

## MoEF/MoTA Committee on Forest Rights Act

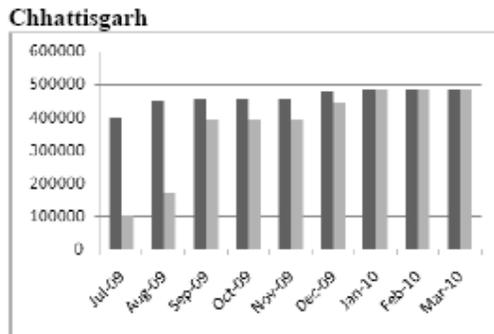
### Implementation of Forest Rights Act in Chhattisgarh: Report of field visit, 24-27 May 2010

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**Note:** This report is written for the purposes of the Committee's ongoing work; any views contained in this are not necessarily those of the entire Committee and are not to be taken as final views or recommendations by the Committee

#### Overall impression

According to the data reaching the Ministry of Tribal Affairs, Govt of India, the state government of Chhattisgarh received 4,86,101 applications by the 31st March 2010, out of which 2,14,633 (44%) claims were accepted and given titles, whereas the rest 2,71,468 (56%) were rejected. Thus there has been 100% disposal of individual claims (best in the country), and there was nothing pending to be done. In fact the time trend chart (given below, depicting applications received and disposed off) shows that much of the work was already completed in the state by September 2009, when other states were just about beginning the operation.



However, a visit to about 10 villages<sup>1</sup> of the districts of Dhamtari, Bastar, and Kanker, checking village records, and holding discussions with hundreds of claimants in the villages in the presence of senior state government officials showed that much is still left to be done, and the overall progress so far cannot be described as satisfactory.

Following are the main conclusions that emerge after meeting with the villagers and officials of the state government.

1. Lack of action on community rights. As regards community rights, applications have been entertained by and large under section 3(2) of the Act. The state government admitted that almost no action has been taken under sections 3(1) (b to m).

<sup>1</sup> Because of the security reasons the choice of villages was left to the district officials

2. Many deserving claimants could not file their claims in time, but the village officials and the Forest Rights Committee<sup>2</sup> are not entertaining new claims, under a belief that the last date prescribed by the state government, which was 31<sup>st</sup> December, 2009, is over. Although the law has given powers to the gram sabha to extend the time for filing applications, it appeared that even the district officials would feel comfortable if the state government issues a clarification on this point, and permits them to invite fresh applications.
3. Wrong rejections, primarily due to hasty enquiries and lack of a thorough examination of the rejected cases by senior officials. Most rejections have been at the level of gram sabha, based squarely on the report of patwari<sup>3</sup> or forest guard. These reports have not been verified (not even one percent) by block or district level officials. There is no document to show that the claimants were given any “reasonable opportunity”, as provided in Rule 4(c). The Tribal Development Department of the state government has neither cross-checked the work being done at the village level by the revenue and forest officials, nor did they engage any outside agency to do independent assessment. In one village, Kusmi of Bastar, itself there were more than 100 wrongful rejections, and such blatant irregularities would have surely come to their notice, if the nodal Tribal Development Department had organised public consultations, verified at least some of the reports themselves, and asked for independent surveys by hiring reliable outside agencies.
4. Area mentioned in the title in many cases was less than the area occupied. In fact, most applications do not mention the area under occupation, because of bad translation from English to Hindi of the Form – A, prescribed under rule 6(1). For instance, the phrase ‘extent of forest land occupied’ was translated as ‘Adhibhog ki gai bhumi kaa vistaar’, which was not correctly understood in the villages, and hence this column in many applications was left blank. Besides, the occupied area was not scientifically measured. The map given on the title deed is very rough and sketchy in many cases, though I did see some good maps at the back of the title deed.
5. Wives’ name has been left out in many cases, although section 4(4) of the Act prescribes that the title should be in joint name.
6. National park cases have not been dealt as per law, and the blanket rejection in such cases that we observed in Bastar was illegal.
7. Decision rejecting the applications has not been communicated to the claimant in writing anywhere, with the result that the people have not been able to exercise the right to appeal. A proper format needs to be designed by the state government for the sake of uniformity, on which such orders of rejection will be communicated, allowing them to appeal to the next higher authority. Here again, district officials will like the state to issue clear instructions, so that cases of wrong rejections can be re-opened.

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<sup>2</sup> In Chhattisgarh, such committees and even the gram sabha seemed totally dominated by the village officials.

<sup>3</sup> Roughly half of the sanctioned cases were on revenue forests, described as ‘chote or barre jhad ka jungle’

8. No priority in practice has been given to PTGs and nomadic tribes, as prescribed in Rule 8(b). Chief Minister, in a meeting on 17<sup>th</sup> March 2008, had desired that special attention be given to this group, but it has not been translated in actual practice.
9. In 917 villages of Bastar division alone there has been no action because of 'Maoist occupation'. The total number for the entire state is not known. These cases should be taken up as and when the security situation improves.
10. The Vigilance Committee of elected officials set up by the state government has been completely inactive. Even the state level committee meetings have been very infrequent, perhaps only one in 2009 and none this year.
11. Tribal Development Department in the state, despite being the nodal department, has not been able to provide leadership to the programme, resulting in very low profile of the campaign. As opposed to the profile of NREGA (well publicised and understood in the villages), the level of awareness about FRA was extremely weak in the villages, making the elected non-officials of the FR Committee and the gram sabha entirely dependent on the lowest rung of bureaucracy. There was no translation in Adivasi languages, no FAQs in simple language, and no involvement of professional or research organisations in IEC work. The Tribal Development Department has been content by performing a 'post office' job of collecting statistical information and forwarding it to the higher levels.
12. As per rule 10, the State Level Monitoring Committee has to devise criteria and indicators for monitoring the process of recognition and vesting of forest rights; and monitor the process of recognition, verification and vesting of forest rights in the State. It was for the Tribal Department in the state to develop qualitative indicators, call large meetings with peoples' participation, hold public consultations, put pressure on the Revenue and Forest Departments at the district level to do justice to the forest dwellers, and improve communication between officials and the people. In Chhattisgarh, on the other hand, it appears that monitoring has been only statistical with a focus on quick disposal, rather than on ensuring that all occupations are regularised as per law, fair play is observed in the field, and adequate field verifications lead to enhanced satisfaction and improved livelihood opportunities.

### **Field visit**

The details of the field visit are described below.

#### ***Dhamtari***

I visited village Lasunvahi (of 96 families) in Dhamtari district with Ms Sangeetha, Collector, and Mr Sunil Misra, Conservator. It was a forest village established sometime in the 1960s. Here 96 applications for individual rights were received, out of which the gram sabha accepted 87 (who have all received title deeds) and rejected 9, who were non-Adivasis with less than 75 years of stay in the village, or were outsiders. I spoke to them, and they did not have any grievance against the judgment of the gram sabha.

I requested the Collector to take the following action:

- Title deeds should be in the joint names of husband and wife. Just now these are only in the husband's name, or if he is not alive, in the wife's name.
- Those whose applications have been rejected are entitled to receive a written communication. Right now they have been only orally informed of the decision of the gram sabha.
- Efforts need be made to see that benefit of other schemes, such as NREGA, Harayali, etc is given to the new title holders so that their land productivity is enhanced. In the current financial year no work has been taken up under NREGA. The people suggested deepening of the existing pond, or construction of a new pond as a priority item.

Both the Collector and the Conservator were of the view that implementation of the Act has not led to fresh encroachments in the district or circle, which is contrary to the view expressed by some conservationists.

Then I visited a revenue village Kukrail, where the panchayat office is located. Title deeds have been distributed along with a roughmap of the plot. Applications under section 3(2) were recommended to the subdivisional committee, but no final order has been communicated to the gram sabha so far. There was no action under section 3(1) [(b) to (m)] of the Act for community rights. There was a JFM committee, and the chairman was present in the meeting.

In this village there have been many rejections at the gram sabha level, but no formal order has been communicated to the applicants, as required under the law. They were also not given any "reasonable opportunity", as provided in Rule 4(c). They were not happy with the rejections, and would like their applications to be re-considered.

People, spl women, had collected tendu patta, but so far no payment has been made, as the phad munshi was not traceable. People's cards describing how many leaves they collected were also with the munshi, although such cards should be with the workers. Payment under NREGA was also outstanding for several months. People demanded a stop dam for irrigation, which could be considered from NREGA, BRGF, and Haryali funds.

I received many representations from adivasis who were affected by the Gangrail dam in Dhamtari district. Their plea was that they were cultivating lands since 1976-77 entered as forest in villages Banspara and Lasunvahi, panchayat Kukrail. In the last decade they were ousted from their lands by the Forest Department, but they again came back and occupied the lands. Often they have paid fines for which they had documentary proof.

In this connection I would like to invite the attention of the district Collector to section 3(1)(m) of the Act, which reads as follows:

3(1) For the purposes of this Act, the following rights, which secure individual or Forest rights of community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes Forest dwelling and other traditional forest dwellers on all forest lands, namely:—

.....

(m) right to *in situ* rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from

forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.

I request that their applications may be disposed off as per the above provision of law.

IN Dhamtari district, 11,166 applications for an area of 15,559 ha, out of which 9321 for 14060 ha were accepted and titles have been issued. 1,845 applications for 1499 ha were rejected. The percentage of rejection comes to only 16%, which is far below the state average of 56%.

### ***Bastar***

While at Jagdalpur, I saw the record of one village Kosmi, where almost all the applications were rejected on the ground that their possession was after the due date. I requested the Collector to do a joint verification with some representatives from the people and check, because just now the rejection was based only on the report of lowest level officials. He informed me on the 29<sup>th</sup> May that in about 100 cases rejection was inappropriate, based on the false notion of the cut-off date being 2003, and not 2005. I requested him to re-open such cases.

On the 25<sup>th</sup> morning I visited village Kutumbsar along with Mr Manoj Pingua, the Divisional Commissioner, Mr Xaxa, the district Collector, Mr Srinivas Rao, the Conservator Forests, and other senior officers. 102 individual titles have been sanctioned (some of them were handed over by the Commissioner in our presence), while 44 applications have been rejected. There were many households who had possession over land under the National Park, but their applications were not collected. This was the picture in village Badrimau too. Of the 44 rejections, 22 applicants were Adivasis, 21 were non-Adivasis, and one was for community rights under sec 3(2) of the Act. Five applications under sec 3(2) were accepted, but none was collected under section 3(1) (b).

Of the individual sanctioned titles, most were those who had been given pattas earlier in the National Park village for cultivation. However, some of them possessed more than 4 ha of land, as there was no ceiling then, whereas now it was reduced to 2.5 ha (but not 4 ha), under the impression that the FR Act has an upper limit of 2.5 ha. Mr Rao, Conservator Forests, agreed that it was improper to reduce the area to 2.5, as it should have been 4 ha, wherever possession was on four ha or more.

Many applications (the number of such households was about 30) from the other side of the river were not even collected, because though the possession is on forest land and under the concerned village, it was outside the National Park, whose authorities had taken the initiative to do the first report, which formed the basis for action by the FRC and the gram sabha. I requested Mr Rao and Mr Xaxa to depute officials afresh to cover these cases that were left out so far.

We then visited village Kalepal, in tahsil Tokapal. People had possession over revenue forest recorded as “chote jhar ka jungle”, hence attracted action under the FR Act. There were 73 rejections (of which 51 were STs), all based on a single report on the patwari who has been transferred out of the village now, and was not present. The FRC chairman just put his signatures on the reports drafted by the panchayat Secretary, without applying his mind. For instance, one Bhagchand Gutla (ST) had his possession for over 40 years, and everyone in the village, including the chairman confirmed it, but his case was not recommended by the patwari. Same was the case with Laikhan sukalu, and Samal Khodu. I suggested to the Collector to get a proper

joint enquiry conducted and let the FRC and the gram sabha re-examine such cases. As the letter of rejection has not been given by the gram sabha to the applicant, it can be presumed that such cases are still under the purview of the gram sabha, and therefore can be re-opened.

Then there were cases of applications not collected from deserving cases, or the applicants themselves being passive (such as Gomru), and did not take action in time. These cases should now be taken up, and the gram sabha can extend the period for inviting applications, as provided under law.

The last district level meeting was held in October, 2009, and is overdue now. There are cases of occupations for agriculture in Bastar village, which has now been declared as a town. These cases should be examined, and if necessary, a reference can be made to the state government.

We visited Mavlipadr gram panchayat, which is partly covered under the national park. Out of 389 applications, 197 have been rejected. There were many present in our meeting who claimed that they were in possession for several decades. Mr Rao, Conservator Forests, agreed that cases of rejection (in all 58) of the land under National Park, should be re-examined, as blanket rejection was incorrect and legally untenable. One Chagra Ram (ST) had documentary evidence of his possession.

In other cases outside the park the enquiry was done jointly by the patwari and panchayat secretary, but no one from the committee was associated with the enquiry. The Chairman of the FRC just blindly accepted the report, without applying his mind, or without any discussion within the committee, although he was convinced that many deserving cases were left out. Some examples are: Sukhdas, Dhaniram, Sukman, Sukra, etc.

While at the circuit House, some villagers came from Chichgaon village, complaining that the process had not begun in their village, although security situation was getting better. FR committee had been formed with Lachhram as chairman, but even the members did not know that they are members. I requested the Collector and the Additional Collector to look into their request, and begin the process, if security situation permits.

In Bastar district the overall position was as follows:

	Adivasis	Non-Adivasis	Community	Total
Applications	81939	24123	2649	108711
Approved	63204	0	976	64180
Rejected	18735	24123	1673	44531

Area involved in the approved cases was 49959, 0, and 881 ha respectively for the three categories. It is a bit surprising that not a single case of non-tribal was found valid. Surely there could be some village where they have been living for more than three generations. The names of such villages can easily be located from the old forest and revenue settlement reports. Census records of 1951 and 1961 may show the names of the claimants' parents or grand parents having settled down in those villages.

The picture that emerges for district Bastar is that the entire process was led by the lowest rung of bureaucracy without any involvement of the non-official members of the gram sabha or FRC. Although claims for forest rights are to be prepared by the Forest Rights Committees, the government order dated 8<sup>th</sup> Feb 2008 asks the panchayat secretary to seek the assistance of forest and revenue officials, effectively making it a process controlled and managed by officials instead of the gram sabha, as provided for in the law. People are too simple, or scared (because of fear that they could be thrown out of their lands at any time) and could not put pressure on administration to report the facts correctly. There was also no inspection of the work being done by officials at the lower level by their immediate supervisors. The entire task was performed by the lowest rungs of bureaucracy with no people's participation, and without any check from their superiors. In meetings, at the state and district level, statistical progress is reviewed with focus on quick disposal of cases, but to what extent justice is being to the occupiers of land is not being monitored. It did not appear to me that any supervising officer ever went to a village, met those whose applications were rejected, and verified the report of the patwari/forest guard by going to the spot as to whether rejections are valid or not. Ideally speaking research organizations<sup>4</sup> should have been involved with some specific objectives of independent assessment, and their reports would have helped district, divisional, and state administration to assess whether the lower level bureaucracy is discharging their duties as per law. Unfortunately the present administrative culture in most state governments does not encourage partnerships with professional and independent organisations.

In districts like Bastar, where people are unaware of the details of government instructions, and cannot even speak Hindi, there should have been concerted efforts towards IEC through involvement of civil society and professional organizations. Instructions in simple Hindi and Adivasi dialects should have been drafted, with FAQs. Pamphlets should have been distributed in the local dialect for creating awareness. Radio programmes should have been organized. Initiative for a strong IEC should have been taken by the state Tribal Directorate, as district administration on its own may not be able to find funds for hiring suitable organizations. Unfortunately it appears that none of these steps were taken.

There was a general feeling amongst the senior officers who travelled with me that no fresh application can now be entertained as the state government has given 31<sup>st</sup> Dec 2009 as the last date. I clarified to them that the gram sabha has the powers to extend the date for inviting applications. However, it will be better if the state government issues clarification on this issue, as well as on the issue of re-opening those cases which have been wrongly rejected.

### ***Kanker***

On the 26<sup>th</sup> May I visited village Sirsida in Tahsil Charama, district Kanker. Collector, Conservator, and other senior officers were with me. Here people had been cultivating plots that were described as "chote jhar ka jungle". There were 16 approvals and 50 rejections (all in 2008), which are now being communicated to the claimants on the instructions from the CEO. The Adivasi cases were rejected because the plot was entered in the revenue records for abadi or grazing purposes, whereas the

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<sup>4</sup> In some states this task is also performed by civil society organizations, but due to the present security climate in the state, there appears to be no communication between administration and the civil society.

non-Adivasi possessions were only less than 40 years old. We went to the field with the revenue records, and verified some cases, and found that these claims were correctly rejected. However, because of heat and lack of time, we could not verify all the cases of rejection. It is likely that some rejections were not justified.

We then visited village Charbhata. In all 31 cases were accepted and titles distributed, whereas 34 cases were rejected. Reasons for rejection were the same as for the village Sirsida. Some like Jagmani had not applied, and will like to do so now. This should be permitted.

Some Adivasis living in ward no. 10 complained that the nearest handpump was one km away from their homes. Collector promised to look into this.

While at the circuit House, some villagers came from Chichgaon village, complaining that the process had not begun in their village, although security situation was getting better. FR committee had been formed with Lachhram as chairman, but even the members did not know that they are members. I requested the Collector and the Additional Collector to look into their request, and begin the process, if security situation permits.

In Kanker district the overall position was as follows:

	Adivasis	Non-Adivasis	Community	Total
Applications	21245	5686	761	27692
Approved	16279	1413	177	17869
Rejected	5707	3591	525	9823
Disposal	21986	5004	702	27692

Area involved in the approved cases was 20136, 1108, and 279 ha respectively for the three categories.

### **Public Consultation at Tilda**

I am grateful to Ekta Parishad for organizing public consultation at Tilda on the 27<sup>th</sup> May. About 40 ordinary villagers had come from more than 10 districts with their grievances. The general points made by them were:

- A large number of Adivasis have still not been given the yellow forms for filing their applications.
- Many applications have been rejected without valid reasons, in any case these reasons have not been communicated to them. In fact, no letter has been given to them about the fate of their application.
- In many cases the area sanctioned to them is much less than the area under their occupation.
- Administration has been callous in villages where PTGs like Baiga live. PTGs are neither members of the FR Committee, nor have been allotted titles of the entire land under their possession. PTGs also fear that administration is in league with the dominant tribes who will usurp the PTG lands sooner or later. This is in contradiction of Rule 8(b), which prescribes that claims from PTGs, pastoralists and nomadic tribes should be given a priority.

Some specific complaints are listed below:

1. In village Udaipur, district Sarguja, forms are being sold for Rs 5, and are not available free of charge. Out of 85, 52 cases have been rejected, but no one has been informed of the reasons for rejection. In another village Ambikapur most applications are still pending.
2. In village Bokhra Behra, tahsil Bodra, district Kabirdham, all the 15 forms of PTGs are kept pending, and in some cases forms have been returned to them.
3. In village Birbira, tahsil and district Mahasamund, applications have not been collected.
4. In village Marrabharri, tahsil Narharpur, district Kanker 72 people applied, but no one has been given a title deed so far.
5. In village Kulpathar, tahsil Keshkal, district Bastar, only two have been given titles, but even on their lands forest department has forcibly planted teak. 16 cases have been rejected.
6. In village Birma, tahsil Keshkal, district Bastar, panchayat secretary demands 100 Rs for giving the form.
7. In village Kupabandha and Darsagar, district Bilaspur, Forest Department has planted trees on the lands for which titles have been given to Adivasis.
8. In village Khalari, tahsil Bisrampuri, district Bastar, 28 applications were filed, but no one got a title so far. Gram Sabha has sent the cases to SDO, but has received no orders.
9. In village Kusumi, tahsil Keshkal, district Bastar, almost all applications have been rejected. I rang up the Collector who was kind enough to fix a meeting at Keshkal at 11 AM on the 28<sup>th</sup> to review such cases. His own enquiries show that in about 100 cases rejection was inappropriate.
10. In village Bhirjhara, tahsil Kodikuda, district Korba, only 5 out of 163 applications have been sanctioned.
11. In village Premnagar, tahsil Khoyadugu, district Sarguja, 233 had applied, but only 6 have been sanctioned. Reasons for delay in other cases are not known.
12. In village Ravajia, tahsil Borla, district Kabirdham, large farmers are opposing giving titles to PTGs. 40 Baigas applied but no one has been given a title deed.
13. In village Malidih, tahsil and district Mahasamund, all the fifty applications from non-tribals have been rejected.
14. Raghuvver who was the chairman of the Forest Rights Committee in village Jurda, district Raigarh, said that despite applications pending under the Act, government transferred forest land to Industry, although the area is under PESA, and gram sabha had opposed the proposal.

15. In village Parsapani, tahsil Kota, district Bilaspur, about 300 titles were given, but the area of land entered was much less than what was under their occupation.

I request the state government to get these cases re-examined by deputing a team with adequate representation of the people. If possible, Ekta Parishd could be involved with these enquiries.

### Other representations

At Raipur Guest House, Sri Gautam Bandyopadhyay, Ms. Rashmi Dwivedi, and Sri C.R. Bakshi came to see me with some adivasis belonging to the Baiga tribe (PTG). They made the following points:

- The number of applicants should be about 10 lakhs, and not about five lakhs as reported by the state government. Thus a large number of claims have not been entertained.
- Community Rights under section 3 (1) (b to m) have been totally ignored.
- A vigilance committee was set up by the government involving elected non-officials, but it never met.
- In Achanakmar Tiger Project, Bilaspur, people were displaced in 2009, without completing the formalities of the Act, which is illegal. This issue came up for discussion in the Chief Secretary's meeting, where senior officers defended displacement on the grounds that it was approved by Govt of India. I pleaded with them that the FR Act supersedes all other legislations, and therefore it was unlawful on the part of the state government to displace people after January 2007 without first completing the formalities of the FR Act. GOI's approval, whether administrative or under any other law cannot over-ride the provisions of FR Act. CS promised to look into this afresh.

Lok Sahbhagi Manch and several grassroots organisations came to see me at Raipur, and complained that they did not receive the titles in the following villages:

Village	Panchayat	Block	District	Issue
Koilaripara	Omariadadar	Kota	Bilaspur	only 13 out of 40 applicants got the title, rest of the applications are not traceable
Parrekodo	Bhiravahi		Kanker	No action on community rights
Dhelubabar	Losaga	Lakhanpur	Ambikapur	GS approved 13 cases, pending with district committee
Barbandha, Piparchedi, Kurridih	Bazar Kurridih	Nagri	Dhamtari	Applied on 5 <sup>th</sup> May, 2008, but no enquiry done so far
Bodo Kachhar	Brahamanpura	Jashpur	Jashpur	21 adivasis did not get title, although their

				application has been forwarded by GS, pending at higher levels
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### **Meeting with state officials**

The Chief Secretary was kind enough to call a meeting on the 28<sup>th</sup> May, in which all senior officers of the state government, including Principal Secretaries of Forests, Food, Revenue, Rural Development, Agriculture, were present. Commissioner Tribal Development and CCF Forests in charge of FRA were also present. I highlighted the following issues:

1. Lack of action on community rights
2. Many deserving claimants could not file their claims in time, and hence time needs to be extended
3. Wrong rejections and the need for a thorough examination of rejected cases by senior officials. As most rejections in Chhattisgarh have been done at the level of the gram sabha or the sub-divisional committee, such cases can be reopened, and titles can still be provided to the claimants. The Ministry of Tribal Affairs has also clarified this in its letter dated March 4, 2010 addressed to Principal Secretary, Govt of Madhya Pradesh, with copy to all states that 'Claims rejected by DLCs cannot be reviewed but if the State feels that the rejections at earlier levels have been unduly large, then it can investigate the reasons and if it is due to an inadequate reading of the provisions of the Act and Rules, it can apply correctives.'
4. Area mentioned in the title is often less than the area occupied
5. Map given is very rough
6. Wives name left out in many cases
7. National park cases not being dealt as per law, and blanket rejection was illegal
8. Most applications do not mention the area under occupation, because of bad translation from English to Hindi. For instance, the phrase 'extent of forest land occupied' was translated as 'Adhibhog ki gai bhumi kaa vistaar', and the word vistaar in Hindi does not mean area.
9. Decision of rejection has not been communicated in writing, with the result that the people have not been able to exercise the right to appeal. A proper format needs to be designed for the sake of uniformity, allowing them to appeal to the next higher authority.
10. No priority in practice has been given to PTGs and nomadic tribes
11. Vigilance Committee has been inactive
12. Tribal Department in the state has not been able to provide leadership to the programme, resulting in very low profile of the campaign, as opposed to the profile of NREGA. It needs to be taken up in a Mission mode.

13. Forests in Chhattisgarh (also in MP) are often outside the boundary of the panchayat. The panchayat boundaries should be re-drawn, and forests need to be brought under their geographical ambits, as is the practice in Karnataka.

In addition to action on the above points, I requested the Chief Secretary to ask senior officials at the district and divisional levels to verify the rejected cases, besides engaging reputed research organisations to do a complete or sample check of those villages with high degree of rejection. The selected organisations should engage with civil society in order to decide the villages and blocks where in the knowledge of grassroots organisations rejections have been unfair, so that such field enquiries are useful. State government could also consider requesting UNDP to help the state in IEC work, and in independent assessment of the current situation.

The Chief Secretary admitted that the entire campaign was launched with a view to complete the work by August 2008, because of elections that were due a year later. Hence the focus was on speed rather than on quality. He agreed to take steps as suggested by me to improve people's satisfaction, and to ensure that genuine occupations that have been left out or rejected are recognised and given titles as per law.

Forest officials present in the meeting argued in favour of nationalisation of tendu patta, as state withdrawal from its marketing would not be in the interest of the poor pluckers. I agreed with them that the price support that is being provided in the state for tendu leaf pluckers is a pro-poor policy and needs full support. In fact it should be extended to other NTFPs too, and the Ministry of E&F should allocate funds for selected NTFPs to provide price support on the lines GOI offers to farmers for wheat and rice.

However, nationalisation and price support are two distinct policies. Both may co-exist, as for tendu in MP and Chhattisgarh, or each may exist without the other component. In Orissa many economically important NTFP items were nationalized, but during 1985–2000 this remained more a source of political patronage rather than a support for people's livelihoods. Even where state monopoly was created in favour of state parastatals the objective was to maximise revenue, and not peoples' incomes or employment.

Local processing was in fact discouraged for many commodities, such as kendu. As the main objective of kendu policy was (and still is, in Orissa) to maximise revenues, the poor are prohibited from selling leaves to anyone except government. They are also not permitted to process the leaves into *bidis*. Raids are often organised against the people during the kendu season to ensure the compliance of these storage and sale restrictions.

After 2000 the Orissa government withdrew from many NTFPs by denationalising or 'freeing' them. State's abdication of its responsibility for products, where markets are highly imperfect, has not improved the lot of the gatherers. Clearly, *laissez faire* is not going to help the poor in all cases. Where government is the sole marketing agent, it is inefficient and breeds corruption; and where it is left to private trade, it may still not provide sufficient returns to the gatherer on his labour. Thus de-nationalisation *per se* may not remove all market constraints which inhibit a gatherer in realising the full value of his labour.

In general, one can conclude that rather than being a monopoly buyer of NTFPs or trying to regulate price through *Panchayats*, the government should provide price support in an open market environment. In other words, as opposed to nationalization, it should adopt market friendly policies, provide price support, facilitate private trade, and act as a watchdog rather than eliminate the trade. It should encourage local bulking, storage and processing, and bring large buyers in touch with the gatherers, so as to reduce the number of layers of intermediaries. Increasing the number of buyers, of which government is also a player, will certainly be in the interests of the gatherers.

Whether this general argument would also apply to tendu leaves is difficult to say. It may be argued that given the enormity of the scale of operation and the short period in which leaves need to be collected and stored, tendu leaf trade has to continue under State nationalisation. Private trade would not be able to arrange for the Rs 400-500 crores required during the season every year for the entire operation in just 40-50 days. As revenue generation from this trade has no priority for government in Chhattisgarh, the entire operation has several elements of welfare and poverty alleviation, because of its significance for local employment in the agriculturally slack season. This argument has a lot of merit and needs examination by our committee. If found valid, para (f) of the letter dated 4<sup>th</sup> May, 2010 from Mr Mukherji, Secretary Ministry of Tribal Affairs, GOI, would need modification.