

## Another Wave of Forest and Adivasi Land Alienation? Revenue *versus* Forest *Pattayam* and Adivasi Land Question in Kerala

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*This article examines the Kerala government decision to issue revenue land rights to individuals, including scheduled caste and scheduled tribes in a few districts. It also looks at a circular issued by the state forest department to do away with the myriad of issues associated with the implementation of the Forest Right Act, 2006 (FRA) in the state. Such a decision in the wake of the ongoing Covid-19 pandemic has raised suspicion among the community and triggered arguments and counterarguments within major tribal groups and activists in the state. These documents seem to be a clear violation of FRA. We argue that the policies might help the government and private land mafia to acquire tribal land for large-scale commercial use that further vitiate the adivasi land question in the state.*

### I Introduction

*“We don’t know what will happen to us after corona...The government is taking decision on our life without informing us in this dangerous time”—A Kurumba community member, Attappadi region, Palakkad district, Kerala; September 12, 2020.*

Like elsewhere Covid-19 has overturned the life in India too. As states in India race to put in measures to confront the pandemic there remains much uncertainty in how this situation will affect the most vulnerable population like adivasis in different states. Regarding containing Covid-19, states like Kerala have shown their capability to address such unprecedented pandemics through its much appreciated local governance mechanisms (Dutta and Fischer 2020). But, few of the other decisions taken by the state government during this time will have a significant impact on the livelihood of the scheduled tribes (ST). First of all, Kerala government’s decision to issue revenue land titles (RoRs)<sup>1</sup> locally known as *pattayam* in June 2020—amidst the height of Covid-19 pandemic—

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especially to the STs who had already received Individual Forest Rights (IFR) under Forest Right Act, 2006 (here after FRA), is questionable.

Similarly, the state forest department also issued another circular on 24 March 2020<sup>2</sup> that specifies the guidelines for use of resources, especially timber, from the land where the title deeds (*pattayam*) were issued under the Forest Right Act, 2006 (hereafter FRA) in 2013. Both documents have triggered varied opinions among tribal communities and rights activists in the state. These two issues need to be looked at and evaluated separately.

Beginning with the issue of revenue land title, for some, especially the settled agriculturist<sup>3</sup>, it is the culmination of their decades-old demand for land rights. However, the majority—Particularly Vulnerable Tribal Groups (PVTGs) and other forest-dwelling adivasi communities—perceive it as a recipe for their further exclusion and land alienation. As per the Order issued by the department of revenue on June 2020, based on the 1962 land rules, individuals, including scheduled caste and scheduled tribe in Idukki, Kottayam, Pathanamthitta, and Ernakulum districts whose land is notified under revenue records as ‘household’, ‘barren’ and ‘agricultural land’ and falls outside the forest boundaries will get the *pattayam*. Such a hasty and blithe decision in the wake of Covid-19 has raised suspicion among the community and triggered arguments and counterarguments between major tribal groups and activists in the state. A meticulous evaluation of these Order and Circular reveals that it violates FRA's spirit and jurisdiction. It seems the government does not foresee its [Order's] ramification at ground level as the Order explicitly mentions that individuals from non-tribal backgrounds are also entitled to this revenue right. While initiating new mechanisms to address the larger adivasi question, the government seems to be naively reducing the spirit of FRA and again re-affirming its aversion on Panchayat Extension to Scheduled Area (PESA), Act, 1996, which ensure greater autonomy and self-rule for adivasis.

The circular issued on 6th May 2020 as a guideline for cutting trees from the adivasi settlement under FRA<sup>4</sup> has far implications for the lives and livelihood of the forest-dwelling adivasi communities in the state. The issue has not got its due public and media scrutiny.

## II Methods

The decline in employment opportunities and widespread disruption of social services (Rejimon 2018) was a reality in Kerala's tribal hinterlands much before the arrival of novel coronavirus. Therefore, the authors quickly mobilized themselves to understand how the impact of this issue is

unfolding at the community and habitat levels. Since we were unable to carry out our field research, we reached out to a wide range of existing contacts in selected tribal hamlets in the state through telephone conversation. Despite clear methodological limitations on who we could contact remotely and the information we could acquire, we felt that the emerging story was far too important not to be told, and even imperfect information was better than none during this pandemic situation. Our sample comprises interviews with the head of tribal grams sabha (*Oorukootam*)<sup>5</sup>, community members, and right activists.

Interestingly, though the bureaucrats were ready to speak to us, they all refused to be quoted. Still, one of the things that struck us throughout interviews was just how much bureaucrats wanted to talk about the situation and often blamed the community for their unfortunate situation. We focused on each interviewee's self-perception and reflections on governmental decisions *viz-a-viz* their vulnerabilities during the pandemic.

### ***Quest for Land Rights***

Tribal communities in Kerala have a distinct history of land struggle. The struggles can be classified into four. First, landless community's struggle to get land; second, struggle for the restoration of alienated tribal lands; third, the battle for the recognition of the forest-dwelling community's traditional forest rights; and lastly, the settled agriculturist's struggle for land rights without any riders. Many organizations and individuals have fought separately to address each category's concerns (Thadathil 2013). More or less similar socio-economic locations of the first three categories established a sense of solidarity among them, culminating in collective social action, and tied the crucial knots in the larger quest for social inclusion. These struggles somehow addressed the adivasi land alienation that happened in the colonial and post-colonial period chiefly due to encroachment of non-adivasis, exclusive legislation, and large-scale conversion of adivasi land by the government for developmental purposes. The FRA 2006 could be one such legal remedy that prevents land alienation, and the state has no jurisdiction for the conversion of FRA titles to any other kind. Conversion of such land for developmental projects mandates permission from the adivasi grama sabha, known as *Oorukoottam* in Kerala. However, the land struggle of the settled agriculturist tribal group was somewhat different from the previous one. Like others, they were also subjected to large-scale land alienation and pauperization. However, possession of land and settled agricultural

livelihood enabled them to have a certain amount of socio-economic capital over some time. These communities have also benefited from the intended use of affirmative action. Compared to others, over some time, barring a few exceptions, the settled agriculturists' communities seem to be largely moved away from the forest-based economy like Particularly Vulnerable Tribal Groups (PVTGs). Presently, many of them live among these non-tribals, mostly OBCs, in their settlements. Restoration of their alienated lands became an illusion after the constitution of Restriction on Transfer by the Restoration of Lands to Scheduled Tribes Bill, 1999, which effectively legalizes the encroachment of the adivasi land by non-advasis below five acres (Bijoy 1999). Ironically, the majority of land alienation that has happened are below five-acre. Adivasis, especially the settled agriculturists, were the ones who were the most crippled by this Bill. Like any Adivasi group in the state, they are also deprived of any land rights. Therefore, land rights movements led by these settled agriculturists largely evolved to attain 'revenue right' (*pattayam*) like any other non-tribals. They have been vehemently pursuing this aim since the beginning of their community organizations in the late fifties.

### **III Forest Right Act, 2006 and Settled Agriculturists**

It is well-known that the FRA was landmark legislation that aimed to address the historical injustice perpetrated by the Indian state against Adivasis. However, settled agriculturist communities like *Mala Arayans* in southern Kerala haven't found anything significant in the Act to help their community-specific economic and developmental questions. For them, it was yet another land possession certificate intermittently issued by the state government. Therefore, the collective community consciousness gradually conditioned for revenue *Pattayam*, which they believe would legalize their "absolute right over" the land. They hoped to earn economic value for their land to extract timber and also anticipated the possibility of fetching a bank loan after pledging the ground as the mortgage. And the community members believe that "at present, FRA does not ensure right over the land as revenue *Pattayam* does", said Deepan (28) from Muthuvan tribe in Melukavu panchayat, Idukki district (telephone conversation, 24 August 2020). People like Deepan have seen the benefit of revenue *pattayam* in other districts. Many of their community members who live in Koottickal and Theekoy Panchayats in Kottayam districts and other parts of the Idukki district have been enjoying the benefits of *pattayam* for more than five decades. However, the individual forest rights (IFR) given under FRA are

technically equal to any revenue title and considered Right of Records (RoR). But the local governance mechanism, especially panchayats and tribal departments, seem to be not conveying this message to the communities. Tax payment is exempted, and the government has no authority to convert the land further. However, such significant information is not properly communicated to the adivasi communities in Kerala even after 16 years of implementation of FRA. They consider it as a mere possession certificate of forest land.

At present, the RoR (locally known as *kaivasa rekha*) given under FRA in the state is not allowing planting or cutting trees or any kind, by saying it as forest land. But the guideline and the FAQs (question and answer 16) of the FRA says, “the land can be treated as the land under IFR of FRA can be treated as equal to the private land holding in the state and the state law applies”. This means they can use the properties in the land for cultivation, planting, and cultivation of crops, including trees or any related activities possible except for sale or alienation. Section 3(1) of the FRA right of land for Individual Forest Right is habitation and cultivation. Meanwhile, the state government has not removed the previous order, which prevents the tribes from using their land for cultivation or cutting trees. One case filed in High Court (2017)<sup>6</sup> also agrees with this and has given direction to the Forest Department to remove their previous orders and issue orders in compliance with FRA.

Another issue is that the government authorities ask for a tax receipt for the tribal communities. Land distributed under FRA is exempted from tax; hence, there is no mandate to produce tax receipts. This crucial information is not communicated to the officials and to the Court. Also, commercial banks are yet to consider the FRA titles as mortgage for issuing agricultural and housing loans. “We are unable to use these land titles to get any loan or financial help from any bank or government agency. We are also forbidden from cutting a tree for our household purposes from our land. The title we received under FRA is just a piece of paper”, said Viswanathan, FRA *Oorukootam* president, Kombukuthy settlement in Kottayam district (telephonic conversation, 16 September 2020). In short, state’s reluctance in the effective implementation of FRA led the community to think in this direction. However, it is also understood that the revenue RoR is more prone to alienation, which “will be a disastrous for tribal communities”, said Biyesh Pathippally, an activist from Idukki district.

## IV A Convolutd Circular

Another issue related to the government circular is worth examining. Each state governments have to amend or strike down their existing forest laws and regulations that conflict with the FRA as pre-requisites for the effective implementation of the Act in the state.

It is well-known that the land demarcated under FRA is historically governed and controlled by the state. Therefore, many states in the country had failed to do away with the strict forest laws for various reasons even after implementing the Act. Opposition from the forest bureaucracy and interference of the conservation lobby is always at loggerheads with Adivasi rights over the forest (Lee and Wolf 2018). Kerala is also not an exception in this. As a result, FRA did not yield its expected outcome at the grassroots level in Kerala. Even the then Left Democratic Front (LDF) had a certain amount of spirit and enthusiasm for its implementation (Munster and Vishnudas 2012). Ultimately, many state forest laws and regulations enabled the government's sovereignty over forest land to remain intact. Such a scenario adversely affected the effective implementation of the Act in the state. The adivasis were forbidden to use the forest resources even after receiving the land titles under FRA. By considering all these issues in 2017 the state high court directed the chief conservator of forests to decide to permit the petitioners to cut and remove trees. But the circular issued by the forest department after two years--surprisingly amidst the pandemic --seems to be against the spirit of the FRA. The following table elucidates the issues, especially timber, addressed in the circular as per the aforementioned high court verdict.

Table 1: Contents of the Circular

No	Issues	Proposed remedies
1	Who owns the timber in FRA land?	Individuals and successors have the right to extract all the self-cultivated trees in the settlement
2	How the title holder's right over the timber will be determined?	By finding out official year of settlement constitution from the official records or through other enquiries. If the tree is older than the settlement its ownership will vested with government.
3	What kind of trees can be extracted	Trees that are planted after the constitution of the settlements. This include, coconut, coffee, mango tree, mahogany, aquasia, eucalyptus and rubber. This does not need prior permission.
4	What is the procedure for extracting timber ?	Through a three tier system. (Forest Right Committee (FRC)-forest range officer-chief forest conservator (CFO)). The final decision is taken by the CFO. This procedure must be completed within one month after the claim submission.
5	Are they [communities] allowed to sell timber in the open market?	Yes, FRC and forest range officer must ensure available market price and it must be received as bank check.

At the outset, this circular gives us an impression that the sole purpose of FRA —empowering the communities—seems to be watered down. The circular says the communities can extract the trees only they have cultivated. Likewise, while addressing the determination of the right over

the timber, the circular overtly says ‘it will be based on the age of the settlement (locally known as *Ooru*)’. However, determining the age of a tribal settlement in the state is a tedious task and a highly contested issue. As Janardanan, a tribal activist from Idukki district says, “adivasis have been living in these *Ooru* since time immemorial, so this idea of determining a date will be a highly contested issue. Applying a definite date for the constitution of the *Ooru* will be against the right of the tribal communities.

In most cases, these official processes neglect community’s opinions and claims and ultimately adivasi will be deprived of his rights and will become subservient to forest department” (telephone conversation, 22 September 2020). The procedure to extract timber is also problematic and undermines FRA’s spirit. The circular empowers the forest department as the sole decision-making authority. Nanchan, Kurumba community member from Nilambur, Malappuram district says, “this circular is a clear violation of the Act. It says the CFC is the appellate decision-making body for timber extraction. Then what is the role of *Oorukoottam*, Sub-divisional level (SDL) and district level (DL) official committees responsible for FRA implementation in this case? (telephone conversation, 24 September 2020). As per this order, many community members who applied to extract timber from their land encountered myriad and arrowing experiences. The story of Binu, a twenty-seven-year-old Mala Araya community member in Kottayam district, is worth being told. As a FRA titleholder, he was granted a government house under the special tribal component plan in the last months of 2019. He immediately started the work and applied for consent to cut down the timber from his property for house construction. It took almost five months for him to get consent from the forest department. “I had given my application at the DFO office in May 2020 and got the consent only in the second week of October. In between, I had to go through tons of hurdles and even harassment by the forest officials, and some of them told me ‘why don’t you people lead an agitation for revenue *pattayam*, which is good for you people’ (telephone conversation, 6 November 2020).

Interestingly, the circular says adivasis can cut the trees on the one hand. On the other hand, it also advises the forest officials to discourage the community from cutting down jack trees<sup>7</sup> because, as it says, ‘jack fruit trees are a permanent food source for adivasis’. Such a direction in the official circular will have a serious effect on the decision-making capacity of adivasis in the state. Jack tree gives its fruit only a few months, and it is

a seasonal fruit. No adivasi community in the state depends on it for the whole year.

Moreover, its timber is used for house construction across the state. Putting such direction to its officials through this document will seriously impact the tribal communities. An already belligerent forest bureaucracy at the local level might enforce such things without informing the circular and FRA's real spirit—entrusting right to adivasis. As per the Act, the forest department is supposed to be a facilitating agency in its implementation. But as per this circular, the department is trying to take over the FRA implementation. Such tendencies from the forest department are prevalent earlier as well. Author Sathyapalan says, “It appears that the forest department occupies an important position in implementing the FRA without making any compromises on its main objective of protecting forest resources; particularly given that the Act envisages a marginal role for the forest department. In a sense, it is slightly different from the department of ST development as far as the implementation of the FRA is concerned (Sathyapalan 2010). For the tribal communities, the overarching role of the forest department in FRA implementation is quite suspicious because historically, these communities have a very unpleasant experience with forest departments and their overall anti-adivasi perspectives in forest conservation (Baviskar 1994). As M Geethanadan, a tribal activist in the state, says, “this circular and Order for revenue *pattayam* is a direct attack on the historic forest right legislation, which promises greater autonomy and self-determination for adivasis in their land. "It is highly suspicious that the government is coming out with such documents during the pandemic. This happens when the media and public attention are on Corona. The whole is running after corona now, and all the media attention is on this pandemic. The anti-adivasi, bureaucratic and political mafia are always looking for a better time to water down the true spirit of this legislations. Sadly, a large number of FRA title holders are unaware of such circulars and orders" (telephone conversation 3 November 2020). Historically, adivasis follow the hereditary transaction of the land through generations. Therefore, one can never assume who had planted these trees on their land. “Finding out the age of a settlement and which generation had planted the trees in a particular settlement is an impossible task. Even the forest officials know it better than anyone, but they wanted to control us like earlier; therefore, they are coming with such a convoluted circular”, said Deepa, a Kadar PVTG community member and activist from Athirappally, Thrissur district. Interestingly, the tribal department, the nodal agency of FRA implementation, seems to be unaware of such a circular.

## V The Predicament

In principle, the Indian state is committed to the idea of ‘conservation with a human face’<sup>8</sup>. Still, its legislations are least concerned about the people who have been protecting the forest and its resources for centuries. The much-proclaimed Forest Management Guidelines (JFM) are widely critiqued as being bureaucracy-heavy, with little real devolution of powers to the local community (Paul,2019). The methodology followed by the state to implement FRA was also problematic because it never considered the existence of parallel power structures like Eco-Development Committees (EDC), JFM, and forest departments enjoy overarching powers over forest land and adivasi settlements. After FRA implementation, the conflict between adivasis and these structures became much more complicated. Unlike the other states, FRA implementation in Kerala was a political project for the Left Democratic Front (LDF) government in 2011. The Act was a brainchild of the first UPA government in which the Left had a significant stake in its policy formulations. Therefore, the ruling party at the local level boasted it as ‘forest land distribution programme’, which was not the fundamental objective of FRA. Instead, it recognizes the individual rights over the land they have been living or foraging for centuries and ensures the devolution of power to tribal grama sabha (*Oorukoottam*). Here *Oorukoottam* acts as a basic unit for proper determination, and the Act recognizes gram sabha at a habitation level as the most fluid loci of community life (Das 2019). As a result, the Act's implementation provided a mere certificate that only shows the place of residence. Settled agriculturalists adivasi communities had already received such a certificate in the late nineties; therefore, the present one is unnecessary.

It is also significant that all local power structures that exist within the jurisdiction of *Oorukoottam* must be refurbished under the provisions of FRA for the effective implementation of the Act. That never happened in Kerala. FRA offers both individual and community rights for the communities. However, the data on title distribution shows a dismal picture. The records indicate the existence of 4762 adivasi settlements in the state from which 72 per cent live within forest land or fringes of the forest, and all are forest-dependent hence eligible claimants under FRA. The average title distribution in the state was 1.34 acres in the state, whereas if we estimate the potential according to the forest department 2013 data, 86260 acres, which is two per cent of the forest area, belong to the 869 tribal hamlets. But only 39 per cent received the land title under FRA. Kerala is also far behind in issuing community rights under FRA. It gave only 164

CFR titles until 2017. The official records still lack the total area. Independent estimate from the district-wise records and verification of the maps indicates the total CFR area declared comes around 29,8340 acres, which is 19 per cent (Bachan 2018). This dismal picture of FRA implementation in the state shows the government's reluctance to implement the Act. Even the CFR claim of settled agriculturist groups was denied because they are longer a forest-dwelling community.

## **VI The Forgotten History**

This unexpected decision on revenue *Pattayam* from the government resulted from a complicated situation aroused from a place in Idukki district called *udumbannoor*. Historically, adivasis in this area are subjected to large-scale land alienation. At present, the demographic composition of the settlements in Idukki and Kottayam districts has significantly transformed, and the places have become small townships. They live side by side with the non-tribals. The state government issued an Order in 1971 to evict the non-tribals from these districts after finding out about the massive land encroachment. But the eviction process was abandoned due to resistance from the settlers. Another order issued in 1973 to distribute *Pattayam* also did not materialize. In 1975 Kerala legislative assembly unanimously passed the Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act, 1975. However, this also did not result in any positive action.

Responding to public interest litigation on 15<sup>th</sup> October, 1993, Kerala High Court ordered the government to implement illegal encroachment within six weeks. But the government sought an extension of time for its implementation after six months. In 1996, the government proposed an ordinance to amend the pro-Adivasi clauses, but the Governor rejected it. Thereupon, the government submitted an affidavit to the court that implementation of the Act was no longer possible due to the organized resistance by the settlers and other encroachers. The court rejected it and directed the government to implement the Act within six weeks. The political elite in the state resorted to scuttle its implementation by introducing a new Bill called 'Kerala Scheduled Tribes (Restriction of Transfer of Land and Restoration of Alienated Lands) Amendment Bill, 1996', which rendered all transactions of Adivasi land between 1960 to January 24, 1986 legal but failed to secure Presidential assent. Therefore, the government passed Kerala Restriction on Transfer by the Restoration of Lands to Scheduled Tribes Bill in 1999 under the state subject 'agricultural

lands' to avoid the presidential assent. It provided that land up to two hectares held by encroachers would be confiscated and distributed to adivasis. But the high court stayed it because it violated the Act of 1975 (Sreekumar and Parayil 2002). Therefore, the government went to the Supreme Court, which on 25th July 2009 judged in its favor. This judgment was against the spirit of the Act of 1975. The history proves the blithe inaction and bumbling born of ideological vanity of both the Left and United democratic fronts who alternately rule the state while addressing the adivasi land question.

In this context, we need to understand the legislative rationale of this new Order. First, it invokes the Hillmen Rules of 1964. Still, it cannot be used as a legally binding mechanism now since it is usually presented as evidence proving the people have access to the land of government undertaking that could be forest or revenue. Interestingly, this order is silent about FRA, 2006. In fact the state government has no jurisdiction or right to convert any forest land without the permission from the central government as per the Forest Conservation Act 1980 and without complaints with FRA and Rules 2008 and 2012 (Amendment). The Order mentions that the land outside the forest '*Genda*' could be either forest or revenue lands. At present, the state can only assert its authority over revenue land but not forest land. Therefore, in essence, this Order violates the above two Acts.

The land will be designated for revenue RoR title under this new Order will be the same given IFR under FRA. It clearly shows in the FRA statute. FRA settles the traditional rights of adivasis and Other Traditional Forest Dwellers (OTFD) on land and resource, community rights and gives statutory power to their Gram Sabhas (GS) (Section 2 (g, p) of FRA 2006) and elected Forest Right Committees (FRC) members as officials of GS. The RoRs given under Forest Right Act are non-alienable and non-transferable, which cannot be transferred for any other purpose, and the state or central government has no power for conversion. In this scenario, the government must treat the IFR given under FRA as a permanent RoR.

## **VII Conclusion**

From the preceding discussions, one can understand that this Order and Circular violate FRA. This might trigger yet another legal deadlock in addressing the adivasi land question. There are enough options available for the government to address this issue. First, the state should issue RoRs under FRA, 2006 and give a fresh Order for proper use of their land for

cultivation, cutting of trees, and matters related to the tax receipt. The system should be made in such a way that they need to produce only the copy of the IFR titles instead of the tax receipt. Other states are following this. It is also interesting to note that the state government's social policy towards the welfare of adivasis is primarily designed and implemented not in accordance with their constitutional rights instead of on the political benevolence of the successive governments, which is always dispensed by the 'magnanimity' of the ruling elite based on their electoral calculations. During this process, constitutional issues such as restoration of their dispossessed land, traditional rights over the forest, and self-governance structures are consecutively undermined. Dispensing such significant decisions at the height of a pandemic would limit the community's opportunity to express their concerns and the opportunity to dissent and evaluate, if possible, to approach the court. Unfortunately, as always, most tribal communities in the state are unaware of this new development, which has the potential to storm-toss their traditional rights over the land they have been living in for centuries.

## Endnotes

1. Kerala Government, Ordinary Order (Ordinary), No. 2020/2020, Thiruvananthapuram 02/06/2020, on distribution of *Pattayam* for individuals including Scheduled Caste and Scheduled tribe in Idukki, Kottayam, Ernakulam, Pathanamthitta Districts.
2. Kerala Forest Department, Circular No. 1/2020. Dated 24.03.2020, Guidelines for extraction and sale of trees from tribal settlements in Kerala.
3. Among the 36 tribal communities in the state around 12 are settled agriculturists. They have been living in a particular place adjacent to the forest. Though they later possess certain amount of land but no right over it. Their villages are being called 'forest settlements', where all the forest laws are applicable.
4. The judicial rationale behind this circular was the Kerala High Court verdict on FRA implementation on 21 December 2017.
5. A habitat level supreme constitutional body as per FRA which has the judicial power over material and cultural resources in and around habitats and forest.
6. Pramod K.P. vs State Of Kerala on 13 July, 2017, WP(C).No. 21051 of 2016 (F). As per this order the petitioners are given title under the FRA 2006 can be permitted to cut and remove any trees, which they have planted as a part of self-cultivation for livelihood... In respect of the trees planted and cultivated by the dwellers, the Government cannot claim any right over it, as it is a part of permitted activity and the dwellers can appropriate it. Directing the Chief Conservator of Forests to take a decision on the claim of the petitioners. The Chief Conservator of Forests (CCF) can only permit the petitioners to cut and remove trees which were planted as part of self-cultivation. W.P.(C) Nos. 21051 of 2016 and connected cases Appropriate decision shall be taken within a period of two months. The Government Orders issued contrary to law declared by this Court shall be withdrawn by the Government.
7. Also known as jack fruit tree.
8. Involving communities living in and around natural resource-rich areas in management and community's sustainable use of these resources was affirmed by the 1980 World Conservation Strategy of the International Union for Conservation of Nature (IUCN), Earth Summit in 2002.

IUCN policy statement on Sustainable use of Wild Living Resources in 2000 and Adis Ababa Principle on Guidelines for the Sustainable use of Biodiversity also endorse the same.

## References

- Bachan, Amitha K.H. (2018), *Promise and Performance of Forest Right Act, 2006: Kerala State Report*, Western Ghats Hornbill Foundation Supported by Vasundhara, Natural Justice and MES Asmabi College, Kodungallur.
- Baviskar, Amita (1994), Fate of the Forest: Conservation and Tribal Rights, *Economic and Political Weekly*, 29(3): 2493-2501.
- Bijoy, C.R. (1999), Adivasis Betrayed: Adivasi Land Rights in Kerala, *Economic and Political Weekly*, 34(22): 1329-1335.
- Das, Bidhan Kanti (2019), Are You Talking about 'Jungle Patta'? : FRA Implementation in West Bengal, *Economic and Political Weekly*, 54(43): 32-40.
- Dutta, Anwasha and Harry W. Fischer (2020), The Local Governance of Covid-19: Disease Prevention and Social Security in Rural India, *World Development*, available at: <https://www.sciencedirect.com/science/article/pii/S0305750X20303612>.
- Harilal, K.N. (2020), World Economy and Nation States Post Covid-19, *Economic and Political Weekly*, 55(18): 14-18.
- Isaac, T.M. Thomas (2020), COVID-19, Public Health System and Local Governance in Kerala, *Economic and Political Weekly*, 55(21): 35-40.
- Lee, Jocelyn I. and Steven A. Wolf (2018), Critical assessment of Implementation of the Forest Rights Act of India, *Land Use Policy*, Available at: <https://www.sciencedirect.com/science/article/abs/pii/S0264837717311705>
- Munster, Ursula and Suma Vishnudas (2012), In the Jungle of Law: Adivasi Rights and Implementation of Forest Right Act in Kerala, *Economic and Political Weekly*, 47(19): 38-45.
- Paul, Mridula Marry (2009), Conservation Minus People?, *The Hindu*, 7 May 2019, Available at: <https://www.thehindu.com/opinion/op-ed/conservation-minus-the-people/article27051606.ece>.
- Rejimon, K. (2018), In Kerala's Attappady, Adivasis Are Being Excluded from Development, *The Wire*, Available at: <https://thewire.in/rights/in-keralas-attappady-adivasis-are-being-excluded-from-development>.
- Roy, Aruna and Saba Kohli Dave (2020), When People and Governments Come Together: Analysing Kerala's Response to the COVID-19 Pandemic, *Economic and Political Weekly*, 55(18): 10-13.
- Sathyapalan, Jyothis (2010), Implementation of the Forest Rights Act in the Western Ghats Region of Kerala, *Economic and Political Weekly*, 45(3): 65-72.
- Sreekumar, T.T. and Govindan Parayil (2002), Democracy, Development and New Forms of Social Movements: A Case Study of Indigenous Peoples' Struggle in Kerala, *Indian Journal of Labour Economics*, 45(2): 287-310.
- Thadathil, Abhilash (2013), Claiming Land and (Re) Claiming Identity: Adivasi Gothra Maha Sabha and Indigenous Modernity in Kerala, *Artha Vijnana*, 15(2): 210-227.