

# FOREST RIGHTS ACT IMPLEMENTATION IN JHARKHAND

## PROMISE AND PERFORMANCE

Geetanjay Sahu, Abhilash Toppo & Aindrila Ganguly

Tata Institute of Social Sciences (TISS)  
Deonar, Mumbai-400088

In collaboration with

OXFAM INDIA  
NEW DELHI

December 2018



### **Research Project Coordinator**

Dr. Geetanjoy Sahu  
Assistant Professor  
Centre for Science, Technology & Society  
Tata Institute of Social Sciences (TISS)  
Deonar, Mumbai-400088  
Phone: +91-022-25525377  
E-mail: [geetanjoy@tiss.edu](mailto:geetanjoy@tiss.edu)  
[www.tiss.edu](http://www.tiss.edu)

### **Research Team Members**

Aindrila Ganguly  
Abhilash Toppo

### **Citation**

Geetanjoy Sahu, Abhilash Toppo & Aindrila Ganguly (2019), “Forest Rights Act Implementation in Jharkhand: Promise and Performance”, Tata Institute of Social Sciences (TISS), Mumbai

### **Copy Right**

No copy right is claimed on this report. Anybody can use and cite this report.

<b>CONTENTS</b>		
<b>Sl.No</b>	<b>Titles</b>	<b>Page Number</b>
1	Introduction	10
2	Objectives	11
3	Methodology	11
4	Status of Forest Rights Act Implementation in Jharkhand	14
5	Key Observations	17
5.1	Rejection and Pending of OTFD Claims	18
5.2	Gap in the Recognised and Claimed Area	19
5.3	Focus is Predominantly on IFR and Not On CFR Recognition	20
5.4	No Record of Rights	21
5.5	No Post-Recognition Intervention	21
6	Major Bottlenecks in the Implementation of FRA	23
6.1	Ineffective Nodal Agency	23
6.2	Lack of Cooperation Among Departments	24
6.3	NGO Driven FRA Process	26
6.4	Aggressive Economic Interest Prevails Upon Rights Recognition	27
6.5	Lack of Political Will	28
6.6	Fragmented Society	29
7	Future Directions	31
References		32

<b>List of Tables</b>		
<b>Sl. No</b>	<b>Title</b>	<b>Page Number</b>
1	List of Surveyed Villages	12
2	Status of FRA Implementation in Jharkhand till 31 <sup>st</sup> October 2018	14
3	District-wise Forest Cover, Tribal Population and Potential of FRA	17
4	Status of Forest Rights in the Surveyed Villages	18

<b>List of Figures</b>		
<b>Sl. No</b>	<b>Title</b>	<b>Page Number</b>
1	Trends in the implementation of FRA in Jharkhand	14
2	District-wise Status of Total Forest Rights Claims	15
3	District-wise Status of Total Recognised IFR and CFR Claims	15
4	District-wise Status of Rejected Claims	16
5	District-wise Status of Pending Claims	16

<b>List of Maps</b>		
<b>Sl. No</b>	<b>Title</b>	<b>Page Number</b>
1	Map of the Study Area Districts	13

## Abbreviations

1	BVAM	Bharat Van Adhikar Manch
2	CFR	Community Forest Resource Rights
3	CNT	Chota Nagpur Tenancy
4	DOW	Department of Welfare
5	DLC	District Level Committee
6	FRA	Forest Rights Act
7	FRC	FRC: Forest Rights Committee
8	FCA	Forest Conservation Act
9	IFA	Individual Forest Rights
10	ITDA	Integrated Tribal Development Agency
11	JSMDCL	Jharkhand State Mineral Development Corporation Limited
12	JVAM	Jharkhand Van Adhikar Manch
13	JJBA	Jharkhand Jungle Bachano Andolan
14	LWE	Left Wing Extremism
15	MCC:	Maoist Communist Centre
16	MFP	Minor Forest Produce
17	MGNREGA:	Mahatma Gandhi National Rural Employment Guarantee Act
18	MSP	Minimum Support Price
19	MoTA:	Ministry Of Tribal Affairs
20	NTFP	Non Timber Forest Produce
21	NSVK	Naya Savera Vikash Kendra
22	NTPC	National Thermal Power Corporation
23	OTFD	Other Traditional Forest Dwellers
24	PA	Protected Area
25	PVTG	Particularly Vulnerable Tribal Group

<b>26</b>	PESA	Panchayats (Extension to Scheduled Areas) Act
<b>27</b>	RoR	Record of Rights
<b>28</b>	SDLC	Sub-Divisional Level Committee
<b>29</b>	SLMC	SLMC: State Level Monitoring Committee
<b>30</b>	SPT	Santhal Pargana Tenancy
<b>31</b>	ST	Scheduled Tribe
<b>32</b>	SC	Scheduled Caste

## **Acknowledgements**

This study was commissioned by OXFAM INDIA with the mandate to document and assess the implementation of Forest Rights Act in Jharkhand. The project was conceived as a collaborative effort led by the Tata Institute of Social Sciences (TISS), Mumbai with local partners of OXFAM INDIA in Jharkhand. In the completion of the project report we are grateful to several people for extending the necessary support, inputs and advice. We extend our sincere thanks to the local partners of OXFAM INDIA- Naya Savera Vikash Kendra (NSVK) and Badlao Foundation for facilitating our study. Equal thanks to members of Jharkhand Van Adhikar Manch (JVAM) and Jharkhand Jungle Bachano Andolan (JJBA) in sharing information about their role in the forest rights claim process, especially in Ranchi and West Singhbhum. We are also grateful to Smrity Ramvarapu, Sreetama Gupta Bhaya, Sharmistha Bose, Sapna Sarin, Birendra Kumar, Rajesh Yadav, Jamuna Kumar, Sanjay Basu Mallick, George Monippally, Sudhir Pal, Aruna Tirkey, Rashmi Katyayan, and D K Srivastava for sharing their experience and information in completing this report. We would also like to thank the SDLC and DLC members of Ranchi, Dumka, Godda, West Singhbhum and Hazaribagh Districts for providing us information on the status of FRA. Special thanks to the members of Gram Sabha of the surveyed villages for facilitating our research work in their villages. Finally, we thank OXFAM INDIA for providing us financial support to conduct this study.

## **Executive Summary**

Migration, violence due to naxalism, agrarian crisis and displacement due to mining and other development projects and a host of other factors led to alienation and deprivation of forest dwellers from their land and resources in Jharkhand. In such circumstances, the enactment of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006, popularly known as Forest Rights Act (FRA) raised hope among forest dwellers and came with the objective to bring justice to these people, who have been deprived from their land rights for centuries. This has been in force for the last twelve years. In this report, we document the nature and process of forest rights claim recognition in nineteen villages from five districts of Jharkhand. These districts include: Godda, Dumka, Ranchi, West Singhbhum and Hazaribagh. The study was carried out between April-December 2018.

### **Key Observations**

The key observations from the analysis reveals that first, the scale of implementation of FRA increased only prior to the national and state assembly election in May and December 2014 respectively and has drastically scaled down in the post-election phase. Second, the total claims recognised against the submitted claims is 55%. Third, the average recognised forest area is 1.77 and 47.74 acre for individual forest rights and community forest rights respectively. Fourth, there is huge discrimination against the OTFDs in the recognition process. Fifth, the gap in the claimed and recognised area both under IFR and CFR is writ large across Jharkhand. Sixth, focus is Predominantly on IFR and not On CFR as 96% of recognised claims are on individual forest rights. Seventh, Record of Rights of recognised scenario is very dismal. Seventh, the current discussion on FRA has largely focused on the non-implementation and poor quality of forest rights recognition and nothing significant has been done in the post-forest rights recognition phase.

### **Major Bottlenecks**

There is no dedicated and separate Tribal Development Department in Jharkhand, the Department of Welfare (DoW) has been authorised to look after the implementation of FRA which is overburdened with several activities and FRA has not been a priority area. Second, the limitations in recognition of forest rights claims to a great extent is a result of chaotic functioning of SDLC and DLC and a lack of cooperation and integration between different departments- Revenue, Forest and Welfare. Third, the FRA implementation process in Jharkhand is largely if not exclusively driven by NGOs and grassroots organisations. It is found from the study villages that very often the NGO's focus on the number of claims to be submitted at the SDLC level and not on the quality of claim process. Fourth,



aggressive economic programs including mining activities have led to irregularities like forceful land acquisition and displacement of people without settling rights under FRA. Fifth, the political interest in FRA implementation in Jharkhand is very weak and inconsistent. Sixth, The social heterogeneity among forest dwellers in Jharkhand has also affected the claim process, especially recognising rights of OTFDs at the Gram Sabha level.

### **Way Forward**

The state government must understand that FRA has the potential to democratise forest governance by recognising rights of local communities to protect and conserve forests; ensuring livelihood security; securing gender justice and meeting sustainable development goals of reducing poverty and achieving ecological sustainability. The state government needs to take substantive and concrete action to facilitate the recognition of thousands of pending claims and work with interested forest rights groups to change the ground reality and to move towards the full realization and real enjoyment of the forest dwellers' rights prescribed under the FRA. Further, the government is required to think and introduce innovative methods to alter the current stagnant process of FRA implementation. There needed to be greater understanding and genuine sensitivity towards forest dwellers' rights, in order to truly embrace each and every provision of FRA and give full effect to its intent and meaning. This will go a long way in improving the socio-economic conditions of millions of forest dwellers dependent on forest resources for their livelihood and may also contribute significantly to address the increasing migration and left wing extremism challenges prevalent in several districts of Jharkhand.

## FOREST RIGHTS ACT IMPLEMENTATION IN JHARKHAND

### PROMISE AND PERFORMANCE

#### 1. Introduction

Jharkhand was carved out from the state of Bihar and became a separate state on 15<sup>th</sup> November 2000. The reasons underlying the creation of Jharkhand as a separate state appear varied and complex, but one major reason seems to protect the culture, identity and rights of tribals and forest dwellers over land and forest resources (Horo, 2013). The literal meaning of Jharkhand is a 'tract of forest' which is located in the Chotanagpur and its neighbouring areas. Around 29.55 % of the land in Jharkhand is under forest which is resided by Scheduled Tribes and other forest dwelling communities (Forest Survey of India, 2017). It is an important state from the viewpoint of both tribal population and minerals. Tribals constitute 26.3 per cent as per the 2011 Census of Government of India and as per the information available at the Jharkhand State Mineral Development Corporation Limited (JSMDC), the state contains 40 percent of India's precious minerals like Uranium, Mica, Bauxite, Granite, Gold, Silver, Graphite, Magnetite, Dolomite, Fireclay, Quartz, Feldspar, Coal, Iron and Copper.

But, the resource rich state has witnessed massive displacement of people over the last seven decades. A study done by Gladson Dungdung (2009) points out that since independence, 17,10,787 people were displaced while acquiring 24,15,698 acres of their lands for setting up the Power Plants, Irrigation Projects, Mining Companies, Steel Industries and other development projects in Jharkhand. The figure of displacement varies from 1.5 million to 3 million people (Lok Sabha Secretariat, 2013). The state has also witnessed highest number of migrants in the country. The economic survey of India has revealed that Jharkhand lost close to 5 million of its working age population between 2001 and 2011 due to migration. More than 5% of the working age population migrates annually to other states in search of better employment opportunities, education or because of loss of traditional livelihood. The net outflow of the working age population is the highest among states in the country (Economic Survey of India, 2016-17). It has also been found that majority of the migrants from Jharkhand belong to tribal and dalit communities who have witnessed large-scale displacement in the name of development since independence (Bhagat, 2016). The agrarian crisis has increased over the years as efforts towards better irrigation facilities, procurement of produce at a minimum support price, or creation of off-farm employment opportunities in rural areas have not been paid adequate attention by successive governments (Hill, 2017). The state is also riddled with left-wing extremism and since the bifurcation of the state of Bihar into Bihar and Jharkhand, Naxalite violence, especially that of

the Maoist Communist Centre (MCC), has shifted to Jharkhand, which is rich in mineral and forest wealth (Mishra & Ghosh, 2003).

Migration, violence due to naxalism, agrarian crisis and displacement due to mining and other development projects and a host of other factors led to alienation and deprivation of forest dwellers from their land and resources in Jharkhand. In such circumstances, the enactment of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006, popularly known as Forest Rights Act (FRA) raised hope among forest dwellers and came with the objective to bring justice to these people, who have been deprived from their land rights for centuries. The Act aims to secure tenured and traditional rights over forest land, forest resources and establish democratic community-based forest governance. These rights, combined with Gram Sabha's empowerment can radically democratize forest governance and conservation regimes in India (Maharashtra CFR-LA, 2017).

## **2. Objectives**

In this report, we examine to what extent the FRA has been effective in restoring the rights of forest dwellers in Jharkhand. In doing so, we examine the process of forest rights claim recognition and the key issues and obstacles in the recognition of forest rights over the last one decade. This paper is divided into five sections including this introduction section. Second section gives an overview of the national status of FRA, followed by discussion on the scale and form of implementation of FRA in Jharkhand. The key observations in the FRA process is discussed in section three. Section four highlights the major bottlenecks responsible for the current stagnant FRA process. Section five discusses the future directions to make the process of FRA implementation more effective.

## **3. Methodology**

The above objectives have been addressed through a detailed investigation of FRA implementation process in nineteen villages from five districts of Jharkhand. These districts include: Godda, Dumka, Ranchi, West Singhbhum and Hazaribagh. We have also included information from the baseline survey conducted in another 39 villages from Godda and Hazaribagh Districts. The analysis and information is drawn from our discussion with Gram Sabha and Forest Rights Committee members, intervening NGOs in the FRA claim process and interviews with state and district level officers dealing with FRA implementation. The five districts to understand the process of FRA implementation were selected based on the following criteria:

- Districts with high number of claims (IFR and CFR) recognised
- Districts with high number of claim rejections
- Districts with high number of claims pending

- Districts with lowest number of claims recognised
- Districts with lowest number of claims rejections
- Districts with lowest number of claim pending.

The villages were selected based on the following criteria:

- Villages with high IFR and CFR claims recognised
- Villages with high number of IFR or CFR claim rejected or pending at different levels
- CFR titles pending or lost
- Post CFR activities
- Homogeneity and heterogeneity of the villages
- Level of collective actions and activities
- Availability of forest resources

The methods employed to collect information at the village level include: focused group discussions and interviews with Gram Sabha and FRC members were, meetings and open ended interviews were conducted with intervening NGOs and government officers at the SDLC and DLC level. Also, during field work, Gram Sabha resolution books and FRC register books were referred to understand the title claim process and interventions that have been made in the post-claim process. Other evidences gathered from the village include: the title deeds, copy of the forms filled, and physical verification of the claimed area, etc. Apart from the SDLC and DLC members, the interviews were also conducted with Forest Range Officer, Aamin, Tribal officers and Circle Officer and members from SLMC. Along with these criteria, we also looked at secondary data to understand the extent of forest cover, tribal population and potential forest area for recognition to select the districts for our analysis. We have obtained information from the Monthly Progress Report on FRA from the Ministry of Tribal Affairs, Documents and Reports related to FRA from different departments of Jharkhand, literature on forest rights struggles and implementation status, case laws on forest rights, etc. The study was carried out between April-December 2018.

**Table 1: List of Surveyed Villages**

Sl.No	District	Sub-Division	Panchayat	Village
1	Godda	Godda	Badasindri	Chhota Sabai Kundi
2	Godda	Godda	Badasindri	Tilaipara
3	Godda	Godda	Chandna	Chhota Sindari
4	Godda	Godda	Chandna	Ghorabali
5	Godda	Godda	Tilawal	Salodih
6	Godda	Godda	Badasindri	Bara Sabai Kundi
7	Ranchi	Chanho	Sonsh	Buchaopa

8	Ranchi	Chanho	Patratu	Patratu ( <b>Titratoli</b> )
9	Ranchi	Chanho	Sonsh	Tikratoli
10	Ranchi	Burmu	Chaingara	Chaingara
11	Hazaribagh	Sadar	Chalkari Kalan	Chalkari Kalan
12	Hazaribagh	Sadar	Gobindpur Kalan	Gobinpur Kalan ( <b>Gidhanian toli</b> )
13	Hazaribagh	Barhi	Chauparan	Chamargadda
14	Hazaribagh	Sadar	Bhelwara	Bhelwara ( <b>Bisuie toli</b> )
15	Dumka	Dumka	Kadma	Pakardih
16	Dumka	Dumka	Astajoda	Aluwara
17	West singbhum	Chakradharpur	Torkod Kocha	Juliamba
18	West singbhum	Chakradharpur	Gamriya	Gamriya ( <b>Ghatidiri</b> )
19	West singbhum	Chakradharpur	Torkod Kocha	Meralgada

**Map-1: Map of the Study Area Districts**



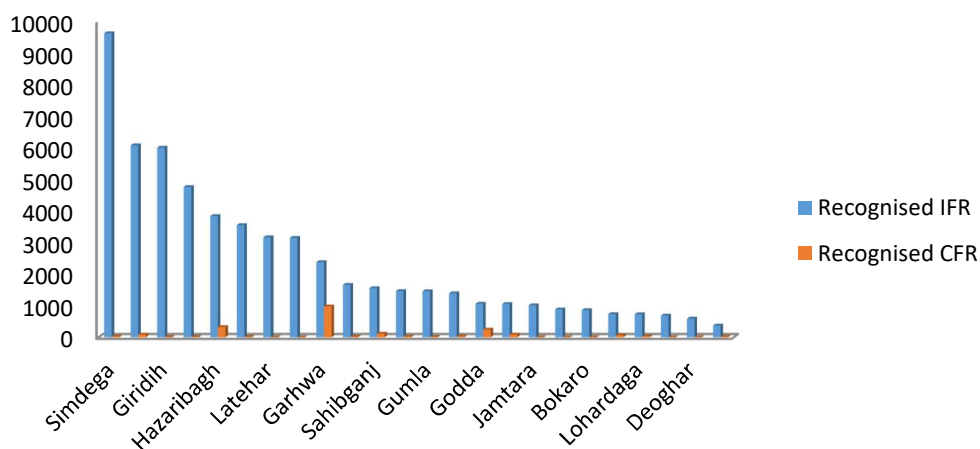
#### 4. Status of Forest Rights Act Implementation in Jharkhand

The FRA has been in force for the last twelve years. However, the implementation of the Act has not been effective as only 17 percent of the total potential forest area has been recognised under forest rights (Sahoo & Sahu, 2018). The Monthly Progress Report on FRA compiled by the Ministry of Tribal Affairs till 31st October 2018 shows that a total number of 18,93,477 claims (18,21,413 individual claims and 72,064 community claims) have been recognised over 17,857,026.94 acres of forest land (46,73,117.58 acres for IFR and 13,183,909.36 acres for CFR claims) by the authorities across India. It is also important to note here that the scale of FRA implementation is neither uniform nor at the same pace across India. The top five states, namely Odisha, Chhattisgarh, Madhya Pradesh, Tripura and Maharashtra constitute 71% of total recognised forest rights claims and also 76% of total forest lands recognised across India till 31st October 2018. The following tables and figures highlight overall district-wise status of FRA implementation in Jharkhand.

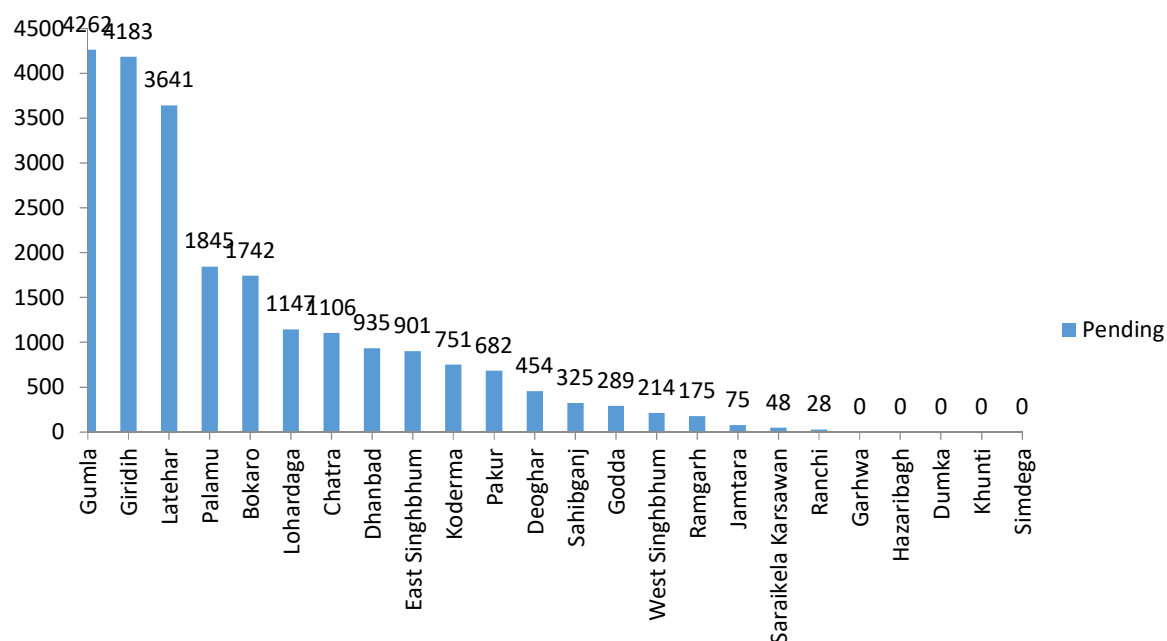
**Table-2: Status of FRA Implementation in Jharkhand till 31<sup>st</sup> October 2018**

	Number of Claims Received		Number of Titles Recognised		Total Forest Land Areas Recognised (in acres)	
	IFR	CFR	IFR	CFR	IFR	CFR
	1,05,363	3,667	58,053	2,090	1,02,918	99,782
<b>Total</b>	<b>1,09,030</b>		<b>60,143</b>		<b>2,02,700</b>	

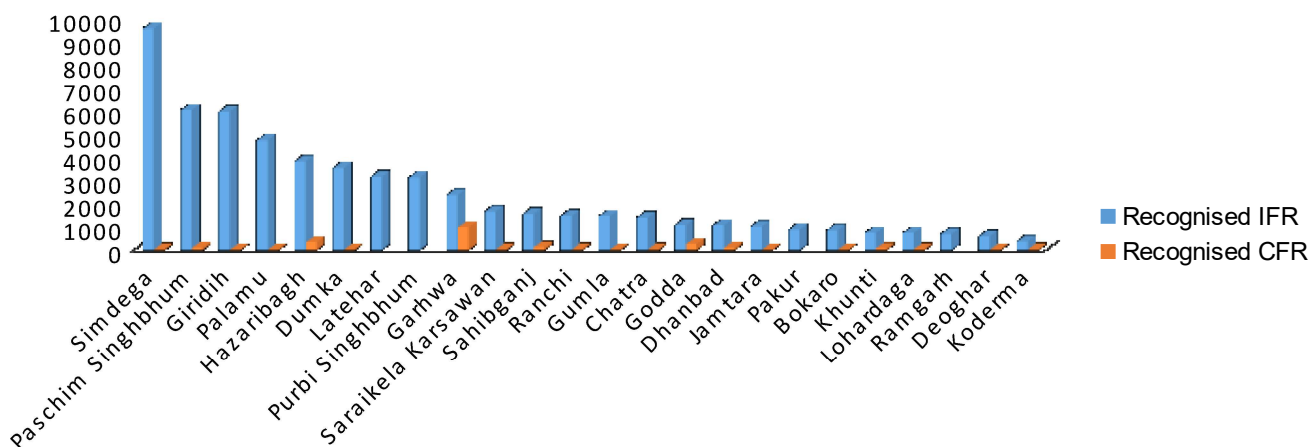
**Figure-1: Trends in the implementation of FRA in Jharkhand**



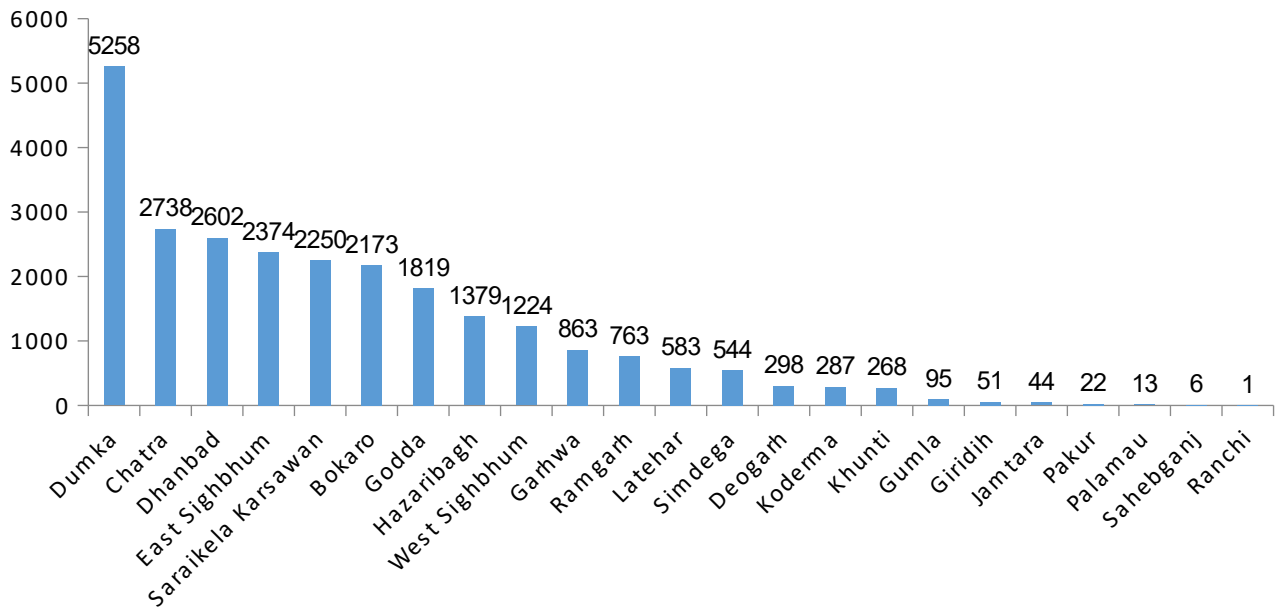
**Figure-2: District-wise Status of Total Forest Rights Claims**



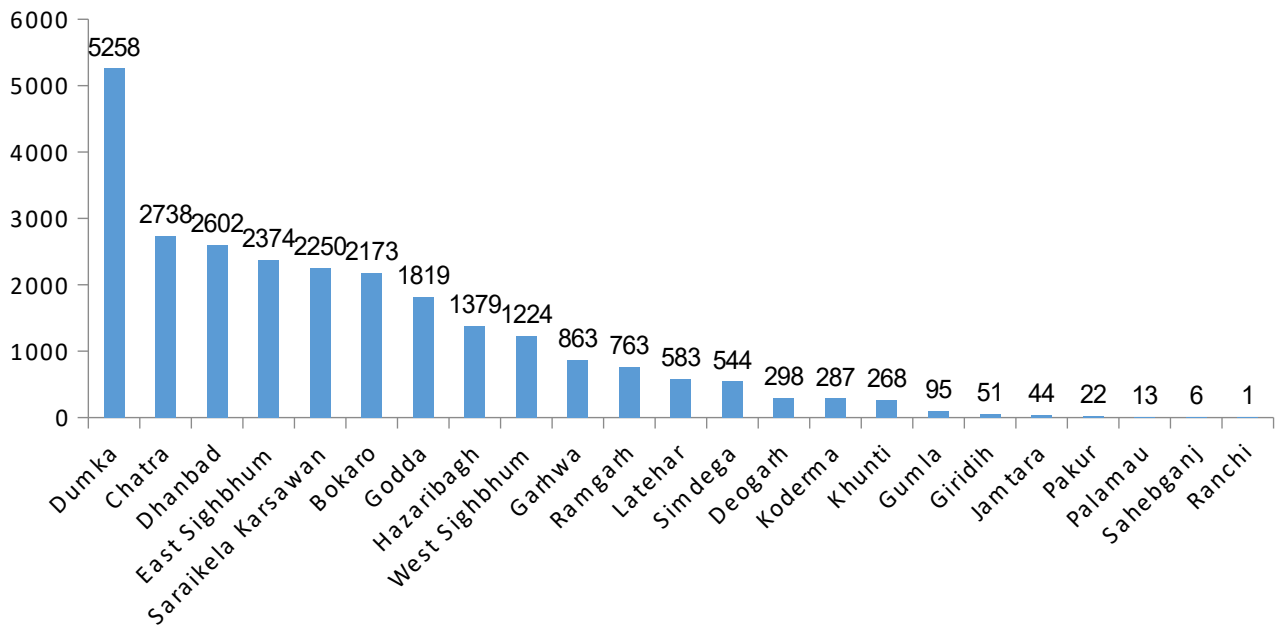
**Figure-3: District-wise Status of Total Recognised IFR and CFR Claims**



**Figure-4: District-wise Status of Rejected Claims**



**Figure-5: District-wise Status of Pending Claims**





## 5. Key Observations

The key observations from the above table and figures include: first, the scale of implementation of FRA increased only prior to the national and state assembly election in May and December 2014 respectively and has drastically scaled down in the post-election phase. Second, the total claims recognised against the submitted claims is 55%. Third, the average recognised forest area is 1.77 and 47.74 acre for individual forest rights and community forest rights respectively. In addition to the above observations from the FRA database of MoTA, the other important observations from discussion with Sub-Divisional Level Committee (SDLC), District Level Committee (DLC) members, state functionaries, NGOs, Gram Sabha members and field survey in nineteen villages are highlighted below.

**Table-3: District-wise Forest Cover, Tribal Population and Potential of FRA**

District	Total Tribal Population	Total Forest Cover (in Acre)	Potential of FRA (in Acre)
Garhwa	205874	343475.95	428365.9377
Chatra	45563	436387.43	429404.672
Kodarma	6903	253035.52	135801.5392
Giridih	238188	219923.45	334142.1858
Deoghar	180962	49915.21	39757.30276
Godda	279208	104031.205	50892.07354
Sahibganj	308343	141591.165	54477.54396
Pakur	379054	70919.135	32870.10685
Dhanbad	233119	50409.42	39726.5141
Bokaro	255626	140849.85	157668.975
Lohardaga	262734	124540.92	98492.03378
Purbi Singhbhum	653923	265884.98	147948.8517
Palamu	181208	296526	325676.9104
Latehar	331096	594040.42	387385.8112
Hazaribagh	121768	333838.855	476983.2581
Ramgarh	201166	81297.545	84049.21175
Dumka	571077	142332.48	77669.38627
Jamtara	240489	23969.185	21295.74517
Ranchi	1042016	287630.22	232514.2553
Khunti	389626	223382.92	103428.0045
Gumla	706754	356078.305	330466.7216
Simdega	424407	306657.305	235670.2907
Pashchimi Singhbhum	1011296	831755.43	286750.3332
Saraikela-Kharsawan	374642	141591.165	140044.4439
TOTAL	8645042	5820064.065	4651482.108

Sources: Forest Survey of India, Census of India and Ministry of Tribal Affairs

**Table-4: Status of Forest Rights in the Surveyed Villages**

Village	Households	Population	IFR		CFR	
			Claimed	Recognised	Claimed	Recognised
Chhota Sabai Kundi	34	253	33	32	1	0
Tilaipara	26	563	12	0	0	0
Chhota Sindari	55.15	94	0	0	0	0
Ghorabali	30	96	0	0	0	0
Salodih	40	181	0	0	0	0
Bara Sabai Kundi	400	NA	0	0	0	0
Buchaopa	50	261	0	0	3	3
Patratu (Titratoli)	150	5941	44	32	1	0
Tikratoli	200	2355	NA	NA	1	1
Chaingara	70	1686	5	5	0	0
Chalkari Kalan	79	471	15	14	1	1
Gobinpur Kalan (Gidhanja toli)	35	4849	18	0	1	0
Chamargadda	33	NA	33	31	1	0
Bhelwara (Bisuie toli)	20	2329	23	0	1	0
Pakardih	36	231	36	0	0	0
Aluwara	65	782	25	18	0	0
Juliamba	36	NA	36	36	0	0
Gamriya (Ghatidiri)	43	733	43	0	0	0
Meralgada	54	NA	54	54	0	0

Source: Information obtained from the surveyed villages by the authors

### **5.1 Rejection and Pending of Other Traditional Forest Dwellers' (OTFD) Claims**

The process of formulating the FRA witnessed arguments and counter-arguments on whether to include non-tribals or not in the category of beneficiaries. A series of consultations at the inter-ministerial level and pressures from civil society groups finally led to the inclusion of non-tribals as Other Traditional Forest Dwellers (OTFDs) in the category of beneficiaries (Rajshekhar, 2012). However, unlike the tribals, the OTFDs have not only to prove that they were living or dependent on forest land prior to 13<sup>th</sup> December 2015 but also have to provide 75 years of evidence to claim their tenure rights under FRA. Such stringent provision for the OTFDs has led to huge discrimination against the OTFDs in the recognition process. There is no database at the national level on the social category of beneficiaries under FRA but information obtained from FRA cell of various states, it is

found that the recognition of individual forest rights for OTFDs is between 5 to 10%.<sup>1</sup> The case of Jharkhand is not unique also. Discussion with Gram Sabha Members in five districts not only revealed that the OTFDs rights are rejected but also lack of support to their claims at the Gram Sabha level. For example, information obtained from 35 villages in the Sundarpahri Block of Godda District and 10 villages from Bishnugarh Block of Hazaribagh, it is found that out of 570 and 1256 IFR claims respectively, not a single OTFD claim has been submitted at the Gram Sabha level. There is a complete misunderstanding at the Gram Sabha level about the rights of OTFDs and evidences required to get recognised the claims of OTFDs. The districts where Gram Sabhas have approved the claims of OTFDs, the SDLC and DLC members have rejected the claims on the ground of lack of evidence or by insisting upon a particular type of evidence. A case in point is Titar Toli village in Ranchi District. There were 44 IFR claims filed by the Gram Sabha for both STs and OTFDs but the DLC recognised all the 32 claims of STs and has not shown any interest to process the claim of OTFDs from the village. In many districts it is observed that the SDLC and DLC members insist upon the occupation of the land without interruption for 75 years by the OTFDs which has become a major roadblock for the OTFDs. Despite the Ministry of Tribal Affairs's interpretation and clarification that Section 2 (o) of FRA doesn't require that the OTFDs and their ancestors have to prove that they live in the same village for 75 years, the claims of OTFDs are rejected by the SDLC and DLCs for this very reason across Jharkhand. The requirement is that they should be forest dwellers for 75 years.

### ***5.2 Gap in the Recognised and Claimed Area***

Section 4 (6) of FRA enables forest dwellers to claim up to 4 hectares (10 acres) of forest land under individual or common occupation for habitation or for self-cultivation. At the same time, it is clarified by the MoTA that the four hectare limit specified in Section 4 (6) applies to rights under 3 (1) (a) of the Act only and not to any other right under Section 3 (1), such as conversion of pattas or leases, conversion of forest villages into revenue villages, etc. In this context, it is important to mention that the traditional and customary laws in Jharkhand recognise the rights of forest dwellers over land not limited to ten acres and forest resources in different forms under diverse laws, such as Chotanagpur Tenancy Act 1908, Santhal Pargana Act 1949 and Wilkinson Rule 1837. Let aside the recognition and implementation of these laws, the state administration has failed to recognise the submitted claims under both IFR and CFR claims. As mentioned earlier, the average IFR recognised area in Jharkhand is 1.77 acre which is lower than the national average of 2.56 acre and far below than the states like Andhra Pradesh, Maharashtra, Chhattisgarh, Madhya Pradesh and Tripura where the average

<sup>1</sup> This is based on the information obtained from the FRA cell of Maharashtra, Odisha and Chhattisgarh.

recognition of IFR area stands 6.16, 5.39, 4.61, 3.59 and 3.62 acre respectively. The scenario is very disappointing when one looks at the the average recognised CFR area in Jharkhand which stands at only 47.74 acre which is lower than the national average of 182.94 acre and far below than the states like Telangana, Maharashtra, Andhra Pradesh, and Gujarat where the average recognition of CFR area stands 1046.23, 966.57, 815.83, and 330.30 acres respectively (Sahoo & Sahu, 2018).

The huge gap in the claimed and recognised area both under IFR and CFR is writ large across Jharkhand. Field observation and review of recognised titles from several villages, namely- Bada Sabaikundi, Tillaipara, Chotasindri, Chhota Sabai Kundi, Salodih and Ghoravali in the Godda Sub-Division of Godda District; Buchaopa, Titra Toli, Chaingara, Tikra Toli in the Chanco and Burmu Blocks of Ranchi District; Juliamba, Gamriya, and Meralgada in the Chakradharpur Sub-Division of West Singhbhum; Chalkari Kalan, Gobinpur Kalan, Chamargadda, and Bhelwara in the Sadar and Bahri Sub-Division of Hazaribagh; Pakardih and Aluwala in the Dumka Sub-Division of Dumka District reveal that irrespective of social groups- tribals and OTFDs, the recognised IFR area is lesser than what forest dwellers had claimed in these villages. This is also true in case of CFR claimed area. For example, the Chalkari Kalan Gram Sabha members in Bishnugarh Block of Hazaribagh filed their community rights over 148 acres of forest land with proper evidence and documents but the DLC recognised only 68.95 acres of forest for the Gram Sabha and didn't give any explanation in reducing the claimed area.

### ***5.3 Focus is Predominantly on IFR and Not On CFR Recognition***

The FRA identifies and empowers the Gram Sabha to be the authority in the rights recognition process and identifies 14 pre-existing rights of the forest communities, on all categories of forest land, including Protected Areas. The Act validates individual and community rights of access, use and sale of forest resources; to manage and govern the forests within the traditional boundaries of the village; and conservation and protection of the forests, wildlife and biodiversity. An analysis of total recognised claims till 31st October 2018 across India reveals that 96% of recognised claims (18,21,413 out of 18, 93,477) are on individual forest rights. This is a general pattern across states and the direction of FRA implementation in Jharkhand follows suit.

Forest cover constitutes 29.55 % of the total geographical area in Jharkhand. A close look at the potential forest area database to be recognised under FRA reveals that the effective implementation of FRA would result in recognising 5,236,400 acres of minimum potential forest area for the forest dwellers across Jharkhand (CFR-LA 2016). The recognised area till 31st October 2018 is 2,02,700.03 acres which is only 3.87 % of the minimum potential area. Also, 96% of recognised claims are on

individual forest rights and no priority is given in recognising community forest rights claims. Out of the fifty eight surveyed villages, twenty villages have submitted their CFR claim between 2012-2017 but only three villages, namely-Chalkari Kalan in Hazaribagh District and Tikra toli and Buchaopa in Ranchi District have received their CFR claim and there is no recognition of CFR titles for the remaining villages in the study areas. Whereas out of 2143 IFR claims, a total number of 1028 claims have been recognised. Among the recognised 2090 CFR claims in the state, it is also found that most of the claims are on development rights under Section 3.2 of FRA<sup>2</sup>. A recent database obtained through Right to Information (RTI) by Naya Savera Vikash Kendra-NGO has revealed that titles recognised under development rights are shown as community forest resource rights title in Gumla District. Many forest rights groups working in other districts are also of the opinion that majority of the recognised CFR rights are development rights and not community forest resource management rights under 3 (1) (i).

#### ***5.4 No Record of Rights***

As per Section 8 (f) & (g) of FRA rule, in the post-rights recognition phase the District Level Committee (DLC) should issues direction for incorporation of forest rights in the relevant government record including Record of Rights (RoR) and also need to ensure publication of the recognised forest rights. Among the recognised titles both for IFR and CFR in the surveyed villages, it is found that record of rights is not processed on a single recognised title at the district level. In the amended Rule 12 (a) of FRA, it is mandatory that the record of recognised rights needs to be entered into government books under the relevant state laws or within a period of three months, whichever is earlier. In its absence, boundary maps, surveys and khata numbers, title-holders find it difficult to invest capital and labour in their recognised land. The scenario is dismal in this direction across India except in the state of Odisha where more than 50% of recognised IFR titles have been entered into government record books under the revenue and forest laws of the state.

#### ***5.5 No Post-Recognition Intervention***

The current discussion on FRA has largely focused on the non-implementation and poor quality of forest rights recognition. While addressing ineffective implementation of the Forest Rights Act (FRA) is important, interventions to support the beneficiaries of recognised claims both for Individual Forest Rights (IFR) and Community Forest Rights (CFR) are equally important, particularly to enhance the livelihood of forest dwellers and promote forest management in a sustainable manner (Sahu &

<sup>2</sup> Section 3.2 of FRA specifies development rights of Gram Sabha which can be recognised up to 1 hectare for every development activity as listed out in this section, whereas there is no limitation of forest area to be recognised under section 3.1 (i) for community forest resource management rights.

Sharma, 2018). Rule 16 of the FRA prescribes that the state government shall ensure that all government schemes, including those relating to land development, productivity, basic amenities and other livelihood measures are provided to such claimants and communities whose rights have been recognised under the Act.

It is found from our discussion with IFR beneficiaries and Gram Sabha members in the surveyed villages that there is no institutional and financial support to the beneficiaries to make their recognised land productive so that their livelihood can be enhanced. There are few instances of getting housing schemes under the Pradhan Mantri Gramin Awaas Yojana for the IFR title holders but again these are general schemes for the villagers. In Jharkhand, community management of forest as envisaged under section 3(1) (i) and section 5 of the FRA has remained almost non-existent in the study villages. The case of Jharkhand is in complete contrast to the state of Maharashtra, Odisha, Chhattisgarh and Gujarat where the administration has issued orders to avail various government schemes and loans from credit market to the title holders in the post-rights recognition phase.

## **6. Major Bottlenecks in the Implementation of FRA**

It has been widely in decentralisation literature that the introduction of resource rights-based laws and their implementation through decentralised power structures have the potential to achieve several social goals such as, reducing poverty, addressing disparity among diverse social groups and improving a host of other human development indicators such as health, education, freedom, rights and security (Ostrom, 1999; Crook & Sverrisson, 2003; Sahu & Paul, 2018). However, rights-based law to realise its objectives requires innovative and adaptive strategies on one hand and institutional, technical and financial support from the state agencies to the beneficiaries on the other hand. It is also argued by many that in order to achieve effective and sustainable outcomes of rights-based reforms, there is a need of strong, consistent, transparent and accountable leadership (Bell, 2013).

Like any other rights-based decentralised law, the provisions of FRA are also directed towards empowering local community and enabling them to assert rights over forest land and resources. The distinctive feature of FRA is its legal foundation, nationally, regionally and at local level. A close look at the implementation of FRA in Jharkhand, however, unravels that the state implementing agencies have failed to harness the legal foundation of FRA. The following section highlights some of the key factors that have contributed to the current state of affairs in the implementation of FRA in Jharkhand.

### ***6.1 Ineffective Nodal Agency***

The FRA that was passed in 2006 was the result of a protracted struggle by the marginal and tribal communities across India to assert their rights over the forest land over which they were traditionally dependent. Conducive political culture, assertive civil society and tribal organisations and a host of other factors played a crucial role in putting pressure on the ruling political regime at that point of time-The United Progressive Alliance (UPA) to change the business rule of the Parliament by authorising the Ministry of Tribal Affairs (MoTA) to draft the Forest Rights Bill and not the Ministry of Environment, Forests and Climate Change (Rajshekhar, 2012). With the enactment of the Act, the MoTA has been made the nodal agency of the Act to implement the law in its letter and spirit in collaboration with its counterpart at the state level and protect the law in different forums against any violation and non-implementation of the FRA.

At the state level, the respective State's Tribal Development Department or any other department dealing with tribals rights and welfare is the nodal agency in the implementation of FRA. In the absence of a dedicated and separate Tribal Development Department in Jharkhand, the Department

of Welfare (DoW) has been authorised to look after the implementation of FRA. However, a close look at the role of DoW in FRA implementation vis-a-vis nodal agency of FRA in other states shows a very dismal picture. The DoW is overburdened with several welfare activities of diverse social groups and has failed to evolve strategies to upscale the implementation of FRA. Forget about providing institutional and financial support to the beneficiaries of FRA as it has been done by the Tribal Development Department of Maharashtra and Odisha, the basic role of the nodal agency such as, availing claim forms and documents to Gram Sabha Members, regular training and capacity building of its representative at the SDLC and DLC level; compilation and uploading of status of FRA claims on its website, and updating the status of recognised FRA claims in the Monthly Progress Report of MoTA are also not diligently performed by the DoW.

There are several instances of violation of FRA at the SDLC and DLC during the claim recognition process but the DoW has failed to show its teeth. Some of them include: arbitrary rejection of more than thousands of claims without giving written explanation to the claimants by the SDLC and DLC members; insisting upon a particular type of evidence by the SDLC and DLC members to process the claims; afforestation activities on the land of forest rights title holders and potential beneficiaries by the forest department; diversion of forest lands for non-forest purposes when the claims are pending; and gap in the claimed and recognised area; etc. It is also observed by several forest rights groups in Jharkhand that the DoW is not interested to engage with civil society and forest rights organisations in a constructive manner. An attempt was made in 2015-16 by the DoW to bring civil society, NGOs and experts working in the field of FRA but the process was abruptly stopped in 2017 and since then there has been no discussion to work in a collaborative way. The recognition of only 3.87 per cent of the minimum potential forest area after ten years of implementation is a stark testimony to the ineffectiveness of the nodal agency in Jharkhand.

## ***6.2 Lack of Cooperation Among Departments***

The detailed processes for recognition of the Forest Rights are mentioned in Section 6 of the Act. Section 6 (1) empowers the Gram Sabha to initiate the claim process of FRA in each village, following which the claims would be verified and examined by the Sub-Divisional Level Committee (SDLC) and send to the District Level Committee (DLC) for its final approval (Section 6 (3)). And the final title will be issued in the interest of the claimant by the DLC (Section 6 (6)). The state government shall constitute SDLC and DLC consisting of officers of the department of revenue, forest and tribal or welfare and three members of the of Panchayat Raj Institutions at the appropriate level.



Field observations indicate that limitations in recognition of forest rights claims to a great extent is a result of chaotic functioning of SDLC and DLC and a lack of cooperation and integration between different departments- Revenue, Forest and Welfare. A staggering number of 22803 forest rights claims are pending at the SDLC and DLC level in Jharkhand (TISS, 2018). The lack of cooperation among these departments is a specific factor which is often overlooked in the discussion on FRA process. Most of the focus groups participants in the surveyed villages and discussion with facilitating NGOs reported that the inappropriate response of the authorities at the SDLC and DLC level and the order to submit forest rights claims at the circle office and not directly to the SDLC has produced a chaotic setting that has very bad consequences for the beneficiaries. Forest rights claimants receive differing and confused information about the status of their filed claims as the circle officer doesn't give any acknowledgement of the received claims. This is not only connected with the submission of claims but also in the verification and recognition of claims at the SDLC and DLC level.

The verification and recognition of forest rights claims at the SDLC and DLC level is a very complex process because there are multiple elements to cooperate: verification of land status, evidences produced by the claimants, Gram Sabha meeting minutes and resolutions, and revenue and forest records. Lack of support from revenue and forest department hinders the verification of claims as the DoW doesn't have adequate knowledge in the field of revenue and forest land record. The DoW representative at the SDLC and DLC level is reported to rely on these two departments to understand the evidence submitted by the claimants that are largely situated in the forest and revenue department domain<sup>3</sup>. Issues of land use status are often presented to forest and revenue departments during the SDLC and DLC meeting as they seem to be the single point of contact with the land record. Also, the SDLC and DLC meetings don't take place regularly as the revenue and forest department representatives are of the opinion that the nodal agency i.e DoW has to take the initiative in proposing and organising meetings. Three members of Panchayat Raj Institutions representing in the SDLC and DLC level are not nominated for several years in most of the SDLC and DLC and wherever they are nominated, they are not consulted about the meeting date and their role has been completely undermined in the presence of government officers during the SDLC and DLC meetings.

Lack of cooperation between these departments is a consequence of the administrative arrangement that is prevalent across states and not a peculiar feature of Jharkhand only. Theoretically, it is assumed that public policy has to be operationalised through inter-ministerial and inter-departmental cooperation and coordination at the local level but conflict of interests in policy objectives often fail

3 This information is based on discussion with SDLC and DLC members in Godda, Dumka, Ranchi, Hazaribagh and Wesh Singhbhum during field work.

to get support from other departments than the nodal department. For example, the line department representatives from revenue and forest at the SDLC and DLC level are of the opinion that they are accountable and answerable to the higher authority of their respective department and not to the nodal department i.e DoW. In the absence of a standardised guideline or instruction from the state government, the representatives of revenue and forest follow the instructions from their respective departments and not what is prescribed under FRA. The scenario becomes more complex when federal law needs to be implemented at the local level because it requires not only inter-ministerial cooperation at the state level but also thinking beyond partisan politics that are central to a more efficient outcome.

### ***6.3 NGO Driven FRA Process***

The involvement of grassroots organisations and NGOs in the implementation process of public policy has become a common practice in India. It will not be exaggerated to say that perhaps no other rights-based law in the last one decade has witnessed the involvement of grassroots and NGOs in demanding and facilitating the implementation of a law as much as in case of FRA. With reference to the implementation of FRA at the grassroots level, one finds four different arrangements across India: (1) the nodal agency continues to play an important role in facilitating the submission and recognition of claims; (2) thousands of villages, especially in Vidarbha region of Maharashtra, have asserted their rights over forest lands through their own struggle and collective action; (3) collaborative efforts between the nodal agency or district administration and NGOs in facilitating the forest rights claim process; and (4) forest rights claim process driven and facilitated by NGOs and grassroots organisations only (Sahu, 2017).

The FRA implementation process in Jharkhand is largely if not exclusively driven by NGOs and grassroots organisations. Several tribal and forest rights organisations such as, Jharkhand Jungle Bachano Andolan (JJBA), Jharkhand Van Adhikar Manch (JVAM), Badlao Foundation, Naya Savera Vikash Kendra (NSVK), Bharat Van Adhikar Manch (BBAM), and many others who have been part of land and forest rights struggles in the state have taken up the claim process in different districts. It is important to highlight that these NGOs have played a crucial role ranging from awareness to orientation about FRA, availing claim forms and documents to the Gram Sabha members, facilitating the submission of claims at the SDLC level, petitioning and drafting letters to authorities on the pending and rejection of claims, forming district and state level networks on FRA, etc. However, due to several compulsions and practical constraints, the claim process driven by NGOs is left with several loopholes. It is found from the study villages that very often the NGO's focus on the number of claims to be submitted at the SDLC level and not on the quality of claim process. Majority of the surveyed

villages don't have information about their claims and acknowledgement copies that were submitted by NGOs at the SDLC level. Gram Sabha meeting minutes on submitted claims are not properly recorded. There are also instances of no follow-up in the post-submission of claims at the SDLC and DLC level. Forest rights groups and NGOs engaged in the claim recognition process acknowledge these flaws in their facilitating role but at the same time expect the state administration to own responsibility and discharge its statutory duties.<sup>4</sup> Despite these problems, the forest dwellers are left with no options but to seek help and depend on the intervening NGOs to get their claims recognised.

#### ***6.4 Aggressive Economic Interest Prevails Upon Rights Recognition***

Jharkhand has been an attractive state for the corporate and market forces due to presence of abundant natural resources like bauxite, iron ore, manganese, coal, uranium, mica and copper. As in other mineral abundant states like Odisha, Chhattisgarh and Madhya Pradesh, in the post-1990s era of deregulation, decontrolling and delicensing economic policy, the exploitation and plunder of natural resources, including minerals, by domestic corporate and multinational mining companies has intensified in Jharkhand.

However, the growth in the mining sector in Jharkhand has come at a huge cost. There has been blatant violation of tribal rights and environmental rules and regulations. A case in point is the recent acquisition of land by the National Thermal Power Corporation Ltd (NTPC) for its coal mines in the Barkagaon block of Karnpura valley, Hazaribagh what is claimed to be one of the largest coal blocks of Asia. It is alleged that the NTPC has acquired about 2,500 acres of land from the forest department, out of a proposed 17,000 acres without free and prior informed consent of gram sabha members and settlement of rights of potential beneficiaries as required under the FRA (Writ Petition Number 5732 of 2016). Local people have resisted the acquisition of their land in an agriculturally rich zone without their consent and settlement of compensation amount in an arbitrary manner by the NTPC and district administration. It is also reported that four people were left dead and as many as 40 were injured after police opened fire on a protest march against the acquisition of land by NTPC for coal mining (Dey, 2016).

Similar irregularities like forceful land acquisition, displacement of people without settling rights of people and even police brutality were also witnessed in the recent effort to acquire land for the Adani Power Limited company's 1,600 MW power plant in the tribal dominated villages of Godda district of Santhal Paragana between 2016-2018. It is reported that Adani Power Limited would be acquiring

<sup>4</sup> This information is based on discussion with members of JVAM, JJBA, NSVK and Badlao Foundation during field work.

around 551 hectares of land spread across 10 villages in two blocks of Godda (Choudhury, 2018). The company has already acquired around 202 ha in the proposed villages, a large chunk of which is common lands. It is reported that land acquisition has been done without the consent of the Gram Sabhas. Local people farmers have protested against such arbitrary and forceful process of land acquisition. Such protests and movements against land acquisition are not new in Jharkhand. In June-July 2017, the state witnessed widespread agitation against the government's move to amend the century-old Chotanagpur Tenancy Act and the Santhal Pargana Tenancy Act. Experts working in the field of forest rights and land governance are of the opinion that the proposed amendment which was later withdrawn after strong state-wide resistance was a ploy to snatch tribal lands. There are also instances of afforestation programs carried out by the forest department on the individual and community forest lands without the consent of Gram Sabha and IFR title holders (CFR-LA, 2017).

The state government has overlooked and bypassed legal doctrines and social concerns in the promotion of extractive industries. Some such projects resulted in forced relocation and acquisition of lands, killing, torture, false implication of innocent people and hurt forest dwellers's rights over natural resources (Dungdung, 2015; Vengurlekar, 2016). Studies have also pointed out that 700 innocent villagers have been murdered between 2001 to 2016 in Jharkhand; tribals form the vast majority of 8000 arrested as Maoists and encroachers on government land; and 300 tribal girls and women have been sexually abused by men wearing government uniforms (JHRM, 2012, Dungdung, 2017). In recent past, several tribal movements in the state has drawn the attention of the policy-makers about the violation of rules and regulations by the mining industries and the negative impact that these industries has caused on the lives of tribals and other traditional forest dwellers. The state government ruled under different political parties, however, has had underscored the key concerns of tribals for its revenue generation and indiscriminately promoted extraction and diversion of forest resources in an unsustainable manner.

### ***6.5 Lack of Political Will***

A few states like Maharashtra and Odisha have demonstrated a new wave of optimism and made good progress in not only recognising forest rights claims in a political campaign mode but also in extending institutional and financial support to the beneficiaries in post-recognition phase. Studies in these states highlight how interest among the political regimes both during National Congress Party and Congress rule and now under Bharatiya Janata Party-Shiv Sena alliance in Maharashtra and through out the rule of Biju Janata Dal since the enactment of FRA has contributed to these largely unexpected successes in both states. More than hundred orders have been issued by these two states

in the last ten years to enable and upscale the implementation of FRA in their respective states (Archana et.al, 2018).

The political interest in FRA implementation in Jharkhand is in complete contrast to these two states. As discussed earlier, the title recognition was expedited when election was round the corner in 2014. The post-election FRA process has been significantly negligible and stagnant. For example, the Monthly Progress Report (MPR) on FRA database of MoTA reveals that from January to July 2017 and again from May to October 2018, not a single forest rights title was distributed in Jharkhand. In between i.e August 2017 to April 2018, 3962 titles were distributed, out of which only 367 titles are on community forest rights.

The State Level Monitoring Committee constituted under FRA to devise criteria and indicators for monitoring the process of recognition and vesting of forest rights is suppose to meet at least once in three months as prescribed under Section 10 of FRA Amended Rule 2012 but has not met for several years. Similarly, the Tribal Advisory Council constituted in each State having Scheduled Areas including Jharkhand to advise on such matters pertaining to the welfare and advancement of the Scheduled Tribes in the State as may be referred to them by the Governor has also not been meeting regularly. It is also so unfortunate that a state which was created to protect and improve the rights, culture and identity of tribals and with 26.3 per cent tribals and 16 districts (fully and partly) under 5<sup>th</sup> Scheduled Areas doesn't have a dedicated tribal development department. In fact, Jharkhand is the only 5<sup>th</sup> Scheduled States in the country which doesn't have a separate tribal development department and tribal welfare activities are carried out by the Department of Welfare (DoW).

### ***6.6 Fragmented Society***

The social heterogeneity among forest dwellers in Jharkhand has also affected the claim process, especially at the Gram Sabha level. The forest dwellers in rural areas of Jharkhand are heterogeneous in several aspects including socio-cultural, religion, ethnic and economic background, interests and endowments. There are socio-economic, political and religious differences between tribals and non-tribals and also within tribal communities. There are around 32 tribes including Munda, Santhal, Oraon, Kharia, Gond, Kol, Kanwar, Savar, Asur, Baiga, etc and also Particularly Vulnerable Tribal Groups (PVTGs) such as Sauria and Paharia.<sup>5</sup>

<sup>5</sup> For more details, see Government of Jharkhand at this link: <http://www.jharkhand.gov.in/tribals>

Literature on collective action has long argued that social heterogeneity may affect collective action differently (Balland and Platteau, 1999). It is argued that although both the social heterogeneity and economic inequality are likely to hinder cooperative efforts, the social inequality is quantitatively more important than that of economic inequality (Johnson, 2000). These theoretical assumptions have manifested in the implementation of FRA in the surveyed villages. For example, information obtained from 21 villages on the composition of Forest Rights Committee (FRC) in the Sundarpahari Block of Godda District, it is found that out of 294 members, 280 members are from Scheduled Tribes only. Similar domination of tribals in FRC was also found in several villages of Bishnugarh Block, Hazaribagh. For example, in the Govindpur Kala village of Bishnugarh, there are 53 Scheduled Tribe and 110 Other Backward Class (OBC) households but among the constituted 12 FRC members not a single member is from OBC. Another observation has been the negligence to initiate claims of OTFDs at the Gram Sabha level. For example, in the same village of Bishnugarh, 172 IFR claims have been submitted by the Gram Sabha to the SDLC but not a single claim belongs to OBC. Most of the surveyed villages are largely populated by tribals but wherever there are other social groups- Scheduled Castes and OBC, these communities find it difficult to produce evidence of 75 years and get support from the Gram Sabha. They are considered by Gram Sabha members as outsiders who settled in their village either during colonial period or due to displacement from development or mining projects from neighbouring villages or districts. The administration attitude to overlook the claims of OTFDs is also found prevalent at the Gram Sabha level. The exclusion of non-tribals in the decision-making and distribution of resources in majority of the surveyed villages, especially in Chota Nagpur Tenacy area is nothing but an extension of the century old malaise of the tribal groups of central India settled in Chotanagpur plateau for their emancipation from the non-tribal emigrants.

## 7. Future Directions

The above discussion reveals that in addition to FRA, acts like Chota Nagpur Tenancy Act-1908, Santhal Paragana Act-1949 and Wilkinson Rule-1837 also seek to protect and improve the rights of forest dwellers. Given such robust rules and regulations in the interests of forest dwellers, one would like to think that government exists to enable the beneficiaries in accessing forest land and resources. But in most of the regions on Jharkhand, this has not been the case. Rather than recognising and upholding rights of people over forest and lands, state government has usurped rights to the forest for its revenue generation. Forest dwellers' have not been just victims of state's aggressive economic policies, they have also paid a huge price for it. Extractive industries, expansion of mining activities, administration apathy, and the lack of political will have combined to undermine the legal and institutional mechanism that aims to safeguard the interests of forest dwellers. In most of the surveyed districts, the most visible symptom of administration ineffectiveness has been appropriation of forests and land, and the increasing expression of public dissatisfaction with SDLC and DLC members for not arbitrarily rejecting and not processing the pending claims. It is, therefore, no surprise to find continuous protests in several parts of Jharkhand.

The state government must understand that FRA has the potential to democratise forest governance by recognising rights of local communities to protect and conserve forests; ensuring livelihood security; securing gender justice and meeting sustainable development goals of reducing poverty and achieving ecological sustainability. The state government needs to take substantive and concrete action to facilitate the recognition of thousands of pending claims and work with interested forest rights groups to change the ground reality and to move towards the full realization and real enjoyment of the forest dwellers' rights prescribed under the FRA. Further, the government is required to think and introduce innovative methods to alter the current stagnant process of FRA implementation. There needed to be greater understanding and genuine sensitivity towards forest dwellers' rights, in order to truly embrace each and every provision of FRA and give full effect to its intent and meaning. This will go a long way in improving the socio-economic conditions of millions of forest dwellers dependent on forest resources for their livelihood and may also contribute significantly to address the increasing migration and left wing extremism challenges prevalent in several districts of Jharkhand.

## References

- Archana Soreng, Ranjita Pattnaik, Y Giri Rao & Geetanjoy Sahu (2018), "An Analysis of Policy Intervention in the Post Forest Rights Act Implementation in Odisha, Tata Institute of Social Sciences (TISS) & Vasundhara
- Baland, J., and Platteau, J (1999), The Ambiguous Impact of Inequality on Local Resource Management. *World Development*, 27 (5): 773–788.
- Bell, Keith Clifford (2011), Experiences from world bank development support for land reform, October, *Coordinate Magazine*, Available at this link: <https://mycoordinates.org/experiences-from-world-bank-development-support-for-land-reform/>
- Bhagat, R B (2016), Migration Patterns in Jharkhand: Nature, Extent and Policy Issues, Paper Presented in the International Conference on Inclusive and Sustainable Development in Jharkhand, 28-30 July, Ranchi, Available at this link: [https://www.researchgate.net/publication/307597598\\_Migration\\_Patterns\\_in\\_Jharkhand\\_Nature\\_Extent\\_and\\_Policy\\_Issues](https://www.researchgate.net/publication/307597598_Migration_Patterns_in_Jharkhand_Nature_Extent_and_Policy_Issues)
- Choudhury, Chitragada (2018), How Jharkhand govt broke law by taking fertile land from farmers for Adani, *IndiaSpend*, 3<sup>rd</sup> December 2018.
- Community Forest Rights-Learning Advocacy (2016), Promise and Performance: Ten Years of the Forest Rights Act in India, Citizens' Report of the Promise and Performance of The Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, after 10 years of its Enactment, December 2016, Produced as part of Community Forest Rights-Learning Advocacy Process (CFR-LA), India, 2006, [www.fra.org.in](http://www.fra.org.in)
- Community Forest Rights-Learning Advocacy (2017), Impact of Compensatory Afforestation on Land and Forest Rights: Interim Report, Available at this link: <https://fra.org.in/document/National%20Brief%20on%20CAMPA.pdf>
- Crook, R and A S Sverrisson (2003), Does Decentralisation Contribute to Poverty Reduction? in P. Houtzager and M Moore (eds.), *Changing Paths: International Development and the New Politics of Inclusion*, Ann Arbor: University of Michigan Press.
- Dey, Sanjoy (2016), Jharkhand: 4 villagers killed in police firing over land row; 2 officers injured, 1st October, *Hindustan Times*
- Dungdung, Gladson (2009), 'Adivasis' Atruggle Against Displacement In Jharkhand', *Countercurrents*, 4<sup>th</sup> August.
- Dungdung, Gladson,(2015), *Mission Saranda: A War for Natural Resources in India*, Ranchi: Deshaj Prakashan
- Dungdung, Gladson,(2017), A Vision for Adivasis, in Ashish Kothari and K J Joy (eds.) *Alternative Futures: India Unshackled*, New Delhi: Authors UpFront Publishing Services Private Limited.
- Forest Survey of India (2017), Ministry of Environment, Forests and Climate Change, Government of India, New Delhi
- Horo, Albert (2013), Jharkhand Movement, *International Journal of Humanities and Social Science*, Volume 2, Issue 4, April. 2013, pp 01-06.



Hill, Joe (2017), Agrarian crisis in Jharkhand: Results of a farmer survey, Bindrail Institute for Research, Study and Action, Mines and Monitoring Centre, Technical Report · September. Ranchi.

Johnson, J. D. (2000), Determinants of Collective Action on the Local Commons: A Model with Evidence from Mexico, Journal of Development Economics, No-62, pp: 181–208.

Jharkhand Human Rights Movement Report, 2012

Lok Sabha Secretariat (2013) Displacement and Rehabilitation of People Due to Development Projects, Reference Note No.30/RN/Ref./December/2013.

Maharashtra Community Forest Rights-Learning Advocacy (2017), Promise and Performance: Ten Years of the Forest Rights Act in India, Citizens' Report of the Promise and Performance of The Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006

Mishra, Om Prakash and Sucheta Ghosh (2003), Terrorism and Low Intensity Conflict in South Asian Region, Manak Publication Pvt. Ltd., New Delhi, P. 520

Ostrom, Elinor (1999), Self-Governance and Forest Resources, Occasional Paper Number-20, Centre for International Forestry Research, Indonesia.

Rajshekhar, M (2012). "The Act that Disagreed with its Preamble: The Drafting of the "Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006," Unpublished paper, Available at: <https://mrajshekhar.wordpress.com/on-the-drafting-of-the-forest-rights-act/>)

Sahoo, Uttam Kumar & Geetanjoy Sahu (2019), "Trends and Directions in the Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006", Tata Institute of Social Sciences (TISS), Mumbai

Sahu, Geetanjoy & Mrinalini Paul (2018), "What Are the Benefits of Community Forest Rights? A Tale of Pachgaon", Tata Institute of Social Sciences (TISS), Mumbai

Sahu Geetanjoy, (2017), A Rapid Assessment Study on Rights Recognition Process Under Forest Rights Act: Reasons of Rejection and Impact of Rights Recognised on Livelihood in Odisha, Jharkhand and Chhattisgarh, Tata Institute of Social Sciences, Mumbai

Sahu, Geetanjoy & Asavari Sharma (2018), India Has Recognised Forest Rights But Intervention Is Still Necessary, 1st May, The Wire

Vengurlekar, Ankush (2016), Police Firing on Anti-Mining Protesters in Hazaribagh Kills Four, 1st October, The Wire