**Status of implementation of ROFR Act in Andhra Pradesh**

## Dr. P. Sivaramakrishna

SAKTI, 305, Janapriya Abodes, Gandhinagar, Hyderabad-80

E-mail: [saktisrk@yahoo.com](mailto:saktisrk@yahoo.com) Website; [www.sakti.in](http://www.sakti.in)

Cell: 94414 27977

**Paper presented in the seminar on ‘politics in the implementation of forest rights act’ held on 28-03-11 by Dept of Political science, University of Hyderabad**

Since 1990 all over the world the process to recognize the rights of traditional forest dwellers has began.

The ROFR act empowers the GramaSabha, Panchayat, Forest rights Committee to prepare the records of individual, community possessions within the’’ traditional customary boundary ‘’ of ‘habitat’ and submit the same to SDLC (Sub Divisional Level Committee) which recommends for approval of DLC. (District level Committee). RDO (Revenue Divisional Officer), DTWO (District Tribal Welfare Officer) DFO (Divisional Forest Officer) and three elected representatives are members in the SDLC. District Level Committee (DLC) is chaired by District Collector with members DTWO, DFO and three elected representatives. It is prescribed to begin the process with preparing a map delineating the area. The GramaSabha can define the nature and extent of enjoyments in its habitat.

The nodal/ implementing agency is MOTA ( Ministry of Tribal Affairs Govt of India ).Tribal Welfare department is nodal agency in the State .The ITDAs involved IKP (Indira Kranti Patham) ,a people’s organization floated by rural development dept to provide supporting services through their surveyors and Para legal workers.

**Attempts not through**

Some ITDAs for ex. East Godavari engaged SAKTI to train 120 social mobilizers in preparing the customary boundary maps with landmarks. A pamphlet citing the community uses with local terms was issued by this ITDA. Utnoor ITDA also engaged SAKTI to train their personal.

The Govt issued GOs time to time .One of the GO instructs, ITDAs to prepare model resource maps (GO 102 dated 6-6-2008 ) .On the title book of rights distributed by Govt, the terms of community uses in East Godavari such as ‘’chevadi basa ’’ ( Caryota urens / solap / Jeelugu toddy tree bar) , ‘’maganali metta’’ ( short stay place for the aggrieved house wife ) and ‘’Chepuru polalu’’ ( hill broom fields) etc were printed. But the maps and the community uses were not submitted before the’ committees ‘Instead the lands covered by JFM were recognized under community rights, first in East Godavari and later in other districts. Since some of these lands were individual, the tribes are demanding titles under the act.

**Case study on the lapses in the claims.**

In Dornala Mandal of Prakasam District total no of claims approved are 350 .Extent 1071. 05 acres in 13 habitations. Total no of community claims approved 9. Extent 0. Electricity lines, PHC, Anganwadi centre are approved in community category. The verification agency, forest department, a member of the SDLC, found following lapses in the claim applications submitted in Dornala range of Prakasam District in December 2008.

1) Cultivation started after year December 2005. More than ten acres .Extent 132.130

2) Presently not cultivated. Extent – 110.100 acres

3) Nil – Extent 168.508.

4) Having only one evidence, no evidence, change of name in the map. - Ext 19.102.

5, 6) No evidence, no verification reports, change of names.—extent 17.697, 208.310

7) More than ten acres, no survey, change of names.-Ext -130.420

8) nil- 121.904.

9) More than ten acres, wrong with GPS readings.-Ext 76.321

10) Cultivated after December 2005. - Ext 68.128

11) Only one evidence, more than ten acres, change of names. - Ext- 62.292

12, 13) only one evidence ,more than ten acres, change of name , all claims having only one evidence.- Ext 313.087 ., – Ext 86.250.- Total no of claims- 472 . Total extent – 1514.249 acres. It is surprising though the remarks are ‘nil’, they are returned by SDLC.

The two evidences are 1) nativity certificate 2) tribal certificate .In addition; the marks of land development are also proofs. But this proof on the ground is no where recorded. In the first round, only 40 % claims are approved. It is reported that the applications are returned to ITDAs for rectification and resubmission. The complaints are endorsed in a bureaucratic way, not in the way prescribed by the act. For e.g. News appeared in Vaartha daily news paper on the lapses attracted the attention of District Collector, Khammam. The Collector instructed RDO to conduct an enquiry. A network of NGOs submitted community claims endorsed by 25 Sarpanchs to the RDO District Collector and Chief Secretary. The Collector instructed the PO ITDA Paderu to issue titles.

**Active pressure groups**

As pressure groups insisted, the rights of Chenchus on the water bodies in Rushul cheruvu and Yerrapenta in the Nagarjuna Sagar Srisailam Tiger Reserve in Mahaboobnagar were recognized.

**Second round**

The ITDA Chenchus engaged SAKTI to train their personal in the second round, issued a pamphlet citing the ‘’evidences’’ on Chenchu enjoyments. (Gazetteers. reserve notifications. Census and Anthropological Survey of India reports and the works of eminent anthropologists etc) referred in the act. ITDA East Godavari published calendars for the year 2010 with the village maps from the village monographs produced by Census of India in 1965.

The Commissioner Tribal Welfare instructed ITDAs ‘’to prepare the District wise traditional and customary boundary maps with the elders of the habitats and traditional usages such as religious places, burial grounds, village council sites along with places of MFP , water resources, bio diversity etc and also primitive tribal groups tenures for conferring rights under ROFR act 2006’( Rc no 1615 / TRI /ROFR / 2010 dated 8-12-2010) . The ITDA East Godavari invited SAKTI three times 1) to interact with the officers of Gujarat 2) To train surveyors of IKP 3) to address the officials and UN officials in an orientation class on ROFR. The surveyors have a feeling that recording the names of many landmarks is unnecessary. They cite the cadastral maps without any local names of land marks. But those maps are full of symbols and legends. So in preparing the customary boundary maps, both the practices of mentioning local names with symbols and legends should be followed. So far at State level there is no effort to standardize the mapping methodology. During the interaction in orientation class, it is found the tribal participants do not know that three people’s representatives are members of the committees. And they do not know the reasons given for keeping some of the claims pending in their Panchayat.

There is neither response nor follow up from other Districts. The deadline fixed to complete the second round process is March 2011.

**Recognition of the knowledge is prerequisite**

The tribes belong to various linguistic groups and different stages of economy. So their cognitive process is complex. Recognition of such knowledge is a prerequisite for the successful implementation of the act.

**The short comings –**

1) The act directs to recognize, whereas the rules prescribe to submit the claims.

SAKTI pointed out this difference and sought stay orders against the eviction of claimants till the recognition process is exhaustively completed. (Writ petition 1615/2010). There is a provision to use forest land for development purposes but there is no opportunity of getting new land for individual and community uses. So if not recorded the tribal will be prevented from enjoying the resources.

2 The communities resolve their disputes with the help of the elders who are well versed with the local landmarks and community practices. The recording by GPS pushed this process beyond the understanding of a common tribe. Most of the complaints are on the GPs measurements.

1. ) Most of the community uses are allowed as ways and concessions while notifying the reserve blocks. There should not be any confusion in converting them as rights. Instead of getting this information, the Tribal Welfare Dept procured the forest maps.
2. ) The act allows the GramaSabha to define extent and nature of enjoyments. But the PRI leadership is unable to assert in a constructive way and continues blaming the forest and tribal welfare depts.
3. The academic community did not produce any document on the community specific traditional knowledge base necessary to implement the act.
4. The form b prescribed for community claims does not has a column to mention the land marks, where as the title carries the same . The community forest resources , other than MFP water sources grazing , PTG tenure such as burial grounds, religious places, community council meeting places , dancing grounds which are a must in every tribal village should be mentioned in the column “ others if any “. In many habitations filling of this column was ignored.
5. The non tribals residing since three generations are kept out and the coverage of tribal habitations is also lopsided.

In the given situation, there is no scope of recording the enjoyments to the satisfaction of the communities. So the lapses in conferring forest rights shall also haunt us on similar lines of land problems and movements. As long as the lessons on basic principles of governance of natural resources are not included in the school syllabus, the opportunities to empower the poor are very limited.