

Proceedings of District Level Interface-cum-Workshop on Forest Rights Act, 2006

Date: 21-04-2012, Saturday

Venue: Hotel Binayak, Bhawanipatna



Organised by:

RCDC, JKS, ANTODAYA & SEVA JAGAT

Supported by:

Misereor- KZE

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Background:

The Forest Rights Act (FRA), 2006 is being implemented in the state since 1st January, 2008. Regional Centre for Development Cooperation (RCDC) is engaged in the proper implementation of the Act throughout the state including Kalahandi district since its year of implementation.



Kalahandi is a district in Western Odisha having its importance in the context of FRA because of the presence of Adivasi, Particularly Vulnerable Tribal Groups (PVTG), forest coverage, community management practices of forest resources and the dependency on forest and forest land resources by the local communities. Considering these factors RCDC is working to develop a model of Bio - Resource

Governance (BRG) in Bhurtigarh Gram Panchyat (GP) of Lanjigarh Block. Apart from that RCDC is also engaged in developing models of community based Sustainable Forest Management (SFM), Non-Timber Forest Produce (NTFP) management and market access in other parts of the district.

Organisations like Jana Kalyan Sasthan (JKS), Antodaya, Seva Jagat and many other NGOs, peoples' organisations, networks and federations are also seriously engaged for the effective implementation of the FRA. However due to the apathetic attitude of the administration the progress is not very satisfactory. Issues related to individual and community claims, conversion of forest village and other habitation within the forest area to revenue villages, recognition of customary law, habitat rights are gradually piling up.

RCDC felt the need for a united and unified struggle to build up pressure on the state and district administration for the implementation of FRA in its letter and spirit. This is why the interface was planned.

Objectives of the Workshop:

The major objectives of the workshop were;

- To bring together the different groups working on the issues of forest and land governance
- To discuss the issues relating to implementation of FRA by presenting case studies of different types and from different part of the district
- To analyse the status of the implementation of FRA in the district and present before the district administration to build up pressure.

Summary:

The interface cum workshop on Forest Rights Act, 2006 was organised on 21st April, 2012 at Hotel Binayak in Bhawanipatna. A total of 50 participants from different parts of the district including members from Forest Rights Committees, elected



Panchyati Raj representatives, representatives from NGOs, peoples' organisation, community forestry groups, media and government officials attended the programme. Ten selective case studies based on different issues of FRA were presented serially before a panel. The panel constituted of Mr. Ashok Tripathy, Range Officer and member of Sub Divisional Level Committee (SDLC), Mr. Devendra Bishi, District Correspondent, The Sambad (a leading Odiya daily), Mr. Bharat Bhusan Thakur, Secretary, Jana Kalyan Sansthan (JKS) and Mr Ghasiram Panda, Programme Manager, RCDC. The programme was jointly organised by RCDC, JKS, Antodaya and Seva Jagat. Sri Aurobindo Rout, Programme Officer, RCDC moderated the programme.

Welcome and Introduction of the Participants:

Mr. Aurobindo Rout, Programme Officer, RCDC welcomed all the participants and panel members. He introduced the objectives of the workshop. At the outset referring to the information displayed in the web portal of the district Mr Rout informed that till date the Sub divisional Level Committees of Kalahandi have approved 151 claims of community rights and sent it to the District Level Committee (DLC) out of which the DLC has approved 146 claims and distributed 140 titles.

Setting the tone of the programme he requested the participants to introduce themselves, their work and address. The self introduction was followed by the case studies presented by the participants.

Case Studies Presentation:

Case - 1:

Mr. Bijusingh Dandsena presented a case from Bhurtigarh GP of Lanjigarh block of Kalahandi district. He narrated that village Pusumandi of Bhurtigarh GP has claimed community rights over their traditional forest since last six months, but no action has been taken in this regard from the SDLC till now. The villagers also have submitted claims on individual rights over forest, but SDLC has not initiated any step to settle the rights and it is claiming that the villagers have not attached proper documents along with the claim. On the other hand SDLC has not informed the concerned Gramsabha. Limdhar Majhi, a villager of that locality added that 20 claimants of Kadamaska have claimed for individual rights over their forest and the villagers also claimed community rights, but they are yet to get any entitlement.



Case - 2:

Santosh Majhi, Secretary of Mirshola Forest Rights Committee from Taljaring GP, presented that they had submitted community claims to Dharmagarh SDLC in 2009 and after one year they again appealed through a special Pallasabha/Gramsabha. Revenue Inspector (RI) and Additional District Welfare Officer (ADWO) informed the villagers that the titles will be given after joint verification. In April 2011 it was published in the Government Portal that the village got titles over 20 acres of community forest land. But they were not aware about this title in reality.

Case - 3:

Padmalochan Majhi, Secretary of Labanipur Forest Rights Committee, shared that the SDLC promised them that titles would be distributed to 14 tribal households in their village. RI and *Amins* verified these lands in 2010. But they are yet to get the title.

Case - 4:

Ganesh Majhi from Dilingjar village of Dejar GP in Juagarh block complained that the villagers submitted 43 individual claims, but no single land title has been issued till date. He also stated that for the titles that have been issued, the title holders are not able to identify the land on which they have got these titles.

Case - 5:

Jama Majhi from Tentulipadar village of Karlapata GP in Thuamul Rampur block presented that even after 65 years of independence they have not rights over their traditional forest land even though FRA 2006 has come in to force. He said that this village is a forest village in the Karlapat Sanctuary area. They have submitted their community claims to SDLC after completion of all the processes at Gram Sabha level. The SDLC also has done the joint verification over their claims, but still they did not get their entitlement of both individual and community rights.

Case - 6:

Twenty five households from village Palsapadar of Shagada GP have claimed for individual rights over the forest land on which they have been cultivating traditionally; presented Jagu Majhi a villager of Palasapadar. Even after the Gram Sabha approved and forwarded these claims to the SDLC two years earlier, they have not got the entitlement for their rights. Because of intervention of Jana Kalyan Sansthan the district administration has declared that they would distribute these titles very soon.

Mr. Bharat Thakur informed the house that Jana Kalyan Sansthan facilitated the making of 14,500 claims of individual rights over forest land in a campaign mode in the year 2011. In a fixed date, FRC representatives from 33 GPs of Lanjigarh and Thuamul Rampur block submitted the claims approved by their respective Gram Sabha to the Chairperson of the SDLC. Chairperson of SDLC received all the claims with acknowledgement. Mr. Thakur suggested to the participants to take such initiative to accelerate the claim making under FRA.

Case - 7:

Gunasagar from Jana Kalyan Sanstha, Bhawanipatna presented that the villagers of Jagannathpur had made claim for individual rights on 28.08.2009 and joint verification was completed in February 2010. According to the village map, the villagers filed claims based upon their traditional occupation. But the concerned Revenue Inspector verified, mapped, and allotted only 3 to 4 decimal of land for each claimant in an uniform manner. This violates the process of joint verification bas laid down in the Rules. This incident was appealed near Sub-Collector and Tehsildar. After frequent follow the villagers got only 57 to 65 decimal of land each but which was not according to their claims.



Case - 8:

Dillip Naik from village Khasiguda of Golamunda block presented that 504 individual claims and 13 community claims were made from 13 villages in Dhamanpur and Khaliapali GP. Out of them, 103 individual claims from 10 villages and one community claim for Kalipur village have been distributed in the initial year.



However no action has been taken for the claims of the rest of the villages. The villagers followed up the matter with the SDLC time and again. The forester singlehandedly developed a joint verification report with a recommendation to issue titles for 40 acres of forest area each under CFR for five village of Dhamanpur and Khaliapali GPs. The villagers came to know about

this and with the help of RCDC brought it to the notice of the Principal Secretary, Department of Forest and Environment. With his intervention it was again re-verified and the villagers are waiting for the result.

He informed that the BDO, Golamunda has agreed for convergence of MGNREGA programme over land individually recognised under FRA.

Case - 9:

Manoj Mala from Jurakhaman village stated that 75 households claimed for individual rights and out of that 56 got recognised and they have received the titles. But all of them, irrespective of receipt of title, are not able to sell the paddy in the *Mandi*, the Govt purchasing center, as the authorities are declining to receive their produce as they do not have *Krushak Parichay Patra* or the farmer's identity card. The authorities claim that the titles have no validity and therefore they cannot sell their produce by showing this title. This attitude is forcing the villagers towards distress sale of paddy to middlemen thus defeating the very purpose of recognising the traditional rights. The villagers have demanded that the *Mandi* should purchase their produce.

Case - 10:

Sanjeeb Satpathy from ANTODAYA presented that the Forest Department has destroyed the village of Haradaguda by setting on fire their thatched houses as they are staying in the forest land. The villagers have submitted claim under FRA, but they are not getting rights but the right is not being recognised. The SDLC and DLC are not taking any initiative from their in this case.

After the presentation of the above case studies, the house was open for discussion. Other issues like non supply of maps and other evidences by SDLC, confusion on the statement of elder person as evidences raised by other different participants were also highlighted.

Remarks of the Panel:

After careful listening of the case studies the panel members gave their views. Mr. Debendra Bishi, District Correspondent, 'Sambad', said there are forest villages in the districts and the provision laid down in the Act to convert them to revenue villages are yet to be known by the concerned villagers. There are lot of gaps in the claim versus recognition process with regard to individual claims. Citing the attitude of the government officials he narrated that only after 65 years of independence the present Sub-Collector recently visited the Lakhangarh village of Dejar GP which is located in a very remote area. Prior to this no officer has gone there and we can imagine the status of FRA there, he rued. He said that the required cooperation in between revenue and forest department is lacking, which is a major drawback for the implementation of the FRA. The post of Revenue Inspector is lying vacant in many Tahasils in Kalahandi district since long. In some places RIs are demanding money for the settlement of the rights. The claimants are also giving them bribes without being aware of their rights. He also requested the NGOs to cooperate with the people in this situation.

Mr. Bharat Bhushan Thakur thanked RCDC for taking the effort of presenting case studies related to FRA issues through this interface-cum-workshop. This will help to expedite the implementing process of FRA in the district, he said. He also said that any tribe or other traditional forest dwellers can be recognised under the Forest Rights Act 2006. The tribal are the oldest dwellers in the district. They have been living traditionally on their forest land, but the Forest Department is accusing them to be encroachers. In reality it is the Department which is the encroacher on their forest land. Until the Forest Department and Revenue Department realise the reality behind this misconception, the tribal will not get justice and they will continue their movement till they get the justice. He also said that the NGOs working on these issues should come together and work with a common approach.



Mr Ashok Tripathy, the Range Officer and member of SDLC expressed his concern on the case studies presented by the participants. He assured to bring them to the notice of the other SDLC members. He also sought cooperation from the NGOs for bringing awareness and providing required handholding support to the communities.

Mr. Ghasiram Panda of RCDC said that the case studies presented here are unique. This will be compiled and shared with the district, state and central authority of FRA 2006. He also requested the District Correspondent of 'Sambad' Mr. Debendra Bishi to publish the case studies in his news paper as a series to draw attention to the issues which will ultimately be helpful to build pressure upon the administration. He appealed to other NGOs and peoples' organisation working in the district to work together for the effective implementation of the Act.

Conclusion:

It was decided in the workshop that these case studies will be compiled and shared with different level of line departments. This effort will not stop after end of this programme but will continue till solutions are reached. At the end Mr. Aurobindo Rout, Programme Officer of RCDC, thanked all the participants as well as the panel members.

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