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Implementation Status of Forest Rights Act in Western Odisha

Jeet Singh, Fellow, RGICS

with research support from

Golap Nial, Adv. Trilochan Punji and Trilochan Mal from Gaon Mukti Sangathan, Balangir



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Background

Land ownership has always been a complex and contentious issue in India. Many efforts were made in this country after the independence to re-distribute rightful land tenure to marginalized and poor people. The Forest Rights Act is the latest attempt to empower tribal and forest dwelling communities by re-distributing titles of their rightful forest land and forest resources. The Schedule Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 also known as the Forest Rights Act (FRA) is an attempt to redress historically unresolved issues pertinent to the life and livelihood dependence of forest dwelling communities on forest land and resources. In the last fifteen odd years this law has provided land ownership to nearly two million people in different states. Moreover, more than 77 thousand community claims over forest resources have also been recognized. States especially located in central India are major stakeholders in the process of recognizing and vesting forest rights.

A large tribal population and other traditional forest dwelling communities have resided in this region for generations and still dwelling forest for their lives and livelihoods. This is further validated by the record turnaround of tribal and other forest dwelling communities in this region to file claims under the Act. Four states comprising Chhattisgarh, Odisha, Jharkhand, Madhya Pradesh account for more than 50 percent of claims filed under the Forest Rights Act so far¹. According to an estimate by CFR-LA about 25 million people in Odisha alone deserve to be benefited from the FRA, 2006. Most of these people would be benefited if titles of community forest rights are filed and recognized. Estimating the number of families who own forest land for individual cultivation or dwelling is difficult, but according to an estimate there are nearly 7.35 lakh potential claimants in the state².

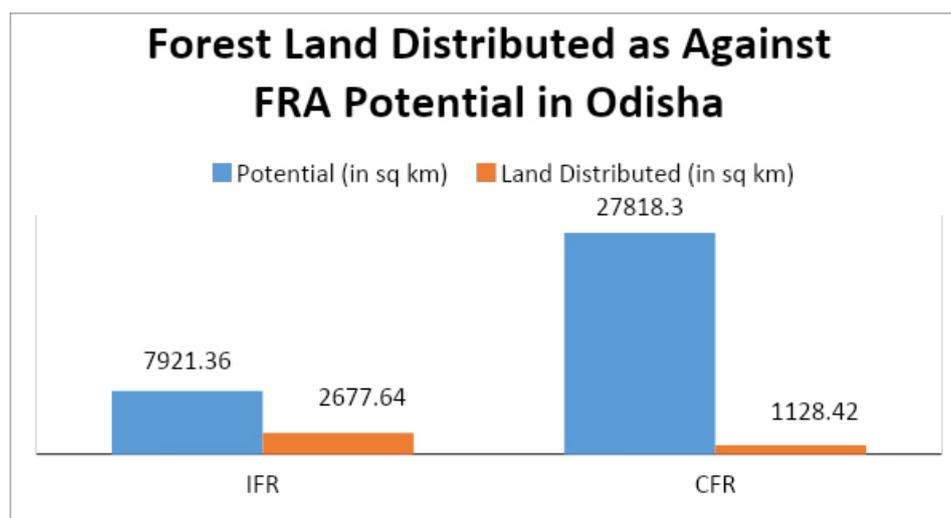
Data on implementation of the Forest Rights Act, 2006 indicates that Odisha is amongst top performing states in India. It has recognized more than 4.45 lakh claims of individual forest rights (IFR) out of the total 5.61 lakh claims filed so far. In terms of recognizing IFR claims Odisha is the second after Chhattisgarh. More importantly it has recognized more than 71% of total IFR claims filed so far, which is highest in the country. Less than 30% IFR claims were rejected. Despite these laudable achievements of the state, there exist serious concerns pertinent to the implementation of the Forest Rights Act, 2006 in the state.

1 [https://tribal.nic.in/downloads/FRA/MPR/2021/\(A\)%20-%20MPR%20Feb%202021.pdf](https://tribal.nic.in/downloads/FRA/MPR/2021/(A)%20-%20MPR%20Feb%202021.pdf)

2 https://www.fra.org.in/document/Promise%20and%20Proformance%20of%20FRA_Odisha%20Report-15.Dec.16.pdf

Odisha is the only state which has proactively mapped potential forest land for individual and community forest rights under the FRA. The Scheduled Caste and Schedule Tribe Research and Training Institute of the Odisha government recently published the data on potential of FRA in the state. Taking this initiative forward, the union ministry of Tribal Affairs has requested all states to prepare such a document³.

Fig-1



Compiled from FRA Atlas of Odisha, Odisha Government (2020)
<https://www.scstrti.in/index.php/resources/fra-atlas>

The Scheduled Caste and Schedule Tribe Research and Training Institute of Odisha government in its assessment found that out of 60988 sq km forest land of the state, 7921 sq km forest land can potentially be claimed for individual cultivation and dwelling by tribal and members of other forest dwelling communities. Similarly it has found 27818 sq km of forest land, which can be claimed by eligible forest dwellers of the state for community and community forest resource rights under the Forest Rights Act, 2006. However, as of now, only 2677.64 sq km (nearly 33% of the total potential forest land) could be distributed to more than 4.45 lakh claimants. The performance of the state on recognition of community rights is a big concern. It has recognized claims of community forest rights only on 1128.42 sq km of forest land. The recognized community forest right is merely 4% of the total eligible forest land to be claimed by tribal and other traditional forest dwelling communities in the state.

While the rate of recognition of individual claims of forest rights in Odisha is highest in the country, the average land distributed to tribal and member of forest dwelling communities is one of the lowest amongst major states in

³ <https://www.scstrti.in/index.php/resources/fra-atlas>

the country. On an average Odisha government has distributed land title of 1.49 acres to claimants. This average is very low compared to performance of Andhra Pradesh, Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra and Telangana.

Table-1
Average land distributed in major states under FRA

State	Forest Rights Claim Distributed		Extend of land distributed (in acres)		Average land distributed per claim (in acres)	
	IFR	CFR	IFR	ICR	IFR	ICR
Andhra Pradesh	96675	1374	239554	453384	2.48	329.97
Chhattisgarh	401251	21967	843100	2038146	2.10	92.78
Gujarat	91476	3887	151428	1166063	1.66	299.99
Jharkhand	59866	2104	153395	103758	2.56	49.31
Karnataka	14667	1406	20813	28155	1.42	20.02
Kerala	26476	174	35121		1.33	0.00
Madhya Pradesh	230028	27976	817582	1465112	3.55	52.37
Maharashtra	165032	7084	392928	2736660	2.38	386.32
Odisha	444958	6877	660799	278851	1.49	40.55
Telangana	93639	721	300284	454055	3.21	629.76
Tripura	127931	55	460182	91	3.60	1.65

Figures as of 28th Feb 2021

Monthly Progress Report of MoTA on FRA, 2006

The Forest Rights Act, 2006 provides for vesting of individual forest land rights (IFR) up to 4 hectares (nearly 10 acres) of forest land per claimant. As per the law, this land must be under the occupation of claimants at the time of commencement of the law. However, the average land distributed in all major states is abysmally low. Nationally on an average 2.17 acres land was distributed to per claimant claiming right for cultivation and occupation. In many states this average is slightly better, but in the case of Odisha, the average land distributed is as low as 1.29 acres per claimant. Forest land recognized for community uses is also very low in Odisha, where large numbers of people are still dependent on forest. In the state on an average only 40 acre forest land per claim has been recognized for community use.

Implementation of Forest Rights Act in Western Odisha

Western Odisha comprises ten districts namely Bargarh, Bolangir, Boudh, Deogarh, Jharsuguda, Kalahandi, Nuapada, Sambalpur, Subranpur and Sundargarh. These districts are located along the border of Chhattisgarh. This region accounts for nearly one third (32.77%) area of Odisha and inhabits around one-fourth (24.77%) population of the state. The region is socially, economically and geographically underprivileged. Realizing the developmental imbalance in western Odisha the government of Odisha constituted a committee in 1994 to identify solutions for expediting developmental processes in western Odisha.

The P.C. Ghadei Committee in 1994 recommended the constitution of Western Odisha Development Council. This region consists of 89 blocks of ten districts. Out of 89 blocks in the region, 34 are categorized as very backward and 25 blocks are categorized as backward areas. The major role of the council is to accelerate the pace of development in these 59 blocks⁴. However, even after more than two decades of the council, the backwardness of the region remains a cause of concern. It is this persisting concern, which instigated the current state government to propose a separate department for Western Odisha⁵.

The government of Odisha created a special purpose vehicle (SPV) called Western Odisha Development Council (WODC) in 2001 through a legislation passed by the state assembly. The WODC spends Rs. 100 crore every year for developmental activities in districts of western Odisha. These gap filling developmental activities in western Odisha include infrastructure for health and education, road and pathways, watershed management, drinking water and projects related to sanitation.

Western Odisha is known for low agriculture productivity and high level of outmigration in search of livelihoods. Many people from this region migrate with their family to neighbouring states Andhra Pradesh and Telangana for 4-5 months every year, where they work in Brick Kline. The entire system of labour migration from this region is highly exploitative. Agents of brick klines approach labourers and pay them in advance. For six month time in the brick kiln each labour receives 30,000 to 35,000 thousand rupees. The working conditions are also very exploitative and hazardous for these labourers. Moreover, crime against these workers such as rape, molestation, racial discrimination

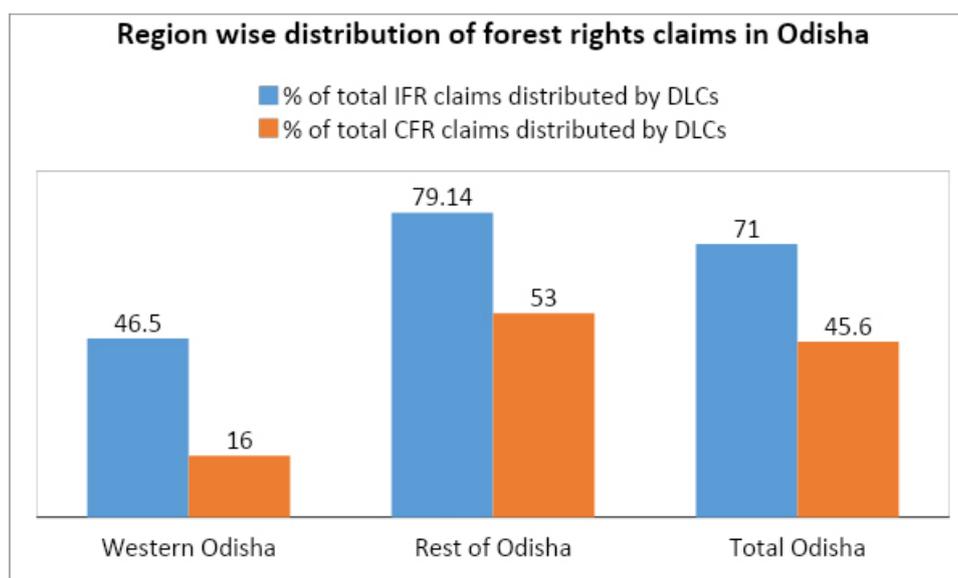
4 <http://www.wodcodisha.nic.in/frmwodcdetails.aspx>

5 <https://www.hindustantimes.com/india-news/naveen-patnaik-plans-separate-dept-for-western-odisha-bjp-calls-it-101628480053646.html>

and physical violence are also very common. Social activist and lawyer Mr. Trilochan Punji has been organizing these workers especially in Balangir and Naupada districts. According to him, this distress migration is high in villages where people don't have enough land for cultivation and forest land for MFP collection. According to him, villages close to forest land rarely migrate to work in brick kilns as they earn their livelihood from forest by collecting MFPs.

While the Western Odisha Development Council has been investing in infrastructure, a large population of the region is still struggling with issues such as poverty, hunger, malnutrition and social and economic deprivations. The Forest Rights Act, 2006 addresses many of these issues by vesting rights of forest land and forest resources to underprivileged communities. However, as in other sectors, the regional imbalance persists even in the implementation of the FRA, 2006. The WODC can be instrumental in helping people in this region to file claims under the forest rights act and facilitate SDLCs and DLCs to process claims in a time bound manner. The developmental imbalance in Odisha is also evident from the implementation of the Forest Rights Act, 2006. The analysis of district level data on implementation of the FRA shows that districts in western part of the state were grossly neglected. While the state has recognized a record 71% of total claims filed by tribal and forest dwelling communities, in districts like Jharsuguda and Subranpur only 28% of the total claims were recognized. Except Kalahandi district in western Odisha the recognition rate of forest rights claim under the FRA is substantially low.

Fig-2



Figures as on 30th April 2021

Compiled from Progress Report of FRA, 2006, Odisha Government

Table-2
Distribution of IFR Claims in Districts of Western Odisha

Sl. No.	District	% of IFR Claims Distributed	% of IFR claims recommended by GS
1	Bargarh	33.10	80.63
2	Jharsuguda	28.24	100.00
3	Sambalpur	41.34	63.51
4	Debagarh	52.93	97.47
5	Sundargarh	52.57	74.01
6	Baudh	54.70	100.00
7	Subarnapur	28.70	100.00
8	Balangir	33.75	81.51
9	Nuapada	30.82	51.78
10	Kalahandi	91.37	98.62

Figures as on 30th April 2021

Compiled from Progress Report of FRA, 2006, Odisha Government

Out of the total 6.26 lakh IFR claims submitted in different gram sabhas of Odisha, 1.51 lakh IFR claims were submitted in districts of western Odisha, which accounts for nearly one third of the total claims. It further corresponds with the population share of Western Odisha. However, ten districts of western Odisha account for only 19 percent of the total recommended IFR claims in the state (4.45 lakh). The progress of recommending community rights under the forest right act is also highly imbalanced. Of the total 6877 recommended community forest right claims in the state, only 510 (8%) claims were recommended in ten districts of Western Odisha.

Table-3

Region	Claims Filed at Gram Sabha Level		Claims Recommended by DLCs	
	IFR	CFR	IFR	CFR
Western Odisha	151888	3190	70663	510
Rest of Odisha	474902	11883	375241	6367
Total	626790	15073	445904	6877

Figures as on 30th April 2021

Compiled from Progress Report of FRA, 2006, Odisha Government

The Study, Methodology and Study Area

The Rajiv Gandhi Institute for Contemporary Studies (RGICS) commissioned a study to understand the status of the implementation of the Forest Rights Act, 2006 in western Odisha. The study further aimed to understand major social and governance bottlenecks in the region hindering implementation of the law. We collaborated with a local NGO- Gaon Mukti Sangathan based in Balangir district to execute this study. The Gaon Mukti Sangathan is a grass root level organization and has been working with tribal and other forest dwelling communities in Balangir and neighbouring districts for many years. They have helped many tribal villages to file claims for individual and community forest rights under the Forest Rights Act, 2006.

This short study was carried out from January to March 2021 in fifteen villages of two gram panchayats in Khaprakhol block of Balangir district. The team of Gaon Mukti Sangathan collected first hand information from villages and secondary information from sub-division and district level offices of the Odisha government. The primary data collected by the research team includes basic social and demographic information of selected villages, number of FRA claimants, extent of forest land occupied by villagers, extent of land distributed by the government under the Act, dependency of villager's on forest and issues faced by villagers regarding filing of claims under the FRA. The secondary information includes records maintained by the SDLC and DLC related to the claim filed by tribal and forest dwelling communities. Primary data was collected using both structured survey forms and qualitative documentation of people's perception and experiences.

The study area comprises fifteen villages of Ghunsar and Nandupala gram Panchayat of Khaprakhol block. The Ghunsar gram panchayat is close to the block headquarter and Nandupala panchayat is about 24 KM far from the block headquarter. Seven villages of Ghunsar gram panchayat are located just outside of Chandli reserve forest and eight villages of Nandupala panchayats having proximity with Gandhamardan reserve forest. All of these villages have a total population of 6373 and are dependent on the above-mentioned two forests for their lives and livelihood. Nearly half of the population in these villages belongs to tribal communities. Most of the non-tribal communities are also heavily dependent on forest for their livelihood. People have been collecting minor forest products such as bamboo, silk leaves, honey, Chahar, Amla, Mahua, Kendu leaves etc.

Table-4
Demographic details of Study Area

Table-4
Demographic details of Study Area

Gram Panchayat	Village	Total House Hold	Total population	SC population	ST population	Others Population
Ghunasar	San Banjipali	50	176	0	116	60
	Jhalabahal	65	239	32	179	28
	Pingalmunda	214	801	55	614	132
	Jhankripali	201	765	103	237	425
	Chachrabhata	186	668	111	517	40
	Putkelchuan	133	518	85	205	255
	Ghunasar	204	687	43	262	382
	Nandupala	269	1022	216	360	446
	Mahulpali	22	73	0	73	0
	Nuapali	36	138	10	75	53
	Kandrabhata	41	150	8	118	24
Nandupala	Chhanchanahali	51	180	2	161	17
	Tambipadar	134	524	44	216	319
	Kuthurla	60	207	12	108	87
	Dudungadarha	59	225	2	35	188
Total		1725	6373	723	3276	2456

Both the Chandli and Gandhamardan forests are known for their rich biodiversity. Gandhmardan forest is famous for hundreds of plants and shrubs with medicinal properties. Locals have a system of traditional medicine dependent on herbs available in the Chandli and Gandhamardan forest. Gandhmardan hill is also crucial for huge deposits of aluminium. In the last 4-5 decades many attempts were made by the government to extract aluminium from this hill. However, people strongly protested against all such attempts in the past.

The Chandli forest and Gandhmardan hill are not only sources of minor forest produce for local forest dwelling communities and tribes but also have medicinal, cultural, religious and ecological relevance. However, various studies have observed over exploitation of medicinal plants from the region. Villagers are also concerned about the rapidly decreasing number of plants with medicinal values. Moreover, local people are also sceptical about the plantation carried out by the forest department in the region. According to villagers, the forest department is not planning a tree which supports the subsistence economy of the region.

Status of Individual Forest Rights

Individual Forest Rights (IFR) under the Forest Rights Act, 2006 is a category of rights which recognizes ownership of an individual/family on forest land under his/her possession before 13th December 2005. This provision of the Act is crucial that empowers tribal and other forest dwelling communities with land title. Rights under the category of IFR were exercised in large numbers by people to claim ownership on land they had been cultivating or dwelling for years.

Table-5
Status of IFR Claims in the Study Area

Village	Total House Hold	No of Family occupied forest land	No of claim file	No. of approved claim	No of Rejected By SDLC	No of Rejected claims by DLC	Records of Claim not available at any level
San banjipali	50	31	31	8	1	0	22
Jhalabahal	65	33	33	0	20	12	1
Pingalmunda	214	28	16		0	1	15
Jhankripali	201	14	0	0	0	0	0
Chacharabhata	186	12	1	0	0	1	0
Putkelchuan	133	0	0	0	0	0	0
Ghunasar	204	0	0	0	0	0	0
Nandupala	269	32	27	12	9		6
Mahulpali	22	15	15	0	1	0	14
Nuapali	36	11	6	0	0	0	6
Kandrabhata	41	14	14		14	0	0
Chhanchanabahal	51	17	17		7	0	10
Tambipadar	134	21	14		14	0	0
Kuthurla	60	12	12		6	0	6
Dudungadarha	59	3	3		3	0	0
Total	1725	243	189	20	75	14	80

In our study area 243 out of 1725 families have been dwelling forest land. These 243 families belong to both scheduled tribes and other traditional forest dwelling communities. Of the 243, only 189 families from these fifteen villages filed claims for land under their possession. However, the research team could

trace only 109 claims at different stages. The team found that the Sub Division Level Committee rejected 75 claims of IFR. The District level Committee (DLC) rejected 14 claims and approved 20 claims of individual forest rights. Claims approved by the DLC are from two villages – San Banjipali and Nandupala.

More than 43% of forest rights claimed under the Forest Rights Act, 2006 in these villages are missing. Villagers' have been claiming that they had submitted duly filled application forms to the Gram Sabha. However, the research team could not trace those 80 applications of IFR. The missing FRA claim is a nationwide problem. While the law provides for an elaborate system of transparency and accountability, at the grass root level, not many provisions are followed properly.

For example, those whose claim was rejected in these villages, most of them did not receive any intimation from the SDLC or DLC regarding the rejection of their claim. Moreover, misinterpretation of the law and rules led to rejection of many claims by SDLC and DLC. For example in Jhalabahal, 33 families (out of which 28 belong to ST) filed IFR claims. The SDLC rejected 20 claims and the DLC rejected 12 claims of IFR filed by villagers of Jhalabahal. All of these claims were rejected for not furnishing evidence of dwelling of the claimed land for the last three generations.

Members of Other Traditional Forest Dwelling Communities (OTFD) have been grossly neglected in Odisha. Very few IFR claims from OTFD were accepted in Odisha. According to the monthly report on FRA as of April 2021, 3606 claims of IFR were filed by members of OTFD in Balangir district and more than 91 percent of these claims were rejected by SDLCs and DLC. In our study, we found that most of the claims from OTFDs were rejected for not providing evidence of occupancy of claimed land for the last three generations.

A suo-motto hearing of all rejected IFR claims was organized by DLC and SDLC in 2019. A review of all suo-motto hearing in the district of Balangir by DLC on January 21, 2020 notes that most of already rejected claims of OTFDs are ineligible **“as no records are available to establish evidence of residing in the forest land and dependent on forest land for bonafide livelihood needs, for three generation or a period of 75 years”**.

Most of the people from OTFD in the region informed us that their applications were rejected because they don't have evidence to show possession of claimed land for the last three generations. Official documents availed from SDLC by the research team confirms the above said reason of rejection of OTFD's IFR claims.

The above reason for rejecting IFR claims of OTFDs goes against the provisions of the Act. In many other states IFR claims of OTFD were rejected citing the above reason. The Ministry of Tribal Affairs in 2015 issued a document- 'Frequently Asked Questions on the Forest Rights Act' to clarify some of these complex issues. In this document, the government of India clarified that asking for documentary proof to establish evidence of occupation of claimed forest land for the last three generations is incorrect⁶.

According to the Act, an OTFD has to only prove that the applicant has been residing in the forest or forest land for the last three generations and depend on forest and forest land for bonafide livelihood needs.

IFR claims of most of OTFDs were rejected by misinterpretation of the law in the study area by officials of SDLC and DLC. Very few IFR claims of ST were recognized, but there exists a huge difference between claimed land and land area actually awarded to the claimant.

Table-6
Land Claimed Vs Land Distributed in the study area

Sl. No.	Name of the claimant	Father Name	Land Claimed (in acre)	Extant of land distributed (in acre)
1	Puina Bariha	Baishakhu Bariha	6	0.5
2	Chudamani Bariha	Jaganath Bariha	4	0.5
3	Dolamani Bariha	Padu Bariha	5	1.5
4	Dullab Bariha	Sudan Bariha	7	1
5	chaitan Bariha	Krushna	10	0.5
6	Debaraj Banagula	Tikechan	5	0.5
7	Chhelia Bag	Bishnu	2	0.5
8	Bhaktaram bariha	Jaganatha	4	0.5
9	Subhidha Bariha	Miniketan	6	4.35
10	Balamati Bariha	Makardhwaj	4	3.6
11	Lalchi Bariha	Goutam	3.6	3.6
12	Menu Bariha	Gokula	3	3.00
13	Nila Bariha	Basa	3.3	2.80
14	Subhidha Bariha	Kuber	3.3	2
15	Urbasi Bariha	Sidhhi	5.5	5.5
16	Shirari Bariha	Sriram	6.1	6.1
17	Surabali Bariha	Jutulu	6	3.09
18	Kalinga Bariha	Sukru	4	1.85
19	Yadav Bariha	Ghasiram	1.95	1.95
20	Basanti Bariha	Nakula	2.6	2.60
	Total		92.35	45.94

The average land distributed to the claimants in Odisha is one the lowest in the country. In this study area only 20 claimants were awarded with land title so far. All these 20 successful claimants have land of 92.35 acre in their possession. However, only 45.94 acre land was distributed to these claimants. In most of the cases the land warded is very less compared to land claimed by the claimant. Forest Right activists working in the region attribute this mismatch between land possession and actual awarded land to lack of awareness & illiteracy among claimants and improper survey of land during the joint investigation by officials of revenue and forest department.

Of the distributed titles of forest land, in most of the cases details of land are not mentioned in the Pattas. Revenue details to identify a piece of land such as khata number, khautauni number and location of the land are the mission from most of the awarded pattas. It further deprives patta holders from benefits meant for farmers such as farm loan, subsidised seeds and direct cash transfer under 'Kisan Samman Nidhii'. The awarded land under the FRA, 2006 needs to be updated in revenue records without any delay.



Status of Community and Forest Resource Rights

Community rights and Community Forest Resource rights are two categories of rights which can be awarded to forest dwelling communities and tribes under the Forest Rights Act, 2006 as a group. Various sub-sections of Section 3 of the Act provide for the right to access, use and dispose of minor forest products and other exploitable forest resources and services. It includes the right of grazing, camping and collecting fuel and fodder from the forest. However, the Section 3 (i) of the Act provides for vesting of rights to manage, conserve, protect and regenerate the claimed forest. The law notes, "Rights to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use." The law further provides for creating a separate category of forest recognized under this provision of the Act.

Odisha has not focused on awarding community forest and community forest resource rights to the forest dwelling communities and tribes. In total only 6877 claims have been recognized up to April 2021 under the above two categories. In Balangir district only 12 claims (11 community rights and 1 community forest resource rights) were recognized up to April 2021.

Table-7

Sub-division and Block wise status of Community Forest Rights in Balangir

Name of Sub division	Name of Block	Claim Filled at Gram Sabha Level		Claim Approved by DLC	
		Community Forest Rights	Community Forest Resource Rights	Community Forest Rights	Community Forest Resource Rights
Balangir	Balangir	7	10	0	0
	Agalpur	0	2	0	0
	Deogaon	11	7	5	0
	Loisingha	1	0	1	0
	Puintala	0	0	0	0
	Gudvela	9	12	0	0

Patnagar h	Patnagarh	12	15	0	0
	Khaprakhol	45	25	0	0
	Belpada	12	12	1	1
Titilagarh	Titilagarh	14	15	0	
	Bangomund a	8	7	0	0
	Turekela	9	5	0	0
	Muribahal	5	2	0	0
	Saintala	5	1	4	0
Grand Total		138	113	11	1

Source: DLC, Balangir

In Khaprakhol block of the Balangir district 45 claims for community rights and 25 claims for community forest resource rights were filled up to April 2021. Out of these 70 claims, not even a single claim was approved as of April 2021. From the study area not a single village attempted to file a claim for community and community forest resource rights.

Forest and forest resources have been a major source of livelihoods to communities in our study area. People have been collecting minor forest produce from Chandli and Gandhamardan forest reserve for generations. It gives them food and hard cash for nearly 4 to 6 months every year. Before the enactment of the forest rights Act, 2006, the conflict between villagers and forest officials on MFP collection was very common. Though the villager's have not applied for the community rights over forest, according to them the incidents of the conflict have substantially decreased after 2008. Activists on forest rights in the region believe that the forest officials now refrain from filing cases as that can become evidence to support villager's rights over forest and forest resources.

These forests are now also exploited by companies for collection of minor forest products, herbs and other commercially viable forest products. At times, agents of companies take help of villagers to extract these forest resources in large quantities. The increased demand of domestic and commercial needs is leading to over exploitation of the forest and degradation of biodiversity. In the absence of formal recognition of community forest rights under the Forest Rights Act, villagers have no control over commercial overexploitation of forest produces and enforcing sustainable harvesting of minor forest produces. The

Biodiversity Conservation Act, 2002 is yet another progressive legislation that helps villagers to protect, conserve and regenerate biodiversity around them. However, people are not aware about this important tool in the region. The combination of Forest Rights Act, 2006 and the Biodiversity Conservation Act, 2002 can effectively help to conserve and sustainably use forests.

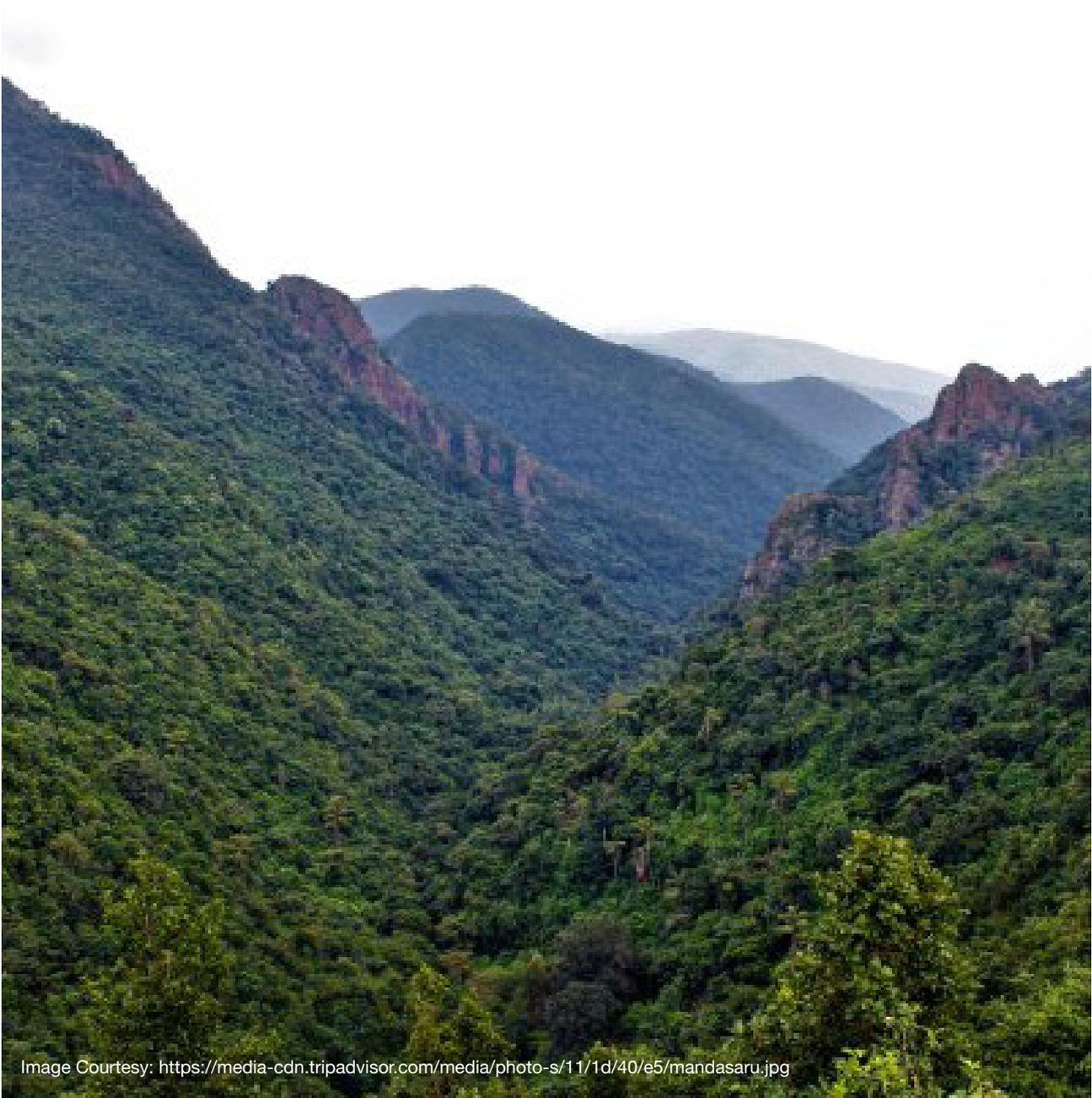


Image Courtesy: <https://media-cdn.tripadvisor.com/media/photo-s/11/1d/40/e5/mandasaru.jpg>

FRA and Livelihoods

Collection of minor forest produce (MFP) is a major source of food and livelihood to millions of forest dwelling communities and tribes in India. The forest rights Act, 2006 recognizes the dependence of these people on forest and provides for an elaborate mechanism to sustainably extract minor forest produce. The law further facilitates the disposal and transportation of MFPs by forest dwelling communities and tribes. According to the law, these people are exempted from the royalty and transit pass rule of state governments to transport and dispose of MFPs.

Despite expressing intention clearly through the Forest Rights Act, 2006, successive state and central governments failed to assure MFP markets and fair prices to the MFP gatherers. Even today, the market and price for MFP in most of the regions are provided and decided by traders and their agents. This critical gap between legal pronouncement and absence of institutions to act on pronouncement is economically depriving millions of MFP gatherers. Understanding this gap the erstwhile planning commission had suggested a program to provide minimum support price (MSP) for MFPs.

Following this suggestion, the government of India approved a scheme in August 2013 to provide MSP for selected forest producers. An updated list issued by the government of India, currently covers 49 different minor forest products under the MSP scheme.

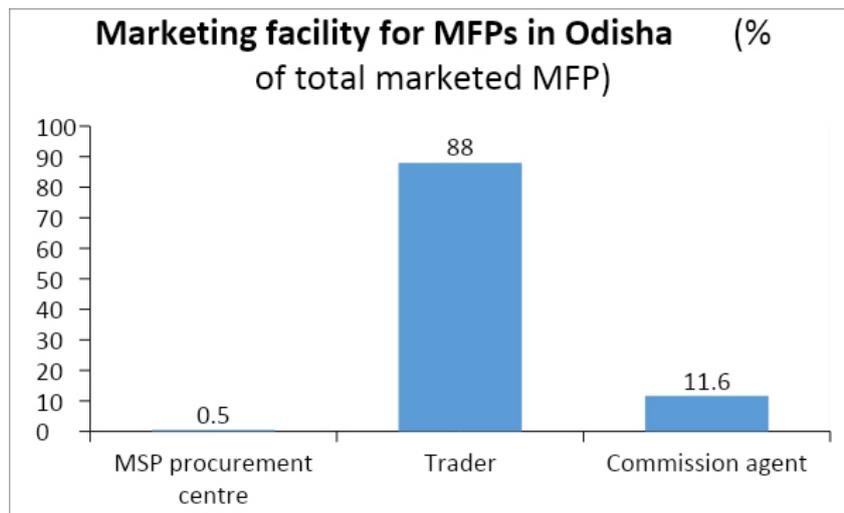
Table-8
MSP and Market Price of Selected MFPs

Minor Forest Produce	Minimum Support Price	Actual Price in the study area
Tamarind (with seeds)	Rs. 36 per Kg	Rs. 25 per Kg
Sal Seed	Rs. 20 per Kg	Rs. 5 to 10 per Kg
Mahuwa Seed	Rs. 29 per Kg	Rs. 20-25 per Kg
Mahuwa Flower	Rs. 30 per Kg	Rs. 35 per Kg
Chironjee Pods with seeds	Rs. 126 per Kg	Rs. 80 per Kg
Ban Tulsi	Rs. 22 per Kg	Rs. 15 per Kg

The MSP scheme for MFPs is being implemented through State Level Agency (SLA) designated by different states. However, many SLAs could not establish a marketing network and other necessary infrastructure to facilitate MSP for collected minor forest products. Therefore, traders and their agents are continuing to decide the prices of MFPs. Often prices offered by traders and their agents are much less compared to the MSP. In our study area, no one has access to the formal market for MFPs and no one receives MSP. Agents of traders collect MFP gathered by people from their doorstep and pay much less compared to the MSP.

A study commissioned by TRIFED found that while the awareness on MSP for MFPs is quite high in all major states, the procurement at MSP is significantly low. According to the study, in Odisha nearly 84% people are aware about MSP on minor forest products. However, only 0.5 per cent of the collected MFP is purchased by MSP procurement centres. Rest all get marketed through commission agents and traders[1].

Fig-3



<https://trifed.tribal.gov.in/iipa>

The collection of Achar, Bamboo, Kendu leaves, Sal seeds, Mahua seed, Wild honey and many other minor forests produces are integral part of the subsistence economy in the study region. Our study observed that the MFP gathers are not able to access the benefits of MSP due to lack of marketing network. It is the duty of the state government to provide a marketing system facilitated by TRIFED to support procurement of minor forest products.

Observations and Recommendations

Like many other welfare schemes and programmes, the implementation of Forest Rights Act, 2006 in western Odisha is below average. Compared to other parts of the state, very few claims of IFR and CFR were recognized in ten districts of the region. This study in its attempt to identify major bottlenecks observed following major issues hindering effective implementation of the law.

1. **Regional Imbalance:** Western Odisha is comprises of ten districts namely Bargarh, Bolangir, Boudh, Deogarh, Jharsuguda, Kalahandi, Nuapada, Sambalpur, Subranpur and Sundargarh. The average rate of recognizing IFR claims in these districts is as low as 45%. This average is abysmally low as compared to state average of more than 71%. Similarly only 15% claims of community forest rights were recognized in these districts of western Odisha compared to 45% claims of CFR recognized all over the state.
2. **Misinterpretation of FRA:** IFR claims especially filled by OTFDs have been rejected by SDLCs and DLC for not providing evidence of occupation of claimed land for last three generation. The government of India had clarified through its letter in June 2008 that OTFDs do not have to prove that they have been dwelling claimed land for last three generation. However, they have to prove that they are living in forest and dependent on forest land and resources for their bonafide livelihood for last three generations.
3. **Only few Community Forest Resources Rights (CFRe) were recognized:** Odisha has been low performing state in terms of recognizing community forest resource rights of tribal and other traditional forest dwelling communities. So far only 6877 CFRe have been recognized in the state. A large population of the state is highly dependent on forest produces for their livelihood. In some areas people are dependent on forest produces for 4 to 6 months in a year. The non recognition of CFRe has direct relationship with lives and livelihood of a large ST and OTFD population.
4. **Denying IFR to OTFD:** A large population especially belonging to Dalit and OBC communities are living around forests in the state. These people have also been cultivating forest land for generations. However, it seems that the government has decided to not entertain IFR claims of OTFD.

The government has recognized only 142 IFR claims of OTFD out of 64928 IFR claims filed so far. In most of the district not even a single IFR claim of OTFD was recognized. Large numbers of these claims were denied even after recommendations of gram sabha and SDLCs. The Gram Sabhas recommended more than 31 thousands of OTFD IFR claims and SDLCs recommended more than five thousands IFR claims of OTFD.

5. **Pitting JFM against FRA:** Initially the Odisha government attempted to vest community forest resource rights to Van Sanrakshan Samiti (VSS) constituted under Joint Forest Management. However, after strong objection raised by the union government, the state government withdrew its plan to vest CFRe to VSS. However, at the local level the VSS has been used by the state forest department to control forest land and resources.
6. **FRA and Biodiversity Conservation:** Recently the Odisha government has filed an affidavit in the National Green Tribunal stating that it has constituted 7256 Biodiversity Management Committees at Panchayat and Municipal level under the Biodiversity Conservation Act, 2002. However, continuous depletion of the biodiversity is a serious concern. Tribal livings in the foothills of Gandhmardan Hill Reserve in Balangir district are concerned about disappearance of many medicinal plants from the Gandhmardan hill due to over extraction. They have observed that in last few decades, interest of people from outside the region has increased in the medicinal plants of the hill reserve. The claim of CFRe of local villagers has not been recognized on hill reserve, so they are unable to regulate extraction of medicinal plant from the region.
7. **Marketing of NTFP is informal and highly exploitative:** Villagers are dependent on forest products for their livelihood. It gives them livelihood from 4 to 6 months every year. The government of Odisha has announced minimum support prices for major forest products. However, in the absence of a formal marketing system, no one gets minimum support price. Trader buys forest products from villagers through their agents and usually the agent decides the rate of the product.
8. **IFR title holders are denied benefits meant for farmers:** IFR titles are not integrated with revenue records in the state. Therefore, IFR title holders most of the time are denied facilities such as crop insurance, subsidized seeds and fertilizers, farm loan etc.



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