

**Brief Note On
National Seminar**

**Governance, Resources and Livelihoods of Adivasis in India:
Implementation of PESA and FRA during 18th-19th November, 2016.**



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Background

Adivasis in general and those who are living in the Central belt as well as Eastern and Western regions of the country in particular, are the most marginalised and isolated / excluded social groups in the development process. Issues relating to improvement in the standard of living of the adivasi communities have been drawing the attention of scholars and policy planners for a long time. It has been emphasized that, the development strategies as followed in tribal areas over the decades, have not impacted their livelihood conditions significantly. Rather, the pattern of development that is taking place in the country has affected tribal people's access to customary land and forest based livelihood sources. There is concern over as to how to protect the current sources of livelihood and promote economic and human development among these communities through vibrant and pro-poor institutions.

PESA and FRA are considered to bring about paradigm shifts in the scheduled areas and can impact the tribal communities favourably by ensuring access to resources and rights, which in turn, will facilitate self-governance. However, nearly two decades after the enactment of PESA and a decade after the FRA, when one examines the implementation of these historical legislations and their impact on livelihoods of adivasis in tribal areas, their functioning has not been satisfactory. Since the Fifth Schedule of the Constitution gives special responsibilities to the Governors for the administration of Scheduled Areas, there is a need to understand the process of its functioning.

Need for Dialogue

In view of the above there are many opportunities and challenges for effective implementation of PESA and FRA. S.R.Sankaran Chair at National Institute of Rural Development and Panchayati Raj (NIRDPR), Hyderabad is organising a two day National Seminar on 'Governance, Resources and Livelihoods in Tribal India: Implementation of PESA and FRA during 18th, 19th November, 2016 at NIRDPR Campus, Hyderabad.

The main objective of the seminar is to assess the progress, identify the bottlenecks and explore the ways of improving efficacy of these Acts. The seminar will provide an opportunity to the participants to share their views on a number issues , as outlined below and to come out with practical approaches for effective implementation of these Acts.

Themes and Sub-themes

The following themes and sub-themes will be covered during the seminar:

1. Governance issues and institutions: Functioning of existing institutions and challenges in Scheduled Areas.

- Implementation of different provisions under PESA; its coverage and current status in states under Scheduled Areas; Factors contributing to non-implementations of PESA.
- Working of Gram Sabha in relation to different provisions of PESA and its coverage and current status: nature of participation of members in decision making including identification of beneficiaries for various anti-poverty and social security schemes, approval of schemes and financial allocations and social audit and other related issues.
- Nature and extent of participation of members in general and women in particular; whether any elite capture in the decision making of important socio-economic and political issues etc?
- Management of common property resources available in the village.
- Working of Gram Sabha with relation to: (a) prevention of land alienation, (b) management of village markets, (c) enforcement of ban on the sale and consumption intoxicants, (d) ownership of minor forest produce, (e) exercising control over money lending, (f) control over institutions and

functionaries in social sectors, and (g) control over local plans and resources.

- What sort of measures has been taken by states and other stakeholders in order to empower the people and Gram Sabha in the scheduled areas?
- Role that MoPR can play in implementation of PESA; use of Para 3 of Fifth Schedule by Union Government to give directions to States in Scheduled Areas; the interaction of FRA and PESA as overlapping but complementary legislations of Scheduled Area welfare;
- Displacement, Acquisition, Alienation and PESA/FRA: What is intended to be achieved
- Interventions by Tribal Cells of various Governor Offices in Scheduled Areas; use of regulation making and notification issuing powers of Governor;
- Displacement of tribal persons in Scheduled Areas: PESA, FRA and LARR

2. Implementation of different provisions of *The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.*

- The objective is to assess the progress relating to different provisions of Act, including rights related to implementation of proving individual land rights on forest land, issue of Community rights on forest, Rights related to forest products and marketing of forest products and other provisions of the Act; to identify the bottlenecks, and explore the ways for proper implementation of the Act and to know its impacts on their livelihood.
- There is need to highlight (a) the Inter-state issues and good practices of implementation followed in some of the states and (b) overlapping and conflicting roles of various institutions, policies and laws which stifle proper implementations of different provisions of the Act.
- Synergy in the Implementation of FRA with other related Acts/policies (such as PESA, MGNREGS).
- Reasons for large scale rejection in FRA - evidences and response of bureaucracy
- Habitat rights – A way forward to document, recognise and respect the cultural and religious practices of communities

3. **Minor Forest Produce and its marketing and value chain (progress and problems in the implementation of H. T. Haque Committee Report and its impact).**
4. **Functioning of other institutions / schemes such as (Tribal Sub-Plan, MGNREGS and ITDA, and Large Area Multipurpose Societies) and synergy in their working.**
5. **Hand holding and support to FRA and PESA: A comparative analysis of budgets that flow to social forestry and JFMCs vis-à-vis funds being devolved to the Gram Sabhas for forest management.**
6. **Working/micro/management plans of department and ownership of MFP by the Gram Sabha: How to resolve conflicts?**

The Stakeholders / Participants

The seminar aims to bring together academicians, policy makers and members of civil society organisations to discuss and deliberate on the issues relating to different aspects of implementations while focusing on challenges and opportunities, and strategies to improve the effectiveness of the Acts/policies with a view to improve the livelihood of tribal.

Expected outcome

Experiences from different Indian states on various themes and associated discussion will offer lessons, gaps and the way forward. Selected papers will be brought out as a book. Attempts will be made to bring out policy briefs from various themes, which will be shared with all relevant stakeholders.

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