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Whose tech is it anyway? Concerns over transparency in Gujarat's use of tech for verifying FRA claims



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Photo: Sukriti Vats

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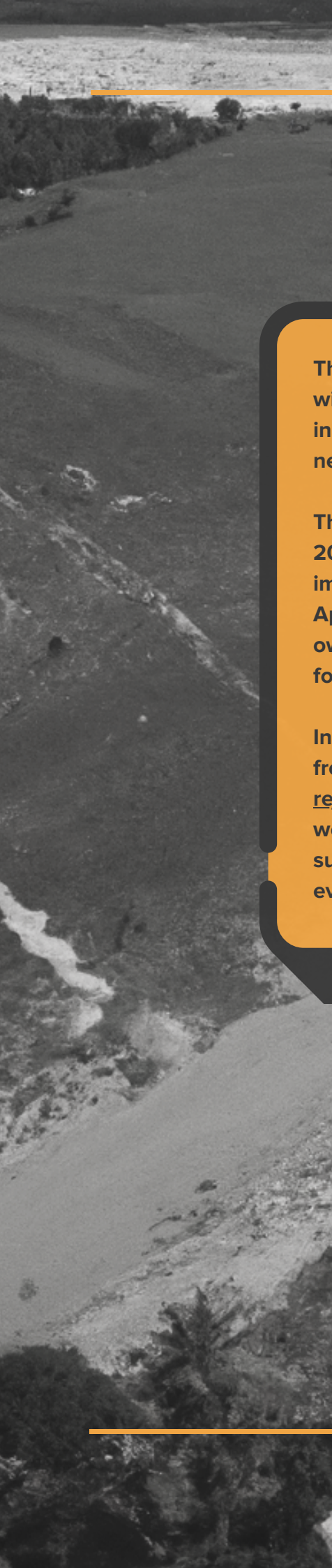
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SUMMARY



Photo: Dalle

- The FRA process in Gujarat began in 2008-09, with several claims rejected due to reliance on inadequate satellite imagery by BISAG.
- In 2013, the Gujarat High Court mandated a review of rejected claims, criticising BISAG's evidence and requiring satellite imagery to be supplementary.
- ARCH improved verification by using GPS coordinates, leading to the approval of many claims. The NGO also trains others in this method.
- Ongoing issues in northern Gujarat include reduced claim areas and scepticism towards GEER's satellite imagery, with continued rejections despite supporting evidence.
- Recommendations include transparency in mapping, equal consideration of ARCH/other NGOs mapping, and minimised reliance on government research agencies.



BACKGROUND

The Forest Rights Act (FRA) process began in Gujarat with the formation of Forest Rights Committees (FRC) in 2008. These committees received training and necessary forms to process claims.

The processing of claims commenced a year later. In 2010, the state government decided to utilise satellite imagery from the Bhaskar Acharya Institute of Space Applications and Geoinformatics (BISAG), a state-owned facility, to verify land occupation before 2005 for FRA claims lacking documentary records.

In this first phase, out of the 1,82,000 individual claims from across the 13 districts of Gujarat, 1,13,000 were rejected. From the rejected claims, 45,000 individuals were denied rights on the basis that the BISAG did not support their claims, even in cases where two pieces of evidence were available to support the claim.

Gujarat High Court decision in 2013

In 2011, ARCH, an NGO working for the betterment of tribals, filed a Public Interest Litigation in the Gujarat High Court, labelling the exercise as "undemocratic" and "unscientific" as the BISAG evidence was found to be unsatisfactory. By 2013, the court mandated the state government to review all rejected claims.

The court directed the government to not reject claims in the absence of the satellite images and to



use them only as supplementary evidence to prove occupation from before 2005. In the second phase of the review, BISAG maps were not even considered.

The tribal officials realised that the issue was that the satellite imaging was not done by feeding the GPS coordinates of the plot. In 2014, ARCH began capturing GPS coordinates on the ground and superimposing them on the satellite imagery captured in 2005, to create maps and prove cultivation to help some claimants.

GPS and Satellite Imagery

Many rejected claims were approved through their help. The NGO also trained other organisations and FRCs to do the same as well. The success of their venture allowed Gujarat's state-level monitoring committee in 2016 to use satellite imageries for verification of disputed/rejected and pending claims for Narmada district on a pilot basis through the technical assistance of GEER Foundation, who were experts in remote sensing and Geographic Information Systems (GIS).

Initially, a lot of success was witnessed in south Gujarat. By 2018-19, 90 per cent of the claims had been approved. That is how the third phase started. The exercise has now expanded to the northern parts of the state and is witnessing some opposition.

I have two sons who will be unable to farm on our ancestral land. The only future I see for them is as agricultural labourers in other people's farmlands.

EMERGING ISSUES

THE IMPACT OF POLICIES ON THE GROUND



Photo: Google Maps Satellite Image

- There are many cases in Sabarkantha and Aravalli districts in northern Gujarat where GEER has approved less area than what was claimed under FRA.
- Villagers are hesitant to let the GEER, which is associated with the forest department, do the satellite imagery work unless it guarantees it would not reduce the area presented in their GPS/satellite mapping.
- The government authorities are still rejecting claims if GEER is unable to detect occupations through satellite imagery despite the availability of two other pieces of evidence accepted under FRA legislation.
- In the absence of enough evidence, district FRA authorities are not giving opportunities to claimants to bring about other proof before rejection, which is illegal.
- Some activists claim satellite imageries for the small plots were useless and would be better documented in addition to the field verification of claims.
- While villagers from the Sabarkantha district have contested the rejection and filed a case in the high court, the forest department has issued notices stating that they should remove their “unauthorised possession” within 10 days of receiving it.
- The villagers were harassed earlier, too, even when their claims were pending. And, soon after a decision came on their claims, the forest department threatened to file cases against them under the Gujarat Land Grab Act 2020, which violated the Supreme Court’s decision of not evicting trials even if their claims were rejected until further order.

RECOMMENDATIONS

1. GEER should share its satellite maps with the claimants so there is transparency in the process.
2. ARCH members believe the satellite verification would be more efficient if their maps (and those made by other NGOs/volunteers while collecting GPS data) were given equal consideration to those produced by GEER.
3. In general, there is a need to minimise reliance on government-authorised “autonomous organisations” like BISAG and GEER and those working on the ground such as NGO volunteers or trained community leaders should be empowered.
4. The FRA officials should not be allowed to reject FRA claims based solely on satellite evidence if two other pieces of evidence are available.
5. In case, there isn't enough evidence, the claimants should be asked to produce the requisite material before deciding.
6. The government should take cognisance of the fact that less area compared to what was claimed under FRA is being approved through satellite imagery and investigate if there are any technological anomalies.
7. Harassment and forced eviction of tribals, while claims are pending or rejected, is still common across India and should be noted.

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