

2017

**STATUS OF IMPLEMENTATION OF SCHEDULED TRIBES AND
OTHER TRADITIONAL FOREST DWELLERS
(RECOGNITION OF FOREST RIGHTS) ACT, 2006**



STUDY BY:

**SCHEDULED CASTES AND SCHEDULED TRIBES
RESEARCH AND TRAINING INSTITUTE**

GOVERNMENT OF ODISHA

Research Team

Project Director: Prof. (Dr.) A. B. Ota, IAS
Commissioner-cum-Director, SCSTRTI

Nodal Officer: Trilochan Sahoo, OSD, SCSTRTI

Research & Field Investigation:

Bikas Rath, Consultant

Sweta Mishra, Research Associate

Nivedita Mohanty, Research Associate

Uttar Kumar Bhukta, Research Assistant

Jitendra Sahoo, Research Assistant

Bipin Bihari Jena, Research Assistant

Sanjay Kumar Behera, Research Assistant

Manorama Patra, Research Assistant

ACKNOWLEDGEMENT

The study team herewith acknowledges the support and contribution received from the following government officials, departments and agencies, civil society actors/organizations, village communities and individuals in making this study fruitful:

- ***ST and SC Development Department, Government of Odisha***
- ***Office of the PCCF, Bhubaneswar***
- ***Office of the PCCF (Wildlife), Bhubaneswar***
- ***State-level civil society actors:*** Vasundhara, RCDC, FES, NIRMAN, Sri K.K.Patnaik, Sri Ghasiram Panda, Sri Aurobindo Rout and Sri Tejraj Patel.
- ***District-wise assistance:***
 - ***Mayurbhanj:*** Collector and District Magistrate, PA-ITDA and SO-ITDA(Baripada), Asst. Collector (Rairangpur),Tahasildar(Bahalda), SO(HKMDA), Deputy Director(Shimilipal Tiger Reserve), Gram Swaraj, CREFTDA, Vasundhara, Sri Bishnu Purty, Sri Kirani Nayak, Sri Ananda Sethi(RCDC) and the villagers of Hatikot Nuadihi, Gaipanikhia, Gajapathar, Talapokhari, Gudgudia, Bilapagha, Jambani and Jagannathpur.
 - ***Gajapati:*** Collector and District Magistrate, Sub-Collector(Paralakhemundi), PA-ITDA, SO(Saora Development Agency), DFO(Paralakhemundi), Tahasildar(R.Udaygiri), Addl. Tahasildar (Rayagada), Sri Sanjay Jena, Sri Juriya Karji, Sri Baya Gouda, Sri Bhagabata Paika, Sri Ramakanta Dalei and the villagers of Kainpur, Sanatundi, Lumudasing, Piligan, Kankadaguda, Kaliapata and Naraharipur.
 - ***Kandhamal:***Collector and District Magistrate, Sub-Collector(Phulbani), PA, ITDA(Phulbani), DFO(Phulbani), SO(KKDA), Tahasildar(Daringibadi), Tahasildar (Tumudibandha), Sri Madhab Chandra Jena and Sri Sushant Kumar Dalei of Vasundhara, Sri Jitendra Sahu, Sri Pitku Majhi, Sri Pramod Behera and the villagers of Burlubaru, Sareju, Rijupada, Batipada, Sarangagada(Pujari sahi), Madikhol and Malsodra.
 - ***Keonjhar:*** Collector and District Magistrate, PA-ITDA(Keonjhar), DFO(Keonjhar), WEOs(Joda, Champua and JDA), SO(JDA), Sri Umakant Dwivedi(FRA Cell, Keonjhar), Sri Niladri Mishra, Miss. Mita Munda(Sarpanch, Khondbandh), Sri Baikuntha Nath Rath (Cooperative Supervisor), Sri Birabara Nayak, Sri Bhakta bhai, Sri Srikant Juanga and villagers of Khondbandh, Krushnapur, Kadalibadi and Tuntuna.
 - ***Balasore:*** Collector and District Magistrate, DWO, ADWO(Nilagiri), DFO(Balasore), ACF(Balasore), Tahasildar(Baliapal), WEOs(Nilagiri, Baliapal and Shimulia), Smt. Sulochana Khandei(Sarpanch), Sri Purna Sahu and villagers of Krushnachandrapur, Rishia, Bhaliaposhi, Jugadiha, Chatrapur and Naranpur.
 - ***Sundargarh:*** Collector and District Magistrate, PA-ITDA(Sundargarh), PA-

ITDA(Bonai), SO-ITDA(Sundargarh), ACF(Sundargarh), Addl. Tahasildar(Hemgiri), SO(PBDA), Sri Joseph Lakra and Sri Albis Majhi, Sri Preamsagar Nayak(Forester) and villagers of Manoharpur, Kalijapathar, Ataghat, Upar Ginia and Ergeda.

- **Koraput:** Collector and District Magistrate, Sub-Collector(Koraput), PA-ITDA(Koraput), Tahasildar(Pattangi), DFO(KL, Jeypore), SPREAD, Sri Madan Badanayak, Sri Narasing Paraja(Tingasil) and the villagers of Mahulbhatta, Baraj, Gelaguda, Maliguda, Kotia and Upar Simbi.
- **Malkangiri:** Collector and District Magistrate, PA-ITDA (Malkangiri), DFO (Malkangiri), SO and WEO (BDA), SO (DDA), Sri Dillip Kumar Pattnaik and the villagers of Kandhaguda, Dantipada, Purunagumma, Nilapari, Badabel, Katameta and Bandhaguda.
- **Rayagada:** Collector and District Magistrate, Sub-Collector-cum-PA-ITDA(Rayagada), SO(DKDA), WEO(Gunupur), WEO(Kashipur), SO(LSDA), Sri Ramamurti Savar(Sarpanch, Regeda), villagers of Podchuan, Parseli, Tamaksila, Upar Dandabadi and Bruttingguda.
- **SCSTRTI:** The study team is also thankful to the staff members of SCSTRTI, particularly Sri M.P. Dahanee, AD (Admn.), Sri S.K. Mohapatra, AD (Stat. & DDO) for administrative support, Sri Pradipta Kumar Samal, Sri Haribandhu Barad, Sri Suresh Chandra Patnaik, Sri Laxmidhar Palei for their field-level support and Sri Chitaranjan Das, D.A for office assistance.

FOREWORD

The Scheduled Castes and Scheduled Tribes Research & Training Institute (SCSTRTI) has been one of the pioneering government institutions in the country in conducting research studies on the issues of tribals and other disadvantaged groups. The institute has so far carried out several such studies on the Forest Rights Act, 2006 not only in Odisha but also at national level, in different phases of time with credible publications. It has been our endeavour to make SCSTRTI a centre of excellence and the establishment of a National Resource Centre is a step forward in this direction. I am happy to say that the present study on the **‘Status of implementation of the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006’** is our latest achievement in line with this endeavour.

The study provides an assessment of the performance of the FRA implementation in Odisha, focusing primarily on Individual Rights, Community Rights and Community Forest Resources Rights (CFR). Finally, it identifies key bottlenecks and problems in the FRA implementation process and provides recommendations for charting out the way forward. Category-wise share of the revenue forests in the recognition of IFR titles and the issue of mortgaging the land recognized are some of the extraordinary highlights of the empirical study that was a part of this overall study. The annexure part also provides a lot of details that can be used for further research and analysis in future.

This study was assigned to SCSTRTI by the State Level Monitoring Committee, Odisha with a purpose to understand the latest status as well as the progress made since the notification of the FRA so as to consider policy changes (if any) and/or necessary administrative reforms to ensure that the Act is implemented in its letter and spirit covering all the target groups, areas and issues. I take this opportunity to sincerely thank the SLMC, Odisha for this prestigious assignment, with a hope that it will meet their purpose in a comprehensive manner.

My thanks are also due to the District Collectors, nodal authorities, village communities and other individuals/officials/organizations/agencies, who/which have rendered valuable support to the study team during the field visits.

My sincere thanks to the Research Team for their sincere and painstaking efforts for timely completion of the study and finalization of the report. I also thank my colleagues at SCSTRTI for their support in the overall coordination and execution of the study.

I believe this report will be of great help to government officials, researchers, academicians, development practioners and individuals in better understanding and facilitating the implementation of the historic legislation in true letter and spirit. I hope that this report would find favour with the Government and help strengthening the implementation of the Forest Rights Act and bringing about positive impacts to the lives of the Scheduled Tribes and Other Traditional Forest Dwellers.



Prof. (Dr.) A. B. OTA, IAS

Commissioner-cum-Director, SCSTRTI

EXECUTIVE SUMMARY

Implementation of the Forest Rights Act, 2006 has largely succeeded in empowering the forest dwellers in general and the Scheduled Tribes in particular by restoring their rights in the forest lands occupied by them traditionally. The empowerment is in terms of securing their rights followed by entitlement for various additional privileges and facilities such as that of convergence.

The study '**Status of implementation of the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006**' was assigned to SCSTRTI by the State Level Monitoring Committee, Odisha with a purpose to understand the latest status as well as the progress made since the notification of the FRA so as to consider policy changes (if any) and/or necessary administrative reforms to ensure that the Act is implemented in its letter and spirit covering all the target groups, areas and issues.

The precise objectives are as follows:

- To systematically monitor the status of implementation of Forest Rights Act, 2006 so as to understand the actual progress of the same.
- To document inspiring case studies and to identify key issues in respect of this implementation.
- To provide recommendations for addressing the issues identified and also for a more successful implementation of FRA.

The FRA has been chiefly implemented for individual land rights, other aspects of the Act being but partially or even poorly adhered to. This is not only because the IFR was its major focus, but also because the implementing agencies either lacked necessary resources, knowledge or motivation to take due care of the other aspects, or there are complications associated with the same thereby hindering the process.

Odisha holds the distinguished record of maintaining its first place in the country in distributing the highest number of IFR titles. It is also in Odisha that CFRR titles were granted for the first time in the country in a Protected Area (Shimilipal Tiger Reserve). Besides, there are several good practices which the State has adopted such as issuing comprehensive guidelines for correction of RoR, or establishing FRA Cells in the districts. Pilot initiatives like preparation of microplan for the Jamguda CFR (bamboo forest) and deregulation of kendu leaf in limited areas of the state have given mixed results though there are some good implications of the same.

As on 31 August 2016, total 48459 FRCs have been constituted in Odisha. Out of the total 586826 and 30223 claims filed at the Gramsabha level respectively for STs and OTFDs, total 406107 and 1042 claims have been finally approved by the DLCs in the respective cases though titles have been distributed to 385960 STs and 628 OTFDs. The average approved area per title is 1.5 acres.

As of the community claims in Form-B, 4212 were finally approved out of the 8167 claims and title was distributed for 3042 claimants whereas out of the total 5148 claims on CFRR, 3149 received approval by 31st July 2016.

Whereas the majority of the rejections occur at Gramsabha level, intimation about the rejection was sent only in 46511 cases as against the total rejected cases of 155914(IFR) by 31-05-2016. Appeal was filed only in 303 cases of which 225 have been disposed by the same date. This means that the state is severely lagging behind in meeting the mandate of the FRA regarding the handling of rejection cases. Common causes of rejection are non-possession of forest land, multiple claimants for the same land, encroachment after 13-12-2005 and want of sufficient evidences.

So far development rights are concerned 522 development projects have been approved under the FRA for a total area of 1271.73 acres, as on 31-07-2016. The major share of these projects goes to electrical installations and roads.

The state nodal agency claims that 27715 villages were fully covered in the IFR claim process out of the total 48019 villages, by the end of July 2016.

However, there are some major gaps in the implementation process that are still hunting the State. These include lack of proper demarcation, slow progress in recognition of CFR titles, non-recognition of habitat rights, keeping the processing of both individual and community claims pending due to want of GPS readings(against the mandate of the Act), conflict between forest rights and wildlife conservation and implementation in municipal areas, etc.. While RoR correction has been made only in 25315 cases (IFR title) out of the total distribution of 375316, as on 31 May 2016, irregularity has been observed in respect of the functioning of statutory committees like SDLC, DLC and even the SLMC and conversion of forest village into revenue village is still pending. It is important to note here that in case of habitat rights and conversion of forest villages, Mayurbhanj district is virtually ready to be the first to achieve this as the processing is almost complete to recognize the habitat rights of the PVTG Mankirdias and also for conversion of atleast two forest villages in the Thakurmunda Block, but there are some procedural bottlenecks which have kept this pending.

The FRA has been drastically made to fail to secure the rights of the Other Traditional Forest Dwellers, causing severe injustice in their cases. This failure is mostly because of the virtual moratorium imposed by the administration on considering/processing their claims. As of the issue of providing proof of three generations, primary dependency by the OTFD claimants, the government must itself recognize that there is but poor or no scope of producing any documentary evidences against such claims and the SLMC should also take a serious note of the fact that even where an acceptable evidence has been provided on the basis of the statement by the village elders, the authorities have rejected the case showing the reason of non-possession of forest land. Whereas the authorities have all the right to reject the claim in really ineligible cases, the attitude of taking one or more pleas to just ignore the OTFD claims has created a major

socio-legal concern in the state which should be discontinued and the government need to take proactive steps so as to secure the rights of the OTFDs in all genuine cases.

Overally speaking, the FRA has been implemented on a massive scale but with a partial application of its diverse potentials and also with errors and limitations that can cause great trouble.

This is partly because the rules and related administrative orders were issued (by two or more departments) in phases and many implementing agencies either could not just get access to all of them or could not correlate the same efficiently. The study has found that the confusion and misunderstanding still persists affecting the proper implementation of the Act(like, the stand of the government on Pahad/Parbat kism land is still confusing manywhereas the clarification of the MoTA on the three generations primary dependency in OTFD cases has hardly been taken into consideration).

The lack of clarity is found even in case of social activists. That the CFR management plans prepared by the communities are to be sent to the SDLC and/or DLC for approval is one such misunderstanding taking ground in some areas. On the other hand, ignoring the threshold of the FRA and expecting almost everything in its name is another wrong approach found with some organizations that is likely to cause trouble in future.

FRA and the rules framed thereunder themselves lack clarity in certain respects. For instance, claim Form-A provides for a mention of 'any other traditional rights' but there is no scope for mentioning the same in the title, thereby making the concerned claim inadequate. Similarly, there is no exclusive format for claiming the habitat rights though this is supposed to be very important in case of the PVTGs.

FRA has itself virtually curtailed the scope, though unintended, of superseding conventional laws preventing its effective implementation as its section 13 states that the provisions of this Act shall not be in derogation of the provisions of any other law for the time being in force. The Forest Department has taken the best advantage of it and has continued its conventional regime even if that is derogatory to the provisions of FRA. This is particularly true for VSS and rights over MFPs like lac.

For the common people FRA means 'Jangal Jami Aain' as they have seen the focus on the land only.

The findings of the HH survey (Part-II of this report) that was conducted in 9 districts covering 319 HHs (including STs and OTFDs) have been more or less in conformity with that of the general analysis made in Part-I of this report, though in few cases it has come out with some more interesting or distinguished findings probably for the first time. The survey found that whereas 43 out of 315 ST claimants and 2 out of 4 OTFD claimants did not receive the title, the status of their claim was not clear in 41% cases and only 2 persons knew clearly that their claim has been rejected though they did not file any appeal petition chiefly due to want of adequate facilitation. Most of the respondents got less land recognized than claimed originally. The

average recognized land area per title remained below 2 acres. And Gramya jungle was the major forest category in which the claims have been settled followed by 'jungle', 'patra jungle' and reserved forest.

Government agencies emerged as the dominant facilitators (56%) of the claim process with clear role of the NGOs in only 17% cases. Agriculture still remained the major land use before and after the settlement of the claim, though the share of horticultural plantations increased from 1% to 2% during the post-entitlement scenario, thanks to the convergence initiatives. However, Indira Awas remains the major single mode of convergence support till today.

The pre-claim awareness on FRA was absent in most cases (78%), but it is good to know that about 67% respondents understand the basic difference between the rayati land and FRA land.

In a large number of cases 'no change' was reported against the impact of convergence support though in a considerable number of cases increase in land productivity was admitted.

Only 11 out of the total 319 respondents attempted to get some loan against the FRA title and 2 of them were refused loan whereas 4 got the loan basically from local non-nationalized Banks like Gramya Bank. 5 mortgaged their land for burrowing money privately as Banks are normally reluctant to sanction loan against the FRA title. It was realized that people need post-convergence financial support, even in the form of loan, for various purposes including development of the FRA land; and few even want the right to sell this land.

The overall status is that about 60% of the surveyed HHs is happy with FRA. While the title has given them confidence to use and develop their land, it is the convergence support which is the real cause of their happiness. People do not understand what historical injustice has been caused to them, but for them injustice means rejection of the claim, significantly less area recognized than originally occupied and most importantly the non-availability of post-entitlement convergence support. The FRA should therefore be reviewed periodically against these field realities and should be made an evolving process so as meet the actual needs of the people it was targeted for, from time to time.

Key Issues & Challenges

I. Non Recognition of rights of OTFDs on ground of lack of evidence of occupation of forestland for 75 yrs:

- Of 30223 IFR claims filed by OTFDs, only 1042 claims have been approved by DLC and 25316 cases have been rejected.
- Although MoTA has repeatedly (in 2008 and 2011) clarified that the proof of 3 generations dependency shouldn't actually mean 'occupation' of the forest land for 75 years.

II. Recognition of Habitat Rights:

- Recognition of habitat rights of PVTGs is still a non starter in the State.
- Claims have been filed by Juang and Kutia Kandha PVTGs are still pending at SDLC level.

- Claims filed by Mankidias have shown little progress with 2 out of 9 claims approved by SDLC and forwarded to DLC.
- III. **Problems with IFR titles, location, extent and recording of recognised lands:** IFR titles have been distributed without proper demarcation of the land and in many cases, the right holders are not even aware of the exact location and status of the land over which they have received the title.
- IV. **Correction of RoR and forest records:** Lack of proper mapping and recording of rights (both individual and community) in government records. Correction of RoR is in a nascent stage in the State and needs to be taken up on a priority basis to avoid future conflicts.
- V. **Slow Progress in Recognition of community forest resource rights (CFR):** Till date, only 5910 CFR claims have been approved which is covering only 20% of the potential villages to be covered under FRA. In Odisha, at least, 29,000 villages (FSI, 1999) will be eligible for CFR rights recognition as they are forest fringe villages.
- VI. **Ownership rights over minor forest produces:** While ownership rights over minor forest produces are recognised in the community rights titles in many districts, community members face restrictions in the exercise of these rights due to the state government's retention of monopoly control over high value produces such as kendu leaf and bamboo.
- VII. **Diversion of Forest Lands and Gram Sabha Consent:** Forest lands have been diverted or proposed for diversion in many districts without complying to the provisions of the FRA and without obtaining consent of the Gram Sabhas.
- VIII. **FRA and Protected Areas:** In most of the Protected Areas (except Similipal), rights have not yet been recognised, with some continued misinterpretations regarding applicability of the FRA in Protected Areas. **The Minimum Support Price (MSP) scheme for Minor Forest Produce (MFP) is not being implemented in PAs.**
- IX. **Convergence programmes for forest rights holders:**
- Lack of proper planning and coordination in the implementation of the convergence programmes.
 - Absence of linkages between the FRA right holders, PRI members and the line departments.
 - Lack of adequate support to the Gramsabhas for need-based planning.
- X. **Scope of convergence of FRA with different programmes not explored as required:**
- Nature of convergence of programmes limited to housing schemes and plantation programmes.
 - Land development programmes, enhancement of forest based livelihoods targeting at food and ecological security have not been taken up at the ground level with due priority.

Recommendations: Way Forward

- I. **Correction of RoRs:** Correction of Record of Rights need to taken up on a priority basis and certified copies of RoRs need to be given to the title holders.
- II. **Conversion of forest villages to revenue villages:** Forest and unsurveyed villages should get special priority for conversion into revenue villages.
- III. **Review and Follow up of Rejection/Pending claims:**
 - Clear instruction from the government has been issued to suo-muto consider all pending/rejected cases as petitions.
 - District authorities need to take immediate review and follow up of the rejection/pending claims.
- IV. **Recognition of Community Rights and Community Forest Resource Rights:**
 - Special drive need to be taken up for recognition of Community Rights and CFR rights on a mission mode.
 - Ensure that areas recognised under CFR do not overlap with the area recognised under IFR and necessary correction to be made in the CFR titles.
 - CFR areas recognised under FRA need to be incorporated in the RoR.

Recognition of rights of OTFDs:

 - Rights of OTFDs need to be recognized under Forest Rights Act.
 - Claims of poor and disadvantaged groups who are unable to produce necessary evidence under FRA should be settled under other revenue laws of State Government like OGLs Act.
- V. **Conflict between Acts & Policies:**
 - Laws regulating minor forest produce need to be amended in the light of FRA. This should include the Odisha Timber and Other Forest Produce Transit Rules, 1980 and the Gram Panchayat MFP Administration Rules, 2002.
 - Amendment in line with FRA should be done for parallel legislation such as the Wildlife Protection Act, Indian Forest Act and the Forest Conservation Act.
- VI. **Convergence of programmes and schemes:**
 - Scope of convergence need to be explored to enhance sustainable livelihoods and realise the potential of FRA.
 - Convergence need to sync with the Gram Sabha plan and **in conjunction with the socio cultural and traditional practices of the tribals/forest dwellers.**
- VII. **Institutional Mechanism:**
 - Setting up dedicated FRA Cells at the SC&ST Development Department and the DLCs to coordinate FRA-related activities and provide technical support.
 - Awareness programmes for Gram Sabhas and FRCs, particularly on community rights and CFRs.
 - Regularising training programmes for government functionaries involved in the implementation process.

- State-level statutory bodies like the SLMC and the Tribes Advisory Council (TAC) to sit regularly and review the progress in a comprehensive manner.

ABBREVIATIONS

ACF	Assistant Conservator of Forest
BDA	Bonda Development Agency
BDO	Block Development Officer
BPL	Below Poverty Line
CAMPA	Compensatory Afforestation Fund Management and Planning Authority
CFR	Community Forest Right
CFRMC	Community Forest Resource Management Committee
CFRR	Community Forest Resource Right
CR	Community Right
CSD	Campaign for Survival of Dignity
DDA	Didayee Development Agency
DFO	Divisional Forest Officer
DKDA	Dangaria Kandha Development Agency
DLC	District Level Committee
DWO	District Welfare Officer
FES	Foundation for Ecological Security
FGD	Focused Group Discussion
FRA	Forest Rights Act
FRC	Forest Rights Committee
GoI	Government of India
GoO	Government of Odisha
GP	Gram Panchayat
GPS	Global Positioning System
GS	Gramsabha
HH	Household
HKMDA	Hill Khadia and Mankirdia Development Agency
IFR	Individual Forest Right
ITDA	Integrated Tribal Development Agency
JBIC	Japan Bank for International Cooperation
JDA	Juang Development Agency
JFM	Joint Forest Management
KKDA	Kutia Kandha Development Agency
LDA	Lodha Development Agency
LSDA	Lanjia Saora Development Agency
LWE	Left-wing Extremism
MFP	Minor Forest Produce
MGNREGA	Mahatma Gandhi National Rural Employment Guarantee Act (as a scheme it is called MGNREGS)
MLA	Member of the Legislative Assembly
MoEF	Ministry of Environment and Forest

MoTA	Ministry of Tribal Affairs
NGO	Non-government Organization
NRC	National Resource Centre
NREGS	See MGNREGA
NTFP	Non-timber Forest Product
OBC	Other Backward Caste
OGLS	Odisha Government Land Settlement(Act)
OGPA	Odisha Grama Panchayat Act
OJM	Odisha Jungle Mancha
OTELP	Odisha Tribal Empowerment & Livelihood Programme
OTFD	Other Traditional Forest Dweller
PA	Project Administrator
PAC	Pre-agricultural communities
PBDA	Paudi Bhuyan Development Agency
PCCF	Principal Chief Conservator of Forest
PESA	The Provisions of Panchayats Extension to Scheduled Areas(Act)
PMGSY	Pradhan Mantri Gram Sadak Yojna
PRI	Panchayati Raj Institutions
PRF	Proposed Reserve Forest
PTG	Primitive Tribal Group(same as PVTG)
PVTG	Particularly Vulnerable Tribal Group(same as PTG)
RCDC	Regional Centre for Development Cooperation
RI	Revenue Inspector
RoR	Record of Rights
RPDAC	Rehabilitation & Periphery Development Advisory Committee
SAIL	Steel Authority of India Limited
SC	Scheduled Caste
SCSTRTI	Scheduled Castes and Scheduled Tribes Research and Training Institute
SDA	Saora Development Agency
SDLC	Sub-Division Level Committee
SHG	Self-Help Group
SLMC	State Level Monitoring Committee
SO	Special Officer
ST	Scheduled Tribe
TSP	Tribal Sub-Plan
UNDP	United Nation's Development Programme
VSS	Vana Surakshya Samiti(Vana Samrakshyan Samiti)
WEO	Welfare Extension Officer

CONTENTS

Part-I

GENERAL ANALYSIS

CHAPTER		PAGE
<i>Acknowledgements</i>		<i>i</i>
<i>Foreward</i>		<i>iii</i>
<i>Executive Summary</i>		<i>iv</i>
<i>Abreviation</i>		<i>xi</i>
Chapter I: Introduction		
1.1	Context and rationale of the Study	1
1.2	Why FRA?	2
1.3	FRA scenario: Odisha versus rest of India	5
1.4	Objective of the study	10
1.5	Structure of the report	11
Chapter II: Methodology of the Study		
2.1	Review of literature	13
2.2	Approach and methodology	17
2.3	Study universe: sample districts and area profile	19
2.4	Sampling method	24
2.5	Limitations of the study	25
Chapter III: Status of Implementation of FRA since inception		
3.1	Formation of committees and their functions till date	28
3.2	Individual rights, community rights, community forest resource rightsR	42
3.3	Habitat rights	65
3.4	Settlement of rights in wildlife sanctuaries/National Parks	69
3.5	Recognition of rights under Sec 3 (2)	72
3.6	Conversion of forest villages into revenue villages	79
3.7	Rejection and appeal	83
3.8	Formation of committees under sec 4-1 (e) and its functions till date (CFR management plan and role of Gramsabha)	92
3.9	Convergence initiatives taken up by the State	103
Chapter IV: Evolution of Policies for Effective Implementation of FRA in the State		
4.1	Tracing the journey	111
4.2	Forest Rights Act in judicial custody: pace of Implementation in a deadlock	112
4.3	Key initiatives taken by the state government (2009-2012)	113
4.4	Post-2012 developments	119

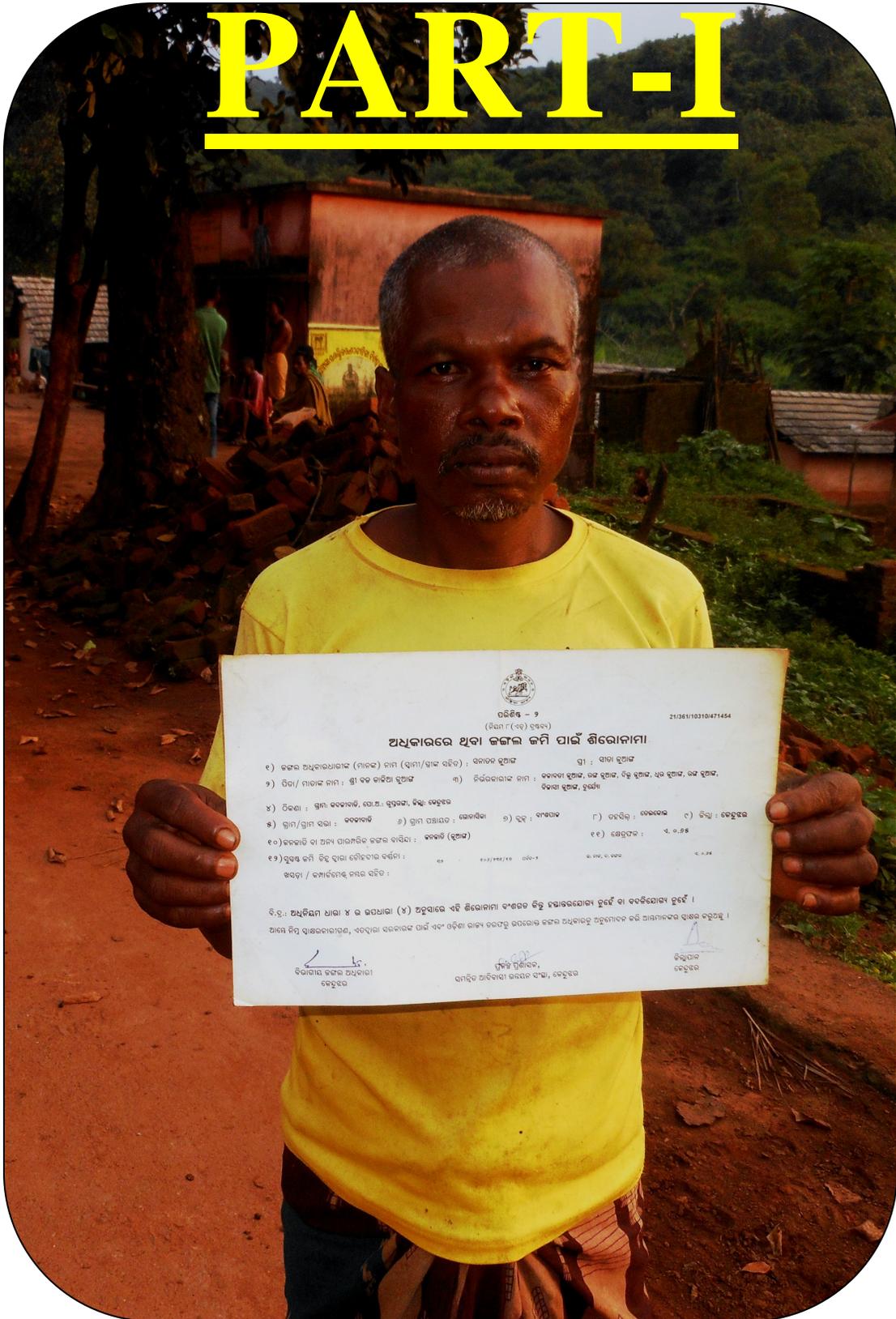
4.4	Review: an essential part of the process	126
Chapters V: Proactive initiatives taken in context of FRA implementation		
5.1	Initiatives/good practices taken by the State	129
5.2	Pilots/Initiatives that have been replicated and how	135
5.3	Pilots which have not worked and why	137
5.4	Suggested action to scale up the successful initiatives	138
Chapter VI: Gaps in Implementation		
6.1	Issues and challenges	139
6.2	Areas of concern	146
6.2.1	Rights of the OTFDs	146
6.2.2	Land demarcation	157
6.2.3	Correction of RoR and forest records	161
6.2.4	Recognition of habitat rights	169
6.2.5	Conflicts	170
6.2.6	Ownership over minor forest produce	179
6.2.7	Misuse of the Act	181
6.2.8	Displacement and rehabilitation issues	183
6.2.9	Technological applications in FRA: boon or barrier?	190
6.2.10	Impact of the implementation of FRA on ecology and environment	191
6.2.11	Forest rights versus wildlife conservation	196
6.2.12	Implementation in municipal areas	199
Chapter VII: Conclusion and Way Forward		
7.1	Recap	200
7.2	Recommendations	203
7.3	Future road map	207
7.4	Conclusion	208
	<ul style="list-style-type: none"> • Bibliography • Glossary 	

Part-II

FINDINGS OF THE FIELD SURVEY

Annexure

PART-I




 ଓଡ଼ିଶା - ୨
 (ଶିଳା ଟି (ବ) ରାଜ୍ୟ)

2126110310471454

ଅଧିକାରରେ ଥିବା ଜଙ୍ଗଲ ଜମି ପାଇଁ ଶିରୋନାମା

୧) ଜଙ୍ଗଲ ଅଧିକାରଧାରୀଙ୍କ (ମାଲକ) ନାମ (ସ୍ତ୍ରୀ/ସ୍ତ୍ରୀଙ୍କ ସହିତ) : ସତ୍ୟନାଥ ପୁଠାଣ ୩) ସ୍ତ୍ରୀ : ସାତା ପୁଠାଣ
 ୨) ପିତା/ ମାତାଙ୍କ ନାମ : ଶ୍ରୀ ବଡ଼ ନାଥୀଆ ପୁଠାଣ ୩) ବିଭିନ୍ନକାରୀଙ୍କ ନାମ : ଚନ୍ଦନା ପୁଠାଣ, ଚନ୍ଦ୍ର ପୁଠାଣ, ବିଜୁ ପୁଠାଣ, ଧର ପୁଠାଣ, ଚନ୍ଦ୍ର ପୁଠାଣ, ବିଜୟା ପୁଠାଣ, ପ୍ରଭାତୀ

୪) ଠିକଣା : ଗ୍ରାମ: ଚନ୍ଦନାଳୀ, ଯୋ.ଅ. ସୁବରମା, ବିଲ୍ଲା ଚେନ୍ଦ୍ରପଦ
 ୫) ଗ୍ରାମ/ଗ୍ରାମ ସଭା : ଚନ୍ଦନାଳୀ ୬) ଗ୍ରାମ ପଞ୍ଚାୟତ : ଯୋଜାପାଳା ୭) ବ୍ଲକ୍ : ବାଘପାଟଣା ୮) ଡିଭିଜନ୍ : ଚନ୍ଦନାଳୀ ୯) ଜିଲ୍ଲା : ଚେନ୍ଦ୍ରପଦ
 ୧୦) ବରକାଳି ବା ଅନ୍ୟ ପାରମ୍ପରିକ ଜଙ୍ଗଲ ବାସିନ୍ଦା : ଚନ୍ଦନାଳୀ (ପୁଠାଣ) ୧୧) କ୍ଷେତ୍ରଫଳ : ୪. ୦. ୨୫
 ୧୨) ପୂର୍ବରୁ ଜମି ବିଲ୍ଲା ଦ୍ୱାରା କୌଣସିକାରୀଙ୍କ ଦଖଲ : ୧୩) ୧୪) ୧୫) ୧୬) ୧୭)

ଉପରୋକ୍ତ / କମ୍ପାଉଣ୍ଡିଙ୍ଗ୍ ନମ୍ବର ସହିତ :

ବି.ସି.: ଅଧିକାର ଧାରୀ ୪ ର ଉପଧାରୀ (୪) ଅନୁସାରେ ଏହି ଶିରୋନାମା ବ୍ୟବହାର କରି ବ୍ୟବହାରକାରୀଙ୍କୁ ହିସାବରେ ବା ବେବିକାରୀଙ୍କୁ ହିସାବରେ ଦିଆଯିବ ।
 ଆମେ ବିଲ୍ଲା ସ୍ୱାଧିକାରକାରୀ, ବରଦ୍ୱାରା ଉପକାରୀ ପାଇଁ ଏହା ଠିକ୍ କାର୍ଯ୍ୟ କରାଯାଇ ଉପକାରକ ଜଙ୍ଗଲ ଅଧିକାରକୁ ଅନୁମୋଦନ କରି ଆମ୍ଭମାନଙ୍କର ସ୍ୱାକ୍ଷର କରୁଅଛୁ ।

ବିଭାଗୀୟ ଜଙ୍ଗଲ ଅଧିକାରୀ ଚେନ୍ଦ୍ରପଦ ଗ୍ରାମ ପଞ୍ଚାୟତ, ଯୋଜାପାଳା, ଚେନ୍ଦ୍ରପଦ ବିଭାଗୀୟ ଚେନ୍ଦ୍ରପଦ

Chapter-I: INTRODUCTION

1.1 CONTEXT AND RATIONALE OF THE STUDY:

As said in its preamble, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, popularly known as Forest Rights Act or FRA was promulgated so as “to address the long standing insecurity of tenurial and access rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers”. The FRA was passed in the Indian parliament in December 2006 and received the assent of the President of India on 29th December’ 2006; but its official notification was delayed for considerable period and after mass protests and political uproar it was finally notified on 31st December’ 2007, i.e. almost a year after it received the President’s assent. The first set of Rules framed under the same however followed shortly on 1st January’ 2008 and after a critical review of the poor progress made in the implementation of the Act, the Government of India came out with a set of amendments in the said Rules, in 2012 preceded by a comprehensive set of guidelines more or less matching the Amendment Rules. The amendments were made to help overcome the limitations of earlier provisions and also the bottlenecks in the prevailing practices and were more liberal in nature ensuring the rights of the target communities.

The Act is very comprehensive in its approach and mandate, considering a wide range of issues/circumstances ranging from individual land rights to conversion of forest villages into revenue villages. The Ministry of Tribal Affairs is the nodal agency responsible for the effective implementation of this law in the country whereas at state level, particularly in Odisha, the ST and SC Development Department is the nodal agency. These agencies monitor the progress of the implementation of the Act on a regular basis, though their approach is more formal in nature and often doesn’t go beyond the analysis of the progress in respect of individual and community claims for forest lands. On the other hand, there are very strongly active and dynamic social actors who monitor the implementation of the FRA on their own, sometimes leading protests, campaigns and even legal interventions based on their findings at grassroots level.

The present study contains both the findings of the empirical survey as well as analysis of secondary data with an objective of presenting a realistic picture on the comprehensive progress made vis-à-vis the FRA, for the consideration by the SLMC to decide necessary steps for further progress and improvements.

1.2 WHY FRA?

Forests have been a vital common property resource for millions of disadvantaged communities across the world. In India, access to this resource was differently regulated under different feudal regimes before the colonial period though it was in general not so restrictive; but when the British started what they called 'scientific forest management' with the immediate objective of ensuring sustainable productivity of forest timber as well as long term objective of maintaining the ecological balance, the regulations regarding forest tenures and the access thereto were well-defined. The Forest Act was promulgated and good forest areas were reserved with high restrictions on the access of common people. Village forests were on the other hand declared for the regular use of the villagers, with few restrictions. There were intermediate tenures too of which the tenure Protected Forest exists till date.

The tribal communities usually loved to live in forest areas partly because of their freedom-loving nature and pre-agricultural cultures. Hunting and gathering forest produce was a part of their identity. However, many of them did adopt some agricultural practices to grow a wide range of food grains such as millets. The tribals used to clear patches of forest for this purpose and in case of hill slope agriculture they practiced shifting cultivation. Hill slopes were used as there was often a scarcity of plane land in the hilly and forested areas. Also some of the crops grew better on these slopes than in plane lands.

A large part of the forest areas in colonial India belonged to feudal regimes that had started imposing various restrictions on the peoples' access to forests so as to safeguard their commercial interests primarily. They too followed the British practice of reserving forests, but the reservation process was usually devoid of the elaborate legal procedure of forest settlement (of rights). Even the British had started taking action against practices like shifting cultivation as they found it quite detrimental for the forest growth. The rights and privileges of the common people being highly affected because of these restrictions, mass agitations occurred in 1930s and 1940s to demand relaxations in the rules. What was however more dangerous was the improper survey and settlement practices which did not normally recognize shifting cultivation lands on hill slopes and also remote habitations in forest areas. The so-called 'Jungle Blocks' of Koraput district still bear the impact of such lacuna. On another front, the forest officials sometimes included village areas inside the reserve forest boundaries without settling their rights. What was however most unfortunate is that despite reports of such violations of people's rights the Government of India regularized the reserved forests of erstwhile princely states under the Indian Forest Act, 1927 ignoring the rights issue. This is how a large number of disadvantaged communities, mostly tribals, became 'encroachers' in the forest lands which they had been considering as their ancestral property since ages.

Interestingly, in many princely states the rulers had special provisions for reclamation of forest land as they wanted expansion of agriculture which had been the major traditional source of revenue generation since ages¹.

In 1980, the Forest Conservation Act was passed. The issue of 'encroachers' became more focused after the promulgation of this Act. The Ministry of Environment and Forest issued a detail guideline to the states in 1992 (the process actually started in 1990) to regularize the forest land occupied by the tribals prior to the enactment of Forest Conservation Act. This is popularly known as pre-'80 encroachments. As per the guidelines a team consisting of the Tahasildar, Forest Ranger and local panchayat representative, etc. was to visit each tribal village and verify the claims; but this was reportedly not given due importance by many states² though in some cases the list of pre-'80 encroachers was prepared and this too was controversial as social activists apprehended that many genuine claimants might have not been included in the list. This way the process could not be finalized and the issue created wide discontent.

In 1996 the historic PESA Act was passed which recognized ownership rights of tribal communities over minor forest produce in the Schedule V areas and the Union Government announced in June 2004 that under the National Common Minimum Programme, the state governments would be urged to bring about a legislation conferring such ownership rights to the 'people from weaker sections working in forests.' The MoEF then drafted a Model State Minor Forest Produce (Ownership of Forest Dependent Community) Bill, 2004³.

However, the basic issue of tenurial insecurity of the tribals living in forests or forest-fringe areas was still a matter of nation-wide debate and mass protests followed particularly under the banner of Campaign for Survival of Dignity (CSD) in response to the attempts by the forest authorities to evict the 'encroachers' from forest lands following instructions to that effect issued by the MoEF misinterpreting a verdict of the Supreme Court in the famous Godavarman case. The eviction drive caused great pain to a large number of poor forest dwellers. The nation-wide social activism on this issue resulted in adequate political attention from the Union Government culminating in the promulgation of the Forest Rights Act.

¹ For details vide Rath, B.(2000). **Aspects of Garjat Forestry**. Vasundhara, Bhubaneswar

²Anonymous (undated).**Problem assessment and suggestions for effective implementation of the title allotment process to the genuine claimants under the Tribal Rights Act(TRA) and its future sustainable management**. (received through an RTI application from the PCCF's Office, Odisha)

³ Bag, et al(2010). **NTFP Policy Regime After FRA: A Study in Select States of India**. Pp.113-114. Regional Centre for Development Cooperation, Bhubaneswar

In fact, the initially drafted Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Bill, 2005, sometimes known as Tribal Rights Bill, aimed at recognizing the forest rights of forest dwelling scheduled tribes who occupied the forest areas of the country before 25th October' 1980⁴. This Bill however went through several amendments so as to get transformed into the present form of the Act.

The misinterpretation that led to the FRA

The Godavarman case was filed in the apex court in the year 1995 as public interest litigation primarily raising the issue of destruction of forests by commercial interests and powerful lobbies. In 2001, the Hon'ble Court was informed that the government was trying to 'regularize' encroachment of forest lands by such 'powerful lobbies'. This was not completely ambiguous as things like this did happen in certain parts of the country and in some north-eastern states like Assam illegal immigrants from Bangladesh did cause serious encroachment issues. In fact, Odisha has also seen similar encroachments in the Bhitarkanika region. It was therefore natural for the apex court to direct the central government to not regularize any encroachment in forest land without its permission. The Ministry of Environment and Forest misinterpreted this as a direction to evict all encroachers and accordingly issued an order on 3rd May 2002 to all states to evict all ineligible encroachers and post-'80 encroachers in a time-bound manner. This is how the eviction drive began, with some cruel actions in some states like demolishing structures using elephants in Assam and setting fire to tribal houses in Madhya Pradesh. The CSD estimated that around 3 million tribal families faced the threat of eviction, whereas the government admitted to have cleared encroachments from about 1.5 lakh hectares of forest land by August 2004. [partly based on Dreze, Dr.Jean (2005), *Tribal Evictions from Forest Land*, accessed at http://www.prsindia.org/uploads/media/1167469383/bill53_2007010353_Nac_note_on_tribal_eviction.pdf on 27 December 2016]. This however should not lead to another misinterpretation that the government or the MoEF was always against the tribal rights. On the contrary, regularization of tribal encroachments and conversion of forest villages into revenue villages had been attempted by the central government before the FRA was enacted though non-implementation of the 1990 guidelines by the states as well as some litigation prevented the proper implementation of the same.

The process of formulating a policy to recognize the rights of tribal people in forest lands began in February 2004 when the central government asked the state governments to effect such legal recognition. In the same month next year a bill for this purpose was tabled in the Parliament which was then referred to the Joint Parliamentary Committee (JPC). In July 2005 the Tribes Advisory Council of Odisha unanimously passed a resolution recommending adoption of the Bill.

⁴<http://www.prsindia.org/billtrack/the-scheduled-tribes-and-other-traditional-forest-dwellers-recognition-of-forest-rights-bill-2005-431/>

The JPC submitted its recommendations in May 2006 and the Bill was passed in December 2006 though it was notified in the Gazette on 2nd January 2007 whereas the Rules thereunder were finally notified in January 2008⁵.

1.3 FRA SCENARIO: ODISHA VERSUS REST OF INDIA:

As on 31st August' 2016⁶, Chhatisgarh followed by Odisha and Madhya Pradesh have recorded the highest receipts of individual claims under FRA while Odisha holds the record of highest distribution of individual titles followed by Chhatisgarh and Madhya Pradesh(vide annexure-1).

This achievement of Odisha has given it a special credit. However, in case of community claims Madhya Pradesh holds the 1st position followed by Odisha and West Bengal in respect of the receipts whereas this order gets modified with Maharashtra replacing West Bengal in the third position in respect of the distribution of titles. Thus, Odisha holds the second position both in receipt of community claims as well as distribution of community titles.

However, the actual performance can be illustrated in terms of percentage of achievements in distribution in the total claims received, as shown in the following chart. Accordingly, Kerala holds the 1st position followed by Tripura and Odisha so far individual claims are concerned, whereas Uttar Pradesh holds the 1st position followed by Madhya Pradesh and Jharkhand and Odisha ranks 6th so far community rights are concerned.

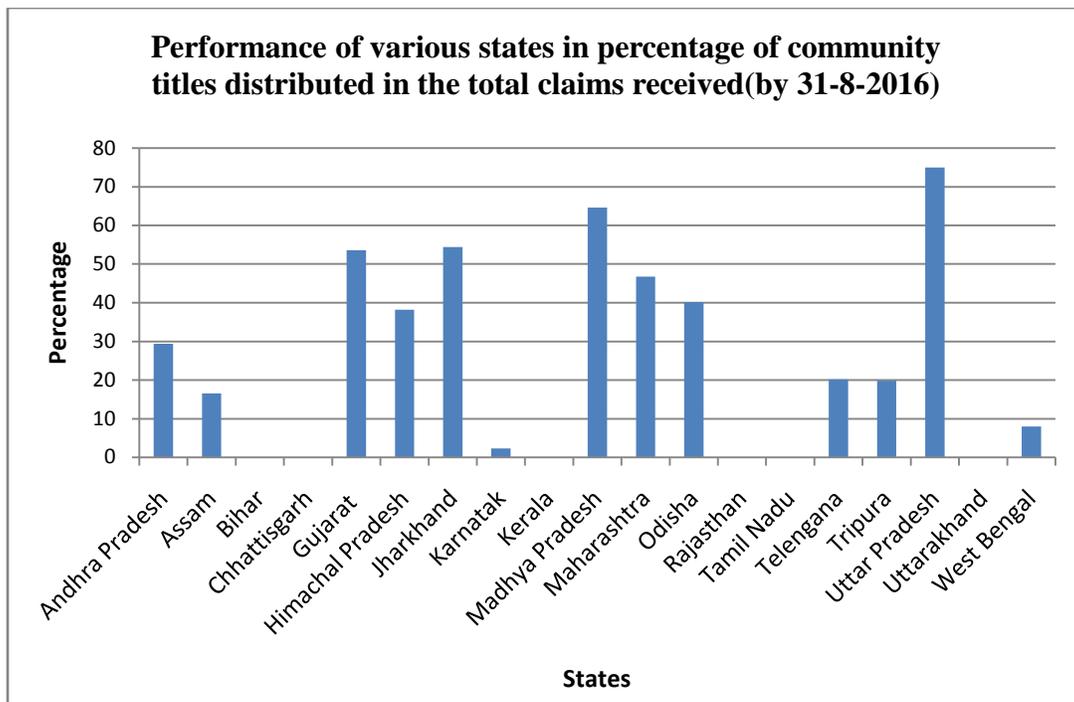
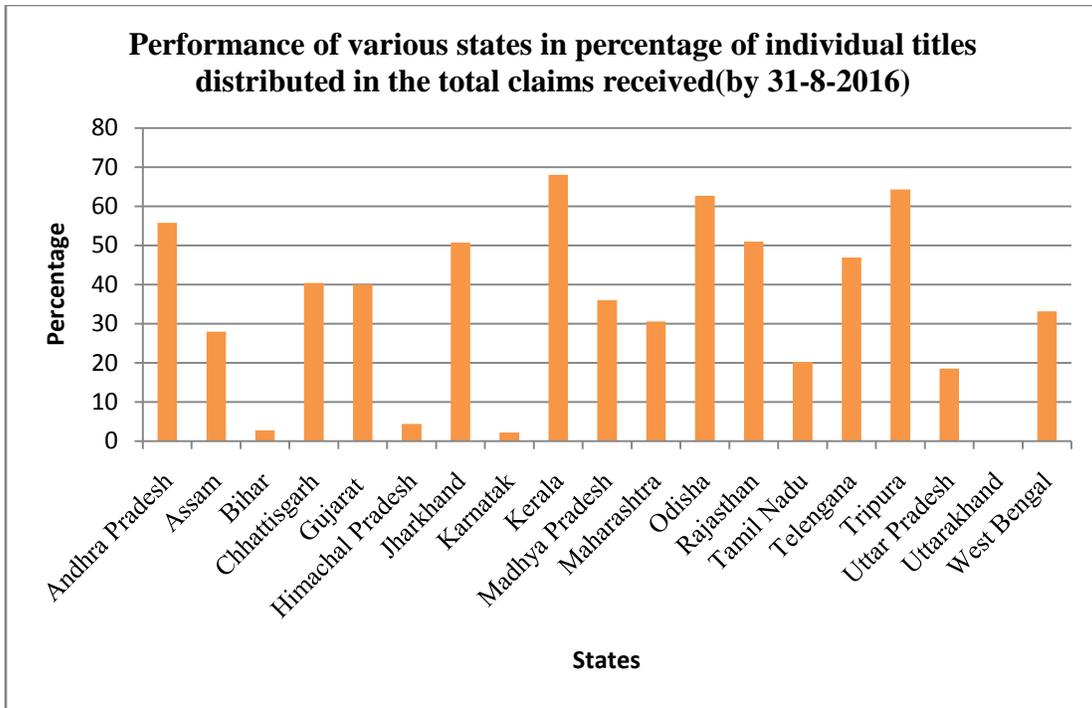
In respect of forest area granted for both individual and community rights, Madhya Pradesh holds the 1st position followed by Telengana and Maharashtra whereas Odisha holds the 5th position.

Maharashtra's credit

This state has seen an exceptional coherence between the administration, the civil society and the community particularly in the Gadchiroli district where the village Mendhalekha became India's first to be granted a CFR title in 2009. This village was also first to be issued transit pass book (2011) to manage commercial activities on its own for its bamboo resources. The state is known for some of its distinguished proactive steps for the effective implementation of FRA.

⁵SCSTRIT(2009). **Quick Impact Assessment on Implementation of ST and Other Forest Dwellers (Recognition of Forest Rights Act)-2006. Section 4.1**

⁶Status report on implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 [for the period ending 31.08.2016], Ministry of Tribal Affairs, Government of India



(vide annexure-1 for the relevant data)

As of the regional dynamics of FRA implementation, there are interesting issues reported from various parts of the country. For instance, in Jammu and Kashmir, which is excluded from the application of FRA because of its special status, there are the Gujjars and Bakarwals who are

basically pastoralists and the Gujjars have demanded for implementation of FRA in this state⁷ so that their rights can be secured. The study taken up by the present consultant in 2014 on behalf of NTFP Exchange Programme India through its partner NGO RCDC(Bhubaneswar)⁸ revealed that while the state of Jammu & Kashmir follows almost a century-old forest regime that allowed many concessions to the ethnic communities dependent on forests and there is a system of safeguarding some of the rights of the pastoralist communities who now prefer for permanent land settlement, the approach of the local Forest Department is confined only to the land recognition aspect of FRA and thus they say that since these pastoralist people are being provided with support for settlement, etc. hence there is no need of applying FRA here. The Department has not gone beyond to think of habitat rights and other comprehensive provisions of the FRA in such cases. At the same time a case was discovered wherein the Department had allegedly stopped construction of a house in the forest land.

The same study also covered parts of Himachal Pradesh, Assam and Meghalaya where other issues have emerged. In most of the north-eastern states, the local indigenous communities are already enjoying special rights and privileges over their resources which include land and forests and there are local laws of forest regime implemented by the Autonomous Councils though use of the resources by the communities chiefly for unsustainable commercial purposes has sometimes created a concern. Since a major part of the forest land is already under the control of the community, the Forest Department does not want to spare under FRA whatever small percentage of forest land it owns and hence is very reluctant to consider this Act. In Himachal, the pastoralist Gaddis and Gujjars also enjoy special privileges to use the forest lands (mostly revenue forests) as pastures; but as the said study had found out, some of the hidden flaws in the implementation of FRA were exposed recently when an NGO approached the apex court accusing the local government for not evaluating, settling and compensating the tribals for taking away their community rights because of the Kashang Hydroelectric Project in Kinnaur district. When the state government informed the Court that the tribal rights were settled as per some old system dating back to 1921, the Court ridiculed this stand reminding the State that things have changed after the Parliament enacted the FRA⁹.

In Karnataka, the social activists supported the struggle of the local tribals (chiefly Soligas) to get their rights settled in the BR Temple sanctuary, as a result of which several CFR titles were granted in the sanctuary in 2011 making it a victory for the Soligas who were now entitled to collect and dispose MFP on their own, apart from other rights¹⁰. In fact, this was the first case

⁷ See, for instance, the media report 'Gujjars demand extension of Forest Rights Act to JandK', *The Economic Times*, 8 Feb. 2015, http://articles.economictimes.indiatimes.com/2015-02-08/news/58928615_1_forest-rights-act-forest-land-gujjars

⁸ Rath, B.(2014). **Exploring Forest Regime in North and North-east India: A Study in Four States**. Memio

⁹ Vide 'SC:Are tribals' rights settled before allowing projects on forest land?', *The Times of India*, Bhubaneswar edition, dated 6 September 2016

¹⁰ See Srivastava(2011); Finally, Community Forest Rights;*Down to Earth*, 31 Oct. 2011, <http://www.downtoearth.org.in/news/finally-community-forest-rights-34233>
<http://www.countercurrents.org/2016/10/10/women-protect-common-forest-rights-in-rajasthan/>

of any CFR being recognized in any Protected Area of the country (when the Amendment Rules of 2012 introducing CFRR were yet to come). However, the local forest authorities could not easily accept the recognition and the conflict between the authorities and the Soligas led to a litigation resulting in a court order that upheld the community forest rights allowing collection and disposal of minor forest produce by the Soligas as they pleased¹¹.

A conflict between the common interest and individual interest has been reported from Rajasthan owing to the alleged delay in the proper implementation of FRA. Non-recognition of community rights has led to apportioning of commons (forest land) to individuals in the Nichlagarh area of the state's southern part¹² where women have taken a lead role to protect the commons.

A comparative study of CFR issues in Odisha and Chhattisgarh¹³ in 2015 revealed that the Forest Department appeared to be more conservative and non-cooperative in Chhattisgarh than in Odisha so far the recognition of CFR is concerned. And all this despite repeated Maoist violence in the name of securing people's rights! The state government of Chhattisgarh should have focused more on mending the damage caused by this Departmental attitude, than simply on increasing the paramilitary operations against the extremists. It was learnt during the study that whereas the district administration in Sarguja was fully in favour of granting the whole of CFR rights, thanks to a civil society initiative; last minute changes took place after the DFO declined to sign in the ready-to-distribute title papers and afterwards agreed to sign on the condition that only partial rights are granted discarding the rights under Section 3(1-i). The change in the stand of the DFO occurred due to instructions from his superiors in the Forest Department. Accordingly, Ghartbarra village in the Udaypur Block of Sarguja district received only the nistar right to collect fuelwood, right to grazing and also ownership right over MFP that too with several conditions imposed.

In Jharkhand, many loopholes in the implementation of the Act have been exposed by the civil society."These include instances where many Adivasi households are given land as low as 25 decimal (0.25 acre) which is hardly adequate for practicing agriculture. There have been examples when the suggested acreage requested for by Gram Sabha have been stuck down at Block level and provided much lower share of land. Failure of community forest rights performing poorly with only 9% of villages applying for the same has been brought to light.

¹¹ Palliavi(2013), Court upholds Soliga tribe's community forest rights, *Down to Earth*, 4 June 2013, <http://www.downtoearth.org.in/news/court-upholds-soliga-tribes-community-forest-rights--41256>

¹² Soma KP and Rich Audichya, *Women Protect Common Forest Rights in Rajasthan*, 10 October 2016, <http://www.countercurrents.org/2016/10/10/women-protect-common-forest-rights-in-rajasthan/>

¹³ Rath, B.(2015). **Community Forest Resource Rights in Odisha and Chhattisgarh: Provisions versus Realities**. Keystone Foundation.

There have been instances where villages demanding community rights have been terrorized by state machinery”¹⁴.

On 10 June 2015, the MoTA wrote to the state governments of West Bengal, Bihar, Himachal Pradesh, Karnataka, Telangana, Uttar Pradesh, Kerala, Uttarakhand and Jharkhand to implement FRA at the earliest¹⁵ as the progress in these states was not found satisfactory.

Recently, a number of civil society organizations collectively reviewed the status of implementation of FRA in the country during the last 10 years¹⁶ and said that while there have been some good progresses and achievements, less than 5% of the potential right-holders have been benefited under the Act while the rights of around 190 million people in about 30 million hectares of forest land is yet to be recognized¹⁷. Citing examples from Odisha’s Mayurbhanj district where recognition of CFR has helped address the issue of Maoist influence in the Shimilipal region, they said FRA provides similar opportunities to address the issue of left-wing extremism in other parts of the country¹⁸. The review found that Maharashtra, Gujarat, Odisha and Kerala led in recognising community and individual forest rights, whereas states including Assam, Bihar, Goa, Himachal Pradesh and Uttarakhand have lagged behind. The poor progress has been attributed to various factors such as lack of adequate capacity of the state- and central nodal agencies responsible for the implementation of FRA, the apathetic attitude of the Forest Department, lack of necessary political will and intentional efforts to undermine the law¹⁹.

Some immediately relevant statistics as furnished in the citizen’s reports released under the afore-said civil society initiative as a part of the *Community Forest Rights Learning and Advocacy Process*, have been provided in the following tables:

¹⁴ See ‘Adivasi and forest rights: Grassroots reality of FRA implementation in Jharkhand’, Countercurrents.org, 13 October 2016, <http://www.countercurrents.org/2016/10/13/ativasi-and-forest-rights-grassroots-reality-of-fra-implementation-in-jharkhand/>,

¹⁵ *Govt asks nine states to implement forest rights Act immediately*, Live Mint, 19 June 2015, <http://www.livemint.com/Politics/Rh9S8NYRnVfhoBfWDA5yO/Govt-asks-nine-states-to-implement-Forest-Rights-Act-immedia.html>

¹⁶ Vide **Promise and Performance: Ten Years of The Forest Rights Act in India**, discussed in Section 2.1 of this study report

¹⁷ Around 190 mn forest dwellers unrecognized 10 years after FRA, *India Today*, 13 Dec. 2016, <http://indiatoday.intoday.in/story/around-190-mn-forest%20dwellers-unrecognized-10-yrs-after-fra/1/833398.html>

¹⁸ See ‘10 years of Forest Rights Act: Some tribals happy, most still suffering’, Catchnews, 13 Dec. 2016, <http://www.catchnews.com/india-news/10-years-of-forest-rights-act-some-tribals-happy-most-still-suffering-1481639766.html>

¹⁹ See ‘Landmark forest rights law crippled by conflicting policies’, *The Quint*, 13 Dec. 2016, <https://www.thequint.com/india/2016/12/13/indias-landmark-forest-rights-law-hobbled-by-conflicting-policies-legislation-lack-of-political-will-funds-advocacy>

Table-1.1: Potential²⁰ and performance of CFR recognition

Region	Potential of CFR recognition(acres)	CFR recognized(acres)	Remaining potential for CFRs(in acres)
India	85605944	2782078	82823866 (96.75 %)
Odisha	5788714	310824	5477890 (94.63%)

(based on Table-4, Promise and Performance: Ten Years of The Forest Rights Act in India)

Table-1.2: Potential and performance of FRA in Odisha

Region	FRA potential(Ha)	FRA performance(Ha)	Unmet potential for FRA(Ha)
Odisha	3026256	342143	2684113 (88.69%)
Kandhamal district	298941 (highest in the state)	93179.68	205761 (68.83%)
Jagatsinghpur district	6138 (lowest in the state)	12.88	6126 (99.80%)

(based on Table-5, ODISHA: Promise and Performance of the Forest Rights Act, 2006)

1.4 OBJECTIVES OF THE STUDY:

As per the Forest Rights Rules, 2008 there is a State Level Monitoring Committee (SLMC) to monitor the progress of the implementation of FRA. This Committee in its last meeting held on 21 July 2015 decided to conduct a study on the status of implementation of FRA in the state and commissioned the Scheduled Castes and Scheduled Tribes Research and Training Institute(SCSTRTI) to take up the study. The said study was to be completed by March 2016, but it could actually start in the month of August 2016. Initially it was proposed to complete the study within three months, but in the inception workshop organized in August 2016 the House opined for a comprehensive study with larger sample size and greater geographical coverage as the FRA has crossed almost 10 years in the meantime and it is very pertinent to look into the real progress and dynamics of the implementation of the same in the state. Accordingly, the sample size was increased from 100 to 300 with more districts added to the list and the study period was extended upto December. To meet the purpose of the SLMC is therefore the larger objective of the present study. The immediate objectives are however as under:

²⁰ The potential has been estimated partly on the basis of data on the forest area recognized for community purpose as per the settlement rules, partly on a conservative estimate of the forest area outside village boundaries but under community use and similar other methodologies; and hence are more indicative in nature than factual.

- To systematically monitor the status of implementation of Forest Rights Act, 2006 so as to understand the actual progress of the same.
- To identify key issues in respect of this implementation.
- To provide recommendations for addressing the issues identified and also for a more successful implementation of FRA.
- To document inspiring case studies.

1.5 STRUCTURE OF THE REPORT:

The present report contains two parts. The Part-I focuses on the general and overall analysis of the study findings based on both primary and secondary data, whereas Part-II exclusively discusses the findings of the household survey made in the nine study districts in 27 villages.

The bibliography lists out books and reports for further reading, in addition to those cited in the report. The annexure contains 31 different data tables most of which have formed the basis of the charts used in the report. Some of these data tables have the potential to help in further research (like, different types of plantation support provided under convergence) and there is an exceptional inclusion of the data available from the Sundargarh district regarding the application of OGLS Act to settle claims in non-forest lands. This is exceptional in the sense that similar data could not be accessed in other study districts.

Part-I contains seven chapters, with the following coverage:

Chapter-I: It discusses the background of the present study both in terms of space and time. There are total five sections in this chapter with some important information provided in the text boxes, like how the Godavarman case indirectly led to the enactment of FRA.

Chapter-II: It discusses the study methodology and the geographical coverage areas. There are five sections in this chapter with some useful references in the review of literature.

Chapter-III: The core part of the report begins with this chapter which contains nine sections and several sub-sections and discusses the major basics of the implementation of FRA in the state, such as the formation and function of the different statutory committees, the progress in processing both individual and community claims including conversion of forest villages and development rights, management of rejection and appeal as per the statutory provision, exercise of CFR management rights by village committees and also progress in respect of convergence initiatives.

Chapter-IV: This provides an useful insight into the timeline of various policy-level developments in the implementation process of FRA including a discussion on the court case filed by the retired forest officials association which affected the process though for a short period.

Chapter-V: It contains the good practices some of which have worked successfully while some have not been much effective. The reasons behind the success or failure have also been discussed with suggested action.

Chapter VI: It contains two sections with 12 sub-sections under section 6.2 and discusses with photographic evidences the major issues/gaps in the implementation process like the ignored rights of the Other Traditional Forest Dwellers, habitat rights and implementation in municipal areas, with an exclusive discussion on the ecological impact of FRA that would be of interest to even the opponents of this Act.

Chapter-VII: It starts with a revisit of the overall study observations followed by recommendations and the future road map.

Chapter-II: METHODOLOGY OF THE STUDY

2.1 REVIEW OF LITERATURE

Although the present study is based primarily on the findings of the empirical study and analysis of primary data sources, literature review was necessary not only for substantiation and validation but also for understanding the past processes and observations, apart from collection of secondary information.

Several state- and national level studies have been done on FRA both by government and non-government organizations. In Odisha, non-government organizations like Vasundhara, RCDC and FES, etc. have been involved in both state- and national level studies and the government institution SCSTRTI also holds the same credit. National and international NGOs like Kalpavriksh, Action Aid and OXFAM have also conducted studies at national level whereas the Ministry of Tribal Affairs, Govt. of India regularly e-publishes the status report on the progress in the implementation of FRA. The ST and SC Development Department, Odisha also provides the status of this progress at state level from time to time on its website. Besides, there are proceedings of several consultations on FRA available online which are quite useful [like, **Report of the National Consultation on Habitat rights of Particularly Vulnerable Tribal Groups (PTG), 2010**]. However, for obvious reasons, the selection of literatures was guided by the realistic requirement for the present study that is focused on Odisha.

FRA studies at National level:

Manthan 2010; Report of National Committee on Forest Rights Act was submitted to Government of India in 2010. Ministry of Environment and Forests and the Ministry of Tribal Affairs constituted a Joint Committee in April 2010 to review the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 popularly known as Forests Rights Act (FRA) across the country. The report deals with implementation of the Forest Rights Act 2006 including factors that are aiding and impeding its implementation, policy recommendation for changes in the future management of the forestry sector in India which may be necessary as a consequence of implementation of the Act, identification of the role of various agencies (official and others) in facilitating forest-dwellers carrying out their roles regarding conservation and management of forests, defining a new role for the Forest Department vis a vis the Gram Sabha for forest conservation and regeneration and identifying opportunities for and recommending measures to ensure convergence of various beneficiary oriented programmes for the forest rights holders taken up by various line departments in the states.

Similarly, **NTFP Policy Regime after FRA: Studies in Select States of India** (Bag, Ojha and Rath; 2010) published by RCDC has compared the NTFP policies in 7 states of India with a

conclusion that the mandate of FRA on NTFP/MFP was yet to be properly honored by these states 6 years back though there were few changes after that, like in Odisha.

Implementation of Forest Rights Act, 2006: Approaches, Good Practices and Learning Experiences from Selected States is another useful study of SCSTRTI conducted with the consultancy support of FES. In 2013-14, it took up a national study on the status of implementation of the FRA in the neighbouring states of Odisha comparing Andhra Pradesh and Chhatisgarh with Odisha.

Compendium of Judgement on Forest Rights Act; 2015, compiled by MoTA and UNDP has attempted to compile various enabling judgements of Hon'ble Supreme Court of India, High Courts and lower courts for effective implementation of FRA. The compendium has tried to provide brief analysis of each of the case with the view to share the directions on implementation and positive rulings which can be used by all stakeholders involved in the implementation of FRA.

The **Training Manual** (Part I and II) developed by the National Resource Centre (NRC) at SCSTRTI and published in 2016 has discussed some major issues like habitat rights, CFR management, women and FRA and convergence. In its part-II, it has exclusively dealt with the delineation and mapping of community rights and community forest resources.

The **Compendiums of government circulars and guidelines** first compiled by SCSTRTI (revised publication in 2012) followed by that prepared by the NRC (2016) have provided very useful clarifications and instructions issued by the government agencies from time to time to comply with the provisions of FRA.

Community Forest Resource Rights in Odisha and Chhattisgarh: Provisions versus Realities by Rath (2015) is a useful comparison between the two states on the status of implementing CFR.

Citizens' Report 2015: Community Forest Rights under the Forest Rights Act is published by Kalpavriksha and Vasundhara in collaboration with Oxfam India. This report is an outcome of the Community Forest Rights-Learning and Advocacy (CFR-LA) process, initiated in 2011. The report deals with information and experiences related to the Community Forest Rights (CFR) provisions of the Forest Rights Act from different States of India. The report highlights on policy level issues as well as implementation bottlenecks related to FRA at various States and also covers positive case studies shared by different organizations and individuals working at the local, regional, national and international level on understanding and facilitating Community Forest Rights.

Potential for Recognition of Community Forest Resource Rights Under India's Forest Rights Act; July 2015; a study carried out by Rights and Resources Initiative, Vasundhara and Natural Resources Management Consultants makes a preliminary assessment of the potential area over which CFR rights can be recognized in India under the FRA. The estimate provided offers a baseline for planning and effective implementation of CFR rights recognition under the FRA and allows policy makers and forest dependent communities to assess the extent to which the law has been implemented

Post-CFR Scenarios in Central Indian Landscape: Prioritizing Issues and Developing Support Mechanisms (A Scoping Study) is a report prepared by Kanch Kohli (2015) with support from FES and discusses some of the major issues related to the post-entitlement scenario in CFR villages in some of the Central Indian states including Odisha. The report has incorporated valuable inputs provided by some eminent civil society experts in a meeting convened by FES for this purpose at Anand. For instance, it states that whereas in most cases the claimant communities were involved more in protection of the forest than management, the actual management of CFRs is now to begin.

Promise and Performance: Ten Years of The Forest Rights Act in India is the latest civil society review of the achievements under FRA in the country during the past 10 years. Released in December 2016 and compiled as a citizen's report as a part of the *Community Forest Rights-Learning and Advocacy Process*, this report has discussed the performance, reasons of poor implementation of FRA and also the way forward. The same initiative has also simultaneously released the **Odisha** part of the review, both of which are available at fra.org.in.

FRA studies at state level:

SCSTRTI has contributed remarkably to the FRA literatures by compiling and/or publishing a number of research reports and compendiums, etc. including Training Manuals. Its first major step in this direction was a **Quick Impact Assessment on Implementation of ST and Other Forest Dwellers (Recognition of Forest Rights Act)-2006** in Odisha, released in December 2009.

Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006: Study on Implementation Status and Good Practices in Odisha provides a good insight into the realities such as how the misinterpretation of the law has deprived the OTFDs of their rights, apart from documenting good practices. This study was commissioned by SCSTRTI and conducted by Vasundhara in 2012.

Land Utilization, Convergence of Schemes by FRA ST Beneficiaries in Selected Districts of North and South Odisha (2015) is a study report prepared by SCSTRTI based on sample survey in 5 districts of the state. Apart from its observations on the convergence scenario, the report has also pointed out some of the loopholes in the system such as absence of a monitoring mechanism to track the benefits accrued to the right-holders.

The article of Sarap, Sarangi and Naik, **Implementation of Forest Rights Act, 2006 in Odisha: Process, Constraints and Outcome** published in the 7th September 2013 issue of *Economic and Political Weekly* is a very useful analysis of the scenario in the state based on sample survey.

Campaign for Survival of Dignity (CSD) has been the key social activist organization promoting the FRA and monitoring its progress at various levels. **Critical Observations on the ‘Implementation Status Report of Forest Rights Act, 2006’ Produced and Uploaded by the State Level Monitoring Committee (SLMC), Odisha (2013)** compiled by CSD’s Odisha chapter provides us a valuable understanding of the claims versus realities. For instance, it shows that most of the so-called CFR titles distributed in Keonjhar district were actually related to Section 3(2) of the Act, i.e. development rights.

Study on Actual Use of FRA Recognized Land at Individual and Community Level (Mohanty, 2013) is another useful e-publication of RCDC throwing light on the post-entitlement scenario in the state based on case studies in several districts.

Study on “Actual use of FRA recognized land at individual and community level”, carried out by RCDC in 2013 is an outcome of series of case studies, information collected through RTI, other sources like govt. convergence guideline & literatures, discussion with village communities, community federation, campaign group and CSOs and its detailed analysis. The study attempts to assess the status of FRA claimed lands after recognition of rights. The general understanding is that FRA has been considered an ameliorative step towards undoing the historical injustice done to the forest dwellers in terms of non-recognition of their rights over the forest land and resources they have been enjoying for livelihoods over the years. The historical injustice relates to such lands that are under community possession or have been under possession of the resident households in the village by approval of the community through customary rights or otherwise. Through the stages of implementation of the FRA in Odisha there has been some remarkable development in terms of granting of rights over individual claims and community claims. Despite the fact that there is non-uniform awareness across the districts and blocks in the State, some good examples have been there about recognition of rights and the subsequent linkage of the FRA lands with other development programs.

Foundation for Ecological Security (undated); **Gosthi Jangala Adhikara Swikruti Ebam Baunsha Sambalara Parichalana: Jamguda Gaanra Anubhuti(Odia)**; CWS (2015), **CFR Protection and Management Plan of Duvia Gramsabha in Mayurbhanj District and Gopalpur Gramsabha in Balasore District of Odisha under FRA, 2006**; Bhubaneswar; and DFO, Kalahandi North Division (undated); **Microplan For Harvesting Bamboo by Jamguda Gramsabha** help us understand the way the first phase of CFR management plans have been initiated in the state, whereas Rath (2016), **Community-based Forest Management and**

Livelihood Development Plan of Karlakana and Podchuan (each separate), NIRMAN, Bhubaneswar demonstrates an advanced and improved version of the CFR management plans.

2.2 APPROACH AND METHODOLOGY

The approach to the present study is both inclusive, realistic, impartial and honest. On one hand, it has tried to understand the view points of various stakeholders including the mutually opponent ones and has accordingly incorporated some valid justifications given by the Forest Department against which most of the allegations of intentional delay are usually framed; and on the other hand, field verifications have been attempted to the feasible extent in case of some important claims or objections, like in Manoharpur village of Sundargarh district where the title-holders are fighting in the court against the government for compensation against their titles.

The study methodology included both qualitative and quantitative methods, each being based on both primary and secondary data collection and analysis, as under:

- ***Qualitative methods:*** This emphasized on the study of the proceedings of DLCs, SDLCs and FRCs in the study districts so as to understand what exactly the process has been. The latest three and first three proceedings of DLCs and SDLCs were attempted to be collected for this purpose though in some cases it was successful either partially or with availability of some more proceedings of the intermediate period. All proceedings of the SLMC were also studied alongwith those of the Tribes Advisory Council from 2011 to 2015 (latest). While this was considered to be a primary source of information, secondary information was collected from various published/e-published/unpublished literatures focused on FRA.
- ***Quantitative methods:*** Relevant statistical data were collected from primary and secondary sources and analyzed variously. Usually the performance was measured in terms of percentage of achievements and line graphs, bar graphs and pie charts were used to project the findings. Progress reports accessed from the Ministry of Tribal Affairs, Govt. of India as well as the ST and SC Development Department, Govt. of Odisha provided some key statistics regarding the overall progress in the implementation of FRA. Statistical information was also obtained from district-level nodal agencies.

The empirical study was conducted in 9 districts across the state, primarily focusing on household survey. The household schedules provided both qualitative (like, use of the forest land prior to the claim and after the entitlement) as well as quantitative (like, area/extent of forest land recognized) information. A master table was prepared using the household survey data from which data pertaining to specific queries or issues were obtained through 'filtration' and were then subjected to analysis. Qualitative survey data was transformed into numerical codes for the quantitative analysis.

Valuable feedback was also obtained from various other stakeholders using different schedules, either through direct contacts or through e-mail. A formal request was sent from SCSTRTI to select competent authorities of the civil society including the CSD, Odisha for their critical inputs and two NGOs and two individual experts responded to this request with their valuable feedback which was helpful in the study.

Media reports and brief and /or detailed observations made by competent individuals /authorities/ organizations on various FRA-related issues were also studied and used in the analysis.

2.2.1 Study Tools:

As mentioned earlier, the study used both qualitative and quantitative methods. The major tool used for this purpose was structured interview schedule for collection of data. Both close-ended and open-ended questions were used to collect primary data from the stakeholders. In addition, the study has also adopted other methods like case study, in-depth interviews and also a couple of Focus Group Discussions to enrich the data pool. 25 different Interview schedules that were used for collecting the information were as under:

Schedule-1.1: Questionnaire for right-holders (individual households)

Schedule-1.2: Questionnaire for right-holders (community rights other than CFR)
(FGD at Gram Sabha Level)

Schedule-1.3: Questionnaire for right-holders (community: forest resource claims)

Schedule-1.4: Questionnaire for right-holders (community forest management committees)

Schedule-2: Questionnaire for FRCs (for both IFR and community claims including habitat rights, if any)

Schedule-3: Questionnaire for SDLC (for both IFR and community claims including habitat rights, if any)

Schedule-4: Questionnaire for DLC (for both IFR and community claims including habitat rights, if any)

Schedule-5: Questionnaire for SLMC (for both IFR and community claims including habitat rights, if any)

Schedule-6: Questionnaire for SCST Development Department (Nodal Officer at State Level)

Schedule-7: Questionnaire for DWO

Schedule-8: Questionnaire for Forest Department (Nodal Officer, PCCF's office)

Schedule-9: Questionnaire for DFO

Schedule-10: Questionnaire for Revenue Department (nodal officer at state level/Board of Revenue)

Schedule-11: Questionnaire for Revenue Inspector/Tahasildar/Sub-Collector/Collector

Schedule-12: Questionnaire for local NGOs

Schedule-13: Questionnaire for state-level NGOs

Schedule-14: Questionnaire for network organizations (district/state)

Schedule-15: Questionnaire for local politicians/Sarpanch/MLA/MP(active on FRA issues)

Schedule-16: Questionnaire for FRA researchers/activists

Schedule-17: Questionnaire for Tribes Advisory Council

Schedule-18: Questionnaire for ITDAs/micro-project in-charge

Schedule-19: Questionnaire for PVTGs (leaders)

Schedule-20: Questionnaire for convergence authorities (BDO, etc.)

Schedule-21: Questionnaire for forest villages (focused group discussion)

Format-22: Questionnaire for OTFD villages (individual)

2.3 STUDY UNIVERSE:

The study universe was confined to the state of Odisha and comprised of nine sample districts and more than 27 villages. While sample villages covered under the household survey were 27(@3 per district) additional villages were also covered for specific purposes where FGD was conducted. The following tables provide the relevant information on the sample areas:

Table.2.1 : Abstract of study coverage

No. of districts covered	9 (Mayurbhanj, Gajapati, Kandhamal, Keonjhar, Balasore, Sundargarh, Koraput, Malkangiri, Rayagada)
No. of household surveys made	319
No. of villages covered(HH survey)	27
No. of forest villages covered	3(Jambani in Mayurbhanj, Malsodra in Kandhamal, Maliguda in Koraput)
No. of OTFD villages covered	6(Hatikot Nuadihi in Mayurbhanj, Kainpur Paika sahi in Gajapati, Manoharpur in Sundargarh, Naranpur in Balasore, Baraja in Koraput and Sarangagarh Pujari sahi in Kandhamal districts)
No. of Micro Projects(PVTG areas) covered	9(Dangria Kandha, Kutia Kandha, Hill Khadia, Lanjia Saora, Bonda, Didayee, Saora, Juang and Paudi Bhuyan)
No. of CFR villages covered	8(Bilapagha and Gaipanikhia in Mayurbhanj, Tuntuna in Keonjhar, Kankadaguda in Gajapati, Naranpur in Balsore, Poduchuan in Rayagada and Madikhol and Sareju in Kandhamal)

Table.2.2 : Profile of sample districts²¹

Sample district	Brief profile	Area of government forest (sq. km.)	Area of deemed govt. forest (sq.km.)	FRA potential (Hectare)
Mayurbhanj	Mayurbhanj is the largest district of Odisha with a total geographical area of 10418 sq.km. and is situated in the Northern boundary of the state with district headquarters at Baripada. More than 39 % of total geographical area (4049 sq.km.) is covered with forest	4392.13	96.13	205654

²¹ Some basic information provided in this table was accessed from the respective district web-portals created by NIC, like http://oddistricts.nic.in/district_profile/aboutus.php; http://oddistricts.nic.in/district_profile/demography.php

	and hills. The district comprises of 4 numbers of Sub-divisions with 26 nos of blocks, 382 Gram Panchayats and 3945 villages. Total population is 2519738 of which ST population is 1,479,576. It has a highly diverse tribal population with three PVTGs(Hill Khadia, Mankirdia and Lodha). The Shimilipal Biosphere Reserve covers a large part of the district.			
Gajapati	The district of Gajapati earlier formed a part of the undivided district of Ganjam and was created in 1992. It has 1 sub-division, 7 Blocks and 129 GPs with a total population of 577817 out of which ST population is 313714. A large part of the district is covered with hills and forests and there are two PVTGs here(Saora and Lanjia Saora).	2468.98	14.82	125158
Kandhamal	Kandhamal district came into existence on 1st January, 1994, after Phulbani district was divided into Kandhamal and Boudh districts. Almost 66 percent of the land area of the district is covered with dense forests and mountains. The district has 2 subdivisions and 12 Blocks with a total population of 648201 out of which ST population is 336,809. The PVTG Kutia Kandha is found in this district.	5709.83	1.82	298941
Balasore	Balasore is one of the coastal districts of Odisha. It lies on the northern most part of the state, bordering Mayurbhanj which is linked with its tribal population and forest area, particularly in the Nilagiri sub-division. It has a total population of 2024508 as per 2011 census out of which ST population is 228,454. This district consists of two subdivisions namely Balasore and Nilagiri. There are 12 Tahasils and 12 Blocks in the district.	332.21	106.09	19424
Keonjhar	Keonjhar is one of the most important	3097.18	264.01	204903

	regions in the mineral map of India. It used to have good forests and hills a lot of which have been lost due to mining. It has got three sub-divisions namely Anandpur, Champua and Keonjhar. There are 13 tahsils, 13 blocks, 286 GPs, 2132 villages. Total population of the district is 1801733 out of which ST population is 818,878. It is the home to the PVTG Juang.			
Sundargarh	Like Keonjhar the district of Sundargarh is also one of the most important regions in the mineral map of India. It too used to have good forests and hills a lot of which have been lost due to mining and industrialization. The district has 3 sub divisions, 16 tehsils, 17 Blocks and 262 Gram panchayats. Total population is 1830673 out of which ST population is 394,687. The PVTG Paudi Bhuyan is found in this district.	4957.32	593.99	272024
Koraput	The present district of Koraput was originally a part of the undivided district of the same name. It has got 2 sub divisions namely Koraput and Jeypore. There are total 14 tahsils, 14 Blocks, three Municipalities, one NAC, 2028 villages and 226 Gram Panchayats. The total population is 13,79,647 and a diverse group of tribals reside here. The district is hilly and rich in forests and mineral deposits.	1879.53	69.66	101475
Malkangiri	The Malkangiri district earlier formed a part of the undivided district of Koraput and consists of one subdivision namely Malkangiri. It is divided into seven blocks and 108 Gram Panchayats, 1Municipality namely Malkangiri and 1 NAC namely Balimela. Total population is 612,727 of which tribal population is 354,614. This district is home to two PVTGs, the Bonda and the Didayee.	3355.88	8	191698
Rayagada	The district of Rayagada too earlier	2812.33	381.75	148113

	formed a part of the undivided district of Koraput and is divided into 11 Blocks, 11 tahsils, 2 sub-divisions and 171 GPs. Total population is 967,911 ²² out of which tribals share an important part. It is home to two PVTGs, Lanjia Saora and Dangria Kandha. The famous Niyamgiri range belongs to this district(a part of which also lies in Kalahandi district) and hill-forests cover a large part.			
--	--	--	--	--

(Source: Respective district websites, office of the PCCF and Table-5, ODISHA: Promise and Performance of the Forest Rights Act, 2006)

Some more details have been provided in annexure-28 and 29.

Table.2.3 : Villages covered under sample survey(household)

District	Block	GP	Village
Sundargarh	Lahunipada	Phuljhar	Uparginia
Sundargarh	Kutra	Kiring Sera	Kaliya Pathar
Sundargarh	Lathikata	Hatibandha	Ataghat
Kandhamal	Daringbadi	Greenbadi	Sareju
Kandhamal	Tumudibandha	Belghar	Burlubar
Kandhamal	Khajuripada	Pinikudi	Rujipada
Balasore	Nilgiri	K.C.Pur	Bhaliaposi
Balasore	Simulia	Ada	Chhatrapur
Balasore	Baliapal	Dagara	Jugadiha
Mayurbhanj	Bahalda	Gambharia	Jagannathpur
Mayurbhanj	Kaptipada	Jadida	Talapokhari
Mayurbhanj	Jashipur	Gudugudia	Gudugudia
Gajapati	Goshani	Labanyagad	Piligaon
Gajapati	Mohana	Chandipat	Kaliapata
Gajapati	Gumma	Bhubani	Tidasingh
Keonjhar	Champua	Sorai	Tunutuna
Keonjhar	Telkoi	Karamangi	Krushnapur
Keonjhar	Banspal	Gonasika	Kadalibadi
Koraput	Potangi	Kotia	Kotia
Koraput	Jeypore	Bariniput	Mahulabhata
Koraput	Baipariguda	Ramgiri	Gelaguda
Rayagada	Kashipur	Chandragiri	Uppar Dandabadi
Rayagada	Gunupur	Regeda	Burtingguda

²²<http://www.census2011.co.in/census/district/420-rayagada.html>

Rayagada	Kalyansingpur	Parsali	Parsali
Malkanagiri	Khairaput	Mudulipada	Dantipada
Malkanagiri	Kudumulu Gumma	Kudumulu Gumma	Puruna Gumma
Malkanagiri	Mathili	Ambaguda	Kandhaguda

Table.2.3 :Some other relevant details

<i>Name of the district</i>	<i>Date of visit</i>	<i>Villages covered under FGD</i>	<i>Other information</i>
Mayurbhanj	1-4 September	Gaipanikha(CFR) Hatikot-Nuadihi(OTFD)	Also visited the forest village Jambani in Thakurmunda Block
Gajapati	7-9 September	Tidasing(Habitat rights) Kainpur Paikasahi(OTFD) Kankadaguda(CFR)	Also visited the ST hamlet of Kainpur and Lumudasing village Also visited Rayagada tahasil to see RoR correction process
Kandhamal	14-16 September	Sareju (community rights) Sarangagada Pujari sahi(OTFD) Madikhol(CFR and forest village)	Also visited Tumudibandh tahasil to see RoR correction process
Keonjhar	23-25 September	Tuntuna(CFR)	The tribal village Kondbandh in Joda block was visited to understand settlement of forest rights before approving mining lease.
Balasore	27-29 September	Naranpur(CFR)	At KC Pur the local villagers provided the evidences against their grievances against the Forest Department
Sundargarh	5-7 October	Manoharpur	Also visited village Ergeda in Lathikata Block
Koraput	18-20 October	Maliguda(forest village/OTFD) and Baraj(CFR/OTFD)	Also visited village Upar Simbi beyond Kotia
Malkangiri	21-23 October	Dantipada (habitat right)	Also visited village Katameta to enquire into matters related to KL deregulation and village Nilapari to verify some OTFD cases
Rayagada	24-25 October	Interaction with the LanjiaSaora community	Also visited village Podchuan to enquire into the CFR

	representatives at Puttasing(habitat rights)	management process
--	---	--------------------

Table 2.4: List of government officials interacted with

<i>District</i>	<i>Designation</i>
Mayurbhanj	District Collector, PA-ITDA(Baripada), Asst. Collector (Rairangpur),Tahasildar(Bahalda)
Gajapati	Sub-Collector, PA-ITDA, SO(Saura Development Agency), DFO, Tahasildar(R.Udaygiri) and Addl. Tahasildar (Rayagada)
Kandhamal	PA-ITDA(Phulbani), DFO(Phulbani), SO(KKDA), Tahasildar(Daringibadi)
Keonjhar	PA-ITDA(Keonjhar), DFO, WEOs(Joda, Champua and JDA), SO(JDA)
Balasore	DWO, ADWO(Nilagiri), DFO, ACF, Tahasildar(Baliapal)
Sundargarh	District Collector, PA-ITDA(Sundargarh and Bonai), ACF(Sundargarh),Addl. Tahasildar(Hemgiri), SO(PBDA)
Koraput	Sub-Collector(Koraput), Tahasildar(Pattangi), DFO(KL, Jeypore)
Malkangiri	District Collector, SO(BDA), SO(DDA)
Rayagada	Sub-Collector-cum-PA-ITDA(Rayagada), SO(DKDA), WEO(Gunupur), WEO(Kashipur)

Table 2.5: List of civil society actors who have formally contributed to this study through their inputs

<i>Location</i>	<i>Name</i>
Bhubaneswar	Sri Ghasiram Panda, Sri Barna Baibhaba Panda (FES), Sri Kailash Chandra Dash (RCDC)
Mayurbhanj	Sri Deepak Pani (Gram Swaraj) and Sri Bishnu Purti (OJM/Mayurbhanj Jungle Manch)
Kandhamal	Sri Jitendra Sahu
Koraput	Sri Bidyut Mohanty (SPREAD)
Balsore	Sri Purna Sahu (OJM)

(Note: This refers to interviews or formal submission of inputs as per the request of SCSTRTI. However, the study team has received valuable support from other NGOs like NIRMAN, Vasundhara and CREFTDA, etc. which has already been acknowledged.)

2.4 SAMPLING METHOD:

The study adopted a combination of four sampling methods (simple random sampling, systematic random sampling, convenient random sampling and purposive sampling). The districts were selected and covered based on the following criteria:

1. Geographical coverage of eastern, western, northern, southern and central zones
2. PVTG, TSP and Non-TSP areas
3. Key achievements and/or issues(like, convergence).

In each district three sample villages were selected randomly of the Blocks selected on the basis of the following criteria:

1. Highest achievement in distribution of titles(individual)
2. Lowest achievement in distribution of titles(individual)
3. Third one on the basis of some special/distinguished features(like, PVTG or OTFD areas)

Convenient random sampling was used to get guided by the local NGOs or government officials associated with FRA work (like the WEO) to select and/or access a sample village that could serve our purpose and at the same time would be accessible or otherwise mobilized to meet our objective. This was particularly helpful in areas affected by left wing extremism. Systematic random sampling was guided by specific parameters (like, PVTG clusters, heterogeneous/homogeneous population for comparative or uniformity analysis, etc.), whereas purposive sampling was targeted at specific villages (like Jambani as a forest village and Madikhhol for its CFR management). Simple random sampling was rarely used though it helped to get some otherwise uninfluenced information (like, in Upar Simbi village beyond Kotia in Koraput district).

2.5 LIMITATIONS OF THE STUDY:

The study was attempted to be as much comprehensive as it could be, but limitations in respect of time and resources made its outcome obviously limited. The inception workshop suggested for a sample survey of atleast 300 households and 10 districts were finalized for this purpose; but total 9 districts could be actually covered though the household survey exceeded 300. There were some last minute changes in the plan replacing Nuapara with Balasore given the limitations of the circumstances of that time though it proved to be quite useful resulting in some stunning discoveries. Few more districts were initially planned for visit by the consultant to focus on specific issues, which could not be possible eventually due to the aforesaid limitations.

Except for the household schedules (1.1) other schedules could be mostly used but in few cases due to want of time or access, or absence of the concerned person(s). Even in those cases some of the questions remained unanswered either because of the ignorance of the concerned interviewee, or few of them were just skipped out so as to adhere to the limited time available with the interviewee (for instance, the District Collector) for this purpose.

In few cases the data promised by the respective nodal agencies at district-level just did not come whereas in some other cases the responses were not as per the expectation. The district-wise status on individual and community claims was furnished in their letter dated 29 September 2016 by the ST and SC Development Department, Govt. of Odisha upto 31 July 2016 in response to our request for the same dated 3 August 2016 and the same data was used for corresponding analysis though updates might have been made available later on the Department's website.

Despite all these limitations however, the study report has been prepared in a way to cover all possible issues of importance/concern; and we hope it will be able to meet the expectation of various stakeholders, particularly the policy-makers at state- and national level.



Meeting with District Collector, Sundargarh



Meeting with PA-ITDA, Gajapati



Meeting with DFO, Parlakhemundi



Meeting with DWO, Balasore



(Left) Meeting with Naranpur FRC president & villagers (Balasore). (Right) Meeting with Sarpanch, Bruttingguda (Rayagada) with WEO, Gunupur



FGD at Tuntuna, Keonjhar (left) and Madikhol, Kandhamal (right)

Chapter-III: STATUS OF IMPLEMENTATION OF FRA SINCE INCEPTION

3.1 FORMATION OF COMMITTEES AND THEIR FUNCTIONS TILL DATE:

The FRA mandates for formation of 5 committees of which three are concerned with the processing and approval the claims under Section 6 of the Act and Rules 3 to 8 whereas one assumes the post-entitlement responsibility under Rule 4-1(e) while the fifth one is for monitoring and policy making purpose at state level (Rules 9 to 10).

The first three committees are the Forest Rights Committee (FRC), the Sub-Division Level Committee (SDLC) and the District Level Committee (DLC). The fourth one is the Community Forest Resource Management Committee²³ whereas the fifth one is the State-level Monitoring Committee (SLMC).

Of these the formation of the Forest Rights Committee is practically a complicated matter as it requires required public mobilization (Gramsabha) and selection of competent as well as willing-to-serve persons as members and functionaries. The local authorities such as the Sarpanch have to play their roles in this process which is not always an easy affair and hence there are issues with the formation and functioning of the FRCs²⁴.

All these committees being statutory ones, their decisions, functions, periodicity of meetings and hence the proceedings carry legal importance. Unfortunately, this doesn't seem to have been realized properly. Particularly the proceedings are often written just for the sake of formality, not to speak of the erroneous (unintentional of course and this is chiefly because of the poor linguistic skills of the drafting officials) statements. Whereas the proceedings need to reflect the dynamics in- and behind the decision making pertaining to all those issues that may attract legal attention, these are usually drafted more or less mechanically thereby lacking in their usefulness for future references.

Another issue is the irregularity in their meetings, particularly that of the SLMC, DLCs and SDLCs as that adversely affects the processing of the claims as well as the monitoring process.

²³ There is no mandatory name suggested in the Act/Rules for this purpose. In fact, the FRA provides for constitution of not one but many committees for the protection of wildlife, forest and biodiversity though usually only one committee has been constituted for CFR management in some of the potential cases.

²⁴ Vide for example the observation of the DLC, Sundargarhin its meeting dated 27-2-09: "It was reported by the Sub-Collectors that Gram Sabhas are not being convened timely by the sarpanches. As a result number of verified claims are pending for resolution in the Gram Sabha." The Collector then asked the District Panchayat Officer to pursue the matter and told action may be taken against the defaulter sarpanches under section 115 of the GP Act.

Constitution of the claim-processing committees under FRA: credibility questioned

Sarap *et al* (2013) have discussed in their article how and why the credibility of the formed FRCs in the 1st phase of the FRA implementation has been questionable. The hurried formation process got many FRCs constituted in an undemocratic manner, i.e. in violation of the mandate of the FRA. They also observed that some of the SDLCs and DLCs lacked adequate representation of the PRIs and/or PTGs. In fact, the SCSTRTI study of 2009 also found cases in which FRCs was formed without quorum. For instance, in Karadasing village (Gajapati district) only 98 of the total 735 voters of the village were present in the Pallisabha meeting that formed the FRC. It is good to know that in some cases the authorities did clarify that the FRCs could not be formed due to want of quorum, but fixation of two particular dates (16 and 23 March, 2008) for convening the Gramsabha meeting to form the FRC is likely to have adversely affected the process resulting in the undemocratic formation. While the Amendment Rules of 2012 created a scope for reconstitution of the FRCs in the proper manner, quorum is still an issue affecting the approval process. It is important to note here that arranging signatures of required numbers of voters in the resolution is not a difficult affair and the study team was informed during its field interactions that this has been managed in some cases after the meeting was over. Hence, the number of signatures in the resolution does not necessarily confirm that the Gramsabha was actually held with due quorum.

3.1.1.1 Forest Rights Committee(FRC):

The FRC is the grassroots-level village committee formed by the Gramsabha (Pallisabha) to facilitate, receive, verify and forward the claims for consideration by the Gramsabha. By 31 August 2016, total 48459 FRCs have been constituted in the state (vide annexure-30 for district-wise status).

Although the FRA allows for FRCs even at hamlet level, the usual practice has been to constitute FRCs at revenue village level, which has affected the right-holders in some cases, particularly in distant hamlets, as the study team was informed in Mayurbhanj district. In Maliguda village (hamlet of the revenue village Pujariput) of Baipariguda Block (Koraput) the villagers refused joint verification as their demand to involve their own FRC/Pallisabha instead of that of the main (revenue) village was ignored.

The FRCs has been constituted under NGO facilitation in many villages and by the government officials in a large number of villages. As usual, the villagers in general and the committee members in particular take it as a governmental formality to elect the functionaries, write/sign the resolutions and then wait for any further instruction from the facilitators unless otherwise prompted.

The FRC resolutions or meeting registers are more or less similar in their narration style and content in all the districts visited by the study team with but few exceptions. This simply suggests the maintaining of a formality.

Like DLCs and SDLCs there is no legal mandate to hold the meeting of the FRC at a particular interval and hence meetings take place only when required/advised.

The registers are usually kept with the President or Secretary and are updated only when new meeting takes place and the concerned proceedings are to be written in the register. Their content corresponds to registering and forwarding the claims only and doesn't mention the post-entitlement status. Claimant-wise details have been found to be as if an exceptional practice, because we observed the same only few cases like in Kainpur (Gajapati) and Ataghat (Sundargarh).

In Joda Block, we found the FRC registers being kept in the panchayat office as the authorities have decided to merge it with the Gramsabha registers after it was found that the villagers did not carefully keep or maintain the said registers. This however suggests the governmentization of the process.

Observations of the civil society actors on FRCs

- FRCs have sometimes been formed without proper quorum of the Gramsabha.
- There is a lack of adequate competency among the FRC functionaries (partly because sometimes the members and leaders are not selected properly and partly because they are yet to be made effectively aware about the provisions and processes).
- Presence of multiple committees constituted at village level under different schemes/programmes creates confusion affecting the FRCs.
- The provisions of the Odisha Gram Panchayat Act on Gramsabha/Pallisabha are not in conformity with the spirit of FRA in recognizing the Gramsabha's role in implementing the FRA. (It is often found that the practice under OGPA dominates in field activities affecting the formation and monitoring of FRCs and other relevant activities.

The FRA Amendment Rules of 2012 require reconstitution of FRCs as per the amended norms and we found in some districts that the reconstitution process was being completed by the end (3rd/4th quarters) of the year 2016. Apart from administrative issues causing the delay, some ground-level issues (like, establishing the link with the old members and functionaries some of which were not accessible) are also said to be behind this delay.

The Naranpur FRC: realities and proactiveness

Naranpur is a revenue village in the Naranpur GP of Nilagiri Block of Balasore district. It has 11 hamlets. The main village Naranpur has a heterogeneous population in which OTFDs (SC and OBC) outnumber the STs, whereas most of the hamlets are ST-dominant. The villagers started protecting the local degraded patch of Ajodhya Reserve Forest in/around 1980 with barefoot patrolling which has now restored the lost glory of the forest and many wildlife species like bear have come back. The forest provides some livelihood support, like sal leaves and char seeds important for the marginal farmers of the village.

The FRC in Naranpur was constituted on 16 March 2008 under conditions similar to most FRCs of that period. The main village and its hamlets consist of about 1700 voters, but the actual participation in the Gramsabha meeting was within 200 or so. The villagers had no idea about the purpose and they just did what was told to them by the government representative. Accordingly a 15-member-FRC was constituted with 5 women. About half of the members were ST and both the president and secretary also belonged to this community. However, most of the members and functionaries were ignorant about the provisions of FRA; and during the next five years hardly one or two meetings took place just to maintain the formality of considering and submitting both individual and community (Form-B) claims.

Things however changed significantly after the FRC was reconstituted on 18 January 2013. The new committee has 15 members with 5 women and 10 ST villagers. The new president is Sri Purna Sahu (OTFD) who happened to be a member of the previous FRC and is one of the most active members/conveners of Odisha Jungle Manch. The secretary belongs to the ST community. It is the individual spirit and activism of Purna Sahu that the new FRC has seen some remarkable changes in the dynamics. Particularly when the CFR claim was returned to the village after objections raised by the DFO on the claim made during the tenure of the previous FRC, Purna Sahu took special initiatives as the FRC president to leave no lacuna this time. The villagers even raised money through donation among themselves to hire a revenue professional for mapping the CFR resources properly in all the hamlets. Claims were submitted this time both in Form-B and Form-C and each hamlet submitted its separate claim. Even some pending IFR titles could be distributed in the village because of the proactiveness of the new president.

So far the new FRC has convened (issued notice) three meetings: one on 20-03-2015, next on 01-04-2015 and third one on 10-4-2015 primarily to discuss the CFR issue. A special pallsabha was held for this purpose on 20 June 2016 though it was convened by Gram Panchayat after the FRC realized that it can't convene the same. The area of the CFR is about 300 acres and the claim is still pending with the authorities though Sri Sahu has continued his struggle to get it done. All said and done however, no meetings during Jan. 2013 to Feb.2015 even under the able leadership of Sri Sahu suggests that FRC meetings are not held unless otherwise necessary.

Few examples from Rayagada on reconstitution of FRC

The SDLC, Rayagada in its meeting dated 27-7-15 observed that resolution on formation of FRCs had not been submitted by BDOs; and the Chairman therefore instructed that “All WEOs are directed to submit copy of the resolution of all villages of his block on formation of FRC within 3 days failing which disciplinary action will be taken.” However, the process could not be completed by the stipulated date and hence on 10-5-16 the BDOs were ‘requested to take special drive to form FRCs where it had not been formed.’

In the DLC meeting dated 12-5-16 “The Collector-cum-Chairman expressed his deep displeasure over non-formation of Forest Rights Committees at G.P. level..... It is told by the ZP members of Rayagada, Chandrapur and Muniguda that in most of the GPs either the Forest Rights Committee is yet to be formed or not at all functioning. It is also told by the ZP members that the tribal people do not know about their right over forest land.”

In a district-level workshop on FRA organized at Rayagada on 27-6-16 the BDO, Kashipur told that out of 417 villages FRC had been constituted in 17 villages. WEO, Gunupur reported of constitution of FRCs in all the villages but the ADWO said he had no information on the same, so it was to be reviewed. The Collector then fixed the deadline for reconstitution as 31 July 2016.

Interestingly, the term ‘reconstitution’ doesn’t find place in the proceedings and instead ‘formation’ is used which is erroneous particularly in case of all existing FRCs which were initially constituted as per the Rules of 2008 and were to be reconstituted as per the Amendment Rules of 2012.

The following table reflects the status based on few sample FRCs:

Table 3.1: Mandate versus actual constitution of sample FRCs

Village/District	Date of formation	No. of members	No. of women	No. of STmember	Remarks
Jatra (Keonjhar)	Not available	15	3	14	No. of women members less than that mandated
Jugadiha (Keonjhar)	11-8-2014 (constituted as per BDO letter dated 21-6-14)	15	5	11 (the resolution however wrongly mentions few ST members as SC ²⁵)	As per Rule
Ranipokhari (Balasore)	24-6-2015(?)	14	4	14	As per rule
Gaipanikhia (Mayurbhanj)	10-5-2008	11	3	Not clear	Here the term not less than one-third should have meant 4
Tala Ganjeipadar (Koraput)	(as on 15-7-2014)	15	9	15	As per Rule, with women members exceeding the male members
Kainpur(Gajapati)	05-12-2012	9	3	6 (?)	No. of members lower than that mandated
Malsadra (Kandhamal)	31-07-2016	9	4	9	No. of members lower than that mandated
Ataghat (Sundargarh)	16-03-2008	15	4 (woman president)	15(?)	No. of women members less than that mandated
Pusiguda (Rayagada)	13-08-2016(?)	10	3	10 (No name in the list of resolution)	Here the term not less than one-third should have meant 4

²⁵ As confirmed by Sri Himanshu Majhi, Panchayat Samiti member on 24-11-16

(କ) ବଜର ଅଧିକାର କମିଟି, ବଜରରେ କାର କର ଅପୁରୁଷ ଅନୁସୂଚିତ ବନକାରି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନକାରି ଯେଉଁ ମାତ୍ର ୫ ବର୍ଷ 75 ବର୍ଷ ବୟସ ଅଧୀନ ଚିନି ପୁରୁଷ ଧର୍ମି ଅର୍ଥତ 13.12.2005 ପୂର୍ବରୁ ବଜରରେ କାର କର ଅପୁରୁଷ ଏବଂ ନିର୍ଭରଶୀଳ ହେବେ ତାହା ଏହି ଆଇନ କବଚରେ ବ୍ୟକ୍ତିଗତ ବଜର କମି ଅଧିକାର ସ୍ୱାଧୀନ ପ୍ରକାର ପାଇଁ ପାଇଁ (କ) ପ୍ରକାରେ ଆବଦାନ ରଖି ସମ୍ପୂର୍ଣ୍ଣ ଭବିଷ୍ୟେ ଏବଂ ମୁକ୍ତ ବଜର ପରେ ସମସ୍ତ ରଖି ସହ ଅନୁମୋଦନ ପାଇଁ ପ୍ରମାଣପତ୍ରରେ ଉପସାପନ କରିବେ ।

ପୁରସ ଯେଉଁ ଗ୍ରାମର ବୋଧନାରେ ବଜର ଭବରେ ନିର୍ଭରଶୀଳ ହୋଇ ଅପୁରୁଷି ତାହା ଯୋଷାସତ ବଜର ଅଧିକାର ଏବଂ ଯୋଷାସତ ବଜର ସମ୍ପର୍କ ଅଧିକାର ଦେବା ପାଇଁ ମର୍ମ (ଖ) ଓ (ଘ) ପ୍ରକାରେ ଆବଦାନ ରଖି ସମ୍ପୂର୍ଣ୍ଣ ଭବିଷ୍ୟେ ବଜର ପରେ ସମସ୍ତ ରଖି ସହ ଅନୁମୋଦନ ପାଇଁ ପ୍ରମାଣପତ୍ରରେ ଉପସାପନ କରିବେ ।

ଗଢ଼ ସମ୍ପ୍ରଦାୟ ଅଧିକାରୀ (WEO) ବୈଠକରେ ଉଦ୍ଦେଶ୍ୟ ଓ ବଜର ଅଧିକାର କମିଟିର କାର୍ଯ୍ୟକାରୀତା ଉପରେ ଆଲୋଚନା କରାଯାଇ ଉପରେ ସମସ୍ତଙ୍କୁ ଆବଦାନ କରାଯାଇ ପରେ ବଜର ଅଧିକାର କମିଟି ଗଠନ ପାଇଁ ଅନୁମୋଦନ କରିବାକୁ ସମ୍ମତ ହେବେ ।

ପ୍ରସ୍ତାବ ସଂଖ୍ୟା- 2:- ବଜର ଅଧିକାର କମିଟି ଗଠନ ସମ୍ବନ୍ଧେ

ବଜର ଅଧିକାର କମିଟି ଗଠନ ସମ୍ବନ୍ଧେ ବୈଠକରେ ଆଲୋଚନା କରାଯାଇ ଡିସ୍ 10 ରୁ 15 ସଦସ୍ୟ ସଦସ୍ୟାମାନଙ୍କୁ ନେଇ ଗ୍ରାମର ବଜର ଅଧିକାର କମିଟି ଗଠନ କରାଯିବ ପାଇଁ ପ୍ରସ୍ତାବ ଗ୍ରହଣ କରାଯାଇ ।

କ୍ର. ସଂ	ସଦସ୍ୟ /ସଦସ୍ୟାମାନଙ୍କ ନାମ	ପିତା / ସ୍ୱାମୀଙ୍କ ନାମ	ଜାତି	ସ୍ୱାସ୍ଥ୍ୟ
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

ଶ୍ରେଣୀରେ ସମ୍ପାଦନିତ୍ୱ ଧାରଣକାର କରାଯିବ ବୈଠକ କାର୍ଯ୍ୟ ସାମ୍ମାନ କରାଯାଇ ।

ସମ୍ପାଦନିତ୍ୱ କାର୍ଯ୍ୟକାରୀ ଅଧିକାରୀ
 Executive Office
 Guluguda G.P.

ସମ୍ପାଦନିତ୍ୱ କାର୍ଯ୍ୟକାରୀ ଅଧିକାରୀ
 Sarapanch
 Guluguda G.P.

ଏହାର ନକଲ ଉପ ଜିଲ୍ଲାପାଳ, ଭାରତନଗର / ଗୋଷ୍ଠି ଭବନର ଅଧିକାରୀ
 ସମସ୍ତ ଅବଦାନ ଓ ଦିବିତ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ପ୍ରେରଣ କରାଯାଇ ।

ସମ୍ପାଦନିତ୍ୱ କାର୍ଯ୍ୟକାରୀ ଅଧିକାରୀ
 Sarapanch
 Guluguda G.P.

Welfare Extension Office
 Padmasree

ସୂଚି ପତ୍ର

କ୍ର. ସଂ	ସଦସ୍ୟ / ସଦସ୍ୟା ମାନଙ୍କ ନାମ	ପିତା / ସ୍ୱାମୀ କ ନାମ	ଜାତି	ସ୍ୱାସ୍ଥ୍ୟ
1	ହରିହର ମାଝି	ସୁ.କା ମାଝି	ଆଦିବାସୀ	ସୁସ୍ଥ ମାଝି
2	ମଧୁକା ମାଝି	ମହାଶୁକ୍ଳେଷୁ ମାଝି	11	
3	ହରିହର ମାଝି	ସ୍ୱାମୀଚେତନ ମାଝି	11	
4	ହରିହର ମାଝି	ହରିହର ମାଝି	11	ସୁସ୍ଥ ମାଝି
5	କାନ୍ତ ମାଝି	ନିଧୁ ମାଝି	11	
6	ଦତ୍ତ ମାଝି	ଶ୍ରୀକୃଷ୍ଣଚନ୍ଦ୍ର ମାଝି	11	Dona mashi
7	ସୁବ୍ରତ ମାଝି	ନିଧୁ ମାଝି	11	
8	ସୁବ୍ରତ ମାଝି	ସୁ. କାନ୍ତ ମାଝି	11	ସୁବ୍ରତ ମାଝି
9	ସୁବ୍ରତ ମାଝି	ସୁ. କାନ୍ତ ମାଝି	11	
10	ସୁବ୍ରତ ମାଝି	ସୁ. ସୁବ୍ରତ ମାଝି	11	ସୁବ୍ରତ ମାଝି

Welfare Extension Office
 Padmasree

ସମ୍ପାଦନିତ୍ୱ କାର୍ଯ୍ୟକାରୀ ଅଧିକାରୀ
 Sarapanch
 Guluguda G.P.

Executive Office
 Guluguda G.P.

The table for mentioning the reconstituted committee members remains blank

It is not clear from this document if it is a continuation of the resolution (previous page) dated 13-7-2016.

There is a mismatch in the signature of the Executive Officer in the previous sheet and the current sheet.

3.1.1.2 Sub-Division Level Committee (SDLC):

The SDLC is practically the most vital decision-maker in the processing of claims under FRA. It is this committee which receives maximum case records and after scrutiny forwardss eligible ones to the DLC for its consideration. Therefore it requires adequate human resources and infrastructure which is but differently available in different sub-divisions.

Some SDLC proceedings have been maintained almost mechanically using typical formats(like in Kaptipada and Malkangiri) in which only figures are updated each time the meeting takes place and other dynamics are hardly reflected unless very special.

The proceedings usually do not maintain consistency or clarity regarding the members participated and it is often difficult to identify who are the members and who are the special invitees.

Monitoring of the SDLC by the DLC is hardly recorded/reflected officially or may be it is not given due attention. The remarks of the Collector-cum-Chairman, Rayagada DLC in the meeting dated 12-5-2016 regarding the non-holding of SDLC meetings regularly seems to be an exception.

As regards the frequency of SDLC meetings, the status varies from sub-division to sub-division and from time to time in the same sub-division. For instance, during 2008-09 the Bonai SDLC meeting followed a more or less consistent gap(e.g., 27-10-08, 26-12-08, 13-02-09), but there was a marked inconsistency in 2016 when the first meeting was held on 08-01-2016 followed by the second on 26-02-16, but the 3rd meeting was held on 23-06-16, i.e. after almost four months whereas the fourth one was organized on 31-08-16.

The SDLCs do not hold a uniform record of discharging their responsibilities. For instance, the Nilagiri SDLC(Balasore) has not been able to ensure that the awareness of the forest dwellers about the provisions of the Act is adequately raised and improved from time to time, as understood from the field interactions of the study team. The function under Rule 6(a) pertaining to the conservation & protection of critical flora & fauna is almost totally ignored.

3.1.1.3 District Level Committee (DLC):

The DLC is the highest decision-making authority for all practical purposes. The provision under Amendment Rule 11(10) has been misunderstood/misinterpreted by some people as Gramsabha's power superseding that of the DLC though it is actually not the case. What the Amendment Rule has said is that at Block/Panchayat/Forest Beat/Range no committee or individual other than the Gramsabha and FRC shall have the decision-making power regarding forest rights.

In areas where the ITDAs are operating at the district headquarters, these have been given the responsibility to handle the responsibilities of the DLC whereas in other areas it is the office of the DWO which holds the responsibility. Usually the DWO's office is less equipped/capacitated than the ITDAs because not only the latter is more involved in tribal affairs but has better infrastructure as well as human resources. Like, the Special Officer of the ITDA often manages the FRA matters whereas the DWO doesn't have any such immediate associate. Further, there is a significant gap in the responsibilities of the DWO and the ITDA, which also affects the work of FRA implementation in one way or the other.

Similar to the SDLC proceedings, the DLC proceedings have also been maintained almost mechanically using typical formats in a number of cases(ex., Gajapati and Mayurbhanj) in which only figures are updated each time the meeting takes place and other dynamics are hardly reflected unless very special.

The proceedings usually do not maintain consistency or clarity regarding the members participated and it is often difficult to identify who are the members and who are the special invitees.

Participation of women often remains a grey area so far DLC proceedings are concerned, as their presence is either negligible or nil in most of the meetings.

The dynamic role of PRI members participating in the DLC meetings is very much expected, which unfortunately hardly takes place though there are few remarkable exceptions like Sri Chakradhara Hembrum (Mayurbhanj) who take keen interest in the matter and try to contribute to the process dynamically.

Dynamic role of ZP members in DLC meetings

Rayagada 12-5-16: Two ZP members raised the issue of non-recognition of community- and individual rights in certain villages and the House decided to take necessary steps.

Gajapati 17-12-14: ZP members requested to allot RF area in the name of villages (CFR right).

As per the guidelines and amendment rules issued in 2012, the DLC is expected to take up two additional responsibilities, viz. facilitating the process of claim for and settlement of habitat rights and informing the SLMC about any major diversion of forest land without the settlement of forest rights. The present study found that the DLCs are less active on the issue of habitat rights whereas on settlement of forest rights in areas proposed for major forest diversion their stand has been quite formal usually. For instance, the Sundargarh DLC observed on 15-11-14: “Earlier 39 cases were approved by DLC. Now, after review, SDLC has rejected 8 cases on the ground that the site is coming under Rukura Irrigation Project.” However, no action was decided in this matter. Similarly, the role of Sundargarh DLC in rejecting all the claims and titles vis-à-vis the village Manoharpur (Hemgiri Block) where a forest diversion is proposed for mining is not convincing despite an attempt to make things quite legal. The Keonjhar DLC on the other hand expressed its helplessness in facilitating the process for habitat rights for the Juangs giving reason of inadequate knowledge, capacity and resources (which does seem to have some ground) though it finally decided, of late, to engage a competent agency for this purpose.

While social activists expressed concerned regarding the irregularity of DLC meetings, the SLMC too in its meeting dated 27-6-13 admitted this and in the meeting dated 8 September 2014 to finalize the action taken report it issued a format to the district collectors to monitor the frequency of DLC meetings alongwith the important decisions taken, though there is no mention in the subsequent proceedings as to what happened to this initiative. Further, in the light of the Amended Rules of 2012 the SLMC observed in its meeting dated 23-11-12, that “DLCs should

sit frequently for not only considering the claims but also should facilitate the process for recognition of community rights including Habitat Rights for PVTGs/Community Forest Resource Rights as well. xxxxx the meetings of DLCs should be held as many a times as may be necessary; and in any case, not less than once every two months.” This however doesn’t seem to have been strictly adhered to in many districts.

In fact, similar to the case of SDLCs meetings, the status of frequency of DLC meetings too varies from district to district and from time to time in the same district. For instance, the Koraput DLC was held on 25-05-2013, 04-06-2014, 13-01-2016, 02-07-2016 and 01-09-2016. The Keonjhar DLC meeting that was held on 30-06-2015, was organized next on 08-10-2015 followed by that on 07-04-2016. The District Collector of Mayurbhanj has however made an effective endeavour to ensure that the DLC and SDLC meetings are held regularly and similar initiatives need to be taken in other districts.

Few of the mandated responsibilities, particularly Rule 8(e) and 8(f) seem to have been ignored by the DLCs. Correction of RoR has been emphasised in the DLC meetings, but correction of forest records has hardly been discussed or reviewed. Similarly, inter-district claims hardly find any mention in the DLC proceedings which may also be because no such case was brought to the notice of the DLC though such cases are likely along district borders.

3.1.1.4 State Level Monitoring Committee(SLMC):

The SLMC has a strategically important role to play in the implementation of the FRA, as it has the responsibility of monitoring the concerned progress and take/suggest necessary action wherever necessary.

Unfortunately, the SLMC, Odisha which expressed concern over the irregularity of DLC meetings, has never reviewed its own irregularities in holding the meeting so far, as evident from the following table:

Table 3.2: Frequency of SLMC meeting in Odisha

1st	2nd	3rd	4th	5th	6th	7th	8 th
03-Apr-08	24-Oct-08	22-May-10	29-Mar-11	24-Oct-11	23-Nov-12	27-Jun-13	21-Jul-15

This means there was no SLMC meeting during 2009, 2014 and 2016 though one meeting took place on 8 September 2014 to finalize the action taken report on 7th SLMC meeting. This way, the provision under the Amended Rules of 2012 to hold meetings atleast once every quarter has been contravened and the SLMC has not raised any concern in this regard since its meeting after 2012. As it has observed in this meeting dated 23-11-12, “xxx the amended rules have mandated holding of SLMC meeting atleast once every quarter and that specifically compliance to the provisions contained in section 3(1)(m) and 4(8) are to be monitored xxxx”. However, no post-

2012 SLMC proceedings have any mention to the issues concerned with the afore-said sections of the Act, thereby implying that the SLMC has not done its duty in this regard.

The initial meetings of SLMC seemed to have seen some dynamism in discussing the issues, which gradually discontinued and the proceedings have been maintained in a way as if to suggest that ‘things are more or less all right except but few cases.’ This in fact clearly indicates that the SLMC has either not been able to effectively monitor the field issues critically, or the observations on the same have not been placed in the proceedings. Thanks to the presence of the TAC members that some dynamics has been noticed (like the Darlipali case), though even such dynamics are relatively rare despite a large number of cases to be discussed.

With reference to the alleged case of manipulated OTFD claims in Sundargarh district, the SLMC took a decision on 27 June 2013 to get all the OTFD titles checked thoroughly by September 2013, but there is no monitoring of the same reflected in the subsequent proceedings (2015) and as our field study suggests the decision, instead of being implemented in its true spirit, has done more harm to the OTFD right-holders.

The SLMC seemed to have contravened the mandate of FRA regarding community forest rights versus JFM/VSS and also the membership of DLC/SLDC, in its meeting dated 21 July 2015 (though it was decided to subsequently modify the same after the MoTA objected to these decisions).

We reproduce below two documents that indicate how critical can be the role of SLMC when people lose hope with the SDLC and DLC. The matter pertains to the CFR claims in the Nilagiri sub-division of Balasore district where the Forest Department has taken various pleas to raise objections to these claims. Some of these claimant communities are STs (like Bhaliaposhi whereas some are OTFDs or even both (like Naranpur) and there also also mixed communities of the both in few cases. The agrieved communities approached the SLMC both directly as well as through the Odisha Jungle Manch and the SLMC did take some formal (though not much dynamic) step; but by the time this study team visited the area the matter was yet to be resolved and the forest authorities had not changed their stand though it appears to be true that initially some errors did occur on the claimants’ side. Had the SLMC monitored the case properly and taken a dynamic and proactive role in the matter, things would have probably taken a different turn²⁶.

²⁶ An enquiry with the concerned DWO on 31-12-2016 revealed that although neither the SLMC did any follow up nor did any action taken report was sent to it, the matter has in the meantime moved ahead with the case records being now verified by the DFO (after resubmission). However, the President of Naranpur FRC told the study team that he was not happy with this as he thinks it was wrong to entertain the request of the DFO to ‘verify’ the documents before the same were considered by the DLC. Moreover, the time taken by the DFO this time seems unnecessarily longer.

2. **Issue of Titles with sketch Maps:** All Collectors were requested to furnish detail data as per the format indicated below by 3209.2014.

Name of the District	Total numbers of titles distributed		Titles given with Maps		Titles given without maps		Timeline for providing maps to all the balance title holders.
	Individual	Community	Ind.	Com.	Ind.	Com.	
1	2	3	4	5	6	7	8

(Action: All Collectors/ All Nodal Officers under FRA)

3. **Issue of instruction for creation of irrigation potential for FR Title Holders:** Panchayat Raj Department has already issued instructions to all Collectors to maximise creation of irrigation potential from MGNREGA. However, detail database / information in respect of all the FR Title holders are to be furnished by the PR Department as per the source & type of irrigation so that further interventions through other livelihood promotion schemes of the Govt. could be converged. The information from PR Department should reach the SSD Department by 2309.2014.

(Action: PR Department / All Collectors)

OFFICE OF THE SUB-COLLECTOR, NILGIRI

Letter No. 822 / Date 9/3/15

To

The President / Secretary, parena chandra saha,
satakhalia, FRC

At/Po- Naranpore

Dist- Balasore

Sub: Rectification of Case Records under CFR/CFRR.

Sir/Madam,

With reference to the subject cited above, I am to say that the claims submitted by you under CFR/CFRR (form 'B' & 'C') has been objected by the ACF, Balasore with some omission which could not approved in the S.D.L.C meeting held on 09/01/2015 though it was approved in the S.D.L.C meeting held on 04/06/2014 in the absence of the ACF, Balasore.

I would therefore request you to submit the omissions with rectifications as pointed out by the ACF, Balasore which is enclosed herewith for you reference. After receipt of rectification documents the same will be placed before S.D.L.C for approval.

An early action is solicited.

Yours faithfully,

9/3/15
Chairman-cum-Sub-Collector,
S.D.L.C, Nilgiri

The Chairman discussed about the return back of 11 numbers CFR/CFRR cases from the D.W.O, Balasore as per consent of the ACF, Balasore. Out of objected 11 no. cases, one case record relating to Naranpur village under Naranpur G.P. was rectified by the concerned FRC covering all the quarries raised by the ACF, Balasore for discussion and approval in the meeting. But the ACF, Balasore pointed out that as per the norms and condition of the Rule-2006 and 2012 the claimants under CFR/CFRR do not physically reside over the forest land which they claim to be settled in their name. Even in Nilgiri area, the claim forms received under CFR/CFRR, only the beneficiaries who availed title under FRC are entitled to claim rights under CFR/CFRR same nature as stated above. After discussion, it is cleared that all 82 no's .of claim forms under CFR/CFRR received are not eligible to be approved, which are contrary to the provisions under the Forest Right Act, that they are residing outside forest land, which they have claimed.

(Above)Letter from Nilagiri SDLC to Naranpur FRC. (Below)Photo-extract from the proceedings of the Nilagiri SDLC meeting dated 10-06-2015 showing the misinterpretation of FRA in considering CFR claims

3.2 INDIVIDUAL RIGHTS, COMMUNITY RIGHTS, COMMUNITY FOREST RESOURCE RIGHTS :

3.2.1 Individual rights

As per the data available on 31 July 2016(vide annexure-3), the State has distributed 383366 individual titles which is 95.49% of the total 401442 claims approved by the DLC and 62.54% of the total 612944 claims received by FRCs. The status by November 2016 has been provided in annexure-2.

The individual titles have been granted in most cases though there is still a considerable number of claims to be made or approved or their titles distributed.

Points of inconsistency in individual titles

- No date
- Erroneous name of the title holder/claimant
- Only the name of one spouse is mentioned as the title-holder
- Relationship details either absent or improper
- Defective/unreliable sketch/trace map
- No place to mention other traditional rights as per point No.7 of the claim form
- Details of the plot either nil or inadequate
- Client ID is mentioned in some cases but absent in most cases as it has not been mandated
- Photographs attached in few cases as that were not originally mandated.

The large-scale success in ensuring individual titles could be possible because of the mission mode approach and the special drives, as well as the efforts of NGOs whose field staff did a lot of hard work in facilitating the claim process in difficult and remote areas covered under their projects or programmes. This is how the process reached the people in remote villages and benefited them, even if partially in many cases.

The titles retain the basic format by and large, but vary in their exact patterns and/or descriptions.

The poorest titles are devoid of the description of the plot and khata number, etc. whereas the best one describes the plots with coordinates and a clear map, alongwith other things.

Some titles have a tabular description for the plot while some others have exceptional statements or slogans.

The requirement to mention the names of both the spouses of the title-holders has not been adhered

to. In many cases, only the name of one spouse is mentioned as the title-holder.

In Balasore district, the DFO has turned the approved title paper into as if an examined answer sheet and has just 'rectified' originally typed/printed figures of land area reducing the same unethically.

The decision of the government to provide laminated titles has really helped to preserve the same.

The title has created a sense of confidence in its holder and has assumed great value particularly in case of those who belong to forest villages or even their homestead plots are in forest land.

Some have tried to use it for diverse purposes such as getting a caste certificate though this has not succeeded in some cases/areas.

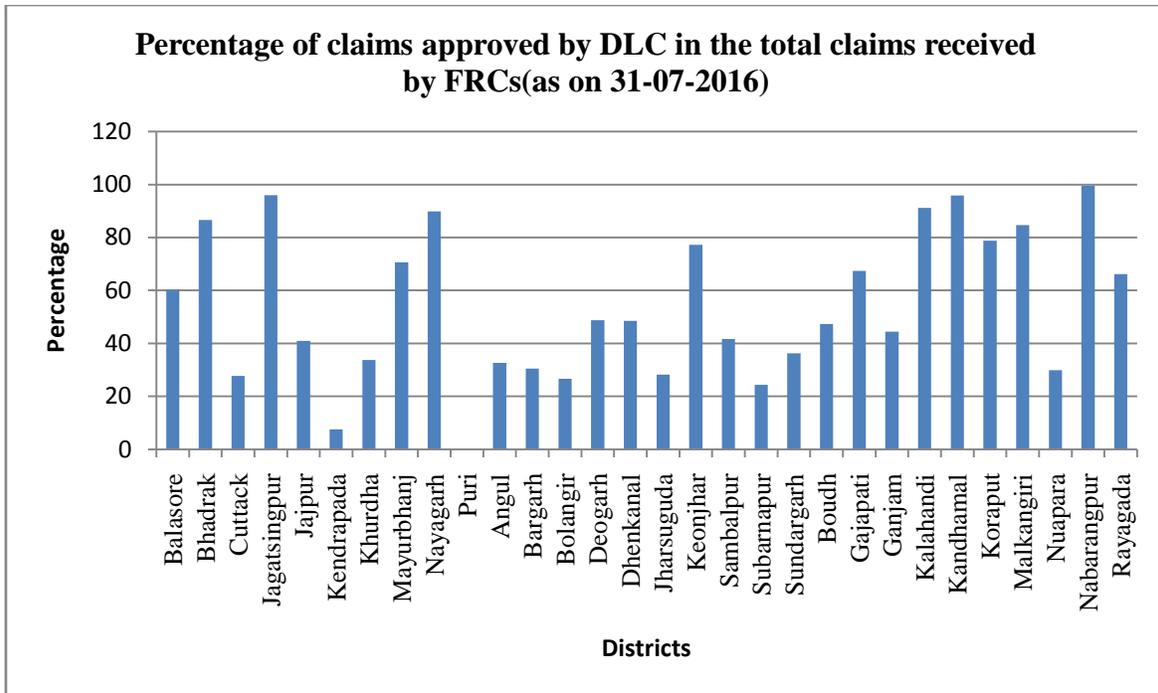
It is confirmed that in a considerable number of cases the titles have been granted without proper identification and measurement of the concerned land. This has mostly happened in difficult areas and creates trouble not only in land demarcation and convergence but also in RoR correction, etc..

Most titles have reportedly been granted with area less than that claimed or actually occupied and limited to but 2-3 acres on an average whereas in Gelaguda village(Baipariguda Block, Koraput district) the area granted in some cases is said to be larger than the actual one which seems to be an exception.

People are yet to understand the difference between a title and a patta. Those taking the FRA title as a patta are sometimes intrigued by the fact that it doesn't mention the cess and hence are not sure if this grant is permanent.

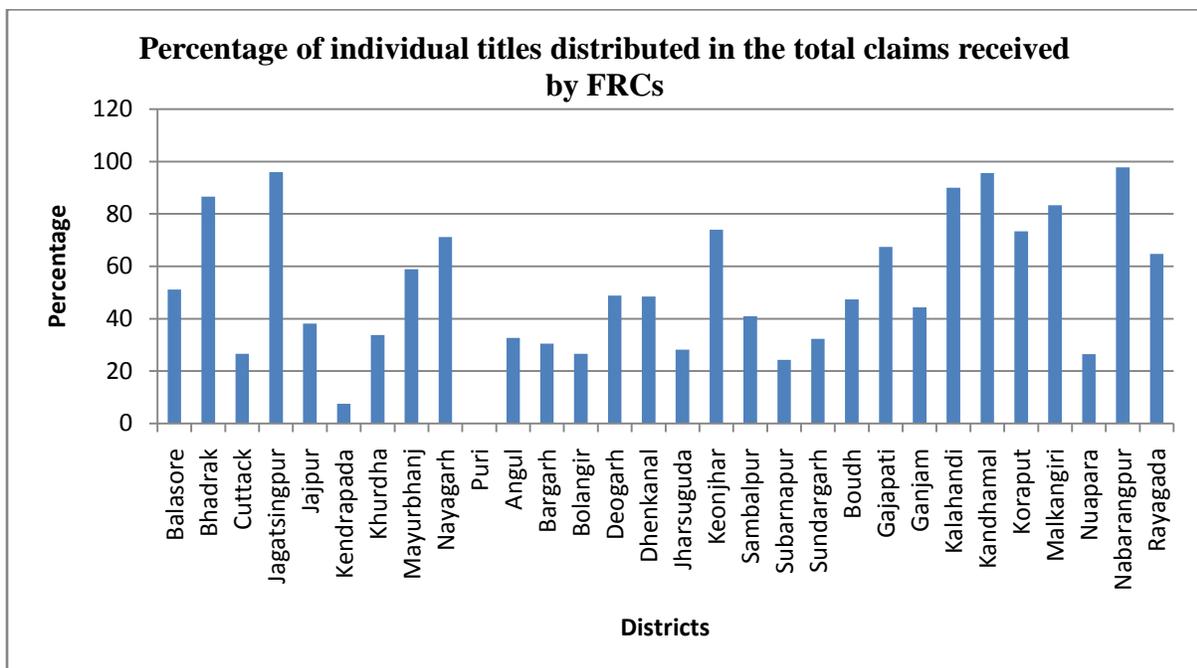
3.2.1.1 Approval status in the state:

As detailed in annexure-3, Kandhamal followed by Keonjhar show the highest figures of approval by DLC; but in terms of the percentage of IFR claims approved by DLC in the total claims received by FRCs, Nabarangpur (99.53%) followed by Jagatsinghpur (95.91%) and Kandhamal(91.13%) show better performance.



3.2.1.2 Distribution status:

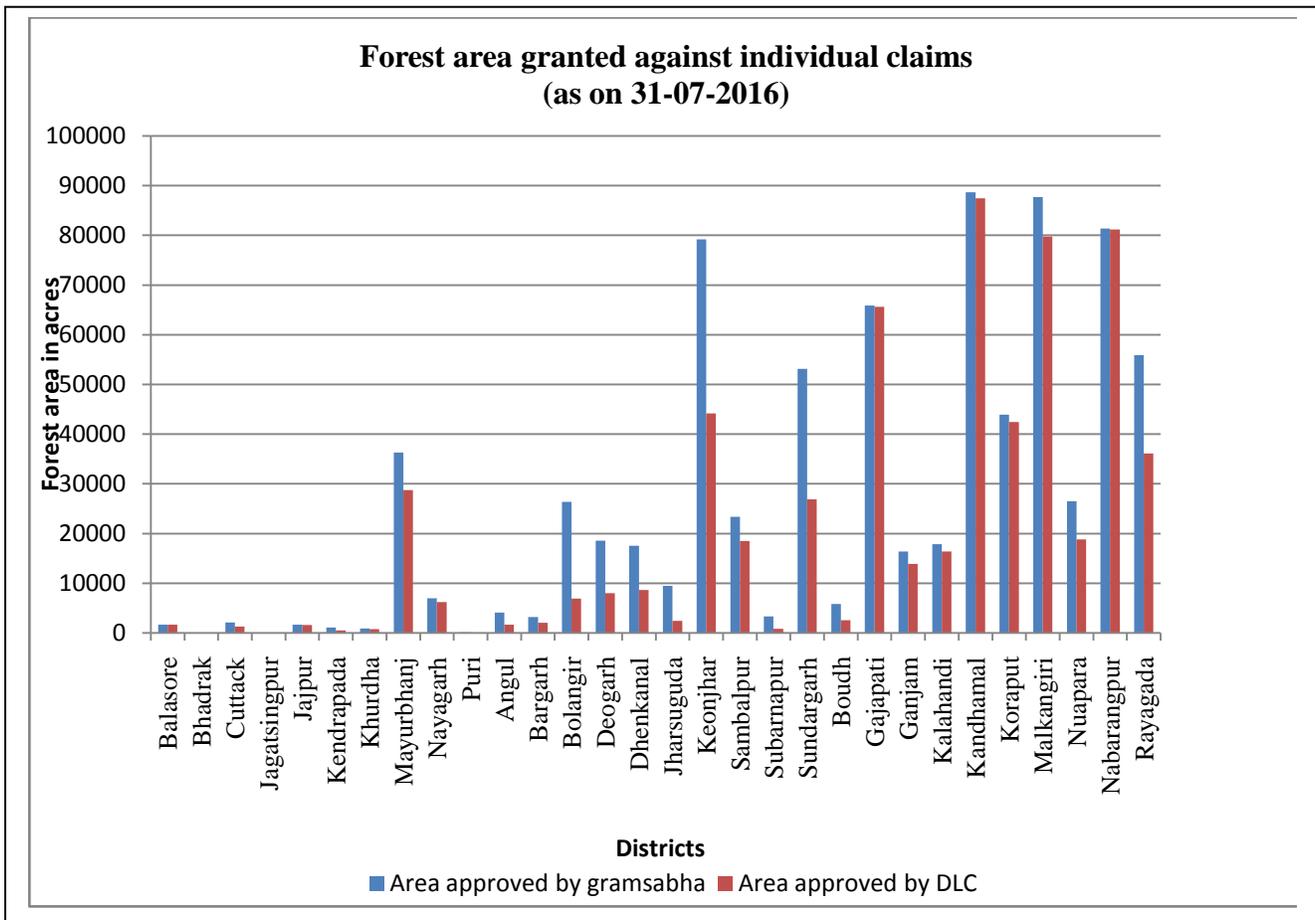
The highest title(IFR) distribution figure comes from Kandhamal followed by Keonjhar(vide annexure-3); but in terms of the percentage of IFR titles distributed in the total claims received by the FRCs Nabarangpur followed by Jagatsinghpur and Kandhamal show highest performance though it is true that disposing few number of claims is obviously easier(as in case of Jagatsinghpur).



3.2.1.3 Average forest area granted:

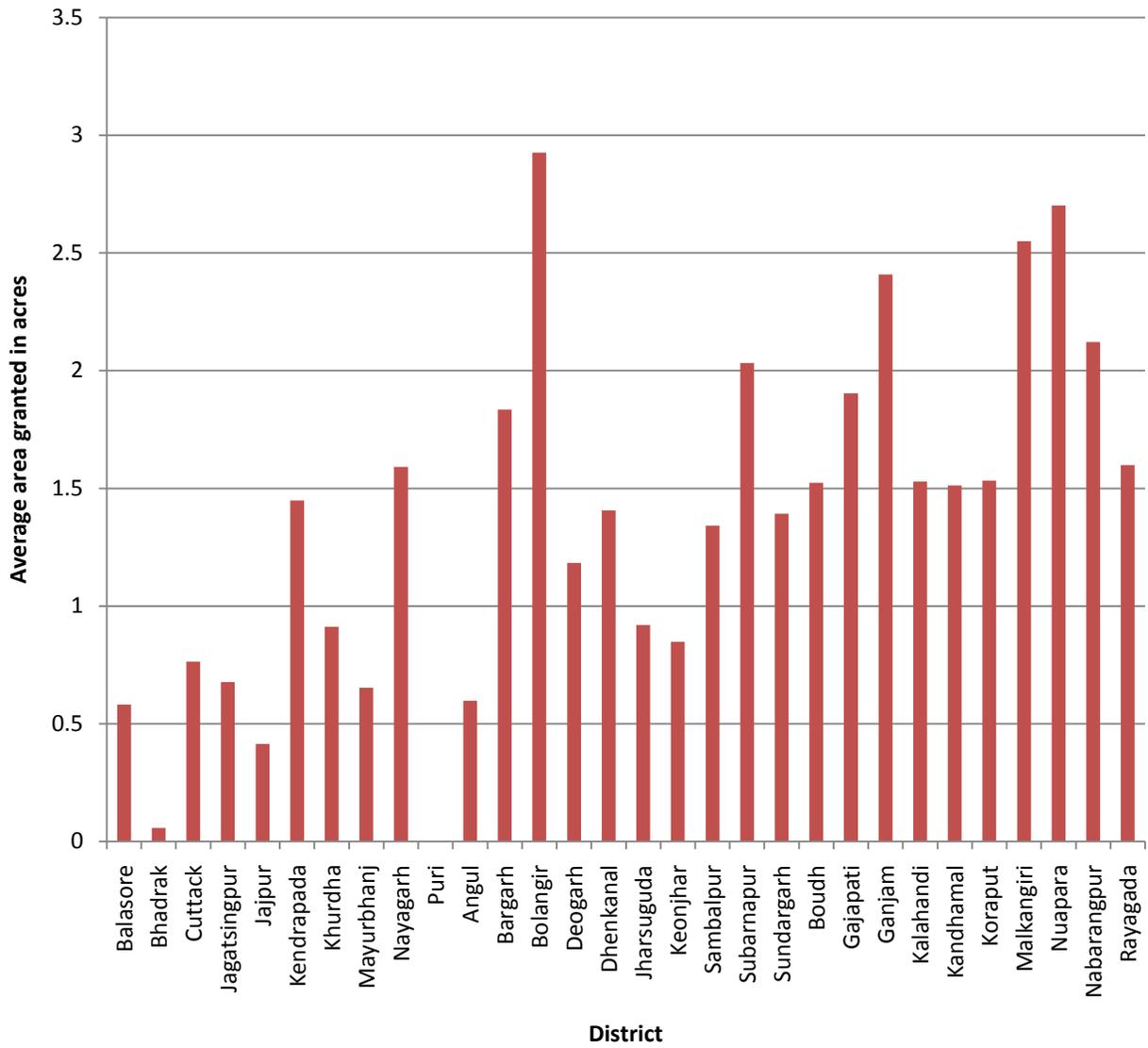
Kandhamal, Nabarangpur, Malkangiri, Balasore and Gajapati districts show high resemblance of area approved by DLC with that approved by the Gramsabha (vide annexure-4). Puri district doesn't show any approval by DLC whereas the anomaly is highest in case of Keonjhar followed by Sundargarh and Rayagada.

The average forest area approved by DLC in the state is 1.5 acres per family. However, the district-average is highest in Bolangir (2.9 acres/family) followed by Nuapara (2.7 acres per family), Malkangiri (2.55 acres) and Ganjam (2.4 acres). The lowest average comes from Bhadrak (0.05 acre) whereas a progressive district like Mayurbhanj has less than 1 acre average.



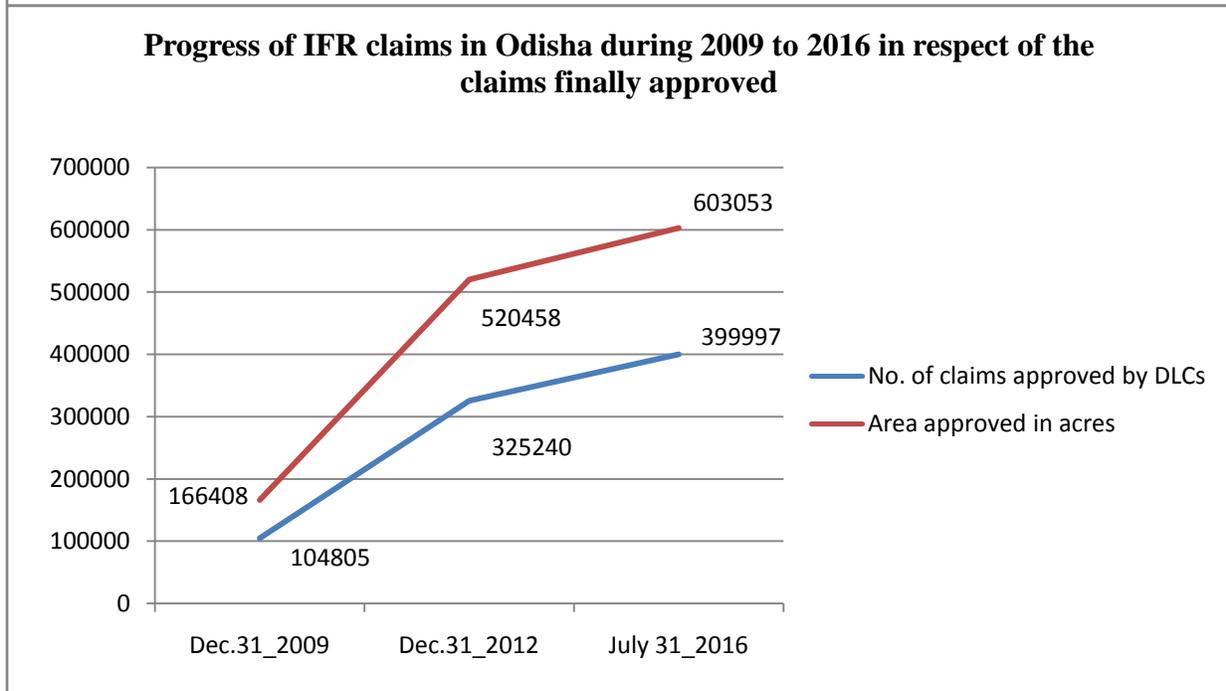
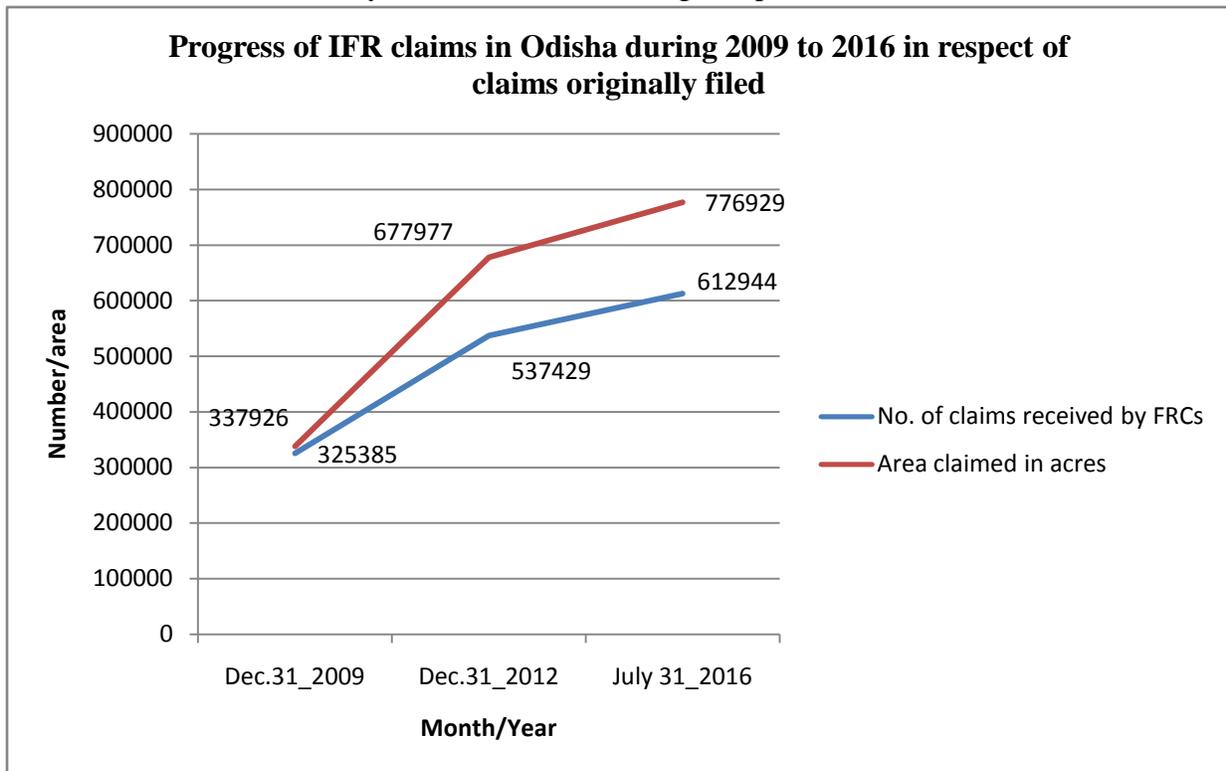
(Vide annexure-4)

Average granted area in acre per family



(vide annexure-4)

The following charts show the trend of progress in the IFR claims in the state during the period 2009 and 2016. Whereas the number and area claimed was more or less double, the approved number and area increased by about 3.75 times during this period.



(based on ODISHA: Promise and Performance of the Forest Rights Act, 2006: The Tenth Anniversary Report; table-3.1)

3.2.1.4 Potential Households to be benefitted under FRA

The recorded forest area of the state is 58,136 km² which is 37.34% of the total geographical area. The reserved forests constitute 45.29%, protected forests 26.70% and unclassified forest constitute 28.01% (*State of Forest, 2011*). As per Census 2011, there are 51,349 villages of which 47529 are inhabited and 3820 un-inhabited in Odisha. State of Forest Report, 1999 stated that in Odisha, there are 29,000 villages located in close vicinity of forest. The GoO also has estimated that out of 64.2 lakh rural households, there are 17.9 lakhs ST households (27.95 %).

Table: Estimated Scheduled Tribes Household in Odisha

Total Households	Rural Household	ST households	Others (including SCs)
77, 380, 65	6420514	17, 95,075	59, 42,990

Source: Department of ST and SC Development, GoO

The projected ST households to be benefitted under Forest Rights Act are **7.35 lakhs as shown in Table below**. Besides STs, there are large numbers of Other Traditional Forest Dwellers in the State depending on the forest for their subsistence needs to be covered under FRA.

Table: Projected number of households to benefitted under FRA

Name of the district	Total GA (acres)	No of villages	Total Forest Area (in acres)	%of Forest Area to GA	Total Rural HH	Total ST HH	Projected HHs of STs
Balasore	3806	2691	108260.1	11.71	362365	41739	4888
Bhadrak	2505	1248	31257.85	5.05	220048	5020	254
Cuttack	3932	1857	207697.36	21.4	352874	16662	3566
Jagatsinghpur	1668	1230	38364.04	9.31	207895	1627	151
Jajpur	2899	1575	187682.95	26.21	328179	25302	6632
Kendrapada	2644	1619	67845.96	10.39	278214	1920	199
Khurda	2813	1355	167631.49	24.33	202360	14089	3428
Mayurbhanj	10418	3758	1108600.22	43.09	443016	261116	112515
Nayagarh	3890	1516	541105.37	56.74	174926	12356	7011
Puri	3479	1613	47950.11	6.44	255809	1670	108
CZ	38054	18462	2506395.45	26.83	2463321	381501	138752
Angul	6375	1632	679351.27	43.21	195527	28985	12524
Bargarh	5837	1207	300384.11	20.83	280361	65243	13590
Bolangir	6575	1753	398865.48	24.57	306102	79909	19634
Deogarh	2940	774	385374.34	53.07	53981	19693	10451

Dhenkanal	4452	1232	437943.35	40.17	206753	30605	12294
Jharsuguda	2081	352	126123.14	24.59	69018	29131	7163
Keonjhar	8303	2045	830213.93	40.54	287318	134654	54589
Sambalpur	6657	1262	921314.94	56.08	148284	67780	38011
Subarnapur	2337	825	104174.72	18.05	109649	14181	2560
Sundargarh	9712	1668	1371225.44	57.16	263783	173616	99239
NZ	55269	12750	5554970.72	40.74	1920776	643797	270055
Boudh	3098	1190	318588.01	41.63	81225	11808	4916
Gajapati	4325	1528	613498.6	57.43	101797	54775	31457
Ganjam	8206	2831	796244.02	39.28	564710	25543	10033
Kalahandi	7920	2068	641567.68	32.88	304484	94591	31102
Kandhmal	8021	2415	1410777.55	71.21	136890	72271	51464
Koraput	8807	1890	481449.93	22.26	241724	139561	31066
Malkangiri	5791	933	830878.36	58.09	102000	66059	38374
Nuapada	3852	658	470455.96	49.52	123352	44884	22227
Nabrangpur	5291	867	608294.31	47.61	214990	124453	59252
Rayagada	7073	2469	788937.76	45.2	165245	103099	46601
SZ	62384	16849	6960692.18	45.3	2036417	737044	326491
ODISHA	38459629	48071	15022058.35	39.16	6420514	1762342	735298

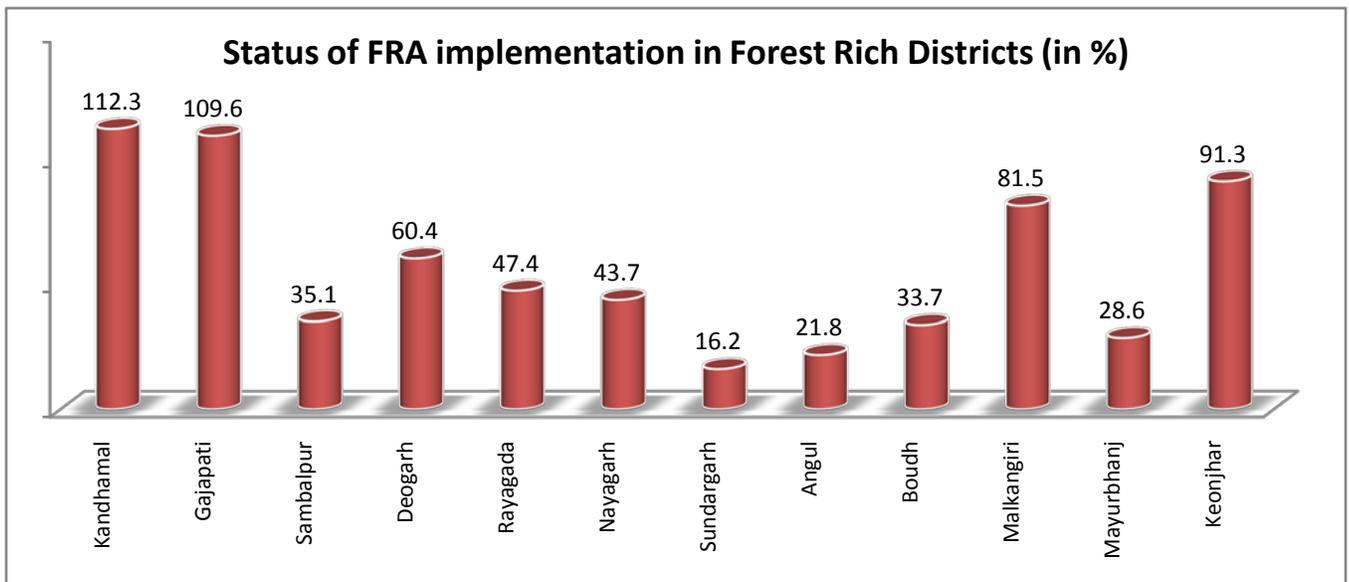
Source: Department of ST and SC Development, GoO

Achievement against Target

Out of 6.02 lakh claims for individual forest rights received by the Forest Rights Committee, only 4.01 lakh claims have been approved by District Level Committee as on 31st July 2016 (Table in Annexure 3). Though progress of recognition and vesting of rights with the forest dwellers as per FRA is comparatively favourable in Odisha as compared to other States, but after eight years of implementation of the Act, still more than **2.01 lakhs households are yet to be covered out of the projected 7.35 lakh potential households to be covered under FRA**. In Odisha, as on 31st July 2016 around 27.3% of the potential households are yet to be covered under FRA as shown in the table below.

3.2.1.5 Status of FRA implementation in Districts with High Forest Cover

District	Geographical Area	Total Forest Cover (Area in km)	% of GA	No. of Projected ST HHs	No. of villages	No. Of IFR claims received by FRC	No. of individual claims approved by DLC	No. Of community claims received by FRC	Community claims approved by DLC
Kandhamal	8021	5371	66.96	51464	2415	60346	57818	2351	1907
Gajapati	4325	2471	57.13	31457	1528	51056	34471	187	56
Sambalpur	6657	3358	50.44	38011	1232	31551	13358	344	78
Deogarh	2940	1375	46.77	10451	774	13817	6308	110	6
Rayagada	7073	3133	44.3	46601	2469	511	22077	34090	28
Nayagarh	3890	1682	43.24	7011	1518	3334	3061	91	2
Sundargarh	9712	4148	42.71	99239	1668	53155	16032	430	-
Angul	6375	2702	42.38	12524	1632	8360	2727	2	-
Boudh	3098	1263	40.77	4916	1190	3499	1657	58	2
Malkangiri	5791	2321	40.08	38374	933	36414	31281	217	78
Mayurbhanj	10418	4021	38.6	112515	3758	58625	32203	87	44
Keonjhar	8303	3211	38.67	54589	2045	65127	49830	394	343
ODISHA	155707	50347	32.33	735298	48019	602154	379244	6572	3055



The table and graph above indicate that among the districts having rich forest cover, Kandhamal, Gajapati, Keonjhar and Malkangiri have performed better in case of individual forest rights but districts like Nayagrah, Angul, Sambalpur, Sundargarh inspite of having dense forest cover the recognition of IFR claims has been very low. It is assumed that much priority has been given to

the Scheduled V districts with regards to recognition of individual forest rights claim. Rest of the districts even though having rich forest cover and forest dwelling ST and OTFDS dependent upon the forest has been treated with less priority.

In case of community claims the situation is still worse with districts like Nayagarh and Deogarh having only 2 community claims approved by their DLCs. In districts like Angul and Sundargarh having more than 42% forest cover of their geographical area, it is a matter of concern that till date no community rights claims has been approved at the DLC level. The situation of community rights claim is in a tardy state of affair in the entire State. Further, till date there is no clarity over the number of community rights and community forest resource rights claim been approved and distributed. The status report provided by the ST and SC Development Department does not have any specific information on the number of Community forest resource rights claims claimed/approved or distributed in various districts. It is very important that disaggregated database must be maintained and updated on community rights and community forest rights because in Odisha as per FSI report more than 29,000 villages are potential for community forest resource rights, but even less than 1% of the villages have actually received the CFRR rights.

3.2.2 Community rights (CR):

By 31 July 2016 the state has granted 4212 numbers of CRs (51.57%) as against total 8167 claims (vide annexure-5). This has been against the claim in Form-B which did not clearly provide for community rights for regeneration, conservation and management of forests. Thanks to However, the right for regeneration, conservation and management of forests has been mentioned in this claim form supposedly in a good number of cases partly because of some NGO initiatives favoured by the nodal authorities.

As Form-B was the only one to be used for community claims before the Amendment Rules of 2012 came, hence grants against the same outnumber those against Form-C(CFRR).

Even then, the claims in Form-B were but partially entertained in some cases, as we found in Gajapati district. Particularly the right for regeneration, conservation and management of forests was usually ignored.

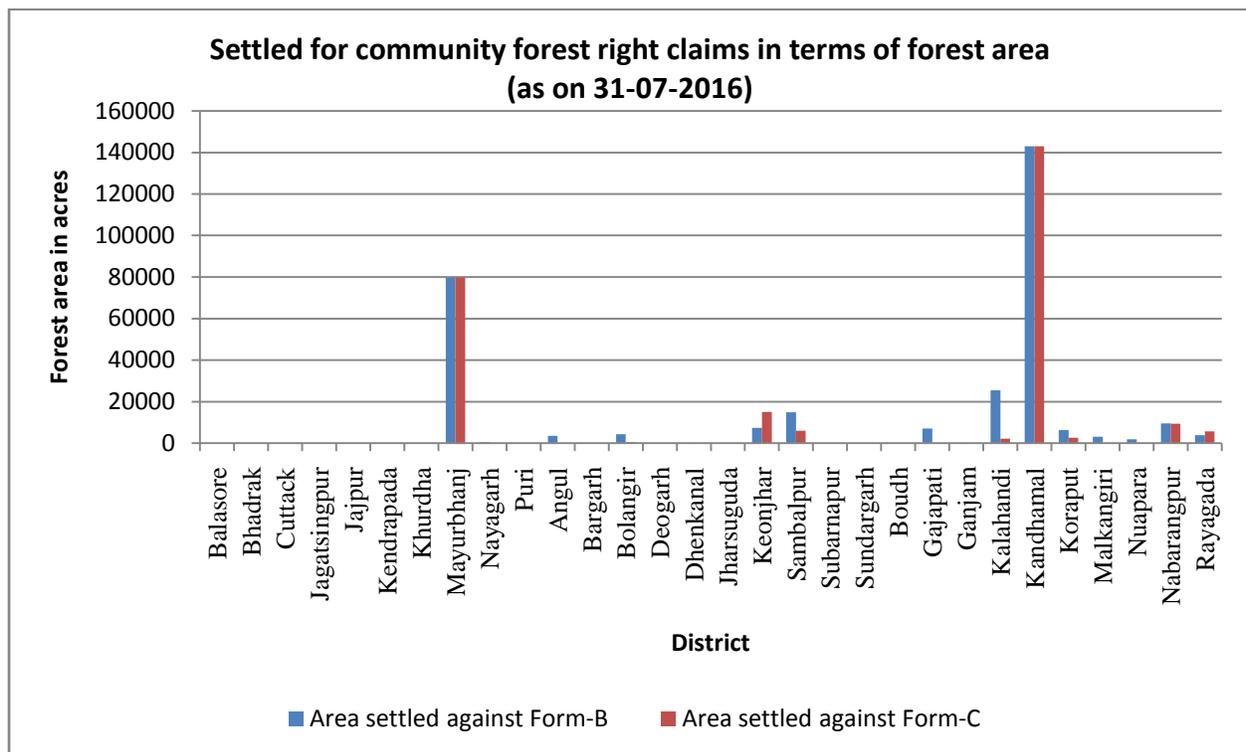
In the Gunupur SDLC meeting dated 26-9-11, the chairperson requested the BDOs/tahasildars to give more emphasis on community right claims. The SDLC recommended 5 village community claims to the Rayagada DLC of which 2 were for worship place, cremation ground and MFP; 1

for worship place and MFP; and 2 for grazing ground, MFP, water resource. The chairperson expressed concern over such limited claims and suggested to create awareness on this.

In few cases however only partial rights were claimed in Form-B and as such only fishing rights were granted to a Fishermen Cooperative in the Hadagarh sanctuary. Even in many of such cases it is doubtful if the claimants properly understood what they could claim. The Sundargarh DLC in its meeting dated 20-10-2011 “decided to return 5 nos of community claims to Sub-Collector, Bonai for further joint enquiry as the purpose of Community Claim is collection of minor forest products.” The Koraput DLC observed on 2-7-16 that all community claims pertain to collection of MFP and grazing of cattle.

The Sundargarh DLC in its meeting dated 10-11-08 observed regarding 4 community claims received that “It is seen that the areas involved in the community claims is more than 4 hectares. Norm has not been adhered to. So it was decided in the meeting to return these community claim forms to the concerned Sub-Collectors for proper verification and necessary rectification.” This suggests the ignorance of the DLC members as the 4-hectare norm is only for individual rights.

In the meantime, many NGOs have reportedly initiated the process the submitting Form-C in areas where only Form-B was submitted prior to 2012 amendment.

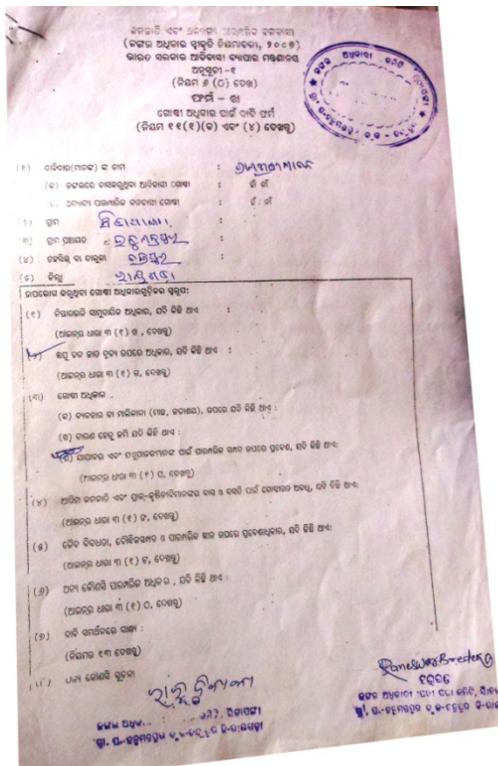


The state nodal agency as well as the SLMC has ignored a repeated error in which claims/grants against Form-B and Form-C are considered completely separate from each other though actually they can overlap in many cases, if not all. For instance, Mayurbhanj and Kandhamal have shown

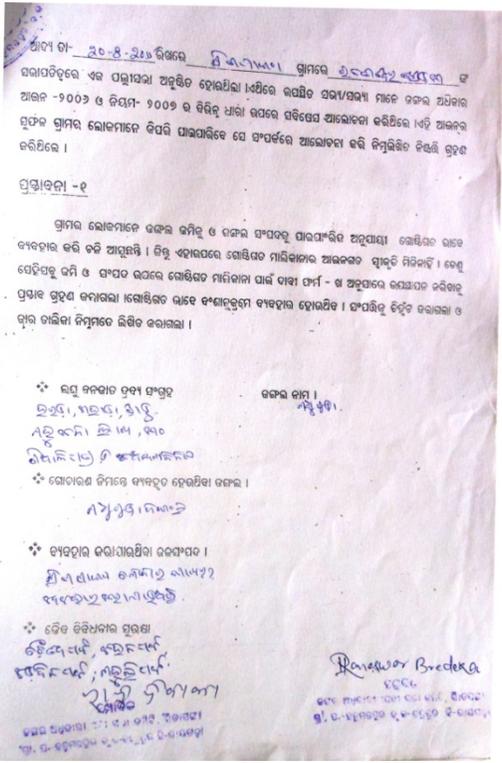
the same figures of achievements in settling community rights against Form-B and Form-C. While this is possible in principle, the total achievement should also be the same figure whereas the state database shows a sum of the same two figures, i.e. doubling the same figure which is erroneous.

By 31 July 2016, the number of CR titles distributed was 3042 and the number of claims pending was 1977. Total 297 claims were rejected (vide annexure-5).

The SLMC in its meeting dated 22-5-2010 asked all Collectors to process community claims on priority; and that the Forest Department should take pro-active steps in this regard. Similarly, on 27-6-2013 it fixed a deadline for collection of all community claims by 31-8-13 and finalizing the same before 30-11-13 with a remark, "The timeline should be strictly adhered to." However, as observed on 8-9-2014 in the meeting to finalize the action taken report on 7th SLMC meeting, this deadline was not adhered to in many districts. In fact, there are still areas from which the claims are yet to come.



The erroneous filing of claim form-B by a village (Sitapanga) community of Rayagada district, with only right to collect MFP selected. As the subsequent images of their Pallisabha resolution will suggest, the problem clearly seems to be lying with the facilitating officials who provided standard resolution forms.



This resolution shows that the villagers of Sitapanga identified resources other than MFP to file the claim



ପରିଶିଷ୍ଟ - ୩

ନିୟମ ୮ (ଏଚ୍) ଦ୍ରଷ୍ଟବ୍ୟ

ଗୋଷ୍ଠୀଗତ ଜଙ୍ଗଲ ଅଧିକାରକୁ ଶିରୋନାମା

- ୧. ଗୋଷ୍ଠୀ ଜଙ୍ଗଲ ଅଧିକାରଧାରୀଙ୍କ(ମାନଙ୍କ) ନାମ : ଭୁବିପଡ଼ା ଗ୍ରାମବାସୀ ବୃନ୍ଦ
- ୨. ଗ୍ରାମସଭା : ଭୁବିପଡ଼ା
- ୩. ଗ୍ରାମ ପଞ୍ଚାୟତ : ପିରକୁଡ଼ି
- ୪. ଡହସିଲ : ଖଲୁରିପଡ଼ା
- ୫. ଜିଲ୍ଲା : କନ୍ଧମାଳ
- ୬. ଜନଜାତି ବା ଅନ୍ୟ ପାରମ୍ପରିକ ଜଙ୍ଗଲ ବାସିନ୍ଦା : ଅନୁସୂଚୀତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ଜଙ୍ଗଲ ବାସିନ୍ଦା

୭. କି ପ୍ରକାର ଗୋଷ୍ଠୀଗତ ଅଧିକାର :

- (କ) ପାରମ୍ପରିକ ଭାବରେ ନିଜଗ୍ରାମ ମଧ୍ୟରେ ଏବଂ ଗ୍ରାମ ବାହାର ସୀମାରୁ ସଂଗ୍ରହ ହୋଇ ଆସୁଥିବା ଲତ୍ତୁ ବନଜାତ ଦ୍ରବ୍ୟ ଯଥା କେନ୍ଦୁପତ୍ର, ଶିଆଳିପତ୍ର, ଶିଆଳିପତ୍ର, ଫୁଲଖାରୁ, ନାପାକନ୍ଦା, ମହୁ, ଝୁଣା, ଔଷଧିୟ ବୃକ୍ଷଜାତୀୟ ଅଂଶବିଶେଷ, ଚେରମୂଳ ଇତ୍ୟାଦିର ମାଲିକାନା, ସଂଗ୍ରହ, ବ୍ୟବହାର ଏବଂ ବିକ୍ରୟ ନିମନ୍ତେ ଅଧିକାର ।
[ଆଇନ୍ ର ଧାରା ୩(୧) 'ବ' ଏବଂ ନିୟମ ୨ (ଘ) ଅନୁସାରେ]
- (ଖ) ଗୋଟିଏ ଉଦ୍ଦେଶ୍ୟରେ ପାରମ୍ପରିକ ଭାବରେ ବ୍ୟବହୃତ ହୋଇ ଆସୁଥିବା ବନାଞ୍ଚଳ ଉପରେ ଅଧିକାର ।
[ଆଇନ୍ ର ଧାରା ୩(୧) 'ଗ' ଅନୁସାରେ]
- (ଗ) ଜୈବ ବିବିଧତା, ବୌଦ୍ଧିକ ସମ୍ପତ୍ତି ଓ ପାରମ୍ପରିକ ଜ୍ଞାନକୁ ପ୍ରବେଶ ପାଇଁ ଅଧିକାର ।
[ଆଇନ୍ ର ଧାରା ୩(୧) 'ଘ' ଅନୁସାରେ]
- (ଘ) ଚିରସ୍ଥାୟୀ ଉପଯୋଗ ନିମନ୍ତେ ପାରମ୍ପରିକ ଭାବରେ ସୁରକ୍ଷା ଓ ସଂରକ୍ଷଣକରି ଆସୁଥିବା 'ଗୋଷ୍ଠୀ ଜଙ୍ଗଲ ସମୂହ'ର ସୁରକ୍ଷା, ସଂରକ୍ଷଣ ଓ ପରିଚାଳନାର ଅଧିକାର ।
[ଆଇନ୍ ର ଧାରା ୩(୧) 'ଝ' ଓ ୩(୧) 'ଠ' ଅନୁସାରେ]
- (ଙ) ଗ୍ରାମର ପାରମ୍ପରିକ ସୀମା ମଧ୍ୟରୁ ଏବଂ ବାହାରୁ ଜାଳେଣି କାଠ, କୃଷି ଉପକରଣ, ଘର ତିଆରି ଇତ୍ୟାଦି ଉଦ୍ଦେଶ୍ୟରେ ପାରମ୍ପରିକ ଭାବରେ କାଠ ସଂଗ୍ରହ ଓ ବ୍ୟବହାର କରିବାର ଅଧିକାର ।
[ଆଇନ୍ ର ଧାରା ୩(୧) 'ଠ' ଅନୁସାରେ]
- (ଚ) ପାରମ୍ପରିକ ଭାବରେ ବ୍ୟବହୃତ ହୋଇ ଆସୁଥିବା ଜଙ୍ଗଲ ରାଷ୍ଟ୍ରା ଉପରେ ଅଧିକାର ।
[ଆଇନ୍ ର ଧାରା ୩(୧) 'ଠ' ଅନୁସାରେ]

A comprehensive community forest right recognized in Kandhamal district

୮. ଗୋଷ୍ଠୀଗତ ଜଙ୍ଗଲ ଅଧିକାରଧାରକଙ୍କ ଦାୟୀତ୍ଵ ଓ କ୍ଷମତା

(ଆଇନର ଧାରା ୫ ଅନୁସାରେ)

- (କ) ବନ୍ୟମତ୍ସ୍ୟ, ଜଙ୍ଗଲ ଏବଂ ଜୈବ ବିବିଧତାର ସୁରକ୍ଷା ।
- (ଖ) ଜଳ ବିଭାଜିକା ଅଞ୍ଚଳ, ଜଳରସ ଏବଂ ଅନ୍ୟାନ୍ୟ ପରିବେଶୀୟ ସ୍ଵର୍ଣ୍ଣକାଚର ଅଞ୍ଚଳଗୁଡ଼ିକୁ ପର୍ଯ୍ୟାପ୍ତ ଭାବେ ସୁରକ୍ଷା ସୁନିଶ୍ଚିତ କରିବା ।
- (ଗ) ବନବାସୀ ଅନୁସୂଚୀତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କ ବାସସ୍ଥଳୀର ସୁରକ୍ଷା ଏବଂ ଧ୍ୟାନକାରୀ ପ୍ରକ୍ରିୟା ଦ୍ଵାରା ସେମାନଙ୍କର ସାଂସ୍କୃତିକ ଏବଂ ପ୍ରାକୃତିକ ବୈବିଧ୍ୟକୁ ସ୍ଵର୍ଣ୍ଣ ନହେବା ପାଇଁ ସୁରକ୍ଷା କରିବାର ସୁନିଶ୍ଚିତ କରିବା ।
- (ଘ) 'ଗୋଷ୍ଠୀ ଜଙ୍ଗଲ ସମ୍ବଳ'ର ବ୍ୟବହାର ନିୟନ୍ତ୍ରଣ ପାଇଁ ଗ୍ରାମସଭା ଦ୍ଵାରା ନିଆଯାଇଥିବା ନିଷ୍ପତ୍ତିକୁ ସୁନିଶ୍ଚିତ କରିବା ଏବଂ କୌଣସି କାର୍ଯ୍ୟ ଯାହା ଜଙ୍ଗଲ, ବନ୍ୟପ୍ରାଣୀ ଓ ଜୈବ ବିବିଧତାକୁ ପ୍ରଭାବିତ କରୁଥିବ ତାହାକୁ ବନ୍ଦ କରିବା ।

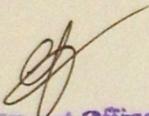
୯. ଚୈତ୍ଵଦୀର ବିବରଣୀ - ଚିର ପ୍ରଚଳିତ ଚୈତ୍ଵଦୀ ଏବଂ/ବା ସୁସ୍ଵତ୍ଵ ଭୂମି ଚିହ୍ନ/ ଖେସରା/କମ୍ପାର୍ଟମେଣ୍ଟ ନମ୍ବର ସହିତ:

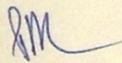
- (କ) ଗ୍ରାମର ପାରମ୍ପରିକ ସୀମା/ ଚିର ପ୍ରଚଳିତ ଚୈତ୍ଵଦୀ ଯଥା : ପୂର୍ବରେ :ପିତାବଳୀ ଠାକୁରାଣୀ, ଉତ୍ତରରେ :ବନ୍ଧା, ପଶ୍ଚିମରେ :ବିଳାବାରୀ ଗ୍ରାମ, ଦକ୍ଷିଣରେ :ଜାମୁଝରୀ ଗ୍ରାମ ମଧ୍ୟରେ ପରିବେଷିତ ଓ ପରିବ୍ୟାପ୍ତ 'ଗୋଷ୍ଠୀ ଜଙ୍ଗଲ ସମ୍ବଳ' ।
- ('ଗୋଷ୍ଠୀ ଜଙ୍ଗଲ ସମ୍ବଳ' ମାନଚିତ୍ର ଏଥିସହିତ ସଂଲଗ୍ନ କରାଯାଇଛି)

ଗୋଷ୍ଠୀଗତ ଜଙ୍ଗଲ ଅଧିକାରଧାରୀମାନଙ୍କ ନାମ : ରୁଜିପଡ଼ା ଗ୍ରାମବାସୀ ବୃନ୍ଦ

ଆମେ ନିମ୍ନ ସ୍ଵାକ୍ଷରକାରୀ ଏଠାରେ ଓଡ଼ିଶା ସରକାରଙ୍କ ତରଫରୁ ଉପରୋକ୍ତ ଗୋଷ୍ଠୀଗତ ଜଙ୍ଗଲ ଅଧିକାରକୁ ଅନୁମୋଦନ କରି

ଆମମାନଙ୍କର ସ୍ଵାକ୍ଷର କରୁଛୁ।


 Divisional Forest Officer
 ବନଖଣ୍ଡ ଅଧିକାରୀ
 Forest Division


 ଜିଲ୍ଲା ଜନଜାତି ମଙ୍ଗଳ ଅଧିକାରୀ


 ଜିଲ୍ଲାପାଳ/ଉପ କମିସନର

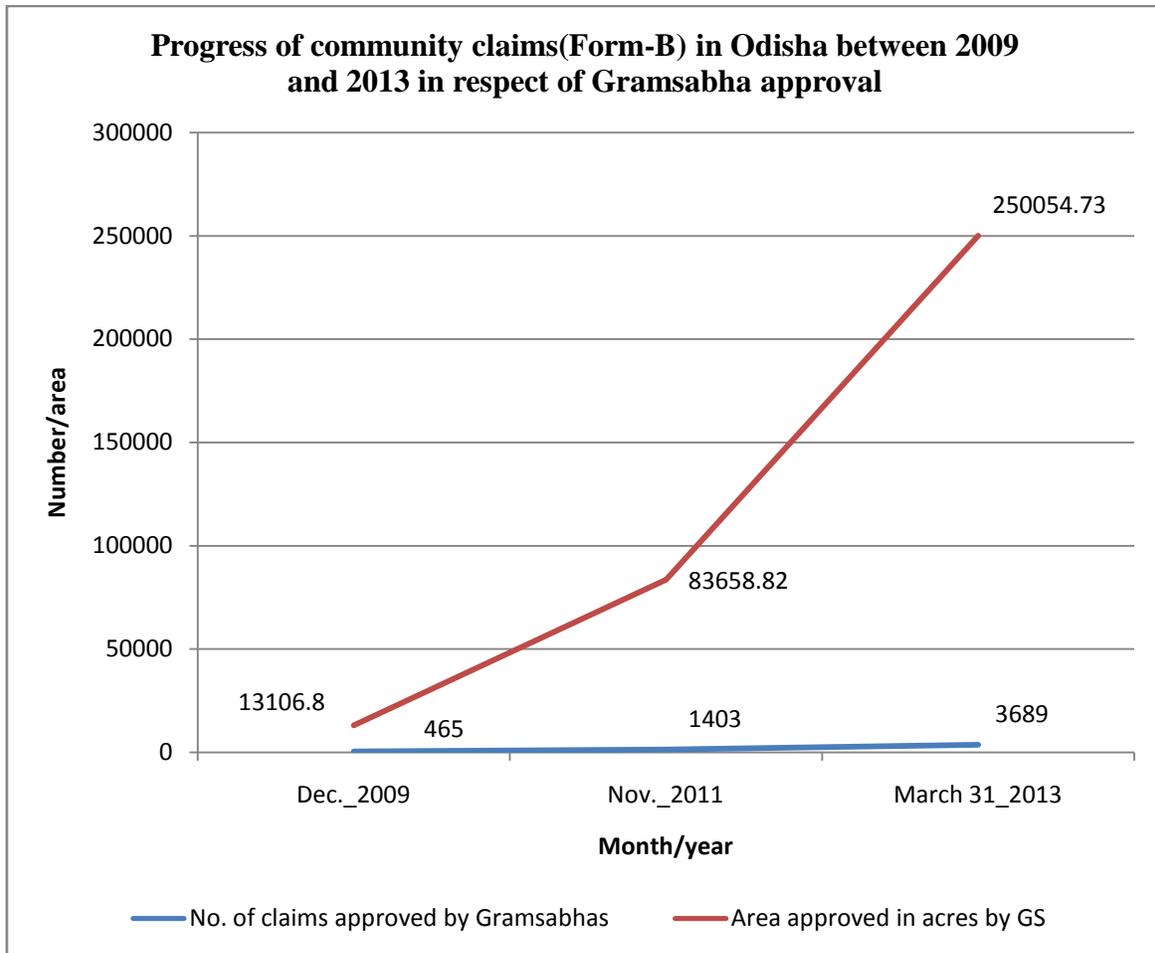
'ଜଙ୍ଗଲ ସୁରକ୍ଷା ଆମର ଦୀକ୍ଷା'

'ଶାନ୍ତି ହିଁ ସହାବସ୍ଥାନର ମୂଳ ଭିତ୍ତିଭୂମି ।'

କନ୍ଧମାଳ ଜିଲ୍ଲା ପ୍ରଶାସନ

Terms and conditions laid down in the community forest right title issued in Kadhamal. That there is no mention of the forest area (except for the boundary) is important as FRA doesn't require that. Also, the title has been issued in the name of the whole community including OTFDs.

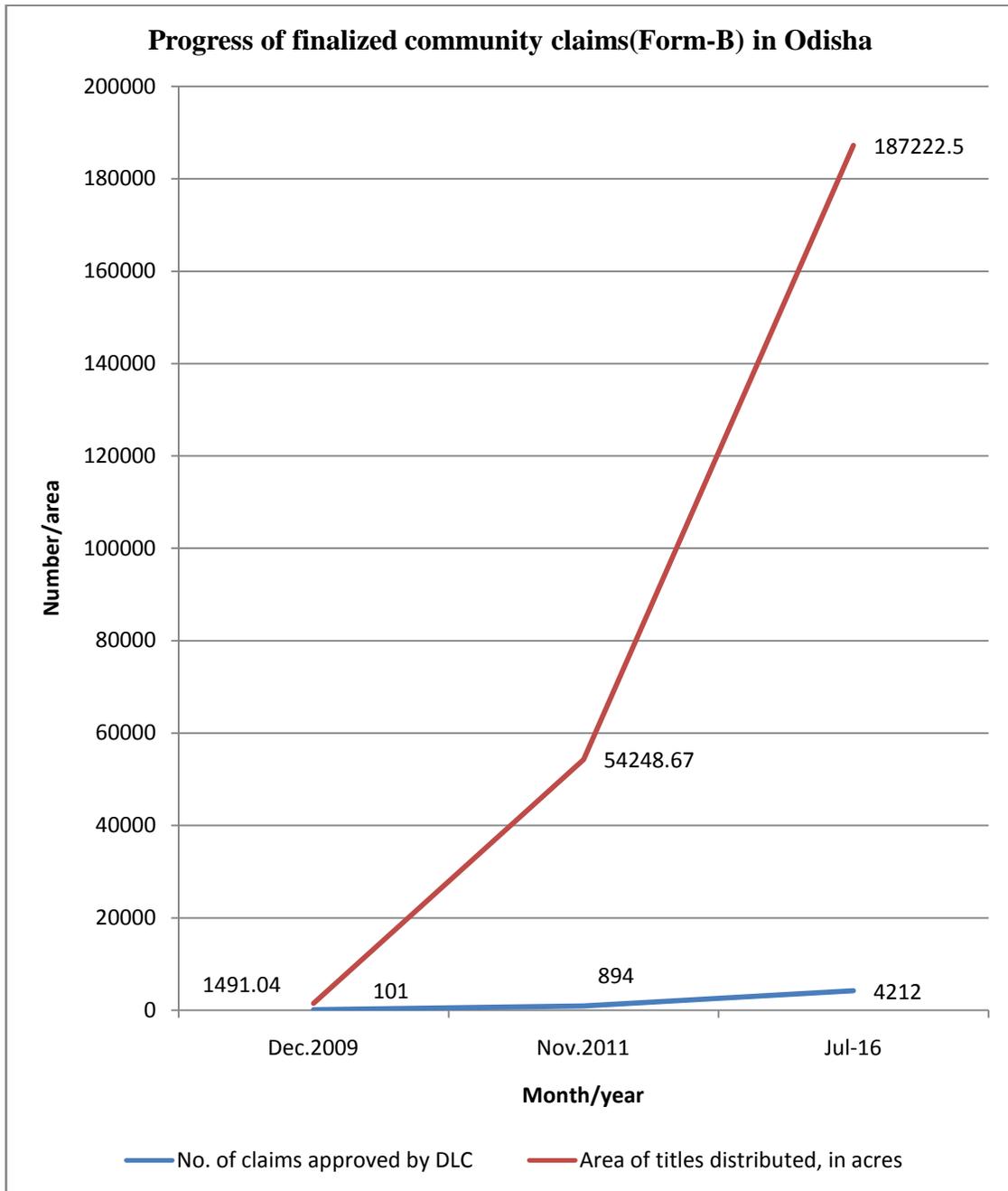
It has been difficult to provide a comparative analysis of the progress in processing community forest rights in Odisha during the last 8-10 years, chiefly because of the inconsistency in the data available. A major problem is the current practice of adding claims under Form-B with those under Form-C and in some cases just duplicating the figures. Hence, the following chart has used information when such a practice had not started, at least formally so far the official projection is concerned²⁷. It may be recalled here that separate claims in Form-B and Form-C started only after the Amendment Rules of 2012 were issued.



[based on SCSTRTI 2012, Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006: Study on Implementation Status and Good Practices in Odisha, Table 1.8; and Status of Implementaion of Forest Rights Act in Odisha as on 31 March 2013 as released by ST& SC Development Department, GoO]

²⁷ Still, it is can't be said for sure the March 2013 figures did not include any claims in Form-C. Further, inclusion of development projects claimed/sanctioned under Section 3(2) in the community claims has also been seen in some cases.

As regards the progress in the approved area, the increase has been by more than 100 times during 2009 and 2016 whereas the number of finalized cases has jumped by more than 40 times, as seen in the following chart:



[based on SCSTRTI 2012, Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006: Study on Implementation Status and Good Practices in Odisha, Table 1.8; and Status of Implementaion of Forest Rights Act in Odisha as on 31 July 2016 as released by ST &SC Development Department, GoO]

3.2.3 Community forest resource rights (CFRR):

As on 31 July 2016, the grant of CFRR against claims in Form-C in the state is 3149 (61.19%) against the total claim of 5148 (vide annexure-5). The poor progress is chiefly due to the reservations of the Forest Department though it is also true that many claims are yet to be made²⁸.

Another factor causing the delay in submission/consideration of the CFRR claims is the use of GPS in mapping the community forest resource.

Although the use of GPS is not mandated under FRA and it has rather been clarified that technical support can only supplement the process and is not mandatory or should not be a cause of hindrance, some district authorities have been convinced that GPS mapping is necessary to submit the claim properly whereas in some other cases the administration found its use compelling as the government wants the area granted under CFRR (although FRA does not require a mention of the area) which is not possible to estimate without technical mapping.

Still, the credit goes both to the Rayagada district administration as well as the NGO NIRMAN for facilitating the recognition of CFRR titles without GPS readings and without a mention of the area, in the Kalyansinghpur Block.

Officials are still not confident about the description of the CFRR title and either depend on NGOs or use the title granted in Mayurbhanj as a model. One can notice how the title granted for Podchuan village of Rayagada district has a lot of hand-written information.

VSS is still a hindering factor in the process, despite clear instructions from the

Attempts by SLMC to promote JFM/VSS under FRA

“It was decided to move the MoTA alongwith a recommendation to recognize the JFM and CFM initiatives continuing in tribal areas/forest areas and make an explicit reference in the title deeds of CFR” This is regarding the draft guidelines for facilitating grant of community rights and management of CFR as submitted by the FD (vide proceedings of the meeting dated 24-10-2011).

“The MoTA, GoI had issued guidelines that JFM committees or Vana Surakshya Samitis (VSS) are not eligible for availing the Community Forest Rights as per the FRA provisions. The committee observed that in Odisha, the VSS have been over the years nurtured by the F& E Department to sustainably manage and project forest resources. Hence the committee decided that those VSS where there are no conflicts with the Gram Sabha in sustainable management of forest resources may be identified so that Community Forest Rights can be given under FRA.”(vide proceedings of the meeting dated 21-7-2015)

However, when MoTA objected to this in their letter dated 20-8-15, decision was taken to modify this.

²⁸The Gunupur SDLC observed on 9-5-2016 that since CR and CFR claims are not coming from Gramsabhas, so field functionaries need to create necessary awareness.

government (though the SLMC too shares a part of the blame). Even the ITDA, Gunupur (Rayagada) issued a circular to make CFRR virtually coterminous with VSS; and the district administration was found to be ignorant about the actual provision.

The Koraput DLC observed on 4-6-2014 that “While discussing about the progress of Community Forest Claims, it is realized that the progress is not encouraging. Therefore, it is decided that the VSSs should be covered under Community Forest Rights and Community Forest Resource Rights and such VSSs lists in both the forest divisions ... should immediately be furnished to the ITDA, Koraput so that same will be transmitted to WEOs of the respective Blocks. Subsequently, Welfare Extension Officers will immediately facilitate the villagers for filing the claims under Community Forest Rights and Community Forest Resource Rights..... The exercise may be completed within a seven days positively.” However, in its meeting dated 1-9-16 the same DLC agreed that “As per 8th SLMC CFR should be claimed by the Grama Sabha and titles should be issued in the name of the Gram Sabhas only. Titles should not be issued in the name of any person or committees or institutions like VSS or SHGs. CFR claims are not to be made by the JFM Committees.”

The Bonai SDLC too remarked on 31-8-2016 that VSS should not be included in CFRs; but it is strange to see that it asked for the name of the MFP, area(acre) from which it is collected and the no. of plants available.

In Rijupada(Kandhamal), the study team was told that after recognition of the community forest right(though issued against claim form B, it recognized the full rights) the Forester came and said, “Now this forest is yours and you have to take responsibility of that.” And this was proved true when the Forest Department stopped assisting the villagers. Earlier the village, through its VSS, had received support from the Department for hill broom plantation in the forest which later turned out to be financially beneficial for the people; but after the CFR entitlement no further support was received.

In Kankadaguda village(Gajapati) the VSS is still there though the villagers are following the system of FRA as regards their CFR rights, but they are unhappy with the Forest Department as they think that the money available in the VSS account should be utilized for village development, which is not being done.

Follow up actions after the grant of CFRR titles have not been much properly taken in most cases. Particularly the CFR Management Plan is a concept that is still in an experimental phase for many, in absence of guidelines for the same²⁹.

²⁹The impression of the present consultant in his capacity as an independent researcher on community forestry is that the village communities are not accustomed in systematizing their efforts the way the law or the Forest Department expects from them and they are comfortable in exercising their stake and power more in the informal ways than formal. CFRR title for them is more for asserting their rights and continuing their conventional ways of forest use than going for planning for its management and development.


 ପରିଶିଷ୍ଟ-୩
 ନିୟମ ୮ (କ) ଦ୍ଵାରା
ଗୋଷ୍ଠୀ ଅଧିକାରକୁ ଗିରୋଦାନୀ

୧. ଗୋଷ୍ଠୀଗତ ଜଙ୍ଗଲ ଅଧିକାରଧାରୀଙ୍କ (ମାନଙ୍କ) ନାମ: ବିଲପକା ଗ୍ରାମବାସୀଙ୍କୁ

୨. ଗ୍ରାମପଞ୍ଚାୟତ : ବିଲପକା

୩. ଗ୍ରାମ ପଞ୍ଚାୟତ : ଗୁରୁଗୁଡ଼ିଆ

୪. ଚନ୍ଦ୍ରମିଳ : ପଶିପୁର

୫. ଜିଲ୍ଲା : ମୟୂରଭଞ୍ଜ

୬. ଜନଜାତି ବା ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ଜଙ୍ଗଲ ବାସିନ୍ଦା: ଉତ୍ତର

୭. କି ପ୍ରକାର ଗୋଷ୍ଠୀ ଅଧିକାର: *୦୫୧୩(୧୧୫୫୫) = 1228-06*

(କ) ପାରମ୍ପରିକ ଭାବରେ ନିଜ ଗ୍ରାମ ମଧ୍ୟରେ ଏବଂ ଗ୍ରାମ ବାହାର ମାମାକୁ ମଂଗ୍ର ହୋଇ ଆସୁଥିବା ଲକ୍ଷ୍ମ ବନଜାତ ହୁଏ ଉପରେ ମାଲିକାନା, ମଂଗ୍ର ହୁଏ ବ୍ୟବହାର ଏବଂ ବିକ୍ରୟ ନିମନ୍ତେ ଅଧିକାର ।
 (ଆଇନର ଧାରା ୩(୧) 'ଗ' ଏବଂ ନିୟମ ୨(କ) ଅନୁସାରେ)

(ଖ) ପାରମ୍ପରିକ ଭାବରେ ବ୍ୟବହୃତ ହୋଇ ଆସୁଥିବା ଜଳରସ୍ତ୍ରଗୁଡ଼ିକରୁ ମାଛ, କଳାୟବସ୍ତୁ ଆଦି ମଂଗ୍ର ଉପରେ ଅଧିକାର ।
 (ଆଇନର ଧାରା ୩(୧) 'ଗ' ଅନୁସାରେ)

(ଗ) ଗୋବର ଉଦ୍ଦେଶ୍ୟରେ ପାରମ୍ପରିକ ଭାବରେ ବ୍ୟବହୃତ ହୋଇ ଆସୁଥିବା ବନାଞ୍ଚଳ ଉପରେ ଅଧିକାର ।
 (ଆଇନର ଧାରା ୩(୧) 'ନ' ଅନୁସାରେ)

(ଘ) ଜୈବବିବିଧତା, ବୌଦ୍ଧିକ ସମୃଦ୍ଧି ଓ ପାରମ୍ପରିକ ଜ୍ଞାନକୁ ସୁରକ୍ଷା ପାଇଁ ଅଧିକାର ।
 (ଆଇନର ଧାରା ୩(୧) 'କ' ଅନୁସାରେ)

(ଙ) ବେସମ୍ପୂର୍ଣ୍ଣ/କାହିଁକା ଗୁଡ଼ିକ ପାରମ୍ପରିକ ରୀତିନୀତିରେ ପୂଜା କରିବାର ଅଧିକାର ।
 (ଆଇନର ଧାରା ୩(୧) 'ଚ' ଅନୁସାରେ)

(ଚ) ପାରମ୍ପରିକ ଭାବରେ ବ୍ୟବହୃତ ହୋଇଆସୁଥିବା ଜଙ୍ଗଲ ରାସ୍ତା ଉପରେ ଅଧିକାର ।
 (ଆଇନର ଧାରା ୩(୧) 'ଠ' ଅନୁସାରେ)

(ଛ) ଗ୍ରାମର ପାରମ୍ପରିକ ମାମା ମଧ୍ୟରୁ ଏବଂ ବାହାରୁ କାଲେଶାକାଠ, କୃଷି ଉପକରଣ, ଘର ତିଆରି ଭିତ୍ତିରେ ଉଦ୍ଦେଶ୍ୟରେ ପାରମ୍ପରିକ ଭାବରେ କାଠ ମଂଗ୍ର ଓ ବ୍ୟବହାର କରିବାର ଅଧିକାର ।
 (ଆଇନର ଧାରା ୩(୧) 'ଡ' ଅନୁସାରେ)

୮. ଗୋଷ୍ଠୀ ଜଙ୍ଗଲ ଅଧିକାରଧାରୀମାନଙ୍କ ଦାବିତ୍ଵ ଓ ଅଧିକାର::

(ଆଇନର ଧାରା ୩(୧) 'ଠ' ଅନୁସାରେ)

(କ) ବନ୍ୟଜନ୍ତୁ, ଜଙ୍ଗଲ ଏବଂ ଜୈବ ବିବିଧତାର ସୁରକ୍ଷା ।

(ଖ) ଜଳ ବିଭାଜନା ଅଞ୍ଚଳ, ଜଳରସ୍ତ୍ର ଏବଂ ଅନ୍ୟାନ୍ୟ ପରିବେଶୀୟ ସ୍ଵତ୍ତ୍ଵର ସୁରକ୍ଷା ପ୍ରତି ସମର୍ଥନ ।

(ଗ) ବନବାସୀ ଅନୁସୂଚୀତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କ ବାସସ୍ଥଳୀର ସୁରକ୍ଷା ଏବଂ ସୁସମ୍ଭାବ୍ୟ ପଞ୍ଜିକୃତ ହୋଇ ମୋନିଟରିଂ ମାଧ୍ୟମରେ ଏବଂ ପାରମ୍ପରିକ ରୀତିନୀତି ସ୍ଵତ୍ତ୍ଵ ନଷ୍ଟ ହେବା ପାଇଁ ସୁରକ୍ଷା କରିବାର ସୁନିଶ୍ଚିତ କରିବା ।

(ଘ) 'ଗୋଷ୍ଠୀ ଜଙ୍ଗଲ ସମ୍ପଦ' ର ବ୍ୟବହାର ନିୟନ୍ତ୍ରଣ ପାଇଁ ଗ୍ରାମପଞ୍ଚାୟତ ଦ୍ଵାରା ନିଆଯାଉଥିବା ନିୟମିତ ସୁନିଶ୍ଚିତ କରିବା ଏବଂ ଜୈନମି କାର୍ଯ୍ୟ ପାଠା ଜଙ୍ଗଲ, ବନ୍ୟପାଶା ଓ ଜୈବ ବିବିଧତାକୁ ପ୍ରଭାବିତ କରୁଥିବା ଚାହାଣୁ ବନ୍ଦ କରିବା ।

୯. **ଚୈତ୍ରବାର ବିବରଣୀ - ବିର ପ୍ରଚଳିତ ଚୈତ୍ରବାର ଏବଂ / ବା ସୁସ୍ଵଳ୍ପ ଭୂମି ବିତ୍ତ / ଖେମରା / କମ୍ପାନିମେଣ୍ଟ ନମ୍ବର ସହିତ::**

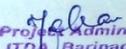
(କ) ଗ୍ରାମର ପାରମ୍ପରିକ ମାମା/ବିର ପ୍ରଚଳିତ ଚୈତ୍ରବାର ପଥା: ଉତ୍ତର ଦିଗରେ କୁଣ୍ଡା ପାହାଚ, ଭଞ୍ଜର ପାହାଚ, ରାଜ ପାହାଚ, ବଡ଼ ପୋଖରୀ ପାହାଚ ପୂର୍ବ ଦିଗରେ ଆସୁରଘର ପାହାଚ, ଧଳାତଙ୍ଗର ପାହାଚ ଦକ୍ଷିଣ ଦିଗରେ ବୋବଲ ପାହାଚ ପଶ୍ଚିମ ଦିଗରେ ଗାଙ୍ଗୁଣା ଠାକୁରାଣୀ ମଧ୍ୟରେ ପରିବେଷିତ/ପରିବ୍ୟାପ୍ତ 'ଗୋଷ୍ଠୀ ଜଙ୍ଗଲ ସମ୍ପଦ' ।

(ଖ) ଗ୍ରାମର ପାରମ୍ପରିକ ମାମା ବାହାରେ ଲକ୍ଷ୍ମ ବନଜାତ ହୁଏ ମଂଗ୍ର ଉଦ୍ଦେଶ୍ୟରେ ବ୍ୟବହୃତ ବିଲପକା ମୌଜାର- କୁଣ୍ଡା ପାହାଚ, ଭଞ୍ଜର ପାହାଚ, ରାଜ ପାହାଚ, ବଡ଼ ପୋଖରୀ ପାହାଚ, ଆସୁରଘର ପାହାଚ, ଧଳାତଙ୍ଗର ପାହାଚ ଦକ୍ଷିଣ ଦିଗରେ ବୋବଲ ପାହାଚ ।

ଗୋଷ୍ଠୀଗତ ଜଙ୍ଗଲ ଅଧିକାରଧାରୀଙ୍କ ନାମ: ବିଲପକା ଗ୍ରାମବାସୀଙ୍କୁ

ଆମେ, ନିମ୍ନସ୍ଵାକ୍ଷରକାରୀ, ଏତଦ୍ଵାରା, ଓଡ଼ିଶା ସରକାରଙ୍କ ତରଫରୁ ଉପରମତେ ବର୍ଣ୍ଣିତ ଗ୍ରାମର ଗୋଷ୍ଠୀ ଜଙ୍ଗଲ ସମ୍ପଦକୁ ନିଶ୍ଚିତ କରି ଆମ୍ଭମାନଙ୍କର ସାଧାରଣ କରୁଛୁ ।


ବନଖଣ୍ଡ ଅଧିକାରୀ
 Divisional Forest Officer
 Karanjia Division


କିଲ୍ଲା ବିଭାଗ ମଙ୍ଗଳ ଅଧିକାରୀ
 DLC, FRA, Mayurbhanj


ଜିଲ୍ଲାପାଳ/ଉପ କମିଶନର

ଜଙ୍ଗଲ ସୁରକ୍ଷା ଆମର ଦାୟା'
'ଶାନ୍ତି ହିଁ ସତ୍ଵାବସ୍ଥାନର ମୂଳ ଭିତ୍ତିଭୂମି ।'

ମୟୂରଭଞ୍ଜ ଜିଲ୍ଲା ପ୍ରଶାସନ

Community forest right recognized for Bilapagha(Mayurbhanj) against the claim in Form-B. The area has been mentioned hand-written.



ପରିଶିଷ୍ଟ



ଗୋଷ୍ଠୀ ଜଙ୍ଗଲ ସମ୍ବଳର ଅଧିକାର ପାଇଁ ଶିରୋନାମା
 ନିୟମ ୮ (ଝ) ଦ୍ଵାରା

- ୧. ଗ୍ରାମ/ଗ୍ରାମସଭା : ବିଲପକା
- ୨. ଗ୍ରାମ ପଞ୍ଚାୟତ : ଗୁରୁଗୁଡ଼ିଆ
- ୩. ତହସିଲ : ପଶ୍ଚିମ୍ବର
- ୪. ଜିଲ୍ଲା : ମୟୂରଭଞ୍ଜ
- ୫. ଜନଜାତି ବା ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ଜଙ୍ଗଲ ବାସିନ୍ଦା: ଭଉପ

୬. ଚୈତ୍ରବାର ବିବରଣୀ - ତିର ପ୍ରତଳିତ ଚୈତ୍ରବାର ଏବଂ/ବା ସୁସ୍ପଷ୍ଟ ଭୂମି ଚିତ୍ର/ଖେମରା/

କମ୍ପାନିମେଣ୍ଟ ନମ୍ବର ସହିତ:

ଗ୍ରାମର ପାରମ୍ପରିକ ସାମ୍ରା/ତିର ପ୍ରତଳିତ ଚୈତ୍ରବାର ସଂଖ୍ୟା: ଭଉପ ଦିଗରେ କୁଣ୍ଡା ପାହାଡ଼, ଭଉପ ପାହାଡ଼, ରାଜ ପାହାଡ଼, ବଡ଼ ପୋଖରୀ ପାହାଡ଼ ପୂର୍ବ ଦିଗରେ ଆମ୍ବୁଝରଣ ପାହାଡ଼, ଧଳାତଳା ପାହାଡ଼ ଦକ୍ଷିଣ ଦିଗରେ ବୋବଲ ପାହାଡ଼ ପଶ୍ଚିମ ଦିଗରେ ଗାଈଁଶା ଠାକୁରାଣୀ ମଧ୍ୟରେ ପରିବେଷ୍ଟିତ/ପରିବ୍ୟାପ୍ତ 'ଗୋଷ୍ଠୀ ଜଙ୍ଗଲ ସମ୍ବଳ' ।

ଉପରୋକ୍ତ ବନାଞ୍ଚଳରେ, ଏହି ଗ୍ରାମ ସମ୍ବଳ/ଗୋଷ୍ଠୀଙ୍କର ସୁରକ୍ଷା, ସଂରକ୍ଷଣ ଓ ପରିଚାଳନାର ଅଧିକାର ରହିଥାନ୍ତି ଏବଂ ଶିମ୍ବଲିପାଳ ଗ୍ରାମର ଏହି ଗୋଷ୍ଠୀ ଜଙ୍ଗଲ ସମ୍ବଳ ସେମାନେ ଆଇନର ଧାରା ୩(୧) (ଝ) ଅନୁସାରେ ଦାୟିତ୍ଵାଭାର ଭିତ୍ତିରେ ସୁରକ୍ଷା, ସଂରକ୍ଷଣ ଓ ବ୍ୟବହାର କରିଆସୁଛନ୍ତି । ଅନୁସୂଚିତ ଜନଜାତି ଏବଂ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀଙ୍କ (ଜଙ୍ଗଲ ଅଧିକାର ସାହୁତି) ଆଇନ ଏବଂ ନିୟମରେ ଭଲେଖି ଥିବା ସର୍ତ୍ତ ବ୍ୟତୀତ ଅନ୍ୟ କୌଣସି ସର୍ତ୍ତ ଏହି ଅଧିକାର ଉପରେ ଲାଗୁ ହେବ ନାହିଁ ।

ଆମେ, ନିମ୍ନସ୍ଵାକ୍ଷରକାରୀ, ଏତଦ୍ଵାରା, ଓଡ଼ିଶା ସରକାରଙ୍କ ତରଫରୁ ଉପରମତେ ବର୍ଣ୍ଣିତ ଗ୍ରାମର ଗୋଷ୍ଠୀ ଜଙ୍ଗଲ ସମ୍ବଳକୁ ନିର୍ଦ୍ଦିଷ୍ଟ କରି ଆମ୍ଭମାନଙ୍କର ସ୍ଵୀକାର କରୁଛୁ ।

[Signature]
 ବନଗଣ ଅଧିକାରୀ
 Divisional Forest Officer
 Karanjia Division

[Signature]
 Project Administrator,
 JTDA, Baripada-cum-
 Member, District Level Committee
 DLC, FRA, Mayurbhanj

[Signature]
 COLLECTOR, MAYURBHANJ
 ଜିଲ୍ଲାପାଳ/ଉପ କମିଶନର

ଜଙ୍ଗଲ ସୁରକ୍ଷା ଆମର ଦାୟିତ୍ଵ
 'ଶାନ୍ତି ହିଁ ସହାବସ୍ଥାନର ମୂଳ ଭିତ୍ତିଭୂମି ।'

ମୟୂରଭଞ୍ଜ ଜିଲ୍ଲା ପ୍ରଶାସନ

3.3 Habitat rights:

As an anthropologist would see it, the term ‘habitat’ practically has greater significance and implications for the pre-agricultural nomadic and pastoralist communities than the well-settled communities. In Odisha, the most eligible community for habitat rights is the Mankirdia particularly because they have not been used to a fixed habitation or settled life³⁰ and have rather preferred a semi-nomadic life moving from place to place in search of their prime livelihood raw material the siali(*Bauhinia vahlii*) bark fibre from which they make ropes and other items having some special properties(like flexible baskets used in traditional extraction of mahua seed oil) though it is another thing that their traditional products have lost the market craze due to popularity of other substitutes(like plastic ropes) as well as discontinuation of old methods of oil extraction.

As of the other PVTG communities, each of them binds itself to a particular geographical landscape irrespective of the legal or political boundaries and that is the domain or territorial identity of that particular community. Like, the Juang belongs to the Juanga pidha(Keonjhar), the Chuktia-Bhunjia to the Sunabeda plateau(Nuapada), the Dangria Kandha to the Niyamgiri(Rayagada/Kalahandi) and the Bonda to the Bonda Hill(Malkangiri). Each such territory earlier used to fulfill their simple needs of life and livelihood and hence served as their habitat which is a common property resource for all the community members. The difference between the village boundary and the habitat is that the villages are a part of the whole habitat and certain activities like hill cultivation are limited to the village boundary whereas activities like grazing of domestic animals and collection of forest products may go beyond the village boundary where the larger landscape of habitat is entered. The habitat may also contain common places of worship and social gathering/celebrations.This is why the FRA recognizes habitat rights for such communities. It defines ‘habitat’ as “the area comprising the customary habitat and other such habitats in reserve forest and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling Scheduled Tribes”(Section 2-h) and provides for recognition of the community tenures of habitat and habitation for PTGs(PVTGs) and PACs under Section 3-1(e). The Amendment Rules, 2012 provide further under Rule 12 (B) that the DLC has to ensure that the PVTGs receive their habitat rights in the due process involving their traditional institutions.

Over the years however, the original habitat landscape suffered heavy degradation thereby becoming inadequate to fulfill the growing needs of the dependent population. At the same time, the once self-confined PVTG communities gradually accepted the government’s initiative for mainstreaming and came out from their isolation. Moreover, the government provided them with alternative livelihood options; and educational and other developments changed their lifestyle gradually. The value system and perceptions too changed gradually (even if partially) and this is

³⁰ Many of them have been rehabilitated in colonies near Jashipur and Karanjia where they have been given substitutes of siali to continue their business.

how the relevance of habitat was lost to some extent. However, when some outside intervention poses a major threat to the life, livelihood and identity of the PVTGs by causing any modification in the habitat, then the matter assumes significant concern, like that raised in the Sundargarh district in context of the possible long-term impact of the mining in the Khandadhar area on the socio-ecological security of the Paudi Bhuyans living there³¹. Similar concern has been raised in context of the proposed mining in the Dangria dwelling domain, the Niyamgiri hills. Therefore the habitat conditions that support the livelihood and ethnic identity of the PVTGs need to be protected. However, while it is true that the habitats of PVTGs need such protection from any harmful external interventions, there should not be any dispute that the habitat-dwellers themselves must also see to it that their own practices should not be equally detrimental to the habitat. Shifting cultivation is a major concern as it has degraded many hilly habitats. However, as said earlier, if the major pressure of the population is limited to the village itself and the concerned community adopts an efficient CFR management practice, then the habitat is likely to experience less pressure and can regain its lost glory to some extent, if not completely.

Although habitat rights are supposed to have greater importance than the CFRR for the PVTGs, their importance/relevance has lost its strength by becoming just one of the many provisions under the Community Forest Resource title, as in the claim Form-B, probably with an idea that such rights cannot be exclusive but partial. Moreover, the habitat right granted under FRA has to be limited only to forest kism lands whereas the PVTGs do not have any such distinction while visualizing their habitat. The added concern is the approach that the Micro Project authorities have to facilitate the process of claim for habitat rights for the area under their jurisdiction though the actual habitat may be much larger than that.

The claim for habitat rights is supposed to be a complex process in itself (like, identification of the cultural and natural heritage, as mentioned under Section 5-c) as many things are to be considered, but there is neither any exclusive format for this purpose nor any model process documentation to refer or follow although the Training Manual (Part-I) published by SCSTRTI has provides some clues to the process to be followed in the matter.

It is strange that Juanga pidha in Keonjhar, which received the first focused attention for claiming the habitat rights and where a lot of campaigning has been made to assert the claim, is still nowhere in the picture despite the information that pidha-wise mapping has already been followed by submission of the habitat right claims to the SDLC (vide SCSTRTI 2016, Training manual, Part-I, p.41). The Juanga Development Agency says that they do not have the knowledge or capacity to facilitate the process and the DLC too says the same though the study

³¹ Tribals oppose mining in Odisha, *The Hindu*, 8 June 2015, <http://www.thehindu.com/news/national/other-states/tribals-oppose-mining-in-odisha/article7292666.ece>. Also, Chakravartyy, A.(2016); Fight for Khandadhar, *Down to Earth*, 31 March 2016, <http://www.downtoearth.org.in/news/fight-for-khandadhar-53257>

team was told during its visit that the DLC had invited the NGO Vasundhara to formally take up the process³².

On the other hand, the Mayurbhanj district administration decided to lead the process and was about to get the first habitat rights approved in the state for the PVTG Mankirdia on whose behalf 9 claims have been filed so far and the Forest Department, particularly the STR (Similipal Tiger Reserve) authority is understood to have agreed in principle to support the initiative though the major issue hindering the process is said to be the Mankirdias' insistence to include the core area of the sanctuary in their habitat boundary as they know that their resources are better available there, whereas the STR authorities are reluctant to share the core area for this purpose. Still from the 9 claims submitted to the SDLC, 2 were approved and forwarded to the DLC (vide annexure-25).

It was reported to the Malkangiri DLC on 4-8-16 that "The process of recognition of habitat rights of Bonda community is in progress; survey, demarcation of customary boundary of Bonda community is going on and habitat right process of Didayee community will start soon after completion of survey work of Bonda community." However, we could not feel the warmth of any such process during our field interactions with the authorities of Bonda Development Agency and the Didayee Development Agency. On the other hand, the SO, PBDA (Khuntgan) has stated that his agency has not received any official instruction to take up the work on habitat rights for the Paudi Bhuyans, whereas the Sundargarh DLC says that the process is yet to be initiated in the district. And all this despite the MoTA requesting the states in April 2015 to make an 'all-out effort' to recognize the habitat rights of the PVTGs.

³² In the DLC meeting dated 7-4-16 appointment of experts for this purpose was suggested by all.



A part of the Bonda habitat around Badabel village (Upper Bonda Hill) where rights are not recognized showing the hills as 'parbat kisam' (non-forest)

The Kandhamal DLC observed on 26-11-15 that Vasundhara (NGO) representative shared that the claim-making process had already been initiated 'after extensive village survey' and that Jhirpani GP was selected to initiate the process. The Special Officer, KKDA, Belghar did acknowledge that some initiative had been taken, but he himself was not updated on the same and it was clear that if at all the process is continuing and progressing then the SO is not being taken into confidence regarding that. On the other hand, the PA-ITDA said that the process, although started with the help of Vasundhara, was facing difficulty due to non-cooperation from the revenue- and forest authorities.

In fact, our study found that many Micro Project authorities neither have a clear perception of the habitat right nor feel any responsibility in this regard. At the same time it is also true that the issue(claim for habitat rights) has little or no relevance in some of the Micro Project areas and hence it doesn't matter much if neither the concerned PVTG communities nor the Micro Project authorities do not bother at all in this regard.

3.4 SETTLEMENT OF RIGHTS IN WILDLIFE SANCTUARIES AND NATIONAL PARKS

Rights in Protected Areas have been a bit difficult to be settled chiefly due to the objection of the Forest Department. The DFO and Wildlife Warden, Balasore, for instance, has expressed his hesitation in recognizing forest rights in the Kuldiha sanctuary area showing reason that it is the only significant forest area in the whole district(that too not a very large area) and should therefore be preserved³³.

Narendra Digar(Lodha by caste, i.e. ST) of Gabapal, who received title for his forest land which he reportedly used to cultivate since about 2 years, was allegedly forced to abandon the same by the forest staff who even snatched away his title and then converted his land to a pond(for wildlife?). Digar has a big family and has now to depend on wage labour.

Kara Murmu of Bhaliaposhi hamlet(Rishia revenue village), who shares the land that is in the name of his parents Muni Murmu and Chaitanya Murmu, was stopped by the forest officials to develop the said land(about 1.5 acres and highly uneven); so he is unable to make use of the same for his livelihood. The issue of Chemchata Lodhas has however taken a different turn. These people(about 27 households) have migrated from the neighbouring district, but have not been able to establish the claim that they came prior to 13 December 2005. The sanctuary authorities reportedly tried to persuade them for relocation with the financial package for which they had agreed initially but later declined the offer and said they don't want relocation. Their rights have remained unsettled due to want of clear evidences.

In Similipal, on the other hand, the authorities have been very eager to see the National Park finally notified and hence are opposed to the forest rights or any other rights or privileges of the people in that forest area as a result of which they are now about to complete the eviction process in the villages situated in the core area and are encouraging people in the forest villages inside the Tiger Reserve area to rather opt for relocation with an attractive compensation package of Rs.10 lakhs per family. Despite such approaches the activism of the concerned district collector, complemented with the efforts of social activists, has made it possible for recognition of both individual and community forest rights inside this Protected Area.

The Kuldiha litigation

The sanctuary notification first came out in 1984 and within 60 days of the same the process of settlement of rights should have been initiated as per law. However, it was only after 27 years that the District Collector invited claims and objections without adequate relevant details which, some local residents found objectionable as that would not enable them to make their claims properly. Moreover, the proposed sanctuary area is said to cover 76 villages and about one-third area of the Nilagiri subdivision. The petitioners therefore approached the honorable Odisha High Court for justice. (**HC Stay On Sanctuary Order**, *The Telegraph*, 24-08-2011, http://www.telegraphindia.com/1110824/jsp/orissa/story_14415118.jsp)

³³ Interaction with the study team on 29 September 2016 at Balasore

Jamunagarh: can it show the way?

Jamunagarh is one of the villages in the core area of Shimilipal sanctuary. When the sanctuary authorities made serious efforts for its relocation while the villagers were not so ready to accept the proposal despite a lucrative package simply because they wanted land against land, that too good productive land whereas the package offered only money, the attention of the authorities was drawn to the fact by the social activists that without settling the forest rights the relocation/eviction would not be legal. After much negotiation the authorities finally agreed to recognize forest rights, including CFRR title for the village which created a history in April 2015 because this was the first of its kind in the country that villages in the core area of any Protected Area or Tiger Reserve got the CFRR title against the claim in Form-C. Needless to say, the role of the District Collector was pivotal in making this possible while social activists facilitated the whole process. However, Jamunagarh, which was supposed to show the way for replication of similar recognitions in other Protected Areas was probably never accepted by the foresters by heart. As the DFO, Balasore remarked in reply to a question if the same process can be adopted in the Kuldiha sanctuary, Jamunagarh CFRR title was a 'blunder' in his view.

The present status is that while 35 of the total 38 households of Jamunagarh have accepted the package (Rs.10 lakhs plus homestead land with house under Mo Kudia scheme) and have left the village, 3 Munda households are still continuing as the authorities have not been able to provide them satisfactory alternate land despite their attempts. It is noteworthy here that in the settlement of forest rights CFRR was given priority than individual rights, but there is no clarity at present as to what would happen regarding this CFRR. (based on interactions with CREFTDA and DFO, Balasore)

The case of the STs and OTFDs residing in and around the Bhitarkanika sanctuary area received little attention may be because it is not a tribal belt as such and the local STs are mostly migrants from other areas/neighbouring state. The local OTFDs would find it difficult to provide necessary evidences against their claim in the concerned forest land. However, after repeated protests the authorities have assured them rehabilitation with house and land, though not exactly in the line of the FRA³⁴.

Hadagarh sanctuary (Keonjhar district) provides a distinguished picture as fishing rights have been conferred under the FRA (as per application in Form-B) in the dam, that too in the name of the president of a fishermen's cooperative. The said community right is recognized in the Hadagarh reserved forest and the authority Gramsabha is that of Hadagarh. The right-holders have been named (9 individuals and other villagers) who belong to the ST category and the right conferred is pisciculture and fishing; nothing else. The concerned cooperative (Hadagarh Primary Fishermen's Cooperative Limited) has about 700 members from 19 villages in 7 GPs, some of

³⁴Based on the present consultant's own experiences and interactions during 2013-15.

which also belong to the neighbouring district of Mayurbhanj. The right was conferred after a long tussle between the concerned village communities and the sanctuary authorities which started when the latter denied fishing rights in the Hadagarh reservoir with the plea that it is a part of the sanctuary where such commercial activities are not allowed as per the Supreme Court order. The Fishery Department, which used to support the fishery activity in that reservoir in lieu of a lease money and royalty, helped the communities take up their issue with the government (like Forest Department)³⁵ and ultimately it was decided that the fishing right could be allowed using the Forest Rights Act; and hence the title though naming the same in the name of the President of the Fishermen Society has been a matter of controversy.

In Lakhari sanctuary many right-holders people have reportedly received individual titles alongwith some convergence benefits also though road communication is a major issue for them whereas there was no awareness among the concerned PRI members regarding the application of development rights under FRA for this purpose, when this study team interacted with them in September 2016.

In Sunabeda sanctuary the intense Maoist activities significantly affected the FRA implementation process; particularly joint verification was difficult as forest- and revenue officials hardly dared to go inside the sanctuary because of the Maoist threats. Gradually some people received the titles, but not all; particularly the most vulnerable Paharia community has not been able to benefit from the process being categorized as OTFD. It is worth-mentioning here that had the social workers not facilitated the process in this sanctuary area, the implementation of FRA would have been a distant dream, because it is these people who could negotiate with the Maoists and convince them that what they were doing was to secure the rights of the people³⁶.

Sarangi(2015) has studied the status of implementation of FRA in the Badrama sanctuary area and his report suggests that out of the 700 IFR and 27 community claims received by FRCs in the sanctuary in 2014, 343 IFR claims and 3 community claims were approved by the DLC though no community title was actually distributed by then. Proposal for conversion of the forest village Khuntiam was submitted to the Sub-Collector, Kuchinda in 2011; but no satisfactory progress in this regard has been reported. However, the title-holders have been benefited by some convergence activities³⁷.

In all the cases of FRA implementation in the Protected Areas the civil society organizations have taken a lead role in facilitating the process as the forest authorities have not been favorable to the same. In some cases the NGOs have helped formation of local CBOs(like the Badarama Abhayaranya Vikash Parishad) to take up the work on day-to-day basis.

³⁵ Interaction with Sri Baikunthanath Rath, Cooperative Supervisor

³⁶Based on the present consultant's own experiences as he once supervised a project implemented in this area during 2010-12. Also updated with an interaction (dated 29 November 2016) with Tejraj Patel, a key social worker of the area who played pivotal role in facilitating the process.

³⁷ Sarangi, Tapas Kumar(2015). **Forest Rights Act, 2006 in Protected Areas of Odisha, India:Contextualizing the Conflict Between Conservation and Livelihood.**<http://www.iegindia.org/upload/publication/Workpap/wp355.pdf>

It appears that there is lack of a consolidated picture of the progress of the implementation in the Protected Areas. However, some information has been obtained from the office of PCCF (Wildlife) as furnished consolidated in table 3.3 and in detail in annexure-31.

Table 3.3:FRA implementation in Protected Areas (upto December 2016)

Homestead claim under IFR	Claims for agricultural land under IFR	‘Other’(?) claims under IFR	DLC approved claims for homestead land	DLC-approved claims for agricultural land under IFR	DLC-approved ‘other’(?) claims under IFR
1555	3055 ³⁸	364	560 (area 179.8 acre)	3651 (area 9582 acre)	305 (area 457 acre)

(Source: Office of the PCCF, Wildlife, Odisha)

As regards community claims the progress is negligible. It seems that only some minor claim has been recognized in Karlapat sanctuary.

3.5 RECOGNITION OF RIGHTS UNDER SEC 3 (2)

It seems that development rights are the only ones which have received goodwill from the Forest Department. Applications to this effect are first submitted to the Forest Range Officer by the user agency with a resolution of the concerned Gramsabha giving its recommendation. The Range Officer then forwards the same for the approval of the DFO, who can either approve or reject the same, provided that in case of rejection he/she (DFO) has to cite the reason.

As detailed in the FRA with subsequent clarifications (dated 18 May, 2009) and updations, diversion of forest land for non-forestry purposes implying only development of the village community will not require processing under the Forest Conservation Act, 1980 if the required forest land is less than 1 hectare(each case) and the number of trees to be cut for the said purpose do not exceed 75 per hectare.

The development projects originally included 13 facilities(managed by government only), viz. school, dispensary/hospital, anganwadi, fair price shop, electric and telecommunication lines, tanks and other minor water bodies, drinking water supply and water pipe lines, water or rain water harvesting structures, minor irrigation canals, non-conventional source of energy, skill upgradation or vocational training centres, roads and community centres; but in November 2016 the Government of India added community toilets to this list though it would not apply to Protected Areas³⁹. On the other hand, this provision for community toilets will be equally applicable to urban areas where the urban local bodies are to give the recommendation.

³⁸ The mismatch with the approved figure is due to the ambiguity of data in case of Kuldiha sanctuary (vide annexure-31)

³⁹ **Green Ministry Nod for Toilets on Forest Land**, *The New Indian Express*, 15 Nov. 2016, <http://www.newindianexpress.com/nation/2016/nov/15/green-ministry-nod-for-toilets-on-forest-land-1538582.html>

The prime responsibility in this case rests with the user agency which would make the construction. If the DFO doesn't approve the proposal, he/she has to forward it to the DLC which can take a final decision in this regard with atleast 1/3rd quorum and convey the decision to the DFO. In case the DLC approves the project, the DFO has to comply with that provided the said land is not diverted for any other purpose and in case the work could not start within one year of the permission granted to the user agency, then the Forest Department shall have the right to appropriate the said land. What is remarkable is that the Range Officer, in case he/she doesn't agree with the proposal, can suggest for some better option too, to the DFO for approval though it has not been mandated if the 'better option' has to be sent again for the consent of the Gramsabha.

However, it is doubtful if the user agencies and the PRI members have the proper knowledge of the process to be followed. For instance, an application from the Asst. Engineer, PH Sub-Division, Parlakhemundi for construction 'bulk water supply and OGR chowkidar shed' in the Boya Hill RF area was sent back by the DFO, Parlakhemundi asking for application in the prescribed form. The Sundargarh DLC meeting on 21-2-2011 observed that the communities had submitted proposals for church, graveyard, anganwadi, school and market complex, etc. whereas it should have come through the user agency. Interestingly, applications for development rights have also included ineligible proposals such as construction of church and graveyard, etc. which had to be rejected obviously, as done by the Bonai SDLC on 23-6-2016.

In the meantime, the media has reported from various parts of the state how forest roads have remained in miserable condition causing the villagers to suffer. This means, the FRA has probably not been used in such cases, as we found in the Lakhari sanctuary area. Hence, special orientation programmes seem to be required for the user agencies and PRI members in this regard.

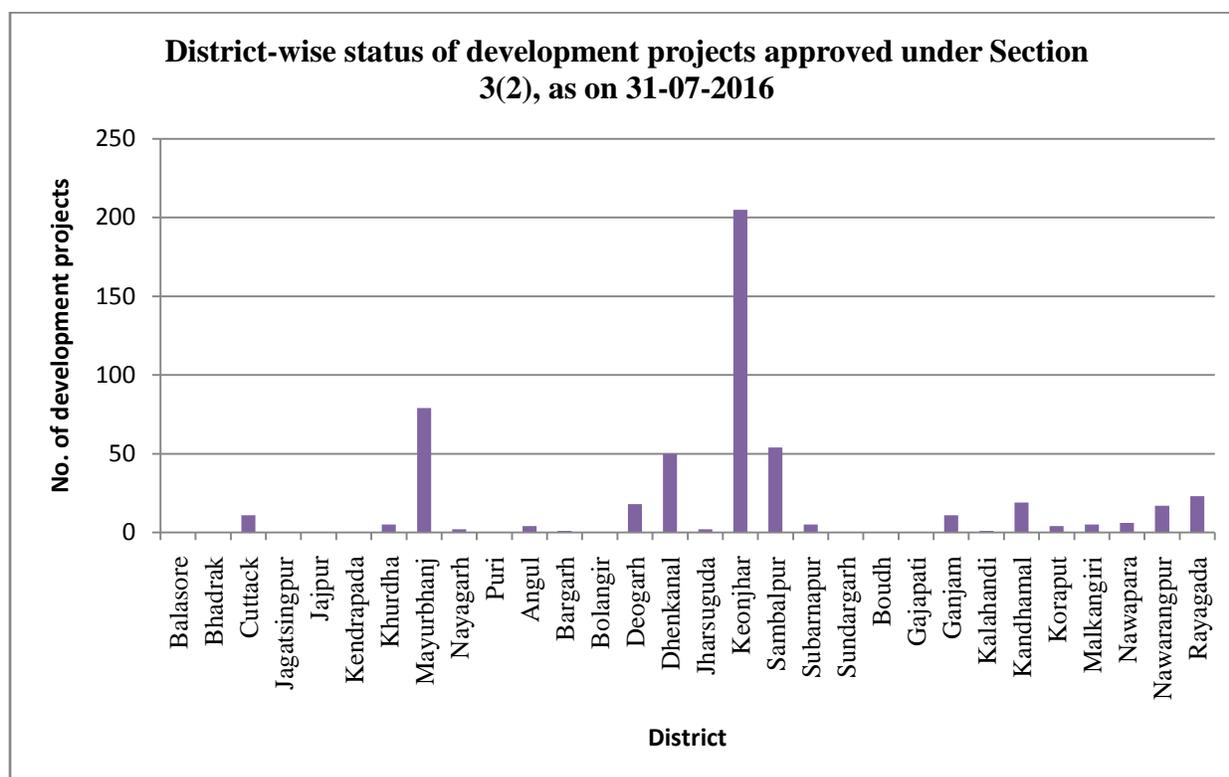
The present study has found that the nodal agency at district level responsible for FRA implementation doesn't normally keep a record of such diversions made under FRA and it is the DFO office which keeps the records. Such a gap is not justified though we do find some references to the diversion proposals in the DLC proceedings. Still the study team could manage getting some updates in the matter in Malkangiri and Kandhamal districts, as under:

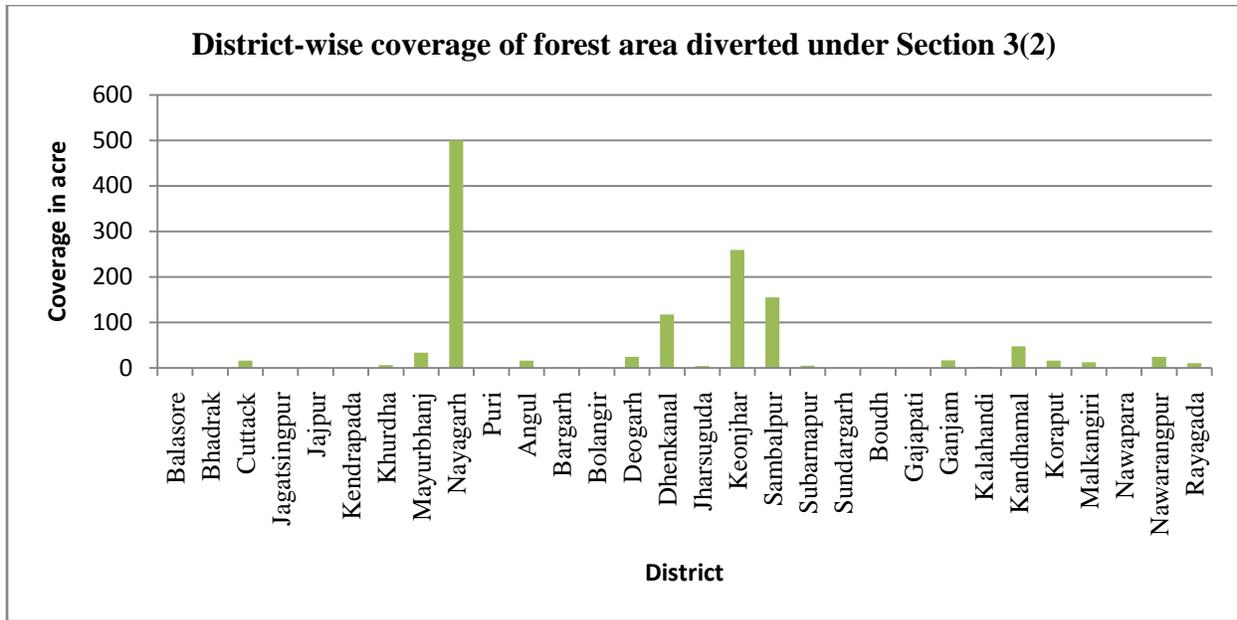
Table 3.4: Projects sanctioned under Section 3(2) in Phulbani and Malkangiri Forest Divisions

Forest Division	Diversity of development rights approved
Phulbani (upto 14-9-2016)	Out of the total 14 proposals 8 are for construction of roads, 4 are for electrification-related activities and 2 for construction of schools. Total forest land to be diverted is 10.258 hectares. The tree-felling is limited to 7 cases only, with maximum 63 in a case; and the DFO has asked for planting 10 times the number felled.
Malkangiri (for the quarter ending 30-9-2016)	Out of the total 14 proposals 7 are for construction of BSNL tower, 4 for electric substations, 1 for school building, 1 for storage godown and 1 for diversion of road. Interestingly, the storage godown has no place in the list provided under FRA, but since the user agency is the Civil Supplies Officer hence it seems to be linked with the fair price shop. Tree-felling is limited to one case only, but there is no recommendation/stipulation for compensatory plantation. Total forest land diverted is 3.635 hectares only.

(Source: Respective Forest Divisions)

As on 31 July 2016, total number of claims settled under Section 3(2) is 522 covering an area of 1271.73 acres (vide annexure-6). Keonjhar ranks topmost in the number of projects approved followed by Mayurbhanj. On the other hand, Nayagarh is the district with highest coverage of forest area under this provision followed by Keonjhar, Sambalpur and Deogarh.



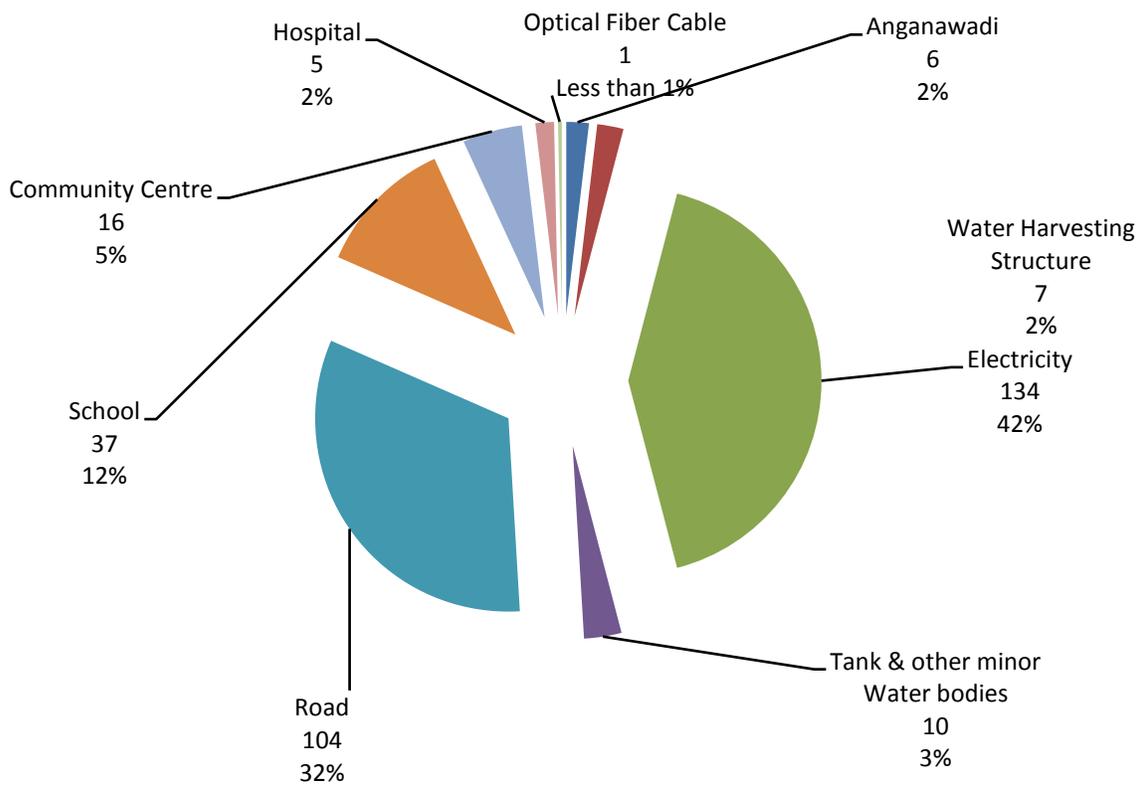


(vide annexure-6)

As per the data furnished by the PCCF's office, total projects approved under Section 3(2) were 320 upto 1st January 2016⁴⁰ (vide annexure-14) and the following charts show that electrical installations followed by school and roads have the major shares in number-wise projections whereas roads followed by electrical installations hold the major shares area-wise:

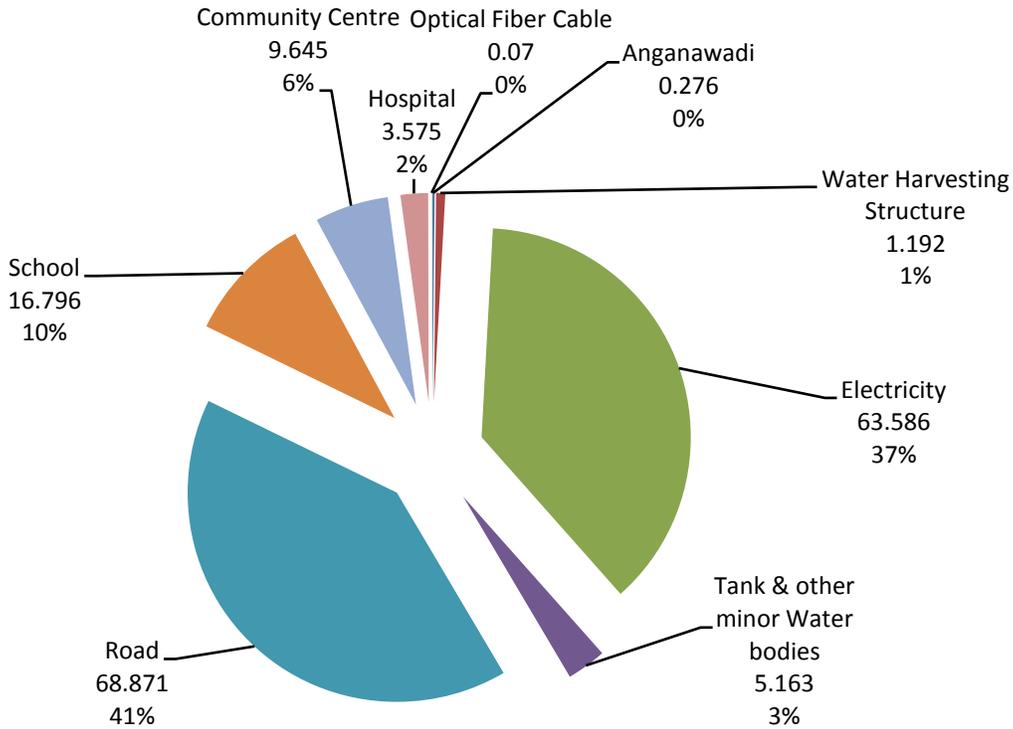
⁴⁰http://odishaforest.in/fra_forest_land_diverted.jsp, as accessed on 13 December 2016

Number-wise share of various development projects implemented under Section 3(2) as on 01-01-2016 in Odisha



(vide annexure-14)

Area(forest)-wise share of various projects implemented under Section 3(2) as on 1-1-2016(area in Ha)



(vide annexure-14)

ବଉଳା ଗ୍ରାମରେ ପ୍ରାଥମିକ ବିଦ୍ୟାଳୟର ନୂତନ ଗୃହ ଉଦ୍ଘାଟିତ

ଠାକୁରମୁଣ୍ଡା, (ସବୁଧ୍ୟ)- ଜଙ୍ଗଲ ଅଧିକାର ଆଇନ ୨୦୦୬ ଅନୁଯାୟୀ ଭାଲିଆଡାଳ ପଞ୍ଚାୟତର ବଉଳା ଗ୍ରାମ ଠାରେ ୨୪କର ୪୦ଡି. ଅଞ୍ଚଳର ସ୍ଵୀକୃତିନାମା ଅନୁଯାୟୀ ୪ଲକ୍ଷ ୮୦ହଜାର ଟଙ୍କା ବ୍ୟୟ ଅଟକଳ ରେ ପ୍ରାଥମିକ ବିଦ୍ୟାଳୟର ନୂତନ ଗୃହକୁ ଗତ ୮ତାରିଖ ଗୁରୁବାର ଦିନ ଉଦ୍ଘାଟିତ ହୋଇଯାଇଛି । ଏହି ଉତ୍ସବରେ ମୁଖ୍ୟ ଅତିଥି ଭାବେ କରଂଜିଆ ଉପଜିଲ୍ଲାପାଳ ଶ୍ରୀଯୁକ୍ତ ଦେବେଶ କୁମାର ବିଶ୍ଵାଳ ଯୋଗ ଦେଇ ଉଦ୍ଘାଟନ କରିଥିଲେ । ଏଥିରେ ସମ୍ମାନୀତ ଅତିଥି ଭାବେ ଠାକୁରମୁଣ୍ଡା ବଡ଼ିଓ ଶ୍ରୀଯୁକ୍ତ ଦୁର୍ଘବନ୍ଧୁ ନାଏକ, ଅତିରିକ୍ତ ବ୍ଲକ୍ ଶିକ୍ଷାଅଧିକାରୀ ଶ୍ରୀ ଗିରିଶ୍ ଚନ୍ଦ୍ର ମହାନ୍ତି ଓ ସହକାରୀ ଜିଲ୍ଲାପାଳ ସୁଶ୍ରୀ ଜ୍ୟୋତ୍ସ୍ନାମାତା ନାୟକ ପ୍ରମୁଖ ଯୋଗ ଦେଇଥିଲେ । ସୂଚନା ଯୋଗ୍ୟ ଏହି ଗ୍ରାମଟି ଜଙ୍ଗଲ ଗ୍ରାମ ହୋଇଥିବାରୁ ଏଠାରେ ବିଦ୍ୟାଳୟ ଗୃହ ନିର୍ମାଣ କରିବା ସମ୍ଭବପର ହେଉନଥିଲା । କାରଣ ବନବିଭାଗ ଜଙ୍ଗଲ ଅଧିକାର ଆଇନ ୨୦୦୬କୁ ଯେତିକି ଗୁରୁତ୍ଵ ଦେବା କଥା ତାହା ଦେଉ ନଥିବାରୁ ଏହା ବିଳମ୍ବ ରାହୁଥିଲା । ଏହି ଉତ୍ସବରେ ଆର.ସି.ଡି.ସି ର କାର୍ଯ୍ୟକ୍ରମ ଅଧିକାରୀ ଆନନ୍ଦ ସେଠୀ, ପ୍ରଧାନ ଶିକ୍ଷକ ଶ୍ରୀ ଦିଲ୍ଲୀପ ମାଝୀ ଓ କନିଷ୍ଠ ଯତ୍ନୀ ନବୀନ ନାଏକ କାର୍ଯ୍ୟକ୍ରମ ପରିଚାଳନା କରିଥିଲେ ।

Section 3(2) of FRA recently ensured a primary school building for the forest village Baula (Mayurbhanj)(courtesy Sri Ananda Sethi, RCDC, whose initiatives facilitated the whole process)

FRA helps 'bridging' the communication gap



Padampur and its neighbouring villages did not have a direct approach road to the Malkangiri-Mathili highway and the concerned villagers used to suffer a lot particularly during the rainy season to access better medical facility, etc. as they had to use a forest road passing through the Shindhimal PRF and cross two streams. The Executive Engineer, Rural Works Division, Malkangiri therefore planned for construction of the Pedakonda-Shindhimal road which required the prior construction of two bridges under the Biju Setu Yojna. As the forest land to be diverted for this purpose was only about 0.19 hectare, hence Section 3(2) of FRA was applicable here; and the user agency obtained the recommendation of the Bandhaguda FRC which has rights over the concerned area. The DFO, Malkangiri then approved the proposal with the following conditions:

- No change in the proposal made
- No tree felling in any nearby forest area
- No labour camp to be established in the forest land
- No crushing and quarrying of stone allowed in the said forest area
- No work after sunset
- In case of any loss to the forest area because of the construction activity, the user agency is to compensate.

The conditions imposed by the DFOs in such cases are usually more for a formality than restrictions. Hence, the bridges were constructed and many villages of the area have been benefited by the same though they are awaiting the construction of the road.

3.6 CONVERSION OF FOREST VILLAGES INTO REVENUE VILLAGES:

The term 'forest village' implies to a village or habitation in forest land belonging to the Forest Department. Usually such villages are found in the reserved forests or sanctuaries and the villagers live at the mercy of the Forest Department as they can't normally avail the development facilities of the government applicable for revenue villages. Even their identity is at stake and they normally identify themselves with reference to some nearby revenue village.

Unsurveyed villages have more or less the same issues though they need not necessarily be in forest lands always. Section 3(1)(h) of the FRA is however applicable to unrecognized villages in forest lands only and the Act has mandated for settlement of the rights as well as conversion of such villages into revenue villages.

While the settlement of individual claims for forest rights has been possible in most of the forest villages of the state partly because of the remarkable activism of civil society organizations in a number of cases (if not all), progress in the matter of conversion of forest villages into revenue villages has however remained quite dissatisfactory till date unfortunately, despite repeated instructions from the central- and state governments. The factors causing the objectionable delay have been found to be many, like:

- The list of such villages are yet to be prepared(DLC, Koraput; dated 1-9-16); or subordinate authorities not submitting the list despite repeated requests(Gajapati), or the villages are yet to be identified by the DFO(Rayagada DLC, dated 12-5-2016).
- More comprehensive guidelines required, as observed by the SLMC.
- Case records of 4 proposals did not tally with check memo; so returned to SDLC for compliance.(Mayurbhanj DLC, dated 8-8-16).

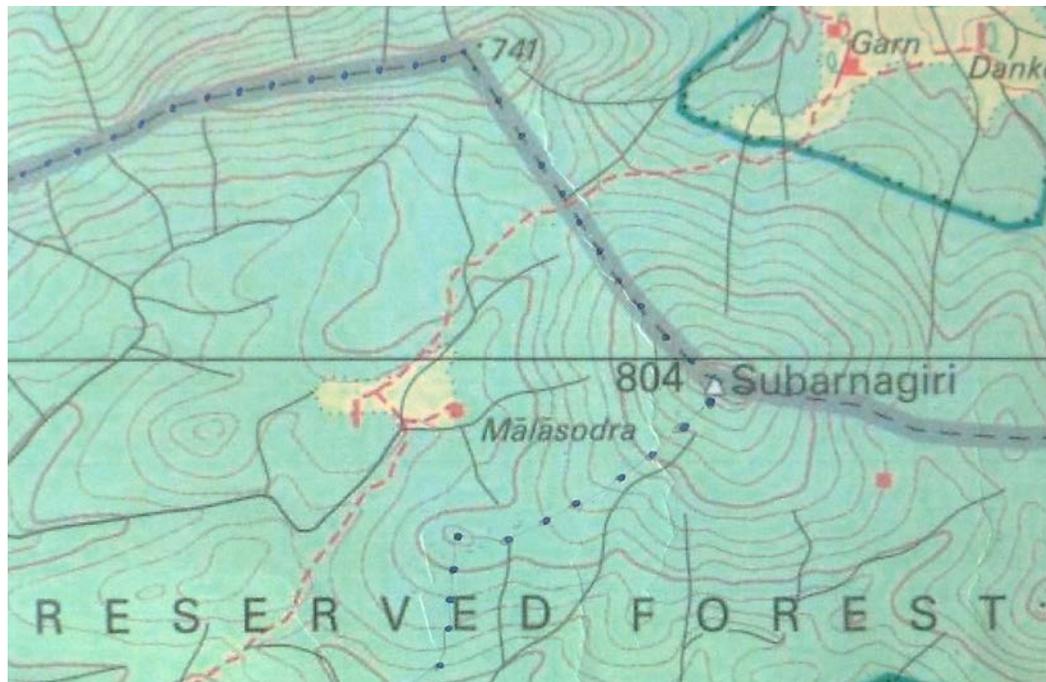
Still, Mayurbhanj is in a leading position in the process of converting forest villages into revenue villages where proposals have been submitted for 6 villages of Thankumunda Block and progress has been made for two most remote villages Jharjhari and Asurkhal among these six. Next in the line is Kandhamal where 6 villages of Jamjhari GP are in the process. In the first case the credit goes to the initiative of the NGO RCDC whereas in the second case Vasundhara has facilitated the whole process. However, special credit goes to the District Collector, Mayurbhanj for his keen interest and determination in the matter which has given Mayurbhanj a lead.

As reported by the ST & SC Development Department, GoO in September 2016 the process for conversion of forest/unsurveyed villages had started for 88 villages out of the total 329 such villages identified in the state. Of these, 77 proposals were pending at Gramsabha level, 7 at SDLC level and 4 at DLC level⁴¹(vide annexure-13). Interestingly, as indicated earlier that some

⁴¹ Letter No. 18069/SSD, dated 29-9-2016 of the ST and SC Development Department, GoO

of the districts were yet to prepare the desired list, the ST and SC Development Department did not receive data from few districts including Koraput. As per the available details Malkangiri has the highest number of such villages (66) followed by Ganjam(53), Nayagarh(42), Subarnapur(36), Kandhamal(35), Jajpur(30) and Mayurbhanj(24).

The plight of Malsodra



Malsodra is a forest village in the Jamujhari GP of Kandhamal district. As the above map shows, the village is found not in the revenue map but in the forest map as it is situated inside the Kalabagha reserved forest. The residents (10 HHs) are Kandha and depend on forest collection as well as hill cultivation. The nearest revenue village to which it attaches itself as a hamlet is Madikhol wherefrom a forest road goes to Malsodra, which was till recently very difficult to use and is still a not-much motorable, fair weather one. Their claim process was made under the Madikhol FRC and the villagers got individual titles both for homestead and cultivated lands though they say only lands near their habitation were measured during the verification process and others were left out. The only facility which they have is a well. There is no *smashan* (funeral ground) or *gochar*(pasture) demarcated in this village as it is not a revenue village; so the villagers have themselves made a virtual demarcation for all these. When this study team visited the village, forest officials had arrived in the area to mark trees for felling, which the Malsodra villagers wanted to protest as they considered that part of the forest as their resource, but they knew the limitations of their right and hence their objection did not work. However, the support of Vasundhara has created good hope for them as the process for conversion has been started and the village women have been supported to do collective trading in minor forest produce.

ପରିଶିଷ୍ଟ - ୨
* ନିୟମ ୮ (ଏ) ପ୍ରକାଶ୍ୟ *

ଅଧିକାରରେ ଥିବା ଜଙ୍ଗଲ ଜମି ପାଇଁ ଶିରୋନାମା
ଜିଲ୍ଲା-ମୟୂରଭଞ୍ଜ ନୂଆ ନମ୍ବର- ୫୮୩୮/୨୦୦୯

୧. ଜଙ୍ଗଲ ଅଧିକାରଧାରୀଙ୍କ (ମାନଙ୍କ) ନାମ : ବିଭାଗୀୟ ଜଙ୍ଗଲ ଉପକ୍ରମ
୨. ପିତା/ମାତାଙ୍କ ନାମ : ଶ୍ରୀମତୀ ଲକ୍ଷ୍ମଣ
୩. ଶିର୍ଷକାରୀଙ୍କ ନାମ : ନିର୍ଦ୍ଦିଷ୍ଟ
୪. ଠିକଣା :
୫. ଗ୍ରାମ / ଗ୍ରାମ ମଣ୍ଡଳ : କାମରାଣୀ
୬. ଗ୍ରାମ ପଞ୍ଚାୟତ : କାଳିଆଳ
୭. ବସ୍ତିରାଜ୍ୟ / ରାଜ୍ୟ : ଓଡ଼ିଶା
୮. ଜିଲ୍ଲା : ମୟୂରଭଞ୍ଜ
୯. ଜନକାଳି ତା ପାଇଁ ପାରିକ ଜଙ୍ଗଲ ବାଣିଜ୍ୟ : ମାନ୍ଦି
୧୦. କ୍ଷେତ୍ରଫଳ : ୧୫୨
୧୧. ମୁକ୍ତ ଜମି ବିହୀନ ଗ୍ରାମୀଣ ବର୍ଗ / ଶାସନ / କମ୍ୟୁନିଟି ନମ୍ବର ନମ୍ବର : ୧୫୨

ଅଧିକାରରେ ଥିବା ଜଙ୍ଗଲ ଜମିର (କ) ଅନୁସାରେ ଏହି ଶିରୋନାମା କାର୍ଯ୍ୟକାରୀ କିମ୍ବା ବଦଳାଇବାକୁ ହେବ ବା ବଦଳାଇବାକୁ ହେବ ନାହିଁ ।

ଆମେ ନିମ୍ନ ସ୍ୱାଧିକାରୀଙ୍କ, ଏକତ୍ରାଣ ମନ୍ତ୍ରଣାଳୟ ପାଇଁ ଏକ ନିୟମିତ ଲେଖା (ନାମ) ପଦ୍ଧତିରେ ଜଙ୍ଗଲ ଅଧିକାରକୁ ଅନୁମୋଦନ କରି ଆନୁମାନିକ ସ୍ୱାଧିକାର କରୁଅଛୁ ।

Not final and Subject to the result of the main writ petition No. 108 Pending before the High Court, Orissa

ବିଭାଗୀୟ ଜଙ୍ଗଲ ଅଧିକାରୀ
ନିୟମିତ ମନ୍ତ୍ରଣାଳୟ
Divisional Forest Officer
Katanjia Division
ଜିଲ୍ଲାପାଳ / ନିୟମ କମିଶନର
COLLECTOR, MAYURBHANJ

ଜିଲ୍ଲା ଜନକାଳି ମଙ୍ଗଳ ଅଧିକାରୀ
Principal Administrator,
11/11A, 5th Inada-cum-
Member Secretary
FRA, Mayurbhanj

A part of one individual forest land title issued for Malsodra which shows that all the allotted lands are inside reserved forest.

ପୁରୁଷ ଚାରି ଦିଗର ପୁରା ଗୋଟିଏ ଗ୍ରାମୀଣ ଗଣନା / ଗଣନା ନମ୍ବର ୧୫୨ -

କ୍ର. ନମ୍ବର	କ୍ଷେତ୍ରଫଳ	ପ୍ରକାର	ଗ୍ରାମ
୨/୮	୦.୦୦୮୮	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୯	୦.୦୨୦	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୧୦	୦.୦୮୮	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୧୧	୦.୦୪୦	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୧୨	୦.୧୩୨	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୧୩	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୧୪	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୧୫	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୧୬	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୧୭	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୧୮	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୧୯	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୨୦	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୨୧	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୨୨	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୨୩	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୨୪	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୨୫	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୨୬	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୨୭	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୨୮	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୨୯	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୩୦	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୩୧	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୩୨	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୩୩	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୩୪	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୩୫	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୩୬	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୩୭	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୩୮	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୩୯	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୪୦	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୪୧	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୪୨	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୪୩	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୪୪	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୪୫	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୪୬	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୪୭	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୪୮	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୪୯	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୫୦	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୫୧	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୫୨	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୫୩	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୫୪	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୫୫	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୫୬	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୫୭	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୫୮	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୫୯	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୬୦	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୬୧	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୬୨	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୬୩	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୬୪	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୬୫	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୬୬	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୬୭	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୬୮	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୬୯	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୭୦	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୭୧	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୭୨	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୭୩	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୭୪	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୭୫	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୭୬	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୭୭	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୭୮	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୭୯	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୮୦	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୮୧	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୮୨	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୮୩	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୮୪	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୮୫	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୮୬	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୮୭	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୮୮	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୮୯	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୯୦	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୯୧	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୯୨	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୯୩	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୯୪	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୯୫	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୯୬	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୯୭	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୯୮	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୯୯	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ
୨/୧୦୦	୦.୦୨୪	୧	ଭିକଟ୍ଟି ଗ୍ରାମୀଣ

ଅଧିକାରରେ ଥିବା ଜଙ୍ଗଲ ଜମିର (କ) ଅନୁସାରେ ଏହି ଶିରୋନାମା କାର୍ଯ୍ୟକାରୀ କିମ୍ବା ବଦଳାଇବାକୁ ହେବ ବା ବଦଳାଇବାକୁ ହେବ ନାହିଁ ।

ଆମେ ନିମ୍ନ ସ୍ୱାଧିକାରୀଙ୍କ, ଏକତ୍ରାଣ ମନ୍ତ୍ରଣାଳୟ ପାଇଁ ଏକ ନିୟମିତ ଲେଖା (ନାମ) ପଦ୍ଧତିରେ ଜଙ୍ଗଲ ଅଧିକାରକୁ ଅନୁମୋଦନ କରି ଆନୁମାନିକ ସ୍ୱାଧିକାର କରୁଅଛୁ ।

Not final and Subject to the result of the main writ petition No. 108 Pending before the High Court, Orissa

ବିଭାଗୀୟ ଜଙ୍ଗଲ ଅଧିକାରୀ
ନିୟମିତ ମନ୍ତ୍ରଣାଳୟ
Divisional Forest Officer
Katanjia Division
ଜିଲ୍ଲାପାଳ / ନିୟମ କମିଶନର
COLLECTOR, MAYURBHANJ

ଜିଲ୍ଲା ଜନକାଳି ମଙ୍ଗଳ ଅଧିକାରୀ
Principal Administrator,
11/11A, 5th Inada-cum-
Member Secretary
FRA, Mayurbhanj

A title issued in Jambani forest village (Mayurbhanj) recognizing only homestead land, unlike in case of Malsodra

Jambani: The Fortunate One (?)



Jambani is among the 6 forest villages in the Thakurmunda Block of Mayurbhanj district for which the process has been started for conversion into revenue villages, thanks to the initiative of RCDC which advocacy ensured extension of the PMGSY road to this otherwise difficultly accessible village. Jambani has three hamlets with more than 90 HHs almost all of whom are ST. The settlers of this forest village originally belonged to village Barabahali of Keonjhar district on the other side of the district-boarder. When the Hadagarh dam was created, they were asked for relocation, but the area offered for relocation was not suitable for them. Having found the relocation area unacceptable, they decided to stay back; but one night they got to know that the water had been released to the dam and the water level was rising almost at their doorstep. There was hardly any time to think and plan and they left their village with their little assets and livestock overnight. The nearest area where they could resettle themselves was the Satkoshia Hill Block reserved forest in Mayurbhanj district. For a long time they remained deprived of many basic facilities, but now they have received some like Indira Awas and school. The services of health worker(Asha) is also available. As of FRA, they have received titles only for homestead land as when the claim process was facilitated for them some 6 years back or so, the concerned government officials, who had then camped there for several days for this purpose, did not find it convenient to verify the agricultural lands and hence facilitated the claim only for homestead lands. It is good to know that RCDC has recently helped them claim for their cultivated lands too. The major initiative however is for converting this forest village to revenue village for which the forest authorities do not seem quite favourable and they have offered a financial package of Rs.10 lakhs per family for relocation as they want this area to be a part of the tiger reserve, but the residents of Jambani have not forgotten the sufferings of relocation which they had faced years ago and hence they are no more ready for a second relocation.

Of the 6 forest villages proposed for conversion, Jharjhari is probably in the most disadvantaged condition being very remote. This village has reportedly not received any title under FRA and unless the government takes adequate measures soon it may turn into another Nagada. (based on discussions with Sri Ananda Sethi, Programme Officer, RCDC; Sri Kirani Nayak, WEO, Harichandanpur; and also the villagers of Jambani.)

3.7 REJECTION AND APPEAL:

Claims under FRA have been rejected showing various reasons. The reason mentioned may be one or more and may vary for individual and community claims. Individual claims are rejected normally on the grounds including 'claim on non-forest land', encroachment of forest land after 13-12-2005, claims from minors or multiple claimants and lack of sufficient evidence; whereas community claims have been rejected or remanded for reconsideration on grounds like inadequate resolution, lack of required signatures in the joint verification report, lack of boundary demarcation, etc...

There are exceptional reasons in certain cases, like insistence by the Forest Department in Balasore district on sketch map. The Bonai SDLC (dated 13-2-09) returned 3 claims of village SanJadalai because although the claim was for forest land, the same land is actually reserved for 'Orissa Jawans'.

In Sundargarh one Jara Oram's title was cancelled as he could not produce 'the residence of staying for three generations' although he is not an OTFD but ST. Approval in favour of Ganesh Oram was cancelled due to his death (DLC dated 15-11-14). On the other hand, 285 ST claims from sadar subdivision were rejected as found 'not in possession' but erroneously reported earlier to be in possession. Decision to issue show cause notice to those erring officials was of course made (DLC dated 2-7-16), but that was not sufficient to satisfy the concerned claimants.

The Forest Rights Rules, 2008 followed by the Amendment Rules, 2012 have made elaborate provisions regarding the appeal against the rejection, but the basic thing to ensure the appeal is the timely intimation to the claimant explaining the cause of rejection, which doesn't seem to have been ensured for a long time. The next thing is to assist the aggrieved claimant to file the petition in the appropriate forum as he/she may not know exactly what to do and where. Produced below are some extracts/clues gathered from various DLC and SDLC proceedings, which would give a realistic picture of how effectively this process has been carried out so far:

➤ *Rejection Cases at SDLC level:*

- Bamanghati, dated 19-5-16: As per Collector's instruction all rejected claims should be disposed by the way of receipt of appeal petitions from claimants, so Tahasildars/BDOs should facilitate the process and ensure submission of appeal petitions, alongwith wide publicity at field level for this purpose.

The 1st deadline for this had been fixed at 31-12-2015(proceedings dated,8-10-15)which was subsequently revised to 15 March 2016(proceedings dated 28-1-16) and then to 15th June 2016. Proceedings do not mention cause of rejection under remarks column.

- Keonjhar, dated 26-5-16: All WEOs authorized to inform the claimants regarding any modification or rejection at SDLC level to enable him to file the petition.
- Bonai, dated 31-8-16: Several rejected cases considered suo moto appeal and passed for consideration by DLC, even if some of these related to pahad/tunguri/dunduri kism land.

Should lack of critical livelihood dependency be a cause of rejection?

Section 2(c) and 2(o) of the FRA have made bonafide livelihood dependency on forest land as one of the major criteria for defining forest dwellers. While it is understood that the term 'bonafide livelihood needs'(as mentioned in the Act) is a qualitative expression which doesn't make it clear if the said need should be primary or secondary/supplementary and hence many of the individual claims have probably been processed and approved without verifying if the need is primary or secondary/supplementary, some authorities have raised objections regarding this. The Tahasildar, Pattangi(Koraput), for example, provided an instance in which a service holder has also received the title(interaction on 19-10-16). However, the Sundargarh SDLC and DLC have been found to be very keen and strict in this matter and have rejected many claims on this ground, as under:

Sundargarh DLC, dated 29-12-2008: ""Persons who are not dependent on the forest land for their livelihood should not be given forest land. This should also be mentioned in the joint verification report of of Revenue and Forest Officials."

Sundargarh SDLC, dated 22-9-09: A Gonda (ST) claim rejected with remark 'He has other livelihood'.

Sundargarh SDLC, dated 30-10-10: SDLC members expressed doubt regarding the livelihood of the claimants and hence it was decided to enquire into such matters henceforth.

Sundargarh SDLC, dated 14-11-11: Many claims objected on the basis of doubtful livelihooddependency mostly for OTFDs (also for STs).

The question is, in case a claimant sees his/her traditional forest land as an asset and despite having other means of livelihood he/she still has some kind of dependency on such land, should the claim be entertained or rejected? The answer should be considered in the light of the fact that FRA came too late to undo the injustice done to the forest dwellers and when it was implemented many of the forest dwellers had already started looking for other sources of livelihood, partly because of government interventions and partly because the traditional occupation could no more sustain their livelihood needs.

➤ *Rejection Cases at DLC level:*

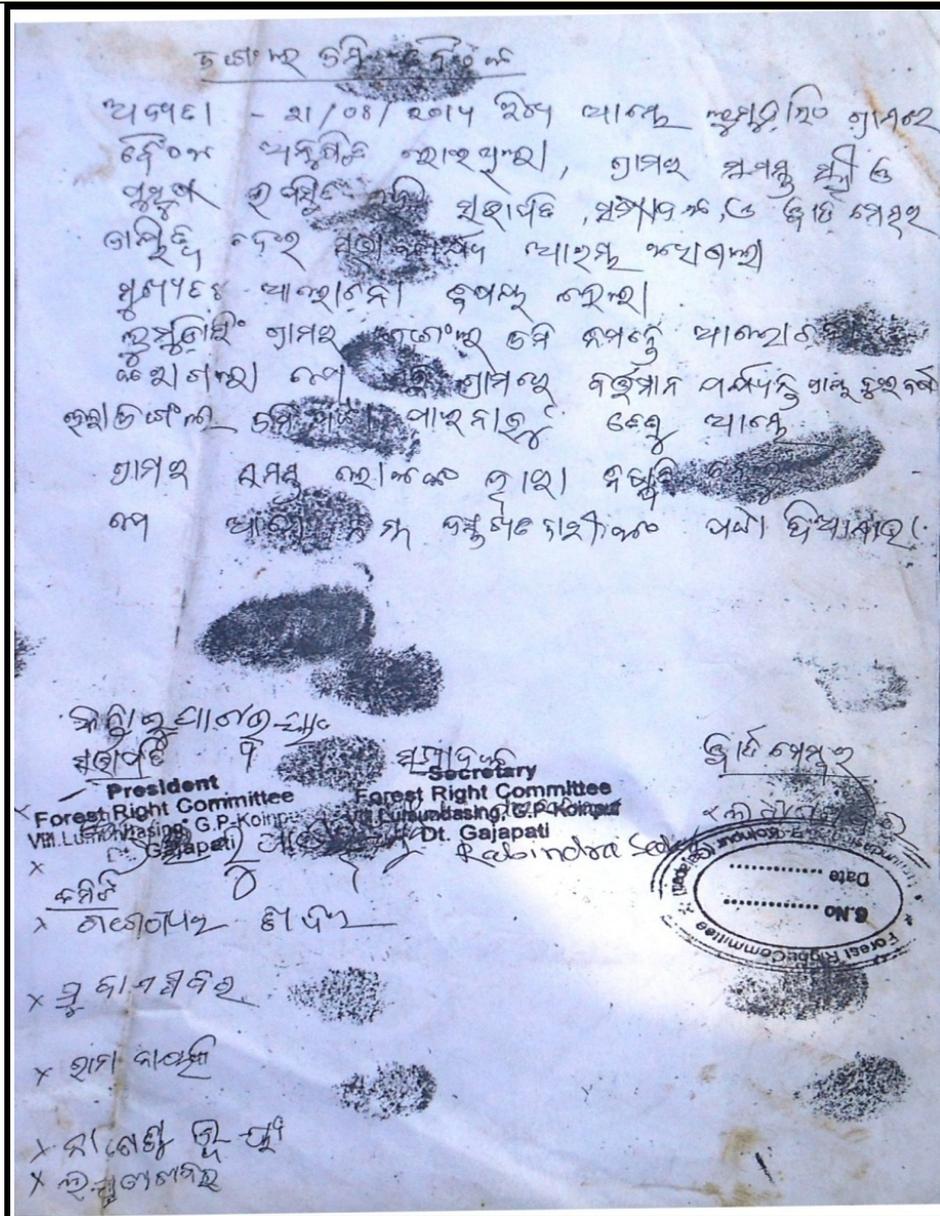
- Sundargarh, dated 21-2-2011: SDLC intimated cause of rejection to the claimants who later appealed.
- Sundargarh, dated 31-3-11: One appeal case against grant of less area. DLC found two plots were approved but title issued for one only, so decided to grant for another.
- Sundargarh, dated 12-3-14: 48 appeal cases from Sadar SDLC; admitted and referred to SDLC.
- Sundargarh, dated 9-2-16: 1 appeal case received through SDLC, Sadar and referred to SDLC for further hearing.
- Keonjhar, dated 8-10-15: Out of 1757 cases of rejection (IFR) reasons intimated to claimants in 1171 cases. Deadline fixed for intimation 31-10-15, for filing petitions 31-12-15.
- Keonjhar, dated 7-4-16: Collector asked in the last meeting (4-3-2016) to all ADWOs/WEOs to contact the claimants personally regarding rejection to facilitate appeal, but till date no information.
- Mayurbhanj, dated 23-5-16: Only Sub-Collector, Karanjia disposed 312 appeal cases against rejection.
- Kandhamal, dated 5-9-14: 507 rejected IFR cases could not be traced out. Data said to be erroneously submitted to DLC. Collector asked concerned Sub-Collectors to submit a report that the titles were erroneously submitted to the DLC which was incorporated in the Monthly Progress Report since 2009.

On 16 June 2016, the Commissioner-cum-Secretary, ST and SC Development Department, Govt. of Odisha wrote a letter to all Collectors referring to the poor progress in implementing the provisions of Forest Rights Act and the Amendment Rules of 2012 made thereunder regarding the disposal of rejected claims. He also cited the decision made in the 8th SLMC meeting to implement this process in a time bound manner and emphasized on the fact that “there is an urgent need for proactive facilitation of the appeal process for which it is suggested that the rejected/modified claims be suo-moto treated as petitions for hearing and disposal. The reasons of rejection or modification shall be communicated to the concerned claimants/Gramsabhas immediately, if not done yet; and the DLCs/SDLCs may fix venues and timings for hearings of the claimants’ appeals and take appropriate decisions to dispose of the same.” This is however yet to be adhered to properly.

The general situation is that the reason of rejection is yet to be intimated to the claimants in a large number of cases. Even where it is accepted in principle that the SDLC or DLC would not reject any case, the claims remain pending for long without any clarification to the claimant on their actual status.

Lumudasingh: An Exception?

Lumudasingh is a tribal village in the Kainpur Gram Panchayat of Gajapati district. There are 5 hamlets in this village and all belong to the Saora tribe. In 2011-12, 102 households of the village applied for individual land titles under the facilitation of RCDC. Unfortunately, whereas many other villages received the title, the Lumudasingh villagers did not receive a single title at least till the study team visited them on 8 September 2016. What is more important is that neither they had been informed about the status of their claim, nor did the local Tahasil office at Raigada could enlighten us in this matter.



Grievance petition from Lumudasingh(Gajapati district)

The case of 23 nos. of Individual cases relating to Paikapada village under Fatepur G.P. of Oupada Block was discussed as raised by the D.W.O., Balasore for approval. The D.F.O. expressed his views that the cases should be rectified in the following manners for approval as he was formulated some criteria.

a. The resolution of the Grama Sabha with 50% voters is to be attached with the concerned individual claimants case records including Xerox copy of the voter list of said vilfrage.

- b. The joint inquiry report of Forest Right Committee is to be attached in the case record.
- c. The map of the area with boundary description should be kept in the case record for future guidance of the specific land.
- d. Under Rule -13 the evidence of 9 points is to be mentioned.
- e. During the final Grama Sabha one Govt. official member is to be remain present such as the Welfare Extension Officer/ Executive Officer of concerned G.P. with the Sarpancha.
- f. The two nos. of stress map of the particular land should be drawn and signed by the connected persons like representative of Revenue, Forest and Block Level Officers. One Topo sheet is essential prepared by Forest Department to be kept in case record.

D.W.O. raised the case of 581 individual claims objected by the D.F.O. Balasore vide his Letter No. 1530 / Date 13.03.2014. In response to the case the D.F.O. expressed his views that the procedure for approval of 23 nos. of above individual cases is to be implemented. For a particular village one Grama Sabha proceeding alongwith the voter list may be attached with case record conducting the recent meeting. It is decided that the pending 581 cases with District Level is to be returned back to the S.D.L.C. concerned which will be placed for approval in the Grama Sabha by the W.E.O, before 30.09.2015. Being rectified the above cases may be resubmitted for approval in the D.L.C after approved in the concerned S.D.L.C observing the above criterias. The D.F.O. Balasore told that 211 nos. of individual cases have been settled covering Ac.993.24dec. forest land

GPS Reading wanting
Ri sing wanting in the Tracemap
Ri sing wanting in the Tracemap
Ri sing wanting in the Tracemap
JVR Incomplete
RI &Forester sign wanting in the tracemap (Obj)
Sign of Ri required in JVR
Trace map Wanting
Forester Sign required in tracemap
Enquired report not mention (Obj)
Forester Sign required in tracemap
Trace map wanting
Forester Sign required in tracemap
RI & Forester signwanting in the Tracemap (Obj)
RI & Forester signwanting in the Tracemap (Obj)
GPS Reading Wanting (OBJ)
GPS Reading Wanting (OBJ)
JVR Defective

Points of objection mentioned in a datasheet of SDLC proceedings, Sundargarh. Objections raised on lack of GPS reading is not in conformity with FRA.

(D) Community Claims:-

Total 28 (Gurundia=28) (Form-'ଝ'=14 nos. and Form-'ଞ'= 14) numbers of Community claim received at SDLC till date. On scrutiny the committee members point out some omissions. As such all the Tehsildars, all BDOs and Divisional Forest Officer, Bonai Division/ Rourkela Division were requested to rectified accordingly. For such action all case records handed over to the Tehsildars concerned for preparation of checklist and he is requested to resubmit the same within 07(seven) days. The major defects pointed out as follows:-

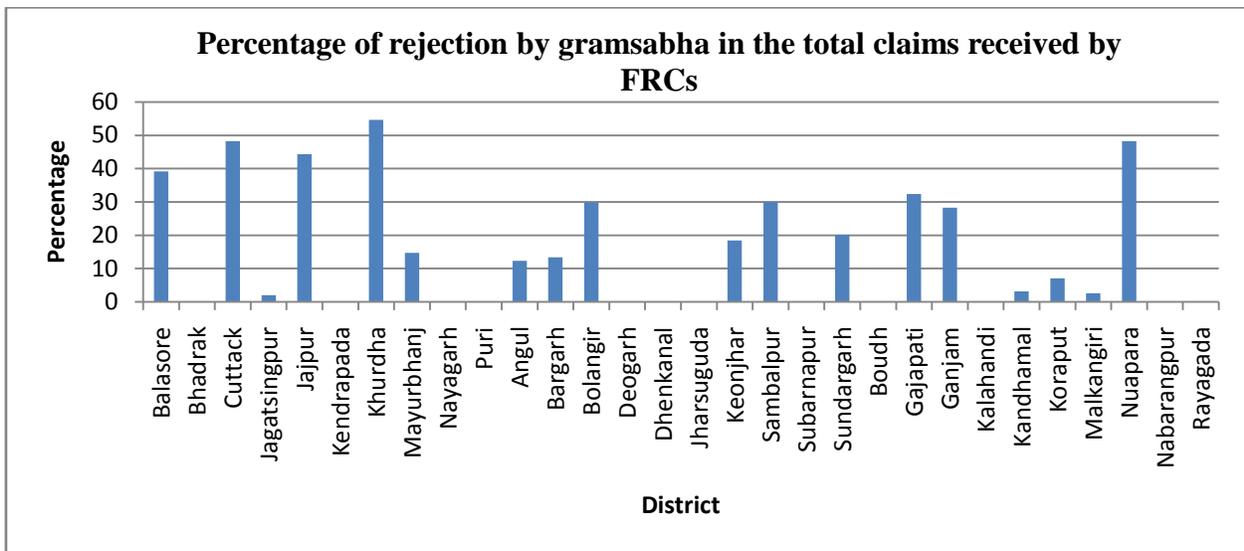
- (i) Specify the particular area and whom TITLE to be issued.
- (ii) Joint signature required on the sketch map by the Revenue and Forest Deptt. officials along with concerned FRC, President and Secretary.
- (iii) Clearly mention the name of the MFP and Acre of land from them the MFP collected.
- (iv) Joint claim form on the area by village and neighboring villages.
- (v) Mention the particular name on which article they demand for TITLES.
- (vi) VSS should not be included in the CFRs.
- (vii) The required column Form No-'ଝ' to be filed properly.

Detailed report of Community claim proposals annexed at ANNEXURE-III.

Objections raised by Bonai SLDC on community claims. Asking for the acre of land from which the MFP is collected doesn't appear to be in conformity with FRA.

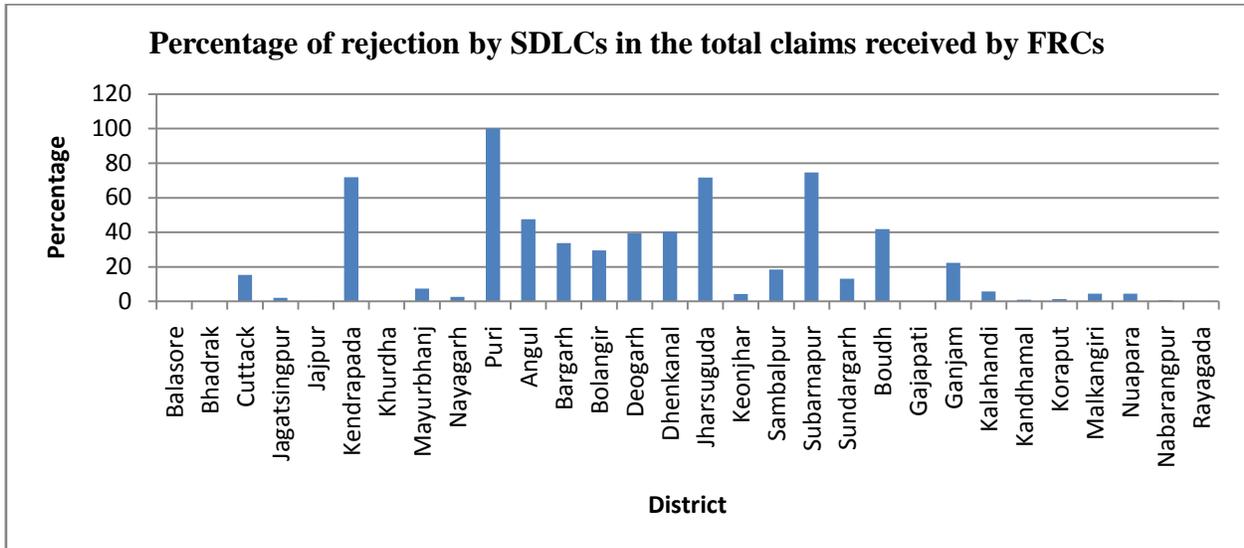
As per the information available with the state nodal agency as on 31-07-2016, the total number of rejected cases of IFR claims was 93136 at Gramsabha level which was 15.19% of the total 612944 claims received by the FRCs (vide annexure-7). The number of claims remanded to Gramsabha by SDLC was 21907 whereas those remanded by DLC to SDLC was 1811. The Gramsabha on the other hand has remanded 1751 claims to FRC.

Khurdha, Jajpur, Nawapara and Cuttack are among the districts where high percentage of rejection by the Gramsabhas has been seen, as evident from the following chart:

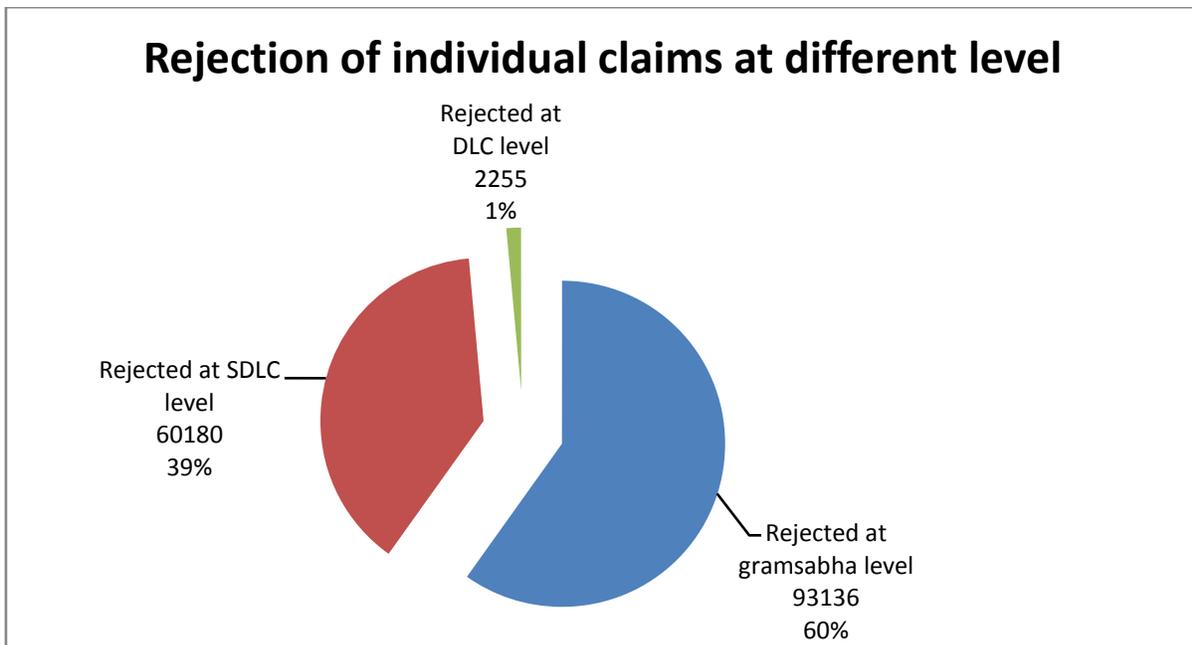


(vide annexure-7)

On the other hand, in addition to Puri district where the SDLC has rejected all the claims, Subarnapur, Jharsuguda and Kendrapada followed by districts like Angul, Dhenkanal, Boud, etc. have recorded the highest percentage of rejection by SDLCs to the total claims received by FRCs, as seen in the following chart:



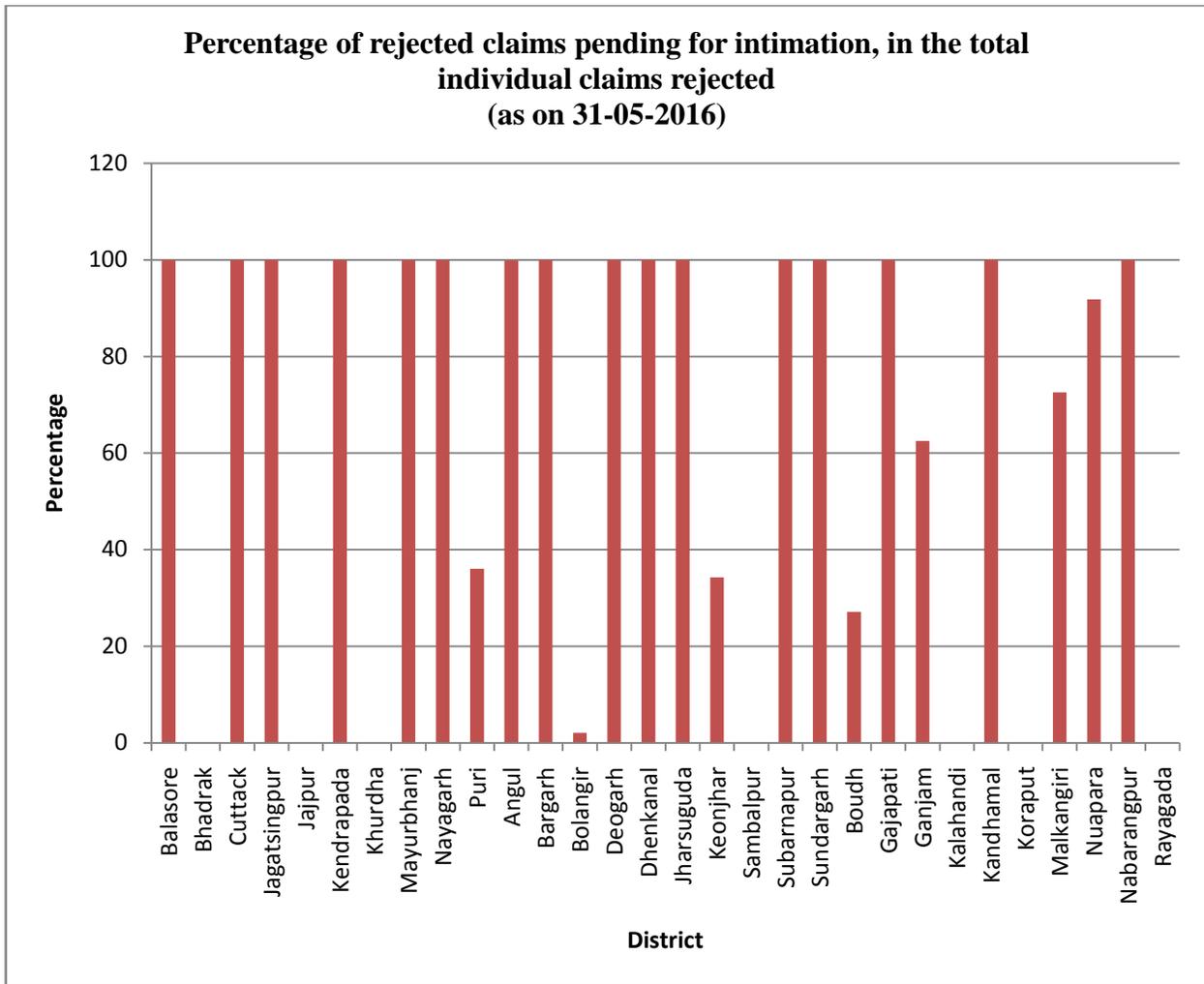
The following chart shows the share of rejected cases at different levels(as on 31-07-2016):



(vide annexure-7)

Bhadrak, Nayagarh, Puri, Deogarh, Dhenkanal, Jharsuguda, Subarnapur, Boud, Kalahandi, Nabarangpur and Rayagada are the districts where not a single claim has been rejected by the Gramsabha.

As of intimating the claimants about the rejection, the performance of most districts was highly dissatisfactory as reviewed on 31 May 2016⁴²(vide annexure-8) when out of against the total number of rejected claims(individual) of 155914, 109403 remained pending for intimation; and out of the total 303 appeals filed 225 had been disposed of. Mayurbhanj, Ganjam and Sundargarh were the only districts receiving appeals and Mayurbhanj held the position of highest receipt and disposal of the appeals.



(vide annexure-8)

As of community claims, total 8167 claims were received in Form-B of which 297 have been rejected whereas of the total 5148 claims received in Form-C, 22 have been rejected (annexure-5). Kendrapada is the district where the highest rejection has taken place followed by Balangir, Sambalpur and Keonjhar. No claims have been received from Bhadrak, Jagatsinghpur and Puri.

⁴² Letter of Sri Surendra Kumar, IAS; Commissioner-cum-Secretary, ST and SC Development Department; dated 16 June 2016



(Left) This ST right-holder's claim for his forest land (background) was rejected with a verbal clarification that it contains standing trees (Gajapathar, Kaptipada Block, Mayurbhanj); and (right) the physically challenged ST right-holder did not know what happened to his claim (Talapokhari, revenue village of Gajapathar). Interestingly, the Kaptipada Block happens to be the highest title distribution area in the district.

3.8 FORMATION OF COMMITTEES UNDER SEC 4- 1 (e) AND THEIR FUNCTIONS TILL DATE

(CFR MANAGEMENT PLAN and ROLE OF GRAM SABHA):

The constitution of the CFR Management Committee is the sole responsibility of the concerned Gramsabha in principle. There are no standard norms prescribed for the constitution of this committee (CFRMC) which creates confusion particularly in cases where the communities tend to just follow the legal formalities when things are not so spontaneous to them. It is here that the local NGOs play a greater role. It is these NGOs which actually facilitate the process of formation of the CFRMC and make the concerned villagers aware what needs to be done at their end. The government officials do not see it necessary for them to intervene in the matter, nor do the DLCs regularly monitor the status of formation and functioning of these committees (as it is not mandatory for them) despite a wrong notion being promoted (probably misinterpreting Rule 12B-3 of the Amendment Rules, 2012) that the DLCs have a statutory role to play in this matter. The said misinterpretation has led to a perception in some places that the CFRMC and the CFR management plan prepared by it should essentially get approval of the SDLC/DLC and as clear from the proceedings of Mayurbhanj the DLC there has actually considered CFR Management Plans (?) submitted to it for approval. However, the SDLCs and DLCs can certainly play a facilitating role in the matter.

As already mentioned in Chapter-III of this report, the FRA gives power to the Gramsabha to constitute not one but many such committees without any mandated name. However, usually the CFR-title holders constitute only one committee which is more or less same or a modified form of their already existing (if any) village forest protection committee.

DLC observations on CFR Management Plan

Kandhamal dated 26-11-15: Vasundhara(NGO) representative shared pilot process for the development of CFR management plan prepared in Madikhol. He presented 1-year process of CFR governance and management leading to good results such as increasing forest biodiversity and the basic rules and regulations approved by Gramsabha. DFO said integration of CFR management plan with Working Plan is really important and that such plan should be submitted to the Forest Department.

Mayurbhanj dated 23-5-16: “The DLC has received 21 nos. of CFR management plan from SDLC, Karanjia which is prepared and guided by technical expert of Basundhara, Bhubaneswar which are approved in the meeting. The Hon’ble Chairman, DLC instructed to P.A., ITDA, Baripada to supply a copy of management plan to concerned DFOs for further action.”

Mayurbhanj dated 28-6-16: “A training module was prepared by Basundhara should be rectified and emphasis should be given on conservation on CFR management plan.

- 1: emphasis to be given on production so that they can get more sustainable return from the production without wastage of jungle area.
2. Penalty should be imposed on those who destroyed the products as well as jungle.
3. Training should be imparted to the members of management committee for proper management in respect of CFR management plan.”

Rule 4 of the Forest Rights Rules, 2008 read alongwith the Amendment Rules of 2012 mentions the following provisions regarding the Gramsabha’s role in CFR management:

(e) Constitute Committees for the protection of wildlife, forest and biodiversity, from amongst its members, in order to carry out the provisions of section 5 of the Act.

(f) monitor and control the committee constituted under clause (e) which shall prepare a conservation and management plan for community forest resources in order to sustainably and equitably manage such community forest resources for the benefit of forest dwelling Scheduled Tribes and other Traditional Forest Dwellers and integrate such conservation and management plan with the micro plans or working plans or management plans of the forest department with such modifications as may be considered necessary by the committee.

(g) approve all decisions of the committee pertaining to issue of transit permits, use of income from sale of produce, or modification of management plans.



Community managers of Tuntuna CFR(Champua Block, Keonjhar district).This is a village forest with good growth of sal trees and suitable for ecotourism. The villagers are heterogeneous in ethnic composition(both ST and OTFD) and are united in forest protection activity. They have appointed a guard to keep vigil on the forest and pay him in kind(20 quintal paddy per year). The guard, who belongs to the village itself, does his duty during the day time whereas the villagers take action in case something wrong happens at night. They collect fruits, tubers, leaves, etc. from this forest; but timber is collected only for community purposes/events. Timber of wind-fallen trees is distributed among the villagers. However, in case there is a distress requirement of timber by a family, the restriction is relaxed to some extent. Grazing is strictly controlled in the forest. Green felling is also banned. There is a presence of diverse wildlife like rabbit, jackal, fox and snakes. The village has been awarded for its successful efforts. Interestingly there is no VSS in this village and whereas the villagers are awaiting the title for CFRR, they do not have much idea about the post-entitlement follow ups.

ବାଉଁଶ ଜଙ୍ଗଲର ସୁରକ୍ଷା, ସଂରକ୍ଷଣ ସହିତ ବାଉଁଶ ସଂଗ୍ରହ,
ବ୍ୟବହାର, ବିକ୍ରି ଓ ନିମନ୍ତେ ପରିଚାଳନା ଯୋଜନା

ପ୍ରସ୍ତୁତ:

ପ୍ରିଏଡି ଗ୍ରାମସଭା

ଗ୍ରା.ପ. : କାଣ୍ଡିବାଲି

ଜିଲ୍ଲା: କନ୍ଧମାଳ, ଓଡ଼ିଶା

ପ୍ରକ୍ରିୟା ସହଯୋଗ:

ଡ. ଶ୍ରୀଚରଣ ବେହେରା

ଶ୍ରୀ କିତେନ୍ଦ୍ର କୁମାର ସାହୁ

(Centre for Sustainable Development Trust)

ଫୁଲବାଣୀ, କନ୍ଧମାଳ

କୃତଜ୍ଞତା:

ଶ୍ରୀ ଭୂପେନ୍ଦ୍ର ସିଂହ ପୁନିଆ, ଆଇ.ଏ.ଏସ୍.

ପ୍ରାକ୍ତନ ଜିଲ୍ଲାପାଳ, କନ୍ଧମାଳ

ଶ୍ରୀ ପ୍ରକାଶ ଚନ୍ଦ୍ର ଗୋଗିନେନୀ, ଆଇ.ଏଫ.ଏସ୍.

ବନଖଣ୍ଡ ଅଧିକାରୀ, ଫୁଲବାଣୀ

କନ୍ଧମାଳ



Management plan prepared for the bamboo forests of Priadi(Kandhamal)

OFFICE OF THE DIVISIONAL FOREST OFFICER, PHULBANI FOREST DIVISION

Phone - 06842-253617(Off), 06842-253707(Res), 06842-255266(FAX), Cell-9437065299

Email:dfo_phulbani@yahoo.co.in

Memo No. 2865/ F-/2015,

Dated 25/05.2015

To

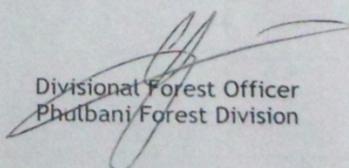
The Secretary
Community Forest Resource Management Committee,
PRIADI

Sub:- Issue of TT Permit Book for transportation of Bamboo.

Sir,

The management Plan prepared by Gramsabha PRIADI for protection, conservation & management of bamboo in the forests having community Rights is hereby approved. As requested by you, TT permit Book No.712/323(A) having 25 pages in triplicate is issued for transportation of harvested bamboo from the entitled Forest through the Asst. Conservator of Forests, I/c Phiringia Range. The permit book is valid upto 30.06.2015. You are requested to follow the bamboo cutting Rules as discussed and approved in Gramsabha PRIADI.

Yours faithfully,


Divisional Forest Officer
Phulbani Forest Division

The issue of Priadi

While Priadi was supposed to be the Jamguda of Kandhamal district, there is now an ideological rift between the Forest Department and the village community. Jitendra Sahoo, who has been a key actor in this issue, says the CFR process started in the district when three villages including Priadi refused bamboo working sanctioned by the Department. The Collector invited them for a negotiation and then the process of CFR recognition started. While the DFO has tried to extend possible technical support to the Priadi Gramsabha, his initiative for a negotiation between the authorized party for bamboo working (JK Paper) and the villagers did not work as the company could not trust working or business by the Gramsabha and instead asked the latter to send the bamboo to its factory which has been refused as the villagers were not yet ready to do the things themselves. On the other hand, the DFO thinks that the Priadi people need to make some good investments to manage things commercially. He insists on sustainable use so that the permit book issued by him is not used for over harvesting. The community however and the social activists concerned, like to be independent of the Departmental system. Hence, things could not progress, as this study team was informed.

- As per Section 3(1) (i) and Section 5 of FRA, the authority to protect, regenerate or conserve or manage CFRs, is the Gram Sabha along with the committee for protection of wildlife, forest and biodiversity constituted under FR Rule 4(1)(e).
- Each Gram Sabha shall be free to develop its own simple format for conservation and management plan of the CFR⁴³.
- Gram Sabha and the Committee under FR rule 4(1)(e) to modify the micro plan or working plan or management plan of the Forest Department in order to integrate the same with the conservation and management plan for the CFR as passed by the Gram Sabha.

The CFR titles encouraged and inspired the title-holder villages, but this excitement was translated into follow up action to a varied extent in different villages based on the spirit of the community, the local issues related to CFR and the NGO facilitation available. For instance, in Jamjharan village of Golamunda Block, Kalahandi district a sustainable forest management initiative was taken up by the concerned community under the facilitation of the NGO RCDC⁴⁴. The initiative involved modification and improvement of the existing forest protection practice.

The most highlighted and successful CFR Management Committee is perhaps that of Jamguda village in Kalahandi district which received the first governmental permission to issue transit permit for the bamboo extracted from its CFR area. The CFR title was received by the village in 2012 after much struggle as the district administration did not hand over the actual title despite its web-claim in 2010 to have granted the same. While the village community was quite active and united for the struggle for its rights, community-based organizations, NGOs and social activists played a major role in ensuring the CFR right which, when received direct support from the then Minister for Forest and Environment Mr. Jayram Ramesh. The once reluctant Forest Department was in a way forced to hand over the transit permit book to Jamguda Gramsabha and the first transit permit was issued by the Gramsabha in presence of the Union Ministers making it a historic event as after Mendhalekha in Maharashtra this was the second of its type in the country and first of its kind in Odisha.

Jamguda has formed its CFRMC just by transforming its FRC into this new role. All the 15 members of the original FRC were retained in the CFRMC and the only addition was a treasurer, thus making it a 16-member committee. The committee sits every month and the district-level federation of forest protecting communities, Kalahandi Jungle Manch continues to play its

⁴³ In the SLMC meeting dated 27-06-2013 the PCCF suggested that the microplan which the Forest Department has prepared for Jamguda village might be replicated in other places. He was then requested to share the template of such microplan as well as the training module concerning the same. While there is no mention of any follow up to this in the next proceedings of SLMC, the guidelines of MoTA make it clear that the Gramsabha is free to develop its own format of CFR management plan or microplan.

⁴⁴ Rath, Bikash(2015). **Community Forest Resource Rights in Odisha and Chhatisgarh: Provisions versus Realities**. Keystone Foundation, Kotagiri

advisory role for the village whereas Sri Biswanath Hota, a retired DFO has been the technical advisor. The local forest office(DFO) cooperated with the village to prepare a microplan or management plan for the forest chiefly focusing on bamboo as it is a bamboo-dominant area and this is supposed to be the first CFR management plan in the state. Relation of the committee with the Forest Department is good and recently the Department has renewed the permit book on its own. Not only that, it(Forest Department) has purchased a substantial quantity of bamboo from the Gramsabha at a negotiated price which earned a good money for the community fund. The villagers usually sell their bamboo to local traders though a negotiation for supply to the JK Paper Mill has failed as the Gramsabha did not find the offered price feasible.

Financial empowerment through CFR management: A Success Story from Jamguda

The best part of Jamguda's success is the financial benefit to its villagers. The population is more than 270 most of which are tribal(Gond) whereas few are scheduled caste. Smallholding agriculture supplemented with forest collection and income from wage labour sustains the livelihood here though few are landless and hence critically dependent on forest collection and wage labour. Under such circumstances the CFR title followed by efficient management has resulted in financial empowerment of the villagers. The Gramsabha has decided that the labour required for bamboo harvesting as well as consolidating the clump rhizomes with soil cover would come from the villagers themselves and they will be paid for that. The villagers are also engaged in making fire lines. The norm is that one third of the price of bamboo should go to the cutter, whereas for other activities fixed wages are paid. This has ensured a substantial income for them in the village itself and according to one estimate in 2014 the daily income from this source for a villager was Rs.350 to 450(FES, undated. **Goshthi Jangala Adhikara Swikruti Ebam Baunsha Sambalara Parichalana**).

What is more remarkable however is the decision of the Gramsabha to use the income from bamboo harvest to meet the emergency needs of the villages through sanction of soft/short-term loans. Usually short-term loans for three months are reportedly interest-free. In 2013-14 such loan amounted to approx. Rs.31000/- whereas in 2016 it has gone upto Rs.1,16,000/- approximately, as understood from one of the CFRMC members Sri Thabir Patra (telephonic discussion on 24-11-2016). Besides, the Gramsabha has also arranged for training of the villagers in making bamboo crafts which has also created a scope for additional income through value addition. .

Jamguda villagers keep vigil over the forest informally and this is their system of protection though in the kardi (bamboo shoot) season they had to employ two special squads for effective control.

CFR management in Bilapagha village in Gugudugudia GP of Jashipur Block in Mayurbhanj district was taken up as a pilot project by the NGO Vasundhara with support from the local NGO CREFTDA. The village is inside the Shimilipal forest and there used to be a community forest protection initiative earlier. Vasundhara and CREFTDA however told them that if their get the CFR title then their initiative would be legally protected as the forest officials would no more be able to harass them. It was under this NGO facilitation that the villagers applied for CFR title which they received in 2014, but the CFRMC had been formed in 2013 after the DLC approved the claim. There are 15 members in the committee with 6 women. The vice-president of the committee is also a woman.

The committee is active and the protection effort has been strengthened after receiving the title. Earlier there was no formal or regular barefoot patrolling, but post-entitlement a 5-member team patrols the forest every day which includes women too. Besides, the village cow-herds also keep vigil in the forest and inform the villagers in case of any unauthorized activity. Smugglers, when caught, are handed over to the Forest Department; but the village wants more security support from the Department. The initiative has yielded good results and smuggling of the valuable species piasal has been stopped whereas few villagers, who earlier were in nexus with the smugglers, have discontinued their malpractice. The Gramsabha has its own printed permit book, etc. unlike Jamguda which got the permit book from the Forest Department. There have been some financial transactions through the issue of permits for trading of non-timber forest products though the income from this source is neither regular nor very substantial.

Madikhol village in Jamujhari GP of Kandhamal district also has a CFRMC formed and working under the facilitation of Vasundhara. It has 20 members including 9 women. The additional secretary is also a woman. There is a 5-member advisory committee too (all male) including the Secretary. The committee has elaborate provisions for the management of the CFR though these are noted down in the register and there is no formal plan document as such nor is there any activity budget. The management rules specify the norms to be adopted for protection, conservation, regeneration and sustainable use of the forest resource; and women's rights/interest has received special priority in the resolution. Interestingly the resolution of 17 April 2015 says that with effect from the same day no government or other outside microplan or management plan could be implemented in the village CFR area. In the following month the Gramsabha decided to adopt a livelihood plan too.

The Madikhol village community is strongly protecting the CFR area and the management rules are being followed more or less strictly. For instance, as per the decision the Mankirdias are no more allowed to collect siali bark fibre from this forest. People from neighbouring villages have also been denied unauthorized access. Women have taken active role in the protection and they have formed a producers' group Maa Daliamba Laghu Banajata Sangraha-kari Mahila Samiti

to collectively and systematically take up the MFP trading activity. Last year they had a transaction of about Rs.70,000/- and what is more interesting is that their leaf plates have been exported to Germany(via some business enterprise). The Forest Department earlier used to restrict their access in the concerned forest area, but after the grant of title villagers feel free in their 'own' forest.

However, there are many villages which have not progressed much post-entitlement of CFR, either because a proper facilitation is wanting or the villagers are not much active or conscious on this front. For instance, Podchuan village in Rayagada district is yet to have a CFRMC(as on 26 November 2016) whereas Karlakana village formed this committee by the time it filed its CFR claim and the claim form provides the list of the CFRMC members though it is another thing that even after getting the title and possessing a proto-type management plan for their own resource, they have not taken any remarkable step in effecting the conservation and management except for protection from smugglers and neighbouring villagers. May be this is because the title has been received only few months back and the community needs more time to plan out the strategy.

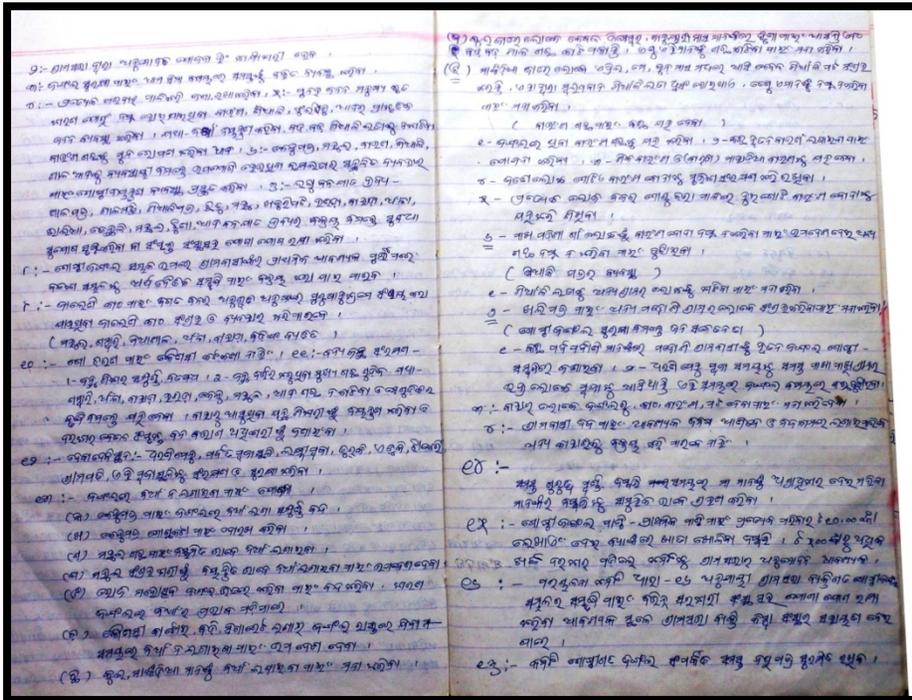
CFR management plan has been a contentious issue. While foresters have tried to make it more or less in the way Working Plans are prepared, thereby making it quite technical and less community-friendly; some NGOs have tried to facilitate preparation of community-friendly management plans. For instance, CWS (2015) helped prepare the CFR Protection and Management Plan of Duvia Gramsabha in Mayurbhanj district and Gopalpur Gramsabha in Balasore district. NIRMAN, a state-level NGO, went a step ahead and learning from the limitations of previously attempted management plans of others, got prepared a first-of-its kind comprehensive CFR management plan for two of its operational villages in Rayagada district, viz. Karlakana and Rayagada. NIRMAN's plan was community-centric and based on community-provided information. What was the most distinguished part in NIRMAN's plans was the activity planning and budget. However, what NIRMAN has done is actually a prototype of CFR management plan which the concerned Gramsabhas can take for reference and can either adopt it as it is or modify, or reject, as they wish.

The fact is that the Gramsabhas at present have no competency in preparing their own management plans. What they can do at best on their own is to frame a set of rules, but a plan needs several other considerations like a budgeted activity schedule.

As obvious, the Gramsabha and the CFRMC consider each other to be coterminous practically so far the matter of CFR management is concerned. That is to say, the CFRMC doesn't operate very independent of the village community.



Heavy growth of weeds (Lantana) is an issue around Bilapagha CFR though the villagers did not think of addressing this issue as a part of CFR management till they were told about this during the visit of the present study team



Madikhol Gramsabha proceedings dated 17 April 2015 elaborating the forest conservation and management rules

3.9 CONVERGENCE INITIATIVES TAKEN UP BY THE STATE

Rule 16 introduced through the Forest Rights Amendment Rules, 2012 mandates for convergence of all government schemes with the FRA for all right-holders (both individual and community) whose rights have been recognized and vested under the Act. Accordingly, title-holders, mostly individuals, have received great priority in the state under various schemes among which the housing scheme happens to be the topmost. Thus, convergence is maximum for Indira Awas, as it was target-based though it is another matter that the Indira Awas is usually constructed not in the 'FRA land' but in the village (non-forest land) itself. Since maximum people get benefited under the IAY, hence the Mo Kudia scheme, which applies to those who could not avail IA, projects a low achievement under FRA.

It is understood that in some districts the allotment of IA is more than the beneficiaries immediately available whereas in some other districts it is less than the actual demand. In Koraput district, for instance, no new targets of IA are accepted, as informed by Sri Gouri Sankar Sahu, Asst. Project Director (Rural Housing)⁴⁵, because the previous target was surplus to such an extent that it was to be redistributed. He also explained that while the government approved IA initially for homestead lands recognized under FRA, but when targets were unfulfilled all title-holders were made eligible irrespective of the land status.

Next to IAY is land development under NREGS followed by horticultural plantations. The type of land development varies from case to case depending on the topography. For instance, on hill slopes stone-bunding is an important part of it whereas in uplands (more or less plane area) it may focus on deepening or widening the land and developing ridges on all sides. Horticultural plantations often require some land development and primarily consist of improved varieties of mango though in some areas like Gunupur Block of Rayagada district cashew is more in demand.

Low rate of linkages with some other schemes like National Bamboo Mission is either because of lack of feasibility or the disinterest of the right-holder. Delayed payment under NREGS is another discouraging factor.

It is the convergence that has made the title-holders realize the best of FRA as it addresses their immediate needs. Land development has increased the productivity either directly or indirectly (through increased capacity of water retention), whereas horticultural plantations are helping in reducing soil erosion.

However, figures of convergence seem underreported as many independent programmes like OTELP keep their records separately.

⁴⁵ Interaction at Koraput on 18 October 2016

After the support under convergence the title-holders usually need some more financial support for better results, but Bank loan against the FRA title is normally not available to them except for few cases (like in Malkangiri district where the LAMP-Mini Bank has sanctioned the loan).

Both NGOs (like RCDC) and government agencies have tried to promote lac cultivation in tribal areas with forest lands in focus as many people have the lac host trees in their forest lands. In Nilagiri (Balasore) sub-division the ITDA has provided brood support to lac cultivators with FRA title-holders in priority and has linked them with a society for successful business of lac.

Vasundhara has facilitated the preparation of a community-based convergence plan in the Madikhol village of Jamjhari GP(Kandhamal) which is said to have inspired the neighbouring villages. The plan projects the villagers' requirement (like irrigation) making it demand-based.

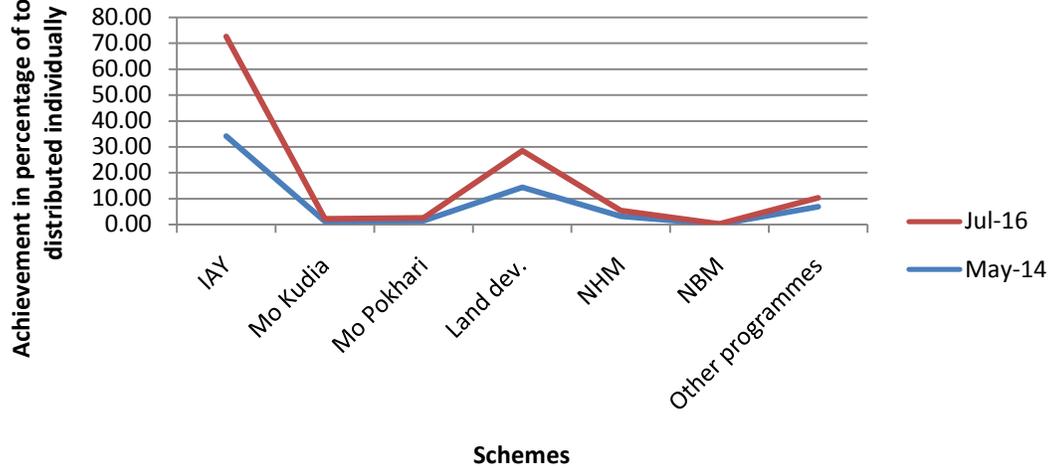
The SLMC in its meeting dated 27-6-2013 recommended to promote irrigation sources like dug well, deep bore well, farm ponds and check dam, etc. to be created for title holders. In the Rayagada DLC meeting dated 27-8-15, the Collector advised the nodal officer to maximize creation of irrigation potential in forest land through different schemes.

In Balasore DLC meeting dated 10-11-2011, people with more than 1 acre land were suggested to be covered under the Mo Pokhari scheme, whereas the Collector asked for 100% coverage of the right-holders under schemes like lac, honey and backyard banana plantation, etc..

The Koraput DLC resolved in its meeting dated 27-7-2011 that besides different schemes 'infrastructures like drying yard, community centre, meeting hall, etc. should be constructed over the land recognized under community forest rights to facilitate the activities of the owners of the community lands so recognized under the present Act under ITDA schemes.' The same DLC in its meeting dated 2-7-2016 asked the Deputy Director, Horticulture to take up plantation in atleast 100 ha of FRA land in 2016-17.

Annexure (17 to 23) provides details of the convergence initiatives both at state-level as well as in some of the study districts.

Trend of achievements in implementing convergence under FRA between 2014 and 2016



(based on annexure- 9)



Land development under NREGS in a forest land on hill slope in Terasing village(Gajapati district). Photo courtesy: RCDC



An Indira Awas house constructed under convergence



(Left) A right-holder sitting in his house built on rayati land and facing the Indira Awas he got support for against his FRA title (Gajapati district). (Right) This right-holder (Rayagada district) added a substantial amount from his own income (from wage labour) to the financial support received to construct Indira Awas against the FRA title and built a house larger than expected as this construction is a one-time investment for him; but he is bothered as this might deprive him of his ration card since the house may suggest that he is better off.

Below are some success stories related to the convergence initiatives in different districts:

- **Joseph Lakra and Albis Majhi(Kalijapathar village, Kutra Block, Sundargarh district) :**

Both Joseph and Albis availed the land development support under NREGS for their FRA



Albis Majhi in his forest land, standing on the part which could not be developed due to financial scarcity.

lands, respectively for 2.60 acres and 1.56 acres. While Joseph used the funds(Rs.25000/-) basically for widening(which actually means leveling the adjoining uneven/upland parts of the same land), Albis had to return the money(Rs.20000/-) as he could not find labourers in time and in a later stage spent about Rs.10000 on his own to do the

development work similar to Joseph. The land development increased the

water retention capacity of the land which encouraged them to use high yield variety of rice instead of the conventional (indigenous) *mala dhana* (upland paddy). Joseph grew Swarna variety while Albis grew Moti. The Moti variety is better yielding but requires more water which Albis is able to manage as his land is further downstream than that of Joseph and is relatively deeper. Both observe that their productivity has increased by about 50%, which of course of primarily because of the high yield variety, but growing such variety was possible thanks to the land development. However, both of them have not been able to fully use their land due to financial scarcity.

- **Pitku Majhi(Deogada-Talangpadar village, Belghar Block, Kandhamal district):**

Pitku is the son of Urladu Majhi(mother) in whose name the title exists. Their forest land was previously used for conventional agriculture such as cultivation of niger, mustard and millets, etc.; but after getting the title they received support for horticultural plantation(mango and drumstick) and hill broom cultivation, provided by the Kutia Kandha Development Agency(with the local NGO Swati as the project implementing agency). While the fruit plants are yet to yield, hill broom has well-grown in the meantime and has given them two harvests at an average of 35 kg per harvest which they sold at Rs.60/kg. Goat

menace once caused loss of a considerable portion of the hill broom crop, but now they are cautious. They are laborious and have adopted modern systems too. Unfortunately, they have not been able to check the heavy growth of weed in the hill broom cultivation area due to want of money(to engage labourers) though it is also likely that since the crop is a non-food and wild one, hence weeding did not receive priority in their mind.



Pitku Majhi in his forest land

- ***Madan Badanayak(Maliguda village, Baipariguda Block, Koraput district):***

Madan received support for horticultural plantation after getting the title. He was provided with 30 saplings of mango, as well as Rs.1400 towards expenses on fencing and fertilizer/manure. He used a part(about 1 acre) of his larger land for this plantation so that he could continue conventional agriculture in other parts. Some of the mango saplings died while others have started yielding though the plants are not mature enough to ensure a substantial production. What is however interesting is that Madan did not wait to get returns from the mango plants and grew Japhra in the same land which gave him good returns soon. He also grows ginger, etc. as an intercrop in that field. He demonstrates a good example of how the beneficiary can go beyond the limitations of the support provided and progress on his own ideas for a better success.



Madan Badanayak in his plantation field

- ***Ravi Savar(Brutingguda village, Gunupur Block, Rayagada district):***

Ravi has 1.30 acres of forest land recognized. This land is a shallow area though there was a growth of wild trees there. Ravi decided to avail support under Mo Pokhari scheme for a part of this shallow land and the pond was excavated. He started pisciculture in 2013, but suffered a loss. However, he learnt from this experience and proceeded for better and well-planned pisciculture in 2014-15 which succeeded and gave him good returns. Against an investment of Rs.750 (say), he got Rs.5000+. He doesn't need to think of marketing of his fish because customers from his own village and neighbouring villages reach his pond to purchase the catch(fish). Although his is an extraordinary model in the Gunupur region where people are cashew-crazy and forest lands are usually used for growing cashew, Ravi's success has inspired others and promoted an interest in the locality to go for pisciculture.



Ravi Savar near his pond

The feasibility of land development and other convergence supports varies according to various factors (physical, commercial, social, etc.). For instance, whereas the land development activity in the Lanjia Saora area of Gajapati district has been constrained with limitations such as want of adequate technical staff and the difficulty in accessing & measuring the land on the hills; the stony lands on the difficultly accessible hill slopes in the Juanga pidha area of Keonjhar district have not been found suitable to extend the support practically though in principle these too need to be covered. Similarly, the brood support for lac cultivation in Nilagiri (Balasore) requires the beneficiary to be in possession of atleast three host trees (kusum).

Chapter IV:

EVOLUTION OF POLICIES FOR EFFECTIVE IMPLEMENTATION OF FRA IN THE STATE

4.1 TRACING THE JOURNEY:

The Forest Rights Act, 2006 was notified in the Gazette on 2nd January 2007. The draft Forest Rights Rules were published under the notification of the Government of India in the Ministry of Tribal Affairs on 19 June 2007 and shared with public, inviting objections and suggestions from all persons likely to be affected thereby within a period of 45 days from the date of said notification made available to the public. 'The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules', 2007 were finally notified on 1st January 2008 which paved the way for the implementation of the Act for all practical purposes as the Rules provide the details of who to do what and how. The Rules also provide the basic tools for starting the claim process, i.e. formats in which the application is to be made and the claim is to be recognized.

Subsequent to the notification of Forest Rights Rules, the State Government initiated the implementation of Forest Rights Act with the constitution of the empowered committees at different levels i.e State Level Monitoring Committee, District Level Committee and Sub-Divisional Level Committee, as mentioned under Forest Rights Act, vide notification no. 4694-TD-II-3/2008 dated 1st February 2008. The constitutions and functions of the respective committees were elaborately explained as provided under the Forest Rights Act and Rules. Following the formation of the State and District Level Committees, steps were taken for the formation of Forest Rights Committees in all the villages of the State.

Officially, the special meeting of Gramsabha/Pallisabha was called on 28.2.2008 for constitution of FRC in the country whereas in Odisha, state-wide special Pallisabha was organised on 16th and 23rd March 2008 for this purpose in all the villages vide letter no. 9153 of Panchayati Raj Department, dated 26.02.2008. Subsequently letter was issued by Panchayati Raj Department on 24th March 2008 to convene Pallisabhas in villages where no such Pallisabha was conducted or Forest Rights Committee was not constituted. Strict instructions were issued to hold Pallisabhas for constitution of Forest Rights Committee in all villages by 30th April 2008 which was extended to 30th June 2008 (letter dated 25th May 2008). Further, instructions were also issued to all Collectors by the Panchayati Raj Department on 30th December 2008 to take steps for conversion of all forest villages to revenue villages and constitute Pallisabha in such villages for the constitution of Forest Rights Committee. By June 2010, 47345 FRCs were constituted out of 47529 inhabited villages.

Immediately after formation of statutory bodies under the Forest Rights Act at different tiers the key initiatives taken by the ST & SC Development Department and Scheduled Caste & Scheduled Tribe Research & Training Institute (SCSTRTI) to facilitate the process of FRA implementation at the field level was:

- Translation of Act and Rules in Odia which were distributed to all Gramsabhas/Pallisabhas and Forest Rights Committees.
- Steps were taken for printing the required number of copies of the Act and Rules for distribution among the various stake-holders i.e. Zilla Parishad members, Panchayat Samiti members, Gram Panchayat members, Gramsabhas, etc
- Series of trainings and awareness camps were conducted for state- and district level officials, PRI members and IEC materials were distributed.
- Training programmes were conducted in districts for Revenue-, Forest-, ST&SC- and Panchayati Raj Department officials.
- Frequently Asked Questions (FAQ) on FRA clarifying the doubts about the Act and its provisions were compiled and printed both in Odia and English and circulated among the officials and others for facilitation of proper implementation of the Act.

4.2 FOREST RIGHTS ACT IN JUDICIAL CUSTODY: PACE OF IMPLEMENTATION IN A DEADLOCK

A writ petition, W. P (C) No. 4933 of 2008 was filed in the Odisha High Court by the Society of Retired Forest Officers on 23.07.2008 challenging the Forest Rights Act, arguing that the Act would destroy the flora and fauna. The Hon'ble High Court directed '*xxx not to undertake any felling of trees and not to alienate any land by issuing patta or by any other manner pursuant to the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Act 2 of 2007) particularly from out the Sanctuaries, National Parks and Biospheres (Reserve Areas) until further orders*'. **The implementation of the Forest Rights Act came to a standstill in the state due to this interim order passed by the Hon'ble High Court. This interim stay order restrained the government to issue any titles on the forest rights claims.**

This deadlock led to a stir among the tribal groups and state-wide consultations were held among the tribal groups, people's organisation and lawyers' association of the state to intervene in the case to defend rights of the forest dwelling communities. Counter petitions were filed by the tribal groups and individuals with support of people's organisations challenging the writ petition. The State immediately intervened in the matter and accordingly the Hon'ble High Court passed another interim order on 02.09.2008 which allowed the process

of identity and recognition of the persons etc. under Forest Rights Act to go on but the final decision not be taken without the leave of the Court.

The SC & ST Development Department of the state government intervened in the matter and filed a vacation petition in the High Court pleading for vacating the interim stay order of the High Court. Vacation petitions were also filed by other parties and after sustained efforts and follow up at different levels and series of hearings the High Court finally vacated the stay order on 12th August 2009 thereby paving way for issuance of titles to the forest rights claimants.

4.3 KEY INITIATIVES TAKEN BY THE STATE GOVERNMENT (2009 -2012)

After vacation of the interim stay order, the Forest Rights Act found a new lease of life in the state and the process of implementation was resumed with full vigour and strength. The ST & SC Development Department, being the nodal department immediately issued orders to all Collectors on 19.08.2009 to issue certificate of titles to all the eligible claimants whose claims were verified and were pending at District Level Committees due to the stay order of the High Court.

A study on 'Status of implementation of Forest Rights Act' was undertaken by SCSTRI and ST & SC Development Department in 2009-10 to understand the actual progress of Forest Rights Act in the State, identify the key issues and challenges in FRA implementation and recommendation for smooth and effective implementation of Forest Rights Act in the state. Based on the recommendations of the study a number of proactive steps were taken to ensure successful implementation of the Act in letter and spirit.

The said Department took proactive steps in awareness generation, information dissemination and capacity building of key stakeholders in different provisions of the Forest Rights Act. The SCSTRI played a crucial role in developing the resource and communication materials and imparting training to various stakeholders in implementation of the Act.

4.3.1 Sensitization on the various provision of the law

The state government undertook a special drive for sensitization of various stakeholders on the different provisions of the Act and Rules. A two-pronged strategy was adopted for creating awareness and widespread information dissemination.

A. Development and dissemination of resource and communication materials on the Act and Rules

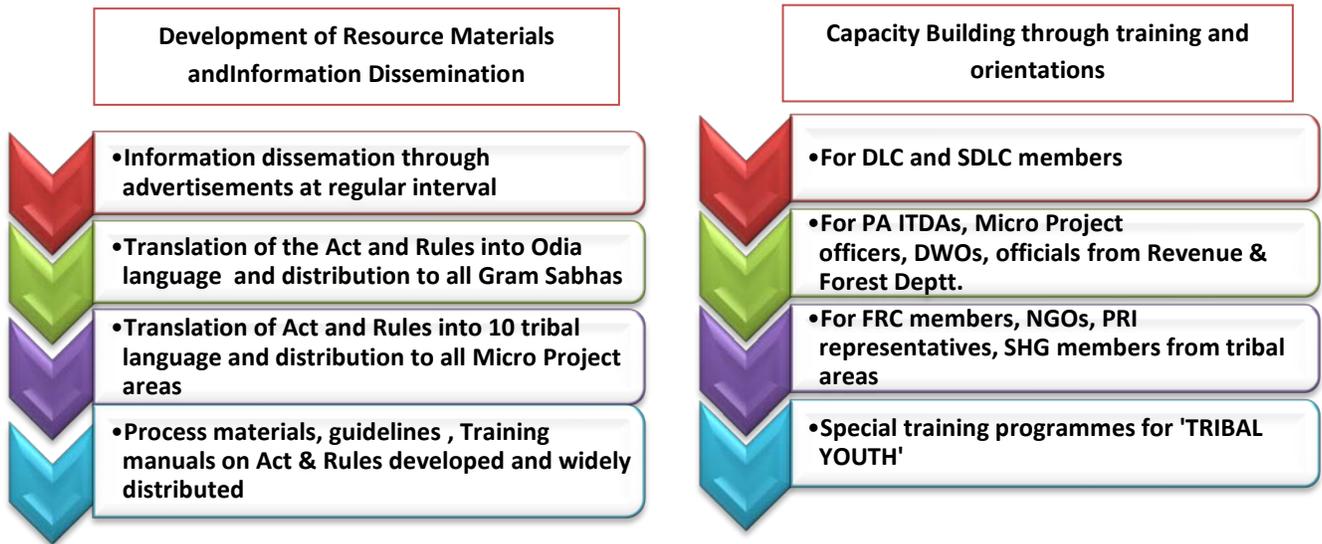
- Translation of the Act and Rules into Odia and distribution of the same to all Gramsabhas.
- Translation of Act and Rules into 10 tribal language and distribution of the same to all Micro Project areas.

- Process materials, guidelines, Training manuals on Act and Rules developed and widely distributed.
- Frequently Asked Questions on FRA clarifying the doubts about the Act and its provisions have been compiled and printed both in Odia and English and circulated among the officials and others for facilitation of proper implementation of the Act. (D.O No 40373/SSD, dated 21.11.2008)
- Frequently Asked Questions developed on determination and recognition of Community Forest Rights to be conferred under Forest Rights Act 2006 and rules thereof (D.O No 2348/SSD, dated 22.02.10) and circulated among the officials, Gramsabhas, FRC members, SDLC/DLC members and others for expediting the process of recognition of Community Forest Rights.

B. Capacity building of various stakeholders (govt. officials, PRI members, FRC members, people's organisations/NGOs/CBOs, SHG members, tribal youth etc.) through series of training and orientation programmes, in a phased manner.

- Trainings and awareness camps conducted at various levels and IEC materials distributed.
- Training of Trainers' Workshop held at the state-and district level for government functionaries, FRC members and Gramsabha members.
- Special training programmes organised for Tribal Youth, Women SHGs and PRI representatives.
- Steps taken for printing the required number of copies of the Act and Rules for distribution among the various stake-holders i.e. Zilla Parishad members, Panchayat Samiti members, Gram Panchayat members and Gramsabhas etc.
- Training programme in districts for Revenue-, Forest-, ST&SC- and Panchayati Raj Dept. officials.

Sensitization on the various provision of the law



The result of the sustained efforts of the Government has its visible impact with Odisha ranking 1st in the country in terms of maximum number of title distribution with regards to individual rights.

4.3.2 Constitution of FRCs in all villages (including forest and unsurveyed villages)

A list of forest villages/unsurveyed habitations/old settlements inside forestland based on 2001 Census was provided to all District Collectors to ensure constitution of FRCs and indicate the progress of implementation of Forest Rights Act in such villages (vide letter dated 25.10.2008 of the Revenue and Disaster Management Deptt.). Further, it was also instructed by Panchayati Raj Department vide letter no 42358/dated 31.10.2008 to all Collectors for conversion of all forest villages, old habitations, unsurveyed villages and other villages in forest whether recorded, notified or not, into revenue villages and ensure formation of Forest Rights Committees in such villages so as to facilitate the process of claim filing and verification under Forest Rights Act in such villages/habitations as well. Accordingly a CD containing the list of such settlements has also been supplied to the district-level nodal officers.

This effort has led to formation of 48459 number of Forest Rights Committees in Odisha out of 48071 revenue villages which indicates that FRCs have been systematically formed in forest villages/unsurveyed habitations as prescribed under FRA and are operational thereby ensuring that claimants from such villages/habitations are not deprived of their legitimate rights.

4.3.3 Handholding Support to Gramsabha and Forest Rights Committee Members for Determination of Rights

Apart from sensitization and capacity building of key stakeholders, the state government also took adequate measures to extend handholding support to the Gramsabha and FRC members to ensure smooth facilitation of the process of claim filing and verification at the ground level.

- **Supply of Evidence:** Initiatives were taken to supply set of evidences to all Gramsabhas especially in PVTG areas for speedy disposal of the claims. Handholding support was provided to the Gramsabhas for filing of claims and adequate no. of claim forms (Form – A, B and C) were printed and circulated to all GPs. A set of documentary evidences was provided to all District Level Committees, Sub-Divisional Level Committees, Micro Project and Integrated Tribal Development Agency areas as well so as to ensure quick verification and disposal of claims
- **Engagement of Retired RIs and Amins:** A maximum of 10 retired Revenue Inspectors/Amins were engaged at each district on contractual basis for a period of 3 months on consolidated remuneration of Rs.3500/- per month vide letter No.38848 Dt. 6.11.2008 of the ST & SC Development Department. The RIs and Amins helped in the preparation of maps for early finalization by the SDLC and the expenditure was met from Article 275 (1) of the Constitution
- **Squad Approach:** It was observed that a large number of claims were pending at the SDLC level due to incomplete information or other deficiency in the claims forwarded by the Gramsabha. Hence steps were taken to form a **joint squad** of officials consisting of RIs, Amins, Foresters/forest guards; and the key responsibility of the squad was to complete the verification of claims in a time bound manner. The Joint Squads were supported by the Sarpanch and Secretary of the concerned Panchayat as well as the FRC members of the concerned Gramsabha; and the entire process was coordinated by the Welfare Extension Officer. Each Panchayat was taken as a unit and the squad completed the verification of claims, creation of maps etc for all the villages in a particular panchayat and then moved to the next panchayat thereby covering the entire district in a time bound manner.
- **Micro Project Approach:** In order to ensure that claims of Particularly Vulnerable Tribal Groups (PVTGs) are duly processed and their rights over forestland is recognised, steps were taken to organise special awareness campaigns in the Micro Project areas and ensure training of the Special Officer of the Micro Project and other connected officials. (vide letter no TD-II 32/2008/ 36639/SSD dt. 6.10.2009). Separate reporting of PVTGs claims from Micro Project area was done in the Monthly Progress reports so as to track the progress PVTGs claims.

4.3.4 Clarificatory circulars and guidelines supporting officials at the cross cutting edge in implementation of the Act

2009

- Right of appeal:
- Rights of Gramsabha
- Community Forest Rights (6061, 4th Feb. 09)
- Diversion of forestland (18-05-09, 11-9/1998 FC)
- Constitution of FRCs in un-surveyed villages (clarified in the video conferencing)
- Settlement of rights in PTG area (36639, 6th Oct 09 by ST and SC)
- Review of claim approval (36638, 6th Oct 09)
- Clarification over pre-1980 (40938 R&D.M, 23rd Oct 09)
- Convergence of other programs and schemes (5th Nov 09, 38708)
- Withdrawal of forest cases against the claimants, those already got title deeds (16376 cases withdrawn as on 18th Dec 09)
- Fine against the encroachers under OPLE (clarified in the Video Conferencing)
- Creation of RoR (Remark Column)
- Clarification over Section 3.1 and 3.2
- Rejection (Remand)
- Clarification over Pahad/ Jawan/ Dongar (extended category)
- 1997 Joint Enquiry Report (T.N. Godavarman case)
- Issues of FRA Implementation in Land Reform Committee

2010

- Sharing of maps and verification reports with Gramsabhas (No. 12976/dt. 03.04.10)
- Frequently Asked Questions on determination and recognition of Community Forest Rights (No. 8348/dt. 20.2.10):
- Instructions to all Collectors to ensure that sketch map of land is given along with Patta and Orders/Resolutions of Gramsabha, SDLC and DLC be communicated to concerned claimants (5213/SSD dt. 01.02.2010)
- Instructions to all Collectors for sensitizing DFOs/ PA, ITDAs, Sub-Collectors (D.O. No. 118/SSD dt. 02.01.2010)
- Instructions to all Divisional Forest Officers to expeditiously deal with all categories of forest land as also regularization of pre-1980 eligible category of forest encroachments. (No. 2779/dt 25.2.2010)
- Instructions to all Collectors to consider to claim petitions relating to all types of forest land as defined under Section-2(D) of the Forest Rights Act 5309 dt 11.02.2010)

Regular review and monitoring of the progress was ensured by the ST and SC Development Department through fortnightly review of all districts through video conference.

The State Level Monitoring Committee (SLMC), the apex level committee under the Act also met at regular intervals to review the progress of FRA in the state. Soon after its constitution on 1st Feb 2008, the first meeting of the SLMC was held on 3rd April 2008 followed by the second meeting on 24th October 2008 and the decisions taken by the SLMC guided the State Government for smooth implementation of the Act.

Pahad, Parvat, & Dongar:

Changing stand of the government

Several claims related to pahad, parvat and dongar kism were rejected as these are not normally defined as forest land though these areas were initially a part of some forested area in most cases and later lost their forest cover due to anthropogenic interventions. On 22-11-2011 the Director-cum-Addl. Secretary, ST & SC Development Department wrote to the PA-ITDA, Keonjhar that any kism or category of land other than those covered under the definition of 'forest land' in Section 2(d) of FRA should be treated as non-forest land where claims can not be settled under the Act. However, on 12 March 2012 the Department clarified to the Collector, Kalahandi that all land categories falling outside the purview of the said section but having existing forest cover and finding place in the DLC report shall be permissible for claim settlement (as these conform to the Supreme Court's definition of forest land given in the Godavarman case). Accordingly, pahad, parvat and dongar lands were allowed for claim settlement if the aforesaid condition was fulfilled.

September 2012:

The Forest Rights Rules, 2008 notified on 1st January 2008, **were amended on 6th September 2012** to address some of the crucial issues that emerged during the implementation of the Act. Notable provisions in the amendment rules are:

- Clarifications on meaning of 'bonafide livelihood needs' and the concept of community rights
- Simplification of the manner of disposal of minor forest produce and the transit permit regime,
- Provision for inclusion of those hamlets which are not part of any existing revenue or forest village,
- Separate procedure for the formal recognition of right over community forest resource and a title to that effect,
- Delineation of community forest resource and their mapping process,
- Provisions for conservation and management of the CFRs,
- Appellate procedure and clarifications on grounds for rejections etc.

- Emphasis on rights of Particularly Vulnerable Tribal Groups and their rights and onus has been put on the DLC to ensure that their rights are recorded and vested.
- Provision for post-claim support and hand holding to the holders of the forest rights.
- A more rigorous monitoring mechanism has been devised through prescribed reporting formats to maintain constant vigil and connect between the nodal ministry and the respective state governments.

4.4 POST 2012 DEVELOPMENTS

Soon after the amendment of Forest Rights Rules, Ministry of Tribal Affairs, GoI took an intensive task of orientation of tribal departments of all states and Union Territories on the amended rules following which the first regional consultation was held at Bhubaneswar on 25th September, 2012 where representatives from different states had participated. The series of regional consultations where state functionaries from Forest-, Tribal Welfare- and Revenue department participated and shared their experiences along with field level implementation challenges, culminated into the National Level Consultation which was held on 3rd December, 2012. This process of consultations have also highlighted some good/innovative initiatives undertaken at micro level by district- and sub-district functionaries which expedited the implementation of the Act and can be used for learning and replication in other regions.

During May 2013, the review of Action Plans of the states by the Ministry of Tribal Affairs pointed out clearly that while most of the states proceeded well with the recognition of individual rights, recognition of community rights and community resource rights was lagging behind in almost all the states. During the review process, certain states pointed out certain operational challenges and difficulties in recognition of community rights and community forest resource rights. Further, recognition of habitat rights of the PTGs has also not been initiated by the states. Tribal communities face procedural challenges to submit claim applications often due to lack of availability of evidence or incomplete documentation. Similarly claims are also left pending or rejected due to lack of information on part of the field level government functionaries. The lack of capacities of the officials to interpret and implement the various provisions of the Act and confusion of areas of overlap of FRA with other laws such as PESA and the Forest Conservation Act has also contributed towards low effectiveness in Act implementation.

In order to address the above concerns and to ensure effective implementation of the Act the Ministry of Tribal Affairs undertook a number of measures that would facilitate implementation of the Act including Amendment to FRA rules in 2012 and issued comprehensive guidelines to the states for better implementation of the Act.

- **Establishment of National Resource Centre**

Odisha ranked 1st in the country with highest number of individual forest rights claims filed and titles recognized under FRA. The success of progress of implementation of FRA in the state was due to a number of proactive steps taken to implement the Act in letter and spirit. As mentioned above, the Government of Odisha had undertaken training programmers from the grass root level functionaries to the senior officials, translation of rules and guidelines in local dialects of the tribal communities. A number of operational guidelines and office orders have been issued to ensure smooth implementation and regular monitoring of the implementation. The Tribal Research Institute in Odisha (SCSTRTI) also played a crucial role in carrying out research studies on FRA, developing reference materials and imparting training to various stakeholders which resulted in the successful implementation of FRA in the state.

With this background, a **National Resource Centre was set up at Scheduled Castes and Scheduled Tribes Research and Training Institute (SCSTRTI), Bhubaneswar Campus in 2014** under the aegis of the Ministry of Tribal Affairs, Government of India and UNDP so as to build the capacity of the states for effective implementation of FRA. The National Resource Centre at SCSTRTI, Odisha was set up with the key objective of functioning as the '**National Knowledge Hub and Technical Arm**' of the **Ministry of Tribal Affairs (MoTA)** to address the capacity and knowledge gaps in tribal development and extending support to all the States for smooth implementation of Forest Rights Act.

- **Development of training and resource materials**

A set of training manuals and learning materials on Forest Rights Act were developed by National Resource Centre during 2015-16 for the benefit of government functionaries, Gramsabha/FRC members, civil society organisation and other stakeholders involved in the implementation of Forest Rights Act. Apart from it, research and documentation was also undertaken under to understand the status of FRA implementation in various states, identify the implementation bottlenecks and operational challenges in the field. Further, study on good practises documentation was also undertaken so that different states can learn from the experiences and replicate the same as per their suitability.

- **Preparation of Training Modules for government Functionaries and members of Gramsabha:**

It was realised that due to lack of understanding of the Gramsabha/FRC members as well as the government functionaries on various provisions of the Act and the processes as enshrined under the Amendment Rules, 2012, the implementation of the Act was facing hurdles at the field level. A need was felt for extending the handholding support and training to the Gramsabha and FRC members along with the concerned government functionaries for effective

implementation of FRA. Keeping these in the backdrop, training manuals were developed by NRC at SCSTRI, Odisha for

- a. Gramsabhas, FRC members; elected representatives; and
 - b. Government functionaries (members of DLCs and SDLCs, Revenue-, Tribal- and Forest Departments)
- **Development of Manual on delineation and mapping of community rights and Community Forest Resources (CFR)**

According to FSI report (The State of Forest Report 1999, page no. 30) there are about 5.87 lakh villages in the country of which 1.70 lakh are forest fringe villages. Till the end of May 2014 about 23,440 community right titles were issued which constituted only 13.75% to total forest fringe villages. Poor recognition of CFR rights and community rights by the states emerged as a key challenge during the series of regional consultations on FRA organised jointly by the Ministry of Tribal Affairs and UNDP.

Barring some stray pockets in a few states, there has been poor filing of claims and recognition of the CFR rights largely due to lack of capacity for facilitating the community rights and CFR claims and verification process. Drawing lessons from the learnings of the successful examples from Gadchiroli district of Maharashtra, as well as from the Kandhamal and Mayurbhanj districts of Odisha in recognition of both community rights and rights over CFR, a manual on the process for delineation and mapping of customary boundaries of community forest resources was developed for reference of government functionaries, civil society organizations and members of the Gramsabha across the country. The manual was also translated in the local language by SCSTRTI for wider circulation in the state.

- **Documentation of Good/Best Practises and Development of learning documentaries**

Documentation of Good Practices study was undertaken by National Resource Centre at SCSTRI, Odisha to document the experience of successful initiatives nationwide and widely circulated so that they can be replicated by other states as well. Documentation of good practices has enabled other states in developing strategies for expediting the process of determination and recognition of forest rights.

- **Self-learning CD on the FRA**

A self-learning CD on the FRA, a computer-based, interactive course (packed in offline CD) has been developed which resolves doubts and provides clarification on the Act and Rules. The self-administered learning module provides basic information about the Act, compliance and provision and acts as a customized training package for the officials of state/district Tribal Departments; Revenue Department and Forest Department.

- **Compendium of selected guidelines and clarificatory circulars issued by the different state government for the effective implementation of the Act**

Compendium of circulars, guidelines, notifications on different provisions of FRA issued by Government of India and different States has been published during 2016. The Compendium serves as a ready reckoner for the government officials, user agencies and the public in general to facilitate the effective implementation of FRA at the grass root level.

- **Frequently Asked Questions**

Ministry of Tribal Affairs in partnership with UNDP brought out a Frequently Asked Questions (FAQ) in March 2016 under the MoTA-UNDP project which was shared with all state governments. ST and SC Development Department and SCSTRTI, Govt. of Odisha took adequate measures for widespread distribution of the FAQ to all government functionaries and other stakeholders involved in the implementation of Forest Rights Act.

Sensitization and Awareness Drive

- Sensitization to key functionaries on Forest Rights Amendment Rules, 2012 through series of trainings to officers working in LWE districts.
- Special attention given for organising GP level training programs for FRC and PRI members in all Scheduled V districts falling under LWE districts
- Special drive also taken for involvement of civil society organisations and peoples' network in facilitation of FRA.

4.4.1 Key Circulars and Guidelines Issued by the State Government

2012

Reconstitution of FRCs: As per the amended rules under Rule-3(1) the Forest Rights Committee should have at least 2/3rd members from Scheduled Tribe community. Instructions were issued to all Collectors (vide letter no 34124, dated 26th Nov 2012) for reconstitution of FRCs in case there are no Scheduled Tribes and also ensure that at least 1/3rd of the committee members are women. It was instructed to sensitize the GP Nodal Officers and VLWs to reconstitute the FRCs, wherever necessary, by 30.12.2012.

Community Rights and Community Forest Resource Rights: Directions were given to district authorities to give thrust on settling Community Rights as defined under Rule 2 (1) (c). It was directed that CFR claims need to be filed in the new format introduced for application for Community Forest Resources in shape of Form-C and to give copy of ROR for Community Forest Resources. (vide letter no 34124/SSD, dated 26th Nov 2012)

2013

Conversion of forest villages to revenue villages: As per the guideline of MoTA dated 8.11.2013, instructions were issued by ST and SC Development Department Govt. of Odisha vide letter no 36823, dated 16.11.2013 regarding conversion of all forest villages, old habitations, unsurveyed villages etc. into revenue village under section 3(1) (h) of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012. As per guideline of MoTA, it was also clarified that the conversion would include the actual land-use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities, public spaces etc.

2014

Review of rejected claims and Prompt disposal of pending claims filed: As stipulated under FRA amended Rules, 2012, circular was issued (letter no. 5347 dated 30.1.2014) that in case of modification or rejection of a claim by the Gram-sabha / SDLC / DLC, such decision need to be communicated in person to the claimant to enable him/ her to prefer a petition to the appropriate forum. District authorities were also directed to initiate prompt action to facilitate the early disposal of pending claims at various levels.

Reconstitution of SLMC: In pursuance to Rule 9 of the Forest Rights Act, 2006 and Amended Rules, 2012, the State Level Monitoring Committee was reconstituted as per D.O 23427/SSD, dated 12th August 2014, to monitor implementation of Forest Rights Act and Rules in Odisha

2015

Guidelines to remove impediments in the proper implementation of the Forest Rights Act: As issued by Ministry of Tribal Affairs on 10.4.2015, directions were issued by ST and SC Development Department vide letter no.8977 dated 30.4.2015 to implement the FRA as per the guidelines. The key points covered in the guidelines are:

- **Recognition of Community Forest Resources Rights** need to be taken up on a priority basis and regular trainings and workshops are needed to be organized for the personnel involved in the process of implementation of the Act.
- **High rate of rejection of claims** is another area of concern. Cause of every rejection needs to be communicated to the claimants. All the cases of rejection must be categorized on the basis of causes of rejection. There is a need to have a relook into the cases of doubtful rejection so that any rightful claim does not get denied.
- **State Level Monitoring Committee (SLMC) meetings** are required to be held at regular intervals in the interest of proper implementation of the FRA. The SLMC also needs to specifically ensure that Section 4(5) of FRA is implemented in letter and spirit and no forest dweller is evicted or removed till the process of FRA implementation is complete.

- **Rights recognition process need to be completed in Sanctuaries and National Parks** specifically in Tiger Reserves as FRA is applicable in all forest areas. Also, Gramsabha decision has to be taken into consideration prior to any relocation.
- **Recognition of Ownership Rights over Minor Forest Produces** and Minimum Support Price to Minor Forest Produces need to be extended in Protected Areas as well. The State monopoly in MFP trade needs to be ended with the enactment of FRA.
- **Creation of Record of Rights** needs to be taken up by the state government as the purpose of rights recognition is realized only when permanent record of rights are entered into record.

Recognition of Habitat Rights:

Clarificatory Guidelines on recognition of habitat rights of Particularly Vulnerable Tribal Groups (PVTGs), dated 23rd April 2015 were issued by Ministry of Tribal Affairs which was duly communicated by the ST and SC Development Department, Govt of Odisha to all the districts (letter no. 9141, dated 1st May 2015). The key highlights of the guideline are:

- Definition of 'habitat' as prescribed under Section 2(h) of FRA; and further describes the forest right to such habitat under Section 3(1)(e).
- FRCs to ensure that the claims from PVTGs are verified when such communities or their representatives are present.
- Right to community tenures of habitat and habitation may be recognized over customary territories used by the PVTG for habitation, livelihoods, social, economic, spiritual, sacred, religious and other purposes.
- Role of the District Level Committee (DLC) to examine, whether all claims, especially those of primitive tribal groups (Particularly Vulnerable Tribal Groups), pastoralists and nomadic tribes, have been addressed keeping in mind the objectives of the Act.
- PVTGs receive habitat rights in consultation with the concerned traditional institutions and their claims for habitat rights are filed before the concerned Gramsabhas, wherever necessary, by recognising floating nature of their Gramsabhas.
- DLCs should take steps to ensure recognition of the habitat rights along with mapping of the area of each claim over which their rights have been recognized.

Community Forest Resource Rights (CFR) and its management:

Guidelines under Section 12 with regard to recognition and vesting of Community Forest Resource (CFR) and its management under FRA issued by Ministry of Tribal Affairs on 23rd April 2015 which was duly communicated by the ST and SC Development Department, Govt of Odisha to all the districts (letter no. 9141, dated 1st May 2015). The key highlights of the guideline are

- As per Section 3(1) (i) and Section 5 of FRA, the authority to protect, regenerate or conserve or manage CFRs, is the Gramsabha along with the committee for protection of wildlife, forest and biodiversity constituted under FR Rule 4(1)(e).
- Each Gramsabha shall be free to develop its own simple format for conservation and management plan of the CFR.
- Gramsabha and the Committee under FR rule 4(1)(e) to modify the micro plan or working plan or management plan of the Forest Department in order to integrate the same with the conservation and management plan for the CFR as passed by the Gramsabha.
- Funds under Tribal Sub Plan, MGNREGA, Funds under CAMPA to be made available to the committee at the Gramsabha constituted under FR Rule 4 (1){e) for development of CFR
- Community Forest Resource (CFR) areas as recognised under Section 3(1)(i) of FRA shall constitute a new category of forest area which should be recorded as 'CFRs' in the Records of Rights and be suitably incorporated in the records of the Forest Department.
- Provide disaggregated information in the monthly reports on the CFR claims and CFR rights recognised and the extent of forest land recognised under the same.

Inclusion of eligible forest dwellers under National Food Security Act:

Special campaign launched by Food Supplies and Civil Works Dept in collaboration with STand SC Development Department for inclusion of forest dwellers recognised under Forest Rights Act to be covered under Nation Food Security Act-2013. (vide letter no. 613/CS, dated 24.8.15 and letter 17963/SSD, dated 08.09.2015)

2016

Review of rejected claims under FRA

Action plan was suggested to review the rejected claims in a time bound fashion (Letter No. 10740, dated 16th June 2016). For proactive facilitation of the appeal process it was suggested that

- Rejected/ modified claims to be suo moto treated as petitions for hearing and disposal.
- Reasons of rejections to be communicated to the concerned claimants/ gram-sabhas immediately
- DLCs/ SDLCs to fix venues and timings for hearings of the claimants' appeals against rejection / modification and take appropriate decisions to dispose of the same.
- Appropriate mechanism to be devised by concerned DLCs/ SDLCs by fixing a particular day in the week for hearing the appeals to ensure timely action on the matter.

Convergence Guidelines

Convergence guidelines was issued by ST and SC Development Department, Govt. of Odisha and instruction was also issued vide letter no. 15078, dated 12.08.2016 for 100% coverage of FRA right holders through convergence with different schemes of the government for their socio-economic development. Accordingly it was also instructed to report the progress of convergence in separate format in the monthly reports.

Potential villages for Recognition of Community Rights and CFR

List of potential villages for recognition of Community Rights and Community Forest Resources Rights under FRA, developed by SCSTRTI, Bhubaneswar basing upon the methodology provided by the Ministry of Tribal Affairs, Govt. of India was circulated to District Collectors and DLC members with the instruction to process Community Rights and Community Forest Resources Rights under FRA on a priority mode basing on the procedure and process prescribed under FRA rules (letter no 16416, dated 3rd September 2016).

4.5 REVIEW: AN ESSENTIAL PART OF THE PROCESS

Regular review of Forest Rights Act is being undertaken through the monthly progress reports, newly introduced monitoring formats and video conference to track the status of implementation in different district. A study on **‘The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006; Implementation Status and Good Practises in Odisha’** was carried out by SCSTRTI, Govt. of Odisha during 2012. The study helped to assess the implementation status of community forest rights in the state, status of appeal and rejection cases and verification of claims under developmental rights [Sec 3 (2)]; identified the successful interventions in the state and also suggested corrective measures for the effective implementation of the Act and the amended FR Rules 2012.

Apart from it, as directed by the State Level Monitoring Committee, the current study on **‘Status of Implementation of Forest Rights Act in Odisha’** was undertaken by SCSTRTI, Govt. of Odisha in 2016. The study gives a picture of implementation of the Forest Rights Act in the state over a period of 10 years and helps to critically review the gaps enabling the State Government to take adequate steps to fulfil the intended objectives of the Forest Rights Act in favour of the Scheduled Tribes and Other Traditional Forest Dwellers.

Table 4.1: Highlights of the SLMC(Odisha) proceedings

Number of Meetings	Date	Discussion Points
1st meeting	3 rd April 2008	<ul style="list-style-type: none"> • Settlement of all encroachment cases in favour of tribal encroachers by the Forest Department. • Holding of Pallisabhas for formation of FRCs. • Engagement of Gram Sathis for facilitation of claim filing process.
2nd meeting	24 th October 2008	<ul style="list-style-type: none"> • Complete the process pending disposal of the writ petition on the subject. • All claims received so far should be disposed of finally by 30.11.2008. • Authenticated copy of the SDLC proceedings needs to be given to Pallisabha/Gramsabha so that they know about the recommendations of the SDLC.
3rd meeting	22 nd May 2010	<ul style="list-style-type: none"> • Revenue & Disaster Management Deptt. may communicate detailed guidelines to the Collectors for taking prompt action for incorporation of RoRs of the forest land distributed to the STs & Other Traditional Forest Dwellers under FR Act 2006 in revenue records.
4th meeting	29 th March 2011	<ul style="list-style-type: none"> • Verification of rejected cases on a 5% sampling basis. • Convergence to cover beneficiaries of FRA under land based schemes. • Convergence of forest villages to revenue villages. • District Level Committees should ensure proper entries i.e, land marks, <i>chauhadi</i>(boundary) and sketch map on the certificate of titles distributed under Forest Rights Act. 2006.
5th meeting	24 th October 2011	<ul style="list-style-type: none"> • Reconcile the list of Forest Rights title- holders with the list of pre-80 encroachment cases taken for regularization under the provision of Forest Conservation Act; all such cases need to be dropped as decided also in the 4th SLMC meeting.
6th meeting	23 rd November 2012	<ul style="list-style-type: none"> • On completion of the process of settlement of rights and issue of titles, the forest rights so vested should be incorporated in the Revenue & Forest records, as the case may be, within a period of three months. • Details of land development programme taken up under MGNREGS for the benefit of the forest right holders should also reflect the man days generated & amount paid to such title holders. • DLCs should sit frequently for not only considering the claims but also should facilitate the process for recognition of community rights including Habitat Rights for PVTGs/ Community Forest Resource Rights as well.

7th meeting	27 th June 2013	<ul style="list-style-type: none"> • It will be mandatory for the DLCs to ensure that the title issued to the Forest Rights holders should be accompanied with sketch map. • Convergence of programmes under FRA to be monitored separately. • Efforts to be made to collect the claim applications under Community Forest Rights and Community Forest Resource Rights before 31st August, 2013 and the finalization be made before 30th November, 2013.
8th meeting	21 st July 2015	<ul style="list-style-type: none"> • Disposal of individual and community claims at different level to be done in a time bound manner. • As per the instruction issued by the Ministry of Tribal Affairs, Gol the claims which are rejected need to be communicated to the applicants with the reasons for rejection. • Urgent need for undertaking survey and demarcation of the plots of the concerned title-holders so that they can identify the exact boundaries of the forest land over which rights has been vested. • Correction of Record of Rights. • Convergence of various schemes and programmes. • The MoTA, Gol had issued guidelines that the JFM Committees or the Vana Surakshya Samities (VSS) are not eligible for availing the Community Forest Rights as per the FRA provisions. The committee observed that in Odisha, the VSS have been over the years nurtured by the F&E Department to sustainably manage and protect forest resources. Hence the committee decided that those VSS where there are no conflicts with the Gramsabha in sustainable management of the forest resources may be identified so that Community Forest Rights can be given under FRA.
<p>On 19th November 2015, the ST & SC Development Department informed three SLMC members (MLAs) that in view of the following observations of the MoTA the corresponding original recommendations of the SLMC were 'hereby' modified:</p> <ul style="list-style-type: none"> • Community Forest Resource (CFR) rights may be conferred only to Gramsabha and not to VSS committee as per the Forest Rights Rules as amended up to 2012. It is for Gramsabha to constitute a Committee for protection of wildlife, forest and bio diversity as per Rule 4(1)(e) of the Forest Rights Rules. • There is no provision in the FRA to co-opt any additional members. 		

ChapterV:

PROACTIVE INITIATIVES TAKEN IN CONTEXT OF FRA IMPLEMENTATION

5.1 INITIATIVES/GOOD PRACTICES TAKEN BY THE STATE:

The Government of Odisha has adopted a number of good practices so as to address the implementation issues from time to time and some of these like the detail guidelines issued for RoR correction have been highly appreciated by the Ministry of Tribal Affairs. The SCSTRTI study report *Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006- Study on Implementation Status and Good Practices in Odisha*, prepared by Vasundhara in 2012 has documented a number of such good practices like the power to the Gramsabha to issue caste certificates to claimants for the purpose of filing their claims under FRA(2008), special drive for constitution of FRCs (2008), issue of special order that pre-'80 encroachment cases who have received Stage-1 clearance will be granted forest titles without requiring Stage-2 clearance(2009), dropping minor offence cases in the settlements(2008), making provision that findings of field verification and maps prepared by retired RI/Amins must be shared with the FRC and must have the approval of the Gramsabha before being recorded by the SDLC(2010) and settlement of non-forest land for homestead purposes for claimants ineligible under FRA under relevant revenue laws such as OGLS Act(2010), etc.⁴⁶.

Chapter-IV of the present report provides description of several other good practices like clarifications issued in the form of Frequently Asked Questions (FAQs). However, given below are some of the best practices that have been successful in achieving whatever good progress the state has made in implementing the Act:

- **Mission-mode approach:** The implementation process was carried out on a mission mode in many districts, a good example being Mayurbhanj. It is another thing that this approach was focused on individual rights. In this case the concerned authorities are bound to take up the desired responsibility without fail or negligence and are required to be proactive.
- **Special drive:** While mission mode approach has a continuous time span for a larger period, special drives are made from time to time in different phases. These have been particularly useful in helping the eligible applicants file their claims if they failed to do it in previous phases. Here too the government officials have to play a proactive role as facilitators. A good example is Malkangiri district.
- **Target-based approach:** Fixing targets have also been one of the effective factors. This has been done in case of convergence programme, particularly Indira Awas; and also for ensuring individual forest right titles for the PVTGs in all Micro Projects.

⁴⁶ It is important to note here that many such policy-level steps however remained but partially or improperly implemented/adopted in the field areas.

- **FRA cell:** Creation of the FRA Cell at district- and lower levels has been very useful as this has helped the concerned nodal agencies to exclusively focus on the matter with a dedicated staff. Malkangiri has gone a step ahead by merging the DLC-level and SDLC (Malkangiri)-level cells together, i.e. operating in the same hall though records are kept separately.
- **Proactive initiative to claim CFRR:** The WEO, Champua took proactive initiative to help the villagers of Tuntuna file their claims for community forest rights.
- **IAY without titles:** In Tuntuna village (Champua Tahsil, Keonjhar) and Upar Simbi village(Pattangi Tahasil, Koraput) many people have received Indira Awas though they are yet to get the title. The principle followed is since the DLC has approved the claims, hence they have become virtual title-holders and work orders for constructing Indira Awas should not wait for the distribution of title in their cases. This approach however might have been possible to meet the targets.
- **Proactive initiative to support OTFD claims:** This happened in Malkangiri when a PA-ITDA decided to use the references made in some old district gazetteers (some of which were published during the British period) as an evidence to support the claim of OTFDs. The proceedings of Malkangiri SDLC dated 27 November 2010 also refers to this.
- **Bank loan to forest land title holders:**As the title issued under FRA is non-transferable and non-saleable, hence it is not surprising if the Banks hesitate to sanction loans against the same. However, the LAMP-Mini Bank in Malkangiri has granted loans to few title holders of Nilapari which has been very useful for them.
- **Appointment of retired revenue officials for survey and demarcation:** Appointment of retired amins and/or revenue inspectors has been very effective to accelerate the process of joint verification and demarcation, etc..in case of claims under FRA. What is more remarkable is that in Sundargarh district the Collector made alternative arrangement to ensure the promised honorarium for such officials when the government allocation was found insufficient.
- **Deputation of working amins to FRA cell and appointment of data entry operators:** Practices like this, as in Mayurbhanj, has also been very useful in the whole process.
- **Saturation certificate:** The field officials were told by the district administrations to produce such certificates so as to ensure that all right-holders have been covered in the IFR claim process. This created a pressure on them to complete the process in all potential areas within the desired time period.
- **Mobile awareness van for FRA:** In Kandhamal the Jungle Surakshya Adhikar Sankalpa Rath sponsored by CARE NGO was inaugurated by the Collector on 15 Aug 2014, which moved from village to village to create awareness regarding the provisions, new development, successful case studies, etc.(vide DLC proceedings, dated 5-9-14).

Some other notable good initiatives include the following:

- **Dedicated website on FRA:** While the SLMC has recommended for a dedicated website on FRA, the Kandhamal district administration launched an interactive and dedicated website 'Iddaali Gasha Maande' on FRA in 2014.
- **RoR correction: 6 copies made in Tumudibandha tahasil:** In this tahasil six copies of the corrected RoR or revenue version of the FRA title are made for distribution to all important stakeholders, including the title-holder.
- **Special attention to tribal/PVTGs culture in convergence:** While the MoTA letter of 17 June 2014 suggesting for preserving traditional tribal architecture while designing buildings for them under convergence seems to be a distant dream in the state, horticultural support for the Dangria Kandhas has been very much in line with their preference.

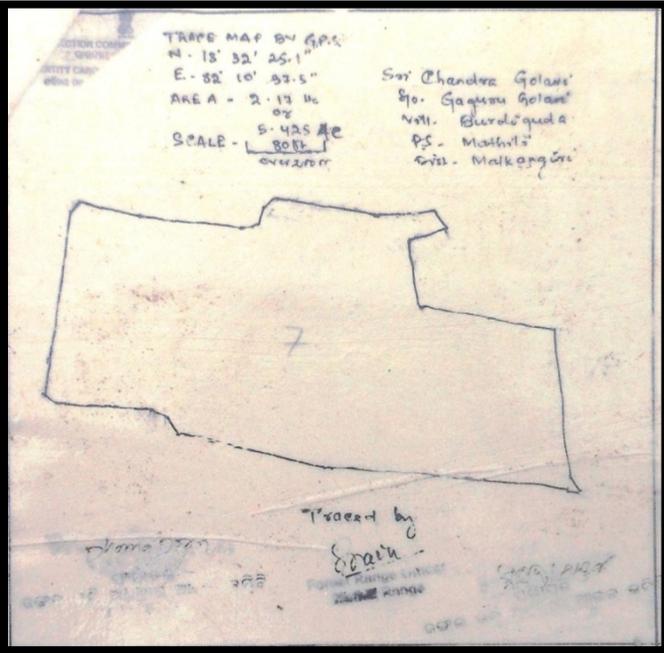
There are some other good practices like toll-free number 1077 for FRA-related grievances in Gajapati district as mentioned in the DLC proceedings for the date 22 February 2014, though it could not be ascertained to what extent it was useful⁴⁷. On the other hand, monitoring at state level through video conference has been effective.

GPS for precision

GPS survey has been useful not only in boundary delineation, but also mapping the resource diversity with precision. The Government of Odisha decided to make use of this technology for better implementation of FRA. As the Rayagada DLC proceedings for 23-10-2008 records, the DFO suggested to use GPS for better survey, so supply of 17 machines was decided for the tahasils. The DFO would arrange for the necessary training on the same, whereas the purchase cost was to be borne under Article 275(1) and interest money as per the instruction of Chief Secretary. It is another thing that in most cases however the local authorities, because of their limitations including lack of skilled staff, have depended on Vasundhara (NGO) for GPS mappings though the Forest Department independently carries out the process on its own because of its competency.

Some NGOs promoted the application of GPS and trained the community members to become barefoot GPS surveyors. In few cases even women were trained in this.

⁴⁷ Sri Sanjay Jena, a social worker who was closely involved in the implementation process of FRA in the Kainpur GP however denied to have any knowledge of such a number.



A trace map based on GPS survey

ଅନୁସୂଚିତ ଜମିଦାରୀ ଓ ଅନ୍ୟ ପାରମ୍ପରିକ ଜମିଦାରୀ
ଦେଶର ଅଧିକାର ପ୍ରାପ୍ତି ନିୟମ, ୨୦୦୭
ଭାରତ ସରକାର
ଭଦ୍ରକ ଜିଲ୍ଲା ପରିଷଦ

ପରିଶିଷ୍ଟ-୨
(ନିୟମ ୮ (ଏଚ୍) ଦ୍ୱାରା)

ଅଧିକାରରେ ଥିବା ଜମିର ନିମ୍ନ ଲିଖିତ ବିବରଣୀ

୦୧. ଜମିର ଅଧିକାରୀଙ୍କ ନାମ (ମାଲିକ) ନାମ : ଶ୍ରୀ ଚନ୍ଦ୍ର ଗୋସାଇଁ
 ୦୨. ପିତା / ପୁରୁଷ ନାମ : ଶ୍ରୀ ଶ୍ରୀ ଚନ୍ଦ୍ର ଗୋସାଇଁ
 ୦୩. ନିର୍ଦ୍ଧାରଣ ନାମ ଓ ଅନୁମତି: ଶ୍ରୀ ଚନ୍ଦ୍ର ଗୋସାଇଁ, ଶ୍ରୀ ଶ୍ରୀ ଚନ୍ଦ୍ର ଗୋସାଇଁ
 ୦୪. ଠିକଣା : କାନ୍ଧଗୁଡ଼ା (କନ୍ଧଗୁଡ଼ା ଗ୍ରାମ)
 ୦୫. ଗ୍ରାମ / ଗ୍ରାମ ପଞ୍ଚାୟତ : କନ୍ଧଗୁଡ଼ା ଗ୍ରାମ ୦୬. ଗ୍ରାମ ପଞ୍ଚାୟତ : ଧାନ୍ୟ ଗ୍ରାମ
 ୦୭. ଚଢ଼ିବିଲ୍ / ଚାଲୁକା : ନାହିଁ ୦୮. ବିଭାଗ : ମାଲିକାନା
 ୦୯. ଜମିଦାରୀ ବା ଅନ୍ୟ ପାରମ୍ପରିକ ଜମିଦାରୀ ବାସିନ୍ଦା : ନାହିଁ
 ୧୦. ଶ୍ରେଣୀ : ୧୨/୨୭୮୫
 ୧୧. ପୂର୍ବରୁ ଜମି କିମ୍ବା ପୂର୍ବରୁ ଜମିଦାରୀ ବର୍ଣ୍ଣନା ଉପରେ / ବିଶେଷତା ନମ୍ବର ପଦ୍ଧତି

ନିମ୍ନ	ଖାତା ନଂ	ପୂର୍ବ ନଂ	ପିପ୍ପା	ଭରଣା
କନ୍ଧଗୁଡ଼ା		୨୦	ଅନୁସୂଚିତ ଜମିଦାରୀ	୦.୧୩୭
N-18°-32'-28.0"		୨୧	ଅନୁସୂଚିତ ଜମିଦାରୀ	୧.୩୮
E-82°-10'-28.5"		୨୨	ଅନୁସୂଚିତ ଜମିଦାରୀ	୧.୧୧୮
N-18°-32'-23.7"		୨୩	ଅନୁସୂଚିତ ଜମିଦାରୀ	୦.୨୪୫
E-82°-10'-27.4"				
N-18°-32'-26.8"				
E-82°-10'-27.3"				
N-18°-32'-29.0"				
E-82°-10'-26.8"				

ଅଧିକାରୀଙ୍କ ଧାରା ୪ର ଉପଧାରା (୪) ଅନୁସାରେ ଏହି ବିବରଣୀ କାର୍ଯ୍ୟକାରୀ ହେବ କିମ୍ବା ନୁହେଁ ବା ବଦଳିଯୋଗ୍ୟ ନୁହେଁ ।
 ଆମେ ନିମ୍ନ ସ୍ୱାକ୍ଷରକାରୀଙ୍କ, ଏହାପାଇଁ ପରବର୍ତ୍ତୀ ପାଇଁ ଏକ ଚଳଫଳ (ରୋଜାମ ନାମ) ଓଡ଼ିଶା ଉପରୋକ୍ତ ଜମିର ଅଧିକାରକୁ
 ଅନୁମୋଦନ କରି ଆମ୍ଭଙ୍କର ସ୍ୱାକ୍ଷର କରୁଅଛୁ ।

୧. ଏହି ବିବରଣୀ (Title) ସ୍ୱାକ୍ଷର ଅସ୍ଥାୟୀ (Provisional)
 ୨. ମାଲିକର ଉପ ନ୍ୟାୟାଳୟ ଓଡ଼ିଶା ବିଜ୍ଞାପନ ଦେଇ ଦେବା ନଂ
 ୩. ଫର୍ମା/ଠାଉ କୁହାଯାଇ ନିଶ୍ଚିତ ଉପରେ ଯାହା ବିବରଣୀ ନିର୍ଦ୍ଧାରଣ କରେ ।
 ୪. ଏହି ଶ୍ରେଣୀ ନ୍ୟାୟାଳୟ ଥିବା ଜମିର ଉପରୋକ୍ତ ବିବରଣୀ ପାଇଁ ନାହିଁ ।

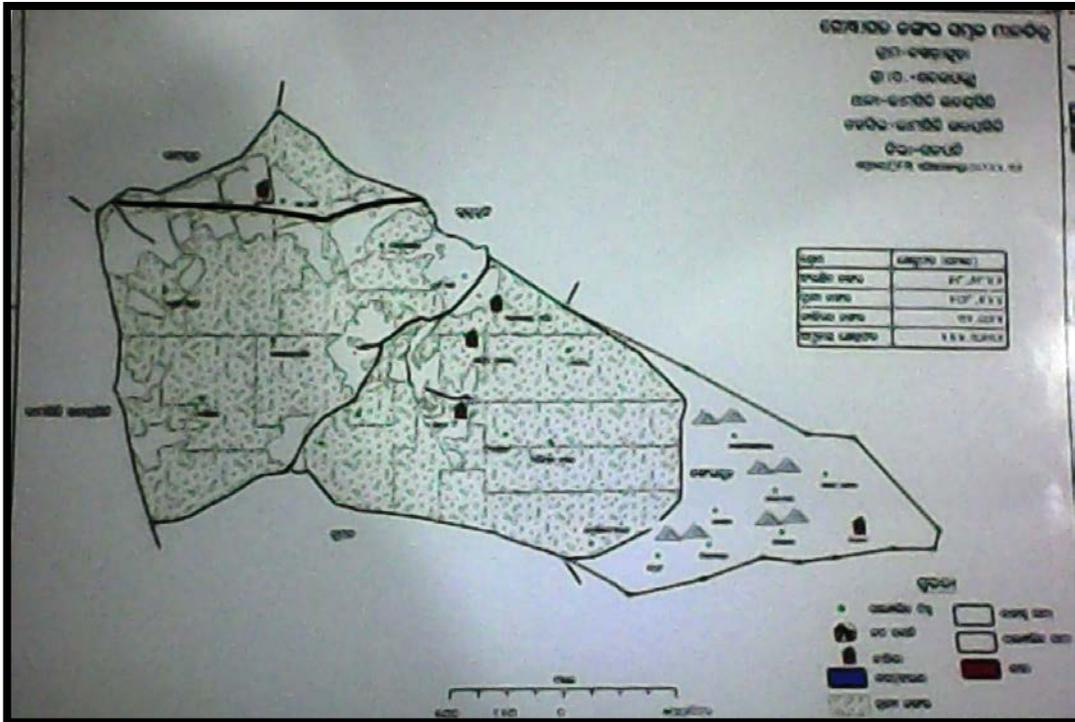
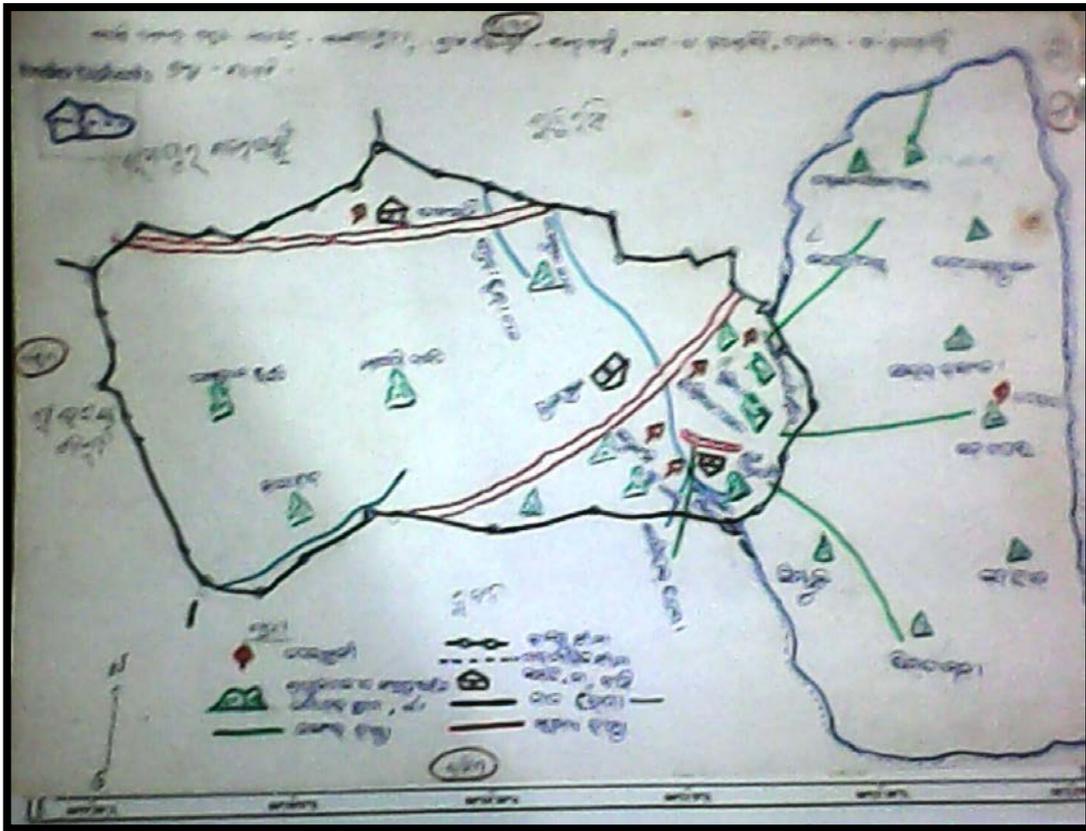
F.R.C. No. ୩୨୫/12

ବିଭାଗୀୟ ଜମିର ଅଧିକାରୀ
PROVISIONAL FOREST OFFICER
MALKANGIRI

ବିଭାଗୀୟ / ଚଳଫଳ ନିର୍ଦ୍ଧାରଣକାରୀ
COLLECTOR

ବିଭାଗୀୟ ଜମିର ଅଧିକାରୀ
DIST. WELFARE OFFICER
MALKANGIRI

A title describing the coordinates of the plots based on GPS survey (Kandhaguda village in Mathili Block of Malkangiri dist.). Other points of interest include the ignorant practice of mentioning the title as 'provisional' and subject to the final verdict of Odisha High Court despite the fact that the Hon'ble Court had vacated the interim stay order in August 2009 whereas this title seems to have been issued about three years later (as indicated by the FRC No.). The restriction on cutting any tree in the recognized plot is also mentioned, though no more relevant.



Community-drawn map(upper) versus GPS-based map(lower) of a CFR area(Kankadaguda village) in Gajapati district

OFFICE OF THE SUB-COLLECTOR, GUNUPUR

No 3194 /2011 FRA VI-14/2011

Date: 13.6.11

83

To

The Project Administrator,
I.T.D.A, Rayagada

Sub: Return of FRC Case Records.

Ref: Your Letter No. 417 dtd 6/04/2011

Sir,

With reference to the letter cited above on the subject, I am to say that 124 Nos. of individual case records under FRA covering different village have been returned to this office for non possession of forest land. While verifying the said case records of the following village it is found that, these villages belong to P.T.G area and can be considered for approval at D.L.C.

Hence the case records of P.T.G area are again resubmitted for consideration at your level.

<u>Name of the Village</u>	<u>No. Of C.R</u>
(DKDA Chatikona)Area	
RADANGA	26
BADAGATIGUDA	3
DUARGUDI	18
KADIGUMA	9
TOTAL:	56

Receipt of the Case Records may kindly be acknowledged.

Enclosures

As above

Received 56 Nos. of
PTG individual Case records
from sub collector, Gunupur
through no. 3194 dtd 13.6.11
17/07/2011
etc

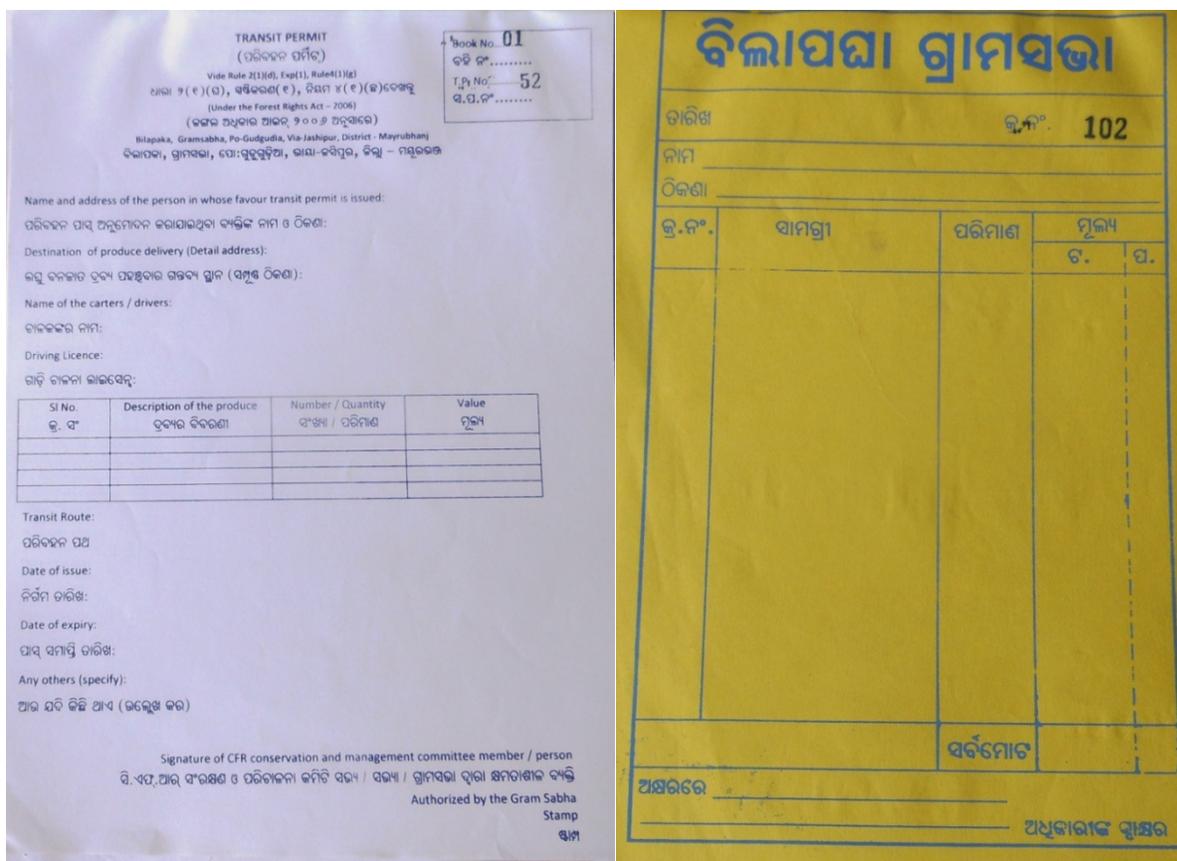
Yours faithfully

[Signature]
Sub-Collector, Gunupur

A pro-active step to get the rejected claims of PVTGs reconsidered by DLC

5.2 PILOTS/INITIATIVES THAT HAVE BEEN REPLICATED AND HOW:

5.2.1 Transit permit for transportation of MFP: The first formal and standard transit permit for transportation of MFP was issued in Odisha by the Jamguda Gramsabha(Kalahandi) for bamboo, but it was originally printed by and for the Forest Department. In fact, the Gramsabha had to put its stamp on the permit so as to assert its identity/authority. The Bilapagha Gramsabha in Mayurbhanj avoided this problem by printing its own permit book and other formats⁴⁸.



Permit book and bill book of Bilapagha Gramsabha

5.2.2 Deregulation of kendu leaf in Malkangiri:

After deregulation of kendu leaf in the Nabarangpur district, it was extended to the Malkangiri district in 2014 under the Jeypore KL Division. Unlike in Nabarangpur however it has reportedly worked well there partly because KL production in this district is about three times that of Nabarangpur.

The state monopoly on KL has benefited the pluckers in a number of ways. Uniform price is

⁴⁸ It is to be understood here that bamboo and kendu leaf being nationalized items, the primary issuing authority for transit pass remains the Forest Department (though this should not necessarily be in case of CFR title-holders). This is not applicable in case of non-nationalized and deregulated or otherwise freed MFPs, the advantage of which was taken by Bilapagha Gramsabha.

being paid to all the pluckers irrespective of the quality. Bonus is also paid and additional benefits include supply of slippers and life/accidental insurance coverage. However, the issues with monopoly include non-procurement or under-procurement, payments through bank accounts and delayed payments. Private traders are flexible and make immediate cash payments, which is more useful for the poor plucker.

In the deregulated system, private traders are to present their proposal to be a buyer before the Gramsabha of the area. Usually this is done on 2nd October. Once the Gramsabha approves of the same, the trader has to register himself with the gram panchayat paying Rs.2000/- as fee. The Sarpanch then sends a recommendation through the District Panchayat Officer to the DFO(KL) to issue permit to the registered trader. The DFO specifies the limit of procurement while issuing the permit.

It so happened earlier that the private traders just purchased the KL from the pluckers either at government rates or may be lower than that in some places and their responsibility used to end there. Unlike the government they did not bother for other benefits like insurance for the plucker. However, the Sarpanch of Bhejaguda (Mathili Block) reportedly decided this year to ensure the benefits from these traders and accordingly made it a condition for their operation to which they have agreed. The traders will now bear the cost of insurance plus the slippers.

However, this is yet to be replicated in other areas.

5.2.3 Microplan/management plan for CFR: The microplan/management plan that was prepared on pilot basis for Jamguda was more or less followed for similar bamboo-rich villages of Kandhamal district though with some modifications.

The SLMC in its meeting dated 27-6-13 decided that the Collectors of Kandhamal, Mayurbhanj and Sundargarh will be requested to prepare model land development plan, i.e. requirement of man-days for land development per one acre of land, so that this will be adopted uniformly for land development works in all districts. Similarly, in a workshop on FRA(Rayagada, dated 27-6-16) the Collector said that GP-level master plan on convergence was to be prepared on pilot basis in 1 or 2 GPs. It was to be prepared in a prescribed format in accordance with the decision of the Gramsabha and views of individual forest right and community forest right beneficiaries. He further said that Block- and GP level teams should be formed for this purpose and announced that one microplan project on FRA should be prepared at Muniguda and B.Cuttack Block whereas one special microplan project should be prepared at Munikhol under Muniguda Block. It is however not known to what extent these proposals could be implemented successfully and replicated.

5.3 PILOTS WHICH HAVE NOT WORKED AND WHY:

5.3.1 Jamguda versus Tarkabali: Tarkabali is a neighbouring village of Jamguda having bamboo-rich forest. It too has the CFR right. However, it has not attained the status of Jamguda chiefly because of the apathy of the Forest Department. The Department has not provided this village the kind of support it provided for Jamguda (like authorized transit permit book). This may be because the pressure which the Department experienced in case of Jamguda from various corners was absent in case of Tarkabali.

5.3.2 KL deregulation in Nabarangpur KL Division: In Odisha the deregulation of kendu leaf in compliance with the FRA was done on a pilot basis first in the Nabarangpur KL division, in April 2013. This was done without proper ground preparation and neither the Gramsabhas were prepared for this nor were the pluckers or traders adequately aware about the same. Moreover, the announcement came when the KL collection season was about to start. The result was obvious. The initiative was almost a failure for that season where in the following years it has not much succeeded partly because of infeasible collection potential of the Division/district. In 2015 and 2016, the procurement by private traders is said to be almost nil in this district because even the departmental targets remained unfulfilled⁴⁹.

In fact, the Nabarangpur experience was seen by some civil society actors as a deliberate attempt by the Forest Department to show that the communities can not manage the KL trading if they are given the right to do so. Some local initiatives in the Narigan village of Borigumma Block of Koraput district (which comes under the jurisdiction of Nabarangpur KL Division) tried to make use of the deregulatory provision and accordingly the Narigan Gramsabha 'decided' in a meeting to go for the collection and trading of the item for which it appointed a 10-member committee. Two collection centres were reportedly opened and post-collection operations such as drying and storage of leaves were carried out using hired labourers. However, when it came to selling, the reality was very bitter. Either the traders did not turn up or the bargaining by some was not so acceptable. The experiment turned into a failure though an NGOSPREAD helped the villagers somehow overcome the situation when things came to its notice⁵⁰. While the successful extension of the deregulation to Malkangiri district in the meantime has proved the perception wrong that the government just did it in Nabarangpur to prove the inefficiency of village communities to manage the trade themselves and while it is also true that in few areas of the state (like Athmallik) the people manage selling the leaves produced in their private lands (known as praja patra or tenants' leaves) though this is at individual level and the government authorized agency is the chief purchaser of such private leaves, what is still relevant is that such deregulation initiatives should be preceded by adequate ground preparations particularly where the interest of a large number of poor people is at stake and the government has a responsibility to safeguard this interest.

⁴⁹ Interaction with Sri Ganeswar Behera, DFO(KL), Jeypore Division on 20 October 2016

⁵⁰ Interaction with Mr. Bidyut Mohanty, SPREAD. See also *Narigan villagers running from pillar to post with 12 lakhs worth of Kenduleafs to sale*, Odisha Diary, July 12, 2013, <http://orissadiary.com/ShowDistrictNews.asp?id=42404>,

5.4 SUGGESTED ACTION TO SCALE UP THE SUCCESSFUL INITIATIVES:

First of all, such successful initiatives should be reported to the DLC and SLMC with a note on the risks/limitations as well as replication potential so that necessary action can be considered for scaling up and/or replication of the same. Secondly, the feasibility in terms of space and time should also be considered. The enthusiastic approach of the district administration in Gajapati to promote floriculture and vegetable cultivation under convergence in a recognized forest land of Anangdangar village in Jeerango GP of Mohana Block reportedly turned into a failure not in terms of the production but entrepreneurship of the concerned beneficiary who could not capture the spirit as he was accustomed with something else (conventional) and did not do the necessary follow up when the crop was ready to harvest⁵¹. This must be a learning experience. Rubber plantation might have been a successful initiative in few districts, but its expansion to other areas might be risky both ecologically and socio-economically. And the third requirement is sustainability. As specific initiatives, bank loan for the titleholders should be ensured with necessary guidelines, land development should be followed by efficient land use plan with necessary support (technical, etc.), ponds for pisciculture should be used for integrated farming (such as vegetable cultivation on the sides) and women's role should be promoted to the maximum possible extent in all feasible cases. Exposure visits organized for successful entrepreneurs as well as new but potential entrepreneurs will also be useful in upscaling and replicating the good practices.

Lack of adequate resources (human/financial/otherwise) is still a fact affecting the process of FRA implementation in some areas. For instance, in Keonjhar the Forest Rights Cell at district level is struggling hard with extremely limited human resources. The capacity of the concerned agencies should therefore be adequately developed proportionate to their work load.

⁵¹ Source: PA-ITDA, Gajapati district

Chapter VI: GAPS IN IMPLEMENTATION

6.1 ISSUES AND CHALLENGES:

When the implementation of the Forest Rights Act started in the state, the first and foremost challenge was necessary awareness of various stakeholders involved. Accordingly, both government and non-government actors organized several orientation programmes for the right-holders, FRC members, government officials and social workers, etc..in different phases and relevant study materials were produced in the vernacular language including translation of the Act, the Rules framed thereunder and sometimes also relevant circulars and guidelines issued related to the same. Still, for one or more reasons, the level of awareness did not remain uniform or adequate in all the areas and at all the levels, influencing the implementation of the Act. While transfer of knowledgeable and experienced officials created a problem in some cases, field workers of the facilitating NGOs also lacked in certain areas/cases. Even the SDLC and DLC members erred in few cases, the example of which has been cited from Sundargarh district in section 3.2.2 of the report. Moreover, the ignorant practice of mentioning titles as 'provisional', subject to the decision of the Odisha High Court in writ petition No. 4933 of 2008 and the resulting ban on tree cutting in the recognized plot, even after the vacation of the concerned stay order, is a clear indication of how mechanically things have been handled.

While the forest officials did not turn up for joint verification in many cases, want of necessary number of skilled revenue officials was also an issue in some districts. The basic lacuna was that the ST& SC Development Department, which implemented the FRA, had to be dependent on both the Revenue Department and the Forest Department for this purpose, but could not always ascertain proper and effective coordination between the three agencies. The Collectors and Sub-Collectors being the chairpersons respectively of the DLCs and SDLCs could however manage solving the requirement of revenue officials either through new recruitments (mostly of retired professionals) or through deputations, but managing the Forest Department was still difficult.

FRC No. : 1079/2010

ପରିଶିଷ୍ଟ-୨
(ନିୟମ ୮(୪୧) ଦ୍ୱାରା)

ଅନୁକ୍ରମିତ ନମ୍ବର ୧ ଓ ଅନ୍ୟ ପଦ୍ଧତିରେ ବଦଳାଇ ଦିଆଯାଇଥିବା
(ଦେଇ ଅଧିକାର ସ୍ୱତ୍ତ୍ୱ) ବିଷୟ. ୨୦୦୭
ଭାରତ ସରକାର
ଦେଶର ବ୍ୟାପକ ମହାଶକ୍ତି

ଅଧିକାରରେ ଥିବା ଜଙ୍ଗଲ ଜମି ପାଇଁ ଶିରୋନାମା

୦୧. ବଙ୍ଗଳ ଅଧିକାର ଧାରଣ (ନାମ) ନାମ : ବାହନ ନାମ
 ୦୨. ପିତା / ପୁତ୍ର ନାମ : ସୁଧାମ ନାମ
 ୦୩. ନିର୍ଦ୍ଦେଶାବଳୀ ନାମ (ପୁଅ / ଅନ୍ୟାନ୍ୟ) : ସାଧନ ନାମ
 ୦୪. ଠିକଣା : ନାମ
 ୦୫. ଗ୍ରାମ / ଗ୍ରାମ ପଞ୍ଚାୟତ : ନାମ
 ୦୬. ଗ୍ରାମ ପଞ୍ଚାୟତ : ୧୨୩୪
 ୦୭. ଚତୁର୍ଥ / ଚାଲୁ : ୨୩୪୫
 ୦୮. ଡିଭି : ୨୩୪୫
 ୦୯. ବନଭାଗି ବା ଅନ୍ୟ ପାରମ୍ପରିକ ବଙ୍ଗଳ ବାସିନ୍ଦା : ଧ୍ୟାନୀ (ଅଧିକାରୀ)
 ୧୦. କ୍ଷେତ୍ରଫଳ : ୦୧.୩୦
 ୧୧. ସୁରକ୍ଷା ଦିଆଯାଇଥିବା ପ୍ରାଥମିକ ବର୍ଣ୍ଣନା ଖସଡ଼ା / ବ୍ୟବହାର ନମ୍ବର ସହିତ
 ପୁ: ୨୩୪୫୬୭୮୯ ଉ: ୨୩୪୫୬୭୮୯ ଇ: ୨୩୪୫୬୭୮୯ ଓ: ୨୩୪୫୬୭୮୯

ନାମ	ଖାତା ନଂ.	ପୂର୍ବ ନଂ.	ବିଷୟ	କୌଣସି	ଭାଗ
ବାହନ	୩୪	୨୩୪	୧.୨	ପୁ: ୨୩୪୫୬୭୮୯ ଓ: ୨ ଉ: ୨୩୪୫ ଓ: ୨୩୪୫୬୭୮୯	୦୧.୩୦

• ଅଧିକାରୀଙ୍କ ଧାରଣ ଓ ଅନ୍ୟାନ୍ୟ (୪) ଅନୁସାରେ ଏହି ଶିରୋନାମା ବ୍ୟବହାର କିମ୍ବା ପ୍ରକାଶନଯୋଗ୍ୟ ନୁହେଁ ବା ବଦଳିଯୋଗ୍ୟ ନୁହେଁ ।
 • ଆମେ ନିମ୍ନ ସ୍ୱାକ୍ଷରକାରୀମାନଙ୍କୁ ଏହା ପ୍ରକାଶନ ପାଇଁ ଏହା ଚଳାଯାଉଥିବା ବେଳେ ବଙ୍ଗଳ ଅଧିକାରକୁ ଅନୁମୋଦନ କରି ଆମ୍ଭମାନଙ୍କର ସ୍ୱାକ୍ଷର କରୁଅଛୁ ।

୧. ଏହି ସ୍ୱାକ୍ଷରକାରୀ (Title) ସମ୍ପୂର୍ଣ୍ଣ ଅସ୍ଥାୟୀ (Provisional)
 ୨. ନାମାଙ୍କର ଉପ ନ୍ୟାୟାଳୟ ଓଡ଼ିଶା ଉଚ୍ଚ ନିର୍ଦ୍ଦେଶାବଳୀ ନଂ. ୪୯୩୩/୦୮୧୬ ଦ୍ୱାରା ନିର୍ଦ୍ଦିଷ୍ଟ ଉପରେ ଥିବା ନିର୍ଦ୍ଦେଶ କ୍ରମେ ।
 ୩. ଏହି କ୍ଷେତ୍ର ମଧ୍ୟରେ ଥିବା କୌଣସି ଗଛ କଟାଯାଇ ପାରିବ ନାହିଁ ।

ବନଖଣ୍ଡ ଅଧିକାରୀ
 ରାୟଗଡ଼ ବନଖଣ୍ଡ
 ଡିଭି. ରାୟଗଡ଼

ଡିଭି. ମଙ୍ଗଳ ଅଧିକାରୀ
 ରାୟଗଡ଼

A title issued in or after 2010 (vide the FRC number on top left) mentioning the conditions imposed that had already become invalid because of the vacation of the stay order of the Hon'ble Odisha High Court. The Collector, DWO and the DFO have signed this title without verifying that the condition was invalid by then. Such errors are found in other districts too.

We produce below few examples of the issues and challenges faced during different times, as recorded in the official proceedings of the DLCs:

- Kandhamal 15-12-09: 10 cases relating to Phulbani and Khajuripada tahasils remanded to SDLC for detail enquiry as the same plots in respect of one case record have been allotted in other cases which show duplicacy of plot numbers. Resubmission suggested. No plot numbers in 2 other cases.

- Kandhamal 5-9-14: Retired RIs/amins either not found or unwilling to work @Rs.5200/month affecting the vesting process (incorporation in records); so the Collector asked to write to the government to increase the honorarium.
- Sundargarh 20-10-11: “Sub-Collectors expressed the difficulties of non-availability of forest staff during the time of joint enquiry.”
- Keonjhar 14-11-09: ARI, Banspal Block remained on leave since date of joining, thus hampering the work. Collector ordered to stop his salary. WEO, Hatadihi was allegedly not taking any interest in the work and ‘willfully defaulting’, so Collector ordered for his replacement.
- Keonjhar 7-4-16: Forest (Gramya jungle) land used for construction of Rajiv Gandhi Seva Kendra in the newly formed Anra GP; case filed against Collector and others in the High Court.
- Mayurbhanj 29-2-16: It was found that IFR claims were mostly pending at Gramsabha/tahasil/SDLC level due to non-preparation of case records and consolidated trace map.

Issues have been discussed at SDLC levels too. For instance, the Malkangiri SDLC in its meeting dated 12-4-2016 mentioned that some pre-‘80 cases already settled under FRA were still shown as pending; so joint verification was required to be carried out.

Even after a decade of implementation experiences there are still some major gaps in the implementation, not to count the minor gaps such as errors in titles or insufficient details provided in the proceedings. For instance, despite the clear stand of the government to give due priority to the PVTGs, the progress under convergence programme was found quite poor by this study team in the Paudi Bhuyan area of Sundargarh district. It therefore not so surprising that the title-holders in Ergeda village (non-PVTG area) of Lathikata Block in the same district were yet to receive the benefits of convergence. On the other hand, the Gunupur SDLC in its meeting dated 9 May 2016 critically recorded the fact that field officials were still not sincere enough to check some of the serious errors made in the claims submitted by Gramsabhas to the SDLC and the chairperson even expressed his displeasure on the non-attendance of WEOs in the meeting despite intimation.

Change of forest kism lands to non-forest kisms during new settlements is also an issue in some areas. For instance, in Phulbani, Phiringia and Khajuripada tahsils of Kandhamal district some patra jungle lands have been shown as ‘patita’ in the new settlement, which in turn would create problem in RoR correction⁵².

⁵² Source: Sri Pramod Chandra Behera

While overrepresentation of forest officials in SDLC/DLC has been controversial, the same DFO or ACF being accountable to two or more SDLCs is another side of the issue indicating the extra burden of the DFO office⁵³.

The major issue is the identification and demarcation of land allotted to or recognized for the title-holders. The SLMC in its meeting dated 21-7-15 has focused on this issue with the observation that there is an urgent need of undertaking survey and demarcation of the plots. The ST and SC Development Department expressed its willingness to provide funds to recruit required personnel for this purpose. However, the progress in this matter appears to be very slow despite claims. This is partly because of unavailability of required human resources. The present study team was also reported in some areas that although there are recruitments, the concerned personnel are either too old to work in the field or too young and inexperienced to do the work in the right way. Usually retired revenue officials having a good knowledge of the local area are preferable for such kind of work, but such people are not always available. The SLMC has never mentioned this issue in any of its proceedings, so it is yet to take any effective action to address the problem.

Non-cooperation of the forest officials in joint verification was an important issue during the early phases and the Special Secretary of the Forest Department cited (SLMC meeting dated 24-10-2008) a large number of vacancy in field-level positions to be a cause of the problem though he also alleged that in many cases the forest officials were not being involved in the Gramsabha and FRC meetings; but approval of the Forest Department(local DFO) still continues to be a

Controversial allotments

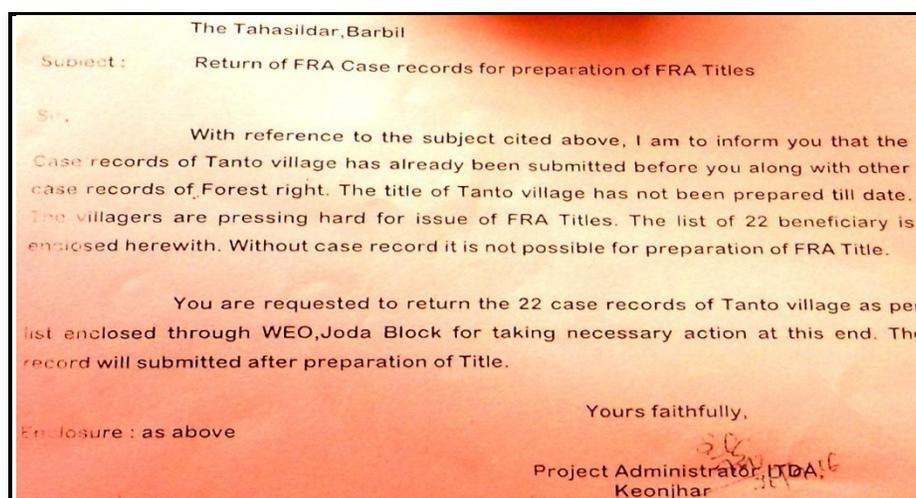
In the Khadia hamlet of Gudgudia (Mayurbhanj) many Khadias were granted titles in the initial phase @2 acres per HH, for a patch of land which they had identified for cultivation; but even after years of this recognition their lands were not demarcated and hence they could not make use of the same properly. It was during the visit of this study team that this lacuna was discovered and the concerned officials realized that it was because of a communication gap between the two responsible agencies that this issue continued unaddressed for such a long time.

In Batipada (Belghar Block, Kandhamal) however some people's titles have been recognized in the kisan 'bamboo forest' whereas they have never seen any bamboo forest in the neighborhood and say that such patches exist about 10 km away in the Lankagarh area. This raises serious doubt regarding the proper identification of their lands in the title.

The matter however became highly controversial when information received under the RTI Act revealed that in the Kutamimal village of Jamankira tahasil in Sambalpur district titles under FRA were issued to some people by diverting rayati lands (about 2.18 acres) of six persons. What is interesting is that the diverted land is significantly higher in area than the recorded rayati land area. This suggests sheer negligence and mismanagement (vide *The Sambad*, 16 July 2013)

⁵³ In some districts like Keonjhar the number of Forest Divisions is less than that of the sub-divisions and hence the situation. On the other hand, while the DLC should chose as its member one DFO as the nodal representative of the Forest Department, other DFOs may be made special invitees in case their participation is required in the meeting.

major issue in most areas although the SLMC has not been critical on this issue. While it is true that the DFO's office has certain responsibilities to verify the claims properly, particularly if the cases are related to reserved forests and Protected Areas; and this requires some time-consuming process to dispose the claims; the actual practice has been in disturbing in many cases (like Nilagiri sub-division of Balasore district). Such frustrations are sometimes expressed politely in the official proceedings, like the Koraput DLC making a statement in its meeting dated 2-7-2016 that the 'Forest department should be more sensitive and proactive for the disposal of FRA claims.'



This letter is but one of the several cases of administrative lapses causing delay in the grant or distribution of titles

Loss of records has been reported from some districts to a substantial scale. In few cases the erroneous reports/figures have created problems. Although all pending claims were to be finalized by 30th September 2016, as per the decision of the state nodal agency; this has not been possible practically⁵⁴.

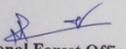
⁵⁴ The study team was reported (through telephone) from the remote village Tangasil (Garpadar GP, Koraput) that whereas the ignorant villagers had submitted their claim through the Forest Guard in July 2016, they had no idea about the outcome and did not even know where to go, enquire and do the necessary follow up.

ANNEXURE-II
[See Rule 8 (h)]TITLE FOR FOREST LAND UNDER OCCUPATION
(This Forest Right Title is provisional subject to final decision of Hon'ble high court)

- Name(s) of holder(s) of Forest Rights (including spouse): Lili Marandi
- Name of the Husband/Wife : Pata Marandi
- Name of the Father/Mother : Kusa Marandi
- Name of dependents : Minati(12), Sakuntala(9).
- Address : At:- Bhaliaposi, P.O.:- Jamuna, P.S.:- Berhampur, Balasore
- Village/Gram Sabha : Rissia
- Gram Panchayat : K.C.Pur
- Tehsil/Taluka : Nilgiri
- District : Balasore
- Whether Scheduled Tribe or Other Traditional Forest Dweller: ST(Santala)
- Area : ^{A=0.60 dec.} A 2.96 dec. (Village Forest under Cultivation & Habitation)
- Description of boundaries by prominent Mouza : Rissia
Landmarks including Khasra/compartment No: Khata No.-284, Plot No.-975(A-0.26),
89/3(A-1.25), 89/4(A-1.45)
North:- Bhakta Marandi, South:- V.F, East:- V.F, West:- V.F.
North:- V.F, South:- V.F, East:- V.F, West:- V.F.
North:- V.F, South:- V.F, East:- V.F, West:- V.F.

This title is heritable, but not alienable or transferable under sub section (4) of section 4 of the Act.

We, the undersigned, hereby, for and on behalf of the Government of Orissa affix our signatures to confirm the above Forest Right.


Divisional Forest Officer,
Balasore, WL Division


District Welfare Officer,
Balasore
District Welfare Officer
Balasore

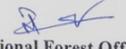

Collector, Balasore
Collector, Balasore

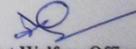
ANNEXURE-II
[See Rule 8 (h)]TITLE FOR FOREST LAND UNDER OCCUPATION
(This Forest Right Title is provisional subject to final decision of Hon'ble high court)

- Name(s) of holder(s) of Forest Rights (including spouse): Harsamani Nayak ✓
- Name of the Husband/Wife : Jatindra Nayak
- Name of the Father/Mother : Late Abhi Nayak
- Name of dependents : Pramila-25yrs, Basudeba-20yrs, Tilatama-15yrs.
- Address : At:- Gandharipada, P.O.:- Jamuna, P.S.:- Berhampur, Balasore
- Village/Gram Sabha : Rissia
- Gram Panchayat : K.C.Pur
- Tehsil/Taluka : Nilgiri
- District : Balasore
- Whether Scheduled Tribe or Other Traditional Forest Dweller: ST(Bathudi)
- Area : ^{A=0.60 dec.} A 3.20 dec. (Village Forest under Cultivation & Habitation)
- Description of boundaries by prominent Mouza : Rissia
Landmarks including Khasra/compartment No: Khata No.-284, Plot No.-1866/8(A-0.70),
1836/11(A-1.50), 1866/4(A-1.00)
Plot No.-1866/8 North:- Plot No-1866/3, South:- V.F, East:- V.F, West:- Kenal.
Plot No.-1836/11 North:- Plot No-1836/7, South:- Plot No-1836/12, East:- V.F, West:-
Plot No-1836/17.
Plot No.-1866/4 North:- Plot No-1866/5, South:- V.F, East:- V.F, West:- Plot No-1845.

This title is heritable, but not alienable or transferable under sub section (4) of section 4 of the Act.

We, the undersigned, hereby, for and on behalf of the Government of Orissa affix our signatures to confirm the above Forest Right.


Divisional Forest Officer,
Balasore, WL Division


District Welfare Officer,
Balasore
District Welfare Officer
Balasore


Collector, Balasore
Collector, Balasore



These are but few samples of the titles from the Nilagiri sub-division in Balasore in which the DFO has made what he says 'corrections', thereby reducing the originally recognized area significantly. When asked to justify such unethical practice, he first said that such titles were actually rough copies(?) which the DWO should not have distributed; and that he has tried to limit the area to the actual one under possession; but then why should his 'corrections' be only some round figures whereas the actual land areas are normally odd figures? He admitted finally that the corrected figures were just arbitrarily made. (Interaction dated 25-09-2016)

Women's rights under FRA

The FRA has mandated for equal rights of women in forest rights so far individual titles are concerned. It has also tried to ensure the participation of women in the decision making process, be it the Gramsabha, or FRC, or SDLC or DLC.

However, in practice there are few districts where only the wife's name has been mentioned as the title-holder whereas in other district the wife's name has been put in the space for dependants.

The participation of women in Pallasabha or FRA claim process is mostly in the name sake because of the social practices. In FRCs the number of women members is maintained more to meet the norms. In DLC or SDLC meeting too, the attendance of women members has been found to be poor. Like, in Rayagada DLC meeting dated 3-12-2008, the number of participants was as many as 30; but there was no woman.

In Rujipada village (Khajuripada Block, Kandhamal) a curious case of the underlying dynamics came up to our notice. Whereas the fund for land development is available with the local administration for the title-holders, the men-folk do not want to avail the same just because they do not want to work hard and the women-folk despite their disagreement on this attitude can't do much as they feel they can't do the work themselves.

The case of Mita Krusika came to the notice at national level when she was assisted by the civil society to present her issue in a public hearing held at New Delhi on 28 November 2011. A widow from village Karlakana in Chandrapur Block of Rayagada district, she was staying with her only son who was a minor at that time. Traditionally the family had occupied a piece of forest land of around 2 acres. They were primarily depending on that piece of land for their livelihood. After the Forest Rights Act, 2006 came into force, like others Mita too applied for recognition of her rights over the land they were in possession of. The Pallasabha/ Gramsabha approved the claim and sent it to the Sub-Divisional level Committee (SDLC), Gunupur. But the irony was that somebody else took possession of that land and Mita was denied of her traditional rights. After a detailed inquiry it surfaced that the claim of Mita Krusika had been rejected by the SDLC on the ground that 'the claimant is not cultivating any government land'. It was however strange that the same piece of land was recognized in the name of someone else. (Source: RCDC)

In Jagannathpur village of Bahalda Block (Mayurbhanj) we found the space meant for dependents was blank in one case of title. When enquired it was understood that the applicant had no sons but only daughters and since he thought that daughter are not supposed to inherit the parental property as per traditional practice hence he did not think of mentioning their names as dependents. This however may be an exceptional case as in some other titles elsewhere we have noticed names of even daughter-in-laws in the list of dependents.

In Naraharipur village near Parlakhemundi we found one ST woman not receiving the title. While there may be many like her, one can still say that FRA titles have empowered the widows and women-heads to some extent though due priority to widows or women-headed households is still required. Hope, the exclusive programmes like *Sambhavna* which is said to have ensured titles for about 1400 women in Kandhamal district (vide DLC proceedings of Kandhamal for 26-11-2015), would be taken up in the whole state to address this issue though it has been reported that till September 2014, out of the total 24166 claims of women received at GS level in 26 districts, 13526 received approval of the DLC for an area of 11551.7 acres (*ODISHA: Promise and Performance of the Forest Rights Act, 2006: The Tenth Anniversary Report*; p.19) .

6.2 AREAS OF CONCERN:

There are several areas of concern while ensuring the proper implementation of FRA. While a large number of CFR claims are still pending for approval, the post-entitlement scenario in respect of CFR management plan, etc. is one of the grey areas. Proper convergence where the plots have not been demarcated or identified is another matter of concern. Land use changes in forest lands recognized under FRA, that promote exotic species or species that are likely to affect the local socio-ecology in the long run, has received least attention though it is also a grey area to be discussed. Below we analyse some of these major areas of concern with case studies in possible cases:

6.2.1 Rights of the OTFDs:

As on 31 August 2016, total number of individual claims filed by OTFDs at Gramsabha level in the state was 30223(4.89% of the total claims filed at GS level) as against 586826 by the STs, but whereas 406107 ST claimants got their claims approved by the DLC, only 1042 OTFD claims have been recored as approved (by DLC) with 25316 cases rejected. The projected approval cases of OTFDs is only 0.25% of the total approval cases (vide annexure-2).

The Act doesn't differentiate between the STs and the OTFDs on the basis of their well-being, or economic condition or social differences except for asking the OTFDs for a proof of having primarily resided in the claimed forest area having bonafide livelihood dependency on the same for 3 generations (75 years) as calculated back from 13-12-2005; but the government machinery in the state seems to have done this (discrimination), though virtually and informally.

However, the fact is that there are several other OTFD communities who are at best at par with the Santhals in their socio-economic condition, not to speak of those in miserable conditions such as the Paharia of Nuapada district. The study covered OTFD communities such as the Bindhani (Mayurbhanj), Paiko (Gajapati), Pujari (Kandhamal) and Mali (Koraput) who are feeling that injustice has been done to them in respect of recognition of their forest land titles.

The implementing authorities have either refused to facilitate the application process for the OTFDs or have said,"Your turn will come later; first the STs would be considered". In several cases (like Hatikot Nuadihi in Mayurbhanj) the OTFD applicants just do not know what happened to their applications.

This has generated a sense of conflict between the STs and the OTFDs, particularly in villages where both had applied and only the STs got the title as well as convergence benefits. Even the people's movement for their rights has been affected by such conflicts as reported to us in the Maliguda village of Baipariguda Block in the Koraput district.

Although the MoTA has repeatedly(2008 and 2011) clarified that the proof of 3 generations dependency shouldn't actually mean 'occupation' of the forest land for 75 years and that the

condition imposed under Section 2(o) should be applicable even if the claimant's dwelling house is outside the claimed forest land provided he/she should be spending most of his/her time in the claimed land for bonafide livelihood needs; still the general approach at the official level is to get convinced of three generations' occupancy while processing the OTFD claims. Of course, the term 'primarily' used in the said section has had its implications that could not be overcome in the MoTA clarifications because their letter dated 9th June 2008 said that such claimants must be 'primarily spending most of their time' in the claimed lands. Now, this 'most of the time' has replaced the perception of 'occupancy' creating a hurdle if the MoTA clarification is taken into consideration while processing the claims.

Some other officials found it risky to handle OTFD applications particularly because verification of 75 years 'occupancy' (?) proof was an issue. The only proof of this 75 years 'occupancy' which OTFD applications normally attached was the statement of some villager elder, as they did not have any other records with them. On the other hand, in case of Gouda Kurlunda hamlet of Tarangada GP in Gajapati district where people (OTFD Gouda caste) claim to have a document issued in 1911 as a strong evidence in support of their claim, got neither individual titles nor CFR title (for more details, vide Mohanty, P.2013, *Study on Actual Use of FRA Recognized Land at Individual and Community Level*, RCDC, Bhubaneswar).

The ignored OTFDs

Few kilometers away from Baripada town is the village Hatikot Nuadihi where both STs and OTFDs reside. The OTFD Bindhani community has its own hamlet. The Bindhanis are originally blacksmiths, but that profession hardly works now; so they are dependent more on wage labour. Almost all are Below Poverty Line, having homestead land and negligible agricultural land (rayati); but the average forest land with each of them is 2.5 to 3 acres which they claim to have possessed for generations. Their claims were made in 2011, but not recognized yet. Had it been recognized, they had planned to develop the productivity of that forest land through pump-irrigation; but the non-recognition has frustrated them.



The Pujari people of Sarangagada village in Kandhamal district are small/marginal farmers more dependent on forest lands of *patra jungle* kism in the nearby Mundikupa jungle, though the present circumstances have forced them source their major income from wage labour, particularly MGNREGS. They say they neither were made aware of the scope and process under FRA nor were given the opportunity to apply. Their hamlet is a part of the larger hamlet Puruna sahi (which means the old hamlet) of the village where many other OTFD communities reside with a similar fate. Interestingly, some of them have rather received notice from the revenue department two years back against the encroachment of forest land.

The Nuka Dora community of Baraja village in Pottangi Block of Koraput district is frustrated enough to see the Kanda Dora community getting forest rights as the latter is recognized as ST. They (Nuka Dora) say, "Have we eaten dirt and they (Kanda Dora) have eaten rice?", which means if the two communities are almost same in nature and lifestyle, why does one get so much facility and the other ignored? Now their only hope under FRA is to get CFRR for the hill forest which they have been protecting for about 30 years. The joint verification was recently carried out for this purpose, but questions were asked about their three generation occupancy and they were unable to produce the proof though this is not required for



In Sundargarh district, the administration found that such statement attached to the application of few non-indigenous persons was forged⁵⁵; so all the OTFD titles were cancelled. The Collector does recognize that there must be some genuine applicants among the OTFDs, but as the administration finds it difficult to verify each and every record within a short time period, hence this decision was taken.

The case of Manoharpur in the Hemgiri Block of Sundargarh district provides an extraordinary example of the complexity. The village has both STs and OTFDs(Gouda) and both have received the title. The administration however cancelled the titles of OTFDs and asked them to return the same which the Goudas do not want to oblige and have approached the court of law. The Court in turn asked for a verification by the Tahasildar but the latter issued a notice that since the applicants (title-holders) did not turn up despite repeated notices served to them and in the meantime the DLC had decided to cancel their titles, hence their claim stood cancelled. The administration is critical of the claimants here as the village is to be taken over for a mining enterprise and vested interest groups are supposed to have been trying to misuse FRA to get the land right for ensuring the compensation⁵⁶.

The issue took a critical turn after complaint was raised in the SLMC meeting dated 23-11-2012 by Dr. Prafulla Majhi, MLA and member SLMC that “claims particularly in villages like Darlipali, Raidihi etc. in Sundargarh district have been settled in favour of non-STs manipulating the requirement of 75 years and that such settlement have been done in favour of few influential persons who have been subsequently got substantial compensation of such land through land acquisition. “The administration made an enquiry and ‘found’ the claimants neither neither resided in that land nor occupied for bonafide livelihood purpose. However, as the land was not acquired under land acquisition hence payment of substantial compensation did not arise; observed the district administration (Sundargarh DLC proceedings of 21-12-2012).

The SLMC observed that “In case of rejection of claims filed by Other Traditional Forest Dwellers, each district should carry out the sample survey to ascertain the reasons, report the results thereof and take corrective measures. The survey may be carried out in atleast 20 cases per district or 2% of such rejected claims whichever is more(proceedings of the meeting dated 23-11-2012). In its next meeting it made a specific observation on the Darlipali case with the remarks that “It was decided by the SLMC to cancel such title immediately and initiate action against the erring official involved in the process. All the titles issued in favour of OTFDs in all the districts of the state should be checked thoroughly and the process needs to be completed by thr end of September 2013. Wherever compensation amount has been received by such OTFDs

⁵⁵ The enquiry report on the claim of one Mr. Jaiswal in Bonai subdivision may be referred for this purpose. Although Mr. Jaiswal attached statement of the elderly persons as the proof of '75 years' occupancy, it was understood that such non-indigenous families have migrated to the area only some 30-40 years ago and not before 1930. Further, certain other things were also found forged.

⁵⁶ The villagers (particularly the STs) claim that compensation against forest land title was promised in the RPDAC meetings. This however could not be verified by the study team.

on account of holding individual rights in forest lands and through fraudulent means, action should be initiated for recovery of the land acquisition compensation. “(SLMC proceedings of the meeting dated 27-6-2013).

As a follow up the Sundargarh DLC cancelled five OTFD titles in the first phase (DLC meeting dated 29-9-2014), with subsequent actions on other OTFD cases. Like, patta earlier issued in favour of Smt. Premlata Panda was reverified on the basis of Tahasildar’s report which said that she was dead and that her son cultivating only a part of the concerned land but ‘he does not depend on the forest land critically for bonafide livelihood needs.’ Also there was no ‘convincing proof of their three generation occupation of the land’; hence it was cancelled (DLC meeting dated 12-2-15).

The Sundargarh Sadar SDLC stated in its proceedings that ‘279 cases relate to OTFD which are under further examination.’ All claims of Manorahpur (OTFD and ST) were rejected due to ‘not in possession’.(meeting dated 18-12-2014).The details attached to the said proceedings suggest that the concerned land in Gopalpur is mostly patra jungle; and the area claimed is between 1 to 2 acres in most cases. In case of other villages simply ‘OTFD’ is mentioned in approved/rejected column without any clear mention of rejection or approval, while in other cases ‘rejected’ is mentioned.

In its next course of action the Sundargarh DLC observed that “The matter of 57 OTFD xxx titles which was submitted xxx for cancellation was taken up in the committee. The committee found no specific remarks in the order sheet or the reasons there for cancellation in the case records. The committee decided to remand those case records to Sub-Collector, Sadar for making necessary order in the order sheet of the case record and specifically mention the reasons for cancellation of OTFD titles in order to avoid litigation in future”(meeting dated 2-7-16). Also, “22 OTFD claims from Bonai rejected as they failed to prove ‘three generation residential proof’. In order to avoid future litigation, Sub-Collectors are instructed to retrieve the titles issued earlier and cancelled at a later stage, so as to prevent such holders of forest title take any wrongful mileage out of it”(meeting dated 14-9-16).

The clarifications issued by MoTA on the 75 years evidence do not seem to have been duly considered by most SDLCs and DLCS. For instance, the Bonai SDLC proceedings stated that OTFD claims had been rejected by Gramsabha because ‘the claimants have failed to prove their three generations existence of the said land’. Titles issued to some earlier, but second enquiry (joint) revealed that they failed to prove three generations existence. Hence, these titles are sent to DLC for further action” (meeting dated 31-8-2016).

The fact is that even the ST claimants would have failed in most cases to attach any documentary evidence to prove their occupancy since three generations. The Collector and Chairman of DLC, Rayagada however stressed on giving due recognition to all genuine claims of OTFDs (meeting dated 27-09-2015).

The result of state-wide discrepancy in handling OTFD claims is that whereas in March 2015 total 617 titles for OTFDs were officially recognized (Angul-15 and Sundargarh-602) and the figure increased to 987 in March 2016 (Rayagada-11, Malkangiri-359, Angul and Sundargarh being same as above); by July 2016 it drastically fell to only 73 (Angul-15, Rayagada-11, Malkangiri-47). This happened because all OTFD titles were cancelled in Sundargarh whereas all titles except those already distributed (47) in Malkangiri were held back (vide annexure-10).

The irony is that the only proof, i.e. statement of an old person is now quite difficult to be arranged for many OTFDs as 10 years have passed in between and the 75 years proof has virtually turned out to be 85 years proof whereas old persons of corresponding ages are becoming rarer in the villages.

It is understood that in Malkangiri district a PA-ITDA took pro-active measures to arrange the proof for the OTFD applicants and used documentary evidences from the British publications such as the Vizagapatnam District Gazetteer of 1907 to support their claims, but when the Collector raised objections (ground of objection being not clear) he withdrew and hence the process stopped there.

It is ironical that the State is yet to consider timely pro-active measures to give justice to the genuine OTFD claimants and as such the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act has virtually turned to be the Scheduled Tribes (Recognition of Forest Rights) Act in Odisha.

However, in some cases the CFR titles have been granted to both the ST and other communities of the village.



ANNEXURE - II : ପରିଶିଷ୍ଟ-୨

(TITLE FOR FOREST LAND UNDER OCCUPATION) [See Rule 8 (h)]

ବିଜ୍ଞାପନ ଥିବା ଜଙ୍ଗଲ ଜମି ପାଇଁ ଶିରୋନାମା (ନିୟମ-୮ (ଏଚ୍) ଦ୍ରଷ୍ଟବ୍ୟ)

- 1. Name (s) of holder (s) of forest rights (including spouse) : ଉତ୍ତମସୁଧୁ ଚୌଧୁରୀ
ଜଙ୍ଗଲ ଅଧିକାରଧାରୀଙ୍କ (ମାନଙ୍କ) ନାମ (ସ୍ତ୍ରୀ/ପୁଅ ସହିତ)
- 2. Name of the Father / Mother : ଶ୍ରୀ- ରାମଚନ୍ଦ୍ର ଚୌଧୁରୀ
ପିତା/ମାତାଙ୍କର ନାମ
- 3. Name of dependents : ନୀଳା- ଧରଣୀ ଚୌଧୁରୀ
ନିର୍ଭରକାରୀ ମାନଙ୍କର ନାମ

କ୍ର.ନଂ.	ନାମ	ଲିଙ୍ଗ/ବୟସ
୧.	ସୁମିତ୍ରା ଚୌଧୁରୀ	ଶ୍ରୀ- ସ୍ତ୍ରୀ
୨.	ସୁଧାଂଶୁ ଚୌଧୁରୀ	ଶ୍ରୀ- ପୁଅ
୩.	ସୁଧାଂଶୁ ଚୌଧୁରୀ	ଶ୍ରୀ- ପୁଅ

- 4. Address : ମନହରପୁର
ଠିକଣା
- 5. Village/Grama Sabha : ମନହରପୁର
ଗ୍ରାମ / ଗ୍ରାମ ସଭା
- 6. Gram Panchayat : ଝୁଝୁଗା
ଗ୍ରାମ ପଞ୍ଚାୟତ
- 7. Tehsil / Taluka : ଚନ୍ଦ୍ରପୁର
ତହସିଲ / ଡାକୁକ
- 8. District : ସୁନ୍ଦରଗଡ଼
ଜିଲ୍ଲା

A title issued in the name of OTFD claimant in Manoharpur (Sundargarh district). The second page of this title is reproduced next page.

9. Whether Scheduled Tribe or Other Traditional Forest Dweller :
 ଅନୁସୂଚିତ ଜନଜାତି କିମ୍ବା ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀ
 ଅନୁସୂଚିତ ଜନଜାତି / ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ବନବାସୀ

ଜା-୩୨୭

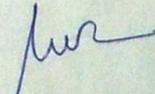
10. Area :
 ରକବା ୦ ୨.୧୦ ବି.

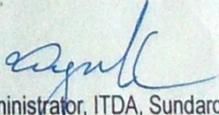
11. Description of boundaries by prominent landmarks including Khasra/Compartment No :
 ପ୍ରମୁଖ ଜମି ଚିହ୍ନଦ୍ୱାରା ଚୌହଦାର ବର୍ଣ୍ଣନା
 ଖସଡା/କମ୍ପାର୍ଟମେଣ୍ଟ ନମ୍ବର ସହିତ

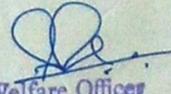
ମୌଜା	ଖାତା ନଂ	ପୁର/କମ୍ପାର୍ଟମେଣ୍ଟ ନଂ	କିସମ	ରକବା	ଚୌହଦା
ମନହରୀ ଖୁର୍ଦ୍ଧା	୭୫	୧୩୦/୧	ଜଙ୍ଗଲ	୦.୫୫	
		୧୪୦/୧	ଜଙ୍ଗଲ	୦.୩୦	
		୧୫୦/୧	ଜଙ୍ଗଲ	୦.୩୦	
		୧୬୦/୧	ଜଙ୍ଗଲ	୦.୩୫	
		୧୭୦/୧	ଜଙ୍ଗଲ	୦.୫୦	
				୦.୨.୧୦ ବି.	

This title is heritable, but not alienable or transferable under Sub-section (4) of Section 4 of the Act.
 ଅଧିକାର ଧାରା ୪ର ଉପଧାରା (୪) ଅନୁଯାୟୀ ଏହି ଶିରୋନାମା ବାଦଯୋଗ୍ୟ ଅଟେ କିନ୍ତୁ ହସ୍ତାନ୍ତରଯୋଗ୍ୟ କିମ୍ବା ବଦଳିଯୋଗ୍ୟ ନୁହେଁ ।

We, the undersigned, hereby, for and on behalf of the Government of Orissa, affix our signatures to confirm the above forest rights.
 ଆମେ ନିମ୍ନ ସ୍ୱାକ୍ଷରକାରୀଗଣ ଏତଦ୍ୱାରା ଓଡ଼ିଶା ସରକାରଙ୍କ ପାଇଁ ଏବଂ ତରଫରୁ ଉପରୋକ୍ତ ଜଙ୍ଗଲ ଅଧିକାରକୁ ଅନୁମୋଦନ କରି ସ୍ୱାକ୍ଷର କରୁଅଛୁ ।


 Divisional Forest Officer
 ବନଖଣ୍ଡ ଅଧିକାରୀ


 Project Administrator, ITDA, Sundargarh
 ପ୍ରକଳ୍ପ ପ୍ରଶାସକ, ଆଇ.ଟି.ଡି.ଏ, ସୁନ୍ଦରଗଡ଼


 Dist. Welfare Officer
 Sundargarh


 Collector, Sundargarh
 ଜିଲ୍ଲାପାଳ, ସୁନ୍ଦରଗଡ଼

Project Administrator
 I.T.D.A., Sundargarh

Collector, Sundargarh

Not in possession

Performa for F.R.C Re-enquiry

- 1. Sl no. :
- 2. Claimant Name ✓ ବିନାୟକ ଜେ.ବି.ବି.
- 3. Father Name ✓ ଜନକଧରା ଜେ.ବି.ବି.
- 4. Permanent Address :
 Village : ବଳିଆପୁରୀ PS: Hemgir DIST : Sundargarh
- 5. Marital Status : Married/Unmarried
 If Married Spouse Name : ସୁଜାତା ଜେ.ବି.ବି.
- 6. Caste : ଶୂଦ୍ର ST/OTHERS
- 7. Possession Details :

Khata.No	PLOT NO	KISAM	AREA	PROFESION GROUND
୧୧	୧୪୦/୧୮	ଭରସାଳା	୧୦୦୩୦	<i>ନିମ୍ନଲିଖିତ ସମସ୍ତ ଜମି କାର୍ଯ୍ୟକାରୀ ନୁହେଁ ।</i> <i>କିମ୍ପା ସମ୍ପର୍କରେ କୌଣସି କାର୍ଯ୍ୟକ୍ରମ ନାହିଁ ।</i>
	୧୪୦/୨୧	"	୧୦୦୩୫	
	୧୪୦/୪	"	୧୦୦୩୦	
	୧୦୩/୧୦	"	୧୧.୫୦	
	୧୦୩/୩	"	୧୦.୫୫	
			<u>୧୦୨.୯୫</u>	

Remarks: *ନିମ୍ନଲିଖିତ ସମସ୍ତ ଜମି କାର୍ଯ୍ୟକାରୀ ନୁହେଁ । କିମ୍ପା ସମ୍ପର୍କରେ କୌଣସି କାର୍ଯ୍ୟକ୍ରମ ନାହିଁ ।*

[Signature]
 Revenue Official
 Revenue Inspector
 Ghumudasan

[Signature]
 Forester
 Duduka Section

The so-called FRC re-enquiry which 'found' evidence of non-possession of the land claimed by the OTFD applicant and it was primarily using this 'evidence' that the titles issued to OTFDs were cancelled by the Sundargarh DLC. The process seems dubious as despite being called FRC re-enquiry, it has no signature or stamp from the FRC functionary.

ଉପଜିଲ୍ଲାପାଳଙ୍କ କାର୍ଯ୍ୟାଳୟ, ସଦର, ସୁନ୍ଦରଗଡ଼

ପତ୍ର ସଂଖ୍ୟା _____/ତା _____

ପ୍ରାପ୍ତେଷୁ:- ଶ୍ରୀ କୃଷ୍ଣ ଚନ୍ଦ୍ର ଭୋଇ
ଗ୍ରାମ ଝୁଲିଙ୍ଗା
ଜିଲ୍ଲା-ସୁନ୍ଦରଗଡ଼

ବିଷୟ:- ଜନଜାତି ଓ ଅନ୍ୟାନ୍ୟ ପରମ୍ପାରିକ ଜଙ୍ଗଲ ଅଧିକାରୀ(ଜଙ୍ଗଲ ଅଧିକାର ସ୍ୱୀକୃତି) ଆଇନ ଓ
ସଂଶୋଧିତ ନିୟମାବଳୀ ଅନୁସାରେ ଦାଖଲ ହୋଇଥିବା ଦାବୀର ଶିରୋନାମା(ପତା) ବାତିଲ ସମ୍ବନ୍ଧେ ।

ମହାଶୟ/ମହାଶୟା,

ଅନୁସୂଚିତ ଜନଜାତି ଓ ଅନ୍ୟାନ୍ୟ ଜଙ୍ଗଲ ଅଧିକାରୀ (ଜଙ୍ଗଲ ଅଧିକାର ସ୍ୱୀକୃତି) ସଂଶୋଧିତ ନିୟମାବଳୀ 2012 ର ଧାରା 12(କ) ଉପଧାରା 7 ଓ 10 ଅନୁଯାୟୀ ଆପଣଙ୍କୁ ଜଣାଇ ଦିଆଯାଇଅଛି ଯେ, ଆପଣ ଦାଖଲ କରିଥିବା ବ୍ୟକ୍ତିଗତ ଜଙ୍ଗଲ ଅଧିକାର ଦାବୀ ସମ୍ପର୍କିତ ଆପଣଙ୍କ ସପକ୍ଷରେ ଶିରୋନାମା (ପତା) ପୂର୍ବରୁ ପ୍ରଦାନ କରାଯାଇଥିଲା ଏବଂ ପୁନଃ ଯୁକ୍ତ ତଦନ୍ତରୁ ଜଣାଗଲା ଯେ ଉକ୍ତ ପାଇଥିବା ଜଙ୍ଗଲ ଜମି ଆପଣଙ୍କ ଦଖଲରେ ନ ଥିବାରୁ ଜିଲ୍ଲାସ୍ତରୀୟ କମିଟିଙ୍କ ତା-7.6.2016 ଆଦେଶ ଅନୁସାରେ ଆପଣଙ୍କ ସପକ୍ଷରେ ଫୁଲନ କରାଯାଇଥିବା ଶିରୋନାମା(ପତା) ବାତିଲ କରାଯାଇଅଛି ।

ଏଣୁ ଆପଣଙ୍କୁ ଅନୁରୋଧ କରାଯାଉଅଛି ଯେ, ଉକ୍ତ ପତ୍ର ପାଇବାର 15 ଦିନ ଭିତରେ ଆପଣଙ୍କ ସପକ୍ଷରେ ପ୍ରଦାନ କରାଯାଇଥିବା ଶିରୋନାମା(ପତା) ଉପ-ଜିଲ୍ଲାପାଳ ସଦର ସୁନ୍ଦରଗଡ଼ଙ୍କ କାର୍ଯ୍ୟାଳୟରେ ଦାଖଲ କରିବା ହେବେ ।

ଆପଣଙ୍କ ବିଶ୍ୱସ୍ତ


ଉପ-ଜିଲ୍ଲାପାଳ ସଦର
ସୁନ୍ଦରଗଡ଼

ଜ୍ଞାପକ ସଂଖ୍ୟା _____ ତା _____

ଏହାର 2 କିତା ନୋଟିସ ତହସିଲଦାର କୃଷ୍ଣ ଚନ୍ଦ୍ର କ ପାଖକୁ ଚାମିଲ କରି ଏହାର ଏକ କିତା ନୋଟିସ
ଫେରସ୍ତ କରିବା ନିମନ୍ତେ ପ୍ରେରଣା କରାଗଲା।


ଉପ-ଜିଲ୍ଲାପାଳ ସଦର
ସୁନ୍ଦରଗଡ଼

Letter issued by the Sub-Collector to one OTFD title-holder conveying the decision of the DLC to cancel his title and requesting to deposit the title in the Sub-Collector's office. What is remarkable is that this letter doesn't contain any letter number or date for itself.



ତହସିଲଦାର କ୍ଷ କାର୍ଯ୍ୟାଳୟ, ହେମଗିର
(ସୂଚନା)

ବିବିଧ ରାଜସ୍ୱ (ଦାବା/ଦରଖାସ୍ତ) ମୋକଦ୍ଦମା ନଂ: ୧/୨୦୧୬

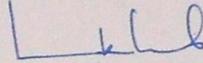
୧୨/୧୨/୨୦୧୬

ଶ୍ରୀ/ଶ୍ରୀମତୀ...
ପ୍ରଫୁଲ୍ଲ ବିକ୍ରମ ସିଂ ଶୁକ୍ର ଦେବୀ

ଗ୍ରାମ- ମନୋହରପୁର ଥାନା- ହେମଗିର ଜି: ସୁନ୍ଦରଗଡ଼

ଏତଦ୍ୱାରା ଆପଣଙ୍କୁ ସୂଚିତ କରାଯାଉଅଛି ଯେ, ଆପଣ ଶିଳ୍ପ (ଲିଜ୍) ମୋକଦ୍ଦମା ନଂ. ୧୨/୨୦୧୫ ଆଧାରରେ ଓ.ପି.ଜି.ସି.ଲିଃ କ୍ଷ ନାମେ ମନୋହରପୁର କୋଇଲା କ୍ଷେତ୍ର ପାଇଁ ଅଧିଗ୍ରହଣ କରାଯାଉଥିବା ଜଙ୍ଗଲ ଜମି ବିତଳନ ପୁତ୍ରେ ବନ୍ଦୋବସ୍ତ ପାଇଁ ମଞ୍ଜୁରୀ ପ୍ରାପ୍ତ ହୋଇଥିବା ତଥା ଉକ୍ତ ଜଙ୍ଗଲ ଜମି ମଧ୍ୟରୁ ଆପଣ ନିଜନାମେ ମଞ୍ଜୁରୀ ପ୍ରାପ୍ତ ଜଙ୍ଗଲ ଜମି ଶିରୋନାମା ଗ୍ରହଣ କରିଥିବା ହେତୁ ତହସିଲଦାରଙ୍କ ସ୍ୱତ୍ୱପୂର୍ଣ୍ଣ ରାଶି/ଟଙ୍କା ପ୍ରାପ୍ତ ନିମନ୍ତେ ମାନ୍ୟବର ଉକ୍ତ ନ୍ୟାୟାଳୟ, ଓଡ଼ିଶାଙ୍କ ଦ୍ୱାରା ହୋଇଥିଲେ । ତଦନୁସାରେ ମାନ୍ୟବର ଉକ୍ତ ନ୍ୟାୟାଳୟଙ୍କ ଉପରୋକ୍ତ ମୋକଦ୍ଦମା ପ୍ରସଙ୍ଗ କ୍ରମେ ପ୍ରଦତ୍ତ ଆଦେଶ ମତେ ଆପଣଙ୍କ ଆପତ୍ତି ଦରଖାସ୍ତର ଶୁଣାଣୀ ନିମନ୍ତେ ପର୍ଯ୍ୟାୟ କ୍ରମେ ତିନି ଥର ନୋଟିସ ଜାରି କରାଯାଇଥିଲା ଏବଂ ଉକ୍ତ ଶୁଣାଣୀରେ ଆପଣ ହାଜର ହେବା ପାଇଁ ପର୍ଯ୍ୟାୟକ୍ରମେ ଅବ୍ୟାବଧି ଅତିରିକ୍ତ ସମୟକାଳ ପ୍ରଦାନ ନିମନ୍ତେ ପ୍ରାର୍ଥନା କରି ଆସୁ ଅଛନ୍ତି ।

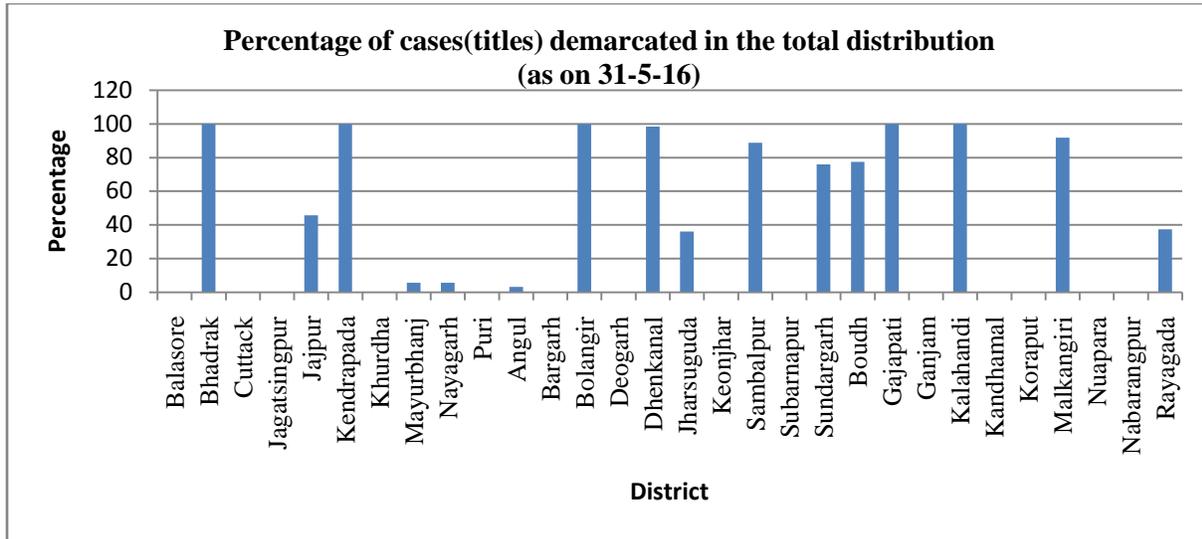
ଉକ୍ତ ମଧ୍ୟରେ ମହକୁମା ସ୍ୱରାୟ କମିଟି(SDLC)ଙ୍କ ସୂଚନାନୁଯାୟୀ ଆପଣଙ୍କ ନାମେ ପ୍ରଦାନ କରାଯାଇଥିବା ଜଙ୍ଗଲ ଜମି ଶିରୋନାମାକୁ ଜିଲ୍ଲାସ୍ତରୀୟ କମିଟି (DLC) ଖାରଜ ତଥା ନାକବୁ କରିଅଛନ୍ତି । ଏଣୁ ଏହି ସମ୍ବନ୍ଧରେ ଆପଣଙ୍କ ଆପତ୍ତି ଦରଖାସ୍ତ ତଥା ଅଧିଗ୍ରହଣ କରାଯାଉଥିବା ଜଙ୍ଗଲ ଜମିର ସ୍ୱତ୍ୱପୂର୍ଣ୍ଣ ରାଶି/ଟଙ୍କା ଦାବୀର କୌଣସି ଯଥାର୍ଥତା ପରିଲକ୍ଷିତ ହେଉନାହିଁ । ସେହି ହେତୁ ଆପଣଙ୍କ ଦାବା ସମ୍ବନ୍ଧରେ ଆପତ୍ତି ଦରଖାସ୍ତକୁ ଏଥିସହ ଖାରଜ କରାଗଲା ।


ତହସିଲଦାର, ହେମଗିର
ଜି: ସୁନ୍ଦରଗଡ଼

Letter of the Tahasildar, Hemgir to one OTFD title-holder intimating the decision that whereas he never appeared in the court of the Tahasildar in response to three notices served to him as per the direction of the Hon'ble High Court to hear his grievance petition(claiming compensation against forest land title) and whereas in the meantime the DLC has cancelled his title, hence his grievance petition claiming compensation is hereby rejected.

6.2.2 Land demarcation:

As per the records (vide annexure-12), Gajapati holds the record of highest demarcation cases followed by Malkangiri; but in terms of performance expressed as percentage in total number of titles distributed Gajapati, Kalahandi, Balangir, Kendrapada and Bhadrak show 100% achievement.



(based on annexure-10)

However, there is some doubt regarding the authentication of figures of achievements.

The study team was told by some district officials that since the measurement had been done at the time of verification of the claim, hence that itself meant demarcation; so there was no

LAND CASES AGAINST POOR K'JHAR JUANGS DROPPED
 Tuesday, 18 November 2014 | MALAY MOHAPATRA | KEONJHAR | in Bhubaneswar

☆☆☆☆☆ 👍 0 | A+ A- 🖨️ ✉️

The Forest Department has finally decided to drop cases against 14 Juang tribals of Baragarh village under Banspal block.

In a letter addressed to the Sub-Divisional Judicial Magistrate (SDJM), Keonjhar, the Keonjhar DFO has admitted the fact that these tribals were given land pattas as per the Forest Rights Act (FRA), but since the land allotted to them was not properly demarcated and not shown to them, they had mistakenly tried to clear another forestland near their village, for which the department had registered cases against them.

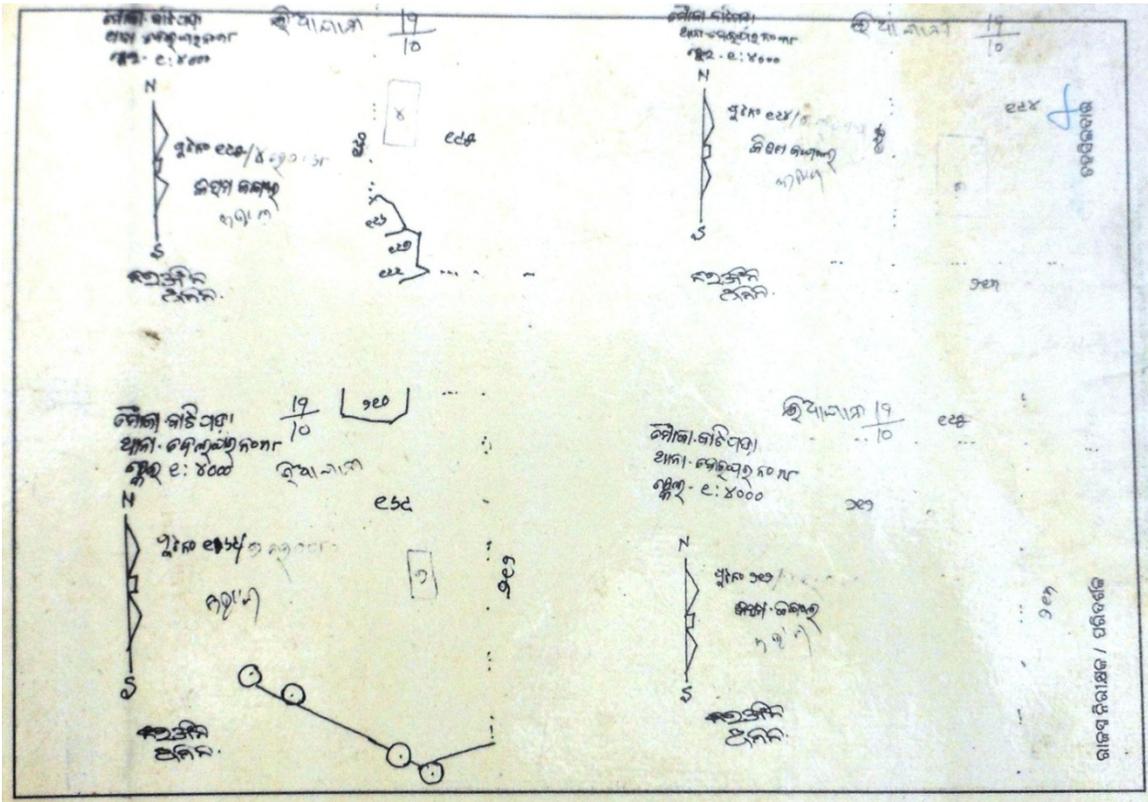
Since it was found during an inquiry that these tribals had unknowingly and unintentionally violated the forest laws, the department has preferred to drop the cases filed against them.

It is worth mentioning that a report had been published in The Pioneer as to how primitive tribes were victims of the Forest Department and were ruined fighting false cases registered against them.

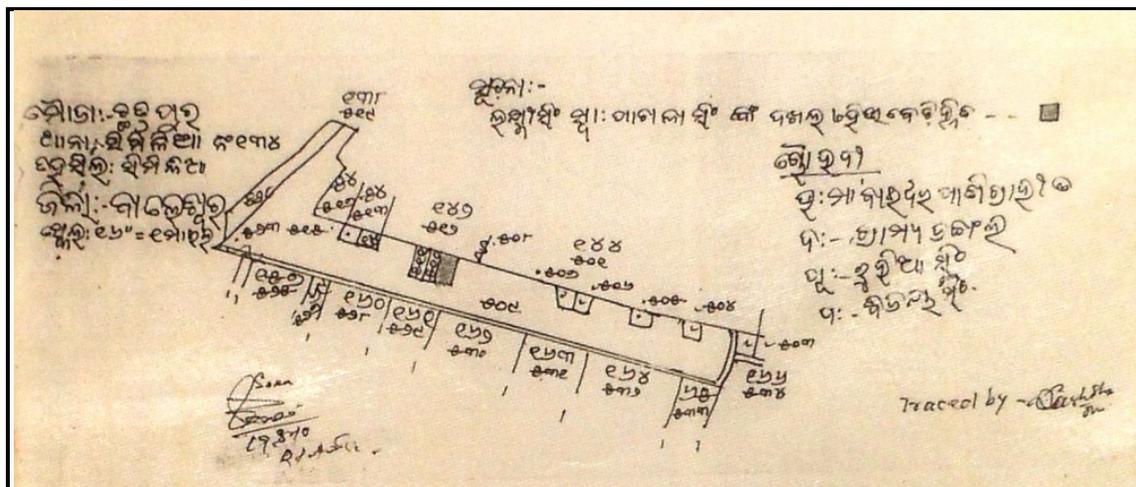
The Government's action had spread panic in the area and villagers tried to hide themselves fearing arrest and didn't even dare to send their children to school. A fresh investigation by the department was made after the issue was brought to light by The Pioneer. Finally, the Forest Department in its letter no 6748 addressed to the SDJM withdrew the cases to restore peace and harmony in the village.

The issue of negligence in demarcation as reflected in a media report concerning the PVTG Juangs (<http://www.dailypioneer.com/state-editions/bhubaneswar/land-cases-against-poor-kjhar-juangs-dropped.html>)

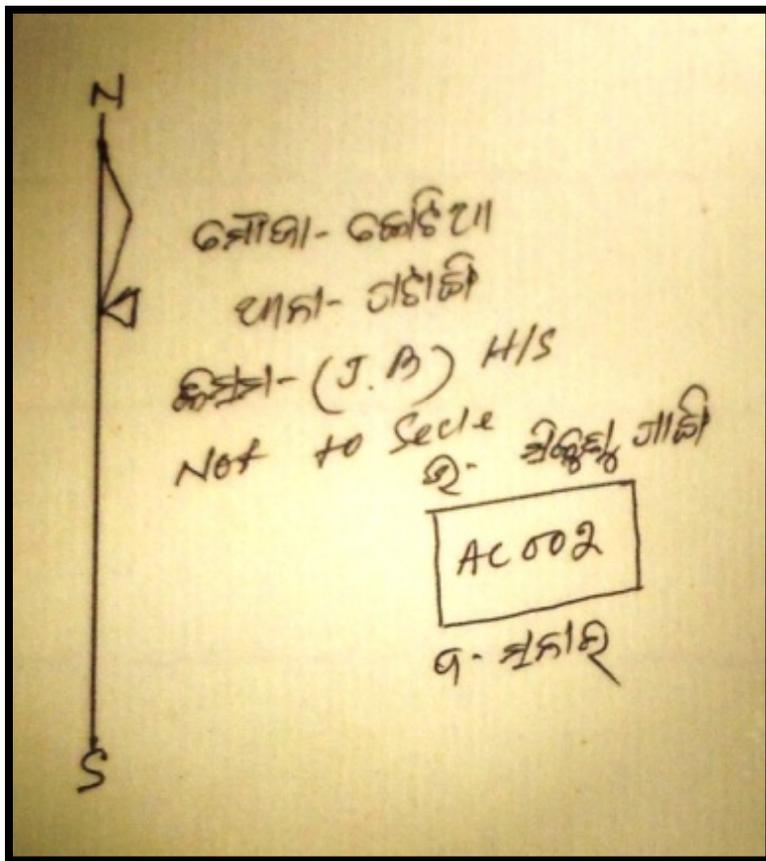
need for any further demarcation process. Even if this is true, it can't be valid always because many claims have but been partially recognized. Moreover, in a few cases a patch of community land has been equally distributed among the concerned villagers, i.e. each title holder has received the same acreage of land; but this has been done in paper only and not in the field which is why the title holders have faced practical problem in identifying their plot(as has happened in case of the Khadias of Gudgudia in Mayurbhanj).



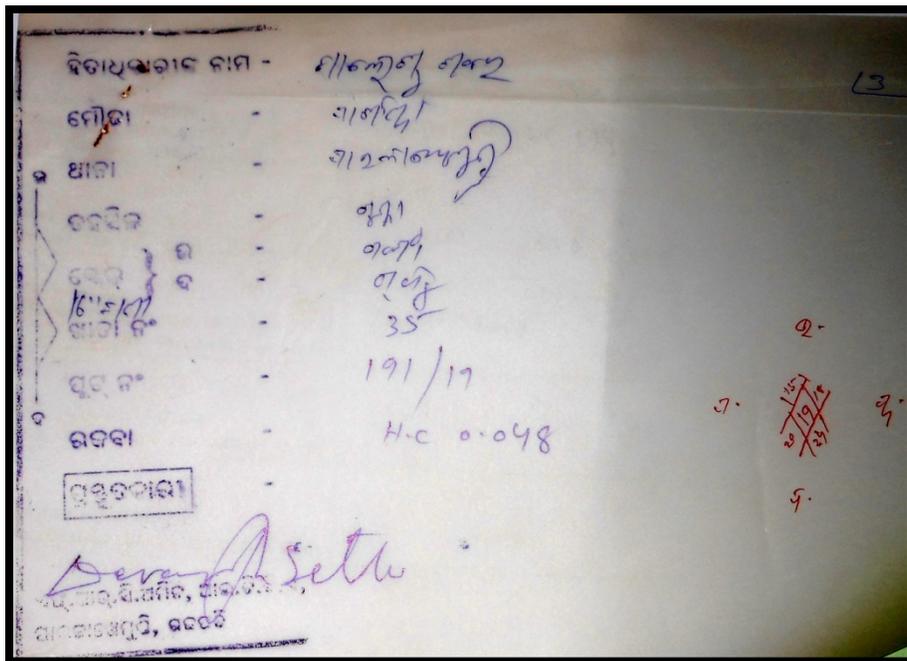
The trace map showing plots of Batipada village (Kandhamal) in the 'bamboo forest' area. The term 'bamboo' seems to have been added to the original mention of jungle in a later stage.



This trace map (Chatrapur village, Balasore district) has clearly identified the plot.



A sketch map from Kotia(Koraput) with inadequate plotting



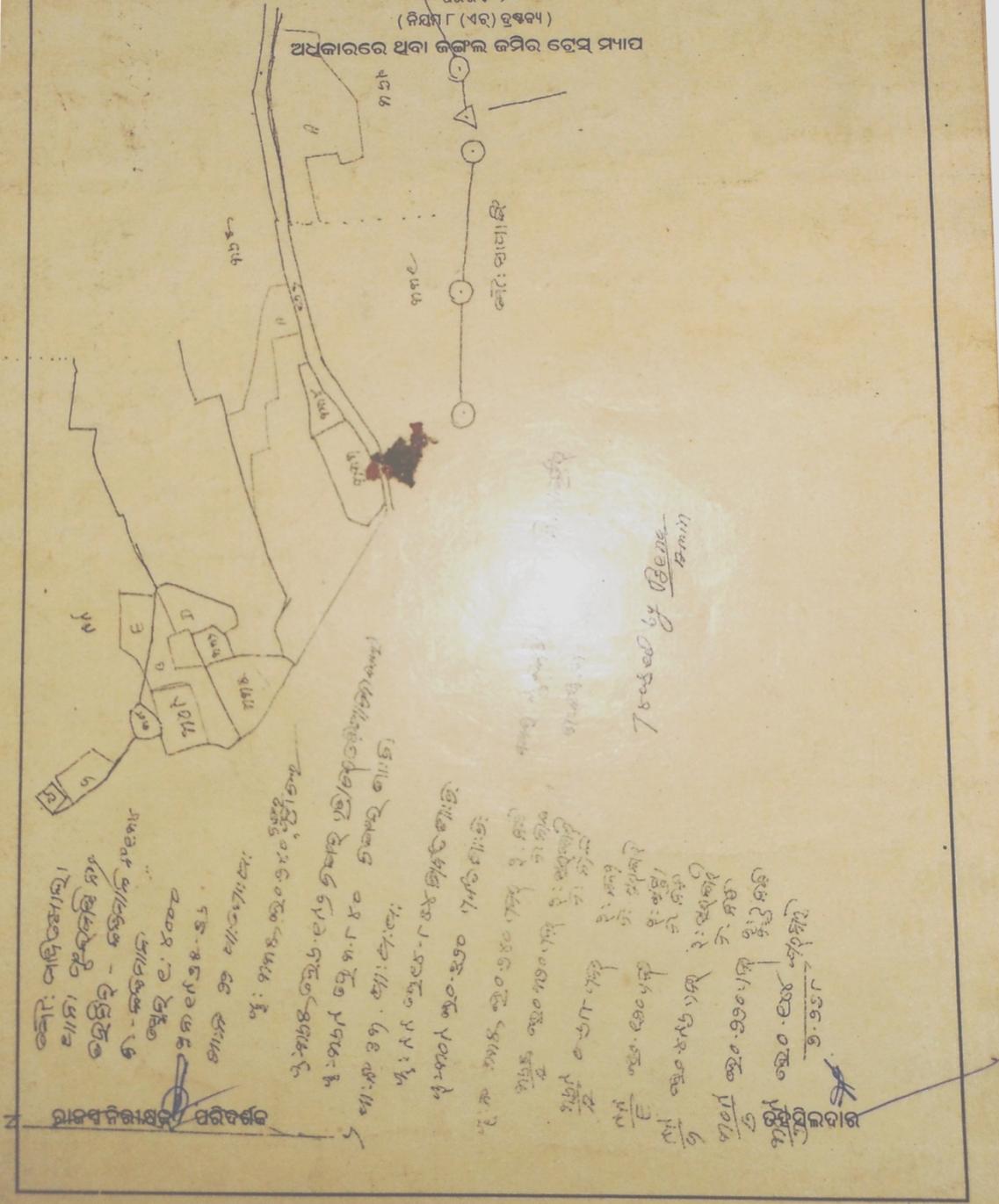
A sketch from Gajapati district where details of the holder (left side) are more prominent than the plotting(extreme right)



ପଞ୍ଜୀକୃତ ନଗରୀ ଓ ଗ୍ରାମ୍ୟା ପଞ୍ଜୀକୃତ ନଗରୀ
 (ମହାନ ଅଧିକାର ବାଦୀ) ବିଭାଗ, ୨୦୦୭
 ଭାରତ ସରକାର, ଚଳଚ୍ଚିତ୍ର ନିର୍ମାଣ ବିଭାଗ

ପରିଶିଷ୍ଟ-୨
 (ନିୟମାବଳୀ (୨୧) ଉଲ୍ଲେଖ୍ୟ)

ଅଧିକାରରେ ଥିବା ଜମାଲ କମ୍ପର ଚୈତ୍ର ମାସ



A good trace map showing the recognized land (Kandhamal district)

6.2.3 Correction of RoR and forest records

This is in a nascent stage in the state though good models of RoR correction have been created in Kandhamal and Balasore districts.

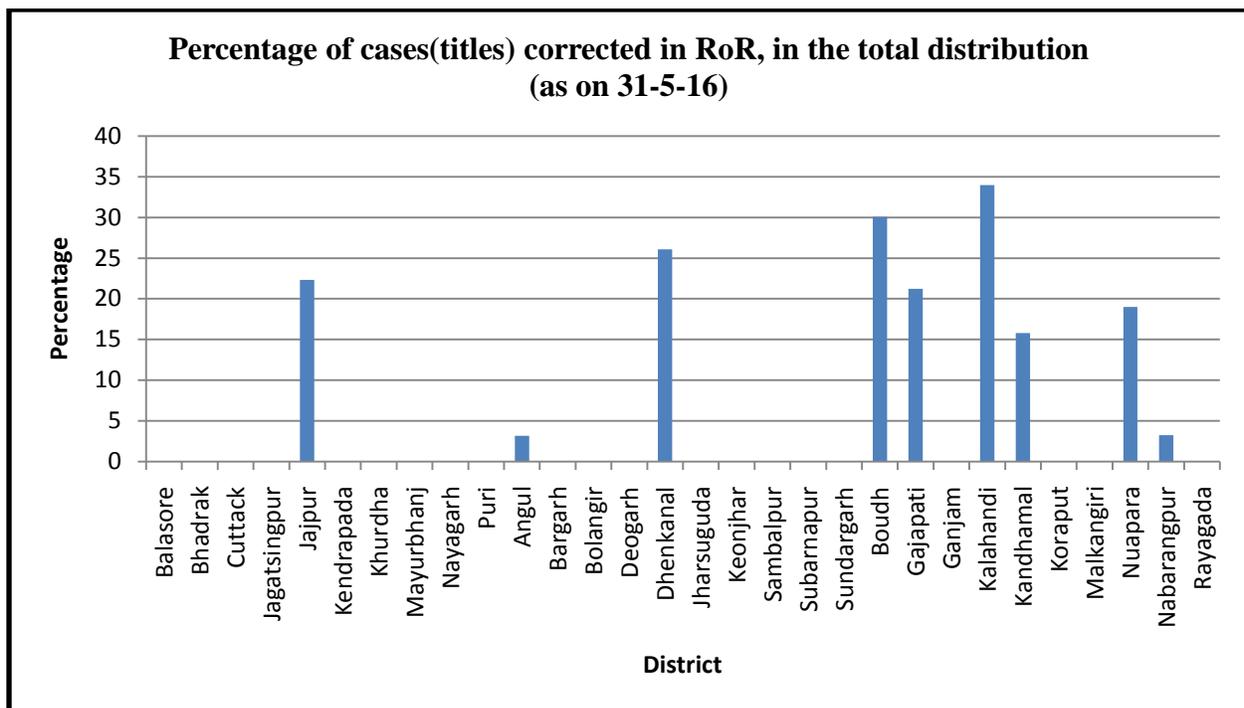
The process is an opportunity to rectify the errors made during the title-making process and should thus be quite comprehensive; but the actual practice is limited to only few things (as per the guidelines issued) and is not comprehensive.

The patta issued by the Tahasildar against the FRA title after RoR correction is the true patta of multiple use by the title-holders. Moreover, it has a column for cess which gives confidence to the title-holder that the government has really recognized the land right.

Correction of forest records is yet to begin though we found in Parlakhemundi Forest Division a separate register being maintained for the FRA titles. While maintaining these details have been instructed by the Forest Department, the DFO, Phulbani has in the meantime started incorporating the changes under FRA though only experimentally.

The FRC registers however are not updated to that effect.

As per the records updated upto 31 May 2016, Kandhamal followed by Gajapati district has made the highest number of RoR corrections (annexure-12), but in terms of performance expressed as percentage in total claims distributed Kandhamal followed by Boudh, Dhenkanal and Jajpur shows better performance.



କୋ. ମୁକାଦା ଚଳାମାଳି

ଉତ୍ତର (ଝର)

୨୩୦

			କ୍ଷେତ୍ର	ଆର
୫୮	ଜମାମାଳି	ଫକା ଜମାମାଳି	୧ ୦ ୦୬୦ ୧ ୦ ୩୩୬ ୦ ୫୭୪	FRA. C. NO - 2/2008 ମା.ମା.ନଂ - 33/2
୫୦	ଜମାମାଳି	ଫକା ଜମାମାଳି	୦ ୫୮୫ (-) ୦ ୩୨୪ ୦ ୨୬୧	FRA. C. NO - 3/2008 ମା.ମା.ନଂ - 33/3
୫୫	ପଢ଼ି	ସାର ପଢ଼ିଆ	୦ ୨୧୨	ତହସିଲଦାର ଭୁବନେଶ୍ୱର

ତହସିଲଦାର
ଭୁବନେଶ୍ୱର

RoR correction in Tumudibandha tahasil(Kandhamal). This document further proves that the forest land 'encroachment' has not been entered into the concerned

RoRs in each and every case(like the one in Baliapal tahasil) and hence records of encroachment in RoR cannot be always taken as an essential evidence to consider a claim under FRA.

Schedule I-Form No. 39-A (Revised)

ଖରିଆନ

ମୌଜା ପୁଝିଆପଞ୍ଜୀଳ
 ଥାନା ତୁମୁଡ଼ିବନ୍ଧା
 ଥାନା ନମ୍ବର ୨୭

ଚଢ଼େଇ ହୁମୁଡ଼ିବଳ
 ଚଢ଼େଇ ନମ୍ବର ୫୫୭
 ବିଧି କାଳିମାନ

କମିସନର ନାମ
 ଓ
 ଖେପାଟ ବା ଖରିଆନ ନମ୍ବର } **ଓଡ଼ିଶା ସରକାର ଖେପାଟ ନମ୍ବର - ୫**

୧ । ଖରିଆନର କ୍ରମିକ ନମ୍ବର } **୩୩/୨**

୨ । ପ୍ରକାଶ ନାମ, ପିତାଙ୍କ ନାମ,
 ଜାତି ଓ ବାସସ୍ଥାନ } **ଅମରସିଂହ ପାତ୍ର, ବି-କାଶ୍ୟା ପାତ୍ର
 ଦୁଲ୍ଲାସ ପାତ୍ର, ସ୍ତ୍ରୀ-ଅମରସିଂହ ପାତ୍ର
 ଶ-ଶାନ୍ତି, ବା-ମିଦିଆ**

୩ । ସ୍ୱରୂପ } **ପ୍ରକୃତ ଲାଗଣ ବା ଅନ୍ୟାନ୍ୟ ଉପକ୍ରମିତ ଲାଗଣସମ୍ପତ୍ତି
 (କମଳ ଅଧିକାର ସ୍ୱାଧୀନ) ଆକାର ୫୦୦୫ ଗୁଞ୍ଜର**

Binding Space	ପ୍ରକୃତ ଲାଗଣ				୫ । କ୍ରମବର୍ଦ୍ଧନଶୀଳ ଖରଣାର ବିବରଣୀ
	କରକର	ଖରଣା	ସେସ୍	ନିଶ୍ଚାର ସେସ୍ ଓ ଅନ୍ୟାନ୍ୟ ସେସ୍ ଯଦି ବିଛି ଥାଏ	
୪ । ଦେୟ					

୬ । ବିଶେଷ ଅନୁସର, ଯଦି ବିଛି ଥାଏ } **ଏହି ଚଳଣ ଅଧିକାର ପ୍ରକୃତକ୍ରମିକ ହେବ ଓ ଏହା ଉପକ୍ରମିତ ହେବ ଉପକ୍ରମିତ ନାହିଁ**

BLANK SPACE FOR STAMPING

**Tahasildar
Tumudibandha**


 ପରିଶିଷ୍ଟ-୨
 (ନିୟମ ୮ (ଏବଂ) ପ୍ରଥମ)

ଅଧିକାରରେ ଥିବା ଜମାଣ ଜମି ପାଇଁ ଶିରୋନାମା

୧. ଜମାଣ ଅଧିକାରଧାରୀଙ୍କ (ନାମକ) ନାମ - **ଆମରସିଂହ ପାତ୍ର**

୨. ପିତା / ମାତାଙ୍କ ନାମ - **ଦୁଲ୍ଲାସ ପାତ୍ର**

୩. ନିର୍ଦ୍ଧାରକାରୀଙ୍କ ନାମ - **ଦୁର୍ଗୁଣୀ ପାତ୍ର**

କ୍ରମିକ ସଂଖ୍ୟା	ନାମ	ରସସ	ସମ୍ପର୍କ
୧.	ଆମରସିଂହ ପାତ୍ର	୧୮	ପୁତ୍ର
୨.	ନିମରସିଂହ ପାତ୍ର	୧୩	ପୁତ୍ର
୩.	ସୁରଶା ପାତ୍ର	୧୫	ପୁତ୍ର
୪.	ଆନନ୍ଦ ପାତ୍ର	୧୨	ପୁତ୍ର
୫.	—	—	—
୬.			
୭.			

୪. ଠିକଣା: **ପୁଝିଆ ପଞ୍ଜୀଳ**

୫. ଗ୍ରାମ / ଗ୍ରାମସଭା: **ପୁଝିଆ ପଞ୍ଜୀଳ** ୬. ଗ୍ରାମ ପଞ୍ଚାୟତ: **ପୁଝିଆ**

୭. ଚଢ଼େଇ / ଚାଲୁକା: **ହୁମୁଡ଼ିବନ୍ଧା** ୮. ଜିଲ୍ଲା: **କଟକ**

୯. ଜନଜାତି ବା ଅନ୍ୟ ପାରମ୍ପରିକ ଜମାଣ ବାସିନ୍ଦା: **ଜନଜାତି**

୧୦. ଖେପାଟ (ଦେହର ଆକାରରେ): ** **୦.୬୭୩**

A corrected RoR(left) versus the title(right) from Tumudibandha tahasil. The other side of the same is reproduced next page.

ପୂର୍ବ ନମ୍ବର ଓ ଚକର ନାମ	କିସମ	କିସମର ବିସ୍ତାରିତ ବିବରଣୀ ଓ ଚୌକି	ଭକବା				ମତବ୍ୟ
			ହେ:	କ: ମି:	ଏକର	ଡେସିମିଟର	
୭	୮	୯	୧୦	୧୧	୧୨		
୪୮ ୨୭୭	ନିକ୍ଷାଳ	୨-ନିକ୍ଷାଳ ୩-ଆମୃତସିଂହ	୦	୩୯୬		୪୩୩.୫୩.୫୨ - ମି	
୮୫ ୨୮୪	ନିକ୍ଷାଳ	୨-ନିକ୍ଷାଳ ୩-ଆମୃତସିଂହ	୦	୨୭୭		୪୩୩.୫୩.୫୨ - ମି	
୭			୦	୨୭୩			

Tahasildar
Tumudibandha

Binding Space

DTP-106-9,00,000-16-04-2015

୧୧. ପୁସ୍ତକ ଜମି ଚିହ୍ନିତ ହୋଇ ଚୌକିଦାର ବର୍ଣ୍ଣନା ଖସିବା / କମ୍ପ୍ୟୁଟର ନମ୍ବର ସହିତ :-

ପୂର୍ବ ନମ୍ବର ଓ ଚକର ନାମ	ଖେତ୍ରଫଳ (ହେକ୍ଟର ରେ)	ଚୌକିଦାର ବର୍ଣ୍ଣନା	ମତବ୍ୟ (ଭାଗ୍ୟ ଓ କମ୍ପ୍ୟୁଟର ନମ୍ବର ସହିତ ପୁସ୍ତକ ଜମି ଚିହ୍ନିତ ହୋଇ ଖସିବା)
୮୫/୬	୦. ୨୬୬	୧- ନିକ୍ଷାଳ ୨- ପୁଣିସିଂହ ପାତ୍ର	୮୫ - ଡିଗ୍ରୀ
୪୮/୧	୦. ୩୯୬	୩- ଡିଗ୍ରୀ ୪- ଆମୃତସିଂହ ପାତ୍ର	୪୮ . ଡିଗ୍ରୀ
୭	୦. ୨୭୩		

ଅଧିନିୟମର ଧାରା ୪ ର ଉପଧାରା (୪) ଅନୁସାରେ ଏହି ଶିରୋନାମା କମ୍ପ୍ୟୁଟର କିମ୍ବା ହସ୍ତାକର ଯୋଗ୍ୟ ନୁହେଁ ବା ବଦଳିଯୋଗ୍ୟ ନୁହେଁ । ଆମେ ନିମ୍ନ ସାକ୍ଷରକାରୀଗଣ, ଏତଦ୍ୱାରା ଓଡ଼ିଶା ସରକାରଙ୍କ ପାଇଁ ଏକ ଚକ୍ରପତ୍ର ଉପରୋକ୍ତ କମ୍ପ୍ୟୁଟର ଅଧିନିୟମର ଅନୁମୋଦନ କରି ଆମ ମାନଙ୍କର ସାକ୍ଷର କରୁଅଛୁ ।

କମ୍ପ୍ୟୁଟର ନମ୍ବର ଓ ଚୌକି
ନମ୍ବର ନିମ୍ନଲିଖିତ ଅନୁସାରେ ହୋଇଥିବା
ଖ.ସ. (୯) ଅନୁସାରେ ୨୦୦୮ ର
କର୍ମଚାରୀ ଚିହ୍ନିତ ହେବା ପରେ ।

ବିନୟ ଅଧିକାରୀ

ଜିଲ୍ଲା ଜନକାଟି ମଙ୍ଗଳ ଅଧିକାରୀ

ଜିଲ୍ଲାପାଳ / ଉପକମିଶନର

“ ଜଙ୍ଗଲ ସୁରକ୍ଷା ଆମର ଦାୟିତ୍ୱ ”

“ ଶାନ୍ତି ହିଁ ସହାବସ୍ଥାନର ମୂଳ ଭିତ୍ତିଭୂମି ”

କମ୍ପ୍ୟୁଟର ନମ୍ବର

COMMUNITY FOREST MAP OF PRIADI OF KRANDIBALI GP



CFR map of Priadi village incorporated into forest map by the DFO, Phulbani

6.2.4 Recognition of Habitat Rights

While non-recognition of habitat rights has been one of the issues commonly raised by social activists working on FRA and the state government even formed a committee to examine the matter, the overall scenario in the state in this respect has been rather that of contradiction either between the so-called development process and the protection of the socio-ecological landscape of the PVTGs, or between conservation and tribal rights, not to speak of the lack of necessary experience and skills to deal with the claim. It is ironical that the SLMC has neither deliberated upon this matter nor has taken any stand or action. The DLCs in the study districts also seem to be least concerned about the matter as understood from their proceedings.

As discussed in section 3.3 (Chapter-III) the Micro Projects are supposed to be actively involved in the process as the competent local agency so as to implement the initiatives taken by the DLC in the matter, but neither the DLCs were found to be (more or less) uniformly active nor were the Micro Project authorities. In fact, the last query in our study schedule-18, which asked for the feedback of the ITDA / Micro Project authorities on their perception as well as initiative vis-à-vis habitat rights, remained unanswered with some authorities like DDA and DKDA(Parseli). Interestingly, whereas the query is normally not applicable for the Nilagiri ITDA (Balasore) as it is not a PVTG area (though there are few Lodha HHs migrated from Mayurbhanj district in the recent past), it was answered with the statement “This will be discussed in the next SDLC meeting.” Many such examples clearly indicate a critical gap at communication and awareness level between the DLC, ITDA and the Micro Project authorities. It is even doubtful to what extent the local communities have been taken into confidence in areas where the process has been claimed to have started. Like, during the interactions of the study team at Dantipada (Bonda Hill) the villagers including the Ward Member said that no preparatory work had been started in this respect whereas the Malkangiri DLC meeting of 4 August 2016 claims that it was already in progress.

On the other hand, the actual geographical coverage of the habitat may be much larger than the area under the jurisdiction of the concerned Micro Project. For instance, the Bonda habitat (*Bonda remo*) may fully cover the GPs of Andral and Mudulipada and partially the GPs of Badral and Rasbeda whereas the jurisdiction of the BDA doesn't extend over such a large area. Same is true for the Kutia Kandha habitat (*Maandi kuidina or Maandi eeiidina*) in Kandhamal district.

In Madhya Pradesh, the first habitat right was recognized for the Baiga community, but that was criticized for being limited or partial⁵⁷. In Odisha, the process has been started in a few Micro Project areas, but not much progress has been made due to a number of issues involved such as non-cooperation from some officials. In Mayurbhanj district, the district administration has taken

⁵⁷ Chakrabarthy, A.(2016). Baiga tribals become India's first community to get habitat rights, *Down to Earth*, dated 14 January 2016. <http://www.downtoearth.org.in/news/baiga-tribals-become-india-s-first-community-to-get-habitat-rights-52452>

steps to first do it for the PVTG Mankirdias, which would be followed by that for the Hill Khadias and the Lodhas; but conservation concerns have posed a challenge for approving such a right in the Similipal sanctuary. Incidentally, the FRA too doesn't extend the scope of recognizing habitat rights in Protected Areas. Now, all eyes are on the expected breakthrough to be made in this district which is supposed to pave the way for recognition of similar rights in other PVTG areas.

The FRA is applicable only for forest lands and the MoTA has clarified that in case there is a requirement of considering habitat rights in any non-forest land, then that can be done under relevant revenue laws(if any) of the concerned state. However, Odisha neither has any such revenue laws to recognize habitat rights nor has endeavoured for any after the MoTA clarification was received.

6.2.5 Conflicts:

Conflicts for and against forest rights (Act) have been seen in different parts of India and Odisha is no exception to this. Conflicts for forest rights are comparatively more common. These in some cases have remained like a silent objection(as in we found with Ataghat FRC of Sundargarh district which has objected to allotment of plots under the FRA to outside villagers as mentioned in the resolution), but in a number of cases it has turned into mass agitations and movements, or even violent actions.

Some major incidents of conflicts have been reported in respect of the VSSs promoted by the Forest Department. The Department wants to maintain and enhance the forest growth through the VSS whereas the right-holders (individuals) want otherwise for purposes like agriculture, which is how the conflict results.

While it is true that the FRA doesn't recognize exclusive ownership rights over CFRs or doesn't allow the CFR titleholders to cut/clear forests under their disposal as and when pleased and rather provides a scope for (though doesn't essentially mandate for the same) a collaboration between the communities and the Forest Department. However, the FRA doesn't ever promote the Joint Forest Management or VSS in any way.



The FRA brought new confidence to the forest protecting communities many of which asserted their rights over their CFRs after the claim was made although the title was pending. This banner of Madhapadar FRC in Turiguda GP of Rayagada district proclaims such rights saying that ‘our forest belongs to our village’, indirectly challenging the Forest Department or other government authority. It may be noted here that many villages in the RCDCoperational areas even erected notice boards of similar statements under the facilitation of the said NGO. (Photo courtesy: Sri Aurobindo Rout)

JFM has not been introduced under any law; rather it is being practiced under some executive orders only which is why it cannot supersede FRA which is a law in itself. JFM uses the community potential in forest protection and management, but essentially under the control and supervision of the Forest Department which is why it has not normally been accepted by well-established community forestry groups or their federations which do not like the Department to ‘rule’ over them. That without the so-called scientific management self-initiated community forest protection has succeeded in restoring the lost forest wealth in many areas demonstrates that they can do even better than the Department which has failed to properly manage and protect large tracts of forest despite huge investments.

In Odisha, where community forestry federations and the civil society raised strong voices against the JFM with the argument that it is contradictory to the spirit and mandate of FRA, the Forest Department finally revised its JFM policy in 2011 with some major changes (like, the Forester will no more be the Secretary of the VSS; rather the villagers will elect the Secretary) recognizing the role of Gramsabha/Pallisabha in the light of FRA and PESA Act and making the Executive Committee of the VSS a sub-committee of the Pallisabha which has to elect the members/functionaries of the EC). Although it appeared to be a progressive resolution, the core part of the revised system still retained the authority of the Forest Department in one way or the other hand at the same time, this new resolution could not replace the previous one in practice at field level, thanks to the apathy of the forest officials who did not like the Forester's role as Secretary of the VSS to be discontinued. Thus, as was independently observed, many VSSs neither knew about the new resolution nor got the opportunity to be reconstituted according to the revised norms for quite some time.

When villages applied for community forest rights in Form-B, the Forest Department entertained the same only partially that too in the name of the existing VSS in many areas. At the same time the Department tried to stabilize the legal position of VSS by making it coterminous with the community forest management committee. As an example, we can see the community claim submitted by the VSS of Saura Goshani village (Gajapati district) in Form-B and the title granted against the same in the name of the said VSS although the original claim for the right to protect, regenerate, conserve and manage the forest was not entertained in the title and the only right recognized was for collection of minor forest produce.

The Amendment Rules of 2012 however overturned the position at policy level, making a clear provision for community rights for protection, regeneration, conservation and management of forests with an exclusive claim form ('C') as well as title for the same. This was followed by the central government declaring (in 2013) the community forest right titles granted in the name of VSSs or Joint Forest Management Committee in Andhra Pradesh completely against the law, particularly because the VSS or JFM committees cannot be a claimant under FRA.

On 10th September 2014 the ITDA, Rayagada issued a letter saying that the claims made by FRCs in Form-B and C would be processed taking the area assigned to the VSS. Although this too was in violation of the FRA which grants rights as per the customary boundary and not on the basis of the area allotted to the VSS, it could not come to the notice of the authorities at central level till the present study discovered the same. Proceedings of the SDLC (Gunupur) meeting held on 9-05-2016 however suggested that the delineation of the customary boundary was still an issue, with no reference to VSS.

INTEGRATED TRIBAL DEVELOPMENT AGENCY,
RAYAGADA.

No. 1690/14.

Dated: 10-09-2014.

To,

All the Block Development Officers in the District. (Gunupur)

Sub:-

Submission of list of Vana Sarakhyana Samiti (VSS) & request to advise the FRC for claiming Community Rights & Community Forest Resource Rights.

Sir,

In enclosing herewith a list of Vana Sarakhyana Samiti (VSS) of your Block, I would request you to advise the Forest Right Committee of the village concerned to submit claim forms in Form No-'B' & 'C' for claiming Community Rights & Community Forest Resource Rights claim respectively. These claims will be processed taking the assessment of the area of VSS and be placed in the Palli Sabha for approval and be sent to Sub-Divisional Level Committee(SDLC)

An early action is requested in the matter.

Yours faithfully,

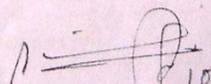
Enclosed: - As above.


Project Administrator,
I.T.D.A., Rayagada.

Memo No. 169102/2014.

Date. 10-09-2014.

Copy forwarded to the Sub-Collector, Rayagada/Gunupur for favour of information and necessary action.


Project Administrator,
I.T.D.A., Rayagada.

The negative attitude of the Forest Department is clearly reflected in the official proceedings of the SDLC, Nilagiri which met on 10-08-2016. With reference to certain pending cases of CFRR claims, the proceedings say, quoting the ACF, Balasore Forest Division. "The said 04 cases could not be approved as 'Vana Surakhya Samiti' was in force".

In 2015, the SLMC, Odisha decided to grant CFR rights for VSSs for which the central government reprimanded the State cautioning that it was in violation of the FRA. This suggests that the State, particularly the Forest Department, continued its parallel system of JFM/VSS superseding the FRA and rather tried to make it recognizable under the FRA for legal sanctity. The highly controversial Ama Jangal Yojna (AJY) further adds to this allegation⁵⁸.

The provision of the FRA to get the community forest management plans integrated into Working

Plans makes the communities vulnerable to the impositions of the Department, despite the instructions issued by MoTA giving the communities an upper hand in this matter. This is because while the FRA doesn't mandate for any GPS map or area of the CFR, the Forest Department may ask for the same for integration into the Working Plan; and may even require a management plan as per its own standards and patterns.

While there is no issue where the claimed CFR coincides with the area assigned to the VSS, or is even greater than the latter and the Department endorses the claims in favour of the concerned village community on the ground that a VSS is/was functional in that village; the basic objective of either creating a shadow CFR regime under the Departmental control or legalizing VSSs tactfully using the FRA makes the whole thing highly controversial and objectionable. Unfortunately, the latter practice doesn't seem to have stopped; rather the Forest Department proposes ways that would further strengthen this unlawful shadow system.

'Ama Jungle': whose jungle in reality and in whose interest?

Whereas the plantation programmes of Forest Department have remained in controversy for a long time for quite valid reasons, the Ama Jungle Yojna proposed by the Department has been condemned by social activists and forest rights groups as it is supposed to be yet another plan for strengthening the JFM/VSS system when CFR claims remain underecognized in the state chiefly because of the apathy of the Forest Department itself. The AJY targets at creating about 7000 new VSSs with an assigned area upto 50 hectares. While the proposal seems to be more of a plan to make use of the huge CAMPA fund, the ultimate impact of the same is apprehended to be at the cost of actual community rights.

It may be noted here that the said programme in fact reflects the overlapping control regimes. On one hand, the Department has legal ownership over the RF areas; and on the other hand many such areas are potential CFR areas to be recognized under the FRA. Areas where the CFR claims have either not been filed yet or remain unrecognized, are more vulnerable to this conflict.

⁵⁸ In April 2016, the Hariharpur Gramsabha in the Barkot Block of Deogarh district rejected the Forest Department's proposal to implement Ama Jungle Yojna in the part of Madisila RF which has been claimed by the villagers under CFR rights. While the CFR area is about 1600 acres, Ama Jungle Yojna is applicable for only about 250 acres. (*Odisha Diary*, 16 April 2016, <http://orissadiary.com/printStory.asp?id=66453>)

Afforestation programmes of the Forest Department, which have been highly controversial for obvious reasons, have led to low-intensity conflicts in several areas of the state with specific reference to the FRA as the local communities, who opposed these initiatives, asserted their forest rights over the proposed plantation area. Some of the highlighted cases of such conflicts include those of Gumkudi (Rayagada) and Burlubaru (Kandhamal). The basic reason behind the conflict is the attempt of the Department to carry out plantation activities in the customary forest land claimed. The added woe is the choice of the species that the Department wants to plant. These species are usually not favourable to the local communities because of their limited or no utility in contributing to the food security and ethnic needs of the communities. Teak is a common example. As we understood from the ACF, Sundargarh Forest Division, the Departmental choice is guided by the fact that non-grazeable species are more likely to survive and hence the selection. The Department doesn't trust the communities and thinks that grazeable species (many of which are preferred by the local people) would not survive as the local grazing practices are likely to pose a threat. While the attempts for such plantations in the lands claimed under FRA without the consent of the concerned Gramsabha is itself illegal, the villagers of Tunutuna under the Champua tahasil have well-demonstrated the community efficiency in controlling grazing in the forest-protected and claimed by them. So it may be rather an issue of Departmental failure or inability to win the confidence of the communities and ensure their support in grazing control.

The Bhumi Adhikar Movement in Koraput

Maliguda is a forest village in the Ramgiri GP of Baipariguda Block. The original settlers of the village were displaced by the Kolab dam project. They got little compensation and were assured of rehabilitation in the Sashahandi area but were never shown that area which is why people could not trust the assurance. They cleared some patch of Dandarkhar reserved forest and settled there, but trouble arose when the Forest Department started implementing its plantation programme funded by JBIC. Despite the villagers' protest the forest officials forcefully planted the saplings in their cultivated lands (as it was officially a forest land). The villagers restrained themselves from any immediate confrontation and waited for 2-3 years(?) after which they cleared the plantation and started cultivation in the same land. This was possible under the aegis of the Bhumi Adhikar Sangathan, a local community-based organization fighting for land rights with particular focus on forest rights.

Social activists and policy analysts have welcomed the governmental decision to make huge investments in afforestation particularly under the Compensatory Afforestation Fund Act, 2016, but have raised objections on two major grounds: first, the said Act completely ignores the FRA in general and the rights of the Gramsabha in particular; and second, the way afforestation programmes are carried out, the indigenous biodiversity is often affected adversely⁵⁹.

⁵⁹'We can't eat teak': - One Odisha village's story tells you the problem with CAMPA bill', *The Times of India* dated 31 July 2016; <http://epaperbeta.timesofindia.com/Article.aspx?eid=31808&articlexml=We-cant-eat-teak-One-Odisha-villages-story-31072016010020>. Also see the Compensatory Afforestation Fund Act, 2016.

Proposed mining in the customary forest lands of tribal communities has given rise to some major protests and conflicts in the state, like in case of the Niyamgiri hills which united the Dangria Kandhas to fight against the proposal chiefly using the FRA as a tool and the remarkable success of this people's initiative inspired other communities too which is how similar community movements have been seen in the Koraput district (particularly in the Pattangi tahasil where a number of bauxite reserves exist, for instance in Malidangar). Although such protests have generally remained low-intensity in nature, at field level however the impact is felt when outsiders try to visit. The protesters have grown suspicious to outsiders to such an extent that they normally do not allow visitors' vehicles inside 'their' area. What is unfortunate is that in Niyamgiri the 'upper' villages (difficult to access and hence an easy place for Maoist activities) have resisted the government's initiative for constructing roads uphill and developing

The Kadalibadi case



Kadalibadi is a Juang village of Juanga pidha in the Banspal Block of Keonjhar district. There are about 47 households who are quite vulnerable. The major problem of this village is acute scarcity of plane land for permanent agriculture. The small stretch of plane land that exists is marginal, thereby making the people critically dependent on the adjoining hill slopes for shifting cultivation. The survey and settlement process has recorded about 94% of the village land resources in the name of the government and a significant portion of this governmental land (which the villagers see as their customary land) has been used for cultivation. Trouble started in 2004-05 when the villagers decided to develop the Bagiatala patch of their customary land for permanent agriculture by diverting stream water for irrigation whereas the Forest Department stopped them and planted saplings in the same land under compensatory afforestation (for more details, please see Rath, Bikash; 2005; *Vulnerable Tribal Livelihood and Shifting Cultivation...*; Vasundhara, Bhubaneswar). The poor Juangs could not resist much initially, but when the Forest Rights Act was passed and local social activists used the same to protect the interest of the villagers, the matter has been negotiated between the parties and the villagers have started using the said patch for cultivation though a part of the plantation has survived well.

communication facilities, which have caused a suffering for the lower villages though the latter cannot just defy the decision of their 'upper' counterparts, as we observed during our study in the Parseli area. It is ironical that whereas difficult PVTG areas like the Bonda Hill and the Lanjia Saura habitat are now connected with roads, the Niyamgiri remains deprived of this facility particularly in the Kalyansinghpur Block only because of the community protest. On the other hand, the government is yet to win the confidence of the protesting communities who apprehend

that extension of facilities is nothing but a governmental strategy to convince the people for mining.

An ecotourism project proposed in Budhikhamari (Baripada Block, Mayurbhanj) invited serious conflicts of the Forest Department with the local villagers. Budhikhamari has been very famous for its community forest protection activity and the villagers had applied for their CFR title in 2010. However, the Department started implementing the ecotourism project in their proposed CFR area which required felling of several trees. This was illegal as the claim was still under process and had not been settled yet whereas the consent of the Gramsabha had also not been taken by the Department for the project. Finally, the Department had to withdraw in response to the effective protests chiefly led by the local women (Mohanty, 2013).

The FRA imparted a confidence in people dealing with eviction issues related to Protected Areas like National Parks and sanctuaries as it doesn't allow eviction without settlement of the forest rights. In fact, the Act promotes the concept of coexistence in wildlife areas and provides scope for relocation only where both parties understand that coexistence is not possible. In Similipal however the case has been a little different. This happens to be Odisha's first proposed National Park the final notification of which was still pending simply because few villages in the core area could not be relocated outside. As the National Park is declared finally only where the proposed area is free from any human habitation or village, hence the Forest Department was never in favour of coexistence and had been trying to convince the villagers for relocation against a compensation of Rs.10 lakhs/household. Social activists took up the issue and advocated for settlement of forest rights first before any eviction drive, whereas conservationists saw this as an unnecessary complication. Finally, the sanctuary authorities agreed for recognition of both individual and community rights; and this is how the CFRR title for one of the core villages, Jamunagarh was recognized.

In Nilagiri sub-division of Balasore district, the forest officials have been alleged to be very aggressive on the local communities residing in/around the Kuldiha sanctuary area. In Bhaliaposhi village (a hamlet of Rishia) Kara Murmu (son of the title holders Muni Murmu and Chaitnya Murmu) was not allowed to develop the land which has been recognized under the FRA. Further, Narendra Digar (Lodha) of Gabapal village alleged that his FRA title was snatched away by the forest officials and that his land was taken over to make a water body. The matter was first raised with the local forest staff by this study team during the field visit and the forest official said with a stubborn voice that he had done what the authorities had instructed. When the matter was brought to the notice of the DFO, Balasore he said he would enquire into the matter and asked for some relevant information which was provided to him through e-mail though he did not even acknowledge the receipt.



This land recognized under FRA needs development, but local forest officials allegedly did not allow the same (Bhaliaposhi, Balasore district). Kara Murmu stands on the land with the title in his hand.

A clear stand of the forest officials against the FRA became evident when the retired forest officers' association filed petition against the FRA. This had an immediate impact on the implementation of FRA as for some time no title was issued on the plea that the matter was subjudice.

An unusual case of conflict

Prafulla Nayak of Kailapata village in the Chandiput GP (Mohana Block) of Gajapati district has started using his forest land for sericultural plantation (mulberry) so that he can grow tassar there. This land has been recognized under FRA. However, he is in trouble after the government started constructing an ITI in the adjacent plot. Prafulla's land happens to be on the backside of this ITI premise and now that the boundary wall of the ITI is being constructed the authorities are asking Prafulla to share a part of his land so that the wall can be constructed as per their plan. It is surprising as the land identified for the ITI must have been different from any private land. Is it a case of lack of demarcation of the forest plot? The matter is not clear, but Prafulla is very serious about the attempt by the authorities to construct the wall 'encroaching' a part of his land and is ready for a fight if things happen against his rights.



The side of the ITI which touches Prafulla's land. (Inset) Mulberry plantation in Prafulla's land which is located by the side of the ITI where the picture(of forest land) itself lies.

6.2.6 Ownership over MFP:

One of the major points of dispute between the Forest Department and the Forest Rights Act has been the ownership rights over minor forest produce. The State has monopoly rights on bamboo and kendu leaf and some advantages of this monopoly do go to the local people particularly because these two resources require a skillful and well-coordinated commercial management for successful returns which the communities do not normally possess. Still, the monopoly rights have other issues of concern which the FRA attempts to address by putting many such monopoly items in the list of minor forest produce(MFP) first and then recognizing the ownership rights of the forest-right holders over such 'traditionally collected' MFPs thereby making them free to harvest, process and/or sell the MFP as they please. The state forest rules however did not conform to this and continued their orthodox regimes imposing various restrictions on the collection, transit, processing and business of a number of these items. When social activism succeeded to making this a political issue in Odisha in respect of bamboo when the Jamguda villagers wanted to exercise their ownership rights over the bamboo of their forests, the Forest Department, Government of Odisha ultimately issued a notification dated 28-12-2012 conferring the ownership rights on bamboo to the forest-right holders with the conditions that the transit

permits to be issued by the concerned Gramsabhas shall be supplied by the Department free of cost and that the ST and SC Development Department will make arrangement, with technical support from the Forest Department, to assist the Gramsabhas to prepare microplan for harvesting of bamboo. The said process has however been followed only in few cases in the state so far and as discussed earlier even the neighbouring villages of Jamguda did not receive adequate support (like supply of permit book) from the Forest Department. Incidentally, the ST & SC Development Department too doesn't seem to properly play its supporting role for capacitating the Gramsabhas make their microplans.

The political repercussions of the bamboo issue led the state government to deregulate kendu leaf through a notification dated 10 April 2013 in the Nabarangpur KL Division which chiefly applies to the Nabarangpur district. The people were allowed to sell their kendu leaf to any body and the Gramsabhas were allowed to issue permits for transportation of this produce. The initial period for which it was applicable was the 2013 KL crop year. This however could not create any significant impact as it was too late when the decision came and the KL producing villages/areas were not prepared to manage things on their own unless no private trader turned up. Though it is true that they could still sell their produce to the state agency, there was a lack of adequate awareness and understanding. Later on the provision was extended to the Malkangiri district where it is said to have some success.

Prior to the deregulation of KL, another important policy decision was taken though that did not receive much public attention, probably because the Forest Department itself did not highlight the same. On 11 February 2013, the Special Secretary of the Department wrote to the PCCF that forest-right holders in areas where CFR title have been conferred or pending would be free to do the trading of the leaf on their own and that no royalty should be imposed on sal leaf in such areas.

In all these three cases the Forest Department formally recognized its conformity with the mandate of FRA, though to different extents; but lac is one of the items that are yet to see such conformity.

Lac is produced in the state both in the forests (wild) and homestead lands (cultivated). The state has a huge potential of producing good quality lac because of the abundant kusum trees (lac host) available chiefly in the tribal areas and as such there are schemes of the government to promote this cultivation as it is a sustainable and environment-friendly livelihood option. Most of the lac currently produced in the state is from the homestead lands or private lands. However, the Forest Department still exercises its control over this produce, that too to such an extent that the Minimum Support Price on lac could not be implemented in the state despite the provision for the same by the Govt. of India. The Department knowingly ignores the fact that most of the lac production is from privately owned trees and requires transit permits for its transportation. The permit can be issued by the Forest Department only and people have seen how complicated is the process. The Departmental restrictions have hampered the healthy growth of the lac sector in the

state. As such, in 2013 representatives of a lac-trading cooperative society from the lac producing Lahunipada Block of Sundargarh district filed public interest litigation in the Odisha High Court for a legal intervention on this issue, citing the provisions under FRA and PESA Act, 1996. Soon after this, the Additional Secretary to the government in the ST and SC Development Department wrote a letter dated 13 April 2013 to the PA-ITDA, Sundargarh in response to the petitioners' letter to the ST and SC Development Department to intervene in this issue and instructed him to intimate the concerned cooperative functionaries that as per the Amendment Rules of 2012 the Gramsabhas the authority to issue the transit permit in case of all MFPs listed under FRA, including lac. The PA-ITDA was also asked to inform the concerned Gramsabhas too for their information and necessary action. When a copy of this letter was shown to the concerned DFO of the area by the secretary of the said cooperative, he (DFO) said he has not received any such instruction from his authorities and that unless he gets that he won't be able to follow it⁶⁰. Since the Forest Department has so far not adopted the definition of MFP provided by the FRA and is still continuing its old stand; hence unless until community rights are recognized over lac, the Gramsabha can't issue the transit permit it or regulate the MFP trade. This is how the FRA could not help the petitioners immediately. Moreover, the verdict of the Hon'ble High Court also did not help to ease the matter though it did not exactly disregard the FRA. Hence, the restricted regime of the Forest Department still continues on lac.

As regards some other MFPs like siali leaf or hill broom, 69 items were deregulated before the FRA came and were placed under the panchayats so as to conform to the provision of PESA Act. People are free to trade these items and the panchayat issues a license to the traders. No permit is issued in this case. However, when the Gramsabhas get their authority over the MFPs recognized and start exercising the same, the traders would be required to be regulated as per the decisions of the concerned Gramsabha. As we understand, for these 69 items there has not been any major issue and FRA too has not changed the scenario except for the regulation by Gramsabha, as has happened in Bilapagha (Mayubhanj). One more change that has happened though not uniformly throughout the state is that the FRA recognizes ownership rights over MFPs in all forest areas including Protected Areas unlike the previous regimes. On the other hand, FRA has also not been able to relax the restrictive regime of the Forest Department for items like gums and resins, etc. despite its mandate.

6.2.7 Misuse of the Act:

Clearing of forest land for the purpose of getting title under the FRA has been reported from some parts like in the Balliguda Forest Division (Kandhamal)⁶¹ of the state either because of the ignorance of the cut-off date, or intentional attempt to manipulate things and apply for the title,

⁶⁰Communication with Nilamani Mohanta, Secretary, Khandadhar Hort-Agriculture and Forest Producers Cooperative Society.

⁶¹ Interaction with the DFO, Phulbani, dated 14 September 2016

or making an alternative arrangement against the recognized forest land where the land use has been changed from agriculture to farm forestry or plantation. In fact, in one of our study villages of Koraput district some people⁶² have made alternative arrangements to grow their traditional crops through fresh clearings after their forest lands were used for eucalyptus plantation.

The fraudulent attempt to make use of the Act has been reported from a number of areas, including from Anandapur Block of Keonjhar district where some tribal families from outside reportedly made clearing of forest in the Daragodishila and Kaduobahali areas particularly under the assurance of a fraud who extracted lakhs of rupees from them to ensure titles against these encroached forest lands though these activities happened years after the cut-off date and this led to serious conflicts of the encroachers with the local villagers as well as the Forest Department⁶³.

⁶² The number of such people and the extent of such clearings could not be ascertained and it might be sporadic also.

⁶³ *The Parjyabekhsak*, dated 22 March 2013

Threats to a Forester

Premasagar Nayak was working as a Forester in the Gundiadihi section of Lephripada range under the Sundargarh Forest Division. In 2015, he was on his official duty for ground verifications of several IFR claims in the Athkoshia RF area where he found many of the claims fake. There was a standing forest with no signs of cultivation or the claimed traditional use. Moreover, the soil was not suitable for agriculture. He explained to the claimants that neither their claim appeared genuine, nor would the land be useful for agricultural purpose. He also made it clear that in all genuine cases he was ready to render the support mandated by the Act.

However, some of the claimants got violent in reaction to this and threatened the Forester in case he did not sign for approval. Nayak somehow managed to escape that day, but soon he received a threatening letter in the Maoist style asking him to pay a huge sum if he wanted his safety. The letter asked him to keep his doors open at night so that this money could be collected. He reported the matter to the police whose enquiry remained inconclusive and the Forester no more dared to stay in that place. Now he works in a different area, but is clear that only few among about 1000 claimants of the concerned area actually did the mischief and that not all are to be accused of the same. The study team came to know about this case first from the ACF, Sundargarh followed by a telephonic interaction with the Forester himself.



Media report on action taken against the manipulating forest staff in Nabarangpur district (*The Samaj*, 25 October 2016)

6.2.8 Displacement and rehabilitation issues:

The FRA has made remarkable provisions to safeguard the rights of people already displaced or prone to displacement from forest land. Unfortunately, there is no proper monitoring of the implementation of these provisions in the state.

The Parlakhemundi SDLC observed in its meeting dated 15-10-2015 that “out of the 402 nos of applications the village Kakili(28 nos), Tiligam(40 nos) and Chandiapadar(32 nos) under R. Udaygiri Tahasil have been pending at Sub-Divisional Level Committee as the above villages

are about to be submerged under irrigation project of Chheligada and they will get benefit in shape of substitute land for their rehabilitation and resettlement”.

Discussing the progress in the Kantabahal area, the Sundargarh DLC observed on 15-11-2014 that “Earlier 39 cases were approved by DLC. Now, after review, SDLC has rejected 8 cases on the ground that the site is coming under Rukura Irrigation Project.”

These two decisions imply that forest rights are being adversely affected due to projects initiated by the government in the name of development. When such a situation prevails with government projects, what to expect in case of private projects? The Ind-Barath case of Sahajbahal village in Jharsuguda district created high controversy when it was alleged that the company has tactfully displaced more than 20 tribal families from their forest lands in the Barapali-Mundapada area whose forest rights were yet to be settled. These tribals (Munda) claim to have settled in that forest area decades ago, but instead of facilitating their claims under the FRA the local authorities reportedly filed encroachment cases against them⁶⁴.

Several mining and industrial projects in the Keonjhar district have required forest diversion, before which settlement of forest rights in the proposed lands are to be ensured. Official records would suggest that this has been followed more or less properly in the district though there are reasons (unconvincing Gramsabha resolutions) to doubt if the whole process was genuinely followed without any manipulation. The villagers are required to confirm through a resolution that their forest rights have been settled, but a close examination of the Gramsabha/Pallisabha resolutions shows that the statements have been tactfully made without a clarification in some cases if the rights have been actually settled or not. Still, the study team was informed that unsettled forest rights led to the non-approval of mining lease in case of SMC Power Generation though cases like this are exceptional⁶⁵.

In Bhuyanrada titles have reportedly been granted in the lease area of Odisha Mineral Development Corporation (this could not be verified) whereas there are areas in the Joda Block where the claims under FRA were not entertained in potential mining areas showing the reason that ‘Hudi, Pahad and Parbat’ kism land can’t be considered for FRA titles, as explained by the local Welfare Extension Officer.

There are conflicting situations regarding CFR claims in some areas of the Joda Block. In Khondbandh the Sarpanch says they would not let their hill-forest mined as it is their life and

⁶⁴ *The Prameya*, dated 19-10-2013

⁶⁵ The proposed mining area of SMC Power lies in Khondbandh village. Interestingly, the Gramsabha(Pallisabha) resolution ‘says’ that the villagers had ‘agreed’ for the diversion of forest land for the said mining purpose without any reference to the issue of non-settlement of the forest rights of few HHs. It was only after the Collector ordered for a field enquiry that the lacuna was identified. The concerned WEO now expects that the original proposal would be revised for approval deducting the area claimed under individual forest rights though there is almost no chance of considering any community claim over the area, particularly as no CFR title has been granted there and the villagers too have reportedly not insisted on the same(CFR) in a recent Gramsabha.

livelihood. On the other hand, in Bholbeda the company plantation site is claimed under CFR claim which creates a conflict.

The decision of the Central Government in 2013 to not make the consent of the Gramsabha mandatory in case of linear projects requiring diversion of forest lands, unless rights of PVTGs and pre-agricultural communities are affected, is seen by FRA activists as a measure to dilute the mandate of FRA. While the government may justify this as a move to simplify the process followed for approval of linear projects such as roads, transmission lines, pipelines and canals, etc., the concern of social activists is not unjustified as even a so-called linear project might be large enough to adversely impact the forest rights. For instance, the Bhushan Steel slurry pipe line (linear) in Jhumpura tahasil of Keonjhar district received approval of the DLC as it was found not affecting PTGs or PACs though some left out cases of STs still occupying the land were discovered who had not yet applied for their title but were interested to apply. The DLC approved the proposal with the instruction to attach the observations (regarding left out cases) of Tahasildar, Jhumpura at the time of issue of certificate. This means the left-out cases did not receive any priority for settlement of their rights as they did not belong to the PTG(PVTG) or PAC category. However, in case of the diversion proposal from SAIL for expansion of its Bolani mines, the Tahasildar, Barbil reported that 0.60 ha forest land was under 'encroachment' by 7 tribals, so the proposal might be approved deducting this area. The DLC approved accordingly, which means in this case the left-out cases of tribals were given due recognition as it was not a linear project⁶⁶.

Interestingly enough, the Ministry of Tribal Affairs took a strong stand against the MoEF's declaration of exemption of obtaining the consent of Gramsabha in case of linear project. In his letter dated 7 March 2014, the Director, MoTA wrote to the Chief Secretaries of states/union territories that neither FRA itself allows any such exemption nor is the instruction of any government agency/ministry other than MoTA regarding FRA should be considerable unless and otherwise it is authenticated by MoTA since the latter is the competent ministry relating to FRA. The Director referred to the exemption in case of linear projects and said that compliance of FRA is mandatory in case of any forest land diversion particularly because the decision of the MoEF is against the directions of the Hon'ble Supreme Court. However, this was ignored while approving the Bhushan pipeline project. It is not clear if this happened because the DLC was ignorant about the stand of MoTA on this issue.

In Manoharpur (Sundargarh) both ST and OTFD title-holders have approached the court after their claims for compensation against FRA titles were denied though it is a fact that the concerned company, which has a mining lease there, has created a model of rehabilitation⁶⁷ for all

⁶⁶ Proceedings of Keonjhar DLC, dated 7 April 2016

⁶⁷ This refers here only to the design of the houses and the rehabilitation colony. The study team visited this area and found the planning remarkable, but at the same time some of the arrangements did not appear to be realistic and many villagers expressed their concern that accepting the rehabilitation would mean missing the intimate relationship that they have with their village and its natural resources.

the villagers to be displaced. While some of the villagers have accepted the rehabilitation package, most have rejected it. In the mean time, the district administration has tried to make such claims for compensation invalid simply by declaring that the claimed forest lands have not been under the possession of the claimants.

Forest lands recognized under FRA are neither alienable nor transferable, hence displacement from such lands require *in situ* rehabilitation or atleast land against land. Clause (m) of sub-section (1) of section 3 and sub-section (8) of section 4 of the Act provide for proper settlement of rights of the illegally displaced people, etc.; but some of the conditions attached to these clauses limit the scope of their larger application. For instance, what about those who have been displaced with but meager compensation and inadequate provision/arrangement for alternative land? Also, what about the rights of those who had unrecorded/unrecognized forest lands under their possession and use prior to 13-12-2005 and when displaced did not receive any compensation as legally(at that time) they did not possess any recorded land? Our study has found that whereas in some cases the individual claims of ST people who had been displaced these ways and had resettled themselves in some forest areas have been recognized to some extent, their OTFD co-villagers have not received that kind of support.

K. Status of settlement of rights under the Forest Rights Act, 2006 on the forest land proposed to be diverted

(i). Whether the process for settlement of Rights under the Forest Rights Acts 2006 on the forest land proposed to be diverted has been completed? : No

Form-A under Section 2 of the Forest Conservation Act, 1980 requires the applicant to state if the mandate of FRA has been duly complied with or not. In case not, the applicant has to request the authorities to follow the necessary process for due compliance of FRA.

309
05.03.16
8-2

TATA
OFFICE OF THE COLLECTOR & DIST. MAGISTRATE
KEONJHAR
02-04-2016

To
Collector & District Magistrate,
Keonjhar.

Dear Sir,

Sub: Grant of Certificate under ST & OTFD (Recognition of Forest Right) Act' 2006 over 58.393 ha. of forest land at Joda East Iron & Mannora Mn. Mine of Tata Steel Ltd.

Ref: Our letter No. JCO/13/162/05-A Date. 07.08.2015 (Annexure-I).

This is in continuation to our above letter for grant of Certificate under ST & OTFD (Recognition of Forest Right) Act' 2006 over 41.819 hectares of forest land falling within the lease hold area of Joda East Iron & Mannora Mn. Mine of M/s Tata Steel Ltd. Diversion proposal over 41.819 ha forest land, under Sec-2(ii) of the FC Act 1980, is in process with MoEF&CC, Govt. of India.

We would like to appraise you now that pursuant to the directive issued by MoEF&CC, Govt. of India Circular vide no. F. No. 8-78/1996-FC (pt.) dated 10.03.2015 (Annexure - II) and F. No. 8-78/1996-FC (pt.) dated 09.03.2016 (Annexure - III) Land Schedule of the non-forest land within the Mining lease area was authenticated through Tahasildar, Barbil and as per the authenticated report of the Tahasildar, Barbil, additional forest land of 16.574 hectares as per Sabik Records (as on 25.10.1980) has now been identified. Copy of the letter from Tahasildar, Barbil is enclosed (Annexure - IV) for your ready reference. We have also applied diversion for 16.574 ha Sabik Forest under Sec-2(ii) of the FC Act 1980.

In view of above, we therefore request your good self to kindly grant Certificate under ST&OTFD (Recognition of Forest Right) Act' 2006 over 58.393 hectares of forest land (i.e. 41.819 hectare of Hal Forest + 16.574 hectares of Sabik Forest) for which Forest Diversion Proposals are under process for diversion of forest land within Joda East Iron & Mannora Mn. Mine lease hold area.

Thanking you,

Yours faithfully,

F: Tata Steel Limited
No. JCO/13/162/05-A
01/03/2016
(R P Mail)
Head(Planning)-OMQ

Encl.: as above
Copy to : Project Administrator, ITDA,Keonjhar - For kind information.
: Block Development Officer, Joda - For kind information.

TATA STEEL LIMITED
Mines Division Bhamburda 832 217 India
Tel 91 9234301340 Fax 91 6996 290737
Registered Office Bombay House 24 Hindustani Street Fort Mumbai 400 001 India
Tel 91 22 66682882 Fax 91 22 66607224
Corporate Identity Number: L27106MH1907PLC000260 Website www.tatasteel.com

Request letter from a mining company honoring the provision of FRA

8-8
20/04.16

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE, KEONJHAR
No 780 /Rev/Dt 22.04.16

The Project Administrator, ITDA-cum-District Nodal Officer,
Forest Right, Keonjhar

Sub:-
Issue of Certificate ensuring compliance of STs & OTFDs (FRF) Act, 2006 in respect of 87.09 ha. of hal non forest land recorded as forest as on 25.10.1980 involved in mining lease of Bolani Ores Mines of M/s SAIL.

Sir,

In enclosing herewith the copy of letter No.2403dt.21.3.2016 and Letter No. .GM/B/Ha-604 dt.5.04.2016 of General Manager,Bolani Ores Mines of M/s SAIL regarding issue of certificate ensuring compliance of STs & OTFD (FRF) Act, 2006 in respect of diversion of 87.09 ha. of hal non forest land recorded as forest as on 25.10.1980 involved in mining lease of Bolani Ores Mines of M/s SAIL, I am to request you to enquire the matter on settlement of rights under FRA in the forest area involved in the project and take steps for obtaining consent of the Gram Sabha or Gram Sabhas and forward your findings in the Format-II specified in this regard within the stipulated period.

Yours faithfully,
Collector, Keonjhar

Encl:- As above.

Memo No 781 /Rev/Dt 12.04.16

Copy forwarded to the General Manager,Bolani Ores Mines,Steel Authority of Indial Limited,Raw Material Division,Bolani ores Mines,P.O.-Bolani PIN-758037 for information and necessary action with reference to his letter No.2403dt.21.3.2016 and Letter No. .GM/B/Ha-604 dt.5.04.2016

12.4.16
Addl. District Magistrate,
Keonjhar

The Collector orders to conduct enquiry regarding settlement of forest rights in the proposed forest diversion area

ପଞ୍ଚାୟତ ସମିତି କାର୍ଯ୍ୟଳୟ, ଯୋଡା

ପତ୍ର ସଂ _____ ତାରିଖ _____

୫-୩
362
30/6/16

ପାଠକ

ସରପଞ୍ଚ, ବଲାଶି/ବାଲାଗୋଡା ଗ୍ରା.ପ

ବିଷୟ:- ଭାରତୀୟ ଇସ୍ତାତ ପ୍ରାଧିକରଣ ପରିଚାଳିତ ବଲାଶି ଲୌହଖଣିର ହେ ୮୭.୦୯ ସାବିକ କିସମ ଜଙ୍ଗଲ ଜମି ଉପରେ ଜନଜାତି ଓ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପାରିକ ବନବାସୀଙ୍କର ((ଜଙ୍ଗଲ ଅଧିକାର ଖୁଲୁତି ଆଇନ ୨୦୦୬ ଓ ସଂଶୋଧନ ନିୟମ ୨୦୧୨ ଅର୍ଦ୍ଧଗତ ପ୍ରମାଣ ପତ୍ର ପ୍ରାପ୍ତି ନିମନ୍ତେ ଗ୍ରାମ ସଭା ଅନୁମୋଦନ ସମ୍ବନ୍ଧେ । ମହାଶୟା/ମହାଶୟା,

APA-

ମାନନୀୟ, ଜିଲ୍ଲାପାଳ, କେନ୍ଦୁଝରଙ୍କ ଆଦେଶ କ୍ରମେ ଜଣାଇବାକୁ ଚାହେଁକି, ଭାରତୀୟ ଇସ୍ତାତ ପ୍ରାଧିକରଣକ ବଲାଶି ଲୌହଖଣି ସେମାନଙ୍କ ଲିଜ ଅର୍ଦ୍ଧଗତ ମୋ ବାଲାଗୋଡାରେ ହେ ୨୪.୮୧୭ ମୌ; ବଲାଶୀରେ ହେ୬୨.୨୮୧ ସାବିକ କିସମ ଜଙ୍ଗଲ ଜମିର କିସମ ପରିବର୍ତନ ପାଇଁ ଆବେଦନ କରି ଅଛନ୍ତି । ଜନଜାତି ଓ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପାରିକ ବନବାସୀଙ୍କର ((ଜଙ୍ଗଲ ଅଧିକାର ଖାକୃତି) ଆଇନ ୨୦୦୬ ଓ ନିୟମ ୨୦୧୨ ପ୍ରକାରେ ସଂପୂର୍ଣ୍ଣ ଗ୍ରାମସଭା ପ୍ରସ୍ତାବିତ ଜଙ୍ଗଲ ଜମିର କିସମ ପରିବର୍ତନ ଉପରେ ସେମାନଙ୍କର ମତ ଉପସ୍ଥାପନ କରିପାରିବେ ଓ ତାହା ସାବ୍ୟସ୍ତ ହେବା ଅପରାନ୍ତ ଅବଶିଷ୍ଟ ଜଙ୍ଗଲ ଜମିକୁ ଅଣ ଜଙ୍ଗଲ ଭାବେ ପରିବର୍ତନ କରିବା ପାଇଁ ନିଷ୍ପତ୍ତି ନେବେ । ଦେଶରେ ସର୍ବୋଚ୍ଚ ନ୍ୟାୟାଳୟ କ ଆଦେଶ ମୁତାବକ ନିର୍ଦ୍ଦିଷ୍ଟ ସମୟସୀମା ଅର୍ଥାତ ୪୫ ଦିନ ମଧ୍ୟରେ ଏହି ପ୍ରସ୍ତାବ ଜିଲ୍ଲା ସ୍ତରରୁ ରାଜ୍ୟ ସ୍ତରକୁ ପହଞ୍ଚିବା ଆବଶ୍ୟକ ଅଟେ । ଏଣୁ ୬ ଦିନିଆ ନୋଟିସ ଦେଇ ତୁରନ୍ତ ଗ୍ରାମସଭା ତକାଲ ନିମ୍ନ ବର୍ଣ୍ଣିତ ନିର୍ଦ୍ଦେଶରେ ପରିପାଳନ ପୂର୍ବକ ଗ୍ରାମବାସୀ ତଥା ସଭାସଦ ମାନଙ୍କର ସ୍ଵାକ୍ଷର ସହ ସଭାପତିଙ୍କ ଅନୁମୋଦ କ୍ରମେ ଗ୍ରାମସଭା କାର୍ଯ୍ୟକ୍ରମର ଦୁଶ୍ୟଶ୍ରାବ୍ୟ(ଭିଡିଓ ସିଡି) ଅତ୍ର କାର୍ଯ୍ୟଳୟ ଏବଂ ତହସିଲଦାର ବତସିଲ ଟ୍ଵକ ଗୋଟରାଥେ ଓ ପରବର୍ତୀ କାର୍ଯ୍ୟନୁଷ୍ଠାନ ପାଇଁ ପ୍ରେରଣ କରିବେ ।

ଅନୁପାଳନୀୟ ନିର୍ଦ୍ଦେଶାବଳୀ

- ୧. ବୁକ କର୍ତ୍ତୃପକ୍ଷଙ୍କ ସହ ପରାମର୍ଶ କରି ଗ୍ରାମସଭା ତାରିଖ , ସ୍ଥାନ ଓ ସମୟ ନିର୍ଣ୍ଣୟ କରିବେ ଓ ଗ୍ରାମସଭା ଅନୁଷ୍ଠିତ ହେବାର ଯଥେଷ୍ଟ ପୂର୍ବରୁ ତହସିଲ, ଥାନା ଓ ଫରେଷ୍ଟରେଷ୍ଟ କାର୍ଯ୍ୟାଳୟ କୁ ସୂଚନା ଦେବେ ।
- ୨. ଗ୍ରାମସଭା ନୋଟିସ ଯଥେଷ୍ଟ ପୂର୍ବରୁ ସଂପୂର୍ଣ୍ଣ ଗ୍ରାମ ଓ କର୍ତ୍ତୃପକ୍ଷଙ୍କୁ ପ୍ରେରଣ କରିବେ ।
- ୩. ସରପଞ୍ଚ, ନିର୍ବାହୀ ଅଧିକାରୀ ଗ୍ରାମସଭା ସ୍ଥାନ , ତାରିଖ ଓ ସମୟ ବିଷୟରେ ବହୁଳ ଭାବେ ପ୍ରଚାର କରିବେ ଯେଉଁକି ଅନୁ୍ୟନ ୫୦% ଗ୍ରାମବାସୀ ଏହି କାର୍ଯ୍ୟକ୍ରମରେ ଭାଗନେଇପାରିବେ ।
- ୪. ଗ୍ରାମ ସଭା କାର୍ଯ୍ୟକ୍ରମ ତାକଦାକ ଯତ ଓ ନାଗରା ମାଧ୍ୟମରେ ବହୁଳ ପ୍ରଚାର କରିବେ ।
- ୫. ଗ୍ରାମ ସଭାର ଲକ୍ଷ୍ୟ ଓ ଉଦ୍ଦେଶ୍ୟ ବିଶେଷଭାବେ ଆଲୋଚନା କରିବେ ଏ ଏହି ଦୁଶ୍ୟଶ୍ରାବ୍ୟ (ଭିଡିଓ ରେକର୍ଡିଂ) କରିବେ ।
- ୬. ପଞ୍ଚାୟତ ନିର୍ବାହୀ ଅଧିକାରୀ ଗ୍ରାମସଭାର ନିର୍ଦ୍ଦାରଣ ଗୁଡିକୁ ଯଥାବିଧି ଲିପିବଦ୍ଧ କରିବେ ଓ ତାକଦାକି ଯତ୍ନ ସାରା ଏହା ଘୋଷଣା କରିବେ ସମସ୍ତ ଗ୍ରାମବାସୀ ଓ ବିଭାଗୀୟ ଅଧିକାରୀ ମାନଙ୍କ ସ୍ଵାକ୍ଷର ନିର୍ଦ୍ଦାରଣ ପୁସ୍ତିକାରେ ଗ୍ରହଣ କରାଯିବ ।

The BDO sends request the Sarapanch to organize Gramsabha(Pallisabha) to discuss the issue at village level(concluding part of this letter is reproduced next page)

ଗ୍ରାମ ସଭା ସ୍ତରରେ ଶୀତଳ ଛାୟା, ପାନୀୟ ଜଳ ଓ ଗ୍ରାମବାସୀଙ୍କ ସ୍ୱଚ୍ଛତାରେ ବସିବା ନିମନ୍ତେ ସୁବ୍ୟବସ୍ଥା କରିବେ । ଗ୍ରାମସଭା ପ୍ରାରମ୍ଭରେ ଜନଜାତି ଓ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପାରିକ ବନବାସୀ କର (ଜଙ୍ଗଲ ଅଧିକାର ସ୍ୱୀକୃତି) ଆଇନ ୨୦୦୬ ଓ ସଂଶୋଧନ ନିୟମ ୨୦୧୨ ପ୍ରକାରେ ବ୍ୟକ୍ତିଗତ ଓ ଗୋଷ୍ଠୀଗତ ଅଧିକାର ସାବ୍ୟସ୍ତ ପାଇଁ ସଂପୂର୍ଣ୍ଣ ଗ୍ରାମରେ କେତେଗୋଟି ଦାବୀ ଦରଖାସ୍ତ ପ୍ରାପ୍ତ ହୋଇଅଛି ସେ ମଧ୍ୟରୁ କେତେଗୋଟି ଦାବୀ ଦରଖାସ୍ତ ଫଳସଫଳା ପୂର୍ବକ ସ୍ୱୀକୃତି ପତ୍ର ଦିଆଯାଇଅଛି । ତାହାର ବିସ୍ତୃତ ବିବରଣୀ ଲିପିବଦ୍ଧ କରିବେ ଓ ସର୍ବଶେଷରେ ସଭାବିବରଣୀର ପ୍ରାମାଣିତ ନକଲ ସ୍ଥାନୀୟ ବୁକ୍ କାର୍ଯ୍ୟାଳୟ ଓ ତହସିଲ କାର୍ଯ୍ୟାଳୟକୁ ଆବଶ୍ୟକୀୟ ଯାଞ୍ଚ ଓ ପରବର୍ତ୍ତୀ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ନିମନ୍ତେ ପ୍ରେରଣ କରିବେ ।

ଏତଦ ଭିନ୍ନ ଆପଣଙ୍କୁ ଅନୁରୋଧ ଗ୍ରାମ୍ୟ ଜଙ୍ଗଲ ଅଧିକାର କମିଟି ବଲାଣୀ ଓ ବାଲାଗୋଡା କୁ ଜଣାଇବେ କି ଗ୍ରାମସଭା ଅନୁଷ୍ଠିତ ହେବାର ଯଥେଷ୍ଟ ପୂର୍ବରୁ ସେମାନେ ଏକ ସ୍ୱତନ୍ତ୍ର ବୈଠକ ପ୍ରସ୍ତୁତ କରିବେ ଗ୍ରାମସଭା ନିର୍ଦ୍ଦାରଣ ରେଜିଷ୍ଟର ଓ ଜଙ୍ଗଲ ଅଧିକାର କମିଟିର ରେଜିଷ୍ଟର ସଭାପତିଙ୍କ ପ୍ରତି ସ୍ୱାକ୍ଷର ସହ ଅନ୍ତ କାର୍ଯ୍ୟାଳୟରେ ଅବିଳମ୍ବେ ଦାଖଲ କରିବେ ।

ଆପଣଙ୍କ ବିଶ୍ୱସ୍ତ

(Handwritten signature)

ଗୋଷ୍ଠୀ ଉନ୍ନୟନ ଅଧିକାରୀ
ଯୋଡା

କିସମ ପରିବର୍ତ୍ତନ ହେବାକୁ ଥିବା ଜମି ତଫସିଲ

- ମୌ = ବଲାଣୀ ହେ ୬୨.୨୮୧
- ମୌ = ବାଲାଗୋଡା ହେ ୨୪.୮୧
- ସର୍ବମୋଟ ହେ ୮୭.୦୯

ପରିପତ୍ର ସଂ 4345 ତାରିଖ 27/6/16.

ଏହାର ଏକକିତା ନକଲ ପି.ଏ. ଆଡିଡିଏ, କେନ୍ଦୁଝର /ଉପଜିଲ୍ଲାପାଳ, ଚମ୍ପୁଆ /ତହସିଲଦାର, ବଡବିଲ କ ସଦୟ ଗୋଚରାଥେ ପ୍ରେରଣ କରାଗଲା

(Handwritten signature)
ଗୋଷ୍ଠୀ ଉନ୍ନୟନ ଅଧିକାରୀ
ଯୋଡା

ପରିପତ୍ର ସଂ ତାରିଖ

ଏହାର ଏକକିତା ନକଲ ଅଧ୍ୟକ୍ଷ ପଞ୍ଚାୟତ ସମିତି, ଯୋଡାଙ୍କ ଗୋଚରାଥେ ପ୍ରେରଣ କରାଗଲା

(Handwritten signature)
ଗୋଷ୍ଠୀ ଉନ୍ନୟନ ଅଧିକାରୀ
ଯୋଡା

POSCO

In 2005 the South Korean company POSCO was allocated about 4000 acres of land in the Jagatsinghpur district of Odisha for its proposed integrated steel plant. Although Jagatsinghpur is neither a tribal district nor a forested district, about 75% of this allocated land belonged to the forest category as per records. This land has been traditionally used by the local communities for their livelihood purposes, chiefly for growing the cash crop betel leaf. Most of them lacked recorded rights over this land which officially belonged to the government. Lack of recorded rights means no scope to claim compensation or rehabilitation. This created a concern for about 4000 local families of the area who decided to oppose the proposed industry. There were valid environmental concerns too. The villagers' protest took a new turn when the FRA was enacted as it strengthened their claim. They were entitled for forest rights without the settlement of which the diversion of this forest land was legally not possible. It has been alleged by the social activists that the authorities made several attempts to manipulate things including making tactful Gramsabha proceedings so as to suggest that the provisions of FRA have been honored and hence the diversion should be allowed. The matter is still unresolved with the protest still continuing, thereby making the POSCO project uncertain. (*Timeline of Events Related to Forest Rights in the POSCO Area*, <https://forestrightsact.com/corporate-projects/the-posco-project/timeline-of-events-relating-to-forest-rights-in-posco-area/>)

6.2.9 Technological applications in FRA: boon or barrier?

The Amendment Rules of 2012 have cautioned against making technological applications a barrier in implementing the process of FRA, particularly in processing the claims. Despite this, it has been found that the use of GPS has proved to be a major barrier in processing the claims, more particularly for CFR claims though this has happened in case of individual claims too.

The ideal process should be that the claims are to be processed and finalized based on regular or customary (whichever is applicable) systems of identification and/or verification and GPS validation may follow this as a complementary or supplementary activity after the title is issued. That is to say, GPS survey should not be a reason of delay in filing or processing the claims. However, what has happened practically in many districts is just the reverse.

A good practice in Malkangiri

The Malkangiri DLC in its meeting dated 4-8-2016 "xxx decided xxx to take GPS reading of the forest land of all title holders who were already benefited under this Act for proper demarcation and correction of RoRs." This is a good practice as it was a follow up or supplementary activity, not hindering the process of claim finalization or title distribution.

For instance, the Sundargarh DLC observed on 7-4-2010 that 137 claims already verified were lying pending with the Sub-Collector, Sundargarh Sadar due to want of GPS reading. The same DLC had admitted in its meeting dated 17-12-2009 that as many as 700 claims were pending due to want of GPS reading.

Mayurbhanj DLC also admitted in its meeting dated 29-2-2016 that “Due to want of GPS reading the CFR titles could not be supplied to the concerned claimants.” The DLC asked the surveying NGO, which had completed survey for 283 villages, to complete all the mapping by March end; but as this deadline could not be adhered to, the DLC had to extend the time for the concerned NGO subsequently in a number of phases.

The Koraput DLC in its meeting dated 2-7-2016 decided to remand 402 IFR claims to SDLC for resubmission with GPS coordinates.

It is true that GPS survey helps to get a precise boundary or location provided it is properly done. It is also true that, as the DFO, Parlakhemundi explained, plots claimed in reserved forest areas are difficult to locate on map as unlike revenue land maps the reserved forest maps do not recognize any such private plots as all private rights therein are supposedly relinquished under the forest settlement process. Moreover, the maps of reserved forests are made on a different scale which is not compatible with the revenue maps. Hence, plotting lands under individual claims/occupation on such maps is technically difficult which is why the Forest Department prefers for a GPS survey of such plots. However, this ‘preference’ should not be an ‘insistence’ as that would contravene the very spirit and mandate of FRA. However, such contraventions have occurred in many areas. For instance, the Sundargarh Sadar SDLC in its meeting dated 14-11-2011, noted objections on the basis of lack of GPS reading for every plot in reserved forests. The Bonai SDLC insisted on boundary details of the claimed CFR areas with GPS reading (proceedings of 23-06-2016) whereas the ACF, Balasore said in the SDLC meeting at Nilagiri (09-01-2015) that lack of GPS reading was one of the major defects in CFR claims.

The DFO, Phulbani has found that the GPS survey taken up by a non-government organization to help the district administration was erroneous as the GPS points were not properly described creating confusion and a problem in identification.

Some issues related to the online entry of claims processed/settled under FRA were reported to this study team in Gunupur SDLC. While internet failure is an issue for such online entries in distant areas, the system reportedly doesn’t accept more than one plot against any single title-holders name. If this is a fact, then how to enter all the data against the title which mentions two or more plots? This needs a review.

6.2.10 Impact of implementation of FRA on ecology and environment

When the FRA was about to be enacted/implemented, grave concerns were expressed from some corners in the name of conservation that the FRA would encourage deforestation and would have a damaging impact on the environment. We are sure that after a decade of FRA such apprehensions have been proved to be extremely exaggerated though there are sporadic reports of misuse of the Act leading to deforestation.

The total recorded forest area of Odisha in 2006 was 58136 sq. km. In addition there was 2838.87 sq. km of the so-called DLC forests (legally recorded non-forest areas having forest cover) identified later⁶⁸. To ignore the small area of private forests, the total forest area of the state thus comes to be 60974.87 sq. km.. Now let us see how much of this does FRA share in respect of non-forest use:

Table 6.1: Share of lands claimed/settled under FRA in total forest land

Total recorded forest area 60974.87 sq.km, i.e. 15067195 acres	Area approved by Gramsabha under individual claims:	778077.5	5.16 %
	Area approved by DLC under individual claims:	604124.8	4.01%
	Area diverted under Section 3(2):	1271.73	0.01%

[Based on Forest Survey of India, *State of Forest Report 2009*; and also Rath, Bikash(2013), *Land Use Management in Odisha*]

What is important to note here is that although misunderstood sometimes as a land distribution scheme, the FRA primarily ‘recognizes’ the existing land use of forest land and doesn’t actually grant or allot new lands to the claimants in individual cases. Such individual plots were already and traditionally being used for non-forest purposes, i.e. agriculture; and FRA merely legalizes the same. On the other hand, it mandates for forest conservation and wildlife protection while recognizing community forest rights. The only case in which it allows deforestation is under Section 3(2), but that is within one hectare and subject to several conditions.

On the other hand, between 2001 and 2011 the State diverted about 12000 hectares⁶⁹ (approx. 30000 acres) of actual forests for mining and industrial purposes where the existing land use of forest was destroyed. As per government records, the total forest area diverted under the so-called Forest Conservation (?) Act, 1980 upto 01-10-2015 for various development projects is 46,707.49 hectares⁷⁰ (approx. 115417 acres) which means a complete or partial (if the lease area is yet to be fully utilized for the purpose it was obtained) change in land use from forest to non-forest activities. Ironically the retired forester’s association, which challenged FRA in the High Court, is not known to have ever taken any daring step against such actual destructive forest land diversions.

FRA lands were normally used for agricultural purposes which is still continuing, but land use changes have occurred due to convergence under National Horticultural Mission, National Bamboo Mission and Mo Pokhari, etc..

⁶⁸ See Forest Survey of India, *State of Forest Report 2009*; and also Rath, Bikash(2013), *Land Use Management in Odisha*, RCDC, Bhubaneswar.

⁶⁹ http://www.business-standard.com/article/companies/orissa-diverts-12-000-ha-forest-land-for-mining-industries-112032100027_1.html

⁷⁰ http://odishaforest.in/fca_forest_land_diverted.jsp, accessed 13-12-2016



A mining site in the Joda Block of Keonjhar district where forest diversion has drastically and adversely changed the land use, which is hardly possible under FRA.

Land development has either changed the crops or the crop diversity in many cases. Like, the rice variety has been changed following better water retention capacity (as we found in Kalijapathar village in Sundargarh district). In Kandhaguda village (Malkangiri) the land used for millet cultivation has been now used for horticultural plantation but with intercropping of vegetables, which is good. On the other hand, extension of cashew plantation area to 'FRA lands' in Rayagada district(Gunupur block) is a matter of concern though it is promising better returns to the right-holder.

In Mahulbhatta village of Jeypore Block(Koraput) the FRA lands have been used for Eucalyptus plantation at the cost of the traditional millets. People have either stopped cultivating millets or have alternative lands for that.



Son of a title-holder in his forest land recognized under FRA(Mahulbhata village, Koraput district). This land has now been converted into a plantation site for Eucalyptus and one can see the heavy growth of weeds due to lack of management.



Although a part of the Burlubaru teak plantation has been reclaimed by the title-holders, a significant part of the plantation still continues to exist. The plantation area belongs to the customary forest area of the villagers where the plantation was raised after forming a VSS under JFM. When the villagers claimed their land in this area under FRA, some received the title but not all those who applied. The villagers, who earlier agreed to protect the plantation under the VSS, have certainly not completely disowned the responsibility though their priority is their title. Why did the Forest Department decide to raise the locally non-indigenous teak in the area that originally belongs to the sal forest, is definitely a question to be asked.



Rubber plantation in Munisingh village of Gumma Block(Gajapati district) which the ITDA is promoting for forest land title-holders as it has proved to be quite profitable. A society has been formed for this purpose and processing unit has been set up also. However, promotion of non-indigenous and non-food crop is questionable. Photo: Bipin Bihari Jena



Horticultural plantations under convergence on this degraded hill slope(Upar Dandabadi village, Kashipur Block, Rayagada district) is definitely an improved land use

As of CFR/CFRR, the land use remains more or less the same though the right-holders have resisted the Forest Department's initiatives for plantations in that area, partly because the latter planned it without their permission and partly because the species planted are usually exotic or less useful. In few cases (Burlubaru in Kandhamal and Kadalibadi in Keonjhar) the Departmental plantation has been partly cleared by the claimants for cultivation on the ground that the plantation was raised on their customary land which they used to cultivate.

The DFO, Phulbani shared with us an interesting development. When some forest lands on hill slopes were found to have lost their fertility to a major extent, the title-holders left the same fallow which in turn gave way to the invasive weeds like Lantana. Now some of these people want the Department support to make use of such lands for plantations.

As per the reports updated upto 31 July 2016 about 79% of the area recognized under FRA belongs to the revenue forest lands; i.e. reserved forest areas are not much affected (vide annexure-15 read with annexure-24). This should satisfy the conservationists who are concerned about the ecological impact of FRA.

The SLMC has emphasized on promoting farm forestry and horticultural plantations in the forest lands recognized under FRA (vide proceedings for 21 July 2015), but the presently practiced models of farm forestry or agro-forestry being controversial the matter requires a critical review for necessary modification.

6.2.11 Forest rights versus wildlife conservation:

The FRA assigns due importance to wildlife conservation by introducing the term 'Critical Wildlife Habitat'(CWH) under Section 2(b) and says that such areas, which are required to be kept inviolate in a wildlife conservation areas like sanctuary or National Park, may be created subject to due compliance with the provisions of the FRA regarding settlement of forest rights. The scope of this compliance extends to the co-existence of the right-holders in such CWHs, but the Act also says under Section 4(2) that in case it is established that the coexistence or exercise of forest rights would cause 'irreversible damage and threaten the existence of said species and their habitat', then a resettlement or alternative package can be considered provided it secures the livelihood of the affected individuals and communities and fulfils their requirements as given in relevant laws and policies of the central government.

It is relevant to note here that India has the Wildlife Protection Act, 1972 to protect and conserve the wildlife and biodiversity. This Act provides for creation of four different categories of Protected Areas three of which are to be created in government lands or lands acquired by the government whereas the fourth one can be created in community/private lands. Two of these categories (Conservation Reserve and Community Reserve) speak of community-based conservation and protection of wildlife whereas sanctuaries and National Parks exclude this scope. The FRA doesn't create any additional category of Protected Area; rather it implies that CWH can be a part of the Protected Areas of sanctuaries and National Parks (other two categories not included probably because it is presumed that coexistence is already there and community rights are exercised). Moreover, the FRA provides for creation of CWHs based on the status of one or more species; hence the focused species is a determining factor to decide the fate of forest rights. Accordingly, the concept of Critical Tiger Habitat was later introduced in the Wildlife Protection Act by the Ministry of Environment and Forest with the Royal Bengal Tiger as the focused species.

The FRA mandates for creation of a CWH through a process of open consultation with the concerned right-holders after the wildlife authorities identify an area to be declared as CWH on scientific basis. This means that while the wildlife authorities propose to create a CWH, the consent of the concerned right-holders is vital for approval and any final notification of the same. The Ministry of Environment and Forest accordingly issued guidelines in 2011 to elaborate the process to be followed in this context. The guideline says that it is in this consultation process that the authorities would explain the right-holders why declaration of the CWH is necessary, why coexistence is not feasible (if any) and also in case of relocation what are the options available. In fact, only two options have been provided in the said guidelines: 1) Rs.10 lakhs as compensation per family in case it opts for relocation on its own, i.e. without fixing any responsibility with the Forest Department and 2) accepting the rehabilitation and compensation arrangement as decided by the Department.

While it is true that creation of more such CWHs is the need of the hour as the number of threatened species of flora and fauna has critically increased due to anthropogenic activities and while it is also true that there may be some cases where co-existence or exercise of forest rights may actually cause significant adverse impact on the species for which the CWH has been created; but the issue is to ensure a rehabilitation or alternative package that would fulfil the criteria empacised under Section 4(2-d) of the FRA, like livelihood security. This is because the past experiences suggest that usually the rehabilitation schemes have failed to secure the livelihood and also to meet many other genuine needs of the affected people. On the other hand, the poor and ignorant forest dwellers do not know how to handle a big amount of Rs.10 lakhs properly and as a result there are issues with their livelihood. This is why some households continued to stay in the core village Jamunagarh in Shimilipal sanctuary even after many of their fellow villagers left for relocation accepting Rs.10 lakhs as compensation.

Centre proposes, State disposes?

In an interesting development in 2010 the then Minister of Environment and Forest, Mr. Jairam Ramesh accused the states for deliberately avoiding declaration of CWHs so as to safeguard vested interests like mining. He said that once declared the CWHs can't be allowed to be either settled for tribal rights or for any project (non-forest) activity like mining.

<http://www.hindustantimes.com/delhi/states-defying-forest-act-says-jairam/story-Ks1mzSrG5kNwNq5OFoBW3L.html>,

as accessed on 21-12-2016)

Sarap *et al* (2013) have stated that the Govt. of Odisha has notified CWHs in Shimilipal, Satkoshia and Sunabeda wildlife sanctuaries; but the PCCF, Wildlife did not confirm this⁷¹. However, the Sunabeda Wildlife Division has mentioned (March 2015) to relocate 26 villages from the CWH area and to provide eco-tourism as the alternative livelihood, as its 2nd priority⁷².

⁷¹ Interaction dated 18-01-2017. It was revealed from a discussion with the PCCF, Wildlife that CWH has not received attention since last many years and only some preliminary steps had been taken in this regard several years back. The areas mentioned in Sarap *et al* however correspond to potential Critical Tiger Habitats.

⁷²<http://rtiodisha.in/pa/T1RlLzlyLzNDkvMjU> =, as accessed 21 December 2016

The sincerity with which the open consultation will be actually carried out by the authorities has also been questionable. In fact, the Wildlife Protection Act itself is yet to be brought fully in line with the spirit of FRA; and civil society efforts to that effect have remained largely unsuccessful though the WLPA has been slightly amended first in 2006 to incorporate the provision of creating Critical Tiger Habitat under its Section 38 with compliance of the relevant provisions of FRA, though its compatibility with the concept of CWH has been questioned, as reproduced here:

<p>4. COMPATIBILITY OF SECTION 38V OF THE WILDLIFE (PROTECTION) ACT, 1972 (RELATING TO RELOCATION FROM CORE/CRITICAL TIGER HABITATS) WITH THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006</p> <p>4.1. The phrase '<i>core or critical tiger habitat</i>' is mentioned only in the Wildlife (Protection) Act, 1972, as a sequel to amendment made to the said Act in 2006. It is NOT defined in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.</p> <p>4.2. The phrase '<i>critical wildlife habitat</i>' is defined only in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and NOT in the Wildlife (Protection) Act, 1972.</p> <p>4.3. '<i>Core or critical tiger habitat</i>' is different from the '<i>critical wildlife habitat</i>'. Since tigers are territorial big cats, hence considering their social land tenure dynamics, the '<i>core / critical tiger habitat</i>' has been viewed separately from the '<i>critical wildlife habitat</i>', which is applicable to other wild animal species.</p> <p>4.4. Based on deliberations with experts and simulation results from scientific data, it has been found that a minimum inviolate area of 800-1200 sq.km. is required to sustain a viable population of tigers (20 breeding females).</p>

(Anonymous undated, *Protocol/Guidelines for Voluntary Village Relocation in Notified Core/Critical Tiger Habitats of Tiger Reserves*, <http://www.ntcavillagerelocation.nic.in>)

There is an issue regarding applicability of the MFP schemes in Protected Areas. The letter No. 20220/F&E issued by the Forest and Environment (F&E) Department, Govt. of Odisha on 3rd November 2014 says that collection of MFP is prohibited inside such areas⁷³. While it is understood that this is likely to be in line with the Hon'ble Supreme Court's order (that came long before FRA) that restricted commercial collection of forest produce in the sanctuaries and National Parks, there must be some mechanism to honor at the same time the provisions of FRA which supersedes the relevant previous regulations. While it is a fact that MFP collection by the poor local communities has been allowed in most of the Protected Areas unofficially partly with a sympathetic attitude towards their livelihood security, closure of kendu leaf phadis and some of the most potential bamboo coupes inside such areas did affect the people. In the recent past, there has been a strong practice of taking action by the Similipal sanctuary authorities against those who have tried to collect their usually livelihood materials from the sanctuary, particularly some more 'objectionable'(by the Department) items like sal resin and gum, etc.; and when the Bilapagha village community tried to exercise its ownership rights over MFP some conflicting situations occurred though gradually the local authorities have reportedly accepted the right.

It has been reported that whereas the CFR title-holder Soligas in the BRT sanctuary never got their CFR management plans approved by the authorities, the District Collector of Mayurbhanj

⁷³ SCSTRTI(2015), *Land Utilization, Convergence of Schemes by FRA ST Beneficiaries in Selected Districts of North and South Odisha*, p.53

has seen to it that the CFR management plans prepared by the title-holding villages inside the Shimilipal sanctuary get approved⁷⁴.

6.2.12 Implementation in municipal areas:

There has been some confusion regarding the applicability of the FRA in municipal areas and the Ministry of Tribal Affairs had to change its stand on the same between 2010 and 2013 and finally said that since FRA is applicable to the whole country except Jammu & Kashmir hence it is also applicable to the municipal areas too. In the clarifications issued dated 29 April 2013 and 5- March 2015, the Ministry has made it clear that the Ward Committee(if constituted) shall perform the function of Gramsabha and if such a committee is not constituted then the assembly of adult residents of the concerned settlement/habitation shall do this including the constitution of a FRC. Further, the existing SDLCs and DLC of respective areas/districts/state shall also consider the claims received from municipal areas, provided that while considering such claims the panchayati raj representatives present as members of such committees shall be replaced by representatives from the concerned urban local bodies.

However, it seems that the matter is yet to progress practically despite such clarifications probably because the functionaries of urban local bodies are not acquainted with the process. Our enquiry with the nodal agencies of the districts of Mayurbhanj, Koraput and Malkangiri in December 2016 revealed that the concerned Executive Officers of urban local bodies have been intimated to start the process, but they are yet to achieve anything. May be it will take some more time to make some remarkable progress in this matter.

The applicability of FRA to municipal areas is relevant also from the point of view that when small urban local bodies are upgraded to higher levels(like a municipality being converted into a municipal corporation) many of the adjoining rural areas are included in the urban area where one of more cases of applying the scopes under FRA might exist. This may be a boon for such areas where the application of section 3(2) can accelerate the development process.

⁷⁴ Agarwal, S.(2016). 21 villages inside Simlipal Tiger Reserve granted community forest rights. *Down to Earth*, 25 March 2016.<http://www.downtoearth.org.in/news/21-villages-inside-simlipal-tiger-reserve-granted-community-forest-rights-53296>

Chapter-VII: CONCLUSION AND WAY FORWARD

7.1 RECAP

Historical injustice to the forest dwellers have been caused chiefly during the colonial period and mostly in the princely states by ignoring their rights during the survey and settlement processes carried out in forest areas, thereby making them 'encroachers' in their own land which they have traditionally occupied. The so-called forest villages still bear the impact of this injustice. The Government of India attempted to address this issue in the post-promulgation scenario of the Forest Conservation Act, 1980 and took steps to regularize the pre-'80 encroachments by tribals in forest lands in the early 1990s; but neither the states took it seriously and sincerely nor was the system proposed completely flawless to be adopted immediately, which is why it could not be implemented. Litigations further prevented the implementation of this proposal. In the meantime, misinterpretation of the Apex Court's order in the Godavarman case led to a massive eviction drive under the instructions of the MoEF which created great trouble for the poor forest dwellers of the country. The CSD launched a massive campaign against this drive with moral support from the civil society, which in turn led to the tabling of a bill in the Indian Parliament to safeguard the rights of tribal encroachers in forest land. This bill was later amended to get transformed into and passed as what is known as the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 popularly known as the Forest Rights Act (FRA). The land recognized under this Act is also known as 'FRA land' in popular as well as layman descriptions.

The Forest Rights Act, 2006 was actually operational from 2007; and it took one more year to get the things gradually streamlined. During the last 10 years (practically 9 years or so) the implementation of the Act has seen many 'ups' and 'downs' in which both good and bad practices have been noticed. Odisha has been a good example of the whole dynamics in the country with some interesting case studies.

By 31 July 2016, Odisha has been able to facilitate 612944 individual forest rights claims at FRC level of which 401442 claims have been finally approved and 383366 titles have been distributed against the same. Claims are still coming post-July 2016 and while it is true that there are still some areas where the claims are yet to be made or the titles received, the virtual exclusion of OTFDs has made the achievements almost one-sided instead of being holistic. The irony is that the concerned nodal agencies have acted keenly more on rejecting the OTFD claims on the basis of lack of evidence or other reasons instead of helping the genuine OTFD right-holders to get their rights. As a result, many approved OTFD claims were later withdrawn or cancelled (as in Malkangiri and Sundargarh district) and by 31-08-2016 only 1042 such claims are said to be approved out of the total 30223 filed at Gramsabha level and only 628 titles distributed to the OTFDs for an area of 490 hectares. The distribution is confined to only 4 districts (Sundargarh, Rayagada, Angul and Malkangiri). Such a major failure has virtually turned the FRA into the Scheduled Tribes (Recognition of Forest Rights) Act, 2006 in the state with various implications

including conflicts between the STs and the OTFDs who used to remain in peace with each other before such discrimination was effected. What is still more unfortunate is that despite the clear instructions made in the Amendment Rules of 2012, majority of the rejection cases are yet to be duly intimated to the claimants(both STs and OTFDs), not to speak of taking such cases suo moto as petitions for reconsideration.

For the right-holders, the convergence measures have become as if a criterion to judge if they have got 'justice' and the progress in this regard is very differential among the districts though Indira Awas followed by land development have been the most common convergence benefits across the state. The progress vis-à-vis community rights on the other hand are very poor, not to speak of the post-entitlement measures to be taken by the title holders of CFRs. Still, it is good to note that while the number and forest area approved by the DLC against IFR claims increased by more or less 3.75 times during 2009-2016, the area approved against community claims increased almost by 100 times during the same period. However, the progress regarding claims under Section 3(2) is still far from satisfactory.

CFR management by the title-holder communities is yet to be properly started in the state chiefly due to want of a standardized system to adopt(in conformity with the freedom and spirit of the community) and also necessary awareness and capacity. Still, some pilot initiatives have been started at few places like Bilapagha in Mayurbhanj and Jamguda in Kalahandi whereas comprehensive CFR management plan has been attempted in few villages (Karlakana and Podchuan) of Rayagada district.

The process of RoR correction has taken a good lead in but few districts like Kandhamal whereas many districts are lagging behind. On the other hand, similar corrections in the forest records are in a very nascent stage in the state though good attempts have been made in some isolated cases(like in Phulbani Forest Division).

While the constitution and functioning of the FRCs, SDLCs and DLCs have been questionable in some cases on the basis of valid reasons like irregularity in the meetings of SDLCs/DLCs, the image created of the State Level Monitoring Committee is that of a formality maintained that too irregularly and with but little activism, thereby failing to ensure the proper progress in poorly advanced fronts. It seems as if the whole process has turned out to be a tiresome and exhausting affair for the implementing agencies and although reminders or new instructions from the central government and/or protests/demands of the civil society have helped to refresh the system, it has not been able to sustain this positive impact for long. It is therefore high time to make a critical review of the situation both at central- and state levels and the civil society actors must also realize the threshold of the Act that FRA is. In fact, ignoring this has led to many errors and misadventures (like CFR title for VSS) previously and new issues are arising (like, the government's decision to not require Gramsabha's consent in case of linear projects).

Despite its good potential, the state is still unable to finalize any habitat right or conversion of forest village into revenue village. On the other hand, policy level conformity with FRA regarding rights on MFPs has but been partially attempted (bamboo, kendu leaf and sal leaf) with lac still out of its purview for all practical purposes. Kendu leaf deregulation did not succeed much in Nabarangpur district partly because of want of necessary ground preparation and partly because of the poor local potential, but it is showing promising results in Malkangiri district; whereas bamboo decontrol has not been able to have widespread impacts outside isolated cases like that of Jamguda(Kalahandi) partly because of policy-level issues(like preparation of a microplan and permission from the Forest Department to use its transit permit) and partly because of operational issues(like, business negotiations with major consumer companies such as JK Paper Mill which are otherwise finding it difficult to trust the community-based systems).

While some of the old issues like lack of proper demarcation are still hunting the authorities with diverse impact at field level⁷⁵, new challenges like implementation in municipal areas are also emerging. However, the old argument of conservationists and wildlife activists that the FRA would cause a grave danger to the ecology and biodiversity has been proved to be ill-conceived particularly because on one hand the FRA doesn't encourage deforestation (except for the limited purpose under Section 3-2) and has even derecognized the traditional hunting practices of the tribals and on the other hand, the forest lands used for agriculture have been used that way long before the FRA came. It is however true that in few cases the Act has been misused either by vested interest groups or because of the ignorance of the poor people though this should rather be seen as a normal outcome of any progressive or pro-people law. In fact, the FRA has succeeded in empowering a large number of right-holders in one way or the other, with advantage for the Scheduled Tribes in general and women in particular.

⁷⁵ As this study team was told during its field visits, in Gaipanikhia(Mayurbhanj) the CFR boundarty demarcation by the officials was left half way when they saw elephants in the forest and never returned to complete the same. On the other hand, in Sanatundi village(Gajapati) some individual plots in difficultly accessible areas such as upper parts of the Dengamadhi hill were also left without joint verification by the officials. All these have had adverse implications for the concerned claimants, resulting in pending settlement.

7.2 RECOMMENDATIONS:

The Forest Rights Act, 2006 has been envisaged as a comprehensive legal cover for safeguarding socio-economic, socio-ecological and environmental well-being of the poor people living in or around forest areas. However, this comprehensive potential is yet to be harnessed properly partly because of want of compatible comprehensive convergence at the policy level and partly because of some of the inherent limitations of the Act itself. Whereas the governments at central- and state levels have taken steps for scheme-based convergence for the right-holders, policy-level convergence is still incomplete; and it seems as if the FRA is just a system parallel to the previously practiced systems or laws. That the Indian Forest Act, 1927 or the Odisha Grama Panchayats (MFP Administration) Rules, 2002 are yet to be amended to adopt the definition of MFP as provided in the FRA is a clear example of this. As of the second issue, i.e. inherent limitations of the Act, while the Section 13 has created the scope for making the FRA a parallel or additional legal system, there are certain ambiguities which may create problem if challenged in the court of law. For instance, the definition of MFP under Section 2(i) ends with a legally ambiguous term 'and the like'. Similarly, the norms for OTFDs have virtually diminished the scope of recognition of their rights even in genuine cases. Unless these two basic issues are addressed properly, the mandate of the Act shall remain but partially executed.

Given below are specific recommendations to ensure effective and comprehensive implementation of the FRA:

- The target-oriented mission-mode approach and special drives for implementation of the Forest Rights Act in respect of individual forest rights led to some major errors and flaws in the process, chiefly the improper or lack of identification of the land applied for and also improper or ignored measurement of the same. As this is causing a major problem in land demarcation alongwith other implications such as implementation of convergence measures, hence this needs to be revisited.
- The RoR correction process should be made more comprehensive and field-oriented so as to address the above issue, apart from rectifying minor errors found in the titles such as improper naming of the title-holders or inadequate filling under the provision 'dependents'. This is because the RoR correction process is the best and apparently last chance to rectify the major and minor errors under the present limitations.
- As the claim Form-A mentions 'any other traditional right' which does not find any scope to be mentioned in the prescribed title format for IFR, hence the best way to address this issue is to mention the same in the rectified RoR/patta and steps should be taken to this effect. .
- Despite a clear instruction from the government to suo muto consider all pending/rejected cases as petitions, the district authorities are yet to wake up to this call. This needs immediate review and follow up.
- It has been found that in many districts the concerned authorities are not yet well-acquainted with the RoR correction process and are confused about the matter. On the

other hand, in districts like Koraput, where the tahasil office has not been given a prime role in the FRA implementation process and has been limited to the role of title distribution only, the process of RoR correction takes additional time as the case records are with the ITDA and the tahasil staff do not much know the dynamics. Therefore the concerned officials should be well-trained in the process with model RoRs (revenue version of the FRA titles) shown to them.

- Special initiatives should be taken for unsurveyed areas such as the Jungle Blocks of undivided Koraput district where adequate settlement records do not exist to support the RoR correction process.
- Sketch maps attached to the title or patta should be true and not vague; i.e. these should show the major legal boundary with the concerned plot identified therein. This has been done for correcting the revenue maps in the Tumudibandha tahsil office(Kandhamal), but a miniature of the same should be attached to the patta.
- Special drives should be considered for OTFDs and community rights too.
- Forest- and unsurveyed villages should get special priority for conversion into revenue villages.
- Sustainable socio-economic use of the forest land should be promoted. It has been observed that convergence schemes promoting cashew or eucalyptus have led to discontinuation of many traditional agricultural practices such as millet cultivation which used to be vital for the food- and nutritional security of the forest dwellers. A promotional scheme for diverse millets and indigenous crops may be specially considered for forest lands recognized under FRA not only for the benefit of the title holders but also for conservation of indigenous agricultural biodiversity. This should however be applicable only where adequate land development measures ensure permanent agriculture, discouraging shifting cultivation.
- Poor and disadvantaged groups who have rehabilitated themselves in forest lands after 13-12-2005 or are otherwise not able to produce necessary evidence that they are entitled to get the title under FRA, should be given atleast homestead lands under other laws like OGLC Act⁷⁶.
- The socio-ecological implications of FRA implementation should also be reviewed as plantations of exotic species such as rubber(Gajapati) and eucalyptus(Koraput) have been reported under convergence in forest lands recognized under FRA. Even promotion of cashew in forest lands in the districts of Rayagada(Gunupur Block) and Gajapati districts is an ecological issue. If there is a preference on the part of the title-holder to opt for any of these plantations, then either he/she can be provided with better alternatives or atleast the government should not promote these.
- It has been reported that the multiple benefits of the FRA titles are not uniformly available in the state. For instance, in some areas caste certificate is issued against the

⁷⁶ This recommendation has come from noted senior journalist and social activist Sri Ravi Das during a telephonic interaction with the study team.

title but the same is denied in other districts. There should be clear instructions regarding such discrepancies.

- Title-holders often need bank loan to develop their forest land (as the support received under various schemes is inadequate particularly where the land size is considerable or the land itself is very difficult to develop), which is however not available normally except for few cases of loans sanctioned by LAMP-Mini Bank in Malkangiri district or Gramya Bank in other areas⁷⁷, against the FRA title. While the reservation of the financial institutions to sanction loan against a land is not transferable or saleable is well-understood, the government should consider special provisions in this regard.
- The title-holders are more aware about their rights and entitlements than responsibilities. This is more important in respect of CFRR where a forest management plan needs to be developed. Absence of a standard guideline for such plans has given rise to anomalies and confusions in the matter, but there are certain good practices or examples (like, the proto-type of community forest management plans made for two villages of Rayagada district by the NGO NIRMAN) which can be taken up for further standardization and creating models. Besides, special orientation programmes for CFRR-title holders can also be considered so that they can discharge their responsibilities effectively.
- VSS is still an issue in implementing CFR/CFRR. This is partly because the Forest Department prefers VSS and partly because the earlier allotments of forest areas to different VSSs are a cause of inter-village conflicts as the VSS area is a virtually exclusive allotment for each concerned village whereas the customary boundary of the forest area claimed by any particular village may overlap the same. Although partial rights of access can be considered for other villages under FRA, VSS-villages may not be satisfied with just partial rights whereas exclusive rights for more than one village cannot normally be considered under FRA for the same forest area. The Forest Department has taken undue advantage of this dilemma in some areas like the Balasore district, while unclear/unupdated perception of the FRA implementing authorities has fallen an easy prey to this VSS-mania, as found in Rayagada district. Therefore this issue should be carefully reviewed and all VSSs should be regarded as suo muto invalid once the claim for CFR/CFRR is made.
- There are overlapping claims under or approvals against Form-B and Form-C. The present practice mentions progress (figures) under each of these categories separately first and then provides their cumulative, which is likely to be erroneous or misleading. Care should therefore be taken in this regard.
- The Forest Department is still the most conservative partner in FRA implementation. While it has its own logics to justify this much controversial role and some of the justifications do appear to be valid either fully or partially (like, identification of individual land in reserve forest areas where revenue maps do not exist and forest maps

⁷⁷ The practice is not uniform in the state and the study team was reported in a meeting at Krushnachandrapur (Nilagiri Block Balasore) that even the Gramya Bank refused to grant loan in some cases.

neither recognize such plots nor are scale-wise compatible); there are clear evidences against the Department depicting its unethical role causing several complications including unusual delays in the process. In some districts like Gajapati and Balasore the matter has taken a very unpleasant turn, provoking the concerned FRA implementing authorities to consider legal action against the Department which has a good scope under FRA. The SLMC should take up the matter seriously with the Forest Department before it's too late and the issue be resolved through separate meetings between the chairman and convener of SLMC and the Principal Secretary, Forest Department and the PCCFs(territorial and wildlife).

- While FRA does not mandate for the use of GPS, it seems that digitized maps of individual plots and community forest areas have been made virtually mandatory in some areas. This is partly to identify/demarcate the plots inside reserve forest areas and Protected Areas. The requirement of the implementing authorities at state-level to mention the 'area' of the CFR/CFRR has further created a compulsion for the use of GPS in delineating the CFR/CFRR area though FRA itself does not ask for the 'area'. Improper/inadequate boundary marks in the claims made has also prompted the Forest Department to ask for clear boundary marks, which when unavailable, attracts the use of GPS. While the digitized maps are advantageous in many respects, their major role however has been quite adverse to the process itself as it takes a lot of time for GPS mapping, not to speak of the erroneous mapping by GPS reported in some cases. In some districts a perception has been developed among the authorities that CFRR claims cannot be considered and processed unless until the GPS map is attached to the claim. Such practices should be discontinued and the settlement of the claim should not wait the GPS readings/maps though the digital mapping may be tried after the settlement.
- The laws regulating minor forest produce need to be amended in the light of FRA. This should include the Odisha Timber and Other Forest Produce Transit Rules, 1980 and the Gram Panchayat MFP Administration Rules, 2002. Same should be done for the PESA Rules too.
- There are some issues with online entry, as we were told in Gunupur FRA cell. The system doesn't allow entry of more than one plot in a single name and failure of internet connection causes undesired delay. The SLMC should view this matter separately with technical experts with special focus on online RoR correction in the Bhulekh website.
- Some of the inherent limitations of the FRA(like, no provision for mentioning 'other traditional right' in the title format for IFR) should be brought to the notice of the central government for necessary amendments.
- There are still some villages/hamlets where FRC has either not been constituted, or reconstituted⁷⁸. These should be identified and the process for completed there.

⁷⁸ In Balasore district, for example, the study team was informed in Baliapal tahasil that in villages where only OTFDs are the possible claimants, constitution or reconstitution of the FRCs has been ignored.

- The issue of habitat rights should be reviewed for development of specific formats and standard mechanisms to overcome the present limitations and relevant revenue laws should be introduced so as to grant habitat rights even where non-forest lands are traditionally used for that purpose.
- There is still a need of effective awareness and orientation drives though such programmes should be designed as per the present scenario. Transfer of experienced officers and their replacement with inexperienced officials obviously has its impact which may be quite serious if the post is that of the chairperson of the SDLC or DLC. Even transfer of efficient dealing assistants creates problems in managing the processes smoothly. So the replacements should be carefully done.
- The ST & SC Development Department needs to improve its efficiency, systems and practices in monitoring and reporting the progress of the implementation of FRA. For instance, while posting the latest status report on the progress on its website, it should mention the date in the link to be opened.

7.3 FUTURE ROAD MAP:

While the FRA implementation process is about to attain saturation so far the individual titles are concerned, the major things to be focused on in the near future are as under:

- Identification of individual plots that are no more used for sustenance agriculture and steps to be taken for sustainable land use of the same both for socio-ecological and socio-economic reasons such as agro-horti-forestry, or integrated pisciculture, etc..
- Conversion of all forest villages into revenue villages in a time-bound manner and under a special drive.
- Agreement on a minimum standard format of effective and locally feasible community-friendly forest management plans and facilitation of the preparation, adoption and implementation of the same for all CFR villages, under a special drive.
- Incorporation of CFR management plans in the Working Plans.
- Development of road communication and other facilities in difficult forest areas such as the sanctuaries applying Section 3(2) of the FRA in a time-bound manner.
- Linkage/integration of People's Biodiversity Registers prepared at GP level with the rights specified under Section 3(1)(k) with details of particular indigenous knowledge, etc.. Claim forms need to specify the distinguished (if any) traditional knowledge of the community that may receive due attention for protection as an intellectual property.
- Special surveys need to be conducted from time to time so as to understand where the right-holders separately need a change in the law/system and how it can be addressed. For instance, a time should come when it needs to be understood how widespread and strong is the perception of the right-holders to get the right to sell or mortgage the 'FRA land' to meet their bonafide livelihood needs. Similarly, a survey seems already due to

identify how many right-holders are still suffering from the issue of lack of proper demarcation and what are the related issues.

7.4 CONCLUSION:

The Forest Rights Act came with a great mandate and spirit to ensure socio-ecological and socio-economic upliftment of the marginalized group of people known as forest dwellers, but being entangled with various operational issues it has not been able to establish its true glory so far. One of the factors complicating the situation is the continuous attempts of the government to make the benefits under FRA more and more comprehensive, holistic and integrated which is why new circulars are being issued from time to time with increasing burden of responsibilities for the implementing authorities who obviously do not want to see this as a never ending process. It is the responsibility of the state- and central governments to make sure that FRA doesn't turn into an increasing messy affair and that recognizing its threshold limit the programmes and measures implemented for and under FRA are limited, modified and made time-bound so that its true glory can manifest itself with creation of inspiring models and success stories that can make this Act a revolutionary legal programme for the development of the country.

State-level statutory bodies like the SLMC and the Tribes Advisory Council (TAC) must take proactive and dynamic roles in ensuring the successful implementation of this Act in a comprehensive manner. The TAC's activism in the matter seems to be either nil or very low sometimes whereas it should rather critically review the status and suggest or take necessary and effective actions. It should even review the role of the SLMC in the matter.

The civil society actors must ensure that social activism on this front is free from all dubious stands. Advocacy for complete independence of the Gramsabha/communities and then criticizing the government to have failed in its responsibilities when such independent institutions themselves fail in certain matters (like in case of kendu leaf deregulation) is a double standard, causing the loss of credibility of the civil society.

The STandSC Development Department, Odisha and the Ministry of Tribal Affairs, Govt. of India as the nodal agencies of implementing the FRA respectively as state- and central levels need to ensure that their steps are not simply idealistic but also realistic⁷⁹; and that the Forest Department/Ministry of Environment and Forest works in complete coherence with them, so far the FRA is concerned. Announcing that each Gramsabha is free to develop its own simple format

⁷⁹ Some reading materials of use to both social activists as well as nodal agencies of/for FRA include 'Forest rights and wrongs' by Bittu Sahgal, e-published in *The Indian Express* on 15 November 2016 and accessible at <http://indianexpress.com/article/opinion/columns/wildlife-sanctuary-encroachers-social-activists-nameri-tiger-reserve-sonitpur-assam-forest-rights-and-wrongs-4375645/> and 'Forest Rights Act: How Rules Fail in the Jungle' by Dinesh Narayanan and e-published in *The Economic Times*, 1 Oct. 2015, <http://economictimes.indiatimes.com/news/economy/policy/forest-rights-act-how-rules-fail-in-the-jungle/articleshow/49175798.cms?prtpage=1>.

for CFR management is not a much realistic approach as that has risks of creating a lot of confusion and technical issues. If a format could be developed for the user agencies to apply under Section 3(2), why can't it be developed for the CFR management plan with a stand that the Gramsabha would be free to add to the same, if necessary and also to make justified modifications? Technical chaos would further hamper the process of incorporation of CFR management plans or other such community rights in the Working Plans. On the other hand, the ST & SC Development Department should ensure a comprehensive monitoring of the progress and thus review the status in respect of the implementation in Protected Areas, etc..

Last but not the least, the Forest Rights Act should be made an evolving process to diversify its applications in more areas as well as to help it overcome its inherent threshold for a dynamic continuation even after the settlement of claims is fully saturated. If the Indian Constitution has been amended from time to time to ensure that the citizens of the country find their genuine needs(rights) met with as per the changing times, why not the FRA?

In fact, the clarifications issued by MoTA from time to time on how some specific provisions of the FRA should be interpreted, are a step towards this evolving trend which should be further broadened in the vision and comprehensiveness so as to make the FRA a 'shining' law in future.

BIBLIOGRAPHY

- Bag,H., N.Ojha and B.Rath(2010).NTFP Policy Regime after FRA: Studies in Select States of India. RCDC, Bhubaneswar
- Community Forest Rights Learning and Advocacy (2016).Promise and Performance: Ten Years of The Forest Rights Act in India.
- Community Forest Rights Learning and Advocacy(2016).ODISHA: Promise and Performance of the Forest Rights Act, 2006.
- CWS(2015).CFR Protection and Management Plan of Duvia Gramsabha in Mayurbhanj District and Gopalpur Gramsabha in Balasore District of Odisha under FRA, 2006. Bhubaneswar
- CSD, Odisha (2013). Critical Observations on the ‘Implementation Status Report of Forest Rights Act, 2006’ Produced and Uploaded by the State Level Monitoring Committee(SLMC), Odisha
- Das, S.K.(2013). India’s Right Revolution: Has it Worked for the Poor?. Oxford University Press.
- Deo B., T.Mishra and M. Dehury (2016). Experiences from Similipal Tiger Reserve. Vasundhara, Bhubaneswar
- DFO, Kalahandi North Division (undated).Microplan For Harvesting Bamboo by Jamguda Gramsabha.
- FES (undated). Goshthi Jangala Adhikara Swikruti Ebam Baunsha Sambalara Parichalana
- Forest Survey of India. State of Forest Report: 2009. Dehradun
- Government of India (2010). Manthan: Report National Committee on Forest Rights Act.
- Kohli, K.(2015).Post-CFR Scenarios in Central Indian Landscape: Prioritizing Issues and Developing Support Mechanisms(A Scoping Study). FES, Anand
- Kurian, O.C.(2015). Implementing the Forest Rights Act: Lack of Political Will?. Oxfam India.
- Kumar, K.(2014).Erasing the Swiddens: Shifting Cultivation, land and Forest Rights in Odisha. *In* Lele, S. and A.Menon(Ed.). Democratizing Forest Governance in India. Oxford University Press.
- Menon, M.(2016). The Unmaking of the Forest Rights Act. Economic and Political Weekly, Nov. 5, 2016.
- Mishra S.(2016). Community Voices: Stories of Success and Struggle. Vasundhara, Bhubaneswar

- Mohanty, P.(2013). Study on Actual Use of FRA Recognized Land at Individual and Community Level. RCDC, Bhubaneswar
- Rath, Bikash(2013), Land Use Management in Odisha,RCDC, Bhubaneswar
- Rath, B.(2015). Community Forest Resource Rights in Odisha and Chhatisgarh: Provisions versus Realities. Keystone Foundation, Kotagiri
- Rath, B.(2016). Community-based Forest Management and Livelihood Development Plan of Karlakana. NIRMAN, Bhubaneswar
- SCSTRIT (2009). Quick Impact Assessment on Implementation of ST and Other Forest Dwellers (Recognition of Forest Rights Act)-2006. Bhubaneswar
- SCSTRTI (2013).National Research Study on Implementation of Forest Rights Act in Neighboring States of Odisha. Bhubaneswar
- SCSTRTI (2015).Land Utilization, Convergence of Schemes by FRA ST Beneficiaries in Selected Districts of North and South Odisha. Bhubaneswar
- SCSTRTI (2016). Training Manual (Part I and II). Bhubaneswar
- SCSTRTI (2016). Compendium of Guidelines and Executive Instructions Issued By Government of India and Selects States on Forest Rights Act. Bhubaneswar
- Vasundhara (2012). Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006: Study on Implementation Status and Good Practices in Odisha. SCSTRTI, Bhubaneswar
- Sarangi, Tapas Kumar (2015). Forest Rights Act, 2006 in Protected Areas of Odisha, India: Contextualizing the Conflict between Conservation and Livelihood.
- Sarap, K., T.K.Sarangi and J. Naik (2013). Implementation of Forest Rights Act 2006 in Odisha: Process, Constraints and Outcome. Economic and Political Weekly. September 7, 2013
- Sarin, M.(2014). Undoing Historical Injustice: Reclaiming Citizenship Rights and Democratic Forest Governance through Forest Rights Act. *In* Lele, S. and A.Menon(Ed.). Democratizing Forest Governance in India. Oxford University Press.

(Also suggested are the proceedings of the regional consultations organized on behalf of NTFP Exchange Programme-India by RCDC.)

GLOSSARY

Amin	A revenue official involved in land measurement
Anabadi jungle	Uncultured land
Bada jungle	Literally meaning big forest, a category of revenue forest land implying to a good forest growth of larger area
Char	<i>Buchanania lanzan</i>
Chota jungle	Literally meaning small forest, a revenue forest land implying to small and open forest
Dongar	Lands on hill slopes used for cultivation
Gramsabha	As per FRA, it implies to the collective of all the voters of a village/hamlet; but in Odisha the same is known as Pallisabha whereas the collective of all the voters of a panchayat is known as Gramsabha
Gramya jungle	Literally meaning 'village forest', a category of revenue forest land located within the village boundary for the purpose of the villagers' use.
Hudi	Hillock
Indira Awas	A housing scheme supported for the poor by the Government of India
Japhra	<i>Bixa orellana</i>
Jungle	Literally meaning forest, but also a category of revenue forest land
Kisam	Literally meaning variety, but here implying to category
Kusum	<i>Schleichera oleosa</i>
Mo Kudia	A scheme supported for the poor by the Government of Odisha
Mo Pokhari	A scheme supported for the poor by the Government of Odisha to dig ponds
Pahad	Hill
Parvata/Parvat	Mountain
Patra jungle	A category of revenue forest land implying to low grade forest
Patita	Degraded land(revenue)
Patta	Usually implying to a lease, but also used to indicate a title or permanent entitlement or recorded right
Piasal	<i>Pterocarpus marsupium</i>
PRF	Forest that is proposed to be a reserved forest. This is not an actual forest tenure but a virtual tenure.
Sal	<i>Shorea robusta</i>



PART-II

FINDINGS OF THE HOUSEHOLD SURVEY

1. THE SURVEY:

The household surveys were conducted using Schedule 1.1 to focus on the status of individual claims and entitlements followed by convergence benefits and other details related to personal benefit or satisfaction. There were total 34 rows in this schedule each one corresponding to a particular query or information. The respondents were requested to bring their titles(if received) also so as to cross-verify the information. In many cases most of the information was in fact extracted from the title itself as the respondents were otherwise unable to respond or clarify on many queries because of their ignorance.

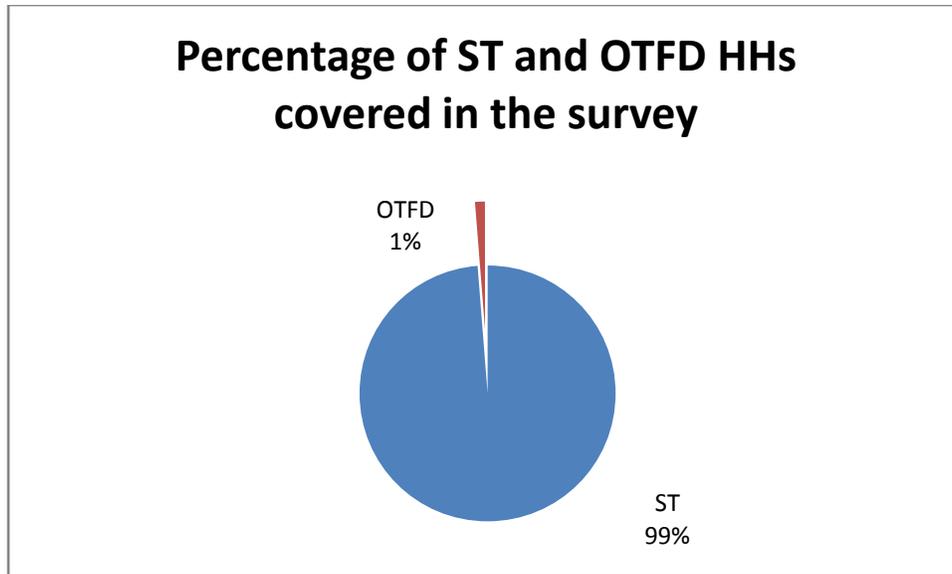
The following table shows the number of household survey schedules filled in various sample districts:

District-wise No. of HH schedules filled In under the FRA study 2016 (as on 31 October 2016)	
<i>Districts</i>	<i>No. of Sheets</i>
Sundargarh	34
Kandhamal	31
Balasore	39
Mayurbhanj	30
Gajapati	34
Keonjhar	38
Koraput	41
Rayagada	36
Malkanagiri	36
Total 9 districts	319 HH Schedules

Out of the 319 sheets only 4 belong to the OTFDs, the rest being to the STs. The following table shows the status of their claims:

<i>Category</i>	<i>No. of households covered</i>	<i>Received title</i>	<i>Not received title</i>	<i>Did not apply</i>
ST	315	272	43(about 14% of the total ST households covered)	1
OTFD	4	2	2	0

Since in most cases the OTFD claims have been ignored or rejected, hence pure OTFD hamlets or villages were not covered under the household survey.



It is worth mentioning here that although the original plan was to conduct the survey @10 HHs per sample village, consistency in maintaining this was however not possible at field level partly because more people showed interest to be covered under the survey (they thought this might help them in some way) and it was not always possible to ignore them. This lack of consistency would therefore affect the district-wise analysis with varying percentage of coverage from district to district, thus making the district-wise comparisons inadequate. In this case the study average appears to provide a more authentic picture than the district-wise comparisons though the latter have been still produced in some cases so as to indicate the trends.

The survey data was edited by the consultant wherever necessary so as to transform the raw and unclear entries into their respective clear forms so that data analysis can be properly made. In some cases entries of same category but with different names or descriptions were merged into one. For instance, all entries related to agriculture (like, millet cultivation with paddy or without paddy) were merged into one category, i.e. agriculture. The term 'others' was used where a complex set of things emerged and has been explained in each case wherever used in the charts.

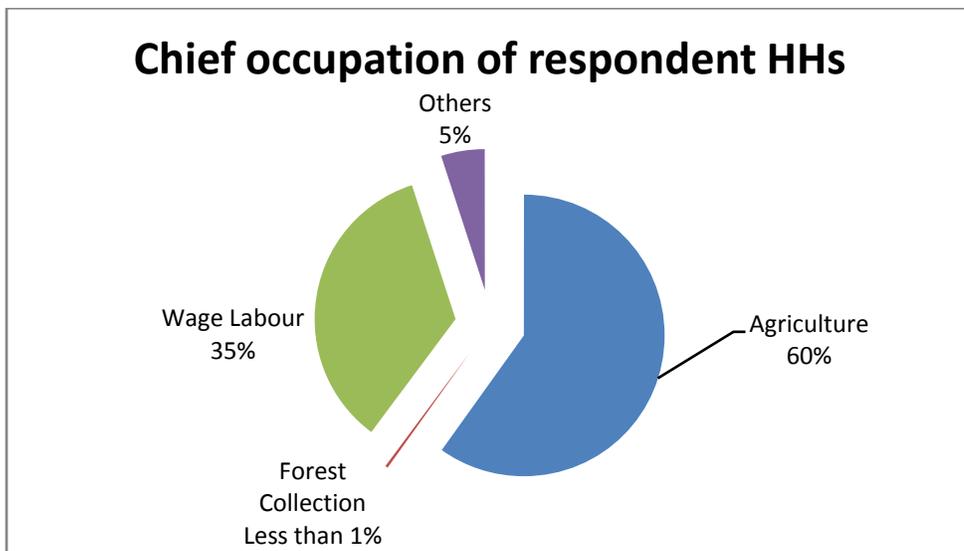
Queries that did not yield adequate response or were otherwise not useful in terms of their applications or responses have been ignored in order to maintain necessary clarity here. For instance, queries related to follow up in case of rejection remained irrelevant in almost all the cases as either the respondents had received the title or were not informed about the status of their application.

The kism of the land had to be interpreted from the titles because the respondents were not sure about it in many cases⁸⁰. Same is true for the area of the claimed land. This is why in mutually

⁸⁰ Balakrushna Jani of Burlubaru (Kandhamal) applied for 10 acres (4 Ha) land in the Dulapadar reserved forest area, but his claim was recognized in Madalkana village forest (revenue forest) for only 0.708 Ha. Cases like his are very rare in which the respondents knew well the kism of the claimed and recognized land.

comparable queries (like area claimed versus area recognized) only those responses were considered for analysis which had clarity.

2. CHIEF OCCUPATION:



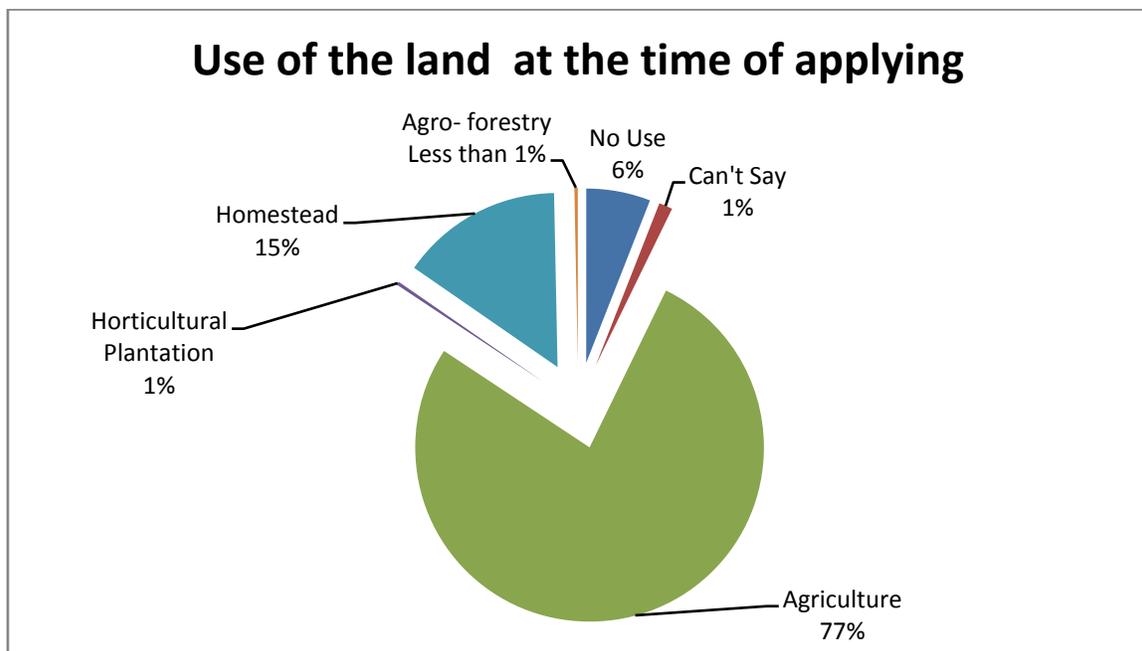
The study average shows that majority of the respondents are agriculturists followed by wage labourers. Forest collection has some remarkable place in Mayurbhanj district whereas 'other' forms of occupation such as self-employment or fishing are more found in Balasore district. This 'others' category also includes handicapped persons and retired persons.

Districts	Agriculture	Forest Collection	Wage Labour	Others	Total
Sundargarh	18		14	2	34
Balasore	5		28	6	39
Gajapati	17		16	1	34
Kandhamal	23		6	2	31
Keonjhar	31		6	1	38
Koraput	26		13	2	41
Malkangiri	29		6	1	36
Mayurbhanj	22	1	7		30
Rayagada	20		15	1	36
Total(respondents)	191	1	111	16	319

Under the 'agriculture' category clear mentions of dongar cultivation have been found in 34 cases where the major practice has been indicated to be cultivation of both paddy and millets, as detailed in the following table(which doesn't appear to be exhaustive as it is quite likely that 'agriculture' in many other cases also implies to dongar cultivation, like in Kandhamal district) :

Districts	Dongar cultivation (Paddy)	Dongar cultivation (Millets and other crops)	Dongar cultivation (Both paddy and millets, etc)
Sundargarh	4		
Balasore			
Gajapati			
Kandhamal		1	
Keonjhar	1		3
Koraput	1	3	4
Malkangiri			9
Mayurbhanj			
Rayagada	2	6	
Total(respondents)	8	10	16

3. USE OF THE FOREST LAND PRIOR TO THE CLAIM:



The survey indicates that the major use of forest land prior at the time of applying was subsistence agriculture. Highest responses of 'no use' came from Mayurbhanj district alongwith the only cases of agro-forestry and horticultural plantation whereas highest response of homestead came from Balasore, as shown in the following table:

Districts	No use	Can't say	Agriculture	Horticultural plantation (Mango and other Fruits)	Homestead	Agro-forestry	Total
Balasore	2	2	7		28		39
Gajapati	1	1	31		1		34
Kandhamal	2	1	27		1		31
Keonjhar	5		32		1		38
Koraput			39		2		41
Malkangiri			36				36
Mayurbhanj	9		9	1	10	1	30
Rayagada			36				36
Sundargarh			29		5		34
Total	19	4	246	1	48	1	319

4. USE OF THE LAND AFTER ENTITLEMENT:

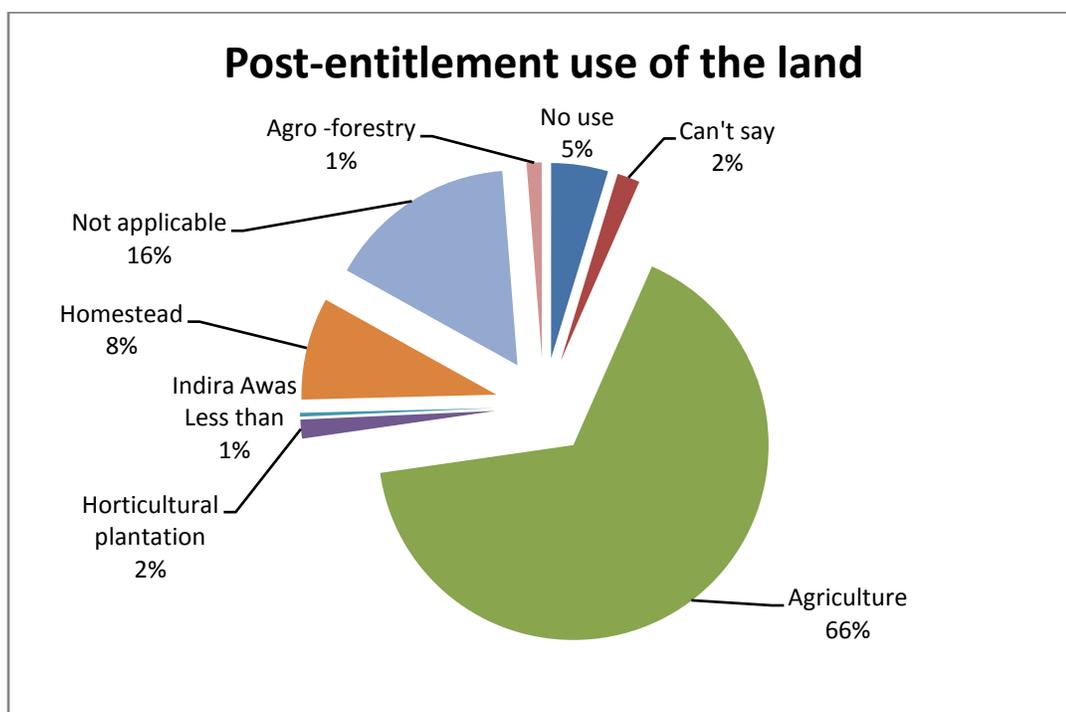


Table showing district-wise number of responses (HHs) under different categories on post-entitlement use

Districts	No use	Can't say	Agriculture	Horticultural plantation	Indira Awas	Homestead	Not applicable	Agro-forestry	Total
Balasore	4	4	5			10	16		39
Gajapati			26	2			3	3	34
Kandhamal	1	1	25			1	3		31
Keonjhar	6	1	21			1	9		38
Koraput			34	1	1	2	3		41
Malkangiri			36						36
Mayurbhanj	4		5			10	10	1	30
Rayagada			33	2			1		36
Sundargarh			26			3	5		34
Total	15	6	211	5	1	27	50	4	319

As seen in the above chart and table, the major post-entitlement use is still agriculture though land use under horticultural plantation has increased a little (only in three districts, viz. Koraput, Gajapati and Rayagada) because of convergence support. Cases of agroforestry were found only in Gajapati and Mayurbhanj. 'Not applicable' cases imply to non-receipt of title.

It would be interesting to analyse the case of homestead lands here. A close examination of the relevant details found that although the chart indicates a reduced percentage of this category as compared to that at the time of applying, this reduction is only virtual and not actual. In fact, the land use (homestead) has remained the same before and after the entitlement, but it has not been reflected in the post-entitlement case simply because some respondents just did not know where the recognized land is. That means due to want of proper demarcation they could not know if they should compare the land use before and after the entitlement.

The post-entitlement change has varied from individual to individual not simply on the basis of the convergence support received, but also because of other factors that may be local or purely private. For instance, Narayan Nayak of Tuntuna village (Keonjhar) who earlier had a mud house with vegetable cultivation in the land, constructed a house with the support for Indira Awas but discontinued cultivation and left the land fallow.

An interesting case was reported from Gudgudia (Mayurbhanj) where the claimed land had a growth of sal trees on it at the time of applying and the same status continued even after entitlement.

5. FACILITATORS OF THE CLAIM PROCESS:

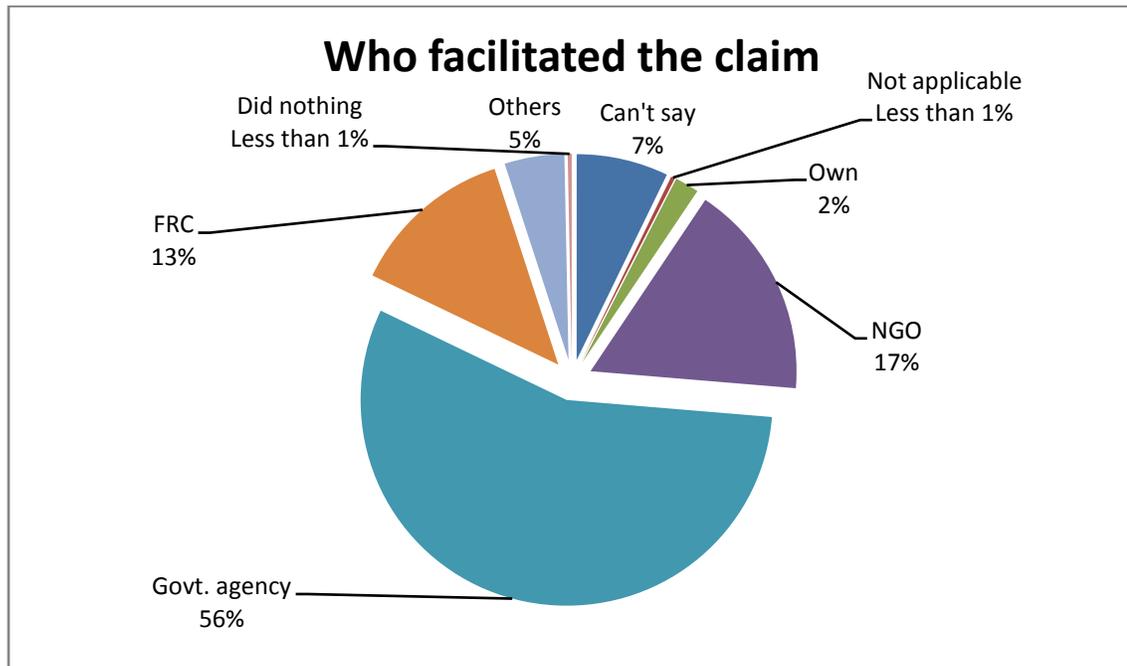


Table showing district-wise number of responses (HHs) on who facilitated the claim process

Districts	Can't say	Own	NGO	Govt. Agency	FRC	Others	Did nothing	Not applicable	Total
Balasure	4	1		26	3	5			39
Gajapati	3		8	22		1			34
Kandhamal	4	1	1	17	4	4			31
Keonjhar	5	2	3	20	5	3			38
Koraput	4		15	16	6				41
Malkangiri				26	10				36
Mayurbhanj		1	7	19		1	1	1	30
Rayagada			12	19	5				36
Sundargarh	3	1	8	13	8	1			34
Total	23	6	54	178	41	15	1	1	319

As the above chart and table indicate, the major facilitator was the government. In some cases people could not know who was the actual facilitator and instead understood the FRC as the facilitator.

'Others' imply to specific references of the individual facilitators such as teacher, sarapanch, ward member, etc..some of which indicate the governmental intervention.

6. PRE-CLAIM AWARENESS ON FRA:

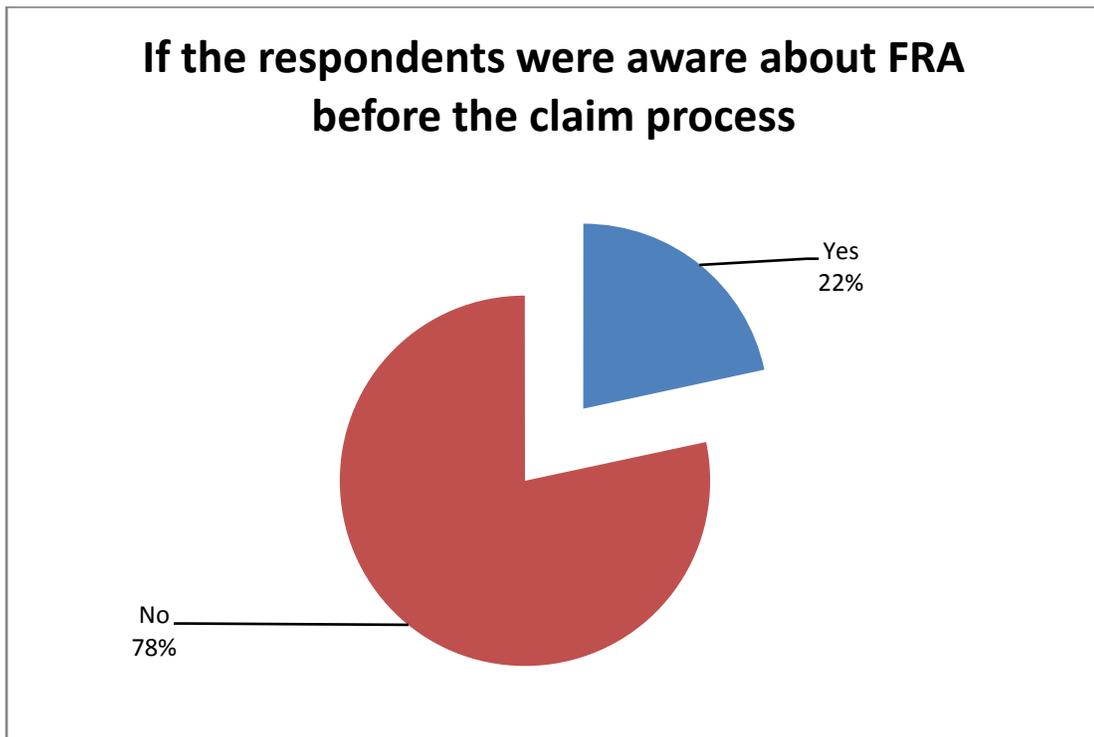
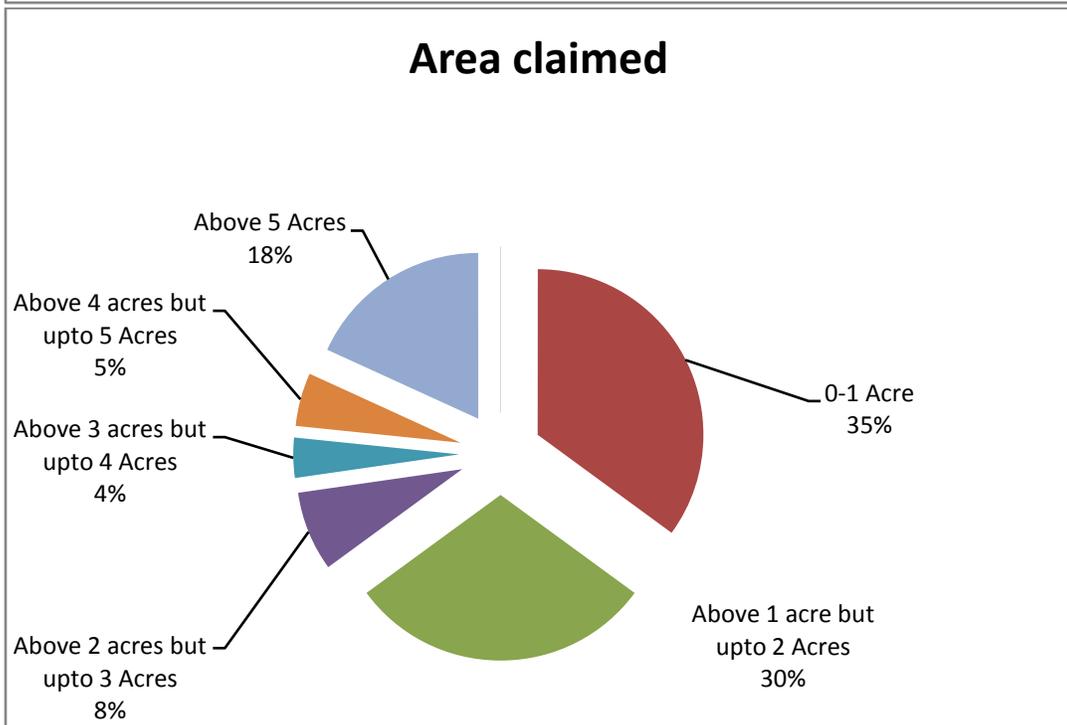
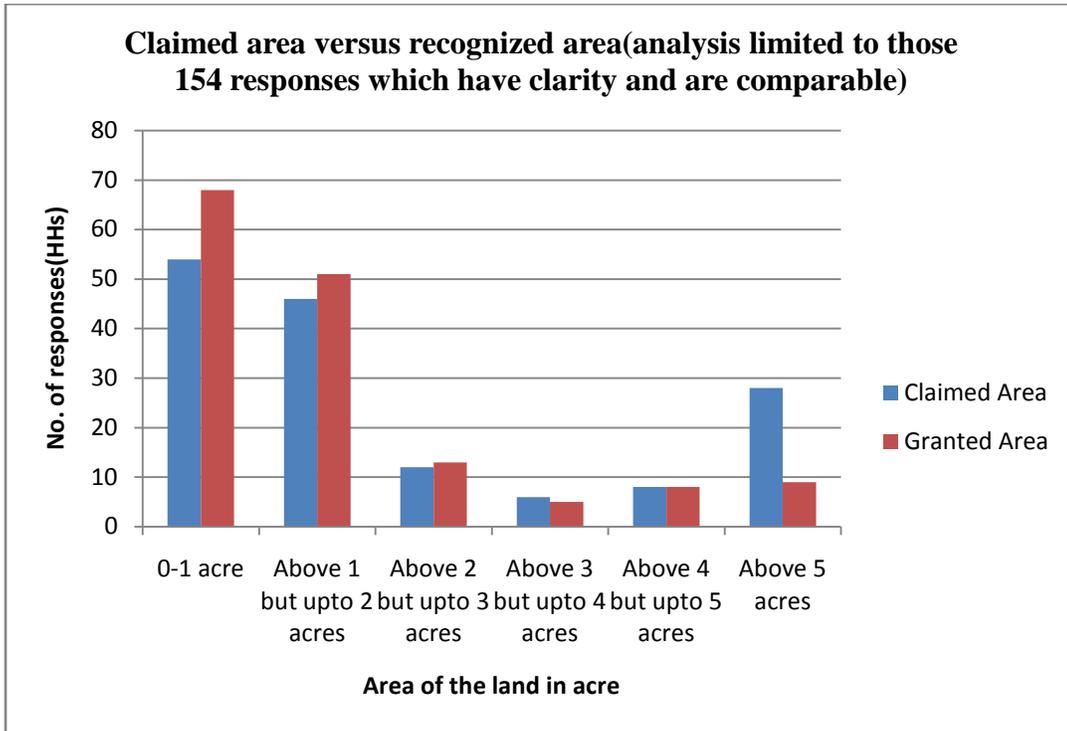


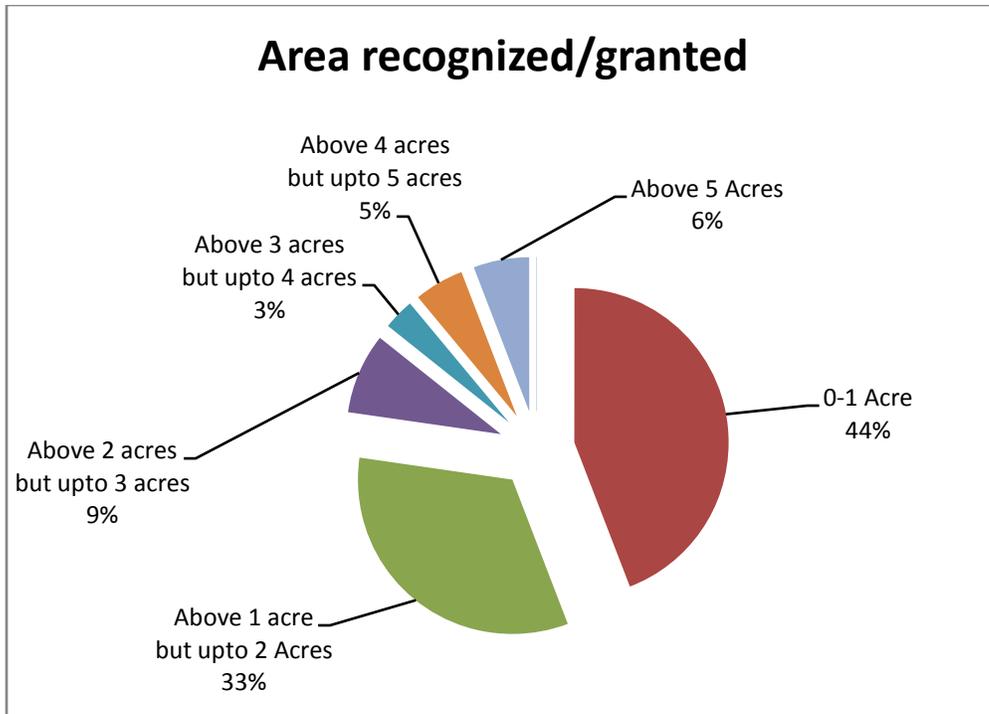
Table showing district-wise number of responses (HHs) on awareness before the claim process

Districts	Yes	No
Balasore	11	28
Gajapati	17	17
Kandhamal	5	26
Keonjhar	9	29
Koraput	4	37
Malkangiri	5	31
Mayurbhanj	11	19
Rayagada	4	32
Sundargarh	3	31
Total responses	69	250

Majority of the respondents were not aware about FRA till the claim process started. The awareness level seems to be better in Gajapati district followed by Balasore and Mayurbhanj.

7. CLAIMED AREA VERSUS RECOGNIZED AREA:





The charts suggest that majority of the claimants got less than the area claimed by them and it was upto 2 acres. Few people got above 5 acres only in Koraput and Malkangiri districts whereas in Mayurbhanj the maximum limit of area claimed and recognized was upto 2 acres. There are even people who just got recognition for less than 0.20 acre land and this is mostly applicable in homestead cases.

Arjuna Gadaba of Gelaguda(Koraput) who got as high as 3.884 Ha land recognized, that too in the reserved forest area, is among the exceptional who had such privilege.

The district-wise charts are given below:



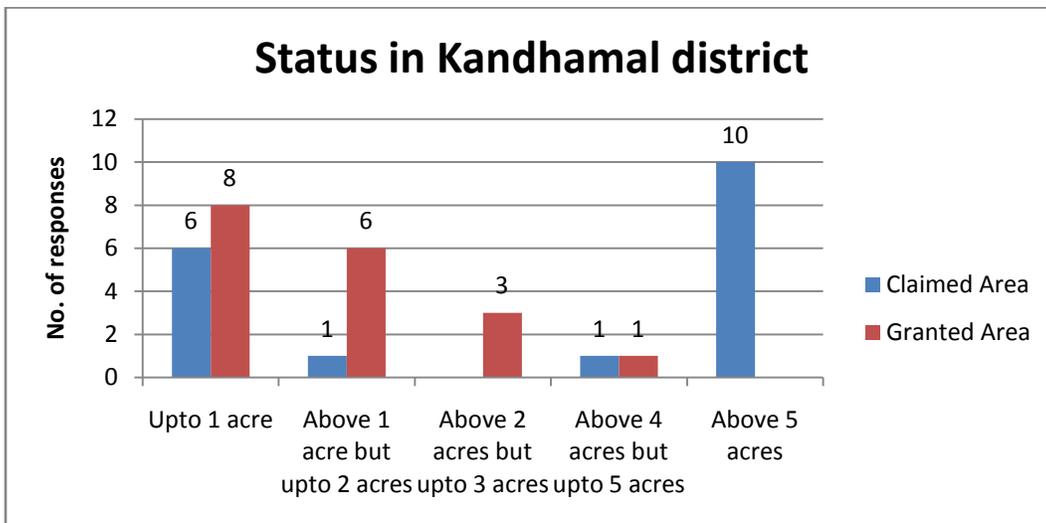
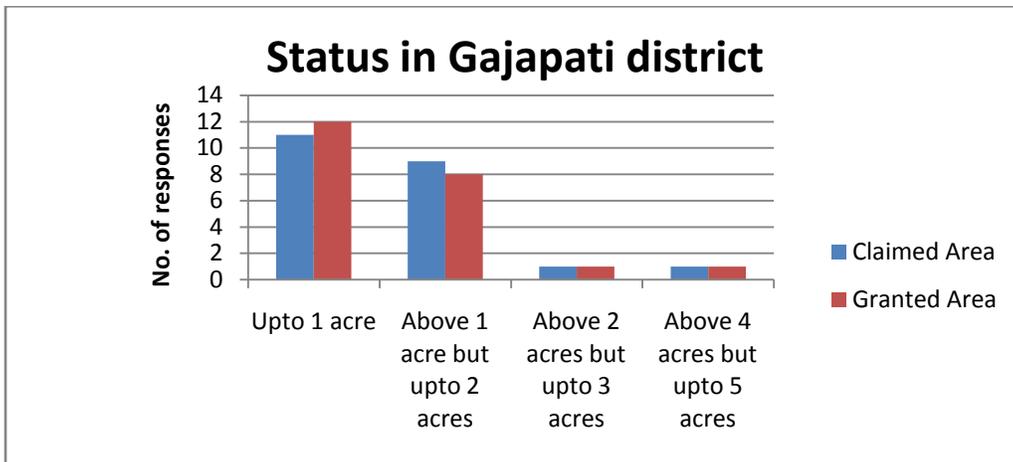
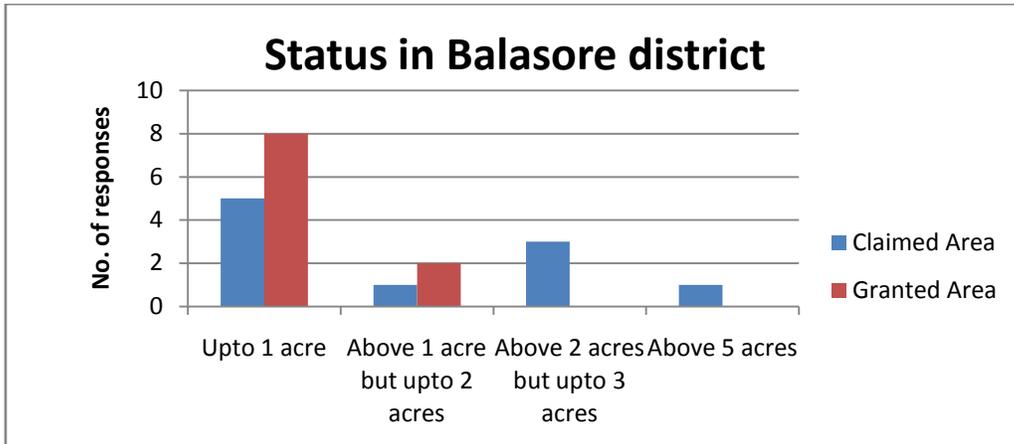
(Left)A homestead land in village forest kism(Dakshina Ada, Shimulia Block, Balasore dist.). **(Right)** The tribal hamlet in Chatrapur in the same Block/district with the same forest kism and only homestead lands. The paddy fields seen are outside this forest land and belong to other hamlets.

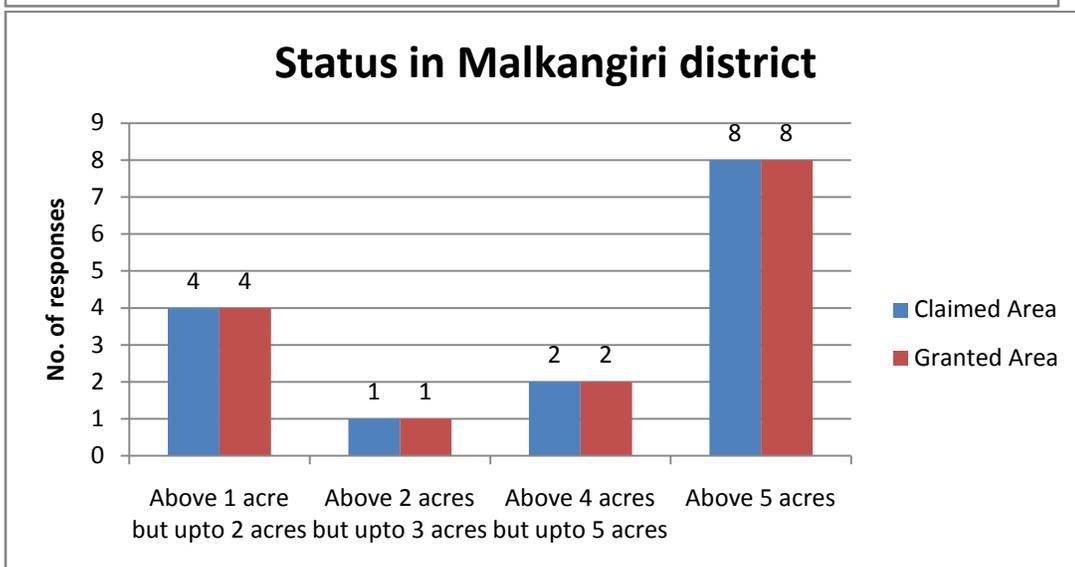
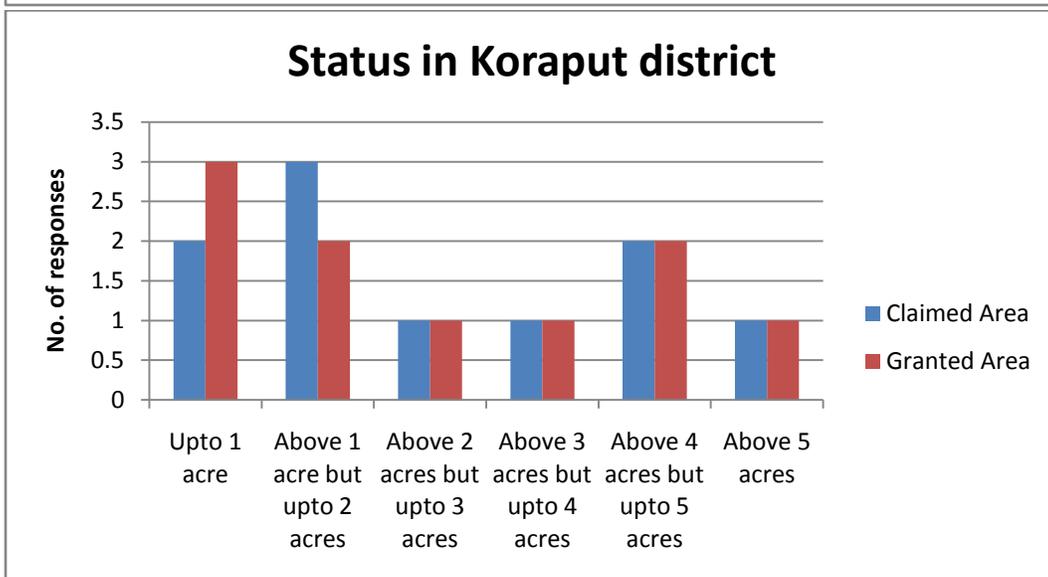
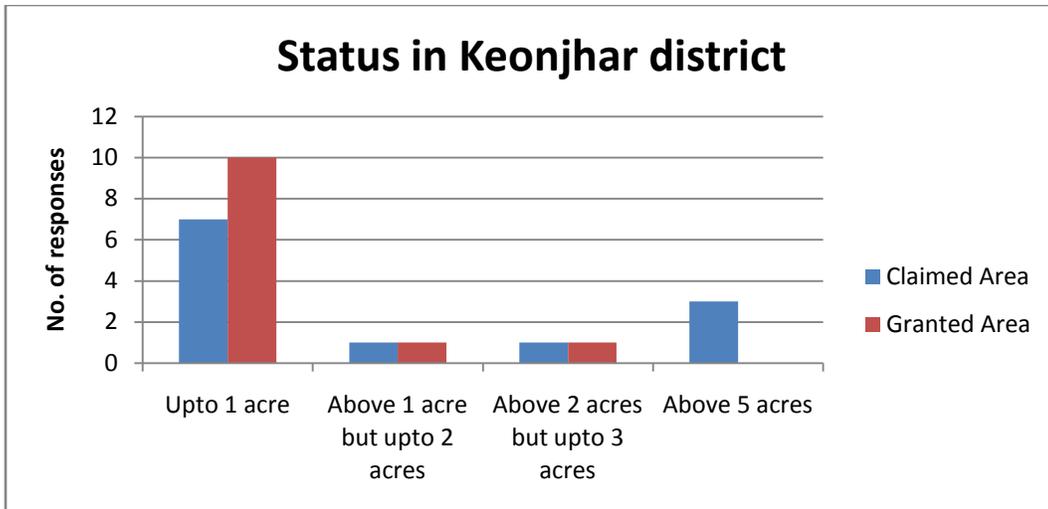
Table showing district-wise responses on claimed versus granted land

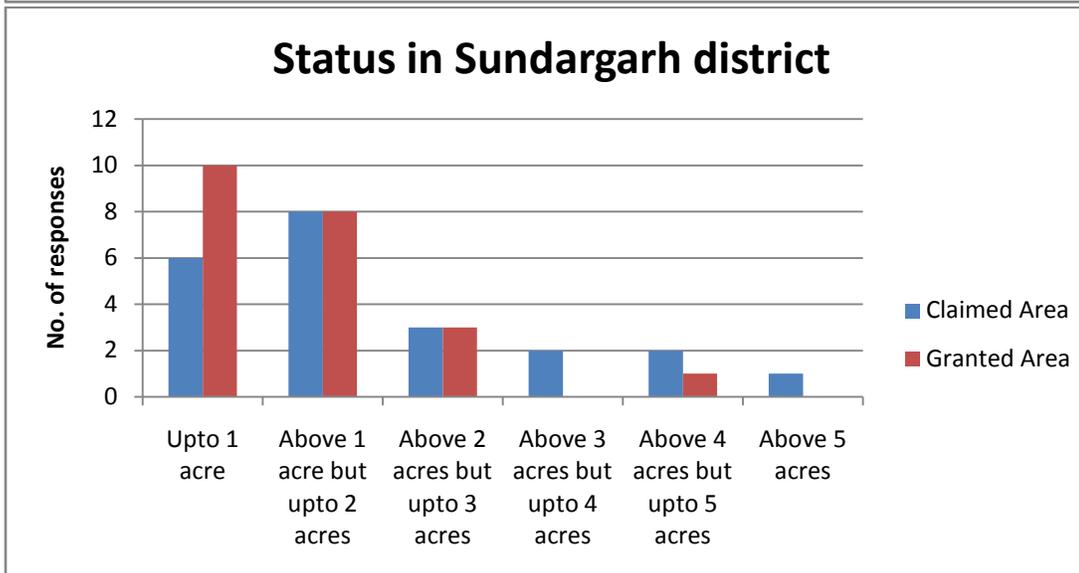
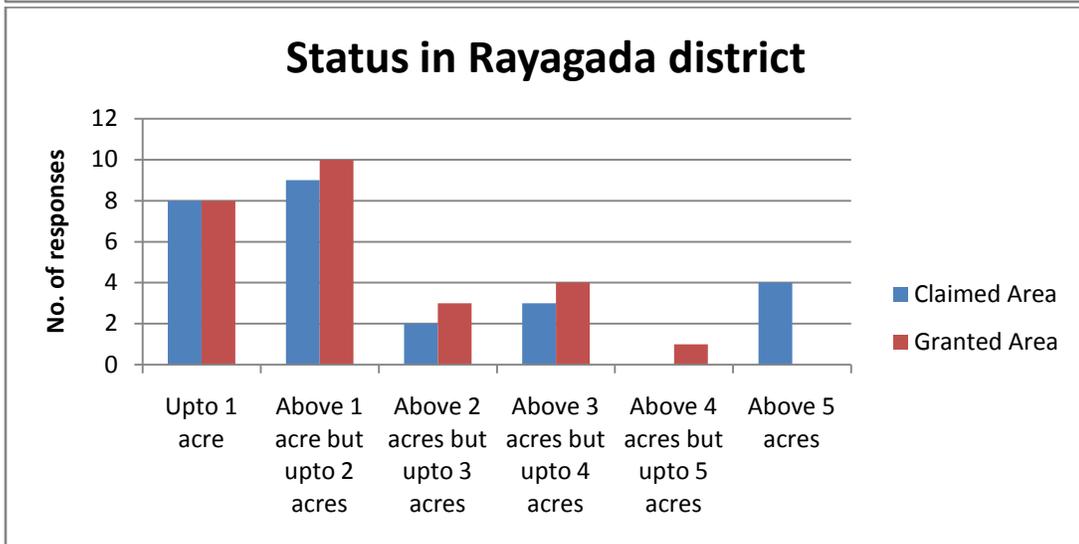
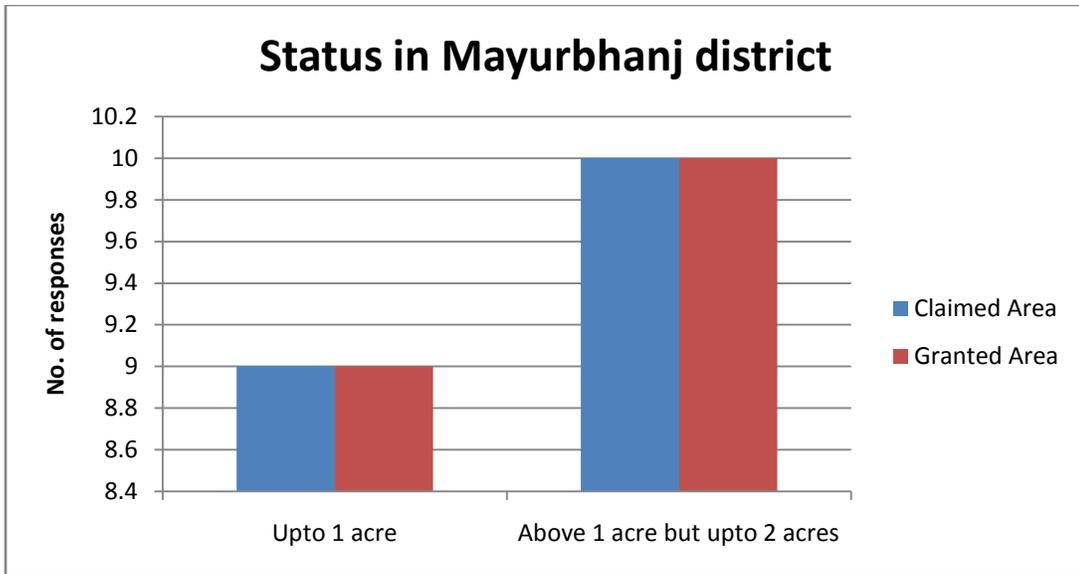
District	Balasore		Gajapati		Kandhamal		Keonjhar		Koraput		Malkangiri		Mayurbhanj		Rayagada		Sundargarh	
Area	CA	GA	CA	GA	CA	GA	CA	GA	CA	GA	CA	GA	CA	GA	CA	GA	CA	GA
0 - 1 acre	5	8	11	12	6	8	7	10	2	3			9	9	8	8	6	10
Above 1 acre but upto 2 acres	1	2	9	8	1	6	1	1	3	2	4	4	10	10	9	10	8	8
Above 2 acres but upto 3 acres	3		1	1		3	1	1	1	1	1	1			2	3	3	3
Above 3 acres but upto 4 acres									1	1					3	4	2	
Above 4 acres but upto 5 acres	1		1	1	1	1			2	2	2	2				1	2	1
Above 5 acres					10		3		1	1	8	8			4		1	
Total responses	10	10	22	22	18	18	12	12	10	10	15	15	19	19	26	26	22	22

CA: Claimed area

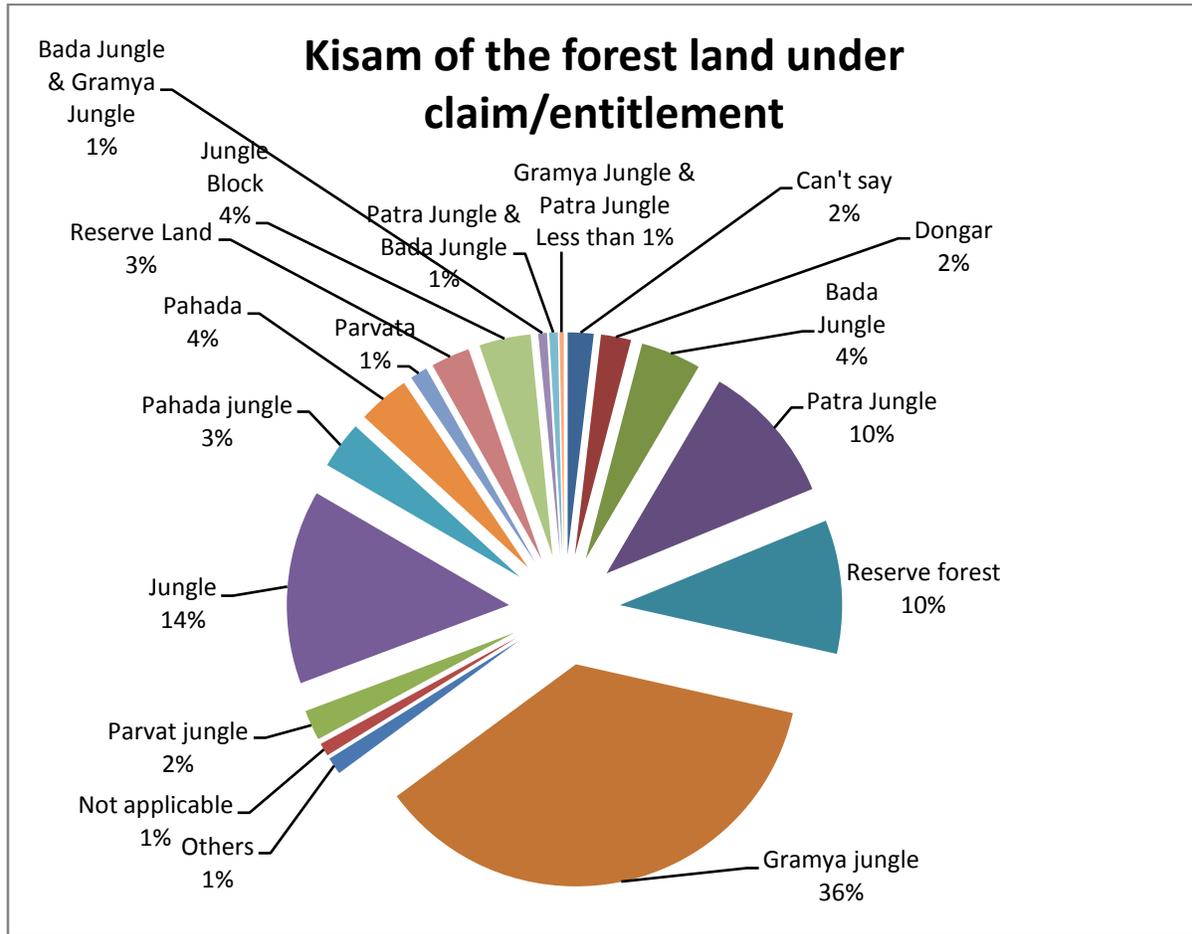
GA: Granted area







8. CATEGORY(KISAM) OF THE FOREST LAND:



The district-wise details have been furnished in the following tables (two parts of the same table) wherein multiple categories corresponding to different plots of a title holder in different kisams of forest land have been indicated, such as ‘Gramya jungle and Patra jungle’. ‘Others’ category refers to other descriptions such as *chota jungle* and *anabadi jungle*, etc..

The study average shows that gramya jungle is the single largest category in which the individual titles have been recognized. Among the study districts Balasore has the highest responses on this category followed by Keonjhar.

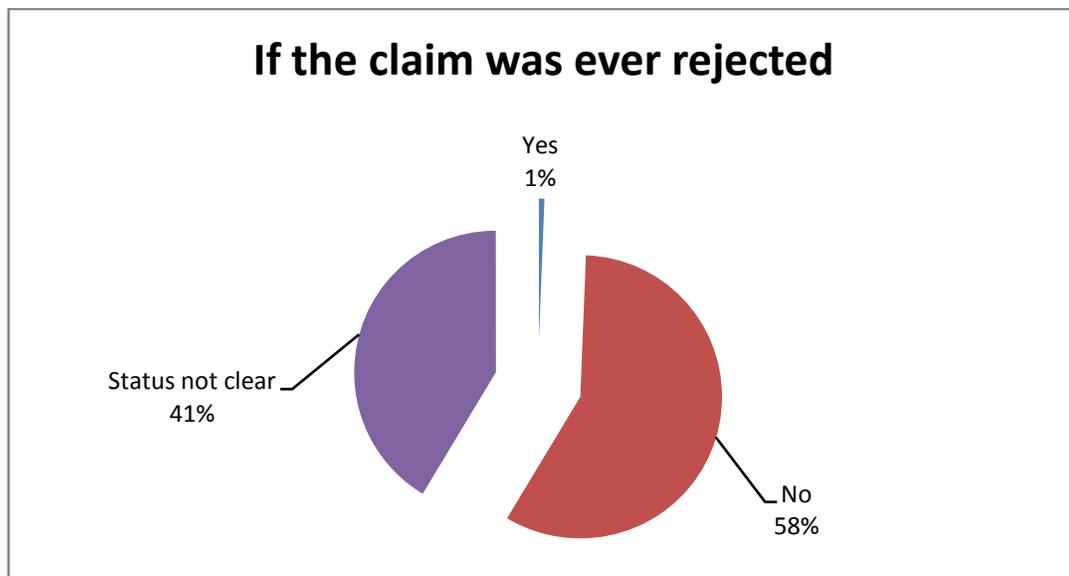
‘Dongar’ is a category that has been found in the titles of Rayagada district (Kashipur Block) whereas ‘Pahad’ and ‘Parvat’ have been found in Sundargarh and Keonjhar districts respectively. ‘Reserved land’ is a forest tenure created during the colonial period under the Madras Forest Act in southern Odisha and was later deemed to be Protected Forest as per Odisha Forest Act.

Districts	Can't say	Dongar	Bada Jungle	Patra Jungle	Reserve forest	Gramya Jungle	Patra Jungle & Bada Jungle	Bada Jungle & Gramya Jungle
Balasore	3					36		
Gajapati				4		23		
Kandhamal	2			8	10	2		
Keonjhar						30		
Koraput	1		10	2	15	1		
Malkangiri					2	1		2
Mayurbhanj				11	2	13		
Rayagada		7	4	7	2	1	2	
Sundargarh				1		9		
Total	6	7	14	33	31	116	2	2

Districts	Gramya Jungle & Patra Jungle	Others	Not applicable	Parvata Jungle	Jungle	Pahada Jungle	Pahada	Parvata	Reserve Land	Jungle Block
Balasore										
Gajapati					7					
Kandhamal	1	2	2	3	1					
Keonjhar				4				4		
Koraput										12
Malkangiri					22				9	
Mayurbhanj			1		3					
Rayagada		2				11				
Sundargarh					12		12			
Total	1	4	3	7	45	11	12	4	9	12

‘Jungle Block’ has been found only in case of Koraput district. ‘Parvata jungle’ and ‘Pahad jungle’ are the categories which imply to hill-forests, combining both ‘hill’ and ‘forest’. This is important because ‘hill’ or pahad/parvat kism is a non-forest category which was originally rejected and was later considered only where it had forest on it, as per the instruction of the Supreme Court in the Godavarman case. Keonjhar, Rayagada and Sundargarh are the districts where this category has been recognized. In few cases, simple ‘Pahad’ or ‘Parvat’ kism has also been recognized as per the revised policy of the government.

9. REJECTION STATUS:



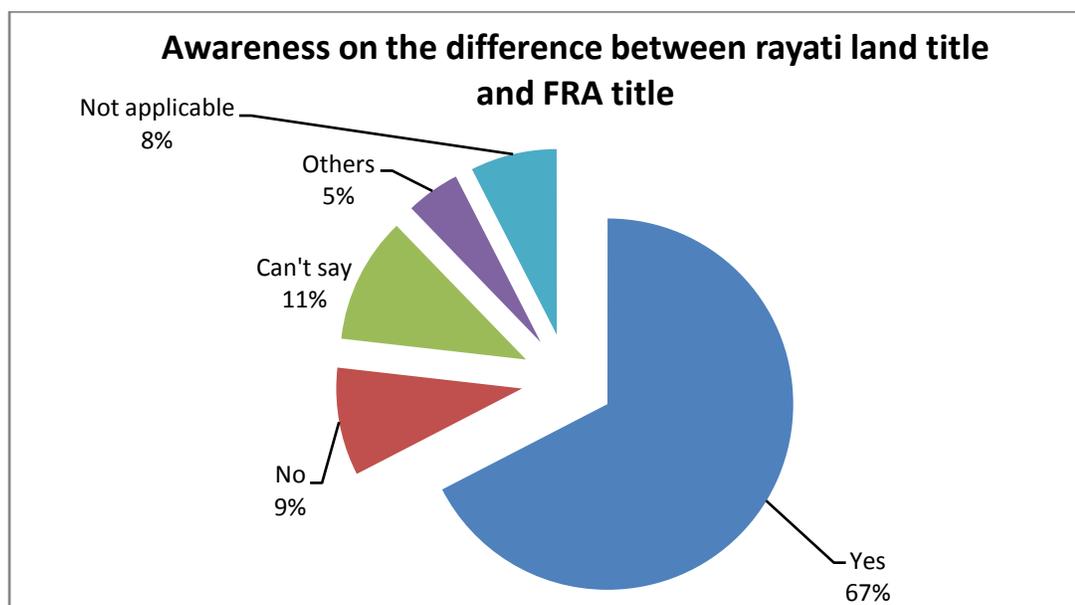
Districts	Yes	No	Status not clear
Balasore		25	14
Gajapati		25	9
Kandhamal	2	22	7
Keonjhar		26	12
Koraput		19	22
Malkangiri		13	23
Mayurbhanj		18	12
Rayagada		17	19
Sundargarh		20	14
Total	2	185	132

While the question of rejection doesn't arise in case of those who received the title in one attempt or did not apply, in applicable cases most of the respondents, who did not receive the titles despite their claims, did not know what happened to their applications. Only in Kandhamal district, 2 respondents knew that their claim was rejected though they did not file a petition against the same chiefly due to want of required facilitation as no body helped them for this. Also, only one of them was informed about the rejection in the Gramsabha meeting whereas the other person did not receive any formal intimation about rejection.

3 respondents in Kandhamal and 3 in Mayurbhanj said that they were not aware that appeal petition could be filed against the rejection.

Districts	If aware that one can file petition against the rejection		If the claimants were informed properly about the rejection			
	No	Not applicable	No	Can't say	Others	Not applicable
Balasore		39				39
Gajapati		34				34
Kandhamal	3	28	2			29
Keonjhar		38				38
Koraput		41				41
Malkangiri		36				36
Mayurbhanj	3	27		2	1	27
Rayagada		36				36
Sundargarh		34				34
Total	6	313	2	2	1	314

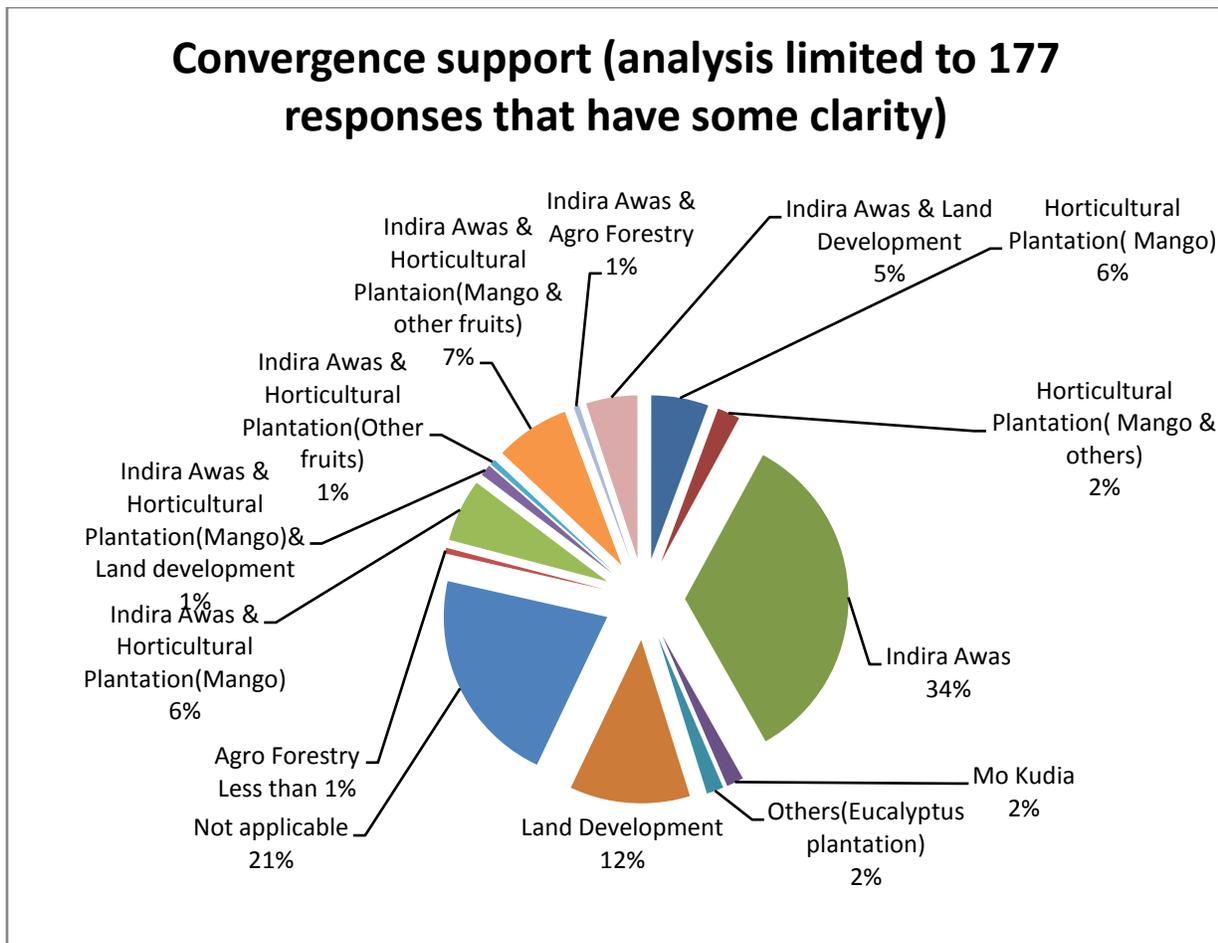
10. AWARENESS ON DIFFERENCE BETWEEN RAYATI LAND AND FOREST LAND RECOGNIZED:



The study average suggests that majority of the people are aware about the difference between the rayati land and the FRA land. In fact they understand that the FRA land is not saleable or transferable. District-wise speaking, the lowest number of aware people was found in Keonjhar whereas the highest number came from Koraput followed by Gajapati, as shown in the following table:

Districts	Yes	No	Can't say	Others	Not applicable
Balasore	17	3	8	6	5
Gajapati	30	1	2		1
Kandhamal	22		7		2
Keonjhar	13	3	6	9	7
Koraput	33	5	2		1
Malkangiri	28	6	1		1
Mayurbhanj	17	6	3		4
Rayagada	28	4	3		1
Sundargarh	27	2	3		2
Total No. of responses	215	30	35	15	24

11. DIVERSITY OF CONVERGENCE SUPPORT:



The study average suggests Indira Awas to be the major support received, followed by land development as single modes of convergence whereas horticultural plantations dominate in multiple convergence support.

ପଞ୍ଚାୟତ ସମିତି କାର୍ଯ୍ୟାଳୟ, ଚମ୍ପୁଆ
ଜିଲ୍ଲା କୋୟୁଡ଼ର



ଇନ୍ଦିରା ଆବାସ (ଜଙ୍ଗଲ ଅଧିକାର ଅଧିନିୟମ)

କାର୍ଯ୍ୟାଦେଶ ସଂଖ୍ୟା 40(13-14) ତା 27-11-13 ରିଖ

ପ୍ରାପ୍ତେ,

ଜ୍ଞା / ଜ୍ଞାନୀ Babudeba Nayak sp - Harihar Nayak
(ଆବଶ୍ୟକ ସ୍ଥଳେ ଉତ୍ତର ସ୍ଥାନୀ ଏବଂ ସ୍ଥାନୀ ନାମ ରହିବ)

ଗ୍ରାମ: Tunatuna ପୋ:ଅ: Sarei

ଜିଲ୍ଲା: କୋୟୁଡ଼ର

ବିଷୟ: ୨୦୧୩-୧୪ ଆର୍ଥିକ ବର୍ଷର ଇନ୍ଦିରା ଆବାସ (ଜଙ୍ଗଲ ଅଧିକାର ଅଧିନିୟମ) ଯୋଜନାରେ କାର୍ଯ୍ୟାଦେଶ ନିର୍ଗମନ ବିଷୟରେ ।

ମହାଶୟ / ମହାଶୟ,

ଚିତ୍ରିତ ଆର୍ଥିକ ବର୍ଷରେ ଇନ୍ଦିରା ଆବାସ (ଜଙ୍ଗଲ ଅଧିକାର ଅଧିନିୟମ) ଯୋଜନାରେ ଗୃହ ପାଇବା ପାଇଁ ଆପଣଙ୍କ ନାମ ଚୟନ କରା ଯାଇଅଛି । ଏହି ଯୋଜନାରେ ଆପଣ ଟ-୭୦,୦୦୦/- / ଟ-୭୫,୦୦୦ ନିମ୍ନ ମତେ ପାଇବା ପାଇଁ ହିସାବର ଅବକାଶ ।

କ୍ରି	Amount		Stages of Construction / ଗୃହ ନିର୍ମାଣ ଅବସ୍ଥା / ଭର
	Non-IAP	IAP	
ପ୍ରଥମ	ଟ ୩୦,୦୦୦/-	ଟ ୩୦,୦୦୦/-	କାର୍ଯ୍ୟାଦେଶ ପୂର୍ଣ୍ଣ ।
ଦ୍ୱିତୀୟ	ଟ ୩୦,୦୦୦/-	ଟ ୩୫,୦୦୦/-	ଲିନିଫୋର୍ ପଡ଼ିବା ପରେ ।
ତୃତୀୟ	ଟ ୧୦,୦୦୦/-	ଟ ୧୦,୦୦୦/-	ଛାତ ପଡ଼ିବା ପରେ । / ଉପର ଭାଗ ପରେ ।
ମୋଟ	ଟ ୭୦,୦୦୦/-	ଟ ୭୫,୦୦୦/-	

* ବର୍ତ୍ତମାନ ଆପଣଙ୍କୁ ପ୍ରଥମ କିଛି ର ଟଙ୍କା ବ୍ୟାଙ୍କ / ପୋଷ୍ଟ ଅଫିସ୍ ଜମା ଖାତା ମାଧ୍ୟମରେ ଦିଆଯାଇ ।

* ଆପଣ ଗୃହ ନିର୍ମାଣ କାର୍ଯ୍ୟ, ପ୍ରଥମ କିଛି ପାଇବାକୁ ଛଅ ମାସ ମଧ୍ୟରେ ସଂପୂର୍ଣ୍ଣ କରିବେ ।

Work order for Indira Awas issued for a beneficiary under the FRA. The conditions imposed say that the financial support shall be made available in three different phases of the construction and that the beneficiary has to complete the construction within 6 months of receiving the 1st installment. There are people who are so poor that they can't manage on their own to advance the construction upto the 2nd level as the 1st installment may not be sufficient in itself to ensure that. The defaulter is likely to lose the support in case he/she fails to adhere to the norms.

Table(split into two parts) showing district-wise status of responses on convergence support received

Districts	Horticultural Plantation (Mango)	Horticultural Plantation (Mango and Other Fruits)	Indira Awas	Mo Kudia	Others (Eucalyptus)	Land Development	Not Applicable	Agro Forestry	Horticultural Plantation(Mango) and Indira Awas
Balasore			7	1			6		
Gajapati	1	2	11			2	3	1	1
Kandhamal			1	1		5	3		
Keonjhar			7			1	8		
Koraput	3		5		3	3	2		
Malkangiri	3		12			1			7
Mayurbhanj			3	1			10		
Rayagada	3	2	12			1	1		3
Sundargarh			2			8	5		
Total responses	10	4	60	3	3	21	38	1	11
Districts	Horticultural Plantation(Other fruits) and Indira Awas	Horticultural Plantation(Mango and otherfruits) and Indira Awas	Indira Awas and Land Development	Indira Awas and Agro Forestry	Horticultural Plantation(Mango) and Indira Awas and Land Development	Total			
Balasore						14			
Gajapati	1	2		1		25			
Kandhamal						10			
Keonjhar						16			
Koraput				3		19			
Malkangiri		4			1	28			
Mayurbhanj						14			
Rayagada		7		2		31			
Sundargarh				4	1	20			
Total responses	1	13	9	1	2	177			

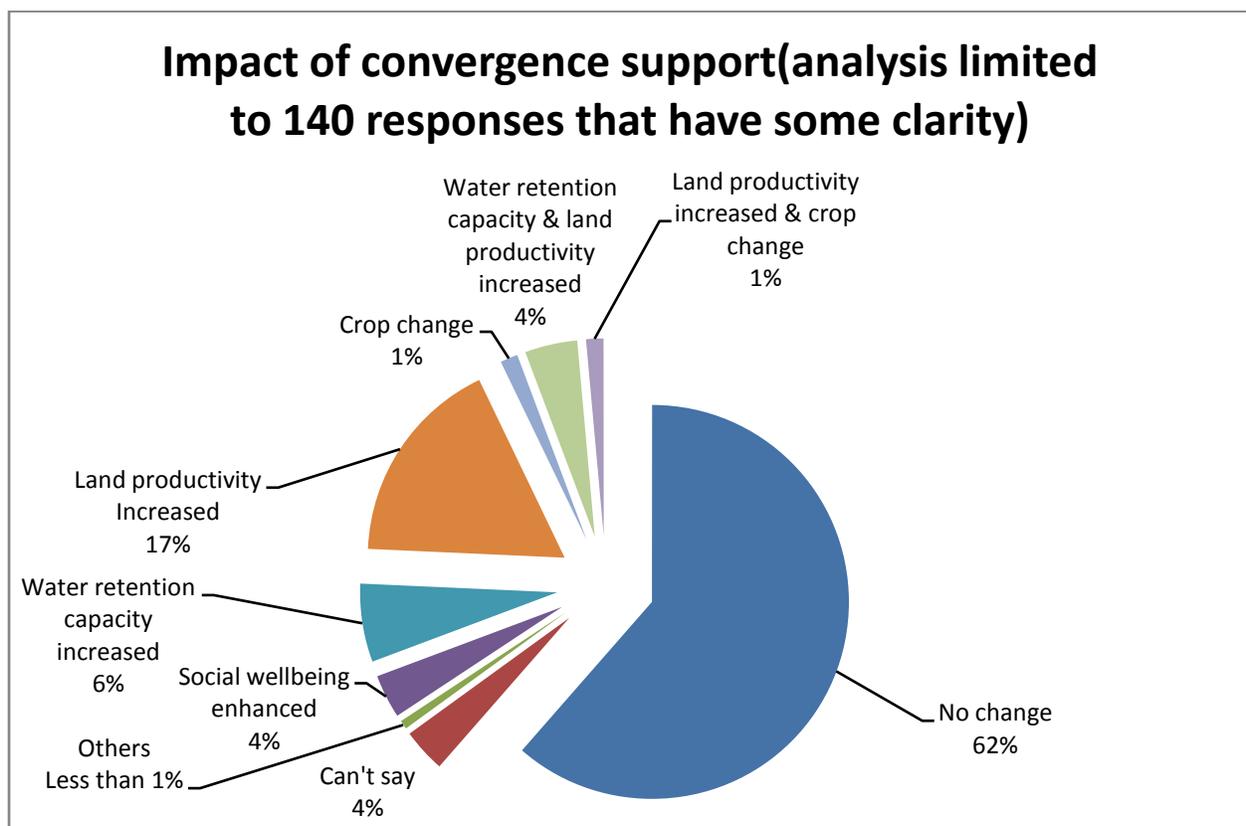
As the above tables indicate, single cases have been reported in cases of agroforestry, Indira Awas and agroforestry (multiple convergence) and horticultural plantations (other fruits) and Indira Awas (multiple support), from Gajapati district. Eucalyptus plantation has been reported from the Mahulbhatta village of Koraput district.

In Tidasingh village (Gajapati), where the VSS facilitated the claim process, two title-holders have received support from the Forest Department for teak plantation in their land. They used this land earlier for millet and other crops, but scarcity of water became an issue gradually and in such cases plantations like that of teak (agroforestry) might have been thought to be useful.

In Bhaliaposhi (Balasore) a case was found where the work order for Indira Awas with a support of Rs.45000/- was issued, but neither the money came nor the house was constructed. In another case, a similar support was received, but it was somehow found to be insufficient and then the support was withdrawn (cancelled).

In Krushnapur (Keonjhar) a case was found in which the title-holder was supported for land development, but the work was actually done using machine without involving the beneficiary.

12. IMPACT OF CONVERGENCE SUPPORT:



The study average indicates that in a large number of cases the title-holders have reported of no positive change in the land as the result of the convergence support. However, in a good number

of cases the land productivity was found increased followed by increase in water retention capacity. Crop change has been reported but in few cases due to positive benefit of the support.

However, it seems that the responses on certain aspects like crop change have remained ambiguous. For instance, crop change may be shifting to high yield variety or totally different crops such as mango plantation. Both have happened in a number of cases though because of the ambiguity in responses have not been clearly pointed out. For instance, in Kalijapathar village of Sundargarh district atleast two cases were found where the title-holders replaced the indigenous variety with high yield varieties of paddy. In Mahulbhatta village of Koraput district, traditional food crops were replaced with Eucalyptus. In Gajapati district, cashew replaced the millets and other traditional crops.

In Upar Dandabadi village(Rayagada) Megaru Majhi used to cultivate millets and other traditional hill crops in his claimed land, but he received support under convergence for plantation and now grows mango and cashew alongwith the traditional crops. On the other hand, Dalu Savar of Bruttingguda(Rayagada) used to grow millets and other non-paddy crops in his land, but after getting the title he is growing paddy there.

In Bhaliaposhi(Balasore) some title-holders did not use their plots earlier, but are now planning to grow paddy there. This may be because the title has given them confidence to use their land in an area where the forest officials have been a threat for long.

Support for Indira Awas has helped many to ensure a better and safe house for the family. However, there are some who have not been able to utilize the benefit of the scheme properly due to one or more reasons.

Widow of Navin Nayak (ST), a title-holder in the RC Sahi hamlet of Kainpur (Gajapati) in the incomplete Indira Awas. The construction could not be completed after her husband's death.



Districts	No change	Can't say	Others (Less production)	Socially well	Water retention capacity increased	Land productivity increased	Water retention capacity Increased and land productivity increased	Land productivity increased and crop change	Crop change	Total
Balasore	17					1				18
Gajapati	14	3		4		3				24
Kandhamal	7	2			6	4				19
Keonjhar	10									10
Koraput	15					5	1			21
Malkangiri	10		1		1	1	1	1		15
Mayurbhanj	1									1
Rayagada	11					5		1	2	19
Sundargarh	1			1	2	5	4			13
Total responses	86	5	1	5	9	24	6	2	2	140

An examination of cases with response of 'reduced/less production' revealed that the convergence support is not to be blamed directly as the actual reason is scarcity of water (the plots being mostly uplands). However, in such cases it would have been good if the irrigation issue could have been solved under convergence.

13. MORTGAGING and BANK LOAN:

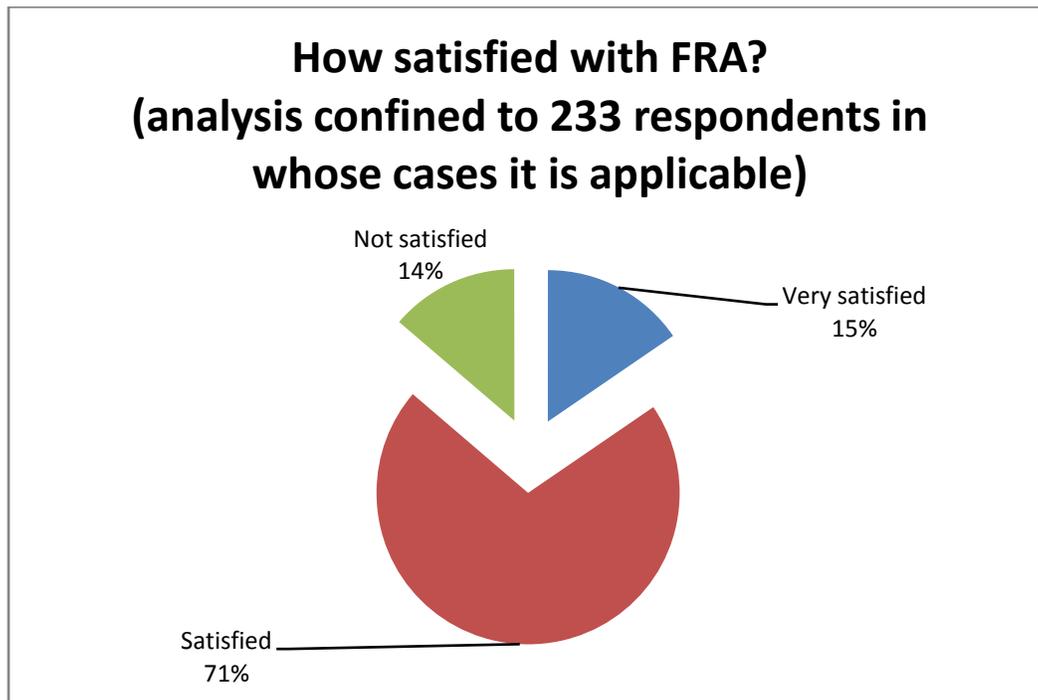
The survey also made an attempt to understand if the title-holders have ever tried to make use of the title/land(FRA) for getting financial assistance (other than that under convergence) such as Bank loan. As shown in the following table, it was found that very few(11 out of 319) respondents actually tried for that and among them only 4 got the Bank loan whereas in two cases the loan was refused. Interestingly, while FRA says that the land is not alienable or transferable, this norm has not been able to check some of the field realities, particularly in remote areas where mortgaging the land is a common traditional practice. Mortgaging of FRA land under mutual and informal understanding was found in 5 cases in the districts of Keonjhar and Sundargarh.

The loan is usually availed from non-nationalized local financial institutions such as Gramya Bank which have a more favourable approach towards the local poor. And the loan amount is also not big as we understood from the overall study findings. Usually it ranges from Rs.5000 to Rs.10000, but may be double of this in very credible cases where the credibility doesn't come from the land itself but from the applicant.

Districts	Bank refused to grant loan	Got the loan from Bank	Mortgaged but unofficially
Balasore			
Gajapati			
Kandhamal		2	
Keonjhar		1	2
Koraput			
Malkangiri			
Mayurbhanj			
Rayagada	2		
Sundargarh		1	3
Total	2	4	5

Interestingly, some title-holders like Sukamani Savar(who has received Indira Awas and grows cashew and paddy in the FRA land) of Piligan(Gajapati) want the right to sell their land recognized under FRA.

14. LEVEL OF SATISFACTION WITH FRA:



Districts	Very satisfied	Satisfied	Not satisfied
Balasore		16	7
Gajapati	6	23	1
Kandhamal	2	12	3
Keonjhar	4	15	5
Koraput	2	15	7
Malkangiri	10	21	1
Mayurbhanj	2	19	1
Rayagada	2	26	1
Sundargarh	8	18	6
Total	36	165	32

The above chart indicates that the level of satisfaction is highest in Malkangiri district followed by Gajapati, Rayagada and Sundargarh. The number of unsatisfied people (to exclude the OTFDs whose claims were rejected) is high in Balasore, Koraput and Sundargarh. For example, in Chatrapur village where the study was conducted in the tribal hamlet, the right-holders were found to suffer from lack of proper convergence and other development initiatives which was obvious to cause dissatisfaction.

Some respondentseven could not express if they are satisfied or not.

15. CONCLUSION:

The household survey indicates that while majority of the claimants were ignorant about FRA until the process was started either by government agencies or NGOs, facilitation by govt. agencies dominated over that by the NGOs. This is obvious because special drives have been launched by the government only which are applied to all the areas whereas NGOs operate in limited areas.

The area recognized has been less than that claimed. The major land use of the forest lands considered under FRA was agriculture(including hill cultivation) prior to the claim, which continued after the entitlement. In a significant number of cases there has been no change so far the impact of convergence support is considered. However, area under horticultural plantations has increased(to an insignificant extent of course) after entitlement due to this support whereas Indira Awas has been the major support received.

It is good to see that a greater percentage of the people are aware about the difference between rayati land and forest land recognized. They atleast understand that unlike the rayati land the forest land recognized under FRA cannot be sold. However, when it comes to mortgaging, very few have attempted this either with Banks or privately; and whereas private negotiations have succeeded, Gramya Banks have sanctioned small loans in negligible cases whereas nationalized Banks have refused.

Gramya jungle is the single major kism of forest land recognized under FRA, followed by 'jungle', 'patra jungle' and reserved forest,. While a majority of the respondents have received the title, many are yet to know what happened to their claim. However, about 60% of the respondents are either satisfied or very satisfied with FRA though for them satisfaction means land title with good convergence support. More the support is, the greater is the level of satisfaction.

They don't understand if FRA has undone any injustice caused to them or their forefathers though they do realize that after receiving the title their vulnerability to the threat from forest officials has now disappeared. However, they feel injustice done to them in case their claim has not been granted or no convergence support has been extended against the title⁸¹.

⁸¹ For instance, Markus Eka of Kalijapathar village(Sundargarh), who has 1.10 acres land recognized, feels injustice has been done to him as he has not received any support under convergence.

BIBLIOGRAPHY

- Bag, H., N.Ojha and B.Rath (2010).NTFP Policy Regime after FRA: Studies in Select States of India. RCDC, Bhubaneswar.
- CWS(2015).CFR Protection and Management Plan of Duvia Gramsabha in Mayurbhanj District and Gopalpur Gramsabha in Balasore District of Odisha under FRA, 2006. Bhubaneswar.
- CSD, Odisha (2013). Critical Observations on the 'Implementation Status Report of Forest Rights Act, 2006' Produced and Uploaded by the State Level Monitoring Committee(SLMC), Odisha.
- Community Forest Rights Learning and Advocacy (2016).Promise and Performance: Ten Years of The Forest Rights Act in India.
- Community Forest Rights Learning and Advocacy (2016).ODISHA: Promise and Performance of the Forest Rights Act, 2006.
- Das, S.K.(2013). India's Right Revolution: Has it Worked for the Poor?. Oxford University Press.
- Deo B., T.Mishra and M. Dehury (2016). Experiences from Similipal Tiger Reserve. Vasundhara, Bhubaneswar.
- DFO, Kalahandi North Division (undated).Microplan For Harvesting Bamboo by Jamguda Gramsabha.
- SCSTRIT (2009). Quick Impact Assessment on Implementation of ST and Other Forest Dwellers (Recognition of Forest Rights Act)-2006. Bhubaneswar.
- SCSTRTI (2013).National Research Study on Implementation of Forest Rights Act in Neighboring States of Odisha. Bhubaneswar.
- SCSTRTI (2015).Land Utilization, Convergence of Schemes by FRA ST Beneficiaries in Selected Districts of North and South Odisha. Bhubaneswar.
- SCSTRTI (2016). Training Manual (Part I and II). Bhubaneswar.
- SCSTRTI (2016). Compendium of Guidelines and Executive Instructions Issued By Government of India and Selects States on Forest Rights Act. Bhubaneswar.
- Vasundhara (2012). Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006: Study on Implementation Status and Good Practices in Odisha. SCSTRTI, Bhubaneswar.
- Rath, B.(2015). Community Forest Resource Rights in Odisha and Chhatisgarh: Provisions versus Realities. Keystone Foundation, Kotagiri.

- Mohanty, P.(2013). Study on Actual Use of FRA Recognized Land at Individual and Community Level. RCDC, Bhubaneswar.
- Sarangi, Tapas Kumar (2015). Forest Rights Act, 2006 in Protected Areas of Odisha, India: Contextualizing the Conflict Between Conservation and Livelihood.
- FES (undated). Goshthi Jangala Adhikara Swikruti Ebam Baunsha Sambalara Parichalana
- Forest Survey of India. State of Forest Report: 2009. Dehradun.
- Rath, Bikash (2013), Land Use Management in Odisha. RCDC, Bhubaneswar.
- Rath, B. (2016). Community-based Forest Management and Livelihood Development Plan of Karlakana. NIRMAN, Bhubaneswar.
- Rath, B.(2016). Community-based Forest Management and Livelihood Development Plan of Podchuan. NIRMAN, Bhubaneswar.
- Sarap, K., T.K.Sarangi and J. Naik (2013). Implementation of Forest Rights Act 2006 in Odisha: Process, Constraints and Outcome. Economic and Political Weekly. September 7, 2013.
- Kohli, K. (2015).Post-CFR Scenarios in Central Indian Landscape: Prioritizing Issues and Developing Support Mechanisms (A Scoping Study). FES, Anand.
- Mishra S. (2016). Community Voices: Stories of Success and Struggle. Vasundhara, Bhubaneswar.
- Menon, M.(2016). The Unmaking of the Forest Rights Act. Economic and Political Weekly, Nov. 5, 2016.
- Kurian, O.C. (2015). Implementing the Forest Rights Act: Lack of Political Will?. Oxfam India.
- Government of India (2010). Manthan: Report National Committee on Forest Rights Act.
- Kumar, K. (2014).Erasing the Swiddens: Shifting Cultivation, land and Forest Rights in Odisha. *In* Lele, S. and A.Menon(Ed.). Democratizing Forest Governance in India. Oxford University Press.
- Sarin, M. (2014). Undoing Historical Injustice: Reclaiming Citizenship Rights and Democratic Forest Governance through Forest Rights Act. *In* Lele, S. and A.Menon(Ed.). Democratizing Forest Governance in India. Oxford University Press.

(Also suggested are the proceedings of the regional consultations organized on behalf of NTFP Exchange Programme-India by RCDC.)

GLOSSARY

Amin	A revenue official involved in land measurement
Anabadi jungle	Uncultured land
Bada jungle	Literally meaning big forest, a category of revenue forest land implying to a good forest growth of larger area
Char	Buchanania lanzan
Chota jungle	Literally meaning small forest, a revenue forest land implying to small and open forest
Dongar	Lands on hill slopes used for cultivation
Gramsabha	As per FRA, it implies to the collective of all the voters of a village/hamlet; but in Odisha the same is known as Pallisabha whereas the collective of all the voters of a panchayat is known as Gramsabha
Gramya jungle	Literally meaning 'village forest', a category of revenue forest land located within the village boundary for the purpose of the villagers' use.
Hudi	Hillock
Indira Awas	A housing scheme supported for the poor by the Government of India
Japhra	Bixa orellana
Jungle	Literally meaning forest, but also a category of revenue forest land
Kisam	Literally meaning variety, but here implying to category
Kusum	Schleichera oleosa
Mo Kudia	A scheme supported for the poor by the Government of Odisha
Mo Pokhari	A scheme supported for the poor by the Government of Odisha to dig ponds
Pahad	Hill
Parvata/Parvat	Mountain
Patra jungle	A category of revenue forest land implying to low grade forest
Patita	Degraded land(revenue)
Patta	Usually implying to a lease, but also used to indicate a title or permanent entitlement or recorded right
Piasal	Pterocarpus marsupium
PRF	Forest that is proposed to be a reserved forest. This is not an actual forest tenure but a virtual tenure.
Sal	Shorea robusta

ANNEXURE

Annexure-1

Sl. No.	States	No. of Claims received upto 31.08.2016			No. of Title Distributed upto 31.08.2016			Extent of Forest Land for which titles distributed (in acres)		
		Individuals	Community	Total	Individual	Community	Total	Individual	Community	Total
1	Andhra Pradesh	1,50,345	4,493	154,838	83,874	1,319	85,193	1,98,633.00	4,34,355.00	6,32,988.00
2	Assam	1,26,718	5,193	1,31,911	35,407	860	36,267	77,609.17		77,609.17
3	Bihar	8,022		8,022	222		222			0
4	Chhattisgarh	8,60,364		8,60,364	3,47,789		3,47,789	7,41,318.22		7,41,318.22
5	Gujarat	1,82,869	7,229	1,90,098	73,163	3,875	77,038	1,16,119.00	10,81,583.00	11,97,702.00
6	Himachal Pradesh	5,409	283	5,692	238	108	346	0.35		0.35
7	Jharkhand	1,03,625	3,403	1,07,028	52,573	1,850	54,423	81,587.92	85,615.57	1,67,203.49
8	Karnatak	3,66,040	6,208	3,72,248	8,159	144	8,303	11,166.00	26,274.79	37,440.79
9	Kerala	36,140	1,395	37,535	24,599		24,599	33,018.12		33,018.12
10	Madhya Pradesh	5,74,795	42,156	6,16,951	2,06,960	27,252	2,34,212	21,10,991.87		21,10,991.87
11	Maharashtra	3,46,653	8,953	3,55,606	1,06,063	4,187	1,10,250	2,31,421.21	13,92,644.78	16,24,065.99
12	Odisha	6,17,049	13,403	6,30,452	3,86,588	5,384	3,91,972	5,87,064.28	3,35,599.07	9,22,663.35
13	Rajasthan	70,515	685	71,200	35,971		35,971	54,583.29	482.58	55,065.87
14	Tamil Nadu	18,420	3,361	21,781	3,723		3,723			0
15	Telengana	2,11,973	3,769	2,15,742	99,486	761	1,00,247	8,18,090.52	12,74,327.90	20,92,418.42
16	Tripura	1,93,751	277	1,94,028	1,24,541	55	1,24,596	4,34,119.31	91.16	4,34,210.47
17	Uttar Pradesh	95,520	1,124	93,644	17,712	843	18,555	18,854.46	1,20,802.06	1,39,656.53
18	Uttarakhand	182		182			0			0
19	West Bengal	1,31,962	10,119	1,42,081	43,799	805	44,604	21,321.21	1,004.26	22,325.47
Total		40,97,352	1,12,051	42,09,403	16,50,867	47,443	16,98,310	55,35,898	47,52,780	1,02,88,678.11

Status of settlement of individual and community claims in the major states of India

(Source: Website of the Ministry of Tribal Affairs, GoI)

Annexure-2

2(A): Status of community-wisettlement of individual and community claims in Odisha as on 30 November 2016

Name of State Odisha			Status of implementation of the Forest Rights Act, 2006 in the State of Odisha (Individual & Community claims) as on 30-11-2016																		
S. No.	District	Dist. Code	No. of Forest Rights Committees constituted by Gram Sabha	Claims filed at Gram Sabha Level						Claims Recommended by Gram Sabha to SDLC						Claims Recommended by SDLC to DLC					
				Individual		Community		Total		Individual		Community		Total		Individual		Community		Total	
				ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
1	Bargarh	370	1179	2030	1284	114	0	2144	1284	2672	0	50	0	2722	0	1121	0	50	0	1171	0
2	Jharsuguda	371	331	9204	0	8	0	9212	0	9204	0	2	0	9206	0	2599	0	2	0	2601	0
3	Sambalpur	372	1224	31537	1529	606	0	32143	1529	18904	1529	184	0	19088	1529	13766	0	184	0	13950	0
4	Debagarh	373	670	10290	3527	185	0	10475	3527	10290	3175	154	0	10444	3175	7348	0	21	0	7369	0
5	Sundargarh	374	1668	52600	555	450	0	53050	555	31761	555	0	0	31761	555	21409	555	0	0	21409	555
6	Kendujhar	375	2045	67364	0	550	0	67914	0	54902	0	511	0	55413	0	52067	0	511	0	52578	0
7	Mayurbhanj	376	4795	66811	0	1064	0	67875	0	59186	0	1064	0	60250	0	49863	0	1064	0	50927	0
8	Baleshwar	377	2691	4618	0	164	0	4782	0	2808	0	164	0	2972	0	2808	0	0	0	2808	0
9	Bhadrak	378	1248	202	0	0	0	202	0	202	0	0	0	202	0	175	0	0	0	175	0
10	Kendrapara	379	1619	1135	2910	145	0	1280	2910	324	2909	145	0	469	2909	310	0	0	0	310	0
11	Jagatsinghapur	380	1230	49	0	0	0	49	0	48	0	0	0	48	0	47	0	0	0	47	0
12	Cuttack	381	1696	5868	0	46	0	5914	0	2532	0	2	0	2534	0	1627	2	0	0	1627	2
13	Jajapur	382	1571	9170	0	25	0	9195	0	4024	0	0	0	4024	0	4014	0	0	0	4014	0
14	Dhenkanal	383	1011	12600	0	233	0	12833	0	12600	0	182	0	12782	0	6995	0	79	0	7074	0
15	Anugul	384	1632	8345	15	600	0	8945	15	7310	15	28	0	7338	15	3341	15	28	0	3369	15
16	Nayagarh	385	1516	4302	0	328	0	4630	0	4302	0	2	0	4304	0	3939	0	2	0	3941	0
17	Khordha	386	1312	2529	0	30	0	2559	0	1021	0	0	0	1021	0	985	0	0	0	985	0
18	Puri	387	1613	1169	0	0	0	1169	0	1169	0	0	0	1169	0	0	0	0	0	0	0
19	Ganjam	388	2831	9442	3515	190	0	9632	3515	6188	2773	34	0	6222	2773	5799	0	34	0	5833	0
20	Gajapati	389	1449	51161	0	188	0	51349	0	34576	0	63	0	34639	0	34576	0	63	0	34639	0
21	Kandhamal	390	2415	60346	0	4702	0	65048	0	58425	0	4438	0	62863	0	57918	0	3696	0	61614	0
22	Baudh	391	1164	3499	0	518	0	4017	0	3499	0	80	0	3579	0	2034	0	80	0	2114	0
23	Subarnapur	392	825	936	625	91	0	1027	625	936	625	0	0	936	625	394	0	0	0	394	0
24	Balangir	393	1763	5405	3394	251	0	5656	3394	2397	2590	16	0	2413	2590	2395	2	12	0	2407	2
25	Nuapada	394	658	13496	9761	609	0	14105	9761	8571	3471	20	0	8591	3471	6982	0	20	0	7002	0
26	Kalahandi	395	2068	11734	0	327	0	12061	0	11398	0	273	0	11671	0	10743	0	273	0	11016	0
27	Rayagada	396	2545	33666	11	611	0	34277	11	33666	11	178	0	33844	11	23741	11	178	0	23919	11
28	Nabarangapur	397	867	39212	0	371	0	39583	0	39212	0	125	0	39337	0	39212	0	125	0	39337	0
29	Koraput	398	1890	35251	0	633	0	35884	0	30419	0	196	0	30615	0	28648	0	196	0	28844	0
30	Malkangiri	399	933	34190	3097	394	0	34584	3097	34190	2126	366	0	34556	2126	33053	459	90	0	33143	459
TOTAL			48459	588161	30223	13433	0	601594	30223	486736	19779	8277	0	495013	19779	417909	1044	6708	0	424617	1044

Nov 16

S. No.	District	Claims approved by DLC for Titles						Titles Distributed						Extent of Forest land for which Titles distributed (in Hectares)						Claims Rejected					
		Individual		Community		Total		Individual		Community		Total		Individual		Community		Total		Individual		Community		Total	
		ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD
1	2	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46
1	Bargarh	1099	0	50	0	1149	0	1099	0	50	0	1149	0	816	0	967	0	1783	0	412	1284	0	0	412	1284
2	Jharsuguda	2599	0	2	0	2601	0	2599	0	2	0	2601	0	968	0	2	0	970	0	6604	0	6	0	6610	0
3	Sambalpur	13766	0	69	0	13835	0	13552	0	39	0	13591	0	7405	0	1978	0	9383	0	14616	1529	52	0	14668	1529
4	Debagarh	7036	0	21	0	7057	0	7036	0	0	0	7036	0	3350	0	0	0	3350	0	2280	3527	0	0	2280	3527
5	Sundargarh	20209	555	0	0	20209	555	17418	555	0	0	17418	555	9142	413	0	0	9142	413	17306	0	20	0	17326	0
6	Kendujhar	52067	0	511	0	52578	0	52067	0	511	0	52578	0	17877	0	9124	0	27001	0	15297	0	39	0	15336	0
7	Mayurbhanj	49863	0	480	0	50343	0	45964	0	374	0	46338	0	12274	0	77799	0	90073	0	8799	0	0	0	8799	0
8	Baleshwar	2785	0	0	0	2785	0	2363	0	0	0	2363	0	430	0	0	0	430	0	1810	0	0	0	1810	0
9	Bhadrak	175	0	0	0	175	0	175	0	0	0	175	0	4	0	0	0	4	0	0	0	0	0	0	0
10	Kendrapara	305	0	0	0	305	0	305	0	0	0	305	0	179	0	0	0	179	0	19	2910	145	0	164	2910
11	Jagatsinghapur	47	0	0	0	47	0	47	0	0	0	47	0	13	0	0	0	13	0	2	0	0	0	2	0
12	Cuttack	1627	2	0	0	1627	2	1560	0	2	0	1562	0	494	0	2	0	496	0	3722	0	2	0	3724	0
13	Jajapur	4000	0	0	0	4000	0	3496	0	0	0	3496	0	610	0	0	0	610	0	4330	0	0	0	4330	0
14	Dhenkanal	6995	0	79	0	7074	0	6995	0	79	0	7074	0	3896	0	47	0	3944	0	5078	0	0	0	5078	0
15	Anugul	2712	15	28	0	2740	15	2712	15	28	0	2740	15	610	51	51	0	660	51	5633	0	13	0	5646	0
16	Nayagarh	3864	0	2	0	3866	0	3061	0	2	0	3063	0	1919	0	202	0	2122	0	145	0	0	0	145	0
17	Khordha	985	0	0	0	985	0	787	0	0	0	787	0	291	0	0	0	291	0	1180	0	0	0	1180	0
18	Puri	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1169	0	0	0	1169	0
19	Ganjam	5751	0	24	0	5775	0	5751	0	24	0	5775	0	5541	0	52	0	5593	0	2788	3515	10	0	2798	3515
20	Gajapati	34471	0	63	0	34534	0	34471	0	63	0	34534	0	26568	0	2885	0	29453	0	16585	0	0	0	16585	0
21	Kandhamal	57818	0	3696	0	61514	0	57657	0	3696	0	61353	0	35315	0	2308	0	37622	0	2437	0	0	0	2437	0
22	Baudh	1794	0	80	0	1874	0	1794	0	80	0	1874	0	1093	0	794	0	1886	0	1585	0	0	0	1585	0
23	Subarnapur	380	0	0	0	380	0	379	0	0	0	379	0	312	0	0	0	312	0	546	625	0	0	546	625
24	Balangir	2395	0	12	0	2407	0	2344	0	8	0	2352	0	2776	0	1444	0	4221	0	1831	3394	77	0	1908	3394
25	Nuapada	6948	0	20	0	6968	0	6438	0	18	0	6456	0	7083	0	769	0	7852	0	6133	6082	0	0	6133	6082
26	Kalahandi	10694	0	273	0	10967	0	10563	0	185	0	10748	0	6568	0	9603	0	16171	0	658	0	0	0	658	0
27	Rayagada	22535	11	178	0	22713	11	22066	11	178	0	22244	11	14441	8	3822	0	18263	8	0	0	0	0	0	0
28	Nabarangapur	39212	0	125	0	39337	0	38241	0	42	0	38283	0	32816	0	926	0	33742	0	0	0	0	0	0	0
29	Koraput	28118	0	196	0	28314	0	27628	0	58	0	27686	0	16925	0	1126	0	18051	0	2895	0	6	0	2901	0
30	Malkangiri	31722	459	84	0	31806	459	30800	47	74	0	30874	47	32009	19	983	0	32992	19	587	2450	0	0	587	2450
	TOTAL	411972	1042	5993	0	417965	1042	399368	628	5513	0	404881	628	241724	490	114884	0	356609	490	124447	25316	370	0	124817	25316

Source: Website of the ST & SC Development Department, GoO

2(B): Status of community-wisettlement of individual and community claims in Odisha as on 31 August 2016

Sl. No.	District	Dist. Code	No. of Forest Rights Committees constituted by Gramsabha	Claims Filed at Gramsabha Level						Claimed Recommended by Gramsabha to SDLC					
				Individual		Community		Total		Individual		Community		Total	
				ST	OTF D	ST	OTF D	ST	OTF D	ST	OTF D	ST	OTF D	ST	OTF D
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1	Bargarh	370	1179	2030	1284	114	0	2144	1284	2672	0	50	0	2722	0
2	Jharsuguda	371	331	9204	0	8	0	9212	0	9204	0	2	0	9206	0
3	Sambalpur	372	1224	31537	1529	587	0	32124	1529	18904	1529	184	0	19088	1529
4	Debagarh	373	670	10290	3527	185	0	10475	3527	10290	3175	154	0	10444	3175
5	Sundargarh	374	1668	52600	555	440	0	53040	555	31761	555	0	0	31761	555
6	Kendujhar	375	2045	67364	0	550	0	67914	0	54902	0	511	0	55413	0
7	Mayurbhanj	376	4795	66811	0	1064	0	67875	0	59186	0	106 4	0	60250	0
8	Balasore	377	2691	4618	0	164	0	4782	0	2808	0	164	0	2972	0
9	Bhadrak	378	1248	202	0	0	0	202	0	202	0	0	0	202	0
10	Kendrapara	379	1619	1135	2910	145	0	1280	2910	324	2909	0	103	324	3012
11	Jagat-singhpur	380	1230	49	0	0	0	49	0	48	0	0	0	48	0
12	Cuttack	381	1696	5868	0	46	0	5914	0	2532	0	2	0	2534	0
13	Jajpur	382	1571	9170	0	25	0	9195	0	4024	0	0	0	4024	0
14	Dhenkanal	383	1011	12600	0	233	0	12833	0	12600	0	182	0	12782	0
15	Anugul	384	1632	8345	15	600	0	8945	15	7310	15	28	0	7338	15
16	Nayagarh	385	1516	4302	0	328	0	4630	0	4302	0	2	0	4304	0
17	Khordha	386	1312	2331	0	30	0	2361	0	823	0	0	0	823	0

18	Puri	387	1613	1169	0	0	0	1169	0	1169	0	0	0	1169	0
19	Ganjam	388	2831	9442	3515	190	0	9632	3515	6188	2773	34	0	6222	2773
20	Gajapati	389	1449	51161	0	188	0	51349	0	34576	0	63	0	34639	0
21	Kandhamal	390	2415	60346	0	4702	0	65048	0	58425	0	443 8	0	62863	0
22	Boudh	391	1164	3499	0	518	0	4017	0	3499	0	80	0	3579	0
23	Subarnapur	392	825	936	625	91	0	1027	625	936	625	0	0	936	625
24	Balangir	393	1763	5405	3394	251	0	5656	3394	2397	2590	16	0	2413	2590
25	Nuapada	394	658	13496	9761	609	0	14105	9761	8571	3471	20	0	8591	3471
26	Kalahandi	395	2068	11734	0	327	0	12061	0	11398	0	273	0	11671	0
27	Rayagada	396	2545	33666	11	611	0	34277	11	33666	11	178	0	33844	11
28	Nuapada	397	867	38418	0	370	0	38788	0	38415	0	125	0	38540	0
29	Koraput	398	1890	35251	0	633	0	35884	0	30392	0	196	0	30588	0
30	Malkangiri	399	933	33847	3097	394	0	34241	3097	33847	2126	366	0	34213	2126
Total			48459	586826	30223	13403	0	600229	30223	485371	19779	8132	103	493503	19882

(Source: Website of ST and SC Development Department, GoO)

Annexure-2(contd.)

Status of settlement of individual and community claims in Odisha as on 31 August 2016

District	Claims Recommended by SDLC to DLC						Claims Approved by DLC for Titles					
	Individual		Community		Total		Individual		Community		Total	
	ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD
	17	18	19	20	21	22	23	24	25	26	27	28
Bargarh	1121	0	50	0	1171	0	1099	0	50	0	1149	0
Jharsuguda	2599	0	2	0	2601	0	2599	0	2	0	2601	0
Sambalpur	13766	0	184	0	13950	0	13766	0	69	0	13835	0
Debagarh	7036	0	21	0	7057	0	6745	0	21	0	6766	0
Sundargarh	20475	555	0	0	20475	555	19262	555	0	0	19262	555
Kendujhar	52067	0	511	0	52578	0	52067	0	511	0	52578	0
Mayurbhanj	46483	0	1064	0	47547	0	46483	0	480	0	46963	0
Balasore	2808	0	0	0	2808	0	2785	0	0	0	2785	0
Bhadrak	175	0	0	0	175	0	175	0	0	0	175	0
Kendrapara	310	0	0	0	310	0	305	0	0	0	305	0
Jagatsinghpur	47	0	0	0	47	0	47	0	0	0	47	0
Cuttack	1627	2	0	0	1627	2	1627	2	0	0	1627	2
Jajpur	4014	0	0	0	4014	0	4000	0	0	0	4000	0
Dhenkanal	6995	0	79	0	7074	0	6995	0	79	0	7074	0
Anugul	3341	15	28	0	3369	15	2712	15	28	0	2740	15
Nayagarh	3939	0	2	0	3941	0	3864	0	2	0	3866	0
Khordha	787	0	0	0	787	0	787	0	0	0	787	0
Puri	0	0	0	0	0	0	0	0	0	0	0	0
Ganjam	5799	0	34	0	5833	0	5751	0	24	0	5775	0

Gajapati	34576	0	63	0	34639	0	34471	0	61	0	34532	0
Kandhamal	57918	0	3696	0	61614	0	57818	0	3696	0	61514	0
Boudh	2034	0	80	0	2114	0	1794	0	0	0	1794	0
Subarnapur	394	0	0	0	394	0	380	0	0	0	380	0
Balangir	2395	2	11	0	2406	2	2344	0	11	0	2355	0
Nuapada	6956	0	20	0	6976	0	6948	0	20	0	6968	0
Kalahandi	10743	0	273	0	11016	0	10694	0	273	0	10967	0
Rayagada	23741	11	178	0	23919	11	22535	11	178	0	22713	11
Nuapada	38241	0	125	0	38366	0	38241	0	125	0	38366	0
Koraput	28621	0	196	0	28817	0	28091	0	196	0	28287	0
Malkangiri	32205	459	90	0	32295	459	31722	459	84	0	31806	459
Total	411213	1044	6707	0	417920	1044	406107	1042	5910	0	412017	1042

(Source: Website of ST and SC Development Department, GoO)

Annexure-2(contd.)

Status of settlement of individual and community claims in Odisha as on 31 August 2016

District	Titles Distributed						Extent of Forest Land for which Titles Distributed (In Hec)					
	Individual		Community		Total		Individual		Community		Total	
	ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD
	29	30	31	32	33	34	35	36	37	38	39	40
Bargarh	1099	0	50	0	1149	0	816	0	5	0	822	0
Jharsuguda	2599	0	2	0	2601	0	968	0	2	0	970	0
Sambalpur	13552	0	39	0	13591	0	7405	0	1978	0	9383	0
Debagarh	6745	0	0	0	6745	0	3232	0	0	0	3232	0
Sundargarh	17148	555	0	0	17148	555	9142	413	0	0	9142	413
Kendujhar	49830	0	462	0	50292	0	17448	0	3011	0	20458	0

Mayurbhanj	36607	0	374	0	36981	0	9388	0	77799	0	87187	0
Balasore	2363	0	0	0	2363	0	430	0	0	0	430	0
Bhadrak	175	0	0	0	175	0	4	0	0	0	4	0
Kendrapara	305	0	0	0	305	0	179	0	0	0	179	0
Jagatsinghpur	47	0	0	0	47	0	13	0	0	0	13	0
Cuttack	1560	0	2	0	1562	0	494	0	2	0	496	0
Jajpur	3496	0	0	0	3496	0	610	51	0	0	610	0
Dhenkanal	6995	0	79	0	7074	0	3896	0	47	0	3944	0
Anugul	2712	15	28	0	2740	15	610	0	51	0	660	51
Nayagarh	3061	0	2	0	3063	0	1919	0	202	0	2122	0
Khordha	787	0	0	0	787	0	291	0	0	0	291	0
Puri	0	0	0	0	0	0	0	0	0	0	0	0
Ganjam	5751	0	24	0	5775	0	5541	0	52	0	5593	0
Gajapati	34471	0	63	0	34534	0	26446	0	2885	0	29332	0
Kandhamal	57657	0	3696	0	61353	0	35315	0	0	0	35315	0
Boudh	1657	0	0	0	1657	0	1022	0	0	0	1022	0
Subarnapur	379	0	0	0	379	0	312	0	0	0	312	0
Balangir	2344	0	8	0	2352	0	2776	0	1242	0	4018	0
Nuapada	6166	0	18	0	6184	0	6905	0	769	0	7674	0
Kalahandi	10563	0	185	0	10748	0	6568	0	9603	0	16171	0
Rayagada	22066	11	178	0	22244	11	14441	8	3822	0	18263	8
Nuapada	37547	0	42	0	37589	0	32186	0	926	0	33112	0
Koraput	27478	0	58	0	27536	0	16720	0	1126	0	17846	0
Malkangiri	30800	47	74	0	30874	47	32009	19	983	0	32992	19
Total	385960	628	5384	0	391344	628	237086	491	104505	0	341593	491

(Source: Website of STandSC Development Department, GoO)

Annexure-2(contd.)

Status of settlement of individual and community claims in Odisha as on 31 August 2016

District	Claims Rejected					
	Individual		Community		Total	
	ST	OTFD	ST	OTFD	ST	OTFD
	41	42	43	44	45	46
Bargarh	412	1284	65	0	477	1284
Jharsuguda	6604	0	6	0	6610	0
Sambalpur	14616	1529	43	0	14659	1529
Debagarh	1928	3527	0	0	1928	3527
Sundargarh	18608	0	20	0	18628	0
Kendujhar	15297	0	39	0	15336	0
Mayurbhanj	10347	0	0	0	10347	0
Balasore	1810	0	0	0	1810	0
Bhadrak	0	0	0	0	0	0
Kendrapara	19	2910	145	0	164	2910
Jagatsinghpur	2	0	0	0	2	0
Cuttack	3722	0	2	0	3724	0
Jajpur	4330	0	0	0	4330	0
Dhenkanal	5078	0	0	0	5078	0
Anugul	5633	0	13	0	5646	0
Nayagarh	145	0	0	0	145	0
Khordha	1275	0	0	0	1275	0
Puri	1169	0	0	0	1169	0
Ganjam	2788	3515	10	0	2798	3515

Gajapati	16585	0	0	0	16585	0
Kandhamal	2437	0	0	0	2437	0
Boudh	1585	0	0	0	1585	0
Subarnapur	546	625	0	0	546	625
Balangir	1831	3394	60	0	1891	3394
Nuapada	6133	6082	0	0	6133	6082
Kalahandi	658	0	0	0	658	0
Rayagada	0	0	0	0	0	0
Nuapada	174	0	0	0	174	0
Koraput	2895	0	6	0	2901	0
Malkangiri	587	2450	0	0	587	2450
Total	127214	25316	409	0	127623	25316

(Source: Website of STandSC Development Department, GoO)

Annexure-3

Status of individual claims in Odisha as on 31-07-2016

District	Received by FRC	Approved by DLC	No. of titles distributed	Percentage of DLC-approved cases in the total claims received by FRCs	Percentage of title distributed in the total claims received by FRCs
Balasore	4618	2785	2363	60.30749	51.16934
Bhadrak	202	175	175	86.63366	86.63366
Cuttack	5868	1627	1560	27.72665	26.58487
Jagatsingpur	49	47	47	95.91837	95.91837
Jajpur	9170	3753	3496	40.92694	38.12432
Kendrapada	4065	305	305	7.540173	7.540173
Khurdha	2331	787	787	33.76233	33.76233
Mayurbhanj	62156	43918	36607	70.6577	58.89536
Nayagarh	4302	3864	3061	89.81869	71.15295
Puri	1169			0	0
Angul	8360	2727	2727	32.61962	32.61962
Bargarh	3599	1099	1099	30.53626	30.53626
Bolangir	8799	2344	2344	26.63939	26.63939
Deogarh	13817	6745	6745	48.81668	48.81668
Dhenkanal	12600	6109	6109	48.48413	48.48413
Jharsuguda	9204	2599	2599	28.23772	28.23772
Keonjhar	67364	52067	49830	77.29203	73.97126
Sambalpur	33066	13766	13552	41.63189	40.9847
Subarnapur	1561	380	379	24.34337	24.27931
Sundargarh	53155	19262	17148	36.23742	32.26037

Boudh	3499	1657	1657	47.35639	47.35639
Gajapati	51161	34471	14471	67.37749	67.37749
Ganjam	12957	5751	5751	44.38527	44.38527
Kalahandi	11734	10694	10563	91.13687	90.02045
Kandhamal	60346	57818	57657	95.81082	95.54403
Koraput	35103	27676	25742	78.84226	73.33276
Malkangiri	36944	31281	30802	84.67139	83.37484
Nuapara	23257	6948	6166	29.87488	26.51245
Nabarangpur	38418	38241	37547	99.53928	97.73283
Rayagada	34090	22546	22077	66.1367	64.76093
Total	612944	401442	383366		

(Source: STandSC Development Department, GoO, except for the percentage calculated)

Annexure-4

Forest area settled against individual claims in Odisha(as on 31-7-16)

<i>District</i>	<i>Area approved by Gramsabha (in acres)</i>	<i>Area approved by DLC (in acres)</i>	<i>Average granted area(acre)</i>
Balasore	1624.97	1620.51	0.581871
Bhadrak	11.18	10.1	0.057714
Cuttack	2072.81	1241.82	0.763258
Jagatsingpur	32.47	31.83	0.677234
Jajpur	1601.47	1556.07	0.41462
Kendrapada	1065.95	441.9	1.448852
Khurdha	830.94	717.95	0.912262
Mayurbhanj	36257.74	28694.73	0.653371
Nayagarh	6928.58	6149.3	1.591434
Puri	80.41		
Angul	4070	1631.39	0.598236
Bargarh	3126	2016.24	1.834613
Bolangir	26317	6857.61	2.925602
Deogarh	18510	7983.68	1.183644
Dhenkanal	17472.64	8595.04	1.406947
Jharsuguda	9427.39	2390.33	0.919711
Keonjhar	79201.84	44157.07	0.848082
Sambalpur	23355.55	18462.66	1.341178
Subarnapur	3298.25	772.18	2.032053
Sundargarh	53085.62	26826.28	1.392705

Boudh	5772.55	2524.5	1.523537
Gajapati	65876.63	65622.74	1.903709
Ganjam	16350.71	13853.46	2.408878
Kalahandi	17816.5	16350.38	1.52893
Kandhamal	88665	87450	1.512505
Koraput	43862	42408	1.532318
Malkangiri	87694.78	79786.12	2.550626
Nuapara	26453.6	18771.98	2.701782
Nabarangpur	81345.85	81158.08	2.122279
Rayagada	55868.62	36042.39	1.598616
Total	778077.45	604124.78	

(Source: ST & SC Development Department, GoO; except for the average calculated area)

Annexure-5

Settlement of community claims in Odisha as on 31-7-16

<i>District</i>	<i>Area settled against Form-B (in acres)</i>	<i>Area settled against Form-C (in acres)</i>	<i>No. of claims rejected (Form-B)</i>	<i>No. of claims rejected (Form-C)</i>	<i>Pending (Form-B)</i>	<i>Pending (Form-C)</i>
Balasore	0	0	0	0	82	82
Bhadrak	0	0	0	0	0	0
Cuttack	4.84	0	2	0	28	14
Jagatsingpur	0	0	0	0	0	0
Jajpur	0	0	0	0	25	0
Kendrapada	0	0	145	0	0	0
Khurdha	0	0	0	0	20	10
Mayurbhanj	79658.84	79658.84	0	0	0	0
Nayagarh	500	0	0	0	167	159

Puri	0	0	0	0	0	0
Angul	3516.23	0	0	0	326	140
Bargarh	7	6	2	0	39	41
Bolangir	4343.43	500	47	13	80	99
Deogarh	0	0	0	0	119	45
Dhenkanal	117.29	0	0	0	128	45
Jharsuguda	4.5	0	0	0	0	0
Keonjhar	7436.55	15099.06	39	0	0	0
Sambalpur	14862.55	6020.88	34	9	237	123
Subarnapur	0	0	0	0	58	33
Sundargarh	0	0	0	0	430	10
Boudh	0	0	0	0	259	259
Gajapati	7127	4	0	0	83	42
Ganjam	129.79	0	10	0	108	48
Kalahandi	25430.5	2105.2	0	0	6	0
Kandhamal	143025	143025	0	0	132	132
Koraput	6309.37	2653.14	6	0	309	140
Malkangiri	3110.87	60	0	0	165	145
Nuapara	1920	0	0	0	445	144
Nabarangpur	9531.23	9345.35	0	0	124	121
Rayagada	3789.2	5652.14	0	0	288	145
Total	310824.19	264129.61	297	22	3658	1977

(Source: ST and SC Development Department, GoO)

Annexure-6

Status of claims settled under Section 3(2) in Odisha as on 31-7-16

District	No. of project approved	Approved area in acre
Balasore		
Bhadrak		
Cuttack	11	16.09
Jagatsingpur		
Jajpur		
Kendrapada		
Khurdha	5	6.34
Mayurbhanj	79	33.69
Nayagarh	2	500
Puri		
Angul	4	16.11
Bargarh	1	1.14
Bolangir		
Deogarh	18	24.8
Dhenkanal	50	117.29
Jharsuguda	2	4.5
Keonjhar	205	259.36
Sambalpur	54	155.23
Subarnapur	5	5.09
Sundargarh		
Boudh		
Gajapati		
Ganjam	11	17.03
Kalahandi	1	2.33
Kandhamal	19	47.38
Koraput	4	16.11
Malkangiri	5	12.33
Nuapara	6	1.47
Nabarangpur	17	24.79
Rayagada	23	10.65
Total	522	1271.73

(Source: STandSC Development Department, GoO)

Annexure-7

Status of rejection of individual claims in Odisha as on 31-7-16

District	Received by FRC	Rejected by GS	Rejected by SDLC	Rejected by DLC	%age of rejection by Gram-sabha in the total claims received by FRCs	%age of rejection by SDLCs in the total claims received by FRCs
Balasore	4618	1810	0	0	39.19446	0
Bhadrak	202	0	0	0	0	0
Cuttack	5868	2833	889	0	48.2788	15.14997
Jagatsingpur	49	1	1	0	2.040816	2.040816
Jajpur	9170	4063	10	0	44.30752	0.109051
Kendrapada	4065	1	2923	5	0.0246	71.90652
Khurdha	2331	1275	0	0	54.69755	0
Mayurbhanj	62156	9159	4550	0	14.7355	7.320291
Nayagarh	4302	0	104	41	0	2.41748
Puri	1169	0	1169	0	0	100
Angul	8360	1035	3969	629	12.38038	47.47608
Bargarh	3599	482	1214	0	13.39261	33.73159
Bolangir	8799	2633	2590	2	29.92385	29.43516
Deogarh	13817	0	5455	0	0	39.48035
Dhenkanal	12600	0	5078	0	0	40.30159
Jharsuguda	9204	0	6604	0	0	71.75141
Keonjhar	67364	12462	2835	0	18.4995	4.208479
Sambalpur	33066	9922	6104	0	30.00665	18.46005

Subarnapur	1561	0	1166	5	0	74.69571
Sundargarh	53155	10740	6909	959	20.20506	12.99784
Boudh	3499	0	1465	120	0	41.86911
Gajapati	51161	16585	0	0	32.41727	0
Ganjam	12491	3530	2773	0	28.26035	22.19998
Kalahandi	11734	0	655	3	0	5.582069
Kandhamal	60346	1921	507	9	3.18331	0.840155
Koraput	35103	2498	452	0	7.116201	1.287639
Malkangiri	36944	971	1584	482	2.628302	4.233434
Nuapara	23257	11215	1000	0	48.22204	0.429978
Nabarangpur	38418	0	174	0	0	0.452913
Rayagada	34090	0	0	0	0	0
Total	612498	93136	60180	2255		

(Source: ST and SC Development Department, GoO)

Annexure-8

Status of rejection versus intimation in Odisha vis-à-vis IFR claims as on 31-5-16

District	Total claims rejected	Total rejected claims pending for intimation	Percentage of rejected claims pending for intimation, in the total individual claims rejected
Balasore	1810	1810	100
Bhadrak	0	0	0
Cuttack	3722	3722	100
Jagatsingpur	2	2	100
Jajpur	4330	0	0
Kendrapada	2924	2924	100
Khurdha	1275	0	0
Mayurbhanj	13709	13709	100
Nayagarh	169	169	100
Puri	1169	422	36.09923
Angul	5633	5630	99.94674
Bargarh	1696	1696	100
Bolangir	5225	110	2.105263
Deogarh	5807	5807	100
Dhenkanal	5078	5078	100
Jharsuguda	6604	6604	100
Keonjhar	15297	5241	34.26162
Sambalpur	16026	0	0
Subarnapur	1171	1171	100
Sundargarh	18323	18323	100
Boudh	1585	430	27.12934

Gajapati	16585	16585	100
Ganjam	6303	3939	62.49405
Kalahandi	658	0	0
Kandhamal	2437	2437	100
Koraput	2950	0	0
Malkangiri	3037	2205	72.60454
Nuapara	12215	11215	91.81334
Nabarangpur	174	174	100
Rayagada	0	0	

(Source: St and SC Development Department, GoO)

Annexure-9

Trend of achievements of convergence under different schemes in Odisha

<i>Period(upto)</i>	<i>IAY</i>	<i>Mo Kudia</i>	<i>Mo Pokhari</i>	<i>Land dev.</i>	<i>NHM</i>	<i>NBM</i>	<i>Other programmes</i>
May-14	34.13	1.15	1.47	14.35	3.13	0.08	6.82
Jul-16	38.49	0.97	1.03	14.10	2.19	0.07	3.43

(Source: ST and SC Development Department, GoO; Office of the PCCF, Bhubaneswar)

Annexure-10

Status of OTFD claims(IFR) in Odisha as on 31-07-2016

District	No. of OTFD claims settled	Forest area in acres
As on 31-3-2014		
Angul	15	124.89
Sundargarh	629	1092.33
Total	644	1217.22
As on 31-3-2016		
Angul	15	124.89
Sundargarh	602	1070.99
Rayagada	11	18.70
Malkangiri	359	688.26
Total	987	1902.84
As on 31-7-2016		
Angul	15	124.89
Rayagada	11	18.70
Malkangiri	47	47.70
Total	73	191.29

(Source: ST and SC Development Department, GoO)

Annexure-11

Settlement of FRA claims under Odisha Government Land Settlement Act(OGLS) in Sundargarh district

(as on 31-08-2016)

No. of Claims on non- forest land verified for settlement under OGLS	
Homestead- 558	Ac.23.43
Agriculture- 459	Ac.683.57

(Source: PA-ITDA, Sundargarh)

Note: The government has decided to settle FRA claims in non-forest lands under the OGLS Act for the ST people as the FRA shall not be applicable in such cases. The Odisha Prevention of Land Encroachment Act is also taken into consideration in some of such cases, if relevant.

Annexure-12

Status of land demarcation and RoR correction in Odisha as on 31-05-2016

District	No. of IFR titles distributed	No. of IFR titles for which demarcation has been made	No. of IFR titles for which RoR correction has been made	Percentage of cases(titles) demarcated in the total distribution	Percentage of cases(titles) corrected in RoR, in the total distribution
Balasore	2084	0	0	0	0
Bhadrak	175	175	0	100	0
Cuttack	1560	0	0	0	0
Jagatsingpur	47	0	0	0	0
Jajpur	3496	1601	781	45.79519	22.33982
Kendrapada	305	305	0	100	0
Khurdha	787	0	0	0	0
Mayurbhanj	35641	2014	0	5.650795	0
Nayagarh	3061	175	0	5.717086	0
Puri	0	0	0	0	0
Angul	2727	86	86	3.153649	3.153649
Bargarh	1099	0	0	0	0
Bolangir	2133	2133	0	100	0
Deogarh	6745	0	0	0	0
Dhenkanal	6109	6019	1594	98.52676	26.09265
Jharsuguda	2599	936	0	36.01385	0
Keonjhar	49830	0	0	0	0
Sambalpur	13552	12046	0	88.88725	0
Subarnapur	379	0	0	0	0
Sundargarh	13506	10257	0	75.94402	0

Boudh	1657	1285	498	77.54979	30.05432
Gajapati	34471	34471	7322	100	21.24104
Ganjam	5751	0	0	0	0
Kalahandi	10563	10563	3590	100	33.98656
Kandhamal	57657	0	9100	0	15.78299
Koraput	25742	0	0	0	0
Malkangiri	29235	26847	0	91.83171	0
Nuapara	6166	0	1172	0	19.00746
Nabarangpur	36162	0	1172	0	3.240971
Rayagada	22077	8246	0	37.35109	0
Total	375316	117159	25315		

(Source: ST and SC Development Department, GoO)

Annexure-13

Status of conversion of forest villages into revenue villages in Odisha (September 2016?)

District	No. of Forest/Un-surveyed Villages etc. identified	No. of Forest/Un-surveyed Villages etc., for which Processes have been started	Proposal Pending at the Level of				Remarks
			Gramsabha	SDLC	DLC	Total	
Cuttack	0	0	0	0	0	0	
Bhadrak	0	0	0	0	0	0	
Cuttack	0	0	0	0	0	0	
Jagatsinghpur	0	0	0	0	0	0	
Jajpur	30	0	0	0	0	0	
Kendrapara	0	0	0	0	0	0	
Khurda	0	0	0	0	0	0	Not submitted
Mayurbhanj	24	13	2	7	4	13	
Nayagarh	42	0	0	0	0	0	
Puri	0	0	0	0	0	0	
Total CZ (Central Zone)	96	13	2	7	4	13	
Angul	9	0	0	0	0	0	
Bargarh	7	0	0	0	0	0	
Bolangir	2	0	0	0	0	0	
Deogarh	0	0	0	0	0	0	Not Submitted
Dhenkanal	0	0	0	0	0	0	
Jharsuguda	5	0	0	0	0	0	
Keonjhar	0	0	0	0	0	0	
Sambalpur	4	4	4	0	0	4	
Subarnapur	36	0	0	0	0	0	
Sundargarh	0	0	0	0	0	0	Data furnished for Sundargarh ITDA only
Total NZ (Northern Zone)	63	4	4	0	0	4	
Boudh	9	9	9	0	0	9	
Gajapati	0	0	0	0	0	0	

Ganjam	53	53	53	0	0	53	
Kalahandi	0	0	0	0	0	0	
Kandhamal	35	0	0	0	0	0	
Koraput	0	0	0	0	0	0	No data has been furnished
Malkangiri	66	2	2	0	0	2	
Nawapara	7	7	7	0	0	7	
Nawrangpur	0	0	0	0	0	0	Not submitted
Raygada	0	0	0	0	0	0	
Total SZ (Southern Zone)	170	71	71	0	0	71	
ODISHA	329	88	77	7	4	88	

(Source: ST and SC Development Department, GoO)

Annexure-14

Sanctions under Section 3(2) in Odisha as on 01-01-2016

Sector	No. of Proposals	Forest Area Diverted (Ha.)
Anganawadi	6	0.276
Water Harvesting Structure	7	1.192
Electricity	134	63.586
Tank and other minor Water bodies	10	5.163
Road	104	68.871
School	37	16.796
Community Centre	16	9.645
Hospital	5	3.575
Optical Fiber Cable	1	0.07
Grand Total	320	169.174

(http://odishaforest.in/fra_forest_land-diverted.jsp)

Annexure-15

**District-wise distribution of titles in revenue forests and reserve forests; and area involved
(as on 31-07-2016)**

Sl. No	District	No of Certificates of Titles Distributed			Area in Acres		
		Revenue Forest	Reserve Forest	Total	Revenue Forest	Reserve Forest	Total
1	Cuttack	1770	593	2363	887.28	174.73	1062.01
2	Bhadrak	175	0	175	10.1	0	10.1
3	Cuttack	330	1230	1560	806.43	413.09	1219.52
4	Jagatsinghpur	47	0	47	31.83	0	31.83
5	Jajpur	3270	226	3496	1263.01	243.04	1506.05
6	Kendrapara	305	0	305	441.9	0	441.9
7	Khurda	655	132	787	477.58	240.37	717.95
8	Mayurbhanj	35374	1233	36607	22115.89	1072.58	23188.47
9	Nayagarh	3001	60	3061	4648.83	91.77	4740.6
10	Puri			0			0
	Total CZ	44927	3474	48401	30682.85	2235.58	32918.43
1	Angul	2629	98	2727	1208.36	423.03	1631.39
2	Bargarh	1099	0	1099	2016.24	0	2016.24
3	Bolangir	1958	386	2344	4969.18	1888.43	6857.61
4	Deogarh	6388	357	6745	7263.67	720.01	7983.68
5	Dhenkanal	4247	1862	6109	5764.54	2830.5	8595.04
6	Jharsuguda	2599	0	2599	2390.33	0	2390.33
7	Keonjhar	41552	8278	49830	34558.75	8536.63	43095.38
8	Sambalpur	13246	306	13552	17760.27	529.42	18289.69
9	Subarnapur	242	137	379	184.26	586.02	770.28
10	Sundargarh	13289	3859	17148	14922.18	7658.55	22580.73
	Total NZ	87249	15283	102532	91037.78	23172.59	114210.37
1	Boudh	1657	0	1657	2524.5	0	2524.5
2	Gajapati	32926	1545	34471	64307.63	1315.11	65622.74
3	Ganjam	2837	2914	5751	5059.92	8793.54	13853.46
4	Kalahandi	9216	1347	10563	12634.85	3588.11	16222.96
5	Kandhamal	49096	8561	57657	74267.72	12959.28	87227
6	Koraput	13601	12141	25742	20892.27	19194.15	40086.42
7	Malkangiri	28143	2659	30802	70252.78	8728.44	78981.22
8	Nawapara	3935	2231	6166	9263.47	7791.73	17055.2
9	Nawrangpur	27801	9746	37547	45362.19	34137.58	79499.77
10	Raygada	19771	2306	22077	33108.49	2575.94	35684.43
	Total SZ	188983	43450	232433	337673.82	99083.88	436757.7
	ODISHA	321159	62207	383366	459394.45	124492.1	583886.5

(Source: ST and SC Development Department, GoO)

Annexure-16

District-wise PTG (PVTG) households and distribution of titles under FRA (as on 31-07-2016)

Sl. No	District	Name of the Micro Project	Name of the Block	No. of house holds	Claims received by FRC	No. of claims verified by FRCs & sent to Gram Sabha	No. of claims approved by Gram Sabha(GS) & sent to SDLC	No. of claims approved by SDLC (Sub-Division wise) & sent to DLC	No. of claims approved by DLC for Titles	Certificate of Titles distributed	Area (In acres)	No. of claims on Non-forest Govt. land verified for settlement under OPLE	No. of claims on Non-Forest Govt. land verified for settlement under OGLS	No. of PTG households distributed with Title on non-forest land	Area (In acres)	Remarks & Gap between Col 11 against Col 5
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
1	Mayurbhanj	Hill Kharia & Mankirdia Dev. Agency, Jashipur, 18-Vill.	Jashipur & Karanjia	659	182	182	182	182	182	182	200.83					477 Not occupied forest Kisam land
		Lodha Dev. Agency, Morada, 12-Vill.	Suliapada & Morade	874	617	617	617	617	617	617	465.19					257 Not occupied forest Kisam land
		Sub-Total MBJ		1533	799	799	799	799	799	799	666.02					833
2	Angul	Paudi Bhuya Dev. Agency, Jamardihi	Pallahara	1625	1316	1316	1316	1196	1065	1065	460.92					
3	Keonjhar	Juanga Dev. Agency, Gonasika (35 villages)	Banspal	5123	5090	5090	4907	4907	4907	4907	6126.76	0	42			17 claims have been settled in the name of spouse
4	Sundargarh	Paudi Bhuya Dev. Agency, Khuntagaon	Lahunipara	1079	965	965	679	508	463	463	423.36			11	0.44	
5	Gajapati	Soura Dev. Agency, Chandragiri, 32-vill.	Mohana	1128	1084	1084	1084	1084	1084	1084	1932.63					
		Lanjia Soura Dev. Agency, Serango, 21-vill	Gumma	1293	1022	1022	1022	1022	1022	1022	1760.73					
		Sub-Total Gajapati		2421	2106	2106	2106	2106	2106	2106	3693.36					

6	Ganjam	Tumba Dev. Agency, Tumba	Patrapur	981	1093	511	459	459	459	459	1163.2					
7	Rayagada	Dongaria Kandha Dev. Agency, Chatikona	Bissam- Cuttack & Muniguda	1444	1465	1465	1363	1363	1363	1363	2221					81
		Dongaria Kandha Dev. Agency, Parsali	Kalyansing hpur	615	661	661	532	532	532	532	867					83
		Lanjia Soura Dev. Agency, Puttasinghi	Gunupur	947	1005	1005	802	802	802	802	1307					145
		Sub-Total Rayagada		3006	3131	3131	2697	2697	2697	2697	4395					309
8	Malkangiri	Bonda Dev. Agency, Mudulipada	Khairput	1585	1468	1468	1468	1265	1265	1265	3148.45					
		Didayi Dev. Agency, Kudumuluguma	Kudumulu guma/Khai rput	1633	1450	1064	1064	1064	1064	1064	2420.02					
		Sub-Total Malkangiri		3218	2918	2532	2532	2329	2329	2329	5568.47					
9	Kalahandi	Kutia Kandha Dev, Agency, Lanjigarh	Lanjigarh	591	562	562	310	310	310	310	313.8				31	
10	Kandhamal	Kutia Kandha Dev, Agency, Belghar	Tumudiba ndha	1697	1697	1697	1697	1697	1697	1697	5851.26					
11	Deogarh	Paudi Bhuyan Dev. Agency, Rugudakudar	Barkote	1001	1204	1204	850	521	521	521	409.52					
12	Nawapara	Chuktia Bhunjia Dev. Agency, Sunabeda	Komna	614	578	578	578	578	531	531	1946.33					
			Total	22889	21459	20491	18930	18107	17884	17884	31018	31	42	11	0	1142

(Source: ST and SC Development Department, GoO)

Annexure-17

FRA beneficiaries covered under different govt. schemes under convergence, as on 31-07-2016

District	No. of certificates of Titles distributed to individual claimants	No. of right holders covered under various govt. schemes for their benefit							Total(co.4 to col. 10)
		IAY	Mo Kudia	Mo Pokhari	Land dev. under MGNREGS	National Horticulture Mission	National Bamboo Mission	Other Programmes	
2	3	4	5	6	7	8	9	10	11
Balasore	2363	626	305					620	1551
Bhadrak	175	114						22	136
Cuttack	1560	1184	0	6	441				1631
Jagatsinghpur	47	6	39	2					47
Jajpur	3496	341	32	15	443	5	0	0	836
Kendrapara	305	245	3	5	112				365
Khurda	787	743	2	13	2	51		38	849
Mayurbhanj	36607	4196	523	377	1203			2560	8859
Nayagarh	3061	866		218	447	17			1548
Puri									0
Total CZ	48401	8321	904	636	2648	73	0	3240	15822
Angul	2727	957	0	60	968	1			1986
Bargarh	1099	547	5	139	95			21	807
Bolangir	2344	413	26	0	399				838
Deogarh	6745	1648			1545	15			3208
Dhenkanal	6109	2344	9	75	286	37		46	2797
Jharsuguda	2599	521		18	222				761
Keonjhar	49830	20342	776	266	6433	1357	132	1761	31067
Sambalpur	13552	4004	39	53		110		158	4364

Subarnapur	379	165		1	193	3			362
Sundargarh	17148	3172	112	496	1200	24	1	188	5193
Total NZ	102532	34113	967	1108	11341	1547	133	2174	51383
Boudh	1657	371	274	19	206	7			877
Gajapati	34471	17264	82	65	1336	625	71	1436	20879
Ganjam	5751	2321	86	14	711	72		217	3421
Kalahandi	10563	3494	3	38	3200	0	0	310	7045
Kandhamal	57657	23464	1048	172	18958	4600	0	0	48242
Koraput	25742	14238	75	437	5581	1007	44	2170	23552
Malkangiri	30802	22497	186	605	3157			3588	30033
Nawapara	6166	1482	45	157	1675				3359
Nawrangpur	37547	10566	2	380	3725	288	37	17	15015
Raygada	22077	9435	65	313	1521	164	1		11499
Total SZ	232433	105132	1866	2200	40070	6763	153	7738	163922
ODISHA	383366	147566	3737	3944	54059	8383	286	13152	231127

(Source: ST and SC Development Department, GoO)

FRA beneficiaries covered under different govt. schemes under convergence as on 26.08.2016, in Gajapati district									
Sl. No	Name of the block/Sub-division	No. of certificates of Title distributed to individual claimants	No. of Rights holders covered under various Govt. Schemes for their benefit						
			IAY	Mo Kudia	Mo Pokhari	Land dev. under MGNREGS	National Horticulture Mission	National Bamboo Mission	Other programmes
1	2	3	4	5	6	7	8	9	10
1	Gumma	5253	3188	14	10	1. Land Dev. 282 projects (715 beneficiaries) 2. Plantaion- 621 benefit (466 Ha)	370.50 Hectors/ 625 benefi- ciaries	45 Acres (71 benefi- ciaries)	Wadi- Plantaion 545 acres Beneficiaries - 545 nos towards mango/cashew grafts/891 beneficiaries benefitted under poultry scheme (MCU)
2	Paralakhemundi	959	187	5	7				
3	Kasinagar	1037	564	6	6				
4	R. Udayagiri	6192	3446	11	9				
5	Nuagada	2845	2483	9	7				
6	Rayagada	6131	3042	13	8				
7	Mohana	12054	4350	19	12				
Total		34471	17264	82	65				

(Source: PA-ITDA, Parlakhemundi)

Annexure-19

Wadi plantation status in FRA land, in convergence under MGNREGA, SCA to TSP/BKOGY executed by ITDA, Parlakhemundi (as on 07-09-2016)						
Sl. No	Name of the Project	Village	GP	Block	Area in Ha	Area in acre
1	Floriculture/Vegetable cultivation	Anangdangar	Jeerango	Mohona	4	10
2	Hill Broom Plantaion new fy 2015-16	Talamunda	Talamunda	Rayagada	16	40
3	Hill Broom Plantaion new fy 2015-16	Ukkarsing	Talamunda	Rayagada	3	7.5
					19	47.5
4	Rubber Plantaion (Maintenance)2014-15	Kholabada	Tarangada	Gumma	15	37.5
5	Rubber Plantaion (Maintenance)2014-15	Labbar	Ukkhura	Gumma	39	97.5
6	Rubber Plantaion (Maintenance)2014-15	Abhasing	Munising	Gumma	26	65
					80	200
7	Wadi Litchi Plantation New (Wadi) fy 2015-16	Munising	Dambalo	Rayagada	2	5
8	Wadi Litchi Plantation New (Wadi) fy 2015-16	Mangarajpur	Mangarajpur	R. Udayagiri	4	10
9	Wadi Litchi Plantation New (Wadi) fy 2015-16	Dehudi Sahi	Mangarajpur	R. Udayagiri	19	47.5
10	Wadi Mango Plantation New (Wadi) 2013-14 16 Beneficiaries	Akili, Kaliapatta, Ranikhama, N	Chandiput	Mohana	6.2	15.5
11	Wadi Mango Plantation New (Wadi) 2013-14 26 Beneficiaries	Kudikima	Guluba	Mohana	19.06	47.65
12	Wadi Mango Plantation New (Wadi) 2013-14 54 Beneficiaries	Dengili	Birikote	Mohana	14.7	36.75
13	Wadi Mango Plantation New (Wadi) 2013-14 60 Beneficiaries	Juba	Juba	Mohana	51.9	129.75
14	Wadi Mango Plantation New (Wadi) fy 2015-16	Mahulapada	Malasapadar	Mohana	8	20
15	Wadi Mango Plantation New (Wadi) fy 2015-17	Rechaguda	Malasapadar	Mohana	6	15
16	Wadi Mango Plantation New (Wadi) fy 2015-18	Dari Amba	Bada Sindhiba	Mohana	12	30
17	Wadi Mango Plantation New (Wadi) fy 2015-19	Malasapadar	Malasapadar	Mohana	20	50
18	Wadi Mango Plantation New (Wadi) fy 2015-20	Landaguda	Chadiput	Mohana	2	5
19	Wadi Mango Plantation New (Wadi) fy 2015-21	Bahadapada	Jeerango	Mohana	14	35
20	Wadi Mango Plantation New (Wadi) fy 2015-22	Gambhariganda	Malasapadar	Mohana	8	20
21	Wadi Mango Plantation New (Wadi) fy 2015-23	Guduri Padar	Dambaguda	Mohana	12	30
22	Wadi Mango Plantation New (Wadi) fy 2015-24	R Nuasahi	Jalango	Rayagada	2	5
23	Wadi Mango Plantation New (Wadi) fy 2015-25	Mangarajpur	Mangarajpur	R. Udayagiri	6	15
				Total	206.86	517.15
				All Total	309.86	774.65

(Source: PA-ITDA, Parlakhemundi)

Annexure-20

Some relevant details collected from the FRA beneficiaries of Tamaksila village in Parseli GP of K.Singhpur Block, Rayagada district⁸²

Sl. No.	Name of title-holder	Occupation	Year of claim	Granted area(in Acre)	Kisam of land	Year of receipt	FRC No. (as mentioned in the title)	Use of land at the time of apply	Use of land at present	Other benefit received under convergence
1	Manchika Latika-Female ManchikaKagada-Male	Agriculture	2008	1.67	Patrajangal	2009	4488/09	Paddy cultivation	Mango plantation	IAY (Rs.75000)
2	Mandika Ruai-F Mandika Sarathi-M	Agriculture	2008	2.00	Bada jangal	2009	4499/09	Paddy cultivation	Mango ,Orange, Turmeric plantation	IAY (Rs.75000)
3	Mandika Dasi-F Mandika Sundar-M	Agriculture	2008	2.00	Bada jangal	2009	4495/09	Paddy cultivation		IAY (Rs.75000)
4	Mandika Dasi-F Mandika Jambu-M	Agriculture	2008	2.50	Bada jangal	2009	4490/09	Paddy cultivation	Mango , Cashew, Ginger plantation	IAY (Rs.75000)
5	Mandika Relii-F Mandika Biwanath -M	Agriculture	2008	2.00	Bada jangal	2009	4494/09	Paddy cultivation		IAY (Rs.75000)
6	Mandika Somai-F Mandika Loda-M	Agriculture	2008	2.50	Bada jangal	2009	4486/09	Paddy cultivation		IAY (Rs.75000)

⁸² These villagers (Dangarias) came down from the hill so as to make them accessible to us at Parseli, thanks to the efforts of local DKDA staff. The present land use shown in the table is in addition to some of the conventional crops like paddy.

Annexure-21

Information on convergence for FRA beneficiaries in Keonjhar district(by September 2016?)

Sl No	Name of the Block	No. of Titles distributed	Schemes						
			IAY	Mo Pokhari/ Farm Pond	Plantaion	Land Dev.	Mo Kudia	Hort.	Any Other
1	Patna	2154	818			102			
2	Joda	1257	357		2	160			
3	Anandapur	3464	1320				21		
4	Ghasipura	1924	902	15	6			12	
5	Jhumpura	1864	742	52	20	147	11		Dug Well-8
6	Harich.Pur	7431	3102	57/352	165	2262			
7	Champua	625	362	7	55	35	16		
8	Ghatagaon	5562	2208			158			
9	Telkoi	9694	2135			1250		24	
10	Saharpada	982	487	9	17	7			
11	Banspal	8240	3854		210	552	77		
12	Keonjhar	2707	1247	25/34	100	118	3		
13	Hatadihi	2130	920						
Total		48034	18454	165/386	575	4791	128	36	8

(Source: PA-ITDA, Keonjhar)

Annexure-22

PLANTATION SUPPORT PROVIDED UNDER CONVERGENCE FOR INDIVIDUAL FOREST RIGHT HOLDERS AS ON 15.10.2016 IN PARTS OF RAYAGADA DISTRICT																
Sl. No.	Year	Kolnara Block			K.Singpur Block			Rayagada Block			Kashipur Block			Total		
		Area (in acre)	No of Bene-ficiaries	Mango with Cashew Plants (in nos)	Area (in acres)	No of Bene-ficiaries	Mango with Cashew Plants (in nos)	Area (in acre)	No of Bene-ficiaries	Mango with Cashew Plants (in nos)	Area (in acre)	No of Bene-ficiaries	Mango with Cashew Plants (in nos)	Total Area Covered (in acre)	Total No of Bene-ficiaries covered	Total Mango with Cashew Plants (in nos)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
1	2014-15	15	30	600	0	0	0	0	0	0	0	0	0	15	30	600
2	2015-16	20	25	800	30	15	1200	15	7	600	0	0	0	65	47	2600
3	2016-17	80	50	10000	75	50	9375	43	24	5375	15	8	1875	213	132	26625
Grand Total		115	105	11400	105	65	10575	58	31	5975	15	8	1875	293	209	29825
		Kolanara Total			K.Singpur Total			Rayagada Total			Kashipur Total			All Total		

(Source: PA-ITDA, Rayagada)

Annexure-23

Land and productive development of FRA 2006 holders under convergence of schemes in Sundargarh district as on 31.08.2016										
Sl No	Name of the district	Name of Sub-Division	No. of certificate of titles distributed	No. of right holders covered under various govt. schemes for their benefit						
				IAY	Mo Kudia	Mo Pokhari	Land development under NREGS	National Horti-culture Mission	National Bamboo Mission	Other Programme
1	2	3	4	5	6	7	8	9	10	11
1	Sundargarh	Sadar	8194	2075	16	235	630	0	0	188(Backyard Poultry)
2		Paposh	2045	269	0	0	0	23	0	0
3		Bonai	6909	1771	43	58	8	22	1	0
			17148	4115	59	293	638	45	1	188

(Source: PA-ITDA, Sundargarh)

Annexure-24

Details of individual FRA beneficiaries in reserved and revenue forests of Kandhamal district

(by September 2016?)

Sl. No.	Name of Tahasil	No. of GP	Total No of Revenue Villages	Villages in which IFR titles prepared and distributed	Reserve Forest						Revenue Forest					
					Homestead beneficiaries of Reserve forest		Agricultural beneficiaries of Reserve forest		Total Beneficiaries of Reserve forest		Homestead beneficiaries of Revenue forest		Agricultural beneficiaries of Revenue forest		Total Beneficiaries of Revenue forest	
					No	Area in Ha	No	Area in Ha	No	Area in Ha	No	Area in Ha	No	Area in Ha	No	Area in Ha
1	BALLIGUDA	14	253	233	40	8.203	304	149.127	344	157.33	228	44.546	3954	1476.842	4182	1521.388
2	K.NUAGA	11	213	180	0	0	105	39.921	105	39.921	0	0	4604	2441.212	4604	2441.212
3	CHAKAPA	10	162	125	25	1.546	233	265.422	258	266.968	0	0	2384	1280.17	2384	1280.17
4	KOTAGAR	11	144	145	316	32.894	224	468.108	540	501.002	141	27.148	5599	5801.401	5740	5828.549
5	TIKABALI	12	143	137	0	0	160	153.904	160	153.904	1	0.756	4172	1096.597	4173	1097.353
6	DARINGBA	24	287	258	290	57.272	2247	2335.877	2537	2393.149	325	53.566	9347	6869.982	9672	6923.548
7	RAKIA	10	148	117	0	0	468	280.14	468	280.14	0	0	2893	1580.907	2893	1580.907
8	G.UDAYAG	8	83	78	5	0.164	105	116.142	110	116.306	0	0	2621	1242.26	2621	1242.26
9	TUMUDIBA	9	218	226	152	24.442	1879	1320.842	2031	1345.284	39	2.201	2876	1808.293	2915	1810.494
10	PHULBANI	11	212	204	3	0.352	85	65.042	88	65.394	88	16.65	2522	1441.188	2610	1457.838
11	KHAJURIP	13	249	171	1	1.12	81	59.297	82	60.417	17	2.08	2148	1056.416	2165	1058.496
12	PHIRINGIA	20	420	439	147	42.205	394	23.189	541	65.394	533	81.938	5901	3412.322	6434	3494.26
	12	153	2532	2313	979	168.198	6285	5277.011	7264	5445.209	1372	228.885	49021	29507.59	50393	29736.475

(Source: PA-ITDA, Phulbani)

Annexure-25

Status of Habitat Rights Claims under Forest Rights Act - 2006 as in August 2016 in Mayurbhanj District																		
Sl. No.	Name of the District	No. of Micro plan Project	Name of the PVTGs	No. of Block covered by the Micro plan Project	No. of PVTG villages inside the Micro Plan Project	No. of PVTG villages outside the Micro Plan Project	Total No. of PVTG village/settlement /hamlets (identified during the traditional leaders consultations including villages inside the Micro Plan	No. of traditional leaders consultation meeting completed as mentioned under Rule 128(1)	Compilation of information Datasheet	Consultation Report approval by DLC	No. of Gram Sabha meeting completed for compilation of habitat rights claims & mapping	No of Habitat Rights Claims filed at the Gram Sabha Level	Joint Veri- fication of the claims	Budget for facilitating Habitat Rights	Submi- sion of claims to the concern- ed SDLC & sub- mission to DLC	No. of Habitat Rights Claims approved by SDLC & sub- mission to DLC	No. of habitat rights claims approved by DLC	No. of habitat rights title distri- buted
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
1	Mayur- bhanj	HKMDA(1 at Jasipur)	Mankirdia	2	2	7	9	9	Completed	Completed	9	9	9	Approved & funds released	9	2		
2		LDA (1 at Morada)	Hill Khadia	2	16	163	179	5	Completed	Completed	1	0	0	Do				
3			Lodha	2	12	20	32	1	Completed	Completed	0	0	0	Do				

(Source: Agenda for DLC meeting to be held on 23-8-2016 in Mayurbhanj district, PA-ITDA, Baripada)

Annexure-26

Category-wise reasons of the rejection in Mayurbhanj district by August 2016							
Type of claims	Total claims Rejected	Claims rejected for					
		Land claimed is not forest land	Encroachment of forest land after 13.12.2005	Claims from minors/multiple claimants	Lack of sufficient evidences	Any other reason please mention (Doubtful Tribal Status)	Any other reason please mention
IFR	13640	2770	4433	1374	0	5063	
CR	0	0	0	0	0	0	
CFR	0	0	0	0	0	0	
TOTAL	13640	2770	4433	1374	0	5063	

(Source: Agenda for DLC meeting to be held on 23-8-2016 in Mayurbhanj district, PA-ITDA, Baripada)

Annexure-27

Pending position of approved cases at different level in Mayurbhanj district by 23-08-2016(?)		
86 nos. of IFR cases & 6 nos. of CFR cases are pending with DFO, Karanjia for signature. Similarly 1315 nos. of IFR cases of Baripada & Udala are pending with DFO, Baripada & 953 nos. of IFR & 29 nos. of CFR claims are pending with DFO, Rairangpur out of which 14 CFR were diverted from DFO, Karanjia. They may be requested to submit the same to DLC after due signature for taking further action.		
DFO	IFR	CFR
Karanjia	86	6
Baripada	1315	0
Rairangpur	953	29
Total	2354	35
GPS reading & GPS Map preparation		
A	Total No. of village for GPS Mapping	460
B	GPS reading already taken	401
C	Balance no. of reading to be taken	59
D	GPS data supplied to FRA Cell	398
E	GPS Map generated	306
F	Balance Map to be supplied	92
G	Map distributed with GPS Title	187
H	Balance nos. of map to be distributed	119
Break-up of Balance 119 nos. of GPS Map		
1	Pending at DFO, Rairangpur	29(Signature wanting)
2	Pending at DFO, Karanjia	06(Signature wanting)
3	Pending at FRA, cell Karanjia	39(IFR area deduction)
4	Pending at SDLC, Baripada	32(Saraskana Tahasil- 8 & Bangiriposi Tahasil - 24)
5	Pending at SDLC, Karanjia	9
6	Pending at Tahasil level, Bisoi	4
Total		119
Pending position for signature of CFR titles & Map by DFOs		
DFO, Karanjia		6
DFO, Rairangpur		29
Total		35

(Source: Agenda for DLC meeting to be held on 23-8-2016 in Mayurbhanj district, PA-ITDA, Baripada)

Annexure-28

Scheduled Tribe Population in Odisha (2011 Census)

Sl No	District	Demography				Work Participation and Economics Status					
		Population - 2011(In 000')				Cultivators and Agri. labourers(%)				BPL(Rural Families as on 31.03.2000)	
		Total	STs	%	PTGs	Total	STs	Total	STs	Total	STs
	ODISHA	41974	9591	22.85	83	23.4	25.75	38.42	51.94	4473654	1399245
1	Angul	1274	180	14.1	6	20.44	12.8	32.75	50.88	120581	22111
2	Balasore	2321	276	11.88		30.97	14.1	38.41	61.16	257606	43827
3	Bargarh	1481	281	18.98		28.4	22.14	47.32	65	176241	47778
4	Bhadrak	1506	30	2.02		33.28	6.14	32.3	66.18	136849	7331
5	Bolangir	1649	347	21.05		23.11	24.14	45.3	55.25	201310	49932
6	Boudh	441	55	12.55		29.01	33.84	47.7	51.51	71872	10216
7	Cuttack	2624	94	3.57		14.81	6.66	26.52	52.83	146847	9436
8	Deogarh	313	110	35.33	4	25.79	22.27	49.86	59.49	43571	17240
9	Dhenkanal	1193	162	13.59		16.35	10.65	37.57	59.81	127159	24471
10	Gajapati	578	314	54.29	11	22.13	28.02	52.12	59.3	68763	37197
11	Ganjam	3529	119	3.37	4	18.97	24.38	37.65	52.3	301585	21624
12	Jagatsinghpur	1137	8	0.69		27.58	3.37	27.33	34.56	90895	876
13	Jajpur	1827	251	8.29		21.89	15.04	33.69	46.57	169595	15551
14	Jharsuguda	580	177	30.5		16.5	18.57	22.93	32.84	33415	16821
15	Kalahandi	1577	449	28.5	3	19.28	19.36	58.08	65.59	193054	65689
16	Kandhamal	733	393	53.58	6	22.29	30.91	45.85	49.85	113970	61129
17	Kendrapara	1440	9	0.66		31.97	15	30.81	54.65	131424	726
18	Keonjhar	1802	819	45.45	9	25.84	24.4	40.45	50.62	220820	123114
19	Khurdha	2252	115	5.11		11.7	8.69	14.68	38.29	134192	12894
20	Koraput	1380	698	50.56		29.88	35.42	41.91	49.2	221846	111917
21	Malkangiri	613	355	57.83	14	48.69	55.45	34.23	37.33	89138	59488
22	Mayurbhanj	2520	1480	58.72	5	19.51	20.64	46.48	53.3	374867	230673

23	Nabarangpur	1221	681	55.79		28.33	31.56	53.82	58.04	158684	81384
24	Nayagarh	963	59	6.1		24.16	30.9	34.96	43.15	124576	16042
25	Nuapada	610	206	33.8	2	31	36.45	49.06	53.12	108864	36204
26	Puri	1699	6	0.36		27.79	5.57	26.37	37.06	163639	1256
27	Rayagada	968	542	55.99	15	21.25	26.44	53.13	62.71	135785	91615
28	Sambalpur	1041	355	34.12		17.16	18.7	31.79	44.07	90141	46190
29	Sonepur	610	57	9.37		25.82	24.13	48.63	58.18	80396	8727
30	Sundargarh	2093	1062	50.75	4	21.1	27.4	29.01	37.89	185969	126788

[Source: SCSTRTI 2015, Tribes in Odisha at A Glance]

Annexure-29

Scheduled Tribe Population in the Study Blocks (2011 Census)

District	Block	ST population
Sundargarh	Lahunipada	67541
Sundargarh	Kutra	62040
Sundargarh	Lathikata	85181
Kandhamal	Daringbadi	68896
Kandhamal	Tumudibandha	27649
Kandhamal	Khajuripada	25872
Balasore	Nilgiri	74701
Balasore	Simulia	6354
Balasore	Baliapal	11258
Mayurbhanj	Bahalda	49974
Mayurbhanj	Kaptipada	99053
Mayurbhanj	Jashipur	70521
Gajapati	Goshani(Paralakhemundi)	10926
Gajapati	Mohana	78251
Gajapati	Gumma	60332
Keonjhar	Champua	52966
Keonjhar	Telkoi	50406
Keonjhar	Banspal	81548
Koraput	Potangi	46243
Koraput	Jeypore	58206
Koraput	Baipariguda	65842
Rayagada	Kashipur	84357
Rayagada	Gunupur	60207
Rayagada	Kalyansingpur	40841
Malkanagiri	Khairaput	31379
Malkanagiri	Kudumulu Gumma	47683
Malkanagiri	Mathili	69957

[Source: Ota, A.B. Prof.(Dr.) and S.C.Mohanty(2015), Demographic Profile of Scheduled Tribes in Odisha(1961-2011), Table-3.3; SCSTRTI; and District Census Handbook 2011: Koraput, http://www.censusindia.gov.in/2011census/dchb/2129_PART_B_DCHB_KORAPUT.pdf]

Annexure-30

FRCs and villages covered in Odisha by 31-07-2016

Name of District	No. of villages in district	No of villages fully covered so far (Total)	No. of 1st Gramsabha (GS) meetings held	No of Gramsabha meetings held subsequently	No of FRCs constituted by Gramsabha
Balasore	2691		2691	396	2691
Bhadrak	1248	1248	1238	10	1248
Cuttack	1857	69	1857	416	1696
Jagatsinghpur	1230		1230	3	1230
Jajpur	1575		1407	164	1571
Kendrapara	1619	1619	0		1619
Khordha	1355	1355	1355	16	1312
Mayurbhanj	3758	1240	3738	8275	4795
Nayagarh	1516	1516	1516	103	1516
Puri	1613		1601	12	1613
Angul	1632	127	1632	1666	1632
Bargarh	1185	1181	1179	317	1179
Bolangir	1763	1763	1763	1659	1763
Deogarh	774		667	1016	670
Dhenkanal	1232		973	63	1011
Jharsuguda	352	331	331	331	331
Keonjhar	2045	1248	2045	14191	2045
Sambalpur	1232	743	1224	1441	1224
Subarnapur	825	3	825	837	825
Sundargarh	1668	1668	1669	1126	1668
Boudh	1190	1164	1128	36	1164
Gajapati	1528	1440	1449	4578	1449
Ganjam	2831	1820	1820	556	2831
Kalahandi	2068	2068	2068	1009	2068
Kandhamal	2415	2415	2385	2385	2415
Koraput	1890	1188	1890	4013	1890
Malkangiri	933	305	933	1548	933
Nawapara	658	658	658	0	658
Nawarangpur	867	454	867	1095	867
Rayagada	2469	2092	2545	1899	2545
Total	48019	27715	44684	49161	48459

(Source: ST and SC Development Department, GoO)

Annexure-31

FRA implementation in Protected Areas

MONTHLY PROGRESS REPORT ON IMPLEMENTATION OF SCHEDULED TRIBE AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT-2006 IN WILDLIFE DIVISIONS FOR THE MONTH OF DECEMBER, 2016.

(SEPARATE SHEET TO BE SUBMITTED FOR EACH SANCTUARY NATIONAL PARK/ TIGER RESERVE)

Sl.No.	Name of the protected area	Name of the WL Division	Name of the District	Total No. of villages	No. of forest right committees constituted	Individual Rights			No. of claim petition Approved by DLC			Total area approved by DLC in Acr.			No. of titles issued	Area involved (in Ha.) relating to Col. No.16	No. of Community claims approved by DLC		No. of community Titles issued	Area involoved (in Acres) relating to Col.19	Purpose to which community Titles issued & any other matters
						Homestead	Agriculture	Others	Homestead	Agriculture	Others	Homestead	Agriculture	Others			No. of claims	Area in Acres			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
1	Nandankanan sanctuary	DFO, Nandankanan	Khurda																		
2	Debrigarh Sanctuary	DFO, Hirakud (WL) Dvn, Sambalpur	Bargarh	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
3	Muguria PF (Bhitarkanika Sanctuary)	Mangrove (WL) Division	Jagatsinghpur	652	652	49	-	-	47	-	-	32.225	-	-	47	32.225	-	-	-	-	-
4	Gahirmatha Marine sanctuary		Kendrapara	1619	1619	-	-	364	-	-	305	-	-	447	305	427.25	-	-	-	-	-
5	Karlapat sanctuary	Kalahandi (S) Division	Kalahandi	8	8	70	82	-	70	82	-	3.8	273.38	-	78	318.22	1	3.52	1	3.52	Public use
6	Badarama Sanctuary	Bamara WL Division	Sambalpur	-	-	70	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
7	Khalasuni Sanctuary		Sambalpur	Individual Rights	-	-	70	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Page 1

6	Badarama Sanctuary	Bamara WL Division	Sambalpur	-	-	70	-	-	-	-	-	-	-	-	-	-	-	-	-
7	Khalasuni Sanctuary		Sambalpur	Individual Rights	-	70	-	-	-	-	-	-	-	-	-	-	-	-	-
8	Satkosia Tiger Reserve	Satkosia (WL) Division	Angul	56	56	70	48	-	38	48	-	1.76	314.28	-	63	316.04	-	-	-
9	Satkosia Gorge Sanctuary	Mahanadi (WL) Division	Nayagarh																
			Boudh																
10	Baisipalli Sanctuary		Nayagarh																
11	Balukhand-Konark WL Sanctuary	Puri WL Divn	Puri																
12	Similipal Tiger Reserve	Field Director,STR ,Baripada	Mayurbhanj																
13	Kotgarh Sanctuary	DFO, Balliguda Division	Kandhamal	54	54	-	2172	-	-	2172	-	-	5696.6	-	2172	5696.55	-	-	-
14	Kuldiha Sanctuary	DFO, Balasore WL Divn	Balasore	12	12		800		225	371	-	111.31	360.68	-	569	460.8	-	-	-
15	Sunabeda Sanctuary	Sunabeda WL Division	Nuapada	51	39	406	672	-	160	897	-	26.34	2823.9	1057	2850.23	-	-	-	-
16	Lakhari Sanctuary	Parlakhemundi	Gajapati	8	8	20	81	-	20	81	-	4.355	113.45	9.7	81	124.885	-	-	-
17	Chandaka Sanctuary	Chandaka WL Division	Khurda																
18	Hadgarh Sanctuary	Keonjhar (WL) Division	Keonjhar																
19	Kapilash WL Sanctuary	Dhenkanal																	
20	Nil	Bhadrak Wildlife Division Chandbali	Bhadrak	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
21	Nalabana (Chilika) Sanctuary	Chilika Wildlife Division	Puri	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total												179.79	9582.2	457		10226.2			

(As received from the office of the PCCH, Wildlife)