

Empowering Tribal Peoples, Deepening Democracy:

**An Advocacy Note for Strengthening Local
Governments for the Effective Implementation of
the Forest Rights Act in Kerala**



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This is the third in the series of policy dialogues initiated by the Research Unit on Local Self-Government at Centre for Development Studies on reworking the framework of panchayati raj in Kerala to deepen democracy at the local-level, organized in collaboration with Azim Premji University, Bangalore. A number of individuals from these institutions worked closely over more than six months to produce this. We thank all individuals and institutions who participated in the early rounds of discussion and helped us to reach out to key stakeholders. The idea was conceived jointly by Dr V Santhakumar and Dr John Kurien, APU, and the RULSG. It was amply supported by Dr Abhilash T (CDS), Dr Seema Purushothaman (APU), and other members of the faculty of both institutions. The whole exercise was greatly supported and guided by Sri S M Vijayanand IAS; hearty thanks to him. Gopika GG and Arathi MR's research help as also the support of Joel Mathews, Shruthi Harilal, and Aleena as interns proved invaluable in writing this note. The insights of the senior members and leaders of the tribal communities who responded to our questions are gratefully acknowledged. We would also like to especially thank Sri T Madhava Menon IAS, Smt Sarada Muralidharan IAS, Dr T V Sajeev, Dr Amita Bachan K Hyder, Sri Geethanandan, Sri Suresh Joshi IFS, Smt Padma Mohanty IAS, Sri Abey George, Sri Benoy Viswam, Sri Kutty Ahmed Kutty, Sri C P Narayanan, Sri Vijay Dethe, Smt Geetha Vazhachal, Sri Viju B, the representatives of the Kudumbashree Mission and Kerala Mahila Samakhya, and all the participants who greatly enriched this note with their comments and suggestions in each round and in the final presentation. We also remember gratefully the support offered by Sri Emmanuel at CDS and Smt. Rema Devi at APU in facilitating these discussions and the final presentation.

As usual, this note is the fruit of collective labour, and is not attributed to any one author.

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[for the RULSG]

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The Approach

It is abundantly clear from all available credible sources of evidence that not only has the Forest Rights Act (FRA) been poorly implemented in Kerala, but also that the systemic violence that has led to the marginalization of tribal peoples in Kerala continues to work, placing major hurdles in their path. Neither the recognition nor the utilization of rights granted under the FRA has been satisfactory here. It is true that Section 164a of the Kerala Panchayati Raj Act¹ has special provisions for tribal communities. It is also true that the government order passed in 2003 empowers the tribal communities, particularly the Oorukoottam, to have the final say in deciding the priorities and the beneficiaries under Tribal Sub Plan. However, the fairly extensive research literature and activist reports available reveal emphatically that these have not served the interests of the tribal peoples, for a variety of reasons. It is also amply evident that the existence of parallel structures serves to hinder the progress of the FRA in Kerala, from both the sources mentioned. Therefore the immediate necessity, it appears, is to strengthen the Oorukoottam by bringing under it all other existing arrangements in an unambiguous way, if they are to be retained at all. The focus, therefore, must be on strengthening the Oorukoottam by making appropriate amendments to the Panchayati Raj Act in order to bring it into correct alignment with the FRA. It is difficult to underemphasize the significance of the need for a shift towards amendments that align the Kerala Panchayati Raj Act with FRA. It is well-known that the former has no regulatory powers whereas in the latter, the Forest Rights Committees and the Community Forest Rights Management Committees under the FRA gramasabha have clear and extensive regulatory powers (for example, under Section 5 (a to d), Section 3.1(c), Section 4.1 (e to g), Section 4 (2e), and Section 7).

This advocacy note attempts to collectively think of the ways in which focused change can be brought about at multiple levels to transform local democracy in Kerala to enable local governments to become effective vehicles of implementing the FRA in Kerala.

¹ The Section says: " If not less than fifty persons enrolled in the voters list relating to a constituency of village panchayat belongs to Scheduled Tribe, they shall be deemed to be a Sub Committee of the Grama Sabha comprised in the territorial area of that Constituency and that sub-committee shall have the same powers and rights as that of the Grama Sabha regarding the development of Scheduled Tribe."

Introduction

The scheduled tribes constitute nearly 1.45 percent of the population in Kerala. However, their human development indicators are significantly lower than that of the mainstream population. The literacy rate among females in the tribal population is nearly 36 percent lower than that of the state as a whole². As noted by the Kerala State Development Report (2008), there are a few tribal groups with literacy rates as low as 26 to 30 percent within Kerala. The poverty among the tribal population within the state is nearly 2.5 times higher than that of the rural population. This reflects their inadequate access to resources considering their spatial settlement in the forests, their socio-cultural specificities, and historical deprivation. In 2000, nearly 37 percent of tribal households in the state were found to be landless. Though there were efforts to distribute land to them, either these lands were not substantially cultivable, or such efforts were torpedoed using the laws meant for forest conservation. Even when they were provided land, these resources were transferred to or effectively controlled by the non-tribal population. Moreover, the access of tribal peoples to forests (to gather non-timber forest products) has declined significantly as forest conservation measures were increasingly tightened. In summary, the much-talked-about human development achievements of Kerala have by and large bypassed its tribal population³.

It is in this context that the potential of the Forest Rights Act (or the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006) for improving the living conditions of scheduled tribes needs to be explored. There are indications based on the experience in other states or localities where it has been implemented sincerely (with the participation of non-governmental partners), that it has the potential to improve the quality of life of these people significantly⁴. However, the implementation of the Act has not moved much ahead in a number of states including Kerala. As noted by Sudheesh (2013) 'while the process prescribed by the Forest Rights Act has the potential to create new spaces for participation, most of these spaces remain closed' mainly due to the 'narrowly

² Government of India (2008) Kerala State Development Report, Planning Commission, Delhi.

³ For more details, please see Appendix 1. Also, for historical reviews of policies aimed at tribal peoples in Kerala, see Kjosavik and Shanmugaratnam 2004; Chemmencheri 2013.

⁴ 'The Implementation of 'Forest Rights Act': Towards an informed collective action by different stakeholders' – a report prepared by the Azim Premji University as part of its university-practice connect initiative.

construed ideas of people's participation' (also, Kjosavik and Shanmugharatnam 2015). Kerala is marked by very limited action in terms of community forest rights⁵ though it has distributed around 37000 individual titles to tribal households. Wherever such community rights are granted, it has been only for a small stretch of land (2 to 40 acres); this ignores the evidence that these communities have been using traditionally a much larger area for the collection of forest products⁶. Researchers also noted that the benefits of FRA, when received (in 2008), were often as Record of Rights (Kjosavik and Shanmugharatnam 2015) which limit the rights of the recipients quite significantly. Moreover, the Forest Department continues to have a mediating role in the collection and sale of Non-Timber Forest Products (NTFP). The official position of the government of Kerala, as reported to the Ministry of Tribal Welfare, Government of India, is that the implementation of the FRA requires much more time because of the need for manual survey due to the density of forests here. More recent studies and reports point out to the gross violation of tribal peoples' rights involved in the so-called 'voluntary resettlement' in Kerala (Kalathingal 2018), and to the precarious, but significant difference that even limited implementation of FRA has brought to the Kadar tribal peoples in the Malakkapara area (Kalathingal 2019).

But Kerala is also known for its sincere and successful efforts towards the decentralization of governance and also for the drive towards democratizing development through the People's Planning Campaign. There were provisions in the decentralization program to allocate resources specifically for the development of scheduled tribes and their participation. These were in addition to the welfare programs directly managed by the state government through its department for tribal welfare. Despite all these, the deprivation and ill-fare of the tribal population of Kerala persists. Since the 1990s, we have seen persistent struggles by sections of the tribal population to secure land, most of which did not yield substantial gains. The real benefits of decentralization and the reservation of seats in elected panchayats are yet to be derived by the scheduled tribes in the state (Surjith 2015). There are structural challenges

⁵ One account in 2018 says that out of the 1395 applications for CFR in Kerala, 164 have been granted. <https://www.deccanchronicle.com/nation/current-affairs/130318/kerala-government-sits-on-forest-rights-act.html>; another report by a local NGO notes in 2017 that 16 percent of the claims under CFR have been accepted. Promise and Performance of Forest Rights Act, 2006: Kerala State Report by Community Forest Rights Learning and Advocacy.

⁶ This is noted by KH Amitha Bachan in a recent report. <https://www.downtoearth.org.in/news/only-16-per-cent-of-total-community-forest-rights-granted-in-kerala-since-2006-59250>. Disappointment with the progress of FRA implementation was recorded in the early years too. See Bijoy 2009. For a later analysis, see Chemmencheri 2013.

in the way of tribal peoples' welfare. The distribution of tribal settlements in the state may create a situation where they may not have a significant presence in any one panchayat. Many of the stories of tribal deprivation reported in the Malayalam press – prominently, that of infant deaths in the Attappady area – point to issues the solutions of which are fully within the remit of local bodies, but remain sadly unresolved.

Even when the tribal population is substantial in specific wards or panchayats, non-tribals may dominate the decision-making process considering the educational and development gap between them and the tribal peoples. Further, tribal groups vary in their access to power and resources; those among them with access to land and are settled agriculturists may have much better access to power and resources available through the decentralization than those who depend on the forests; the nomadic populations among them may get marginalized further⁷. A recent study on the Particularly Vulnerable Tribal Groups (PVTG) of Kerala confirms this. It argues that close to 95 per cent of the PVTG families are multi-dimensionally poor (Abhilash 2017: 94). Hence, the experience so far indicates that the panchayats in Kerala have a long way to go in addressing the issues of tribal populations.

It is in this context that we try to consider the ways in which the local governments in tribal areas may transform themselves into bodies that facilitate democratic governance among tribal peoples, thus truly empowering them. As mentioned above, both the available research literature and ongoing public discussions indicate that decentralization has not yet become meaningful for the tribal peoples of Kerala except as a further extension of their long history of subjugation under bureaucratic modernity. Political decentralization in Kerala was also accompanied by the widespread establishment of participatory welfare systems. The network of NHGs throughout the state in the late 1990s and early years of the new millennium effectively democratized the distribution of welfare to a much greater extent than before. This was achieved by limiting and humanizing bureaucratic control mechanisms at the local level, for example, by limiting and redefining the powers of the officials. However, this achievement was largely in non-tribal areas. The persistence of bureaucratic controls and deeply dehumanizing power structures in tribal areas remained either ignored or unnoticed since they are a powerless minority in the state.

⁷ For example, Paniyan is the largest tribal groups in Wayanad and they constitute 45 per cent of the tribal population in the district. However, only around 10 per cent of the tribal elected members are from Paniyan tribe (Surjith, 2015). This has also shaped the contours of tribal peoples mobilization around land especially in Wayanad. See Kjosavik 2010.

The significance of the FRA implementation in Kerala, therefore, can hardly be underestimated. In this advocacy-note, we seek to reflect collectively on the possibility of transforming Kerala's framework of decentralization and people-centred development into enabling spaces for our tribal communities. In short, we try to re-imagine them as institutions that will support the effective implementation of the FRA in Kerala.

It may be noted perhaps that the failure of decentralized governance in Kerala's tribal areas are related to the weakness of the political framework of decentralization, and is not merely a consequence of the initial condition of severe deprivation that mark many tribal communities here. Indeed, despite reservations and special dedicated funds, most marginalized groups – women, the dalits, tribal peoples, coastal communities – figure in the political framework of Kerala's decentralization not as interest-groups with a strong voice and claims on the state, but as governmental categories enabling passive beneficiary-status.

For precisely this reason, it is important to recognize that the transformation envisaged is of benefit to not just tribal communities but also to local democracy in Kerala as a whole. By making the framework more flexible and self-reflexive (for this very reflection is possible only through a self-reflexive acknowledgement of the failure of decentralized governance among the tribal peoples), decentralization in Kerala becomes more resilient, durable, and inclusive. Redrawing Kerala's local government framework in ways that enable it to accommodate severely-marginalized groups as vocal interest-groups is a major step towards expanding democracy in Kerala.

This acquires a new urgency under the present circumstances in which the unexpected and unprecedented intensity of the monsoon has completely exposed Kerala's deep ecological vulnerabilities which have been created from decades of reckless economic intervention in the fragile highland areas. The undeniable significance of the sustainable practices fostered by tribal communities, both forest-dwellers and agriculturists, has come to the fore; a complete revision of the mainstream understanding of the presence of the tribal peoples in forest and forest-fringe areas and other ecologically sensitive areas seems in order. Utilizing the knowledge and experience of tribal peoples must necessarily involve according full recognition to these as valuable capabilities. The role of local governments in maintaining ecological well-being is more evident than ever before too; however, an effective response to the present crisis calls for a serious rethinking of the frameworks and functioning of the

local governments in areas where the tribal peoples are a presence, and perhaps in all areas inhabited by specific communities that have historically developed sustainable practices for the extraction and utilization of natural resources in their livelihoods.

The two important reports on post-disaster reconstruction that have appeared in 2018 – the Post-Disaster Needs Assessment Report (PDNAR) created by a UN-led team along with local scholars and others, and the Rebuild Kerala Initiative Report (RKDPR) – have taken drastically different positions on the implementation of the FRA. While the former clearly identifies tribal peoples as possessors of knowledge and experience relevant to the goal of an ecologically-sustainable existence in post-floods Kerala, they are not considered thus by the latter. Not surprisingly, the PDNAR recommends the implementation of the FRA to stabilize the lives and livelihoods of tribal peoples⁸, the RKDPR asks for their voluntary exit from forest areas⁹ which is contrary to the FRA. We argue that the wisdom of the PDNAR must be taken seriously even as doors must be kept open for the voluntary exit of forest dwellers with adequate resources being made rightfully available to them wherever they may choose to resettle.

Governments have indeed been involved in the implementation of the FRA. For instance, though there are efforts to use the gramasabhas—locally known as Oorukoottam--of tribal peoples for distribution of welfare measures in Kerala, these are yet to play a significant

⁸The PDNAR recommends thus: “The Forest Rights Act and Protected Forest Land should be used to implement the land distribution programme (buy land) to provide land to every landless member of STs and SCs within the next two years.” (p.325) It also says that “[P]olicy decisions should begin with discussions with affected SC/ST populations, and SC/ST CSOs. Proactive efforts to mobilise affected populations must be made, including measures to accommodate their accessibility and availability.”(p.324).It also recasts marginalized groups as possessors of knowledge valuable in the building back better process: identifying women, tribal peoples, and inland fishers as most-affected vulnerable groups as people who may be empowered as change-agents, the report says: ‘...They possess traditional knowhow and skills for managing natural resources, particularly, water management, agriculture, fisheries, and conserving biodiversity. In the process of building back better, it will be imperative to involve them in building a green and resilient Kerala.’ (p.361).

⁹The RKDPR says: ‘In order to enhance the resilience of the forests, the dependence of the tribals on forests should be reduced. Building their capability for alternative and sustainable livelihoods shall be adopted. Further, voluntary relocation of forest dependent communities from deep inside forest areas requires funds and technical assistance. This would enable these communities to relocate to safer terrains. As the experience from the recent floods suggests, the evacuation of forest dwellers was one of the most difficult tasks during the relief and post-flood operations and, further, many of the forest dwellers in relief camps were reluctant to go back to their original habitations and preferred to stay in safer zones.’ (p.212). The difficulties in evacuating many city- and town-dwellers in central Kerala during the 2018 floods were clearly caused by the fragmentation of properties protected by unreasonably high boundary walls protecting houses. No call was made to remove them or at least reduce the height of these by authorities or post-disaster reports. The argument that people must be removed from their habitations because authorities find it difficult to shift them out in the wake of disaster sounds plausible only when made with reference to the powerless.

role in the implementation of the FRA as expected in the Act. Thus there is a need to strengthen (possibly redesign in certain instances) panchayati raj institutions to make these effective for the implementation of the FRA. The objective of this advocacy note is to make an assessment of the situation in this regard, and suggest possible changes in rules and procedures for this purpose. It is based on wider consultations with different stakeholders. Three consultative meetings were held: First was with the organizations like Kudumbasree which have a connection with the tribal settlements; there was a consultation of government officials (who are retired and currently in service) including those from the forest department; thirdly, there was a meeting of the non-governmental and civil society organizations involved in tribal welfare. Some of these are directly involved in the efforts to implement the FRA within the state. In addition, the researchers of this initiative have also visited selected tribal settlements and interviewed the elders/leaders to know their perspective on the implementation of the FRA.

Tribal Peoples, Democracy and Development in Kerala: Historical Reflections

The available research literature, current news reports, three rounds of discussion on strengthening the local governments for facilitating FRA implementation in Kerala, and the interviews with tribal activists and development workers conducted for the purpose of this advocacy note confirm that the implementation of the FRA in Kerala is decidedly poor¹⁰. All three rounds of our discussion, as well as the available research, indicates that panchayats have not been able to facilitate the implementation process, for a variety of reasons, some of which lie outside the power of the panchayats to change. Many participants in the discussion

¹⁰ A detailed report from 2017 says that a total of 33778.11 acres of land was issued against 25081 titles as individual forest rights (IFR), according to data available from the ST department on the IFR for that year (Bachan 2019: 13). More recent information shared in the rounds of discussion here indicated that progress is sluggish: the land area distributed as IFR has risen marginally to 34565 acres. It was remarked that the figures are lower in core tribal habitations in Wayanad, Palakkad, and Idukki districts. In Attappady, Palakkad, out of 5954 applications, only 1450 have been granted IFR. In community rights (CFR) too, not much progress is evident. The report mentioned above says that in 2017, a total of 779 community claims were passed by the FRA gramasabhas, of which only 164 were issued so far (ibid. : 14). Information shared in the recent discussions on FRA for this advocacy note reveals near-stasis – the number of applications for CR from the whole of Kerala remains below a thousand, of which only 174 have been granted. Not a single CR has been granted yet in Wayanad. Out of the 120 applications received from Attappady, only 6 have been granted; and of the 321 applications from Idukki, only 124 have been allowed. Developmental rights lag even worse – there were 184 development right applications from Idukki of which only 30 have been permitted, and in Palakkad only one such right has been granted yet, from 46 applications. The numbers are better for Wayanad – out of 175 applications for development rights, 150 have been given. It is noted that in Kerala was one of the better-performing states with both IFR and CFR implementation, but as noted, progress seems to be extremely poor – the spurt in implementation experienced in 2015, but it has fallen grievously since (Bachan 2019: 14).

mentioned the example of the tribal-majority panchayat of Edamalakkudy as an illustration of such failure – despite the fact that a panchayat office was opened for the tribal hamlet in 2010, the office still functions from elsewhere. There have been efforts to make the services of the local government – an Akshaya centre was inaugurated there in 2016 (Raman 2016). The panchayat does not thereby become a rallying-point for tribal peoples to secure their rights – even though it may function as an efficient service provider. As a prominent participant in our discussions, Sri T Madhava Menon IAS, remarked, ‘the convenience of the purveyors of the services of the panchayat has been given a higher precedence than the requirements of the people.’ There is also research from 2013 that shows very poor participation of tribal peoples in the FRA processes (Chemmenchery 2013), and change seems to have been very slow.

But this does not necessarily point to willful negligence on the part of local government authorities: it is crucial to recognize that the powerlessness of the tribal peoples was, and is, produced by larger economic processes, particularly the changing nature of capitalism in these areas (Munster and Munster 2012; Steur 2014). Jared Margulies, for example, points to the larger history of the political economy of dispossession in Wayanad, in which the crashes in commodity-crop markets in rubber, pepper, tea, and others in the 1990s increased precarity of landless tribal peoples, and the manner in which the rise of eco-tourism and wildlife tourism in post-agrarian speculative capitalism led to an intensification of the discourse of wildlife conservation there – directly impacting the land rights and forest access of the tribal peoples despite the FRA (Margulies 2018). Our rounds of discussion and the interviews confirmed the observations in the literature about unjustifiable controls by the Forest Department officials, which range from unwarranted lead taken in CFR mapping, to denial of transport permits to FRA committees, and the operations of parallel organizations like Vana Samrakshana Samitis. The negligence of local governments in setting up the institutional mechanism of the FRA in a democratic and transparent manner and their apathy towards creating awareness of it were pointed out repeatedly in the interviews and discussions. Further, there is also research which reveals that even when there is no apathy, the efforts of local governments keen on conferring welfare benefits on tribal peoples misfired due to poor attention to their priorities (for instance, see Damodaran 2006).

In general, the observations and anecdotes shared in the three rounds of discussion confirmed the findings of available research and news reports on tribal rights in Kerala’s forest areas. It appears that several hurdles - cultural hubris, rampant corruption, collusion

between officials of several departments in corruption, indifference of local governments, political parties and welfare authorities, the refusal to accept tribal peoples as agents with development preferences, inadequate information about FRA and other rights hamper the FRA process in very many areas. Further, the proneness of their 'community institutions', such as that of the *mooppan* and so on, despite resistance from tribal peoples and their active effort to seek knowledge, as well as the genuine fears of Forest Department officials -- given the historical fact that non-tribal interlopers have always used tribal peoples to destroy forest resources here-- lie in the way of full and effective implementation of the FRA here.

The many historical accounts of the region help us make sense of the progressive disempowerment and dispossession of the tribal peoples in even areas where they were a dominant presence, such as Attappady and Wayanad, in the course of the twentieth century. The transition from colonial forest management to that of the State Forest Department did not bring about significant change in these processes. The influx of non-tribal settlers into many tribal-dominated areas altered the demographics of these places, reducing the tribal peoples to a powerless minority. The rise of commercialized agriculture led to the increasing dependence of these people on low-paid, low-skill wage labour. Political movements more often than not were dominated by settler interests, and in state-level politics also tribal communities have enjoyed very poor visibility, being a very small minority in the population of the state. It has been argued that the existence of a 'vernacular' civil society in the communities in the coast of the Kanyakumari district was the historical condition that made it possible to mobilize against commercialization of fisheries (Sundar 2012). The formation of a civil society against dispossession composed of different tribal groups, however, happened in Kerala only in the 1990s. This civil society has considered the framework and functioning of decentralized local government as inadequate for the purpose of ensuring full and equal citizenship to tribal peoples.

Thus it is no coincidence that the 'bureaucratic modernity' which the tribal peoples were subjugated to, remains the key hurdle in the path of their citizenship. A primary condition for the persistence of such subjugation was no doubt the devaluation of their knowledge and experience. The nineteenth and twentieth-century history of modernity in Kerala is ironic in that it witnessed simultaneously the burgeoning desire for empowerment with capabilities acquired in and through modern knowledge and institutions, and the erosion and devaluation of the resources, dispositions, and skills possessed of many groups lower

or outside the caste hierarchy, many of which had the potential to be developed into full-fledged capacities by the groups that valued them. Tribal land in Travancore and Cochin was first coveted by metropolitan and later, by local planters. Tragically, along with this, the dispositions, knowledge, and skills of tribal peoples were first deployed in modern forest management, as vital to 'penetrate' the forests as a natural resource¹¹. And further, this required not just their dispossession but also their subjection them to intense surveillance as 'intruders' in a state resource-space. Once the colonization of forests as resource-space was achieved, the traditional ecological knowledge that tribal peoples had acquired over centuries was marginalized. The public debate on migrant farming in the hills between the 1920s and the 1980s largely privileged capacities functional to commercial farming – and importantly, in the 1960s, national interest – as worthy of transformation into capabilities. At the same stroke, it disenfranchised the tribal peoples, in effect derecognising their capacities for ecologically sustainable livelihoods¹². As Bijoy and Raman (2003) point out, successive legislation, including the land reforms of the early 1970s, only contributed to the steady dispossession of the tribal peoples, reducing them into a minority in all senses: cultural, developmental, and demographic.

In the light of this history as well as the present ecological crisis, the significance of the implementation of the FRA in Kerala can hardly be missed. The FRA provides the tribal peoples with an opportunity to break through 'bureaucratic modernity'¹³, affirm their priorities in development, and reclaim their knowledge. It is also a means by which local

¹¹ In his Report on the Forests of Travancore, T F Bourdillon (1893) remarked that the hill-tribes are very "useful" in penetrating the forests. For this useful labour to remain permanently available, he recommended that the names and ages of all tribal men in the reserve forest area should be registered, and the state should also insist that the tribal peoples place themselves under the forest department and carry out its orders. The denial of tribal peoples' access to traditional livelihood accompanied such state surveillance. Strict rules were enforced about tribal peoples' agricultural activities within reserve forests in the 19th century; in the 20th century, their right to cultivation was either removed or made conditional (Pillai 1940: 665).

¹² Here again, the civilizational discourse played a role, especially in the 1960s (Varghese 2006: 160). A Marxist version of this discourse underlay the support of communists to migrant farmers and their relative neglect of tribal interests: the latter, associated with 'primitive communism', must be integrated into the churning of the forces of production or perish. The result was massive erosion in the material and moral resources of tribal peoples.

¹³ By 'bureaucratic modernity' one means the historical encounter of the tribal peoples with modern ideas and institutions and capitalism that was mediated through a rationalizing and elitist bureaucracy. This has had clear consequences for the manner in which the tribal peoples responded to ideals and institutions associated with the project of social modernity. Also, it is possible to argue that the moral indifference necessary for the dispossession of the tribal peoples was produced to such machinery in India. The argument about the violence engendered by bureaucratic rationalization and routinization has been more famously made about Nazi genocidal violence (for instance, Bauman 1989), but it is also helps perhaps to make sense of the less spectacular violence of dispossession and disempowerment.

government here can both transform itself into an agent of democratization in the interest of tribal communities, and emerge adequate to the ecological challenges that loom large today over all of Kerala.

Strengthening Local Democracy for the Empowerment of Tribal peoples through FRA

In our discussions and interviews, the following points emerged as the broad conditions for the strengthening of local democracy through and for tribal peoples in Kerala:

- (1) The full recognition of tribal peoples as a developmental minority with special interests and claims on the state. This does not preclude the recognition of their internal diversity in livelihoods, lifestyles, cultural aspirations, skills, and goals, as well as the fact of the presence of internal hierarchies and inequalities within the tribal population.
- (2) The full recognition that tribal peoples are ethnic groups not reducible into the lower tiers of the caste system, that their cultures are unique and outside the order of caste, even though they are oppressed by and discriminated against by people who live within the order of caste.
- (3) The explicit acknowledgement by the political, cultural, and developmental mainstream of the unique and valuable capabilities that forest-dwelling and agriculturist tribal communities have possessed, and their significance in the post-disaster scenario in Kerala.
- (4) The clear admission of the tribal communities' rights over minor forest produce and free and unfettered access into a significant area of forest space.
- (5) A firm commitment towards the fostering of an active and critical development of civil society from the tribal communities, the voices of which would engage critically, directly, and on equal terms with external agents of all sorts including the different departmental bureaucracies.
- (6) A firm commitment towards adequate voice for different tribal communities in all government machinery relevant to them over and above statutory reservations.
- (7) Strong support for the promotion of tribal cultures and languages, especially making available all development-related discourse relevant to them, and the conduct of FRA

gramasabhas in their own languages, with the clear understanding that culture is not unchangeable – that much of it was ‘invented’ in colonial times and for the purposes of colonial control, and that emergent cultural change must be respected.

- (8) The commitment to subjecting all planned interventions in tribal communities to deliberation in FRA gramasabhas. Excluding native wisdom from the operation of supply chains originating in the forests (e.g. medicinal or other NTFPs) undermines forest biodiversity and makes the resultant economic models unsustainable in the medium to long term. In the process, knowledge and skills are taken away from the people; they also remain undocumented and unanalyzed. Thus, any intervention, whether for conservation or for livelihood generation as part of the Act, needs deliberations in the FRA gramasabhas, based on their social-ecological ethos.

Realizing the Conditions

As it was raised in our discussion, the best possible scenario in which the above conditions may be met is perhaps the formation of separate ST panchayats in areas in which tribal populations are significant. The following fundamental modifications to the framework - the Kerala Panchayat Raj Act – through a new chapter that brings it into alignment with the FRA, may be necessary for this

1. The Panchayat Raj Act in Kerala contemplates (though it does not specify) a maximum of about 1000 panchayats in Kerala, implying an average population of about 30,000 per panchayat and a population of about two to three thousand per ward. This implicit specification will have to be explicitly addressed and altered so that small panchayats which enable direct democracy and a reduced local-level officialdom may become possible. In other words, no implicit or explicit limits should be retained on the number of panchayats in areas with vulnerable populations. The boundaries of ST panchayats should be fixed on the perception of identity by the people, or at least geo-physical contiguities like water-sheds.
2. The administration of ST panchayats should be with a standing committee elected by the panchayat itself and empowered to frame its own rules of business, determine procedures for the conduct of the meeting, and the preparation and upkeep of records. The official and clerical employees of the panchayat, to such an extent, as

the panchayat may determine, shall be recruited from the literate members of the ST communities normally resident in the panchayat areas.

3. ST panchayats shall be as far as possible uni-ethnic or comprising of a small number of distinct ST communities. Nothing in the “main” Act shall apply to them except to the extent specified. The perception of the communities that they constitute a geographical unity shall be the main consideration in carving out of such panchayats from the existing wards of panchayats of which they are currently a part. The definitions in the panchayats (Extension to Scheduled Areas) Act (PESA) may be taken as a model.
4. The government shall organize a conference of experts, ST representatives, and representatives of the CAG to draw up simplified procedures for the transfer and disbursements of funds to, through, and from ST Panchayats.
5. Utilizing all the facilities available under the digital processing of information, procedures and records shall be created and archived in a central repository of records. All monitoring, audit, review, etc., of decisions of the panchayat shall be only ex-post-facto, and based on such digitized records, leaving the decision making free to the panchayat, and without intervention by any official agency or bureaucrat.
6. The official language shall be the mother tongue of the dominant community in the Panchayat; if there is more than one community, then the panchayat shall determine which language to adopt.
7. Several provisions of the Schedule. V of the Constitution, e.g., regarding control of alienation of land, permission of development activities by corporate bodies including departments of government, etc., shall be incorporated within the jurisdiction of the decision making of the panchayat. It is to be noted that the government of Kerala has often expressed willingness to constitute ST areas in the State as Schedule. V areas.¹⁴

¹⁴ Sri T Madhava Menon IAS who made this recommendation also suggested the following as the ST panchayats to be formed urgently in the state:

- (i) Panchayat mainly for Kattunaikkans, and for Mullu Kurumba, Urali Kurumba, etc., and Pania in Wayanad, with Muthanga as the headquarters;
- (ii) Panchayat for Kurumba of Attappady;
- (iii) Panchayat for Kadar, Malamalasar and Malasar of Parambikkulam;
- (iv) Edamalakkudy (Existing)
- (v) A Panchayat for Mala Pandaram
- (vi) A Panchayat for the Kanikkar of the forests east of the Neyyar Reservoir.

However, it was also widely admitted by all – including those who put forward the above suggestion for a fundamental revision – that besides the practical difficulties in the implementation of the above, the generation of necessary and sufficient social willingness and political will for such a major measure will take time and effort, especially in the settler-dominated forest-fringe and other areas in the highland districts. The suggestions for strengthening local democracy for effective FRA implementation in the short run were:

1. The campaign mode that ensured the success of People’s Planning in the 1990s could be revised and re-launched for the special purpose of promoting the FRA and encouraging genuine interest in it among the existing local governments in areas where tribal populations are significantly large. This could be the starting point of the longer process of the transformation of local governments into active facilitators of the FRA.
2. A template needs to be produced for the implementation of the FRA drawn upon the experiences of other regions where the FRA has been successfully implemented. The active involvement of the civil social agencies that made this possible in these regions needs to be ensured for this campaign as well, as facilitators and monitoring agencies.
3. This campaign, however, should highlight tribal peoples as rights-bearing, knowledge-bearing ‘green citizens’ and should eschew the usual stress on tribal peoples as needy and passive beneficiaries. In other words, it should emphasize the strengths of these communities and in the process, refute dominant stereotypes that contribute to marginalizing, trivializing, and infantilizing tribal peoples. For example, the commonplace objection to the FRA, that tribal peoples are inevitably captured by vested interests, is a stereotype that needs to be unpacked and exposed. Or, the usual manner in which the reality of the high predominance of alcoholism and social alienation among tribal peoples is read as evidence for their incompetence should be rejected as a prejudice and replaced by an analysis that makes sense of these as the fall-outs of their extreme disempowerment in history, which will be remedied only through substantial empowerment.
4. The knowledge-generation about the community as part of the campaign should depart from the usual objectifying survey methodology and instead deploy vibrant participatory tools that encourage the generation of narratives from below, to map the diversity of knowledge, skills, interests, goals, needs, and resources in each tribal community.

5. The knowledge-generation in the campaign should not be a mapping exercise to extract tribal knowledge for the benefit of the developmental majority; it should be explicitly projected as intended to empower the tribal communities by acknowledging and remedying the historical wrongs and denials they have had to suffer at the hands of the developmental majority.

After a meeting of an Oorukoottam at Pothukallu panchayat, the coordinator for the special project for STs requested that the decisions of the meeting be explained to the tribal members in their own language. Following this, when the tribal animator read out the minutes [in the local tribal language], all the members opposed them unanimously! This is evidence that the [tribal] members do take active part in the Oorukoottam's decisions ... the provisions of the FRA must be presented in simple terms in the tribal languages... This can be done well by the KS and the KMS. [Tribal promoter, third round of discussions, CDS, 21 June 2019]

6. The campaign should involve the production of ample and useful material about the FRA, PESA, and the rights granted to citizens by the Indian Constitution in tribal languages, and all public discussions on these conducted as part of the campaign in tribal communities must necessarily be in the local language(s). This will, of course, require the mass mobilization of educated tribal youth – who, happily, is no longer a rarity in Kerala - as managers, translators, and trainers.
7. Multiple forums at the level of the local government and sustained mass media publicity taking leaders of the Malayalam media into confidence must be organized for discussion on and dissemination of information – that go beyond mere training and reach out to the whole network of civil social organizations, including those of mainstream communities – on the FRA to avoid misinformation and panic reactions.
8. Training on FRA for Forest Department and Department of ST Development must be made mandatory for ground-level officials and seniors alike as part of the campaign. The training should be imparted by a team of senior researchers, retired bureaucrats, and well-known activists from areas where the FRA's successes are more apparent. Training should also necessarily include face-to-face and informal interactions between officials and campaign participants from tribal communities, so that old colonial hierarchies,

as well as, the accumulated effects of the reduction of tribal peoples to data points are mitigated.

The mass training among tribal peoples people that may have to be undertaken for the formation of the FRA gramasabhas and committees must learn lessons from earlier failures. The KIRTADS (Kerala Institute for Research and Training Studies of Scheduled Castes and Scheduled Tribes) for example, had organized training in FRA in the early days, but the classroom-lecture style they used was rejected by the communities. Therefore, more action-oriented activities were recommended, and so training in this campaign must necessarily be designed after collecting extensive feedback from Tribal Department officers, tribal women's groups, and tribal youth involved in the campaign, and tribal activists. Here it is vital to recognize the fact that the procedures of democratic deliberation and facilitation established in and through modern governance among the tribal peoples are often mere rituals precisely because they are totally alien to them and in fact representative of the 'bureaucratic modernity' that they have suffered under. Hence, the campaign should aim at devising new procedures of decision-making and deliberation for the Oorukoottam, drawing on forms of meeting, discussion, and decision-making already prevalent among these communities.

9. FRA committee members – as officials - should receive adequate training to maintain minutes, map community rights, and deal with the day-to-day work of handling complaints, correcting errors, making additions, and transferring rights. Secondly, it is necessary to institutionalize the FRA committees properly, since the Act clearly says that the members are public officials – they must be provided with the Minutes book, some seed money, essential furniture, and other necessities to enable the committees to persist and become institutionalized. This would also help to ensure that FRA gramasabhas are called regularly.
10. The campaign should culminate in the formation of FRA gramasabhas and committees at all levels throughout Kerala and in the creation of common forum (separate from the State Monitoring Committee) which should meet at regular intervals to identify issues, share experience, and assess the general situation. But it may also host an e-platform on which members of these institutions all over Kerala may network freely.

11. The campaign could also involve the formation of committees of representatives from the FRA gramasabhas and committees at different levels to work with the Forest Department and the Department of ST Development in decision-making on a range of issues pertinent to tribal communities, from conservation to welfare distribution. Crucially, the campaign should explicitly involve measures to end the exploitation of tribal employees in the lower tiers of the Forest Department.
12. The campaign may also highlight already-available provisions in the Panchayati Raj Act for autonomous decision-making by tribal peoples. This may be useful to wear down resistance in places where non-tribal populations may display a high degree of suspicion towards FRA implementation.
13. Such a campaign cannot be limited to tribal areas or forest fringes. It is necessary to include concrete steps to integrate the knowledge of the tribal peoples into the mainstream curriculum. And this needs to be done in the spirit of complete reciprocity. In the present, the tribal peoples are forced to learn Malayalam and if one takes into consideration the enormous knowledge of ecologically-sustainable survival that the tribal people possess, the present-day tribal education is a shockingly undemocratic and disrespectful one-way traffic. The campaign should include active efforts to devise special courses in ecological survival devised from tribal peoples knowledge and by tribal authors (individuals or groups) for mainstream schooling in Kerala as well as materials that introduce students to tribal peoples' languages and the rich tapestry of myths, songs, and dances. The first could be devised as special mandatory courses for schools, and the latter, as certificate courses for college students, from which a fixed number must be made mandatory for the completion of the degree course. The instructors at the college level must, as far as possible, be drawn from a pool of tribal resource persons.

Section 164 of the Panchayati Raj Act says that sub-committees and ward committees should be formed. Clause 1 a of Section 164 says that in an area where there are more than fifty tribal voters, they should be considered the sub-committee to decide upon ST matters. Such sub-committees have been granted the powers of the GramaSabha. We understand that such sub-committees or procedures have not been adopted anywhere in Kerala ... [Activist, third round, CDS, 21 June]

14. The post of the Tribal Extension Officer, presently, is usually occupied by persons who are not motivated in any serious way about the welfare of the tribal peoples, and who often harbor the worst prejudices about them that have been circulating in Kerala over many decades. At present, any degree-level qualification is sufficient for application to the post. In order to change this, the interview boards for recruitment of TEOs must include 'expert members' drawn from a pool of FRA committee members and other FRA activists. The TEO must be a post-graduate in the discipline of social work, or sociology and the officer must undergo a specially-devised intensive training that exposes them to the differences of tribal community life. At present, this post largely seems to be a promotion post, which will be filled by lower division clerks through career promotion.

A successful campaign culminating in a governance system that involves tribal peoples, however, can only be a start. The following recommendations were made by participants in our discussions and interviewees:

1. It was pointed out that strengthening local government for FRA implementation must not focus solely on the elected panchayat committees. Historically, not just the oppression suffered by tribal communities, but also their lack of demographic clout has been responsible for their neglect by elected committees. In other words, the neglect of tribal communities by local government is also a result of the first-past-the-post electoral system in which all that cornering the larger number of votes is the sole key to power. The need for a different system of electoral representation in which members from FRA committees have a special status/standing that enables working with, rather than working under, the elected committee seems obvious. This could be similar to the present power and status enjoyed by the Kudumbashree CDS Chairperson, but not the same. In our discussions, several participants pointed out the need to ensure that tribal peoples receive a fair share of, and the same benefit as, the general spending by the local government and spending on them is not restricted to the special funds for them. This calls for perhaps not just setting up an FRA gramasabha through democratic and transparent ways and by devising procedures for meetings and decision-making that tribal peoples can relate with, but also making sure that members/leaders of the FRA committees also have a certain well-defined say in the spending of general funds. Also, making available gramasabha minutes and other documents of local governments in

panchayats with a certain minimum number of tribal peoples in tribal languages must be made mandatory.

2. The success of panchayati raj in Kerala is also equally an achievement of the 'development civil society' that was built around it through the vast network of women's self-help groups under the aegis of the Kerala State Poverty Alleviation Mission in the early years of the new millennium, popularly referred to as the Kudumbashree Mission (KS). There are other state programmes in Kerala that have supported local-level democracy through training, notably, the Kerala Mahila Samakhya Society (KMS), which works now exclusively among tribal communities. Both these are active at present in livelihood enhancement, educational support, and trainings. The KS and KMS already have success stories to share regarding improving the livelihoods of tribal peoples who are forest-dwellers, especially in the gathering and marketing of minor forest produce (though these initiatives were often throttled by the lower-level functionaries of the Forest and Tribal Development departments). The KS already has formed exclusive groups of tribal women and the KMS works extensively with them too, helping them to deal with officials of the Forest and

In the panchayats in Attappady, the Oorukoottams organized as part of plan preparation are not participatory; they are most often forced. ... but in some, the active intervention of tribal animators and promoters make it lively. But even then one can't say that the decisions taken in the Oorukoottams are based on the community's will. [In many instances] the Oorukoottam is conducted in the middle of the gramasabha meeting and [participants] were made to sign the minutes. Because they have been betrayed over and over again with a number of programmes even children will run away if they see outsiders there. If they were in possession of their land, they would not have had to depend on ration rice. They would not have had health issues [that are rampant now]...

-- Kudumbashree official, first round, CDS, 3 June 2019.

The experience at Aanavaayil shows that they [the tribal community] says that all this land is theirs. How can it be right to distribute just ten acres for farming, they ask. The people of Aanavaayil have resources and they also have specific ways of transacting these. Their children go to residential schools, and participate in the Panja farming when back home on holidays. They attend PSC

Tribal Development. The possibilities of the KS and KMS working with tribal communities to foster a development civil society that does not violate their cultural ethos and priorities could be seriously explored.

The KS and KMS could also take a lead role in training tribal youth – and their lead would ensure that the training is made available to young women equally – in the skills necessary for the production of maps and data for CFR claims, and paralegals who could aid tribal peoples to negotiate with authorities at different levels. The tribal communities that have been living outside dense forests will benefit more in this case. For example, basketry is the traditional occupation of Koraga--PVTGs in Kasargod. However, around 29 species of plants used by the Koraga for weaving baskets are facing the threat of extinction. At the same time, the community was subjected to frequent claim rejection in FRA for being one that lives outside the dense forest. The active interventions of the KS and KMS may serve them much better.

3. Several participants in our discussion, as well as our interviewees, gave many illuminating examples of how parallel bodies like the Vana Samrakashana Samitis and Eco-Development Societies

coaching while they help with the farming. The Panja farming is surely not merely an economic activity. In a way, in the present situation in which community competition [in Kerala] is so furious, they have to define themselves culturally in order to present themselves distinctively. They need to be self-reliant in both culture and economy...

[Researcher at the second round discussion, CDS, 21 June, 2019]

now pose serious hurdles in the path of FRA implementation. The possibility of joining together the KS neighbourhood groups into the FRA gramasabha wherever it has not yet been formed needs to be explored. However, this does not mean that the KS and the KMS need no transformation as agents of change in tribal areas. The KS has to clearly recognize the fact that their strategy of individualizing welfare which had such great success in non-tribal areas may not be either adequate or appropriate for many tribal areas. KS participants pointed out that in the tribal areas, their focus was on collective, not individual rights. How that focus may be strengthened is key: the success of FRA community rights in Kerala will depend on entering into an equal partnership with specific tribal communities over collection, processing, and marketing

of forest produce that will help them bypass middlemen of all sorts. The KS will also have to give up the common dichotomy between culture and the economy in mainstream development discourse. The KMS too will have to shift towards offering training in and producing training materials in tribal languages, and this will require drawing into it a large number of educated tribal youth, particularly young women.

4. As the Act will impart new rights for individual farming in the forest peripheries, communities could face a dilemma – in individualizing and commercializing the collective ethos of a tribe. Many tribal communities remain cohesive enough to undertake many, if not most, farming decisions and operations in a collective fashion. Nutritional security of the communities will organically emerge as the goal if they start charting their ways of farming and foraging. Their nutritional and livelihood security lies in ecological resilience. If this realization is not part of local institutions in FRA gramasabhas and committees, despite having a say in local governance, they might be in the same (or still worse) plight as other farmers in the country, reeling under

... After a tree fell on their habitations, tribal people from Chenappadi were put up in a dilapidated school building for nearly two years. They were assigned another habitation only after they filed a case in the High Court. They received land where a family had nearly forty rubber trees on an average. They were trained in rubber tapping and collecting the sap with the help of the Rubber Board. Now the men and women here are self-sufficient in tapping the rubber trees. There are many things the panchayat can do for their welfare, but they [the panchayat committee] is not ready to do it. Mahila Samakhya can teach them about FRA but there are severe hurdles in the way of doing anything more. After the field visit [organized by the KMS] to Malakkappara, they have realized that fish is minor forest produce according to the FRA, and have started marketing it. Until now, it is the Forest Department that sold the fish. Now their [Forest Rights] Committee gets nearly ten thousand rupees ... then there are some norms that they have set on their own. When they notice that resources in some particular place is depleting, they leave it free for a whole year. They collect forest produce making sure that there is some of it left for tomorrow ...

[Representative of the KMS, first round of discussions, CDS, 3 June 2019]

distress. This has been recognized by tribal communities wherever they could chart their own developmental path¹⁵.

Activists and researchers who participated in our discussions laid stress on the role played by NGOs and social movements in raising awareness about and exerting pressure for the implementation of FRA in Kerala and other Indian states. The success of Community Forest Rights Management Committee at Malakkappara and Vazhachal in claiming rights with NGOs playing a key role in the mapping of eight Kadar-- Particularly Vulnerable Tribal Groups (PVTGs)—settlements in the area was much discussed. The NGO also played a key role in empowering the FRA gramasabhas, the sub-divisional level Committee and the District Level Committee through providing information on the FRA's potential for positive change. Representatives from the Vazhachal-Malakkappara tribal hamlets spoke of their struggles with the Forest and ST departments in the FRA process and acknowledged the role of the NGOs in facilitating it, and also mentioned the positive, enabling effect that their example had on many neighbouring tribal hamlets who were thereby encouraged to form their own gramasabhas and Forest Rights Committees.

The Malamandarams at Achankovil live outside the forest. In 1961, 51 of these families received an acre each. Their forest rights are [limited to] the rights to live on the land thus granted. They have been given identity cards to enter the forest to collect forest resources. Women are not permitted to go. So what is the ground reality when we try to implement the FRA? How to change it? What can the panchayat do?

[Researcher, third round of discussions, CDS, 21 June, 2019]

These observations indicate the importance of encouraging tribal gramasabhas and FRA committees at different levels to actively and persistently network with NGOs and tribal movements and the larger FRA community in the country. Through this, the civil society formation in and through FRA gramasabhas would be shaped by not just state-centric development civil society based in (and limited by) the Kerala developmental mainstream but equally by the critical civil society around FRA activism in the Indian.

¹⁵ See, 'Confluence of Alternatives - stories from different parts of India especially from Gadchiroli district, Maharashtra' in <http://www.vikalpsangam.org/search/?q=mendha+lekha> , accessed 5 September 2019.

5. In order to ensure that the voices of tribal peoples are heard and taken seriously in decision-making circles of all departments relevant to them, there is the need to build special forums. Common Forest Management Plans produced by the Forest Rights Committees of the FRA gramasabha must be built into the plans of the Forest Department. As mentioned before, the FRA committees must be granted a standing/presence vis-à-vis the elected committee of the panchayat. A committee created from a state-wide network of FRA committees (besides the State-wide monitoring committee) could advise and scrutinize the plans and functioning of the Department of ST Development. Ample tribal presence and voice should be also ensured in all committees to do with ecological issues pertaining to the Western Ghats.
6. As Abhilash T, a leading researcher on PVTGs in Kerala pointed out from his discussions with community members, it seems essential to implement a common price mechanism across the state as far as non-timber forest produce is concerned, it being the most valuable economic resource of PVTGs. Such a mechanism is absent now. Bamboo has still not been included in the non-timber forest product list in Kerala; this must be rectified immediately. The experience of other states shows that such a categorisation is hugely important for getting the expected benefits of FRA to the tribal population. Besides, the overarching role of the Forest Department in procurement and wholesaling the products must be re-evaluated. These facts show the entire mechanism of NTFP procurement and sale in the state—especially in the southern district—needs to be restructured in line with the needs of the community. These goals – and others mentioned above – cannot be reached by merely aligning the Kerala Panchayati Raj Act with the FRA. For example, the by-laws of the Department of Forests must be urgently amended to align it with the FRA. At present, the Department of Forests functions as the appellate body for the Vana Samrakshana Samitis, the Eco-Development Committees etc. So also, the Cooperative Societies Act will have to be amended. When the management of the community forest rights begins to be undertaken by a federation of CFR management committees of the FRA gramasabhas, then an institutional arrangement will be necessary for signing agreements, MOUs, etc. especially in the process of procuring forest products. The campaign mentioned above should facilitate all of this.
7. Finally, a tribunal could be established for FRA implementation so that justiciable issues can be brought before it similar to the LGs. It was pointed out that currently, the

tier-system was often ineffective simply because it was set up precisely to fail. Tribal affairs were often handled by officers of the Indian Forest Service, which was well-likely to work against them.

NTFP procurement society controlled by the Vana Samrakshana Samiti, in Achankovil never shared its profits judiciously among the community or the welfare of the community. Forest officials has been the secretary of this mechanism since the beginning. In places like Attathodu, near Pamba, VSS is run by the private parties , where they procure only honey and dammer, not other produces. Even the community doesn't have any say over the operation of these institutions. Collusion with the forest department and non-tribal peoples private parties are evident in Moozhiyar and Plappally areas too. Moreover, the surplus generated by the VSS has neither shared nor effectively utilized for the welfare of the community. [Activist, third round, CDS,] 21 June 2019.]

Next Steps

1. The campaign should rest on a credible and useful body of knowledge and a clear, crisp template, which should be presented through a handbook. The handbook should be produced in and through specific exercises:
 - (a) There has to be a proper definition for the “Rights” – Individual Forest Rights (IFR), Community Forest Rights (CFR) and Development Rights. A consensus can be arrived at if a ‘Write-shop’ of Departments, Tribal Leaders, NGO activists from the State, researchers, invitees from KIRTADS, and the rest of the country, and the officials concerned of Government of India sit for a day and with reference to orders and regulations of other States and case studies and develop a clear definition. This sitting can also develop the protocols on processes and procedures and indicate acceptable evidence.
 - (b) The content of the handbook should also draw upon the existing experiences and views of tribal peoples communities who enjoy the benefits of the FRA. A short research exercise focusing on particular communities where FRA has been successfully implemented – especially Malakkappara–which will collect narratives

and experiences at the practical level – should be undertaken by a team of researchers from interested universities and research centres.

- (c) The handbook should draw upon the outputs from (a) and (b) and could be produced in a workshop held at KILA or CDS, where all involved in these exercises could converge again. This handbook must be made available in all tribal languages. Also, a separate version of the handbook for training officials should be made available.
2. The second step would be the creation of local Facilitation Teams consisting of highly trained Community Resource Persons from among the Tribal Communities. These resource persons could include students of Law, social work, etc., and activists of accredited NGOs with experience in the implementation of FRA. Tribal Promoters and Middle-Level Officers of Tribal and Forest Departments could work with the Facilitation Teams.
3. Drawn mostly from among the tribal peoples, this group must be brought together to brainstorm to devise appropriate modes of communication for the circulation of the materials in the handbook that are acceptable to the tribal peoples and do not repeat the mistakes of the currently existing modes of communication in local governance.
4. The first step of the campaign, undertaken by the Facilitation Teams, should be a careful and detailed documentation of community rights enjoyed historically by different tribal groups, with the aim of capturing their nature, scope, and diversity in a rigorous manner.
5. Concurrently, a study preferably by an expert agency like IRMA, with the help of FRA activists with experience in Kerala, and researchers on FRA in Kerala from tribal communities, could be done on NTFP collection to bring about transparency, efficiency, value addition and improved marketing including branding.
6. Based on the knowledge generated by (4) and (5), and the handbook, and using modes of communication suggested in the consultation with the Facilitation Team, comprehensive training should be offered to the Oorukoottams, and the process of FRA gramasabha meetings, committee formation, and the institutionalization of the committees should be undertaken in quick and time-bound steps.

7. Simultaneously, training for officials in the ST and Forest Departments should also be offered. This could be done simultaneously with the necessary amendments to the by-laws etc. and the procedures to bring existing arrangements such as the Vana Samrakshana Samitis, Eco-Development Committees etc. under the FRA gramasabhas.
8. There has to be an exclusive Tribal Kudumbashree with independent SHG, ADS, CDS, of course, linked to the Kudumbashree system at the District level. The KMS too must be redesigned for tribal areas, staffed by tribal women and with mechanisms for decision-making involving the active participation of empowered women members of the FRA gramasabhas and committees.
9. After the setting up of FRA committees throughout Kerala, intensive training in basic minutes-writing and other official duties, as well as dealing with the day-to-day issues of FRA implementation must be offered to the members of these committees, with a strong emphasis of their role as public officials.
10. A small contingency grant should be provided to each Oorukoottamin the state to buy office furniture and other equipment in order to document the process and procedures they are undertaking. Such initiatives substantially helped Kani tribal communities in Thiruvananthapuram districts in previous years. It will also help the community to further the institutionalization of FRA at Oorukoottam level.
11. The committees could then file appeals/reviews duly, supported by the Facilitation Teams.
12. The Sub Collectors should be asked to re-visit sanctioned and rejected cases.
13. A concurrent social audit has to be done by credible individuals and organizations and their feedback given to the District and State Level Committees. In addition to the State Level Committee, a Coordination Committee could be drawn up from the FRA committees. This Committee should meet at regular intervals and sort out operational problems. A Help Desk should be set up jointly manned by Senior Officers of the Forest and Tribal Departments along with professional NGO Representatives to issue clarifications.

14. A state-level workshop of writers and other experts should be set up to devise lessons/modules/courses based on the knowledge-generation in the earlier steps, should be conducted alongside the above steps.

15. Knowledge generation and monitoring should continue actively in the post-FRA implementation phase as well. For example, community forest management processes need to be validated on the ground. This requires action research in selected localities so that the deep ecology of tribal livelihoods is brought out in a practical form. For habitat development, participatory planning through the FRA Oorukoottam is required. MGNREGS has huge potential for both eco-development and creation of livelihood assets besides giving additional cash income to the poor. Also, social development focusing on harmful and wasteful habits like alcoholism is of special relevance. Service delivery through public institutions especially Anganwadis, Schools, Hostels and Hospitals needs special emphasis.

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APPENDIX

Appendix 1: Note on quality of life indicators of ST households

The proportion of ST population in Kerala (4.84 lakhs) is only 1.45 percent compared to the all-India level of 8.6 percent as per the 2011 Census of India. This smaller population proportion is also more spatially dispersed across all 14 districts of Kerala. In Kerala, which is also known for its very dispersed settlement pattern, such smaller numbers of the tribal population -- ranging from about 6500 (Alappuzha) to 151,400 (Wayanad) in the 14 districts -- should not have posed any problem with regard to delivery of development services such as education, health, housing and sanitation to mention a few. The reality, however, belies our expectation in this regard.

The Socio-Economic and Caste Census of 2011 measuring deprivation among rural households indicates that 62 percent of tribal households in Kerala are deemed to be deprived. This compares with the all Kerala average, for the total rural population of the state, of 30 percent. The only solace is that at the all-India level the percentages of deprived ST rural households are 75 percent and 60 percent for rural households, indicating that on average the levels of deprivation in Kerala are lower than the all-India level for both the ST and rural populations.

We point to some of the concrete indicators of quality of life and capabilities which highlight the specifics of this deprivation of ST households when compared to the all-Kerala averages.

The housing conditions of the tribal community in Kerala are relatively poor compared to the all-Kerala averages. While 53 percent of households in Kerala live in houses which are designated as being in a 'good' condition, the proportion of ST households in this category is only 38 percent. Also, on the all-Kerala basis, only 5 percent of households live in houses described as being in a 'dilapidated' condition, this proportion among ST households is 16 percent.

With regards to drinking water, in Kerala as a whole, about 78 percent of the households have a source such as a tap, well, hand pump or tube well within the premises of their houses. The proportion in ST households is only 44 percent. In fact, about one-fourth of the ST households depend on water sources such as springs, ponds, rivers etc for drinking water whereas at the all-Kerala level this percentage is below 5 percent.

Data about the availability of latrine facilities reveals an anomaly – it shows that a high proportion of 71 percent of ST household have latrines within their home premises compared to 47 percent of all households in Kerala. An investigation about this revealed that the standardised designs of houses for ST communities had latrines incorporated into the house plan. However, a large proportion of such households were not using these rooms as latrines, but rather for keeping their small livestock or as a space to store materials.

The indicators of female literacy and overall infant mortality rates (IMR) among the tribal communities also points to a lower level of capabilities and health among the women in the communities. The ST female literacy gap in Kerala is about 20 percentage points below the all-Kerala rate of 92 percent and the IMR at 60/1000 is higher by over a factor of 4 compared to the all-Kerala average of 14/1000. The overall sex ratio of the tribal communities is 1035 compared to 1084 for Kerala. As with levels of deprivation, these quality of life indicators among tribal communities in Kerala are far higher than of their counterparts in the rest of the country and even above the all-India averages.

Student enrollment of tribal children in government schools (3.82 percent) is higher than their proportion in the population. However, the school dropout rates of tribal children are significantly higher than the all-Kerala rates (even in 2017-18) across all the districts of Kerala. This points to the large socio-economic malaise among the communities which contributes to inadequate and poor capability building among their future generation.

Appendix 2: Tables

1. Condition of Houses: Comparison between Kerala Average and ST households

	All Kerala Average	Rural	Urban	Scheduled Tribe HH Average Kerala	Scheduled Tribe HH Average Rural	Scheduled Tribe HH Average Urban
Good	53.2	46	68.5	38.38	34.32	61.41
Liveable	41.5	47.5	28.6	45.3	47.68	31.8
Dilapidated	5.3 6.5	2.9	16.32	18	6.8	

Source: Census of India, 2011

2. Material of Roof

	All Kerala Average	Rural	Urban	Scheduled Tribe HH Average Kerala	Scheduled Tribe HH Average Rural	Scheduled Tribe HH Average Urban
Concrete	29.6	18.5	52.9	28.8	24.92	50.90
Metal/Asbestos sheet	16.5	16.6	16.2	13.92	14.98	7.94
Handmade tiles	13.2	16.9	5.5	4.17	4.17	4.17
Machine made tiles	8.7	9.7	6.4	38.93	40.42	30.46
Grass/Thatch/ Bamboo/wood/ mud etc	15.4	20.7	4.3	10.02	11.14	3.75
Other	16.5	17.6	14.5	4.16	5.17	2.78

Source: Census of India, 2011

3. Location of Source of Drinking Water

	Within the premises	Near the premises	Away
Kerala Average	77.74	14.08	8.2
Scheduled Tribe HH Average	44.26	30.35	25.39

Source: Census of India, 2011

4. Main Source of Drinking Water

	All Kerala Average	Rural	Urban	Scheduled Tribe HH Average Kerala	Scheduled Tribe HH Average Rural	Scheduled Tribe HH Average Urban
Tap Water	43.5	30.8	70.6	24.65	21.75	41.13
Well	11	13.3	6.2	50.14	50	51.2
Hand Pump	33.5	43.6	11.9	0.39	0.3	0.76
Tube Well	8.5	8.3	8.9	1.73	1.43	3.4
Spring	1.4	2.6	0.08	14.39	16.74	1
River	0.2	0.35	0.02	1.75	2.05	0.03
Tank/pond /lake	0.7	1.21	0.17	3.7	4.29	0.4
Other	2.1	2.7	1.4	3.26	3.5	2

Source: Census of India, 2011

5. Availability of latrine facility

	All Kerala Average	Rural	Urban	Scheduled Tribe HH Average Kerala	Scheduled Tribe HH Average Rural	Scheduled Tribe HH Average Urban
Latrine facility within the premises	46.9	30.7	81.4	71.37	67.38	93.95
No Latrine within the premises	53.1	69.3	18.6	28.63	32.62	6.05

Source: Census of India, 2011

Living condition of Scheduled Tribes in Kerala in comparison to Average Keralite

6. Percentage of deprived rural households against their total number of rural household across different categories

Categories of Rural Households (in per cent)				
	All	SC	ST	Others
Kerala	30.33	57.66	61.68	26.54
India	59.76	71.99	74.49	54.27

Source: Socio Economic and Caste Census (2011)

7. Vital Statistics

Kerala	Scheduled Tribe	State average
Sex ratio	1035	1084
Literacy Rate	75.81	94
Literacy rate –female	71.1	92.1
Literacy rate-male	80.76	96.1
IMR	60*	14
Life Expectancy	**	74

Source: Population Census 2011

*Report on the socio-economic status, scheduled tribes development department Government of Kerala, November 2013.

**Reported as 'Low' in Socio-Economic Status Draft Report by Scheduled Tribes Development Department, 2013; a Media report quotes a study by AIIMS, Delhi that Attappady Tribal Life expectancy has reversed from 70 years in 1975 to 66 in 2002 and came further down to 59 in 2010 (Couldn't trace the original study)

8. Population of Scheduled Tribes in total population in India and Kerala

	India	Kerala
1981	7.83	1.03
1991	8.08	1.1
2001	8.15	1.14
2011	8.6	1.45

Source: Census 1981,1991,2001,2011

9. Literacy rate of total population and Scheduled Tribe Population and Gap in Literacy rate 2001

	Literacy Rate of total population	Literacy Rate of ST population	Literacy gap
India	64.8	47.1	17.7
Kerala	90.9	64.4	26.5

Source: Ministry of Tribal Affairs, based on Census 2001 ¹⁶

10. Assets of Scheduled Tribe Households

Percentage of Scheduled Tribes households having access to-	India	Kerala
Availing banking services	44.98	54.7
Television	21.88	39.59
Computer with Internet	0.84	1.95
Landline Phone	1.95	5.45
Two Wheeler	8.97	7.66
Car	1.63	3.03
None of these assets	37.34	23.50

Source: Census 2011

¹⁶ This information was given by the Minister of State for Tribal Affairs, Shri Mahadeo Singh Khandela in a written reply in the Rajya Sabha on 9 August 2012.

11. Proportion of Scheduled Tribe students in Schools 2017-18

Management	Others	ST	SC
Government	82.89	3.82	13.28
Private Aided	88.49	1.36	10.13
Private Unaided	95.46	0.45	4.08
Total	87.53	2.05	10.45

Source: Data provided by Directorate of Public Instruction, and reported by State Planning Board ER, 2018.

12 (a). Land in possession

Scheduled Tribes households Land possession percentage, Kerala, 2008

	<5 cent	5-9 cents	10-24 cents	25-49 cents	50-99 cents	100< cents
Trivandrum						
Kollam	10.11	6.79	10.03	15.56	24.72	32.79
Pathanamthitta	NA	Na	NA	NA	NA	Na
Kottayam						
Alappuzha	59.76	23.69	13.57	2.98	0	0
Ernakulam	29.77	12.40	12.58	4.92	9.85	30.48
Idukki	9.52	6.32	10.82	7.91	14.14	51.29
Thrissur	14.47	20.29	25.35	16.52	9.22	14.15
Palakkad	42.80	6.38	3.93	2.06	5.30	39.53
Kozhikode	11.25	13.85	27.47	15.69	14.90	16.84
Malappuram	34.71	20.74	13.86	7.47	6.44	16.78
Wayanad						
Kannur	13.17	11.66	18.36	11.35	13.12	32.34
Kasargod						
Kerala						

Source: Scheduled Tribe Development Department, District level Reports 2011

12 (b). Percentage of families that do not have Land title, 2008

	<5 cent	5-9 cents	10-24 cents	25-49 cents	50-99 cents	100< cents
Tvm						
Kollam	NA	NA	NA	NA	NA	NA
Pathanamthitta						
Kottayam						
Alappuzha						
Ernakulam	40.22	39.71	63.35	73.64	91.82	91.19
Idukki	95.43	9.09	82.48	76.28	82.41	78.53
Thrissur	59.73	67.51	74.24	78.29	75	92.31
Palakkad	56.84	3.21	3.02	1.80	4.60	30.53
Kozhikode	93.89	87.72	71.12	82.5	84.66	80.11
Malappuram	77.81	85.6	84.41	91.41	91.68	69.09
Wayanad						
Kannur	9.99	4.95	6.99	3	3.04	-
Kasargod						
Kerala						

Source: Scheduled Tribe Development Department, District level Reports 2011



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