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Policy Design Versus Policy Application. the Paradoxes of Forest Right Act in North Kerala, India

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Abstract

The access to forest resources by local groups constitutes a critical issue in the tropics. In India, the Adivasis communities, identified as the traditional forest inhabitants, have faced restrictions in accessing to forest in different historical phases. The enacting of the last forest-related law —the well known Forest Right Act 2006 (FRA) -which is intended to give back the right to inhabit and collect minor forest products (NTFP) to the traditional occupants have been considered a step forward in yielding rights to the local users. Nevertheless, it reveals inconsistencies between the written law and the practical one. Albeit the law includes positive concerns to counterbalance the historical neglect of Adivasis rights over forested lands, the implementation process shows negative results to guarantee the land security of these actors. These contradictions are highly evidenced in the northern Kerala's Western Ghats, considered a biodiversity hotspot and place of residence of most of the Adivasis communities in the state. Focused in the implementation of FRA in Wayanad, Kerala, the present research aims to provide elements to enhance the discussion about the inconsistencies between policymaking and policy application. The results show that in most of the cases the allocation of land to the Adivasis families living inside the forest is limited to the area where their houses are settled restricting the possibility for cultivation. Additionally, the rights to collect NTFP are not given formally as the act stipulates which causes permanent conflicts with forest authorities. Furthermore, new schemes to relocate the Adivasis families out of the forests or in the fringes of them are being implemented by Forest Department and Kerala State government changing and affecting the livelihood patterns of the relocated families. The study is based in a qualitative approach. More than 60 semi-structured interviews were carried out with Adivasis leaders, Adivasis settlers, government officials, NGO representatives and activists. The research is complemented with the review of grey literature concerning the implementation of the law as well as official documents from different public institutions involved.

Keywords: Adivasis, forest Right Act, India, NTFP, policymaking, Wayanad, Western Ghats