

Implementation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 in Orissa

Livelihood Implication for tribal hamlets in Telkoi Block and Banspal Block of Kendujhar District, Orissa

A Report based on the field work commissioned by Society for Promotion of Wasteland Development, New Delhi in collaboration with Forestry Action Network of Kendujhar District

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List of Abbreviations

STAOTFD(ROFR) Scheduled Tribes and Other Traditional Forest Dwellers
Act 2006 - (Recognition of Forest Rights) Act 2006

FRC - Forest Rights Committee

SDLC - Sub Division Level Committee

DLC - Division Level Committee

MASS - Manav Adhikar Seva Samiti

UAC - Unified Action Council

FAN - Forestry Action Network

GP - Gram Panchayat

FAQs - Frequently Asked Questions

CFR - Community Forest Resource/s

JFM - Joint Forest Management

HH - Households

RI - Revenue Inspector

SDO - Sub Divisional Officer

The watermark is a green circular logo with the acronym 'SPWD' in the center. Below the circle, the text 'Society for Promotion of Wastelands Development' is written in a curved path following the bottom edge of the circle.

Table of Contents

1 Background and Introduction

- 1.1 Background
- 1.2 Aim and Objective
- 1.3 Method and materials

2 Implementation of STAOTFD(ROFR) Act 2006 in Orissa

- 2.1 Overview
- 2.2 The process of claiming the title
 - 2.2.1 As provided in the Act
 - 2.2.2 Ground level situation in claiming the title: the NGO experience
 - 2.2.3 Ground level situation: Observations based on Fieldwork
 - 2.2.3.1 Lunoghar village, Banspal block
 - 2.2.3.2 Katrabali village, Oriya GP, Telkoi block : meeting with Khetrabasi Naik, a GP and SDLC member of Sadar Sub Division
 - 2.2.3.3 Discussion with Birbal Naik, convener of Banbasi Chetna Mandal, Village Gunasika, Banspal Block.
 - 2.2.3.4 Gupta Ganga, Gunasika GP, Banspal Block
 - 2.2.3.5 Mankadkholi Hamlet, Sibnarayanpur Goda GP

3 Discussion

- 3.1 Implication of implementation of FRA for local communities
- 3.2 Suggested follow up

4 List of Annexure

- Annexure 1. Orissa Government Resolutions, Circulars and notifications to implement STAOTFD(ROFR) Act 2006
- Annexure 2. Land holding in Mankadkholi Hamlet, Telkoi Block
- Annexure 3. Seasonal Calendar of Mankadkholi Hamlet
- Annexure 4. Map of landscape elements of Mankadkholi hamlet

5 Acknowledgement

1 Background and Introduction

1.1 Background

Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006¹ has come up in response to the necessity of recognition of rights of communities living in and around the forest and dependent on forest resources in one way or the other. The rights have been granted in two ways. Individual right which primarily relates to use of forest land for agriculture and community rights relating to use of ecosystem services from the forest. This includes right to habitat and right to protect the forest. The major gain for forest dwelling communities has been the recognition of practice of agriculture as a legitimate use of the forest. However this gain has brought in its wake fears of decimation of the forest in the name of practice of agriculture in the forest. The major fear (which is based on actual practice) is the possibility of cutting down the trees to show practice of agriculture and claim the maximum private rights possible. The Act is based on the premise of historical injustice to forest dwelling communities and the conception that the communities are the legitimate stakeholders to livelihood in forests. Among the mechanisms worked out are,

- 1) Communities will define the forests which are being used by them which forms the backdrop of the rights being allocated,
- 2) Gram Sabha as the body that initiates the process of recognition of individual and community rights and,
- 3) Duties to protect the forest and ensure compliance of the various laws in force so as to ensure long term sustainability of community rights on one hand and the application of laws related to conservation i.e. Forest Conservation Act . Wildlife Act, Biodiversity Act etc. except where FRA supersedes the application of such Acts.

An essential point emerging from the current implementation of the FRA is the need to go back to the basics i.e. the context of forests on one hand and livelihood on the other. SPWD in conducting a study in some states in India to understand,

- 1) Nature of livelihood dependence on the forest historically, change and current status with trend.
- 2) Nature of the ecological condition of the forest historically, change and current status with trend and,
- 3) Nature of institutional engagement and governance of the forests.

1.2 Aim and Objective

Aim of the report is to understand implication of implementation of the act for the livelihood of tribal community.

This report is based on the field work in Kendujhar District of Orissa. Objective of the fieldwork was develop this understanding by interacting directly, with members of the Adivasi community in some villages in Kendujhar District and with some NGOs instrumental in implementation of the Act.

SPWD is collaborating with Forestry Action Network (FAN) of 10 NGOs in Kendujhar district of Orissa. Essentially the report is an outcome of in depth discussion with three regional NGOs in the state and community meetings in five FAN villages

¹ This recently enacted legislation is popularly referred as (1) the Tribal's Rights Act and (2) Forest Rights Act. In the report it is referred either as STAOTFD(ROFR) Act 2006 or simply as the Act.

1.3 Method and materials

In the initial part of the field work, three regional NGOs in Orissa were consulted. These consultations helped understand general issues in implementation of STAOTFD(ROFR) Act 2006. These NGOs are actively involved in helping tribal community in claiming the title over forest lands.

Box1: NGOs Consulted

Vasundhara is a leading policy research, advocacy and action organisation based at Bhubaneswar. It is primarily working in the areas of natural resources governance, conservation and sustainable rural livelihoods. Our activities include research, policy analysis and advocacy and networking in the thematic areas of Community Forestry, Forest based Livelihoods & Economic Democratization, Land Rights, Environment & Development and Biodiversity Conservation (www.vasundharaorissa.org). It is associated with STAOTFD(ROFR) Act 2006 since its formulation. After rules of the Act notified in December 2007, Vasundhara has set up a user friendly, information rich web portal and has set up a toll free help line. This is a very unique effort. It has also helped quite many grass root NGOs and community groups to develop their cases as full proof as possible. It also conducts training programme on implementation of STAOTFD(ROFR) Act 2006.

Pragati is an NGO based in Koraput town, headquarter of the district bearing the same name. Operational area of Pragati is 14 blocks in Koraput District. It is coordinating a network of 30 NGOs. Pragati has been instrumental in setting up district level coordination committee in Koraput. As a representative of 30 NGOs, Pragati lobbied with the administration to set up the coordination committee. This committee is an open forum of NGOs, community members and government representatives. It meets on a fixed date (3rd day of every month) every month. FRC members, SDLC members, DLC members attend these meetings to answer queries from the community members.

Manav Adhikar Seva Samiti (MASS) is a Sambalpur based organisation. Its focal area is community based natural resource management. It is working with tribal communities of 28 villages in 6 Gram Panchayats in 3 blocks of Sambalpur District.

NGO consultations were based on semi structured interview of the individuals coordinating work related to STAOTFD(ROFR) Act 2006 in that NGO.

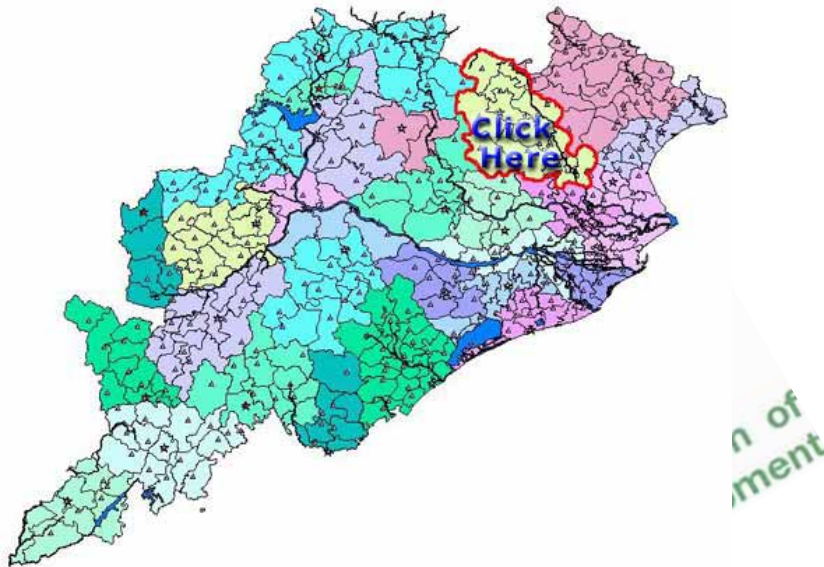
In the second part of the field work, community members and traditional head of the community in some Adivasi villages² were consulted. This part of the field work was essentially conducted in Telkoi block and Banspal Block of Kendujhar district. Community based information collection was a combination of some PRA tools and semi structured interviews.

² In Orissa, as every where in India, Gram Panchayat (GP) is a basic administration unit and a village is a revenue unit. Each GP consists of one or more village/s. Each village may have one or more hamlet/s in addition to the main habitation. In Kendujhar district, these hamlets are generally referred as *sahi* or *beda*. For example, Nuasahi, Purana sahi, Balisahi, Rengalbeda etc. The field work is based on visit to some hamlets of the revenue villages. These hamlets are usually inhabited by specific community. Each revenue village has its own Palli Sabha (equivalent to Gram Sabha as referred in STAOTFD(ROFR) Act 2006). Main habitation and constituent hamlets of the revenue village form a Palli Sabha.

Table 1: Villages and communities consulted

No.	Village	Community consulted	Field work days
1.	Mankadkholi, SN Pur Goda GP, Telkoi Block	Pauda Bhuian	31-May-10, 05-Jun-10, 06-Jun-10, 09-Jun-10
2.	Gupta Ganga, Gunasika GP, Banspal Block	Juang	03-Jun-10
3.	Katrabali, Oriya Birida GP, Telkoi Block	General, Munda	04-Jun-10
4.	Gunasika, Banspal Block	General, Juang	07-Jun-10
5.	Lunoghar, Banspal Block	Bhuian	08-Jun-10

Map 1: Location of Kendujhar District in Orissa



Map 2: Location of Telkoi and Banspal blocks in Kendujhar District



2 Implementation of STAOTFD(ROFR) Act 2006 in Orissa

2.1 Overview

Orissa government initiated implementation of the Act on 1 February 2008 by a Gazette notification. Implementation of the Act is a subject of four administrative departments of the state. They are,

- (a) Revenue and Disaster Management Department,
- (b) Scheduled Tribes and Scheduled Castes Development Department,
- (c) Panchayati Raj Department and,
- (d) Forests and Environment Department

It is observed that all departments have done excellent work as far as communicating objectives of the Act and explaining implementation procedure to their staff³. Some commendable points and initiatives of the implementation departments in Orissa are,

- (a) Explaining to the implementation staff that the Act covers not only the land under forest department but also the land under revenue department classified as *Gramya Jungle, Patra Jungle* etc.
- (b) Communicating to the implementation staff, FAQs on individual claims and community forest resource claims under the act and their answers.
- (c) Developing a website on implementation of the Act in the State and its updating the website.
- (d) Linking CFR management with NREGS,
- (e) Involvement of NGOs in implementation of the act.

2.2 The process of claiming the title

2.2.1 As provided in the Act

The Act has separate provisions for the individual claim and the community claim. One can grade procedure of claiming the title under the individual claim or the community claim into 13 steps. More or less these steps are applicable equally to the individual claim and the community claim. However evidences needed for each type of claim are different. These steps are mentioned below,

- 1) Information about the Act and its provisions reaching the village.
- 2) Awareness in the village community.
- 3) Formal meeting of *Palli Sabha* for discussion on the Act and formation of FRC
- 4) *Palli Sabha* calls for the claims including,
 - a. Filling up Form A for individual claim and Form B for CFR
 - b. Preparation of sketch map of land being claimed. The map need not be to the scale.
 - c. Evidences – Oral, traditional documents like *Nistar Patrak, rights awarded by erstwhile principalities* etc.
 - d. Identity proof of the claimant/s
- 5) Scrutiny and ground verification of the claims by FRC

³ Refer Annexure 1. It is a table of salient points of some GRs, notifications, intra and inter departmental communication.

- 6) Finalisation of all types of claims within the FRC jurisdiction and preparation of the concise report on all claims by the FRC to share with the *Palli Sabha*
- 7) Approval of FRC report by the Palli Sabha.
- 8) FRC report approved by the *Palli Sabha* is submitted to the SDLC
- 9) SDLC scrutiny including matching the sketch maps of all claims submitted by the FRC with authentic scale maps.
- 10) Field verification of the claims by the SDLC with prior intimation to all claimants.
- 11) SDLC communicating outcome of its scrutiny to Palli Sabha, FRC and submitting its report to DLC.
- 12) Case by case approval or disapproval of the claims by DLC based on SDLC recommendations.
- 13) DLC issuing Title (*Patta*) Certificate mentioning land marks and identification marks of the land along with scale map to the eligible claimants.

There is provision of dispute resolution at each level namely FRC, SDLC and DLC. If the claimant is not satisfied with adjudication at any level, s/he can file the grievance with the higher level and seek redress.

2.2.2 Claiming the title: the NGO experience

Following is an account of the way claiming the title is being carried out in reality. This account is based on interaction with three regional NGOs in Orissa.

2.2.2.1 General situation at village level

Initially that means just after notification rules of the Act in early 2008, the situation was quite chaotic. Hardly any one, especially from village communities and NGOs, knew how to and where to start and proceed in claiming the title over forest lands. Government had issued circulars to convene *Palli Sabha* meetings and formation of FRCs by stipulated date. The scenario was such that everyone at the grass root level thought of it as if some land distribution scheme was launched by the government. Staff of the concerned departments followed instructions from the superiors to conduct *Palli Sabha* and FRC formation. Hardly attention was paid to the core of the Act. In principle the Act is to address historical injustice towards the tribal community and other forest dwelling communities.

There have been cases where *Vana Suraksha Samiti* (Forest Protection Committee) formed under the JFM was simply declared as FRC. It was like old and not so useful content in fresh wrapper.

It is observed that influential persons in the village dominate FRC formation. For example, forester, affluent persons in the village, upper cast persons, *Panchayat* Head, Revenue Inspector, *Gontya* (traditional tax collector in Sambalpur Area) etc. Also it is observed that internal dynamics of the village influences FRC formation. In extreme cases, FRC members even decide among the community members who would file the claim. In many cases, it is seen that timber and *Kendu Patra* contractors lobby was at work. A counter group backed up by the contractors was at work in *Palli Sabha* of some villages. This group would disrupt functioning of the meeting.

Internal disputes in the village do influence FRC formation and filing the claims. In Bolbanga revenue village in Dokra GP of Maneshwar block in Sambalpur District, there is a piece of fertile land cultivated by two persons. They have filed to claim title

over this land. Other community members in the village do not want that title of the land going to these two persons. *Palli Sabha* has not been able to take any decision. A consequence of this is that 18 other claims in the village are on hold. In Dadarpada hamlet of Khamar Badmal revenue village in Jujumura block of Sambalpur district, ex Jamindar of the village who is also chairman of the FRC decided that each villager would be allowed to claim over not more than 2 acres. In the same village there are Munda tribe and Oraon tribe migrants from Jharkhand. They migrated 20 years back. However FRC of the village has not taken cognizance of their claims. The migrants have filed their cases directly to the SDLC without FRC resolution.

There have been cases in which FRC members did not know that they were on the committee. For example, a primary school teacher who was not even a resident of the village was made a member without his knowledge.

In the context of Deciding on the area to be claimed, Taparkhela GP in Rengali block in Sambalpur district is a peculiar case. Two FRC members, Secretary and *Sarpanch* of the village prepared a resolution in haste that there was not any forest encroachment in the village. This means there would not be any claims to file under the Act.

Often the local communities are passive and idle in claiming CFR. This can be attributed to lack of confidence in the community that it can manage and practice its rights. In turn this is a result of increased dependence on government schemes. Gradually traditions of community management are fading out. Another dimension is Individual claims has become a protracted process. Those who have received title are not satisfied. This has affected claiming CFR. General perception is that CFR claim would take more time and who would spare resources to follow up with various line departments. Jhakarpari GP in Rengali block of Sambalpur district has five revenue villages. FRC in this GP is very active. Among the five villages, Kusumdih revenue village has active CFM and in the past had actively participated in JFM. It has all records ready including boundary map of the village. However there is boundary dispute among five revenue villages in the GP. There is no uniform opinion on the boundary. Five times MASS tried to convene meeting of all villages. However it has not yielded any success. In the last meeting convened by MASS, three villages attended while 2 villages decided not to be part of the meeting.

Podu Chas (Shifting Cultivation) area should be ideally claimed as a CFR and in totality. However only plots currently under cultivation are being claimed.

In many cases people have received title for revenue land being classified as Gramya Jungle, Patra Jungle etc. However, in many cases that is the only land they have received as a result of enacting STOTFD(ROFR) Act 2006. The claim over land owned by the forest department is either rejected or they are not clear what happened with their claim. Lack of knowledge of the procedure results in erroneous filing of the claim. Obviously many such claims are rejected in the scrutiny by the SDLC.

Ideally FRC should guide the claimants in preparing their cases, in collecting the evidence and in preparing sketch map of the land. However in many cases, it is observed that FRC members are barely aware of the documents to be attached with the claim. Similarly, FRC members are not aware of the right of *Palli Sabha* to demand working plans of the forest department and maps of the revenue department and the forest department. In exceptional cases, where a sensible facilitator like a village youth that had attended training on filing FRA claims or a certain well informed

NGO was present, it made the difference in preparing cases with required documents and evidence.

2.2.2.2 Facilitation by the NGOs

It is observed that quite many NGOs are helping the community in filing the claims.. However, many of them regard number of claims filed as the end and not as the means. Consequently they try to file as many cases as possible without follow up strategy. Some of them even have resorted to organising a rally or procession to submit the claims at the collector office. In nut shell, most of the NGOs facilitating filing the claims are dealing in ad hoc manner. NGOs need to understand and be sensitive to consequences of filing the cases and claiming the title. They should pay attention to making the cases as full proof as possible. It is important to pay attention to description of the land to be claimed with all peculiarities like important landmarks, history of possession, sketch map of the land and evidences to support the claim like a court judgement recognizing tribal right over the land, *nistar patrak*, a note from the working plan of the forest department etc. Most important is, resolution of *Palli Sabha* mentioning all claims it dealt with. There was an incidence in Sambalpur that all cases that FRC had forwarded got rejected because either location map of the land was not attached or FRC resolution was not attached. This was a result of sheer lack of knowledge.

Pragati is working on strengthening Community Forest management in Koraput district since 1992. After notification of the Act it started helping the local communities in preparing the claims. Initially it was not clear whom to meet, who would provide the records, evidence to attach with the application etc. Over the period of two years i.e. in 2008 and 2009 this understanding has gradually developed.

In early 2009, a close scrutiny of Government records of claims filed and claims approved showed that there was huge gap. The number of cases filed was huge. In comparison the number cases approved was very small. Also the number of CFR cases was hardly noticeable. Taking lead from this, Pragati pursued with the district administration in setting up a district level committee involving administration, NGOs and village FRCs. Pragati had experimented with such tripartite committee at block level prior to suggesting the same at district level.

This district level committee provides a platform for FRC members and grass root NGOs to discuss difficulties and problems in filing the claims and post filing follow up directly with the district administration. Coverage of this committee is 135 GPs covering 1200 villages. 30 NGOs regularly practice in the meeting of the district coordination committee that is conducted on a fixed date every month. Proceedings of each meeting are shared with local newspapers and media. It is noticed that FD participation in the committee is often irregular.

A matter of concern in Koraput district related to the implementation of the Act is forest department is carrying out plantations under OFSDP on the lands on which local community would like to claim the title.

Vasundhara has set up a toll free help line. It has also set up an information portal where all major government resolutions, important excerpts from forest department's working plan and maps are uploaded. All this material is an important aid in filing the claims. The documents on the Vasundhara portal are downloadable. Vasundhara

has also conducted training programmes for all concerned namely community members, FRC members, forest staff, revenue staff etc. It continues with these training programmes should there be any demand by the grass root level NGOs and local communities.

2.2.3 Ground level situation: Observations based on Fieldwork

2.2.3.1 Lunoghar village, Banspal block

- 1) There are 36 HHs in Lunoghar village of Banspal block. Out of this, 18 are Bhuian HHs and 18 are Munda HHs
- 2) We met Dashrath Naik, a *Sardar* of a *Pidh*⁴ consisting of 46 villages. He is also member of the GP⁵. In the meeting at Dashrathbhai's home, Babu Behera, FRC chairman and Nityanand Naik, both members of Bhuian community, also participated.
- 3) Lunoghar has filed 38 applications. Out of this, 18 were submitted 6 months back and rest 20 have been recently filed. Initially only Bhuian community filed the application. Munda community filed its applications recently. FRC resolution is not attached with the Munda applications. These applications were directly submitted with the RI.



Photo 1: Meeting community members of Lunoghar village, Banspal block

- 4) None of the applicants asked for receipt of the applications. Also none of them have duplicate copy or photocopy of the applications.
- 5) Documents attached with the applications were: voter's identity card, receipt/s of the tax paid by the applicants for their *patta* lands, oral evidence of older people in the village and rough sketch map of the land being claimed.
- 6) Field verification was done by the RI and *Amin*.

⁴ *Pidh* is a traditional system of Juang and Bhuian tribes. It is a traditional management unit consisting of a cluster of villages/hamlets. Each *Pidh* has *Sardar* as its head.

- 7) RI, Amin and the forest guard conducted field verification. They told the community that the piece of land where there are natural trees would not be approved. This means the claimants would forego the land.
- 8) The villagers told the verification team that they would cut the trees to claim the area. To this the response was that would be dealt separately.
- 9) The villagers have filed on an average 5-6 acre area per household.
- 10) They have claimed for land under RF
- 11) They are not aware of the CFR provisions.
- 12) FD is raising a nursery in which some villagers are employed as casual labours. The nursery has Teak, Eucalyptus, *Gambhari* (*Gmelina arborea*) and Amla (*Phyllanthus indica*) saplings. We asked, given the opportunity which species the villagers would like to raise. The response was the community would plant trees not only useful as timber but also for their other livelihood needs of local species useful to them.
- 13) The village has total geographic area around 300 H. Out of this 200 H is under forest, 40 H is agriculture in forest, 20 H is agriculture in patta land
- 14) *Podu Chas* is practiced by 8-9 families
- 15) Community Forest Management existed in the village. Presently it is not practiced intensively.
- 16) *Vana Surakhya Samiti* (VSS) under JFM is constituted in the village. FD provided mike system and video to the VSS.
- 17) Verification team has not yet communicated its results and report to the FRC.
- 18) We shared that community needs proper guidance in pursuing claims. We added that a training programme could be organised for a cluster of neighbouring villages. Villagers said that they would support food and stay of the trainer, should the training programme be in the village.

2.2.3.2 Katrabali village, Oriya GP, Telkoi block : meeting with Khetrabasi Naik, a GP and SDLC member of Sadar Sub Division

Khetrabasi Naik is a member of Sadar SDLC in Kendujhar District. We interacted with Khetrabasi Naik and his brother who is a herbal healer and Katrabali FRC chairman. Both of them have not claimed for any land. Both hardly know documents, like authentic revenue and forest maps, government resolutions, forest department's working plans, should be available to them free of cost. They are also not aware that it is a duty of the revenue department and forest department to provide them all records and evidences necessary to substantiate the claims. Only literature provided to the FRC is Odiya version of bare text of the Act and rules of the Act.

In the initial part of our conversation we explained steps in claiming the title and requisites of claiming the title. After this explanation we enquired whether he was aware of the procedure, steps in filing the claim and post claim processes. He was unaware of the systematic manner in which one can file the claim. He shared that whatever claims he has handled have received lukewarm response from the administration. He attributed the lukewarm response to lack of knowledge of the claimants regarding procedure of the Act. The last meeting of Sadar SDLC that he attended was 6 months back. He missed two subsequent meetings due to delay in communication. He missed these meetings because he was intimidated by letter which reached after the meetings had taken place.

He said that usual meeting of SDLC lasts for an hour or less. Majority time of the meeting is spent in various RIs briefing on number of cases filed and number of cases which could be possibly approved.

In Katrabali FRC, total 100 claims have been filed. Out of this 99 got rejected. Just one claim has been cleared by the SDLC. FRC chairman refused to sign on it. He felt that SDLC is making mockery of the claims.

Our detailed discussion with Kherrabasi Naik and his brother revealed that all 99 rejected claims pertained to the revenue land. Status of the RF land claims was not clear. Khetrabasi Naik shared a specific incident in Katrabali village. A person aged 55+ years has claimed over 3 acre land. 60-70 years back his father had cleared forest on the land to make it cultivable. However his claim was rejected on the ground that it is a revenue land.

To our query on claiming *Podu Chas* land, Khetrabasi responded that it is claimed on individual basis. However, SDLC has not dealt with claims over *Podu chas* land.

Below are some observations we noted in the Katrabali case. They are representative of general village level scenario in filing the claim and verification of claims:

- 1) The village filed its cases last year. During verification of the claims RI and *Amin* rejected most of them. This affected enthusiasm of the villagers. After this incident no one has come forward to follow up with the claims.
- 2) Although in the rules of the Act it is mentioned that claiming process is free of cost, it is not so at the village level. Sufficient number of forms is not available at the village level. The villagers had to procure Form A for the individual claim from the local photo copier's shop. He charged Rs. 5 for a single form A. In addition to this some more costs that villagers had to bear were photocopying of the documents and making a visit to the RI office. On minimum side average cost of a single claim would be around Rs 250-300.
- 3) Absence of full time SDO in charge at Sadar SDO was a bottle neck in periodic meetings of the SDLC. This was valid at the time of the interview of Khetrabasi Naik. Initially there would be a meeting every month.
- 4) SDLC has not provided its verification report to the FRC and *Palli Sabha*.. Tribal Welfare Officer of Telkoi block has orally communicated that 99 cases out of 100 filed have been rejected.

2.2.3.3 Discussion with Birbal Naik, convener of Banbasi Chetna Mandal, Village Gunasika, Banspal Block.

Birbal Naik, Birubhai as he is known in Banspal area is working in the area since 1973. He is a local person. His focus is tribal development. In 1989, he established Banbasi Chetna Mandal (BCM), an NGO. Until 2008, BCM conducted various projects for the development and education of the tribal communities in Banspal block and Telkoi block. BCM is closely associated with seven *Pidhs*⁶ covering 44 villages of Juang tribe and 5 *Pidhs* of Pauda Bhuain tribe. More or less these *Pidhs* cover Banspal and Telkoi block of Kendujhar district.

BCM participated in implementation of government schemes like *Gram Swachhata Abhiyan*. For this, BCM conducted meetings in all Juang villages. The work with

⁶ *Pidh* is a traditional cluster of villages. This tradition is found in Juang and Paudi Bhuian in particular. Kendujhar princely state had a specially reserved forest for them.

Juang and Pauda Bhuian tribes continued in the form of health awareness and education.

BCM also conducted (a) demonstration of sustainable agriculture practices and horticulture, (b) training programmes on non destructive NTFP collection and processing and seasonal marketing of the semi processed products, (c) education awareness through folk art, (d) women organisation and, (e) developing grain banks of Rice, Mustard and Niger (an Oil seed). In 2000-01, BCM started working on Land Rights of local communities. In 2005-06 BCM collaborated with RCDC (a Bhubaneswar based NGO) and Vasundhara. Together they conducted a study titled Community Action for change and development. Subsequent to this, Birubhai participated in trainers training on FRA implementation conducted by the Government as well as by Vasundhara. As a follow up of the training, Birubhai studied FRA and its rules.

Post 2007, Birubhai started helping Juang *Pidh* members in preparing individual cases to claim title over the forest land. He helped in formation of total 75 FRCs in Juang *Pidh* Area. Each application was attached with a sketch map, evidences in the form of historical records from the court cases and settlements, Oral statement of older persons approved by concerned *Palli Sabha* etc. Each FRC had conducted field verification. All these applications were filed with Sadar SDLC of Kendujhar district. Subsequent to the submission of the applications, SDLC conducted cross verification. This was conducted by RI, Amin and the Forest Guard. On an average each claimant had filed for 2-3 Acre of land.

In May 2010, many claimants received *Patta* certificate. To their surprise, many of them have received title to a miniscule of the area they had claimed. Also there were many shortcomings in the *Patta* certificate like, (a) no location map is provided along with the *Patta* certificate, (b) description of the land is incomplete and inadequate that even the claimant is not sure whether the land mentioned on the *patta* certificate is the same that he claimed and, (c) claims over lands owned by the forest department have hardly been approved

Keeping in trend, SDLC has not communicated its deliberations over claims filed by the Juang *Pidhs* to concerned *Palli Sabhas* and FRCs

Community members in Juang *Pidhs*, those have received *Patta* certificate have now decided to return it to the DLC. In Upper Baitarani village, 41 claimants have decided to return the the *patta* certificate. Also the claimants are not satisfied with the field verification.

In the mean time Birubhai, in association with some villages in Satkhand *Pidh*, one among the seven Juang *Pidhs*, has developed a case of CFR. For this they have collected,

- 1) Photocopy of voter identity cards of the community members in the claimant villages
- 2) Caste certificate of each member
- 3) BPL card
- 4) Documents related to *Patta* land owned by the community members
- 5) Statement of older persons subsequently authenticated by the *Palli Sabha*
- 6) *Pidh* *Patta* statement from erstwhile princely state of Kendujhar
- 7) Judgement of a court case in 1938 that mentions traditional rights conferred on Juang tribe
- 8) A list of biodiversity elements prepared by the community members

- 9) Boundary map prepared by the community members, depicting locations of important places in the village landscape like *Khand Pahad*, *Dhrama Pith*, *Devpith*, *Gram Sarini*, *water sources* etc.

Birubhai mentioned that around five villages in Satkhand Pidh have decided to file single CFR claim. He has communicated this to the DLC chairman. However the chairman said that he would need time to go through and understand single CFR claim a group of five villages. Followed by the *Satkhand Pidh*, similar process is now initiated in 14 villages of *Kathua Pidh*. Birubhai mentioned that CFR basing on *Pidh* right seems feasible.

Many villages in Juang *Pidh* Area have active Community Forest Management. Birubhai mentioned that claiming CFR under the Act as *Pidh* right is very much in line with habitat rights provided in the Act and also with certain traditional rights over forests provided by the erstwhile Kendujhar princely state to all Juang *Pidhs* (total 7 Juang *Pidhs*).

Inherent characters of Juang and Pauda Bhuian are community cooperation and unity. They are reflected in quite many traditions of these communities. Birubhai mentioned that such traditions would be the basis of community management of the CFRs claimed under the Act. One such community tradition in Juang and Pauda Bhuian is *Paichaulo*. At harvesting time, each community member contributes a *Pai* (local unit of weighing grains) of grain (rice in particular) to the community cache. This common cache is stored in *Doli*, a traditional bamboo granary in *Mandaghar* - traditional community meeting place in Juang and Pauda Bhuian habitations.

2.2.3.4 Gupta Ganga, Gunasika GP, Banspal Block

From the community side, the discussion was led by Dashrath Juang, Sabhapati of a Juang *Pidh*. His age is around 80 years. The village is a Juang village. It has 34 HHs. This village is origin of 6 Juang *Pidhs*. Original location of the village was a bit interior. It was called Baruda. It consisted of two hamlets namely Talbaruda and Uparobaruda. In 1972 Baruda shifted to its present location. The village is near the origin point of River Baitarini. There is a perennial stream flowing for some distance. Then it goes underground and again emerges out after some distance. The stream goes under ground and becomes unnoticeable for some distance. The name Gupta Ganga is derived from this phenomenon.

BCM helped villagers in developing cases to claim individual title over forest land. The process was initiated in March 2008 followed by FRC formation in April 2008. BCM helped the village in documenting history of the village, livelihood practices, biodiversity in the village landscape, social aspects and preparing the village map. Later BCM also helped the community members in preparing their individual applications. This was systematic, unlike the usual village scenario, as BCM volunteers had undergone a training by Vasundhara. Total 36 individual claims were filed in July 2008.

In May 2010 the claimants have received *Patta* certificates. For individual claimants, minimum area finally approved is between 34 cents and 1 acre. Village community is not satisfied with the SDLC field verification. There are quite many mistakes in the *Patta* certificate. Most of the certificate do not mention important landmarks known to the community members. The *Patta* certificates have plot numbers but no location map is given to the claimants. As usual, none of the claimants have received land under the forest department. Like other Juang *Pidhs* in the area Gupta Ganga village community has decided to return *Patta* certificates to the DLC.



Photo 2: Discussion with Gupta Ganga villagers

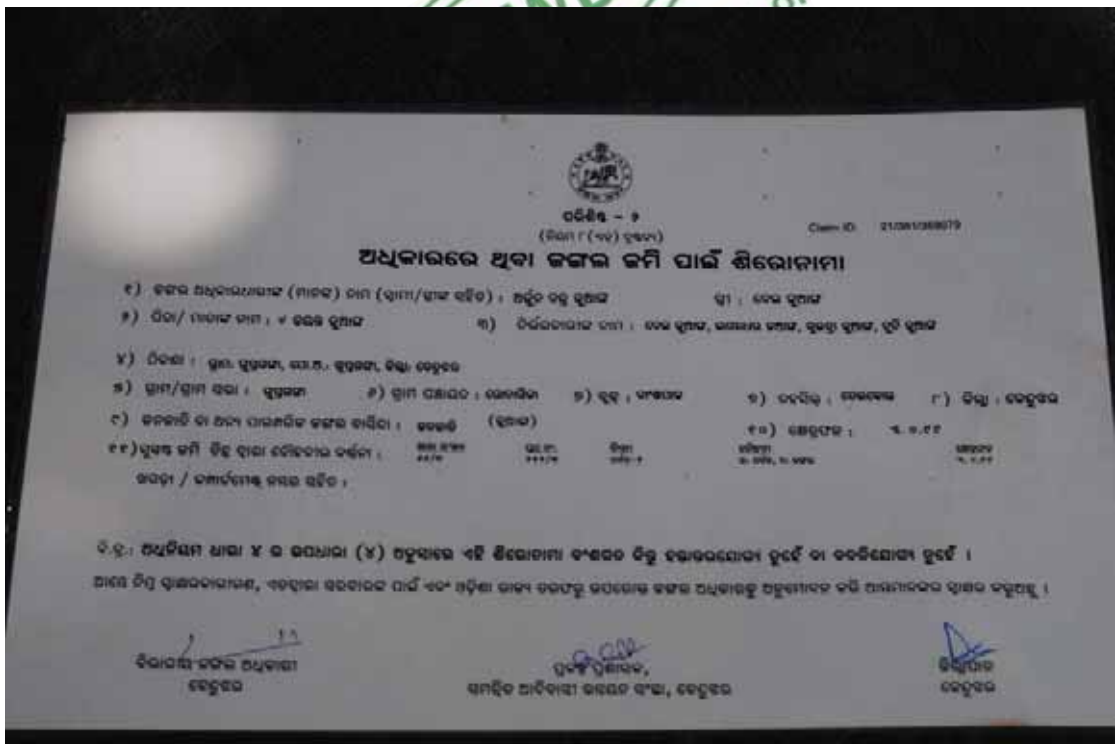


Photo 3: A title certificate awarded to Arjun Chandra Juang, a community member of Gupta Ganga Village. Demarcation mentioned in this certificate are generic terms like *Parbat and Jungle*.

2.2.3.5 Mankadkholi Hamlet, Sibnarayanpur Goda GP

Compared to earlier three cases, we had detailed interaction with Mankadkholi community members. We prepared seasonal activity calendar, village landscape map and documented village history using RRA tools. This documentation would be important in refilling the claims.

Mankadkholi is a Pauda Bhuian Hamlet. Pauda Bhuian is listed as a Primitive Tribal Group (PTG) among Scheduled Tribes of Orissa. PTGs are characterised by their total dependence on hunting, gathering of forest produce and shifting cultivation. Mankadkholi community is not any exception to these.



Photo 4: Mankadkholi community members

It is located approximately 17 km from Telkoi, the block head quarter. It is on the North East direction of Telkoi. The hamlet can be approached by a kuchcha road connecting the hamlet to neighbouring Birida revenue village. This road is a recent development. 2-3 years back it was approachable only by a foot path. In revenue classification it is a hamlet of Tamang, a village situated approximately 7 km from the hamlet. It is a Juang village. Tamang is located on the hill on the northern side of Mankadkholi. Tamang, even though a revenue village does not have any pucca road as on this date. It is accessible only by foot.

Mankadkholi has 30 HHs. Out of these, 25 HHs are located in the main habitation . 5 HHs are located a little further in the hills. All houses are *kuchcha* with thatched roof. Only water source of the hamlet is a perennial stream originating in the hills on the northern side. The hamlet is located in a trough surrounded on all sides by hills. Most of the geographical area of the hamlet is under Reserved Forest. Mankadkholi is a part of Tamang Revenue Village. However, communication of the hamlet with Birida, is frequent than with Tamang which is located up in the hills.

Government facilities like Primary Health Centre, School, Ration Shop are located in Sibnarayanpur Goda (7 km by kuchcha road, 4 km on foot). The hamlet is not yet supplied with electricity. Formal education has not reached the hamlet. Recently UAC has opened a Bridge School for children of the hamlet. Two resident lady teachers

run the school. The community volunteered to build a *kuchcha* house to arrange accommodation for the teachers. The bridge school is conducted in *Mandaghar* of the community. Around 40 children regularly attend the bridge school.

Out of 30 HHs, 17 own patta lands. Average Patta land holding is below 1 acre⁷. Perhaps all patta lands are Gramya Jungle lands under the revenue department. All patta lands are located at the base of the hills and are plain lands. All of them are rainfed lands. Only crop cultivated in patta lands is short duration paddy.

Podu Chas is the mainstay of Mankadkholi. It is practiced on the hill slopes around the hamlet. *Podu Chas* is a community activity. All HHs contribute in clearing the vegetation to make the hill slopes cultivable. Later as per individual HH needs and available manpower, each HH cultivates a plot in the cleared land. A combination of cereals (upland rice), pulses, millets, oil seeds, tubers and vegetables (especially cucurbits) is cultivated in Pudu lands. Occasional hunting is also practiced by the community.⁸

The community members came to know of the Act and its provisions in some informal discussion of with Birida villagers. No one knew the way to proceed. Jajati, a Birida youth and also FRC chairman helped the community members in preparing the applications. Jajati had pointed them out that Mankadkholi should attend Tamang *Palli Sabha* and get their applications filed through Tamang FRC. By the time community members had prepared their applications, Tamang *Palli Sabha* had taken place. Community members decided to submit their application directly to SDLC at Keonjhar. One member of the community accompanied Birida FRC that visited Keonjhar to submit the applications. He submitted the applications in the collector's office. He did not know that he should ask acknowledgement of the submission. Neither there is duplicate (photocopied) set of applications with the community.

Nine community members applied to claim title over 11 plots in the RF. All plots are located on the east of the main habitation⁹. It is a land located between two streams. Average area of the plots is less than 1 acre. There was no formal communication to Mankadkholi about the Act and its provisions.

In March 2010, Birida applications were scrutinised and field verification was done. RI and *Amin* conducting field verification of Birida applications said that Mankadkholi claimants were not listed in their record. This was the end of Mankadkholi applications to claim title over land in the RF.

We contacted Jajati. He accepted that he prepared applications for Mankadkholi community members. Each application was attached with photo copy of the voters identity card, receipt of the tax paid by the claimants to the revenue department for the patta land and sketch map of the plot on which claim was applied.

He further mentioned that even in case of Birida, majority of the claims have been rejected.

⁷ Annexure 2 is a table showing land holding of Mankadkholi community members

⁸ Annexure 3 is Seasonal calendar for Mankadkholi

⁹ Annexure 4 is a tentative village landscape map

Box 2: Some basic information of Mankadkholi hamlet

History: Around 60 –70 years back two Pauda Bhuian men from Jamdiha village of Bargarh GP in Banspal Block and a Pauda Bhuian man from neighbouring Tamang village shifted in the valley where Mankadkholi hamlet is now located. The Jamdiha men were Parabasia Dehuri and Indra Dehuri. The man from Tamang was Kantia Dehuri. They cleared some forest in *Bhalibhuin* area on the hill slopes for Podu Chas. In subsequent 7-8 years, they also cleared forest on the flat lands at the base of the hills. These plain land is now the patta land owned by the community members. Gradually some more families from Jamdiha moved in. Those migrated recently (10-20 years back) do not have any patta land. These families are totally dependent on gathering of forest produce and Podu chas. At that time Keonjhar area was ruled by the king, Dhanurjay Narayan Bhanjdev. Mankadkholi hamlet would annually pay tax (locally called *Bheti* = gift?) in the form of 60 *Phuljhadis*(?), 8 big bundles of *shiadi* ropes for Car Festival (Jagannath festival) and 60 kg *Moong Dal*.

Title of the hamlet: Mankadkholi has its origin in a lot of *Mankado* (bonnet monkey) would be found in the valley where the hamlet is now located. *Kholi* is originated from colour stones (ignituous rock) found in the valley.

Forest: In the initial period Elephant herds would visit this area. They would destroy all standing crops. After construction of NH 6 in Kanjipani area, the elephants have almost stopped coming to this area. In the last two years Forest Department has planted Teak in Podu Chas area of Mankadokholi hamlet. The community members shared that Tamang villagers have given an undertaking to FD to carry out plantation on the hill slopes on which Mankadkholi hamlet is traditionally practicing Podu Chas. As a result, this year Mankadkholi is left with very small area for Podu Chas. Community members doubt whether they would have any Podu Chas in future.

3 Discussion

3.1 Implication of implementation of FRA for local communities

Observations mentioned in the earlier section hint at the following implication of implementation of STOTFD (RORF) Act 2006 in the context of local livelihood.

- 1) Livelihood implication of the implementation is in terms of pre and post filing problems and difficulties faced by the community members.
- 2) There is a wide gap between the actions at state administration level and actions at the ground level. Orissa state government has put in good efforts to implement the act.
- 3) State Forest Department is keeping as low profile as possible. Ideally it should be leading implementation of the act. However in reality its contribution is as if it is trying to save its skin.
- 4) The claimants are, by and large not aware of the exact procedure of filing the claims. This results in filing incomplete, erroneous applications. Such applications get rejected.
- 5) To some extent, NGOs are also to be blamed. Many of them in over excitement have tried to file as many cases as possible. In the sense, many of them focused on number of applications and not on the content of the applications.

- 6) There are quite many misconceptions making rounds at the ground level. Some of them, perhaps are purportedly created by the FD staff . For example, claim on the land on which there are trees would not be considered.
- 7) As usual, major hindrance in successful claims is jargon of government records and the language. For example, a forest patch was cleared by father of a claimant to cultivate the land. However his claim is denied on the grounds that it's a revenue land. It is necessary to trace history and records trajectory to resolve this kind of situation. Only well informed person/community can pursue on these lines.
- 8) There are clear instructions from the supreme authority of the administration in the state (Chief Secretary) to provide maps, working plans and other necessary documents to the claimants. However, local communities are not aware of this notification. Local communities can demand these documents from the concerned departments. However hardly anything is done in this regard.
- 9) In spite of clear instructions from the chief secretary of the state, hardly any FRC is communicated in written about status of the claims. SDLC and DLC should communicate their deliberation and decision on every case in writing to the claimants.
- 10) Forest Department is crying wolf. It is very pre mature and far fetched to say that devolving forest land to the local community will result in destruction of forests and the biodiversity.
- 11) There is not a mechanism to guide local communities in filing the claims. NGOs are fulfilling this role to some extent. NGOs should know procedure to prepare cases as full proof as possible. Many of them need guidance on this.
- 12) *Patta* certificates received by the community are incomplete. Most of them do not have proper description of the land and location map of the land. Redress suggested in the Act to appeal to higher authority. In case a claimant is not satisfied with the *Patta* certificate, s/he should approach state level committee. This is beyond the capacity of an average community member.
- 13) In comparison to the Forest Department, Revenue Department has pro actively settled quite many claims. Forest Department's approach is doubtful. It is just killing the time and waiting for the formal announcement from the state that implementation of STOTFD(ROFR) Act 2006 is over.
- 14) There is no clarity over title claim on Podu chas lands. Presently claim over land under cultivation are under consideration. However this will not serve any purpose. Podu Chas area need to be considered under CFR, habitat rights in particular. Community based consultation is necessary to resolve this. *Pidh* Rights and reviving them under habitat rights could be the option.
- 15) As a matter of fact 90% of the claims filed under the Act are individual claims. Less than 10% claims are CFR. Awareness about CFR and procedure to file the claim constitute bottleneck in CFR claims.
- 16) Rights of nomadic tribes, that are not settled at a particular place or do not have any history of land cultivation is a critical concern. For example, traditional occupation of Malhar community is honey collection. Hardly any member of Malhar community cultivates the land. For such communities, Habitat Rights is most appropriate provision in the Act. However how to materialize Habitat Rights on ground is a concern.?

3.2 Suggested follow up

- 1) FAN members act as a lobbying group for implementation of STOFD(RFR) Act 2006. This group would aim initially to set up block level coordination committee and later district level coordination committee. Line departments, DLC members, SDLC members should be invited to participate in the meetings. To start with

meetings should be organised on a fixed date every month. (consult: PRAGATI, Koraput)

- 2) Organise orientation programme for FAN members and their field staff on implementation of the Act. (Consult: Vasundhara, Bhubaneswar)
- 3) Organise village level orientation programme for the community members (Suggested resource person: Birubhai Naik of BCM)
- 4) Specific action for Mankadkholi hamlet – Mankadkholi is presently a part of Tamang village as per revenue records. However it is connected to Birida for PDS, Health and school are concerned. To facilitate claims of Mankadkholi over forest land and later management of CFR it would be better that Mankadkholi is separated from Tamang and be made a separate revenue village. We had discussion with Birubhai. He has gone through the procedure of converting some Juang hamlets into revenue villages. He will guide Mankadkholi process.
- 5) Collect topographic map from Survey of India. This will help in further planning of the village landscape management.
- 6) Detailed documentation of Biodiversity elements (wild and cultivated), preparation of village landscape map and documenting history of each landscape element is necessary. (Consult: Methodology manual of People's Biodiversity Register available on the National Biodiversity Authority's website)
- 7) Collect an Odiya language copy of the documents, information brochures, presentations available at Vasundhara (Forest working plans, judgement of court cases establishing community rights, *nistar* rights etc.)



4 List of Annexure

Annexure 1. Orissa Government Resolutions, Circulars and notifications to implement STAOTFD(ROFR) Act 2006

Annexure 2. Land holding in Mankadkholi Hamlet, Telkoi Block

Annexure 3. Seasonal Calendar of Mankadkholi Hamlet

Annexure 4. Map of landscape elements of Mankadkholi hamlet

5 Acknowledgement

- 1) Viren Lobo, Executive Director, Society for Promotion of Wastelands Development, New Delhi
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- 4) All member organisations of Forestry Action Network of Kendujhar District
- 5) Pranab Ranjan Choudhary, Bhubaneswar
- 6) Y. Giri Rao and Tushar Das, Vasundhara, Bhubaneswar
- 7) William Stanley, Secretary, Orissa Development Action Forum
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- 9) Pravakar Adhikari and Prashant Das, Pragati, Koraput
- 10) Community members of all five hamlets - Mankadkholi and Katrabali in Telkoi block and Lunoghar, Gupta Ganga, Gunasika in Banspal block

Annexure 1: Orissa Government Resolutions, Circulars and notifications to implement STAOTFD(ROFR) Act 2006

No.	Date	Issuing Agency	Subject and content
1	1 Feb 2008	Gazette Notification ST and SC Development Department	Constitution of SDLCs, DLCs and State level monitoring committee
2	15 Feb 2008	Letter of Chief Secretary of ST and SC Development Department to all district collectors	Procedure explaining functioning of all tier bodies First Gram Sabhas (Palli Sabhas) to held within 15 days (starting from 15 February 2008) Trainers being trained in ToTs – participation from forest, revenue, Panchayati Raj and ST-SC Development Department – to further impart training to block and Palli Sabha level staff. Specify DLC and SDLC members
3	25 Feb 2008	Commissioner cum Secretary of Revenue and Disaster Management Department to all district collectors	Unresolved grievances due to Godaverman Case to resolve under STAOTFD(ROFR) Act 2006 No requirement of map to the scale at FRC level. However SDLC to ensure converting map to the scale and superimpose on the village map All Gram Panchayats should be provided with village map (revenue) and maps maintained by the forest department The act is applicable not only to RF, PF etc. but also to forest lands under Revenue Department like Patra Jungle, Gramya Jungle etc. Bamboo and Kendu leaf as NTFP Take help of NGOs
4	23 May 2008	Additional Secretary of Panchayati Raj Department to all district collectors	Holding Palli Sabha within 30 June 2008 Earlier it was directed that Palli Sabhas be held before 30 April 2008 Not complying with the above will be liable to disciplinary action
5	31 Oct. 2008	Additional Secretary of Panchayati Raj Department to all district collectors	Conversion of all forest villages in the state into revenue villages referring to a letter from Ministry of Tribal Affairs, Government of India in the same context
5	6 Nov. 2008	Additional Secretary of ST- SC Development	Engagement of retired Revenue Inspectors and Amins in preparation of maps to ensure early finalization of FR claims by the SDLCs

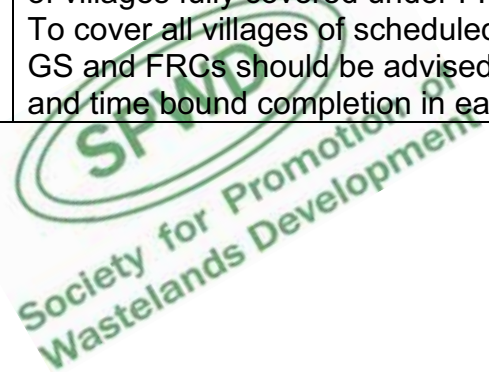
		Department to all collectors, chairmen of DLCs and all Project Administrators of ITDAs	Expenditure meeting from Government Fund
6	21 Nov. 2008	Secretary of ST-SC Development Department to collectors, DLC chairmen, SDLC chairmen, Project Administrators of ITDA, Project Directors of DRDAs, District Welfare Officers	Frequently Asked Questions on individual claims under STAOTFD(ROFR)Act 2006
7	20 Oct. 2008	Chief Secretary and Chief Development Commissioner to all district collectors	All claims received by that time to dispose off by 30 November 2008 and documents to be handed over to the claimants
8	12 Nov. 2008	Additional Secretary of Revenue and Disaster Management Department to all collectors	Palli Sabha may list out names of STs residing in the village and pass joint resolution affirming claimants belong to ST Proceedings of SDLC meeting to be given to Palli Sabhas so that recommendations of SDLC would be known to Palli Sabha and the claimants therein
9	4 Feb. 2009	Chief Secretary cum Development Commissioner to all collectors	STAOTFD(ROFR) Act 2006 implementation Reminder that the act is not only for individual rights but 12 more rights listed in section 3(1) of the act CFR work not satisfactory, needs attention Field verification should not take indefinite time Forest habitations which are not part of any Gram Panchayats can constitute FRCs and take steps under the act Palli Sabha meetings can be held as and when required Take help from district coordination committees and NGOs Map preparation from SDLCs is crucial FRA implementation as an item of topmost priority

10	19 Aug. 2009	Additional Secretary of ST-SC Development Department to all collectors	Distribution of title certificate to the claimants whose claims have been approved but on hold due to a stay order as a result of petition filed by the Society of Retired Forest Officers in the Orissa High Court The stay order was vacated on 12 August 2008
11	21 Aug.2009	Additional Secretary of ST-SC Development Department to all collectors	Invite local MLAs while distributing patta to the eligible claimants
12	31 Aug. 2009	Chief Secretary and Chief Development Commissioner to all district collectors	Stay order vacation on 12 August 2009 Expeditious steps on war footing to issue title certificate to eligible claimants by 15 September 2009
13	19 Sep. 2009	Secretary cum Commissioner, Revenue and Disaster Management Department to all collectors	Expeditious steps to issue claim certificates on hold due to high court stay order Local MLAs and MPs should be informed and be involved in issuance of patta to eligible claimants Upload data on the website
14	6 Oct. 2009	Additional Chief Secretary cum Commissioner of ST-SC Development Department to all collectors	Pointing out discrepancy in claims approved by FRCs, SDLCs and those approved by DLCs DLCs have approved much less Correct and cover the gap by 15 October 2009
15	6 Oct. 2009	Additional Chief Secretary cum Commissioner of ST-SC Development Department to all collectors	Pointing out poor implementation of the Act and its rules, in particular context of vulnerable tribal groups (Primitive Tribal Groups)
16	23 Oct. 2009	Secretary cum commissioner, Revenue and Disaster Management Department to all collectors	Not to wait for clearance of cases prior to 13 Dec 2005 on hold under Forest Conservation Act To clear them under STAOTFD(ROFR) Act 2006 Since required documentation in readily available, to clear them as immediately as possible.

17.	5 Dec. 2009	Secretary cum Commissioner, Panchayati Raj Department to all collectors, PD-DRDAs, PA-ITDAa	Land development, horticulture plantation and farm pond in the land of beneficiaries of FRA Under NREGS Eligibility, process of selection, approval etc.
18	26 Dec. 2009	Special Secretary, ST and SC Development Department to all collectors	Minutes of meeting through video conferencing Mandatory to communicate copy of final order of GS, SDLC and DLC to the claimants of both individual and community claims To facilitate – claimants filing appeal in cases/he desires to To cover villages left out To provide FRCs, GSs, SDLCs, DLCs – working plan of RF, notifications of RF that contain individual and community rights Uploading info/data of SDLC and GS level on the website
19	26 Dec. 2009	Note sheet, Principle Secretary, ST and SC Development Department to Secretary, Revenue and DM Department requesting circulation to all collectors	Processing claims related to, Revenue land where remarks column mentions that it is Gramya Jungle or Patra Jungle Revenue Land where the kizam is mentioned as forest Land described as forest land in affidavit by district level committee before supreme court
20	26 Dec. 2009	Note sheet, Principle Secretary, ST and SC Development Department to Secretary, Forest and Environment Department requesting circulation to all DFOs	Advise DFOs to process proactively the claims relating to RF, PF and NPs Share RF working plans and notifications that contain individual and community rights with FRCs, GSs, SDLCs, DLCs as early as possible
21	2 Jan. 2010	Principle Secretary, ST and SC Development Department to all collectors, divisional commissioners	Projected number of ST HHs to be benefited under FRA

22	4 Jan. 2010	Commissioner cum Secretary, Revenue and DM Department to all collectors	<p>Pointing out that a large number of applications relate to revenue non forest land</p> <p>Vasundhara scheme of Orissa Government to provide homestead to homesteadless persons</p> <p>Applications that cannot be considered under FRA should be taken up under relevant land laws applicable for non forest land</p> <p>Orissa Government Land Settlement Act and Orissa Prevention of Land Encroachment Act</p>
23	1 Feb. 2010	Principal Secretary, ST and SC Development Department to all collectors, all PA-ITDAs, all DFOs, all DWOs and all sub collectors	<p>Pointing out disappointment over not providing sketch map of land along with Patta to the eligible claimants</p> <p>Orders/resolutions of GS, SDLC, DLC are not being communicated to concerned claimants inspite of clear instructions of chief secretary's letter dt. 4 Feb 2009 and 20 October 2008</p> <p>Instructions to dispatch photocopies of the orders/resolutions to the claimants</p> <p>Violation of the above is laible to criminal action against members of SDLC and DLC under section 7 of FRA</p>
24	11 Feb. 2010	Commissioner cum Secretary, Revenue and DM Department to all collectors	<p>Pointing out some collectors and field functionaries are not considering claim petitions relating to all types of forest land under the act</p> <p>Definition of forest land under the act is wide enough to include all types of forests including that of jungle kism land found in revenue records</p> <p>Claims relating to following types of lands are to be processed under the said act</p>
25	20 Feb. 2010	Principle Secretary, ST and SC Development Department to all collectors	<p>Diapointment over progress of implementation of FRA</p> <p>CFR in most cases as diversion of forest land for development facilities under section 3(2). It is different from recognition of CFR envisaged in section 3(1)</p> <p>FAQs on the process of determination of recognition of CFR</p>
26	25 Feb. 2010	PCCF, Orissa to all DFOs (territorial and WL)	<p>Referring to letter of ST and SC Department pointing out that forest land other than revenue forests – cases – have not been disposed of in any significant number</p> <p>To look into and pro actively act on filling the gap – RF, DPFs, PRFs and other notified forest areas</p> <p>Pre 25/10/1980 encroachment that were not processed under FCA 1980 can be cleared under FRA 2006</p>

27	3 Apr. 2010	Special Secretary (IFS cadre), ST and SC Development Department to all collectors	<p>Pointing out that field verification and mapping of claims are being done by the Ris/Amins/foresters without involving FRC and GS</p> <p>Verification report is not placed before GS and FRC for their resolution</p> <p>Verification report are sent directly to SDLC without sharing with FRC and GS and their approval</p> <p>Ris and Amins illegal demands during field verification from the claimants</p> <p>All such actions are liable to penal action under section 7 of FRA</p> <p>Reports and maps prepared by RIs and Amins should be shared in GS for its approval</p> <p>SDLC should not entertain such reports and maps without a copy of GS notice, proceedings and approval letter of GS</p>
28	5 Apr. 2010	Special Secretary (IFS cadre), ST and SC Development Department to all collectors	<p>Expressing concern that district collectors have not provided data on number of villages fully covered under FRA 2006</p> <p>To cover all villages of scheduled area</p> <p>GS and FRCs should be advised to fix a monthly date line to receive claims and time bound completion in early 2010</p>



Annexure 2: Land holding in Mankadkholi Hamlet, Telkoi Block

No.	Name of HH Head	Age (Years)	Area		Crops Cultivated	
			Patta	Encroached	Patta	Encroached
1	Shaila Dehuri	60	45 decimal	2.05 Acre	Paddy	Paddy
2	Gopala Dehuri	35	110	1.5 Acre	Paddy	Paddy
3	Driju Dehuri	25	NIL	NIL		
4	Suka Dehuri	35	NIL	NIL		
5	Kailash Dehuri	55	3 Acre	1 Acre	Paddy	Paddy
6	Ajanu Dehuri	22	45 decimal	1.2 Acre	Paddy	Paddy
7	Andharu Dehuri	40	40 decimle	2.2 Acre	Paddy	Paddy
8	Panchu Dehuri	28	30 decimle	1 Acre	Paddy	Paddy
9	Harshu Dehuri	60	75 decimle	2 Acre	Paddy	Paddy
10	Dilip Dehuri	30	35 decimle	1 Acre	Paddy	Paddy
11	Pravakar Dehuri	40	NIL	NIL		
12	Hari Dehuri	50	NIL	NIL		
13	Buddhu Dehuri	30	NIL	NIL		
14	Narana Dehuri	40	2 Acre	1 Acre	Paddy	Paddy
15	Krushna Dehuri	16	2 Acre	1.5 Acre	Paddy	Paddy
16	Pandav Dehuri	32	NIL	NIL		
17	Saila Dehuri	29	1 Acre	1.5 Acre	Paddy	Paddy
18	Gurucharan Dehuri	27	NIL	NIL		
19	Bhaga Dehuri	32	NIL	NIL		
20	Ratnakar Dehuri	35	NIL	NIL		
21	Badia Dehuri	60	NIL	NIL		
22	Chotu Pradhan	80	NIL	3 Acre		Paddy
23	Khara Dehuri	27	50 decimle	1 Acre	Paddy	Paddy
24	Dhara Dehuri	25	50 decimle	1 Acre	Paddy	Paddy
25	Gania Dehuri	16	50 decimle	1 Acre	Paddy	Paddy
26	Purna Dehuri	25	25 decimle	1 Acre	Paddy	Paddy
27	Baidhara Dehuri	35	30 decimle	1.5 Acre	Paddy	Paddy
28	Kuna Dehuri	35	NIL	NIL		
29	Gobardhan Dehuri	18	30 decimle	1.5 Acre	Paddy	Paddy
30	Pitabasa Dehuri	NA	NIL	2 Acre		Paddy

Annexure 3: Seasonal Calendar of Mankadkholi Hamlet

Month	NTFP	Podu	Flat land cultivation
Baisakh	Sal seed, Mango, Figs, Kendu, Charkoli	Land preparation and seed sowing	
Jyeshtha	Jamkoli, Mango, Phanaso, Khajuri, Tree ants, Kusum, Dauncha	seed sowing	seed bed preparation
Ashadha	Rootka, Bihidani (Mushroom)	protection and weeding	sowing
Shravana	Bihidani (mushroom found in bamboo clumps), Karadi (bamboo shoots)	rice, kangu, maize, ragi, cucumber (kathia)	transplantation
Bhadra	Bihidani (mushroom found in bamboo clumps), Karadi (bamboo shoots)	lady's finger, beans	
Aswina	Tubers - Pitalu, Bainga, Tunga etc	cucumber, red gram, maize, pumpkin	
Kartika	Kankoda		harvesting
Margasira			harvesting
Pousha		niger? Harvest	
Magha			
Phalguna	Mahul		
Chaitra	Honey, tree ants	Land preparation	



06/06/10
Montadkhali
LSE MAP

