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### Editorial

The Forest Rights Act had started trickling to the ground as early as early as March 2008 in Orissa with the formation of Forest Rights Committees (FRCs) in more than 30,000 villages. Orissa is one of the forerunners in receiving claims in full potential under Forest Rights Law. Till the period of 8<sup>th</sup> June, 2009 a total of 31871 individual claims and 51 community claims have been approved by the District Level Committees (DLCs) for title. The State Government needs to be appreciated for proactively issuing series of circulars to ensure timely and effective implementation of the Act. Still there are bottlenecks in the implementation process like recognition of the rights of residents of un-surveyed villages, conversion of forest villages into revenue villages and recognition of the habitat rights of Orissa's PTGs, which is lagging behind. Other Traditional Forest Dwellers are also facing immense problems in proving 75 years of residence as there are hardly any records available for the purpose. Further, though 51 community claims have been approved by the DLC the nature of claim made is yet to be seen as determining the Community Forest Resource (CFR) boundaries and pushing them for approval at the SDLC and DLC level is appearing to be a herculean task. Government of Orissa and the Forest Department seems oblivious to this new paradigm of community based resource management in the form of community forest resources and continues to promote the joint forest management. The parallel system of forest management promoted by Forest Department in form of Joint Forest Management system is creating confusion and conflicts amongst the village communities while moving ahead with the determination of CFR boundaries.

This newsletter is an attempt to consolidate major happenings in the State in regards to the implementation of the Forest Rights Act. These include updates from the different field areas, conflicts and cooperation faced on the ground, response of the forest dwelling communities, bureaucrats, civil societies etc on the implementation and impacts of the Act

## STATUS OF FRA IMPLEMENTATION IN ORISSA

The status of claims for Orissa as of 8<sup>th</sup> June 2009 is given below.

No of claims received by FRC	No of claims verified by FRC and submitted to Gram Sabha (Palli Sabha)	No of claims approved by Gram Sabha (Palli Sabha) and forwarded to SDLC	No of claims approved by SDLC and sent to DLC	No of claims approved by DLC for titles
<b>Individual Claims</b>				
288348	207098	156040	41556	31871
<b>Community Claims</b>				
1432	1312	416	82	51

For district wise detail of the claims see the link [http://www.fra.org.in/fra\\_status.htm](http://www.fra.org.in/fra_status.htm)

(Source: Principal Secretary, ST & SC Welfare Department, Government of Orissa)

## IN NEWS

### Tardy progress in resolving land issues in State

Date: 26/06/2009

BHUBANESWAR: Even as the Orissa Government has announced an action plan to address land issues to assuage tribal population in the wake of violence in Narayanpatna block of Koraput district, activists feel that the Government has been making half-hearted attempts to resolve land problem in the State. Moreover, tardy progress in giving land rights to forest-dwellers, mostly tribals, under Forest Rights Act is fuelling anger in tribal-dominated districts, which are subsequently turning into fertile ground for left-wing extremists. According to a study conducted by the city-based Regional Centre for Development Cooperation, in Podagada revenue inspector circle of Koraput district ceiling surplus land was allotted to 47 beneficiaries during 1976-77 spreading over six villages. A total of 82.5 acres of land was allotted to them. The allottees took possession of the land without having patta or Record of Rights. Since then these allottees have been waiting to get patta in their names.

#### MJMD scheme

Realizing that various land schemes pertaining to distribution of land among weaker section of society

have failed to yield desired result since 1974-75, the Government came up with Mo Jami Mo Diha (MJMD) Scheme in 2007. Under the scheme administration was supposed to organise fair (mela) to collect grievance from people who were allotted land. First phase of melas were organised while second phase of melas where confirmation of possession on land were to be distributed were not held in most of the districts. Applications from people regarding land disputes have been piling at tehsil level, due to inadequate manpower. Similarly, under the Forest Rights Act, only 31871 of 288348 claims received by Forest Rights Committees were approved by District Level Committees (DLCs). The approval rate has been about 12 per cent.

In Koraput district, of the 27756 applications from forest dwellers, only 6899 applications had got nod of DLC. Similarly, Kandhamal, where CPI (Maoist) extremists were fast making their presence felt, no claim was finalized by DLC. Slow progress in implementation of Forest Rights Act is another factor that makes tribal population see red. Moreover, in Vasundhara scheme, which was aimed at giving land to landless persons, the State Government has not achieved the target of land distribution. In many of the cases, physical possession of land has not been given to beneficiaries. At a time when experts on naxalite issue have sounded alarm that Narayanpatna incident would be repeated in other districts to create



sympathy wave in favour of CPI (Maoists), half-hearted attempts on part of State government would only make things worse in the State, the study said.

(Source: URL: <http://www.thehindu.com/2009/06/26/stories/Satyasundar Barik>)

## UPDATES FROM FIELD

### Claim forms missing in Sunabeda Wildlife Sanctuary after Maoist attack

Recent attacks by Maoist in the month of June in the sanctuary have taken its toll on the FRA process. It is reported that around 755 claims mostly by primitive tribal groups, Chuktia-Bhunja, from some of the villages in Sunabeda GP are set on fire during the attack on Sunabeda Range Office.

(Source: *Duryodhan Majhi, Kermeli*)

### Faulty application of the provision on land ceiling in Similipal

In Similipal area the technical support teams (RI/Amins) have wrongly interpreted the provision on land ceiling. During the field verification of claims they are adding both revenue land in possession and forest land under occupation while applying the land ceiling of four hectares. For example if a claimant possess 4 acres of revenue land (Patta land) and also 8 acres of forest land then out of the 8 acres the verification team is recording 6 acres leaving out 2 acres with the reason that both the revenue and forest holding add up to 10 acres. Such application of the provision on ceiling is in violation of the Act as the ceiling as provided under section 4 (6) of the Act is applicable to forest land only.

(Source: *CREFDTA, Mayurbhanj*)

### Verification of community rights and empowered conservation

Badrama Abhayaranya Vikas Parishad, a people's organization working in Badrama Wildlife Sanctuary has submitted a memorandum to the district administration where they have demanded that the work on community claims be expedited. So far community claims from the sanctuary area are neglected in the verification process. They have also demanded action against forest officials who have held that community rights cease to exist after declaration of the sanctuary. The Parishad has taken initiative to form committees under Section 5 of the Forest Rights Act. The committees are now in the process of developing community conservation plans

for protection and conservation of community forest resources claimed under the Act. One of the demands is to include protection and conservation initiatives in the NREGA.

(Source: *Dushmant Padhan, Convener, Badrama Abhayaranya Vikas Parishad*)

### FRA brings hope for Niyamgiri

A letter issued by MoEF to the Principal Secretary (Forest), Government of Orissa regarding diversion of forest Niyamgiri has raised hope for the local community. As mentioned in the letter one of the conditions added to the set of compliance for in principle agreement to the proposal for diversion of forest land in Niyamgiri is compliance to the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. This has generated hope for protection of rights and resources in the area.

(Source: *MOEF Letter no. F No. 8-23/2005-FC dated 15th April 2009*)

## ISSUES

### Where is the convergence!

FRA seeks to redefine conservation by providing for provision to secure right of community to protect, regenerate, conserve and manage community forest resources. Community conservation groups involved in conservation of varied ecosystems in different parts of the state have made claims on community forest resources protected by them. It is a matter of concern that the government of Orissa and the Forest Department seems oblivious to this new paradigm of community based resource management in the form of community forest resources and continues to promote the joint forest management. Whereas the Maharashtra government has expressed that the forest protection committees under the Joint Forest Management should be appropriately restructured dissolved in view the Forest Rights Act provisions the JFM resolution 2008 released by the government of Orissa is completely silent on Forest Rights Act.

### Is the Orissa government serious about defending forest rights in court?

In July 2008 the Hon'ble High Court of Orissa had passed an interim order in response to a writ petition (WP (C) No. 4933) filed by the Society of Retired Forest Officers, Orissa challenging the Forest Rights Act.



This interim order has restrained the government to issue any titles on the claims. The tribal groups of the state have intervened in the case to defend rights of the forest dwelling communities. The Government of Orissa, though one of the key respondents has not yet taken any proactive step to vacate the order even after one year has passed. Whereas the Government of Andhra Pradesh has been able to get a similar order passed by the High Court of AP vacated.

## CAMPAIGN

### Against the circular issued by MoTA for implementation of section 3(2) of the Act

**23<sup>rd</sup> June 2009:** Orissa Protected Area Network (OPAN) has submitted a memorandum to Secretary of Tribal Welfare, GoI, Chief Secretary cum Chairperson of SMLC, Principal Secretary, ST & SC Development, GoO against the circular issued by Ministry of Tribal Welfare for implementation of section 3(2) of Forest Rights Act. According to Shri Arun Kumar Dehuri, member of OPAN, the circular is against section 4(7) of the Act, which mentions that the rights which are conferred under section 3 of Forest Rights Act is free from all encumbrances and procedural requirements including clearances under the FCA, 1980, Net Present Value (NPV) and compensatory afforestation. But, the point number 3 of the Form – A attached with the circular, mentions that the User Agency will plant at least twice the of number of trees felled along with maintenance charge for five years. In addition to this, they have also expressed their deep concern over the conditionality put under the circular by mentioning that if the User Agency failed to initiate the work within a year, then the area would be return back to the Forest Department. OPAN has demanded for scarping of plantation and conditionality for initiation of work.

*(Source: Shri Arun K. Dehuri, Member of OPAN)*

### Apathetic attitude of the State towards CFR

Orissa Jungle Manch (OJM), a state level federation of Forest Protecting groups, has expressed their deep concern over non-implementation of CFR in the State. They complained that though more than 12000 groups have been protecting and nurturing the forests since 70's and 80s' but till date except Forest Rights Act, there is no law in the country which recognizes and confers right to protect, conserve and manage the forests in a sustainable manner. The members of OJM who attended the review meeting,

held at Dhenkanal on 11<sup>th</sup> and 12<sup>th</sup> of June are of the view that SDLC and DLC are busy in approving the land rights while they are neglecting the community rights. In the review meeting the members of OJM have decided to initiate state wide campaign for proper implementation of Forest Rights Act including community rights.

*(Source: Shri Bauri Bandhu Rout, member of OJM)*

## PRESS RELEASE OF NCS D

### Governments Crushing Democracy, People's Struggles in Forest Areas

**26<sup>th</sup> June 2009:** Nagpur meeting condemns attack on people's struggles, people's rights in forest areas. Throughout India, the Central and State governments have intensified their efforts – coercive, legal, extra-legal and illegal – to suppress and destroy the attempts by people to build democratic processes across the country. Some of the most brutal repression has been directed at those in adivasi and forest areas who have sought to build democratic control over resources and their homelands.

At a meeting held in Nagpur on June 20<sup>th</sup> and 21<sup>st</sup>, tribal and forest dwellers' movements affiliated to the Campaign for Survival and Dignity condemned these assaults and declared that the struggle for people's control over resources, particularly in forests, will continue. In Burhanpur District of Madhya Pradesh, several people have died since the beginning of this year in the violence unleashed by forest authorities against the communities of the area. In Jagatsinghpur and Niyamgiri, Orissa, the tenacity of people's resistance against illegal attempts to grab their resources has been matched only by the brutality of state repression and the sheer brazenness of the Central government's illegal actions on behalf of POSCO and Vedanta. In Mudumalai, Tamil Nadu, an ongoing and expanding people's struggle against resource grabs in the name of tiger conservation has been met with bribes, threats and the ever-present possibility of violence. And across the country, from Gujarat to West Bengal, from Rajasthan to Andhra Pradesh, the Forest Rights Act, a partial victory of people's movements and a legal instrument in our struggle, is being violated at every level of the state machinery.

Where it is unable to deflect, bureaucratize or undermine people's struggles, the government responds with armed force, leaving a trail of blood in places such as Nagarnar, Kashipur, Kalinganagar, Muthanga, Singur, Nandigram, Jagatsinghpur,



Niyamgiri, Bastar and now Lalgarh. Some of the issues that were highlighted from forest areas were as follows

**Forest authorities illegally suppressing people's rights:** Even as the Forest Rights Act is being “implemented” across the country, in most areas (such as Rajasthan, Madhya Pradesh, Gujarat, Chhattisgarh, Maharashtra and elsewhere) Forest Department interference is continuing to result in rejection of individual and community rights claims. The Department is insisting on illegal requirements such as presence of claimants' names on earlier lists of “eligible encroachers”, primary offence receipts, etc. In Kerala, West Bengal, Andhra Pradesh and elsewhere, the Department has also attempted to sabotage community control over forests by expanding and consolidating its Joint Forest Management committees in an attempt to retain control over community resources.

**Suppression of democratic control over resources:** Where communities are seeking to protect their forests, and particularly attempting to use the Forest Rights Act's provisions as a tool to do so, they are at best being ignored by authorities and at worst – as in the corporate land grabs – being actively repressed. Community are attempting to exercise democratic control over forests across the country, such as in southern Gujarat, parts of Madhya Pradesh, Jharkhand and Orissa, the Nilgiris in Tamil Nadu, etc., but their legal right to do so is neither being recognized nor respected.

**Illegal grabbing of forest land by corporates and government agencies:** The Ministry of Environment and Forests has continued to grant clearance for use of forest land by corporates and government agencies, even though such diversion is now happening in direct violation of the law and of people's rights. At the ground level, illegal evictions of forest dwellers continue, such as in Burhanpur (MP), the Dangs (Gujarat), Raigad (Maharashtra), and so on. Meanwhile, with huge funding from the Japan Bank for International Cooperation, other donor agencies and the Central and State governments, the Forest Department is continuing of plantation programs on people's cultivated lands, in direct violation of the law.

**Utilizing wildlife conservation to legitimize resource grabbing:** In protected areas across the country, wildlife conservation is being used as a shield to hide the forest authorities' seizure of land and resources. This is particularly true of tiger reserves, where an illegal process of relocating people is underway across the country, even as tigers disappear.

The struggle that lies before us is a struggle for democracy, for a new system of control over resources in this country. It is a struggle that has been sought to be repressed many times before, but it has grown and flourished across India.

(Source: *Campaign for Survival and Dignity*)  
(Updated State-specific information is available at [www.forestrightsact.com](http://www.forestrightsact.com))

### Cartoon of the Month



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