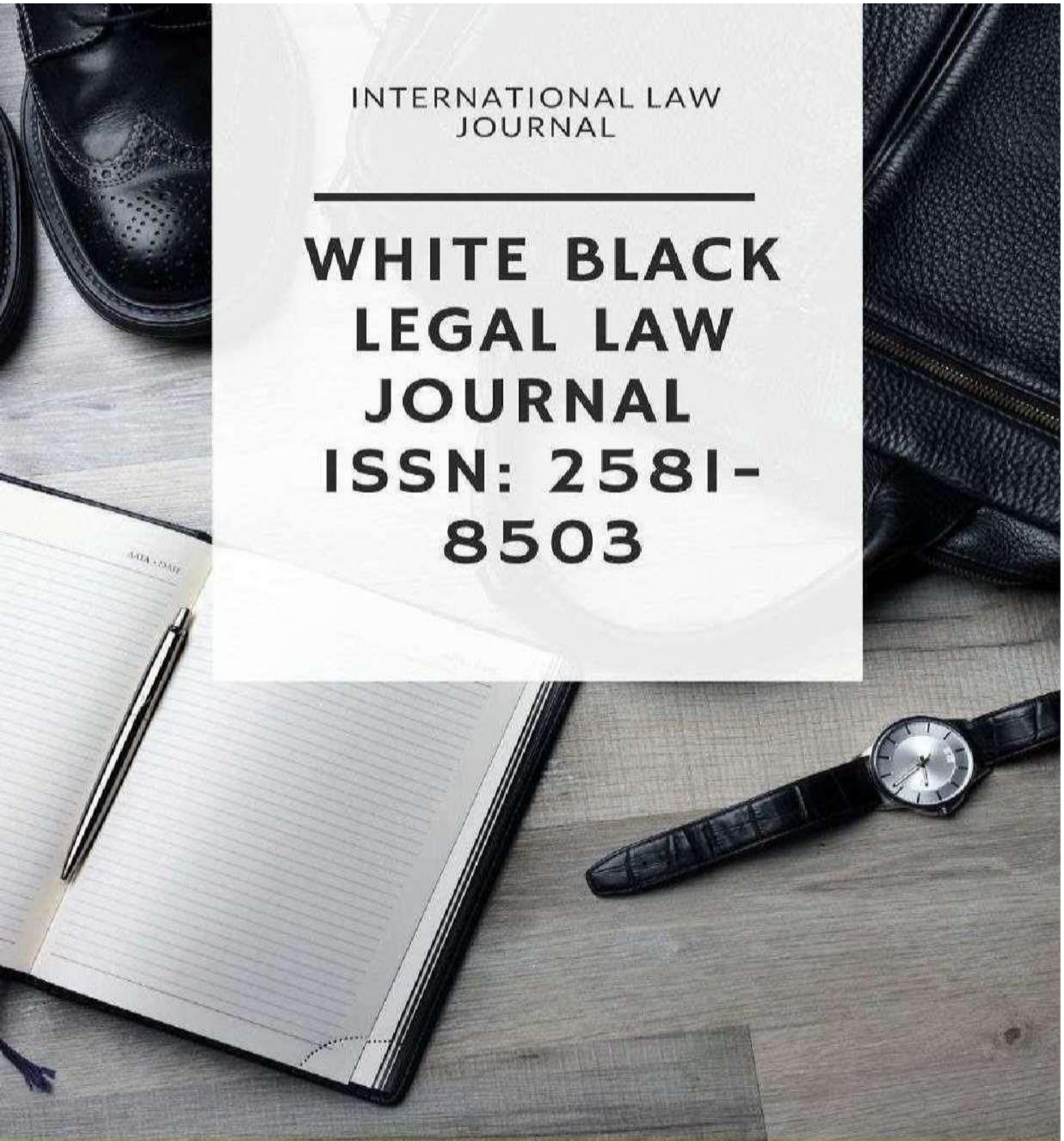




INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal – The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK
LEGAL

EDITORIAL TEAM

Raju Narayana Swamy (IAS) Indian Administrative Service officer



Dr. Raju Narayana Swamy popularly known as Kerala's Anti-Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala. He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University. He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru and

a professional diploma in Public Procurement from the World Bank.

Dr. R. K. Upadhyay

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB, LLM degrees from Banaras Hindu University & PHD from university of Kota. He has successfully completed UGC sponsored M.R.P for the work in the Area of the various prisoners reforms in the state of the Rajasthan.



Senior Editor

Dr. Neha Mishra



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; PH.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St. Louis, 2015.

Ms. Sumiti Ahuja

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing PH.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



Dr. Navtika Singh Nautiyal



Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.

Dr. Rinu Saraswat



Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, PH.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, PH.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University. More than 25 Publications in renowned National and International Journals and has authored a Text book on CR.P.C and Juvenile Delinquency law.



Subhrajit Chanda



BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); PH.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

POOR IMPLEMENTATION OF FOREST RIGHTS ACT, 2006 IN MUNDGOD TALUK, KARNATAKA STATE

AUTHORED BY - SHOBA R.

Research Scholar, Shri. Venkateshwara University, Gajraula, U.P.

CO-AUTHOR - DR. ASHOK YADAV,

Professor of Law, Shri. Venkateshwara University, Gajraula, U.P.

Abstract

The tribal communities are mainly living in the forest land of the country and one of the most vulnerable marginalized and isolated social groups in the country's development process. Around 104.3 million (10.43 crore) people in India are belonging to various tribal community. There are 705 tribal groups notified in 30 States/UTs, which constitute 8.6% of the total population of India (census of India 2011). These communities are still lagging behind in terms of several socio-economic indicators. The tribal communities of India have an integral and close relationship with forests and dependent on the forests for their livelihood and existence. The primary occupation of these forest dwellers is mostly dependance on agriculture and collection of minor forest produce. Tribal life and livelihoods mainly depend on traditional agricultural activities such as cultivation, plantations and collection of other non-timber forest produce (NTFP) etc.

As said above, tribal livelihood mainly depends on traditional agricultural activity. It is also observed that there are various challenges and difficulties faced in implementing Forest Rights Act and as a result, the distribution of land to these tribals and OTFDs is very poor. Due to delay process in the administration, many claimants have not received their land even after implementation of this Act.

It is commonly observed that most of the FRA beneficiaries are using the temporarily allotted land and cultivating the given land.

FRA has been implemented in the State since 2008. Karnataka has played a leading role in implementing FRA across the country. The land rights have been given among the STs and to

Other Traditional Forest Dwellers (OTFDs). This study is important to evaluate the FRA and its significance towards enhancing the livelihood of tribal community in the state. It is also important to examine the changes of livelihood status among the tribals especially Tribals at Mundgod Taluk, Karnataka State after getting the land right under FRA.

It is important to identify the influencing factors responsible for improving tribals livelihood through FRA as well as challenges of FRA mostly faced by the tribals in the state.

The implementation process of FRA in Karnataka and the impact of Forest Rights Act on livelihood among these vulnerable tribal groups in Karnataka is becoming a far-fetched idea.

Key words: Tribal Community, vulnerable, STs, OTFDs, FRA, implementation, temporary land, Mundgod Taluk.

Introduction

India has seen dramatic economic growth in recent decades. However, extreme poverty remains common amongst certain excluded groups and regions. It is more prevalent in forest areas than agricultural or urban areas, and is most acute among tribal, marginalized and backward sections, whose human development indicators lag 20 years behind national averages. About 275 million people in India depend on forests and common land to meet day-to-day needs like firewood, fodder, food and medicines. A considerable proportion of these are tribal, landless, marginalized, who constitute over 100 million of India's population. Laws and forest governance systems inherited from the colonial era have, for long, deprived people from using their forest and common land resources, government schemes on land rights, thus condemning them to extreme poverty and vulnerability. In the later decades, Government of India introduced several rights based, progressive legislations. Many State Governments, including Karnataka State has introduced provisions of land to landless, namely, Land to Tillers, Ceiling on Land, regularization of land which have been cultivating illegally, especially, Karnataka Land Revenue Act 1964. Ministry of Environment and Forest (MoEF), Government of India had made a provision to regularize encroachment of forest land for livelihood prior to 27.04.1978. The historical Forest Rights Act (FRA), 2006 recognize Adivasis' and other forest dwellers' rights over forest land. In this regard, a non-governmental organization called 'Loyola Vikas Kendra' (LVK), the social action wing of North Karnataka Jesuit Educational

and Charitable Society (NKJE &CS) run by Jesuits of Karnataka, has been working for the integral and holistic development of the deprived and marginalized section, especially, Gowlis, Vaddars, Lamanis, since 1991 in Hangal and Mundgod Blocks of Uttara Kannada and Haveri Districts of Karnataka.

The implementation process of the FRA, 2006 in the Mundgod Taluk especially on the communities who belong to ST & OTFD with the distribution of the Patta land deed is not appreciated in the tribal villages of Mundgod taluk in Uttara Kannada. The study on those forest dwellers shows that these tribals are still remaining as claimants without a title on their land.

As per the research conducted, it is found that more than 3,000 members of target group families are forest dependents and many families are cultivating government land for livelihood needs. The tribal villagers have been raising issues of delay in issuing 'Pattas' of the encroachment of forest and government land for livelihood needs. In recent years, the demand for help in resolving issue of land rights was increased, when a large number of claim applications being rejected by competent authorities. Forest dependents became frustrated when, Hon'ble Supreme Court in February 2019, ordered for eviction of claimants, whose claim is rejected by District Level Forest Rights Committees.

The Apex Court did so in this case filed by Wildlife First (Petitioners: Wildlife First, Wildlife Trust of India Nature Conservation Society, Tiger Research and Conservation Trust Versus Ministry of Forest and Environment, Ministry of Tribal Affairs)¹ with key issues:

1. Is the FRA, 2006 constitutional?
2. Is the process of filing claims under the recognition of The Forest Rights Act, 2006 valid?
3. Have States followed due process in rejecting the claims of forest dwellers?
4. Is The Forest Rights Act, 2006 in conflict with other legislations like the Wildlife Protection Act, 1972 and The Forest Protection Act, 1980?

The Forest Rights (Scheduled Tribes and Other Traditional Forest Dwellers Recognition of Forest Rights) Act or the FRA was enacted in 2006 to protect the rights of scheduled tribes and other forest dwellers. The purpose was to address historical injustices by recognizing their

¹ Wildlife First v U.O.I, SCC 2019, SC 238

rights over ancestral land and habitats which were overlooked during colonial and post-independence forest laws. The Act came into force on 1st January, 2008. The legislation however met with criticism from wildlife conservationists and other animal rights activists. They claimed that forests must be conserved to protect wildlife and not people. The FRA, they argued was in direct conflict with other forest and wildlife protection legislations like The Wild Life Protection Act of 1972 and The Forest Conservation Act of 1980. The petition moved the SC in 2008, challenging the constitutional validity of the FRA. Amongst other things they argued that the act has led to deforestation and encroachment upon forest land. One of the practitioner's main prayers is to recover the land from encroachers whose claims had been rejected under the FRA. In 2014, the petitioners filed an interlocutory application highlighting the damage caused by illegal forest dwellers and urging the court to address it. On 13th February 2019, the Supreme Court ordered states to evict all individuals whose claims were rejected. Further it directed the Forest Survey of India to conduct a satellite survey and place on record encroachment positions before and after evictions². Finally, it directed the chief secretaries of various states to submit affidavits explaining why they had failed to evict individuals who had their claims rejected. But on 28th February, 2019 the court stayed its own order owing to backlash full however the bench directed states to submit a report on whether due process had been followed in rejecting claims³. Following the Court's February 2019 order to evict individuals whose claims under the Forest Rights Act had been rejected lack of complaints was persistence. Despite a deadline set in August 2019, several states failed to submit Polygon data which maps the land of the rejected claims due clearly making it difficult to assess the true extent of unauthorized occupation of forest land. Subsequently, the FSI submitted that satellite imagery analysis of over 14,000 rejected claims showed that around 65% of them were in areas that had forest cover prior to 2005. This raised fresh concerns about the manner in which FRA was being implemented. By 30th November, 2024, over 77 lack hectares of forest land roughly the size of the State of Assam had been granted under the FRA since 2008. This expansion has fueled ecological concerns about habitat fragmentation or scientifically established consequence of human settlements within forest areas. Meanwhile concerns over alternatives resettlement have also gained traction. While some communities seek voluntary relocation with proper infrastructure others fear forced eviction. Voluntary relocation is when communities willingly move from their traditional lands typically in exchange for improved infrastructure

² The SC passed an Interim Order w.r.t the Wildlife First and Others, WP No. 109/2008

³ Ibid

livelihood opportunities and government support rather than being forcibly evicted. The case was dormant since 2019 till March 2025 when it was reported that it will be listed before the Apex Court again on 2nd April 2025. The reliefs sought by the petitioners in the case are as follows:

Under this above context, the Study and Research in tribal villages of Mundgod Taluk was to understand; why the claimants are unable to get complete land rights? What are the hurdles in recognizing land rights? Are the claimants having adequate awareness and information about the process of land sanctioning? Also to understand the current scenario of claiming land rights by the forest dependents, Bagar Hukum farmers and others who possess and cultivate, reside in government or forest land.

Implementation of FRA in India

As per records from the Ministry of Tribal Affairs, a cumulative of 42,59,385 claims (41,09,105 individual and 1,50,280 community claims) have been filed in India up to 31-12-2020. Out of which 19,97,778 titles (19,20,507 individual and 77,271 (community claims) have been distributed and 92.25% claims have been disposed of. Odisha (70.21percent) secured top position in the country in terms of percentage of titles distributed which is followed by Tripura (63.68 percent), Kerala (59.92 percent) over number of claims received in each states as on 31st December, 2020.

Shows The Ranking of States In Terms of Title Distribution of Individual And Community

Sl.No.	States	Ranking of States in Terms of Title Distribution as % of total Claims (individual and Community) received	Ranking of the basis of Titles distributed and Claims received	
			Individual	Community
1	Odissa	1	1	7
2	Tripura	2	2	14
3	Kerala	3	3	15
4	Jharkhand	4	4	5
5	Rajasthan	5	5	13
6	Andhra Pradesh	6	6	9

7	Telangana	7	7	12
8	Gujrat	8	8	6
9	Chhattisgarh	9	9	2
10	Maharashtra	10	10	4
11	Madhya Pradesh	11	11	3
12	Assam	12	12	10
13	West Bengal	13	13	17
14	Tamil Nadu	14	14	8
15	Uttar Pradesh	15	15	1
16	Karnataka	16	16	11
17	Himachal Pradesh	17	17	16
18	Uttara Kand	18	18	19
19	Bihar	19	19	NA
20	Goa	20	20	18

Source: Monthly progress report, MoTA, 31st December 2020, Govt of India

Table 4.2: State-wise breakup of Forest Rights Claim

Sl.No	State	Claims	Rejected
1	Karnataka	2,91,736	2,44,560
2	Chhattisgarh	9,22,346	4,02,292
3	Madhya Pradesh	6,27,513	3,22,699
4	Odisha	6,45,343	1,42,231
5	Tripura	2,00,721	68,848
6	Jharkhand	1,10,756	28,107
7	Telangana	2,06,984	94,426

Source: Up-to November 30, 2022, Union Ministry of Tribal Affairs

Table 4.3: State-wise details of claims received and title distribution of FRA as on 31/12/2020

States	Number of Claims Received			Number of Titles Distributed			% of Titles distributed over number of claims received.		
	Individual	Community	Total	Individual	Community	Total	Individual	Community	Total
Andhra Pradesh	1,77,446	4,062	1,81,508	96,675	1,374	98,049	54.48	33.83	54.02

Assam	1,48,965	6,046	1,55,011	57,325	1,477	58,802	38.48	24.43	37.93
Bihar	8,022	NA	8,022	121	NA	121	1.51	0.00	1.51
Chhattisgarh	8,58,682	31,558	8,90,240	4,01,251	21,967	4,23,218	46.73	69.61	47.54
Goa	9,758	378	10,136	35	11	46	0.36	2.91	0.45
Gujarat	1,82,869	7,187	1,90,056	91,102	3,887	94,989	49.82	54.08	49.98
Himachal Pradesh	2,642	261	2,903	129	35	164	4.88	13.41	5.65
Jharkhand	1,07,032	3,724	1,10,756	59,866	2,104	61,970	55.93	56.50	55.95
Karnataka	2,75,446	5,903	2,81,349	14,667	1,406	16,073	5.32	23.82	5.71
Kerala	43,331	1,013	44,343	26,398	174	26,572	60.92	17.19	59.92
Madhya Pradesh	5,85,266	42,187	6,27,453	2,30,028	27,976	2,58,004	39.30	66.31	41.12
Maharashtra	3,62,679	12,037	3,74,216	1,65,032	7,084	1,72,116	45.50	58.85	45.93
Odisha	6,23,252	15,073	6,38,325	4,41,529	6,649	4,8,178	70.84	44.11	70.21
Rajasthan	77,906	1,694	79,600	44,071	353	44,424	56.57	20.84	55.81
Tamil Nadu	33,755	1,082	34,837	8,144	450	8,594	24.13	41.59	24.67
Telangana	1,83,252	3,427	1,86,679	93,639	721	94,360	51.10	21.04	50.55
Tripura	2,00,696	277	2,00,973	1,27,931	55	1,27,986	63.74	19.86	63.68
Uttar Pradesh	92,570	1,162	93,732	17,964	861	18,825	19.41	74.10	20.08
Uttarakhand	3,574	3,091	6,665	156	1	157	4.36	0.03	2.36
West Bengal	1,31,962	10,119	1,42,081	44,444	686	45,130	33.68	6.78	31.76
Total	41,09,105	1,50,280	42,59,385	1,920,507	77,271	19,97,778	46.74	51.42	46.90

Table 4.3: State-wise details of claims received and title distribution of FRA as on 31/12/2020

States	Number of Claims Received			Number of Titles Distributed			% of Titles distributed over number of claims received.		
	Individual	Community	Total	Individual	Community	Total	Individual	Community	Total
Andhra Pradesh	1,77,446	4,062	1,81,508	96,675	1,374	98,049	54.48	33.83	54.02
Assam	1,48,965	6,046	1,55,011	57,325	1,477	58,802	38.48	24.43	37.93
Bihar	8,022	NA	8,022	121	NA	121	1.51	0.00	1.51
Chhattisgarh	8,58,682	31,558	8,90,240	4,01,251	21,967	4,23,218	46.73	69.61	47.54
Goa	9,758	378	10,136	35	11	46	0.36	2.91	0.45
Gujarat	1,82,869	7,187	1,90,056	91,102	3,887	94,989	49.82	54.08	49.98
Himachal	2,642	261	2,903	129	35	164	4.88	13.41	5.65

Pradesh									
Jharkhand	1,07,032	3,724	1,10,756	59,866	2,104	61,970	55.93	56.50	55.95
Karnataka	2,75,446	5,903	2,81,349	14,667	1,406	16,073	5.32	23.82	5.71
Kerala	43,331	1,013	44,343	26,398	174	26,572	60.92	17.19	59.92
Madhya Pradesh	5,85,266	42,187	6,27,453	2,30,028	27,976	2,58,004	39.30	66.31	41.12
Maharashtra	3,62,679	12,037	3,74,216	1,65,032	7,084	1,72,116	45.50	58.85	45.93
Odisha	6,23,252	15,073	6,38,325	4,41,529	6,649	4,8,178	70.84	44.11	70.21
Rajasthan	77,906	1,694	79,600	44,071	353	44,424	56.57	20.84	55.81
Tamil Nadu	33,755	1,082	34,837	8,144	450	8,594	24.13	41.59	24.67
Telangana	1,83,252	3,427	1,86,679	93,639	721	94,360	51.10	21.04	50.55
Tripura	2,00,696	277	2,00,973	1,27,931	55	1,27,986	63.74	19.86	63.68
Uttar Pradesh	92,570	1,162	93,732	17,964	861	18,825	19.41	74.10	20.08
Uttarakhand	3,574	3,091	6,665	156	1	157	4.36	0.03	2.36
West Bengal	1,31,962	10,119	1,42,081	44,444	686	45,130	33.68	6.78	31.76
Total	41,09,105	1,50,280	42,59,385	1,920,507	77,271	19,97,778	46.74	51.42	46.90

Source: Calculation based on Monthly update report published by MoTA (as on 31-12-2020)

As per the data of 2021, Karnataka ranked ninth in terms of approving applications filed by the Scheduled Tribes (ST) and the Other Traditional Forest Dwellers (OTFD) under the Forest Rights Act, 2006. The data said that “The state has so far received a total of 2,81,349 applications from the communities till February this year pertaining to 16,073 acres, of which 1,80,956 claims were rejected. The Forest Rights Act, 2006 recognizes the rights of forest-dwelling tribal communities and other traditional forest dwellers to forest resources on which these communities were dependent for a variety of needs, including livelihood, habitation and other socio-cultural needs”.

Implementation Process of FRA in Mundgod Taluk.

The FRA came in force in Karnataka in January 2008, there are two major stages such as firstly -Rules and Policy Formation and Secondly – Execution and implementation of the process. The status of implementation of the Act remains extremely poor since the inception of this Act.

Mundgod is a Town Panchayat in Uttara Kannada district in the Indian state of Karnataka. It lies on the route to Hubli from Sirsi. It is a Main road-town. It is at a distance of 132 km from the District headquarters i.e. Karwar. The town is bounded by Maje-Pur village in the north, Malagankoppa village in the south, Kyasanakeri village in the west, Kundergi and Nesargi village in the east. The Mundgod town is characterized by paddy fields. The land on either side of the Hubli-Sirsi road is very much suitable for development. To the northeast, the town is surrounded by forest. It is suitable at an altitude of 564 m above the mean sea level. The climate of Mundgod is moderate except during the rainy season.

There are forest dependents and Bagar Hukum farmers-claimants, in Mundgod Taluk claiming rights over the land for many decades. The claimants who applied for forest rights in Mundgod Taluk is 6,937 claimants (8.15 % of total claimants in Uttar Kannada District) were forest dependents, 6.07 % of Bagar Hukum farmers. Out of 6,937 applications filed in the year 2019, there are 3,209 applications of claimants who belonged to OTFD which are rejected and 780 applications of the STs are rejected without stating any reasons by the government. Remaining 2,948 applications of the claimants are considered but without giving them a permanent title deed in column No. 9 of the RTC. Some of the tribals (more than 100) who have been residing in these villages have availed land rights under various schemes of Karnataka Government such as 'Scheme Land', 'Hangamai Lavani' and 'Rehabilitation of Gowli and Non-Gowli' before 1972.

The Karnataka government, under the Forest Rights Act (FRA) of 2006, has been distributing forest land to forest-dwelling Scheduled Tribes and Other Traditional Forest Dwellers. While the State has received a large number of claims (2.75 lakh individual and 5,903 community claims), the implementation of granting titles has been slow. Specifically, only 16,073 titles (14,667 individual and 1,406 community) have been distributed, and 20,814 acres of community land and 28,156 acres of individual land have been granted.

In Karnataka, most of the claimants have applied for individual forest rights under Form A while some of the claimants have filled Form B for community rights. To prove that the claimant was residing in the said occupied land, he has to produce the evidence which is included the Zilla gazetteer published before 1930.

1. To produce a document of census report which was conducted before 1930 and which

shows that the claimant or their community were residing even before 1930.

2. To produce a report of publication which was published by Archaeological Department before 1930 about the dwellers.
3. To produce any document which is given by the Muzrai Department of any temple, Mosque or Church before 1930.
4. The Title deed given before 27/4/1978 by the Karnataka Land Revenue Department to those who had encroached the land and that was regularized by the Karnataka Land Revenue Department.
5. Evidence of the list of encroachers whose names were documented by the Forest Department even before 27-04-978 and the name of the claimant or his ancestor whose name is documented by the department.
6. Notarized copy of an elderly person who is 75years or above who is not a claimant confirming the existence of the claimant's ancestors residing from three generations even before 13-12-2005⁴.

To prove that the claimant has been living there even before 13-12-2005, he should produce two documents out of 10 documents. They are:

1. Any tax receipt paid or electricity bill paid to government.
2. Any fine or charges paid to government or to the forest department.
3. Any notice sent or documented by the forest department against using of the forest land by the claimant.
4. Any RTC given by the government or the forest department which is hand written.
5. Any evidence of correspondence made to Revenue or Forest department for allotment of land.
6. Certified copy of the application filed under Form 50/53 of Karnataka Land Revenue Act, 1964 or letter from the Revenue Department for rejecting the application with reasoning.
7. Certified copy of the rejected application, filed before 27-04-1978 when the State government came out with the scheme of Atikramana Sakrama-A Scheme to occupancy rights by regularizing unauthorized cultivation of government land, including forest land that was being used for agriculture
8. Ration Card or Voters ID with the proof of address.

⁴ Note: A copy of an affidavit of an elder's statement is enclosed for reference as Annexure-I.

9. A certified order copy of the land if the land is partially allotted earlier.
10. A certified copy of the list of the names entered by the Forest Department in their records before 1978 as encroachers where the claimant's or his successors name reflects.

In Mundgod taluk there are totally 7 categories of forest dwellers with people belonging to other communities as well. They are the Koravas, Valmikis, Lamanis, Gollas, Gaulis, Siddis and Vaddars.

1. Koravas are basically local forest encroachers of Karnataka who have been living in the forests for many years. They are mainly dependent on forest for their livelihood and they cultivate cotton, paddy, sugarcane, maize, green gram, toor dal, horse gram and banana plantation depending on the monsoon. They are below poverty line and live in kaccha houses.

In order to meet their ends, they make bamboo baskets, flutes and Shehnai and sell them in the weekly market. Education is very poor in this community. This community is good in playing traditional Indian musical instrument called Shehnai. They go to cities to play this instrument on auspicious occasions like weddings, religious event, fairs, musical concerts etc. They are masters in playing this instrument and meet their ends by agriculture and playing this instrument.

2. Valmikis basically are hunters who are categorized as scheduled tribes. They are basically shy natured people who mingle less with other people. They play drums and sing during their free time. They depend on minor forest produce and also grow maze paddy, cotton, toor-dal, sugarcane, green gram, horse gram depending on monsoon. Their literacy level is only 50% while 35% among them have gone up to graduation.
3. Gaulis are categorized as OBCs. They are basically from Maharashtra who came back long ago by grazing their cows and crossed the border of Maharashtra entering Karnataka and settling in the forests of Mundgod. Education is very poor in this community and there are not much qualified in this community. Men have not even passed 12th standard while girls get no education or least education in this community. Their main occupation is agriculture. They grow cotton, paddy, sugarcane, maize, green gram, toor-dal, horse gram and banana plantation depending on the monsoon. Along with agriculture, they also rear cows and buffaloes. Milk production is an additional source of income in this community. The 'Sarpanch' is the head of their community and he resolves any conflict between the members. People abide by the words of the sarpanch and respect his decisions. Gaulis are

very famous for their traditional dance call 'Pugudi dance'. To meet their ends, they also go out of villages in search of jobs to cities and return back in the evening.

4. Lamanis are people who have migrated from Gujarat and Rajasthan. They worship Saint called 'Sevalal' and they are considered to be more knowledgeable compared to other communities. Compared to other forest dwellers, Lamanis maintain very good standard and are known for their 'lamani dance'. 50% is their literacy rates and in this community, they encourage girls for education while men are less educated. The only drawback of this community is their addiction to alcohol and sex culture which is very much rampant in this community. These people depend on MFP for their daily needs. They collect and also sell it in market and meet their ends. Also, they migrate to cities for three months come back and again go to cities for work. They grow maize, green gram, horse gram etc.
5. Siddis are basically believed as descendants of South Africa. It is believed that during colonial rule of Britishers, these people started escaping from their land and started their nomadic life by living in jungles and moving further, they would have reached India many decades back. This community now is a mixture of Hindus, Christians and Muslims. In 2005, the central Government categorized them under the list of Scheduled tribes. Siddis are physically very strong and our culture lovers. They have a distinct dance called 'Damam dance'. They lack interest in education. Men are very less educated and maximum educated men is seen just completing just 10th class only while ladies are now encouraged to study and are doing better than men in their community. This community is very much interested in sports activities and other cultural activities like dance while some have acted in local movies also. The marriage ceremony in this community lasts for three continuous days enjoying dancing by both men and women tirelessly. This community is the only community where they get the benefit of double ration from the state as well as from Schedule Tribe Welfare Department. The community has constructed Pucca houses and they migrate to various cities to earn a living. They come back once in six months, enjoy with family members and go back to cities to work. They mainly grow sugarcane, maize and some have coconut grove as well.
6. Vaddars basically are stone cutters who have migrated from the State of Andhra Pradesh and settled in the forests of Karnataka. They are of two categories namely 'kallu vaddar' and 'mannu vaddar' which means stone cutters and sand filterers respectively. These people are very good at masonry work. They are found to be the best compared to all other six communities as these people have a lot of interest in education. When we look into the literacy level of this community, the community has excelled with a literacy rate of 60%.

Vaddars worship a deity call 'Siddarameshwara'. They grow cotton, paddy, sugarcane, maize, green gram, toor-dal, horse gram and banana plantation depending on the monsoon. They are also good in masonry work and go to cities for construction jobs and also take up jobs in the villages in MGNREGA scheme.

7. Gollas is another community who are basically called as 'Yadavas' as these people are mainly into grazing of cows and buffaloes in the forests. They are localites who have been living in the forests since long and mainly grazing cattle. They mainly depend on cattle grazing for their livelihood and are very daring community as they are not scared of wild animals and they spend days in the jungles grazing their cattle. There are also instances where these Gollas, while grazing their cows in the forests are attacked by the wild bears and killed. They are also hunters and mainly depend on grazing of cows and minor forest produce. They are lovers of song, dance and art in this community. They sell milk, collect MFP, grow maize and some have banana plantation. We can witness 50% literacy in them.

All these seven communities are below poverty line and the Mundgod Town Panchayat has been divided into 8 Wards, 16 Gram Panchayats comprising of 96 villages at present.

Table 4.4: Distribution of Sample Household Families

Sl.No	Name of Gram Panchayat	Number	of Claimants
1	Katur	4	053
2	Salagaon	5	117
3	Gunjavati	4	325
4	Bachanaki	3	191
5	Naganur	6	312
6	Nandikatta	4	253
7	Hungund	3	115
8	Mainalli	4	205
9	Choudalli	3	137
10	Kodambi	2	044
11	Mundgod Town	1	040
	Grand Total	39	1,792

It is observed that a large number of claimants (95.42 %), who belong to backward classes and downtrodden, are more in number in encroaching forest and government land for livelihood. Upper castes and rich are very less (4.57 %) in number for encroachment. During selection of sample size, caste category was not the criteria, even then, large number of other backward communities (OBC) found dependent upon forest and revenue land for their livelihood needs.

Among 308, who possess both forest and revenue land, 14 claimants had applied to claim over Revenue Land-Bagar Hukum land, 67 claimants got title deed for the houses to the extent of 20 to 4 Guntas under 94 CC and 94 C of Karnataka Land Revenue Act 1964; 207 claimants have their own land in the range of 10 Guntas (1 acre is equal to 40.47 guntas) to 2 Acres and also possessed forest land and applied for claim with a justification saying that, their small piece own land is insufficient to meet livelihood needs; 20 Siddi families who had applied under forest rights, have got title deed to the extent of 1.5 Acre to 3.0 Acre by the Government of Karnataka under a special provision of 'Rehabilitation of 'Gouli and Non-Gouli'.

Conclusion

Access to land is important for poverty reduction and development, and it is also necessary for the realization of several economic, social, cultural, civil, and political rights. Land, however, is also an independent human right. International consensus on the need for the legal recognition of the human right to land is growing. Several international human rights guidelines and documents recognize and protect the right to land. The right to land is integrally linked with other human rights, especially the human rights to food, adequate housing, self-determination, security of the person and home, work/livelihood, health, and water. The lack of legal provisions to enable communities to inhabit or own land and to make productive use of natural or common resources should also be noted as creating an obstacle to the implementation of the human right to adequate housing. Even though land right is a human right and the Government has enacted legislations and made provisions to access land, the bureaucratic set up has made the landless to struggle for land rights.