



**The Making of Andhra's Forest Underclass:
An Historical Institutional Analysis of Forest Rights
Deprivations***

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Abbreviations

APFD	Andhra Pradesh Forest Department
APSALTR	Andhra Pradesh Scheduled Areas Land Transfer Regulation
BPL	Bhadrachalam Paper Board Limited
CFM	Community Forest Management
CIDA	Canadian International Development Agency
CNFA	Culturable Non-Forest Area
DLC	District Level Committee
FD	Forest Department
EDC	Eco Development Committees
FRA	Forest Rights Act: in full, the 'Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006'
FRC	Forest Rights Committee
FSO	Forest Settlement Officer
GCC	Girijan Co-operative Corporation - A parastatal organisation in Andhra monopolising non timber forest product marketing
GoAP	Government of Andhra Pradesh
GoI	Government of India
GS	Gram Sabha
IKP	Indira Kranthi Patam: <i>A state wide poverty alleviation project popularly known as 'Velugu' or 'District Poverty Initiative Project' (DPIP)</i>
ITDA	Integrated Tribal Development Agency
JFM	Joint Forest Management
MDO	Mandal Development Officer (also known as Mandal Parishad Development Officer or MPDO)
MRO	Mandal Revenue Officer
NGO	Non-Government Organisation
NTFP	Non-Timber Forest Produce
PAF	Project Affected Families
PESA	Panchayat Extension to Scheduled Areas 1997 - <i>National legislation devolving government power in tribal areas</i>
PHC	Primary Health Centre
PRI	Panchayat Raj Institution
PTG	Primitive Tribal Groups - <i>A government label, of colonial origin, used to categorise less assimilated indigenous groups</i>
RAP	Resettlement Action Plan
RFA	Reserve Forest Area
SC	Scheduled Caste
SDLC	Sub Divisional Level Committee
SLC	State Level Committee
ST	Scheduled Tribe
VRO	Village Revenue Officer
VSS	Vana Samarakshana Samithi: <i>Forest Department created ad-hoc village Joint Forest Management group, lacking legal basis.</i>
VTDA	Village Tribal Development Association

Abstract

This paper considers the relationship between the historical emergence of colonial forestry institutions in forest areas of Andhra Pradesh and the chronic poverty of people living there.

Between 5-15 million of Andhra's population live in forested landscapes depending on definitions, and most of these live in severely deprived conditions and form what may reasonably be called a 'forest underclass'. By underclass we mean to signify that peoples living in forests landscapes have been collectively subjugated and impoverished, and that forestry institutions are one of the primary causes. It may be argued that forest peoples inherently live at low income levels and that their poverty is latent. However using a Historical Institutional analytical framework we show that regardless their initial conditions, their livelihoods have been gravely impacted by the expropriation of productive assets (specifically private and collective land) and severe restrictions on livelihood related access and use rights in forest areas.

We examine the processes of rights deprivations, applying concepts of critical junctures when institutional change occurred, and 'path dependency' when the consequences of institutional reforms gradually and cumulatively unfolded. The paper examines in detail somewhat arcane aspects of the processes through which the state 'territorialisation' of forest hinterlands occurred in AP, at the expense of the predominantly tribal populations already resident there.

Key deprivations identified are:

1. Extinguishment of hereditary customary tenures through the 'normal' forest settlement
2. Irregularities in the settlement process
3. Criminalisation of shifting cultivation
4. Unjust evictions
5. Illegal land grabbing
6. Recent in-migration of tribal groups from other states not scheduled in AP
7. Displacement for 'Development' initiatives
8. Evictions through Joint / 'Community' Forest Management schemes
9. Non recognition of tenures due to Revenue and forest department boundary disputes
10. Marginalisation through creation of Sanctuaries and National Parks

Poverty caused by these rights deprivations have shown a high degree of continuity due to the persistence of the institutional arrangements on which they are based, created under a former colonial era but significantly reformed, presumably because the incumbent interest groups (the state forestry bureaucracy and some commercial and private interests) have continued to benefit.

In a subsequent paper we consider the extent to which the Forest Rights Act 2006 promises to change this *status quo*.

1. UNDERSTANDING THE PROSPECTS FOR INSTITUTIONAL REFORM OF RIGHTS IN ANDHRA'S FORESTED LANDSCAPES

1.1 The Problem

The Indian Parliament passed the Forest Rights Act¹ in 2006, finally recognising, sixty years after Independence, that across almost one quarter of India's land which has been forested:

'... forest rights on ancestral lands and their habitat were not adequately recognized in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice ...'

The Act, which provides the legislative basis to redress this injustice, has major implications for Andhra, both in promising a more secure basis for forest people's livelihoods, and also the legal provisions necessary to defend them in the future.

The Forest Rights Act 2006 (FRA) process is an important case of apparently pro-poor contemporary institutional reform. However is it realistic to expect that after more than a century of disenfranchisement and oppression of forest peoples by the state, the relationship can be reversed at a stroke of the legislative pen, particularly when the colonial-origin forestry establishment built on these rights deprivations remains so securely entrenched? Does the FRA really signify a significant improvement in the political position of forest peoples in India?

This paper presents some findings from a study in which we sought to understand the extent to which the FRA can be understood as a pro-poor institutional reform for Andhra. The study focussed on 4 key research questions, in relation to AP:

1. Why did the FRA emerge?
2. Do the FRA provisions adequately cover the range of forest rights deprivations?
3. Is implementation of the FRA actually resulting in meaningful pro-poor institutional reform at the local level?
4. Will the FRA lead to poverty alleviation and pro-poor growth, and if so how?

This paper addresses the first question, examining the origins and extent of underlying rights deprivations. A subsequent paper addresses the other research questions.

1.2 Our Research Approach

To answer these questions we conducted extensive research between 2008- 2010 at state, district and local levels, using a range of methods.

At state and district level we interviewed key stakeholders; concerned officials, NGOs, and various others, to elicit their views, experiences and insights. Secondary data was compiled from reports, appraisal and evaluation documents of the World Bank and the forest department, Government Orders, and so on.

We then moved to primary data collection through field surveys at selected study sites using group meetings, household and village questionnaires (applying a standardised format). Geographical Positioning Systems were used to identify and map village locations.

1.3 Applying an Historical Institutional approach

Institutional theory tells us that social political and economic institutions, both formal and informal, shape behaviour and opportunities; define rights and distribute power. They must therefore have major implications for poverty and its alleviation. Historical Institutionalists (e.g. Harriss 2006, Sanders 2006) hypothesise that institutions (i.e. 'the rules of the game' by North's definition) are inevitably framed in the context of power

¹ The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act), 2006

relations, and hence institutional formation and change is essentially a political process which has far-reaching economic implications. Historical Institutionalists take a politically realistic approach to the link between the authorship and distributional outcomes of institutional reforms. Those with the power to prevail in negotiations can organise institutions best suited to their interests and can ensure they endure, even if this leads to divisive or dysfunctional outcomes for the wider society or particular sections of it.

This approach commonly applies two central analytical concepts: critical junctures and path dependency. The idea of 'critical junctures' suggests that there are moments ('junctures', similar to the concept of bifurcation points in the natural sciences) when sharp institutional changes can be made, at which point contestation and power struggles play a critical determining role. Obvious examples of this are wars, colonial annexations, revolutions, *coups d'état* and so on. Of course the extent of 'criticalness' can clearly vary greatly, as do the mix of precipitating causes, which may be due to environmental, political, or economic crises and may be internal to a polity / economy; or brought about by external events.

How these critical junctures are used, and the implementation of the decisions taken during them are not automatically positive or 'progressive'. Reforms and revolutions can and often do lead to new forms of marginalisation, oppression and instability. Predatory or reactionary regimes can get installed, as colonial history shows us. However, seizing the opportunity and pushing through reforms in the institutional architecture – whether macro or within a sector or in relation to one issue – depend on political processes and the kind and amount of power which different interests can bring to bear. Moreover, the formal institutional structure within which the decisions are taken will also shape outcomes. This is clearly the case in India where the formal federal and parliamentary structure allows – as we know from many different sectors – great variation across the state.

Fundamental changes in property and tenure regimes are a good example of a 'critical juncture'. In terms of forest tenures we will see how the colonial concern to secure sustainable timber supplies led in the mid 19th century, to the creation of forest bureaucracies and the legal provisions to create a national forest estate. This may be seen as *the* key 'critical juncture' in India's and specifically AP's forest landscapes.

This institutional change, one and a half centuries ago, is still casting long shadows today.

The structure of the administration of public (including forest) lands remains essentially colonial in nature. While reform of agricultural land was pressed forward following independence, the management of public lands has remained frozen

Gadgil & Guha 1995 Ecology and Equity

Explaining why this is the case brings us to the second and complementary key idea which Historical Institutionalists use, that of 'path dependency'. This alludes to the regular pattern by which a consolidated institution becomes very hard to shift and that once established, even when regimes change, it may have a profound proclivity to remain in place. The 'sharp' historical institutionalist in political science would recognise two aspects of this 'institutional stickiness'. First, an institution is often embedded in a network of associated and complementary institutions (formal and informal). It is hard to change the one without having effective change in others; moreover there will be a culture of familiarity with a particular institutional network. Also, there may be strong ideological/political attachments to an institution and what it represents. Second, underpinning the resistance to change - and hence sustaining the path dependency - are questions of incumbent power and politics. Power because there will be deep vested interests committed to defending the institutions ('an organisation's biggest output is itself' to paraphrase Stafford Beer); political because there may be wider electoral considerations which governments don't want to threaten.

So, in historical institutional analysis critical juncture and path dependency stand in tension with each other. There may be critical junctures – a political regime coming to power or major reform – and there is room for manoeuvre. But these attempts at change may be thwarted by path dependent factors, power relations and resistance or diversion by bureaucracies and interest groups. In federal structures like India a critical juncture which gives rise to new policy or legislation will have very different implementation effects across different states, due to the diversity of local institutional arrangements.

This paper applies this Historical Institutional approach to help make sense of the complex historical processes and contemporary contestation over institutions relating to forest rights in the Indian Context. In the paper we can see how India's forest bureaucracy was created from a critical juncture in colonial period, but has exhibited path dependency, as the 'historical injustices' it perpetrated have persisted and been further compounded by more over half a century into Independence.

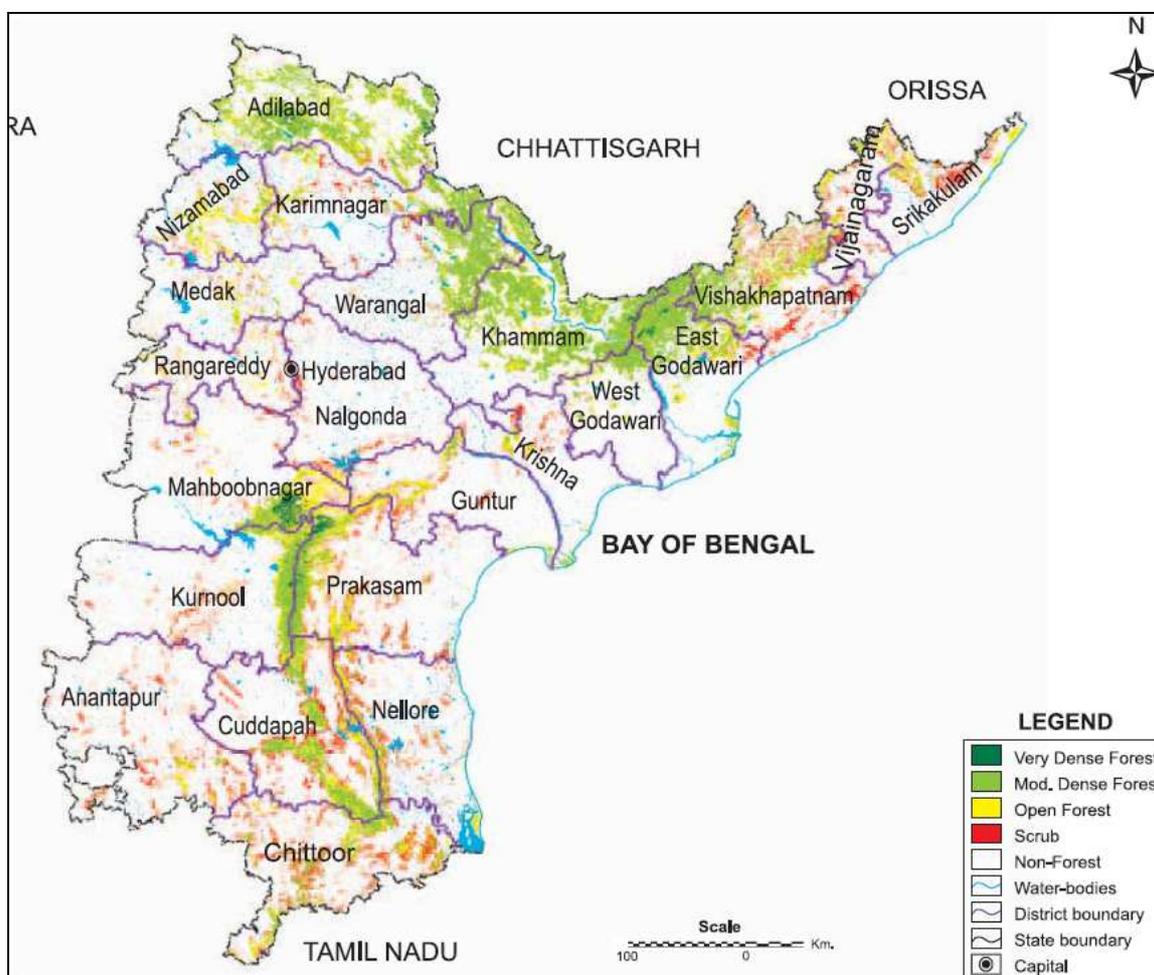
2. POVERTY IN ANDHRA'S FORESTED LANDSCAPES

2.1 Andhra's Forested Landscapes

Andhra is India's fifth largest state (comprising 275,069 km², or 8.37% of India's area) and also has the fifth largest state population at over 76 million (Census 2001).

Andhra contains extensive forested landscapes across its three main physiographic regions; the mainly hilly northern Rayalseema, the dryer central and southern Telangana plateau, and the fertile Coastal Andhra region. In each area forests exist in both contiguous blocks, and also within domesticated mosaic landscapes adjacent to agriculture, pasture and other land uses. Andhra contains two main contiguous forest belts; one across the north of the state; the other running in a north-south belt in the Nallamalai hills). Andhra's forests are classified into six main types of which 'Tropical Dry Deciduous' comprises 90%.

Andhra's *actual* current forest cover (as defined by the Forest Survey of India as lands having more than 10% tree canopy) is 45,102 km² or 16.4% of the state (FSI 2009).



Map 1: Forest cover of Andhra Pradesh

Source: Forest Survey of India 2009

Table 1: Forest condition in AP

FSI category	Criteria <i>Lands with forest cover having a canopy density ..</i>	Extent in AP (km ²)
Very Dense forest	<i>more than 70%</i>	820
Moderately Dense forest	<i>40-70%</i>	24,757
Open forest	<i>10-40%</i>	19,525
Total forest cover		45,102
<i>Scrub</i>	<i>'Degraded forest lands having canopy density less than 10%'</i>	10,372

FSI 2009

Andhra's 'recorded forest area' (i.e. land recorded as under forest in government records) is 23.2% of the state (63,814km²). This area was gradually taken over by the Forest Department from the late 19th Century onwards.

The APFD claims that 95.92% of this has been classified as 'Reserved Forest' (RF); 3.08% as 'Protected Forest', (PF) and 1% as 'Unclassed Forest (UF). 62% of AP's total forest area has been declared as Reserved Forests in Scheduled V areas

APs protected area network covers 15,800km², constituting 5.76 % of the geographic area of the State (Reddy and Bandhi 2004).

The discrepancy between the extent of the forest estate (63,814km²) and standing forest (45,102km²) of 18,712km² may be explained in two ways. Firstly, previously standing forests have been cut under Forest Department management through both routine and illicit felling, and regeneration has not happened. Secondly, it is not clear how much of these areas were *not* standing forests at the time of reservation, but rather were areas which the Forest Department appropriated and labelled as 'degraded forests'. Such areas include for instance scrublands, lowland meadows and upland forest fallows cultivation plots.

2.2 Andhra's Forest Peoples

Andhra's forested landscapes are populated by a mix of tribal and other inhabitants including 35 scheduled tribes and 59 scheduled castes, who may be called 'forest peoples' reflecting their historical residence in forest areas, their cultural affinities and livelihood adaptations to the forest niche.

Of Andhra's estimated 55.22 million rural population, 10.67 million live within 'forested landscapes', who represent about 22 percent of the total rural population living predominantly in 9 districts i.e. in Adilabad, East Godavari, Khammam Mehboobnagar, Prakasham, Srikakulam, Visakhapatnam, Warangal and West Godavari districts.

Box 1: How many forest peoples are there in AP?

The number of 'forest peoples' in AP, if very narrowly defined to include only its officially Scheduled Tribe (or ST) population would be 5,024 million constituting 6.59%. (2001 census). A more comprehensive approach would include all residents of heavily forested districts, also encompassing scheduled castes (SCs) and many other poor groups critically dependent on forests, the total is as much as 10 million, 14% of Andhra's population; for their livelihoods (Reddy *et al.* 2008).

AP's Scheduled Caste population is currently 12,339 million constituting 16.19% of APs total population, distributed throughout the State both in and outside forest landscapes.

Approximately 65% of AP's forest area is in 8 districts in the north of the state² where much of the Scheduled Tribe population is concentrated. (Reddy *et al.* 2004) These districts are amongst the least developed in AP. AP's 'Tribal Sub-Plan' area (created to provide specific administration for tribals) extends over 31,485.34 km², which constitutes the traditional habitat of about 31 tribal groups³.

Of the 35 scheduled tribes in the Andhra Pradesh, 27 inhabit the Eastern Ghats tracts, the rest of the tribals are distributed sparsely in other districts. A distinction may be drawn between plains and hill tribes:

- Plains tribes are typically more integrated with non-tribal society. Groups include the Nakkala, Lambada, Yanadi and Yerukula.
- Hill tribes have traditionally mainly depended on shifting cultivation and forest produce collection, and have been classified by the government as 'primitive tribes'. These include the Chenchu, Kolam, Thoti, Konda Reddi, Khond, Porja, Savara and Gadaba groups.

Table 2: Andhra Pradesh Tribal Groups

Tribe		Popl.	Tribe		Popl.	Tribe		Popl.
Andh	H	9,735	Kolam	H	45,671	Nakkala*	P	No data
Bagata	H	1,33,434	Konda Dora	H	2,06,381	Nayak	H	14,222
Bhill	H	421	Konda Kapu	H	11,780	Pardhan	P	23,724
Chenchu*	H	49,232	Konda Reddi	H	83,096	Porja	H	32,669
Dhulia	H	No data	Khonds	H	85,324	Reddi Dora	H	1,721
Gadaba	H	36,078				Rona	H	200
Gond	H & P	252,038	Kotia	H	48,408	Savara	H	1,22,979
Goudu	H	7,749	Koya	H & P	5,68,019	Lambada / Sugali*	P	20,77,947
Hill Reddy	H	77	Kulia	H	368	Thoti	H	2,074
Jatapus	H	1,18,613	Mali	H	2,513	Valmiki	P	66,814
Kammara	H	45,010	Manne Dora	H	13,579	Yanadi*	P	4,62,167
Kattunayakan	H & P	161	Mukha Dora	H	37,983	Yerukula*	P	4,37,459
						Total:		49,85,866

Source: TCR&TI 2008 from 2001 Census

Notes:

H – Hill; P – Plains

Nakkala and Dhulia communities are recently included tribes in Andhra Pradesh their census enumeration is not done by the A.P. Govt.

* see details below

Each tribal group has its own distinct identity, culture and material livelihood practices. Table 3 below provides some basic details concerning a few of these tribes.

² , primarily in the districts of Srikakulam, Vizianagaram, Visakhapatnam, East Godavari, West Godavari, Khammam, Warangal and Adilabad, and Nallamala forests.

³ in Srikakulam, Vizayanagaram, Warangal, Visakhapatnam, East and West Godavari, Khammam, Adilabad and Mahaboobnagar districts

Table 3: Details of some diverse tribal groups

Chenchu	A hill tribe, officially considered to be most 'primitive' they are still largely depending on gathering activity, although some are in transition to food producing. Traditional habitats are the contiguous forest tracts of Nallamalai hills, although much of this area (through which the Krishna river flows) is presently declared as a Project Tiger area and so livelihood practices have been restricted.
Nakkala	A plains tribe, traditionally nomadic hunters (of small animals and birds) and traders of petty articles, they are sparsely distributed in most AP districts, as well as in neighbouring states. Since Nakkala are engaged in hunting fox (Nakka in local parlance) to eat, they are called "Nakkalollu" in Andhra. They have their own dialect which has no script
Lambada / Sugali	A plains tribe who settle in separate hamlets, locally termed as <i>tandas</i> , mainly near hillocks or pastures where they could rear cattle. Lambadas were once nomads, but in recent times, they are becoming sedentary cultivators and rearing of cattle has become their secondary occupation. They are mostly distributed in the Telengana region and sparsely in Rayalaseema and coastal areas.
Yanadi	A plains tribe mostly residing on river banks, lakes, tanks and canals. Their main livelihood is fishing, and they also catch field rats for consumption. The Yanadis are mostly concentrated in Nellore district and are sparsely distributed in coastal Andhra.
Yerukula	A plains ex-'criminal tribe', they are found throughout the state, and are traditionally basket makers and swine herders. They live mostly in multi caste villages, maintaining symbiotic relations with non-tribals.

Forest peoples' livelihoods closely dependent on access to forest and other lands for a range of purposes, including cultivation, grazing, hunting and product collection. Forests are important both for providing food security and safety nets in periods of hardship. Details are indicated in Box 3 below:

Box 2: Forest People's Livelihood uses of forests

Traditionally, forest peoples have depended closely on forests for a wide range of livelihood uses:

- *Homestead*: perhaps most important of all, forest landscapes provide living space
- *Land for cultivation*: Forest peoples have practiced both shifting and sedentary cultivation. Many tribal groups have historically practiced long fallows forest cultivation ('podu'), a practice suited to upland forest areas. *Podu* cultivation involves the clearance of small patches of hill forests for temporary subsistence cultivation (e.g. various crops including cereals, sorghum and millets). After a few years soil fertility declines and cultivators move cultivation to another area (although typically keeping their residence location permanent. A cultivator household may have customary tenure to a long rotation cycle of plots over perhaps 10 years or more, moving cultivation between them. However without legal title this is unenforceable and due to tenure insecurity amongst other issues podu cultivation has gradually transformed in many areas into settled cultivation practices.
- *Pastoralism*: the keeping of cattle and goats requires grazing, leaf fodder, and bedding materials from forest and pastures.
- *Gathering and hunting*; virtually all forest peoples collect forest products, for direct use, for barter (e.g. for food grains) or for cash sale. These products include:
 - Vegetables, fruits, roots, tubers and flowers.
 - Hunting for birds, fish, ants, and other wildlife
 - Wood product; fuelwood, poles, timber,
 - Medicinal plants, - herbal and traditional medicines
 - Other forest products: honey, gum, tendu pattas, mahua flowers, soap nuts, broom, oilseeds bark of trees for rope stones to build wells and houses.
- *Spiritual uses and existence values*: forests have provided sacred groves and sacred trees (and other sacred areas) for spiritual and religious practices.
- *Other 'ecosystem services'*: Forests provide a range of other benefits, particularly hydrological functions such as water supply (especially important in the dry season),

for which they are valued and protected. Also valued are nutrient transfers to fields below.

Forest Dependence of Tribals in Andhra Pradesh

From Yadama, Gautam N, Bhanu R. Pragada and Ravi R. Pragada 1995 'Forest dependent survival strategies of tribal women: Implications for joint forest management in Andhra Pradesh, India' (FAO: Bangkok)

Forests and forest resources, primarily minor forest products (MFP) or NTFPs, play an important role in the viability and survival of tribal households in Andhra Pradesh and elsewhere in India. Tribals in Andhra Pradesh collect a large variety of NTFPs including tamarind (*Tamarindus indica*), adda leaf (*Bauhinia vahlii*), gum karaya (*Sterculia urens*), myrobalans, mahua flowers and seeds (*Madhuca indica*), wild brooms and soap nuts (*Sapindus emarginatus*). One study estimated that income from the sale of NTFP in Andhra Pradesh constitutes anywhere from 10 to 55 percent of total household income. ... tribal households from Andhra Pradesh accrue a very high proportion of their income from the sale of NTFPs (Burman, 1990). From an economic perspective, NTFPs play a central role in the livelihood strategies of tribal households in ... the entire Eastern Ghats region. Tewari (1989) estimated that in Andhra Pradesh, 10 to 55 percent of income of tribal households comes directly from the sale of NTFPs and this dependence increases markedly as a tribal household becomes more marginalized.

Dependence on forests and common property resources increases as a household becomes economically marginalized. Ramamani (1988), in a study of tribal economy in Srikakulam District in the Eastern Ghats of Andhra Pradesh, disaggregated tribal dependence on forests. The more marginal a tribal household, the greater is the proportion of its income from forests. Data indicated that sub-marginal and marginal tribal households accrue 35 to 36 percent of their income from forest produce. As poverty increases, women become more prominent in ensuring the survival of households by assuming greater responsibility to provide resources from forests and common lands. The importance of NTFPs for the very poor tribal households has been well documented by other studies as well (Hedge *et al.*, 1996; Godoy *et al.*, 1995). In Andhra Pradesh, the poor obtain 84 percent of their fuel supplies from common property resources, and are employed for 139 days to collect products from common property resources (Jodha, 1992). "...The inextricable link between land resources and rural livelihoods, along with increasing role of women as household providers in declining rural economies, stresses the need to consider the gendered terms of access and control of the resource base, particularly in ecologically vulnerable regions" (Thomas-Slayter and Rocheleau, 1995).

Box – Centre for Peoples Forestry – Forest Livelihoods in AP

Numerous different non timber forest products (or NTFP) have been identified, processed and used. Figures vary between different studies according to how income sources are calculated. The Centre for People's Forestry, by analyzing the data from 80,800 households belonging to 680 Vana Samrakshana Samithis (or VSSs), covering the three geographic regions of the State, found that the contribution of forest use in livelihood is on average up to 31% in Andhra, although 40 to 70 percent of the income for the tribal and other resource poor communities is from the collection and sale of NTFPs (Suryakumari *et al.* 2008).

The main types of forest based livelihood activities comprise: NTFP based (57%), fodder for goats and sheep (26%), fuel wood sale (12%) and wood based craft making (5%).

Comparing the three regions, the greatest element in forest contribution to income is from NTFP collection and sale in Telangana (73% of total forest contribution)

and Coastal Andhra (47%) whereas in Rayalaseema the highest contribution of forests to income is from fodder to goats and sheep (51%). Head loading of fuelwood for sale is more prevalent (20%) in the North coastal region than in Telangana (7%) and Rayalaseema (8%) regions where it is a dwindling option due to degradation of forests (Suryakumari *et al.* 2008).

Table 4: Contribution of forest activities to livelihoods of forest people in AP

Type of livelihood	%
NTFP based	57%
fodder for goats and sheep	26%
fuel wood sale	12%
wood based craft making	5%
Total contribution of forest activities	100%

2.3 The Poverty of Andhra's Forest Peoples

Forested landscapes have historically been populated, but since the mid 19th century the marginalisation of those populations through the state takeover of forests became pronounced, leading to the situation we observe today where there is a close coincidence between forest, poverty and tribal people.

Development indicators for scheduled tribes are significantly lower than for the AP population as a whole. The proportion of the Scheduled Tribe population below the GoI poverty line is 23%, while it is 11% for the entire population (TWD 2007). Similarly the literacy rate amongst scheduled tribes is 37% compared with 60.5% for the total population, and the infant mortality rate for scheduled tribes is 126 per 1000 births, while it is 62 per 1000 births for the total population.

A.P. has the second highest extent of rural landlessness of any state after Punjab. Over 52% of rural households are landless compared a National average of 40.9% (1999-2000). This landlessness is heavily concentrated among the Dalit and Tribal populations⁴.

Poverty is so pronounced in rural areas because rights deprivations have undoubtedly pushed forest peoples into becoming a disenfranchised 'under-class'

Each of the aspects of livelihood forest use has been negatively affected by the rights deprivations from the composition of the forest estate, as we will review below ...

⁴ Chandrasekhar, C.P. and Jayati Ghosh (2004) *The Continuing Possibilities of Land Reform (Macroscan)*

3. RIGHTS DEPRIVATION PROCESSES IN AP'S FORESTED LANDSCAPES

This section considers how institutional change has deprived forest peoples of their rights in forested landscapes of AP. Major types of rights deprivations are identified, and the 'critical junctures' from which they emerged are analysed, as are their long term path dependent behaviour. ...

The historical expropriation of forest peoples from their forest lands, and their political marginalisation and neglect in development initiatives has been a major cause for the prevalence and persistence of acute poverty in Andhra's forested landscapes. Through the analysis below we identify some key rights deprivation categories.

3.1 Forest peoples under changing forest policy

In pre-colonial Andhra, successive dynasties (including the Satavahanas, Kakatiyas, Vijayanagara, Reddies, and Velamas) encouraged the expansion of agriculture into the more accessible and fertile forest areas, often providing irrigation facilities and other incentives (Raman Rao 1992) for clearance and colonization (Reddy 1979, Sastri 1956).

As the Moghul Empire declined in the early 18th Century, the client Nizam then controlling the *Telangana* region⁵ became independent. The *Rayalseema* and *Coastal Andhra* areas on the other hand gradually came under the direct British administration of the Madras Presidency.

As the British colonial state was consolidated a massive agrarian expansion took place, particularly in the first half of the 19th Century (Raman Rao, 1958). At the same time, Colonial shipbuilding and railway expansion created massive demand for timber and woodfuel supply (Cleghorn, 1964), demand which came into competition with forest based livelihoods.

In both the Presidency and the Nizam ('Residency') areas the state's interest in forested landscapes gradually changed from extending agriculture to exploiting timber, and the relationship with the peoples there became increasingly conflictual as the respective states sought to extend monopoly control over forest areas and institutionalise a forest management regime.

3.1.1 Forested landscapes under the British colonial state

The first steps in assertion of administrative control of forests in the Madras Presidency began already in 1805 with a proclamation declaring royalty rights over teak and prohibiting unauthorised felling of the tree. The key 'critical juncture' came however with the national Indian Forest Act of 1865, which laid the legislative basis for the creation of an Imperial Forest Service to survey, reserve, manage and police a forest estate.

A due legal process was specified through which Forest Settlement Officers could identify forests perceived to be of value to the colonial state and place them under the sole charge of the forest department (FD), extinguishing the customary rights of the local users if deemed necessary after inquiry.

The tentative initial Act underwent intense period of review as some colonial officers, notably Baden-Powell, sought to strengthen its provisions to allow the state to more easily take over forests and extinguish rights 1878. Vocal opposition to its excesses came from Madras forest staff. The 1878 Act was a continuation of the 1865 act, in which total control of the forest resources was allocated to the forest department bypassing community rights.

'The provisions of this Bill in fringe the rights of poor people who live by daily labour (cutting wood, catching fish and eggs of birds) ..

⁵ the current districts of Adilabad, Karimnagar, Medak, Khammam, Nalagonda, Nizamabad, Mahbubnagar and Warangal

Puntulu cited in Guha 2001

'It is a known fact that all the jungles in this part of the country are the common property of the people and that the poor persons who live near them enjoy their produce from Immemorial time.

Board of Revenue Proceedings, Madras 1871 cited in Guha 2001

Despite protests the draconian 1878 Act emerged, although a separate Madras Forest Act was developed, and passed in 1882, applied to the Coastal and Rayalaseema districts.

However in practice extinguishment of customary rights was hardly less severe under the Madras Act than elsewhere. By 1893 vast tracts covered by forest growth had been declared as protected forests, creating the first and major forest rights deprivation.

Forest Rights Deprivation 1. Extinguishment of hereditary customary tenures through the 'normal' forest settlement

The current AP forest estate (in both the British and Nizam administered areas) was forest peoples' ancestral land. Appropriating this land for the state negated their traditional customary rights, and made them into 'encroachers' liable to eviction..

The legal basis for state appropriation of forest peoples' ancestral domains and hereditary customary property has been the various Forest Acts⁶, which created a process for 'settlement' and extinguishment of customary and traditional rights or 'privileges' of local forest dependent communities by the Forest Settlement Officer (FSO) before issue of final notification of reservation of forests. .

Furthermore, no effective steps were taken to settle the rights of local *communities* over village forest lands. Also, forest dwellers rights over the forests were not recognized in the absence of documentary proof to establish their claims.

- In Andhra Pradesh 2,95,383 ha of forest land is recorded as pre 1980 and post 1980 'encroachments' (on 31-3-2004). Whilst some of this may refer to opportunistic in-migration, much of it is undoubtedly forest peoples lacking tenure to their hereditary lands.
- Numerous conflicts between tribals and forest department in respect of forest lands and rights are outstanding: 21,210 Kilometres of boundary remain under dispute.
- Since 1980, 77,661 acres of land has been under cultivation by tribals in reserve forests. However, they continue to be unregularized. (Memo No 26531 dated 9.5.97-GoAP).

'Historic injustice' was caused through the 'normal' reservation process according to the due legal process; as forests were reserved forest people had their customary rights curtailed and in many cases were driven out altogether.

The settlement process did though sometimes lead to rights being granted for protected forests, when the forests were deemed less valuable and village claims to them recognised. Also through the settlement process forest boundaries were supposed to exclude habitation and private cultivation land.

However the settlement process is a lengthy one particularly as it involves touring rugged interior areas. For reasons of convenience short-cuts were often taken, meaning that settlements were not recognised, or the process was never completed, and forests remained 'deemed' Reserved forests with the provisional extinguishment of all rights persisting. This represents the second main category of rights deprivations, irregularities in the settlement process, discussed in the box below.

⁶ Indian Forest Act (1865) Madras Forest Acts (1882), the Hyderabad Forest Acts (1915) and the AP Forest Act (1967).

Forest Rights Deprivation 2. Irregularities in the settlement process

The reservation of forests by the Forest Department involved the settlement of rights, which often amounted to their extinguishment or severe curtailment. In many cases the process was not even conducted and completed properly.

Firstly in many cases the final settlement of rights was not completed, and local people were only notified that the forest was 'deemed' a Reserved forest, thus losing all their rights to use it.

Secondly numerous mistakes were made, and the due process was often not followed correctly. Cultivated lands in forest landscapes were often not excluded from the forest reservation process. During the reservation of forests and forest boundaries were made encircling the habitations without considering the rights of the communities over usage of forests and forest lands which situated away from their homes. Forest Settlement Officers failed to recognize the rights of tribal communities to their way, watercourse, use of water, pasture, forest produce, cultivable lands including podu lands etc.

- There are many thousands of occupants across 9,93,552 ha of APFD forest who are still covered only by 'Preliminary notification' under Section 4 of the A.P. Forest Act 1967.
- no data has been systematically collected on the extent of mistakes in the settlement process but anecdotal evidence suggests it is widespread.

A third issue that arose from the settlement process is that tribal peoples use of the forests involved practices that conflicted with the foresters timber focus, particularly shifting cultivation.

Forest Rights Deprivation 3. Criminalisation of shifting cultivation

Long fallows forest cultivation (known as *podu*) has been a prevalent practice across hill areas, a highly sustainable long fallows cultivation adapted to upland areas. The sustainability of the practice relies on customary tenure over a circuit of fallows patches.

Forests taken over by Forest Department have typically become managed for industrial timber, with long term felling and regeneration cycles under plans which excluded other users. This resulted in decreasing access to forest resources for tribal communities. Podu cultivators have faced particular problems due to forester's prejudice against them. The practice was not recognised as a legitimate cultivation practice, became criminalised and was increasingly obstructed. The authority of customary tenure was undermined.

- The AP Forest Department even now routinely books criminal cases against podu cultivators, charging them with theft and trespass under the AP Forest Act 1967. The cultivators are arrested and remanded by the Judicial First Class Magistrate Courts. On the admission of guilt the courts impose fines arrested tribals.

Prior to British rule, tribal areas has been far from the administration's reach. However the extension of centralized British administration over these areas gradually criminalised its livelihood use, deprived tribals of their autonomy and compounded pre-existing grievances.

In many of the remote tribal areas local client elites variously called *mansabdars* and *muttadars* ruled during the Nineteenth Century in an oppressive manner, often giving rise to unrest and revolt. The British colonial policies further exposed tribals to predatory commercial pressures from the plains. Outside traders and moneylenders, followed by settlers, acquired large tracts of tribal's land through clandestine transactions and exploitive practices. The administration of Colonial civil law enabled the lowland traders to make an enforce unfair contracts, and on non-fulfilment, take over property as collateral.

The exploitation boiled over after the imposition of excise regulations forbidding the drawing of palm wine (or toddy) for domestic use and leasing toddy revenue to

contractors. Legal and illegal extortion by the traders and corrupt police was the last straw, sparking the Rampa rebellion of 1879.

The rebellion was finally suppressed only with punitive military force. Afterwards, to avoid recurrence the administration took steps to ameliorate tribals' conditions. These measures were consolidated in the Agency Tracts Interest and Land Transfer Act, 1917, which limited the interest chargeable to a tribal and prohibited transfer of immovable tribal property to a non-tribal. 'Agency Tracts' were created under the Andhra Pradesh Agency Rules 1924; areas separately governed by an Agent of the Colonial Government with protections against exploitation by outsiders and without the same revenue imperatives. Most of these tribal ancestral domain areas were left 'unsettled' by revenue officials so that they would not be taxable (land settlement closely linked to tax extraction, so was not applied in agency areas). Although this proved beneficial at the time, because land rights were not recorded lack of formal rights recognition has made it much more difficult to subsequently prove ownership (PRNRM 2002). Agency areas became notified as Scheduled Areas at Independence.

1927 a new National Forest Act emerged. The Indian Forest Act of 1927 gives jurisdiction to the state government over forests and it also authorises the state government to close portions of forests as long as the remainder of the forests is sufficient for individuals or tribal people to exercise their legal right to the forest and its produce. But the Act, at the same time, has prohibited grazing, cultivation and charcoal burning, stone quarrying in the forest area without any prior permission. The state government is empowered to regulate or prohibit the breaking up, clearing of land for cultivation, pasturing of cattle, to maintain water supply in springs, rivers and tanks. A close survey of the Forest Act reveals that there is no specific provision for the protection of the rights of the tribal people.

After Independence, under the provisions of the Madras Estates (Abolition and Conversion to Ryotwari) Act 1948, the Forest Department took over the *ex-Zamindari* (feudal) forests in the Agency areas, declaring lands of ex-Princely states and the *Zamindars* as Reserved Forests. However, no effective steps were taken to simultaneously settle the rights of tribals and other forests dwellers, effectively extinguishing customary rights that had been enjoyed in these areas at a stroke. *This is another case of the second type of rights deprivation – 'irregularities in the settlement process' as referred to above.*

3.1.2 Forest landscapes under the Princely Hyderabad State

Forests in Hyderabad State had also generally been considered subservient to agriculture until the mid 19th Century: the Nizam even inviting outsiders to acquire forest land for cultivation to increase tax revenues, dispossessing tribal communities in the process. Prior to 1857, forests were exploited through a permit system under which tree cutting was allowed too without much restriction other than for high-value teak. The customary rights of communities residing in or near the forests to first use on non-timber forest produce, timber for housing and agriculture, fuel wood are reported to have been normally respected. The *abkari* administrative system in the state also conferred rights to certain communities over select species.

A key 'critical juncture' for forests rights in the Hyderabad state came in 1857 when the Nizam established a Forest Department, and thirteen valued timber species were placed under its control, (leaving the rest to still be managed by the revenue administration). Successive Forest Acts made modest incremental changes, but the Nizam's Government finally caught up with the Madras Presidency's more acquisitive practices with its 1890 Forest Policy, which providing a due process for appropriated forested lands, restricting local peoples' traditional forest access and use in order to fulfil its mandate for preservation and improvement of the remaining forests.

By 1894, 3,390 square miles of forests had been reserved as state property and placed under the Forest Department (Thaha 2000). The 1900 Forest Act transferred all tree species to the Forest Department, putting an end to dual control with the Revenue Department, and classified the forests into Reserved and Open classes. The process of revisions of the Forest Act continued to Independence: the 1916 Forest Act laid the foundation for the establishment of a more comprehensive forest administration, and was superseded by the Hyderabad Forest Act of 1945, modelled on the lines of 1927 Indian Forest Act (Gogia, 2002).

Whilst some Open forests were set apart to meet the domestic requirements of the villagers, the extensive declaration of Reserved forests represented a comprehensive abrogation of centuries-old customary rights enjoyed by the tribals in those areas

Most of the tribals in the region cultivated land under a tenure system known as *siwa-i-jamabandi*, which did not confer ownership on the land worked. In the northern districts of Telangana populated by the Gonds, Kolams and Naikpods, the Gonds practiced settled agriculture, while the Kolams and Naikpods practised shifting cultivation on the hillslopes. Even the more sedentary Gonds were in the habit of leaving lands fallow and cultivating alternate lands in two-year cycle.

The demarcation of Reserve forests ignored these practices and in one stroke rendered many tribals without rights and led to forced evictions, thus setting the stage for tribal-state conflicts. Large-scale evictions occurred in the 1920s (although again data is lacking on the extent) with 'mopping-up' operations continuing until 1940, creating an atmosphere of unending insecurity (Haimendorf, 1985).

Forest Rights Deprivation 4. Unjust evictions

Forest peoples have been evicted from their forests, losing their habitation, under a range of unjust processes, not only during forest reservation but also, as tenure have become insecure, though a range of other forest 'development' and plantation schemes.

- The processes of dispossession from forest lands started in colonial period in the name of reservation of forests, development of sustained revenue and conservation of forests. During the proclamation of Reserved Forests, public enquiries were rarely held which resulted the involuntary evictions of tribals from their cultivable lands in the forest areas.
- Colonial and subsequent National Governments gradually imposed further restrictions on usage of forest land.
- Forest development through plantation forestry programs further curtailed the rights of tribals over the forests. Tribals were dispossessed from their shifting cultivation and replaced by monoculture commercial species. Later evictions have also resulted in the name of rejuvenation of degraded forests under the Joint Forest Management Program (discussed below).

Data for the extent of evictions is again very difficult to find, and most of those evicted have become destitute and disappeared, probably often to urban slums.

The tribals under the Nizam's rule were thus, as with the Presidency areas, also constantly at the receiving end of marginalisation and criminalisation of their livelihoods, with their customary forest rights gradually denied.

The Nizams acquiescence to Andhra's unification in 1956 required the threat of military force from the Indian government. The subsequent unification of the respective forest administrations in Madras Province and Nizam's Telangana created the AP Forest Department. A Law Commission was established to integrate the two existing Forest

Acts, resulting in the Andhra Pradesh Forest Act, 1967 (Gogia, 2002; Sunder *et al.*, 2001) followed by various subsidiary forest legislation⁷.

On 25th November 1978 a Government Order further extended the provisions of AP Forest Act to scheduled areas of the State.

Reviewing the state appropriation of forests it is apparent that since the mid 19th Century colonial imperatives transformed APs forested landscape into a highly regulated and controlled environment, in which local peoples hereditary and customary claims were gradually deprived. Despite forest peoples' gaining citizenship at Independence their rights deprivations persist. Indeed conflictual relations continued due the entrenchment of the colonial origin forestry institutions, and have been the roots of much civil strife and insurgency across forested areas to this day.

3.2 Post independence tribal protections, provisions and initiatives

Independence brought a range of provisions and initiatives ostensibly to protect tribal interests and deliver services to them.

The Government, both at Centre and State levels, formulated a number of policies and schemes ostensibly to safeguard tribals' interests and improve their conditions, particularly since the Fifth Five Year Plan (1974-1979) which contained specific objectives of reducing poverty, improving educational status and eliminating exploitation of the tribals.

Ten Integrated Tribal Development Agencies (ITDAs) have been created [August 1976] in the 8 tribal dominated districts in the tribal schedule areas (namely Srikakulam, Vizianagaram, Visakhapatnam, East Godavari, West Godavari, Khammam, Warangal, and Adilabad). There is also one ITDA for Chenchus at Srisailam and one for Yanadis at Nellore. ITDAs are the nodal agencies for integrating all welfare and developmental programs for tribal development, and their schemes have included irrigation, soil conservation, horticulture, fisheries, sericulture, health and social service infrastructure. Centrally sponsored schemes have been implemented to tackle special problems: namely, malnutrition, adult literacy, 'rehabilitation of shifting cultivators', and so on.

In the State, the administrative set-up existed more or less the same as per central guidelines. However, the system of decentralised planning, implementation and monitoring was not adhered to as per guidelines. The delivery system of the programme was not effective. A large number of tribal farmers were found to be using irrigation water, HYV seeds, fertilisers and other inputs from private sources, even though a significant proportion of TSP fund was being spent on free delivery of such inputs. It was found that the access to primary schools was good, but most of the schools were lacking teaching staff. In the State, the medical facilities were not available upto the mark. Many villages had no PHC within a distance of 5 kms. The position is very bad due to non-availability of sufficient staff and absence of doctors etc. A large majority of the tribals is feeling that their life style was now good with respect to the possession of productive and utility assets, and access to food, clothing, transport facilities, electricity and schools, compared to the ten years ago. Land alienation is still a serious problem, though in a number of cases land had been restored. Land acquisition for development projects and mortgaging for credit from private sources is widely prevalent (planningcommission.gov.in/reports/peoreport/cmpdmpeo/.../168.pdf).

While framing the Constitution of India the Fifth and Sixth Schedules were included to protect tribals from exploitation. Tribal people have been historically vulnerable to exploitation from non-tribals from the plains, and the Fifth Schedule which applies to the

⁷ Forest Offence Rules 1969, Andhra Pradesh Forest Produce Transit Rules 1970, Andhra Pradesh Minor Forest Produce (Regulation of Trade) Act 1971, the Andhra Pradesh Scheduled Areas Minor Forest Produce (MFP) (Regulation of Trade) Regulation 1979.

tribal areas in Andhra Pradesh is a historic guarantee to indigenous people to rights over the land they live.

After Andhra Pradesh was formed in 1956, the new government, recognising land expropriation was a serious problem, enacted the comprehensive 'Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959' (APSALTR 1959 or Regulation 1 of 1959) for the protection of tribal land. It came into effect in Andhra region in the same year and was extended to Telangana region through Regulation 2 in 1963.

Yet since Independence, Andhra's tribal land expropriation problem become a widespread and visible process of vast magnitude. Non-tribals today own more than half of the land in the Scheduled Areas of the state, and in some districts significantly more: 52 % in Khamman district, 60 % in Adilabad district and 71 % in Warangal district (Laxman Rao *et al.* 2006). Further, these official figures are based on land records, and so understate the problem as they don't include 'benami' holdings in the name of tribals but actually held by non-tribals.

Seeking legal redress is generally ineffective. The Tribal Welfare Department's official record for 2001-2002 states that of the 69,170 cases of land alienation in the state, only 23,635 have been restored to tribals.

Forest Rights Deprivation 5. Illegal land grabbing

The land tenure systems within the Mutta, Mokasa, Mahals and Zamindar were occupational, without any alienation rights. The occupants had to pay tax to the proprietors of such Mutta, Mahals, Mokasa and estate villages. After the abolition of intermediary proprietors (like Mahals, Muttas, Zamindars) there was a Survey and Settlement conducted 1970-76. During this time there was a clamour for individual land titling which has resulted in massive land alienation through clandestine transactions and land grabbing by wealthy non tribal individuals and vested interests. Local Tribal Communities have lost their farm lands and common areas.

The State Survey and Settlement's emphasis on individual ownership rights has excluded tribal land tenure systems including podu, and has led to intensifying competition and conflict over tribal lands

It is clear that legal protections for forest peoples contradict the economic interests of both the state and politically dominant groups.

An additional rights deprivation has been due to the non-recognition of the tribal status of immigrant tribal groups from other states.

Forest Rights Deprivation 6. Recent in-migration of tribal groups from other states not scheduled in AP

Gothikoyas, a clan of the Koya tribal community, migrated from neighbouring Chattisgarh and settled in the forests. These tribes are not recognized as Scheduled Tribes in Andhra Pradesh and so it cannot extend similar benefits and protections to them as with notified tribes.

3.2.1 Development and displacement in forested areas

Forests have always historically been diverted for agriculture, but in recent years they have been converted for a range of other uses on a large scale, particularly irrigation projects, mining and infrastructure. These developments have often been in hinterland upland tribal areas and led to as many as 5 million evictions or displacements in AP (almost 7% of the state's population). Compensation and rehabilitation have touched only the fringe of the problem.

Such problems are highly prevalent in districts like Visakhapatnam where cross border migration from neighbouring Orissa due to projects like Bailadilla, NALCO, HAL and other

Mining projects, DBK railway line, five reservoir projects, tourism industry and government infrastructure have led to severe pressure on land and forests.

Forest Rights Deprivation 7. Displaced for 'Development'

Private and public sector industries have been given lands in the Scheduled Areas in contravention of the LTR Act and the Fifth Schedule of the Constitution. Some such private industries are, the Badrachalam Paper Board Limited (BPL) located in Palavanha, Khammam district; AP Rayons, Kamalapur, Warangal Dt.; Orient Cements, Devapur, Adilabad Dt.; and NavBharat Ferroalloys, Palavanha, Khammam Dt. Some of the public sector industries are Singareni Collieries, in four districts of the Scheduled Area; Sponge Iron India Ltd, Palavanha, Khammam Dt.; Manuguru Heavy Water Plant, Manuguru, Khammam Dt. and Andhra Steels in Palavanha (Samata Hyderabad)

- The total number of Displaced Persons / Project Affected Persons (DPs /PAPs) in AP may be as high as 5 million. Of Andhra's 3.25 million DP/PAPs identified as displaced between 1951-1995, 30% were tribals, though they constitute only 6.7% of its population. Around 20% of those who are physically relocated (DPs) or deprived of livelihood without being physically displaced (PAP) are *dalits*, and studies indicate that the so-called 'other backwards' constitute another 20%.
- For example, 10,000 people were displaced by the Sriharikota Rocket Range. 43,000 people were displaced by the Simhadri thermal plant in Andhra Pradesh. (Fernandes *et al.* 2001).

Irrigation projects have created inundation of thousands of hectares of forest and have also led to large scale displacements. The setting up of minor and medium irrigation projects in areas ostensibly meant for tribals has been another way that locals have been dispossessed. The government has been sanctioning numerous reservoirs, minor irrigation schemes, lift irrigation and medium canals in the tribal belt, but as it has become non-tribals who are holding the more productive lands, these irrigation projects has typically only facilitated their cultivation. Tribals have to depend on *podu* cultivation.

The main electoral plank of the present Congress government was according high priority to the irrigation sector. On assuming office in 2004, the Rajashekhara Reddy government identified 26 irrigation projects with an estimated cost of Rs 460 billion. Some of these projects, under various stages of implementation, have become highly controversial as they will displace tribal villages and submerge forest areas.

The Polavaram /Indra Sagar project (on the Godavari river at Polavaram Mandal in West Godavari district) is the most controversial as it threatens to submerge as much as 94,357 acres in the Scheduled Areas, of which 29,852 acres are *poramboke*⁸ and displace 276 villages containing 44,574 families across three predominantly tribal districts. It will; submerge an estimated 3223 ha of forests. The AP Government order 68 states compensation will be paid only to those who have been in possession of forest lands prior to 1980. Those tribals who have been cultivating such forest lands prior to 1980 but do not have documentary evidence of this are going to lose⁹.

Opposition to the project from civil society organizations, political parties and tribal rights activists (Agency Girijana Sangham) is mounting as the government continues to push this agenda without assessment of its impact on locals, and without securing the mandatory approvals from the central government. (see Gujja *et al.* 2006)

Earlier the project was launched by the State Govt even before obtaining environment, forests and other statutory clearances from the Govt of India, Hon'ble AP

⁸ Poramboke Lands -These are all 'vacant' Government lands other than agricultural 'waste lands' for which generally RDO (depending on the rules in force and the said lands are not entered in the prohibition register) is competent to change classification and instruct MRO to issue house site Pattas....) Land types can include Grazing Lands, Grave Yards, Road Poramboke, Channel Poramboke, Tank Poramboke, School Poramboke etc. ie Lands

⁹, Palla Trinadha Rao 2006 Nature of opposition to the Polavaram Project- Rao (EPW April)

High Court ordered Stay on the project. But the State Govt interpreting that the stay pertains only to the Barrage component of the project, continues to go ahead with the works connected with left & right canals. Recently, people from Bodigudem, D Ravilanka, and Paragasanipadu village of East Godavari district, and Chegunapally, Devaragondi, Ramayapeta and Pydipaka villages of West Godavari district of tribal and non-tribal villages located in the vicinity of the planned site for the barrage have been displaced. The Chief Minister, Dr K. Rosaiah, vowed to make efforts with the Centre to get national project status for the Indira Sagar (Pola-varam), Devadula and Pranahita-Chevella projects. Addressing a public meeting held under the aegis of the district Congress committee at the Government Arts College grounds here on Sunday 11/04/2010, the Chief Minister said that as both the Indira Sagar and Devadula projects had got all mandatory clearances, and he had taken up the issue to the notice of Prime Minister, Dr Manmohan Singh, seeking his intervention to get national project status for them.

Mining: The Eastern Ghats contain extensive deposits of bauxite, with an estimated 564.33 million tonnes in East Godavari and Visakhapatnam districts alone, spread over 4700 ha.

In Andhra Pradesh, about 18,178 ha of forest land was diverted for mining. This is the second highest diversion of forest land for mining during this period in the country, after Chhattisgarh. The forests in regions like Adilabad, Karimnagar and Warangal, which hold both forest and mineral resources (CSE 2008), are under threat. On April 10, 2006, in spite of all the opposition and protests by the people, the Ministry of Environment and Forest (MoEF) gave environmental clearance to the proposed uranium mining by the Uranium Corporation of India Limited (UCIL) at Nalgonda's Lambapur and Peddagattu villages, and a processing plant in Seripally. The total leased mining area is spread over 527 ha and the processing plant is about 278 ha. UCIL informed in the public hearing that only a fraction of the area acquired would come under forest land. However, the fact is that about 445 ha out of the total site area of 527 ha lies in the Yellapuram reserve forest (CSE 2008). Total Forest Land Diverted for Mining in state i.e. from (25.10.1980 to 30.09.2008) is 18178.55 ha which constitutes (15.90%).

New proposals for bauxite mining in this area would affect 247 villages and displace 44,000 tribals. A Tata Energy Research Institute survey estimated that mining this bauxite in Anantagiri mandal in Visakha Dist alone would involve environmental costs of Rs.1520 crore (US\$340m). An additional impact of mining would be on the coffee plantations, and agricultural production below. It is estimated that the proposed mining would affect as many as 60 thousand coffee growers and workers.

State land transfers: Transferring lands in scheduled areas to a private company is a violation of the LTR Act. Despite this, the A.P Government has issued many leases to non-tribals for industrial and mining operations since 1952.

Samata, an NGO working in AP's Scheduled Areas, filed a case against the AP government for routinely flouting the law. The court found in favour of the tribals in the famous Samata Judgement of 1997.

Box 3: The Samata Judgement

Samata moved a Petition in the Supreme Court opposing the GoAP's handing over Scheduled Area lands in Visakhapatnam district to mining companies for calcite mining. The principle argument was that the Land Transfer Regulations 1 of 70 brought under Fifth Schedule of the constitution which prohibits land transfers between tribals and non tribals as well as among non tribal person, as such leasing out land to non tribals owned companies is illegal. The Supreme court gave a ruling asserting that Government can be construed as a non tribal person for the purposing of implementation of Land Transfer Regulations 1 of 70. The word person under the Regulation is inclusive of Govt or its institutions. So Government cannot transfer its lands situated in the scheduled areas to other than tribals.

However the AP state continues to pursue a policy of inviting private bidders and investors into tribal areas, in the form of fresh leases and through disinvestments of the public sector companies. The GoAP is taking up mining activity through its own Mineral Development Corporations in scheduled areas. Corporate business ties continue except operations in the Scheduled areas.

In recent years both the AP state and central government have even begun to consider amending the Fifth Schedule constitutional protections, and continue to seek to circumvent them:

“After Y.S.Rajasekhara Reddy became chief minister [in 2004], the [AP] government decided to cheat the law rather than amend it. Two mining sites have been chosen, and the mining leases have been given to the public sector AP Mineral Development Corporation (APMDC) which will mine the ore and sell it to private concerns that will process it outside the scheduled area. The APMDC is thus a *benami* for the private concerns. ... [and] Land Transfer Regulations specially bars *benami* transactions in favour of non tribals”.

Balagopal .K “Land Unrest in A.P.III-Illegal Acquisition in Tribal areas”, EPW,oct,6,2007 P-4034

3.3 Continuing expropriation by the state

The consequences of loss of land has fundamentally undermined the livelihood pattern of tribal peoples. Migration to both rural and urban locations has emerged as an important livelihood option in tribal areas. Many scheduled locations are in a transition from subsistence farming to commercial cropping due to reduced plot size and growing cash needs owing to widespread indebtedness.

Legal battles and violent confrontations between tribals and non-tribals over land alienation have become intense in recent times. This is evidenced by recent conflicts between the Koyas and the non-tribal occupiers in West Godavari district. In several parts of Adilabad district, the dispossessed Gonds have encroached upon the forest land. This has been a cause of tension between the tribals and forest officials. The problem illustrates that forest land expropriation is only one aspect of a general problem of exploitation of forest peoples.

Although the administrative structures may exist as per central guidelines, mandated systems of decentralized planning, implementation and monitoring are not adhered to as per guidelines in the State. Furthermore social provision delivery systems and infrastructure facilities are adequate. For example, although physical access to primary schools is good, but most of the schools lack teaching staff. Medical facilities are also not adequate: most tribal villages have no primary health centre within 5 kms, and service is very bad due to non-availability of sufficient staff, particularly and absence of doctors.

In practice tribal development measures have had limited positive impact and have sometimes even worked against tribals' interests by extending state authority and interference. Land alienation remains a serious problem, though in a few cases alienated land had been restored to tribals. Land acquisition for development projects and mortgaging for credit from private sources are also widely prevalent.

The legal basis for local government in tribal areas was changed by the national Panchayat Extension to Scheduled Areas (PESA) legislation in 1996. The Government of India PESA Act 1996, required decentralisation of government power to Panchayats in all Scheduled Areas of the country, and instructed the concerned States to bring a State level legislations. The Government of Andhra Pradesh brought a PESA Act 1998 ,however the State has failed to subsequently issue the necessary Rules for implementation of the Act. This failure enables other departments to continue their powers and functions, undermining the local self government institutions.

Decentralisation of government has thus been obstructed in forest areas. Minimal power has been allocated to Panchayat Raj Institutions (PRIs) through both Panchayat laws and line agency procedures, such as JFM resolutions. In congruence with the 73rd Amendment, the AP State Government has decentralized functions related to social and farm forestry, which is undertaken outside the forest areas, to PRIs, but it has kept Reserve Forest and Protected Areas outside the Panchayat's purview, and PRIs are not involved in discharging any forestry related responsibilities. The APFD has instead created ad hoc VSS groups under its administrative control, having no legal or constitutional status and thus no rights or basis for appeal (discussed below).

In sum we can see that neither have legal protections proved sufficient, nor have state development initiatives. Whilst HDI / poverty trends have been declining for the poor SCs. It is a fact that given the sizeable population belonging to SC and ST communities - together comprising one fifth of the total - in Andhra Pradesh, the level of human development in these communities definitely influences the average level of human development of all social groups. Though there has been progress in terms of many development indicators across the SC and ST communities in the state, they still lag behind the 'other' social groups. In the case of education, the gaps between social groups are becoming narrower. However, the pace of progress among these communities has been below expectations. Health conditions among these communities have been improving at a very slow pace. The situation is alarming with respect to economic well-being as the poverty level among the STs has, in fact, increased during the last decade or so. Moreover, landlessness among these communities especially STs, is increasing. These two facts may be causes for concern at the policy level. Land alienation and displacement are the serious problems for STs in the state. The policy initiative of special assistance through SCP/TSP in terms of budget allocations for the welfare and development of these (SC/ST) communities is still not being fulfilled in implementation. Given the factual situation of these communities with respect to their human development levels, more focused intervention is needed to enhance the pace of development among these communities (HDR 2007).

3.4 State forestry programmes

A final area where rights deprivations have occurred and or been compounded has been the activities and programmes of the forest department.

The primary *raison d'être* of the APFD is control and management of the government forest estate, and revenue generation from it. Since independence the forest bureaucracy has not significantly revised its quasi-feudal / colonial relationship with its tribal citizens. The decline in tribal citizen's welfare precipitated by state control of forests has been treated as 'not our problem' (despite period rhetorical claims to the contrary), despite the fact that APFD works in scheduled tribal areas, manages forest lands appropriated from tribal communities through unjust colonial processes, and often remains in competition for land control with customary tribal land use practices.

Andhra's forests have continued to degrade under APFDs responsibility (see Forest Survey of India reports *passim*). APFD projects have focussed on stemming this through protection, planting non-forest areas and regeneration as the primary goal, and have sought to increase their control of forests to achieve this through a 'command and control' model.

3.4.1 State monopoly of the NTFP trade

One aspect of the forest bureaucracy that has had a major effect on tribal's forest livelihoods has been the monopolisation of non-timber forest product (NTFP) marketing by the Girijan Co-operative Corporation (GCC). The GCC was set up in 1956 as a parastatal enterprise with the prime objective to procure NTFP from tribals and market them 'to their best advantage'. The A.P. Scheduled Areas Minor Forest Produce (Regulation of Trade) Regulation, 1979 imposed further restrictions on the purchase, sale, curing, processing, storage and transport of any NTFP. It is applicable in Scheduled

areas which allows GCC to be the sole agent for the purposes of purchase and trade of NTFP on behalf of the government. This is contradictory to provisions of PESA, which vests control of NTFP with Gram Sabha rather than any other institution/organization.

GCC has become the monopoly agent for purchase of 35 NTFP varieties in the scheduled areas of the state, but in practice has treated revenues, profits and salaries are more important than high purchase prices for the tribals, creating a situation of de facto institutionalised state exploitation through abuse of its monopoly power to fix purchase prices *below* the market rate, rather than above as one might expect for a 'support price'.

Furthermore, although GCC's procurement list contains 35 items, it procures only a limited number of these, even though it is the monopoly buyer for all. The tribals do not have the right to sell their produce to private traders even when they are the only buyers or when their rates are higher. So called 'support prices' are commonly so low the tribals are often forced to illegally sell NTFP in weekly village markets. Furthermore NTFP collectors often get into debt with local non-tribal traders during the lean season or due to illness, and repay loans through NTFP collection, sold at distress rates.

3.4.2 'Social' forestry

Despite neglecting to address the underlying conflicts between conventional forest management and local livelihood priorities and without reference to the pre-existing rights deprivations that the creation of the forest estate caused, a range of forest projects have been funded (including by donors) which have effectively compounded rights deprivations. The first of these was a massive 'Social Forestry' scheme funded by the Canadian International Development Agency (CIDA) implemented between 1983-1991 throughout the state. Under the SF project fast growing wood species were to be planted in the private and village wastelands and woodlots, intended to provide domestic and commercial tree products in order to reduce use pressure on state reserved and protected forests.

Due to the limited availability of community lands for plantation (because they were already under community use, or as a result of encroachment or privatisation) and lack of co-ordination / rapport with village communities and panchayats, the schemes were only partially successful. Afforestation was attempted across 136,885 ha (although its not clear how many have survived). Additionally, plantations were taken up along riverbanks to prevent sand drift, along coastal areas as a windbreak and for fuel wood and fodder purposes. Farmers with small landholdings did not participate in these schemes, and mainly the bigger farmers benefited. The biggest beneficiary may be assumed to have been the APFD which received substantial donor funds. The entire exercise effectively distracted policy debate from rights reform issues for a decade.

3.4.3 'Joint' Forest Management

In line with national developments, the APFD's Joint Forest Management (JFM) programme was introduced in 1992. Forest lands which had been taken over by the APFD but were adjacent to villages were to be 'jointly' managed with the participation of local communities, but on terms set by the FD. Many villages had already been protecting their forests against outsiders without legal status or support from the APFD. Under the JFM programme the APFD did not give village legal rights to their forests, but rather made administrative agreements with *ad hoc* village groups they created (*Vana Samarakshana Samithis* (VSS) to protect forests (often APFD exotic species plantations unsuited to local needs) in return for local people being allowed to collect NTFPs. Wage labour opportunities were provided for several years in scheme villages.

The JFM programme has been implemented through a number of different funding schemes and has enjoyed substantial donor funding. While the AP forestry project of the World Bank has been the major contributor (supporting wage labour costs in 2,910 VSSs), welfare payments for wage labour have also been funded through other

programmes like the Employment Assurance Scheme (1956 VSSs), NABARD (918 VSSs), centrally sponsored schemes (411 VSSs).

JFM began to be implemented by GoAP from 1992. After a decade, the AP Govt modified the JFM rules in 2002 and, in a case of linguistic inflation, misleadingly renamed it 'Community forest management' or (CFM), despite the fact that the substance of the new project clearly remained joint forest management. The total outlay of the World Bank second phase 'Community Forestry' project is Rs 653.97 Crores or US \$ 125.61 million.

The APFD has used VSS groups under JFM / CFM to enforce forest plantations in shifting cultivators areas, and boast an estimated 37 000 hectares of forest land which was under tribal occupations in Visakha agency areas, was brought under World Bank assisted Community Forestry Project by displacing them and was 'rejuvenated'. The food security consequences for the tribal cultivators was not explained, but previous fieldwork (Reddy et al. 2007) has revealed very negative impacts.

Studies¹⁰ on the overall outcomes of JFM / CFM indicate that the 'joint'ness of JFM has been asymmetrically biased towards favouring the Forest Department, who have controlled every aspect to their benefit. At a time when declining APFD revenue generation (due to degraded forests) has been threatening the APFD's salary structure and with the injustice of the forest estate coming into question, substantial donor funding retrenched the APFD staffing and allowed them to gloss over the negation of forest rights.

Whilst JFM has generally led to forest regeneration as local people have received government support to protect local forests, the benefits to local people's livelihoods have been limited and often negative:

1. Local people have not received rights, and what benefits there may be are often inequitably distributed.
2. The forests and their species mix are generally not under livelihood-oriented management regimes, and grazing is typically prohibited.
3. JFM / 'CFM' project have caused compulsory evictions of Adivasi families, who lost their shifting cultivation fields (*podu*) to the Forest Department and suffered severe restrictions on their use of the forest. Many affected Adivasi families receive no compensation for the loss of their livelihood.

The Forest Order of 2002 (Andhra Pradesh Community Forest Management Project - Comprehensive Orders), mentioned that the Sarpanch (elected head of Gram Panchayat) should be consulted while earmarking forests in the vicinity of JFMC for CFM. In addition to this an Advisory Council is constituted at JFMC level, whose meetings is chaired by Sarpanch. This council is responsible for review of micro plans and annual plans of JFMCs. In reality however, majority of these cases had no advisory council.

The extreme mutual hostility between forest peoples and the forest department field staff has however been mitigated to some extent by Joint Forest Management in many areas. Before JFM, tribal people considered field level forest officers as hostile, and foresters tended to perceive people as thieves. A slightly more cordial relation has evolved in some areas over the 1990s through closer interaction. Frequent interaction of FD officials with the forest users after JFM has contributed for better relations. However, relations between the FD and people are starting to get strained because the FD has been unable to keep some of the promises it made at the beginning of programme.

Additionally the APFD has co-opted many NGOs through funding them in the JFM program. Many such NGOs maintained a silence over the dispossession of tribals from their cultivable hill slopes as the State Government proudly claimed that they had brought the lands previously under tribal cultivation into the JFM treatment area. Only a

¹⁰ Reddy 2007, Mukerjee, S D 2004, B. Mamta 2002, Centre for Peoples Forestry 2001, Suryakumari, D 2001, Roy, Apia 2001, Reddy, Reddapa et al 2000,

notable few conducted a concerted campaign to the World Bank. Even when the state Government initiated the Rehabilitation program for displaced people at the Bank's behest, again many NGOs collaborating with the APFD, such as Vanasamakhyā, Centre for World Solidarity, Centre for Peoples Forestry, persuaded the displaced tribals to take compensation rather than the restoration of their alienated forest lands. The sporadic representations of the tribal communities could not influence the State to give attention to these issues.

Forest Rights Deprivation 8. Evictions through Joint / 'Community' Forest Management schemes

As discussed above, studies have shown how JFM / CFM has a variable impact – in some cases devolving some powers to local communities to control local forests, whereas in others creating conflicts between community and imposing APFD plantations on lands in which local people are cultivating.

The gravest aspect of JFM has been that the Forest Department has used JFM to 'take over' many tribal village lands under cultivation, imposing tree plantation schemes, even where in many cases previously private tenure rights had been issued, and leading to evictions.

The Resettlement Action Plan submitted by the Government of Andhra Pradesh to World Bank claims that nearly 37,000 ha of forests under 'encroachment' in the tribal areas of Visakhapatnam have been involuntarily put under tree crops by the tribals who had encroached all these lands. In fact the tribals were dispossessed from the lands without providing alternative lands for them.

The Ministry of Energy, Forests, Environment Science and Technology, Government of Andhra Pradesh issued Memo 26531/87 permitting the assignment of tenures for pre 1980 forest land under occupations of tribal communities in reserved forests. Based on this memo "D Form" Pattas were granted to tribals. (i.e. land titles granted on Government Revenue lands in a form D under the Board of Standing Orders).

However *Joint Forest Management* projects (funded by the World Bank 1993 – 2000) have contradicted this. During their implementation, the forest department brought such revenue patta lands in to the purview of the Scheme and evicted tribals stating that those lands are classified as Forests in their records. (V. Ratna Reddy 2008).

An additional problem that has emerged from JFM projects is that anomalies between revenue department and forest department land classification have emerged, and the forest department seems to be prevailing, invalidating some peoples titles in forest areas.

Forest Rights Deprivation 9. Revenue and forest department boundary disputes

During Telugu Grameen Magani Samaradhan (TGMS) survey land pattas (entitlements) were distributed to the occupants of gap areas lying between villages and reserve forests. However on Forest Department maps these areas were anomalously classified as Protected Forests. After 1990 when the Govt of AP started implementing the Joint Forest Management Program. The Forest department sought to bring all such lands in to implementation of JFM and dispossessed the tribal occupants from the lands and raised plantations.

The Forest Department also brought pressure on the Revenue Departments for cancellation of Revenue Land Patta issued to such occupants and Revenue Department officials have been asking local people to resubmit the pattas granted earlier.

A final issue has been the extent of rights deprivations through the expansion of protected areas in which local peoples rights are extinguished.. 5.76% of the State (1.58 mha) is under a protected area network. There is a due process for the settlement of rights which have implications for redrawing proposed boundaries. However it seems

processes have often been 'short-circuited' by declaring parks quietly so that no rights claims are made.

Forest Rights Deprivation 10.

Sanctuaries and National Parks

5.76% of the State (1.58 mha) is under the protected area network (comprising 4 National Parks over 0.33 mha (including Nagarjunasagar tiger reserve and Kolleru bird sanctuary - 90,000 ha), 21 Wildlife Sanctuaries over 1.25 mha, 13 deer parks and four zoos. The forest related rights around these parks have been negatively impacted by their creation in a range of ways

There is a clear due legal process for creation of sanctuaries. The State Government may by notification declare its intention to constitute any area (other than area comprising Reserve Forest or territorial waters) as a sanctuary if it considers that such area is of adequate significance for the purpose of protecting wildlife under Wild Life Protection Act 1972. The Collector has to determine the rights of people in or over the lands within such area, after giving proclamation. The Collector may accept or reject the rights of the people after enquiry. If claims are admitted, the collector may exclude such portions from the Sanctuary or proceed for acquisition of such lands. The Collector has to publish the proclamation in local language giving details of the limits of Sanctuary, and calling for objections if any. Thereafter the Collector has to conduct enquiries into the claims of the people.

However the GoAP has been declaring Sanctuaries or National Parks without any publicity, depriving people of their rights without due process. There is no data or information currently available on the extent of this problem.

4. CONCLUSIONS

As we have seen, colonial forest laws and forest policy have been systematically anti-forest peoples and specifically anti-tribal, in the sense of not recognising their ancestral domain, customary claims or the validity of their material cultural practices such as podu. Forest rights have been deprived in a number of different ways in Andhra Pradesh, and normal livelihood practices such as cultivation, grazing, collecting Non-Timber Forest Produce and felling of trees thereby became criminalised. The main processes identified are:

1. Non recognition of tribal rights in 'normal' forest settlement
2. Irregularities in the settlement process
3. Criminalisation of podu
4. Revenue and forest department boundary disputes:
5. Joint Forest Management / 'Community Forest Management schemes
6. Sanctuaries and National Parks
7. Evictions:
8. Displaced by 'Development'
9. Land grabbing
10. Recent in-migration of tribal groups from other states not scheduled in AP

The forest rights act promises the opportunity, a kind of critical juncture, to redress each of these. However this will depend on how the Act is implemented. This and access to justice is reviewed in a separate paper.

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