COMMUNITY PARTICIPATION IN NATURAL RESOURCE CONSERVATION: FOREST RIGHTS ACT AMONG THE KADARS IN KERALA, INDIA

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ABSTRACT

Ambiguity in terms of property rights, displacement and livelihood insecurity, among others has been causes of distress among tribal communities, resulting in tribal unrest, social tensions and conflicts in Kerala and other parts of India. In response, forest policies were implemented with the most recent being the Scheduled Tribes and Other Traditional Forest Dwellers Recognition of Forest Rights Act, 2006 (or FRA 2006). The paper explores the policy implementation strategy of FRA 2006 in Kerala, the extent of implementation in terms of individual as well as community rights and the qualitative aspects of the implementation using the Kadars as a case study. The potential strengths and weaknesses of the Act are assessed from the theoretical perspectives of property rights and community based natural resource management. The investigation has also tried to generate key points of contention with respect to some of the prevalent and ongoing issues pertaining to tribal groups in Kerala, India.

Key Words: Kerala, Forest policies, Forest Rights Act, 2006, Property Rights, Common Pool Resource Management

INTRODUCTION

Tribal communities in India have always been subject to marginalization and exclusion from socio-economic processes because of their socially and politically weakened status. The lack of rights to property and limited access to natural resources has only compounded the situation. In India, the inadequacy of constitutional safeguards exclusively for the tribal communities despite their long associations with forests, have had negative impacts both on conservation and livelihood. The Scheduled Tribes and other Traditional Forest Dwellers [Recognition of Forest Rights Act 2006 hereafter Forest Rights Act, 2006 or FRA 2006] was enacted in the context of such failing policies, resource use conflict deteriorating environment and poor livelihood outcomes. The overall intention was to make amends to historical injustices, establish clear property rights, develop synergistic opportunities between sustainable livelihoods and conservation and community empowerment. FRA 20064 a key piece of forest legislation passed by the Indian parliament on December 18, 2006, is a legislative landmark in the history of forest laws in India expected to socially, economically and politically uplift communities traditionally linked to forest. This includes the Scheduled Tribes as well as the Other Traditional Forest Dwellers (OTFDs). The Act came into force on December 31st 2007 with notification of rules issued on January 1st, 2008.2 However, five years since its enactment in 2006, the intended benefit from the policy has not reached its beneficiaries as envisaged.

AIMS AND OBJECTIVES

To explore the implementation process of FRA and its strengths and weaknesses in terms of individual and community rights. The investigation focuses on some of the major points of contention with respect to prevalent

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and ongoing issues pertaining to FRA implementation in Kerala, India. The study has attempted to answer the following research questions using the Kadars, a Particularly Vulnerable Tribal Group (PVTG) in Kerala, India:

1. What is the current socio-economic status of the Kadars?
2. What is the overall status of FRA implementation among the Kadars?
3. What are the strengths and weaknesses of the Act in terms of Individual and Community rights within the Kadar context?

**METHODOLOGY**

Data for the study was generated through stakeholder interactions that included primary survey among the primary beneficiaries- the Kadar households of Thrissur and Palakkad district, and interviews with the Forest Department (FD) officials, the Tribal Department (TD) officials and representatives of local non-governmental group actively engaged in the FRA implementation process. Nine Kadar settlements were covered for the primary survey based data and a total sample size of 100 was collected. In addition detailed in depth, face to face interviews with key officials of the implementing agencies were collected. Secondary data from different sources ranging from different departmental bodies to ministerial data, published works, newspapers and government reports provided the needed comparative frame. The study bases its arguments on the political economy of FRA where, although clear property rights and devolution of power to own and manage forest resources has been theoretically put in place, the ground realities indicate a rather complex scenario. Prior to discussing the new policy within the Kadar context, how forest policies evolved until the recent implementation of FRA 2006 in India is briefly discussed.

**Chronology of legal provisions for forest management in India**

The ancient Indian scriptures and literature prescribed forest management as protection of trees and people emphasizing the interlinkages between the two. During the colonial period, with a growing need for timber and realizing the revenue potential of forest resources and a simultaneous need to conserve the resources, there was a shift towards more exclusive strategies, creation of protected areas and in the process, the displacement of tribal communities. The Forest Act of 1878 enabled the colonial government to take control of all reserved forests. Developments in the timber market increased the intensity of timber extraction with earlier privileges of tribals reduced to concessions. The Forest Act later underwent various amendments over the years in 1890, 1901, 1918, 1919 and 1927 but the basic authority of the state remained undiluted. Following this, the creation of the Wildlife (Protection) Act (WLA), 1972 allowed any area to be constituted as a ‘protected area’. Later experiences showed how such exclusionary strategies have had debilitating impacts on both biodiversity as well as dependent communities. This lead to a new argument that, instead of a top-down approach to forest management, there should be an inclusive, organized, decentralized, participatory system of forest governance that relied on positive incentives along with an accountable state machinery. With this new understanding there were corresponding shifts in policies and institutional arrangements.

The Ministry of Environment and Forests (MoEF) initiated the Joint Forest Management (JFM) Program that achieved legitimate status under the National Forest Policy of 1988 and the program gained impetus when a policy circular was issued to all States in June 1990. This encouraged state forest departments to involve resource dependent communities directly in forest conservation through local institutions such as Vana Samrakshana Samiti or Forest Protection Committee or the Eco Development Committee along with alternative livelihoods. Following this there was the Panchayat Extension to Scheduled Areas (PESA) Act, 1996 where Gram Sabhas (GS)(village assemblies) were endowed ownership over forest products with provisions to support local schemes. Later in 2002 the Wildlife Protection Act was amended that recognized community based conservation reserves and community involvement in wildlife protection. Despite these institutional shifts the expected outcomes remained elusive.
Very often, such linkages between conservation and the development opportunities offered were unclear with conflicting agendas, unrealistic and contradictory goals. In addition, considering multi-stakeholder dependencies on the resources the politically weak communities were the most affected by the costs of conservation, thus misplacing the confidence in these strategies and policies.

Then there are the State specific policy issues as well. The striking down of the Travancore Hillmen Settlement Act of 1939 and Kerala Hillmen Rules of 1964 by the High Court led to a large influx of non tribals by unauthorized means causing large scale encroachment of tribal areas and displacement or enslavement of tribals that further complicated the vulnerability of the tribals. The Forest policies of the government too failed to recognise the tribal rights and the customary tribal control was reduced to mere concessions. Furthermore, all leased out or mortgaged land of the tribals held in written or oral agreements by the immigrants to be restored by the Kerala Schedule Tribe (Restriction on Transfer of land and restoration of alienated land) Act, 1975 did not bring the desired social security as was envisaged.

Experts suggest that when communities are empowered with greater rights and responsibilities, end goals of conservation and livelihoods improve. Such rights based approach enables the marginalized to feel socially, politically and economically empowered. There are many examples of success stories of well managed forest resources, where both ecological and economic goals have been met. The key factor in all these studies was recognition of ownership and land tenure rights to the local indigenous communities. These learnings are of great relevance to India and it was finally recognized that the tribal population residing in their ancestral lands for generations are integral to the survival and sustainability of the forest ecosystems and its biological diversity. But being politically weak, it took long persistent struggles, sometimes violent struggles that eventually led to the formulation of a comprehensive legislation called the Scheduled Tribes and Forest Dwellers (Recognition of Forest Rights) Bill 2005. It was expected to redress the historical injustice done to tribal communities and help claim their legal rights on land. However, once the law finally paved its way, many confusions and misunderstandings arose regarding the purpose of the Act. On the one hand it was seen as a land distribution scheme which was later clarified. On the other hand there was a lot of opposition from conservationists who feared the worst in terms of wildlife and biodiversity conservation due to the drastic inclusive arrangements prescribed in the law. Despite such conflicting opinions, the passing of the new law was of great significance to the vast majority of tribal and forest dependent population.

The Forest Rights Act, 2006

The FRA aims to granting legal entitlement, empowerment and improved livelihood chances to the forest dwelling Scheduled Tribes and other traditional dwellers in India. The rights comprise of individual as well as community rights. These rights guarantees them the right to live, extract resources, improve livelihoods and convert land limited to one hectare for development facilities. In addition, the Act includes provisions that empowers the holders of the right to protect the wildlife, forest and biodiversity, protect ecological sensitive areas, preserve their habitats from destructive practices and to comply with Grama Sabhas (GS) decisions to regulate the access of community forest resources, and activities that may adversely impact the habitat, wildlife or biodiversity in the region. However, despite such detailed provisions and implementation procedures, questions regarding its effectiveness has been raised. This appears particularly true in case of the Particularly Vulnerable Tribal Groups (PVTG) such as the Kadars, Kerala, India.

FRA and the Kadars of Kerala, India

The state of Kerala is located on the windward side of South Western Ghats and the region is of particular significance for its high degree of environmental heterogeneity. Approximately 30% of the land area is covered in forest (11310 Sq.Km) divided into 24 forest divisions for management purposes (Kerala Forest Department) comprising of a sizeable tribal population. The total population of Kerala is 31841374 and the Scheduled Tribes (ST)
constitutes 1.14 per cent of the total population. According to the Kerala Institute of Local Administration (KILA) and the Scheduled Tribe Welfare Department there are 36 ST communities in the state, more than one lakh families. Among the STs, FRA has emphasized the recognition of rights for Primitive Vulnerable Tribal Groups (PVTGs) and pre-agricultural communities (section (3) (i) (e)) in order to strengthen the cultural heritage of these endangered communities. Among the various scheduled tribes in Kerala five are categorized as Particularly Vulnerable Tribal Groups (PVTG) by the Government of India. This classification is based on their literacy level, population growth and level of technology use. The Tribal Department (TD) is appointed as the nodal agency to coordinate the implementation process among the tribal communities with support from the revenue and the forest departments. Also, creation of PVTG, a special wing under the TD for the upliftment of primitive tribes, have been disbursing funds provided under the 13th financial commission, through the PVTG sectoral office. Despite such specific provisions, field interactions revealed a much complex situation with regards to both implementations of FRA and its potential gains.

Although the study area comprises of different tribal groups, the study focuses on the Kadar community in Thrissur district covering nine settlements. The Kadar community is one such PVTG distributed in Thrissur district and Palakkad district. In the case of Kadars, they continue to be engaged in their traditional occupation of collection and trade of NTFPs although some have started diversifying into government employment guarantee schemes and other private, hired labour works. They also engage in fishing and food gathering for trade and subsistence. As a PVTG community, various facilities and funding endowments from the tribal department established exclusively to cater to their needs and alleviate them from poverty and marginalization are consistently channelled. Yet, these resource inflows have not translated to corresponding improvements among these communities. In this context, the new forest policy, FRA that includes special emphasis on PVTGs, will have direct implications on Kadars’ socio-economic and political status. Therefore, it is imperative to understand how effective has been the FRA implementation process within the Kadar community by getting a sense of their awareness regarding the policy and its provisions, the implementation process and gather perceptions regarding its significance to the beneficiary community.

RESULTS AND DISCUSSION
Current Socio-economic profile of the Kadars, Kerala, India
Primary data gathered from approximately hundred Kadar household in 2012 revealed the current socio-economic status of the Kadars. The data was collected using a survey based questionnaire where both objective and subjective questions were asked. Data analysis indicated (Table 1) majority (51.49%) as illiterate and engaged in Non-Timber Forest Products (NTFP) collection (89%) for their livelihood. There is also a fairly large dependency on forest management related jobs (e.g. VSS) and the National Rural Employment Guarantee (NREG) programme (84.16%). Also, in terms of household income from forest, 53.90% of income is from direct use of forest resources or in other words from NTFP collection and the remaining (46.10%) from indirect use of forest namely forest management activities assigned by the forest department through the VSS or through the NREG programme. Based on the primary data, face to face discussions and field observations all provided evidence to the continuing vulnerable status of the Kadars. With the implementation of FRA that envisages a decentralized approach to management of resources, it is expected to push such indigenous communities towards greater empowerment and decision making capacity. Yet, the ground realities indicate how long such processes might take to
happen. For example, majority are illiterate and face to face interactions revealed their ignorance regarding FRA and how the provisions under the law may benefit them. The next section discusses the implementation status of FRA among the Kadars using secondary data sources and illustrates the delays encountered in the implementation process in terms of submission, processing and issuing of the Record of Rights for Individual Rights as well as the implementation of the Community Rights.

Table 1: Socio-economic profile of the Kadar respondents

<table>
<thead>
<tr>
<th>Gender</th>
<th>Education</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>No Schooling</td>
<td>51.49%</td>
</tr>
<tr>
<td>Female</td>
<td>Primary</td>
<td>21.78%</td>
</tr>
</tbody>
</table>

Income dependency: Different livelihood sources

<table>
<thead>
<tr>
<th>Source</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>NTFP</td>
<td>89%</td>
</tr>
<tr>
<td>Forest and NREG</td>
<td>84.16%</td>
</tr>
<tr>
<td>Mgmt. Prog.</td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>2%</td>
</tr>
<tr>
<td>Others</td>
<td>30%</td>
</tr>
</tbody>
</table>

Private 26% Fishing 29%

Are you in debt? Average indebtedness Rs. 2500.00

Yes No
75% 25%

Forest income only: Direct use (NTFP) 53.90%; Indirect use (VSS) 46.10%

Income from different sources

<table>
<thead>
<tr>
<th>Income srcs.</th>
<th>Mean</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Income</td>
<td>70670.34</td>
</tr>
<tr>
<td>NTFP Inc.</td>
<td>23955.37</td>
</tr>
<tr>
<td>Pvt. Lab. Inc.</td>
<td>7719.01</td>
</tr>
<tr>
<td>VSS Inc.</td>
<td>20487.03</td>
</tr>
<tr>
<td>Other Inc.</td>
<td>8695.07</td>
</tr>
</tbody>
</table>

FRA 2006 implementation details
(This is for the whole State of Kerala)

*Community claims submitted: 487
*Community claims accepted: 72

Implementation Status of FRA among the Kadars

Although Fig. 1 and Fig. 2 indicate a larger number in terms of the number of Record of Rights (ROR) received and the area of land in hectares distributed to communities, the awareness regarding FRA, its provisions and the advantages of individual rights are poor. In the case of Community Rights, the implementation is ongoing and so far area maps have been prepared with help from the local NGOs, in the presence of the key implementing department. The required application process has also been initiated in the communities. However, primary data indicated majority of the Kadar beneficiaries having only heard of the policy without being aware of the key provisions under the Right and how it may benefit them. The following section discusses some of the key issues and challenges associated with the law and due to the ongoing nature of the implementation process within the Kadar context.
FRA – Implementation issues and ground realities

Created with a vision to safeguard and improve the condition of the tribal communities and other forest dwellers along with ensuring conservation goals using a participatory mechanism for its implementation, in practice many setbacks due to the elaborate, complex bureaucratic process involved with FRA implementation have been reported. The State’s tribal department appointed as the nodal agency for implementing the Act has not been effective due to lack of capacity within the department as well as poor cooperation among different relevant agencies. Later under the directive of the Union Tribal Affairs Ministry in 2012, the rules of the Act were amended giving more authority to GSs and/or at the traditional community management level of oorukoottams in implementing the Act ensuring a truly participatory process. Despite these shifts, formation of Forest Rights

Fig. 1: Details of individual rights among Kadars of Thrissur and Palakkad

Data Sources: Tribal Development Office- Thrissur/Palakkad Districts(2012)

Fig. 2: Details of land in hectares issued to Kadars of Thrissur and Palakkad

Data Sources: Tribal Development Office- Thrissur/Palakkad Districts(2012)
Committees (FRCs) with necessary training and awareness imparted to the local leaders and community members have been poor and ineffective thus debilitating the intent and purpose of the Act. Kerala was no exception as discussed next in the context of the Kadar community.

**Poor information dissemination and lack of awareness**

Interview with key stakeholders revealed that the FRCs constituted by the GSs rarely followed procedural details and were defunct in many Panchayaths. As previously mentioned, it was officially decided to create FRCs through the Oorukootam under the leadership of the oorumoopan (tribal chief) in the presence of an official from the panchayath, the tribal department and the forest department. However, face to face interviews with beneficiaries revealed that despite these administrative innovations, interactions between the officials and community members remained limited in most of the settlements. Although majority knew about the creation of FRC (Fig. 3), they were not aware who the members are and in some instances the FRC members themselves were unaware of their position and responsibilities.

![Pie Chart: Knowledge of FRC being formed in the community](source: Primary Survey Data)

**Fig. 3 : Knowledge of FRC being formed in the community**

Interaction with a Kadar FRC member and a local leader of Malakkapara Kadar settlement revealed the scenario. Therefore, in most cases, the FRCs were constituted in a top down manner, disregarding a democratic, participatory process, in the presence of the key implementing departments as envisaged within the Act. Also, knowledge on FRA and the provisions within the law and its purpose was very limited among the beneficiaries. Primary analysis indicated 83% of respondents did not know the purpose of the Act. The desire to understand the implications of the law on their lives is minimal and this may be attributed to lack of education and/or the fact that majority lead a traditional forest based life far removed from a life that involves attending meetings, training programs and other bureaucratic modalities. Also, there is no clear distinction between the VSS or the FRC and so in cases where they do participate there is ambiguity in terms of who is conducting the meeting and for what. Besides this, poor awareness and training extended to the tribal promoters and other key community leaders and also lack of follow up meetings or monitoring to ensure effective information dissemination are adding to the information gap. As per rule, the tribal department is expected to extend training to tribal and or PVTG promoters on the Act and its provisions and assist beneficiaries with submitting and acquiring of claims. This raises the question if poor turn over for meetings and the general lack of awareness or the motivation to be aware and/or participate can be attributed to the ineffectiveness of the tribal
department, an entity solely created for the purpose of tribal upliftment yet reduced to a mere resource channelling agency? Interestingly when the respondents were asked from which department they received significant help and support, majority indicated the tribal department suggesting a passive, unsustainable dependency on the department.

In communities where there has been active presence of a local NGO, there appears to be a greater understanding on what the Act entails albeit limited to key individuals within the communities. When respondents were asked the source from which they heard about the law and how it may help them, majority response indicated NGO as the key source. Discussions with the NGO sector revealed that the initial delays in the implementation of the Act were due to the complex bureaucracy that existed within the key implementing bodies. The eventual speedy implementation of the Act was due to political pressures but this was at the cost of overlooking the participatory mechanism indicated in the Act. The TD as the nodal agency endowed with the responsibility of overlooking the implementing of the Act, have reduced over the years to a mere resource channelling institution. They are unequipped and inexperinced to initiate or manage a truly participatory mechanism, building beneficiary self-capacity leading to their empowerment.

Thus primary interactions revealed a more active presence of the NGOs along with the FD in implementing the Act.

More recently, as an effort to improve awareness, tribal promoters (appointed from each community) are being trained by the state government research and training institution- Kerala Institute for Research Training and Development Studies of Scheduled Castes and Scheduled Tribes (KIRTADS) in collaboration with the tribal department. Information is a significant tool without which ambiguity increases, causing confusion, leading to a tendency to limit involvement and ownership to any cause or issue. This is quite obvious with regard to the FRA and as a result the true relevance of the policy and its provisions are lost on its primary beneficiaries as discussed next.

FRA and individual rights- rhetoric versus reality

ROR and land size

Primary data analysis revealed a large majority (81%) of respondents not knowing the purpose of the ROR issued under the individual rights category. The few who knew referred to it as a paper that will ensure them a place to live without fear of eviction but otherwise of no particular use.

In majority cases the amount of land received was so less that it was inadequate for some families to consider building a house on them. Interestingly, as part of the PVTG upliftment program, funds to build permanent houses were also provided which many could not avail due to lack of land. This reveals a clear gap in the participatory mechanism and indicates how provisions and resource allotment often happens without clear understanding of what the needs of the beneficiaries are. Primary survey indicated a minimum land holding ranging from 1 to 10 cents of land in most Kadar colonies with the exception of one colony that was resettled from their original location and received approximately 50 cents of land per household. However these resettled land had acute water scarcity and hence agriculture based activities are challenging. Also, with an average household size of four members the long term social consequences of IRs especially when considering transfer of rights to future generations and expanding family size are causes of concern. Interactions with key forest officials directly and actively involved with its implementation revealed how in many regions dissatisfaction and fear due to the ambiguity in terms of future consequences of ROR have resulted in communities not claiming for individual rights.

IRs and its significance to Kadars in the current agrarian context

It is argued that in the current agrarian context, IRs has large significance as it provides tribals an opportunity to move away from a livelihood dependent on NTFP collection alone and instead be part of the local micro-economics thus reducing disparities between them and the local agrarian communities. Although sounds ideal in theory, in practice it may not be applicable as seen in the case of the Kadars.
FRA provides land rights to those who are primarily residing in forest land, to those who have occupied and cultivated the land prior to the date of December 13, 2005 and if eligible, can claim up to 4 hectare per household. This condition is obviously not met by the Kadars who as a community are traditionally engaged in NTFP collection and continue to do so with minimum to no association to agriculture and no knowledge of the same. Thus the idea of assigning land rights, to pursue agriculture thus reducing dependency on NTFP is not applicable to them. There is also no mention within the provisions of the Act on a minimum land size issued per family and as mentioned previously, with a land size as low as 1 cent, it raises the question on the real purpose of the IR. If farming as a livelihood strategy or for subsistence is to be pursued, the area provided must be sufficient to meet the requirements. The only advantage perhaps is they have now rights to live on the land and build a permanent home without fear of eviction. Interactions with the FD officials indicated knowledge and understanding of these contextual issues given the specific nature of the community. Yet, they also viewed FRA as a mechanism to ensure protection of the forest as these rights limits the movement of the tribal community within the forest and the scope for expanding their dwelling area in future. If this an indication of how traditional dwellers of the forest continue to be viewed- as a threat to the forest, the concept of inclusive management continues to remain only in theory not in practice. Such similar overlaps and complexities are revealed with regard to community rights as well as discussed next.

**FRA : Community Rights (CR) implementation**

Besides individual rights, FRA also included provisions for community rights. The idea of community rights rose as an institutional arrangement advocated by common property theorists based on the argument that it would limit access to only members who have had traditional access rights. However one problem recognized in such common property resource management is that they often coexist with competing systems such as the state and private groups who are generally more powerful than the traditional right holders. This can have two outcomes- 1. where members of the Common Property Regime (CPR) ignore all rules and extract resources as private goods for short term gains, ignoring long term common good and ; 2. where members of the CPR get overwhelmed by external actors attempting to stake claim indirectly on common resources by influencing the members and they give in to external pressures. A good example of this is the presence of the informal NTFP market sector in Kerala, impacting resource availability as well as livelihood returns to resource dependent communities. As solution it was suggested to confer clearer property rights where resource boundaries are clearly mapped, historical linkages to the forest and resources are clearly established with strong cooperation from the government. However, these systems can be politically complex and expensive if not carried out in a systematic manner, which is what is currently being experienced in Kerala, India.

In Kerala, CR implementation as in other States has taken off slow. There were some efforts towards its speedy and effective implementation via various collaborative approaches. For example, interaction with a Divisional Forest Officer (DFO) in Kerala indicated implementation of the CRs with the help of a local NGO as key resource people. This was decided based on a proposal submitted by the NGO and following detailed discussions with the DFO. The funded proposal was expected to create awareness on CRs among community members through establishment of resource centres as well as assist beneficiaries with applying for CR. The NGO was to be provided with logistical support from Forest Department (FD). Funds and resources for the same were to be channelled and managed through FD, an arrangement intended to overcome the lack of manpower faced by the FD and ensure effective implementation of CR. However recent interactions with the FD officials and the NGO indicated a stay in the plan thus slowing down the CR implementation further. Also, as discussed previously with regard to IR, there are similar ambiguities in terms of
what CR entails, its implementation process and what may be its future outcomes. Yet, compared to the IR, CR is a crucial and significant Right particularly from the perspective of the Kadars. This is because the provisions within the CR highlight greater rights in terms of access, use and sale of NTFPs. Once CR pass has been issued, the right holders have the freedom to decide who to sell and how. Those aware of this (e.g. Kadars at Malakkapara settlement) have already made plans to strengthen the local management committee which would be an extension of the FRC or their traditional decision making body-the Oorukoottam and where all decisions pertaining to collection and sales will be undertaken. This is indeed promising, yet considering their socio-economic vulnerability and the presence of profit driven market forces, what may be the outcomes is yet to be seen. In the remaining Kadar colonies, there is not as much clarity or awareness with regard to the future management system once CR comes into effect. The growing strength of the VSS and simultaneous weakening of the ST/SC societies suggest a long term involvement of the VSS in terms of NTFP collection and marketing under the support of the FD. This can be of advantage to the community considering their familiarity with the system. However, it is also important that it evolves to a truly democratic, participatory management system where decision making power rests within the community and fair benefits return to the community. Interactions with the Kadar community revealed a continued dependency on the local cooperatives for selling NTFPs and the presence of VSS only catching up in areas where the coops have become defunct due to mismanagement. Direct sales by the tribal collectors to local vendors and agents are also an ongoing practice for quick money, where in most instances they are exploited and trapped in debts. Social issues such as alcoholism and illiteracy are further worsening the situation.

From the viewpoint of the FD, there are conflicting opinions with regard to the Act. In areas where VSS are active, the officials see a continued role for FD in terms of resource management, emphasizing a truly participatory management approach although it needs to be seen if this is simply rhetoric or will happen in practice. This is despite provisions within the CR that provides rights to market their collected resources to whomever the right holders please. In areas where VSS are not very active, there is ambiguity in what would be the outcomes of CR, yet there is a general belief that despite the CR, the overarching presence and role of FD will continue in terms of forest management.

From a market perspective, growing demand for raw materials due to the expanding pharmaceutical and neutraceutical industries as well as a growing international demand for Ayurveda, mechanisms to ensure the sustainable collection and use of NTFPs need to be put in place. Else, as a community that remains socially and politically vulnerable and given the nature of the new Act and its provisions, chances of exploitation and the long term consequences in terms of their livelihood and conservation are likely to be negative.

Implications of the findings

Kerala is one of the states where FRA implementation process started well in time but has been beset with problems so much so that it continues to stumble in the procedural phase as far as both individual and community rights are concerned. This can be attributed to institutional impediments, lack of coordination between relevant departments, lack of awareness of FRA and its provisions among the various stakeholders, difference in the nature of community life-sedentary versus nomadic, proximity to forest fringe versus living in the forest, socioeconomic dependency on forest resources, traditional livelihood practices and the socio-economic-political status of the tribal beneficiaries. There were also many setbacks that are summarised below and possible remedies are suggested.

Kerala experience clearly suggests institutional inefficiencies as a key cause of FRA implementation setbacks. These inefficiencies can be explained from a political economy perspective, where state departments traditionally associated with forest management continue to hold a non-
participatory, centralized view in terms of management. The fact that TDs created exclusively for tribal upliftment and empowerment now reduced to a mere resource channelling agency is a stark example of a failed bureaucratic arrangement. With regard to the FD, there appears to be a duality in terms of their perceptions of the Act and what it entails, where although they appear to respect what the Right envisages, there is a continued, although not clearly vocalized sense of ownership and control over the forest and a lack of confidence in the idea of a truly participatory management mechanism. In the case of IR, context specific requirements have not been considered and under such circumstances have rendered the Right useless to the Kadar beneficiaries. From a political economy perspective, under the current scenario, the FD can use it as a mechanism to retain control and continue to focus on conservation and revenue generation under the pretext of protecting tribal rights. Yet, interactions also revealed a genuine concern among the implementing officials. They realize the impracticality of IRs given the specific community context of the Kadors who have never engaged in agriculture and continue to engage in their traditional occupation of NTFP collection for their livelihood. Further, no provisions have been made to factor in a changing lifestyle or the growing population of the Kadar community in future. This can render some of them landless, pushing them to further vulnerability in future.

It is an established fact that correct and reliable information is key to negotiate rights and receive benefits. The study indicates the active role played by a local NGO in this regard and yet resource constraints and political pressures (Direct Communication-NGO representative, 2013,) have limited their role and participation in the implementation process. The other is the confusion that is likely to arise due to institutional overlaps. Historically, since the 1990s policies pushing for decentralized natural resource management have been evolving with various institutional arrangements already in effect. Careful thought needs to go in deciding the future of these existing institutions. Management institutions such as the Vana Smarakshana Samiti or the Eco-development Committees and other JFM initiated arrangements have been functioning within the framework of existing policies. Under the new policy arrangements (FRA) new committees are envisaged for resource management and this can have two outcomes-1) where previous institutions become defunct simply because of the contrasting policy objectives and management perspectives they emerged from or 2) an arrangement where existing institutions are merged into a single institution, which in the current context would be the VSS or a post rights committee where it incorporates all activities, current and new under its single institutional umbrella. In fact, the latter concept is being considered at one of the local communities in Kerala as expressed during an interview with the local DFO. It is also suggested that FRA must compulsorily read in line with existing relevant important forest and conservation related Acts. As of now, with the enactment of FRA 2006 no accompanying changes are envisaged or made in the legal framework of important forest policy/laws and hence in case of a conflict with National Policies that govern our forests, what steps would be taken is uncertain.

CONCLUSION

From a theoretical perspective, one of the central aims of this paper was to explore how a rights-based approach for empowering marginalized communities translated to the creation of a National Policy namely the FRA 2006 and how complex ground realities made its implementation rather challenging and the expected benefits farfetched. This is due to the social inequalities that continue to exist and despite this, ideas of equity and empowerment are applied without undertaking a systematic approach towards ground truthing and engaging the beneficiaries in its implementations. With the Kadar example, it reaffirmed these key discourses on community based strategies. Seven years after its enactment, FRA 2006 continues to remain a delusion for most of the intended beneficiaries. A continued process of enquiry and debate through participatory approaches to make the policy work is recommended. This is only
possible through a collaborative mechanism that includes the beneficiaries, all the key line departments and the local NGOs.

REFERENCES


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*The Earth is yours, Save it*