

# OXFAM IN ACTION

## Supporting Communities and Government to Facilitate Implementation of Forest Rights in Odisha



ऑक्सफैम इंडिया  
**OXFAM**  
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India is endowed with rich mineral reserves and the economic prosperity is centred on the exploitation of these mineral reserves. However, the correlation between the mineral reserves, forest cover, and tribal population is striking. This often translates into exploitation of the marginalised forest communities, depriving them of their rights and plunging them into poverty. Oxfam India's programme on Fair Sharing of Natural Resources is aimed at marginalised communities to realise their rights through rightful access, control and sustainable management of natural resources, thereby giving them voice and agency to transform power structures and reduce inequality and injustice. Oxfam India is part of a global movement working to fight poverty, injustice and inequality; in India it works in six states<sup>1</sup>. In Odisha, Oxfam India partnered with the Centre for Peoples Forestry (CPF), in 2016, to ensure forest rights to tribals and other traditional forest dwellers as per the provision of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (also known as the Forest Rights Act (FRA 2006)), for improved livelihoods. Apart from working with the forest dwellers, CPF and Oxfam India advocated with the government and conducted trainings and workshops to ensure that implementing agencies are well aware of the Act.

The *Adivasis* comprise 8.6% of the total population of the country i.e. 104.3 million and nearly 90% of them live in rural areas often covered with forests. The three focus states of Oxfam India – Odisha, Jharkhand and Chhattisgarh – are home to one-third of the tribal population of the country and 90% of them reside in the forests. These states have 29 tribal districts and nearly 40% of it is forest<sup>2</sup>.

India has a forest cover of 69.79 million ha (172.45 million acres) 21% of total geographical area. These forests, especially in Central and Eastern India, are rich resources of coal and metallic mineral reserves<sup>3</sup>. The three states hold 69% of the country's coal reserves. While these mineral reserves are drivers of economic prosperity, the states that are the storehouse of these rich resources are one of the poorest. The percentage of population living below poverty line (BPL) is much higher than the national average of 26%.

The *Adivasis* are the worst affected. A majority of them is completely dependent on forests and its produce for their livelihoods. For instance, in Odisha, 75% of its tribal population lives below poverty line<sup>4</sup>. While the *Adivasis* lose their land to mines or to development projects, none of the so-called-development reaches them. In this context, it is even more critical that the forest dwellers claim and protect their forest rights.

FRA 2006 is a landmark legislation, as it recognises the customary rights of the Scheduled Tribes and Other Traditional Forest Dwelling

(OTFD) communities over their forestland. The Act recognises the traditional and customary rights of forest dwellers—Individual Forest Rights (IFR) and Community Forest Resources (CFR) Right. This includes Community Rights (also known as *nistaar*), grazing land, and Minor Forest Produce (MFP). The Act also empowers the Gram Sabha, through CFR Management Committees or 4(1) (e) committees, to conserve and manage forest resources.

Oxfam India works with forest dwelling communities largely *Adivasis* and in some cases the Particularly Vulnerable Tribal Groups (PVTGs) in the three focus states to create awareness regarding CFR, its benefits, and its impact on their lives. The CFR provision, taken together with Section 5, is the most significant and powerful right in FRA, as it recognises the Gram Sabha's authority and responsibility to protect, manage, and conserve its customary forests for sustainable use and against external threats<sup>5</sup>.

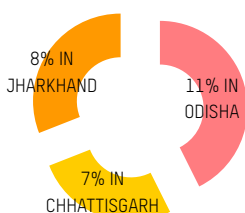
In India, it is estimated that the potential of CFR rights extends to at least 34.6 million ha (85.6 million acres) of forest area<sup>6</sup>. This would mean that more than 200 million *Adivasis* and OTFDs in over 170,000 villages are recognised under FRA. However, in the first decade of the implementation of the Act, only 3% of the minimum potential of CFR rights could be achieved<sup>7</sup>.

By August 2016, in Odisha 13,403 CFR claims were filed of which 5384 were distributed. A total of 135,812 ha (335,599 acres) of CFR rights have been recognised<sup>8</sup>. Though Odisha is one of the best performing states in distribution of CFR rights (along with Maharashtra, Kerala, and Gujarat), it has only managed to achieve 6% of its potential<sup>9</sup>. Some of the reasons for the poor performance is lack of political will, weak nodal agencies—both at the centre and the state, lack of cooperation between ministries (for instance, MoTA and MoEF), and incomplete knowledge about the Act among government departments.

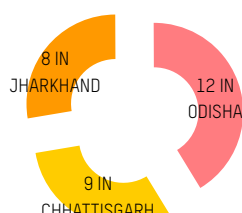
CPF and Oxfam India work in 20 villages in Keonjhar district's Telkoi block to ensure that eligible tribals and OTFDs get their forest rights. Keonjhar, in the northern borders of Odisha, comprises 45% tribal population and 39% of its total land area is forest cover. This landlocked district is rich in mineral resources, especially iron ore. The district produces more than 30% of the total iron ore, yet 20% of its population is below poverty line<sup>10</sup>.

CPF and Oxfam India, started working in five Gram Panchayats—Jagmohanpur, Karmangi, Balbhadrapur, Raisina and Bimla—in April 2016. The stress is on dissemination of information and knowledge both to communities and government departments in the block. Though ensuring CFR claims to the forest communities is central to the partnership, they also revisited the IFR claims distributed as they were fraught with discrepancies and irregularities.

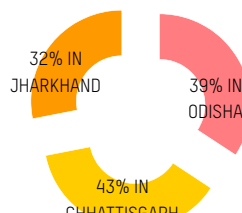
### MINERAL PRODUCTION (SHARE IN THE NATIONAL PRODUCTION)



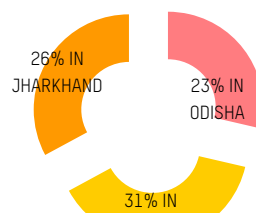
### NO. OF TRIBAL DISTRICTS



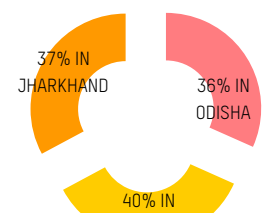
### FOREST COVER AS A PERCENTAGE OF THE TOTAL GEOGRAPHICAL AREA OF THE TRIBAL DISTRICTS



### TRIBAL POPULATION



### POVERTY RATES (%AGE OF BPL)



Source: CSE study

# DISSEMINATING INFORMATION THROUGH RESOURCE CENTRES AND VOLUNTEERS

One of the approaches adopted by CPF was the dissemination of information. This is one of the key reasons that hampers the proper implementation of the Act. The government agencies in most cases are not forthcoming about the information. As a result, the tribals and OTFDs go ahead filing their claims with half-baked information, which more often than not have proved to be counter-productive. Moreover, in most cases, the required forms are not easily available.



Posters put up at the Resource Centre helps the community to understand the Act better

For instance, about 9000 IFR titles were given in the block (as on March 2016)<sup>11</sup>, but most of them were done without either forming proper Forest Rights Committees (FRCs) or without following the correct procedure. The Block Development Officer (BDO) formed these committees without any consultation with the villagers; many did not know that they were actually a part of such a committee or that such a committee existed. No Gram Sabha resolutions were passed; *Amins* (an official from the revenue department who is entrusted with the task of measuring land) were sent and claims submitted without any ratification from the community. This resulted in huge discrepancies — a person farming on a certain piece of land for generations was given land *pattas* (deeds) for another piece of land. In some cases, those who got titles on their land was for a much smaller area.

The FRA Resource Centres were set up to ensure that correct information reached the people so that correct processes could be followed, both by the government and communities. These centres were set up in three GPs i.e. Jagmohanpur, Bimala and Karmangi. These Resource Centres are housed in the GP building. These are one-room centres complete with pictorial posters on FRA in Odia— explaining the Act, the process of filing claims, the importance of getting the claims, and the role of the community in conservation and management of forest resources.

To provide the community with first hand information on filing claims, a FRA handbook is provided to each Centre. These have maps, and formats of all the forms that need to be filled by the community. These include trace maps, formats for resident proof and adult testimony (to verify occupancy), caste certificates, village format, claim form, photocopies for Aadhaar card, ration card, etc. Apart from the *Adivasis*, CPF has ensured that OTFDs file their claims.

Each Resource Centre is managed by two volunteers. These volunteers have been trained in filing claims and the provisions of the Act. The only criterion is a basic level of education so that they are able to assist the community in filing claims and understanding the Act. The volunteers maintain a register that records the activities at the Resource Centre. On an average, the Centre gets about 8–10 visitors a day.

The volunteers were trained in GPS mapping and provided with phones equipped with the software. Since May 2016, CPF and its volunteers completed 100 per cent land demarcation, through GPS tracking, in three villages for IFR claims. They had to stop GPS tracking, after August, due to frequent elephant attacks in the villages. Since then they have been relying on land records available in *Bhulekh*, a land records web portal of Odisha.

Apart from setting up Resource Centres and training volunteers, FRCs were re-constituted in 20 villages. These committees were formed according to the 2012 amendment of the FRA rules. “With the re-structuring of the FRC, due process has been followed. There have been no problems regarding joint verification with the FRC and forest and revenue departments. Some of the re-filed IFR claims are now at the district level. Though initially there was some resistance,” says Gargi of CPF.

The incorrect IFR titles, were revisited and proper claims were filed again. When they started the process, the block officials stated that they wouldn’t accept any further IFR claims, as they were ‘saturated’. CPF then did an eligibility survey to identify the total number of households, their family residence history, farming history, etc. to ascertain if the IFR deeds distributed were fair. Through this process they managed to file 2000 IFR claims (as on November 2016) – while 1600 have reached the SDLC level, 400 are with the Gram Sabha<sup>12</sup>.

Oxfam India and CPF have not just tried to mainstream the correct process of filing IFRs as per law, it has also tried to engage the community at different levels. There is an increased awareness among the community. They are aware that after receiving titles their land can be developed through convergence with different schemes like National Rural Employment Guarantee Scheme. It has also inculcated a sense to the community that the forest belongs to them and they cannot be ousted from it.

# COMMUNITY FOREST RIGHTS - “JUNGLE CHARIBU NAI”

During a meeting with the community at the Ranibeda village, we asked them ‘whose forest was it?’, It evoked mixed responses — while most said it was theirs, a couple of them said that the forest was the government’s as it was giving them the land titles, and it was the government that earned any revenue from the sale of the forest produce.



Meeting of FRC members in progress at Ranibeda

When asked why a title to their forest was important, there was a collective response. “If we have titles, the government cannot take the land away from us “*Jungle Charibu Nai* (Won’t leave the jungle)”.

One of the key objectives of Oxfam India-CPF partnership was to ensure forest and land rights to all eligible forest dwellers, and to improve livelihoods. Thus, CFR was a major constituent. The CFR claims had not been filed in these areas, although the Act had been in place since 2006.

Since May, CPF were in the process of filing CFR claims for 12 villages; documentation for 8 CFR claims was completed and sent to the Gram Sabha. “For the 12 we couldn’t complete GPS tracking because of the elephants. However, since this isn’t mandatory, we will be going with the resource maps available in *Bhulekh*. We had done the same for 4 out of the 8 villages for which the documentation is complete,” says Badal Kumar Dalnayak, volunteer at a Resource Centre.

For transparency and dissemination of information, Oxfam India and CPF held interface meetings between the community and government officials – including welfare officer, block officers, officials from forest department. These meetings were crucial in addressing queries and doubts that communities had regarding the Act and filing claims.

Since the formation of the new FRCs, the involvement of women has increased. “Earlier there were no women members in the FRCs.

Now the volunteers have trained us in filling forms and submitting claims. We also participated in measuring the forest boundaries, and preparing a resource map for the village,” explains Revati Naik, FRC member of the Ranibeda village. The village has one of the highest participation of women both at the FRC and Gram Sabha meetings.

The increased participation and transparency of FRCs meant that it had become impossible for *Amins* to work in a roughshod manner and demand bribes from the communities. “Earlier, when the *Amin* used to come for land measurements, no one would raise their voice— because we did not know. Now we know better,” adds Revati.

Though the villagers migrate — mostly in the farming season — the forest remains their main source of livelihood. Mahua flowers and seeds (for oil), tendu leaves, char seeds<sup>13</sup>, gums, resins, sal leaves, hill broom grass (for making broomsticks) are their main sources of income. The mahua season lasts for 3-4 months; the community gets tendu and fuel wood all year round.

Varieties of tubers and medicinal herbs are found in these forests that are an important source of food security and medicines for the forest community. There are a few people in the village who are repositories of traditional knowledge in these parts and are particularly important as the Primary Health Centres (PHC) in these parts are quite far away. For instance, in Ranibeda village the PHC is almost 30 kms away.

In these villages, though the forest department and communities haven’t been in conflict regarding the non-timber forest produce (NTFP), the common refrain is that forests have reduced. “People from outside and neighbouring villages come to our forests and destroy it. We have now dug trenches to keep them away,” says Kanaka Khanda, another FRC member from the village.

The next stage is preparing the CFR conservation and management plans. Rule 4(1)(e) of the Act, mandates the constitution of a committee to prepare a equitable and sustainable conservation and management plan for the community forest resources. The community is clear about their expectations from the CFR rights. “The forest department is planting eucalyptus trees in our forests— which is of no use to us. Once we get our rights, we will plant fruit bearing trees. In addition to that, we will make water harvesting structures, dig ponds, and strengthen the forest boundaries,” says Revati.

The community is very clear that they have to get their forest rights. “We will not give away our forests at any cost. Moreover, once we get our title the government can’t force us out of our forests. If there is undue delay in the process of distribution of claims we will protest,” says Asno Kumar Nayak, president, FRC.

The crucial question remains — if Oxfam India and CPF pull out, will the communities be able to take forward the work of filing claims and getting the titles? With the Resource Centres, volunteers and the trainings, the communities are confident of taking their struggle ahead. “We now know our rights and are better trained to be able to talk to officials. The role of these organisations are very important— they provide us important information from blocks and districts. And information was something which was missing in the past,” adds Asno.

# ADVOCACY WITH THE GOVERNMENT

“Earlier the claims were rejected because processes weren’t complete or information was missing or rules had not been followed. For instance, claims were rejected mostly for want of proper residence proof. This stems from lack of information. With the NGOs being involved in this process, this is being taken care of now. The support of NGOs is good,” says Santosh Kumar Nayak, project administrator, Integrated Tribal Development Agency (ITDA), Keonjhar.

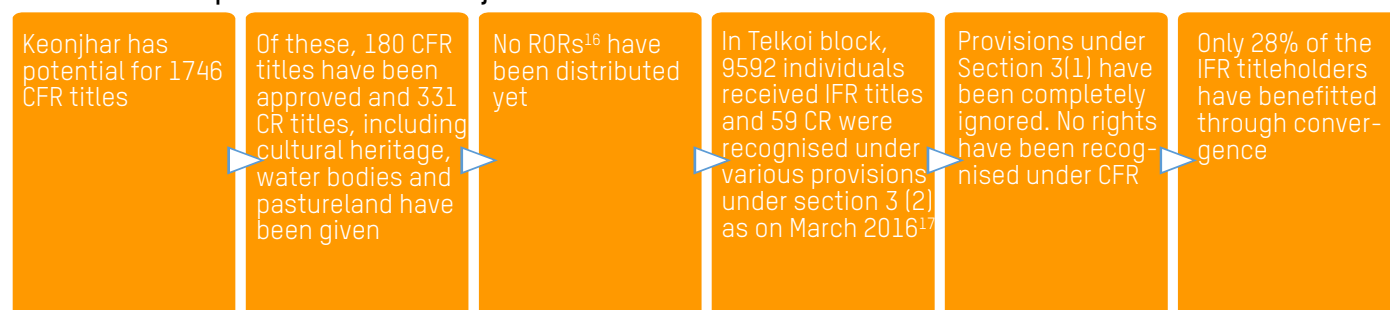
The progress in these villages has encouraged the district administration to reach out to the NGOs. The collaboration with NGOs, Nayak feels, can overcome some of the challenges that continue to plague the filing of claims and the distribution of titles. These include a non-supportive government machinery, lack of coordination between district administration and forest department, issues related to land demarcation, incomplete knowledge regarding the Act, aggressive Revenue Inspectors and *Amins*, shortage of dedicated officers, and lack of information.

The district administration is in the process of identifying model GPs where mapping has been done and claims have been filed accurately; 4-5 such models will be identified that can be emulated through the district. The district has 13 blocks, 287 GPs and 2122 villages; there are 31 forest villages in the district.

“We will identify some civil society organisations. They will be given responsibility of a few GPs to complete the entire process of getting forest rights titles — from filing claims to preparing the Record of Rights. They will take up the responsibility of all the villages in the Gram Panchayat. We are still in the process of deciding the nitty-gritties of this exercise,” he says. Details of payments (if any), number of NGOs shortlisted and provision of forms are yet to be finalised.

“Though the NGOs are yet to be finalised, in-principle nod to CPF and five others have been given. Vasundhara<sup>14</sup> is likely to be the leading agency. We are positive that this is going to speed up the filing and recognition of rights,” says Nayak.

## Status of FRA Implementation in Keonjhar<sup>15</sup>



## NOTES

- 1 Chhattisgarh, Uttar Pradesh, Odisha, Bihar, Jharkhand, Assam
- 2 Chandra Bhushan and Srestha Banerjee 2015, Losing Solid Ground: MMDR Amendment Act, 2015 and the state of the mining sector in India, Centre for Science and Environment, New Delhi
- 3 Chhattisgarh, Odisha, Jharkhand, Madhya Pradesh, and parts of Maharashtra and Andhra Pradesh
- 4 Chandra Bhushan and Srestha Banerjee 2015, Losing Solid Ground: MMDR Amendment Act, 2015 and the state of the mining sector in India, Centre for Science and Environment, New Delhi
- 5 Promise & Performance: 10 years of the Forest Rights Act in India - Citizens' Report as part of Community Forest Rights-Learning and Advocacy (CFR-LA) process (2016)

- 6 This is exclusive of the North-East states and Jammu & Kashmir
- 7 Promise & Performance: 10 years of the Forest Rights Act in India - Citizens' Report as part of Community Forest Rights-Learning and Advocacy (CFR-LA) process (2016)
- 8 [http://tribal.nic.in/WriteReadData/userfiles/file/FRA\\_MPR/FRA\\_MPR\\_August\\_2016.pdf](http://tribal.nic.in/WriteReadData/userfiles/file/FRA_MPR/FRA_MPR_August_2016.pdf) [as viewed on Dec 26, 2016]
- 9 Promise & Performance: 10 years of the Forest Rights Act in India - Citizens' Report as part of Community Forest Rights-Learning and Advocacy (CFR-LA) process (2016)
- 10 Chandra Bhushan and Srestha Banerjee 2015, Losing Solid Ground: MMDR Amendment Act, 2015 and the state of the mining sector in India, Centre for Science and Environment, New Delhi
- 11 The data according to ITDA
- 12 According to the process followed under FRA: The FRCs files claims with the Gram Sabha which recommends it to the

- 13 SDLC. The claims are then recommended to the DLC which finally approves the claims and distributes the titles
- 14 The kernels of the Char seeds (*Buchanania lanzan*) are used in sweets, ice creams, and also to make face powders. *Chironjee* is obtained after decortication of the Char seeds. (see: [www.banajata.org/pdf/ntfp-profile/or-char.pdf](http://www.banajata.org/pdf/ntfp-profile/or-char.pdf))
- 15 A Bhubaneswar-based research and policy advocacy group working on environment conservation and sustainable livelihood issues
- 16 Data collected from CPF and ITDA, Keonjhar
- 17 RoR is an important component of the land revenue records. This is provided by the Revenue Department. It shows how rights on land are derived for the occupant or land holders and thereafter record the transactions made in RoR from time to time.
- 17 The data according to ITDA

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**Editing:** Ranu Kayastha Bhogal

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