Implementation of Forest Rights Act 2006 in Odisha
Process, Constraints and Outcome

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Analysing the problem-ridden process of implementing the Forest Rights Act 2006 in Odisha, this paper points out that it has focused more on providing land rights to individual claimants, neglecting community forest rights, the rights in protected areas, and other such provisions. Even so, the number of titles granted to tribal households is small compared to their total number in the state. Effective and comprehensive implementation of the FRA will have a significant impact on the livelihood of forest dwellers and the conservation of forests. The benefits could be more if this is accompanied by value addition to non-timber forest products and action to ensure reasonable prices for them.

The Forest Rights Act (FRA), which was passed by Parliament in 2006, has been implemented in India since 2008. It provides a legislative basis to redress the historical injustice forest dwellers in the country, including in Odisha, have been subject to. It thus has major implications for them, both in promising them a more secure basis for their livelihoods and in providing them with legal provisions to defend their rights in the future.

The implementation of the FRA in Odisha began without proper sensitisation of the implementing agencies, or proper dissemination of its different aspects among stakeholders at the local level. This has led to confusion among the potential beneficiaries about the proper procedure for applying to get the benefits they are entitled to, and wrong or arbitrary interpretation of different provisions of the Act by the implementing agencies. It is likely to lead to the exclusion of many potential beneficiaries, given their low levels of literacy and awareness, and their inability to plead their cases with all the supporting documents. There is also the likelihood of the implementing agencies rejecting many genuine claims on flimsy grounds. For, the state, through the forest bureaucracy, has been controlling forests and forest products for a long time by restricting the rights of forest dwellers. It could be tempted to create obstacles in implementing the different provisions of the Act, especially since it enjoys higher bargaining power vis-à-vis the poor tribals (Reddy et al 2011).

The evidence in this paper shows a narrow perspective has governed the implementation of the FRA in Odisha. It has focused more on granting rights to individual claimants, rather than taking a holistic view of the different provisions of the Act. The result has been the exclusion of many potential beneficiaries, who in turn are unable to apply for their rights because they lack awareness of the provisions of the Act and there has been no state or parastate action to reach out to them. In such a situation, the FRA’s objective of reducing the multiple deprivations of forest dwellers is being substantially watered down. The process of implementing the FRA in the study area is discussed in Section 1. Its outcome in terms of coverage and the type of land rights given are discussed in Section 2. The probable benefits of the FRA on the livelihood of beneficiaries are discussed in Section 3.

What follows is a brief outline of the socio-economic conditions of the forest-dependent people, especially tribals, in the
study area, the sources of data used in this paper, and the entitlements under the FRA.

Socio-economic Condition of Tribes
Scheduled tribes (STs) constitute 22.13% of the total population of Odisha, according to the 2001 Census. They comprise 62 tribes, including 13 particularly vulnerable tribal groups (PVTGs). Of the total area of the state, 44.7% is a scheduled area as per the Fifth Schedule of the Constitution of India. The majority of the tribes live in the 12 districts coterminous with the scheduled area in the south of the state (the most backward area) and other hinterland districts. Of the ST population in Odisha, 75.6% were below the poverty line in 2004-05, compared to 46.4% of the state’s population as a whole (Government of India 2011). Most of them are agricultural labourers (47%) or small and marginal cultivators (33%), and lack access to adequate food, education and healthcare (2001 Census).

This study is based on data collected from a number of sources, including a primary field survey, interaction with different stakeholders, and secondary material. The primary data was collected from 12 villages in the districts of Sundargarh, Deogarh, Sambalpur and Nuapada. The area under forestland in these districts is high and a significant proportion of their population is tribals and other forest dwellers. One of the villages studied was inhabited by the Chukti Bhunjia tribe, a particularly vulnerable group. The number of households in each of the villages varied between 40 and 108, the majority being STs except in three villages (Thakurpali, Rangamatia and Chandankhunti). More than four-fifths of the total households were poor, with collecting non-timber forest products (NTFPs), wage labour and subsistence agriculture being their important sources of livelihood.

Primary data was collected through a field survey and group meetings with households dependent on forests. We visited all the study villages at different points of time between the first quarter of 2008 and the last quarter of 2012. These visits coincided with the time forest rights committees (FRCs) were formed; the period during which claim forms had to be submitted to the FRCs; and the time village records were verified by officials from the respective subdivisions. Some visits were after pattas (titles) had been distributed to the beneficiaries. We also met several members of the implementing and facilitating agencies such as non-governmental organisations (NGOs), FRC members, officials at the block, subdivision, district, and state levels, and discussed issues related to implementing the Act with them.

Entitlement to Households under FRA
Proper implementation of the FRA will lead to a number of benefits for the claimants. They include the following.

- Right to settlement of old habitations and unsurveyed villages.
- Right to habitat and habitation for primitive tribes.
- Right to conversion of forest villages into revenue villages.
- Right to conversion of pattas or lease or grants issued by the state government on forestland to titles.
- Right to rehabilitation if illegally evicted or forcibly displaced.
- Right to ownership, and access to collect and dispose of minor forest products that have been traditionally collected within or outside village boundaries, and grazing rights.
- Right to protect, regenerate, conserve, or manage community forest resources. The community forest resources may be in a reserved forest, protected forest, or protected areas such as sanctuaries and national parks to which the community has access.
- Community rights to intellectual property related to forest diversity, cultural diversity, and any other traditional right customarily enjoyed by forest-dwelling communities, excluding the right to hunting.
- Other community rights to use or entitlements, such as fish and other products of waterbodies, grazing, and access to traditional seasonal resources for nomadic or pastoralist communities.

It is to be noted that vested forest rights are heritable, but not alienable or transferable.

1 FRA Implementation in Odisha and the Study Area
In Odisha, the process of implementing the FRA began in January 2008 with four departments – tribal welfare, revenue, forest and panchayati raj – working in coordination. On 15 February 2008, the nodal agency, the tribal welfare department, notified all district collectors to form committees at the district, subdivisional, and village levels through palle sabhas (village assemblies). Following this, the panchayati raj department, in consultation with other departments, directed officials at the district and block levels to hold palle sabhas on 16 and 23 March 2008 to form FRCs at the village level. The dates for holding palle sabhas were publicised in the local media. Officials at different levels were entrusted with implementing the FRA were in a limited manner familiarised with its different provisions. Shortage of time meant that this process was ad hoc and brief at the level of local officials and primary stakeholders (that is, potential beneficiaries). Palle sabha meetings were hurriedly held with no preparation, and there was inadequate awareness of them or the Act among different stakeholders.

Given the low literacy among people in the tribal area and their limited access to different channels of information, many potential beneficiaries have not been able to apply for benefits under different provisions of the Act. And the claims of many of those who applied without all the supporting documents have been rejected. The implementing agencies at the local level have neither played a proactive role in helping beneficiaries with proper guidance nor in providing evidence in support of their claims. In the absence of a broad interpretation of the Act, officials have been prone to rejecting applications on flimsy grounds. The first six months of the implementation of

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**SPECIAL ARTICLE**

**EPW** September 7, 2013 vol xlviII no 36
the FRA was crucial because potential beneficiaries had to apply with proper evidence to back up their claims within 90 days of the palli sabha meetings.

The implementation of the FRA has been operationalised mostly by bureaucrats at the state level without much input from the political process. It was supplemented with some dissemination of the different provisions of the Act in local languages by civil society organisations, and awareness building through meetings in local areas. In effect, the process of executing the different provisions of the Act has translated into distributing land to individual beneficiaries, sidelining tribal-friendly provisions such as community forest rights (CFRs). Given that forests and its products have been under the state for long, there is little inclination among the forest bureaucracy to forgo its control. The interpretations of several provisions of the FRA have been ambiguous. The different provisions of the Act have been translated into distributing land to individual beneficiaries, sidelining tribal-friendly provisions such as community forest rights (CFRs).

We turn to the process of implementing the Act and its outcome at the state and the village levels. Initially, FRCs were formed only in revenue villages, while many forest villages, unsurveyed villages, and forest habitations were excluded. Further, gram sabha meetings could not be held in many areas because the panchayat-level authorities were not prepared for them, or because the meetings did not have a quorum. In some places, there was even confusion about why the meetings had been called. Some gram sabha meetings were held after the fixed dates. Later, the state allowed gram sabhas to convene FRC meetings, turning it into an ongoing process. Evidence from different regions of Odisha and other states shows that in many areas FRCs have been formed in an undemocratic manner – people who were not present at the meetings have been selected as members, and in some cases those named as members have not been asked for their consent.

In many areas, subdivision-level committees (SDLCs) and district-level committees (DLCs) do not have membership of panchayati raj institutions or PTGs, as required by the FRA. Where they have been inducted as members, they are often kept out of proceedings – for example, in Kandhamal district of Odisha (Government of India 2010). Given the lack of manpower to carry out the many tasks needed under the FRA, tribal sub-plan or other funds from the central government have been used in some states (for instance, Maharashtra and Odisha) to hire technical support groups or people to help gram sabhas and FRCs, or to carry out verification.

Civil society organisations in the state have played an important role in enabling potential beneficiaries and communities to submit claims to the implementing agencies. NGOs have been co-opted in many regions to help with sensitisation and other activities to do with implementing the Act. However, there has been very little political mobilisation among the potential beneficiaries. It has to be stressed that given the low level of literacy of ST/SC and OBC households, all the efforts at awareness building had only a limited impact on prospective claimants and FRC members initially, though this improved later. But these campaigns have been largely absent in the more remote areas.

Though the implementing departments had insisted that FRCs complete the claim process within a time frame, the intervention of NGOs and civil society groups saw this being relaxed. Now, the time frame has been lost sight of and most of the departments take this to be one of the several functions they have to perform. There was inadequate sanction of funds for hiring technical personnel (patwaris and others) to prepare maps for the claimants and to verify land records. Due to legal and technical issues surrounding the control and management of land by the revenue and forest departments, maps were only prepared for the land occupied and cultivated within revenue boundaries, excluding areas under reserve forests (RF), protected forests (PF), national parks and sanctuaries. This was done only in the case of individual rights over

<table>
<thead>
<tr>
<th>Name of the District</th>
<th>Name of the Village</th>
<th>Presence of Community Forest (area in acres)</th>
<th>Whether under Joint Forest Management (JFM)?</th>
<th>Capacity Building of FRC</th>
<th>Invitation by FRC to Submit Claims: (a) Individual (b) Collective</th>
<th>Process of Submission of Claim by FRC on Behalf of Gram Sabha</th>
<th>Field Verification of Claims Followed by Resolution of Gram Sabha over Claims for Recommendation</th>
<th>Verification of Claims and Preparation of Record by SDLC</th>
<th>Approval of Claims by DLC and Distribution of Title</th>
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<td>Aug 2008 A</td>
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<td>Yet to be done</td>
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</tbody>
</table>

* Under scheduled area (PESA); # PTG village in protected area (Sunabeda Wildlife Sanctuary).
Col 2: Figure in brackets is number of FRC members.
Col 6: Community claims were made only in Thakurpali (for 559.4 acres) and Chandankhunti (for 1,100 acres) villages for which verification has not yet been carried out. Even though community forests exist in five other villages (col 3), the villagers have not applied for rights. In four villages, they were told by forest officials that they were not eligible as there is JFM, and in one village, they did not have information about community forest rights.
Col 8: A = Joint verification was conducted in the villages by officials from the forest department and revenue department in the presence of FRC members and the claimants. Except in Thakurpali and Rangamati, it has been completed in all the other study villages and gram sabhas have passed resolutions in support of it.
Col 10: A = The titles have been approved by the DLC and distributed to the beneficiaries.
forestland, neglecting community forest rights. The FRA has been largely perceived to be an instrument to grant rights to individual pieces of forestland, sidelining community forest rights, one of its most important aspects.9

Implementation Process at the Village Level

In the beginning, the implementation of the FRA at the grassroots level was ad hoc, with local administrations having made no systematic preparation for it. There was no wide publicity about the Act in rural areas. Gram sabha/palli sabha meetings were hurriedly called by panchayat and block-level officials on 16 and 23 March 2008 for forming FRCs. The number of people present at each of the meetings varied from 35 to 75 (Table 1, p 63). About 10 to 15 of them, a third of them women, belonging to different groups, including SCs, STs and OBCs, were nominated as FRC members.10 After the selection of FRCs, some awareness building was carried out by civil society organisations in seven of the 12 villages in our study area.

Submission of Claims at the Gram Sabha and SDLC Levels

The potential beneficiaries were advised by the state to submit their claims within 90 days of the palli sabha meetings (see Rules of the FRA for details).11 The FRCs, after receiving the claim forms, had to get them approved by the gram sabhas. In the study villages, the FRCs received the claims, and after obtaining approval from the sarpanch and the secretary of the gram sabhas, they were submitted to the SDLC through the block development officer (BDO) or tahsil office.12 Most of the claims were submitted without a map of the forestland under possession, and evidence of caste, residence, and so on. Some claimants mentioned the location of their land and the names of those who owned land adjacent to it. Many villagers submitted claims for non-forestland, which was a result of the lack of patwaris to prepare proper maps. So, many claims were rejected when they were verified by the joint verification committees (JVCs) consisting of revenue, social welfare and forest officials.

After giving notice to the FRC, the gram sabha and the JVC visited a village to verify the submitted claims in the presence of the claimants, as per the provisions of the Act. The findings of the JVC are placed before the gram sabha for its approval. After the approval of the gram sabha, the SDLC processes the forms and recommends them to the district-level committee for final approval. This process was very slow in the state due to a number of reasons, which included lack of coordination among the different departments, and insufficient funds to hire personnel to prepare maps for the claimants, and to identify and measure the forestland. Added to this was the unhelpful attitude of forest department personnel, and a legal dispute over the Act in the high court, which was cleared only on 16 August 2010 (Government of India 2010). The finalisation of claims at the district level was also tardy, but picked up later on. All the steps from field verification to approval by the SDLC and DLC and distribution of titles have been completed in all the study villages, except Thakurpali, Rangamatiya and Pithampur.

2 Outcome at the State Level

The progress on implementing the FRA in Odisha up to December 2012 is discussed in this section. After FRCs were formed by gram sabhas/palli sabhas in 47,345 villages, 5,29,160 individual claims and 3,304 community claims were submitted to them by the end of December 2012 (Table 2). The gram sabhas recommended 4,12,458 claims (4,11,008 individual and 1,450 community) to SDLCs after verification. The SDLCs, after joint verification of the claims and approval by the gram sabhas, recommended 3,17,995 to DLCs for final approval. The DLCs approved 2,99,878 claims (2,99,018 individual and 860 community) and distributed titles to them.13 The total area involved in the case of individual claimants was 4,84,025.80 acres, which worked out to an average of 1.62 acres per family, while in the case of community claims it was 64.25 acres of forestland per group.14 It is to be noted that 77.1% of the claims received at the SDLC level were finally approved.15

Table 2: Progress on Distribution of Individual and Community Claims under FRA in Odisha up to December 2012

<table>
<thead>
<tr>
<th>Particulars</th>
<th>Total 1</th>
<th>Individual 2</th>
<th>Community 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Number of claims filed at gram sabha level*</td>
<td>5,32,464</td>
<td>5,29,160</td>
<td>3,304</td>
</tr>
<tr>
<td>2 Number of claims recommended by gram sabhas to SDLCs</td>
<td>4,12,458</td>
<td>4,11,008</td>
<td>1,450</td>
</tr>
<tr>
<td>3 Number of claims recommended by SDLCs to DLCs</td>
<td>3,17,995</td>
<td>3,16,994</td>
<td>1,001</td>
</tr>
<tr>
<td>4 Number of claims approved by DLCs for title</td>
<td>3,09,564</td>
<td>3,08,662</td>
<td>902</td>
</tr>
<tr>
<td>5 Number of titles distributed</td>
<td>3,01,200</td>
<td>3,00,321</td>
<td>879</td>
</tr>
<tr>
<td>6 Extent of forestland for which titles have been distributed (in acres)</td>
<td>5,39,277.45</td>
<td>4,84,025.80</td>
<td>55,251.65</td>
</tr>
<tr>
<td>7 Average amount of land distributed per title holder (in acres)</td>
<td>1.80</td>
<td>1.62</td>
<td>64.25</td>
</tr>
<tr>
<td>8 Number of claims rejected**</td>
<td>1,31,817</td>
<td>1,31,208</td>
<td>609</td>
</tr>
<tr>
<td>9 Percentage of claims accepted by SDLCs to total claims received</td>
<td>77.10</td>
<td>77.16</td>
<td>69.04</td>
</tr>
</tbody>
</table>

* The number of claims received at the gram sabha level increased from 4,08,564 during October 2010 to 5,32,464 by the end of December 2012; that is, an increase of 1,23,904 in two years. Of this, a major proportion was between November 2010 and October 2011. This was due to some efforts for building increased awareness and capacity by civil society organisations and others, and certain clarifications related to the implementation process by the state.
** Of the 4,87,728 claim forms received at the gram sabha level up to April 2011, 7.14% have been remanded to a lower level (such as the SDLC and gram sabha) and 15% are pending, without processing, at different levels.16 Source: Government of India, Ministry of Tribal Affairs, 2012.

However, more than four-fifths of the 2.1 million tribal households in the state, live in villages on the fringes of forests, a majority of them in the scheduled area. Most of them are likely to be cultivating forestland. That only 3,00,000 tribal households have so far got land rights under the FRA appears to be a very low figure. A large number of tribal households are likely to have been excluded from the FRA because news of it has not spread adequately in the state and many are still not aware of it. Further, the claims submitted by non-ST claimants have not been taken up as yet. Many OTFD claimants have either not applied under the FRA or the claims of those who have applied have not been processed.
the implementing agencies feel that this category of house-
holds may not be in a position to provide evidence of posses-
sion of land for 75 years, which the Act requires.

Some of the claims submitted by women households
have not been accepted, leading to allegations of gender
discrimination. Further, PTGs whose land straddles state
boundaries have been considered eligible under the FRA
on one side but not the other. There are also many cases
where the implementing agencies at the SDLC/DLC level have
rejected claims on the ground that they are not on forestland,
although they ought to be according to the state circular on
the FRA (ibid). All this has led to the deterrence of many
potential claimants.

Community Claims
Community forest rights allow community groups to encour-
age and organise forest protection efforts at the local level in
return for harvesting and marketing minor forest produce. It is
a dependable source of livelihood for them. But the govern-
ment agencies have been lukewarm about providing such
ing rights even since the process of implementing the Act began.
By the end of December 2012, 3,304 community claims had
been filed at the FRC level in the state. Of these, 879 titles, on a
forest area of 55,251.65 acres, have been issued, while 73% of
the claims have been rejected (Table 2). Many of the titles
issued are not community rights under Section 3(1) of the
Act, but under Section 3(2). Section 3(1) allows community
rights for habitation and cultivation of forestland, while
Section 3(2) allots forestland for infrastructural development.
What has occurred is that almost all claims for habitation and
self-cultivation have been submitted as individual claims.
This means community rights granted under Section 3(2) of
the FRA will not have much of an effect in improving the liveli-
hood of forest-dependent communities as it does not pertain
to access to forest products.

The number of community claims and the titles issued so
far have been meagre, given that there are 29,302 forest-
fringe villages in the state (about 60% of the total villages)
and the number of villages in forests is around 12,000 (Kothari
2011a). This has been so because there is ambiguity in the
interpretation of the Act’s provisions on the various type of
community forest rights, the procedure for claiming them,
and how the claims should be mapped and processed, along-
side undue emphasis on individual rights. Further, lack of
awareness campaigns, an inadequate supply of the appropri-
ate forms, and opportunistic behaviour by some individual
households not interested in such claims (Mahapatra et al
2010) have been responsible for this situation (Kothari 2011b).17
As mentioned, there is no political pressure for implementing
community forest rights.

Our enquiries in Kantapada and Lakiapda villages revealed
that forest department officials had given people there the
impression that there was no need of community claims on
forests as they already had functioning Van Samaraksan
Samitis (vss). It was only in the last week of November 2012 that
the state government issued instructions to the implementing
agencies at the district level (collectors) to pay more attention
to implementing community forest rights.18

Outcome of Implementation in Study Area
We now review the outcome of implementing the Act in some of
the study villages. Out of 83 claims (56 by SVTs and 27 by OTFDs)
submitted by villagers of Kantapada to its FRC, three were re-
jeeted at the village level and 80 were submitted to the SDLC.
In Bhramanimal, three of 48 claims were rejected at the FRC
level. Of the total claims submitted by ST households in these
two villages, 41% were rejected at the SDLC level due to various
reasons.19 In Chindmuni, all the claims submitted by the vil-
lagers were submitted to the SDLC. In Thakurpali, five individ-
ual claims and one community claim were submitted by the
FRC to the SDLC. The SDLCs verified all the above claims, and
they were placed before the palli sabhas in the presence of all
the claimants and FRC members. In Burodihi and Anandpur
villages in Sambalpur district, 46 and 60 individual titles
respectively have been distributed. As of November 2012, titles
had been distributed in all the villages except Thakurpali,
Rangamati and Pithampur. All the claim forms submitted by
the FRCs from PTG villages were accepted at the SDLC and
DLC levels.

Reasons for Rejection and Lessons from Field Experience
Our evidence from the study villages reveals the following
picture. Of 1,042 households, 567 submitted claims. Of these
567 claims, 118 (20.8%) were rejected at the SDLC/DLC level.
Of the rejected claims, 8.2% were not for forestland, but
most of the others lacked proper evidence. This could have
been avoided if the villagers had adequate information. In
some cases, the claimants had not mentioned their correct
plot number though they had been cultivating it for long.
The claims of some others were rejected because it was
found at the time of verification that the plots claimed were
not in the places mentioned in the forms. There may have
been several such cases. The evidence in the study villages
shows that about 40% of the claims have been rejected on
flimsy grounds. In view of this, the SDLCs need to properly
review the rejected claims.20

Problems in the Implementation of FRA in Odisha
Working of FRA in Protected Areas
Community forest rights are as important as individual rights,
especially in protected areas that include wildlife sanctuaries
and tiger reserves.21 Even though progress on the nature and
status of implementation of the FRA in these areas is not avail-
able officially, it has been reported that certain provisions of
the Act have been violated in such areas, including in Similipal
Tiger Reserve. Several villages have been reallocated by the
forest department even before implementation of the FRA
(Kalpavriksh 2011). According to the FRA, communities should
be given the option of remaining in a protected area with their
rights and responsibilities, with a mutually agreed modifica-
tion of rights where necessary.
The Government of Odisha has notified three protected areas – Similipal, Sunabeda and Satkosia – as critical wildlife habitats (CWLHS) in accordance with the 2006 amendment to the Wildlife Protection Act 1972. Little has been done to grant community forest rights in these areas. Some people living in these notified areas have been reallocated without any consultation with the communities affected by the CWLHS declaration (Government of India 2010). This has had an adverse effect on the administration of forest rights in these areas (Bijoy 2011). The Ministry of Environment and Forests even considered excluding protected areas from the purview of the FRA (Government of India 2010).

Till now, only the individual claims of STs and a few community claims to forestland, including in the CWLHS, have been settled. There is no evidence of the implementation of other provisions (see Section 2). The claims submitted by OTFDs as well as OTFD households that had been displaced by earlier projects have not been taken up. Even though it will be difficult for the claimants to prove they have been residing for three generations in the present village, ways can be found if there is the political will to do so. Further, all the area in the three generations in the present village, ways can be found if the claimants to prove they have been residing for three generations in the present village, ways can be found if there is the political will to do so.22 Further, all the area in the possession of tribals under shifting cultivation has not been recognised by the FRA (ATFPN 2012). Besides, there are specific provisions in the FRA for PTGs, as well as pastoral and pre-agricultural nomadic communities who have been displaced. None of this has been implemented and there is confusion at the government as well as civil society levels on these issues.

The FRA defines minor forest produce (MFP) to include all NTFPs of plant origin, including bamboo and tendu leaves (used to wrap tobacco in beedis). However, no step has been taken by the state to hand over the ownership rights of tendu leaves to gram sabhas, and the right to grow, procure, and sell bamboo under the Act was granted by the state only in March 2012.23 In recent years, the forest department has undertaken plantation work on land in the possession of tribal households. Such land is excluded while verifying claims and this has led to conflicts between tribals and the forest department, such as, for instance, in Koraput and Nuapada districts.24

There is neither the political mobilisation that a programme such as implementing the FRA requires nor is there any competitive political alternative or a critique of the existing process of implementation. Sociopolitical change driven by the bureaucracy has its limitations, and the process is extremely slow. Despite these weaknesses, the state has implemented some provisions of the FRA, especially to do with individual rights and a few community rights. Progress on several other provisions of the FRA has been minimal or nil.

3 Livelihood Impact of FRA

The livelihood of tribals is influenced by two set of factors. One, obtaining land rights so that there is no insecurity of tenure, and so that they have an incentive for working hard and improving the land. Two, obtaining increased access to forest products and realising a better income from them through value addition, with state and parastate action helping to guarantee reasonable prices.

If the FRA is properly implemented in conjunction with the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), it will lead to land, forest, and watershed development in the study villages and other areas. It will also ensure dignity to the forest dwellers in the collection, use, and disposal of minor forest produce, which has so far been constrained by the forest department. The conversion of forest villages into revenue villages will provide more services and benefits to them under various anti-poverty programmes.

Our interaction with beneficiaries in the study villages showed that land titles had improved the social status of those who had been granted them. It has also reduced conflicts between them and forest officials. Several beneficiaries in Kantapada, Bhramanimal and Lakipada villages had begun land development activities (levelling and bounding of land) and improving their sources of water within a year of receiving titles.25 The members of such households are now able to get caste and residential certificates from government offices without any hassles. They are eligible to receive grants under various schemes, including the Indira Awaas Yojana and assistance for school-going children. Efforts have to be made to organise the beneficiaries residing in contiguous areas so that they can collectively procure inputs for cultivation, and market forest and agricultural products on a cooperative basis. This will strengthen their bargaining power vis-à-vis traders and increase the prices they get for their products. However, state action is not visible to either help add value to forest products or improve market conditions so that they realise reasonable prices.

Way Forward

It is clear that the FRA has not been implemented in Odisha in a comprehensive manner and that it has focused more on providing land rights to individual claimants. This has been so because the approach to implementation has bureaucrats at the helm in the absence of political initiatives, and weak mobilisation of the primary stakeholders. Given that there is a high level of poverty and a low level of human capital among forest dwellers, increased access to land and forests is a sure way of providing them with better livelihood opportunities.26 That land titles have been given to nearly 3,00,000 tribal households is not enough given their large numbers. There is large scope to implement the FRA in totality, including community forest rights, in coordination with other anti-poverty programmes. This has to be done with active political mobilisation and support from the state and civil society. Doing so will go a long way towards providing forest dwellers with social justice and assure them of dignified livelihoods. In the ultimate analysis, not only do all the different provisions of the FRA have to be implemented, but also the rights of tribals over forests safeguarded in future from different agencies.27

Notes

1 The PTGs (earlier called primitive tribal groups) in Odisha include Birhor, Bondo, Didayi, Dongria-Khond, Jiang, Kharia, Kutia Kond, Langia Saura, Lodha, Mankirdia, Pauni Bhuyan, Saura and Chukantia Bhunjia. Further, the number of ST households has increased from about 1.8 million in 2001 to 2.1 million as per the 2011 Census.
2 The primary survey data on 12 villages used in this paper has been drawn from three ongoing studies – “Implementation of Forest Rights Act 2006 in Odisha” (Sarap); “Working of Forest Rights Act 2006 and Its Impact on Livelihoods: A Comparative Study of Odisha and Jharkhand” (Sarangi); and “Sustainable Livelihoods and Natural Resource Conservation through MGNREGS in Forested Landscapes of Odisha” (Nak).  
3 Households in forest villages are now deprived of several benefits under anti-poverty programes, including monetary assistance under the Indira Awaas Yojana (IAY).  
4 Some retired forest officers submitted a petition to the Orissa High Court against the FRA.  
5 It has been found that gram sabhas in many tribal areas were not held in individual hamlets but by clubbing many villages together (Government of India 2010: 40).  
6 Interactions among different stakeholders led to simplification of the understanding of different provisions of the Act among local officials and potential beneficiaries.  
7 Many villagers found it difficult to get caste certificates, as they had no patta land but only customary rights to the land in their possession. There was confusion over who would issue them caste certificates and many could not submit their claims in time.  
8 The forest bureaucracy was initially not very enthusiastic, having enjoyed control over forests for more than 100 years. But this department is a part of the team implementing the FRA in the states.  
9 Only on 26 November 2012 was a circular on implementation of community forest rights issued by the ST and SC department, Government of Odisha.  
10 As per Paragraph 1 of the FRA, an FRC should have at least two-thirds of its members from ST communities. In case there are no STs, at least one-third of its members should be women.  
11 There was much confusion about the availability of claim forms and how to fill them. The forms did not reach many villages and NGOs had to make efforts to photocopy them. There were also problems in adhering to the deadlines for submission, scrutiny, and verification of claims, as also for preparing maps of the forestland under possession.  
12 No gram sabha was held in any of these villages to approve the claim forms.  
13 In many cases, the individual titles are vaguely worded, without clear maps or boundaries. This may lead to conflicts with the forest department later (Government of India 2010: 77). It has also been found that many claimants in Keonjhar and Deogarh districts have got titles for far less than the area they have been cultivating for long (AITFPN 2012: 16).  
14 The high court had given an interim order disallowing the distribution of final titles until its stay was lifted, but there was no bar on exploiting the finalisation of claims at different levels. On the intervention of the state government, the high court vacated the stay on 16 August 2009. As a result, the distribution of land titles began in the state in 2009. Symbolically, it began in Koraput district. In Khandhamal district, progress on the FRA was minimal due to communal tensions and conflict between tribals and non-tribals over land issues up to March 2009.  
15 At the all-India level, the rate of rejection has been 46.7% compared to 24.8% in Odisha.  
16 The rate of rejection of FRA claims is high in other states, including Jharkhand (46.4%), Bihar (56.1%), Chhattisgarh (54.4%), Jharkhand (50.37%), Madhya Pradesh (68.10%), Uttar Pradesh (79.10%) and West Bengal (57.28%).  
17 Some individual claimants, who are influential in the villages, felt that if community claims for forest resources were filed, individual claims would not be considered. We found that in many villages where there is community management of forests (as in Deogarh district), individual claims had been submitted by some.  
18 The circular, dated 26 November 2012, by the ST and SC department is as follows. “The amended rules have put a thrust on settling community rights through a new format of application for: (a) original status, one can get a fellow villager to testify. But this alone is not enough and other evidence is difficult for the claimants to provide.  
19 The trade in tendu leaves was nationalised in 1966.  
20 Irrigation facilities through watershed development under MGNREGS in Forested Landscapes of Odisha” (Sarap).  
22 To prove residential status, one can get a fellow villager to testify. But this alone is not enough and other evidence is difficult for the claimants to provide.  
23 The trade in tendu leaves was nationalised in 1966.  
24 To prove residential status, one can get a fellow villager to testify. But this alone is not enough and other evidence is difficult for the claimants to provide.  
25 Irrigation facilities through watershed development under MGNREGS in Forested Landscapes of Odisha” (Sarap).  
26 Of late, the focus of development in the state has been on revenue-based activities and other such projects, leading to large-scale diversion and degradation of forests. The area under forests that was diverted for non-forest use between 1982 and 2000-01 was 25,136 hectares, and 13,860 hectares between 2001-02 and 2010-11. Land taken for mining in Odisha has been forestland, agricultural land, or common land (CSE 2008). This has adverse implications on the livelihood of tribals and other poor. Regeneration through compensatory afforestation programmes will take a long time to compensate for the loss of forests as it is difficult to ensure a high survival rate of plants, and their growth takes a long time before any tangible result is observed.  
27 An editorial in The Hindu titled “Land Lessons from Australia” (9 March 2013) mentioned that the central government may acquire forestland without the consent of gram sabhas, as mandated by the FRA.  

REFERENCES  
Kalpakaviksh (2011): “Protected Area Update”, Vol 17, No 4, August, Pune.  

EPW Index  
An author-title index for EPW has been prepared for the years from 1968 to 2012. The PDFs of the Index have been uploaded, year-wise, on the EPW web site. Visitors can download the Index for all the years from the site. (The Index for a few years is yet to be prepared and will be uploaded when ready.)  
EPW would like to acknowledge the help of the staff of the library of the Indira Gandhi Institute for Development Research, Mumbai, in preparing the index under a project supported by the RD Tata Trust.  

Economic & Political Weekly MUMBAI, SEPTEMBER 7, 2013 VOL XLVIII NO 36