

# Forest Rights Struggles after FRA 2006: The Case of *Dalhi* Land in Raigad District, Maharashtra

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**ABSTRACT:** Maharashtra is considered one of the leading states in India with regard to the implementation of the landmark Forest Rights Act (FRA), 2006. Yet the struggles in the Raigad district of the *Katkari* tribe, formally categorized by the government as a ‘Particularly Vulnerable Tribal Group’, depicts the continuing difficulties in addressing structural marginalization. The FRA, 2006 legislated recognition of community and individual forest rights as an effective tool to undo the historical injustice inflicted by the colonial and post-colonial state. This study looks at the characterization of rights by the tribal community and forest governance institutions and the nature of contestations regarding indigenous forest rights. The discussion focuses on the land used by the *Katkari* tribe for *dalhi* cropping. Using both primary and secondary data sources, forest rights claims are analysed with respect to the history of the *Katkari* community in the region, their relationship with the forest, and the larger development practice context. The study also attempts to understand the implications of positions taken at multiple levels for indigenous people’s resource rights and the sustainability of livelihoods based on these resources.

**KEYWORDS:** Forest rights, Forest Rights Act, *Dalhi* land, *Katkari* community, indigenous community

## Introduction: Forest Communities, Tenure and Customary Law in India

Efforts for legal recognition of indigenous communities’ forest rights have led to a paradigm shift in several countries, particularly since the 1980s, in understanding their rights and revisiting forest ownership policies. This was supported by growing evidence that official forest tenure systems in many countries discriminate against the rights and claims of communities, and government institutions demonstrate visible failure in the management of public forests. Recognition of rights has been a matter of social justice within which one sees a complex convergence of agendas for economic development, environmental protection (White and Martin 2002, 2), and the more recent addition of climate change mitigation.

In India, an estimated 104 million indigenous peoples, officially referred to as ‘Scheduled Tribes’, comprising 8.6 percent of its population and other communities (the total number estimated to be around 147 million) live in and around the forest. An additional 275 million people are dependent on the forest for their livelihood (Lahiri 2018). The total forest cover of India is 7,12,249 sq km which is 21.67 percent of the country’s geographical area (Forest Survey of India 2019). Historically speaking, the indigenous communities in India controlled the collection, consumption, and management of forest resources till the advent of colonial rule that legislated a shift in control over the forest to the state. This accelerated the extraction of forest resources and generated conflicts regarding the traditional rights of peoples and communities over it (Guha 1983; Satpathy 2015).

India has one of the most diverse cultural landscapes in the world in terms of communities and regional ecological features. The relationships between them lead to localised sets of practices that are typically governed by traditional uncodified customary laws. Though there is no universal definition of customary law, the definition of the latter as ‘*an established system of immemorial rules which had evolved from the way of life and natural wants of the people, the general context of which was a matter of common knowledge*’ is useful to describe the

customary regimes under study here (Bekker 1989, 6). In India, customary laws had continued to operate despite constitutional and formal legal systems that do not recognize them except in certain areas with a large tribal population (Roy 2005, 5; Manish 2017). The latter areas are officially recognized as the fifth and sixth schedule areas under article 244 of the Indian constitution where customary law-based governance systems have legitimacy.

Many tribes however were deprived of this recognition of their customary practice regimes as they reside outside these areas. This paper deals with one such practice regime known locally as *dalhi* cultivation, a practice of cultivating millets on sloping land. This is a form of slash-and-burn cultivation practiced by several tribal and other communities found in the forested hills of the Konkan region of Maharashtra (Dalvi and Bokil 2000, 2843). Although there are debates for and against the practice of shifting cultivation, this paper does not enter this debate but rather focuses on the contestations for tenurial rights over these lands and the related plight of a severely impoverished community living on the fringes of forest and society.

In the last three decades of the 20<sup>th</sup> century, the forest policies in the country were influenced by a global context where there was the widespread impetus for community participation, political devolution, and decentralisation. Programmes such as Social Forestry and Joint Forest Management attempted to bring in an element of the partnership between communities and state institutions whose relationships had become increasingly hostile. Failures of the first, the mixed results of the second programme, and the overall failure to address perceived historical injustice, particularly for the most marginalised communities led to the demand for more serious reforms (Kumar, Singh and Kerr 2015, 3-4).

There was much hope among many forest communities and organisations working with them, that the failures of previous policies would be countered after the passing of the federal law called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act in 2006. This law was finally applicable to the entire country and laid out a legal framework for recognition of the individual and community forest rights (IFR and CFR) as per the traditional claims of not only the Scheduled Tribes but also other traditional forest dwellers (OTFD). However, the recent all-India report paints an alarming picture at the end of one decade of FRA implementation with only three percent of potential CFR rights having been recognised. Factors identified for this dismal performance include the absence of a political will, lack of efforts towards capacity building in the Ministry of Tribal Affairs (MoTA), and opposition by the Ministry of Environment, Forest, and Climate Change (MoEFCC) as well as the forest bureaucracy (CFR-LA 2016).

Maharashtra is one of four states where both IFR and CFR implementation has been significantly better compared to other states in the country. The state-level study of Maharashtra found that out of the estimated CFR potential of 61274 sq. km of forest about twelve percent has been achieved. The latter is largely accounted for in one district, Gadchiroli that is known for a high level of collective mobilisation. Other high potential districts like Chandrapur, Gondia, Kolhapur, and Raigad have near-zero actual implementation (CFR-LA 2017). This paper is based on evidence gathered in the Raigad district located in the north Konkan sub-region of Maharashtra.

The north Konkan region has a mix of tribal and non-tribal populations. There are three predominant tribes in Raigad namely *Katkari*, *Thakar/Ka Thakar*, *Mahadeo-Koli/Dongar Koli* who are still dependent on the forest for their livelihood needs (Waghmore and Jojo 2014, 5). Of these, with a population of about 1.2 lakhs, the *Katkari* is the largest tribal population in the district and has been actively associated with local land rights movements for over four decades. The *Katkaris* are also one of three tribes in Maharashtra recognized as a Particularly Vulnerable Tribal Group (PVTG) (Jagtap 2019). The name *katkari* is derived from a forest-based activity of making catechu (*Kath*) from the *Khair* tree (*Acacia catechu*). Historically besides making *Katha* they have mastered the art of making brick and charcoal. They have a knack for cultivating difficult patches of land in the forest. Land alienation and government failure to

efficiently implement land reforms have been the major factor for *katkari* being landless (Buckles, et al. 2013, 17-18)

The evidence presented here of the FRA implementation experience in Raigad district, Maharashtra is based on in-depth interviews conducted by the first author in 2018 with various actors involved in the struggle for rights over *the dalhi* land. These include leaders of three grassroots level collectives (*'sangathanas'*) and two NGOs that have been actively involved with the struggle for land and forest rights, with a concerted focus on the *dalhi* land issue. In-depth interviews were also conducted with two *dalhi* land claimants and two community leaders. These interviews were supplemented by focus group discussions in two hamlets of tribal communities that were actively engaged in the struggle for *dalhi* land rights. Interviews were also conducted with government officials to get a sense of their perspective on the issue. Secondary data was collected from the Ministry of Tribal Affairs website, the District FRA Cell in Alibag, and the office of the Tribal Research and Training Institute, Pune.

### **Contestations over *dalhi* lands: From revenue collections to legal arrangements in the pre-Independence eras**

Before British rule, interventions in the north Konkan region by various rulers including the Buddhist, Brahmin, Muslim, Maratha, Peshwa, and Portuguese, over more than 1000 years have been reconstructed by historians to trace the formation of the region's social, political, and economic landscapes (Charpentier 1927; Naravane 2001; Thapar 2002; GOM 2009). Evidence points to the expansion of cultivated areas that involved the clearance of forests and settlement of erstwhile nomadic forest communities, marked by considerable resistance from the latter (Thapar 2002). Despite increasing integration into coastal trade over the years and the associated exploitation of the region's resources, at the time of British colonization the region was characterized by dense forests and several communities including those engaged in *dalhi* cultivation who were yet to be governed by any regular revenue systems (Saldanha, Tribal Women in the Warli Revolt: 1945-47: 'Class' and 'Gender' in the Left Perspective 1986, WS-42).

Documentation of cases filed and decisions were taken during the colonial period indicate the nature of *dalhi* cultivation practices, the types of revenue collections before colonial rule, and the contestations during colonial rule (BFC 1887). The Bombay Forest Commission identified twelve tenure systems in the region in which *dalhi* cultivation did not feature. The terms *dalhi* and *kumri* were understood as synonymous terms referring to a 'mode of preparing *varkas* (literally 'upland') land for cultivation by burning *in situ* the vegetation on such land, ploughing or hand-digging and sowing in the area burnt' (BFC 1887, 243-4). The plots cultivated in one year were typically left fallow for at least seven years. The produce was a small but important part of the needs of these communities who supplemented this with wild fruits, roots, and small game from the forest indicating relatively free access. Survival strategies also included the sale or barter of seasonal collections of forest produce and the occasional looting of more prosperous villagers settled in the plains (Saldanha 1990, 434).

At the outset, one is confronted by the conflict in paradigms concerning the forest that continues to date. Communities in the region evolved relationships with each other and their surroundings in ways that integrated field and forest, hills and plains. The communities that engaged in *dalhi* cultivation had no notion of private property as they collectively arranged for shifting plots to members more in keeping with common property arrangements. The forest was at the centre of the material and spiritual realms of these communities. For the colonial rulers however the guiding Lockean philosophy gave primacy to private property and separation of field and forest as separate entities that had the potential for different types of revenues. The classification of lands into productive and unproductive waste (*varkas*) arising from this conceptual disjuncture between field and forest, caste, and tribe destroyed existing community structures and relations (Whitehead 2010, 85-6).

A key British policy was to substitute private property for the complex and overlapping patterns of landholding in the hinterland through their settlement surveys and appointing local elite as tax collection agents. Land settlements included individual annual leases called *eksali* and community leases in the case of *dalhi* cultivation. Stoppage and restrictions imposed on *dalhi* cultivation under the Indian Forest Act of 1878 gave rise to a lot of unrest among the hill tribes (Dalvi and Bokil 2000). The Forest Settlement Officer's view that "*dalhi* is not only a possible means but almost the only possible means of improving the forests" (BFC 1887, 290) supported subsequent land allotment presented as a means of rehabilitating the '*wild tribes*' that practiced this form of cultivation. Such attempts at sedentarization to organize society for purposes of taxation, conscription, and prevention of revolt were typical of states in Southeast Asia too. These were accompanied by the organization of the natural world through designs for scientific forestry to make it more manipulable from above (Scott 1998, 1-2).

### **Mobilisation of *dalhi* land holders**

The colonial system of administration continued unchanged into the post-independence period. A conference organised on 17<sup>th</sup> April 1955 under the chairmanship of the veteran Congress leader Yashwantrao Chavan, then Chief Minister-cum-Forest Minister, saw the first concerted demand for conferring permanent rights to the holders of *dalhi* plots. The demand was publicly accepted but failed to materialise. The *Kolaba Zilla Adivasi Sangh* (Kolaba District Tribal Association) took up the issue and organized several conventions, but their efforts did not translate into an effective movement (Dalvi and Bokil 2000, 2846). With the passing of the 'land to the tiller' law in 1956, the land-owning class sensing the possible loss of their land evicted their tenants or asked them to 'voluntarily' give up the land. Only 11.4 lakh of the 24 lakh registered tenants were given ownership rights. This was a severe blow to the remaining 12.6 lakh who were left high and dry (Bhuskute 1989, 2355).

Significant land reforms were rolled out after formation of the state of Maharashtra in 1960 with tenancy laws, acquisition of surplus lands via Ceilings on Holdings Act 1961, redistribution of government lands, and regularization of encroachments on public lands. Tribal cultivators that included *eksali* and *dalhi* leaseholders also started to file claims for regularization and the right to cultivate on lands classified by the government as wasteland and forest lands (Dalvi and Bokil 2000, 2845). On January 14, 1970 vide circular FLD/4268/27023-W the Forest Department was directed to disforest the *dalhi* land and transfer ownership to the plot holders. While *dalhi* lands did get disforested, only a small portion was transferred (Dalvi & Bokil 2000, 2846 & Bhuskute 1989, 2357). In 1976 this directive was contradicted as forest matters were transferred from the state to the concurrent list and a national legislation – the Forest Conservation Act (FCA) 1980 – was passed that prevented the transfer of forest land for non-forest purposes without the permission of the central government (Dalvi & Bokil 2000, 2846).

The movement however gained fresh impetus after a High Court judgment passed in 1987 in favour of a cultivator of *eksali* land in another district, directing the government to transfer the land to him regardless of FCA 1980 (ADS 2004, 45). Within three years 5000 tribal cultivators had mobilized for a long march from Pen to Alibag, supported by B. D. Sharma, then Commissioner of Scheduled Castes and Scheduled Tribes. They undertook a *satyagraha*, a non-violent form of protest based on Gandhian principles, and courted arrest. B.D. Sharma (1990, ix - xiii) further took up the matter with the union government and in 1990 itself a circular was issued stating that the provisions of FCA 1980 are not binding on the decision taken by state governments before its enactment, thereby allowing again for implementation of the 1970 directive to transfer ownership.

With no follow-up from the government, another agitation was taken in 1992 to the office of the divisional commissioner of the Konkan region. This time the agitation was joined by well-known activist Medha Patkar. Additionally, a writ petition was filed in the Supreme Court of India by the *Shoshit Jan Andolan* (movement of the exploited masses), a coalition of people's organizations in Maharashtra. The 1995 Supreme Court verdict supported the cultivators' demands, reprimanded the state and directed that the matter be resolved immediately. This process received a setback due to a change in government at the state level that necessitated a fresh round of negotiations with the new ministers. On July, 26<sup>th</sup> 1996 the children of the *dalhi* landholders held a *dharna* (sit in protest) and celebrated the silver 'jubilee' of the government's apathy and insensitivity. The Forest Department responded with a survey of *dalhi* lands in 1996 in a manner that raised serious objections. The following fresh survey initiated in 1998 constituted the sixth round of surveys since 1970 with no concrete outcomes for the impoverished tribal cultivators (Dalvi and Bokil 2000, 2847).

A series of brutal evictions across the country of forest dwellers, reclassified as 'encroachers' by the Ministry of Environment and Forest (MoEF) in 2002 led to the Campaign for Survival and Dignity (CSD). State and national level strategies were adopted to build pressure to stop further evictions. Yet again a notification was issued to implement the 1990 guidelines. Thousands of claims were filed across the country as the mass movement grew. In July 2003 a national *Jan Sunwai* (public audit), brought out a detailed report on regularisation and evictions, which was followed by advocacy and lobbying in the corridors of power. The members of the movement played a key role in drafting the forest rights bill that was finally passed as a law on 18th December 2006 (Asher and Agarwal 2007, 14-18,23).

## Post-FRA Narratives and Contestations



Figure 1: FRA Claims Process

Figure 1 has been created by the authors based on information available in the ready reckoner provided by MoTA (MoTA 2012, 16-18). In FRA 2006 the *Gram Sabha* (village assembly) has been given the authority to initiate and determine the nature and extent of the individual and community forest rights within the local limits of its jurisdiction. The process is initiated with the formation of a village level Forest Rights Committee (FRC) having a maximum of fifteen members wherein two-third shall be ST and one-third shall be women. The scrutiny and processing of claims goes through five steps (Figure 1) before the claims can be legally regularized. A State Level Monitoring Committee is expected to monitor and evaluate the entire

process. The claim application and verification process are found to hit obstacles at every step. Some of these experiences with respect to dalhi lands is presented in the next sections.

### a) Recognition of forest rights claims

“We are the fourth generation of the *mulkul*.” “This is hereditary land.”

These claims were made during discussions in the tribal hamlets. All families in the region trace their rights to the *mulkul*, i.e., original family listed in the *dalhi* records (FGD-Ambeghar 2018). Cultivation rights are also recognized in the orders of the Maharashtra government regarding the regularization and transfer of the *dalhi* land to heirs of the original holders. The British government had leased *dalhi* lands to the community and the lease title was made in the name of a headman called '*naik*' with an annual renewal fee. A written agreement was also signed between the community and Forest Department and a license given to cultivate the land. The colonial government noted the importance of *varkas* lands for meeting subsistence, housing and livelihood needs. In the community lease agreements, people's involvement in the protection, conservation of forest, and commitment to safeguarding members' rights were included under *dalhi* settlements (Dalvi and Bokil 2000, 2844,2849).

The government list was found to include ineligible people according to the villagers and activists. They claimed that the official list was arbitrary, based on their whims and fancies in collaboration with some villagers. It was reported that recognition had even been granted to those who were dead or had not even applied. The *sangathnas* on the other hand described a beneficiary list preparation process of their own based on public meetings in which people could object to the inclusion or exclusion of any name (Pawar 2018).

Recent reports provide evidence of data discrepancies at multiple levels. Even discounting the alleged discrepancies, the official data (Table 1) for the district that was available on FRA portals painted a fairly dismal picture.

**Table 1. Official Status of Implementation in Raigad as of December 2018**

Level of implementation Category of applicant	Gram Sabha (GS)			Sub-Divisional Level Committee (SDLC)			District Level Committee (DLC)		
	ST	OTFD	Total	ST	OTFD	Total	ST	OTFD	Total
Received claims	11745	6958	18703	10212	5621	15833	6755	195	6950
Rejected claims	1505	1330	2835	3457	5426	8883	505	157	662
Approved claims	10212	5621	15833	6755	195	6950	6230	38	6268
Pending claims	28	7	35	0	0	0	20	0	20
Area recognised (acres)							3303	1.28	3304
Average area recognised (acres)							0.53	0.03	0.53
Claims approved by DLC to the application made at GS (%)							53.0	0.55	33.5
Claims rejected by SDLC to received claims (%)							33.9	96.5	56.1

Source: (TRTI 2019, 1)

Though the maximum area recognised has a ceiling of 10 acres, yet a closer look at the average area recognised for ST and OTFD reveals that the recognised plots are extremely small and would make cultivation or investment unviable. The data presented shows that only one third of the claims received by the *gram sabha* have been approved by the DLC. The numbers of the SDLC indicate a large number of rejections for OTFD claims. This undermines the power vested upon the community to judge the veracity of the claims and only goes to show how the

state continues to wield power even in processes that aim at devolution. High rejection rates and state domination of FRA processes have recently been reported in other studies and news reports too (S. Kumar 2020; Kukreti 2020).

### **b) Conflicting perspectives on the question of evidence**

FRA 2006 embodies an understanding of customary practices that have evolved out of informal arrangements in its treatment of evidence required for recognition of forest rights. For example, the oral evidence of village elders is accepted as admissible evidence for claims. This runs contrary to the standard operation of the related departments who typically insist on written records. In the case of *dalhi* plots however such conflicts should not exist.

“*Dalhi* is the simplest pattern to be settled under FRA as the government has the record, boundaries are known; only internal boundaries need to be done. There is no need to ascertain the truth as everything is recorded.” (Mahajan 2018)

The *dalhi pustak* or passbook was an important document maintained by the *naik* that had all details of the cultivators, maps, details of the type of land, rules of the lease, and the record of the rent paid. The people cultivated the land through mutually agreed boundaries and the *naik* collected the land tax proportionate to the land occupied or cultivated and regularly paid it to the Forest Department. The *dalhi* book and related receipts constitute documentary proof of traditional rights of claimants, along with the other Forest Department rent receipts for these lands. Two major components were payment of rent, ‘*dhara vasuli*’ (the recovery of the lease rent), and ‘*vaaras nond*’-the record of inheritance. The former was much easier as people came forward and paid the lease rent regularly. The latter records were improperly maintained due to bureaucratic inertia and people's immediate priorities.

The chance discovery by one of the activists of the *dalhi pustak* piled up at the Divisional Forest Office in Alibag (soon to be destroyed by burning) was a turning point as it gave a much-needed impetus to the movement (Gaikwad and Sonawane 2018). People alleged that forest officials fraudulently snatched on the pretext of doing some survey and other official work and assured us that they would return the same after the work is done. They never saw their books or receipts again (Waghmore and Jojo 2014). Hence getting back the *dalhi* books became a priority. One encounter between the tribals and officials was recounted by one of the activists.

“In the very first morcha on 12th July 1990, our demand was for the *dalhi pustak*. The morcha reached the RFO office at Mangaon. While some officials flatly refused that they had the books other expressed their ignorance about *dalhi* land. The officials tried to play down the demand by questioning the *katkari*'s capacity to take care of records amidst leaking homes, migration, or forest fires. They alleged that people had lost the books over the years.

At this point, one old man stood up amidst the crowd and calmly took out an old dirty looking package tied at his waist. Wrapped in a piece of cloth were receipts of the *dalhi* revenue paid right from 1932. ‘Sir’, he said to the officer ‘if we can take care of these bits of paper for so many years, can we also not take care of the book? Are you saying that the book must have got burnt but these pieces of paper escaped that fate?’ The officer was dumbstruck. The old man who spoke was a *dalhi-naik* from *Vilhe* village – Kamlu Mahadu Valekar. His courage in front of the ‘big sahib’, stirred enthusiasm amongst all of us. The Sahib gave us a written assurance that he would find and give us the *Dalhi* books within a month.” (Mahajan nd)

The Forest Department officials often insisted on attaching forest fine receipts as proof along with the claim. The reason for this became clearer when people alleged that receipts were not always issued, and the fine was collected “in kind” (chicken, rice, alcohol) instead. Claims were sometimes rejected solely based on the adverse report of the Forest Department that completely overlooked the given proofs and oral evidence of village elders (Pawar 2018).

### c) Local land use patterns and problematic categorisations of rights

The Act classifies forest rights into IFR and CFR. Each category is associated with different kinds of usufructuary rights and restrictions. The people wanted IFR because they always cultivated their plots individually and filed their claims accordingly for the *dalhi* lands (Mahajan 2018). However, CFR was given when IFR was applied for. Holding a CFR title meant that they could no longer cultivate there. This is the greatest fear as the produce of the *dalhi* land comprises a significant component of their food security needs. With the nature of restrictions relating to CFR, it is evident that the Act does not recognize the myriad possibilities within community forest regimes. The demarcation of *dalhi* plots as encroached land imposes a limit of 10 acres. This has been objected to by the activists and the people as these are leased lands that have no upper limit for recognition (Pawar 2018). There is a new level of complexity that has plagued the *dalhi* plot owners due to the delay in implementation of the 1970-71 order. Forest officials stopped accepting the *dhara* (rent) for the land, the enumeration of the heirs especially the sons-in-law who came to stay with the wife’s family, encroachment by non-tribals and Forest Officials treating *dalhi* as encroachment for the FRA 2006 claims (S. Dalvi 2018).

Now they cannot change... they have to regularize it. *Dalhi* land comes under 3(1) g i.e., lease lands. They have to give the entire plot. They have (however) shown *dalhi* as encroachment in some places.” (Gaikwad and Sonawane 2018)

Activists recounted the people’s outrage when they were handed CFR titles by the Governor at a public function organized at Karjat, Maharashtra. People of the village who had not even applied had their names in the CFR certificates. Activists of the *Shoshit Jan Andolan* took strong objection to this and refused to accept the offered title papers.

This would also mean that no activity can be carried out on the said lands without the written permission of all the people whose names appear in the CFR. People have developed their plots into orchards and can’t risk it to the mercy of the group. (FGD-Ambeghar, 2018)

### d) Village-level dynamics

The claimants spoken to alleged that the whole conversion of the IFR applications into CFR is a complete forgery.

Underhand dealings have taken place between officials and villagers. Otherwise, how does one explain the Gram Sabha resolution which is a mandatory document and can be obtained only after a public meeting of the village? (In our village) the Gram Sabha Resolution was given for individual forest rights, not CFR. (FGD-Ambeghar 2018)

The *Katkari* tribe has over the years faced structural injustice not only at the hand of the state but also from the other dominant caste and classes, depriving them of their rightful ancestral lands through forgery and force. Thus, the original *Katkari* lessee has in several instances been replaced by non-tribals or tribals from another hamlet (Chellam, Jha and Kothari 2010).



Although the population of the Katkari community is fairly substantial in this region, they account for only 13 percent of the population. In the villages whose data is presented here, the *Katkaris* represented a little less than 13% with 55 households residing in two hamlets of the revenue village (FGD-Ambeghar 2018).

Raigad district constitutes one of the 15 Tribal Sub-Plan districts of Maharashtra. However, unlike the regions with a tribal majority, the tribals here have limited powers to influence decisions in the larger village assembly as they are outnumbered by the dominant caste groups (S. Dalvi 2018). Grassroots groups have worked to find ways in which the tribals can collectively articulate their concerns and needs so that they will be taken into account at the larger level. Issues reported in the very initial months of the implementation process by various grass-root organisations at a state level consultation in Pune on 12th June 2010, continue to be reported even after eight years pointing to the sheer neglect of these marginalised forest communities and the apathy of the system towards them.

### **Conclusion: Forest rights and the regional development context/social justice**

Evidence gained from the region indicates the need for capacity building of the Gram Sabhas and vulnerable sub-groups within the village in ways that help local communities to take legal charge of their traditional rights. Civil society organisations have been the driving force for successful implementation of the Act in limited locations. Horizontal linkages across groups and between the state implementing agencies with non-state actors also need strengthening.

To facilitate implementation of various policies and programmes the Forest Department has the *van rakshak* (forest guard), the Revenue Department has the *talathi* (revenue official), and the Rural Development Department has the *gram sevak* who is also the secretary of the gram panchayat. Unlike these, there is absolutely no village level presence of the Tribal Department that is mandated to protect the rights and conditions of tribal populations in the state. Their involvement in the actual implementation process, at least with respect to scrutiny of applications, might offset the bias of other departments such as the Forest Department whose priority appears to be that of retaining control of the forest.

In order to facilitate timely justice to communities whose rights have been long denied, the process has to be time-bound and more accountable to the claimants and their rights. Standard strategies of offsetting people-oriented policies with contradictory laws or clauses need to be called out and confronted. Raigad district is one of the rapidly urbanising spaces within Maharashtra. The displacement and dispossession of tribal communities and others on the fringes of development is dangerously imminent. Concerted efforts are need to save the people and the forests of the region.

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