



## Forest dwellers in Orissa returns pattas/entitlements to Government due to manipulation of Officials says NGO report

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**By CSD Moderator; Bhubaneswar:** In the last state level CSD, Orissa meeting we come across the news that the forest dwellers from Muribahal blocks have returned their pattas/entitlements issued to them by the DLC, Bolangir. We (CSD, Orissa) decided to visit the area and wanted to know about the fact from the claimants themselves. Accordingly, we visited the area on 4th May 2010.

A meeting was held on 4th May 2010 at Dongabanji Revenue village of Malisira G.P. organized by "Bana O' Bangrama Committee" consisting of 9 forest hamlets of the three GPs ((Malisira, Gudighat and Haldi). The area is surrounded by the Tikhari reserved forest under Bolangir Forest division. For your information, this area of Bolangir district is witnessed the struggle for the enactment of historic forest Rights Act. In the year 2000, on 13th August, 10 persons were arrested and were severely beaten including the late Gauntiya of Peruamal (Maliaya Dharua) and social worker Thakurdas Mahanand by the forest officials for digging a small water tank (Pani Bandh) in the forest hamlet of Peruamal.

A number of cases have been filed in the name of many forest dwellers of the area which led to protest against the forest Department and formation of 'Bana O' Bana Gram Committee' in the year 2000 consisting of the 9 forest hamlets of the three GPs. Besides, many other villagers are also the member of this committee. The meeting was attended by more than hundred forest dwellers from many forest hamlets of the 3 GP (Malisira, Gudighat and Haldi) GP. Besides, some participants were from the Badadokala GP of Turekela Block.

The report is based on the field visit to the Muribahal block of the Bolangir district in particular and other districts of Orissa in General.

Forest land scenario and no. of forest hamlets/un-surveyed villages in Bolangir district.

While there are a number of forest hamlets in the Muribahal Block and also in other 13 blocks of the Bolangir district, information on these forest hamlets is hardly available in the reports. As per census, 2001, there is only one forest village/un surveyed village (Kuabahalijharan in Turekela block) located in forest land (having Zero areas having population) in the Bolangir district.

As per the census 2001, while there are 819 villages having zero area out of the 51349 villages in Orissa and out of 819 villages ving zero area, 588 villages are having population in the State (Orissa). As per the latest circular issued on dated 2.1.2010 vide D.O No 118/SSD by the Principal Secretary, SC and ST Development Dept, Government of Orissa, Bolangir district is having 6575 Sq. Km. of geographical area having its 24% of land under forest Category (273137.54 acres under State Forest Department, 108193.41 acres under Revenue Department and 17534.53 acres as DLC land). The district authority is claiming to have formed FRC in all the 1753 villages (all most revenue villages) of the Bolangir district.

### **FRC Formation in Reported Forest Hamlets of 3 GPs of Muribahal Block**

After the notification of the Act, like other area, FRCs were formed at the revenue village level on 16th and on 23rd March 2008 in the Muribahal Block of the district. However, many forest hamlets of the area are with the campaign from the beginning, they have formed their separate FRC at their Hamlet village.

In the Haldi GP there are 12 revenue villages and two forest hamlets (Dadhiapadar and Peruamal) linked with the revenue village Karalapitha. After the notification of the FRA in Orissa, officials from Block came to the areas and formed FRC at the revenue village Karalapitha. There is also a VSS committee at the village Karalapitha who objected the people of the two hamlets for claiming for their individual forest rights. But, forest dwellers of these two forest hamlets took the issue to the Sub collector and ultimately formed their separate FRC on 27th January 2009 at Peruamal electing Pujari Dharua as the President and Kesaba Dharua as the Secretary of the FRC for two forest hamlets Peruamal and the Dadhiapadar.

There are three revenue villages and six numbers of forest hamlets in the Gudighat G.P. i.e 1.Latasoda having 28 households (24 ST and 4 OTFD), 2.Sukanipadar 63 households (42 ST and 21 OTFD), 3.Beherakhai having only 17 ST households all are ST and 4. Kutnijharan 10 household (7 ST and 3 OTFD), 5.Ranisilet and 6.Karandega. All these forest hamlets are falling under the Gulmi bit of Tikhari Reserved Forest areas. There is a VSS in the revenue village Barbandh which have been involved in Plantation programme with the forest department on the occupied forest land of the forest dwellers of these forest Hamlets. Like the Haldi and Malisira G.P, Gram Sabhas were held and FRC were formed at the revenue village level in Gudighat G.P. by the block officials. But the forest dwellers of the four hamlets (Latasoda, Sukanipadar, Beherakhai and Kutnijharan) were decided to have their own joint Gram Sabha/palli sabha and a FRC. They formed a 15 member FRC at Sukanipadar and elected Basanta Patra as President and Kasan Patra as Secretary with due intimation to the SDLC.

In the Malisira G.P. there are 6 revenue villages and one Forest hamlet (Kankadapadar). In these villages, FRC have been formed at the revenue village level. In the revenue village Dangabanji of Malisira G.P Musru dharua was elected as President and Sadananda Dharua as Secretary who is active member of the sangathan "Bana O' Banagram Committee".

### **Application Forms**

How did they get the application form? The "Bana O' Bana Gram Committee" printed the application forms and all the applicants paid for the printing charges and used them for filling their individual and community claims. The forest dwellers of the other villagers also collected those forms from the Committee.

### **Status of Individual Forest Rights Claims**

District Scenario

As per the latest implementation status report of FRA in the District (up to 30th April 2010), in Bolangir district, SDLC and District Level Committee (DLC) has approved only 725 individual forest rights claims out of 3641 individual forest rights claims duly approved by the Gram Sabhas from 14 Blocks under 3 Sub Divisions. However, it needs here to be mentioned that while the average forest land approved by DLCs per claimant in the whole Orissa is 1.57, it is 2.61 acres in the Bolangir district. The number of claims rejected at the SDLC level is 708 while the number of cases pending balance at the SDLCs level is 2208.

### **Scenario from the Forest Hamlets**

After the formation of FRC all the forest dwellers of these forest hamlets submitted their individual forest rights at their respective FRCs with whatever evidences they have with them. And after Gram

Sabha's recommendations to these applications, they sent them to the SDLC Titlagarh by post with AD. All these villages had also sent 'kha' forms for their community forest rights. But the SDLC returned those forms since it had not gone through their respective Gram Panchayats. Again they got all the claims forwarded by their respective Gram Panchayat and Submitted at the SDLC.

In case of Sukanipadar FRC (consisting of four forest hamlets), all the claimants submitted their application forms at the FRC along with all necessary documents. Thereafter, the gram sabha gave notices to the FD/RD to help them in field verification, but they did not turn. After not receiving any green signal from the FD/RD, they went ahead with verifying their plots one by one with a lathi, drawing maps of the plots indicating its four sites, mentioning the name of the owner of the land adjoining the four sites of the plots and mentioning the average area of the plots. After the field verification of all the plots of the four forest hamlets, they held a gram sabha and finalized the resolutions recommending the all claims to the SDLC Titlagarh.

After six to seven months of submission of the claims at the SDLC, officials from Forest Department (one Ranger, two forester (one Biranchi Mishra) and 2 forest guards) along with the Barbandh VSS president and GPS machine came to the villages for field verification. They started verifying plots from the village Kutnijhar. The field verification team consisting of only forest official verified the plots as per their interest. They did not consider the views of the FRC members. Like other Haldi and Malisira G.P, the forest officials verified the plots according to their choice and did not take consent of the claimants nor of FRC. They denied verifying the plots where some tree were there. "They only verified the nala (paddy land) leaving the Atta land (field) where we grow pulses like biri, mug, kulatha and gurgi etc" the forest dwellers reported. The claimants and the FRC members protested against the attitude of the forest officials during the field verification, but they did not listen to them. Thereafter, the forest officials gave the field verification report to the RI who finally ask the forest dwellers for again holding Gram Sabha and recommend them. Again the application forms along with the Gram Sabha recommendations were submitted at the SDLC.

After some months, the forest rights claimants of these villages came to know that their areas have been drastically reduced in the final patta being prepared by the DLC, Bolangir. The villagers went to the Ranger and complained against the foresters who had verified their plots. When the Ranger asked about the matter to the involved forester, he denied to have verified the plots and said that whatever verification have been done, it was done by the RI. At the end, the Ranger admitted of the guilty of the forester but did not take any action.

This is important to be noted here that while field verification in these forest hamlets were done by the same team of forest officials, at the end when patta/entitlements were ready for Gudighat G.P., the area in the pattas were mentioned differently. While the areas of the pattas/entitlements being prepared by the DLC for forest hamlet (Beherakhai) were in Hectares, the areas mentioned in the patta of forest hamlet Sukanipadar, Lotasoda and Karandabara were in acres. Since the areas mentioned in the patta of Beherakhai were in hectare and as per the actual possession of the claimants, they have received the entitlement distributed at Luisinga by the tribal Minister, Govt. of Orissa and since the areas mentioned in acres of the forest hamlets (Sukanipadar Karandabara and Lotasoda), the claimants of these two villages denied to receive them. Despite of the mistake, the forest dwellers of Lotasoda forest hamlets have received the pattas distributed but are going to return them very soon to the DLC.

Even, Tahasildar Nilambar Sahu of the area once visited to these forest hamlets to convince them to receive the patta, but they did not receive. "The Tahasildar got irritated and went back". They are contending that, since the forest officials could manage to collect some money/illegal gratification from the claimants of Beherakhai, they did good job and when we ask them verify our plots under possession, they denied and they intentionally have done mistake to us leading to reduction of our area in the pattas. "We do not bother for this, our land under possession is not flying away, if the Govt.

really wants to undo the injustice done over the period, first verify our plots manually and give us the correct pattas" said Basant Patro, FRC president of Sukanipadar.

When they were asked that they could have gone for appeal as per the provisions under FRA, 2006, they said, "why should we go for appeal again lengthening the process, it is their mistake, let them correct it, give us the correct patta, we have waited for generations, let us wait further for some months or may be for years."

In the rest villages, field verification have been done but individual forest rights entitlements are yet to be received. "Nothing happened after field verification, we are waiting for the entitlements".

Turekela Block, Badadokala G.P.

Dangamara Forest Hamlet has been linked with the Badadokala revenue village and falling under Patpani Reserved Forest. There are 98 households in this forest hamlet including 35 ST households. The forest dwellers of this hamlet informed that detailed survey was done in the year 1998 by the Revenue Department, but no patta has been distributed as per that survey. Again after the enactment of the FRA, 2006, FRC have been formed at the revenue village at Badadokala and applications have been filed but no action has been made till date. Bariamunda is also a forest hamlet of the revenue village Badadokala having 10 households including 3 ST and 7 OTFD. Application has been made but no patta has been issued till date.

### **Status of Community Forest Rights Claims**

Of course, the State Level Monitoring Committee (SLMC) at the State level, after continuous pressure from the campaign have issued a number of circulars insisting upon the Community Forest Rights, but like many other districts, there is no reflections of these circulars also in the Bolangir district till date which is evident from the status report that there is not a single claim being filed even at the Gram sabha level. But the fact is that when many villages of the Muribahal blocks in the districts have applied for their community forest rights along with their individual forest rights by post with AD, the SDLC received them but no action was taken nor it was reported. The forest dwellers of this area including these 9 forest hamlets are again going to file their community rights claims at the SDLC. Besides, using the Section 5 of the Act, they are forming their "Village Protection Committee" in their respective villages.

### **Important issues emerged out of the discussion**

1. The area is very much prone to compelled teak plantation over the occupied forest land which can be seen from the plantation spreading over close to the house sites of the forest dwellers up to the Muribahal railway station. Even after the enactment of FRA, we got reports that the Forest Department having collusion with the VSS members was trying to do plantation on the occupied forest land of 22 ST forest dwellers of the forest hamlets of Rameigarh under the Govara revenue village of Turekela Block and Bhoslard revenue village of Titlagarh area on 7th July 2009. Ultimately, the FD had to stop it after the protest of the forest dwellers occupying those forest lands and claimed under the FRA, 2006. The forest Department had done plantation on many occupied forest land in the year 1992, 2000 and 2004 in the area and after the enactment of FRA, 2006 and implementation after March 2008, when the forest dwellers claiming over those land, the field verification team (Forest department) denying to verify them. But the people are stick to their demand to get back those lands.

2. The members of VSS having collusion with the FD have done plantation over the occupied forest land by the forest dwellers including the tribals and also playing a negative role during the field verification process.

3. Misuse of GPS Machine by the FD: We understand that GPS machine is a tool for measuring the plots/area but the question here is who is using it? For your information, in one of the national level workshop on "Implementation of FRA in States of India" held at India International Centre, New Delhi, organized by Council for Social Development, in which Dr. A.B Otta and CSD, Orissa members from Orissa had participated. All the participants involved in the FRA implementation process and coming from different States, strongly raised concerns over the manipulation of GPS machine by Forest Officials during verification of forest land (plots/area) under FRA. This is also clearly evident from the ground (Muribahal Block of the Bolangir district) during verification of individual claims by the Forest officials. And also in the Kalahandi district in case of Community Forest Rights(CFR) verification and determination where the Forest Department with the consent of DLC determining the CFR boundary, preparing CFR entitlements itself without considering the areas claimed by the Grama Sabhas.

As per the Act, field verification/CFR boundary determination is the job of the FRC/Gram Sabha and whatever the Field verification team/technical team consisting of (RI/Amin and forest officials) does is just helping them in the process.

We know that most of the money sanctioned (226.82 lakhs) and noticed on dated 11/11/2008 vide letter No 39223 in the first phase, was incurred towards purchase of GPS Machines for filed verification for FRA implementation. And all these machines were handed over to the forest department so that they will help the Gram Sabhas and FRC during field verification. However, till date most of the entitlements are of the individuals' claims and of the revenue forest land which was almost verified manually by RI/Amin of the Revenue Department. And whenever the Forest officials are using GPS, they are taking advantage of ignorance on GPS on the part of the FRC/Gram Sabba members and manipulating with the plots/areas which needs to be seriously looked into by the SDLC/DLC/SLMC.

Of course, FRC members are unaware of using GPS machine but the SLMC can think over giving training to the FRC members on it so that the manipulation being done in many places by the Forest officials can be checked.

4. As per census, 2001, there is only one forest village/un surveyed village (Kuabahalijharan in Turekela block) located in forest land (having Zero areas having population) in the Bolangir district. However, the fact is that there are hundreds of unreported forest hamlets/villages in the district and even thousands of such villages are there in the State. Besides, the settlement of individual and community forest rights in such villages, there is the provision under FRA to convert them into revenue villages, so that the different developmental programmes and scheme can be easily extended. But no SDLC/DLC has seen towards implementing it and even he Govt. of Orissa and the SLMC is seems to be silent on it.

5. Even in the forest hamlets, claims of only ST are considered and claims of the OTFD are not considered yet, perhaps pending at the SDLC level.

6. The participants of the meeting also informed of the recent tree falling in the Tikhari Reserved Forest by the inhabitants of some revenue villages being politically instigated and even instigated some time by the forest officials. They also shared that illegal tree falling in large areas by the forest officials are never come to the public.

7. It is also been observed from the field that SDLC/DLC are totally depending upon the technical team/field verification team- consisting of (RI/Amin/Forest officials) while deciding over the claims. Being the supervisory and monitoring body, they never examining (at least to the some cases) whether the reports are correct as per the actual possession of the forest dwellers. Whatever claims have been approved in Orissa till date is based on the report of the Technical Team and nowhere they

have been checked by the SDLC/DLC/SLMC members. While the FRA has insisted upon the presence of both Forest and Revenue department during filed/plot verification "joint verification" of FRC members, in most of the cases "field verification" have been considered as the job of RD/FD officials. And in many cases, both the department people are hardly remaining present together which is evident from the Muribahal cases in which only foresters/FD has verified the individual plots of the forest Hamlets with GPS.

8. In many districts/places, no fresh field verification of the claimed forest land is done leading to gap between amount of land under possession and patta being distributed.

9. For your information, the DWO of Bolangir had convened a number of meetings/training programmes in Feb, 2010 on FRA at different blocks (Gudvela, Belpada, khaprakhol, Bolangir, etc) inviting the CSD, Orissa members. However, these meetings targeted the PRI members and not the FRC members, its impacts have been very limited. Hence, a wide range of campaign targeting the FRC members would be an effective way to reach to the forest dwellers leading to more awareness and claims forms(individual and community forest rights) on the Act.

[The report is prepared by CSD Orissa, Moderator, [csdorissa@gmail.com](mailto:csdorissa@gmail.com)>]

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