



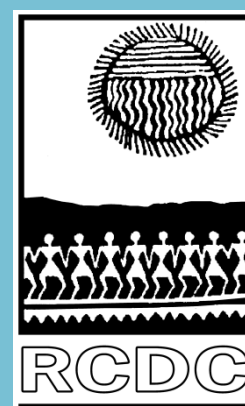
Proceedings of District Level Consultation on Different Issues Related to FRA- 2006

Venue: R.K.B.Y. Training Hall, Paralakhemundi

Date: 20-06-2012, Wednesday

Supported by:

Broederlijk Delen (BD)



Organised by:

Regional Centre for Development Cooperation, Bhubaneswar



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Background of the Consultation

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 proper implementation of the Act throughout the state of Odisha, India including Gajapati district since its year of implementation. Gajapati is a district in Southern Odisha having its importance in the context of FRA because of the presence of Adivasi's, 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 Tarangada Gram Panchyat (GP) of Gumma Block in this district.

RCDC is actively facilitating the implementation process of FRA 2006 in this district with the help of forest dwelling communities, Civil Society Organisations, and the District Administration. 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, and recognition of customary law 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 the reason why this consultation was planned.

Objectives of the Consultation:

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 develops a plan of action to address these issues.
- To analyse the status of the implementation of FRA in the district and present the results before the district administration to build up pressure.

Summary:

The district level consultation on different issues related to Forest Rights Act, 2006 was organised on 20th June, 2012 at R.K.B.Y. Training Hall, Paralakhemundi. A total of 40 participants from different parts of the district including members from Forest Rights



Committees, elected Panchayati Raj representatives, representatives from NGOs, peoples' organisations, and community forestry groups attended the programme. The consultation was held under the Chairpersonship of Zilla Parishad Smt. Premika Mandal. The guests on the occasion were Smt. Marian Roita, Block Chairman, Gumma Block; Mr. Benika Gamanga, Vice-Chairman, Gumma Block;

and Mr. Talalu Janardan, Panchyat Samiti Sabhya, Tarangada GP. Apart from that, Mr. Ghasiram Panda, Programme Manager, RCDC, and Sri Aurobindo Rout, Programme Officer, RCDC also participated. Ten selective case studies based on different issues of FRA were shared in this consultation.

Welcome and Introduction of the Participants:

Sri Manoj Satpathy, Programme Associate, RCDC welcomed all the participants and guests. He spelt out the objectives of the consultation. At the outset he introduced all the members in the dais. Narrating the status of FRA in the district he informed about the poor and inactive

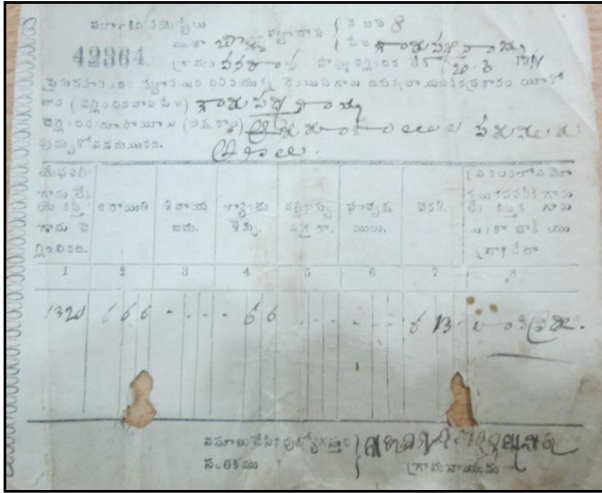


initiative of district administration towards implementation of Forest Rights Act, 2006 in the district. Setting the tone of the programme he requested the participants to introduce themselves, their work, and address. The self introduction was followed by the case studies presented by the participants.

Presentation of Case Studies:

Case -1

Khageswar Gauda, President of Forest Rights Committee (FRC) of *Gauda Kurlunda* village of Tarangada GP presented the case about the issue related to individual claims in their village.



The Pallisabha of their village submitted 167 numbers of individual claims under FRA to Sub Divisional Level Committee (SDLC) in 2008. The SDLC of Gajapati verified only 89 cases of Scheduled Tribes (ST) in July of 2011 and excluded 78 numbers of Other Traditional Forest Dwellers (OTFD) cases. The concerned SDLC did not even notify the FRC whether the cases of OTFD were rejected or cite any other reason to consider those cases later. The OTFD of this village has evidence of residence and occupancy over the forest land since 1911.

The OTFD of this village has the document related to the rights over the forest and forest land which was given by the then King Maharaja Gaurachandra Gajapati Narayan Deo in 1911. The *gaudas* were serving water to the king at the time of hunting. These *gauda* families were residing in Paralakhemundi before coming to this village. Gauda Kurlunda was a forest at that time. The Maharaja found no one to serve water at the time of his hunting in this forest. So the then king shifted the family of Mr. Padmanabha Gauda from Paralakhemundi to Gauda Kurlunda which is 15km away from Paralakhemundi. He lived there with his family and gradually his family spread to shape a village there. They lived by practising cultivation and grazing cows on the forest land.

The villagers have not much recorded land. So the forest lands they are depending on are very important for them. They are also nervous that the tribal villages surrounding their village may attack their cultivation land. Even though they have authentic and genuine documentary evidences in regards of three generations dependency over the forest land, the SDLC is not showing any seriousness to settle their rights.

There is an interesting story in submitting the cases in SDLC. In 2008 the claimants went to Sub-Collector office to submit the claims, the office of Sub-Collector advised them to go to ITDA office and informed that the office will receive these claims. The claimants went to ITDA office, Paralakhemundi to submit those claims, but the office refused to accept them and advised them to go to RI office at Jeeba in Gumma block to submit those claims. The claimants were made to move the whole day from one office to another by an auto rickshaw with 280 claim forms in a big bag. At last the RI office received their claims. The RI who received the claims said that he would not give the acknowledgement receipt for these submissions, because there is risk for his job if he gives the receipt!

Case -2

Mr. Janata Gamango, a FRC member from village Kharada in Kharada GP under Kashinagar block, presented a case study that the villagers of Kharada submitted 202 numbers of individual claims in SDLC in 2008. Now these claim applications are missing in the SDLC. So they are not getting rights over their traditional occupation on the forest land.

Case -3

Mr. Nauam Gamango, a member of FRC of Tahajang village in Tarangada GP, presented that 33 claimants from their village received land titles under FRA 2006. But they did not get the titles of the area of land for their claims in their applications. They had claimed for five acres and 10 acres of land, but they received records only on two cent or five cent of land. They did not get land records over the reserve forest over which they made claim. They did not also receive any notice about the reason of the rejection of those lands.

Case -4

Mr. Dimass Gamango, the FRC member of Tamuising village in Tarangada GP under Gumma block presented that they have submitted 44 numbers of individual claims in SDLC under Forest Rights Act 2006 in 2008. They also received acknowledgement receipt of this submission. Forty four numbers of households live in Tamuising and all of them are ST. After three to four months of this submission they met with SDLC, Paralakhemundi and SDLC promised them to visit their village and verify the claims. But the SDLC did not visit their village till date and no progress has taken place.



Case -5

Mr. Ismail Roita, the FRC president of Panguda village in Tarangada GP under Gumma block presented that there live 24 households in their village and all are from ST community. They had submitted 24 numbers of individual claims in SDLC under Forest Rights Act 2006 in 2008. Only four claimants received land titles. Other claimants did not receive land titles or any verification done for them. The claimants also did not receive any notice showing reasons of the rejection.

Case -6

Mr. Barika Sabara, the FRC member of village S. Kurlunda in Tarangada GP under Gumma block presented that they had submitted 150 numbers of individual claims in SDLC under Forest Rights Act 2006 in 2009. All of the claimants are in ST community. They also got the acknowledgement receipt of this submission. They did not receive land titles over the claimed forest land, and the SDLC has not verified the cases yet. They also met Sub-Collector and Collector in this regard, who promised that the SDLC will verify the cases. But the SDLC is yet to verify the case.

Case -7

Mr. Elisaya Bhuiyan, a member in the Forest Rights Committee of Ambajhari village in Tarangada GP under Gumma block presented that they had submitted 38 numbers of individual claims in SDLC under Forest Rights Act 2006 in 2008. Those claims are now with the concerned Revenue Inspector (RI). The SDLC has not yet verified the cases. There are 38 households in their village and out of them 30 are ST and 08 are OTFD. The Revenue Inspector (RI) is saying that OTFD will not get the land titles. So the villagers are in confusion whether they will get their entitlement or not.

Case -8

Mr. Adsi Bhuiyan, the FRC member of Kholabada village in Tarangada GP under Gumma block presented that they had submitted 280 nos. of individual claims in SDLC under Forest Rights Act 2006 in 2008 in reserve forest land.



The cases of Kholabada village have not been verified by the SDLC until now. In the mean time they have presented themselves five to six times before the Collector's Grievance Cell. The interesting thing is, the Collector is promising each time to consider the matter after 15 days. But a lot of 15 days have since gone but nothing has been done. The presenter expressed the apprehension of the villagers that whether they would live long enough to get the rights, as many of them are very old, and some of them have died already.

Case -9

Mr. Kartik Naika, FRC member of village Ramnagar in Tarangada GP under Gumma block presented that they had submitted 24 numbers of individual claims in SDLC under Forest Rights Act 2006 in 2008. Twenty four households reside in this village and all of them are tribal. The claims have been verified in 2011, but the claimants have not received titles till date.

Case -10

Mr. Mojesh Gamango, the FRC member of village Kandaparsambha in Tarangada GP under Gumma block presented that 92 claimants from their village applied for individual rights under Forest Rights Act 2006 in SDLC over the forest land in 2008. Ninety one claimants got land records very recently in April 2012. But one claimant has not received the land rights. The Paralakhemundi SDLC did not circulate any notice to our FRC showing the reason of rejection of that claim or the reason of delay in issuing the land records.

Remarks from the dais:

Mr. Aurobindo Rout of RCDC suggested to the OTFD claimants to attach the statement of elders with the claim forms to support the three generation of occupation on the forest land. He said that the elder person should be elder than others in the village. He also suggested to the participants to emphasise on making community claims under the Forest Rights Act 2006. He also suggested that the participants should submit all the claims only to SDLC and not to any other offices or officials.

Mr. Ghasiram Panda of RCDC expressed his view that the interest towards community rights over the forest and forest management in the district is very irregular. He invited the participants to make claims for CFR rights under FRA 2006. He also suggested to the participants to preserve their cultural tradition by getting CFR rights. *In this connection he added that the beneficiaries should be careful to preserve their cultural and traditional process of house making pattern for those who are getting Indira Awas Yojana (IAY), because the implementing agency is imposing a fixed plan of house making pattern under IAY scheme. It dilutes the traditional culture of the sora, etc. tribal groups.*

To give an answer of a question from the house he said that more than one third of the total land in Odisha is under Forest Department. So the Forest Department will not agree to leave his land so easily. We would have to fight for that. Not only in this district, the Forest Department is hindering the process of implementation of FRA in all the districts in Odisha and even in all the states in India. We the people representatives who are member in SDLC and DLC should be aware of the provisions under the Act and should force SDLC and DLC to meet regularly once in a month.

Responding to that the present Zilla Parishad member Smt. Premika Mandal took responsibility to gather the people representatives who are the members of SDLC and DLC very soon. Mr. Panda also promised to be in that meeting.



In reply to a question related to OTFD cases, Mr Panda said that if the government rendered historical injustice in keeping the records and documents in regards of settlement process in Odisha prior to 1930, then why should the people suffer the consequences of that injustice? The people are not bound to suffer the consequences. But we should collect other documentary evidences from the printed news and articles published in any printed magazines or in any journals about our effort and management. These documents will support and serve as evidences for the OTFD. The physical evidences like any land mark, etc. will also serve as effective evidences towards the claims of OTFD according to the Act. In this connection he said that he will try to produce the document what the villagers of Gauda Kurlunda of Tarangada GP got, before the State Level Monitoring Committee.

By giving his views on the presented case studies, he suggested that the participants should file appeal at DLC on behalf of concerned Pallasabha that they did not receive the title on the area

that they had applied in the application and they did not receive the notice of showing reason of the rejection and decision taken by SDLC.

Smt. Mariam Roita, Block Chairman of Gumma block appreciated the effort of RCDC. She requested the participants to implement the suggestion of RCDC to get the traditional rights over the forest land. She expressed that she is newly elected PRI member and she was completely illiterate about the FRA and she could know many things related to FRA 2006 in this consultation. Mr. Benika Gamango, Vice-Chairman of Gumma block also expressed that he is new to FRA and he could know a lot of things about FRA implementation from this consultation. He promised to cooperate with the villagers for getting rights under this Act. Mr. Talalu Janardan, Samiti Sabhya of Tarangada GP also informed the house that he is a newly elected PRI member and he could know many things about FRA in this consultation and he will act accordingly. Smt. Premika Mandal, Zilla Parishad, said that she is attending meetings of RCDC for last five years and she has been in the implementing process of FRA with RCDC all throughout. She also suggested to the participants to move according to Act to get the rights over the traditional practices related to forest.



Recommendations from the House:

1. The communities should try to submit more claims for community rights over the forest protection, management, and dependency.
2. The decisions and discussions held in this meeting will be submitted to the District Administration of Gajapati district in the shape of a memorandum.
3. The people representatives, who are the members in SDLC and DLC, will meet very soon to discuss about the role and responsibility of SDLC and DLC and to force those bodies to meet once in every month.
4. The convergence of land development and IAY with FRA beneficiaries will be done in the district.
5. Forest management and protection will be given priority.
6. An appeal will come to DLC from each village in Tarangada GP about the rejection notice and dissatisfaction for not getting the area that the claimants applied for.

At the end of the meeting Mr. Manoj Kumar Satapathy, Programme Associate of RCDC, thanked all the participants and Smt. Premika Mandal, Chairperson of the consultation declared the end of the programme.

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