(1)(j) recognizes rights given under any other laws

3(1)(m) gives rights to in-situ rehabilitation of illegally evicted persons. All of these cases are also included where they pertain to individual claims.

These are the rights of forest dwellers including both forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers as defined in section 2 of the Act. Subsequent sections of the Act

lay down further condition under which IFRs would be recognized and their nature and extent. Specifically:

- a) Section 4(3) stipulates that the forest land should have been occupied before Dec 13, 2005.
- b) Section 4(4) stipulates that these rights would be inheritable but not alienable;
- c) Section 4(6) further stipulates that the land claimed under 3(1)(a) should also have been under occupation of the claimant on 1 January 2008 (the date the FRA came into effect) and 'shall be restricted to the area under actual occupation and shall in no case exceed an area of four hectares'.

THE FRA RULES

The FRA Rules describe the process to be followed for filing, determination and verification of IFR claims (and other claims), the forms to be used, the evidence that may be used to support the claim, and the rights to appeal in case of rejection. It is noteworthy that the IFR provisions in FRA are highly gender sensitive, as they provide for both claims and titles to be issued in the joint name of husband and wife in case the claimant is married.

In spite of such careful definitions, it is inevitable that some ambiguities have emerged. Most of these ambiguities, viz., the definition of forest dweller in general (in terms of 'residing in and dependent on forest land'), the definition of OTFD, and the process by which occupation before Dec 13, 2005 may be determined.

FOREST RIGHTS COMMITTEE AND GRAM SABHA

RECOGNITION OF GRAM SABHAS

Given the crucial role of the Gram Sabha in the determination of forest rights and in the post-claims process of managing and protecting forests, its recognition as per the provisions of the Act is

vital. The FRA specifies (Section 2g) that the Gram Sabha is “a village assembly which shall consist of all adult members of a village and in case of State having no Panchayats, Padas, Tolas and other traditional village institutions and elected village committees”, and further (Section 2p) that 'village' should be at any of four levels:

- i. Villages as defined in the Panchayats (Extension to Scheduled Areas) Act, 1996 (Section 4b of which says a village shall ordinarily consist of a habitation or group of habitations or a hamlet or group of hamlets comprising a community and managing its affairs in accordance with traditions and customs).
- ii. Villages defined by law relating to Panchayats (i.e. revenue villages).
- iii. Forest villages, old habitations and settlements and unsurveyed villages, whether notified or not.
- iv. Traditional village institutions, in States with no gram panchayats (e.g. in some
- v. North-eastern States). In most states, Gram Sabhas are being recognized at the Gram Panchayat level, which often include more than one revenue village, and several hamlets. In general, though, such inappropriate or impractical recognition of Gram Sabhas has been one of the biggest reasons for the seriously inadequate implementation of the FRA in most parts of India.

PROCESS INVOLVED IN THE FORMATION OF FOREST RIGHT COMMITTEE

The National Committee constituted to review the implementation of FRA, 2006 has found how FRC was constituted in defective way for instance. Examples are:

- In many areas, FRCs have not been formed at all;
- Inadequate representation of STs/OTFDs/PTGs, nomads which is the pre requisite of forming the FRC and violation of FRA's provisions laying down composition of FRC);

- Poor representation of women;
- Government officials in some FRCs,
- It has often been difficult to attain the two-thirds quorum required for the Gram Sabhas;
- There is frequently a lack of due process to verify claims;
- At many places, existing committees (e.g. JFMCs) have been converted into FRCs, without going through the Gram Sabha;
- Almost everywhere, there has been inadequate assistance by government agencies in facilitating the FRC tasks including funds for its work, building capacity, and verification.

BYPASSING OF GRAM SABHA/ FOREST RIGHT COMMITTEES BY GOVT. OFFICIALS

The National Committee found that the government officials were playing a dominant role in deciding on forest right claims. For instance, in Dumka district, Jharkhand, the Committee found that the entire process appeared to be driven by the govt. officials, with no or very little involvement of FRCs; in many villages the Committee visited, the FRC chair had simply signed onto what was filled in by the patwari or other officials.

LACK OF CLARITY ON WHO TO GIVE CLAIMS

With very inadequate awareness of the process given to FRCs and Gram Sabhas, there were widespread instances of the claims being given by the GS or the FRC to panchayat secretary or other officials, and little information on what had subsequently happened to the claims. Submission of IFRT claims have never been received in writing by the officials. With the result, officials often remained in a denial mode of receiving any such claim. Forest dwelling communities were not well versed with the government functioning. If their claims were not processed they did pursue that further. Lack of cooperation by the concerning officials was another reason for remaining passive.

Literacy rate was quite low among Scheduled Tribes and Other Traditional Forest Dwellers in Jharkhand. It would be ridiculous to expect FRC members to read the claim application form and sign that. In several villages gram sabhas were organized and gram sabha members were asked to sign the proceedings of the meeting. Gram sabha members signed the paper without knowing that what was written on the paper. Revenue functionaries such as Amin, tehsildar and forest officials were found having upper hand in the whole process of FRC/gram sabhas. Participation of gram sabha/ FRC was on paper. They did not even know that what was written on paper. In several instances, claims have been sent by FRCs directly to official agencies without passing them through Gram Sabhas.

In some cases, political parties have subverted the process. For instance; nomads in Koderma laid that Rashtriya Sewak Sangh workers have filled up their forms for claiming forest right and submitted it to the office. Nomads were illiterate and did not know anything.

II

DISTRICT-WISE LAND GRANTED UNDER INDIVIDUAL FOREST RIGHT ACT, 2006 IN JHARKHAND (TILL NOVEMBER, 2018)

The Welfare Department, Government of Jharkhand maintains and updates the number of IFRT claims for land recognised under FRA, 2006 and also numbers of claims pending/ rejected. As per the data given in table 6.1 shows that total 1,07,032 IFRT claims were submitted at gram sabha level in the state of Jharkhand till November 2018. Out of these total IFRT claims, 69,105 claims (constituting 64.57% of the total claims) were recommended by the gram sabha to SDLC. Out of these 69,105 IFRTs claims, SDLC recommended 63,596 claims (constituting 92.03% of the total claims) to DLC.

And finally, DLC recognised 59,930 IFRt claims (constituting 94.24% of the claims recommended by SDLC).

Thus, it can be stated that out of total IFRt claims submitted to the Gram Sabha level, little more than half of the claims (55.99%) were recognised by the DLC level.

Based on the district-wise data on the status of implemented of IFRt, following classification is being made:

1. The largest numbers of IFRt claims were recognised in 1. Simdega (9632 IFRt claims), 2. Giridih (6538 IFRt claims), 3. Palamu (4803 IFRt claims), and 4. East Singhbhum districts (3508 IFRt claims).
2. Lesser numbers of claims were recognised in districts namely Koderma (384 IFRt claims), 2. Deoghar (593 IFRt claims), 3. Ramgarh (690 IFRt claims), 4. Khunti (734 IFRt claims) and 5. Lohardaga districts (739 IFRt claims).
3. Data analysis shows that in 1. Giridih, 2. Simdega, 3. Dumka and 4. West Singhbhum districts maximum, number of IFRt claims were submitted at gram sabha level whereas maximum numbers of IFRt claims were recommended in gram sabhas of 1. Simdega, 2. West Singhbhum, 3. Giridih and 4. Palamu.
4. Notably, in eight districts namely 1. Garhwa, 2. Chatra, 3. Godda, 4. Lohardaga, 5. Hazaribagh, 6. Dumka 7. Khunti and 8. Simdega SDLC and DLC recognized all IFRt claims recommended by the respective gram sabhas.

EXTENT OF IFRS CLAIMS RECOGNISED IN CHATRA AND KODERMA DISTRICTS

In Chatra district, total 5156 IFRt claims were received at Gram Sabha level. Gram Sabha has recommended 1399 IFRt claims (that is 27.13% of the total IFRt claims received) and all 1399 IFRt claims were recognised by SDLC and DLC.

In Koderma district 1318 IFRT claims were filed at gram sabha level. Out of which Gram Sabha has recommended 746 IFRT claims (constituting 56.60% of the total claims received at Gram Sabha level) to SDLC. SDLC has recommended all 746 IFRT claims to DLC. And finally DLC recognized 384 IFRT claims (constituting 51.47% of the total claims) received from SDLC.

REJECTION OF IFRT CLAIMS UNDER FRA, 2006

Welfare Department, Jharkhand does maintain data on the rejection or pending of IFRT claims but it does not display on its website. A large numbers of IFRT claims were rejected in 1. Dumka, 2. East Singhbhum, 3. Dhanbad, and 4. Chatra districts. Districts where large number of IFRT claims have been found pending were 1. Gumla (3983 claims), 2. Latehar (3599 claims) and 3. Giridih districts (2357 claims).

Table 6.1
District-wise Status of Implementation of IFRT under FRA, 2006 in Jharkhand State

Sl. No.	District	Claims filed at Gram Sabha Level	Claims Recommended by Gram Sabha to SDLC	Claims Recommended by SDLC to DLC	Claims approved by DLC for title	Title Distributed
	1	2	3	4	5	6
1.	Garhwa	2531	1668	1668	1668	1668
2.	Chatra	5156	1399	1399	1399	1399
3.	Kodarma	1318	746	746	384	384
4.	Giridih	10204	6618	6589	6538	6538
5.	Deoghar	1324	1034	799	593	593
6.	Godda	3178	1070	1070	1070	1070
7.	Sahibganj	1784	1638	1638	1467	1467
8.	Pakur	1613	1178	1043	909	909
9.	Dhanbad	3668	1989	1423	1112	1112
10.	Bokaro	4667	2929	885	871	871
11.	Lohardaga	1820	739	739	739	739
12.	East Singhbhum	7231	3921	3508	3508	3508
13.	Palamu	6610	5614	5078	4803	4803
14.	Latehar	7384	3805	3805	3222	3222
15.	Hazaribagh	4916	3583	3583	3583	3567
16.	Ramgarh	1565	1309	690	690	690
17.	Dumka	9154	3961	3961	3961	3961

18.	Jamtara	1177	1078	1070	1058	1058
19.	Ranchi	1639	1639	1639	1617	1617
20.	Khunti	985	734	734	734	734
21.	Gumla	5819	2758	2149	1747	1747
22.	Simdega	10173	9632	9632	9632	9632
23.	West Singhbhum	8427	7624	7309	6186	6186
24.	Saraikela-Kharsawan	4689	2439	2439	2439	2391
	Total	107032	69105	63596	59930	59866

CONCLUSIONS

It was found that the literacy rate was better among some progressive Scheduled Tribes such as Oraons, Mundas and Santhalis and Other Backward Castes. But large number of forest dwellers especially PVTG were found illiterate. They were unable to read and write the prescribed format. It was also found that there was lack of awareness among forest dwelling communities about FRA Rule and the process and procedure to file claim. Several genuine claimants were not even aware of that FRA, 2006 exist. It requires massive efforts by the Govt. and the NGOs to involve them in the process of implementation. Due to lack of awareness about the process of claiming forest right under FRA, 2006 NGOs and political activists have come to facilitate them. In the process, the NGOs and political activists have bypassed FRC/ Gram Sabhas which was a pre requisite for claiming forest rights.

A wide gap was found between the number of claims submitted at Gram Sabhas level and the number of claims approved by Gram Sabhas. Similarly gap was found between the claims recommended by Gram Sabhas and approved by DLC.

District Welfare Department, Koderma district was maintaining data on accepted and rejected IFRT claims but did not display this on its website. District Welfare Department, Chatra district did not maintain the accepted and rejected claims. It was revealed that the Welfare Office, Chatra was engulfed into fire in 2017 and the complete records related to forest rights were damaged. In the absence of records, the claimant was not able to

know whether his/ her claim was accepted/ rejected/ or pending. As a result, he/she cannot appeal.

As per FRA, 2006 rules, there should be representation of PVTGs and Nomads in FRC, SDLC, and DLC but it was found that there was no representation of PVTGs and nomads in its respective FRC, SDLC and DLC.

IMPLEMENTATION OF IFRT AND MAINTAENANCE OF LAND RECORDS UNDER FRA, 2006

To understand the status of implementation of FRA, 2006 from holistic point of view, various stakeholders such as officials of revenue, forest and Welfare Department were interviewed. The senior officials of these departments were the members of Sub Divisional Level Committee and District Level Committee. Members of forest right committee were interviewed too. Those households whose IFRT claims have been accepted or rejected were interviewed.

As per FRA, 2006, Scheduled Tribes households staying in forest before 13 December, 2005 and OTFDs households living in the forest since three generations or for the last 75 years are eligible to claim forest right under FRA, 2006. This chapter focuses on the extent of understanding of provisions and procedure of FRA, 2006 among stakeholders:

Govt officials, members of forest right committee NGOs and forest dwelling communities, extent of granting IFRTs and the legal status of land ownership FRC was receiving applications from the claimants, if not, reasons for that Role of government authorities and NGOs in facilitating the communities to get forest land rights Time gap at different stages of implementation of Individual Forest Right and extent of accepted and rejected claims.

An attempt was made to find-out whether the implementation of FRA, 2006 has improved the household economy.

The chapter is divided into two sections. Section -I deals with the understanding of government officials and FRC members on

implementation process of FRA, 2006. Section II deals with the understanding of the claimants of forest right and about the implementation process and procedure.

At Govt. level, the implementation process of FRA starts with the lowest rung of revenue (Amin) and forest functionaries (Beat Guard/ Ranger). Amin and Beat Guard/ Ranger prepare the field report and submit to their their incharge viz. Circle Office (Revenue Department) and Range Office/ Assistant Conservation Office (Forest Department). Thereafter, the status report is submitted to SDLC and DLC. District Welfare Office is the nodal agency which monitors the implementation of FRA at the district level.

SECTION I

Following paras deal with the government officials' understanding of FRA, 2006:

1. AMIN

Amins have told that first the claim for forest right is submitted by Forest Right Committee or by individual himself in Circle Office. The Circle Office deposes Amin for physical verification of the claim. The process starts with the verification of forest site claimed and the documents submitted as evidence by the forest dwelling household. He verifies Aadhaar card, ration card, caste certificate and residential certificate, etc. First of all, Amin- a revenue functionary visits the site located in forest with map. The map is marked with forest area and non-forest area. He documents the profile of the claimant occupying the forest land. Amin also enquires from the neighbours about the ownership status of land. The profile of the claimant includes name, his/ her father's name, location (*chohhadi*) of land, area (*Rakba*) of plot and description of all four locations viz. North, South, East and West. All this is part of Khatiyani. He measures size of land and find- out

the difference between the size of land occupied, used and claimed by the claimant. Amin also checks how old the house structure looks like. He sees the tree species standing in the surrounding area. Amin traces map of that parcel of land which claimed by the forest dwelling household. It takes 2-3 hours to draft a map of a single house. Map is sketched on trace paper in three copies. The status report is submitted to the Circle Office. There is a prescribed format which is being filled up, counter signed and submitted to the respective department. It is countersigned by the Circle Officer. Out of three copies, first copy is send to the Forest Department, second copy goes to the Welfare Office and the third copy is kept in the Revenue record. Time taken for verification depends on the distance between one houses to another. Usually it takes four to five days to complete the process of verification. It was heard that some Amins had verified the sites even without visiting the location physically. Chatra has 12 blocks but total permanent Amins were three. Large numbers of posts were lying vacant. Most of the Amins were either retired or working privately on case to case basis. Amin faces several problems during verification process such as:

1. Tribals have their own dialect which is very often difficult to understand for the govt officials;
2. No transportation facility is made available to Amin, therefore, it becomes very difficult for them to visit forest areas particularly where PVTGs reside. They have to go either by bus or auto and it take a long time to reach to site.
3. Circle Officer can ask to go to any Circle area and Amin does not know whom they should report and ask for his TA reimbursement.

2. CIRCLE OFFICE

Circle Officers's understanding of the process of implementation is as follows: Circle officer is the incharge of Revenue Department at Circle level. Application for IFRt under FRA, 2006 first comes

to the Circle Officer. Circle office deputed Amin for physical verification of the claim. Once Amin verifies the claim, he submits the status report to the Circle Office. After that the Circle Officer visits the same site to verify the following:

- a.) Nature of land (whether it was forest land or revenue (raiyyat) land, government land, wasteland or wet land, etc.). Revenue land is called as raiyyat land also;
- b.) Size of land owned by the claimant, size of land used by him/her and size of land claimed by the household.
- c.) Whether size of land claimed match with the land permissible as per FRA, 2006.
- d.) Whether the copy of khatian (copy of land record), residential proof, caste certificate, Aadhar card and educational certificate are enclosed with the application. Circle Officer submits the report to Sub Divisional Office.

3. RANGE OFFICER

From Forest Department, Range Officer visits the site to verify the status of land claimed for IFRT. He checks whether land belongs to the forest department, size of land occupied by the claimant and size of land claimed. He verifies the site with the help of satellite images and find- out whether the claimant was residing in the forest before 13 December, 2005. In case of Other Traditional Forest Dwellers he checks whether claimant was residing for the last three generations. Another way through which Forest Department verifies and validates the forest right claim is through Hukumnama. After completing the field report, Range Officer submits that report to Divisional Forest Officer. Forest officials have also mentioned that it was easier to verify and recognize the claim of STs household as they have territorial identity. The cut off date for them is 13 December, 2005 so arranging evidence is not very difficult for them. But it was very difficult to recognize the claim of OTFDs as they have to produce the evidence of three generations or last 75 years. This is one of the

reasons that very less number of OTFDS claims has been recognized. The burden of evidence is much heavier for OTFDs. So it can be stated that FRA, 2006 could not support much to Scheduled Castes and Other Backward Castes. The Forest Department demarcates boundaries of forest land with green colour. When forest land is recognized in favour of forest dwelling household, the Forest Department marks it as RELEASED in the forest land records.

As per FRA, 2006 both Forest and Revenue Officials should go together to verify the site physically but in practice, this procedure is not followed in letter and spirit. Revenue and Forest Official go separately. During Focus Group Discussion, officials have told that it was not practical for two different departments to go together as there were several constraints. For instance, these officials were not provided vehicle for the field visit. If they use their own vehicle; fuel charges were paid after several months/sometime even after a year. Sometime their department deputed them with some other urgent work and then their plan of going together did not materialize.

Revenue inspector/ Circle Officer physically verify the claim and send to SDLCL. In the whole process village pradhan is the missing link in the whole process. Nowhere his consent or sign is taken. Village pradhan is missing in the whole process. Village pradhan's consent is not taken. Nowhere village pradhan signs any paper. Even in the proforma, signature of village pradhan is not required.

1. DISTRICT WELFARE OFFICE

District Welfare Office is the nodal agency which monitors the implementation of FRA 2006 at district level. During interview, it was found that for the last two years the District Welfare Officer, Chatra district was holding an additional charge of Welfare Department. She was already in charge of two other departments.

Due to work pressure, it was very difficult for her to give adequate time to monitor the implementation of FRA in the district. on prima facie she was not aware of the roles and responsibilities of nodal agency for implementation of FRA, 2006 nor conducted any meeting or reviewed the progress since she took charge of Welfare Department. District Welfare Office, Koderma was also holding charge of two departments. District Welfare Office was grappling with manpower problem. With the result, the progress under FRA, 2006 was getting affected. In fact, the duration for verification should be completed in one month but in practice, it takes much more time.

2. SUB DIVISIONAL LEVEL COMMITTEE

As per FRA, 2006 SDLC is constituted of SDO as chairman of the SDLC, Assistant Conservation Forest Officer as sub division or equivalent officer as members, 3 members of the block or tehsil level panchayat to be nominated by the district panchayat, an officer of the Tribal Welfare Department, in-charge of the sub division. In Chatra and Koderma districts, SDLC members consists of SDO, members of block/ circle level panchayat, and an officer from Welfare Department. Once the claim is verified by Amin, Circle Office and Range office the status report goes to the SDLC. SDLC organizes a meeting and checks all the claims. If Committee is satisfied it approves the case and forward the application to DLC. If DLC finds any error, the application is send back to SDLC. SDLC then send back to Circle Office. Circle Officer rectifies the error and send back to SDLC and SDLC submits the modified claim to DLC.

6. DISTRICT LEVEL COMMITTEE

District Level Committee is constituted by the state government. It has following members: i.). District Collector/ Deputy Commissioner – Chairperson; ii.) Concerned Divisional Forest Officer or concerned Deputy Conservator of Forest member; iii.)

three members of the district panchayat to be nominated by the district panchayat, of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belong to members of the primitive tribal groups, and where there are no STs, two members who are preferably of their traditional forest dwellers, and one shall be a woman member; and iv.) an officer of the Tribal Welfare Department in charge of the district or where such officer is not available, the officer in-charge of the tribal affairs. In Chatra and Koderma district, DLC was constituted of DC as chairman, DFO, DWO and district panchayat as members. In none of the DLC, PVTG and nomads were found as a member women were as a proxdie member.

No DLC meeting took place for the last one year in these two districts. Both Revenue and Forest officials have said that almost all the IFRt claims have been settled by now. Hence, metting is organised only when some fresh application come to them.

FOREST RIGHT COMMITTEE

As per FRA, 2006 gram sabha should constitute Forest Right Committee. FRC members should be given training on FRA, 2006. IFRt claims should be submitted to Forest Right Committee. After receiving the IFRt claims, the FRC presents the list of claimants before the gram sabha. After scrutiny in gram sabha, all the claims are submitted to District Welfare Office/ Circle Office. It was found that in most of the villages FRCs were constituted. Some of the FRC members have been given one day training on FRA, 2006 and some FRC members were not given any training. It was also found that there was lack of coordinatin between FRC members and village panchayat.

Officials have told that in practice, the procedure of submitting claims to FRC is not followed in letter and spirit. This happens because of lack of awareness and illiteracy among forest dwelling communities. Officials say that in some villages FRC has not been

constituted and claimants submitted application directly to Circle Office or submitted through NGOs. Instances have also come where gram sabhas were not organized to scrutinize the forest right claims. Also at some places, if claims were presented before the gram sabha consent was not taken up.

With the result, several disputes occur. Most of the FRC members were either illiterate or semi-literate. They signed gram sabha resolution and proceedings of FRC meting without knowing that what was written there. Few Forest Right Committees in Koderma block were visited. FRC was constituted during 2011-12. In one of the FRC visited in Banga Salar village it was found that the FRC has 12 members including three women members; four Scheduled Caste and Other Backward Caste members of the village. FRC members were given one day training by some NGO. Though there were around 20 ST households in the village yet the FRC has no ST as members of FRC. Though they were residing in forest for the last 20-30 years. Members were found well aware of the provisions of FRA, 2006. 60-70 claims of Scheduled Castes households were submitted. Some of them have got their claims for forest right recognized and some did not. FRC members pursued for the pending claims. They were told by Circle Office that the department has only one Amin so it was difficult for him to visit all the places. FRC since its formation has conducted 15-20 meetings. The FRC has not claimed for CFRt as members say that people did not have high hopes from the authority.

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

then, pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee. (2) Any person aggrieved by the resolution of the Gram Sabha may prefer a petition to the Sub-Divisional Level Committee constituted under sub-section (3) and the Sub-Divisional Level Committee shall consider and dispose of such petition. Provided that every such petition shall be preferred within sixty days from the date of passing of the resolution by the Gram Sabha: Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

CHALLENGES BEFORE OTHER TRADITIONAL FOREST DWELLERS

Government officials of implementing agencies have said that the Scheduled Tribes have territorial identity hence, it was easier to verify and recognize their forest right claims. For STs arranging evidences are not difficult. The cut-off date in case of Scheduled Tribe is 13 December, 2005. For STs, there is a need for 10 years records. It can be proved by ration card, Voter ID Card, govt subsidy proof, residence proof, statement by five persons or existence of structure of old well. But in case of Other Traditional Forest Dweller, it was very difficult to recognize their claims as they have to produce the evidence of three generations or last 75 years. This is one of the reasons that very few of OTFDs claims have been recognized till date. The Forest Department verifies the records of OTFDs only through satellite images. For instance, in Chatra district, total SC population was 32.65% and STs population was 4.37%. Here Bhokta and Ganju were from SCs community and Gop, Yadav and Kori were from OBCs. Both Scheduled Castes and Other Backward Castes belonged to OTFDs category under FRA, 2006. Number wise these communities were in good strength but economically and socially they were very backward. They have been residing in forest land for generations but in the absence of evidences claims of majority

of them were rejected. With the result, they were not able to get their forest rights. The Other Traditional Forest Dwellers were finding it difficult to produce evidence of three generations. Getting documents of 75 years ago, that is, of the year 1930-31 is not easy. Under the British rule, a large segment of the population was out of the purview of land records management system. Many households were engaged either as tenants, wage labourers or cultivating land of some princely estate. Cultivation used to be done on mutual agreement basis. Zamindars used to take some portion of produce or used to ask for free labour. Land records management programme started after Independence of the country. Caste certificate was not used to be made during that time. Residence certificates were not updated. The forest community did not know the importance of formal system of land administration. Also even Forest Department has not maintained its land records properly.

Following arguments are raised against using the satellite images as the only criteria for accepting/ rejecting the IFRT claim of OTFDs:

- i. India has sent its first satellite, “Aryabhata” in space on 19 April 1975. How Forest Department can insist OTFDs to provide satellite map of 1930s as evidence for their claims? It is important to find-out from the experts of space and technology whether Aryabhata was able to capture images before 1930s.
- ii. The satellite images are the only criteria followed by the Forest Department to accept/ reject the claims. However, Forest Department does not sign the satellite images. If people question they are scolded and called as naxalite.
- iii. Revenue Department existed much before coming of the British in India. Revenue Department conducted survey in 1911-14 in Jharkhand which was a part or erstwhile Bihar. When British came, they surveyed most part of the land. Forest Department conducted survey of forest land much

- later, that is, in 1927-1972 and demarcated forest land. Also forest department did not survey the complete forest area.
- iv. During 1930-31s forest might be dense and population would be less. Over the period forest density reduced and population increased manifold. In such conditions reliability of the satellite images to reach to logical conclusion becomes questionable.
 - v. Revenue officials were of the view that technology used by the Forest Department for land survey is in itself questionable. Revenue Department uses cadastral map and Forest Department uses GPS technology (satellite images) for surveying the forest land.
 - vi. Some of the revenue officials were of the view that Khatian can be considered as one of the criteria for OTFDs to prove that they were residing in forest for the last 75 years. Khatian is a register which maintains records of cultivated land. It reflects whether OTFDs were living in those forest areas or not. They suggest that the records of cultivated land can be considered as the baseline and not the satellite images.

SECTION II

To understand the status of implementation of FRA, 2006 from forest dwelling communities' point of view, the household survey was conducted in Chatra and Koderma district in Jharkhand. It includes the analysis of the time since forest dwelling communities were residing in the forest, their awareness level and understanding about the process of implementation of FRA, 2006, documents submitted by them as an evidence to claim their forest right; year when IFRT claim was made and year when claim was recognized, whether claim was verified by the govt. officials and land surveyed before recognizing it, whether respondents faced problems in submitting their claims if so, nature of problems, , role of NGOs in facilitating IFRT claims, size of land claimed and size of land recognized, legal nature of land ownership, extent of rejection of claims and reasons for the rejection, etc.

ANALYSIS OF HOUSEHOLD DATA

SINCE WHEN ARE YOU RESIDING IN THIS VILLAGE/ LOCALITY?

The respondents were asked since when have they been residing in their current villages/ localities. It was found that 7.33% respondents were residing in the present village/ locality since 1901-1930. Most of the respondents (44.67%) were residing in their present village/ locality between 1931-1960; little less than one-fourth of them (23.33%) were residing before 19th century, that is, between 1850-1900; 22.0% respondents said that they were residing in the present village since 1961-1990. A small number of the respondents (2.67%) said that they were residing in the village/ locality since 1991 or onwards, that is, 15 years ago from 13th December, 2005 (Table 7.1).

Table 7.1
Since when are you residing in this village/ locality? (Year)

Sl. No.	Response	No. (%)
1.	Before 1850 - 1900	35 (23.33)
2.	1901 - 1930	11 (7.33)
3.	1931 - 1960	67 (44.67)
4.	1961 - 1990	33 (22.00)
5.	1991+	4 (2.67)
	Total	150 (150.0)

HAVE YOU HEARD ABOUT STS/OTFDS (RECOGNITION OF FRA), 2006?

The respondents were asked whether they have heard about FRA, 2006. Majority of the respondents (88.0%) said that they have heard about FRA, 2006. Rest of them (12.0%) said that they did not (Table 7.2).

Table 7.2
Have you heard about STs/ OTFDs (Recognition of FRA, 2006)?

Sl. No.	Response	No. (%)
1.	Yes	132 (88.0)
2.	No	18 (12.0)
	Total	150 (100.0)

Respondents who said that they had heard about FRA, 2006, they were further asked from whom they have heard about FRA, 2006. Data exhibited in table 7.3 shows that most of the respondents (74.10%) have heard from their fellow villagers, neighbours, friends or village pradhan, one-tenth of them (16.87%) have come to know from the government officials; and little less than one tenth of the respondents (9.04%) said that they came to know from their relatives. Thus, the above analysis shows that informal networks were found as the main source of information to know about FRA, 2006.

Table 7.3
If yes, from whom have you come to know? (Multiple Response)

Sl. No.	Response	No. (%)
1.	Fellow villagers, Friends, Village Pradhan	123 (74.10)
2.	Govt Official /Some Outsider	28. (16.87)
3.	Relatives	15 (9.04)
	Total	166 (100.01)

RESPONDENTS' UNDERSTANDING ABOUT FRA, 2006

Respondents who told that they have heard about FRA, 2006; they were asked to describe about their understanding of FRA, 2006. Data analysis shows that majority of the respondents (81.81%) said that the people living in forest and cultivating forest land since their ancestors can claim for their IFRT and get *patta*. Once forest rights are recognised *Patta* holders will have absolute right

over land and nobody can evict them; 4.54% respondents said that there is a provision to give *patta* to STs households living in forest but such *patta* cannot be sold; another 4.54% respondents said that people already living in forest land and dependent on forest produce for their livelihood are allotted *patta*. They are given right to use forest produces and fuel wood and access to grazing land, 3.03% respondents said that the forest land is recognized to those who are already living in forest. Once the forest land would be recognized, land owner will not face problem of eviction and collection of MFPs. Lastly, 6.06% respondents said that they did not know (Table 7.4).

Table 7.4
Respondnets' Description about their understanding of
FRA, 2006

Sl. No.	Understanding about FRA, 2006	No.(%)
1.	People living in forest areas and cultivating forest land since their ancestors, can claim and get <i>patta</i> . They will have absolute right over such land and nobody can evict them.	108 (81.81)
2.	Provision to give land to STs living on forest land but the land cannot be sold.	6 (4.54)
3.	People living on forest land and dependent on forest produce for their livelihood are allotted land. They are allowed to use forest produce and given access to grazing land.	6 (4.54)
4.	The forest land occupied by the forest dwelling communities will be recognized on their name and they will not face problems of eviction. They would be able to collect MFPs without restrictions of the Forest Department	4 (3.03)
5.	Do not know	8 (6.06)
	Total	132 (99.98)

ROLE OF NGOS IN FACILITATING THE IMPLEMENTATION OF FRA, 2006

The respondents were asked whether any NGO/civil society/political party/ activist worked in their area to facilitate the implementation of FRA, 2006. Data analysis reveals that 46.67% respondents said that NGO/ Civil Society/ Political Party/ Activist have worked in their area. Little more than half of the total respondents (51.33%) said that NGO/civil society/ political party/ activist did not work in their areas. Miniscule number of the respondents (2.0%) said that they did not know (Table 7.5).

Table 7.5
Has NGO/Civil Society/ Political Party/ Activist facilitated the implementation of FRA, 2006?

Sl. No.	Response	No. (%)
1.	Yes	70 (46.67)
2.	No	77 (51.33)
3.	Do not know	3 (2.0)
	Total	150 (100.0)

The respondents who said that the NGO/civil society/ political party/ activist worked in their area to facilitate the implementation of FRA, 2006, they were asked to name such NGO/ civil society/ political party/ activist. Data analysis show that most of the respondents (36.76%) said that the NGOs facilitated in the implementation of FRA, 2006 was Naya Savera Vikas Kendra, 16.18% respondents said that it was Dalit Vikas Bindu, little more than one- tenth of the respondents (11.76%) said that it was Bachpan Bachao Andolan and one-tenth of the respondents (10.29%) said that it was Jungle Bachao Andolan and 2.94% respondents said that Ekta Parishad has facilitated them in claiming their forest right under FRA, 2006. 5.88% respondents said that the political parties such as Communist Party of India (Marxist-Leninst), Bhartiya Janta Party and political organizations such as Rashtriya Sewak Sangh (RSS) have facilitated in the implementation of FRA, 2006. 16.18%

respondents said that some organization/ civil society/ political party/ activist worked in their area/ locality to facilitate the implementation of FRA, 2006 but they did not know the name (Table 7.6). As per FRA, 2006, all IFRT claims should fill up the prescribed format and submit to Forest Right Committee. FRC should presents all the claims before gram sabha and thereafter submit to DWO.

The above data shows that NGOs played a major role in facilitating the implementation of FRA, 2006 followed by Circle Office, DWO, Panchayat members or fellow villagers.

NAME OF NGO/CIVIL SOCIETY/ POLITICAL PARTY/ ACTIVIST

Table 7.6
Name of NGO/Civil Society/ Political Party/ Activist

Sl. No.	Name	No. (%)
1.	Naya Savera Vikas Kendra	25 (36.76)
2.	Dalit Vikas Bindu	11 (16.18)
3.	Bachpan Bachao Andolan	08 (11.76)
4.	Jungle Bachao Andolan	07 (10.29)
5.	Ekta Parishad	02 (2.94)
6.	Political Party	04 (5.88)
7.	Do not know the name	11 (16.18)
	Total	68 (99.99)

(N varies because of no response or missing figure)

WHETHER SUBMITTED IFRT CLAIM UNDER FRA, 2006

The respondents were asked whether they submitted claims for IFRT under FRA, 2006. Data analysis shows that majority of the respondents (94.67%) said that they submitted claims for their IFRT. 5.33% respondents said that they did not submit their claim. Government officials themselves have come, completed all the official formalities and recognized *patta* under FRA, 2006. It would be important to mention that it is basically Birhor tribe – a

notified PVTG in Jharkhand who stated that officials visited them to recognize their individual forest right (Table 7.7).

Table 7.7
Have you submitted claims for IFRT?

Sl. No.	Response	No. (%)
1.	Yes	142 (94.67)
2.	Govt. officials have come and provided patta for residence	8 (5.33)
	Total	150 (100.00)

WHEN CLAIM WAS FILED FOR IFRT?

Respondents were asked to specify the year when they filed their claim for IFRT. Data analysis shows that around one-tenth of the respondents (9.29%) filed their claim for IFRT in 2008; another one-tenth of them (10.71%) filed their claims during 2009-2010; most of the respondents (36.43%) filed their claims during 2013-14; around one-fourth of them (24.29%) filed during 2015-2016, 16.43% respondents said that they filed their IFRT claim during 2017-18. A small number of respondents (2.85%) said that they did not remember the year (Table 7.8).

Thus, data analysis shows that most of the claims were filed during 2013-2016. The number of filing IFRT claims started declining from 2017 onwards.

Table 7.8
If yes when did you file claim for IFRT? (Year)

Sl. No.	Year	No. (%)
1.	Till 2008	13 (9.29)
2.	2009 - 2010	15 (10.71)
3.	2013 - 2014	51 (36.43)
4.	2015 - 2016	34 (24.29)
5.	2017 - 2018	23 (16.43)
6.	Do not remember 03	4 (2.86)
	Total	140 (100.00)

(N varies because of no response or missing figure)

WHERE DID YOU GET THE APPLICATION FORM?

As per FRA, 2006, there is a prescribed format to claim for IFRt. Seeing the low level of literacy among the forest dwelling communities, Jharkhand Govt. has evolved a very innovative way. It has printed the prescribed format for IFRt in yellow colour and for CFRt in pink colour so that the claimant could know which format he/ she has to apply for.

The respondents were asked where did they get the prescribed application form/ proforma to claim for their IFRt? Data analysis shows that two- fifth of the respondents (40.0%) got prescribed application form/ proforma from Circle Office/Welfare Office, little less than one-third of the respondents (31.33%) said that they did get prescribed application form/ proforma from NGO/ political party worker; one-fourth of them (25.38%) said that they got application form/ proforma from the members of village panchayat/ gram sabha members/ forest right committee. Remaining 3.33% respondents said that they got application form/ proforma from fellow villagers (Table 7.9).

Table 7.9
**From where did you get the prescribed application form/
proforma?**

Sl. No.	Source of Getting Proforma/ Form	No. (%)
1.	Circle Office / Welfare Office/ Govt Office	60 (40.00)
2.	NGO/ Worker of Political Party/ Activist	47 (31.33)
3.	Village Panchayat / Members of Gram Sabha/ FRC e	38 (25.33)
4.	Fellow villagers	5 (3.33)
	Total	150 (99.99)

TO WHOM IFRt CLAIM SUBMITTED?

The respondents were asked to whom they have submitted their claim applications for IFRt. Data analysis shows that one-third of the respondents (33.33%) submitted their IFRt claim to NGO, around one-fourth of them (24.31%) submitted to Circle

Office/Welfare Office/Sub Divisional Magistrate Office, around one-fifth of them (18.06%) said that they submitted their application to village panchayat; 18.75% respondents said that they submitted their application to Forest Right Committee 2.08% respondents said that they submitted their claim application to some government official, 2.78% respondents submitted their application to fellow villagers. 0.69% respondents said that they did not remember to whom they have submitted their application (Table 7.10).

Thus, data analysis shows that NGO was closer to forest dwelling communities. Perhaps due to low literacy level, people preferred to submit their claim either to NGO of Circle Office. Number of respondents submitting their claims to FRc was very less.

Table 7.10

To whom you have submitted your IFRt claim application?

Sl. No.	To whom performa was Given	No. (%)
1.	NGO	48 (33.33)
2.	Circle Office/ Welfare Office / SDM	35 (24.31)
3.	Forest Right Committee	27 (18.75)
4.	Village Panchayat	26 (18.06)
5.	Some Official	3 (2.08)
6.	Fellow Villager	4 (2.78)
7.	Do not remember	1 (0.69)
	Total	144 (100.00)

(N varies because of no response or missing figure)

DOCUMENTS SUBMITTED AS EVIDENCE TO CLAIM THEIR FOREST RIGHTS?

As per STs & OTFDs (Recognition Forest Rights) Act, 2006, the documents which are permissible to produce as evidence to claim IFRt are: Voter ID; Ration Card; Passport; House Tax Receipt; Domicile Certificate; Gazetteer; Census; Survey and Settlement reports; RoR (patta or leases); Reports of Committees and

Commission constituted by Govt.; Govt Order; Notification; Circulars; Resolutions; Physical attributes such as house huts and permanent improvement made to land including leveling, bunds, check dam; Research Studies; Documentation of Customs and Traditions; Maps; Concession from erstwhile princely states; Traditional structure such as well, sacred places; Genealogy treeing ancestor; Statement of elders other than claimants; Affidavit by a senior resident of the village.

But in practice, in case of ST households emphasis was given to provide a copy of Khatian, residence proof, caste certificate, Adhaar card and educational certificate, etc. forest Department emphasis remained on producing a copy of satellite map or Hukumnama. Due to this condition, many OTFDs could not get their claims.

During household survey in Mardanpur village, block Chatra. District Chatra forest dwelling communities most of whom were STs have told that they faced great difficulties in submitting their claims as caste and residence certificates were available only through online. After hearing their problems, the then District Welfare Officer has organised a camp in villages. He requested the State government to grant permission for few days for issuing caste/ residence certificates offline. After getting permission from the Government this request was granted and local communities were issued caste/ residence certificates. This brought a respite to the community and they could get their forest rights recognised. This has helped many genuine claimants to get their forest rights under FRA, 2006. This example shows that the active involvement of district administration, District Welfare Office and Forest Department can contribute in the effective implementation of FRA, 2006.

During household survey respondents were asked what documents were submitted as evidence along with the IFRT claim application. Data analysis shows that little more than one-fourth

of the respondents (26.17%) submitted ration card; another one-fourth of them (25.78%) said that Adhaar card alongwith the oral testimony of the elderly persons of the village was recorded; and another one-fourth of the respondents (25.39%) said that Adhaar card was submitted as evidence, 2.73% respondents said that a copy of satellite map was submitted as an evidence; 2.34% respondents said that caste certificate was submitted as an evidence, 1.56% respondents said that the residence proof, NAREGA job card, recommendation by the Forest Right Committee were submitted as an evidence. 1.17% respondents said that they did not remember (Table 7.11).

Table 7.11
Documents Submitted as Evidence Along with the
Application Form (Multiple Response)

Sl. No.	Response	No %
1.	Ration Card	67 (26.17)
2.	Oral Testimony of elderly people of the village	66 (25.78)
3.	Aadhar Card	65 (25.39)
4.	Voter ID	38 (14.84)
5.	Satellite Map	7 (2.73)
6.	Caste Certificate	6 (2.34)
7.	Affidavit/ Residence Proof/ Recommendation by Forest Right Committee/ NAREGA Job Card	4 (1.56)
8.	Do not remember	3 (1.17)
	Total	256 (99.98)

WHETHER INSISTED ON CERTAIN SPECIFIC TYPE OF EVIDENCE

The respondents were asked whether they were asked for certain specific type of evidences/ records. Data analysis shows that little more than two-fifth of the respondents (41.67%) said that they were asked for specific type of evidence, 56.94% respondents said that they were not insisted for specific type of evidence. 1.39% respondents said that they did not know (Table 7.12).

Table 7.12
Were you insisted on certain types of evidences?

Sl. No.	Response	No.
1.	Yes	60 (41.67)
2.	No	82 (56.94)
3.	Do not Know	2 (1.39)
	Total	144 (100.00)

(N varies because of no response or missing figure)

WHETHER SPECIFIC EVIDENCES/ RECORDS INSISTED UPON

The respondents who said that they were asked for specific evidences/ records, they were further asked to specify the evidences/ records they were asked for. Data analysis shows that majority of the respondents (91.53%) said that insistence was on to submit a copy of satellite map, 6.78% respondents said that they were asked to submit Voter Identity Card. A miniscule number of respondents (1.69%) said that they were asked to produce court paper proving that some land dispute took place in the past or some case was registered against them (Table 7.13).

Table 7.13
If yes, which types of evidences emphasized upon?

Sl. No.	Response	No. (%)
1.	Satellite Map	54 (91.53)
2.	Voter ID	4 (6.78)
3.	Paper of court case related to the land dispute	1 (1.69)
	Total	59 (100. 00)

(N varies because of no response or missing figure)

PROBLEMS FACED BY OTHER TRADITIONAL FOREST DWELLERS IN PROVIDING EVIDENCE

Other traditional forest dweller" means any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and depend upon the

forest or forests land for *bona fide* livelihood needs. Generation" means a period comprising of twenty-five years.

During FGD with the OTFDs and interview with the Circle Officer, it was found that to arrange proof of 75 years to establish the status of OTFDs was very difficult for them. They were living in extreme poverty. Literacy level was low. They did not have electricity as they could not provide electricity bill. Most of the forest areas were unsurveyed. To expect them to arrange documents which could prove that they were reresiding for the last 75 years is not possible for them. Their socio economic conditions was so poor that they did not have any idea that how to approach to the administration and explain their problems. Even if somebody tries to approach to a Govt. officer nobody listens. Due to lack of evidence, Forest Department raises objections and rejects their claims. Revenue Department wants to help forest dwelling communities but the Forest Department remains reluctant. Forest Department rely more on satellite images, considering that as the only reliable basis. OTFDs do not fit into their criteria hence, people remain deprived of getting recognition of their forest rights.

Table 7.14
What did you do, if documents/ records/ proforma/ maps not provided by the concerning office?

Sl. No.	Response	No.(%)
1.	FRC/ Circle Officer/Village Pradhan/ Concerned Officials dealt with that	22 (50.0)
2.	Non Government Organisation	8 (18.18)
3.	Paid money to middleman to get the work done	4 (9.09)
4.	Elderly family members managed it	1 (2.27)
5.	Did not have money to pay to amin for measurement of land/ so did nothing	9 (20.45)
	Total	44(99.99)

WHAT DID YOU DO IF DOCUMENTS/ RECORDS/ PROFORMA AND MAPS WERE NOT PROVIDED?

When respondents were asked what did they do if no documents/ records/ proforma and maps were provided by the concerning office? Data analysis shows that half of the total respondents (50.0%) said that the FRC/ circle officer/village pradhan/ concerned officials have done the job for them; little less than one-fifth of them (18.18%) said that the NGO has done the job on their behalf; around one-tenth of the respondents (9.09 %) said that they paid money to the middlemen to get the work done; 2.27% respondents said that they could not explain as everything was done by the elderly family members. Lastly, one-fifth of the respondents (20.45%) said that they did not have money to pay to amin hence, they did nothing (Table 7.14).

SUBMISSION OF CLAIM FOR IFRT

The respondents were asked to whom they have submitted their application for IFRT claim. Data analysis shows that around one-third of the respondents (32.17%) submitted their claim to NGO or political party. Equal number of respondents (32.17%) said that they submitted their application to the Circle Office, little less than one-fifth of the respondents (18.88%) said that they submitted application to FRC and around one-tenth of them (9.79%) submitted their claim to village pradhan. 2.80% respondents said that some government official had come and collected their applications; 4.19% respondents said that they gave their application to fellow-villagers (Table 7.15).

Table 7.15
To whom you have submitted your claim application for IFRT?

Sl. No.	Response	No. (%)
1.	NGO(14)/ Member of Political Party	46 (32.17)
2.	Circle Office	46 (32.17)
3.	Forest Right Committee	27 (18.88)

4.	Village Panchayat Members /Village Pradhan	14 (9.79)
5.	Some officials have come and taken application	4 (2.80)
6.	Fellow villagers	6 (4.19)
	Total	143(100.00)

Most of the claimants could not get documents from the concerning department and were trapped by the middlemen or paid commission, to got their work done.

TIME GAP BETWEEN SUBMISSION AND RECOGNITION OF IFRt CLAIMS

One of the objectives of the study was to study the time gap at different stages of implementation of individual forest rights and community forest rights. Table mentions the year when IFRt claim was submitted and the year when IFRt claim was recognized. A comparative analysis was made between these two variables.

Table 7.16
When did you submit your claim for IFRt and when was the claim Recognised? (Year)

Year	When did you submit your claim for IFRt No. %	When was your IFRt claim recognized?
2008 -2009	27 (18.00)	17 (19.88)
2010 -2011	00	10 (9.35)
2012 -2013	40 (26.67)	00
2013 - 14	00	00
2014 -2015	43 (28.67)	65 (60.75)
2016 -2017	23 (15.33)	11 (10.28)
2018+	00	2 (1.87)
Not aware of / Do not remember	17 (11.33)	2 (1.87)
Total	150 (100.0)	107 (100.00)

The respondents were asked to mention the year when they submitted their claim for IFRt. Table 7.16 shows that 18.0%

respondents said that they submitted their IFRT claims during 2008-2009; little more than one-fourth of them (26.67%) said that they submitted their claims during 2012-2013. Maximum number of IFRT claims (28.67%) were submitted during 2014-2015; 15.33% respondents said that they submitted their IFRT claim during 2016-2017. Little more than one-tenth of the respondents (11.33%) said that they did not remember the year of submitting their claims.

Similarly, respondents were asked to mention the year, when their IFRT claim was recognized. It was found that around one-fifth claims (19.88%) were recognized during 2008-2009; around one-tenth of the IFRT claims (9.35%) were recognized during 2010-2011; and almost similar number of IFRT claims (10.28%) were recognized during 2016-2017. A miniscule number of respondents (1.87%) said that their IFRT claims were recognized during 2018. A similar number of respondents (1.87%) said that they did not remember the year.

Thus, data analysis shows that the maximum numbers of IFRT claims (55.34%) were submitted during 2012-2015. Maximum number of individual forest rights claims (60.75%) were recognized during 2014-2015.

PROBLEMS FACED IN SUBMITTING THE CLAIM APPLICATION

Respondents were asked whether they faced problems in submitting their claim for IFRT. Data analysis shows that out of total respondents 16.0% of them said that they faced problems. However, large number of them (76.67%) did not face problem. 7.33% respondents said that they could not say anything as everything was done by village pradhan (Table 7.17).

Table 7.17
Did you face problems in submitting your IFRT claim application?

Sl. No.	Response	No.
1.	Yes	24 (16.0)
2.	No	115 (76.67)
3.	Do not know as it was done by village pradhan	11 (7.33)
	Total	150 (100.0)

Respondents, who said that they faced problems were further asked to explain about those problems. Table 7.18 shows that most of the respondents (54.17%) were not aware. When approached officials they overheard their grievances and did not cooperate. Respondents said that they visited Circle Office several times to get a copy of satellite map and other related documents; 12.5% respondents said that when they submitted their claim first time, the claim was rejected; another 12.50% respondents said that it was very difficult to arrange money to pay fee to Amin (amin sketches land map of parcel of land and maintains land records) to get land surveyed and measured; 8.33% respondents said that the concerning official did not sign their applications; 8.33% respondents said that they visited government offices several times and when did not get success in meeting with the officials they approached to middlemen and gave money to get the task done; 4.17% respondents said that they visited government offices but officials did not provide information properly and when NGO visited to them, they gave their applications to them.

Table 7.18
If Yes, Please Describe About those Problems

Sl. No.	Nature of Problems	No. (%)
1.	Lack of awareness, cooperation by the officials; grievances overheard/ make several visits to CO office to get a copy of satellite map and related documents	13 (54.17)
2.	When claimed first time it was rejected	3 (12.5)

3.	It was very difficult to arrange money to pay fee to Amin to get land survey and measurement	3 (12.5)
4.	Concerning official did not sign our application	2 (8.33)
5.	Visited several times to the Govt Department and when did not get success in meeting with officials and then approached to middlemen and paid him to get the task done.	2 (8.33)
6.	We visited Government Offices but officials did not share information properly so when NGO visited us, we gave one application to them.	1 (4.17)
	Total	24 (100.00)

HOW MANY TIMES CLAIM APPLICATION WAS SUBMITTED FOR IFRT?

Respondents were asked how many times they have submitted application to claim their IFRT. Data analysis shows that out of total respondents, little more than three-fourth of them (76.67%) submitted their claim once and 15.33% of respondents submitted their claim twice. 2.67% respondents said that they submitted their application thrice. 5.33% respondents said that they did not remember (Table 7.19).

Table 7.19
How many times have you submitted your claim for IFRT?

Sl. No.	Response	Col (%)
1.	Once	115 (76.67)
2.	Twice	23 (15.33)
3.	Thrice/ More than thrice	4 (2.67)
4.	Do not remember	8 (5.33)
	Total	150 (100.0)

TO WHOM CLAIM APPLICATION SUBMITTED FIRST TIME?

Respondents were asked to whom they have submitted their claim application first time. Data analysis shows that majority of respondents (39.58% - constituting two fifth of the total) submitted their application first time to Circle Office; little less

than one-fifth of them (18.06%) submitted their claim to NGO, little more than one-tenth of them (11.11%) submitted their claim to gram panchayat members, another one-tenth of them (9.72%) submitted their claim to FRC and almost similar number of respondents (9.03%) submitted their IFRT claim to District Welfare Officer. 3.47% respondents said that they submitted their IFRT claim to SDO; and small number of them (2.78% each) submitted their claim to some officer who visited in their village or fellow villagers. 3.47% respondents said that they submitted their claim to the middlemen.

Respondents who submitted their IFRT claims twice, they were further asked to whom they have submitted their claims second time. Data analysis shows that most of the respondents (62.96%) submitted their claim to NGOs followed by gram panchayat member (11.11%) and FRC (11.11%). 7.41% respondents each submitted their claim either to circle office or Sub Divisional Officer (Table 7.20).

Thus, based on the above analysis it can be stated that respondents who submitted their claims twice or second time, submitted their claim to informal or semi formal organizations such as NGO, gram panchayat or forest right committee.

Table 7.20
To whom was Claim Application Submitted First Time?

To whom IFRT claims submitted	Claim submitted 1 st time? No. (%)	Claim submitted 2 nd time? No. (%)	Claim submitted 3 rd time? No. (%)	Row and Col (%)
Circle Office	57 (39.58)	2 (7.41)		59 (34.50)
NGO	26 (18.06)	17 (62.96)		43 (25.15)
Gram Panchayat	16 (11.11)	3 (11.11)		19 (11.11)
Forest Right Committee	14 (9.72)	3 (11.11)		17 (9.94)
District Welfare Office	13 (9.03)	00		13 (7.60)
Sub Division Office	5 (3.47)	2 (7.41)		7 (4.09)
Middlemen / Tout	5 (3.47)	00		5 (2.93)
Some Officer has come and Collected	4 (2.78)	00		4 (2.34)
Fellow villagers	4 (2.78)	00		4 (2.34)
Total	144 (100.0)	27 (100.0)		171 (100.00)

(N varies because of no response or missing figure)

Table 7.21
Who has come to verify your IFRT Claim?

Sl. No.	Response	No. (%)
1.	Amin/ Revenue functionaries	108 (72.48)
2.	Forest Right Committee / Gram Sabha members	17 (11.41)
3.	Forest Official	7 (4.69)
4.	NGO	5 (3.36)
5.	Some official has come /Circle Office	6 (4.03)
6.	Nobody	6 (4.03)
	Total	149 (100.00)

(N varies because of no response or missing figure)

WHETHER APPLICATION SUBMITTED FOR FRA CLAIM WAS ACKNOWLEDGED

Respondents were asked whether their applications for IFRT claim were acknowledged in writing. Data analysis shows that the large number of respondents (98.67%) said that their application was not acknowledged in writing. Only miniscule number of the respondents (1.33%) said that their application was acknowledged in writing (Table 7.22).

Table 7.22
Was your application acknowledged in writing each time?

Sl. No.	Response	No. (%)
1.	Yes	2 (1.33)
2.	No	148 (98.67)
	Total	150 (100.0)

WHETHER PROBLEMS FACED IN PRODUCING PROOF FOR CLAIMING THEIR IFRT

Respondents were asked whether they faced problems in producing proof to claim their IFRT. Data analysis shows that 30.0% respondents said that they faced problems whereas large number of them (70.0%) said that they did not face problem (Table 7.23).

Table 7.23**Did you face problem in producing proof for your claim?**

Sl. No.	Response	No. (%)
1.	Yes	45 (30.0)
2.	No	105 (70.0)
	Total	150 (100.00)

During household survey it was found that producing proof to claim IFRt was very difficult. It was all the more difficult for OTFDs. In order to find-out the nature of problems faced by respondents in producing proof to claim IFRt, they were asked to describe the nature of problems. Data analysis shows that most of the respondents (37.78%) said that they did not have complete information about FRA, 2006 and anybody has guided them; one-third of the respondents (33.33%) said that they went from village to district headquarter several times to meet the concerning officials/ amin but did not find them in the office. If they were available, they did not cooperate; little less than one-tenth of the respondents (8.89%) said that they did not have money to visit Circle Office, it was only when NGO came, they could get their task done. Similar number of respondents (8.89%) said that officials asked them to submit map along with other related documents. But they did not have those documents and also they did not know anything about satellite map. When forest officials visited their villages, they had an apprehension whether GPS will reflect their plots. A small number of the respondents (2.22%) said that they visited government offices several times but found no result then finally; they gave money to the middlemen to get their work done (Table 7.24).

WHEN WAS IFRt CLAIM VERIFIED?

Respondents were asked when their IFRt claim verified was. Data exhibited in table no. shows that the verification process started in 2008 and continued till 2018. Maximum number of claims (55.40%) was verified during 2015-2017. Around one-fifth of the

Table 7.24
If yes, please describe the nature of problems

Sl. No.	Response	No. (%)
1.	Lack of awareness/ information/ nobody to guide properly	17 (37.78)
2.	Visited several times from village to district headquarter to meet officials/ amin but they were not used to available. If available, they did not co-operate	15 (33.33)
3.	Did not have money to visit Circle Office. NGO has come and helped us	4 (8.89)
4.	We were asked to submit land map and other land related documents but we did not have that	4 (8.89)
5.	We did not know anything about satellite map and when officials visited us, we had apprehension whether GPS will reflect our plots	4 (8.89)
6.	After making several visits to the government offices nothing has happened then we gave money to middlemen to get our work	1 (2.22)
Total		45(100.00)

respondents (18.71%) said that their IFRT claim was verified during 2009-2011; 18.71% respondents said that their IFRT claim was verified during 2012-14; one-tenth of them (9.35%) said that their IFRT claim was verified during 2009-2011 and 7.91% respondents said that their claim was verified during 2008. 7.19% respondents said that they did not know when was their IFRT claim verified (Table 7.25). Thus, it can be stated that initially few claims were verified but gradually it started taking momentum. During 2015-2017 implementation of FRA, 2006 took place in mission mode.

RECOGNITION OF IFRT

Respondents were asked whether their IFRT claims were recognized. Data analysis shows that around three –fourth of the respondents (74.0%) said that their IFRT claims were recognized,

Table 7.25
When Was Your IFRT Claim Verified by the FRC? (Year)

Sl. No.	Year	No.
1.	Upto 2008	11 (7.91)
2.	2009-2011	13 (9.35)
3.	2012-2014	26 (18.71)
4.	2015-2017	77 (55.40)
5.	Till 2018	2 (1.44)
6.	Do not know (1)/ not aware of 9999	10 (7.19)
	Total	139 (100.0)

(N varies because of missing figure)

little more than one-fourth of the respondents (26%) said their IFRT claims were not recognized (Table 7.26).

Table 7.26
Has your IFRT claim been recognized?

Sl. No.	Response	No. (%)
1.	Yes	111 (74.0)
2.	No	39 (26.0)
	Total	150 (100.0)

SIZE OF FOREST LAND RECOGNIZED UNDER FRA, 2006

Respondents who said that their IFRT claim was recognized, they were further asked to describe the size of land recognized on their name. Data analysis shows that one-fourth of the respondents (24.77%) said that the size of land recognized on their name was in the range of 100-200 decimal, that is, 1-2 acre. One-fifth of the respondents (20.18%) said that the size of land recognized on their name was upto 20 decimals, another one-fifth of them (20.18%) said that the size of land recognized was in the range of 21-40 decimals; 15.60% respondents said that the size of land recognized on their name was in the range of 41-60 decimal; 8.26% respondents said that the size of land recognized was in the range of 61-80 decimal. 6.42% respondents said that they were

recognized land in the range of 200-300 decimal. 1.83% respondents said that the size of land recognized on their name was in the range of 61-80 decimal. 1.83% respondents said that the size of land recognized was in the range of 400-500 decimal, that is, 4-5 acre. A miniscule number of respondents (0.92%) said that they were recognized land in the range of 500-600 decimal, that is, in the range of 5-6 acres. It is important to mention here that Birhor tribe – PVTGs were given land of the size of upto the size of 20 decimal.

SIZE OF LAND CLAIMED

To find whether there was any difference in the size of land claimed and recognized. The respondents were asked to describe the size of land claimed by them. Data analysis shows that majority of the respondents (32.41%) claimed land in the range of 100-200 decimal, 28.70% of them claimed land in the range of 200-300 decimal; 21.30% respondents said that they claimed in the range of 80-100 decimal. 1.85% respondents said that they claimed land of the size of upto 20 decimal; 1.85% respondents said that they claimed land in the range of 41-60 decimal; 0.93% reported claim in the range of 61-80 decimal and 0.93% of them claimed land in the range of 300-400 decimal; 4.63% respondents claimed land in the range of 400-500 decimal; 3.70% respondents claimed land in the range of 500-600 decimals. 3.70% respondents claimed land in the range of 500-600 decimal. 3.70% respondents said that they did not know the size of forest land claimed.

Thus, it can be said that majority of the respondents (82.41%) claimed land in the range of 80-300 decimal. Only few respondents claimed land of the size of less than 80 decimal or more than 300 decimals. Smaller piece of land (less than 80 decimal and large size of land (more than 300 decimal) was claimed by only few respondents. The inference is that the claimants of forest rights were not large land owners (Table 7.27).

Table 7.27
How much forest land has been recognized under IFRT for your household? (in Decimal)

Sl. No.	Size of Land (in Decimal)	Land Recognised	Land Claimed
1.	Upto 20	22 (20.18)	2 (1.85)
2.	21 -40	22 (20.18)	--
3.	41 - 60	17 (15.60)	2 (1.85)
4.	61 - 80	9 (8.26)	1 (0.93)
5.	81-100	2 (1.83)	23 (21.30)
6.	100-200	27 (24.77)	35 (32.41)
7.	200-300	7 (6.42)	31(28.70)
8.	300-400	00	1 (0.93)
9.	400-500	2 (1.83)	5 (4.63)
10.	500-600	1 (0.92)	4 (3.70)
11.	Do not know, husband has made the claim 02	00	4 (3.70)
	Total	109 (99.99)	108 (100.00)

(1 acre=100 decimal)

Table 7.28
How much land was claimed by your household? (in acre)

Sl. No.	Size of Land (in Decimal)	No. (%)
1.	Upto 20	2 (1.85)
2.	41-60	2 (1.85)
3.	61-80	1 (0.93)
4.	81-100	23 (21.30)
5.	1-2 acre	35 (32.41)
6.	2-3 acre	31 (28.70)
7.	3-4 acre	1 (0.93)
8.	4-5 acre	5 (4.63)
9.	5-6 acre	4 (3.70)
10.	Do not know, husband has made the claim 02	4 (3.70)
	Total	108 (100.00)
	Grand Total	150

WAS LAND MEASURED AND SURVEYED BEFORE RECOGNITION?

Physical verification and measurement are important part in FRA, 2006. Revenue Department surveys to measure the land with chain to identify the nature of land. As per FRA, 2006 maximum limit of forest land recognized is four acre. During physical verification if a household has four acre of land and cultivating three acre of land then he would be granted only three acre of land.

Respondents were asked whether the forest land was measured and surveyed before recognizing on their name. Data analysis shows that majority of the respondents (86.49%) said that their land was measured and surveyed. 13.51% respondents said that their land was not measured and surveyed (Table 7.29).

Table 7.29
Was land measured and surveyed before allotment?

Sl. No.	Response	No.
1.	Yes	96 (86.49)
2.	No	15 (13.51)
	Total	111 (100.00)

(N varies because of no response or missing figure)

During field visit following issues were observed with regard to land records recognized under FRA, 2006:

1. In district Chatra village Karma, Mayurhand block, Birhors were recognized land under FRA, 2006. The ex pradhan (village head) has kept their land documents (Upa bandh) under his custody. He has told them that they might lose their land documents hence, let their documents be with him (the village head).
2. In Katua village, District Koderma village pradhan has taken NAREGA job card, bank pass book, land document from Birhors and kept in his custody. Birhors have informed that the NAREGA wages, other subsidies and pensions which are

transferred through DBT in their accounts part of the amount was taken by the village pradhan but they were unable question to him as they were illiterate and dependent on him for releasing of money to their account.

3. In Upa bandh, there was a column of land size which specifies size of land recognized to the claimant. In various villages it was found that most of the columns of the document were not filled up, figures mentioning size of land was cut and re written by the revenue functionaries. There was no counter sign by the authority after changing the figure of land size. Usually the re written size was lessor than the size written first time.
4. In Koderma district, village pradhan of Dhab village informed that the boundaries of the forest land recognized as forest dwellers were not shown in the map. It was difficult to find-out exact location of land. The land owner himself did not know till what point, he could cultivate the land marked to him.
5. Neither Revenue Department nor Forest Department was found maintaining the land record recognized under FRA, 2006 properly. Revenue Department maintained a copy of land records (Upa bandh) but did not maintain any register. Forest officials say they were not maintaining any map and record of the land recognized to forest dwellers under FRA, 2006. In fact, they termed forest dwellers as encroachers of land and wanted that the settlement of land to be stopped. They were of the view that their forest area was declining with coming of laws such as FRA 2006. In the absence of land records, serious problem might occur in future.
6. Since the land reconised under FRA 2006 was not a patta land hence, district administration was facing difficulties in implementing development programmes for the forest dwelling communities.
7. In Jamunia Tand nagar panchayat, block Domchanch, district Koderma Birhors were granted land but the land was been cultivated by some OBC household.

8. In Dhajva village in Dhab village panchayat, block Domchanch, Koderma district some of the households have been granted land but the beneficiary themselves did not know where their land parcel was located. Chohhadi is not shown in the map sketched by Amin. With the result, village pradhan says that she was unable to implement development programmes in her village panchayat.
9. Inability to produce caste certificate was one of the major reason for not being able to get forest land granted.

LEGAL STATUS OF LAND RECORD

Though land is recognized to an individual household but the ownership right (malikana haq) remains with the Forest Department. The land recognized under FRA, 2006 extends heritable right but not alienable. It cannot be transferred outside the lineage. It gives right to use. It does not give absolute ownership right. This land can not be mutated.

Once the claim is recognized under FRA, 2006 the land record of claimant is entered in Register Number 2. Register Number 2 contains information of the claimant, his/ her name, size of land recognized under FRA, 2006 and nature of land rights, etc.

Respondents whose IFRT claims have been recognized under FRA, 2006, they were asked to describe the nature of land document issued to them. Data analysis shows that out of 111 respondents whose claims were recognized, majority of them (91.89%) said that the name of the land record document was *Upa Bandh*-(3). This Upa bandh contains information of land owner on whose name land was recognized, spouse name, size of land recognized, village and district name, address of patta holder. Upa bandh is duly signed by the Divisional Forest Officer, District Magistrate and District Welfare Officer of the respective district. A map of land parcel is drawn and verified by Amin. A prototype of Upa bandh (land document) is enclosed at **Annexure “B”**.

Remaining 1.80% respondents say that they were provided the prescribed format as annexed in Gazetteer FRA, 2006. 6.31% respondents said that they did not know the nature/ name of the land document (Table 7.30).

Table 7.30
What is the nature of land records for the land recognized to you?

Sl. No.	Response	No. (%)
1.	Upa Bandh	102 (91.89)
2.	Do not know the nature of document	7 (6.31)
3.	Prescribed format as specified in FRA, 2006	2 (1.80)
	Total	111 (100.0)

WOMAN FILING CLAIMS FOR IFRTS

An attempt has been made to find- out whether women have filed claim for IFRts. It was found that 6.67% respondents said that women in their households filed claim for individual forest right. However, majority of the respondents (93.33%) said that women in their households did not file claims.

Table 7.31
Whether woman in your household filed claim for IFRts?

Sl. No.	Response	No. (%)
1.	Yes	10 (6.67)
2.	No	140 (93.33)
	Total	150 (100.0)

Respondents, who said that women's in their households claimed for IFRt, were asked whether their IFRt claim was recognized. Data analysis shows that all the respondents said that their claims were recognized. It is important to mention that women whose IFRt claims have been recognized were head of their households.

The respondents were further asked when did women in their households filed claims for individual forest right. It was found

that women in their households filed claims during 2013-2018, that is, after the amendment of FRA, 2006 rules (Table 7.31).

WHETHER ANY HOUSEHOLD MEMBER TAKEN LOAN

The respondents were asked whether any of their household members had taken loans. Out of total respondents 3.33% respondents said that their households members have taken loan 96.7% respondents said that loan was not taken. Respondents who said that loan was taken, they were asked the amount of loan taken. Data analysis shows that 40.0% respondents took loan of Rs. 4000/-, and three –fifth of them (60%) said that they have taken in the range of Rs. 15,000-20,000/-. The respondents were asked to explain the purpose of taking loan. It was found that most of the respondents (50.0%) took loan for medical reasons; one-fifth of them (25%) took loan for domestic purpose and the remaining one-fourth of them (25%) took loan for educational purpose.

CONCLUSIONS

Thus, based on the above analysis, it can be stated that

- A. There was a gap between the implementation process as mentioned in FRA rule and as practiced by the implementing agencies. The implementing agencies were grappling with several constraints such as lack of capacity building, inadequate logistic support, additional charges of various other departments, lack of manpower, lack of coordination and not acquainted with the tribal language, etc.
- B. Except few senior officials and FRC members, no other officials were given training on FRA, 2006. It was found as the weakest thread in the whole process of implementation of FRA.
- C. Forest Department uses satellite images as the only criteria to prove that the forest dwelling household was residing in the forest.

- D. The number of STs claim recognized were larger in number than the OTFDs claims. In case of STs' process of filing claim and recognition of claim was not difficult. In case of STs, it was easier to verify the forest right claim in comparison to OTFDs. The large number of STs claim were recognized than the OTFDs. But in case of OTFDs the process of claiming forest right was complex, difficult and time consuming. OTFDs who were larger in number in comparison to STs were facing problems in producing evidences of last three generations. Population of SCs and OBCs was quite high in Chatra and Koderma districts, their socio-economic condition was very poor even then they were deprived of taking the benefit of their forest right under FRA, 2006. A list of options to prove that the claimant of forest right was residing in forest is given in FRA rule. Some of these options were Voter ID; Ration Card; Passport; House Tax Receipt; Domicile Certificate; Gazetteer; Census; Survey and Settlement reports; RoR (patta or leases); Reports of Committees and Commission constituted by Govt.; Govt Order; Notification; Circulars; Resolutions; Physical attributes such as house huts and permanent improvement made to land including leveling, bunds, check dam; Research Studies; Documentation of Customs and Traditions; Maps; Concession from erstwhile princely states; Traditional structure such as well, sacred places; Genealogy treeing ancestor; Statement of elders other than claimants; Affidavit by a senior resident of the village. But none of these options were accepted by the Forest Department. Forest Department emphasis only satellite map as a proof. This condition has kept many OTFDs out of the purview and deprived them from their entitlements of forest rights. Inability of the OTFDs to deal with the implementing agencies has paved way for the emergence of political activists and the middlemen who often sabotage the programme.
- E. Both Revenue and Forest Department follow different parameters for for verification of forest right claim. Forest

Department uses satellite imagery maps as the only basis to prove the claim whereas Revenue Department uses cadastral map, use chain method for survey and verify from the neighbours also.

- F. There was lack of coordinator between various implementing agencies. DWO which is a nodal agency has a very little role / say in the implementation process. DWO hardly monitor the progress and update the achievement on the status of implementation of FRA, 2006.
- G. It was found that large number of the respondents said that they were aware of FRA, 2006 but sizeable number of them were not aware of FRA, 2006. Large numbers of respondents have heard about FRA, 2006 but they did not know the details of process, procedure and provisions of the Act.
- H. NGOs played a significant role in facilitating the forest dwelling communities, to claim their forest rights though some NGOs themselves were not aware of the procedure laid down in FRA rule. There was a need for the capacity building of these NGOs.
- I. Majority of the respondents said that the size of forest land recognized was less than the size of forest land claimed by them.
- J. The Forest Department was not maintaining and updating the land records recognized by the forest dwelling communities. This may cause serious implications for the forest dwelling communities in future and may invite litigation.
- K. Majority of the respondents, whose claim was rejected, say that their claim was not acknowledged in writing. None of the respondents whose claims were rejected filed for appeal.

REJECTION OF IFRT CLAIMS

National Committee Report (2010) on Forest Rights Act, 2006 found that there was widespread practice of rejecting claims without giving any reasons. Where claimants were informed, they were informed too late. Delay in communication denies him/ her chance to appeal. The Committee also found that in many areas SDLCs have rejected claims, though they were not empowered to do so. In a widespread violation of the FRA, rejections have taken place without giving applicants a reasonable opportunity to be heard. Rejection has also happened on illegitimate grounds or for reasons the claimants are not responsible for. For example, lack of caste certificate in some cases. Recently Hon'ble Supreme Court its verdict dated February, 2019 declared all rejected claims as encroachers and asked forest department to evict such forest dwellers from the forest. This was a gross violation of human rights and violation of deviation from the guidelines of FRA, 2006.

This section focuses on the extent of IFRT claims rejected, reasons for rejection, whether the households were informed about the rejection of their claims whether the household made appeal against rejection of their claims and if not, reasons.

REASONS FOR THE REJECTION OF IFRT CLAIMS

From Revenue officials perspective IFRT claims can be rejected on following grounds:

1. Claimant is already having some other source of livelihood
2. Gram sabha has not passed the resolution
3. Somebody has lodged a complaint against claimant
4. If claimants already has land at some other place

Claims can be rejected at following stages: i.) during physical verification; ii.) during documents verification; iii.) during land measurement.

If any of the above mentioned parameter is not followed then it becomes a ground for rejection. As mentioned earlier, 150 households were surveyed. Out of total households surveyed 26% IFRT claims were rejected and 74% IFRT claims were recognized. In this section, an attempt has been made to find out reasons for rejection of IFR claims from the claimants point of view (Table 8.1).

Table 8.1
Have your Individual Forest Rights claim been rejected?

Sl. No.	Response	N=150 (Col %)
1.	Yes	39 (26.0)
2.	No	111 (74.0)
	Total	150 (100.0)

AT WHAT LEVEL THE CLAIM WAS REJECTED?

Respondents who said that their IFRT claims were rejected, they were asked that at what level their claim was rejected. Data analysis shows that a large number of the respondents (68.0%) (constituting two-third of the total number) said that they did not know the level where their claims were rejected; one-fifth of the respondents (20.0%) said that their claims were rejected at Circle Office; and 8.0% of them said that their claims were rejected at district level committee level. Lastly 4.0% respondents said that their claims were rejected at divisional forest office level (Table 8.2).

Table 8.2
At what level the claim was rejected?

Sl. No.	Response	No. (%)
1.	Circle Office	5 (20.0)
2.	District Level Committee	2 (8.0)
3.	Divisional Forest Office	1 (4.0)
4.	Do not know	17 (68.0)
	Total	25 (100.0)

(N varies because of no response or missing figure)

REASONS FOR REJECTION OF CLAIM

Respondents were asked to explain the reasons for the rejection of their IFRT claims. Data analysis shows that majority of the respondents (56.0%) say that they were not told the reasons for the rejection of their claims; around one-fourth of the respondents (24.0) said that they did not try to find-out the reasons; 16.0% respondents said that the false promises were made to them whenever they tried to find-out the reasons whenever contacted officials said that scheduled tribes households would be considered first, after that other traditional forest dwellers would be allotted pattas. 4.0% respondents said that they were asked to submit a copy of satellite map which they were not able to collect (Table 8.3).

Table 8.3
What were the reasons for rejecting your claim?

Sl. No.	Reasons	No. (%)
1.	Reasons for rejection were not explained	14 (56.0)
2.	Did not try to find-out	6 (24.0)
3.	False promises were made. Officials said that first STs households will be considered after that others would be allotted pattas.	4 (16.0)
4.	We were asked to submit satellite map and we were not able to	1 (4.0)
		25 (100.0)

(N varies because of no response or missing figure)

WHETHER COMMUNICATED IN WRITING

Respondents whose IFRT claims were rejected, they were asked whether they were communicated in writing about rejection of their IFRT claim. Data analysis shows that none of the respondents were communicated in writing about the rejection of their claim.

WHETHER APPEAL MADE AGAINST REJECTION OF CLAIM

They were further asked whether they appealed for rejection of their claims. Notably, none of these respondents made appeal against rejection of their claims.

Table 8.4
If appeal was not made, reasons for that

Sl. No.	Response	No. (%)
1.	We were not aware that we can appeal	8 (26.67)
2.	We did not know the status whether our application was accepted, rejected or pending hence, we did not appeal	9 (30.0)
3.	We were not intimated in writing	6 (20.0)
4.	Did not know the procedure/ for making appeal	4 (13.33)
5.	Government officials were making false promises hence, we thought perhaps one day our claims would be recognized	2 (6.67)
6.	We presumed that the Forest Department will not give us patta so did not appeal	1 (3.33)
	Total	30 (100.00)

(N varies because of no response or missing figure)

Respondents who did not appeal against the rejection of their claims, they were further asked to explain the reasons for not making appeal, Data analysis shows that most of the respondents (30.0%) said that they did not know whether their application was accepted, pending or rejected so, they did not appeal. Little more than one-fourth of the respondents (26.67%) said that they did not know that there was a provision of appeal; two-fifth of the respondents (20.0%) said that they were not intimated in writing; 13.33% respondents said that they did not know the procedure of making appeal; and 6.67% respondents said that the government officials were making false promises hence, they thought, probably one day their claim would be recognized. 3.33%

respondents said that they presumed that the forest department will not recognize them land hence, they did not appeal (Table 8.4).

CONCLUSIONS

Households who were not recognized with forest land they were not able to get the benefits of several development schemes such as scholarship, Ujjalwala Yojana or PMAY.

STATUS OF IMPLEMENTATION OF COMMUNITY FOREST RIGHT

This chapter defines the definition of CFR, provisions of CFRs under FRA, 2006, status of recognition of CFRt and claim across districts in the state of Jharkhand. Forest officials' views on CFR and household data analysis on CFRt are discussed in the later part of the chapter.

I

Community forest rights (CFR) recognized under the FRA, 2006 is important for securing livelihoods of the forest communities and for strengthening local self governance of forest and natural resources. Forest-dwelling communities have traditionally accessed forests in various ways such as:

1. Day to day access, use, management, and/or protection, mostly in areas in proximity to the settlement.
2. Regular seasonal access, use and management, in areas further away, for example, for grazing, Non Timber Forest Produce collection.
3. Occasional access and use, in times of crisis, or for particular social occasions. In the case of nomadic or mobile communities, such as many pastoral herders, the first two kinds of access merge or overlap.

The FRA, 2006 provides for various kinds of rights for different situations.

II

PROVISIONS ON CFRS UNDER FRA, 2006

The FRA, 2006 provides for the following kinds of Community Forest Rights (CFRt), in

Section 3(1):

CFR includes right to title:

(a) community rights such as nistar, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes; (b) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries; (c) other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities; (d) rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities; (e) rights in or over disputed lands under any nomenclature in any State where claims are disputed; (f) rights of settlement and conversion of all forest villages, old habitation, un surveyed villages and other villages in forests, whether recorded, notified or not into revenue villages; (g.) right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use; and gives authority to the Gram Sabha to adapt local traditional practices. (h) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of the concerned tribes of any State; (i) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity; (j) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal; (k) right to in situ rehabilitation including alternative land in cases where the Scheduled Tribes and Other Traditional Forest Dwellers

have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.

In fact though the FRA, 2006 has often been seen as an Act to provide for land titles, the CFRt provisions are far more numerous, and it can be argued, much more important from the point of view of the collective access over forest resources, community living, and the ability and power to conserve forests.

Amongst the CFRt given in Section 3(1), one is with regard to Community Forest Resource (CFRe), which is defined in Section 2(a)1(a) or section 2(a) as “customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access”. Given the fact that it provides for overall management and protection rights to forest areas, with implications for governance of forests, CFRt refers to all rights including CFRe; where relevant, CFRe have been referred to explicitly.

It is important to note that the FRA, 2006 suo moto *recognizes* these rights under Section 4(1), and only lays down a procedure so that the rights can be vested and recorded. Additionally, CFRt need to be viewed in the context of the empowerment and duties of Gram Sabhas and forest-rights holders that are envisaged in Section 5, which states:

“The holders of any forest right, Gram Sabha and village level institutions in areas where there are holders of any forest right under this Act are empowered to-
(a) protect the wild life, forest and biodiversity; (b) ensure that adjoining catchments area, water sources and other ecological sensitive areas are adequately protected; (c)

ensure that the habitat of forest dwelling Scheduled tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage; (d) ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with.”

Till 2012, right to community forest resources was a part of the community rights which is claimed under the Form 'B' under Section 3 (1) (i) of FRA, 2006. But in 2012, Ministry of Tribal Affairs came out with fresh guideline on the procedural of delineation and recognition of CFR which explicitly claimed under the Form 'C'. As per amendment rules, under the Section 11 (1) (b), Gram sabha shall fix a date for initiating the process of determination of its community forest resources and under Section 12 (B) (3), the District Level Committee shall ensure that the forest rights under clause (i) of sub section (1) of Section 3 are recognized in all villages with forest dweller and the titles are issued.

The National Committee Report (2010) on Forest Rights Act, 2006 was of the view that the right given under Section 3(1)(i) to “protect, regenerate or conserve or manage” a community forest resource (CFRe) should extend to the entire area falling within the CFRe (as defined in Section 2(a) that are in the day-to-day regular use or management or protection of the community, once the right is claimed. The Committee felt that this should be clarified by MoTA to states, or an amendment to Section 3(1) (i) should be carried out to make it clear. Additionally, even in other areas to which any kind of rights are granted, the relevant Gram Sabha needs to be empowered to carry out the functions envisaged under Section 5.

III

CFRt is an important entitlement under FRA, 2006. To understand the implementation process of CFRt in Jharkhand forest officials understanding about CFRt were interviewed and households' survey of forest dwelling communities was made and their experiences were documented.

COMMUNITY FOREST RIGHTS: FOREST OFFICIALS' PERSPECTIVE

Following issues with regard to community forest rights have emerged out of the discussions held with the forest officials in Chatra and Koderma districts:

1. Forest officials feel that the forest dwelling communities have already been given traditional rights on minor forest resource, grazing (and fuel wood collection did. They collect MFPs, fuel wood and use grazing land. The livelihood needs of the communities were completely met from the forest. Their customary rights are already specified in 7/12 register. Hence, there does not seem to be any need for recognizing CFRt under FRA, 2006.
2. As per FRA, 2006 CFRMC is to be constituted in villages in forest area but Forest Department continues to make Van Samities and Joint Forest Management Committees. Around 246 Van Samities were found existing in Koderma district alone.
3. Joint Forest Management Committee has been constituted in almost each village in protected forest. All development works is done through JFMC. Women are not nominated as President of JFMC.
4. Forest officials were of the view that the nomadic/ pastoral communities have already been having access to forest land. Hence, there is no need to translate those rights legally. Forest officials were found quite reluctant for recognition of CFRt under FRA, 2006.

5. Community is involved in CAFA as wage labourers and not as stakeholders.
6. Gram sabha is debarred from participating in the implementation process of CAFA. Forest dwelling community members are hired as wage labourers in planting trees. Their labour is hired ignoring their traditional knowledge. They have no role in forest management.
7. Forest officials were of the view that MGNREGA work is going-on in forest land. FD involves forest dwelling community in plantation work also, in entry point activities such as infrastructure related work, in making drinking water points, etc.
8. Forest officials were of the view that Working Plan is prepared keeping in view of the bona fide needs of the community. Hence, there seems to be no need of recognizing CFRt of the forest dwelling communities.
9. It is difficult to recognize CFRt in protected areas. For example, elephant corridor in Chandil forest division, Sarai Kela district. Similarly there was national wildlife sanctuary in Koderma also.

Similar notions are mentioned in National Committee Report (2010) on Forest Rights Act, 2006 while describing the case of Madhya Pradesh where forest officials said that with Joint Forest Management, Minor Forest Produce federations and legally recognized nistaar rights, the livelihood needs of the communities were completely met, so where was the need for them to apply for CFRt.

IV

STATUS OF RECOGNITION OF COMMUNITY FOREST RIGHTS UNDER FRA, 2006

This section deals with the status of CFRt recognized under FRA, 2006 till November, 2018. Welfare Department, Government of Jharkhand maintains and update the number of CFRts recognized across districts in Jharkhand. Placed below is a table exhibiting the

status of CFRts recognized in the state of Jharkhand. Table 9.1 shows district wise CFRt claims filed at gram sabha level, claims recommended by the gram sabha to Sub Divisional Level Committee, claims recommended by SDLC to District Level Committee and CFRt claims approved for title. As mentioned there have been 24 districts in Jharkhand. Districts wise progress of CFRt claims recognised till November, 2018 is mentioned below:

Table 9.1
District wise Status of recognition of CFRt under FRA, 2006

Sl. No.	District	Claims filed at Gram Sabha Level	Claims Recommended by Gram Sabha to SDLC	Claims Recommended by SDLC to DLC	Claims Approved by DLC for title
	1	2	3	4	5
1.	Garhwa	981	981	981	981
2.	Chatra	110	23	23	23
3.	Kodarma	109	13	13	13
4.	Giridih	51	7	7	7
5.	Deoghar	23	7	2	2
6.	Godda	246	246	246	246
7.	Sahibganj	B2	120	120	120
8.	Pakur	0	0	0	0
9.	Dhanbad	973	324	87	87
10.	Bokaro	113	94	3	3
11.	Lohardaga	103	36	36	36
12.	East Singhbhum	5	5	5	5
13.	Palamu	30	11	11	11
14.	Latehar	20	10	10	10
15.	Hazaribagh	380	334	334	334
16.	Ramgarh	63	63	0	0
17.	Dumka	71	7	7	6
18.	Jamtara	3	3	3	3
19.	Ranchi	30	30	30	23
20.	Khunti	82	65	65	65
21.	Gumla	18	18	18	12
22.	Simdega	29	26	26	26
23.	West Singhbhum	132	88	88	88
24.	Saraikela-Kharsawan	20	20	20	20

Source: Welfare Department, Government of Jharkhand, November, 2018

Data given in **table no 9.2** has been analysed and district wise status of CFRt is classified in following way:

1.) DISTRICTS WHERE ALL THE CFRTS FILED WERE RECOGNIZED

In 20 out of 24 districts in Jharkhand, the number of CFRt claims recommended by Gram Sabha was recognized by SDLC and DLC as it is. In other words, there was no variation in the number of CFRts claims recommended by gram sabha and number of CFRt approved by SDLC and DLC. In the remaining four districts namely 1. Bokaro 2. Deoghar, 3. Dhanbad, and 4. Ramgarh variation was found in the number of CFRts claims recommended by gram sabha and SDLC. In other words, all the CFRts claims recommended by gram sabhas were not recognized by DLC.

2.) DISTRICTS WHERE MAXIMUM AND MINIMUM NUMBER OF CFRTS CLAIMS WERE SUBMITTED

Maximum numbers of CFRt claims were submitted in Garhwa in Palamu division, Dhanbad (in Chota Nagpur division), and Hazaribagh district in Chota Nagpur division. And lesser numbers of CFRt claims were submitted in Jamtara (in Santhal Pargana division) and East Singhbhum district in Kolhan division.

3.) DISTRICTS WHERE CFRt CLAIM NOT FILED

No CFRt claim was filed in Pakur district which comes in **Santhal Pargana** division.

4.) DISTRICTS WHERE ALL CFRt CLAIMS WERE RECOGNISED

In Garhwa (N=981) in Palamu division, Godda (N=246) in Santhal Pargana division and Jamtar (N=3) in Jamtara in Santhal Pargana division number of CFRt claims were recognised as it is.

5.) DISTRICTS WHERE VARIATION WAS FOUND BETWEEN NUMBER OF CFRts FILED AND RECOGNIZED

- In Dhanbad district 973 CFRt claims were filed at gram sabha level and only 87 CFRts claims (constituting 8.94% of the total CFRts) were recognized at the DLC level.
- In Hazaribagh district 380 CFRt claims were made and 334 CFRt claims (constituting -87.89% of the total claims) were recognized by the DLC.

STATUS OF IMPLEMENTATION OF FRA, 2006 IN CHATRA AND KODARMA DISTRICTS

1.) Chatra District

As far as status of CFRt in Chatra district was concerned, **110** CFRt claims were filed at gram sabha level. Out of which 23 CFRt claims (constituting 20.91% of the total claims) were recognized by SDLC and DLC level.

2.) Koderma District

In Koderma district 109 CFRt claims were filed at gram sabha level. Gram sabha has recommended only 13 (constituting 11.93% of the total), that is, one-tenth of the total CFRt claims and all the 13 CFRt claims were recommended by SDLC and recognized by DLC.

It is to be noted that there was not much difference in the number of CFRt claims filed in Chatra and Koderma districts. 110 CFRt claims in Chatra district and 109 CFRt claims were filed in Koderma district. But there was a significant variation in the number of CFRt claims recognized in these two districts. 20.91% of the total CFRt claims were recognised in Chatra district and 11.93% of the total CFRt claims were recognised in Koderma district.

ANALYSIS OF HOUSEHOLD DATA

To understand the status and process of implementation of CFRt under FRA, 2006 respondents were asked whether their gram sabha has filed claim for Community Forest Rights, if so whether the village community granted right to use and access of grass, fodder and fuel wood. If not, how did villagers manage fodder, fuel wood, grass and other such forest resources? An attempt has also been made to find out the sources of drinking water.

The respondents were asked whether their gram sabha claimed for community forest right. Data analysis shows that 5.67% respondents said that their gram sabha claimed for community forest right 6.38% of them said that their gram sabha did not claim. Large number of respondents (87.94%) said that they were not aware of whether their gram sabha has claimed for CFRts (Table 9.2).

Table 9.2
Has your gram sabha submitted claim for Community Forest Right?

Sl. No.	Response	No. (%)
1.	Yes	8 (5.67)
2.	No	9 (6.38)
3.	Not aware of	124 (87.94)
	Total	141 (99.99)

SOURCE OF DRINKING WATER

The respondents were asked what have been the sources of drinking water for them. Most of the respondents (63.72%-constituting almost two-third of them) said that they used hand pump installed by the government, 30.23% respondents said that they used well; 2.79 % of them said that they use private hand

pump and similar number of respondents (2.79%) said that they requested to the local institutions such as school factory and people to provide water to them. A miniscule number of the respondents (0.46%) said that they used river water for drinking purpose (Table 9.3).

Table 9.3
What is the source of drinking water? (Multiple Response)

Sl. No.	Response	No. (%)
1.	Government Hand pump	137 (63.72)
2.	Well	65 (30.23)
3.	Private Hand pump	6 (2.79)
4.	Request local people to provide us water	6 (2.79)
5.	River	1 (0.46)
	Total	215

NOTES

1. A Joint Committee of MoEF and MoTAs, GoI was constituted to review the status of FRA, 2006. It has come out with its report in December, 2010.

REFERENCES

1. National Committee 2010 on Forest Rights Act, 2006.

ACCESSIBILITY OF MINOR FOREST PRODUCE TO FOREST DWELLING COMMUNITIES

This chapter deals with the significance of minor forest produces for the livelihood of the forest dwelling communities, types of MFPs available in the state of Jharkhand, findings of the Sub Committees set up to review 'Minor Forest Produce' and the 'Minimum Support Price' on MFPs in the fifth schedule areas, household data analysis on various aspects of MFPs, impact of FRA, 2006 on the accessibility of MFPs and on the status of households economy, implementation of CAFA, 2016 and its impact on community and behavior of the officials of Forest Department towards the forest dwelling communities.

The total population of Jharkhand was 3,29,88,134 out of which 27.67% were STs and 11.85% were SCs population (**Census 2011**). Out of total geographical area around 29% of the area in Jharkhand was under forest cover as against 23% in India as a whole. Jharkhand accounts for 3.4% of the total forest cover of the country and ranks 10th among all states. Forests have contributed about 1.3% of the State's GSDP in 2005-06 which is less than half of what used to be in 2001-02. Jharkhand's poverty ratio was 44% as against the national average of 26% in 2000 (<http://jhamfcofed.com/frst/index.htm> accessed on 6 August, 2019).

I

A large number of populations in the State of Jharkhand are dependent on forest or on by trade based on forest produce for their livelihood (Draft Working Plan, Koderma Forest Division p.97). They are either marginal farmers or landless people. In some villages community has customary rights on forest resources and in some villages Forest Department extends rights and concessions to the community (Draft Working Plan Koderma

Forest Division). The MFP has significant social and economic value for tribal and other forest dependent communities as MFP provide not only essential traditional food, medicines and other consumption items to them but also cash income in the household economy. In India, many states such as Gujarat, Maharashtra and Rajasthan have given freedom to the tribals for collection of the minor forest produce. In states like Tamil Nadu, collection of Minor Forest Produce is leased-out to Scheduled Caste and Scheduled Tribes Cooperative Societies such as Large Sized Multi Purpose Cooperative Societies at a concessional rate of 10% less than the price fixed under the Tamil Nadu Forest Department Code. Kerala has also given right to collect Minor Forest Produce at concessional rates. The former Ramgarh reserves are completely rights-free, as against all the other protected forests which are heavily right-burdened the rights and concessions as recorded in khatians part-II are being allowed freely, quite often people have rights in the forests of other villages also. Forest Department feels that since the time rights were allowed and admitted in khatians part-II the number of right-holders has increased and add that with all such provisions density of the forest have considerably decreased. The demands of the individual right holders have increased. Forest dwellers are already given traditional rights on forest resources. They collect leaves, fuel wood and mahua seeds, etc.

As per FRA, 2006 “MFP” includes all non timber produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, medicinal plants and herbs, lac, tendu or kendu leaves, roots, tuber and the like. The forest produce can be classified into two categories. 1. Major forest produce and 2. Minor forest produce. The Major Forest Produce comprises Pulpwood, Sandalwood and Social Forestry that includes fuel and timber. The Minor Forest Produce includes the items such as tamarind, curry leaf, tendu leave, gallnut, cane, soap nut, tree moss and now bamboo also. 75% of MFP comes from 6 States viz. 1. Madhya Pradesh, 2. Chhattisgarh, 3. Andhra Pradesh, 4. Orissa, 5. Jharkhand and 6. Maharashtra (Haque 2011).

II

Earlier the tribals living in areas come under Panchayat Extension to Scheduled Areas (PESA) Act, 1996 were allowed to use their customary right over the minor forest produce. The national level legislation named as Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has brought a sea change and extended access and user rights over minor forest produce to the millions of people living in and around forest. With that the forest dwellers communities can now collect, process and market the MFPs. The purpose was to enable the forest dependent communities to improve their economy to have sustainable livelihood and eradicate extreme poverty and mal nourishment.

Two ministries are directly related to the Minor Forest Produce viz. Ministry of Panchayat Raj and Ministry of Environment and Forests. Ministry of Panchayati Raj had constituted a Sub-committee in 2006 on 'Minor Forest Produce' in PESA chaired by Shri A.K. Sharma. The report and recommendations of this Committee were forwarded to the PESA States. Ministry of Panchayati Raj has requested the Ministry of Environment and Forest to take necessary steps for operationlising the relevant recommendations of the MFP (Sharma 2006).

In Jharkhand state shrubs, grasses and the important tree such as Sal, Asan, Panjan, Kendu, Sali, Mahua, Piyaar, Sidha, Amla, Jamun, Bauhinia, Kham, Palas, Ber are in abundance particularly in Chotanagpur plateau. Villagers pick up Ber, Imli, Kaithi (Kandmool), Kendu, Khajur, Mahua, Mango, Jackfruit, Karuj (neem) Kathal and Kannot for consumption purpose. If there is surplus, they sell it in the local hatt. Villagers collect Kendu leaves for the contractor. Kannot is sweet in taste. Imli and Kaithi (Kandmool) is boiled and then eaten by the community. Lah used to fetch good market price but with the dwindling of the Lac trade, the forest dwelling community has taken to other sources of

livelihood such as stone sizing and *dhibra* (mica residues) collection. It is important to mention that due to the enforcement of Forest Conservation Act, 1980, mining is declared illegal in Jharkhand. It is allowed only on special circumstances. The subsidiary forest based activities in which the forest dependent communities are engaged in shellac manufacture, weaving, basket making, bidi making, charcoal manufacturing and stone crushing.

III

Forest dwelling communities find non-timber forest produce (NTFP) economically beneficial as this is the main source of livelihood for them. Following minor forest produce is being accessed by the forest dependent communities and they have been given right on them in the state of Jharkhand.

1. BAMBOO

Bamboo is considered as the poor man's timber. This is used for a variety of purposes, including house construction. Bamboo was recognized as a minor forest produce in the (Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The Act gives communities rights to collect, use and sells bamboo as a minor forest produce. They are used for making mats, baskets and many other articles used in day today life. The people belonging to “Turi” tribe are use bamboo for making baskets, mats and other thing. The newly grown bamboo called “Karil” is used by the local people as food supplement to make local dishes and pickles from it. Bamboo awareness campaign and its selling rights are being organized by the Forest Department two to three times in a year.

2. GRASSES

There are huge requirements of thatching grasses in a tract as lots of the natives of forest areas are residing in thatched houses. As the houses are to be thatched annually, the locals are collecting the

required quantity of the grass from the forest areas free of cost; Grasses are also required for animal fodder.

3. FUELWOOD

Fuel wood is the utmost requirement of the forest dwelling communities. Forest is the only source from where they collect fuel wood. Forest Department feels that if the firewood is collected from lops and drought tree, it will help the forest by reducing the fire hazard by removing the combustible materials. But it is not happening in such manner therefore, it causes pressure on forest. Charcoal burning and its trade are not met within the area of Chota Nagpur plateau. In many villages forest dwelling communities in Jharkhand, neither have LPG agency nor do they have the purchasing power.

In the past, not only rural but even the urban population was dependent on forests to meet their primary requirements of timber for the construction purposes and firewood for cooking purposes. But at present, as the forests are not capable of supplying these produces in sufficient quantity, they have turned to be scarce and costly. As firewood turned to be an unavailable item in urban areas, the people began to use kerosene oil and LPG gas for household cooking. But the situation has not changed much in the remote villages and the forest dwelling communities still depend fully on forests for their sustenance. They use forest land as grazing ground for their cattle.

4. KENDULEAVES

Kendu leaves are the most important MFP of the State. Jharkhand contributes six percent in total national production of Kendu Leave. The leaves are obtained from Kendu tree. Collection of Kendu leaves and other minor forest produce like Sal seed is done by the Jharkhand Forest Development Corporation. In Jharkhand Kendu Leaves are nationalized and its collection and trade is done

under the provisions of Bihar Kendu Leaves (Regulation of Trade) Act, 1973. Kendu leaf is considered as most suitable wrapper on account of the ease with which it can be rolled and its wide availability. The procedure for collection and processing of Kendu leaves has almost been standardized and almost same procedure is used everywhere. The leaves are collected in bundles of 50 leaves termed “*Pola*” which are dried in sunlight for about a week. One thousand poles of Kendu leaves make one standard bag. The dried leaves are sprinkled with water to soften them and then filled tightly in jute bags, thus packed and cured bags can be stored till their use in Bidi manufacturing unit. Great care is taken while plucking, curing and storage of Kendu leaves. It is a sensitive produce and with the slightest mistakes or oversight during any of these processes, its quality deteriorates rendering them unfit for making bidis. A person earns Rs. 100/- for 1000 Kendu Leaves. Kendu Leave collections work goes on for 15-20 days in a year. 100 leaves are being sold @ 10/- to 12/-. A household earns Rs. 2000/- out of tendu leaves collection.

Process of collection and sale of Kendu Leaves in Jharkhand is as follows:

- A. Every year collection price for Kendu Leaves is fixed by the State Government after taking the recommendations from each Divisional Commissioner.
- B. Advance sale of Kendu Leaves lots are done by inviting tender by Jharkhand State Forest Development Corporation (JSFDC).
- C. Green leaves are purchased by the JSFDC from primary collectors and then it is handed over to the contractor for curing bagging and storage who after paying the price as per contract takes the delivery of the leaves.

Forest department has constituted collector's groups. Leaves are being collected at the village level. Kendu leaves are being sold through the Jharkhand State Forest Development

Corporation (Draft Working Plan Koderma Forest Division p. 279).

5. MAHUASEEDS

Mahua seeds are the second most important MFP which is found in plenty not only on forest land but also on private and other non forest government lands. Mahua seeds have multiple uses and thus fetch a good price. Mahua fruit is creamy in colour and edible which are either eaten as raw or cooked. Edible oil is being made from Mahua seeds. At some places, Forest Department has constituted committees and the Committee members extract oil. The seed of Mahua is rich in oil content. Oil is extracted by local people for their domestic consumption as well as sale. The Mahus (or mahua) cake which is product of Mahua seed after extraction of oil has got high nutritive value and it is being exported to foreign countries as cattle feed especially European countries. These seeds were nationalized but again denationalized because the Jharkhand State Forest Development Corporation (JSFDC) was unable to arrange the collection and storage of Mahus seeds.

Mahua oil is sold on an average @ 100/- per litre. Mahua oil helps in controlling cholesterol and Blood Pressure. Forest Department is planning to arrange and allot machine village wise to extract oil out of Mahua seeds. Mahua is sold @ 12/- or 15/- per kilo. Collection and sale of Mahua seeds can become an important source of income for villagers if Community Forest Right Management Committee (CFRMC) is constituted and managed that.

6. HARRANUTS

There are many trees in different forests. These nuts were nationalized but again denationalized because the Jharkhand State Forest Development Corporation (JSFDC) was not able to manage the collection and storage of *Harra* Nuts. Collection and

sale of *Harra* Nuts can become an important source of income for villagers if managed properly and this can be possible if CFRMC is constituted and assigned the task of managing it. In the absence of storage and marketing support, *Harra & Behera* fruits are collected by the forest dwelling community and sold in *hatt*- the local market on a very nominal rate.

7. MAHULAN LEAVES

Mahulan leaves are the leaves of a climber *Bauhinea Wahlii*. The leaves of this plant are available in plenty in the forest area. These leaves are used in making of leaf plate and are in great demand particularly in South India. Forest dwelling communities collect leave of Sakhu tree also and make dishes. It is sold @ 20/-. Sakhu fruits are also sold. It is used for making soaps. Purva leaves are also used for making plates/ dishes.

8. MAHUA FLOWERS

The Mahua trees are found in abundance in Chaibasa area in West Singhbhum district and Satgava block in Koderma district of Jharkhand. Mahua flowers are also available in plenty. Mahua flowers are rich source of food for forest dwelling communities, which contain sugar, vitamin and calcium. Mahua spirit is prepared by mahua flower. Mahua is produced plenty in Satgava block in Koderma district also. Due to lack of storage facilities forest dwelling communities find it difficult to store the flowers. Proper management and systematic collection, storage and sale can fetch lot of money to the forest dwelling communities. Forest Department is planning to install oil extracting machine so that its commercial value could be tapped.

9. PIAR (PIYAR) SEEDS

There are large number of Piar trees in the forest of Jharkhand. At present, there is neither systematic collection of Piyar seeds nor

there is any estimation of its production. If collection and sale of Piyar seeds is done in an organized and systematic manner, it can be an important source of revenue. If CFRMC constituted and mobilized it can play an important role in the management of piar trees, its production and sale.

10. *BAHERA* FRUITS

Similar to various above mentioned MFPs, harvesting of Bahera fruits are not well managed in Jharkhand. Villagers pluck the *Bahera* fruits and sell it to middlemen in the local *hatt*. Since they sell it to the middlemen hence, they do not get good price. It requires a proper marketing channel so that forest dwelling communities can fetch a good price.

11. FRUITS

Apart from the above mentioned trees, various fruit trees like Mango, **Jamun** and Jackfruit are available in the forest of Jharkhand. Villagers use them as food supplements and if production is good these are sold in local market.

12. CHIROUNGI

Koderma forest division has very good production of Chiroungi. Forest Department has formed a co-operative society and it has been provided Chiroungi processing machine so that the society could fetch good market price.

13. CHIROTASEEDS

Chirota is found in large number both on forest land as well as on revenue lands. At present no collection of Chirota seeds is done but Department and forest dwelling communities are of the view that there is a good scope of developing it as a small scale industry.

14. TUSSAR

Tasar plantation is done extensively in Dumka and Khunti districts. Tussar processing factory was established in Gumla district where Tussar silk sarees are being manufactured. Central Tasar Research and Training Institute was established under Central Silk Board, Ministry of Textiles, Govt of India, Ranchi.

15. HONEY

In Jharkhand no systematic collection of honey is done. It is done in a traditional way which is not hygienic and scientific. Though there is a possibility of introducing the improved technique of collection and Forest Development Corporation can provide market linkages to the forest dwelling communities. This will improve and increase their household income. Forest Department has done branding of honey and constituted cooperative societies and provided honey processing machines to the forest dwelling communities who were engaged in bee keeping. Dabur and Patanjali are procuring good quantity of honey in several other states. Jharkhand can also establish such unit on public private partnership basis.

16. MEDICINAL PLANTS

Various medicinal species like *Chiratia*, *Dudhilat*, *Harre* and *Bahera* are available in the forest of Jharkhand. These medicinal species are in high demand for making Ayurvedic medicine. Nomadic communities use these medicinal and herbal plants in making local medicines. PVTGs and nomads have a very good knowledge of these medicinal plants. Forest dwelling communities have told that Indrafal and Mandua are good for diabetic patient. Mahua has anti biotic qualities. If Mandua in flower seed is cooked in a mud pot then it develops anti biotic values. Mandua crop gets ripen in short span of time. Ripening of

Mandua crop takes 70-80 days. Neem trees are also in abundance. Oil is extracted from leaves of neem (Krunch) tree and soap is made out of these leaves in the factories.

In the absence of organized efforts, forest dwelling communities face problems in collection of the medicinal plants. Besides Ber, Kusum, Palash and Lah are also produced in plenty but local community is no longer interested in that as the demand for them has declined drastically. There is a research centre on Palash in Nagpur. Massive lah is produced in Khunti, Simdega and Nakud. People are very poor in this region.

17. KATTHA(CATECHU)

Kattha used to be cultivated in abundance in Palamu district. Gestation period of Kattha tree is 20 years. It has a big commercial value. Palamu has dense forest. But due to naxalism, Kattha cultivation has been banned now.

NEED FOR PROMOTION OF AGRO BASED INDUSTRY

It is important to note that though there is a wide range of MFP available in the forest of Jharkhand yet there is no agro based forest industry established here. There is a need to promote agro based industries in Jharkhand. This can generate employment for the forest dwelling communities. At some places, stone crusher units which are mostly dependent on supply of stones from outside the forest area can be seen.

PROPER TIME OF COLLECTION OF NON TIMBER FOREST PRODUCE

The proper time of collection of various minor forest produce is shown in the following table no. 10.1:

Table 10.1
Time of Collection of NTFP

Sl. No.	Minor Forest Produce	Month
1.	Gum	Feb. March
2.	Palas	Feb. March
3.	Mahua	March-April
4.	Piyar	March-April
5.	Kendu Leaves	April-May
6.	Bachera	April- May
7.	Bhelwa	April-May
8.	Sal Seeds	June-July
9.	Sitaphal	Sept-Dec.
10.	Mahulan Leaves	Nov. Jan.
11.	<i>Harra</i>	Nov. Dec.
12.	<i>Bel</i>	Nov.-Dec.
13.	Awla	Dec. Jan.

IV

HOUSEHOLD DATA ANALYSIS

In this section, an attempt has been made to find-out the MFP traditionally accessed by the forest dwelling communities in the sample districts, whether they sell the surplus MFPs if so, to whom did they sell, whether Minimum Support Price enforced on MFPs and whether any transport facility was provided to carry MFP, etc. It was also tried to find-out whether there was any increase in the production/ scale of MFP, and whether there was an impact on the household economy after the implementation of FRA, 2006.

i) MFPS TRADITIONALLY ACCESSED BY THE HOUSEHOLD

The respondents were asked to specify the name of MFPs traditionally accessed by their households. Respondents have

given multiple responses. Data analysis shows that the majority of the respondents (38.96%- constituting almost two-fifth of the total) said that they were having access to Mahua; 30.67% respondents said that their households had access to tendu leaves; little more than one-tenth of the respondents (11.04%) said that they have access to medicinal plants, 4.91% respondents said that they had access to twigs locally termed as datun in Hindi vernacular, 4.60% respondents said that they had access to roots and similar number of respondents (4.60%) said that they had access to soap nut locally termed as *Reetha*. 2.15% respondents said that they had access to bamboo. Similar number of respondents (2.15%) said that they had access to Kori. Miniscule number of respondents (0.31% each) said that they had access to lah, honey and grass from which they make rope (Table 10.2).

Table 10.2
Minor Forest Produce Traditionally Accessed from the Forest? (Multiple Response)

Response	Mahua	Tendu	Medicinal Plants	Datun	Roots	Reetha	Bamboo	Kori	Lah	Honey	Rope	No. (Row %)
Yes	127 (38.96)	100 (30.67)	36 (11.04)	16 (4.91)	15 (4.60)	15 (4.60)	07 (2.15)	07 (2.15)	01 (0.31)	01 (0.31)	01 (0.31)	326 (100.01)

ii) MARKETING CHANNELS OF MFPS

The different marketable forest produces are logs, poles, firewood, kendu leaves, Sal seeds, silk cocoons, lah, mahua (flower & seed), tussar and Bauhinea leaves, etc.

There are three types of marketing channels to sell forest produce in Jharkhand:

1. The forests produce are transported to the depots where it is auctioned by the Jharkhand State Forest Development Corporation (JSFDC).

2. Minor forest produce like Kendu Leaves are collected and disposed by the Jharkhand State Forest Development Corporation.
3. The minor forests produce which are not purchased by the Jharkhand State Forest Development Corporation is sold by local people in local *hatt*.

ANALYSIS OF HOUSEHOLD DATA

During household survey respondents were asked whether they sell MFPs. Most of the respondents (79.33%) said that they sell MFPs and remaining one-fifth of them (20.67%) said that they did not (Table 10.3).

Table 10.3
Do you sale surplus minor forest produce?

Sl. No.	Response	No. (%)
1.	Yes	119 (79.33)
2.	No	31 (20.67)
	Total	150 (100.0)

Respondents who said that they sell minor forest produce 38.28% respondents said that they sale Mahua, , 31.64% of them said that they sell tendu leaves, 8.59% of them said that they sell datum (twigs), 7.81% of them said that they sell medicinal plants, and 5.47% of them said that they sell Kori. Few of respondents said that they sell roots (3.13%) bamboo (2.34%), leaves (1.56%), soap nut (Reetha) (0.78%) and fuel wood (0.39%) (Table 10.4).

Table 10.4:
If yes, which are the MFPs you sale? If yes, what specific minor forest produces are being sold? (Multiple Response)

	Mahua	Tendu	Medicinal Plants	Datum Rassi	Kori	Roots	Bamboo	Leave	Reetha	Fuel wood	No. (Rows %)
Yes	98 (38.28)	81 (31.64)	20 (7.81)	22 (8.59)	14 (5.47)	08 (3.13)	06 (2.34)	4 (1.56)	02 (0.78)	1 (0.39)	256 (99.99)

iii) TO WHOM MFPS ARE BEING SOLD

Respondents were further asked to whom did they sell MFPs. Data analysis shows that majority of the respondents (46.82%) said that they sell MFP to middlemen, around one-third of them (32.37%) said that they themselves go to *hatt* (local market) to sell it. Remaining one-fifth of the respondents (20.81%) said that they sell MFPs to local traders (Table 10.5).

Table 10.5
To whom did you sell your MFPs? (Multiple Response)

Sl. No.	Response	N =119 (Col %)	
1.	Middlemen	55 (46.22)	81 (46.82)
2.	Market/ Sell at own	47 (39.50)	56 (32.37)
3.	Local Trader (03)	17 (14.28)	36 (20.81)
	Total	119 (100.0)	173 (100.00)

iv) MINIMUM SUPPORT PRICE ON MINOR FOREST PRODUCES IN PANCHAYATS (EXTENSION TO SCHEDULED AREAS)

The Gram Sabhas in the 5th Scheduled Areas were empowered to regulate and restrict various activities in the village under Panchayats (Extension to Scheduled Areas, 1996) Act. The ownership and sale of minor forest produce; power to prevent alienation of land and restore alienated land and manage village markets are some such activities regulated and restricted under PESA. A committee was set up to fix Minimum Support Price for Minor Forest Produce in the 5th Schedule Areas. The Ministry of Panchayati Raj had constituted a Committee (2011) under the chairmanship of Dr. T. Haque to look into different aspects of MFP management in Fifth Schedule areas. A list of 5th schedule area in Jharkhand is enclosed at Annexure “A”. Chatra and Kodarma districts were not a part of 5th Schedule area. The Committee in its final report has recommended for fixation of minimum support price (MSP) for 14 MFPS. These MFPS were 1.Tamarind, 2.Mahuwa Flower, 3.Mahuwa Seed, 4.Tendu leaf, 5.Bamboo,

6.Sal Seed, 7.Myrobalan, 8.Chironji, 9.Lac, 10.Gum Karaya, 11.Honey, 12.Seeds of Karanja, 13.Neem and 14. Puwad. The Planning Commission has suggested for Central Price Fixation Commission for MFP as an autonomous body under the Ministry of Tribal Affairs (MoTA). The aim was to benefit all primary collectors including tribal and people living in and around the forests involved in the MFP collection. The scheme was proposed to help to provide better prices to the MFP gatherers, who have been received a pittance, exploited by local traders and other vested interests. It will also ensure sustainable harvesting of MFPs (Haque p. vi).

RECENT DECISION ON MINIMUM SUPPORT PRICES FOR MINOR FOREST PRODUCE

In June 2012, MoTA's plan to introduce a Minimum Support Price mechanism for 13 items of minor forest produce has been approved by the Planning commission and Minimum Support Price Commission was also scheduled to be set up by January 2013. The MFPs included to cover by the scheme were 1. Tendu, 2. Bamboo, 3. Mahua flower, 4. Mahua seeds, 5. Sal leaves, 6. Sal seeds, 7. Lah, 8. Chironji, 9. Wild honey, 10. Myrobalan, 11. Tamarind, 12. Gums and 13. Karanj. Minor Forest Produce Commission was assigned as an autonomous body under MoTA. It was estimated that the value of the 13 major MFPs at the first purchase point was worth about Rs. 3,600 crore annually, of which Kendu and Bamboo alone account for Rs. 2000 crore.

ANALYSIS OF HOUSEHOLD DATA

During household survey the respondents were asked whether Government introduced minimum support price on minor forest produce. Data analysis shows that two-third of the respondents (66.67%) said that the government did not introduce minimum support price on minor forest produce and remaining one-third of them (33.33%) said that they were not aware of (Table 10.6).

Table 10.6
Has Government introduced Minimum Support Price on
Minor Forest Produces?

Sl. No.	Response	No. (%)
1.	No	100 (66.67)
2.	Not aware of	50 (33.33)
	Total	150

v) PROVISION OF TRANSPORT FACILITY

Respondents were asked whether they were provided transport facility for transportation of minor forest produce. All the respondents responded unanimously that they were not provided transportation facility for transportation of MFPs.

The respondents were further asked that in the absence of transportation facility, how did they manage transportation of MFPs. Majority of the respondents (82.27%) said that usually they carry MFPs on their head and sometime on bicycle. They said that they carry MFPs hiding themselves from the eyes of forest officials; and 17.73% respondents said that they collect and pile up MFPs at a certain place within forest area and local traders/middlemen themselves come to collect that (Table 10.7).

Table 10.7
If Not, How do you Manage Transportation of Minor Forest
Produce?

Sl. No.	Response	No. (%)
1.	Carry on our head/ by hiding from the forest officials	104 (82.27)
2.	We collect and pile up at a specific point within forest and local traders/ middlemen come to buy and collect	25 (17.73)
3.	Sometime carry on head and sometime on by cycle	12 (8.51)
	Total	141 (100.00)

(N varies because of missing figure)

vi) IMPACT OF FRA, 2006 ON THE PRODUCTION OF MFP

To find-out the impact of the implementation of FRA, 2006 on the production of MFPs, respondents were asked whether the implementation of FRA, 2006 has impacted the production of minor forest produce. Table 10.8 shows that almost two-third of the respondents (65.33%) said that they did not find any difference in the production of MFPs; around one-third of them (32.0%) said that MFPs production has decreased after the implementation of FRA, 2006. A very small number of respondents (2.67%) said that they could not say anything.

Table 10.8
How far FRA, 2006 has impacted the production of Minor Forest Produces?

Sl. No.	Response	No. (%)
1.	MFPs production has decreased	48 (32.0)
2.	No difference	98 (65.33)
3.	Can not say	4 (2.67)
	Total	150 (100.0)

V

IMPOSITION OF RESTRICTIONS ON COLLECTION OF MFPs

Some of the community leaders of the forest dwelling communities say that the community often faces atrocities at the hands of forest officials. They said that Forest Department does not hesitate to jail to tribals, filing court cases, issuing warrants against them every now and then. Forest dwelling communities dependent upon forests for their livelihood, and how can they not

have access to their own forest? To find- out whether forest dwelling communities were able to have access to community forest rights the respondents were asked whether Forest Department imposed restrictions on the collection of minor forest produce. Data analysis shows that most of the respondents (71.33%) said that the forest department imposed restrictions and 28.67% of the respondents said that forest department did not impose restriction (Table 10.9).

It is not only the Forest Department but also powerful people try to control the collection of MFPs. This is to mention here that the mahua fetches good price. This has drawn some local traders to control and monopolise Mahua collection in the forest. For instance, in village Katua, block Itkhori, Chatra district there was a well off Sahoo family. He deploys labourers to collect mahua. He threatens and dictates terms to Birhors –PVTGs living there to collect Mahua only once in a week and in remaining days, he would collect Mahua. This has restricted Birhors entry into the forest on all seven days to collect mahua for their household purpose.

Table 10.9
Does Forest Department Imposes Restrictions on Collection of MFP?

Sl. No.	Response	No. (%)
1.	Yes	107 (71.33)
2.	No	43(28.67)
	Total	150 (100.00)

Respondents were further asked to explain how restrictions were imposed. Almost half of the total respondents (49.53%) said that forest officials made objections and say that we have destroyed their forest; and say why did we collect MFPs from the forest? Forest officials say that forest and MFPs belong to Forest Department so we should not go to the forest.

IF YES, HOW?

Forest officials on threat us, and ask to take only little bit of MFPs otherwise legal action would be taken against us (11.21%); forest officials and villagers who belonged to other than STs made objection, if they see us bringing fuel wood or MFPs. The result is we bring fuel wood and MFPs by hiding from the eyes of forest officials and dominant community of the village. If forest officials see us carrying MFPs, fuel wood, they stop and interrogate us. Sometime they lodge FIR against us (10.28%); forest officials restrict our entry in forest. They even threat to kill us and say that if you all would enter in forest, they would throw us out, then we wonder around begging (9.34%); Restrictions were imposed in collecting Mahua and other minor forest produce so they collect hiding themselves from the eyes of those officials (7.48); Forest dwellers want to collect little more so that they could sell and supplement their household income but Forest Department did not let them to collect MFPs beyond a limit. The quantity of collecting MFPs was decided by the Forest Department (7.48%); Due to restrictions imposed they bring only fuel wood for the domestic purpose (4.67%) (Table 10.10).

Table 10.10
If Yes, How?

Sl. No.	Response	No. (%)
1.	Forest officials make objections and say that you are destroying/ forest	53 (49.53)
2.	Forest officials ask why we collect MFPs? Forest and MFPs belong to forest department so do not come in the forest. Forest officials threat and say not to take more than requirement otherwise legal action will be taken against us	12 (11.21)

3.	Both forest officials and villagers who belong to other than STs make objection if they see us bringing fuel wood or mfps. So we bring that hiding ourselves from the eyes of the forest officials. If they see us carrying MFPs, they stop us interrogate and sometime lodge FIR against us	11 (10.28)
4.	Forest officials restrict our entry in forest. They threat to kill us. They say if you enter in forest, we will throw you out then you will loiter here and there and will start begging	10 (9.34)
5.	Forest Department imposes restrictions in collecting Mahua and other minor forest produces so we collect by hiding ourselves	8 (7.48)
6.	Forest Deptt does not let us collect MFPs beyond a limit. We sell these MFPs at the rate already decided by the deptt fixed 05 The quantity of collecting MFPs is decided by the FD	8 (7.48)
7.	Due to restrictions imposed we bring only fuel wood for the domestic purpose 08	5 (4.67)
		107 (99.99)

VI

COMMUNITY FOREST RESOURCE MANAGEMENT COMMITTEE

Every Divisional Forest Office prepares Working Plan for its Division. It contains plan of action for 10 years and submits for approval to the Ministry of Environment and Forest, GoI. It includes details of plantation which is to take place and also activities related to CAFA, bio-diversity, budget, environment protection, sale of timber and constitution of JFM, etc. As per FRA, 2006 Forest Department is supposed to share its working plan with CFRMC and take its input.

To find-out whether CFRMC was constituted and whether Working Plan was shared with the community, respondents were asked whether Forest Department shared its working plan to

community forest resource management committee (CFRMC). Data analysis shows that majority of the respondents ((98.67) said that they were not aware of and 1.33% respondents said that working plan was not shared with CFRMC (Table 10.11).

Table 10.11
Has Forest Department given its working plan to CFRMC?

Sl. No.	Response	No. (%)
1.	No	2 (1.33)
2.	Do not know	148 (98.67)
	Total	150 (100.00)

ATROCITIES BY FOREST DEPARTMENT

Respondents were asked whether they face atrocities by Forest Department. Data analysis shows that 22.67% respondents said that they face atrocities from Forest Department. Little more than three-fourth of them (77.33%) said that they did not (Table 10.12).

Table 10.12
Atrocities Faced from Forest Department

Sl. No.	Response	No. (%)
1.	Yes	34 (22.67)
2.	No	116 (77.33)
	Total	150 (100.00)

IF YES, HOW?

Respondents who said that they did face atrocities from the Forest Department, they were asked to describe the nature of atrocities. Data analysis shows that out of total respondents, half of them (50.0%) said that if forest officials see them coming from forest with any forest produce, they shout and asked them to run away from forest. They threat to lodge complaint and put them behind

bar. Sometime forest officials said that they would kill them as they find us destroying forest. Respondents said that they collect MFPS to meet- out their bare minimum needs; 14.71% respondents said that forest officials see them carrying fuel wood they snatch away their axe or make them run away from the forest. Similarly, number of respondents (14.71%) said that forest officials took them to police station and lodges complaints. 5.88% respondents said that they live under constant fear and often get threat of killing them; 2.94% respondents said that they were given threat and told to leave forest. Recalling an event, respondents said that once Forest Department placed a poster in the village making an announcement to leave forest. Similar number of respondents said that prior to the implementation of FRA, 2006; lots of conflict used to take place with Forest Department but after getting forest land recognized, the conflict has gone down to a great extent. Similar number of respondents said that forest officials asked them to make arrangement of LPG gas to meet fuel requirements of fuel wood (Table 10.13).

Table 10.13
If Yes, How?

Sl. No.	Response	No. (%)
1.	If they see us coming from jungle with anything they ask to run away from the forest/ threat us to lodge a complaint and put behind the bar. Sometime they say that they will kill us 04 They make us run away and say they you are destroying We collect mfps to meet out our bare minimum requirements	17 (50.0)
2.	Jungle officials if they see us carrying fuel wood etc they away our axe or make us run away from the forest	5 (14.71)
3.	If we collect little more than forest officials take us to the police station 05 lodge a complaint	5 (14.71)

4.	We live under constant fear/ forest police threat and say that they will kill us	5 (14.71)
5.	Sometime they threat us and say to leave this land. once they have placed a poster announcing to leave this place	2 (5.88)
6.	Prior to the coming of FRA, 2006 lots of conflict used to take place with forest department but since we have been given patta the conflict has been reduced	1 (2.94)
7.	They ask to make LPG gas arrangements to meet fuel requirement 11	3 (8.82)
	Total	34 (100.0)

CONCLUSIONS

Thus, based on the above analysis on MFPs following conclusions are being drawn:

- 1.) MFPs play a very significant role in the household economy of forest dwelling communities;
- 2.) Kendu, Mahua, grasses, Harra nuts, Piyar, Bahera, Chiroungi, Chirota seeds and medicinal plants are some of the MFPs accessed by the forest dwelling community in Jharkhand state;
- 3.) The Ministry of Panchayat Raj has enforced MSP on 13 MFPs in the 5th schedule areas;
- 4.) Forest dwelling community sale MFPs in local hatt or middlemen on very minimal price. There is lack of institutional arrangements to sell MFPs on reasonable price;
- 5.) No agro based industry has been installed in Jharkhand. Seeing a wide range of MFPs there is a need for installing agro and forest based industry;
- 6.) Forest department feels that forest dwelling communities are already given community forest right hence, grating CFRT under FRA, 2006 has no meaning;

- 7.) Forest dwelling communities have lot of indigenous knowledge but it is yet not documented by the Forest Department;
- 8.) Forest dwelling communities did not find any impact of FRA, 2006 on the production of MFPs;
- 9.) Many forest dwelling community believe that Forest Department still imposes restrictions on them.

NOTE

1. Schedule V Areas are mentioned in Article 244(1) of the Constitution special provisions for these areas are given in the Fifth Schedule of the Constitution of India.

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**PARTICULARLY VULNERABLE TRIBAL
GROUPS IN JHARKHAND – A CASE OF BIRHOR
TRIBE**

This chapter deals with Particularly Vulnerable Tribal Groups in general and PVTGs in Jharkhand in particular. It has six sections.

Section I deals with the concept and basic features of PVTGs,

Section II deals with the provisions made for PVTGs in FRA, 2006 and findings of National Committee's Report (2010) on Forest Rights Act,

Section III deals with the PVTGs population across districts in Jharkhand,

Section IV focuses on Birhor tribe residing in Chatra and Koderma districts,

Section V is on Govt Schemes launched for the welfare of Birhor community

Section VI deals with the household data analysis.

I

PVTGs are relatively isolated, educationally and socio-economically backward, living in a habitat far away from amenities. In accordance to the provisions conferred in the Clause (1) of Article 342 of the Constitution of India, the notification of Scheduled Tribes is state specific and their identification is done on the basis of the following characteristics- a) Primitive Traits (b) Distinctive Culture (c) Geographical Isolation (d) Shyness of contact with the community at large, and e.) Backwardness. The PVTGs are the marginalized section of the Scheduled Tribes of India.

The criteria followed for determination of PVTGs are as under:

1. A pre-agriculture level of technology;
2. A stagnant or declining population;
3. Extremely low literacy; and
4. A subsistence level of economy.

In other words, among scheduled tribes, there are certain communities who have (or had) declining or stagnant population, low level of literacy, pre-agricultural level of technology and are economically 'backward' (in a conventional sense, though their own economic systems may make eminent sense for their ecological conditions) (MoTA 2009).

There are two schools of thought. The first school of thought believes that PTGs should remain in isolation. Barrier Edwin (1940) was the proponent of this school of thought. The other school of thought was of the view that they should be assimilated in the mainstream society. Critiques of the later school of thought argue that PTGs can survive in forest and forest is safe because of them. If they were assimilated in the mainstream development, it would have its own consequences.

Dhebar Commission (1960-61) and studies conducted suggest that there exists inequality amongst tribal communities in terms of their development. In 1975, based on the Dhebar Commission report, the government created Primitive Tribal Groups (PTGs) as a separate category and identified 52 such groups. Later on, few more groups were added. 86 such groups began to be identified in the mid-70's as Primitive Tribal Groups. As of 2001, PTGs numbered about 25.9 lakhs in population (Source MoTA 2009). In 2006, the Government of India renamed the PTGs as Particularly Vulnerable Tribal Groups (PVTGs). PVTG is not a Constitutional category, nor are these constitutionally recognized communities. It is a government of India classification created with the purpose of enabling improvement in the conditions of certain communities with particularly low development indices. They are called as *Adim Janjati*.

STATISTICAL OVERVIEW OF PVTGS IN INDIA

The highest number of PVTGs are found in Odisha (13), followed by Andhra Pradesh (12), Bihar including Jharkhand (9) Madhya Pradesh including Chhattisgarh (7) Tamil Nadu (6) Kerala and Gujarat having five groups each. The remaining PVTGs live in West Bengal (3) Maharashtra (3), two each in Karnataka and Uttarakhand and one each in Rajasthan, Tripura and Manipur. All the four tribal groups in Andaman, and one in Nicobar Islands, are recognised as PVTGs. The Saharia people of Madhya Pradesh and Rajasthan are the largest among the PVTGs with population more than 4 lakhs.

PARTICULARLY VULNERABLE TRIBAL GROUPS IN JHARKHAND

At present, there are eight (earlier there were nine PTGs but now it is reduced to eight) PVTGs in Jharkhand namely:

1. Asur,
2. Birhor,
3. Birjia,
4. Hill Kharia,
5. Korwa,
6. Mal Paharia,
7. Parhaiya,
8. Saur Paharia
9. Savar.

LEGISLATION ASSOCIATED WITH PVTGS

1. THE STS & OTFDS (RECOGNITION OF FOREST RIGHTS) ACT, 2006

The FRA, 2006 Act has a special section on the PVTGs and it recognises forest and habitat rights of PVTGs.

2. PANCHAYATS (EXTENSION TO THE SCHEDULED AREAS) ACT, 1996:

This Act extends Scheduled Areas of India under the purview of national framework of Panchayat. However, this act is not applicable to Jammu and Kashmir, Nagaland, Meghalaya and Mizoram and certain other areas including scheduled and tribal areas (National Committee's Report (2010) on Forest Rights Act 2006). The constitutional provisions such as the 73rd Amendment and PESA recognize tribals autonomous governance system and need to be given due respect of 'habitat' that has been guaranteed to tribal groups. A list of districts where PESA is effective is shown in table 11.1.

Table 11.1
Fully and Partly Schedule Areas in Jharkhand

Sl. No.	Districts	
	Fully Covered under PESA	Partially Covered under PESA
1.	Ranchi	
2.	Lohardaga	
3.	Gumla	
4.	Simdega	
5.	Latehar	
6.	East Singhbhum	
7.	West Singhbhum	
8.	Saraikela Kharsawan	
9.	Dumka	
10.	Jamtara	
11.	Sahebganj	
12.	Pakur	
13.		Palamu
14.		Gharwa
15.		Godda

II

PROVISIONS FOR PARTICULARLY VULNERABLE TRIBAL GROUPS IN FRA, 2006

National Committee's Report (2010) on Forest Rights Act stated that a number of forest-dwelling communities have special characteristics and needs that make them particularly vulnerable, and for whom the process of claiming rights is especially difficult. In FRA, 2006 other than all the IFR and CFRt available to STs and OTFDs, there is a special provision for rights of 'primitive tribal groups and pre-agricultural groups' in Section 3(1)e. It provides for:

“rights including community tenures of habitat and habitation” for PTGs and pre agricultural communities, where “habitat” is defined in Section 2 (h) as “the area comprising the customary habitat and such other habitats in reserved forests and protected forests of PTGs and pre-agricultural communities and other forest dwellers STs”

STATUS OF CLAIMS UNDER FRA, 2006

Except Odisha there are no consolidated national/ state/ district level data on the status of FRA implementation with regard to PTGs.

KEY ISSUES WITH REGARD TO 'HABITAT' RIGHTS

Given that PVTGs groups are located often very 'remote' from the centres of government administration, and also do not have as much civil society organization presence as elsewhere, various processes of the FRA have hardly reached them.

National Committee's Report (2010) on Forest Rights Act found that the SDLC and DLC have neither facilitated nor positively responded to their claims. The issues related to IFR and

CFRt are more or less the same for PTGs as for other groups. Following paras focuses on the right to 'habitat' and 'habitation' given in Section 3(1)e. The key issues are:

1. LACK OF AWARENESS:

Section 3(1)e appears to have been largely overlooked by all stakeholders in the FRA process, including PTGs themselves, civil society organizations, and government officials. Civil society groups (working with the PTG themselves) were found unaware of the provisions of FRA, 2006.

2. LACK OF CLARITY ON MEANING/CONCEPT

The National Committee's Report (2010) on Forest Rights Act found that even where people were aware of the specific right provided to PTGs, they were not clear what it meant. The FRA defines 'habitat', but in a very broad manner, and does not make clear what all the right would imply. While a simple resolution to this would be that the 'habitat' should be as identified by the PTG itself, the situation on the ground was rather complex.

3. NON- RECOGNITION OF TRADITIONAL GOVERNANCE INSTITUTIONS AND FORCED IMPOSITION OF PANCHAYAT/GRAMSABHA SYSTEM

All the states of the Indian Union do not follow Panchayati Raj Institution. The Fifth Schedule and Sixth Schedule of the Indian Constitution recognize the customary and traditional governance of STs. Many tribal societies practice their own traditional village administration system in several states. In such situations, village panchayat cannot be expected to constitute Forest Right Committee.

Nowhere are the traditional institutions of the PTGs given recognition by the state. To some extent the FRA does provide scope for such institutions, but only where the panchayat system is not active (Section 2g), or in relation to making claims to the FRC (Rule 12). Under the FRA, the Gram Sabha is given the right and considered as the mandated body. PTGs have their own traditional institutions and customs which need to be studied and accordingly provision for formulating FRC can be followed.

4. LACK OF CLARITY OR CAPACITY REGARDING THE CLAIMS PROCESS

National Committee's Report (2010) on Forest Rights Act has pointed-out that where PTGs themselves or civil society working with them have considered making claims for 'habitat' rights, they are not clear on various aspects of the process. PTGs are not in a position to understand the complexities of a statutory law. There is a need to build capacity to map using the PTGs own knowledge and ways of depicting land marks.

5. FORCED SEDENTARISATION OR BOUNDARY LIMITATION

The National Committee's Report (2010) on Forest Rights Act mentions that several PTGs that were nomadic, or shifting cultivators, have been forcibly settled; others have had their traditional access severely curtailed by various kinds of developments in their former territories. Though these communities have been critically depending on the forest produces for their livelihood. The authority denies their traditional access by citing Wildlife Protection Act, 1972 (WLPA, 1972) and the Supreme Court's order in Godavarman case. The National Committee's Report (2010) on Forest Rights Act raises a question whether in such situations, can the PTG reclaim its former territory, and if so, how?

6. MARGINALISATION BY DOMINANT COMMUNITIES

In some areas, the PTGs are a minority, and are marginalized in the FRA process. For instance, the Paharia are marginalised by the Santhal and the Munda tribes, and find it difficult to get their special needs addressed. They are forced to engage as labourers in mining sector.

7. INTER-STATE ISSUES:

A number of PTGs have traditionally occupied or used territories that are now cut by state boundaries. Making FRA claims, especially for habitat, is rather difficult in such a situation; no-one seems to know how such claims can be made and to whom.

8. LACK OF CLARITY AT THE SDLC/DLC LEVEL

The SDLC and DLC officials/ authorities lack understanding on the rights of PTGs particularly habitat rights.

Both in Chatra and Koderma districts, it was found that the authorities have distributed individual titles on forest land disregarding the collective nature of livelihoods and lifestyles. Similarly CFR rights are being issued only to the village or a particular gram sabha. At some places, they have been given habitat rights on Gair Mazarua land.

9. LACK OF CLARITY ON POST-RIGHTS PROCESSES

The National Committee's Report (2010) on Forest Rights Act mentions that there has been almost no discussion (within PTGs or those working with/on them) on what should happen once the 'habitat' right is given. Though this will depend on what kinds of rights are specified in the title, which in turn could be based on what is claimed. Several other issues emerged out of this matter for example:

- i. Who will govern the habitat: the traditional governance structure of the PTG, the new ones like panchayats, and/or a mix of these with government departments? What will be the share of powers, responsibilities, and duties in situations where multiple agencies are likely to remain?
- ii. What kind of land/water uses can be envisaged, that helps sustain the PTG identity, economy, and ecology? What happens to those existing land/water uses that are not compatible with these? Can Section 5 be read such that the PTG institutions will have authority to stop/change these if destructive of their habitat and culture?
During household survey for the present study, it was found that the other communities maintain distance from PTGs, sometime restricts them to access pathways and other public amenities.
- iii. There is a growing monetary economy and market, health and education delivery system. PTGs are alien to this system. They are in dilemma and caught up between the modern and traditional socio economic system. How will the challenges introduced by the monetary economy and external markets, 'modern' sector occupations, externally-determined educational and health system, and so on, be met; what would be their relation to traditional or customary systems of health, learning, trade and occupations, and so on? These questions still to be resolved.
- iv. How will the forests, wetlands, and other ecosystems so vital to the lives and livelihoods of PTGs be sustained; and how can the concerns of wildlife in these be addressed? Where the needs and desires of PTGs themselves are threatening these, how will this be tackled by the tribes?
- v. What should be the role of civil society groups, government agencies, and other 'external' actors to sustain PTGs in the long run? This needs to be addressed.

10. LACK OF CLARITY ON THE GOVERNANCE/ OWNERSHIP ISSUE WITHIN THE CFRS & HABITAT

PTGs are under constant threat of their forest based livelihood sources; they feel cut off from the mainstream habitation they feel uncomfortable to live in houses which are built of concrete.

III

POPULATION OF PVTGS IN JHARKHAND

District- wise PVTGs population in Jharkhand is shown in Table 11.2 Data shows that the number of Sauriya Pahariya and Mal Pahariya were largest in comparison to other PVTGs. The number of Birajiya and Hill Khariya were the lowest among all PVTGs. The table also shows that in Sahebganj, Dumka, and Saraikela districts multiple categories of PVTGs such as Asur, Malpahariya, Birhor, Savar, Sauriya Parahiya, Sauriya were residing. In Bokaro, Dhanbad, Giridih, Hazaribagh, Jamtara, Koderma and West Singhbhum districts fewer numbers of PVTG were residing.

As far as population of PVTGs was concerned, data analysis shows that maximum population of PVTGs were concentrated in Sahebganj (35,129), Dumka (31,550), Pakur (27,432) and Godda districts (16,075). In Bokaro, Dhanbad, Giridih, Koderma and West Singhbhum districts, PVTGs population was comparatively lesser in numbers.

Another important feature was that in districts namely Bokaro, Dhanbad, Giridih, Hazaribagh, Koderma and West Singhbhum, only Birhor tribal communities were residing. In Jamtara district only Mal Pahariyas were living.

Table 11.3 shows PVTG wise population in Jharkhand. Data analysis shows that out of total PVTGs population, Sauriya Parahiya and Mal Parahiya were the largest in numbers (31.76%

Table 11.2
District wise Population of Primitive Vulnerable Tribal Groups in Jharkhand

Sl. No.	District	PTGs Name	Pop.	PTGs Name	Pop.	PTGs Name	Pop.	PTGs Name	Pop.	PTGs Name	Pop.	PTGs Name	Pop.
1.	Bokaro	Birhor	297	-	-	-	-	-	-	-	-	-	-
2.	Chatra	Birhor	1256	Parahiya	1322	-	-	-	-	-	-	-	297
3.	Deoghar	Malpahariya	6368	Pahariya	47	-	-	-	-	-	-	-	2578
4.	Dhanbad	Birhor	137	-	-	-	-	-	-	-	-	-	6415
5.	Dumka	Asur	4	Malpahariya	31546	-	-	-	-	-	-	-	137
6.	East Singhbhum	Birhor	58	Hill Khariya	1554	Malpahariya	626	Savar	9282	Sauriya Pahariya	320	-	31550
7.	Garhwa	Birhor	159	Korwa	18144	Parahiya	3264	-	-	-	-	-	11840
8.	Giridih	Birhor	258	-	-	-	-	-	-	-	-	-	21567
9.	Godda	Mal Pahariya	1451	Sauriya Pahariya	14624	-	-	-	-	-	-	-	258
10.	Gumla	Asur	7770	Birhor	141	Birajiya	1266	Korwa	1636	Hill Khariya	71	Parahiya	16075
11.	Hazaribagh	Birhor	1837	-	-	-	-	-	-	-	-	-	10950
12.	Jamtara	Mal Pahariya	3339	-	-	-	-	-	-	-	-	-	1837
13.	Koderma	Birhor	766	-	-	-	-	-	-	-	-	-	3339
14.	Latehar	Asur	226	Birhor	94	Birajiya	3731	Korwa	1518	-	-	-	766
15.	Lohardaga	Asur	1170	Birhor	58	Birajiya	396	Korwa	1518	Parahiya	3945	-	9514
16.	Pakur	Mal Pahariya	16902	Sauriya Pahariya	10530	-	-	-	-	Parahiya	29	-	3171
17.	Palamu	Korwa	2126	Mal Pahariya	100	Parahiya	5175	Birhor	45	-	-	-	27432
18.	Ranchi	Birhor	636	Mal Pahariya	9	Sauriya Pahariya	107	-	-	-	-	-	7446
19.	Saraikela	Birhor	87	Savar	695	Sauriya Pahariya	853	-	-	-	-	-	752
20.	Sahebganj	Mal Pahariya	442	Sauriya Pahariya	34687	-	-	-	-	-	-	-	1635
21.	Simdega	Birhor	174	Korwa	695	-	-	-	-	-	-	-	35129
22.	West Singhbhum	Birhor	558	-	-	-	-	-	-	-	-	-	869
Total			46021		114246		15418		13999		4365		558
													194115

Source : Primitive Tribal Group of Jharkhand, Survey Report, (2002-03)

and 31.59% respectively -constituting little less than one-third of the total PVTGs population). Korwa (12.49%), Parahiya (7.20%), Savar (5.17%) and Asur (4.73%) were lesser in numbers. Population of Birhor and Birajiya were 3.42% and 2.80% respectively. The lowest population was of Hill Khariya (0.84%).

Table 11.3
PVTG wise Population (in No. & %)

Sl. No.	PTG	Total Population	%
1.	Sauriya Pahariya	61121	31.76
2.	Mal Parahiya	60783	31.59
3.	Korwa	24027	12.49
4.	Parahiya	13848	7.20
5.	Savar	9949	5.17
6.	Asur	9100	4.73
7.	Birhor	6579	3.42
8.	Birajiya	5393	2.80
9.	Hill Khariya	1625	0.84
	Total	1,92,425	100.00

Source : Primitive Tribal Group of Jharkahnd, Survey Report, (2002-03)

IV

PVTGS IN JHARKHAND –A CASE OF BIRHOR TRIBE

In Chatra district, two categories of PVTG namely Birhor (N=1256) and Parahiya (N=1322) and in Koderma district only Birhor (N=766) were residing. Seven Birhor tolas were visited during household survey in Chatra and Koderma districts. These were: 1. Katua (Itkhor block), 2. Karma (Mahyurhand block), 3. Kori and 4. Pitij (Itkhor block) in Chatra district and 1. Jamunia Taand (Domchanch Block) 2. Jhumri Tilaiya (Koderma block), and 3. Peechari (Markachho block) in Koderma district.

Birhor mean forest dwellers. *Bir* means forest and *Hor* means man/ human. Thus, the term 'Birhor' means men of the forest.

Birhor are locally called as *Kechhu*. They live in forest areas which is their natural habitat. They adapt to the surroundings of forest. If they are taken out of forest, they feel the sense of loss of habitat. They are nomadic in nature. They keep changing their habitation from one location to another within forest area. The change in habitation depends on the availability and regeneration of forest produce. Earlier Birhor used to cover their body with tree leaves. But with the influence of outside culture, they have started wearing clothes.

A FGD was conducted with Birhor community. Based on the discussions, following features were found among PVTG in general and Bihors in Particular. Important feature about Birhor tribe are as follows:

PVTGs are basically Adim Janjati. Since beginning Adim Janjati such as Birhor, Korwa and Hill Kharia used to be hunter gathers.

1. RELIGIOUS FAITH

Bihors believe animism, and worship forest which are their *Devta* (God) and are sacred to them. Forest is central to their lives. They are dependent on forest for their livelihood. Bihors feel that day by day their forest and fuel woods are diminishing.

2. FAMILY

Birhor lives in a nuclear family system. As soon as son gets married he makes a small hut for his own family. They prefer to live in a very small hut constructed of mud wall with roof covered with leaves.

3. SUPERSTITIOUS AND BELIEF SYSTEM

Bihors are very superstitious in nature. If any mis-happening takes place in the village, the whole village community shift to

another area within that forest. Quoting an incident, the community has told that once a person fell down in a well and died. Birhors left that village immediately and settled to a faraway place. If any family member die some Birhors bury the dead body within their households.

4. NO TENDENCY OF ACCUMULATION

Birhors do not have the tendency to accumulate wealth. They think only about the present so they spend whatever they earn. They do not possess any valuable items.

5. EGALITARIAN SOCIETY

Birhors have an egalitarian society. For example, if a hen is killed in a household, it is distributed equally among all the households residing in that locality.

It is said that Birhors will soon become an extinct tribe.

6. PREFER TO LIVE IN ISOLATION

Birhors prefer to live in isolation. They call outsiders as '*Dikku*' and keep a distance from them. They remain reluctant to interact with outsiders. They were found living in a separate tola located at remote in the village. Co-villagers who belonged to other than STs consider them as inferior.

7. HUMAN RESOURCE

In Jharkhand, the literacy rate among PVTGs was very low. It was 39.51% in Jharkhand. Male literacy rate was 48.7% and female literacy rate was 30.0%. Literacy rate among Birhor in Jharkhand was 34.5% out of which male literacy was 41.3% and female literacy was 27.4%. Literacy rate among Parahiya was 33.1% out of which 41.5% male were literate and 24.3% female were literate (Sahu 2019).

The condition of almost all Birhor was quite vulnerable. They live in extreme poverty. Some Bihors were found so poor that they start begging. Literacy rate among them was very low. During household survey only one boy was found high school pass in Birhor basti in Bairani village and another boy has acquired eighth standard in Birhor Basti in Sebdha village in Chatra block, Chatra district.

8. FOOD PRACTICES

Birhor usually take *maand* (water of boiled rice) in their meal. They eat forest based fruits, flowers and roots. Most Bihors were seen as malnourished. Their weight was not more than 40-50 kg. They do not drink cow milk as they believe that the cow milk is for their calves.

9. ALCOHOL CONSUMPTION

Alcohol Consumption is widely practised among Bihors. All family members including women and children drink homemade liquor. Liquor addiction has become the sole cause of their poverty and exploitation. It is one of the most serious problem of their community.

10. OCCUPATIONAL STRUCTURE

Bihors collect minor forest produce like grass, datun (twigs), mahua, tendu leaves, and bamboo, etc and sale in local hatt. During peak season, one household collects on an average 65 kilo of Mahua and sell @ Rs 15/- per kilogram. They collect their traditional food such as roots (kand mool) and green leaves, etc. from the forest and the fuel wood to cook food. They make rope and caps of Saranda grass. The rope is being sold @ 20/- rupees per one meter. But now this grass is being replaced by plastic/ synthetic rope hence, they are facing problems. Turi tribes make baskets. They make soap from a specific forest plant such as soap nut, etc. Bihors have very good knowledge of uses and benefits of

different plants and trees. Hunting of rabbits which is locally called as *Khera*, fishing, and rearing of goat and hen were some of the other activities Birhor were engaged in. Goats are sold at the time of economic difficulty. Fishing is done during rainy season. Hunting of rabbit & rearing of hens were their subsidiary occupation. Traditionally hunting is done by male members of the household. Rabbit is being sold @ 400/- rupee. The rabbits are being purchased by the non tribals. Birhors do not keep cattle.

Before industrialization, PVTGs used to be quite powerful community. They were experts engaged in a specific traditional occupation. Massive industrialization and mining in forest areas have snatched away their traditional occupations. For instance, earlier Asur tribes were very powerful community. They were iron smith. When TATA Steel Plant was established in Jharkhand, their work was no longer remained in demand. They became extremely backward socially, economically and politically. Now they are included in PVTGs. They work as laborers in stone crushers. Due to loss of employment Asur started manufacturing local made liquor which they drink and sell also. It has become their secondary occupation.

In case of Jharkhand, among all eight PVTGs, it seems that Birhors were given the highest priority under FRA, 2006.

Birhors conditions are pathetic, a lot needs to be done to involve them in the mainstream development process. For instance, in Birhor Basti in Tiliya ward number 2, Chandvara block district Koderma Aganwadi was not providing meal to children for the last 30 days. School was located far away and it was difficult for the children to go there. Women were found engaged in wage labour in mining sector and earning wages in the range of Rs. 10-20 per day. Birhor did not have a box even to keep valuable items. The only valuable documents they possess now was land record of forest land recognized under FRA 2006, ration card, NAREGA job card, etc.. They were found keeping their land document in a polythene bag.

As per guidelines of FRA, 2006 PVTGs should be the member of FRC. But during household survey, it was found that in none of the FRC, PVTGs were a member.

V

GOVERNMENT SCHEMES LAUNCHED FOR THE WELFARE OF BIRHOR COMMUNITY

Jharkhand Government has launched several schemes for the welfare of Birhor tribe. These schemes were:

1. DAKIARATION YOJNA

Dakia Ration Scheme was implemented for Birhor tribe. Under this Scheme, 35 kilo rice was distributed to Antodaya card holders under National Rural Livelihood Mission. Rice is provided free of cost at the door step of Birhor household every month at 12.30 pm.

2. PENSION SCHEME

Each Birhor household is entitled for pension of Rs. 600/- per month. Govt. officials claimed that there was 100% Public Distribution System and pension coverage for Birkhars in Jharkhand.

3. HANDPUMPS INSTALLATION

To provide drinking water, hand pumps were installed in every Birhor tola.

4. BIRSA AWAS YOJNA

Birhor traditional house structure is called as “*KHUMBH*”. Birsa Awas Yojna was a state Govt. scheme. Under this scheme, house was constructed for Birhor community. Amount sanctioned for a house under Birsa Awar Yojna was Rs. 1,31,500/-. Rs. 40,000/- was released as the first installment. There are issues with

regard to the construction of houses constructed for Birhors. These are:

- Welfare Department, Koderma had constructed houses for Birhors in 2017 but due to heavy rain the land got run off. So people have vacated their houses and settled half a km away.
- It was also found that except new constructed houses, most of the houses were in delapidated conditions. Construction material was of poor quality. It seems that the State govt had no funds to repair these houses.
- During rainy season, these houses used to leak. Birhor complained that they lost their traditional structure of house and the modern concrete houses were so poorly made that the roof may fall down any day. Birhors had lodged complaint but did not get any positive response. There was not any clarity that which department would be responsible and there was no provision of budget for this purpose.
- During field visit to Masnodeah village in Koderma district, it was found that 21 houses were sanctioned for Birhors under Birsa Awas Yojna.
- Civil society was found not aware of the provisions for PVTGs under FRA, 2006.

5. ELECTRICITY CONNECTION

Every Birhor household was provided electricity connection. However, it has been found that there was not any switch button to make on/off the electric supply hence, the bulb remained on for 24 hours.

6. DISTRIBUTION OF CLOTHES/ BLANKETS/ CARDIGANS

District Welfare Department of Chatra and Koderma districts distribute clothes during winter season every year. However, it has

been found that the local traders purchase those blankets, clothes from Birhor in few rupees to sell in their shops again.

During FGD in Mathandi village it was found that many children were not wearing clothes. Welfare Department distributed clothes to the children and blanket to the family member.

7. LAND GRANTED UNDER FRA, 2006

Birhors have been granted forest land in the range of 5-20 decimal and at some places 20 decimal. However, it was found that the land document (Upa bandh) was kept either by some govt. employee or village pradhan. If Birhors ask him to give back their land documents, he says what you would do with that. Here each household was given 10 katta of land.

Birhors told that after granting of forest land under FRA, 2006, they feel better now as Forest Department did not threat them anymore. Also collection of tendu leave is not a problem anymore. They were given electricity and LPG connection. Solar plant was installed in the village.

Some of the Birhor tolas were visited during household survey and following issues were observed:

i.) VILLAGE DHAB, BLOCK DOMCHANCH, DISTRICT KODERMA

In Dhab village Birhors were residing for the last 30 years. Their residence was on raiyyat land. Their main occupation was rearing of hen, fishing during rainy season and hunting. During Mahua season, Birhors collect mahua flowers and seeds. They collect at around 20-25 kg. mahua seeds per season. Women were found engaged in wage labour in mining sector, they collect 1-2 kg mica per day. The mica is sold @ 20/- per kg. During FGD, Birhors have mentioned that forest and fuel wood were diminishing day by day.

ii.) VILLAGE MAUJADHAB, DISTRICT KODERMA

Birhor in this village were given four decimal land for the residential purpose. Birhors have told that they have been given land for cultivation. But they did not have a pair of ox to plough the field or any source of irrigation. So land is left fallow.

Birhors told that after granting of forest land under FRA, 2006, they feel better now as Forest Department did not threaten them anymore. Also collection of tendu leave is not a problem. They were given electricity and LPG connection. Solar plant was installed in the village. But Birhors experience pressure from the Upper Caste people in the village in their day to day life. They do not treat them as human beings.

Bio fencing has been done in some of the forest areas in Domchanch block. This was causing lots of problems to Birhor in getting access to minor forest resource.

iii.) JHARNA KUND MUNICIPAL WARD, DISTRICT KODERMA

Here Birhors were given 47 decimal lands in 2017-18. Jharna Kund was declared as municipal ward in 2010. 40 houses were constructed for Birhors under Birsa Munda Awas Yojana. Khatians of this village was finalized in 1966-67.

iv.) VILLAGE PITIJ, BLOCK ITKHORI, DISTRICT CHATRA

Pitij is a village panchayat in Itkhori block. It has four villages namely Itkhori Pitij, Itkhori Pitiji, Guli, Itkhori Hurnali. 26 Birhor households were residing here but only ten households were allotted forest land under FRA, 2006 in 2015. In Pitij village Birhors were living in houses constructed under Birsa Munda Awas Yojna. Birhor alleged that the land was granted to them but

land document (Upa Bandh) was kept by some government employee. The government employee has convinced them that they (Birhors) would not be able to keep their land documents safely hence, suggested to handover their land documents to him. Now Birhors ask him to return their land documents to them but they were not able to get them back.

v.) FULVARIA NAGAR PANCHAYAT, DISTRICT KODERMA

There is a wildlife sanctuary in Fulvaria nagar panchayat in Koderma district. The Forest Department has fenced the boundary of the village. No electricity connection was given to Birhor tola where Birhors were residing.

Some of the revenue officials feel that because of law such as FCA, 1980 they were not able to implement several development projects. Forest Department constructs forest guest house on forest land, provide electricity connection to the forest guest house then it does not require No Objection Certificate from the Government of India. But if Revenue Department asks give permission for electric connection for the villagers in Protected Area, Forest Department does not release NoC. With the result, villagers have to live in dark even in 21st Century.

It was found that electric poles were installed in Fulvaria nagar panchayat but there was not electric supply in Fulvaria as the district administration is waiting for NoC for many years.

PTGs in Jharkhand keep moving from one place to another within the forest region. WLPA, 1972 and several other development projects have put restrictions on their movement. Recently, most of them have been granted 20 decimal plot and a small house was constructed under Birsa Munda Awas Yojna. This is how they were forced for choose sedentary lifestyle.

During field visit in Chatra district, it was found that Kherwar community was resettled in Gandharika village in Chatra district where Birhors were already residing. Now there is animosity between the two communities and anger is simmering among Birhor against Kherwar as they think that because of Kherwars there is pressure on the limited natural resources.

VI

ANALYSIS OF HOUSEHOLD DATA

Out of total 150 households surveyed 33 households were of particularly vulnerable tribal groups. These PVTGs households were asked whether their community members were made aware of their forest rights under FRA, 2006. Data analysis shows that around one-tenth of the PVTG respondents (9.09%) said that their community was made aware of their forest rights whereas large number of them (90.91%) said that they were not made aware of their forest rights (Table 11.4).

Table 11.4
Is your community made aware of their forest rights?

Sl. No.	Response	N= (Col %)
1.	Yes	3 (9.09)
2.	No	30 (90.91)
	Total	33 (100.0)

ROLE OF NGOS

The PVTG respondents were further asked whether any NGO/civil society facilitated them to claim their 'habitat right'. 6.06% respondents said that the NGO/civil society facilitated them to claim their 'habitat right' but large number of the respondents (93.93%) said that NGO/civil society did not facilitate them (Table 11.5).

Table 11.5
Has any NGO/ civil society facilitated PVTGs to claim their 'habitat right'?

Sl. No.	Response	No. (%)
1.	Yes	2 (6.06)
2.	No	31 (93.93)
	Total	33 (99.99)

National Committee's Report (2010) on Forest Rights Act made following observations and recommendations for PVTGs;

- (i) Need for developing a mechanisms for PVTGs to avail of the rights they are entitled to;
- (ii) PVTGs have distinct geographic location such as bounded by rivers, mountain ranges, or other physical feature as traditionally recognized by them;
- (iii) Traditional rights of the communities over the habitats include the right to decide on ownership and resource interaction of the communities living in the habitat areas;
- (iv) Ecological landscapes, organized around a set of contiguous natural resources and means of livelihood (e.g. area within which resources are collected), usually also linked to the geographic location and boundaries.
- (v) As PVTGs remain mobile, their customary habitat boundaries were based on seasons, vegetation, and did not match with formal political system or administrative boundaries. Their mobility cut across tehsils, districts, and even states. These features of PVTGs pose a challenge for the administration in the identification and demarcation of 'habitat'.
- (vi) Since PVTGs keep shifting their location and landscape depending on the vegetation and natural resources when any development project is introduced, it becomes a challenge.
- (vii) Though the term indigenous peoples' does not apply specifically to any particular community in India, but noting that PVTGs in particular come closest to global definitions of such peoples, India is morally bound to the principles of

the United Nations Declaration on the Rights of Indigenous Peoples. Taking the explicit provisions of the FRA, and the constitutional and international obligations, the 'habitat' right would then have to include the PVTG's right and ability to govern itself, and do all it needs to do to protect its identity, culture, and environment.

The National Committee's Report (2010) on Forest Rights Act mentions that it must also be clarified that the PVTG habitat can extend to non-forest areas within the customary boundaries as determined above in (i). Since the FRA however does not govern such areas, MoTA in consultation with other relevant ministries, and state governments, needs to evolve mechanisms under other legislation by which the PVTG are given rights to such lands similar to what the FRA gives over forests and forest land.

PROCESS OF CLAIMING FOREST RIGHTS

Seeing the specific needs and vulnerable condition of PVTGs, National Committee's Report (2010) on Forest Rights Act felt the need for certain specific procedures in addition to (or replacing) those prescribed in the FRA or its Rules for them. The National Committee's Report (2010) on Forest Rights Act made following recommendations for PVTGs:

- (i) The FRA needs to explicitly mandate the traditional governance institutions of PTGs to carry-out all the procedures that are given to Gram Sabhas, *even* in states where panchayat raj institutions exist. This needs an amendment to the relevant provisions (for example Sections 2g, 2p, 5 and 6), or at the very least of the Rules accompanied with clarificatory notes from MoTA. Rule 12(d) does provide a role to the traditional institution, but this is only in the case of submissions to the FRC.
- (ii) The draft Rules of the FRA, 2006 provided for such *suo moto* action provisions of the FRA. For each PVTG, state

government deploy local civil society group, research scholars, and others, to help with the process including creating awareness about the FRA, locating documents for evidence, and participatory mapping, etc.

POST FOREST RIGHTS PROCESS

The following are the recommendations for post forest rights:

- (i) Government agencies or civil society organizations can build capacity to tribal way of life with special focus on PVTGs especially by providing information and understanding on wider economic, social, legal, and political processes that are impinging or could impinge on the lives of the PTG.
- (ii) The traditional systems of governance need to be strengthened or re-activated, and provided necessary powers and authority under relevant laws. Government agencies and civil society organizations can facilitate the process by which the PVTG institutions assume governance over their habitat.
- (iii) Need for Participatory mapping of the bio-cultural landscape, inventorying of natural resources, documentation of natural resource related practices of sustainability, and other forms of knowledge generation. These however, must be culturally sensitive, and fully under the control of the PVTG's own institutions.
- (iv) The PVTG can, if it feels the need, initiate planning through both informal traditional means and formal modern ones, for long-term livelihood/food/water security, conservation and restoration of nature and natural resources, and appropriate developmental/educational/health processes that build on local traditions and do not cause alienation.
- (v) The development schemes which are imposed in other areas can not imposed on the PVTG habitat. Rather attempt should be to focus on strengthening the identity, livelihoods, and environmental security of the PVTG. Existing local skills should be encouraged to bring them in the mainstream.

- (vi) Government can avoid as much as possible to propose any major development projects without clear consent and having dialogue and decision making with a central role for the PVTG.

During field visit in Birhor areas in Chatra and Koderma districts in Jharkhand state, it was found that the houses were constructed by the District Welfare Department on land that belonged either to Forest Department or Revenue Department (Gair Mazarua in nature). Houses were constructed couple of years ago. In many Birhor tolas, the house structure were found in a dilapidated conditions. Birhor's economic condition was so pathetic that they could not afford to repair their houses.

During field visit in Birhor areas in Chatra and Koderma districts in Jharkhand state, it was found that the houses were constructed by the District Welfare Department and land belonged either to Forest Department or Revenue Department (Gair Mazarua in nature). Houses were constructed couple of years ago. In many Birhor tolas, the house structures were found in a dilapidated conditions. Birhor's economic condition was so pathetic that they could not afford to repair their houses.

During household survey PVTGs told that gradually the quantity of forest based traditional food is decreasing. They visit forest with fear and under constant threat of punishment from forest authorities.

In Jharkhand, Govt. has installed hand pumps in PTGs areas but there seems to be no arrangements for the agency which can take care of their maintenance.

CONCLUSIONS

- Thus, based on the above analysis it can be stated that though there is a specific provision for the PVTGs in FRA, 2006

which needs to take into account while implementing FRA, 2006. Due to high illiteracy, PVTGs are being exploited by the village pradhan and outsiders. Lacunas were found in the land record documents issued to them which were serious in nature and need to be addressed on priority basis. Abundance of indigenous knowledge about flora and fauna and the uses and abs uses of plants is found among PVTGs which needs to be documented. To make the implantation of FRA, 2006 it would be important to conduct research studies on PVTGs behavior pattern and movement in the jungle and accordingly policy and programme can be framed for them. There is also a need to involve people from PVTGs in SDLC and DLC and their views need to be taken into account. Government officials and NGO need to sensitize on their needs.

- Though the State Government has implemented several programmes for the welfare of PVTGs yet lots need to be done. Also before implementation and development programmes, it is important to involve NGOs and researchers in designing the development programe for them

NOTE

1. The Dhebar Commission (1960-1961) stated that within Scheduled Tribes there existed an inequality in the rate of development. During the fourth Five Year Plan a sub-category was created within Scheduled Tribes to identify groups that considered to be at a lower level of development. In 1975, based on the Dhebar Commission report, the government created Primitive Tribal Groups (PTGs) as a separate category and identified 52 such groups.

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NOMADIC/ PASTORAL COMMUNITIES IN JHARKHAND – A CASE OF CHITTORIA TRIBE

This chapter starts with the definition of nomadic /pastoral communities, extent of their dependence on forest resources, provisions and recognition of their forest rights under FRA, 2006, and major findings of the National Committee (2010) on FRA, 2006 on nomadic/ pastoral communities. To understand the status of implementation of forest rights of nomadic communities in Jharkhand a case study of Chittoria tribe stay in Koderma district was conducted. It also analyzes the household data related to Chittoria community. To understand the issue in holistic manner forest officials were also interviewed.

I

A nomad is a person with no settled home, moving from place to place to obtain food, finding pasture for livestock, or otherwise making a living. Most nomadic groups follow a fixed annual or seasonal pattern of movements and settlements. Nomadic people traditionally travel by animal or canoe or on foot. Today some nomads travel by motor vehicle. Mostly nomads live in tents or other portable shelters. They travel in groups of families, bands or tribes. These groups are based on kinship and marriage ties or on formal agreement of cooperation. A council of adult males makes most of the decisions, though some tribes have chiefs. In other words, nomads may be defined as “people without fixed habitation” who regularly move to and from the same areas. As of 1995, there were an estimated 30-40 million nomads in the world ("Nomads: At the Crossroads – The Facts"). The term nomad encompasses three general types: 1. nomadic hunters and gatherer; 2. pastoral nomads (owning livestock), and 3. tinker or

trade nomads. Nomadic hunting and gathering follow seasonality available wild plants and game, is the oldest subsistence method of nomads. Nomadism is also a lifestyle adapted to infertile regions such as steppe, tundra or ice and sand, where mobility is the most efficient strategy for exploiting scarce resources. Many countries have converted pastures into cropland and forced nomadic peoples into permanent settlements.

In India the nomadic communities can be broadly divided into three groups 1. hunter gatherers; 2. pastoralists and 3. the peripatetic or non food producing groups. Among these, peripatetic nomads are the most neglected and discriminated social group in India (Joseph C. Berland and Aparna Rao 2004). They travel for their livelihood. Some are salt traders, fortune tellers, ayurvedic healers, jugglers, acrobats, actors, story tellers, snake charmers, animal doctors, tattooists, grindstone makers, or basket makers. Anthropologist have identified about 8 nomadic groups in India numbering perhaps 1 million people- around 1.2% of the country's billion plus population (Misra and Malhotra 1982). Drastic changes in transport, industries, production, and entertainment and distribution system have negatively impacted on their livelihood sources.

It is observed that nomadic tribes have always been a source of suspicion to sedentary people. In the colonial period, the British listed such groups that posed a 'threat' to settled society. British enacted the Criminal Tribes Act (CTA) in 1871. Nearly 200 such communities stood 'notified' as criminal. The colonial government who always intended to levy taxes wanted to bring the grazing lands under cultivation so that they could get revenue and agriculture goods from this land. Later on, enactment of several land laws and forest laws such as Wasteland Rules, Forest Acts such as The Indian Wildlife (Protection) Act, 1972, amended 1993, Forest Conservation Act, 1980 amended 1988, Critical Wildlife Habitats notified by Ministry of Environment and

Climate Change in Protected Area such as National Park, Wildlife Sanctuaries, etc, Compensatory Afforestation Fund Act (CAFA), 2016 and Criminal Tribes Act and Grazing tax, etc. further marginalized and curtailed customary forest rights of the nomadic/ pastoral communities. Waste Land Rules were enacted in various parts of the country. This law has changed the lives of nomadic and pastoralists communities.

The nomadic/ pastoral communities have a very distinct cultural and social identity but ironically their traditional symbiotic relationship with forest and forest resources have not been properly documented. (FRA Rules 2012). Nomadic/ pastoral communities are dependent on forest for their livelihood to a great extent. The Ministry of Environment and Forests and the Ministry of Tribal Affairs constituted a Joint Committee in April, 2010 to review the implementation of FRA, 2006. The committee in its report has mentioned that in India tribes and communities such as Van Gujjar, Dhangar, Gaddi, Raika, Rabari, Bhutia, Lambada, Maldhari, Changpa and others in various other parts of the country leading a predominantly pastoral existence. Their area of habitat/travel ranges across districts as also across state boundaries, hence, the range of their forest rights are also of that widespread nature.

It is to mention that the traditional practice of nomadism is everywhere under threat especially from the loss of their migration routes due to development and infrastructure projects, changes in cropping patterns in resident host villages, cutting off access in protected areas and Joint Forest Management areas, changing aspirations in younger generations, and other factors (Vivekanandan 2003). The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006” has a provision of CFRt for nomadic / pastoral communities.

II

NATIONAL COMMITTEE REPORT (2010) ON RECOGNITION OF FOREST RIGHTS OF NOMADIC/ PASTORAL COMMUNITIES UNDER FRA, 2006

National Committee Report (2010) on Forest Rights Act, 2006 constituted in 2010 to review the implementation of FRA, 2006. The Committee has found that there was no national level data on the status of FRA implementation specifically with regard to nomads. Quoting an example the National Committee in its report mentioned that the claims for IFRs and/or CFRs made by Van Gujjars in Uttarakhand and Western Uttar Pradesh were mostly found pending or rejected. The community was not aware as how to take the benefits of Forest Right Act because whenever they went to the concerned officers they were advising them to join the committee of revenue villages. The community in several states shared their grievances with the Committee members and said that they should be allowed to join forest right committee in all the states where they visit.

RECOGNITION OF RIGHTS OF NOMADIC/ PASTORAL COMMUNITIES UNDER FRA, 2006

To restore the forest rights of nomadic/ pastoral communities under FRA, 2006 certain provisions have been made in FRA, 2006. Nomadic groups are specifically covered under the definition of 'community forest resource' in Section 2(a), which includes "seasonal use of landscape in the case of nomadic/pastoral communities". However, despite having provision under FRA, 2006 it has been found that the nomadic/ pastoral communities were facing problems in getting their forest rights.

THE NATIONAL COMMITTEE ROSE FOLLOWING ISSUES:

- i. The nomadic/ pastoral community move from one place to another, one district to another, from one state to another hence, restricting their forest rights in one village is not feasible. These nomads use forest in different areas depending on the season and regeneration of vegetation of forest resources;
- ii. There was lack of awareness among nomadic communises about FRA, 2006 and process of filing the forest right claim;
- iii. In many areas especially in the area of national parks and sanctuaries, many Forest Department officials were found creating confusions that FRA, 2006 is not applicable to nomadic and pastoral communities;
- iv. In last five decades due to commercial plantations in many forest areas, leading to lack of edible fodder. The nomadic tribes using wildlife areas have a special relationship with the wildlife too, but their actual or potential role in conservation and protection of wildlife given their traditional knowledge has never been acknowledged or encouraged;
- v. Under FRA, 2006 submission of proof is mandatory for the claimant for his/ her claim. Since the nomadic/ pastoral community is always on mobile hence, to provide documentary proof in each district/ state is not possible for them;
- vi. If nomads claim their forest right immediately they are evicted by the Forest Department;
- vii. There was a lack of research studies on nomadic/pastoral communities in different states.
- viii. States are not maintaining any data on the progress for nomadic/ pastoral communities' forest claims and its recognition;
- ix. The Committee in its report recommended that the rights of nomads need to be recognized as community rights. States

should make possible the constitution of FRCs from amongst the nomadic communities themselves, and/or their representation in resident village;

The Committee was of the view that Forest Department can help in following ways:

- a) Forest offence documents can be used as a necessary evidence to recognise nomadic/ pastoral communities' forest right: though authority often refuse to give documents for use as evidence by claimants;
- b) the use of pre-determined lists available with the Forest Department (for example pre-1980 'encroachers') as criteria for acceptance of claims but that is not being provided without appreciating the fact that the eligibility criteria in FRA, 2006 are different from previous processes/laws;
- c) No or delayed communication of decisions or reasons thereof to claimants, giving no chance for appeal and no information meanwhile given to the claimants on status of the appeal;

The Committee on FRA, 2006 came out with the following recommendations on granting forest rights of nomadic/ pastoral community:

- (i) Need to identify district/ state wise, the various tribes and nomadic/pastoralists communities.
- (ii) The rights of nomads need to be recognized as community rights. States should make possible the constitution of FRCs from amongst the nomadic communities themselves, and/or their representation in resident village FRCs where the nomads have customary grazing access, to enable them to make claims. The rights of nomads need to be recognized as community rights. The state can appoint NGOs to facilitate in constitution of FRCs from amongst the nomadic communities themselves, and/or their representation in resident village FRCs;

- (iii) A Committee should be formed comprising of the representatives of nomads to resolve the issue of use of pastures amongst the nomads and resident pastoralists or others;
- (iv) SDLCS or other institutions should help to resolve issues of overlapping rights, including the sharing of pastures between nomadic and resident pastoralists;
- (v) An anthropological study needs to be carried-out to find-out the nomadic cycles or patterns of nomads so that their forest rights could be restored according to FRA, 2006;
- (vi) Need to monitor and ensure recognition of forest rights of nomadic/ pastoral communities;
- (vii) All evictions of nomadic/ pastoral community should be stopped until the process of the FRA, 2006 is complete;
- (viii) Sensitisation of officials about the social structure, economic practices and movements of nomads;
- (ix) Recognition of forest rights of nomads should be given high priority.

III

NOMADIC COMMUNITY IN JHARKHAND – A CASE OF CHITTORIA TRIBE IN KODERMA DISTRICT

An attempt has been made to study the nomadic communities in Jharkhand and status of their forest rights under FRA, 2006. Nomadic communities were found staying both in Koderma and Chatra districts. In Koderma district, nomads were found staying in 1. Jhumri Telaiya, 2. Chandwara block and 3. Tara Tande. During field work around 75 persons from Chittoria tribe were found staying in Jhumri Telaiya. Jhumri Telaiya is a city in the Koderma District of Jharkhand, India. It is situated in the Damodar Valley. Around 250 persons from nomadic community were staying at Tara Tande in Koderma district.

To study the impact of FRA, 2006 on the status of nomadic community, a visit was made in Jhumri Telaiya. A group meeting was organized with Chittoria community. The information was collected with the help of the focus group discussion and

household survey methods. Around 15 households belonging to Chittoria tribe were found staying in plastic tents. Gujarati was the main language of Chittoria community however, they were well versed with Hindi language too. During FGD, the community members told that they stay on a pre fixed place in Jhumri Telaiya. They stay on Gairmajarua land. Gairmajarua land is a government land. The community takes permission from the respective police station before camping in Jhumri Telaiya. They provide name of all the household members to police station, only then they are allowed to stay. Sometime police harass and ask them to vacate the land. In such situations, they show their Aadhar card and request to let them stay there.

Shri Jung Bahadur Singh Chittoria was the head of the nomadic group staying at Jhumri Telaiya. Jung Bahadur was living with his wife. His married sons and daughters were staying in separate tents in the same camp. The community said that they were staying in Jhumri Telaiya for the last 30-35 years, that is, since 1982.

Earlier the community used to travel by buffalo cart but now almost all of them prefer to keep second hand Maruti Van/ Bolero as they find it spacious, time saving and comfortable. They carry their kitchen items, clothes, bedding and other articles along with medicines which they manufacture themselves.

The main occupation of Chittoria community is to collect medicinal plants from the forest, prepare medicines and sell in the town or local *hatt*. It was their traditional occupation. To collect medicinal plants/ leaves all the members of Chittoria community visit forests. They collect Awala, Bahar, Cheroola, Choti Harni, Dhiva flower, Gulmohur, Harra/ Harad, Inder Joe, Herbs (Jari booti) and Senhai leaves from the forest of Rajauli Ghati, Ghamandi Ghati, Liluah Ghati, Parasnath hills and Dhab. They dried up medicinal plants/ leaves make powder and mix with rock salt (sendha namak called in Hindi) and powder of Methi (Fenugreek plant) and makes medicines. Medicines are being made either in the form of liquid (oil) or solid (tablets). Oil is

extracted from various types of leaves and roots and herbs. These are being used for healing from pain in various parts of body. During group discussion it was found that the community has vast knowledge of medicinal plants and its uses and abuses. For example, the community members have told that *Inder Joe* is good for the treatment of diabetes. This traditional knowledge passes from one generation to another. It is not available in documented form.

The community members have told that earlier their parents used to visit Bangladesh and Singapore also. But people of their generation visit only in states like Bihar, Jharkhand, West Bengal and Uttarakhand. The community members have a pre fixed routes, pre fixed locations and pre fixed seasons to visit in each of these states. During every winter season, they come back to Jhumri Telaiya. They stay here for almost two months. Once the winter gets over, they travel again on their pre fixed routes. They sell their medicinal products at pre -fixed outlets. Medicines are being sold in weekly *hatt*, in nearby bus stand/ railway station or in town areas. 80 tables are being sold @ 100 rupees and 50 gram oil is sold @ 50/-. To attract more and more customers, they make announcement on mike narrating the benefits of their medicinal products. On an average, they earn in the range of Rs. 35,000-40,000/- per annum.

All the household members including adult and children were found illiterate. The Chitoria community did not have accessibility to basic amenities such as water, health, education, aganwadi and toilet. Earlier they used to collect water from the premise of a nearby factory but the factory has been closed now. They request now to some locals to provide water so that they could meet -out their daily requirements. Though they were staying on Gairmajarua land yet they face problems from the local community and the police. They are called encroachers of Gairmajarua land, stamped as rowdie (*road chap*) who eat without doing any work, and live *lavaris* (orphans). It seems even government is bothered about them.

Jung Bahadur Singh Chittoria is head of his tribe. All the members of his tribe have Aadhar card, voting card and bank account opened under Jan Dhan Yojana. Even then, they were deprived of the basic amenities. The community has applied for LPG connection under Ujjawala Scheme, but were told that unless they were permanently settled at one place, they cannot get the benefits of development programmes including Ujjawala Scheme. The adult members of Chittoria community said that though they could not study but they want their children to study and they went to several schools to get their children admitted but the school refused to admit their children. The school administration wanted them to produce a document of permanent residential address. Since they are nomads who move from one place to another, thus, they do not have any documents of permanent residence.

Jung Bahadur said that workers of Rashtriya Swayamsevak Sangh had visited and assured them forest land under FRA, 2006. RSS workers took them to some office in Ranchi but till date forest rights have not been given to them. The community is continued to live in appalling life conditions.

IV

HOUSEHOLD DATA ANALYSIS

To understand the issue in a holistic manner, a FGD was conducted with Chittoria community staying in Jhumri Telaiya, Koderma district. In this section an attempt has been made to find-out whether nomadic/ pastoral community got their forest right under FRA, 2006 and if not, the reasons. Attempts were made to understand the forest officials' views on forest rights of nomadic or pastoral community.

The nomadic/ pastoral community members were asked whether they had heard about FRA, 2006. All of them said that

they have heard about it. Upon asking since when have they been visiting in Jhumri Telaiya. 83.33% of them said that t since 1980s. The rest of them (16.67%) said that they prior to 1970s. The community members were asked whether they faced problems in producing proof of their claims for forest rights under FRA, 2006. Notably, all of them unanimously said that they faced problems. They were further asked to explain the nature of those problems. It was found that 50.0% of them said that they were illiterate nomads therefore, the authorities did not pay attention to their problems; the remaining half of them (50.0%) said that they lack awareness hence, authority did not co-operate. They have said that now they were not getting medicinal plants/ herbs in sufficient quantity hence, they were facing livelihood problems. Forests were shrinking so they have to go to the interiors of the forest to get plants/ herbs. They said that visiting interiors in the forest has increased the risk to their lives from wild animals.

It was found that in Chatra district also nomadic community come and stay for few month and go back in winter. They sell artificial flowers. Another pastoral community also comes with buffaloes. They live outside the urban area and stay on Gairmajarua land. To protect themselves from any conflict with the local population, the nomadic community prefers to stay adjacent to the ground of the police station.

FOREST OFFICIALS' VIEWS ON NOMADIC/ PASTORAL COMMUNITY

The forest officials were of the view that the nomadic/ pastoral community was already given access to forest hence, there was no reason for them to apply for community forest right under FRA, 2006. They opined that for nomadic communities it is difficult to produce a permanent residence record because they do not live at one place and they cannot get benefit of FRA, 2006.

SOME OBSERVATIONS WITH REGARD TO THE NOMADIC/ PASTORAL COMMUNITY

1. There was a gap between nomadic community and the authorities. The community did not know how to file their claim under FRA, 2006. There was no agency to facilitate to this;
2. There was lack of awareness and sensitivity among the implementing agencies towards needs of nomadic/ pastoral communities.
3. Nomads and pastoral communities have immense of indigenous knowledge about flora and fauna, but remains unacknowledged. This traditional knowledge needs to be given space in public policy and should be documented.
4. An Anthropological study needs to be carried-out to find out the nomadic cycles or patterns of nomads so that their forest rights could be restored according to FRA, 2006. In 2012 the Anthropological Department, Central University, Ranchi has established a Forest Right Unit. This unit sends its students to villages located in forests, they stay there for a month to study different aspects of tribal society. Each student is given a separate topic related to the political, economic, socio-cultural aspects of tribal lives. Students have to write a dissertation as a part of their curriculum. The purpose of this curriculum is to sensitize the students and document different facets and problems of tribal society.
5. Monitoring of nomadic/ pastoral rights need to be done at the District Level Committees as well as SLMC
6. Development programmes should be inclusive in nature. Certain relaxation can be made in case of nomadic/ pastoral community. For example, they could be exempted for submitting the permanent residential address certificates;
7. Local activists say that the origin of Jal, Jungle, Jamin (Water, forest and land) movement has started from Jharkhand in 1947. The movement was revived in 1960s. Several people have given their lives to protect the natural resources as this was the very basis of their livelihood;

- There has been instances have also come across where revenue officials' wanted to facilitate to the claimants but forest officials put obstacles. The focus of Forest Department is to save forest and wildlife whereas Revenue Department approach is people's centric.

Thus, the above analysis reveals that the nomadic/pastoral community remained excluded from the implementation process of FRA, 2006. They were not able to get the benefit of their forest right. There were several reasons for their exclusion for instance, the nomadic community always remained on the move and so they did not have permanent residential certificate of being forest dwellers, as well as a lack of awareness about the provisions and process of implementation of FRA, 2006, illiteracy, lack of confidence in dealing with the administration and lack of sensitivity and apathy on the part of the implementing agencies.

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REVIEW OF FOREST LAWS AND THE SCHEDULED TRIBES & OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006 AND IDENTIFICATION OF CONFLICTING ISSUES BETWEEN THE TWO

The main purpose of forest laws is to conserve and protect forest, environment and the ecology. The Forest Department is the custodian of the forest land. Though administratively, it is the district administration which is the custodian of all land which comes within the purview of its district. In FRA, 2006 forest dwelling communities are the stakeholder in managing the forest and forest resources. It has a provision of constituting Community Forest Resource Management Committee and this committee brings both forest dwelling communities and forest in the helm of forest management. The chapter begins with the enlisting of forest laws; review those laws which are in conflict with the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights), Act, 2006.

Several laws have been enacted from time to time to regulate forest, forest land and revenue land. One of the objectives of the present study was to collate and review various forest laws enacted by Ministry of Environment, Forest and Climate Change and land revenue laws as in force in the state of Jharkhand. Also, to find-out whether these laws have taken cognizance of FRA, 2006 and to review whether the forest laws are facilitating the implementation of FRA, 2006 or creating hindrances. The laws/rules/ guidelines enacted by the Ministry of Environment, Forest and Climate Change, Govt. of India to protect and conserve forest and the rules made under these Acts and revenue laws are mentioned below:

1. Indian Forest Act, 1927
2. The Indian Wildlife (Protection) Act, 1972, amended in 1993
3. Forest (Conservation) Act, 1980, amended in 1988; Forest (Conservation) Rules, 2003
4. Guidelines for diversion of forest lands for non-forest purpose under the Forest (Conservation) Act, 1980
5. Environment Protection Act, 1986
6. Bio-diversity Act, 2002
7. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
8. Compensatory Afforestation Fund Act (CAFA), 2016
9. Critical Wildlife Habitats notified by MoEC in Protected Areas such as National Park, Wildlife Sanctuaries
10. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

I

India's forests are governed primarily by two main laws, the Indian Forest Act, 1927 and the Wild Life (Protection) Act, 1972. The former empowers the government to declare any area to be a reserved forest, protected forest or village forest. The latter allows any area to be constituted as a "protected area", such as national park, wildlife sanctuary, tiger reserve, elephant corridor or community conservation area (Legislations on Environment, Forests and Wildlife from Ministry of Environment and Forests). A brief on Indian Forest Act, 1927 and Wildlife (Protection) Act, 1972 is described herewith:

II

1. INDIAN FOREST ACT, 1927

The Indian Forest Act 1927 was largely based on previous Indian Forest Acts in force under the British rule. The most famous one was the Indian Forest Act of 1878 enacted by Imperial Legislative

Council on 21 September, 1927. Both the 1878 Act and the 1927 Act sought to consolidate and reserve the areas having forest cover, or significant wildlife, to regulate movement and transit of forest produce, and duty leviable on timber and other forest produce. It also defines the procedure to be followed for declaring an area to be a Reserved Forest, a Protected Forest or a Village Forest. It defines what is a forest offence, what are the acts prohibited inside a Reserved Forest, and penalties leviable on violation of the provisions of the Act.

Review of Indian Forest Act, 1927 reveals that the law based on top down approach gives immense power to the forest officials. There was no involvement of the community in conservation and management of forest.

Review of these two forest laws namely Indian Forest Act, 1927 and STs & OTFDs (Recognition of Forest Rights) Act, 2006 came in conflict over the definition of Minor Forest Produce. Indian Forest Act was enacted in 1927 and the Section 68 of this act deals with the power to compound offences. Since there is an ambiguity of definition of the “Minor Forest Produce” on these two acts, this particular Section has led to harassment of the tribals by the forest officers. Previously the Government had said that it was going to amend Section 68 of the Indian Forest Act (IFA) 1927 and the main purpose of this amendment was to end the harassment of tribals, other traditional forest dwellers and ordinary people by local forest officials. Amendment to the Indian Forest Act, 1927 was approved recently. It was necessary because forest officers implicated tribal in false cases to harass them. Forest act raised the limit to which fines for minor offences can be compounded from 50 rupees to 1000 rupees. It put an end to the encroachments on forest properties which harm the interests of tribals' and other forest dwelling communities.

2. THE COMPENSATORY AFFORESTATION FUND ACT, 2016

Main purpose of FRA, 2006 is to restore forest rights of forest dwelling communities. Gram sabha plays a key role in the implementation of FRA, 2006. The following forest rights are granted under FRA, 2006: Secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands. This includes: (i) Rights to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use; (j) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribal under any traditional or customary law of the concerned tribes of any State; (k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity; (l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal; (m) right to *in situ* rehabilitation including alternative land in cases where the Scheduled Tribes or other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.

With a cover of 23% of geographical area of the country, forest in India comprise of a number of diverse forest types and reserved areas designated as National Parks and Wildlife Sanctuaries. In India, forests meet the livelihood needs of people living in and adjoining the forests in about 1, 73,000 villages.

Compensatory Afforestation Fund Act (CAFA) was introduced in 2016 after a decade of the enactment of FRA, 2006. This Act was passed to restore forest cover in the country, which was lost due to diversion of forest land for non-forest purposes like mining and industrial use (Kukreti 2017). Compensatory Afforestation Fund Rules were framed in 2018. The government of India in exercise of the powers conferred by sub-section (i) of section 30 of the Compensatory Afforestation Fund Act, 2016 (38 of 2016) has notified the Compensatory Afforestation Fund (CAF) Rules, 2018 in which the Gram Sabha no longer plays a key role and control of over Rs. 660 billion, to be spent on afforestation, is given in the hands of the forest bureaucracy (Aggarwal 2018).

Review of FRA, 2006 and CAFA, 2016 show that the philosophy behind enactment of FRA, 2006 was the restoration of forest rights of the forest dwelling communities. FRA, 2006 has reversed the power of forest management in the hands of the forest dependent communities that is Gram Sabha. On the other hand, CAFA, 2016 is based on the principle of restoring the forest. It completely debars the community in the afforestation process. There is a growing trend of fencing/ trenching in the name of protecting forest from animals. While doing so Forest Department perhaps deny the presence and existence of forest dwelling communities residing in forest since generations. The fencing/ trenching debars not only animals but also forest dwelling communities to enter forest to access their customary rights in forest. This restricts the mobility of forest dwelling communities in the forest. This law is perceived as anti community whose very existence is dependent on forest. CAFA, 2016 basically counters and negate provisions of FRA, 2006.

3. CONFLICT BETWEEN FOREST CONSERVATION ACT, 1980 AND FRA, 2006

The Forest Conservation Act 1980 was enacted to conserve the country's forests. It strictly restricts and regulates the de

reservation of forests or use of forest land for non forest purposes without the prior approval of Central Government. To this end the Act lays down the pre-requisites for the diversion of forest land for non forest purposes. FRA, 2006 has provision to provide forest land for the development projects. It states that notwithstanding anything contained in the Forest (Conservation) 69 of 1980 Act, 1980, the Central Government shall provide for diversion of forest land for the following facilities managed by the Government which involve felling of trees not exceeding seventy-five trees per hectare, namely: (a) schools; b.) (b) dispensary or hospital; (c) anganwadis; (d) fair price shops; (e) electric and telecommunication lines; (f) tanks and other minor water bodies; (g) drinking water supply and water pipelines; (h) water or rain water harvesting structures; (i) minor irrigation canals; (j) non-conventional source of energy; (k) skill up-gradation or vocational training centers; (l) roads; and (m) community centers: Provided that such diversion of forest land shall be allowed only if, - (i) the forest land to be diverted for the purposes mentioned in this subsection is less than one hectare in each case; and (ii) the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.

Due to the enactment of Forest Conservation Act, 1980 the district administration is facing problems in the implementation of various development programmes for the forest dwelling communities residing in forest areas. For instance:

- i.) Forest Department takes a very long time in releasing No Objection Certificate (NoC) for any development project in the forest area. By the time, NoC is released funds lapse and projects gets delayed
- ii.) Several projects such as installing poles for electricity connection, railway track, road construction, housing schemes or hand pump land is required in linear way hence, the limit of acre is not relevant in such case. It deprives forest dwelling communities from their basic human rights

iii.) Forest Department for its own project being implemented in the forest area such as construction of guest house, extension of electricity connection and road construction till the guest house. Does FCA, 1980 not come in the way of implementing these projects?

4. JOINT FOREST MANAGEMENT VIS-A-VIS CONSTITUTION OF (CFRMC) To BE CONSTITUTED UNDER FRA, 2006

Joint Forest Management (JFM) has been initiated by the GoI for involving the forest dwelling communities in the management of forests since 1990 and has been implemented by most of the states. JFM is a partnership in forest management among state forest departments and local communities in India. The policies and guidelines of the JFM were enunciated in the Indian National Forest Policy of 1988 and JFM guidelines of 1990 proposed by the Government of India. JFM is not supported by law and being run as a programme under executive orders. As a result, there is limited tenurial security for the local communities and can be rescinded any time. Forest Protection Committee (FPC) has been constituted in villages under Joint Forest Management programme. “Village Forest Management Committee” means a committee constituted for joint forest management by the competent authority in the State.

The Forest Protection Committee's responsibilities include – protection against grazing, prevention of fires and thefts of forest produce, development of forests according to the management plan, etc. The FPC has rights over minor produce like leaves, twigs and fallen branches. The JFM is for working closely with the local communities in protection and management of forest resources.

A review of Joint Forest Management Committee (JFMC) may belong to one village while the area managed by it may be

having rights recognized under the FRA of another village. This may lead to conflict between two villages. Some of the JFM areas overlap with areas where community rights are being claimed under FRA, 2006. Recently, the Ministry of Environment and Forests has begun discussions with the Ministry of Panchayati Raj and the state governments on the future of JFM. There seems to be a point for conflict.

- The forest officials are trained in forest laws and their behavior and attitude are attuned to forest laws. Writ petition filed by large number of retired forest officials and Wildlife Trusts are an assertion and manifestation of Forest Department towards FRA, 2006. STs and OTFDs Act addresses the restoration of community's forest right. Forest dwelling community is in the centre. There is a need for training on human society and its interface with the forest laws.
- Introduction of CAFA, 2016 is a way to counter the STs and OTFDs Act, 2006. Senior forest officials looked reluctant to implement FRA, 2006. It is compulsion for them to implement the Act.

COMMUNITY FOREST RESOURCE MANAGEMENT COMMITTEE (CFRMC)

There is a provision of constituting Community Forest Resource Management Committee (CFRMC) under FRA, 2006. The purpose is to manage, conserve and protect forest resources by the community.

- (a) Four major situations arise when the provisions of CFR are implemented. In situation A where community forest resource (CFRe) claims have been accepted, and where section 5 of the FRA is deemed to be applicable as a result of other rights claimed under section 3, including section 3(1) (i), in situation

B where neither CFRe claims have been accepted nor section 5 is applicable but JFM committees are in existence, in situation C where system of community forest management already exists and CFR claims are not made/accepted and in situation D where neither FRA rights, nor JFM nor pre-existing community management systems are in place, but there is still substantial use of forests by local communities.

(b) Where management claims are accepted under FRA, the management committee formed under Rule 4(e), to be named as Community Forest Resource.

- Community Forest Resource Management Committees (CFRMC) should carry out functions on behalf of the Gram Sabha. If Joint Forest Management Committees (JFMCs) exist in these villages their functions and resources (forest area, funds) should be transferred to the corresponding CFRMCs.

(c) Gram Sabha will be primarily responsible for ensuring sustainable use, conservation and protection, for which it will be empowered. Gram Sabha shall have powers to make rules regarding use, harvesting, protection, regeneration, etc and shall generate revenue and receive and spend grants for forest related activities but will not be permitted to make profit. CFRMC office-bearers will be vested with powers to prevent forest offences and penalize offenders/ violators as given to Van Panchayat office bearers in Uttarakhand.

The forest officials are of the view that Joint Forest Management is working well for the forest dwelling communities then there does not seem to be any reason to constitute Community Forest Resource Management Committee (CFRMC). JFM is functioning in most of the villages in forest area even after the implementation of FRA, 2006. FPC constituted under JFM is functional. During field it was found that in none of the village CFRMC was constituted which is a violation of FRA, 2006.

CONFLICTS BETWEEN INDIAN FOREST ACT (IFA) AND FOREST RIGHTS ACT (FRA), 2006

Indian Forest Act (IFA) and Forest Rights Act (FRA) 2006 come in conflict over the definition of Minor Forest Produce. IFA was enacted in 1927 and the section 68 of this Act deals with the power to compound offences. Since there is an ambiguity of definition of the “Minor Forest Produce” on these two acts, this particular Section has led to harassment of the tribals by the forest officers. Previously the Government had said that it was going to amend Section 68 of the Indian Forest Act (IFA) 1927 and the main purpose of this amendment was to end the harassment of tribals and ordinary people by local forest officials. Amendment to the Indian Forest Act, 1927 was approved recently.

It was necessary because forest officers implicate tribals in false cases to harass them. The forest act raised the limit to which fines for relatively minor offences can be compounded from 50 rupees to 1000 rupees. It can put an end to the encroachments on forest properties which harm the interests of tribals.

Forest officials are of the view that the recognition of forest rights has a negative impact on the conservation of forest. They argued that this will impact to the environment and forest conservation with growing population vis a vis increasing demand for MFPs is causing conflicting situation between forest department and the forest dwelling communities. Forest department perceives community as a subject who is destroying the forest.

CRITICAL WILDLIFE HABITAT

The new guidelines issued recently by the Union Ministry of Environment, Forests and Climate Change (MoEF &CC) has been sent to the state government for the notification of Critical Wildlife Habitats within national parks and wildlife sanctuaries,

kicking-off the process of creating inviolate spaces for wildlife conservation by modifying and resettling rights of lakhs of adivasis and other forest dwellers outside Critical Wildlife Habitat.

During field visit in Jharkhand it was found that the Birhor PVTGs were living in Fulvaria nagar panchayat ward no. 1 which is in Koderma Wildlife Sanctuary. Forest Department has fenced the surroundings of the protected area which covered Fulvaria nagar panchayat also where Birhors are living. This nagar panchayat is not electrified as it comes in the protected area. They do not have electricity. Revenue Department wanted to electrify this nagar panchayat so they installed electricity poles but Forest Department did not grant permission on the pretext of FCA, 1980. District administration feels that FCA, 1980 has restricted or slowed down the implementation of development programmes in forest areas. Process for taking NoC is very complicated and time consuming.

THE WILDLIFE PROTECTION ACT, 1972

The Wildlife Protection Act, 1972 is an Act of the Parliament of India enacted for protection of plants and animal species.

RELEVANT PROVISIONS OF THE FRA, 2006 FOR DETERMINATION OF THE CRITICAL WILDLIFE HABITAT:

- 4.1.** The relevant provisions in the FRA, 2006 relating to the determination of CWH and allied issues, in National Parks and Wildlife Sanctuaries, are contained in sections 2(b) and 4 (1) & (2).
- 4.2.** Section 2(b) of the FRA, 2006 defines CWHs as areas within National Parks and/or Wildlife Sanctuaries that are determined on a case by case basis, following a set of scientific

and objective criteria, and are required to be kept inviolate for the purpose of wildlife conservation. Therefore, the definitive characteristic of a CWH is the decision that the area is required to be kept inviolate for wildlife conservation.

- 4.3. As per section 2(b), a CWH may only be determined and notified after an open process of consultation by an Expert Committee, which includes experts from the locality appointed by the State Government and also a representative of the Ministry of Tribal Affairs. The process of determination must also satisfy the procedural requirements in sub-sections 1 and 2 of section 4 of the FRA, 2006.
- 4.4. Section 4(1) of the FRA, 2006 recognizes and vests forest rights in Scheduled Tribes and other traditional forest dwellers. The Forest Rights are listed in section 3 of the FRA, 2006, which, *inter-alia*, secure individual or community tenure or both.
- 4.5. Section 4(2) of the Act provides that the forest rights provided under section 3 of this Act can subsequently be modified or resettled outside the Critical Wildlife Habitats. However, no forest rights of Scheduled Tribes and other traditional forest dwellers can be modified or resettled from any CWH unless all the provisions of section 4(2)(a) to (f) of the FRA, 2006 are complied with, namely:
 - a) The process of recognition and vesting of rights is completed as per Section 6;

5. BIO-DIVERSITY ACT, 2002

This Act is to provide for conservation of biological diversity, sustainable use of its components, and fair and equitable sharing of the benefits arising out of the use of biological resources, knowledge and for matters connected there with or incidental thereto. Citation. Act No. 18 of 2003.

BIO-DIVERSITY ASSESSMENT OF DIVISIONAL FOREST DIVISION, KODERMA

India has ratified the Nagoya protocol on Access and benefit sharing, measures that provides a tool against bio piracy. And accordingly Biological Diversity Act, 2002 and Rules 2004 were enacted. Under the act the access and benefit sharing arrangements by any foreign individual, institution or company desiring access to biological resources occurring in India or knowledge associated there to for commercial utilization or bio survey and bio utilization is required to seek prior approval of the National Biodiversity Authority (NBA). When granting approvals, NBA enters into benefit sharing agreement with the applicant imposing conditions which secure equitable sharing of benefits arising out of the use of biological resources and associated knowledge. Further, NBA approval is also required before seeking any intellectual property rights based on biological resource and associated knowledge obtained from India.

The forest divisions in Chatra and Koderma districts in Jharkhand proposal have been drafted to take initiative to inventories the bio- diversity however, no action has been taken in this regard.

6. RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013 & LAND ACQUISITION UNDER CCL AND NTPC R & R POLICY

As per LARR 2013 the Act shall apply when the appropriate Govt acquires land for its own use, hold and control, including for Public Sector Undertakings and for public purpose, and shall include the following purposes, namely:- (a) for strategic purposes relating to naval, military air force, and armed forces of

the Union, including central paramilitary forces or any work vital to national security or defense of India or State police, safety of the people; or (r) for infrastructure projects, which includes the following, namely:

- (i) all activities or items listed in the notification of the Government of India in the Department of Economic Affairs (infrastructure Section) number 13/6/2009-INF, dated the 27th March, 2012, excluding private hospitals, private educational institutions and private hotels
- (ii) projects involving agro-processing, supply of inputs to agriculture, warehousing, cold storage facilities, marketing infrastructure for agriculture and allied activities such as dairy fisheries, and meat processing, set up or owned by the appropriate Government or by a farmers' cooperative or by an institution set up under a statute
- (iii) project for industrial corridors or mining activities, national investment and manufacturing zones, as designated in the National Manufacturing Policy
- (iv) project for water harvesting and water conservation structures, sanitation
- (v) project for Government administered, Government aided educational and research schemes or institutions:
- (vi) Project for health care, tourism, transportation or space programme.
- (vii) any infrastructure facility as may be notified in this regard by the Central Government and after tabling of such notification in Parliament; (c) project for project affected families (d) project for housing for such income groups, as may be specified from time to time by the appropriate Government; (e) project for planned development or the improvement of village sites or any site in the urban areas or provision of land for residential purpose.

During field visit it was found that the large numbers of STs were living in the villages of Tandwa block in Chatra district were

cultivating on raiyyati land within the forest area. Many farmers were having khud katti right on land. The tribals residing in Tandwa block were served notice for acquiring their land. Many of them have left the village as their land was already acquired for the Central Coalfields Limited (CCL) and National Thermal Power Corporation Projects (NTPC). CCL and NTPC have their own R & R policy. Table 13.1 shows the amount of forest land diverted for mining or other development projects in Koderma district. Local academia and activists were of the view that the forest is being damaged by the mining companies and various other mega development projects and not by the forest dwelling communities. Despite the Forest Conservation Act, 1980 massive forest land is being diverted and No Objection Certificates were being issued to them. There is a difference in the interpretation of forest both from the Forest Department and the forest dwelling communities. For the Forest Department forest is considered more as a material resource having commercial value. They perceive forest dwelling communities as encroachers of forest land whereas for forest dwelling communities forest is a basis of livelihood and they share symbiotic relation with the forest.

FRA, 2006 was introduced to restore the forest rights of the forest dwelling communities but land is being acquired for the development projects and also for various mining projects. Eviction of large number of tribals families from the forest areas is something which keep happen now and then.

Table 13.1
Total Forest Area Diverted Under Forest Conservation Act
Since 1980 in Koderma District

Sl. No.	Name of User Agency	Purpose	Diverted Area (in Ha.)		Total Diverted Area (in Ha.)
			Protected Forest	J.J.	
1.	Jai Sri Ram Stone Ind. Domchanch	Mining	4.99400	0.00000	4.9940
2.	Smt. Nita Rampal	Mining	3.15660	0.00000	3.1566
3.	Sri Sachin Sahana	Mining	2.42000	0.00000	2.4200
4.	Sri Uma Shankar Prasad	Mining	2.38600	0.00000	2.3860
5.	Sri Praveen Kumar Sukhani	Mining	2.29800	0.00000	2.2980
6.	Sri. Harsha Bardhan Pandey	Mining	1.21000	0.00000	1.2100

7.	Sri Sanjay Rampal & Hemant Rampal	Mining	1.20590	0.00000	1.2059
8.	Koderma-Giridih new B.G.Rail line (Revised Area)	Railway line construction	16.41000	8.690000	25.1000
9.	2x500=1000 MW Koderma Supe Thermal power plant	Thermal	11.61940	143.53040	155.1498
10.	11 KV HT line at Koderma Block	Electrification	25.72360	3.26900	28.9926
11.	11 KV HT Line at Markacho Block	Electrification	16.23300	7.68200	23.9150
12.	11 KV HT Line at Chandwara Block	Electrification	8.82560	1.44530	10.2709
13.	11 KV HT Line at Satgawan Block	Electrification	13.58400	3.04800	16.6320
14.	33 KV HT Line at Satgawan block	Electrification	14.46060	1.23340	15.6940
15.	132 KV Transmission line (DVC)	Electrification	4.95000	6.30000	11.250
16.	Koderma Railway Station to telaiya (Nawada, Bihar) Rail Project.	Railway line construction	95.35000	6.09500	101.4450
17.	4000 MV Tela90.6064iya Ultra Mega Power Pro496.92620ject	Power	0.00000	0.20000	0.2000
18.	400 KV Transmission line Koderma – Biharsharif Power Plant	Transmission line	88.74836	1.85804	90.6064
	Total		313.57506	183.35114	496.92620

Source: Koderma Forest Division, December 2018.

The above table shows that in Kodarma district, total 496.92620 hectare forest land has been diverted since 1980 under Forest Conservation Act, 1980. The table shows that out of 18 development projects, seven were awarded to the private agencies for mining purpose. 17.6705 hectare forest land was diverted for the mining purpose. The remaining eleven projects were government projects. 479.2557 hectare forest land was diverted for the government projects related to mainly electrification, power, transmission, thermal and railway line construction. Table shows that large land was diverted basically thermal power plant and rail projects.

CONCLUSION

Thus, the review of the above mentioned forest laws shows that there is a conflict between certain forest laws with FRA, 2006. There is an urgent need for having consultation with the concerning ministries and draw certain guidelines.

NOTE

1. Compensatory Afforestation Fund Rules, 2018 Published vide Notification No. G.S.R. 766 (E), dated 10.8.2018

REFERENCES

1. Kukreti, I. (2017).) “Compensatory Afforestation Fund Rules, 2018” vide notification no. G.S.R. 766 (E), dated 10.8.2018 act 3222. September 20, CAFA, 2016 (38 of 2016) has notified the Compensatory Afforestation Fund (CAF) Rules, 2018' retrieved from <http://www.downtoearth.org.in> on 15 June, 2019.
2. Aggarwal M. (2018). 'India's New Compensatory Afforestation Rules Dilute Rights of Forest Dwellers,' August 23, News and Inspiration from Nature's Frontline in India, retrieved from india.mongabay.com on 15 June, 2019.

FINDINGS OF THE STUDY AND SUGGESTIONS

The study titled “Forest Rights Act, 2006: Intervention for Effective Implementation in Jharkhand” was conducted in Jharkhand. The objectives of the study were to find-out the followings:

1. The household profile of the respondents who claimed for IFRT under, 2006;
2. awareness among households and members of Forest Right Committee, extent of their understanding of provisions of FRA, 2006 and of procedure of claiming IFRT and CFRT;
3. whether FRCs were receiving applications from the claimants if not, reasons;
4. whether the government officials involved in the implementation of FRA, 2006 were aware of the procedure and process of the implementation of FRA, 2006;
5. role of revenue authorities in facilitating claimants to get forest land rights;
6. extent of granting IFRTs and CFRTs and how many have been granted land titles and legal status of land ownership;
7. time gap at different stages of implementation of Individual Forest Rights and Community Forest Rights;
8. extent of accepted/ rejected claims and what have the reasons for the rejection of claims;
9. find-out how far implementation of FRA, 2006 impacted in improving the household economy;
10. To review various forest laws/ legislations enacted by Ministry of Environment, Forest and Climate Change as in force in Jharkhand and find-out whether these laws have taken cognizance of FRA, 2006 and also to review whether the forest laws are facilitating the implementation of FRA, 2006

- or putting hindrances and to review and analyze Compensatory Afforestation Fund Act (CAFA), 2016;
11. To find- out whether women have claimed forest right and if yes, whether their claims were recognized and if women were denied their rights under the act, find- out the reasons
 12. To study the inter –departmental co-ordination and identify problems coming in the way of coordination; and lastly
 13. Suggest interventions for effective implementation.

RESEARCH METHODOLOGY

The household survey was conducted in two districts namely Chatra and Koderma in the State of Jharkhand. To understand the status of implementation of FRA, 2006, 150 households were surveyed. Interview Schedule, Focus Group Discussion, Case Study and observation methods were used to collect information from different stakeholders. Government officials, activists, members of Forest Right Committee and forest dwelling households were interviewed. Secondary data was collected from the offices of Deputy Commissioner, District Welfare Office and Divisional Forest Office of Chatra and Koderma district. District-wise status of achievement of forest rights under FRA, 2006 was collected from the office of the Joint Secretary, Jharkhand Tribal Welfare Commissioner, Ranchi.

Findings of the study are as follows:

1. HOUSEHOLD PROFILE

Household data analysis reveals that majority of the respondents belonged to Scheduled Tribes and Scheduled Castes and Other Backward Castes were lesser in numbers. Most of the respondents had faith in animism. Quite a sizeable number of the respondents were Christians. As per the secondary data, the literacy rate in Jharkhand was 55.56% out of which 64.28% males were literate

and 46.37% females were literate. It was found that the literacy rate was low among Scheduled Tribes and Other Traditional Forest Dwellers residing in forest areas.

Almost all the households were dependent on forest for their livelihood. To supplement the household income, most of them were engaged as wage labourers in mining (coal and mica) and quarry sectors. After the enforcement of Forest Conservation Act, 1980, mining was banned in Jharkhand. But some of the old mines which were earlier given on lease are still mined. In mica mining, wages were given on the basis of the quantity of mica collected. On an average, wages were ranged between Rs. 10/- to 15/- per kilogram. Middlemen visit in the villages, procure mica from local labourers and make payment on weekly basis.

2. AWARENESS ABOUT THE PROVISIONS AND PROCEDURE OF FRA, 2006

An attempt has been made to find-out the awareness about the provisions and procedures of FRA, 2006 among government officials such as Forest, Revenue and Welfare Department, members of forest right committee and households.

- The Officials of Revenue and Forest Department were found aware of with the process and procedure of implementation of FRA, 2006. However, District Welfare Office (DWO), Chatra was not so well versed as she was holding DWO as an additional charge. At some places Forest Right Committee members were found aware of the procedures and provisions of FRA, 2006 whereas at some places, they were found not fully aware of. During field visit, it has come to notice that FRC was not constituted in some of the villages and forest right claims were submitted either by activists or NGOs.

- Household data revealed that most of the respondents have heard about FRA, 2006 but large number of them did not know the provisions and procedures. As per procedure laid down in FRA, 2006, forest dwelling community has to submit forest right claim to Forest Right Committee. It was found that due to lack of awareness about the provisions and procedure, different claimants have submitted their application to different agencies. For instance, some of the claimants have submitted to Circle Office, some to the Forest Department and some have submitted to the Forest Right Committee. It was found that at several places, NGOs have facilitated the forest dwelling communities to file their claims for their forest right. Thus, it can be stated that as per the procedures laid down in FRA 2006, the forest right claim should be submitted to FRC but it was found that most of the time, claim application was not submitted as per the guidelines.
- To cope-up with the low level of literacy among forest dwelling communities and almost total illiteracy in Birhor community, Jharkhand Government has taken an innovative initiative. To facilitate them in identifying the claim forms, the District Welfare Department printed the IFRT application form in yellow colour and CFRT claim form in pink colour. The eligibility criterion for filing the claim was written at the back of the prescribed form in a simple language.

3. VERIFICATION PROCESS

- As per FRA Rules, 2012, the IFRT claimant has to submit his/her claim along with certain specified documents as evidence. Due to digitisation of records, most of these documents such as caste certificate, income certificate, land ownership document, residential proof, ration card, and Adhaar card, etc) are available now only through online. A sizeable number of respondents have told that they faced problems in collecting these documents.

- Verification of claim is mandatory for recognizing the forest right and issuing titles. But it was found that verification process was delayed by the govt. agencies for one or the other reason. It was found that the forest dwelling communities visit forest to collect MFPs and fuel wood early in the morning. When officials visit village to verify the forest right claim, they often do not find the claimants in their houses or they go to other villages to attend social function. In such situation, verification was done either in the absence of the community whose claim was to be verified or enquiry is being made from the neighbours and application was submitted to SDLC.
- It has been found that the claimants faced difficulties in arranging documents to prove their forest right claim. Both Forest Department and Revenue Department can play an important role in this regard. Forest Department can provide forest related documents to the claimant and that can be used as a proof of evidence. The use of pre determined lists available with forest department can also be used as criteria for acceptance of claims. This can make the task easier for the claimants and their claim can be recognized. It was found that the Forest Department never provided such documents to the claimant.
- Several respondents have told that the Forest and the Revenue department do not provide map or any other documents which could help them to claim their forest right.

4. SUB DIVISIONAL LEVEL COMMITTEE AND DISTRICT LEVEL COMMITTEE

- District Level Committee (DLC) and Sub Divisional Level Committee (SDLC) were constituted both in Chatra and Koderma districts. DLC conducts meeting only when FRA related claims come for consideration. Verification process for forest right claim passes through various stages. Final

decision on any claim is taken by DLC. Last DLC meeting in both the districts was conducted in 2017.

- As per the data provided by the Welfare Department, Govt of Jharkhand, total 107032 IFRT claims were filed at gram sabha level. Out of which 59,930 IFRT claims were recognized at District Level Committee till December, 2018. In Chatra district 5156 IFRT claims were submitted at gram sabha level and 1399 IFRT claims were recognised by DLC. In Koderma district, 1318 IFRT claims were filed at gram sabha level and 384 claims were recognised at DLC level. Similarly, 3724 CFRt claims were filed at the gram sabha level and 2121 CFRt claims were recognised. In Chatra district 110 CFRt claims were submitted and 23 CFRt claims were recognised by DLC and in Koderma district 109 CFRt claims were files at the gram sabha level and 13 CFRt claims were recognized by DLC;
- SDLC need to facilitate the forest dwelling communities in providing the documents and guidance so that the genuine and pending claimants can apply and get their forest rights recognized;
- In Mardanpur village, Chatra district one of the Circle Office has played a pro-active role. He requested the Govt to allow issuing documents offline for few days so that claimants can enclose the required documents with their applications.
- As per FRA Rules, 2012 there should be representation of PVTGs and nomadic/ pastoral communities in SDLC and DLC, but none of the PVTG was found as the member of SDLC/ DLC in Chatra and Koderma districts. SDLC and DLC should make PVTGs as members and ensure their presence at the time of meeting;
- There was a shortage of manpower and transportation facility. This affects the smooth functioning of implementation of FRA, 2006. DLC should resolve these issues;

- DLC is constituted by the district level officials such as DC as the chairperson of Committee, DFO, DWO and other elected and nominated representatives. But it has been found that the DFO has the upper hand in decision making. DWO which is the nodal agency was found as the weakest link in the chain. Most of DWOs were from the state civil services perhaps this was one of the reasons they were not able to assert.
- There was no timeline for the government officials to process forest right claims;
- There is no mechanism through which the claimant could know the status of his/ her application. There is a need to develop a mechanism so that the claimant could know the status of his application.

5. FOREST RIGHT COMMITTEE AND GRAM SABHA

As per FRA, 2006, “Forest Rights Committee” means a committee constituted by the Gram Sabha under rule 3. Forest Right Committee receives forest right claims, present the list of claims before gram sabha and gram sabha scrutinizes those claims and the final list is submitted to the Circle Office. The Gram Sabha is authorised to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction under this Act by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim in such manner as may be prescribed for exercise of such rights and the Gram Sabha shall, then, pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee. Instances have come across in Jharkhand where FRC members have submitted the claim to Circle Office without organizing any gram sabha;

- It is important to mention that most of the Forest Right Committee and gram sabha members were either semi literate or illiterate. They put their thumb impressions in their claim applications and also in the proceedings of gram sabha meetings. They did not even know that what was written on those documents. Gram sabha members signed the documents in good faith, trusting to those who were literate and wrote gram sabha proceedings;
- FRC members have told that they did not have any knowledge about spatial technology such as Geo-Positioning System or satellite images and its reliability hence, did not know whether Forest Department is taking right decision or not;
- Another important issue raised by FRC members was that after every village panchayat election, panchayat members get changed after five years but FRC members remained the same. Change in the power structure of village panchayat influences the FRC decisions and that effect the implementation of FRC.
- FRC members have told that officials visit villages for verification of claims as per their conveniences. When they request them to visit, they did not come. With the result, when officials make visit, they often did not find forest dwellers in the village.

6. ACCEPTED/REJECTED FOREST RIGHT CLAIMS

The result of the present study shows that 74.0% claims were recognized for IFRT and 26.0% claims were rejected. It was found that respondents whose IFRT claims were rejected, they were not communicated in writing. Also respondents whose claims were rejected, none of them have filed for appeal. Most of the respondents did not know that there was a provision for appeal. Some of them said that their IFRT claim application was not acknowledged in writing hence, they could not appeal.

The Welfare Department maintains a consolidated data on the status of achievement of IFRt under FRA, 2006. A closer look of the data revealed that the data did not provide a complete picture such as whether the beneficiaries were Scheduled Tribes, Particularly Vulnerable Tribal Groups, nomads or Other Traditional Forest Dwellers. There is a need to maintain segregated data on STs, OTFDs, nomads and PVTGs and gender as a cutting across issue among all these categories.

The difference between the number of claims submitted and the number of claims recognized did not specify whether the difference was due to rejection of claims or pending of claims. Separate column needs to be maintained for each category.

Also the data on status of achievement of the extent of land settled under FRA 2006 include land settled under individual and community forest rights. There is a need to maintain segregated data on land settled under both category of claims.

7. REJECTION OF LARGE NUMBER OF OTFDS CLAIMS

- As per FRA 2006 "forest dwelling Scheduled Tribes" means the members or community of the Scheduled Tribes who primarily live in and depend on the forests or forest lands for *bona fide* livelihood needs and includes the Scheduled Tribe pastoralist communities. Similarly, "Other Traditional Forest Dwellers" means any member or community, who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forest land for bonafide livelihood needs.
- During household survey and meeting with the officials of the implementing agencies it was found that this was very difficult for Other Traditional Forest Dwellers to produce evidence/ documents of three generations, that is, of 75 years (which means of the year 1930-31). Then India was under

British rule, many records such as caste certificate, Aadhar card, and voter identification were not maintained. Also large number of population remained out of the ambit of land records managements system. Land reforms programme took place during 1950s after Independence of the country. Document such as residence certificate was not used to be maintained by the people particularly living in rural or forest areas. Many households at that time were engaged as tenants, wage labourers or cultivating land belonging to some princely estate. Cultivation used to be done on mutual agreement basis. Sometime local landlord/ zaminadar/ raja's used to allow people to cultivate their land and in return used to take some portion of produce or ask them to contribute free labor. Most of the forest areas were not surveyed during that time.

- Another reason as mentioned by the Circle officer was that to arrange proof of 75 years to establish the status of OTFDs is very difficult for the forest dwelling communities. These people were residing in extreme poverty and their literacy level was very low. They did not have idea how to approach to the administration and explain their problems. Even if somebody tries to approach to a Govt. officer, nobody listened to them. Many of them do not have even electric connections. In such situations, to expect them to arrange documents to prove that they have been residing in forest area for the last 75 years is not possible.
- Circle Officers have said that no standard parameters were followed by Forest and Revenue Officials to verify forest right claim. Revenue Department considers cadastral map and nature of land (revenue or forest land, whether cultivated land or wasteland, etc) as the basis. Amin traces map of the plot and cross check from the neighbours to verify the boundaries. Physical verification is done by surveying and measuring the land through chain method. If a household has four acre of land and owner was found cultivating three acre of land then

only three acre of land was recognized to the claimant. But Forest Department uses Geo Positioning System (GPS) and verify through satellite images to find-out whether claim was genuine. Forest Department also takes into account the guidelines and provisions of Forest Conservation Act, 1980 before taking decision. In the absence of evidences such as satellite images and documents, Forest Department raises objections and rejects forest right claims of OTFDs. Revenue Department wants to help to forest dwelling communities but the Forest Department remains reluctant. Forest Department considers the satellite map as the only reliable criteria to take decision. Due to all these reasons large number of OTFDs remained deprived of their claims as these are rejected. Notably, none of these OTFDs were intimated about the rejection of their claims.

- Officials were of the view that first of all baseline survey should have been conducted. Only after that the process of implementation should be started. Even now camps can be organized to complete the backlog.
- Government should give some flexibility to the OTFDs households as 75 years is too long a period to get documents.
- The baseline survey should be conducted of those who are residing in the village since long.

8. CONSTRAINTS BEFORE THE GOVERNMENT OFFICIALS IN THE IMPLEMENTATION OF FRA, 2006

The District Welfare Office is the nodal agency to monitor the implementation of FRA, 2006. It collates and updates the progress of achievement of IFRT and CFRT at district level. It was found that the DWO of Chatra district was holding charge of three departments. DWO was an additional charge given to her. Due to work pressure and paucity of time, DWO, Chatra district was not

able to give enough time to monitor the progress of FRA, 2006. She was not well versed with the FRA, 2006. Similarly, DWO Koderma was holding charge of two departments. DWO, Koderma however, was found well versed with FRA, 2006 provisions and procedures;

- There was shortage of Amins in the state of Jharkhand. Most of the Amins attached with FRA, 2006 were either hired on contract basis or retired personnel. There were 12 Circles in Chatra district. As per norm, each circle office should have one Amin but there were three Amins posted in the district;
- Forest officials were of the view that the implementation of FRA, 2006 should not be an on-going process. It should be stopped now. They said that mafia has taken control of it and they were taking undue advantages of FRA provisions. They said that if the implementation of forest right will continue then the whole forest will get destroyed and there will be serious implications on the environment.
- The process of recognizing forest land under FRA, 2006 has either slowed down or stopped in some districts.

9. ROLE OF NGO

It was found that NGO has played a significant role in facilitating the implementation of FRA, 2006. As most of the forest dwelling communities were not aware of the procedure for filing their forest right claim. NGOs facilitated them to fill-up their claim application and submitted to Circle Office. Some NGOs were found doing well but other NGOs were not aware of the provisions and procedure of FRA, 2006. They simply facilitated in filling claim applications and submitting to Circle Office. They did not follow up the applications, not knowing to whom they should pursue. NGO can be trained properly so that they could facilitate the community in the right direction.

10. LAND RECORDS MANAGEMENT

When the forest land is recognized under FRA, 2006, the owner of the land on whose name forest land was recognized is given a land document called as *Upa Bandh*. This document mentions name of the land owner, his father's name, and his/ her spouse name, if married and address. It mentions details about forest land such as size of land granted along with the map of the parcel of land. Land allotted under FRA, 2006 extends heritable rights to the owner of the land. The land cannot be sold. Following observations were made on *land record in general and Upa bandh* in particular.

- In several land documents it has been found that in column where land size was written, the figure of land size was strike off and re- written. There was no countersign after re writing the size of land. Usually the re-written size of land was lesser than the size of land written earlier. This practice was found more when it comes to the Birhor community.
- It was also found that in majority of the cases, there was a difference in the size of land claimed by the households and the size of land granted to them. Forest officials told that they recognized only that much of forest land as much was occupied / cultivated by the household;
- At several places respondents have told that the boundary of forest land was not specified even they did not know where exactly the location of their land started and where it ended. Due to this reason, they were not able to cultivate the land recognized on their names.
- As the Forest Department remained the owner of land thus the state was finding difficult to implement development programmes in such areas. And households whose claims were not recognized, they were not able to get the benefit of several development programmes such as scholarship for their children, etc;

- Household whose forest land right has been granted was given a copy of Upa Bandh. It is a land documents which proves the identity of a person on whose name land right was recognised. A copy of the same document is kept by the Revenue Department and one copy each was send to District Welfare Office and Forest Department. It has been found that the Revenue Department and the Forest Department did not update their land records. Forest officials have categorically informed that they did not update and maintain any land record which was settled under FRA, 2006. Their forest map still show the land as forest land. This situation may lead to problems in future. It is important to computerise these records and both the departments should keep updating their land records updated as and when any right to forest land is recognised.
- As per FRA, 2006 maximum **5 acre** of land is permissible to recognize for any development project. If land is required for more than 5 acre then the permission is taken from the GoI. Due to this reason, district administration is facing problem in implementing development project in areas where STs and OTFDs were living.
- It seems that the complete forest land was not surveyed. This was causing lots of disputes and confusion both among the implementing agencies and the forest dwelling communities. To resolve this issue, there is a dire need to survey the complete forest land and revenue land in the district.
- Even FRA, 2006 is silent on the mechanism for the management of forest land records. There is a need to provide guidelines to the Revenue and Forest Department in this regard.

11. MINOR FOREST PRODUCE

Bamboo, Tendu leaves, Awla, Bahera, Ber, Chiroungi, Chirota, Harra nuts, Jackfruits, Jamun, Katha, Mahua leaves and flowers,

Palas, Piya, Sal, grass, fuel wood, fodder and wide range of medicinal plants were accessed by the forest dwelling communities in Jharkhand. They also collect their traditional food from the forest. Although many households say that the availability of the quantity of traditional food has been reduced now.

- Lack of marketing channels and storage facility for MFPs have emerged as the major constraints. With the result, forest dwelling communities sell MFPs in local hatta or to middlemen on a very nominal price. There is a need to provide institutional support so that the community could get better price and improve their economic conditions. There is a need to promote forest based agro industry.
- Respondents whose claims were recognized some say that they find improvement in their confidence level. Prior to the implementation of FRA, 2006 lots of conflict used to take place with Forest Department but after getting forest land recognized, the conflict has reduced to a great extent.
- Out of total respondents 54.05% respondents said that the socio economic condition of their household has improved after recognition of forest land on their name under FRA, 2006. Remaining 45.95% respondents said that the socio economic condition has not improved. They have also said that they did not find much difference in improving household income after the implementation of FRA, 2006.

Almost two-third of the respondents (65.33%) said that they did not find any difference in the production of MFPs after the implementation of FRA, 2006; around one-third of them (32.0%) said that MFPs production has decreased after the implementation of FRA, 2006. A small number of them (2.67%) said that they could not say anything.

Dabur, Himalaya and Patanjali and several other companies were manufacturing medicines out of medicinal and herbal plants.

Forest Department in Jharkhand needs to play a pro active role in this regard. It seems that the Forest Department seems to be more interested for managing major forest produce than minor forest produce which is a main source of their revenue.

12. PARTICULARLY VULNERABLE TRIBAL GROUPS - BIRHORS

There are eight notified Particularly Vulnerable Tribal Groups (*Adim Janjati*) in Jharkhand. These were 1. Asurs, 2. Birhor, 3. Birjia, 4. Hill Kharia, 5. Korwa 6. Mal Paharia, 7. Parhaiya, 7. Sauriya Paharia and 8. Savar. Sauriya Pahariya and Mal Parahiya were the two largest number of PVTGs in Jharkhand. Total population of Birhor PVTG in the state was 6579. The total population of PVTGs in Chatra district was 2578 (Birhor No= 1256 & Parahiya N= 1322= Total 2578). In Koderma district only Birhors were residing. The total number of Birhor residing in Koderma district was 766. Birhors live in the interior of the forest and they were completely dependent on forest for their livelihood. Illiteracy was very high among them. It was found that they were not aware of the procedures and provisions of IFRT and CFRT. Their socio-economic conditions were very poor. Most of them were mal- nourished. They did not have enough clothes to wear and not enough food to sustain themselves.

- In order to improve their conditions *Dakia Ration Yojana* was launched. Under this scheme 35 kilo rice was distributed free of cost. The state government has launched several development schemes such as Birsa Munda Awas Scheme, drinking water, aganwadi and 108 Ambulance Service, etc. Most of these Birhors were recognized forest lands in the range of 15-40 decimal under FRA, 2006;
- In some areas, where PVTGs have been given land for cultivation, they were not able to cultivate land neither they have ox or any source of irrigation.

- Birhors in Chatra district say that they have been given houses under Birsa Awas Yojana but the roof of their houses started leaking during rainy season. Due to leakage, they were not able to sleep inside the house. Also all their belongings and important papers got soaked with water and damaged. They did not have even a trunk which they could use to keep their belongings such as clothes, bed, cash or any documents;
- Most of the Birhors were found keeping land record, bank passbook opened under Jan Dhan Yojana, ration card, NAREGA job card and other such important documents in a polythene bag;
- In many Birhors tolas visited during household survey, Birhors have told that their land documents were taken away and kept in the custody of village pradhans or lower level revenue functionary. So whatever amount is transferred into their account through DBT, part of the amount is taken by the village pradhan and they did not even know how amount has been transferred in their account. There is an urgent need to keep check on such malpractices.
- There is a need for sensitisation and orientation of government officials/ NGOs dealing with PVTGs and the special needs of these groups. In this regard, government has a greater role to play to protect their cultural identity;

13. NOMADIC/ PASTORAL COMMUNITIES

To restore the forest rights of nomadic / pastoral communities specific provisions have been made in FRA, 2006. Nomadic groups are covered under the definition of 'community forest resource' in Section 2(a), which includes “seasonal use of landscape”. A nomadic community was studied in Koderma district. Some of the important highlights with regard to nomadic community were as follows:

- The nomadic/ pastoral community move from one district/ state to another district/ state to another hence, there forest right cannot restrict to one district/ state;
- Nomads use forest in different areas depending on the season and regeneration of vegetation of forest resources;
- It was found that all the members of nomadic community were illiterate. They were not aware of the provisions and procedure of FRA, 2006. They did not have access even to basic amenities such as education, water, toilet, aganwadi and health, etc. Some political activist has facilitated them to file their claim for forest right but till date none of these nomadic household have got their forest rights. In Chatra district, nomadic community comes and stays for few months. They sell artificial flowers and go back in winters. Pastoral community also comes with buffaloes stay for few months before move on.
- They lived outside the urban area and stay on Gair Mazarua land. To protect themselves from any conflict, the nomadic community prefers to stay adjacent to the ground of police station.
- It was found that for nomadic community, it was difficult to produce a record to prove that they lived at one place because they did not have a permanent house.
- Though the nomadic community remains mobile yet now they want to settle at one place so that their children could get education and they could get benefits of govt schemes.

National Committee constituted in 2010 to review FRA, 2006 pointed- out following issues with regard to nomads:

- There was no national level data on the status of FRA implementation with regard to nomads;
- Awareness can be created among nomadic community through traditional methods. NGO can play a greater role in this regard;

- Due to shrinking of forest, the yield of medicinal/ herbal plants is declining hence, nomads have to go to the deepest into the forest;
- States are not maintaining any data on the progress for nomadic/ pastoral communities' forest claims and its recognition;
- There was a gap between the nomadic communities and the authorities;
- States should make possible the constitution of Forest Right Committees from amongst the nomadic communities themselves, and/ or their representation in resident village.

There is a lack of research studies on nomadic/pastoral communities in different states:

- There are areas where nature of land has changed over a period of time. Rural area has come under municipal council. This is causing problems for the nomads. They live with constant fear of eviction at their transit point because several such sites are still used by the nomads/ pastoral community. Also their converted land is not considered as forest;
- Nomadic community was not aware of the provision of CFRc. They did not know the concept of FRC and no agency has created awareness among them in this regard. According to MoTA (in its clarificatory circular of 4 March 2010), rights cannot be claimed or given in urban areas, since SDLCs and DLCs cannot be formed;
- There is a need for coming up with a more creative solution to their problems.
- An anthropological study needs to be carried- out to find out the nomadic cycles or patterns of nomads so that their forest rights could be restored according to FRA;
- Development programmes should be inclusive in nature keeping in view of nomads lifestyle.

Certain relaxation can be made in their cases. For example, they need to be exempted from submitting both permanent and temporary residential address certificates:

- State does not maintain any data on nomadic communities in the status of achievement of FRA, 2006. There should be a separate column in the status of achievement under FRA, 2006 exhibiting the status of achievement on nomadic/pastoral communities;
- Need to monitor nomadic/ pastoral rights at the district level committee;
- Need to sensitise officials of forest, revenue and tribal departments about the social structure, economic practices and movements of nomads;
- Nomads' traditional knowledge has not been acknowledged or encouraged. Their traditional knowledge needs to be given space in public policy and need to be documented;
- The nomadic tribes using wildlife areas have a special relationship with the wildlife too, but their actual or potential role in conservation and protection of wildlife given their traditional knowledge has never been acknowledged or encouraged.
- None of the pastoral communities were recognised of their community forest right.

14. COMMUNITY FOREST RIGHT

As per FRA, 2006 the community rights such as *nistar*, or whatever name it is known, including those used in erstwhile Princely States, Zamindari or such intermediary regimes; right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries; other community rights of uses or entitlements such as fish and other products of water bodies,

grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities; rights including community tenures of habitat and habitation for primitive tribal groups and pre agricultural communities.

- As per data provided by the Directorate of Welfare, Government of Jharkhand total 3724 CFRt claims were filed at Gram Sabha Level and out of which 2121 claims which was 56.95% of the total CFRt claims were recognized in the state. Maximum number of claims were recognized in Garhwa district where 981 CFRt claims were recognized. No CFRt claims were recognized in Pakur and Ramgarh districts.
- Household survey analysis shows that 5.67% respondents said that their Gram Sabha submitted claims for CFRt, 6.38% of them said that their Gram Sabha did not submit the claim and large number of them (87.94%) said that they were not aware of. The respondents were further asked whether the community of their Gram Sabha granted right to use and access of grass, fodder and fuel wood under FRA, 2006. It was found that 4.67% respondents said that the community of their village was granted right to use and access of grass, fodder and fuel wood. Majority of the respondents (94.0%) said that the community of their village was not granted community forest right. Remaining 1.33% respondents said that they did not know.
- Most of the respondents were found not aware of CFRt and they did not know whether their Gram Sabha has claimed for CFRt.
- Review of the status of achievement of CFRt under FRA, 2006 in the state did not maintain segregated data on forest right of tribals, PVTGs, nomads and other traditional forest dwellers. There is a need to maintain separate columns for each category of the forest dwelling community.

15. JOINT FOREST MANAGEMENT

Forest Department has implemented Joint Forest Management in Jharkhand. Forest Protection Committees were constituted under JFM in almost all the villages in forest areas. This is to be noted that as per FRA, 2006 Community Forest Resource Management Committee (CFRMC) was to be constituted but in none of the village Community Forest Resource Management Committee was found. Forest officials were of the view that community was already given the forest right in register 7/12 therefore, there was no point of giving the similar right again under FRA, 2006.

16. COMPENSATORY AFFORESTATION FUND ACT, 2016

Compensatory Afforestation Fund Act, 2016 is based on the principle of restoring the forest in the country which was lost due to diversion of forest land for non-forest purposes like mining and industrial use. The total amount released to Jharkhand for the implementation of CAFA during financial year 2018-2019 was Rs. 2,340,000.00. Rs. 1,490,000.00 was released during 2016-17 and Rs. 1,410,000 was released during 2015-16. The government of India in exercise of the powers conferred by sub-section (i) of section 30 of the Compensatory Afforestation Fund Act, 2016 (38 of 2016) has notified the Compensatory Afforestation Fund (CAF) Rules, 2018 in which the Gram Sabha no longer plays a key role and control of over Rs. 660 billion, to be spent on afforestation, is given in the hands of the forest bureaucracy. Thus, CAFA debars the community in the plantation process. In order to ensure plantation, protect environment and conservation of forest, the Forest Department now prefers to make boundary walls. There is a growing trend of fencing/ trenching in forest land with the purpose to block animals. But this restricts the mobility of forest

dwelling communities also in forest area. It has restricted communities' movement in their own forests. Now they have to go through a long way to reach the forest. The community says that sometime animals and children fall down in these trenches and get injured. The forest dwellers share the symbiotic relationship with forest and their survival has been dependent on forest. CAFA is perceived as anti community. This Act basically negates the provision of FRA, 2006.

17. CAPACITY BUILDING OF IMPLEMENTING AGENCIES

There is a provision of capacity building of the implementing agencies. During field work, it was found that only few senior level forest officials were found trained on FRA, 2006. The lowest rung of revenue, forest and welfare officials were not imparted any training. These lowest rung of officials have told that they have learnt about FRA, 2006 by reading various government orders and letters released from their department from time to time.

- As far as training to FRC members was concerned only few FRCs were given training on FRA, 2006 at block level. Duration of training was for half day. Other FRC members have said that they were not imparted any training. Due to lack of training, Forest Right Committee members did not know the exact procedure for processing of the IFRT claim. Instances have come across where claims were submitted without presenting the claims before gram sabha.
- The issue of nomads/ pastoral and PVTGs need to be a part of the training module administered for the government officials/ NGOs involved in the implementation of FRA, 2006.

18. LACK OF CO-ORDINATION

There was a lack of coordination between Forest Department, District Welfare Department and Revenue Department. Each of these departments was found working in isolation. However, Forest Department has an upper hand in decision making process in accepting/ rejecting the forest right claims. NGOs were working without any coordination/ communication with other government agencies.

19. ACQUISITION OF TRIBAL LAND FOR DEVELOPMENT PROJECTS

Since Jharkhand is a mineral and forest rich state a large number of development projects are implemented here. At several places, where the development projects are going on it has been seen that huge forest land is being acquired displacing the large numbers of forest dwelling communities. It was found that in Chatra district alone three mega projects viz. Central Coalfields Limited (CCL), National Thermal Power Corporation and Railways were going on. The largest numbers of STs were concentrated in Tandwa and Pathalgada blocks. And the three projects were implemented in these blocks. Total population of Tandwa block was 126319 out of which 15.19% were STs and 22.70 were SCs. They have been living there since generation. But now the land was being acquired by CCL. Large chunk of land was already acquired from these tribals and large numbers of households have been served notice for land acquisition. As per CCL policy, if the household owns minimum four acre of land, then adult member has been given a job. If eight acre of land was acquired then two household members may be considered for job. If the land was less than four acres then cash compensation is awarded. Massive land acquisition was going-on in Tandwa block in Chatra district where STs are largest in number. Large numbers of forest dwelling

communities in several villages of this block have been served notice for acquiring their land and they were living under constant threat. On one hand, FRA, 2006 talks about the restoration of forest land of the forest dwelling communities and on the other hand, large tract of forest land are being acquired in the guise of development projects.

20. CONFLICTS BETWEEN FRA, 2006 AND OTHER FOREST LAWS

Forest Right Act, 2006 is found in conflict with some of the existing forest laws such as the recently introduced Compensatory Afforestation Forest Act (CAFA), 2016, Forest Conservation Act, 1980 and Indian Forest Act, 1927. In FRA, 2006 Gram Sabha plays a pivotal role but in CAFA, 2016 Gram Sabha and community are debarred from participation in decision making process during plantation and community forest right. Forest Department remains reluctant to recognize CFRt as it believes that there is already a provision of accessing community forest in FRA, 1927.

21. EXTENT OF WOMEN CLAIMING THE FOREST LAND

In the present study, ten women out of 150 households have claimed for IFRt and their claims were recognized. These women were head of their households. It is important to mention that in Jharkhand, the land under FRA, 2006 was already recognized on joint ownership basis. None of the women was aware of CFRt.

22. ATROCITIES BY THE FOREST DEPARTMENT

Some of the community leaders of the forest dwelling communities have said that they have to face atrocities in the hands of forest officials. They said that Forest Department does not hesitate to jail tribals. Filing court cases, issuing warrants

against them is a daily affair. STs are tortured and forced to accept that they have committed a crime and they would not repeat it and would not enter in the forest again. They were forced to write that they would not cultivate land again. Such statements are taken as an undertaking. But once a tribal comes out of jail, he again returns to the forest because where else a ST can go except the forest which Forest Department claims as their property. The very survivals of STs is dependent on forest. Narrating an incident respondents have told that once Forest Department put up a poster in the village notifying us to leave forest and it gave them sleepless nights.

23. PANCHAYAT RAJ INSTITUTION

It was found that village panchayat institution which is a legitimate body at the village level was not involved at any stage of the implementation of FRA, 2006. Nowhere village pradhan's signature was required. The forest dwelling communities were found submitting claim applications either to the Forest Right Committee, NGO or Circle Office. Village pradhan does not countersign any paper related to FRA, 2006. Panchayati Raj Institute is an important elected institution hence, it should be involved in the implementation process of FRA, 2006. In other words, the FRA 2006 has circumvented the important role PRI could play.

24. MISCELLANEOUS ISSUES

i.) ALCOHOLISM

Local made alcohol is widely consumed by the forest dwelling communities in Jharkhand. All the household members including men, women and children were found drinking alcohol even during day time. An extensive effort is

required to bring changes in their habits so that the forest dwelling communities could be brought in the mainstream of development process.

ii.) **LACK OF EMPLOYMENT**

Earlier each tribe was engaged in one or the other traditional occupation. With the growing industrialization and mining sectors, traditional occupations of forest dwelling communities were taken over by the market economy. Now tribals have become jobless. There is a need to extend vocational training to the youth of STs and OTFDs so that they can compete in the job market.

iii.) **DOMINANCE OF FORWARD CASTES**

It was found that forward castes were in dominance position and STs and OTFDs were living in separate tolas within the same village. They consider STs and OTFDs as inferior to them. They did not treat ST communities as equals. STs and OTFDs were always at the receiving end. Village pradhan often exclude them from various development programmes.

iv.) **MISUSE OF DIAL 181 AGAINST FOREST DWELLING COMMUNITIES**

In Jharkhand DIAL 181 is a programme launched by the State to establish a dialogue between the people and the State Chief Minister. Villagers dial 181 and register their complaint/grievances to the Chief Minister. The identity of the caller is kept confidential. The programme was started with a good intention but the instances of misusing it were also heard. Very often STs and OTFDs have been harassed and their houses were being raided just by Dialling 181 and lodging a complaint against them. The dominant communities stop STs and OTFDs for their entering into forest.

Table : Basic Tenants of Tribal Communities in Jharkhand

Tribe	Sub Tribes & Basic Features	Districts where STs /PTGs are Located	Occupational Pattern	Nature of Cultivable Land	Miscellaneous
Santhal	Numerically, the Santhal occupy first position among the tribes of the Jharkhand state. The Santhal off settled on plains.	1.Dhanbad 2.Giridih 3.Hazaribagh 4.Ranchi 5.Santhal Paragana 6.Singhbhum	They are engaged in multiple activities viz. agriculture, collection of MFPs, wage earning and service. Almost each Santhal family has some agricultural land The collection of MFPs is done only by families and villages nearby the forest. . Now-a-days, some of the well educated Santhal tribals are engaged in Govt jobs.		Santhals are facing problems in the collection of MFPs due to Forest Regulations Acts. The Santhal religion presents a mixed picture of tribal animism, Hinduism and Christianity.

Oraon	<p>The Oraon have second position in the numerical strength of the tribe in Jharkhand.</p>	<ol style="list-style-type: none"> 1.Dhanbad 2.Garhwa 3.Gumala 4.Hazaribagh 5.Latehar 6.Lohardaga 7.Palamu 8.Ranchi 9.Santhal Pargana 10.Singhbhum 	<p>Agriculture, wage labour and service. Each Oraon family owns some agricultural land</p> <p>The collection of MFP is done only by those families who are near the forest.</p> <p>Casual labour in the forest, agricultural fields, construction site, brick kiln.</p> <p>Some Oraons are employed in Govt jobs.</p> <p>Their economic condition and standard of living are better. They live mostly in urban</p>	<p>The Oraons were settled agriculturists. With rise in population, they extended their settlement to the heart of the Chotanagpur.</p> <p>In the collection of MFPs, Oraons are facing problems due to Forest Regulations and Acts.</p> <p>Most Oraon are Christian.</p>
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Munda	The Munda, occupy third position in the numerical strength. They are one of the strongest Kolarian tribes inhabiting in the region of Chotanagpur.	<p>1. Giridih. 2. Gumala 3. Hazaribagh 4. Palamu 5. Ranchi 6. Santhal Pargana 7. Singhbhum</p> <p>Their larger concentration is found in Khunti area.</p>	<p>Mixed economy agriculture, wage labour, fishing Each family own land for cultivation and the group of families, which constituted a village called it as Khuntakatti Hatu, the village of original settlers. The Munda do their cultivation by dry and wet method. The collection of MFP is done only by those Munda who live nearby the forests. Some Munda families are engaged in Govt jobs.</p>	The Munda fled to the deepest jungle where they are still found and maintain the Khuntakatti system.	Mundas are facing problem in collection of MFPs due to enforcement of Forest Regulations and Acts. Mundas are known as Kol also.
Bedia		<p>1. Hazaribagh 2. Ranchi 3. Santhal Pargana 4. Singhbhum</p>	<p>Agriculture and wage labour. Each family own land for house and agriculture.</p>		Bedias are settled in permanent villages. The Bedia families have generally khuntakatti status.

Baiga	The term Baiga signifies medicine men. Baigas are leading a semi-primitive life.	Garhwa	<p>Agriculture Collection of herbs, prepare medicine and do magico religious performance as sorcers Prepare bamboo mat and baskets Collect honey and 'Harre' from forest and sell them Wage labour Collect wild roots and shoots hunting and fishing</p>		The population of Baiga is 2,48,949 (Census 1981).
Banjara		<ol style="list-style-type: none"> 1. Godda 2. Rajmahal 3. Santhal Pargana 	<p>Singing and begging alms at the birth of a child or marriage of an individual in the families of different castes and tribes.</p> <p>But now-a-days people do not like to give alms to the Banjara in cash and kind therefore, Banjara are at the verge of extinction and starvation.</p> <p>Majority of them are landless only some of them have agricultural plots.</p>		<p>Banjara were included in the list of STs in the year 1956 on the recommendations of the Backward Class Commission of the Govt. of India.</p>

Bathudi		Singhbhum	Collection of MFPs for consumption and sale in the local hatt, fishing, hunting of birds, agriculture and casual wage labour. Also prepare rope from grasses, mat, baskets, tray, broom for household use. The Bathudi have some agriculture land and homestead land.	Decline in forest cover and implementation of Forest Acts and Regulations are causing less availability of MFPs.
Binjhia		1.Kolebia 2.Khunti blocks 3.Simdega Thethaita Nagar	Collection of MFPs in different seasons for the purpose of consumption and also for the purpose of sale and supplement family income, fishing, weaving, settled agriculture. Wage labour in industries, forest and agriculture. Binjhia have good knowledge about the plants and trees available in their locality and which plants will field MFPs in which season. Each Binjhia family owns homestead and cultivable land. .	Collection of MFPs and the agriculture do not provide employment round the year. Earlier Binjhia used to do gathering and hunting but Forest Regulations and Acts have imposed ban on these activities and deprived Binjhia from their traditional forest based economic activities.

Chero		1.Latchar 2.Palamu 3.Ranchi 4.Santhal Pargana	Agriculture and wage labour: Each Chero family owns agriculture land. As they do not have assured means of irrigation, they do not cultivate wheat crop. They have now become settled farmers.	The Chero was a martial community who in search of new lands used to fight and occupy its own community.
Chickbaraik	The Chickbaraik are called as artisan tribes because their main occupation has been making cotton threads and clothes. In fact, they are weaver community.	1.Gumala 2.Lohardaga 3.Ranchi	Weaving Trapping of birds Agriculture and wage labour. The Chickbaraik used to do the collection of MFPs in their off season but now they do the collection of MFPs under some contractors Each Chickbaraik family owns some agricultural land. But as they were engaged in weaving, they did not do agriculture. They used to give their land to the Munda or the Oraon for share cropping. Now they work as wage labour in the field, forest, mine, road, bridge, building construction, brick kiln.	The enforcement of various forest related laws have affected their traditional livelihood sources.

Karmali		1.Bokaro 2.Hazaribagh 3.Ranchi 4.Santhal Pargana 5.Singhbhum	<p>Karmali smelt iron and prepare iron tools. They supply tools to the tribals engaged in agricultural.</p> <p>They have been associated with the traditional occupation of the craft making so they are also known as one of the artisan tribes of Chotangapur.</p> <p>Making, sharpening and repairing iron tools.</p> <p>They have their shops in the village and also in the weekly Haat.</p> <p>Agricultural implements, cutting implements like axe, sickle and war weapons like Bhala, Ber, Garasa.</p> <p>But now they are getting lot of problem in this activity.</p> <p>Now wage earning has become their main sources of livelihood.</p>		<p>Karmalis are facing problems in getting coal to heat the iron to make tools.</p> <p>Marketing of such tools is another challenge as machine made cheaper tools are available in <i>Haat</i>.</p>
Lohara	The Lohara are associated with the preparation of iron tools.	1.Hazaribagh 2.Palamu 3.Ranchi 4.Santhal Pargana 5.Singhbhum	<p>Lohara owns a small piece of cultivable land. They sell iron implements to farmers of the villages.</p>		They are known artisan tribes.

Gond	The Gond is the numerically dominant tribe of the country.	1.Palamu 2.Ranchi 3.,Singhbhum	Earlier they were hunters, gathers and shifting cultivators. Now they are in agriculture and wage labour. Collect MFPS for consumption and to get income by selling them in local hatt.	Gonds were engaged in shifting cultivation, hunting and gathering activity but Forest Regulations and Acts have snatched their traditional livelihood sources. They were warriors.
Ho		Kolhan i.e. present Singhbhum district	Agriculture, wage labour in industry and mining. Some members of the community are also employed in Govt jobs.	The Ho has been a warrior tribe.

Gorait		<p>1.Ranchi 2.Hazaribagh 3.Palamu 4.Dhanbad 5.Santhal Pargana 6.Singhbhum 7.Monghyr</p>	<p>Collection of MFPs for consumption and sell that to get income, agriculture and casual labour. They also work as drum players, village messengers and watchman. The Gorait know well what type of MFP will be available in which season. They recognize well the edible root, shoot, leaves, flowers, seeds, fruits and mushrooms. Few families are landless also. Those who own agricultural land, do cultivation only in rainy season because in other seasons they do not have means of irrigation. Wages for labour in the forest, field, building, road construction, as Reja and Collie.</p>		<p>The habitat of the Gorait is in hill ranges covered with forest. In these areas, they live with other tribes and castes.</p>
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<p>Kharia PTG</p>	<p>The Kharia are divided in three categories namely Hill Kharia, Dudh Kharia Dhelki Kharia.</p>	<p>1.Gumala 2.Hazaribagh 3.Ranchi 4.Singhbum</p>	<p>The Hill Kharias are most primitive community. They collect edible herbs, roots, leave, flowers, fruits, seeds, honey, wax, etc. There are Sarana and Hindu Kharia. Kharias are dependent upon forest resources. The economy of the Dhelki and the Dhud Kharia depends upon agriculture and wage labour. They practice collection of traditional food and MFPs, fishing and hunting to supplement their family income. Kharia family own house, homestead land, or bar land and cultivable land.</p>		
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Kharwar		1.Chatra 2.Daltonganj 3.Garhawa 4.Hazaribagh 5.Latehar 6.Lohardaga 7.Ranchi	. Agriculture is of subsistence level and the main source of their income and casual labour in digging soil, road and bridge construction, brick kiln, field and forest. Agriculture and labour. They collect MFPs.	The agricultural land is of two types <i>Don</i> and <i>Tanr</i> .	Khond are facing problems in collecting MFPs due to imposition of various Forest Regulations and Acts.
Khond		1.Hazaribagh 2.Singhbhum			

Kisan	1.Dhanbad 2.Garhwa 3.Gumala 4.Hazaribagh 5.Lohardaga 6.Latehar 7.Palamu 8.Ranchi 9.Santhal Pargana 10.Singbhum	Making of agricultural tools, war weapons, utensils. Agriculture, domestication of animal, craft making and casual labour. Collection of MFP is practiced for consumption purpose and surplus MFP is sold to supplement the family income. Collect root, shoot, leaves, flowers, fruits, seeds, mushrooms. in the forest in different seasons. They are well aware which type of MFP will be available in which season and in which part of the forest. The Kisan own a piece of agricultural land which their forefathers had cleared for shifting cultivation. No assured means of irrigation. Now working as casual labour. The Kisan also prepare baskets, brooms, mats, ropes. from the forest chops and grasses for household use, store and carrying as head load.		
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Kora		<p>1.Banka 2.Bokaro 3.Chaibasa 4.Deoghar 5.Dhanbad 6.Dumka 7.Godda 8.Hazaribagh 9.Pakur 10.Sahebganj</p>	<p>Cultivation of agricultural land Casual labour in agriculture and forest department. Collection of MFPs together with hunting But hunting have been prohibited by the government. The Kora own homestead and cultivable land. They migrate in search of work, They also prepare rope, from the grasses, they prepare rope made articles like cot, siko, basket, tali. They also prepare wat, broom, basket from the grasses.</p>		<p>Various forest regulations and acts and increasing deforestation have affected adversely the collection of traditional food and MFPs.</p>
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Mahli	<p>There are five sub categories of the Mahli tribe. These are</p> <ol style="list-style-type: none"> 1.Bansphor Mahli 2. Patar Mahli 3. Sulukhi Mahli 4. Tanti Mahli 5.Munda Mahli 	<ol style="list-style-type: none"> 1.Dhanbad 2.Gumala 3.Hazaribagh 4.Lohardaga 5.Ranchi 6.Santhal Pargana 7.Singbhum 	<p>Basketry, collection of MFPS agriculture, carrying Palki and labour.</p> <p>The main means of Bansphor Mahli has been basket making.</p> <p>The Munda Mahli are cultivators.</p> <p>Each Mahli family owns a small piece of cultivable land.</p> <p>They work as wage labour in forest, field, mines, road, building, bridge, brick kiln.</p> <p>These sub castes clearly reveal that Mahli were associated with the Santhal and Munda in ancient time.</p>	<p>Enforcement of various forest laws and regulations have compelled many Mahli families to give-up the traditional occupation of making bamboo craft and Weaving as they are facing problems getting bamboo for making baskets and other kinds of artifacts.</p>
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Parahiya		<p>1.Gumala 2.Hazaribagh 3.Palamau 4.Ranchi 5.Santhal Pargana</p>	<p>A mix of activities such as collection of MFPs, of hunting, fishing, and domestication of animals, agriculture, basketry, lac cultivation and wage labour. The habitat of the Parahiya is located in and around the forest. They collect roots, shoots, leaves, flowers, fruits, seeds, and mushroom from the forest as MFP. They consume edible MFP raw or cooked. They sell non edible MFP. The Parahiya know well about the collection of MFP in different seasons.</p> <p>They collect grasses, leaves and chops for making broom, mat, rope, rope carpet, machia, sikia and baskets. They also do hunting mouse and rabbit. They hunt birds with Gulel, bow and arrow.</p> <p>Fishing, casual or contract labour in the forest department, construction and brick kiln.</p>		<p>The Parahiya settlements are found on the hills and the plain below the hill.</p>
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Bhumij			<p>1.Dhanbad 2.Gumla 3.Hazaribagh 4.Lohardaga 5.Ranchi 6.Singhbhum</p>	<p>Bhumij are engaged in multiple economic activities such as collection of MFPS, fishing and labour. Agriculture is their main means of income. Wage labour in forest, mines, building, road, bridge construction, and brick kiln.</p>	<p>They categories the agricultural land on the basis of water storing —<i>don</i> land and <i>Tamr</i> land.</p>	<p>The family of the Bhumij is patriarchal. The religion of the Bhumij presents a mixture of animism, Hinduism and Christianity. They offer worship to the ancestors once in a year. Bhumij live in plain area and around them one finds the hill ranges of the Jharkhand.</p>
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Kol	<p>The Kol tribe is divided into 12 clans similar to Santhal, i.e.</p> <ol style="list-style-type: none"> 1. Baske 2. Besera 3. Chaunde 4. Chuniar 5. Hansda 6. Hembron 7. Kisku 8. Kisnov 9. Marandi 10. Murmu 11. Soren 12. Tudu 	<ol style="list-style-type: none"> 1. Deoghar 2. Dumka 3. Giridih <p>(The Kol tribes inhabits in the area of different district of North Chotanagpur and Santhal Parganas division).</p>	<p>Iron smelting was the traditional occupation of Kol tribe but at present, it is not in practiced. Now they are engaged as wage labour.</p>	<p>Kol are based on tree, animals and birds. They consider them as totem and even sacrifice their lives to protect them.</p> <p>Kol tribe is a patriarchal society. The ancestral properties are inherited by the son.</p> <p>“Singbonga” is worshipped as a great almighty God. They worship the “Sun” God and consider him as the originator of all the plants, animals and reptiles Tree worship is also prevalent. The trees of Sakhua, Mahua and Mango are also worshipped. They follow the “Sarna” religion.</p>
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Kawar			1.Gumla 2.Palamu 3.Simdega			<p>The society of Kawar tribe is patrilineal, patriarchal and patrilocal.</p> <p>According to 2001 Census Kawar population in Jharkahnd is about 10,000. The SCs and STs orders (Amendment) Act, 2002 published in the Gazette of India part –II, Section –I, on 8th January, 203, New Delhi by the Ministry of Law and Justice (Legislative Department the caste Kawar has been included in the list of ST in serial no 31 as a new entry.</p>
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<p>Asur (PTG)</p>	<p>Asur tribe has 3 sub tribes viz.</p> <ol style="list-style-type: none"> 1. Bir (Kol) Asur, 2. Birjia Asur 3. Agaria Asur 	<p>1. Gumala 2. Latehar 3. Lohardaga 4. Palamu</p>	<p>Iron smelters, slash and burn cultivators, nomadic. Hunters and gatherers, now collect food and MFPS, fishing, agriculture, labour and service.</p>	<p>2 types of cultivable land</p> <ol style="list-style-type: none"> i) <i>Don</i> ii) <i>Tanr</i> <p>In Don land paddy is cultivated but in Tanr land they grow maize, marua, til, arahar, kurathi and kodo.</p>	<p>Asur used to prepare charcoal from green Salwood. Almost all families have given up this economic activity because they are not allowed use green Salwood. Forest Acts and Regulations snatched away their traditional rights over the forest and this impacted their iron smelting, shifting cultivation and charcoal preparation activities.</p>
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Birhor (PTG)	<p>Birhor are classified into two categories</p> <ol style="list-style-type: none"> 1. Uthaln Birhor 2. Jaghis Birhor. <p>The Uthaln Birhor has wandering style of life and their economy is an example of wandering economy even today. They are always on the move from one Jungle to another.</p> <p>When the food supply in a particular Jungle is</p>	<ol style="list-style-type: none"> 1. Dhanbad 2. Garhwa 3. Giridih 4. Gumala 5. Hazaribagh 6. Lohardaga 7. Palamu 8. Ranchi 9. Singhbhum 	<p>Collection of traditional food materials available in the form of root, shoot, baves, flowers, seeds, etc.,</p> <p>Collection of MFPs.</p> <p>Trapping of monkey, rabbit, mouse, titir and peacock and other kinds of birds and sell them in local hatt.</p> <p>Collection and sale of honey</p> <p>Use the wax for the purpose of earring.</p> <p>Prepare rope, rope carpet from the forest grasses and chop and sell in the market.</p> <p>Prepare baskets, brooms and winnowing tray from the forest grasses and leaves.</p> <p>Casual labour in forest, mines and constructions.</p> <p>For the Jaghis Birhor, agriculture is the main source of livelihood</p>	<p>The agricultural land is of two types</p> <ol style="list-style-type: none"> 1. Don 2. Tanr. <p>The Don lands have more water storing capacity. So good variety of paddy are grown in them. But in Tanr lands dry cultivation is done.</p>	<p>Wildlife Act has imposed ban on hunting. This has caused problems for Birhor for whom hunting was the primary economic activity. The agriculture and forest do not provide Birhor gainful employment for more than six months.</p> <p>Also in the absence of assured irrigation, they do not cultivate Rabi crops.</p>
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		Each Jaghis Birhor family owns house, homestead land and small plot of agricultural land.		
	exhausted, they move to another Jungle. But during the rainy season, they stay at a particular place in the Jungle.			
	The Jaghis Birhor has settled life style, they are settled agriculturists. They have settled on hill top or on some out skirts of the forest.			

Birjia (PTG)	<p>1.Lohardaga 2.Gumala 3.Palamu 4.Ranchi</p>	<p>Collection of MFPs (root, shoot, leaves, flowers, fruits, seeds, mushrooms, fuels, grasses Kendu leaves). Birjia know well about the availability of MFPs in different seasons and which MFPs are edible and which are not, Hunting of mouse, rabbit and birds, Fishing, basketry, agriculture and Wage labour Domestication of cock, hen, duck, goats to eat meat.</p>			<p>The Birjia were engaged in shifting cultivation but with the enforcement of several forest acts imposed ban on such agricultural practices so they have settled in the villages. They have small land holding on which they practice plough cultivation.</p>
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<p>Korwa (PTG)</p>		<p>1.Dhanbad 2.Hazaribagh 3.Latehar 4.Palamu 5.Ranchi 6.Santhal Pargana</p>	<p>Hunting, gathering, shifting cultivation of animals, craft making and wage labour. Hunting has been prohibited. But they trap rat, rabbits, snakes, turtle, fishes, birds for consumption. Collection of MFPs like roots, leaves, flowers, fruits, seeds, honey, wax chop fibers, grasses, bamboo for eating, craft making and selling in the local market. Collection of honey and wax to sell in the market. Also collect bamboo for making mats, baskets, brooms for use in houses and also for marketing. Collect chop fibres and grasses for the preparation of rope and rope made articles which are sold in the market. Earlier the Korwa were shifting cultivators but now they are dependent on wage labour.</p>		<p>Inheritance of property and succession is patrilineal. The property of the father is inherited by the sons only.</p>
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Mal Paharia (PTG)	Mal Paharia	1. Deoghar 2. Dumka 3. Godda 4. Jamtara Damin blocks like Maheshpur, Pakuria, Hiranpur 5. Pakur	Agriculture, collection of MFPs, forest labour, agriculture labour, Reja coolie. Some of them are employed in government jobs.	
Sauria Paharia (PTG)	There are three nomenclatures with suffix as 1. Paharia-Sauria Paharia 2. Mal Paharia 3. Kumarbhag Paharia. While the first two are listed as PTGs in Jharkhand, the third one is not in this group.	1. Godda 2. Pakur 3. Rajmahal	The Sauria Paharia practiced shifting cultivation. Presently their economic rests upon resources like hill cultivation, forest, livestock, products like tassas silk cocoons and wild fruits. They still go for slash and burn cultivation, which they call 'KURUWA'. They are so poor that they collect all types of leaves from the forest, call them 'SAG', and they are important ingredients of their food. The forest is the main source of their economy. They collect	Sauria Paharia live on hills and hill slopes. The right of property is patrilineal and goes from father to his sons. In the absence of male member in family, the property goes to nearest consequential kin. The ancestor worship is considered to be an important part of the religions belief and practice among Sauria Paharias.

Sabar/ Hill Kharia/ Sabar (PTG)			<p>fire wood; make tooth brush, wood for making/ repairing huts, fruits, roots and shoots, material for making rope and broom, honey, TADI (liquor).</p> <p>The neighbouring Santhal and Hindus have influenced the community most</p>		<p>The Hill Kharia society is patrilineal. They believe in God and Goddesses, ancestors. Literacy rate of Hill Kharia was observed as 9.0%.</p>
			<p>They do multiple activities such as hunting, gathering, shifting cultivation, fishing, collection of MFPS, basketry, agriculture and wage labour. Hunting and shifting cultivation have been banned. Collection of edible roots, shoot, leaves, flowers, fruits, seeds, honey, and wax are done from time to time depending upon the seasons. Collection of MFPS is done as a source</p>		

			of income. Casual labour They prepare liquor from Mahua flowers. They make oil from seeds of Mahua, Karanj, Nim and Kusum. Besides leaves of Palash Mahulayan, Kendu are collected and sold to earn income.		
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Source: Oraon P.C. 2003. Land and People of Jharkhand, Tribal Welfare Research Institute, Govt. of Jharkhand, Ranchi.

About the B. N. Yugandhar Centre for Rural Studies

The B. N. Yugandhar Centre for Rural Studies (BNYCRS) is a Research Centre of Lal Bahadur Shastri National Academy of Administration, Mussoorie. It was set up in the year 1989 by the Ministry of Rural Development, Government of India, with a multifaceted agenda that included among others, the concurrent evaluation of the ever-unfolding ground realities pertaining to the implementation of the Land Reforms and Poverty Alleviation Programmes in India. Sensitizing of the officer trainees of the Indian Administrative Service in the process of evaluating of land reforms and poverty alleviation programmes by exposing them to the ground realities; setting up a forum for regular exchange of views on land reforms and poverty alleviation between academicians, administrators, activists and concerned citizens and creating awareness amongst the public about the various programmes initiated by the government of India through non-governmental organizations are also important objectives of the B. N. Yugandhar Centre for Rural Studies. A large number of books, reports related to land reforms, poverty alleviation programmes, rural socio-economic problems etc. published both externally and internally bear testimony to the excellent quality of the Centre.



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