

To  
The Chairman/ Collector  
District Level Committee on Forest Rights  
Kandhamal District,  
Phulbani, Kandhamal

Date: 20<sup>th</sup> June 2009

Sub: Memorandum for Effective Implementation of FRA- 2006 in Kandhamal District

Sir,

As you are very much aware that more than 71% of the geographical area of Kandhamal district constitutes forestland. Besides 20 nos of forest villages formally notified as Forest Villages in the district, there is also large number of un-surveyed villages situated in the forest areas and majority of them are predominately inhabited by the tribals for years. As you are aware that, ours livelihood is mainly forest based, we have been customarily depending for our survival on forestland and forest resources. However, we have been deprived of in getting legal title and recognition over those resources on which we have critical dependency. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 has been enacted to address those issues and types of rights deprivations. The objective of the Act is to provide livelihood and food security of the FDST &OTFD by ensuring the rights and security of tenure with "Conservation" as rights and responsibility of the people. Therefore, the Act is extremely progressive and relevant for the tribal dominated Kandhamal district. Therefore, the implementation of the act should be made with complete sincerity by the concerned govt authorities at different levels of the institutions mentioned under the Forest Rights Rules, for speedy and effective implementation. Then only the dream of this progressive Forest Rights Act 2006 would be realized and the resource dependent forest dwellers would be ensured for their livelihood survival and the dream of conservation would be achieved.

Unfortunately, the disturbing situation in Kandhamal in 2007 and 2008 has badly affected the process of implementation of the Act. Now the situation has become conducive and the process should be accelerated without delay.

As we are involved in the FRA process since July 2007, we would like to draw your attention to address the following issues and constraints for a meaningful implementation of the Act:

1. That the process of implementation of FRA is very slow in Kandhamal. The involvement of the govt officers in FRA is not full time. They are involved in many of their regular activities and FRA has been taken as just a coterminous works hence could not move so speedily. We therefore demand to appoint Special Officer at SDLC level who would be responsible in regularly coordinating and monitoring to speed up the implementation process of FRA.
2. On 16<sup>th</sup> & 23<sup>rd</sup> March 2008, mainly teachers were engaged to make the Gram Sabha aware of FRA-2006 & Forest Rights Rule-2008. However, they could not

explain anything on FRA as they were not aware of the same Act & Rules. They just helped to form Forest Rights Committee (FRCs) and suitable persons could not be represented to the committees. Now, the FRCs is not able to perform their role as required by the law. Therefore, we demand for organizing regular sensitization programme on the process and procedures laid down under the FRA Rules at each Gram Panchayat level involving the officers' upto the rank of Sub-Collector and Divisional Forest Officer. We also urge the SDLC to take steps to facilitate the process and complete the same as early as possible.

3. The process of formation of FRCs and call s for claims as required u/s 11(1) (a) of the Rules was facilitated through out the district. Similarly, the process of claim submission (u/s 11(1)(a)) of the Rules, determination and verification of claims u/s 12 (1) of the Rules and the process of forwarding the claims to SDLC (u/s 11(5) of the rules should also be facilitated and completed in time bound manner. After the claims are forwarded to the SDLC, then the technical team (Amin, RIs, and Forest Department staff) should move to the respective Gram Sabhas to convert the recommendations into proper map with proper scale super imposed on the village map.
4. That there has been confusion, regarding the rules, among the technical team that is going for mapping and measurement. The team without following the procedures prescribed under the Rules of the Act is following their own strategy. Before proceeding for the mapping and measurement they should refer the claim forms of the claimant lying with FRC and consider the point of view of the claimant instead of following their own style. Therefore, we urge you to organize proper orientation of the Amins, RIs, Forest Department Staff s and NGOs involved in the process.
5. Request was made to supply village maps, forest maps etc. to the FRC as required U/s 6(b) of Rules. Because, availability of these maps with Gram Sabha is a must so that FRC can initiate the process. Till today, nothing has been provided to the FRCs even after the repeated request.
6. For verification of claims, intimation has been sent to the Forest Department by Forest Rights Committees. Cooperation of Forest Department in claim verification process as required U/s 12(1) of the Rules. However, the Forest Department has neither participated in the verification process nor given any response. Specific instruction should be issued to the Forest Department to join and cooperate in the process.
7. To encourage the FRCs to submit claim over Community Forest Resources along with individual claims. The present Act is not only recognizing rights over a piece of land. It is much beyond the right over a piece of land. It has been observed that there has been no emphasis on other types of forest rights including rights over community forest resources at government level. The FRCs are neither given any training on how to draw map and submit claim over CFR nor encouraged to the same. We therefore sincerely request you for organizing larger sensitization among the FRCs members and villagers on other types of forest rights in general and community rights in particular with special emphasis. We also request you to

- issue a written instruction to your technical team to give more focus on other types of rights during the process of verification and mapping.
8. SDLC should issue the acknowledgement receipt to the Gram Sabhas against recommended claim proposals received from Gram Sabhas.
  9. Provide a Toll Free Telephone for supporting the queries and assisting the FRC members to operate effectively on FRA process.
  10. All the formats designed and circulated by ITDA or any other organization for the FRCs for submission of claim, intimation, resolution, verification, etc. should be designed and prepared in accordance with the Rules and the procedures there under.
  11. Create a Data-base of forest offence related information at SDLC level so that certified copy of the court orders can be easily made available to support the evidence to the claimants.
  12. It has been very difficult in our part to know about what process is going on where by the government (SDLC, DLC). We therefore request the SDLC to prepare a calendar for the visit of the technical team for mapping and verification and send them to every FRCs well in advance so that people can be prepared till the date for their village come.
  13. Besides more than 13 types of rights described in the Forest Rights Act, a special provision is made for the primitive tribal group (PTG) u/s 3 (1)(e) of FRA which says “rights, including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities”. The Kuttia Kondh community is recognized as PTG in Balliguda Subdivision of Kandhamal District. We sincerely urge you to kindly make special sensitization and implementation strategy of FRA for this vulnerable community giving special focus on the rights as mentioned in the Act.

We the undersigned urge you to kindly look into the matters with immediate effect for a smooth and successful implementation of Forest Rights Act 2006 in Kandhamal.

Looking forward your response and immediate action on the above mentioned matters.

Yours faithfully

Mrs. Gayatri Kanhar, President

Mrs. Chanchala Malika, Secretary

Binati Kanhar

Bhagyalata Malika

Srimati Bishnupriya Kanhar

Angada Kanhar

Ramakrishna Kanhar

Somanath Kanhar

Makaradhwaya Mallick

Dalapati Digal

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