

# Study on actual use of FRA recognized land at individual and community level



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*Report prepared by:*

**Prasant Mohanty, NIRMAN**

P.O.- Biruda, Via- Itamati, Dist- Nayagr, Odisha- 752068

Phone- 0674- 2720417, E-mail: [nirman96@gmail.com](mailto:nirman96@gmail.com), Website: [www.nirmanodisha.org](http://www.nirmanodisha.org)

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**Regional Centre for Development Cooperation**

HIG-26, K-6, Kalinga Vihar, Bhubaneswar-751019 (Odisha, India)

Email : [rcdcbsr@gmail.com](mailto:rcdcbsr@gmail.com) . Website : [www.rcdcindia.org](http://www.rcdcindia.org)

### A note from RCDC

While it has been a regular activity of RCDC, like many NGOs of the state, to facilitate the proper implementation of the Forest Rights Act in its operational areas; a time came when it became obvious to investigate the so-called 'post-FRA' scenario, i.e. What happened after the titles were granted under FRA? Did it bring any positive or negative change in the concerned land use and occupier? An understanding on this aspect was vital not only for advocacy purpose but also for reviewing the field intervention strategy for FRA beneficiaries. As such RCDC commissioned in October 2012 a study through NIRMAN, an NGO represented by Mr. Prashant Mohanty. The consultant covered 11 cases across different parts of the state, and submitted its report. By that time the Forest Rights Amendment Rules, 2012 had been notified (in September 2012) preceded by relevant guidelines issued by the Ministry of Tribal Affairs in July 2012. However, the actual follow up of these changes (amendment rules and guidelines) was yet to be properly done by the government. By 2013 many new developments happened on the basis of the FRA. The most remarkable of them were the order issued by the Odisha government in December 2012 to confer the right to community forest right holders to harvest and sell their bamboo as per their wish, and the deregulation order for kendu leaf operation in the Nabarangpur kendu leaf division in April 2013. While these orders came with their own limitations (such as, the provision was valid initially for the corresponding crop year only), the villagers of Jamguda (Kalahandi district) were the first in the state to exercise this right over their bamboo which they were now able to sell comfortably to the buyers. The KL deregulation however did not help the people as the decision came too late without necessary ground preparations. In fact, both the orders were more politically motivated than a sincere follow up of the FRA amendment rules. The lack of sincerity is evident from the fact that most of the CFR claims still face the uncertainty over their approval. However, so far individual claims are concerned the major achievement has been convergence with various government schemes. Most of the convergence seems to be related to land development under NREGS, whereas other schematic linkages have led to horticultural plantations, digging of farm ponds, and construction of houses under Indira Awas Yojna. That means to say, the post-FRA follow up has been mostly visible in case of individual rights.

In fact, the Amendment Rule of FRA 2012 has made convergence of schemes and programmes by line departments for livelihood enhancement of the FRA titleholders mandatory. The Government of Odisha has accordingly come out with a circular regarding convergence of MGNREGA fund to the tune of Rs.50,000/- for livelihood enhancement to the FRA land.

The present report unfortunately could not update itself with the latest developments. We sincerely regret that due to certain limitations the e-publication of this report took such a long time. However, it still has a lot of relevance as the issues reflected herein more or less continue even now in various parts of the state and the country.

I take this opportunity to thank Mr. Prashant Mohanty for his endeavour to cover case studies in various parts of the state. I also thank my colleague Mr. Pravat Mishra for a thematic editing of this report. And last but not the least my thanks are also due to Misereor-KZE for their kind support to RCDC for undertaking this research work.

Bikash Rath  
Sr. Programme Manager

### Consultant's acknowledgement

This study on "Actual use of FRA recognized land at individual and community level" is an outcome of series of case studies, information collected through RTI, other sources like govt. convergence guideline & literatures, discussion with village communities, community federation, campaign group and CSOs, and its detailed analysis.

I extend my sincere thanks to the organizations, persons those provided support to me in carrying out the study. My heartfelt thanks are to Mr. Kailash Dash, Executive Director and Mr. Bikash Rath, Sr. Program Manager of RCDC those entrusted me to undertake the study.

The support received from people at the field level and also organization level was praiseworthy. I acknowledge Mr. Pravat Mishra, Mr. Aurobindo Rout, Mr. Biswaroop Sahoo, Mr. Manoj Satapthy, Mr. Sharat Kumar Achary, Ms. Sasmita Paul and Mr. Dashrathi Behera for their warm support in collecting field level information. I acknowledge to Mr. Sankar Pani to share RTI information collected by him. I sincerely appreciate Mr. Mihir Kumar Jena for his valuable inputs. I would take this opportunity to thank the village community, local NGOs, CSD and OJM for providing necessary information for the study. Foremost the communities' struggle to get legal recognition of their right under FRA and people involved in the process inspired me to put in those in record. The shortcomings of the study if any remain of my own. I would appreciate for any feedback and suggestion on the study.

Prasant Mohanty,  
Executive Director,  
NIRMAN

## Contents

<b>1.</b>	<b>Introduction</b>	<b>04</b>
1.1	Context	
1.2	Framework for study	
1.3	Study Objectives	
1.4	Study sites and Rationale for sampling	
1.5	Study Methodology	
1.6	Study Limitation	
<b>2.</b>	<b>Case studies</b>	<b>09</b>
2.1	Budhikhamari, Mayurbhanj: Contentious issues	
2.2	Dimiribadi Village, Nayagarh District	
2.3	CFR: Jamugada village, Kalahandi district	
2.4	Community right over Hadagarh Reservoir, Keonjhar District	
2.5	Panchubadi village, Rayagada	
2.6	Kanda Parasamba Village, Gajapati District	
2.7	Kurlanda Guda village, Gajapati District	
2.8	Khillei Gram Panchayat, Deogarh District	
2.9	Gurusang Village, Deogarh District	
2.10	Turungagarh village, Sundargarh District	
2.11	Dutelguda Forest village, Malakanagiri	
<b>3.</b>	<b>Analysis</b>	<b>28</b>
<b>4.</b>	<b>Conclusion</b>	<b>31</b>
	<b>Annexure</b>	<b>32</b>
i.	Officials join hands to serve the poor(media report)	
ii.	Abstract of case studies	
iii.	Testimony of a tribal widow	
	<b>Supplements</b>	<b>38</b>
	Government order and guidelines for convergence with respect to FRA	

## 1. Introduction

### 1.1 Context

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter 'FRA') is a watershed legislation to undo historic injustice especially to forest dwelling tribal communities as well as *bonafide* "other traditional forest dwellers", by recognizing and vesting those individual and community rights (IFR & CFR) which had not been recorded during the consolidation of State forests during the colonial period as well in independent India.

The foundation of FRA is the recognition and assertion of tenurial security, livelihood security and ecological security in favour of forest dwelling and dependent communities which is supposed to lead to its responsible management and sustainability. The Act and the Rules made under FRA therefore give details of institutional arrangements for the protection, management and regeneration of community forest resources (CFR), defined in section 3(1) i of FRA as customary common forest land where the communities had traditional access, or which could be construed to be customary boundaries of a village, in other words, those areas where communities can demonstrate their traditional access.

Despite the fact that the main intention of FRA was to promote community participation and management, our field work shows that recognition of individual rights under section 3(1) a has taken precedence over community or group rights, and the focus seems to be confined only to land rights for agriculture and habitation - one amongst the thirteen sets of rights recognized under the Act.

The forest dwelling tribals and other traditional forest dwellers those have and will become the right holders under FRA, have traditionally remained a deprived lot. The inherent poor agricultural productive potential of the forest lands they occupied coupled with the fear of eviction all the time looming large, these occupants made very little or zero investment to improve the productivity of the area. Further, being inside the forest areas, they suffered from geographical disadvantageous location syndrome. In addition the general apathy of the local administration, including the SC & ST Welfare Department and Rural Development Departments who had the chief mandate to develop such areas and the Forest Department in whose area of jurisdiction they were located, further increased their sufferings. This has resulted in their poor economic conditions. Convergence of livelihood development and social security based government schemes and programs of various departments contributing to productivity enhancement of such areas with sustainability as the focus is therefore what is required on an urgent basis.

As regards the current situation of the Community Forest Resource and their use by the forest dwellers, in many areas the year to year unregulated removals and lack of adequate conservation and regeneration inputs by both communities and the government, have brought them into an uncertain situation where sustained output from such lands for meeting the community rights could not be optimised. Where communities or the government, or the two together, have established institutional mechanisms to regulate harvest and use, the resource has been sustained. Bringing these degraded areas to the desired level of productivity and supplementing the same with forward linkages is urgently needed. Enhancement of productivity needs appropriate planning, management and protection inputs. It also needs convergence with specific focus on the programs of soil and water

conservation, natural and artificial regeneration, animal husbandry, removal of unauthorized occupations (ineligible under the FRA) hindering community forest rights and obstructing flow of benefits from the forest resources to the village, fisheries, marketing systems, and also tribal and other departmental schemes related to natural resources as well as those pertaining to alternative energy resources, to name just a few.

Some states or local administrations have taken the initiative towards convergence of government schemes to benefit individual and communities that are getting rights under the FRA. For instance, in Nabarangpur district of Odisha, officials and NGOs worked together to facilitate linkages with irrigation, horticulture, rural development and other departments under laws and programs like MGNREGA to enable rights-holders develop forest land and community resources, enhance livelihoods and obtain new facilities and infrastructure. (*Report of National Committee on FRA, Dec. 2010*).

Notwithstanding these examples, very little progress has so far taken place across the country on providing convergence benefits to rights holders. Of course in most cases the rights have only very recently been provided, so there is a good opportunity for programs to be developed to reach them soon. Attempts through convergence need to be targeted towards developing the area and the individual families in consonance with the local ecological and cultural conditions so that the individual families do not find themselves as aliens in their own area. This will require consultation not only with the local communities but also with the Gram Sabhas. In addition to this, the help of the State Tribal Research and Training Institutes, or of appropriate civil society organizations and institutions including those of communities themselves, should also be taken to understand the local traditions and cultural ethos of the local communities and develop appropriate developmental programs. Hence, the convergence aspects has become more important from the point of view of value addition to the rights, towards better livelihood security and meet the objectives of community based forest management.

The National Committee on FRA in their report 2010 has specifically outlined the need, approach and objective for convergence with the FRA titles to

- Develop the forest lands with forest rights under FRA so that such lands are utilized to the optimum level of production,
- Provide the habitations of the right holders with such infrastructure which is necessary for decent way of life,
- Create opportunities for employment preferably in-situ in sectors in addition to land based agriculture,
- Ensure the utilization of community forest rights and create such conditions so that such rights are utilized in perpetuity on sustainable basis.
- Facilitate hassle-free convergence of governmental schemes operating in areas of education, training, health, employment etc., to achieve higher "happiness index" among the right holders and,
- Put in place such monitoring system both at the district as well as State level so as to deliver all proposed services to the right holders speedily and smoothly.



### **Towards achieving the objectives the National Committee suggested action points like-**

- The land of the right holders should be developed so that it becomes more productive, through organic and biologically diverse means. Some of the works that could be suggested for land development are leveling, consolidation, fencing to protection from damage by wild life or, bunding, digging of well for irrigation, providing proper equipments, integrated agriculture-fisheries-animal husbandry, etc.,. The right holder should be paid for carrying out these works under existing Govt. schemes or under MGNREGS.
- Every Department or agency of the Govt. operating in the district, under the chairpersonship of the Collector of the district should converge all activities and budgetary provisions to undertake every possible infrastructural and family based development works where the right holder/s is/are residing. If need be, the Ministry of Tribal Affairs, Govt. of India should provide an untied fund to the concerned State Govt. for such purpose so that the works can be planned and executed speedily. *(Excerpts from National Committee on FRA, Dec. 2010)*

### **NAC on convergence frameworks to make FRA lands better productive**

National Advisory Council (NAC) in its recent recommendation on strengthening Natural Resources Management components under MGNREGA has observed that NRM encompasses multiple arenas in policy and action, including widely contested themes like ownership and management of forests .... However, in the instant case we are concerned with issues most directly affecting agriculture and farm based livelihoods in rain fed regimes; namely the management of land and rain water. About 60% of our agriculture is rainfed and much of it is in the undulating, hilly and mountainous regions. There have been little public investments in rain fed areas leading to widespread resource degradation, low productivity and mass poverty. Developing rain fed regions calls for husbandry of rainwater and land as the terrain inhibits widespread irrigation. Being labour intensive, such activities would create large scale employment for unskilled workers in the short run, and enhance productivity, food security and livelihoods perpetually. It is for this reason that these activities have been accorded the highest priority under MGNREGA and placed in the Act itself, with clear focus on several works that can be taken up on the farms of SC and ST communities, IAY beneficiaries, BPL, marginal and small farmers such as land development, water harvesting and water conserving structures, horticulture and farm forestry, etc.

Amongst several constraints identified towards that, weak implementation structure, top-down selection of works, absence of participatory planning, no insistence on NRM focus, and poor convergence with productivity enhancing schemes have been spelt out loudly.

NAC also observed certain fundamental principles which need to be notified with a special mention on the FRA lands in clause 5.3. It states that there shall be overriding priority on developing assets of the poor, especially of BPL, SC and ST households and land allotted under FRA. After saturation of these categories, lands of small and marginal farmers will be taken up.

Further, the NAC has also made specific recommendations with emphasis on planning at different levels, institutional arrangements, process setting and capacity building. It has directed that each state shall undertake convergence of NRM related assets created under MGNREGS with productivity

enhancing schemes. Central government and State government schemes in agriculture and allied sector, particularly schemes such as Rastriya Kishi Vikash Yojna (RKVY), National Horticulture Mission (NHM), National Rural Livelihood Mission (NRLM), programs related to fisheries, fodder and forage, agro and farm forestry, water conservation programs need to be meaningfully covered with the NRM assets created under MGNREGS. This will result in expansion of the livelihoods assets base of rural households leading to enhanced agricultural productivity and production, and sustainable livelihoods security.

## **1.2 Framework for study**

The study attempts to assess the status of FRA claimed lands after recognition of rights. The general understanding is that FRA has been considered an ameliorative step towards undoing the historical injustice done to the forest dwellers in terms of non-recognition of their rights over the forest land and resources they have been enjoying for livelihoods over the years. The historical injustice relates to such lands that are under community possession or have been under possession of the resident households in the village by approval of the community through customary rights or otherwise. Through the stages of implementation of the FRA in Odisha there has been some remarkable development in terms of granting of rights over individual claims and community claims. Despite the fact that there is non-uniform awareness across the districts and blocks in the State, some good examples have been there about recognition of rights and the subsequent linkage of the FRA lands with other development programs.

It does not need much mention that the lands claimed under FRA have long since been in some form of land use practices by the community members. The most important form of land use has been for agriculture and homestead purposes; and also protecting and maintaining the forests in the surrounding to draw sustainable subsistence and contingent benefits. Hence, it is much expected that after issuing the titles, the communities make appropriate efforts for leveraging goods, services and resources from other development programs and schemes available with the government for assets creation and up-gradation of the land assets that would in the long run contribute to sustainable livelihoods and thereby meet the challenges of the long fought battle for resource rights over the years. Equally, the government is also responsible to extend the development programs to cover the FRA lands adequately for ensuring sustainable livelihoods to the communities. MGNREGS has been perceived as the most important entitlement based instrument that is also mandated to cover the FRA lands for creation of sustainable and durable assets to impact the livelihoods of the communities positively. In the similar way, gradually and in sequence, other national level schemes like NRLM, NHM, RKVY, NAP, and such may be facilitated to cover the FRA lands with economic and ecological objectives.

There have been flaws in processes for recognizing the rights and at the same time there has been callousness of the government machineries in extension of development programs to the FRA lands. There has been no bench mark study in this regard available to depict how and in what ways the FRA lands are being considered for or covered with extension of development programs especially the ones that are dedicatedly schemed to aid the livelihoods upliftment of communities. The study attempts to take a stock of situation on whether and how and to what extent the development programs have been extended to FRA lands for land development, water provisioning, agriculture



extension and farming system development towards ensuring sustainable livelihoods for the communities.

### **1.3 Study objective:**

1. To identify the changes in forest land use before and after recognition under FRA.
2. To critically analyse the factors responsible for such changes.
3. To critically analyse the implications (socio-economic, environmental, legal, etc.) of such changes.
4. To make suitable recommendations based on the above-mentioned analysis.

### **1.4 Study sites and rationale for sampling**

An elementary data hunting from secondary sources indicated that there are hardly any consolidated information available on development of FRA lands after granting of the titles. Information in this regard is inconsistent, erratic and non-transparent. The study therefore attempted to proceed on case by case basis. Using the information networks certain cases were identified that have been highlighted in local contexts. This determined the sampling process largely.

Thus the sampling was random and convenient and attempted to capture specific cases across districts. Highlighted cases like Budhikhamari of Mayurbhanj district, Dimiribadi of Nayagarh district, Hadagada of Keonjhar district, Jamuganda of Kalahandi district, Turangagarh of Sundargarh district, Deutulguda in Malkangiri district, Kandha Parasamba and Kurlandaguda of Gajapati district, Khillei GP in Deogarh district, and Panchubadi village in Rayagada district were sampled for in-depth study in the lines of the stated objectives.

### **1.5 Study methodology:**

Study areas were selected on the basis of the areas where Community Forest Rights claims have been settled and applied. This information was made available through network sources. Field work for data collection was conducted using instruments like group discussion, interview method and available records verification. Secondary information were collected from respective offices at sub-divisional level, district level and through RTI applications.

The analysis in this document is based on the views and thoughts of the people interviewed and the facilitating organizations working in the direction.

The methodology could not be elaborated because of limitations in time and scope. However, basing on the primary information and the nature-behaviour of data structure the descriptive method for data presentation has been followed.

### **1.6 Limitations of the study**

The study had undergone several limitations. The information sources were many and there was inconsistency in information at the level of different sources. There was no single window with packaged information relevant to the study. Hence, the samples remained limited to few cases only.

The statistical methods could not be used for analysis of data as there could not be enough information that could be analysed in statistical methods.

It was difficult to reach out to each beneficiary who has been benefited by any government program during the post rights settlement scenario.

## Case Study: 2.1

### **Budhikhamari: contentious issues**

Budhikhamari in Mayurbhanj district much popular as a torch bearer community in Community Forest Management in Odisha in the early eighties has always been evolving situations focusing on the intricacies related to forest, land and tribals. In the past Budhikhamari has provided dimensions and paradigms for community based forest management in Odisha through informal norms, networks and operational traditions.

The village along with four neighboring villages have filed claim for CFR title over a contiguous patch of forest they have been protecting since last many decades. The communities in the villages are a mix of different ethnic groups and non-tribals.

The Budhikhamari village with 149 households and 654 population comes under the Baripada block and is tribal dominated. Budhikhamari is one of the village pioneers in formation of federation titled Budhikhami Joint Forest Protection Committee. It has expanded from 20 villages to 122 villages. Four neighbouring villages i.e. Baghdiha, Manchabandha, Mahulia, Goudodihi members of the Budhikhamari federation filed community claim under FRA. There are around 600 households living in 4 villages. The households depend on a subsistence economy earned out of rain fed farming mainly with supplements from NTFPs available in the community managed forests. The villagers therefore accord high importance to the forests for livelihoods and have set examples of underplanting in community managed forests to ensure livelihood needs as well as maximize productions. However, without settlement of rights and consent of the local Gramsabha, the Forest Department carried out the eco-development project which has been a contentious issue.

### **History of relation among the villagers and forest**

Realizing the decreasing supply from forests largely because of over exploitation and undercare the village communities started caring and protecting the forests since 1980s. The process of protection was institutionalized in the year of 1983. Subsequently rules and regulations were framed at the inter-community level towards ensuring balance in demand and supply, equity in benefits, user fees and protection by individual households as well as a collective.

### **Status of FRA in Budhikhamari:**

Forest Rights Committee (FRC) was constituted in the village with a dateline reference 16.03.2008 following the prescribed procedures enshrined in FRA. Subsequently, the village community delineated their CFR area and submitted their claims for CFR rights following prescribed process in 2010. The villagers got hand holding support from local organizations in the process for filing claims.

Although much regarded as a progressive community in exercising *bonafide* rights over the forests and taking to themselves the task of protection and management of forests, it seems the village is lagging behind in taking advantage of the FRA. There are flaws in the processing of individual forest rights claims at the community (FRC) level. There is no clarity at the village level also about how

many individual rights claims have been filed. It was reported during the field work that many individual households have submitted their claims directly to the SDLC and some of them have received titles. However, at the village level there is hardly any transparency on the matter. The villagers have no idea if any joint verification was done against the claims submitted by whomsoever in the village and nobody has any idea about what is the extent of land received by the unknown some who have received titles so far.

### **CFR claim - the contentious issue**

In the summer 2011 the Forest Department announced a project titled 'Sriram Vatika', an ecotourism project to be established near to their village, and the Department initiated its implementation by winter of the same year. The project was planned over an area of 118 acre of Manchabandha -1 reserve forest that is contiguous with the forest patches protected by the network of village communities led by Budhikhamari. The locals started opposing the project vehemently being convinced that the project would limit their access to the forest and also their rights over the forest. Series of meetings between the would-be-project-affected-villages and Budhikhamari village were organized and finally the resolution was reached that the communities would fight back against the project. The movement in this direction was led by the women members with active leadership of Budhikhamari Joint Forest Protection Committee (BJFPC) and Odisha Jungle Manch (OJM), the apex network of Community Forest Management institutions in Odisha.

According to the villagers it has been their collective and concerted efforts since last three-four decades to restore the forests in their area as their livelihoods are by and large forest dependent. A range of NTFP items are available in the forest through the seasons that are collected and sold by the local community. In monetary terms each household makes an income to the tune of an average Rs. 20,000/-. The apprehension people expressed is that with the ecotourism project they would be deprived from their inalienable rights that they have been enjoying since they lived there.

In accordance with the provision of the FRA, in the year of 2010, villagers of Budhikhamari submitted their community forest right form over the forest under protection. The extent of the claimed community forest resource (CFR) measures about 1350 hectares, spread over 3 reserve forests - Manchabandha-1 (218Ha), Manchabandha-2 (813 Ha) and Budhikhamari reserve forest (347Ha). Along with Budhikhamari, villagers of Baghdihia, Manchabandha, Mahulia, Goudodihi also filed their claims over the forest patches they have been traditionally depending upon. (The CFR claim area of 1350 hectares is coterminous with the JFM area for which MOU is signed or there is any deviation?)

With reference to Section 3 of FRA-06 on right to conserve or manage common resources and notification No.F.No.11-9/1998-FC(pt) issued by MoEF diversion of forest land for non-forest land purpose required to enclose evidences for having initiated and completed the above process, especially among other sections, Sections 3(1)(i), 3(1)(e) and 4(5). Along with that certificate from State Government regarding completion of process for identification and settlement of rights under the FRA has been carried out for the entire forest area proposed for diversion, with a record of all consultations and meetings held and proposals for such diversion (with full details of the project and its implications, in vernacular / local languages) have been placed before each concerned Gram Sabha with a quorum of minimum 50% of members of forest-dwellers, who are eligible under the FRA

and they have given their consent to the proposed diversion and the compensatory and ameliorative measures if any, having understood the purposes and details of proposed diversion.

Though the claim was filed in the year of 2010, in the year of 2011 the Forest Department implemented the project without the consent of the Gramsabha. Because of the project around 1500 sal trees have been felled. Manchbandha reserve forest which is selected for the project comes under the CFR boundary of the above mentioned villages. So any activity relating to the forest must require settlement of rights and consent of the concerned Gramsabha with the required quorum, which was not done. The execution of the project is a gross violation of the Act and can be considered as an attack on the legalized rights of the villagers. Without the proper consent of the Gramsabha by carrying out the activities Forest Department has violated the rights assigned to the Gramsabha under section 3 and 5 of the Act. One of the important developments in the case is that the community has applied the legal provision and used their community federation network titled Odisha Jungal Manch to highlight the issue of illegal land use of their community claim filed areas.

The implementation process of the project indicates that the concerned forest officials' understanding about the Act is very poor and hardly aware of the process laid down and attachment of the community. As per the FRA, the forest land cannot be diverted unless the FRA land is settled. In this backdrop, conversion of community forest areas to ecotourism project and felling down trees violates the FRA. The SDLC has not processed the community claim filed by the village irrespective of several reminders by the village community to the Chief Minister and higher authorities. The most important issue is that the Forest Department is violating the FRA through launching the ecotourism in community protected forest area and changing the land use without the community consent which is mandatory under FRA.

## Case Study – 2.2

### **Dimiribadi village, Nayagarh district**

Dimiribadi is a small village of 6 tribal (Kondh) households situated at a distance of about 28 Km from the block head quarters of Ranapur in Nayagarh district. The total population of the village is 34. In the post-independence era the village was declared as a revenue village and survey settlement had been carried out in the village twice.

The households depend primarily on rain fed agriculture and supplement their income from forest resources. Many of the villagers completely depend on forest lands for agriculture purposes. Apart from agriculture, NTFP collection and wage labor are another two major life supporting activities carried out by the community members. Important forest products which are collected from the forest include Sal leaf, Siali leaf, Kendu leaf, fuel wood, etc. The important minor forest products used for household purposes are honey, tubers, medicinal plants, mahua, tree borne oilseeds, mushrooms, fruits etc.

As Dimiribadi is a completely forest dependent village inhabited by tribal community the provisions of the FRA-06 bear high importance for the villagers in the context of ensuring ownership over that. Also the Act provides rights for NTFP collection, use and disposes which are major portion of their daily diet and also a subsidiary source of income.

On 16.03.2008, Gramsabha was conveyed by the Bandhamunda Gram Panchayat which was presided by Mr. Narayan Jena, one of the school teachers from the nearby village. The Gramsabha selected 10 members among themselves to constitute Forest Right Committee (FRC) for the implementation of the Forest Rights Act in the village. An NGO - Vasundhara has been providing required support to the villagers in terms of raising awareness on the role of Gramsabha, FRC, required evidences, typology of rights and process of asserting the rights etc.

Later the villagers filed 6 no. of individual claims in the Gramsabha against which claim verification was completed in the year of 2009. However, not a single individual claim has been recognized till date. Due to non-cooperation of Forest Department SDLC is not acting upon the case. However, no developmental activities have been carried out on the claimed forest lands.

Dimribadi is an exceptional case from the view point of community claim recognition status. Ignoring settlement of individual claims, the community claim (CFR) could be settled on 26.08.2010. On 11.12.2009 in the presence of revenue officials, forest officials, Panchayat and villagers the CFR demarcation process was carried out. Later in the evening a Gramsabha was conveyed by the Welfare Extension Officer and the meeting was attended by communities from neighboring villages. With the conscience of other villagers a total area of 250 acre was recognized in favour of CFR rights of the community which coincided with the forest areas of the JFM committee.

There are certain limitations observed in the claim processing as well as in the title deed provided to the village community.

- The FRC is not having one third representation of women
- Rights over Bamboo is not mentioned in their CFR Title
- The area issued to the villagers is not the same area as claimed by the villagers
- Sketch map of the extent of the boundary has not been provided to the villagers

After recognition of community right over forests, a pond has been impounded in the said area that has to a larger extent solved the community needs in many ways.

Now the community members are at an advantage having got the community forest rights. However, the community members are not much aware of the provisions in different schemes and the convergence frameworks that have been conceptualized towards ensuring better livelihoods through series of interventions under MGNREGA, NHM, RKVY, etc. The facilitating NGO that could bring the community their rights need to provide further hand holding support to enable the communities better access other welfare schemes to their benefit. According to the communities they also require hand holding support from organizations working in this direction towards facilitating the settlement of individual claims before the next cropping season.

### Case Study – 2.3

#### CFR: Jamugada village, Kalahandi district

Jamugada is a remote tribal village, located in Bera Bandha Gram Panchayat of M. Rampur Block of Kalahandi district. The village can be approached from Tulapada forest check gate on the Bhawanipatna – M Rampur road. During the rainy season this tribal village remains cut off from the outer world.

65 households reside in the village out of which 60 belong to Gond (tribal) community and the rest 5 belong to SC community making a total population of around 250. Agriculture, wage earning and collection of minor forest products, roots and fruits of the forest are main sources of livelihood of this Gond community. During the lean period few families adopt manual stone crushing as a means of earning. They have been cultivating paddy, millets, maize, sorghum etc on the slopes and clearings in forests since generations. Vegetable such as pumpkin, sweet potato, brinjal, papaya, spinach, gourd etc are also grown to meet the family needs. In rainy season most of the families earn some money by selling forest product like Bamboo sprout, mushroom as well as green vegetable in the local market. Most of the families now are making bamboo baskets and other bamboo products to sell in the local market which is the means of livelihood along with agriculture.

The community members are good bamboo artisans making varieties of items from bamboo splits mainly for domestic needs. They use bamboo for variety of other purposes such as fencing, thatching, house building and other household equipments. Bamboo is sort of a geographical indication for the area coming under the Narla range of North Kalahandi Forest Division.

The dry and moist deciduous forests around the village have provided to the livelihoods of the communities in many counts. The villagers have also put up their best efforts in protecting and conserving the forests through informal traditions at the village level and without any external support. De-facto access to and control over the forest secures the life and livelihood of the village community.

#### **Forest protection and management by community:**

Jamugada villagers have started protecting forests since 1990. The village community has framed rule systems to observe self restrain in cutting bamboo for no justifiable purpose, patrolling for protection and also have restricted bamboo felling from the said forest by any outsider. However, there is no restriction for non-timber such as medicinal plants and leaves, roots, fruits etc.

In the year 2004 the villagers got organized into Vana Samrakhyan Samiti (VSS) by insistence of the Forest Department. However, over the years this has not brought any remarkable change in forest condition. The villagers have been continuing to protect and care their forest in the most traditional way and sharing the usufructs. Over the years of protection and care the bamboo regeneration have been remarkable and the villagers realize a good supply of bamboo from the forest to meet their demands.

#### **FRC, CFR and the struggle:**

In March 2008 the villagers formed a Forest Rights Committee in their village but they were largely unaware of the processes of claiming their rights under FRA. With facilitation and support from Kalahandi Jungle Suraksya Manch, Jamguda Gram Sabha could go ahead with claim making process for CFR over the area that they have been protecting since years. Through several follow up, in 2010, Jamguda village got CFR title over 123.50 hectares of reserve forest area although their customary forest area is more than 500 hectares which they had claimed resulting in mass dissatisfaction within the community. After getting legal title for CFR, the villagers convened a Gram Sabha meeting where by resolution they dissolved the VSS and decided to care, protect and manage the CFR in a more organized manner.



### **Bamboo harvesting after recognition of Community Forest Right:**

Having got the CFR title the villagers seem to have been more serious in processes for protecting the forests. At the village level they have strengthened their rule systems and solidarity that has been reflected during the last summer when the villagers protected the forest fire three times. Fortunately enough, they had got most of bamboo in their CFR area but unfortunately bamboo flowered in the same year. Their traditional wisdom guided them that if the bamboo is not harvested soon then the whole bamboo bushes might get withered in a year or two. Looking to the grievous situation, the villager immediately convened a meeting in June 2012 to discuss the issues and consulted Mr. Biswanath Hota, retd.DFO through Kalahandi Jungle Surakshya Manch for technical guidance for harvesting bamboo. On the advice of Mr. Hota, the same day Gramsabha decided to harvest bamboo only from 170 bamboo clumps that was flowering.

To dispose the huge stock of bamboo extracted thus from the CFR area the villagers were confronted with legal issues of transit permit. They consulted the local MP Mr. Bhakta Das who assured them to facilitate availing transit permit from the forest administration. He also assured to be there in the village on the day of selling and wished to be the first buyer. Getting the assurance from Honorable MP, on 19<sup>th</sup> June 2012 Gram Sabha applied to Divisional forest officer to issue transit permit to gram sabha so that it can issue transit permit to buyers. The Forest Department refused to issue such transit permit to Gram Sabha. However, local FD officials informed to villagers that they can harvest and use bamboo from CFR area for their own domestic needs.

The Historic Bamboo harvesting took place on 20<sup>th</sup> June 2012 as per decision taken by the Gram Sabha which completed the process in two phases:

- 1- 1<sup>st</sup> phase of bamboo harvesting took place on 20<sup>th</sup> June 2012 after a ritual by the tribal priest. After completion of ritual, the priest cut one clump of bamboo that was followed by villagers. 20 no of bushes were cut and 1250 no of bamboos kept in one place.
- 2- 2<sup>nd</sup> phase of bamboo harvesting occurred in 26<sup>th</sup> June 2012 when 28 bushes were cut and 1526 large pieces of bamboo and more than 230 small bamboo pieces were then stored at one place.

It was a good harvest but the village could not make good income out of it. They had to dispose the bamboo at varied price. As promised, Hon'ble MP Bhakta Das purchased 100 pieces for Rs. 3000/-. Since the village was not provided with transit permit, other interested procurers did not dare to purchase the stock. The villagers sold 1336 pieces of bamboo to the neighboring villages in a price range of Rs. 4/- to Rs. 12/-. The village sold 190 pieces within their village @Rs.2/- per piece, and 230 pieces of small bamboo was distributed free of cost.

However, the recent amendment in the Rule in September 2012 has authorized Gram Sabha to issue transit pass for the disposal of MFPs. Disposal of minor forest produce under clause (c) of sub-section (I) of section 3 shall include right to sell, collective processing, storage, value addition transportation within or outside forest area through appropriate means of transport for use of such produce or sale by gatherers or association. Village community is now aware of the development of transit rule. In the coming days they would not have to face problems of TP and sell away the harvests at a low bargain.

The forest still has a good stock of dried bamboo and a lot has been lying scattered in the forest. With the amendment coming into force there is a hope that they can be sold and the village fund would be able to add some amount to its existing deposit, Lasit Dharua, a community member said with hope. Since the village road does not permit heavy vehicles the transportation to a certain point is done by bullock cart. The Gram Sabha is planning the next (3<sup>rd</sup>) harvest soon with the hope that transit permit remains no issue after the amendment in the Rule.

Given the situation from institutional arrangements and the bounty of resources available in the forest point of view it would be worthwhile to facilitate the village development plans for holistic development of the progressive community. The developments create an enabling situation to bring in bamboo technology and equipments for value addition to their harvests, linkage with financial institutions and micro-enterprise promotion schemes with fixation of Minimum Procurement Price by the government would be appropriate. The village plan needs to be facilitated in a convergence approach for infrastructure development and sustainable livelihoods with larger leveraging from MGNREGA.

#### Case Study – 2.4

##### Community right over Hadagarh reservoir, Keonjhar district

This is a classic contentious issue as regards to the approval of Community Rights over common property resources. Rights over the Hadagarh reservoir on which the Salandi dam has been impounded has been handed over to a fishermen cooperative in the locality which is a gross violation of the provisions contained in the FRA.

The Hadgarh reservoir is spread over 4867.5 acres of water body coming under Hadagada reserve forest in Keonjhar district. The Salandi dam impounded on this reservoir provides irrigation to adjacent districts like Bhadrak and Balasore apart from areas in Keonjhar district. The reservoir also provides direct livelihoods to fishermen in the area who catch fish and sell for livelihoods. There is a fisherman cooperative in the name of Hadagarh Primary Fishermen Cooperative Society (HPFCS) operating since 1976 that has taken the reservoir on lease and the members of the cooperative draw benefit from the arrangement.

The HPFCS consists of 542 members out of whom about 432 are scheduled tribes and rest is from other communities. Near about 15 (fifteen) villages are depending on water reservoir for fishing activities. These villages are from border areas of both Keonjhar and Mayurbhanj districts. The cooperative has been paying tax regularly to the Fishery Department of the Government at Keonjhar. The reservoir is leased out to the cooperative on annual contract basis for a fixed amount of Rs. 80,000/- as on date. In the early years, the cooperative was paying Rs. 4200/- for taking the reservoir on lease.

But in the year 2007, Govt. had a plan to rear crocodile in the reservoir and not fishes. So the entry of fishermen into the reservoir for fishing was denied. Aggrieved by this, the members of about 15 villages through the Gramsabha submitted their claim to the SDLC and DLC for consideration of their demand of fishing in the reservoir as it was the last resort for them.

After six to seven months of this application, the DLC had approved and recognized their rights. . No organization [NGO] was working or facilitating the FRA claim process in that area and the community had claimed for their fishing rights. After the title was given to the fishing community, there was a positive change in the income generation abilities. . Now the fishery department is providing 20 lakhs fingerlings annually for growing in the reservoir.

According to a member of the fishing community, their profit margin and income is not so satisfactory because of different factors: the water spread area of the reservoir is reducing day by day as maximum water is released for canal irrigation in summer days.. So the reservoir does not have enough water for the fishing to be profitable. Further in the water supply process to the canals, breeds (small fishes) are going to be outsourced through the dam gate resulting in decline in fish production. General insurance for an assured sum of Rs. 1,00,000/- has been provided to the members of cooperative society. However, the fishermen cooperative has many other demands that they have been placing before the government that includes allowing motor boats for fishing, subsidy for buying boats, reduced rate of tax for the dry seasons when the water level recede and the catch area remains limited to about 500 acres.

Despite the fact that the access and use rights of the fishermen community over the reservoir is recognized, , the issue remains that instead of Gramsabha how can a cooperative be granted the title over the CPR following FRA procedures? This questions the institutions and provisions contained in the Act. It is a fact that the cooperative members belong to 15 villages surrounding the reservoir but that does not qualify the cooperative to receive the title. There seems to be some confusion over the whole process of claim making and recognition of the rights.. This is evident from the fact that on the same day the Gramsabha and SDLC resolution was passed. Within a week of passing resolutions by Gramsabha, the DLC approval and recognition of the rights was obtained.. It remains to be investigated in detail about which Gramsabha passed the resolutions and whether all 15 villages surrounding the reservoir agreed to it in terms of stakes.

The investigator tried to discuss the matter with the Fishery Officer and at the SDLC level for further clarifications in this regard. However, that could not be possible during the course of investigation. In coming days this case need to be understood thoroughly in the larger interest of community claims through FRA.

## Case Study – 2.5

### Panchubadi village, Rayagada

Panchubadi is a remote tribal village under the Chandrapur block of Rayagada district. Of the total 76 households in the village only one is non-tribal family. The settlement is more than 100 years old and the settlers are original inhabitants there. Cultivation on the slopes and available plain lands provide subsistence to the families and collection of NTFPs supplements their household economy.

40 households who depended exclusively on slope agriculture claimed for the extent of slope land under their possession in October 2008 soon after the implementation of the Act was initiated in the State. The claim process was done following the procedures as prescribed in FRA rules. While the first set of 40 claims were under consideration, 16 more families of the village submitted their claims in

March 2010. As on date the status is that 16 titles have been issued at an average of 2 acres per claim. However, clear demarcations of the titles have not been made and most of the area comes within the revenue forests. Although the villagers have arguments that the claim settlement is erroneous in many ways, yet no clear proceeding from the FRC could be seen. The general resentment of the community members is that the physical locations of lands provided to them do not match with the original claim, and again the land provided is at far off place from the village settlement.

Soon after availing the titles, all the 16 households applied for land development work under MGNREGS. Two households also applied for farm ponds that have got administrative sanction but the works are still to be opened.

The titles over about 30 acres have encouraged people to go for improved land use deviating from the traditional multi-cropping as is done in case of slope agriculture. All the title holders initially put in some family labour force for leveling the lands and after inputs from MGNREGS they have started replacing crops especially replacing millets with paddy. Pulses and cash crops are also included in the current practice of agriculture. According to the beneficiaries, after construction of farm ponds possibility for crop diversification would obviously emerge.

### Community forest

The village also submitted claims for settlement over a forest patch measuring around 800 acres in Oct 2011 following the recommended procedures. RCDC facilitated the claim processing and submission with approval of Gramsabha and resolutions to that effect. However, after joint verification only 98 acres of land from the Patra Jungle and Gramya jungle *kisam* was granted as community right on 27<sup>th</sup> Nov. 2012. The claim also included substantial area falling under *Pahad kisam* which was denied for rights consideration. There is a big mistake in the title – that the title has been recorded on the name of the FRC which should have been on the name of the Gramsabha. The facilitating organization RCDC has reported this to the administration and the mistake is expected to be rectified soon.



The village has been geared up now to undertake plantations and facilitate aided natural regeneration in the forest. There is a perennial stream flowing down from the forest on upper reaches on which a diversion weir has been planned and officially approved to be constructed soon. The diversion weir has the potential to irrigate more than 150 acres of land downstream.



### Change

It is a fact that the claims recognition process has not been complete for all the claimants and clarity on the boundary of each titleholder is not very clear.

However, the process is moving and there are expectations over that. No comprehensive treatment of land thus acquired has been made possible as the titles are located bit erratically.

One remarkable change that has happened is that the title holders are thinking of going for crop diversification and dreaming for good harvest and elated household economy in future days. Some title holders have already started to take new crops to their fields, especially those whose lands have been leveled through MGNREGS. Further, there is a change in mindset among the community members to go for cash crops like cashew for maximizing returns with minimum inputs in terms of labour. The organizations providing hand holding support to the community are rather advising them to look at the subsistence needs at the first case and then take up subsistence and cash crops in an appropriate ratio so that they derive benefits sustainably over the years.

The other side is that the villagers do not have good awareness of how they can leverage substantial funds from MGNREGS for benefiting their farming systems.

### Case study – 2.6

#### **Kanda Parasamba village, Gajapati District**

Kanda Parsamba village is situated in Taramgada G.P. in South Eastern direction of Gumma Block in Gajapati district, Odisha. The village is 18 Km. from Paralakhemundi towards Guma. The village is located in a remote area and no direct approach road is there.

There are 92 households making a total population of 575 belonging to the particularly vulnerable tribal group – the Lanjia Saura. Traditionally the villagers have been depending on the local forest resources and forest lands part of which they had cleared for practicing shifting cultivation. Shifting cultivation and gathering forest produces are the mainstay of their livelihoods.

All the 92 households in the village have submitted their claims to SDLC through Gramsabha. The total extent of land claimed measures about 50 ha. The SDLC has settled claims of 91 households over a patch of revenue forest. Irrespective of what the households claimed, the SDLC has settled equal extent of land to all households.

Irony is the fact that the people have been deprived of their due share of land for which they had submitted claims. A single patch measuring 1.818 ha of revenue forest has been shared among 91 households making a per household share of 0.008 ha which is very meager compared to the provisions contained in FRA. This led to discontentment among them as the households are given recognition of right of revenue forest patch not the reserve forest land occupied by them for which they had filed claim

#### **Land use changes**

Traditionally the villagers were cultivating in the land that they have got through FRA. In a very traditional way they were cultivating a variety of crops which is a mix of cereals, pulses and vegetables in a multiple cropping system. In the mixed cropping system crops mature at different intervals and hence once cropped the harvests are done till February for different crops at different times. As per the villagers, they have been continuing their traditional practices since distant past and some families have terraced their lands for paddy cultivation.

Soon after settlement of lands the households have got assistance of MGNREGA to raise mango and cashew crops. While all 91 households have taken up cashew plantation, 25 households have added mango with cashew. In the first phase 36 households had got Indira Awas houses which are under



construction. In 2<sup>nd</sup> phase another 22 households are going to get Indira Awas house. One person (household), Margo Rait, could not get his title due to loss of his claim supporting papers in office.

From claim filing to settlement and linking to govt. program, RCDC has been actively involved in facilitation of claim filing to settlement and linking to govt. development programs.

The villagers also articulated that they have submitted claim for CFR but the records were not available in the village. However, the claim is under consideration at the SDLC level. The villagers also articulated that their claim for CFR has been rejected at the SDLC level and the exact reason is not known to them. Further, there is no evidence with people to prove that the claim has been rejected.

From discussions with the community it was understood that the claim submission process had errors in it. The part of forest claimed under CFR also has lands under possession of individual households. These lands have been cleared for shifting cultivation and also there are patches converted into terraces.

#### **Issues:**

Despite the development, in recognising the individual rights certain issues that still prevail include boundary demarcation of individual titles provided under FRA; settlement of claims over Reserve Forests that are under possession since years; larger linkage of the FRA lands with development schemes and right to work like MGNREGA.

After long struggle the tenurial security over part of land possessed by the communities over the years have been attained. However, the injustice still continues as the claims have not been approved to the desired extent and no convergence with development schemes has yet happened. It is desired that the livelihoods security with provisioning of water, crop diversification, forward and backward linkages for economic growth be given priority to make the FRA meaningful in a community and their livelihood context.

### **Case study – 2.7**

#### **Kurlanda village, Gajapati district**

Kurlanda village is located in Tarangada Gram Panchayat of Guma Block of Gajapati district. It has two hamlets: one is Saura Kurlanda and other one is Gouda Kurlanda.

Saura Kurlanda has 60 lanjia Saura households with total population of 375. This remote village is situated 38 km from Parlakhemundi and is well connected by public transport. The settlement is about 150 years old as shared by the community members.

Agriculture, wage earning, gathering minor forest produces are the mainstay of their livelihoods. In order to recognize their pre-existing rights over the forest land and resources under FRA, all the households submitted their claims over the patches of land that they have been using for agriculture purposes. After due processes like joint verification and processes at the administration level, 145.049 hectares of land have been recognized in favour of 60 households.



### **Community Forest Rights:**

The village community has a good history of protection of forests around the settlement. Over the years they have been collecting, consuming and disposing the forest produces in local markets for their subsistence and cash needs from the forest protected by them and the nearby reserve forests. The community forest protection initiatives have started from about last two decades when the people realized the crisis of forest produces for their domestic needs.

The village has also submitted its claims for CFR under FRA over 406 acres of forest that they have been traditionally protecting and caring. Kurlanda Guda village formed a Jangle Surakshya Committee for protection, conservation and management of community forest and its resources that is overseeing the forest protection and management. Community has developed rules for protection and punishment for violation of village rules.

### **Land use:**

RCDC, the facilitating organization in the village has played an important role in convergence with govt. programmes for land and livelihood development of the people who holds titles under FRA. The details of the work undertaken are given as under:

- Adequate leveraging from MGNREGS has been done for land development of the 60 households who have got titles.
- Leveraging 13 farm ponds under MGNREGS to provide critical irrigation support for crops grown on FRA lands and ancillary needs
- For the community purposes two multi-purpose ponds have been sanctioned in favour of the village.
- 58 households have been sanctioned with IAY houses in a phased manner and the houses sanctioned in first phase are under construction.
- Cattle shed and toilets have been sanctioned for 58 nos. of households
- All the households have been provided with cashew saplings from National Horticulture Mission.
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### **Land use in CFR claim area:**

The community has not been able to develop a comprehensive land use plan for the CFR area that they have claimed for. However, the community has been able to plan out for certain interventions like gully plugging, soil and water conservation measure at strategic locations, and believes that RCDC would help them in realizing implementation of the plans through developing linkage with the district administration and line departments.

Many families who have been indebted for several reasons see the hope that they would be able to cultivate their own lands for better productivity with crop diversification and would be in enabling conditions in future to pay back the loans and sustain their livelihoods.

It is remarkable to note here that with the facilitation by RCDC, the community has been able to place their plans at the appropriate level and have been sanctioned with projects under MGNREGA for land development and water provisioning; and in a convergence mode aid for cattlesheds, toilets as other assets; leveraging from horticulture and agriculture department; and most important being that they have been able to access their entitlements, e.g. IAY. However, the community needs hand holding

support to better access their entitlements and leverage from other schemes for a sustainable livelihood and cash income from agriculture and allied activities.

### **The Other Traditional Forest Dwellers (OTFD) case in G. Kurlunda**

This is a clear case of apathetic attitude of the government towards considering OTFD claims under FRA. The case is about 78 numbers of OTFD claims in Gouda Kurlunda hamlet of Kurlunda Village under Tarangada GP of Gajapati district.

The Pallisabha of Gauda Kurlunda village submitted 167 nos. of individual claims to SDLC, Paralakhemundi in 2008 with due approvals to the claims on the basis of evidences and facts. The SDLC verified only 89 cases of scheduled tribes (ST) in July of 2011 and excluded 78 of OTFD claims. The village is dominated by Gouda (milkman) families amongst the designated OTFDs. There was no communication from SDLC/DLC to the FRC whether the OTFD claims have been rejected or kept under consideration.



The OTFD of this village possess documents in favour of the rights given to them over patches of land by the then Maharaja Gaurachandra Gajapati Narayan Deo in 1911. Despite the fact that they have authentic and genuine documentary evidences showing their *de-facto* ownership over the said forest lands they have not been able to realize their entitlement under FRA. The villagers have moved from pillars to post after submitting their claims. They were directed to consult ITDA officials, revenue officials like RI and block officials to know the status of their claims. Till now they have not been able to understand the status of their claims and are under apprehensions about realization of their claims. The community members require support to expedite their claims pending in the government office.

### **Case Study: 2.8**

#### **Khillei Gram Panchayat, Deogarh district**

The case study is about five villages in Khillei GP of Reamal block in Deogarh district where the convergence building for land development to interventions for sustainable livelihoods have been remarkable and exemplary. The villages show a mixed community dominated by Pradhans who are peasants and tribals like Kissan and Munda. . Apart from agriculture on whatever extent of land has been under their possession the community members depend upon wage earning and MFP collections from forest to supplement their livelihood requirements.

#### **Accessing provisions under FRA**

The communities in the villages stated here meet the criteria as direct stakeholders of FRA provisions. Regional Center for Development Cooperation has been very actively engaging itself in these villages to facilitate the claim submission process and facilitate development especially in NRM and livelihoods in the post title granting situation.

RCDC helped the community members in placing 146 individual claims drawn from all five villages under FRA. The individual claims included tribal households and others categorized under other traditional forest dwellers (OTFD). However, only 85 households, particularly the tribal households, have been granted with the titles so far with an average of 2.5 acres per household. The OTFD claims are still under consideration.

In the same process all the five villages have also submitted their claims for CFR that is still under consideration.

### Post title land use changes

There have been number of initiatives from the State administration to take MGNREGS to FRA lands and develop the lands in convergence mode towards better food and livelihoods security of the beneficiaries. RCDC has been the pathfinder for the local communities to leverage adequately from MGNREGS towards land development, water provisioning, linkage with RKVY and other schemes available with line departments.

RCDC in collaboration with NABARD has put some good efforts for strengthening the village institutions for planning and implementation of the plans and programs available under different schemes of the government towards strengthening the livelihoods of the communities as a whole. Some remarkable developments that have happened have been listed under.

**‘Mo pokhari’:** 15 IFR titleholders have been linked to MO POKHARI, a program now linked with MGNREGS for water provisioning to farm lands, through Gramsabha approval and recommendation. In 2012, five ponds have been excavated with joint intervention of the community, Block Office and RCDC. Rs 50,000/- were spent for each pond on behalf of the Block office but the FRA titleholder has brought some modification to the pond with their own contribution and initiatives. The rest plans have been taken in the annual shelf of projects and would be opened in due course. The farm ponds are bringing smiles to the communities as they are able to foresee good crops despite erratic rains as they have now water in their farm pond for critical irrigation needs.



The FRA titleholders have initiated discussion with Pisciculture officials to provide fingerlings to be grown in their ponds and thereby wish to add one more layer to their livelihoods portfolio. The Fishery Department has also approved the plans for supply of fishling during the coming monsoon.



**Land Development Scheme:** 37 IFR title holders in Reamal have been linked to land development scheme under MGNREGS. The major activities under land development are land leveling, bund construction and land preparation etc. The support amount in terms of wages ranges between Rs 10,000/- to Rs 50,000/- depending on

land development requirements. The community demands to include shallow Tube Well schemes within the land development with assurance for post-construction care and maintenance. The logic of shallow wells hold good as the farm ponds take more of the productive lands as compared to shallow wells.

Substantial leveraging from Horticulture Department has been made in terms of providing horticultural saplings like drumstick, Papaya, Mango, lemon plants. Some community members have planted teak in their homestead lands by collecting saplings from Forest Department. Fruit bearing trees have been provided to 478 families in Reamal and there is 100% survival reported.

**Pisciculture support:** 36 matsyajibi (fisherfolk) families of Podadihi have been linked to Pisciculture office for subsidized net, boat, cycle, bucket etc successfully. Bank accounts in their name have been opened. In first phase, out of 10 households, 8 families have availed subsidized loan of amounting Rs. 22,500/-for their net and boat.

**NABARD support:** NABARD has adopted village Siarimalia as the program village and the community has submitted the Village Development Plan to the AGM/CGM NABARD which was developed jointly by the community and RCDC. Now, the Village Development Committee (VDC) is functional, capacitated through trainings and exposures to handle roles and responsibilities for implementation of the programs. A farmer's club is also functional in the village to look after the agricultural issues and challenges.

**Indira Awas Yojana:** IAY houses have been sanctioned in favour of 22 FRA beneficiaries in the first phase and the first installment of Rs. 15,000/ each has already been released. The houses are under construction. During the coming Gramsabha more IAY houses in favour of the FRA beneficiaries shall be recommended.

### **Future plans**

Immediate NRM related leveraging plans include

- Minor Irrigation project on Rangiakata nalla to irrigate 200 acres of paddy field in Sialimalia village
- 100% financial inclusion to all families
- Employment and income generation activities
- 100% implementation of social security schemes

Through NABARD support, women SHGs have availed training on Bio Composting (vermi-composting) and kitchen gardening in their village and the Agriculture Officer and KVK officer facilitated the training. Farmer's club visited Singsal and Nuagaon of Deogarh in an exposure visit. RCDC is facilitating the process and working as the coordinating NGO.

### **Impact:**

- Convergence activities and community engagement in the area is strengthening the livelihood process which has a greater impact on successful implementation of Sustainable Forest Management activities.

- Community sensitisation and empowerment has developed due to claim form submission, title deed assertion, holding of Gram Sabhas and even FRA process related activities. Women members are also empowered due to their involvement in the FRA claim process.

#### **Challenges:**

- The convergence has been a positive example in Khillei G.P. and indicates that the work has been well facilitated by the NGO-RCDC. It has linked with various govt. programs available. Villagers feel happy about the land development work undertaken in these areas and quite hopeful of better productivity after land development. However, still there are many challenges to be met that includes convergence plan for CFR area and its linkage with line departments; empowerment of Gramsabha; and facilitating financial inclusion.

#### **Case study: 2.9**

##### **Gurusang village, Deogarh district**

Gurusang village synonymous with Purunapani is located in Barakot block in Deogarh district. There are 31 households in the village and all belong to Paudi Bhuyan a tribal community. The Bhuyan integrate their subsistence earning from slope cultivation, plain land agriculture and edibles from forests. Cash needs are met from NTFPs, wage earning and small animal husbandry units including cattle rearing. Prior to 1990s, shifting cultivation was the mainstay of their livelihoods earning which has become very limited now-a-days. The present habitation has been built up on part of a reserve forest.

In 1992-93 the villagers organized themselves under Vana Samrakhyan Samiti and followed the ideals of forest management in the JFM way. To get rid of regular vigilance by the Forest Department on shifting cultivation and the subsequent penalties, the community members started abandoning the practice gradually. Limitations were also imposed on cattle grazing in the forests largely by the influence of the Forest Department.

After the FRA came into force, all the households filed individual and community claims with the support of Zilla Jungle Manch. In spite of the continuous efforts of Manch, only 23 households got titles over individual claims. The average size of land title is around 0.82 acre. SDLC rejected the claims of 8 households without intimating the reason thereof.

##### **Land use changes after the right settlement:**

The village is covered under the tribal development micro project called Paudi Bhuyan Development Agency (PBDA) that was formed to accelerate the integrated development of the tribal community. 12 households out of the 23 who had got titles were immediately covered up by PBDA. PBDA provided the rights holder materials such as hybrid maize seeds, ground nut seeds and chemical fertilizers in kind for agricultural development on the said lands belonging to the 12 beneficiaries.

However, this introduction of high yielding varieties of crops especially ground nut could not prove useful as it could not withstand the dry spell for which the crop withered at seedling stage. Not only the communities suffered a crop loss, they could not repay the soft loan that they had received from PBDA for agriculture. In similar situation those who had used the local seeds got a standard yield.



However, there has been no initiative to link the FRA lands with MGNREGA for land development. Out of the total 23 households 14 have been granted with IAY houses. However, only 6 households who received funds have completed their house construction and the rest 8 households are in the queue for sanction of IAY assistance.

### **Claim for CFR**

The communities have been protecting a patch of forests measuring about 500 acres. They have also submitted their claims for CFR under FRA. However, due to lack of external support and visible apathy of the district administration the CFR claim is not moving forward. Coincidentally the District Forest Federation has become relatively weak in providing support for expediting the settlement. Thus the CFR claim has been in the ice box for quite some time. The community members require external hand holding support to realize the CFR claim.

Habitat and habitation rights of Paudi Bhuyans have not been claimed as they spread over three districts like Deogarh, Sundergarh and Keonjhar. The habitat rights of PVTGs shall be ensured by the DLCs. Hence, all the three DLCs are responsible to determine the habitat and habitation rights of the Paudi Bhuyans. Often, the habitat is determined as per the coverage of Micro-Project area which is not acceptable to the community. This is because it does not include the entire land scape over which the PVTGs are dependent on for livelihood sustenance.

### **Case Study: 2.10**

#### **Turungagarh village, Sundargarh district**

Turungagarh village comes under Meghdega Gram Panchayat in Tangarpali Block of Sundargarh district. The habitation is about 200 years old wherein 129 households are residing. Out of the 129 households 90 families belong to ST community, 10 families belong to SC category and the rest belong to OBC and general category.

The households in the village have small land holdings on which their livelihoods largely take support. Small incomes from animal husbandry units, NTFPs supplement the subsistence economy.

In 2008, Forest Rights Committee was constituted in the village that was composed of 15 members. But after forming the committee the villagers did not know how to go about the processes in FRA. SEWAK an NGO working in the area had been implementing awareness programs in the village on local self governance, MGNREGA and other development schemes came forward to facilitate the processes for claim submission.

To start with, SEWAK fixed a meeting of newly constituted FRC members, eligible FRA claimants, and Ward members of the Turungagarh village to outline an action plan. On 25th of May, 2008 the participants assembled for a meeting and SEWAK explained them about the provisions of the Forest Rights Act; what it is meant for and who are the eligible claimants ; which documents and paper are needed to submit a legitimate claim. As a follow up, SEWAK deputed some staff to the village and conducted orientation program on FRA for the educated youth on the procedure of submission of claims.



After working consistently for many days, the forms were filled in and copies of relevant records affixed. The FRC collected the claim forms and verified them in the presence of the revenue and forest officials. Subsequently, Gram Sabha was called and all the claims submitted by the villagers were accorded approval. Dhanurjya Majhi, President and Silvanus Kerketta, Secretary of the FRC submitted 38 nos. claim forms at the Sub-divisional Level Committee (SDLC), Sundargarh on 18<sup>th</sup> July 2008. The FRC kept itself in touch with the Block, Tehsil and Sub-division level committees all along. On 17<sup>th</sup> of November 2009, at the office of the Tehsildar, Tangarpali the Forest Right Committee of Meghdega was accorded the honor of being the First FRC of Tangarpali Block to get the claims settled. The Committee member and the villagers staged a formal thanks giving to Shri Jogesh Kumar Singh, MLA for Sadar Constituency, Sundargarh and the Tehsildar, Tangarpali Block.

The FRA title holders now evince much zeal in trimming and tiding up their newly acquired homestead and farm land. They have now planted mango, guava, lemon, orange, papaya and drumstick plants. SEWAK has helped nine of the claimants to submit all required documents, along with photocopies of their new 'Patta' to the Horticulture Officer for benefitting from a subsidy linked scheme which will be operative in July 2011.

On 26th November 2011, a special program was launched at Gailjore village in the presence of District level officials of different line departments like- Integrated Tribal Development Agency (ITDA), District Rural Development Agency (DRDA), Horticulture Department, Soil Conservation Department, Forest Department, and Agriculture Department. The main objective of the program was the inclusion of forest right title holder in MGNREGA. The program was jointly organized by "SEWAK" and district administration, Sundargarh. On that occasion 38 FRA title holders of Turungagarh village received work order of RS.12, 90,000/- for land development and farm pond.

### Case Study: 2.11

#### Dutelguda Forest village, Malakanagiri

Dutelguda is a forest/unsurveyed village under the revenue village of Palameta of Dudameta G.P. located in Korkunda block of Malakanagiri district, Odisha. This is a unique village where community played an important role in settlement of forest village under FRA with guidance of CSD<sup>1</sup> member. It is interesting that the village name exists in the name of the BPL and APL card holder list but does not exist in the list of forest village identified in Census 2011 and the village is not coming under the list of forest villages. At present there are total 52 households in the village with a population of 316. Out 52 HHs, 51 belong to the Kandha community and one to the Koya community. The villagers are the project displaced people of Balimela irrigation project in Malkanagiri dist. The inhabitants are displaced people from village Raba in Jadam G.P. of Guma block in Malakanagiri district. 11 households first came followed by others and set the settlement at Korukonda. During the survey settlement 1989-90, the village was kept away for right settlement in the pretext of forest village. Villager has tried number of time to get legal recognition but their efforts never got any success.

<sup>1</sup> Campaign for Survival of Dignity, which played the pivotal role in the promulgation of FRA.

The process of survey was done by FRC and Gramsabha. All the 52 households have filed claims against land occupied for cultivation, homestead land, community right. 52 households got title over 231.81 acres (93.85 ha.) of forest land under IFR for agriculture and homestead purpose. The average forest land title is 4.5 acre though seems higher in comparison to the ceiling stated under FRA. However, this is genuine looking at the fact that the rights of the villagers had not been settled earlier under the survey and settlement process. It is obvious that FRA has been the first process of rights settlement.

As usual there was perceivable hesitation of Forest Department to hand over the rights to community members. The titles were lying for a long time in DFO office. After continuous efforts from the village community through meetings with all the concerned officials and District Collector, finally titles were issued on 15<sup>th</sup> May 2012. From the beginning to right settlement the village community played very important role with the guidance from the local member of CSD.

#### **Claim for CFR**

Gram Sabha has prepared through proper verification a list of community resources to be recognized under Community right and forwarded to SDLC. Another interesting thing is community has maintained all the records like register of Gramsabha resolution, notice register and RoR register. Community people have verified individual and community claims thoroughly surveyed the unsurveyed village and prepared the list of individual and community claims. Community claims with areas demarcated of 325.83 acres has been prepared after the survey and passed to SDLC. However no action is taken in this regard by SDLC for verification or processing the claims of community rights.

#### **Post FRA scenario in the village:**

After recognition of the titles the first relief that the villagers have got is that they would not have to run to revenue officials any more for conversion of land category which they had been trying earlier. Now they have become legal holders of the land and the purpose for which they have got would apply and imply to the *Kisam*. Now they are beyond apprehensions of being evicted by the Forest Department.

One unique example is 30 forest right holders have got loan against their FRA land from Jaypur Mini Bank when it is interpreted that loan cannot be given against collateral of FRA land as it is not transferable or saleable. Each claimant got Rs. 4380/ for agriculture loan. Here it can be said that the Act has been taken by spirit not only by letter and there has been some proactive thinking for development of the FRA lands to contribute to the livelihoods of the communities.

Before the rights settlement 3 households got sanction for IAY houses. However, the Forest Department hindered the house building by imposing restrictions on collection of stones and boulders, and construction materials from the local forests. After the rights settlement the rest households have got sanctions for IAY houses. Access to assets through development programs has been possible by availing hand holding support from CSD. The IAY houses are under construction without any opposition from the Forest Department this time.

#### **Land use change**

There has been change in land use, especially in the cropping pattern, of individual farm land after the right settlement. Maize intensification has replaced many traditional crops. Village community feels maize will give them better return compared to lentils and millets. All the households have changed a

part of comparatively unproductive land in the bordering areas to maize cultivation. But farmers use their indigenous variety of maize only. Market demand of maize has played importance role in the cropping pattern of traditional bio-diverse farming. (Source: CSD, 2012)

### 3. Analysis

- The land rights settlement under FRA is still an ongoing struggle at the community level

The case studies presented in this text stand a testimony to the fact that the legitimate right holders of FRA are still through struggles to access their rights. With low level of awareness about how to go ahead with the claim applications' passing through the apathetic callousness of the government it has really proved to be a difficult task for the communities to realize their rights. While there has been some development in considering the claims for individual lands leading to distribution of titles, yet it has not been that remarkable as was expected. Further, the case studies depict clearly that there is a larger gap between the extent of land demanded and the extent of lands granted through titles. The anomaly in implementation of the Act is transparent.

The case studies were taken from selected locations where titles have been granted to the community members. Such cases are very sporadic. They do not really present picture of the pro-activeness of the State administration rather reflect a grim picture. Where the administration has been considerate about the Rights of people there only some development has happened. The Act talks of rights not considerations or privileges. The community at the recipient end has not been able to break the vicious cycle of government apathy and has been struggling to realize their rights.

Claims over Community Forest Rights seem to be in the icebox. Initiatives at the government level are virtually non-existent to settle rights of the community over the community forest resources. Wherever titles have been provided there new issues have been created. For example, the case of Jamugada in Kalahandi district be considered. After getting rights over CFR, the villagers wanted to clear the bamboo bushes as they were at a flowering state. It obviously required a clearance as otherwise the bushes would wither away. However, the transit permit for selling and transporting bamboo out of the area came up as a big issue. Even after interference of the Hon'ble MP of the local area the issue could not be resolved. It is a clear case of violation of the rights of the community. Once the title was issued, the transit permit should have been no issue. Secondly, this was a conditional right and was meant for only one year only. Since, ownership right over MFP is a permanent right, how could the state recognize MFP right as a conditional right? This is a violation of FRA. Another example, the Hadagarh case, where fishing rights have been provided to a Fishermen Cooperative is a clear violation of the provisions contained in the Act. It not only showcases the violation but also mirrors the lack of understanding at the level of the government officials at SDLC and DLC level.

Take any other example cited as cases in the text. It all narrates the story of struggles, long waiting, apathy of government officials faced by the community members in realizing their rights. The struggle continues.

- Community level awareness is not enough to steer the processes to develop linkages for post-settlement land development and access to other related entitlements

The case studies vividly present that there is a gap in understanding the FRA at the community level as well as at the implementing officials level. While at the community level there is very low level of awareness, at the official level it is ambiguous interpretation of the Act for which there has been no remarkable progress in settlement of FRA lands. A closer observation on all the cases indicates that without the support of external agencies like NGOs the settlement of land in the case villages would have taken a long process.

Two gaps are clearly visible – the existing gaps and the evolving gaps. To explain the existing gaps it is possible to say that the awareness at the community level is very low to handle such complicated processes for settlement of claims. The governance mechanism at the community level is not adequate because of low awareness. This has been realized through discussions at the community level. The FRC at the village level is heavily dependent on the help from external agencies for maintaining the procedures. Thus it is extremely important to address the existing gap related to awareness level, local governance mechanisms, the procedural steps, the understanding of the process and the sequences, linkage with the government machineries and above all clarity and shared understanding of the Act at the community level.

On the other side, the evolving gaps are clearly visible from the case studies taken here. After settlement of individual rights the rights holder is at a loss to understand the next step. Similar is the case about the CFR. The Kalahandi case reflects that after settlement of the CFR the community had to face difficulties and struggled through the ambiguous interpretation of the Act by officials about the transit permit. Hardly at the community level or official level there are any clarity about developing convergence matrix to source goods, services and finance from other schemes and programs. The beneficiaries who have received titles are therefore not able to access further benefits from the government.

NGOs, Community forestry federation, and campaign groups have played a pivotal role in taking the community level processes to government offices. In many cases it has been seen that without the support from them, communities feel deficient in getting their matter resolved. The procedural steps are particularly important where the community members require hand holding and mentoring from these groups. However, only a few NGOs like RCDC, Vasundhara, SEWAK, etc, federations like Odisha Jungle Manch and campaign group like CSD and their district level units, who have been fairly into the nitty-gritties of the FRA, have been able to create an impact by following up particular cases right from the beginning. The NGOs have been strategizing to expedite the process in two ways; one, by providing direct hand holding support and following up at the administration level, and second, by capacitating community level youth on procedures and systems so that the community volunteers facilitate the process. However, the most remarkable is that without handholding external support from NGOs, forestry federation, campaign groups or other external agencies the communities are really not able to steer their processes right from claim making to claim granting and forget the processes to access resources from other schemes and programs.

- Individual claims have been given more importance compared to Community Forest Rights claims at the government level

It seems as if at the government level what matters is the number of claims considered and granted as realized from the fact that individual claims have been considered and expedited compared to the community claims. The community claims at many places have been pending at the government offices. The claims that have been granted has been possible due to pressures from different levels; community level, peoples' representative level, informal and formal networks and federations. The systemic apathy still continues.

A closer review of the cases and secondary information available about the rights settlement process under FRA reveals that there is a huge gap between the extent of land claimed and the extent of land granted through titles. This is because of two reasons; first the individual claims quoted the extent of land in approximate terms, and second, there is relative unwillingness of government to grant that extent of land as titles as it seems or the way people articulate. However, the approximate extent of land quoted in the claims to the exact extent of land granted through titles should not show such wide variation. Thus it is clear that there is relative unwillingness at the government level to consider the legitimate claim of the beneficiaries.

The community claims are given least follow up by the community compared to individual lands. This is because of the fact that the procedural steps in making a community claim is elaborate and sometimes conflicts appear on delineating customary user boundaries. The joint verification is also an inhibiting factor for which the community claims granting has been very less. Hardly there is a case of community claim granted without back up support from external agencies.

- Where some facilitating NGOs have provided handholding support there some development in linkage of government programs with FRA lands has been possible

As regards to the post settlement benefits to the beneficiaries holding titles there has been little response from the administration and line departments. The FRA land is a big subject under MGNREGA where land development, water resource development and livelihoods scoping in FRA lands have been highlighted. However, there has been apparent mismatch in the priorities during planning. On the ground the community members have least awareness of other provisions and at the official level there has been little or no effort to extend the provisions to the FRA beneficiaries. Only in certain cases where organizations like RCDC have been involved in village planning process there some developments have been seen at least in taking the FRA land development needs into the MGNREGS shelf of projects. Further, wherever the land development has happened there again it is the NGOs who have facilitated further provisioning through agricultural and horticultural extension services.

Government schemes like Odisha Tribal Empowerment and Livelihood Program (OTELP) kind of comprehensive projects are operating there some developments have also happened. For example, in Koraput, the OTELP has been able to bring in some line departments for interventions in FRA lands. However, such examples are very sporadic. At the community level the demands are articulated at a low pitch which does not reach the ears of line departments.

Communities require hand holding and other support services from external agencies for further development in FRA lands in a livelihoods perspective that has clearly emerged out of the current study.

- The involvement of actors with established credibility like RCDC, Vasundhara, CSD, Orissa Jungle Manch, SEWAK, has been the key in settlement of CFR claims. Only the credibility and knowledge base of such actors have been able to break the apathetic attitude of the administration and acquiring the entitlements for the title holders. .

The domain knowledge or thematic interventions by NGOs also matter a lot in this regard. Only the leading NGOs with the domain knowledge have been able to influence the government in favour of the FRA beneficiaries. However, there are many NGOs operating at a smaller scale and trying to facilitate the FRA process. Conceptual clarity and experience of the NGOs in handling or facilitating procedural steps has remained a great concern at the level of smaller NGOs. It is therefore important to capacitate more actors in the field so that the FRA settlements can really achieve a scale. This is where the NGOs have a bigger role to play.

- In rare cases there has been any proactive interest from district administration and line departments to extend welfare and entitlements for development of land recognised in favour of eligible FRA title holders..
- The convergence guidelines of the Government of India could be useful instruments in the development of FRA lands but nowhere such initiatives have been tried.

Further inputs for development of FRA lands in a livelihoods perspective is a must requirement. Considering this the Government of India had framed some convergence ideals and modalities for dragging further resources into the FRA lands. However, irony is the fact that there is no clarity about the convergence modalities at the official level for which the comprehensive development of the FRA lands has not been possible. The well articulated needs demand that the convergence guidelines be tried out in FRA lands proactively by the government machineries. A briefing on the different convergence guidelines formulated by the Task Force on MGNREGA has been placed in the appendix. Nowhere in the study area, is it seen that the convergence modalities have been taken to the field.

- Only the customized programs like OTELP plus where convergence for development of FRA lands is a mandate there is no other comprehensive thinking in this direction.

#### 4. Conclusion:

The study reveals that the communities are still at the recipient end. They require hand holding support, knowledge services, linkage with welfare schemes and government departments. This is where communities acknowledge the role of NGOs and other external actors. The communities are still through struggles for accessing their entitlements under FRA and without external support they feel deficient to negotiate the matter with administration. Issues persist even after settlement of rights. Such issues include extent of land, physical location of the land, land development measures, further development in a livelihoods perspective, etc for titles granted under IFR. Similarly the issues of boundary delineation, extraction from community manages forests, transit permit, etc have been clouding the CFR claims. The provisions enshrined in the Act have only been able to benefit a few; and to break down the chain of official apathy, it is important that capable NGOs, and CSOs engage themselves more to secure entitlements in favour of the communities and draw plans for convergence.



**Annexure-1**

**Officials join hands to serve the poor**

**THE HINDU**

KORAPUT, January 3, 2013

Dumuripadar in Koraput block is one of the panchayats where the poor benefited directly from the convergence of different departments of the State government with regard to land distribution under the Forest Rights Act (FRA). FRA and Mahatma Gandhi National Rural Development Guarantee Act (MGNREGA) have been based on the same fundamental principle of facilitating and ensuring minimum survival needs of a person who are unskilled, stayed in rural pockets, and essentially dependent on primitive means of earning livelihood. While FRA recognised the rights of forest dwellers over the forest land they utilised for their subsistence, MGNREGA guaranteed minimum employment support to the unskilled rural poor, according to Soojata Mishra, BDO of Koraput.

In Dumuripadar panchayat, the fallow terrains are hardly used by the tribal people and there is no scope from any angle to use the land except shifting cultivation. However, MGNREGS has made a difference here. So far 165 FRA beneficiaries in the panchayat have been given land development works under the MGNREGS. Some 21.979 acres of land has been taken up for development at an estimated cost of Rs. 28.20 lakh for 22,380 persondays.

Land development included bush cutting, land levelling, and terracing. Qualitative cultivable patches have been made out of these land development projects where vegetables are being cultivated as perennial water source is available nearby. More such FRA lands to the extent of 99.9 hectares have been taken up for mango plantation under MGNREGA by the Horticulture Department in the land of 76 FRA beneficiaries. The administration is contemplating taking up further land development in these patches in coming days for intercropping between the plantations.

It is noteworthy to mention here that officials of departments have pledged themselves to put their best efforts for providing the targeted poor with a permanent source of livelihood, says Collector Sachin Jadhav.

**(Source: <http://www.thehindu.com/todays-paper/tp-national/tp-otherstates/officials-join-hands-to-serve-the-poor/article4267851.ece>)**

**Annexure-2****Abstract of the case studies****Table -1**

Individual Land claim Vs. settled under FRA and land use										
Sl No.	Village/ cluster	District	Total no of HH	No. of HH Claim filed	Areas claimed by total claimant	No. claim settled	Extent of land claimed by the hh those got FRA land	Land settled in Ac	Average land settled in Ac	Remarks
1	Panchubadi	Rayagada	76	48	307	16	101.5	29	1.81	2 HHs changed their crops from millets to paddy
2	Khutudukumpa	Rayagada	45	38	152	32	192	48	1.5	Land development and IAY is in process, cattleshed constructed
3	Kushandar	Kalahandi	280	17	48	17	48	21.53	1.27	Indira Awas Yojana is under construction
4	Jamuganada	Kalahandi	56	21	47.46	21	47.46	8.65	0.41	Cultivation. No land use change.
5	Kurlanda	Gajapati	60	60	145.049	60	145.049	145.049	2.42	Entire claim areas are settled, Tank, Indira Awas were sanctioned to all households and under construction. It is facilitated by RCDC
6	Kanda Parasanga	Gajapati	90	90	270	90	270	4.5448	0.05	Only a single revenue forest plot was equally given to 90 households without considering FRA land. Land is used for cultivation
7	Gurusang	Deogarh	31	31	46	23	33.50	19.05	0.83	Indira Awas, hybrid maize cultivation with loan support from PBDA and crop failure during long dry spell as hybrid maize could not withstand long dry spell
8	(the cluster consists of 5 villages)	Deogarh	355	146	365	82	205	205	2.5	Claim and Settled land areas are same due to facilitation by RCDC. OTFD claim not taken into consideration. Land development, pond excavation, bio compost, kitchen garden. Pisciculture and horticulture program has been linked

9	Dutelguda	Malkanagiri	52	52	231.81	52	231.81	231.81	4.46	Settled entire land due to facilitation and follow up by CSD member. The average of settlement is higher because it was the first settlement of a forest village.
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Table -2

Community Claim Vs settled under FRA and land use							
Sl No.	Village/ cluster	District	Total no of HH	No. of HH claim filed	Areas claimed in acre	Areas settled in Ac	Remarks
1	Panchubadi	Rayagada	76	48	800	98	A small portion is settled in the name of VSS committee which was supposed to be the name of Gramshabha
2	Khutudukumpa	Rayagada	45	45	800	0	No settlement of community claim
3	Kushundar	Kalahandi	280				No community claim filed
4	Jamuganada	Kalahandi	60	60	1200	123.5	A part of the community forest was recognized. After recognition, FD didn't issue transit. However Community asserted their right over bamboo.
5	Kurlanda	Gajapati	60	60	406.9	67.27	A small portion is settled. No Land use change
6	Kanda Parasanga	Gajapati	90	90	45	0	No settlement of community claim
7	Gurusang (Purunapani)	Deogarh	31	31	500		No settlement of community claim
8	Riamal cluster	Deogarh	355	355	Approximately 800 acres	0	Settled entire land due to facilitation and follow up by RCDC. OTFD claim not taken into consideration.
9	Dutelguda	Malkanagiri	52	52	325.83	0	Community land has been well documented and claim has been submitted. But settlement is yet to be done.
10	Dimiribadi	Nayagarh	5	5	Approximately 500 acre	250	A part of the community forest was recognized. On the claim form no areas were mentioned; only a map with traditional boundary was drawn, A pond excavated after the right settlement serves the village.
11	Budhikhamari (Bagdiha, Goudadiha, Mahulia & Swarupvilla villages)	Mayurbhanj	600	600	Approximately 1350 hectare	0	Areas of claims are not measured. No record found. As per the community saying, we put it as 1350 acre. Right is yet to be settled, but Forest Dept.

							started to make it an eco-tourism project and cut down more than 100 Sal trees which was stopped by the village community using FRA.
12	Hadagada	Keonjhar	542	542	4867.5	4867.5	Right conferred to Cooperative Society not to the Gramsabha. The areas need to be verified further. Fishery cooperative is doing fishery in the water bodies.

**Annexure-3****Testimony<sup>2</sup> of a tribal widow**


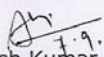
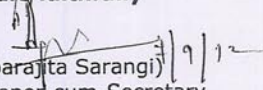
<b>Title of the case</b>	Widow denied recognition over the traditionally occupied forest land.
<b>State/District within country</b>	Rayagada district in the state of Odisha in India
<b>Summary of the case(s)</b>	<p>Mita Krusika, widow of late Sandana Krusika aged around 39 years is from village Karlakana in Chandrapur Block of Rayagada district in Odisha. After the death of her husband she is now staying with her only son who is a minor. Traditionally the family has occupied a piece of forest land of around 2 acres. They were primarily depending upon that piece of land for their livelihood. After the Forest Rights Act, 2006 came into existence, like others Mita also applied for recognition of her rights over the land they were in occupation of. The pallisabha/ gramsabha approved the claim and sent it to the Sub-Divisional level Committee (SDLC), Gunupur. But the irony is somebody else is now cultivating the land and Mita is denied of her traditional rights.</p> <p>After having a detailed inquiry it surfaced that the claim of Mita Krusika is rejected by SDLC on the ground that “the claimant is not cultivating any government land”. But astonishingly the same piece of land is now recognized in someone else’s name.</p>
<p>What land issues are implicated? How are the access and control of tribal women over their resource rights affected therein? How have these decisions impacted the socio-economic status of women in these communities?</p>	<p>Women are always vulnerable to violence and when the struggle is for property they became more vulnerable. In this case instead of getting the legal recognition under the FRA, Mita lost her land and is now struggling for sustenance.</p> <p>The 2 acres of land was her only fixed asset. She was cultivating millets, pulses and spinach in that field which supported the family’s food basket for at least 3 months. As the same land is already recognized in other’s name as a part of the conspiracy, now her livelihood security is in threat. She is now surviving by working as a maid in other’s house. Her 12 years old son is also working as labourer in other’s field to survive. As she doesn’t have enough access to the administration, as it requires money, she is not able to fight for her right.</p> <p>Land is an identity and security for an individual. Mita is deprived of her right over the traditionally occupied land, despite the presence of a favorable Act. This definitely raises a question mark on the proper implementation of the FRA especially in the context of tribal women.</p>
Is the situation contrary to or incompatible with principles established in national law (including constitutional rights and/or PESA)?	The situation described above clearly reflects the gross violation of the Forest Rights Act, 2006 and Rules, 2008. Provision is there to inform the claimant during the joint verification. Here Mita was not intimated about the date of the joint verification. Vide letter no 6061 dated 04.02.2009 of the Chief Secretary of the State it is instructed to inform the claimants on the SDLC and DLC resolutions. Here the SDLC has not shared any resolution mentioning the cause of rejection to Mita.
What actions have been started by the local community to	The village community has discussed the matter in the pallisabha and decided to submit

<sup>2</sup> This testimony was prepared with the help of RCDC for a public hearing organized by IGSSS at New Delhi in 2011. Mita Krushika was identified by RCDC in one of its operational areas.

improve the situation?	the claim once again.
Have courts or other independent bodies made specific orders or recommendations to local or national authorities?	In Public Interest Litigation in the High Court of Madhya Pradesh Principal seat at Jabalpur, writ petition number 14083/2010 (PIL) has given emphasis on providing enough opportunities before rejecting the claims. In this case Mita had not got any opportunity to be heard by the authorities.
If applicable, did local or national authorities take any action following these actions and recommendations?	Not yet
Did local communities start a civil action (court case)?	No
Are there important ongoing actions or expected decisions in 2011?	Efforts to build constant pressure through interaction with the SDLC, DLC and SLMC are going on. Mita's case has been represented and shared with the appropriate authorities for remedial action.
Is this case representative of the land issues in the state/district?	Yes, both on district and state level but the case is unique because it involves a widow fighting for her natural claim. The loss of her land has not only made her loose social status and an identity in her community but has made her food insecure.
If a national consultation is organized on the issue, who could represent the case regionally?	Mita Krusika herself will represent the case with support of Regional Centre for Development Cooperation (RCDC), the facilitating organization.
Appendices	<ol style="list-style-type: none"> <li>1. Copy of claim form</li> <li>2. Copy of evidences attached with claim form</li> <li>3. Copy of pallisabha resolution</li> <li>4. Copy of joint enquiry report.</li> </ol> <p>(All the documents will be submitted during the national consultation.)</p>



**Supplements**

	ଓଡିଶା ସରକାର ପଞ୍ଚାୟତିରାଜ ବିଭାଗ	By Fax/E-mail/Speed Post ଓଡିଶା ସଚିବାଳୟ, ସଚିବାଳୟ ମାର୍ଗ, ଭୁବନେଶ୍ୱର-୭୫୧୦୦୧ Orissa Secretariat, Sachibalaya Marg, Bhubaneswar-751 001 Tel. No.0674-2536680/2322875 Fax. 0674-2391413. E-mail- prsec.or@nic.in
	Government of Orissa PANCHAYATI RAJ DEPARTMENT	
No. 17-PADM-19-1033-15718		Date- 10/09/12
		<b>Gram Sabha Sashaktikaran Karyakram(GSSK)URGENT</b>
From	Aparajita Sarangi, IAS Commissioner-cum-Secretary Panchayati Raj Department	Santosh Kumar Sarangi, IAS Commissioner-cum-Secretary ST & SC Dev. Department.
To	All Collectors	
<p>This is to inform you regarding leveraging the "<b>Gram Sabha Sashaktikaran Karyakram</b>" to ensure greater benefits to the SC and ST beneficiaries at the village level. In the meeting chaired by the Chief Secretary it has been decided to take up the following activities:</p> <ol style="list-style-type: none"><li>1. During the Palli Sabha, planning should be made to cover all FRA individual title holders under different developmental schemes like IAY, Mo Kudia, NREGA etc. Activities like Land development, farm pond, plantation, etc. should be made to ensure maximum productive utilization of the land settled with the Forest Rights title holder.</li><li>2. Pending claims, if any, from the beneficiaries should be obtained by the Forest Rights Committees (FRC) and the list of such claims received by the FRC should be consolidated for future monitoring and disposal.</li><li>3. In the seven Districts where OTELP Plus is under implementation, the interventions relating to Land and Natural resource management should be keep in the perspective plan of NREGA.</li></ol> <p>While doing the planning for Palli Sabhas and Gram Sabha the DWO and WEOs may be asked to facilitate the availability of the individual Forest Rights title holder to the respective Palli Sabhas. The P.A., ITDAs, DWOs and WEOs should be involved in facilitating the entire process.</p>		
<b>Yours faithfully</b>  (Santosh Kumar Sarangi) Commissioner-cum-Secretary ST & SC Dev. Department.		<b>Yours faithfully</b>  (Aparajita Sarangi) Commissioner-cum-Secretary Panchayati Raj Department.

GOVERNMENT OF ODISHA  
ST & SC DEVELOPMENT DEPARTMENT

Letter No. \_\_\_\_\_/SSD., Dated Bhubaneswar the, 7<sup>th</sup> September, 2012

TD (CFRA) - 06/2011

From

**Shri Santosh Kumar Sarangi, IAS**  
Commissioner-cum-Secretary  
ST & SC Dev. Department

**Smt. Aparajita Sarangi, IAS**  
Commissioner-cum-Secretary  
Panchayati Raj Department

To

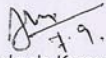
**All Collectors.**

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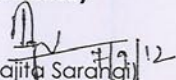
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2. Pending claims, if any, from the beneficiaries should be obtained by the Forest Rights Committees (FRC) and the list of such claims received by the FRC should be consolidated for future monitoring and disposal.
3. In the seven Districts where OTELP Plus is under implementation, the interventions relating to Land and Natural resource management should be kept in the perspective plan of NREGA.

While doing the planning for Palli Sabhas and Gram Sabha the DWO and WEOs may be asked to facilitate the availability of the individual Forest Rights title holder to the respective Palli Sabhas. The PA, ITDAs, DWOs and WEOs should be involved in facilitating the entire process.

**Yours faithfully**

  
(Santosh Kumar Sarangi)  
Commissioner-cum-Secretary  
ST & SC Dev. Department

**Yours faithfully**

  
(Aparajita Sarangi)  
Commissioner-cum-Secretary  
Panchayati Raj Department

## CONVERGENCE THINKING AND INITIATIVES AT GOVERNMENT OF INDIA LEVEL

The Government of India has adopted a multifaceted development strategy that promotes economic growth and also addresses the needs of the poor, by ensuring their basic rights. The Ministry of Rural Development has a gamut of targeted programs, from providing direct employment, self-employment, social security, housing, building rural infrastructure and managing land resources to alleviating poverty. In this context, workfare programs have been important interventions. Through short-term employment, these programs provide income transfers to poor households during critical times, such as lean agricultural seasons, and enable consumption smoothing. Over time, this will facilitate the transition of the village economy from subsistence to self-sustenance, by increasing agricultural productivity and creating durable assets for regeneration of the natural resource base. The infrastructure will not only lead to market linkages but also create further employment opportunities.

Evolving the design of the wage employment programs to more effectively fight poverty, the Government of India formulated the National Rural Employment Guarantee Act (NREGA) in 2005, a paradigm shift from earlier programs because of its legal framework and rights-based approach. The lens through which the next generation issues of NREGA can best be viewed is that of convergence. Convergence establishes meaningful relationships between plural, diverse development strands, normally left unconnected, into a rich play of multiplier effects.

Convergence through NREGA has the advantage of guaranteed resource support because NREGA is a statute. Legal safeguards of the Act ensure transparency and accountability. Untied funds and the provision of decentralized planning enables comprehensive need based planning at grassroots. The Panchayati Raj Institutions (PRIs) have a pivotal role in NREGA and provide an institutional mechanism for convergence.

A Task Force was set up by the Ministry of Rural Development to explore strategy for convergence, including representatives from Ministry of Water Resources, Ministry of Environment and Forests, Department of Land Resources, Ministry of Agriculture, Ministry of Human Resources, Ministry of Women and Child Development to suggest convergence frameworks. The Task Force worked through two sub-groups scoping for convergence through planning; and convergence through activities. The Task Force also took into account district level innovations on convergence that were reviewed for replication as good practice models.

### **General framework for convergence**

The National Rural Employment Guarantee Act (NREGA) is the first ever law internationally, that guarantees wage employment at an unprecedented scale. The works which have been taken up under this act rejuvenate the natural resource base and address the causes of chronic poverty, such as drought, deforestation, soil erosion, floods, poor rural connectivity. However these works can lead to sustainable development only if their planning and execution is sensitive to the quality of the work, and its benefit flow not just in terms of the natural resource base, but also in terms of the quality of human lives impacted, specially the poor through whose labour the works were executed.

Long term benefits and sustainable development are however possible only when multiple inputs converge and impact human life and its environment, holistically. NREGA with its inter-sectoral approach opens up opportunities for convergence.

The Guidelines conceptualize convergence as a coming together of existing schemes and resources, rather than the creation of a new scheme with additional resources. The objective of convergence is to optimize public investments made under existing schemes through suggested ways of linking and steering them towards a common/shared recipient end, both physical (area, infrastructure, natural resource) and human (person, group, agency). The endeavour is to start with existing policy contours, implementation structures, and financial resources.

Convergence has to evolve through implementation processes and this requires the continuous engagement and ownership of the agencies directly responsible for those processes. Given the current situation of a plethora of schemes with similar activities, there is a great need to rationalize their planning and implementation to avoid duplication and redundancy.

### **Joint Convergence Guidelines for National Rural Employment Guarantee Scheme (NREGS) and Indian Council of Agriculture Research (ICAR)(MoA) – Dec. 2008**

After a series of high level interface meetings held between Ministry of Rural Development and Indian Council of Agricultural research (ICAR), it was decided that appropriate technological backstopping to the schemes of NREGS and SGSY would be provided by the Krishi Vigyan Kendras (KVKs) of ICAR at the ground level leading to sustainable development in the rural areas. The KVKs have developed appropriate technologies for on-farm and off-farm activities. The KVKs will also organise orientation programs for the stakeholders and join hands with the rural development program functionaries in creating demonstrations and entrepreneurship opportunities avoiding duplication. However, this convergence was piloted in 50 identified districts.



Operational steps for convergence included the following

- ICAR will identify the resource institution(s) for each district.
- The DPC will constitute a small group at the district level with representatives of the resource institution(s) and also of District Rural Development Agency, personnel responsible for SGSY.
- ICAR database of natural resource mapping for that district will be shared with the group. The Shelf of Projects formulated under NREGA will be scrutinized against the NRM database to assess the feasibility of works selected/ to be selected.
- List of works taken up on individual land will be shared with KVKs.
- KVKs will indicate appropriate activities/technologies for each work for value addition
- KVKs will also take up its front line demonstrations on such land.
- Training plan for NREG personnel will be drawn up and implemented.
- Income generating activities with the help of SGSY and processing technologies from KVKs will be introduced by organizing NREG workers around the primary NREG activity.
- Baseline assessment, concurrent appraisal and documentation of pilots will be taken up by KVKs.

### **Joint Convergence Guidelines: Swarnjayanti Gram Swarajgar Yojana (SGSY) and ICAR - 2008**

Essential key processes of Swarnjayanti Gram Swarajgar Yojana (SGSY) include social mobilization of rural poor into Self Help Groups; setting up of micro-enterprises by selection of key economic activities depending on available resources, occupational skills, appropriate technology and ready markets; training & capacity building of SHGs in appropriate technology; financial assistance through a mix of bank credit & Government subsidy; infrastructure, technology and marketing support with forward & backward linkages. SGSY envisages providing credit-cum subsidy for various income generating activities of Self Help Groups (SHGs) including those related to irrigation and land development, horticulture, animal husbandry and dairy development, fisheries, village and agrobased industries, handicrafts and handlooms.

The implementation of SGSY with emphasis on technology induced livelihood development for sustainability is often constrained by lack of awareness about available & latest technologies, absence of professionals at field level to provide technical support, lack of professional advice in preparation of projects especially Special Projects under SGSY and absence of marketing support-backward & forward linkages. The success of program is therefore dependent on skill-development and technological support to the people in formulating the projects for sustainable micro-enterprises.

The convergence guideline included the following important observations and steps

- SGSY -SHGs are the basis for the social mobilization of the poor, therefore, they can have crucial role in NREGA planning. SHGs can influence the Panchayati Raj Institutions (PRIs) to prepare area based development plans including NREGA works.
- SHGs can be involved in planning of works at household level on SC/ST land
- The SHGs and their federations may be involved in distribution of NREGA Job Cards. They can also ensure that the very poor households are issued NREGA Job Cards
- SHGs can be used to generate awareness about NREGA works
- SHGs should be involved in supervision of works under NREGA and ensuring quality
- Assets created under NREGA can be used for further value addition by providing loan under SGSY
- In NREGA, the payment of wages to beneficiaries is done through bank accounts opened in the name of beneficiaries. This may likely to generate some savings which may provide financial cushion for grating loans by the banks under SGSY

Amongst several districts where it was piloted two districts of Odisha – Mayurbhanj and Ganjam were included. Mayurbhanj was taken for production of seeds, cultivation of merigold, poultry and vermicompost; and Ganjam for production of seed in paddy, dairy, mushroom and vermicompost.

### **Joint Convergence Guidelines for National Rural Employment Guarantee Scheme (NREGS) and Schemes of Ministry of Environment & Forests – Jan 2009**

In view of the inter-sectorality of NREGA, the commonality of target area and beneficiary group, planning institutions and processes of most development programs, the Ministry of Rural Development had constituted a Task Force to explore effective modalities of convergence with NREGA. The Ministry of Environment and Forests which was represented on the Task force was identified as an important partner to NREGA, as more than 8% of NREGA works relate to drought proofing. Apart from the meetings of the Task Force a series of interface meetings held between Department of Rural Development and Ministry of Environment and Forests (MoEF). Possibilities of convergence between NREGA and the programs of MoEF-MoLR were discussed between the two Ministries and based on these discussions, convergence areas and modalities were identified.

They are suggestive in nature and should be used to encourage innovative convergence project at the districts level, enabling a more efficient use of resources. We would request you to convene a meeting of the officers of the two departments to discuss these guidelines. This should be by a joint meeting of the districts officer in charge of the NREGA and Forest Department schemes.



### **Convergence between NREGS and National Afforestation Program (NAP)**

Convergence between NREGA and National Afforestation Program is mutually beneficial. Ministry of Environment and Forests has the task of achieving one third of the land area under forest and tree plantation as envisaged in the National Forest Policy, 1988. This cannot be accomplished by the MoE&F alone due to the volume

of manpower and resources required for the task. Convergence with NREGS will provide additional resources.

Operational guidelines of NAP also suggest co-ordination with rural development programs so that the forest fringe areas and community/private owned forests can be developed on watershed approach in a holistic manner. The integrated area development approach with ecological concerns will benefit NREGA leading to better quality planning and selection of works capable of generating sustainable employment.

The decentralized, participatory management and the nature of works of NAP are both complementary to NREGA. At least 50% of works under NREGA are to be executed by Gram Panchayats. Line departments like the Forest Department are also included among the implementing agencies and the norms to be followed are as per the Forest Department. The project area under NAP are forest area and adjoining land areas including village common lands, community lands, revenue waste lands, Jhum lands and private lands, which are also covered under NREGA.

Root stock regeneration, new plantation and silvipasture can be executed on common/ panchayat/ revenue/ forest land under NREGS. Some forms of fencing like dry stone, ditch, organic fencing can also be taken up under NREGA. Activities relating to cut back, coppice, and singling, requires semi skilled or skilled labour. Boundary plantation and agro forestry on the land of SC, ST, Below Poverty Line(BPL) and **beneficiary of land reforms** and Indira Awas Yojana (IAY) can be taken up under NREGS and on individual land other than these categories, these activities can be taken up under NAP.

Works on water conservation/harvesting which can be taken up under NREGA and also under NAP are:

a) **Catchment area treatment:** Confined to recorded forest and adjoining land areas including village common lands, community lands, revenue wastelands, Jhum lands and private lands. To conserve rain water in situ and check soil erosion, treatment of catchment area falling in forest and

surrounding area, be taken up on watershed approach by constructing contour furrows, continuous contour trenches, staggered

trenches, box trenches, bunding, bench terracing and vegetative barriers etc. as per site requirement. Under this activity, the work on forest/ village common/ community/ revenue waste lands and on the individual land of SC/ ST/ BPL/ beneficiary of land reform and IAY can be carried out under NREGS.

b) **Check dam:** Different types of temporary and permanent check dams in the drainage lines, falling in the area may be taken up on a watershed approach that is starting from ridge to valley. On forest/ village common/ community/ revenue waste lands and on the individual land of SC/ ST/ BPL/ beneficiary of land reform and IAY these can be constructed under NREGS and in addition, supplement these works in FDA project area under NAP.

c) **Ponds:** Similarly the construction of different type of ponds i.e. dugout ponds, sunken ponds, farm ponds and village ponds etc. for storage of rain water and recharge ground water in the catchment area as per requirement and feasibility on forest/ village common/ community/ revenue wastelands and on the individual land of SC/ ST/ BPL/ beneficiary of land reform and IAY be carried out under NREGS and in addition, supplement these works in FDA project area under NAP.

**Land development:** Land development activities may be taken up under NREGA to rehabilitate degraded forest and wasteland. The entire activity of land development should be conceived of as a project, with a clearly laid out plan for land use after land development. If plantation/ afforestation is planned, then the kind of plantation species to be used, the source of irrigation, protection can be taken up under NREGS, afforestation and plantation can be under NAP.<sup>3</sup>

### **Joint Convergence Guidelines for National Rural Employment Guarantee Scheme (NREGS) and Schemes of Ministry of Water Resources – February 2009**

There is a gap between the irrigation potential created and that utilised. Many of the irrigation projects in the country have also been under operation below their potential due to inadequate maintenance, which is one of the important factors for reduced irrigation efficiency at project level. This has resulted in the problem of low efficiency of water usage and low productivity. Increasing trend of water logging, salinity and alkalinity is offsetting the advantages of irrigation by rendering the affected areas unproductive or under-productive. The process of reclamation is far exceeded by an additional area becoming water logged and saline/alkaline. There are seven programs of MoWR being implemented in the country with works similar or complementary to NREGA works.

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<sup>3</sup> Malkangiri district was taken for implementation of the convergence guidelines for piloting.

### **Modalities**

For integrated development of irrigated area, it is necessary that the project of a village is prepared on Command Area Development approach, integrating all the activities into a project. In this project, the activities allowed under NREGA and those to be covered under schemes of MoWR may be clearly indicated.

Convergence through works may be effected in any of the following ways

- Gap filling through NREGS for similar work under water resources schemes
- Dovetailing inputs into a common project
- Area approach
- Value addition through NREGA works
- Technical support for ensuring quality in planning, selection and execution of NREGA works

In short, content NREGS programs under Water Resource Department includes Command Area Development & Water Management(CAD&WM); Repair, Renovation and Restoration of Water Bodies; Dug well Recharge Scheme; Ground water management and Regulation Scheme; Flood Control and River management Works; Accelerated Irrigation Benefits Program (AIBP); Farmer's participation Action Research Program (FPARP). For the convergence program Mayurbhanj, Ganjam, Bolangir, Bargarh districts were included for piloting with districts from other states.

## Bibliography

1. CSD, Odisha(2012): Exemplary Efforts of Community People of Forest/Un-Surveyed Village Dutelguda towards Determining Their Forest Rights in Korkunda Block of Malkangiri District.
2. OJM, (2012): Assertion of Community Forest Rights, A case study of Mayurbhanj District, Odisha
3. OJM, (2012): Rights assertion by Jamguda Gram Sabha on CFR by harvesting Bamboo
4. Vasundhara & Kalpabriksh(2012): A national Report on Community Forest Rights under Forest Right Act: Status & Issues