

# **FOREST DWELLING COMMUNITIES & FOREST RIGHTS ACT 2006: EVIDENCE FROM 24 SITES**



**Council for Social Development**  
Southern Regional Centre, Hyderabad  
An ICSSR Research Institute



**FOREST DWELLING  
COMMUNITIES &  
FOREST RIGHTS ACT 2006:  
EVIDENCE FROM 24 SITES**



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# GENERAL NOTE

## SELECTION OF SITES

The sites have been selected based on narratives of historical and continuing injustice beginning with the failure of forest settlement processes as well as exclusion of Adivasis from decision making while highlighting the role of communities and Gram Sabhas in forest conservation under the FRA.

The term 'Scheduled Area' in this report refers to areas which have been notified under the Fifth Schedule of the Constitution of India, under the hand of the President of India. In Chattisgarh, the Scheduled Areas are declared under The Scheduled Areas (States of Chattisgarh, Jharkhand and Madhya Pradesh) Order, 2003.

The selection of sites have been based on the following criteria.

- 1) Areas with high percentage of rejection of FRA claims
- 2) Areas where forest settlement operations have severely affected rights of STs, OTFDs, PVTGs
- 3) Areas where procedures for scheduling of tribes has severely affected rights of communities
- 4) Areas where claims have not been considered/ rejected/ cancelled due to diversion of forest land
- 5) Areas where claims have been rejected or put on hold due to forest department programmes such as plantations (CAF and other programs), Joint Forest Management/Van Suraksha Samiti, Forest Development Corporations, etc.
- 6) Areas with formally recognized customary laws
- 7) Areas where local communities/gram sabhas have been protecting forests and have asserted rights against forest destruction by a range of actors
- 8) Co-existence in Protected Areas
- 9) Areas where rights have not been recognized for displaced communities

The sites were selected on the basis of state level consultation with NGOs which work for rights of adivasis and forest dwelling communities at CSD, Hyderabad in July 2019. Through this consultation, various issues related to FRA 2006 and its implementation was discussed with the NGO partners. This study adopted a 2 –pronged approach for data collection – primary field work from the case study site with the help of a structured schedule (basically in the form of a group discussion) and collection of information related to different legal cases, FRA documents from the claimants and other information from official sources and research studies.

## MAPS

The site map given at the beginning of every chapter has been constructed by the research team as a rough indication of the site location in the state, district, mandal based on district maps sourced from *Google images*. The maps are not to scale.



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# PREFACE

Tribal peoples, adivasis and forest dwellers live in different states and union territories in India and are spread across the country. Their social, cultural, religious, political and economic conditions as well as their local knowledge distinguish them from other citizens; their customs, traditions and livelihoods may differ to varying degrees from other citizens; as far as tribes are concerned, the criteria for the identification of tribes may include but are not restricted to: habitats, distinctive lifestyles, customs, livelihood practices, habitations and habitats, culture including language, dialect and sacral practices. Some tribes may also be engaged in pre-agricultural livelihoods and avoid contact with other communities unlike them, preferring instead established patterns of social contact within the tribe and with other communities similarly situated. Because of their distance from communities unlike their own, such tribes and forest dwelling communities are particularly vulnerable to exploitation and stereotyping in situations of contact with the world outside theirs, although this contact may historically be frequent and routine. Their status, autonomy, rights and entitlements are affirmed by the Constitution of India, and by special legislations, importantly The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) (FRA 2006).

Despite constitutional guarantees, protective legislation and earmarked budgets as well as policy initiatives for over seven decades, tribal and forest peoples (hereafter ST and OTFD) in the constitutional era in India have faced chronic and escalating immiserisation and have been pushed to the margins of vulnerability. This vulnerability is the cumulative consequence of centuries of historical injustice, and regimes of oppression and dispossession against STs and OTFDs. Tribal and forest communities have witnessed their habitats and homelands fragmented, their cultures disrupted and disturbed through predatory tourism, forced evictions, disruption of silvicultural practices through policies of state enclosure of forests, their communities shattered and impoverished. Displacement from the forests and resettlement in peri-urban and urban areas turn them from collective owners of common forest resources to individual wage earners in the urban agglomerates with uncertain futures and threatened existence.

This study restates the Indian state's obligation for the protection of tribal and forest peoples in India, under the generic provisions of the Constitution of India and its Preamble, and the FRA, 2006 which contain protections, and provide pathways for the realization of basic entitlements and reflect the concerns relevant to persons belonging to scheduled tribes, and other traditional forest dwellers. The FRA, 2006 provides an important bridge between the protections inside Scheduled Areas (guaranteeing autonomy and operation of PESA, for instance) to areas outside of the Scheduled Areas with a significant presence of forest dwellers, which have for one reason or another, remained unscheduled till date. The unfinished agenda of scheduling, in a sense, and the injustice that has resulted in over so many decades, is a breach into which the FRA, 2006 steps in.

The vast and rich diversity among these communities as also the commonalities in respect of the distinctiveness of culture, habit and language –spoken and written-- of every forest dwelling community requires protection in order for these peoples to enjoy the full scope of Article 19 of the Constitution of India, the fundamental right to the freedom of expression, and Article 21, the right to life, livelihood, personal liberty and dignity.

Development deficits with respect to forest dwelling communities have arisen from non-recognition of the traditional communitarian relationships to land, natural resources, flora, fauna and livestock that characterize forest based, pastoral and forest dwelling tribal lifeworlds. The universalization of basic minimum needs among all tribal and forest peoples in India include but are not restricted to elementary education, community health care, sustainable livelihood support, unhindered access to land and forest based livelihoods, including full access to the commons, public distribution system, food security, drinking water and sanitation, elimination of indebtedness and related effective infrastructure. This requires a pro-active, people-centric approach which aims to bring equality of opportunity and outcomes in all dimensions of social and economic life especially to communities that have been vulnerable to historical injustice.

The study is guided by the vision of a truly plural India, where the commitment to diversity and dignity of all peoples governs state action. In recognition of the specific concerns pertaining to tribal and forest peoples, our attempt has been to put in place empirical data from twenty-four sites in 11 states in India that point to the urgent need for positive, justiciable measures that will enable for tribal and forest peoples the full enjoyment of the entire range of rights under the Constitution of India. The study is guided by a vision of a future where forests and homelands are restored to tribal and forest peoples along with the full provision of basic amenities in the remotest villages/ hamlets/habitations; a future where those tribal peoples who have been displaced are restored and provided with compensation in a manner that enables a communitarian life with dignity.

November 2019

**Kalpana Kannabiran**



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We are grateful to all members of *Legal Resource Centre* for their advice and support. We are grateful to the staff of *Vasudhara - Democratising Natural Resource Governance* for extending full cooperation in all matters connected to this project ensuring its timely and efficient completion. We are grateful to the residents in the 24 sites covered in the study for taking the time and trouble to provide detailed responses and documentation on which this report is based. We acknowledge the support of Rahul Shrivastava, Jan Sangathan, Bundelkhand Majdoor Kishan Sangathan, and Bhumi Adhikari Abhiyan in Madhya Pradesh for facilitating visits to two sites - Sehri and Sagra that have not been included in this report. Finally we are thankful to the CSD team for administrative and secretarial support and Satyam Sunkari for providing research support in the preparation of the reports for Telangana state.

November 2019

**Kalpana Kannabiran**



# DETAILS OF SITES

S. No.	District	Division	Mandal	Gram Panchayat	Site
<b>1. Andhra Pradesh</b>					
1	West Godavari	Eluru	Buttayagudem	Rajanagaram	Reddi Gudem
2	Prakasam	Markapur	Dornala	Dornala	Peddachama
3	West Godavari	Eluru	T. Narsapuram	Bandivarigudem	Nayakulagudem (Gangineedupalem)
4	West Godavari	Eluru	Polavaram	Mamidigondi	Devaragondi
<b>2. Chhattisgarh</b>					
5	Kanker	Antagarh	Antagarh	Podgaon	Podgaon
6	Rajnandgaon	Durg	Ambagad Chowki	Dodake	Sonoli
<b>3. Gujarat</b>					
7	Aravali	Sabar Kantha	Bhiloda	Ambabar	Rampuri
<b>4. Jharkhand</b>					
8	Latehar	Balumath	Balumath	Sheregara	Jala
<b>5. Karnataka</b>					
9	Chamarajanagar	Chamarajanagar	Chamarajanagar, Yelandur	-	BRT Hills - Muthugadagadde Hamlet, Kanneyra Colony, Kuntugudi Colony, Hosupodu Hamlet
<b>6. Kerala</b>					
10	Trichur	Vazhachal	Chalakkudy	Athirapally	Malakkapara
<b>7. Maharashtra</b>					
11	Gadchiroli	Wadsa	Desaiganj (Wadsa)	Dongargoan	Chikhali Reeth

S. No.	District	Division	Mandal	Gram Panchayat	Site
<b>8. Odisha</b>					
12	Dhenkanal	Sadar	Sadar	Balarampur	Balarampur
13	Kandhamal	Phulbani	Tumudibandha	Belaghar	Burlubaru
14	Nayagarh	Nayagarh	Ranapur	Darpanarayanpur	Dengajhari
15	Nayagarh	Nayagarh	Ranapur	Kaptapalle	Kaptapalle
16	Sundargarh	Sadar	Balishankara	Talsara	Thetheitangar (Landabaga)
17	Sundargarh	Sadar	Hemgir	Gopalpur	Sanrampia
18	Kandhamal	Phulbani	Tumudibandha	Guma	Usabali
<b>9. Rajasthan</b>					
19	Udaipur	Udaipur	Khotra	Dedmaria	Chak Bhaminimata
<b>10. Telangana</b>					
20	Nagarkurnool	Amrabad	Lingala	Appapur	Appapur
21	Bhadradi Kothagudem	Kothagudem	Annapuredypally	Gumpana	Kattugudem
22	Bhadradi Kothagudem	Illandu	Telulapally	Yerrayigudem	Yerrayigudem
23	Bhadradi Kothagudem	Manuguru	Parakagudem	Thatigudem	Thatigudem
<b>11. Uttarakhand</b>					
24	Haridwar	Rajaji N Park	Bahadrabad	Gaindi Khata	Gujjar Basti



# Site-wise Delineation of Critical Concerns

S.NO.	SITE	ISSUE
<b>ISSUE 1: Areas with high percentage of rejection of FRA claims</b>		
1	Sana Rampia, Sundargarh, Odisha	This case study is a case of rejection of claims at the Gram Sabha level after 11 years of submission of application. Gram Sabha as the only important mechanism for proper functioning of FRA, is found to be ineffective (no consent from Gram Sabha at all).
2	Podgaon, Chhattisgarh	This case study is a case of rejection of claims at the Gram Sabha level after 11 years of submission of application. Gram Sabha as the only important mechanism for proper functioning of FRA, is found to be ineffective (no consent from Gram Sabha at all).
3	Landabaga, Sundargarh, Odisha	Rejection of already sanctioned IFR claims.
4	Reddi Gudem, Andhra Pradesh	Rejection of already sanctioned IFR claims; and ALSO Issue (8): Areas where rights have not been recognized for communities displaced by projects and/ or violence -Displaced under Polavaram dam project
5	Chak Bhaminimata, Rajasthan	Rejections of IFR and CR claims without due process
6	Kattugudem, Telangana	Neither rejected nor accepted; diversion of rights by renaming villages by dominant groups
7	Rampuri, Gujarat	Partial recognition of rights; rights recognized for lower proportion of land than in possession of claimants.
<b>ISSUE 2: Areas where scheduling procedures have severely affected rights of STs, PVTGs, OTFDs</b>		
8	Dengajhari, Nayagarh (Ranpur), Odisha	Claims of Odia Kondh rejected because not "ST".  ALSO under Issue (6): Areas where local communities/gram sabhas have been protecting forests/ customary practices of forest protection - <i>Thengapalli</i> . Traditional forest protection established for past 40 years.
<b>ISSUE 3: Areas where forest settlement operations have severely affected rights of STs, PVTGs, OTFDs, pastoralist communities</b>		
9	Burlubaru, Kandhamal, Odisha	Kutia Kondhs PVTG – Issues related to violations rights and atrocities due to non recognition of their forest rights (particularly the habitat rights), forcible plantation of monoculture species in their cultivation land leading to serious impact on the agro-biodiversity and food security
10	Usabali, Kandhamal, Odisha	Kutia Kondhs PVTG – Issues related to violations rights and atrocities due to non recognition of their forest rights (particularly the habitat rights), forcible plantation of monoculture species in their cultivation land leading to serious impact on the agro-biodiversity and food security



S.NO.	SITE	ISSUE
11	Gujjar Basti (Gaindi Khata), Uttarakhand	Issue of long-pendency of claims of <i>Van Gujjars</i> (long pendency of claims), with forced evictions.
<b>ISSUE 4: Areas where claims have not been considered/ rejected/ cancelled due to diversion of forest land</b>		
12	Yerrayigudem, Telangana	Forest lands submerged due to Polavaram dam project; and anticipated displacement from habitation as well
13	Jala, Jharkhand	Diversion of forest land and resources for railway line; ALSO Issue (8) Areas where rights have not been recognized for communities displaced by projects and/ or violence - coal mining proposed hence anticipated displacement; and ALSO issue (6) areas where local communities/gram sabhas have been protecting forests/customary practices of forest protection Gram Sabha rejects the proposal in 2014 - rejection of mining by Gram Sabha
<b>ISSUE 5: Areas where claims have been rejected or put on hold due to forest department programmes such as plantations (CAF and other programs), Joint Forest Management/ Van SurakshaSamiti, Forest Development Corporations, etc.</b>		
14	Chikhali Reeth (Wadsa forest division in Gadchiroli), Maharashtra	FDCM case. Plantation and tree-felling. Sub-judice.
15	Sonoli, Rajnandgaon, Chhattisgarh	It is basically a depiction of conflict between the CGRVVN and the Gram Sabha on the issue of plantation of commercial crops and subsequently the process of thinning on the CFR land of Gond community.
16	Balarampur, Odisha	Women resisting tree-felling by FDC
17	Thattigudem, Telangana	Rejection of claims over podu lands, action by forest dept
18	Kaptapalle, Odisha	Forest land taken for cashew plantation, promised that villagers could use the benefits of plantation, but not allowed, resistance since FRA
<b>ISSUE 6: Areas where local communities/gram sabhas have been protecting forests/ customary practices of forest protection</b>		
19	Malakkapara, Kerala	Community based conservation, community participation in mapping of resources for FRA

S.NO.	SITE	ISSUE
<b>ISSUE 7: Protected Areas and co-existence</b>		
20	BRT Hills, Karnataka	Soliga tribes, Customary habitats, increase in tiger population; and ALSO issue (6) areas where local communities/gram sabhas have been protecting forests/customary practices of forest protection - community mapping of resources, preparation of conservation plan
<b>ISSUE 8: Areas where rights have not been recognized for communities displaced by projects and/ or violence</b>		
21	Nayakula Gudem (Gangineedupalem), Andhra Pradesh	Displaced under Lift Irrigation, and ALSO Issue (4) diversion of forest lands
22	Devaragondi, Andhra Pradesh	Displaced under Polavaram dam project, ALSO Issue (4) diversion of forest lands
<b>ISSUE 9: Others: rights violations in PAs; no due process</b>		
23	Peddachama, Andhra Pradesh	Chenchu PVTG, forceful displacement by authorities
24	Appapur, Telangana	Chenchu PVTG, fear of displacement due to core Tiger Reserve area



# PROFILE OF SITES

S. No.	Particulars of Sites					Communities		
	District	Division	Mandal	Gram Panchayat	Site	ST	SC	BC
<b>1. Andhra Pradesh</b>								
1	West Godavari	Eluru	Buttayagudem	Rajanagaram	Reddi Gudem	Konda Reddy	-	-
2	Prakasam	Markapur	Dornala	Dornala	Peddachama	Chenchu (PVTG)	-	-
3	West Godavari	Eluru	T. Narsapuram	Bandivarigudem	Nayakulagudem (Gangineedupalem)	Naikpod	-	
4	West Godavari	Eluru	Polavaram	Mamidigondi	Devaragondi	Koya	-	-
<b>2. Chhattisgarh</b>								
5	Kanker	Antagarh	Antagarh	Podgaon	Podgaon	Gond and Halbas	-	Jadhav
6	Rajhandgaon	Durg	Ambagad Chowki	Dodake	Sonoli	Gond	Mahar	-
<b>3. Gujarat</b>								
7	Aravali	Sabar Kantha	Bhiloda	Ambabar	Rampuri	Bhil	-	-
<b>4. Jharkhand</b>								
8	Latehar	Balumath	Balumath	Sheregara	Jala	Oran	-	Jadhav

S. No.	Particulars of Sites					Communities			
	District	Division	Mandal	Gram Panchayat	Site	ST	SC	BC	
<b>5. Karnataka</b>									
9	Chamarajanagar	Chamarajanagar	Chamarajanagar, Yelandur	-	BRT Hills - Muthugadagadde Hamlet, Kanneyra Colony, Kuntugudi Colony, Hosapodu Hamlet	Soligas			
<b>6. Kerala</b>									
10	Trichur	Vazhachal	Chalakkudy	Athirapally	Malakkapara	Kadar (PVTG)			
<b>7. Maharashtra</b>									
11	Gadchiroli	Wadsa	Desaiganj (Wadsa)	Dongargoan	Chikhali Reeth	Kodhi (NT)	-		Kumbi
<b>8. Odisha</b>									
12	Dhenkanal	Sadar	Sadar	Balarampur	Balarampur	-	Pana, Dama, Hadi, Juanga	-	
13	Kandhamal	Phulbani	Tumudibandha	Belaghar	Burlubaru	Kutia Kondha (PVTG)	-	-	
14	Nayagarh	Nayagarh	Ranapur	Darpanarayanpur	Dengajhari	Kandha	Pana	-	
15	Nayagarh	Nayagarh	Ranapur	Kaptapalle	Kaptapalle	Kui	-C	-	

S. No.	Particulars of Sites					Communities		
	District	Division	Mandal	Gram Panchayat	Site	ST	SC	BC
16	Sundargarh	Sadar	Balishankara	Talsara	Thetheitangar (Landabaga)	Oran, Khadia	Ganda	-
17	Sundargarh	Sadar	Hemgir	Gopalpur	Sanrampia	Khadia, Bhuyan	Ganda	-
18	Kandhamal	Phulbani	Tumudibandha	Guma	Usabali	Kutia Kondha (PVTG)		
<b>9. Rajasthan</b>								
19	Udaipur	Udaipur	Khotra	Dedmaria	Chak Bhaminimata	Bhil		
<b>10. Telangana</b>								
20	Nagarkurnool	Amrabad	Lingala	Appapur	Appapur	Chenchu (PVTG)	-	-
21	Bhadradi Kothagudem	Kothagudem	Annapuredypally	Gumpana	Kattugudem	Koya	-	Gangireddul, Golla
22	Bhadradi Kothagudem	Ilhandu	Tekulapaaly	Yerrayigudem	Yerrayigudem	Koya		
23	Bhadradi Kothagudem	Manuguru	Parakagudem	Thatigudem	Thatigudem	Koya	Nethakani	Gangireddula
<b>11. Uttarakhand</b>								
24	Haridwar	Rajaji N Park	Bahadradab	Gaindi Khata	Gujjar Basti	-	-	Van Gujjar

Source: Field Study



# KEY INFORMANTS AND SITE VISITS

S. No	Name of the Site	Date of Visit	Key Informants
1	Devaragondi, W Godavari, A.P.	July 26-31, 2019	<p><b><u>Main Contact</u></b> Mr. J. Babji</p> <p><b><u>Informants</u></b> Mr. Ramakrishna Mr. Ramchandra Rao</p>
2	Nayakulagudem, W Godavari, A.P.	July 26-31, 2019	<p><b><u>Main Contact</u></b> Mr. J. Babji</p> <p><b><u>Informants</u></b> Mr. Venkateswara Rao Mr. Allam Anjaiah Mr. Ramchandra Rao</p>
3	Reddi Gudem, W Godavari, A.P.	July 26-31, 2019	<p><b><u>Main Contact</u></b> Mr. J. Babji</p> <p><b><u>Informants</u></b> Mr. Kaki Madhu Mr. Ramchandra Rao</p>
4	Balarampur, Odisha	July 29-31, 2019	<p><b><u>Main Contact</u></b> Mr Sushanta Kumar Dhala President, Baladevjiu Club, Balarampur Dhenkanal</p> <p><b><u>Informants</u></b> Mr.Ambika Prasad Jena Ms.Babita Patra Mr.Jayanta Dhala</p>
5	Burlubaru, Odisha	August 1-2, 2019	<p><b><u>Main Contact</u></b> Ms Bhagyalaxmi Biswal Vasundhara, Raj Ranpur Nayagarh, Odisha Ms. Basanti Majhi Seva Bharati Tumudibandha Kandhamal</p> <p><b><u>Informants</u></b> Mr. Rajendra Jani Mr. Madhava Jena Volunteer, Vasundhara Bhubaneswar</p>
6	Appapur, Lingala Nagarkurnool, Telangana	August 1-5, 2019	<p><b><u>Main Contact</u></b> Mr. T. Guruviah</p> <p><b><u>Informants</u></b> Mr. T. Naganna Mr. T. Neeladri</p>

S. No	Name of the Site	Date of Visit	Key Informants
7	Pedda Chama, Dornala, Prakasam, A.P.	August 1-5, 2019	<p><b><u>Main Contact</u></b> Mr. T. Guruvaiah</p> <p><b><u>Informants</u></b> Mr. D. Bayanna Mr. T. Neeladri</p>
8	Usabali, Odisha	August 3-4, 2019	<p><b><u>Main Contact</u></b> Ms Bhagyalaxmi Biswal Vasundhara, Raj Ranpur Nayagarh, Odisha Ms. Basanti Majhi Seva Bharati Tumudibandha Kandhamal</p> <p><b><u>Informants</u></b> Mr. Rajendra Jani Mr. Madhava Jena Volunteer, Vasundhara Bhubaneswar</p>
9	Jala, Jharkhand	August 5-6, 2019	<p><b><u>Main Contact</u></b> Mr. George Manepally Jharkhand Vanadhiakar Manch</p>
10	Gadchiroli, Maharashtra	August 6-7, 2019	<p>Main Contact <b><u>Mr. Keshav Gurnale (SRISHTI)</u></b></p> <p><b><u>Informants</u></b> Mr. Hiranman Garate Mr. Pradeep Bonde.</p>
11	Malakkapara, Kerala	August 8-10, 2019	<p><b><u>Main Contact</u></b> Dr. Amitha Bachan KH, (Hornbill Foundation)</p> <p><b><u>Informants</u></b> Mr. Mayilamani Mr. Senthil Kumar</p>
12	Podgaon, Chhattisgarh	August 11-12, 2019	<p><b><u>Main Contact</u></b> Mr. Anubhav Shori DISHA Samaj Sevi Sanstha Jaisakarra, Charama, North Bastar Kanker Chhattisgarh Ms Shalini Gera Lawyer and Founder Jagdalpur Legal Aid Group</p>

S. No	Name of the Site	Date of Visit	Key Informants
13	Sonoli, Chak Bhaminimata	August 13-14, 2019	<p><b><u>Main Contact</u></b> Mr. Keshav Gurnule SRISTHI, Shankarpur, Visora Gadchiroli</p> <p><b><u>Informants</u></b> Mr. Kunal Gurnule SRISTHI, Shankarpur, Visora Gadchiroli</p>
14	Gujjar Basti, Rajaji National Park, Uttarakhand	August 14-15, 2019	<p><b><u>Main Contact</u></b> Mr. Amit Rathi</p> <p><b><u>Informants</u></b> Mr. Wazir Ali Chopda Mr. Lal Dheen Mr. Mukthar Ali Chopda</p>
15	Landabaga, Odisha	August 17-20, 2019	<p><b><u>Main Contact</u></b> Mr. Nata Kishore Mishra Mr. Supriyan Xaxa CIRTD, Sundargarh</p> <p><b><u>Informants</u></b> Ms. Ahalya Sa CIRTD, Sundargarh</p>
16	Rampuri, Gujarat	August 19-20, 2019	<p><b><u>Main Contact</u></b> Mr. Gova Bhai Rathod</p> <p><b><u>Informants</u></b> Mr. Ninamu Amruji Valji Mr. Asuri Mahesh Bhai</p>
17	Chak Bhaminimata, Rajasthan	August 21-22, 2019	<p><b><u>Main Contact</u></b> Mr. Sarfarz (ASTHA)</p> <p><b><u>Informants</u></b> Mr. Dharm Chand Mr. Bhawar Lal Mr. Sarvan</p>
18	Sanarampia, Odisha	August 21-24, 2019	<p><b><u>Main Contact</u></b> Mr. Nata Kishore Mishra Mr. Supriyan Xaxa CIRTD, Sundargarh</p> <p>Informants Ms. Ahalya Sa CIRTD, Sundargarh</p>



S. No	Name of the Site	Date of Visit	Key Informants
19	Denghajari, Odisha	August 27, 2019	<p><b><u>Main Contact</u></b> Ms Bhagyalaxmi Biswal Vasundhara, Raj Ranpur Nayagarh, Odisha</p> <p><b><u>Informants</u></b> Mr. Madhava Jena Volunteer, Vasundhara Bhubaneswar</p>
20	Kaptapalle, Odisha	August 28, 2019	<p><b><u>Main Contact</u></b> Ms Bhagyalaxmi Biswal Vasundhara, Raj Ranpur Nayagarh, Odisha</p> <p><b><u>Informants</u></b> Mr. Sashibhusan Mansingh Volunteer, Vasundhara Bhubaneswar</p>
21	BRT Hills, Karnataka	September 29 - October 1, 2019	<p><b><u>Main Contact</u></b> Dr. Made Gowda, ATREE</p> <p><b><u>Informants</u></b> Mr. Karanaketegowda Mr. Sannarangegowda Mr. Konnura Gowda Mr. Magare Ketegowda Mr. Madeppa Mr. Bedegowda</p>
22	Kattugudem, Annapureddypally  Bhadradi Kothagudem  Telangana	September 30 - October 5, 2019	<p><b><u>Main Contact</u></b> Mr. K. Srinivas</p>
23	Yerrayigudem, Tekulapally  Bhadradi Kothagudem  Telangana	September 30 - October 5, 2019	<p><b><u>Main Contact</u></b> Mr. Cheemala Narasimha Rao</p>
24	Thatigudem, Yerrupalem  Bhadradi Kothagudem  Telangana	September 30 - October 5, 2019	<p><b><u>Main Contact</u></b> Mr. Chanda Hanumantha Rao</p>



# ANDHRA PRADESH

<b>Village:</b>	Devaragondi (Mamidigondi Gram Panchayat)
<b>Mandal/Block:</b>	Polavaram
<b>District:</b>	West Godavari
<b>State:</b>	Andhra Pradesh

**ANDHRA  
PRADESH  
SITE 1  
Devaragondi**

## 1.1 Introduction to the Site

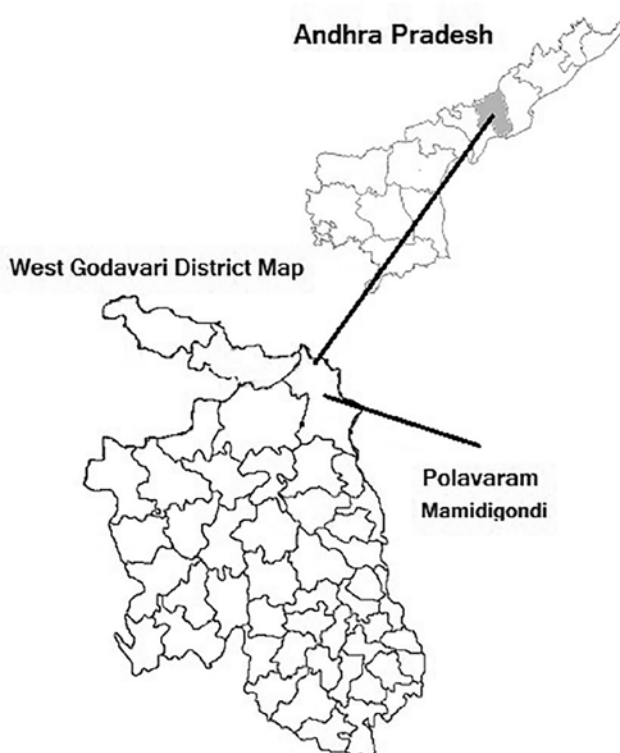
Devaragondi, a resettled and rehabilitated village was selected since this village has witnessed massive violation of FRA in the diversion of forest lands in the wake of Polavaram project. No prior informed consent of the Gram Sabha was obtained before the displacement. Moreover, from scheduled area the community is displaced into a non-scheduled area. Not only this, non-conferring of IFR made them ineligible for R & R package under the LARR 2013 which further aggravated their vulnerability and dispossession.

## 1.2 Socioeconomic Profile of the Village

Devaragondi is a resettled and rehabilitated village under the Polavaram Project from Polavaram dam site. The village belongs to the Mamidigondi Gram Panchayat of Polavaram Mandal in West Godavari District, Andhra Pradesh. This village is the result of massive violation of FRA in diversion of forest lands in the wake of Polavaram project. There was no prior informed consent of the Gram Sabha was obtained prior to the displacement. Moreover, from scheduled area the community is displaced into a non-scheduled area. Non-conferring of IFR has made them ineligible for R & R package under the LARR Act, 2013 which further aggravated their vulnerability and dispossession.

Devaragondi is a Revenue village with Koya inhabitants located in Scheduled Area. The population of the village according to the Anganwadi Teacher is 322 (M: 140, F: 182). Devaragondi has ananganwadi, primary school upto Class II and Community Hall.

The Koya community (a Scheduled Tribe) who have land are not cultivating lands which have been given to them by Government under the R&R package as they are not feasible for cultivation. Earlier they used to cultivate small millets in their lands in the forest area. They go for MGNREGA works



whenever available. The literacy levels among the Koya are negligible. Out of the total population (322) about 90 are literate as per the villagers. At the time of the survey all the children were being sent to anganwadi and Primary School respectively. No major illness was reported. However, seasonal illness namely, cold, fever (malaria, typhoid etc.), and jaundice etc., are common. No health-related infrastructure is found in the village.

The community that has been dependent on this land since ages and has been pursuing cultivation at least since 1960, is now displaced in the year 2014 due to Polavaram Project being constructed in West Godavari District of Andhra Pradesh. No cultivation is pursued as the lands, which were given by the Government under the R&R package, are full of pebbles and wild bushes which are not feasible for cultivation. Koya community of Devaragondi used to collect MFP from the old village forest in an area of 500 acres which is roughly about 2.5 square kilometres in their original village. After displacement collection of MFP has stopped. There is no agriculture land in the resettled village.

### **Religio-Cultural Profile**

The Koyas inhabit the hills and forests north of Godavari District in Andhra Pradesh apart from other parts of India. In Andhra Pradesh Koyas largely live in East Godavari and West Godavari. Visakhapatnam, Krishna, Guntur and Prakasam also have significant population of the tribe. They are also seen in Telangana, Chhattisgarh, Madhya Pradesh, Karnataka, Odisha and Lakshadweep. They are subdivided into groups like Doli Koya, Gutta Koya, Kummara Koya, Musara Koya, Oddi Koya, Pattidi Koya, Rasha Koya, Lingadhari Koya, Kottu Koya, Bhine Koya, Raj Koya, etc. They are also called as Dorala Sattam or Koitur.

The Koya tribe is divided into five exogamous phratries – Mudava Ghatta, Nalgava Ghatta, Idava Ghatta, Arava Ghatta and Edava Ghatta. They perform popular 'Bison horn dance' during festivals.

The Koyas are a branch of the Gondi-speaking people. Their mother tongue comes under the Dravidian group of languages.

Koyas have rituals and festivals that celebrate the rivers, the trees and the earth. They celebrate Boodevi Panduga, Gangamma Panduga, Muthyalamma Panduga, Thadichettu Panduga and Pothraju Panduga. The Koyas of Devaragondi village enjoys cultural exchange, family and kinship relations and ties with the neighbouring and surrounding villages. There is no resource sharing and therefore there are no conflicts over resources. They do not engage in MFP collection at present.

The Koyas are settled cultivators and skilled artisans. They cultivate Jowar, Ragi, Bajra and other millets. They make bamboo furniture.

### **Skill Development**

SERP and TRIFED issued Pass Books and identity cards in the year 1994 for collection and sale of MFP. The Koya community continued the practice collection and sale of MFP up to 2003-04. In this process the community was imparted training (to collect MFP) by TRIFED and issued Giri Cards. The quantity of MFP collection was recorded in the pass book issued by SERP. This has since been discontinued.

**Ecological Profile****Overview of Village Land Use**

S.No.	Particulars	Area	Remarks
1	Housing Area	6 Acres	
2	Agriculture/Cultivation Area	-	
3	Religious Temples and Places	-	
4	Cemeteries/Cremation Grounds	-	No Cremation ground, Common area, Grazing land and Market area.
5	Common Areas	-	
6	Grazing Pastures	-	
7	Market Area	-	
8	School Area	10 Cents	
9	Others (specify)	-	

**Overview of Forest land Use (old village)**

S.No.	Particulars	Area	Remarks
1	Agriculture/Cultivation Area	460 Acres	In the old village
2	Religious Temples and Places	0.5 Acre	One Rama Temple and Two Churches
3	Rivers, Streams, Ponds and Tanks Etc.	-	
4	Common Areas	-	
5	Minor Forest Produce Collection	-	
6	Grazing Pastures	-	
7	Others (specify)	-	

Devargondi is resettled village under the Polavaram Project. Hence, there is no agriculture land, no cremation ground, no common area, no grazing land and no market area etc.

## Forest Profile

### Categorisation of Forest Land (in the old village)

S.No.	Particulars	Area	Remarks
1	Reserved Forest	-	
2	Protected Forest	-	
3	Village forest	-	
4	Revenue village	-	
5	Unreserved Area	-	
6	National Park	1,01,286 hectares	2010
7	Wildlife Sanctuary	59,100 hectares	1978
8	Tiger Reserve	-	
9	Elephant Corridor	-	
10	Others (specify)	-	

There is no forest in the present resettled village, which falls under non-scheduled area. The information provided in this section belongs to the old village which was the part of Papikonda National Park and Wildlife Sanctuary.<sup>1</sup>

### Papikonda Wildlife Sanctuary and National Park

Devaragondi village is now located at distance of 35 km from the Papikonda Wildlife Sanctuary and the National Park. The Papikonda Wildlife Sanctuary and the National Park together cover 1603.86 square kilometers and were established in the years 1978 and 2010 respectively. The sanctuary represents the tropical forest on the eastern ghats of the India.

### Flora

Papikonda Wildlife Sanctuary is not only the homeland of the animals but a wide variety of plants and shrubs grow and that make the vegetation of the place rich and vibrant. Trees like *Tectona grandis*, *Tominalias*, *Tomentosa*, *Lagerstroemis Lanceolata*, *Albizia* and others can be easily locate in this wildlife sanctuary. The vegetation of Papikonda national park contains species of moist deciduous and dry deciduous forests. Tree species include *Pterocarpus marsupium*, *Terminalia elliptica*, *Terminalia Arjuna*, *Adina cordifolia*, *Sterculia urens*, *Mangifera indica*, *Anogeissus latifolia*.

### Fauna

The undulating hills of Papikonda Wildlife Sanctuary are the home ground of various wild cats like tiger, leopard. apart from that, tourists can locate spotted deer, antelopes, sambar, hyena, sloth bear, muggers and gharials. the mammals of national park include, rusty-spotted cat, jungle cat, leopard cat, sloth bear, small indian civet, asian palm civet, wild boar and honey badger. herbivores recorded include spotted deer, sambar deer, indian muntjac, indian spotted chevrotain, gaur, nilgai and four-horned antelope.

<sup>1</sup> This section is based on [https://www.wikiwand.com/en/Papikonda\\_National\\_Park](https://www.wikiwand.com/en/Papikonda_National_Park), accessed on September 16, 2019

The National Park also has population of both rhesus macaque which are normally found north of Godavari and bonnet macaque that are usually found south of Godavari. Gray langurs are also seen inside the National Park. The presence of water buffaloes in the area was recorded during the British period.

## Birds

The national park was recognized as an 'Important Bird and Biodiversity Area' by BirdLife International in 2016. Some of the endangered, vulnerable and near threatened species of birds reported includes black-bellied tern, pale-capped pigeon, yellow-throated bulbul, oriental darter, pallid harrier, great thick-knee, river lapwing, river tern, Malabar pied hornbill, Alexandrine parakeet.

## 1.3 Historical and Continuing Injustice: Potential and Performance of FRA

### The Trauma of Displacement

The Polavaram (IndiraSagar) Multipurpose Project being built on the Godavari river is one of the most ambitious projects of the Government of Andhra Pradesh declared as a national project by Government of India in 2014 and has inter-state implications for neighbouring states of Telangana, Odisha and Chhattisgarh.

While the Government of AP appears to be reasonably satisfied with the progress on the R&R front, large numbers of locally affected people have numerous grievances including inadequate, poor R&R measures or denial of R&R, corruption and irregularities, wrong surveys, improper disbursement or compensation and R&R entitlements to ineligible persons and exclusion of eligible persons, non-settlement of individual and community forest rights, creation of conflict by resettling adivasis on disputed Land Transfer Regulation (LTR) lands, discriminatory compensation for patta and assigned lands, etc.

The Koya community of Devaragondi village faces multiple challenges like no proper compensation under R&R package, resettlement in non-scheduled area, jeopardised livelihood and non-cooperation of officials etc. The Government has promised to give compensation to Koya community of Devaragondi as per R&R guidelines but failed to fulfil the promises made. They were just given CFR title under FRA 2006 which make them eligible for R&R package under LARR Act, 2013. However, the community did not receive any benefit of CFR title. Only few people have received land.

The community is resettled in non-scheduled area which is against the LARR Act, 2013. As the community is resettled in non-scheduled area they have lost the constitutional rights which they used to enjoy in scheduled area. Few have received land for land. However, the land is located 8 - 15 km away from the resettled village. Hence, none of the villagers are pursuing cultivation.

The rights of Koya community are ignored, with illegal eviction notices. The officials make them run pillar to post for the compensation that they are entitled to. More importantly 15 people have died untimely deaths due to psychological trauma of forced displacement. There is no common land, burial ground and cattle grazing land in the present resettled village.

The Polavaram dam project under construction across the river Godavari at Polavaram, West Godavari district, Andhra Pradesh has faced resistance due to the problem of massive displacement of tribal people in the Scheduled Areas of Andhra Pradesh. The trauma of the project affected adivasis began since the proposal of construction of the dam in the 1940s. The project affects a

total of 2,37,000 people in 277 villages in 9 mandals of East Godavari and West Godavari districts of the State. It displaces a total of 42,701 families (47.36 percent STs, 15.42 percent SCs), and 1,50,697 people from 226 villages. The adivasi oustees come from 170 habitations and most of them are Koyas and Konda Reddis.

It was reported that majority of those oustees were unsatisfied with the compensation and R&R. This is mainly because:

- 1) They were displaced from their ancestral homes and lands and deprived of their assets, livelihoods and resource base, which also has certain psychological, social and cultural consequences at the new location, and such multi-dimensional trauma cannot be compensated easily;
- 2) The compensation and R&R package to the oustees of those villages were provided in accordance with the Land Acquisition Act of 1894 and the Andhra Pradesh R&R policy 2005, which were unlike the LARR Act 2013;
- 3) Non-applicability of the LARR Act 2013 that came into effect later and provides benefits in a better way elsewhere for the oustees of the same project;
- 4) Problems of implementation of resettlement and rehabilitation policy.

However, most of the displaced tribals are reported to have been facing numerous problems at the rehabilitation centres, which are located far from the original villages. The lands that were provided to them are not at a proximate distance from their homes post rehabilitation. It was also reported that the oustees are facing problems of lack of proper infrastructural facilities at the rehabilitation centres such as roads, schools, and healthcare facilities etc. They are also facing problems in coping up with the local people at their settlement centres due to the differences in culture and socio-cultural lifestyle. They have lost access to forest resources and products.

### **Functioning of Gram Sabha**

Gram Sabha was formed at Panchayat level in the year 2008. All the voters of the Panchayat are the members of Gram Sabha. The FRC is formed and all the members are Scheduled Tribes. Among them three belong to PVTG (2 Male, 1 Female) and the rest belong to Koya community (8 Male, 4 Female). CFRMC was not formed. VSS was formed before FRA 2006 but defunct since beginning and the villagers do not have the details of the VSS.

According to the villagers the Gram Sabha was held twice so far, the first Gram Sabha was held on 8.6.2008 and the last Gram Sabha was held on 18.6.2008. The FRA issues such as Individual Forest Rights were discussed. There was full attendance. Women actively participated in the Gram Sabha meetings and were vocal. There is no restriction from male members on the participation of women. The Gram Sabha passed resolutions to issue IFR for 143 Claimants and one Community Rights claims.

### **Claims Filed**

In the year 2008, the community claimed rights over the forest land which they were cultivating for decades together. Individual Rights and Community Rights were claimed by individuals and community respectively, who were depending on forest for their livelihood. However, only CFR title was issued.

## Claim Process

Under whose name Claimed filed?			Forest Rights					Total Number
ST	Single	M	IFR	CR	CFR	Habitat	Others	
		F			1	-	-	
	Joint		143	-		-	-	143

Wide publicity by Dandora was given by passing information about the Forest Rights Claims. Field verification was carried out and survey was conducted. The mapping was done by using GPS instrument. Many claims were illegally rejected by forest guards during the initial phase of verification by the FRCs. One "social mobiliser" has been appointed under the Indira Kranthi Patakam scheme (formerly known as the Velugu scheme), to help out the community with claims.

## Claims Rejected

Rights	Particulars of Claims	Total number of claims	Area (hectare)	Type of forest rights	Claimant?	Current Status		
						GS	SDLC	DLC
IFR	Recognized							
	Pending							
	Wholly Rejected	143	186.15	IFR	Individuals			Appealed
	Partially Rejected							
CFR	Recognized							
	Pending							
	Wholly Rejected	1		CFR	Community			Appealed
	Partially Rejected							

## Conflict of Interests - Rejection of claims

The Koya community of Devaragondi village came to know about rejection of their FRA 2006 titles through individual notice (dated 21.05.2019) but issued on 15.6.19, i.e., after delay of 25 days. The reason mentioned for rejection of the claim was 'the land belongs to VSS'. The rejection notice was served individually. The rejected claims were not remanded back to the Gram Sabha.

## Dispossession

The dispute is between Forest Department and the community. The Forest Department is undermining customary rights regarding MFP collection and rejection of claims. State actors are the Forest Department, Revenue department and Land Acquisition personnel.



The story of unmet promises and dried up livelihood echoes throughout the Resettlement & Rehabilitation village of Devaragondi. Devaragondi, one of the displaced village under the ongoing Polavaram Project, faces an additional set of problems apart from displacement. An Adivasi village of about 130 Koya (Scheduled Tribe) families, Devaragondi was part of Fifth Schedule Area in West Godavari District of Andhra Pradesh. However, Devaragondi residents were resettled in a non-Schedule area, which curtails benefits from the Integrated Tribal Development Agency and other protections constitutionally mandated for Fifth Schedule Areas.

Only a few have received land under compensation and that too land filled with stones and sand, and not suitable for cultivation. Moreover the land is 10 kilometres away from the Resettled & Rehabilitated colony. Many did not receive lands as compensation although the community has CFR rights. Villagers reported:

“we used to get tamarind, honey, glue and other forest produce which we no longer have here; we also lost our tribal gods and cultural deities in the form of hills and stones; even today we go to our old village to pray to the deities during festivals and special occasions.”

### **Redressal - Formal and Non-formal**

The matter has been taken to the High Court,<sup>2</sup> by Koya petitioners challenging the inaction of the state government in the matter of the rights of displaced Koyas of Devaragondi village.

They also appealed to the then Minister of Excise, Government of Andhra Pradesh, A P Secretariat, Amaravathi, who in turn requested the concerned MRO, Polavaram to look into the matter and do the needful under R&R Act.

### **Violation of FRA in Eviction - Displacement and Resettlement**

There is massive violation of FRA 2006 in diversion of forest lands, especially in the Polavaram project. Devaragondi is a displaced village under the Polavaram Project. No free, prior and informed consent of the Gram Sabha was obtained for the disputed displacement. The Oustees were assured of adequate compensation and rehabilitation but these have remained undelivered. Neither the forest officials nor the project officials allow this displaced community to enter the forest. In the original village the community and their forefathers enjoyed the MFP as it was available in abundance. However, ‘after displacement there is no collection of MFP and it has become difficult to make ends meet’ observed a Koya informant. Now women are working in road side hotels as menial workers. Men are engaged in hazardous works like rod bending, and lifting of heavy weights (without any safety measures) at the Polavaram dam site.

The community applied for IFR but the officials issued them CFR title. However, the members under CFR are served rejection notice. Rejections of forest rights claims further push them into the vulnerability and make them ‘nowhere people’ as their right to compensation has no legal authority.

The unwilling and substandard implementation of IFR with high rate of rejections and lack of institutional support to FRA implementation is only aggravated by the obstacles placed before the community’s claims by the Forest Department.

However, the members under CFR are served rejection notice. Rejections of forest rights claims further push them into the vulnerability and make them ‘nowhere people’ as their right to compensation has no legal authority.

<sup>2</sup> WP No. 47315/2018, Sri. P. Ramakrishna Vs State of Andhra Pradesh

In the Polavaram submergence area of West Godavari, which has been declared as a National Park, the FRC was formed but IFR Pattas were not given. FRC member Ramakrishna says that 'the reason for not issuing IFR rights and grant of CFR is that if individual forest rights are settled they will be eligible for R& R package under the LARR Act, 2013'.

### **Notes on Sources and informants**

1. Field visit during 26-31 July 2019.
2. Interaction with the Devragondi community.
3. Anganwadi Teacher, Devaragondi, Mamidigondi, West Godavari.
4. Detailed discussion with Mr. Ramakrishna, Mr. J. Babji and Mr. Ramchandra Rao.
5. Census of India 2011, Ministry of Home Affairs, Government of India.



# ANDHRA PRADESH

<b>Village:</b>	Nayakula Gudem -Gangineedupalem (Bandivarigudem Gram Panchayat)
<b>Mandal/Block:</b>	T. Narsapuram
<b>District:</b>	West Godavari
<b>State:</b>	Andhra Pradesh

**ANDHRA  
PRADESH  
SITE 2  
Nayakula  
Gudem**

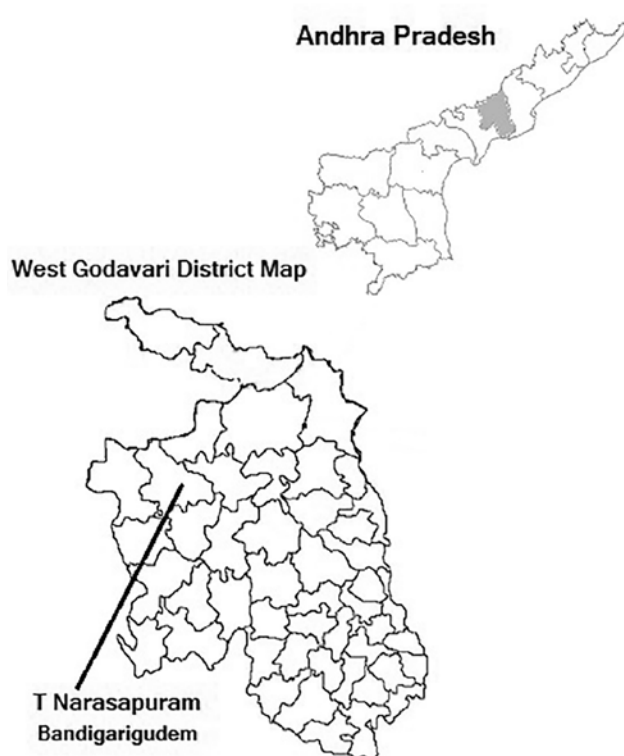
## 2.1 Introduction to the Site

The Naikpod community of Nayakula Gudem, Gangineedupalem is yet another example of denial of rights under FRA wherein their entitlements are not conferred in the name of the ongoing Chintalapudi Lift Irrigation Scheme started in 2009. There have also been instances of illegal detentions as well as denial of rights of the community under LARR since the permission for the irrigation project has not been cleared by or consulted with the Gram Sabha. Thus, it is case study which highlights complete violation of the rights.

## 2.2 Socioeconomic Profile of the Village

Nayakula Gudem adjacent to the Gangineedupalem is a small village in T. Narasapuram Mandal in West Godavari District of Andhra Pradesh State, India. It comes under Bandivarigudem Panchayat. It is located 57 km towards North from district headquarters Eluru, 7 km from T.Narasapuram. Gangineedupalem is surrounded by Jeelugumilli Mandal towards North, Chintalapudi Mandal towards west, Jangareddigudem Mandal towards East, Kamavarapukota Mandal towards South. Total population of Nayakula Gudem is 325 (M: 147, F: 178). All households except two belong to Naikpod community, one each of BC (4 member) and OC (9 members). Gangineedupalem is a Revenue village. The village is in TSP Area. The literacy levels are very low - the villagers mention about fifty people are educated among the community. With respect to female literacy only 10 out of 50 are educated and that too till upper primary level. Nayakula Gudem has one anganwadi centre and primary school up to V Class.

The Naikpod community pursue agriculture in small pockets of Darbhagudem Forest Range and depend on the seasonal agriculture labour, subsistence fishing and at times on the available non-agriculture labour. The community also collects the available MFP such as honey, wild tubers, and tamarind etc. The community also goes for MGNREGA works whenever available. The community



does not have any agriculture implements and cattle. Agricultural activities are dependent on rain. The community is living in the village since ages and dependent on *podu* cultivation in this land since 40 years.

The Naikpod community of Nayakula Gudem, Gangineedupalem is facing the challenge of denial of forest rights and no harmony exists between the community and officials engulfing them with fear all the time that some day they may lose their land and livelihood. Forest officials did not cooperate in the process of survey and putting their initials on the records. Lack of knowledge and unfamiliarity with the FRA 2006 has led to officials committing gross errors in realising the rights of the tribals with respect to FRA.

### Nutrition and Health

No major illnesses are found. However, seasonal illness namely, cold, fever (malaria, typhoid, etc.), tuberculosis and jaundice etc., are common. No health-related infrastructure is found in the village. They have travel to T Narsapuram PHC which is located 7 km away. There is also no ASHA worker in the village. Government Health Centers close to Gangineedupalem are 1) Muppinavarigudem 2) Mettagudem 3) Routhugudem.

### Religio-Cultural Profile

Largely, the tribal communities are known for their rich culture, tradition and beliefs. The Naikpod community follow certain rituals called Cheekatamma, Potharaju, and celebrate Mutyalamma Jatara, an indigenous festival. The community believes in having collective forest food festival called Vana Bojanalu before harvesting season, which they believe brings blessings to the community.

The Nayakula Gudem community has kinship, family relations and cultural exchange with the neighbouring villages namely, Srinivasapuram, Kollivarigudem, Sangaraopet and Kommugudem etc.

### Ecological Profile

#### Overview of Village Land Use

S.No.	Particulars	Area	Remarks
1	Housing area	6 Acres	No Cemeteries or cremation grounds, no common area, no grazing pastures and no market within the village.
2	Agriculture/Cultivation area	-	
3	Religious temples and Places	5 cents	
4	Cemeteries/Cremation grounds	-	
5	Common areas	-	
6	Grazing Pastures	-	
7	Market area	-	
8	School area	10 Cents	
9	Others (specify)	-	

### Overview of Forest land Use

S.No.	Particulars	Area	Remarks
1	Agriculture/Cultivation area	125Acres	No common area, no grazing pastures and no MFP is available.
2	Religious temples and Places*	15 cents	
3	Rivers, Streams, Ponds and Tanks etc.	Mutlakunta	
4	Common areas	-	
5	Minor Forest Produce collection	-	
6	Grazing Pastures	-	
7	Others (specify)	-	

### Forest Profile

#### Categorisation of Forest Land

S.No.	Category	Area	Year of Declaration
1	Reserved Forest	1430.57 ha	1899
2	Protected Forest	-	-
3	Village forest	-	-
4	Revenue village	-	-
5	Unreserved Area	-	-
6	National Park	-	-
7	Wildlife Sanctuary	-	-
8	Tiger Reserve	-	-
9	Elephant Corridor	-	-
10	Others (specify)	-	-

### Forest

The Darbhagudem Reserve Forest was notified under the Section 16 of Madras Forest Act, 1882, vide notification no. 848, dated 15.12.1899. The topography of the forest is plain to moderate slope. The forest in this block belongs to the category of southern tropical secondary dry deciduous forests.

### Flora

The species of flora found in the Darbhagudem Reserve Forest are: Terminalia Tomentosa (Nalla Maddi), Lagerstroemia Lanceolata (Chennangi), Strychnus Nuxvomica (Musti) Lannea Coromandelica (Gumpena), Garuga pinnata (Garugudu), Chloroxylon sweitenia (Billudu), Hardwickia binata (Narayepi), Anogeissus acuminate (Paachi), Terminalia paniculata (Chirumanu),

Cleistanthus collinus (Kodisa), Pterospermum canescens (Loluga), Mimosops hexandra (Pala), Tamarindus indica (Chintha), Xylia xylocarpa (Konda Thangedu), Memecylon edule (Alli), Morus australis (Puchika), Feronia elephantum (Velaga) etc<sup>3</sup>.

### **Gram Sabha**

Gram Sabha was formed at village level. All the voters are the members of the Gram Sabha. FRC was formed. All the members (15) belong to ST, of which 5 are women members. CFRMC was not formed.

### **VSS/JFMC**

The VSS was formed by the forest department way back in the year 1997 and all the records are kept and managed by the forest department. The community has not benefitted with the formation of VSS.

## **2.3 Historical and Continuing Injustice: Potential and Performance of FRA**

The community was neglected and was denied the issuance of Caste Certificate till the year 2007-08 and with repeated appeals with the help local voluntary organisation the community had succeeded in getting ST Certificate. However, the happiness was short lived as after two months the officials ceased to issue the ST Certificate without giving a reason. The struggle for getting ST Certificate is thus still going on.

There is severe shortage of house sites in Nayakula Gudem; three families are living in a small one-room house. Tribal welfare programmes are not implemented properly in this colony. Additionally non-issuance of ST Certificate is directly affecting the community by blocking access to government schemes as well as reservations in education and employment.

### **FRA Process**

The Gram Sabha was held on 8.6.2008 to discuss the issues of recognition of forest rights under the FRA 2006. The Gram Sabha discussed the forest rights and passed resolutions approving issuance of 85 IFR and one CFR claims. Women do attend the Gram Sabha meetings, but no separate steps have been taken by community to improve women's full and unrestricted participation. In 2008, they claimed the rights. The IFR and CFR titles have been claimed to obtain right over the forest land which they were cultivating for decades together. IFR and Community Rights respectively, were claimed by individuals and community, who depend on Forest MFP directly for their livelihood. All the members of the community have filed the claims.

### **Claims Process**

As mentioned earlier, the community is in a constant tussle with the forest department over the recognition of rights. Their entitlements are not conferred in anticipation of displacement by the ongoing Chintalapudi Lift Irrigation Scheme started in 2009. Neither forest nor revenue officials bring the required records to the Gram Sabha in support of verification of forest rights. All the concerned department officials do not maintain required documents or registers required for realisation of rights. Lack of technical knowledge about survey and about the powers of Gram Sabha and FRC have resulted in the poor implementation of FRA 2006.

<sup>3</sup> Divisional Forest Officer, Eluru Division, Eluru, West Godavari (see Annexure).

## Claims Rejected

Rights	Particulars of Claims	Total number of claims	Area (hectare)	Type of forest rights	Claimant?	Current Status		
						Gram Sabha	SDLC	DLC
IFR	Recognized							
	Pending							
	Wholly Rejected	85	125	IFR	Individuals	Accepted	Rejected	Appealed
	Partially Rejected							
CFR	Recognized							
	Pending							
	Wholly Rejected	1		CFR	Community	Accepted	Rejected	Appealed
	Partially Rejected							

## Conflict of Interests leading to Rejection

The people of Nayakula Gudem came to know about rejection through individual notice dated 21.5.2019 delivered to the community after one month without mentioning the date of issue. The reason mentioned for rejection is that the land belongs to VSS and the adivasis are 'illegally' cultivating land. The rejection of claims was communicated in person. The rejected claims were not returned to the Gram Sabha.

## The Dispute and Conflict

The community was eking out a living since generations by collecting the available MFP in the nearby Darbagudem Forest Range. They started settled cultivation in the year 1980-81. The forest department filed a case on some of them on 14.11.2004 stating that the community has illegally encroached forest land by felling the plantation. However, in due course the case was dismissed. In the light of FRA 2006, they claimed IFR titles in 2008 and Gram Sabha passed resolutions approving the same. On these IFR claims SDLC issued Community Title.

There are several disputes between Forest Department and the community. The Forest Department is undermining customary rights, rejecting the claims and instigating land disputes between STs and non-STs. Officials are also encouraging forest diversion saying the area is under VSS (see Annexure). Forest Officials and Irrigation Officials keep on saying you will lose your land one day or the other.

State actors are Water Resources Department (I & CAD) Department, Principal Secretary, Tribal Welfare Department; Environment and Forest Department; Commissioner & Director, Tribal Welfare Department; District Collector, West Godavari; Divisional Forest Officer, Eluru, W. Godavari; Executive Engineer, Indira Sagar Right Canal Main Division-4, Water Resources Department, Eluru, W. Godavari; and Police personnel.

## Illegal Detentions

The Deputy Range Officer, Forest Department) filed a case on some of them on 14.11.2004 stating the community has illegally encroached forest land by felling the plantation. Based on the complaint (dated 10.11.2004) by Deputy Range Officer, Forest Department, Jangareddigudem a case was registered on six persons of under Prevention of Damage to Public Property Act, 1984 and 427, 447 R/W 34 IPC and v/s 20 (c) II, VII, IX, X of the AP Forest Act 1967 (crime no. 72/2004 of T. Narsapuram Police Station) on 14.11.2004 at 10 am.

Deputy Range Officer, Forest Department, Jangareddigudem stated in his complaint that under the leadership Sri. Ramakrishna S/o Venkatesu six persons namely Sri.Penta Suryanarayana, Sri. Bayye Somaraju, Sri. Lakshmi Swamy, Sri. Nakkalaboina Subba Rao, Sri. Gopanaboina Nagaraju and Sri. Bayya Rambabu had illegally encroached the forest land by cutting of bushes in NTFP plantation and grazing of Bamboo plantation under the Darbagudem Range, thereby destroying the forest plantation. However, the forest department did not seek the consent of the community. It should be noted in this context that those who were accused have also applied for IFR under FRA 2006.

## The Gross Irregularities of Chintalapudi Lift Irrigation Project

The Nayakpod adivasi community are denied the benefit under LARR Act, 2013 as their forest rights are rejected. The livelihood of the community will be pushed to the edge of precarity as they lose their primary source of economic means.

- Chintalapudi Lift Irrigation Project work is going on without Environment Clearance.
- SIA has not been done, violating one of the most important provisions of the LARR Act 2013. The government is proceeding without authenticated documentation of all the families being impacted by the project and the nature of impact.
- No public hearing has been held on the project, no Gram Sabhas have been conducted in the village to get consent of the community. Moreover, the representations made by the community have not been considered or addressed.

## Environmental Impact

The on-going Chintalapudi Lift Irrigation Project is said to cause huge damage to environment and ecological imbalance due to submergence of forest and arable lands in the catchment areas of the project. The submergence of land and flooding may have detrimental effect on the available flora and fauna. Further, the formations of stagnant water bodies in hot and damp tropical regions provide breeding grounds for higher incidences of tropical diseases.

## Redress - Formal and Non-formal

The Naikpod community has appealed before DLC and simultaneously filed case<sup>4</sup> before the High Court of Andhra Pradesh on 22.04.2015. The Hon'ble Court directed the authorities to follow the procedure prescribed by law.

In response a counter affidavit<sup>5</sup> was filed in High Court of Andhra Pradesh by the Sri. M. Srinivasa Rao, DFO, Eluru, West Godavari District.

4 Nayakulagudem colony of Gangineedupalem Village Vs State of Andhra Pradesh.WP MP No. 14807 of 2015 in WP No. 11195 of 2015.

5 WP No. 41693 of 2018



With respect to rejection notice served to the individuals of Naikpod community under FRA 2006, an appeal has been before the District Collector, Eluru, and W Godavari on 15.07.2019.

## Eviction-Displacement

The Chintalapudi Lift Irrigation Scheme (Chintalapudi Project) started in the year 2009 and has been seen by the Naikpod community as a curse snatching away the lands in the forests where the Naikpod eked out their livelihoods, thereby putting them at the mercy of officials for their very survival (See Annexure).

- The Project canal works are being carried out without settling the Resettlement & Rehabilitation payments. Land is being acquired without recognising and vesting forest rights. The Naikpod families in Nayakula Gudem, Gangineedupalem of T Narsapuram mandal have been cultivating the forest land close to their village for 40 years.
- The concerned department did not consult the Gram Sabha nor have they obtained any consent from Gram Sabha for the ongoing Chintalapudi Lift Irrigation Scheme. The FRA, 2006 and LARR, 2013 Rules clearly state that forest land cannot be diverted and acquired without first recognising the forest rights claims, either individual or collective and without obtaining the consent of the Gram Shaba.
- The villagers claim that, the local landlords and farmers did not employ them as agricultural labour for three long years. They have become nowhere people in their own village and forest. The villagers lament that the fellow villagers and other community people subject them to degrading treatment because they are landless and helpless.
- The rights of the Naikpod community were further marginalised with the establishment of Gangineedupalem VSS over two decades ago, in the year 1998 by the Forest Department. At present the Naikpod community hardly has any knowledge of VSS.

## Notes on Sources and informants

1. Field visit during 26-31 July 2019.
2. Mr. Suresh, Teacher, Primary School, Nayakulagudem Colony (Gangineedupalem), T Narsapuram, West Godavari.
3. Interaction with the Naikpod community of Nayakulagudem.
4. Detailed discussion with Mr. Venkateswara Rao, Mr. Allam Anjaiah, Mr. J. Babji and Mr. Ramchandra Rao.
5. Census of India 2011, Ministry of Home Affairs, Government of India.



# ANDHRA PRADESH

<b>Village:</b>	Peddachama (Dornala Gram Panchayat)
<b>Mandal/Block:</b>	Dornala
<b>District:</b>	Prakasam
<b>State:</b>	Andhra Pradesh

**ANDHRA  
PRADESH  
SITE 3  
Peddachama**

## 3.1 Introduction to the Site

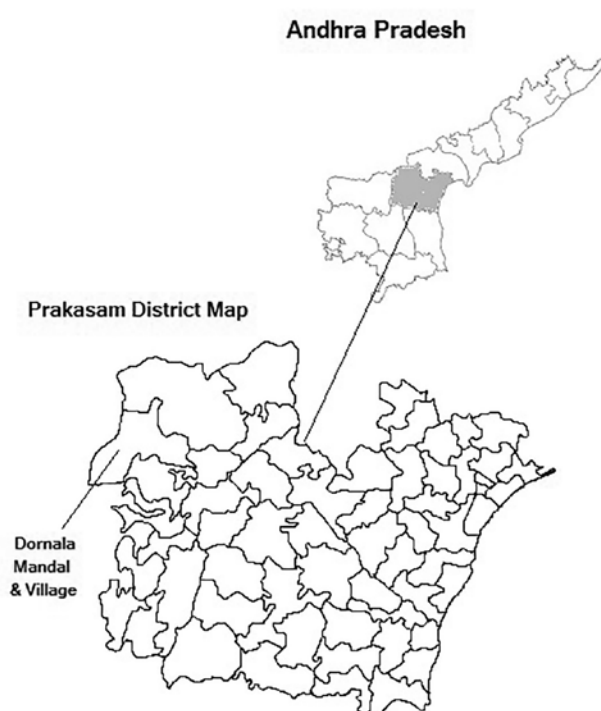
The habitation of Peddachama inhabited by Chenchu community was selected since it falls in the core tiger reserve forest. This makes the community very vulnerable at the hands of Forest Department who insists that the inhabitants vacate the lands. There has already been migration of some of the families who were re-settled nearby by the forest department officials. However, lack of livelihood options made them to return and thus the dispute over land and resources remain unsettled.

## 3.2 Socioeconomic Profile of the Village

The habitation of Peddachama is inhabited by Chenchu community which comes under the Gram Panchayat of Dornala of Dornala Mandal of Prakasam district. The site falls in the core tiger reserve forest. This makes the community very vulnerable at the hands of Forest Department who insists that the inhabitants vacate the lands. There has already been migration of some of the families who were re-settled nearby by the forest department officials. However, lack of livelihood options made them return and thus the dispute over land and resources remains unresolved.

The habitation is located in the core area of the Nagarjunasagar Tiger Reserve forest in the district of Prakasam. The population of village is 120 (M: 62, F: 58). The habitation comprises primary school, anganwadi centre and ration shop. However proper housing, internal roads, individual toilets, supplied individual tap water, public health services and road connectivity are not observed.

The livelihoods of the people include small-scale farming, labour works in MGNREGA, tiger tracking, goat-herding and collection of minor forest produce. The farming method of Chenchus is embedded in nature and sustainable in terms of land use; their farm produce is only for domestic consumption. The literacy level of the habitation is very low. Majority of students dropped out of the school reportedly due to lack of support of school teachers in the school. They are dependent



even today on forest resources for regular food as their daily cooking follows timelines based on availability of food in the forests and level of hunger. The major illnesses are anaemia, typhoid, viral fever and other seasonal diseases. No proper health-related infrastructure is available and visiting of ASHA health worker and ANM is occasional.

### Religio-Cultural Profile

The people of Peddachema worship the forest as their mother in the name of Adavi thalli and Mallalamma. Their worship is closely related with nature as their idol images are trees which include Jammi Chettu (Prosopis Cineraria), Neem tree (Vepa Chettu), Peepal tree (Raavi Chettu), Juvachettu, Thulasi, Maredu (Bel fruit), Neredu (Jamun) and Arechetti. Their festivals are Shivaratri (which comes just before the onset of Spring) and Ugaadi which marks the beginning of Spring and the New Year. It is also a harvest festival that yields fresh food from the forest.

### Land Profiles

#### Village Land use:

S.No.	Particulars	Area
1	Housing area	24 Acres
2	Agriculture/Cultivation area	224 Acres
3	Religious temples and Places	Not Available
4	Cemeteries/Cremation grounds	Not Available
5	Common areas	300 Acres
6	Grazing Pastures	Forest land
7	Market area	Not Available
8	School area	1.0 Acres
9	Others (specify)	-

#### Forest Land use:

S.No.	Particulars	Area	Remarks
1	Agriculture/Cultivation area	224	
2	Religious temples and Places	10	
3	Rivers, Streams, Ponds and Tanks etc.	OoraCheruvu	Lothuvampu
4	Common areas	3000 sq. kms	
5	Minor Forest Produce collection	Beesarodlu (rice), Gulakaraagulu, korrelu, saamulu, arikelu, ulavalu, tamota, budidhabudumkaayalu, chikkudu, kakara, nethibeera, sthambakaayalu, Gummadi, Honey, Roots, Fruits and firewood	
6	Grazing Pastures	300 acres of Forest land	
7	Others (specify)		

Source: Field Visit, August 15, 2019.

### 3.3 Historical and Continuing Injustice: Potential and Performance of FRA

Reforms during the Nizam's rule had brought some relief to the lives and livelihoods of the Chenchu; this has since changed and they are constantly under threat of being ousted from the forest by the officials of the forest department. There are a large number of families whose claims are yet to be recognised by the government. In general it was observed that people of the village are unaware of about rights over land although the process has been ongoing for the last 10 years.

Chenchu people enjoyed the priesthood at Srisailam Mallanna temple and were the main priests of the temple (Mallikarjuna), but they have since lost control over the temple and priesthood functions. They indicate that the temple is ancestral property of the Chenchus but it was brought under the Department of Endowments in 1997 and since then their rights over temple have been taken away from them. It is now completely under the Government of Andhra Pradesh.

#### Procedures under FRA

Gram Sabha under FRA 2006 has met several times. It was reported by people that the Gram Sabha was held at the Panchayat office and it discussed matters related to claims and recognition of claimants. No awareness on the quorum of meeting is observed. People recalled women's presence but their active participation in Gram Sabha meetings was not recorded. Although some claims have been recognised by concerned officials, no information is available about the status of claims. It is clear based on interactions with informants that the Gram Sabha had not functioned freely and autonomously. The reason is that forest officials instructed people not to conduct the meeting without officials' attendance.

There was EDC which was involved in protection and conservation of forest but now the institution is defunct.

Initially, applications were circulated by local leaders and again collected by them. People reported that they were unaware of later phases of the FRA process. They do not know details of claims filed, pending claims and rejections, and had not been attentive to the role and interventions of the SDLC and SLMC in Forest Rights processes. The mapping of IFRs was done by surveyors whereas mapping of customary boundaries were not undertaken by them. Officials of the Forest Department play an active role in Gram Sabha because they were involved in the identification and verification of claims.

## Particulars of Claims Filed as on Date

Under whose name Claimed filed?			Forest Rights					Total Number of claims filed
			IFR	CR	CFR	Habitat	Others	
	Single	M						
PVTG		F						
	Joint		38					38

*There are no other social groups in this habitation.*

Although FRC was constituted initially, no data was readily available at both the levels - the Habitation and Gram Panchayat. Regarding current status of claims, no detailed data is available as the table below reveals. Data on rejection of claims is not available.

Rights	Particulars of Claims	Total number of claims	Area (hectare)	Type of forest rights	Claimant?	Current Status		
						Gram Sabha	SDLC	DLC
IFR	Recognized	38	102.20	Reserve		accepted	accepted	accepted
	Pending							
	Wholly Rejected							
	Partially Rejected							

Source: Field Visit, August 15, 2019.

The process of FRA has been continuing. But there are some claims which have been neither accepted nor rejected. The status of claims is not available with anybody – neither villagers nor officials. However, forest officials forcefully interfered in the identification of claimants and even ordered leaders of Gram Panchayat and local authority to carry out only in the presence of all officials of the forest department, revenue department and officials from ITDA.

During initial process of FRA, concerned officials failed to provide proper information regarding identified land, survey process and list of eligible claimants. Local informants reported that there are some plans by the government to evict Chenchu people from core forest areas. These have an adverse impact on lives of people in terms of livelihoods, education, housing and health. People have been struggling to get their rights in terms of housing sites; demarcation of farming sites and rights over collection of minor forest produce.

## Redress – Formal and Non-formal

### Lack of Action

People approached the Programme Officer of ITDA Srisailam (now it is located at Mannanur) for recognition of their rights over land and housing sites. Officials informed them that issues which were brought to the attention of the Programme Officer of ITDA Srisailam will be taken up for further action. There has been no progress made on this thereafter. People have been facing problems like no proper supply of food items from ration shop, no health services provided by local staff; no regular works under MGNREGA and majority of children have been dropping out from schools due to indifference on the part of teachers, while parents struggle to survive in a hostile environment.

The officials of the forest department have been threatening people as the forest falls under the core tiger reserve forest. They have been insisting that people vacate the lands. Nearly 20 families have left the place and have settled in nearby Dornala, a headquarter of Mandal because of continuous pressure by officials of the forest department. Later, these families returned to their native place as they faced severe problems in terms of regular availability of livelihoods and housing, farming and problems in recognition of their identity as they moved to unfamiliar locales. Even today, people are in the dispute with forest officials regarding forest resources and rights over land. Some time ago, many families were evicted by the government without allotting any land and due to extremist political activities. Since the people did not get any compensatory allotment, they returned and settled in the same place.

### Notes on Sources and Informants

1. Field visit during 1-5 August 2019.
2. Interaction with the Chencu community of Peddachama.
3. Detailed discussion with Mr. T. Guruvaiah, Mr. D. Bayanna and Mr. T. Neeladri.



# ANDHRA PRADESH

<b>Village:</b>	Reddi Gudem (Rajanagaram Gram Panchayat)
<b>Mandal/Block:</b>	Buttaya Gudem
<b>District:</b>	West Godavari
<b>State:</b>	Andhra Pradesh

**ANDHRA  
PRADESH  
SITE 4  
Reddi Gudem**

## 4.1 Introduction to the Site

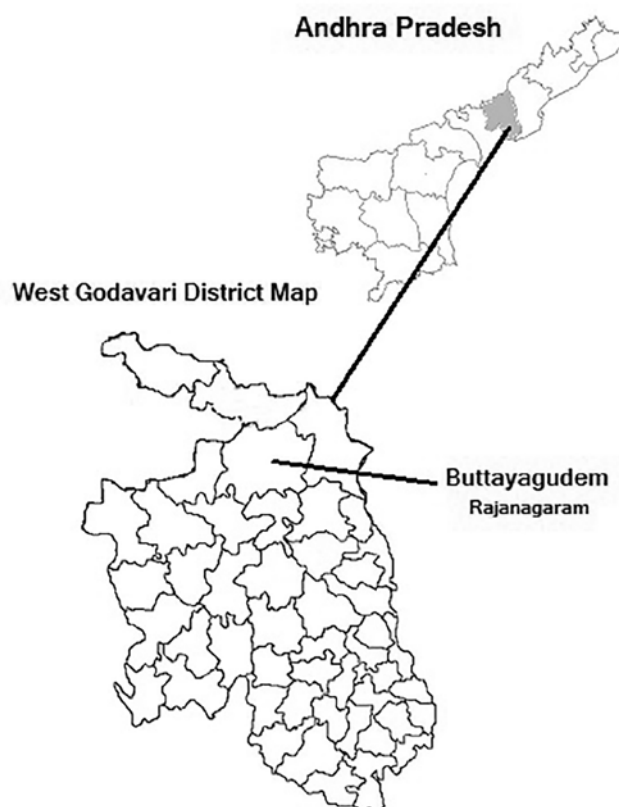
Reddi Gudem is a strange case of dispossession despite having rights recognised under the FRA. A rehabilitated village under the Kovvada Reservoir project, the villagers were rehabilitated to this village in 2014 and were granted land under FRA. However, as recent as June 2019, they are issued rejection notices despite having IFR granted earlier.

## 4.2 Socioeconomic Profile of the Village

Reddi Gudem is a revenue village of Konda Reddi community, located in a Scheduled Area, under the limits of Rajanagaram Gram Panchayat, Buttaya Gudem Mandal in West Godavari District of Andhra Pradesh. The inhabitants were rehabilitated in 2014 in the present location as their original habitation was one of the submersible villages under the Kovvada Reservoir built near Laxmi Narayana Devi Peta.

Predominantly inhabited by Konda Reddis, there are only two households one each from OC and BC respectively. The total population of the village is 275 (M: 138, F: 137). Reddi Gudem has an anganwadi, pre-primary school (up to II Class), community hall and bus stop. No health-related infrastructure is found in the village. They have to travel to Kannapuram PHC 3 km away and Laxmi Narayana Devi (LND) Peta PHC which is 5 km away.

Konda Reddi community is a PVTG and have low literacy levels. Out of the total population of 275, only 22 are literate, of whom only two have reached up to Graduate level and the rest have stopped their education at SSC level, according to the village elder, the Pedda Kapu. At present, all the children are being sent to Anganwadi School and Primary School respectively.



The rehabilitated Konda Reddi Community was in the possession of the agricultural land for the last 40 years in their original inhabited village from where they were displaced. They were given land under FRA. However, recently, rejection notice has been issued despite having IFR rights which were provided to the individuals.

The Konda Reddi community of Reddi Gudem is largely dependent on agriculture, agricultural labour, fishing in the Kovvada Reservoir and non-agricultural labour at times for livelihood. They practice *Podu*, a form of shifting cultivation and an ancient practice in hilly regions. They cultivate jowar, ragi, red gram, bajra, beans, paddy and pulses. At present the community is also cultivating cashew, mango, cotton and pulses in the *Podu* lands. There are no Government employees and private firm employees from the community in this village. Earlier they used to cultivate small millets in their respective lands. They engage in MGNREGA works whenever available. When the season arrives the Konda Reddi community women and children collect the available MFP especially honey and bamboo shoots. They also collect non-timber forest produce like tamarind, adda leaves, broom sticks etc., to supplement their meagre income. However, the Reddi Gudem inhabitants indicate that the collection of MFP has substantially decreased and few of them have ceased to collect after their displacement from the original habitation.

The Konda Reddi community of Reddi Gudem faces livelihood challenges as forests are getting depleted constantly due to the felling of the trees and over-exploitation of the forest resources in large quantities in the name of development projects. The rapid urbanization and pollution etc., are also significantly contributing to the decline of the forests, thereby causing threat to the everyday life of Konda Reddi community.

## Nutrition and Health

Konda Reddis consume a variety of tubers, roots, leaves, wild fruits etc., available from time to time in the forest. Anaemia is a problem found among women – barring this nutritional levels are normal. No major illness is found. However, seasonal illness namely, cold, fever (malaria, typhoid), and jaundice are common.

## Religio-Cultural Profile

The Konda Reddis worship nature and every family has their family deity. The household puts up a long pole in front of the house and ties some neem branches to it – this is the personification of the goddess Muthyalamma. They celebrate festivals to mark the changes of the seasons -- 'Mamidi Panduga' (Mango festival) is one of the most important festivals. The other important festivals are 'Gongura Panduga' (Mesta/bassialatifolia) a favourite sour greens in the region which is available in September. This festival is also called 'Pachha Panduga' or Green Festival. They also celebrate festivals like Pappula Panduga (Festival of Pulses). Other festivals are Bhumi Devi Panduga (Festival of Mother Earth), and Gangamma Devi Panduga (Festival of the River Goddess). The annual festival cycle recounted by the informants is evidence of their embeddedness in the seasonal cycles of fruit and foodgrains in the region as also their celebration of the forces of nature.

### i) Bhudevi Panduga

March and April are the best months for merry making. Palmyrah and Jeeluga yield plenty of toddy, this time is spent in drinking, dancing and night-long singing. Among the festivals during this period, the most important one is the 'Bhumi Devi Panduga'.



## ii) Pappula Panduga

Pappula Panduga is a festival during which the newly grown pulses are mixed with Mango and offered to their deity before they partake of it themselves.

## iii) Sthanam Panduga

Sthanam is a seat of the village deity. It is either a piece of forked wood planted in the open or a conically shaped idol made of the wood planted in a shed, near the entrance to the village. A separate shed is constructed close by, to keep the peacock feathers which adorn the idols, and the drums, etc., used at the time of worship.

## iv) Konda Rajula Panduga

Konda Devathalu/Konda Rajulu are supposed to remain in the sacred groves, no tree being allowed to be felled nor any nuisance committed in or near them. This festival comes in the month of February at the time of Sivarathri. Katamaya is attributed with power over the wild animals in the forest. Konda Rajula festival is a male deities, whereas Ganga Devi festival is a virgin festival, the Bhudevi Panduga is the festival of the Mother Earth, the personification of the mother.

The Reddi Gudem community has kinship and family relation and cultural exchange with the neighbouring villages namely, Kunkala, Kopalle, Gogumalle, Perantala Palle, Gummileru, Srivaka, Methapuguda, Uduthapalle and Lankepalle etc.

There are no conflicts over resources. With regard to MFP collection in the season this community goes into the other surrounding village boundaries and other villagers come in the Reddi Gudem village forest area. There is no restriction. Villagers in the surrounding area are free to collect MFP. However, the villagers mention that there is huge decline in the availability of MFP.

## Forest Protection

The Konda Reddis have been nurturing their traditional practices in harmony with Mother Nature in their respective habitations in the Agency area. The Konda Reddis are known for their environment friendly, practices such as use of household articles made of bamboo, bottle gourd, and seeds. They cultivate limited crops in the traditional shifting agriculture mode, which causes the spread of greenery and vegetation around the surroundings. Konda Reddis do not destroy the forests. On the contrary, the forests they clear for agriculture are taken care of so that they regenerate after a few years. Konda Reddis are living in harmony with their natural habitat and have been eking out their livelihood by collecting MFP for survival but not for profit making.

**Ecological profile of the Village****Overview of Village Land Use**

S.No.	Particulars	Area	Remarks
1	Housing area	10 Acres	
2	Agriculture/Cultivation area	100 Acres	
3	Religious temples and Places	2 cents	
4	Cemeteries/Cremation grounds	-	No Cremation ground, Common area, Grazing land and Market area.
5	Common areas	-	
6	Grazing Pastures	-	

S.No.	Particulars	Area	Remarks
7	Market area	-	
8	School area	5 cents	
9	Others (specify)	-	

### Overview of Forest Land Use

S.No.	Particulars	Area	Remarks
1	Agriculture/Cultivation area	250 Acres	
2	Religious temples and Placets	-	
3	Rivers, Streams, Ponds and Tanks etc.		Kovvada Reservoir
4	Common areas	-	
5	Minor Forest Produce collection*	600 Acres	About 3 Sq.Km
6	Grazing Pastures	-	
7	Others (specify)	-	

#### i) Flora

The vegetation around the Reddi Gudem contains species of moist deciduous and dry deciduous forests. Tree species include *Pterocarpus marsupium*, *Terminalia elliptica*, *Terminalia arjuna*, *Adina cordifolia*, *Sterculia urens*, *Mangifera indica*, *Anogeissus latifolia*.

#### ii) Fauna

##### Mammals

The mammal includes rusty-spotted cat, jungle cat, leopard cat, sloth bear, small Indian civet, Asian palm civet, wild boar and honey badger. Herbivores include spotted deer, sambar deer, Indian muntjac, Indian spotted chevrotain, gaur, nilgai and four-horned antelope.

##### Birds

Some of the species of birds found are black-bellied tern, pale-capped pigeon, yellow-throated bulbul, Oriental darter, pallid harrier, great thick-knee, river lapwing, river tern, Malabar pied hornbill, Alexandrine parakeet. Some of the tropical moist forest species of birds sighted were black-throated munia, Indian scimitar babbler, Jerdon's nightjar, Malabar trogon Malabar whistling thrush<sup>6</sup>.

#### MFP Collection

Reddi Gudem community collects MFP from the forest in an area of 600 acres which is roughly about 3 square kilometres. Their boundaries are marked by Kopally, Gogumalle, Gummuleru, Veeram Palem, Kunkala, Lankapally and Kamaiah Kunta.

<sup>6</sup> [https://www.wikiwand.com/en/Papikonda\\_National\\_Park](https://www.wikiwand.com/en/Papikonda_National_Park), viewed on September 16, 2019.

## Profile of Forest/Land

### Categorisation of Forest Land near the Village

S. No.	Category	Area	Year of Declaration
1	Reserved Forest	-	-
2	National Park	101286 hectares	2010
3	Wildlife Sanctuary**	59100 hectares	1978

Papikonda Wildlife Sanctuary\*\*

Papikonda Wildlife Sanctuary, established in the year 1978 is a tropical forest on the Eastern Ghats of the India. The village is situated close to Papikonda Wildlife Sanctuary.

Papikonda Wildlife Sanctuary is not only the homeland for the animals but a wide variety of plants and shrubs grow and that make the vegetation of the place rich and vibrant. Trees like *Tectona grandis*, *Tominalias*, *Tomentosa*, *Lagerstroemis Lanceolata*, *Albizzia* and others can be easily locate in this wildlife sanctuary.

The undulating hills are the home of various wild cats like Tiger, Leopard. Apart from that, tourists can locate Spotted Deer, Antelopes, Sambar, Hyena, Sloth Bear, Muggers and Gharials. The ponds and the low lying water body's fills with migratory birds and the ambience gets back its vivacity. Hills named Rekapalle in Khammam district make a wonderful backdrop for the beasts in the sanctuary<sup>7</sup>.

### 4.3 Historical and Continuing Injustice: Potential and Performance of FRA

As mentioned earlier the community was in possession of land for over forty years in the displaced village. They were provided IFR rights in the rehabilitated village but in the month of June 2019 they were issued rejection notice.

The Konda Reddis face survival and livelihood threats from both officials and non-tribals. Officials create an environment of fear and do not take note of their grievances. They live in anticipation of displacement and loss of livelihood.

#### Gram Sabha and Village Collective

The first Gram Sabha was held on 23.7.2011 and the last Gram Sabha was held on 30.11.2011. The Gram Sabha discussed the FRA issues such as Individual Forest Rights and the community rights. The quorum was present in the Gram Sabha meeting and indeed all the members were present. The women actively participated in the Gram Sabha meetings and were the main members to raise issues without being held back by other members. The Gram Sabha passed resolutions to issue IFR for 115 claimants and one Community Rights claims, out of which 83 IFR belong to Reddi Gudem and the remaining 32 belong to Rajanagaram village. Similarly, the Gram Sabha has cleared two CFRs one for Reddi Gudem and one for Rajanagaram. Gram Sabha has passed resolutions in the favour of adivasis.

<sup>7</sup> <http://natureconservation.in/papikonda-national-park-complete-detail-updated/>, viewed on September 16, 2019

In the year 2011 the community first claimed the rights over the forest land which they were cultivating for decades together. IFR and Community Rights were claimed by all the individuals and community, who are depending on Forest MFP directly for their livelihood.

### FRA Processes

Gram Sabha was formed at Rajanagaram Panchayat Level. All the population of the Rajanagaram and its hamlets (i.e., Kotha Rajanagaram, Muddappa Gudem, Kovvada, Laxmipuram, Reddi Gudem and Nagannagudem) are the members of the Gram Sabha. The FRC was formed. All the members belong to Scheduled Tribes. Three members belong to PVTG (2 Male, 1 Female) and the rest 12 are from Koya community (8 Male, 4 Female). CFRMC was not formed. VSS was formed but defunct since beginning.

### Claims Filed

Under whose name Claimed filed?			Forest Rights					Total Number
			IFR	CR	CFR	Habitat	Others	
PVTG	Single	M						
		F						
	Joint		83	-	1	-	-	84

### Claim Process

Initially, wide publicity by Dandora<sup>8</sup> was given by passing information about the Forest Rights Claims. Field verification was carried out and survey was conducted. The mapping was done by using hand-held GPS instrument. The mapping of IFR boundaries was done through GPS. The Global Positioning System survey was conducted in two ways. Firstly, the development of maps through the GPS machinery; following this, a survey of the fields is conducted, along with the generated maps.

### Claims Rejected

Rights	Particulars of Claims	Total number of claims	Area (hectare)	Type of forest rights	Claimant?	Current Status		
						GS	SDLC	DLC
IFR	Recognized							
	Pending	83	101.17	IFR	Individuals			Appealed
	Wholly Rejected							
CFR	Recognized							
	Pending							
	Wholly Rejected	1	242.81	CFR	Community			Appealed
	Partially Rejected							

In the beginning, there was support from the ITDA officials and Revenue officials. However, Forest officials were reluctant. In the recent past, i.e. from the year 2017 onwards, the illegal interference from forest, revenue and police officials is noticed.

- Forest officials did not cooperate in the process of survey and putting their initial on the records. GPS instrument shows area less than that the claimant was in possession of and the area he was cultivating.
- Possibly because of the lack of knowledge and familiarity with the FRA 2006, officials have committed gross procedural errors with respect to FRA claims process. Neither forest nor revenue officials bring the required records to the Gram Sabha in support of verification of forest rights. Concerned department officials do not maintain documents or registers required for FRA claims process among the departments (i.e., concerned authorities) and lack of support to the communities to file their claims and receive their titles.
- Lack of awareness and information among the communities as well as with the implementing authorities and field level officials coupled with low literacy among the claimants considerably weakens the claims process.
- The habitat and habitation rights of the PVTGs, rights of the displaced communities, conversion of forest villages into revenue villages have still not been recognized as per the FRA 2006 and in all the cases, the authorities are of the opinion that there are no clear guidelines for recognition of rights.

### **The curious case of Rejection after grant of IFR**

The Konda Reddi community came to know about rejection of claims through notice on 15.6.19 and 17.06.19 respectively. However, the notice was dated 21.5.2019. There was a delay of 26 days in communicating the rejection of claims, leaving the claimant with only 34 days to appeal against the rejection. The reasons mentioned are "encroached after the cut-of-date i.e., 13.12.2005" and "land belongs to the VSS". The rejection notices were handed individually. The rejected claims were not returned back to the Gram Sabha.

### **Disputes and Conflicts**

The dispute is between Forest Department and the community. The Forest Department is undermining customary rights regarding MFP collection, rejecting claims and instigating land disputes by filing cases under CrPC S.107 (MC No. 02/2019) between STs and non tribals. Officials' are also encouraging forest diversion saying this area is under VSS. The state actors include forest, revenue, ITDA Officials and police personnel. While, the non-state actors are non-tribals from non-scheduled area (LND Peta of Gopalapuram Mandal).

### **The Challenges**

- IFRs were issued to the community and unexpectedly, officials issued rejection letter in spite of having IFRs. However, the community has appealed to DLC on the rejection IFRs.
- The total potential for CFR in Andhra Pradesh is at least 40.89 lakh acres. No legal CFRs have been recognized in AP; illegal CFR titles have been issued to JFM Committees, which have no legal stand to be granted the CFR.
- Poor implementation of IFR with high rates of rejection, ignoring the rights of PVTGs, with illegal evictions by Forest Department.

- Lack of institutional support to FRA implementation, with Forest Department acting as major obstacle. Gram Sabhas and FRC constituted at Gram Panchayat levels rather than habitation or revenue village level as required by law.

### **Redress - Formal and Non-Formal**

The case has been filed in the High Court of Andhra Pradesh challenging the rejection of the forest rights through PIL<sup>9</sup>. The case is pending in the High Court.

The Konda Reddi community has filed complaints before the Project Officer, ITDA, KR Puram on 18.3.2019, 26.4.2019 and 27.4.2019 respectively. They have also filed complaint before District Collector, Eluru, West Godavari on 19<sup>th</sup> March 2019, and simultaneously filed complaint before Revenue Divisional Officer, Jangareddi Gudem, West Godavari on the same day.

No action has been taken by the Konda Reddi community of Reddi Gudem against the non-tribal trespassers.

### **Eviction - Resettlement and Displacement**

The Konda Reddis are a community of forest-dwellers residing on the hilltops since ages. And has been in possession of the land for the last 40 years. The village as mentioned earlier was relocated in 2014 in the present location as their original habitation was one of the submersible villages under the Kovvada Reservoir built near Laxmi Narayana Devi Peta. Kovvada kalva is a local hill stream having its origin in Papi Hills at an altitude of about 600 metres in Chinthapalli Reserved Forest of West Godavari district, Andhra Pradesh. Simple housing was provided in the resettled colony to the community along with the infrastructure facilities such as overhead water tank, community hall and cement roads etc. However, to get all this the Reddi Gudem community had to organise indefinite hunger strikes and peaceful protests almost for six months at the site of the Kovvada Reservoir demanding proper Resettlement and Rehabilitation (R&R) under the banner of Kovvada Reservoir Badhitula (Victims) Committee (KRBC) of PAPs<sup>10</sup>.

### **Notes on Sources and Informants**

1. Field visit during 26-31 July 2019.
2. Interaction with the Reddi Gudem community.
3. Detailed discussion with Mr. Kaki Madhu, Mr. J. Babji and Mr. Ramchandra Rao.
4. Anganwadi Teacher, Reddi Gudem, Rajanagaram, West Godavari.



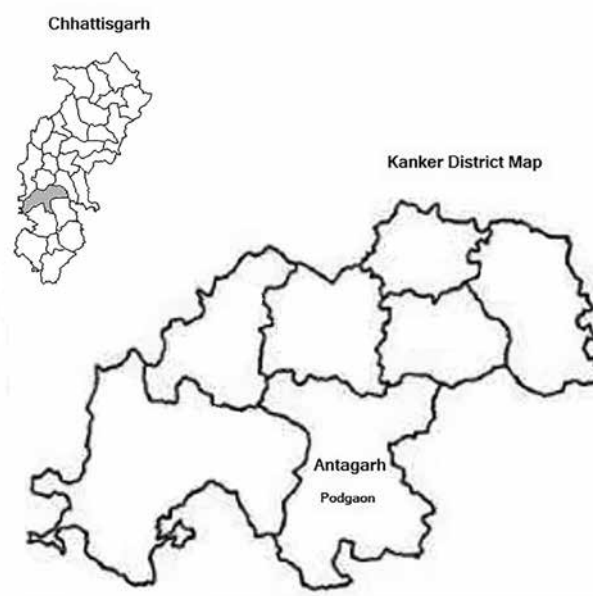
# CHHATTISGARH

<b>Village:</b>	Podgaon
<b>Mandal/Block:</b>	Antagarh
<b>District:</b>	Kanker
<b>State:</b>	Chhattisgarh

**CHHATTISGARH  
SITE 5  
Podgaon**

## 5.1 Introduction to the Site

The Podgaon case study is a case of rejection of claims at the Gram Sabha level after 11 years of submission of application. As per the villagers, the Gram Sabha had forwarded all the claims that it received (110 claims). In fact, the villagers are not clear about exactly how the Gram Sabha came to approve only 25 claims. The Gram Sabha received a list from the revenue and forest officials about 25 villagers who eligible, and the Gram Sabha passed the resolution with just their 25 names. These 25 applicants received the IFR title, but the rest were never told what happened to their claims. The villagers, during discussions, expressed their surprise not only at the erroneous procedure followed by the district administration, but also at the kind of reasons for rejection of their claim being advanced.



## 5.2 Socioeconomic Profile of the Village

Podgaon is a revenue village located in Kanker district of Chhattisgarh with 288 households with population of 1428 (M: 770, F: 658) dominated by Gond and Halbas, both Scheduled Tribes, and a few Jadhav households (OBC). The village is in a Fifth Schedule area. Podgaon village itself comprises a total of 350 families, spread over 5 paras or hamlets, in five discrete locations. While two paras are quite big, with around a 100 families each, the others are smaller. The net area sown as agricultural land in this village is 420.64 hectares. The forest land covers 74.67 hectares area where as land under non- agricultural uses is 70 hectares. Although the literacy rate is quite high at 64.6 percent (female: 49.1 percent and male: 77.9 percent), the main occupation of the people is agriculture and minor forest produce collection.

Each family ordinarily has a small house surrounded by a large baadi or kitchen garden which could measure upto 2 acres, with cultivation fields slightly away from the house. Average area of cultivation for each family is 2-3 acres. While a large majority of the families have some amount of land, there are around 10-12 families, mainly OBC, who have come from outside and are completely landless. Some also work as agricultural workers in other people's fields for paddy transplantation.

The farm lands are rain-fed (unirrigated) and the single crop of the year is dependent on the monsoon. The incidence of seasonal migration is high, and the villagers are dependent upon daily wage work in non-agricultural seasons – primarily panchayat works under MNREGA and other small construction work, such as building houses. While most daily wage work is available in and around the village, in the last 6-7 years, some young men (from about 7-8 families) have started migrating to other areas for work, mainly working for bore well trucks. They work outside for 6 months, but return for the monsoon season to work in their fields and then migrate again. Some migrate for coolie work also in industries in Maharashtra. In addition to bore wells, the men are also getting coolie jobs in mining companies, iron and steel companies etc. However, local mining companies are not hiring them. Local men did not even get hired in the railway construction on the rail line going through their village. All the labour used was migrant workers from other areas<sup>11</sup>.

The nutrition level of the villagers is moderate, with most being able to consume two meals on a daily basis for the most part, which consists water-rice with some cooked vegetables (basically tomato and potato). They are largely dependent upon the seasonal leafy vegetables available in the forest. There is not a lot of forest left in the area anymore since community forests are not there in sufficient acreage, and as a result, even the minor forest produce collected by the people – Mahua, Char, Tendu etc., – is from their own lands. Those with some trees on their lands are able to collect minor forest produce as per their requirement, but the rest are highly dependent on the surrounding forests for their nutritional and MFP requirements.

Water is a big problem in the village. There is a medium sized village pond the pond samiti pools money and puts fish in it. However, it is very old, does not have good water, and dries up in summer. There are 20-22 hand-pumps, all working but the iron content in the water is very high. Only 4-5 of these have water safe for drinking.

Four Anganwadi centres and eight Mitans (village health workers, similar to ASHA workers) along with a PHC are available in the village but most of them go to Antagarh, the Tehsil headquarter, for their treatment. Antagarh government hospital is 5 kms away by village road, but 10 kms by highway. Bhanupratappur has a bigger hospital but is situated 15 kms away from the village. Major illnesses found in the village are malaria, fever (flu), diabetes, high BP and Kidney problems. During the discussion, the study team observed the usage of horse gram for kidney stone related disease.

Altogether, the area occupied by various these infrastructural facilities is around 15 acres. There are two cremation grounds of one acre each, accessible for all communities. Half an acre is set aside for market, but no one uses it as the traders prefer to sit on the road itself. There are four schools and one Ashram school (for primary level) situated within the village. Of the four schools, two are primary while one is as middle school and the other is higher secondary. There is also a panchayat bhavan. Each building is a couple of rooms.

## People - Forest Relationships

Forests have a very important role in the economy of Kanker district which is rich in forest wealth, comprising mainly dry and leafy sagon and mixed sal forests<sup>12</sup>. According to the Office of Chief Conservator of Forest, Chhattisgarh, the total forest area in the district is 2, 74,729.131 hectares.<sup>13</sup>

11 This situation is found in many tribal areas where there are large development projects such as mining. The industries prefer to bring migrant labour from other impoverished states such as Uttar Pradesh, Jharkhand and Bihar, since they are cheaper and more vulnerable in case of accidents or deaths occurring during work. Those seeking similar work from the home village are forced to travel far away, where they are placed in equally vulnerable situations.

12 [http://censusindia.gov.in/2011census/dchb/DCHB\\_A/22/2214\\_DCHB\\_A\\_UTTAR%20BASTAR%20KANKER.pdf](http://censusindia.gov.in/2011census/dchb/DCHB_A/22/2214_DCHB_A_UTTAR%20BASTAR%20KANKER.pdf), Viewed on November 19, 2019.

13 As per the same source, of the total forest area in Kanker District, the reserved forest area is 1, 32,429.453 hectare, protected forest area is 80, 822.068 hectare and unclassified forest area is 18,733.380 hectare.



Sarai Forest division of Uttar Bastar Kanker is divided into Kanker, Korar, Charama, Narharpur and Saronon ranges. Included among the minor forest produce are amla, harra, bahera, lac, tangli-haldi, van-tulsi, chirayta, mahua, tora, bamboo, whai vindag, shikakai, baichedi, tendu and tikhur, all of which are found in abundance. Collection of forest produce, protection and promotion of herbal medicines are the source of employment to local people. Farmers are encouraged to undertake floriculture and cultivation of various plantations such as spices etc. under various schemes to promote horticulture. Collection and sale of Tendu-leaf not only generates employment to the local people but it also adds to the revenue of the government.

The forests in the district are also home to numerous wild animals such as tigers, bears, leopards, hyenas, wild-buffaloes, cheetals, deer, barahsingha, monkeys, rabbits, wild boars and peacocks, etc.

Like the rest of the District, the residents of Podgaon village have also been dependent on forest land (both reserve and protected) for a long time. However, while earlier they were heavily dependent on forests, their dependence on the forests has declined in recent years, resulting in seasonal migration. Podgaon village does not have much forest cover, which is restricted to the hills. As a result, very few of the villagers' forest related needs are met by the limited forest cover within the village boundary. It is necessary for them to access the forest areas under the legal control of the Forest Department to collect firewood for their daily needs, tendu leaves, Mahua, Char, etc. and also to graze their cattle. Forest department has set aside an area of around to 50 to 60 acres for grazing. Within the village boundary there is a Forest Department nursery, from which also they are allowed to collect tendu leaves, mahua, mangoes, and firewood in the respective season.

There used to be wild animals in the forest surrounding the village, but of late there have not been many. A few bears come by once in a while. Even the wild boars do not come often this side.

Fortunately, there are no boundary disputes as such either within the village or between villages. However, the short supply of minor forest produce affects neighbouring villages as well, and this unfortunately often results in disputes, when villagers of one or the other village are compelled to surreptitiously enter the boundaries of another and steal whatever produce they may urgently require. When this happens, and someone gets caught, then the Gram Sabhas of the two villages sit down and sort out the fines to be paid.

The district receives more than 80 percent of the rainfall from the south-west monsoon. Since, agriculture production is solely dependent on the arrival of good monsoon, due to lack of alternate irrigation facilities, failure of monsoon entails high risk for agricultural production and high incidence of crop failure. The seasonal production from the forest is largely dependent upon the timely arrival of monsoon. As described earlier, the villagers are highly dependent on the forests and the forest resources to supplement their nutritional requirements, especially during years when the monsoon is poor.

As discussed above, the forest and the monsoon plays an important part in the economic and social life of the village, and it is natural that there are many religious and cultural practices associated with the forest and with the monsoon. In order to protect the village from every evil, the villagers perform different kinds of worship. For example, Hareli is a big festival for the crops. Then there is Nayakhai, after which the new paddy is first eaten, and Beej pandum after which the fields are sown. In the forest, there is a "Rahul" which is the religious place where the gods are propitiated to make sure that the crops are okay. People do not eat anything after 12 noon. Then, the priests and villagers go to the forests, and coconuts, hens, rice are cooked and eaten in the jungle itself. Only the men of the village go participate. The prayers are for all grasses - including paddy, all the

wild animals and all the insects. Sheetla temple is one more religious place in the forest which is considered sacred and of religious importance. The main objectives of these forms of worship are for abundance of forest, rain and the well-being of the village. During these kinds of gathering, they discuss several issues related to forest- its conservation, protection, usefulness of a particular plants, etc.

The village has developed traditional practices of preservation and conservation of the forests, which are discussed in greater detail below.

### 5.3 Historical and Continuing Injustice: Potential and Performance of FRA

An examination of the process of implementation of the FRA 2006 in Podgaon demonstrates that far from correcting historical injustice, the implementation has resulted in further and continuing injustices.

#### Formation of FRCs at the Gram Sabha

The villagers came to know about the Forest Rights Act 2006 in 2008, when they were informed about it by the panchayat and other officials at a camp. The *kotwar* also made an announcement by beating the drum in the village, and the forms for recognition of IFRs were distributed at the panchayat office.

The FRC was established in 2008 with 15 members was formed. It is important to note that the formation of the FRC was done at the level of the revenue village, instead of at the level of the hamlet or *pada* which is a preliminary requirement of the Forest Rights Act<sup>14</sup>. The result is that the FRC and the Gram Sabha simply followed the directives issued to them by the Panchayat, meeting for the FRA only when the IFRs claims were to be forwarded. Nor has the FRC or the Gram Sabha met under the FRA since then, the latter meeting four times a year as scheduled by the government.

All people who had occupied forest land for cultivation and habitation submitted the forms, a total of 110 applications (mainly filed in the names of the men). These were approved by the Gram Sabha.

Contrary to the provisions under the Forest Rights Act, the application forms were first submitted at the panchayat office, after which the Patwari and the Revenue Inspector came and did a visual assessment along with the land occupant. No kind of measurement or survey appears to have occurred. Thereafter, 25 applications were approved, and it is not clear what happened to the rest. Although recent developments indicate that at some point these were rejected, it is not clear when or at which stage the rejections took place,

In fact, the villagers are not clear about exactly how the Gram Sabha came to approve only 25 claims. As per the villagers, the Gram Sabha had forwarded all the claims that it received (that is, 110 claims). Thereafter, the Gram Sabha received a list from the revenue and forest officials about 25 villagers who eligible, and the Gram Sabha passed the resolution with just their 25 names. These 25 applicants received the IFR title, but the rest were never told what happened to their claims. Many of them thought that they will get their claims approved later, and that it is being done in batches.

#### Processing of the claims by SDLC and DLC

Even after the claims were forwarded by the Gram Sabha, the procedure adopted by the SDLC and

<sup>14</sup> In fact, being a Scheduled Area, the delineation of the Panchayat itself ought to have been at the hamlet level, which has clearly not happened in spite of the fact that the Panchayats (Extension to Scheduled Areas) Act, 1996 or PESA Act was enacted by Parliament more than 23 years ago.

DLC has made departures from that provided under the Forest Rights Act and Rules at every stage.

The review at the SDLC level was done without informing the villagers, and it is only in 2019, a total of 11 years after filing their claims, that they have received notices to appear at the district headquarters in Kanker for a hearing<sup>15</sup>. This is the first time they came to know that their claims have been rejected, and are under review.

The notices received from the district administration list a number of reasons why the claims were rejected, including:

- land is revenue land (pasture land etc.),
- land is rocky land (pahad chattan)
- occupation is not at the site stated,
- occupation is not for the prescribed time and so on.

The receipt of these notices has resulted in considerable speculation regarding events which may or may not have transpired 11 years ago, with many relying on their memories to arrive at contradictory results. The Sarpanch claims that he does not know about the veracity of the list because he does not have information about which land is for what purpose, but simply copied it into a Gram Sabha resolution. According to the Sarpanch, the resolution merely states that this is the information received from above. But the actual wording of the resolution states that the Gram Sabha attests to the veracity of the list.

Some villagers contend that in 2008-09, when the Patwari and Revenue Inspector had surveyed the land first, they had visited each villager's land and told him what type of land is under his occupation and whether or not he is eligible for the IFR, and it is on that basis that this list has been prepared. Others are completely at a loss as to when and how a decision regarding their claim was taken.

Be that as it may, no notices of decisions taken by the Sub-Divisional Level Committee, an integral intermediary process under the Forest Rights Act, were received by the villagers, and they had no information that these decisions were contrary to the recommendation of the Gram Sabha. The notices the villagers have received in 2019 are from the District Level Committee at Kanker, and it is these notices from the DLC which have informed them for the first time that their claims have been rejected by the SDLC, and the reasons therefore.

The villagers, during discussions, expressed their surprise not only at the erroneous procedure followed by the district administration, but also at the kind of reasons for rejection of their claim being advanced. One villager stated that although his occupied land is in the plains area, the *khasra* number given in the notice is in the hilly area, a clear indication of an error on the part of the administration.

### **Suo motu review process- an opportunity lost**

Despite these experiences with the administration, the villagers decided to participate wholeheartedly in the 'suo motu review process' undertaken by the district administration pursuant to orders passed by the state government in mid 2019. They attended the hearing before the District Level Committee held at Kanker. Many who raised specific objections regarding the reasons for rejection of their claims were told the DLC will come and do an inspection (although the DLC is not empowered under the Forest Rights Act to conduct such inspections), but none has been conducted till now.

<sup>15</sup> In most probability, these notices have been served upon the villagers consequent upon the orders dt. 13.2.2019 and 28.2.2019 passed by the Hon'ble Supreme Court of India in WP (C) 109 of 2008 etc., where the large scale procedural lapses in the implementation of the Forest Rights Act were brought to the court's attention.

The hearings, however, cannot even be described as hearings of the District Level Committee as envisaged under the Forest Rights Act. Instead of the six member Committee prescribed by the Act, at the hearings in Kanker, there was one official who was sitting in the office, who had a pre-printed form and was asking the villagers questions. The villagers do not know the name or the designation of this official, nor do they have any idea about what file notings he made. And it is certainly not clear whether there will actually be any on-site inspection or further opportunity to submit documentation, or even any further involvement of the Gram Sabha, as required under the Forest Rights Act. Till the time of writing, the decision of the DLC had not been communicated to the villagers.

### **The mysterious CFR title**

Within all these developments, it has also been revealed that some years ago a CFR title was also granted to the village, even though the villagers have no knowledge or recollection of filing such a claim. This information emerged as a result of an RTI application, which revealed that rights under Section 3(1)(i) of the Forest Rights Act have been given over one hectare of forest land to the Gram Sabha. However, nobody knows where this one hectare of land actually lies, or what is the purpose of granting a CFR title, making the right completely meaningless. Besides, it is unclear how the village is expected to regenerate and conserve a forest on merely 1 ha of land.

No Community Rights recognition process has begun in the village, in spite of the fact that there is a high dependency on minor forest produce, which forms a core of the socio-economic fabric of the village.

This is inspite of the fact that there are customary arrangements for forest governance and protection in place, primarily in the hilly areas. The primary forest produce the villagers need to protect is bamboo. The villagers form groups of 4-5 families each who guard the bamboo trees. The villagers hold a meeting and responsibilities are distributed between the different hamlets on a rotational basis, with dates and number of people each para or hamlet will provide for guarding the forest being fixed in advance. If someone is unable to go, they usually just exchange days with nearby people. Only men go for protection. In addition to protection of bamboos, they also protect the timber. There have been several instances where motor vehicles, usually from outside the village, are being used to transport timber illegally, which have been stopped by these protection groups. In a recent such incident, swift action was taken where a village meeting was held with the forest department and the culprits were penalized for timber theft.

However, none of these mechanisms and practices have been taken into account when it comes to the mysterious CFR title of one hectare (location unknown) granted to the village.

### **Democratic Process for Recognition of Rights: Compliance with FRA**

The procedural problems in the implementation of the Forest Rights Act clearly emerge from the IFRs and CFR being perceived more as a 'benefit' than a right, both by the authorities as well as the people. The villagers have no understanding of the process by which they get it, nor who gets it or why. The Gram Sabha itself is completely unaware of its role and goes by what it is told by the higher officials. The officials appear to be fully in control of what rights on which land have to be given and to whom. A fundamental problem, clearly, is the fact that Podgaon has been treated as a single Gram Sabha, coinciding with the Panchayat area, instead of smaller Gram Sabhas being established as required under the Forest Rights Act. In this case the violation is even more egregious because even the Panchayat Gram Sabha is supposed to be at the hamlet level, since this is a Scheduled Area and PESA Act applies.

At the outset, the Gram Sabha was established at village level with 850 members, a wholly unmanageable number. This is reflected in the lack-lustre functioning of the Gram Sabha, which met to take decisions on the FRA only in 2008 when the IFRs claims were to be forwarded. It has not met under the FRA since then, but meets four times a year as scheduled by the government. The meetings are poorly attended by just 30 to 40 people. Recently, the women of the village have been mobilizing more attendance, and it is now reached up to a 100, but this remains a far cry from the 50 percent quorum required under the Forest Rights Rules.

The women used to find it harder, because of the distances involved. The village is very spread out and it is several kilometers between different para. But now, the women have been made responsible for organizing the meetings, and they are able to get more women to attend. Now, the majority of the attendees are women.

The villagers do not appear to understand fully the powers of the Gram Sabha and feel that they have to function as told to them by the local officials. In this village, the claimants did not have a reasonable opportunity to present their claim to the FRC/ Gram Sabha for the rejection of the claims.

The tragedy of this lack of information and involvement, inspite of the relatively high literacy rate and close proximity to the division head quarter, is also reflected in other developments. In complete contravention of the requirements of the Forest Rights Act and the PESA Act, the state authorities failed to conduct any consultation with the Gram Sabha while providing approval to the Raoghat Railway line which passes through the village. Nor was any Gram Sabha consent obtained or consultation undertaken before establishing two security forces camps (BSF and SSB) on village lands. During the field visit undertaken in the course of this study, the villagers claim that the setting up of the camps and the railway line has not hurt them in any way. They seemed satisfied that people whose land was taken for the railway line have got compensation and also one job per family. However, during the course of discussions it was painfully clear that they had adopted this approach as a result of being completely oblivious of their legal and constitutional rights, and that the nature of compensation received by them falls woefully short of the participative development model visualised for forest dwellers and adivasi communities under the Constitution of India and the Forest Rights Act 2006.

### **Notes on Sources and Informants**

1. Field Visit on August 11-12, 2019.
2. Interaction with Gond and Halba community of Podgaon
3. Detailed discussion with Mr. Anubhav Shori, Ms. Shalini Gera



# CHHATTISGARH

<b>Village:</b>	Sonoli
<b>Mandal/Block:</b>	Ambagad Chowki
<b>District:</b>	Rajnandgaon
<b>State:</b>	Chhattisgarh

**CHHATTISGARH**  
**SITE 6**  
**Sonoli**

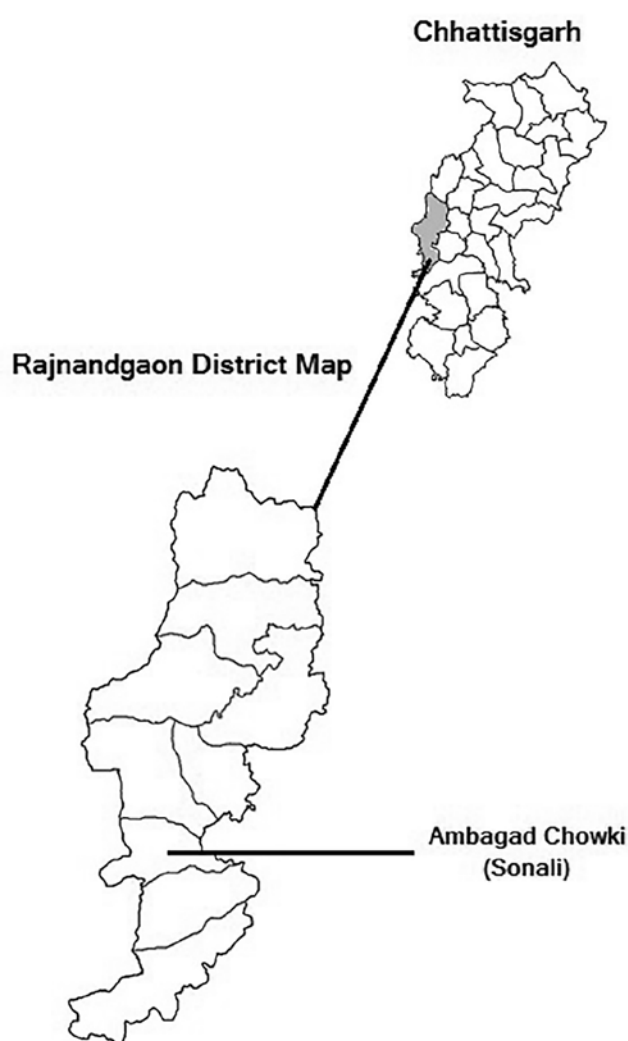
## 6.1 Introduction to the Site

This case of Sonoli is basically a depiction of conflict between the CGRVN and the Gram Sabha on the issue of plantation of commercial crops and the process of thinning of the forest in favour of commercial plantations on the CFR land of Gond community. CGRVN treated the thinning business as a pre-approved administrative work inside the forests and denied the Gram Sabha the right to interfere in this activity as its rights were limited to nistar, grazing, and collection of minor forest produce from their CFR area. However, the villagers recognised the takeover of their lands and ensured the ousting of CGRVN and its labourers from the area. In this regard, it is important for the forest department to identify the already recognised area to be regularised in favour of forest dwellers under the FRA 2006.

## 6.2 Socioeconomic Profile of the Village

Sonoli, a small revenue village, is located in Ambagarh Tehsil of Rajnandgaon district in Chhattisgarh, India. The village is in the category of TSP. It is situated 21km away from sub-district headquarter Ambagarh Chowki and 73km away from district headquarter Rajnandgaon.

The village has 26 households with population of 103 (M: 54, F: 49) dominated by Gond tribe and very less number of scheduled caste households (Mahar households). The literacy rate is relatively high at 55.3 percent but the female literacy rate is low at 24.3 percent. The farm lands are rain-fed (unirrigated) and the single crop of the year is dependent on the monsoon. They work as agricultural as well as non-agricultural workers. Fishing is found to be a part time work of the people. There is only one person working as a government servant.



The nutrition level of the villagers is moderate, with most being able to consume two meals on a daily basis for the most part, which consists water rice with some cooked vegetables. They are largely dependent upon the seasonal leafy vegetables available in the forest. Major illnesses found in the village are diarrhoea and seasonal infections. There is an ASHA worker in the village. Health related infrastructure is not available in the village - health sub centre (Dodake, within 1 km), public health centre – (Kowdikara, within 20 km), rural health hospital – (Chowki, within 25 km) and District Health Centre – (Rajnandgaon, within 76 km). People also have huge faith on the medicinal herbs that are extracted from the forest. The community people mostly use this type of medicines.

### People - Forest Relationships

There are two forest divisions - Rajnandgaon and Khairagarh in the district<sup>16</sup>. According to the office of Chief Conservator of Forests, Chhattisgarh, the total forest area in the district is 2, 70,627.400 hectares. Of this, 77, 339.686 hectare is reserved forest, 1, 42,853.610 hectare is protected forest and 502.520 hectare is unclassified forest. Forest in the district comprised of mainly mixed forests. Included among the minor forest produce are: char, tendu, mushroom, mahva, behada, hilda, hara, havada, tori (oil), kusum, honey and kolari. It should be noted here that around 20 to 25 types of vegetables and 15 types of edible roots can be found in the jungle. The various kinds of animals found here are tiger, deer, monkey, bear, cheetah, rabbit, wild pig, wolf, snakes, crocodile and scorpion. There are also various other species of animals and forest NTFP is also found here. The villagers depend upon the forest for their livelihood. The seeds shown (Photo 1) are basically the seeds of palash, haldi, karanj and imli. These villagers use it for both medicinal as well as consumption purposes.

**Photo 1: Forest Products**



The community has been living on these lands for the last 150 years and their major source of income has been derived from the forest lands and agriculture. Initially there were 60 households which have now decreased to 26. One of the main reasons for the reduction in the number of

<sup>16</sup> [http://censusindia.gov.in/2011census/dchb/DCHB\\_A/22/2209\\_PART\\_A\\_DCHB\\_RAJNANDGAON.pdf](http://censusindia.gov.in/2011census/dchb/DCHB_A/22/2209_PART_A_DCHB_RAJNANDGAON.pdf), Viewed on November 19, 2019.

households is permanent migration to nearby villages for livelihood.

All the households largely depend upon agriculture and forest. They get one crop in the monsoon season every year. They are both emotionally and physically attached to it. The net area sown of this village is 49.04 hectares, which is completely un-irrigated in nature. The forest land is within 146.51 hectares area whereas land under non- agricultural uses is 43.32 hectares. The total housing area of the village is 12 acres whereas the same for agriculture purpose is 105 acres. Religious places like Ambagad Devi / Thakur Devi / Sheetal Devi / Bhaishashur are found in 3 acres. Cremation grounds (surname specific) for all communities are there in 1 acre outside the village. Common area and grazing land for the village are 6.5 acres and 6 acres respectively. The area of the primary school would be 1.5 acres. They have a place for the Gram Sabha and the area is 0.5 acre. So far as overview of forest land use is concerned, they have 3 acres of religious temples and places - Gavadgondi / Lambamudra / Ghond / Koylabhai.

The district receives more than 80 percent of the rainfall from the southwest monsoon. Since, agriculture production is solely dependent on the arrival of a good monsoon, due to lack of alternate irrigation facilities, failure of monsoon often entails high risk for agricultural production and high incidence of crop failure. The seasonal production from the forest is largely dependent upon the timely arrival of monsoon. As described earlier, the villagers are highly dependent on the forests and the forest resources to supplement their nutritional requirements, especially during years when the monsoon is poor.

As discussed above, the forest and the monsoon plays an important part in the economic and social life of the village and it is natural that there are many religious and cultural practices associated with forest and monsoon. In order to protect the village from every evil, the villagers perform different kinds of worship. For example, consecration of worshipping idols in the jungle and then establishing the place as a holy spot and then protecting it. Untimely death of male or female in the community is treated by burying the body in a fixed area in the forest (the individual might die on account of snake bite, improper delivery, death by strangling self, poison, etc.). Thirdly, people of this village celebrate Polo at different points of time of a year- onset of rainfall, before paddy harvest, etc. During these periods, the villagers are not supposed to collect MFP from the forest. They organise folk dance and songs. The main aim of Polo is to protect the forest from exploitation.

### **Photo 2: Plantation in the Forest**



The village has developed traditional practices of preservation and conservation of the forests, which are discussed in greater detail below.



### 6.3 Historical and Continuing Injustice: Potential and Performance of FRA

An examination of the process of implementation of the FRA 2006 in Soloni village demonstrates that far from correcting historical injustice, the implementation has resulted in further threats for the tribal people.

#### Formation of FRC in Sonoli Village

The FRC was first established in 2008. However the FRC has been re-established recently on June 25, 2019. The CFRMC was established on 15 August 2014. It has 12 members in total. 8 are male and 4 are female. The President of CFRMC is a woman. So far as IFR is concerned, 12 cases were submitted out of which 4 (of 6 acres) are recognised and sanctioned at all levels. However, 8 claims (of 7 acres) are pending at the Gram Sabha level. So far as Community rights are concerned, 244.940 hectare is sanctioned in favour of the communities. But the same is pending at the Gram Sabha level so far as community forest resources right is concerned. The claims have been accepted and verified by FRC / Gram Sabha. During the verification, the FRC representative and the members of the Gram Sabha were present. The FRC also invited the officials of the related departments. So far as mapping of IFRs/ customary boundaries undertaken, the Patwari, Gram Sachib and forest guard have sat together and formed the traditional boundary setting process (The process was executed inside the office compound).

The number of meetings conducted since it was constituted under the FRA is 10. The objectives of the meetings are:

1. To establish FRC
2. Making of Village map
3. To identify area and establish with proof
4. To constitute CFRMC
5. To make management plan
6. To arrange grants for management plan
7. Regarding auction of Tendu leaves
8. Regarding Transit Permit book issue for Bamboo
9. To stop the deforestation by forest department
10. To construct Gram Sabha centre

All the adult members of the village are the members of the Gram Sabha. They maintain the quorum of the meeting with more than 1/3rd women. The women participate in all the Gram Sabha meetings in a very active way because they have been involved in all the processes related to the forest- protection and management. The minimum quorum to be maintained in the Gram Sabha is 52. However each of the 10 meetings exceeded the quorum. The details are:

**Table 1: Attendance at Meetings**

Meeting No.	Attendance
1	54
2	57
3	62
4	56
5	60
6	58
7	62
8	64
9	62
10	63

The Gram Sabha is very active in this village and take a particularly keen interest in forest matters. The best example is the complete exit of CGRVNN and their labourers from the thinning process on their CFR land.

As in many other states, the government of Chhattisgarh has also insisted that when presenting oral evidence of village elders in support of claiming forest rights (Rule 13 of the Forest Rights Rules) such elder must be at least 70 years age. Quite apart from the fact that this is an incorrect interpretation of the law, the non-availability of a 70 year old individual in the village posed a challenge in an area where life expectancy is much lower. Site-verifications have also proved to be problematic. According to the Gram Sabha and villagers, the land claimed has been in use by the claimants before 2005. However, when the concerned officers arrived to verify the land, the claimants themselves were not present, in the contravention of the Rules. Instead some other villagers informed the officers that the land had been in use after 2005. This is also a major challenge.

### **Democratic Process for Recognition of Rights: Compliance with FRA**

The villagers of Sonoli have a cordial and mutually cooperative relationship with the adjacent villagers. They share timber, fruits, flowers and medical herbs with the adjacent villagers. They also share the responsibility of taking care of the cattle and taking them out for grazing purposes. However there has been an unending conflict continuing between the Gram Sabha of Sonoli and the CGRVN<sup>17</sup>. The only reason behind such a big conflict is the impact of the aggressive man-made forestry programme.

<sup>17</sup> See Agrawal (2016): "Chhattisgarh communities assert forest rights", *Down to Earth*, <https://www.downtoearth.org.in/blog/forests/gond-village-resist-forest-thinning-exercises-fra-54433>, Viewed on November 22, 2019.

## Thinning of Forest by CGRVVN

As per the scheme, these state corporations promote commercial plantations by adapting high economic value plantation (often monoculture) in the place of long standing natural forest. So uprooting of the natural forest and planting teak and bamboo are the main activities of this scheme. Next phase of this scheme is the process of “thinning” of the forest consisting of planting trees of high commercial value every five years. Thinning is basically uprooting of other trees for the growth of the trees of high economic value i.e. teak, bamboo, etc. The operation of CGRVVN is made through six project divisions. One among the six projects is called Panabaras project and it was leased out an area of 49,909.824 hectares of forest in 1976. Out of the total leased out forest land, 244.940 hectare was recognised as CFR area in 2012-13 in favour of Sonoli village. During 2005-06, CGRVVN had planted teak and bamboo on the CFR area of Sonoli village. On December 22, 2015 deforestation in the name of thinning was carried out on the CFR land of Sonoli village with the help of labourers from nearby villages and it was approved by the forest department. On account of activity without prior permission from the Gram Sabha, a massive resistance led by women of the village started. They seized the axes and chainsaw of the labourers and kept it in the Gram Sabha Kendra. They demanded a complete exit of the labourers as well as the people of the Nigam. In this way the forest right of the communities were abused. The argument of the villagers with the Nigam was something like this:

“We are completely dependent upon the forest for our daily requirements. It gives us food, medicine and livelihood. Women derive their income from the forest. Why are you cutting our trees? What is the fault of our trees? Is it because they are standing adjacent to the teak wood planted by you people? This is our CFR area. We have very less trees in the forest for our usage. How could you do like this without seeking the permission of the Gram Sabha? Who gave you permission for the same? If you want to take us to the jail, we are ready to go. We will do everything for our forest.”

This is in spite of the fact that there are customary arrangements for forest governance and protection in place made by the villagers. For forest protection and maintenance, they have been the following practices like living in huts made out of locally available resources; they never practice intensive deforestation. They worship trees. They use the empty and vacant ground of the forest for the purpose of afforestation with flowers and fruit bearing trees. Photo 2 shows the process of plantation of Jimi (Elephant Foot Yam) and some edible roots. These are used as vegetables of the villagers. They generally plant it during the rainy season and root out during October and November of each year. As these are not perishable, the villagers keep it for a long period of time.

The report was filed in written format by the Gram Sabha in the Police Station, Chilhato Tehsil, Ambagarh Chowki (dated January 5, 2016), District Collector, Rajnandgaon (dated January 7, 2016), Assistant Commissioner, Tribal Development Department, Rajnandgaon (dated January 7, 2016) and the Sub Divisional Officer (Revenue), Mohla, Mapur, Rajnandgaon (dated January 8, 2016). However, the case is still pending in the court. A copy of the letter, submitted to the District Collector is given in Document 1.<sup>18</sup>

<sup>18</sup> Letter Issued by the Gram Sabha of Sanoli Village to District Collector, Rajnandgaon, dated January 7, 2016 on Cutting of Forest.

## Document 1: Letter Submitted to the District Collector

कार्यालय  
ग्राम सभा ग्राम - सोनोली  
ग्राम पंचायत - दोड़के, जनपद पन्नायत - अ. चौकी, जिला - राजनांदगांव (छ.ग.)

पत्र क्रमांक 4/ग्रा. स. पं. दिनांक - 7/01/2016

प्रति,  
श्रीमान कलेक्टर महोदयजी  
जिला राजनांदगांव (छ.ग.)  
जिला-राजनांदगांव (छ.ग.)

विषय - ग्राम सोनोली ग्राम पंचायत दोड़के का वन कक्ष क्रमांक 437, रकबा 244.940 हेक्टेयर वन क्षेत्र को जिला प्रशासन द्वारा ग्राम दासियों को सामुदायिक वनाधिकार मान्यता प्रमाण पत्र मिलने के कारण वनाधिकार अधिनियम 2006, नियम 2008, संशोधित अधिनियम 2012 की धारा 5 और 7 के प्रदत्त अधिकार के कार्य का परिपालन करते हुए ग्राम वासियों द्वारा छत्तीसगढ़ वन विकास निगम के पानाबरस प्रोजेक्ट कार्यालय मोहला के द्वारा किये जा रहे वन कटाई पर ग्राम सभा द्वारा रोक लगाने के कारण शासकीय कार्य बाधित होने का आरोप लगने के आशंका के मद्देनजर ग्राम वासियों द्वारा इस्तिफा रिपोर्ट प्रस्तुत करने-विषयक स्व. मार्गदर्शिका महोदय जी,

उपरोक्त विषयान्वर्त आवेदन प्रस्तुत कर अवगत किया जाता है कि ग्राम सोनोली, ग्राम पंचायत दोड़के को अनुसूचित जन जाति और अन्य परम्परागत वन निवासी (वन अधिकारों की मान्यता), अधिनियम 2006, नियम 2008, संशोधित अधिनियम 2012 की धारा 3.1 (ख,ग,घ) के अन्तर्गत निस्तर, गीच वन छुपज संकलन और चराई का अधिकार वन कक्ष क्रमांक 437 रकबा 244.940 हेक्टेयर वन क्षेत्र का अधिकार मिला है।

उक्त क्षेत्र वन विकास निगम पानाबरस प्रोजेक्ट कार्यालय मोहला के कार्यक्षेत्र के अन्तर्गत आता है। वन विभाग ने अपने वर्किंग प्लान के अन्तर्गत हमारे अधिकार क्षेत्र के वन का अंधाधुंध खड़े जीवित वृक्षों की कटाई कर रहे थे जिसे हम ग्राम वासियों ने निम्नलिखित कारणों से रोक लगाई है। जो इस प्रकार है -

1. वनाधिकार अधिनियम के अनुसार ग्राम सभा की अनुमति व प्रस्ताव लेना अनिवार्य है।
2. सामुदायिक वनाधिकार मान्यता प्रमाण पत्र धारक ग्राम के ग्राम सभा को वनाधिकार अधिनियम की धारा 5 और 7 में प्रदत्त अधिकारों के कार्य निर्वहन करने का अधिकार है।
3. हमारा गांव पैसा एक्ट 1996 के खुली अनुसूची के अन्तर्गत आता है। जिसमें ग्राम सभा को धारा 7 के अधीन प्राप्त शक्ति और कृष के अतिरिक्त धारा 129(ग) के प्रावधानों के अन्तर्गत जल, जंगल और जमीन के दोहन पर प्रतिबंध लगाने का अधिकार है।
4. छत्तीसगढ़ मूलजन संहिता 1959, संशोधित अधिनियम 2005 की धारा 237 (1) के अन्तर्गत ग्राम सभा को जल, जंगल और जमीन पर उपभोग और प्रबंधन का अधिकार दिया गया है।

उल्लेखित सांविधानिक मान्यता के अनुकूल हम अपने अधिकार के कार्य का निर्वहन करते हुए इस संदर्भ में पानाबरस प्रोजेक्ट मोहला के वन परिक्षेत्र अधिकारी और ग्राम सभा सोनोली के संयुक्त उपस्थिति में दिनांक 02/01/2016 दिन शनिवार को प्रथमिक साक्षात् सोनोली में ग्राम सभा आयोजित किया गया था। लेकिन समस्या का निदान नहीं हुआ है। प्रारंभिक अनुमति की प्रक्रिया नहीं करने की वन विभाग ने अपनी गलती स्वीकार किया है। लेकिन कटे गये वृक्षों को वन विभाग से जाने पर अड़ा हुआ है और आगे वन कटाई की अनुमति ग्राम सभा से मांग रहा है। लेकिन ग्राम सभा ने वन्य जीव संरक्षण अधिनियम 1972, जैव विविधता अधिनियम 2002, नियम 2004 तथा वन संरक्षण अधिनियम 1980 और वनाधिकार अधिनियम 2006 के प्रावधानों और अधिकारों को दुर्लक्षित रखते हुए वन की कटाई पर पूर्णतः प्रतिबंध लगाये हैं और कटे वृक्षों को ग्राम सभा में जल करने का निर्णय लिया गया है। कटे गये वृक्षों को अशामयिक तत्वों द्वारा चोरी एवं आग लगाने की आशंका से गांव में तनाव रखने का निर्णय लिया गया है।

अतः महोदय जी को निवेदन है कि शासन- प्रशासन द्वारा प्रदत्त समाज हित के अधिकार का क्रियान्वयन करने के तत्तत्तय छत्तीसगढ़ वन विकास निगम पानाबरस प्रोजेक्ट कार्यालय मोहला द्वारा हमें ग्राम वासियों पर शासकीय कार्य को बाधित करने के आरोप में कानूनी कार्यवाही कर अपराध पंजीबद्ध करवाता है तो वैधानिक व अस्वीकार्य होगा।

अतः आपकी सेवा में हम ग्राम वासी इस्तिफा रिपोर्ट सादर प्रस्तुत करते हैं।

संतुष्ट छायाप्रति -

1. सामुदायिक वनाधिकार का मान्यता प्रमाण पत्र।

2. नो-ऑब्जेक्शन पत्र।

रजिस्ट्रार/प्रमाणित  
समस्त ग्राम वासी/जन जाति/अन्य परम्परागत वन निवासी  
ग्राम पंचायत - दोड़के

शरिता नाई

रामाजी नाई  
रमेश नाई

आशीष नाई

तुषी नाई

राजनाई

छोटो नाई

कुछि नाई

लाल नाई

गोपाल नाई

गोपाल नाई

निवेदन

माननीय जिला

राजनांदगांव

दोड़के

ग्राम पंचायत

तुषी नाई

रामाजी नाई

रमेश नाई

आशीष नाई

तुषी नाई

राजनाई

छोटो नाई

कुछि नाई

लाल नाई

गोपाल नाई

गोपाल नाई

According to CGRVVN, it was a pre-approved administrative work inside the forests and the Gram Sabha had no right to interfere in this activity as its rights were limited to *nistar*, grazing, and collection of minor forest produce from their CFR area. The Gram Sabha maintained its stand. However the villagers forced the Nigam to withdraw their activities from their land. By the time the process concluded, 100 trees were cut. However, the villagers did not allow the Nigam to touch a single log of wood. The wood logs have been lying in the forest since December 2015 with the villagers patrolling to ensure these wood logs are not removed since December 2015. A joint inspection was made by the revenue and forest officials to investigate the issue and the report blamed CGRVVN for its wrong in its assessment. In response to the activities of the villagers, the forest department threatened the community about legal action against them. It is learned that the officials from the forest department approached the District Administration to cancel the CFR certificate of this village.

### **Notes on Sources and Informants**

1. Field Visit on August 13-14, 2019
2. Interaction with Gond community in Sonoli
3. Detailed discussion with Mr. Keshav Gurnule, Mr. Kunal Gurnule



# GUJARAT

<b>Village:</b>	Rampuri (Ambabar Gram Panchayat)
<b>Mandal/Block:</b>	Bhiloda
<b>District:</b>	Aravali
<b>State:</b>	Gujarat

**GUJARAT  
SITE 7  
Rampuri**

## 7.1 Introduction to Site

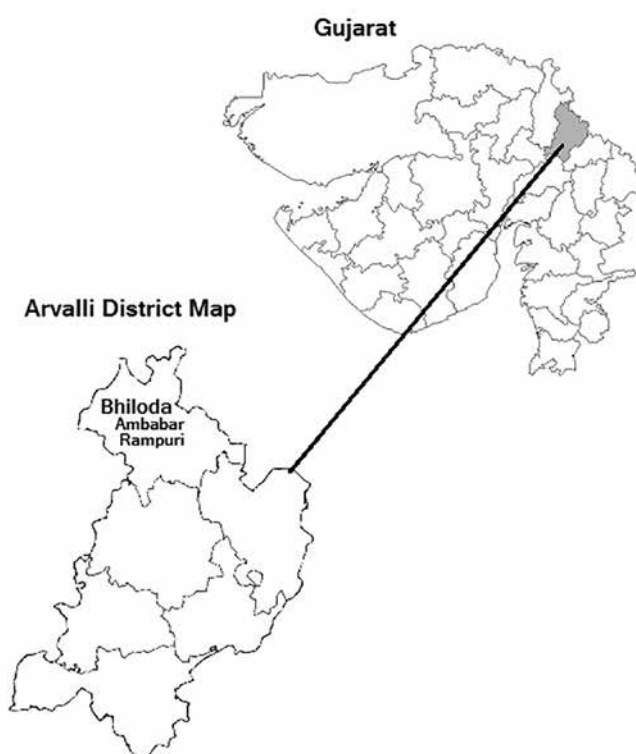
The Rampuri habitation is located in Bhiloda Taluka of Aravali<sup>19</sup> district of Gujarat State. The village comes under Ambabar panchayat. The habitation exclusively comprises of ST community called Bhil. In this site, the claimants were not satisfied with the survey of land. There is tussle between the claimants and the forest department over the area under claim. The area approved was lower than area claimed hence not accepted by the claimants.

## 7.2 Socioeconomic Profile of the Village

Rampuri is a large village, with a total 391 households. The Rampuri village has population of 2078 (M:1015, F: 1063) as per 2011 Census. Average Sex Ratio of Rampuri village is 1047 which is higher than Gujarat state (919). In Rampuri village, 99.71 percent of total population is Schedule Tribe. There is no SC population in Rampuri village. The total village area is 447.89 hectares out of which the forest area is 114 hectares (i.e., 25 percent).

Of the total population, 1445 people in the village are literate, among them 802 are male and 643 are female. Literacy rate of Rampuri is 82 percent. Female literacy is 71 percent and male literacy stands at 94 percent. Overall literacy rate in the village has increased by 12 percent. Male literacy has gone up by 6 percent and female literacy rate has gone up by 19 percent.

No major illnesses are found in the village however seasonal illness like viral fevers and communicable diseases are found. The nutritional levels of the villagers is said to be normal and they are able to get three meals a day. So far no history of major epidemics is noted. The Primary Health Centre is located in Torda, a neighbouring village at a distance of 5 km. A mobile health care vehicle comes to village once in a week to provide routine health care.



<sup>19</sup> Aravali district, of Gujarat, came into being on August 15, 2013, becoming the 29<sup>th</sup> district of the state. The district has been carved out of the Sabarkantha district. Modasa is the district headquarters.

The main occupation in Rampuri is agriculture, agricultural labour and non-agricultural labour apart from petty occupations. In Rampuri village 1082 persons were engaged in paid work activities out of the total population. Few (10) are into private employment in the nearby towns. About 30 persons are into public services. People who are engaged various work activities for more than 6 months account for 40.30 percent, while people involved in marginal activity providing livelihood for less than 6 months account for 59.70 percent. Of late, with the passage of time, the Bhils have adopted various occupations like road construction workers, helpers, small traders, guards, domestic workers, quarry workers, stone cutters, labor work at shops and tractors.

### **Agriculture among Bhil Community**

Bhil community largely pursues agriculture. On arrival of monsoon in second or third week of June the ploughing of fields begins. The first shower is welcomed. People start work in early hours of the day till the sunset. Large farmers use tractors for ploughing, however, small farmers use traditional wooden plough to till the land. The man ploughs the land and the woman sows seeds.

Crops like maize, pulses and cotton etc. are grown largely. In rainy season, maize and pulses are shown. In winter wheat, gram and some varieties of pulses are grown as main crops. In both seasons some vegetables are also grown in a small quantity. Many Bhil agriculturists work as share croppers and have adopted other occupations. In Rampuri village 320 households are pursuing agriculture. The community also collect the available MFP in due season for few days.

### **Religio-Cultural Profile**

Rampuri village Bhil community celebrates all the Hindu festivals, such as Rakhi, Navratri, Dashera, Diwali, Holi. They also celebrate some traditional festivals like Akhatij, Navmi, Howan Mata ki Chalavani, Sawan Mata ki jatar, Diwasa, Nawai, Bhagoria, Gal, Gar, Dhobi, Sanja, Indel, Doha etc., with much zeal and enthusiasm.

### **Belief**

The Bhil community believes that their deities will protect the crop and cattle. The deity Khetlo or Khetarpal who looks after the farm is worshipped from time to time. The colored thread, coconut and chicken or he-goat is offered to Khetarpal-the deity of the farm.

### **Language**

The Bhils speak Bhili, which belongs to the Indo-Aryan family of languages. As they do not have a script. Rajasthani, Gujarati, Marathi, Hindi and other regional languages, depending on the state to which the group is attached, influence Bhili-dialect. The Bhils are bilingual and use the regional language. In Gujarat Bhils also use Vaghari as a spoken language, which is close to Mewari and Gujarati.

### **Women**

There is a clear gendered stratification in Bhil society with restrictions placed on women -- they are prohibited from visiting the village shrines and offering worship to deities, although their Kuldevi is woman and without her worship no ritual is complete. However, the Bhil woman is consulted in all domestic and household matters by her husband. The woman contributes to the family economy. Now there are nearly 50 per cent women sarpanches in Bhil villages.

### **Relationship with surrounding villages**

The Bhil community of Rampuri village have cultural exchange, family and kinship relations i.e. attending festivals, social functions and get together with the surrounding villages namely Dhansor,

Jayala, Torda (Jetpur) , Budheli and Chorimala etc. Apart from these villages the Bhil community of Rampuri has family and kinship relations with the other villages within the district and neighbouring districts. The community has kinship ties with the neighbouring state of Rajasthan. There are no conflicts over resource-sharing as per the community.

### Forest Governance and Protection

The Bhil community of Rampuri village, recognizing the importance of forest for their survival, has collectively decided to protect the forest by starting a cooperative society namely 'Dharihar Dungru Vruksh Utpadhan Sahkari Mandli' in 1986 with a 11 member (3 Females and 8 Males) Governing Body. Since the beginning of the society, the Rampuri community has never allowed any person to venture into the forest without the knowledge of the society. The community has appointed four watchmen namely 1)Tabiar Kodhar Bhai Heraji 2) Kauli Bhai Mogaji 3) Kashru Bhai Lalaji and 4) Gogora Tonjai Karmaji on monthly payment to safe-guard and protect the forest.

### Historical Background of Bhils in Gujarat

Bhil tribes have a long history. They love arrow and bow and it is believed that their name emerged from the word 'billu' meaning bow and arrow. There are references to Bhils in the epics--Ramayana (in context of Shabri) and Mahabharata (in context of Eklavya).

It is also believed that in earlier times Bhils wielded political power but after defeat they took refuge in jungles and hilly areas. Rich forest wild lives surround Bhil villages. Archaeological excavations in the area resulted in the unearthing of Mesolithic and Protohistoric civilizations in the Aravali region.

### Village Land Profile

#### Overview of Village Land

S.No.	Particulars	Area/location of site
1	Housing area	10 hectares
2	Agriculture/Cultivation area	125 hectares
3	Religious temples and Places	1 hectare
4	Cemeteries/Cremation grounds	1hectare
5	Common areas	1hectare
6	Grazing Pastures	4 hectares
7	Market area	-
8	School area	2.2 hectares
9	Others (specify)	-

Source: Community Elders



## Overview of Forest land

S.No.	Particulars	Area/location of site
1	Agriculture/Cultivation area	20.23 hectares
2	Religious temples and Places	-
3	Rivers, Streams, Ponds and Tanks etc.	-
4	Common areas	-
5	Minor Forest Produce collection	114 hectares
6	Grazing Pastures	-
7	Others (specify)	-

Source: Community Elders

## Forest Profile

### Categorisation of Forest Land

S. No.	Category	Area	Year of Declaration
1	Reserved Forest	-	
2	Protected Forest	114 hectares	1927
3	Village forest	-	
4	Revenue village	-	
5	Unreserved Area	-	
6	National Park	-	
7	Wildlife Sanctuary	-	
8	Tiger Reserve	-	
9	Elephant Corridor	-	
10	Others (specify)	-	

## Soil

Most of the land is sandy, dark brown, yellowish and medium black. Major area is rain-fed with a good capacity for retaining moisture.

## Flora

The flora available in the forest include babul (*acacia arabica*), the bar (*figus bengalensis*), the dhak (*butea frondosa*), the guler (*figus glomerata*), the jamun (*eugenia jamocana*), the khair (*acacia catechu*), the khejra (*prospis spicigera*), the mahua (*bassia catifolia*), the papal (*figus religiosa*), and the runjara (*acacia leubophloea*). Some other trees also are found are bahra (*terminalia bellerica*), dhaman (*grewia oppositjolia*), haldu (*adina cordifolia*), sagvan (*tectona grandis*), salar (*beswellia tomentosa*) and bamboo. Smaller shrubs include akra (*calotropis procera*), anwala (*casia auriculata*), karand (*caress carandas*), thor (*euphorlia nerrifolia*) and sitaphal<sup>20</sup>.

<sup>20</sup> Glimpses of forests in Gujarat, Forest Department, Gujarat State

## 7.3 Historical and Continuing Injustice: Potential and Performance of FRA

Rule 13 (1) of the Forest Rights Rules of 2012 lays down nine types of evidence required to be submitted, along with the individual forest rights claims, for the claim to be approved. Rule 13 (1) (b) explicitly lists "government authorized documents such as voter identity card, ration card, passport, house tax receipts and domicile certificates" to be valid proof. Claims submitted along with the affidavit statement of elders of village along with copies of ration cards and voter identity cards were however rejected stating that these documents cannot be considered valid proof under the law.

### FRA and Other Legal Regimes

Gram Sabha was formed at village level. With the mutual consent of all the villagers the body was elected. All the voters of the Rampuri and its hamlets are the members of the Gram Sabha. The FRC was formed. All the members belong to Schedule Tribes. CFRMC was not formed.

### Gram Sabha under FRA

The Gram Sabha was held four times since its inception. The Gram Sabha discussed the FRA issues such as Individual Forest Rights and the community rights. The quorum was present in the meeting and indeed all the members were present as this was issue of the livelihood. The women have actively participated in the Gram Sabha meetings.

In the year 2008 the community first claimed the rights to have right over the forest land which they were cultivating for decades together. IFR Rights were claimed by individuals, who are depending on Forest MFP and agriculture directly, for their livelihood. All the households who have been cultivating the forest land have filed the claims. However, Forest Department has been refusing to cooperate, in a deliberate effort to block filing of claims.

### Claims Filed

Under whose name Claimed filed?			Forest Rights					Total Number
ST	Single	M	IFR	CR	CFR	Habitat	Others	
		F		-	-	-	-	
	Joint		24					

### Claims Rejected

### Role of Gram Sabha

With the help of Gram Sevaks wide publicity was given by passing information about the Forest Rights Claims. Gram Sabha has been held in order to initiate the calling for claims. The FRC was instructed to invite claims for individual rights. Field verification was carried out and survey was conducted. The Gram Sabha after proper verification finalized a list of 24 claimants, who were pursuing cultivation in the forest land, was prepared and sent to the SDLC for approval. The mapping of IFRs boundaries was done through GPS. Individual walk with a GPS device to the edge of his field and presses a button. He then walks round the perimeter of his field and presses another button. The device immediately draws an exact map of the field, which is downloaded into computers and printed.

## Claims Rejected

Rights	Particulars of Claims	Total number of claims	Area (hectare)	Type of forest rights	Claimant?	Current Status		
						Gram Sabha	SDLC	DLC
IFR	Recognized	-	-	-	-	-	-	-
	Pending	-	-	-	-	-	-	-
	Wholly Rejected	2		IFR	Individuals	Accepted	Rejected	Appealed
	Partially Rejected	22		IFR	Individuals	Accepted	Rejected	-

## Disputes and Conflict

The dispute is between Forest Department and the District Collector. The Forest Department is not willing to give away the rights on forest land to the community. Claims have been partially approved i.e., lower amount of land than the claimant is in possession.

## Redress - Formal and Non-formal

### Major challenges

The community has driven away the officials as the land measurement carried out with the help of GPS instrument was not satisfactory since the instrument showed less land than the individual was cultivating. The issue has been pending since 2014. However, the community continues to cultivate the land.

Claims were rejected at the level of the SDLC, without referring the matter to the DLC, or without any appeals by the forest department against the Gram Sabha recommendation, although it does not have such powers. Further, SDLC rejected the claims due to "insufficient evidence," since the government officials insisted on records of the forest department as documentary evidence, and demanded to attach satellite imagery as source of evidence.

In many villages, apart from Rampuri (i.e., in Sabarkantha and Banskantha districts), claims have been rejected because the claimants are ex-servicemen receiving pension or are employed in government or other service, or even if some relatives of the claimants are in such service. This too is in violation of the provisions of the FRA 2006.

It is said that some senior officials of the state government are reported to have said that only 10 per cent of the claims are genuine; this has become an informal standard for many district and sub-divisional officials throughout the State.

The ground verification by officials is often not done, and when done, does not necessarily involve the FRCs and claimants.

Another reason given is that the survey number mentioned by the claimant is wrong; in many places this could be possibly because numbers have been changed in the official records but this has not been intimated to claimants.

There are widespread complaints that both SDLCs and DLCs are allowing forest officials to play a dominant role in deciding on claims. In many cases, while forest staff have agreed with the claim during field verification with the FRC, senior forest officials rejected them later on arbitrary or illegitimate grounds.

In one of the most serious lapses of procedure, there appears to be absolutely no opportunity given to claimants to explain or contest the SDLC's 'decision'; at best they are being told to go on appeal to the DLC.

A common reason given for rejection is the lack of evidence, but this has happened even in cases where the claimant has attached more than 2 kinds of evidence (including oral testimonies, panchanama, physical evidences, earlier applications/claims, court orders, etc). In many cases it appears that the SDLC has looked to see if forest offence documents are included (though this is not necessary as per the FRA 2006), and more recently, whether the claim shows up in satellite imagery.

### Rejection of claims

After five years of submission, when the two individuals came to know about the rejection, they approached the officials who then issued rejection letters. The reasons mentioned are the individuals are the pensioners (ex-servicemen) and therefore their claim is rejected. The rejected claimants have appealed to DLC and are awaiting the result as on date.

### Interaction with Bhil community of Rampuri, Gujarat



### Notes on Sources and informants

1. Field visit during 19th & 20th August 2019.
2. Interaction with the Bhil community of Rampuri.
3. Detailed discussion with Mr. Ninamu Amruji Valji, Mr. Asuri Mahesh Bhai, and Mr. Gova Bhai Rathod.
4. Census of India 2011, Ministry of Home Affairs, Government of India.



# JHARKHAND

<b>Village:</b>	Jala
<b>Mandal/Block:</b>	Balumath
<b>District:</b>	Latehar
<b>State:</b>	Jharkhand

**JHARKHAND**  
**SITE 8**  
**Jala**

## 8.1 Introduction to the Site

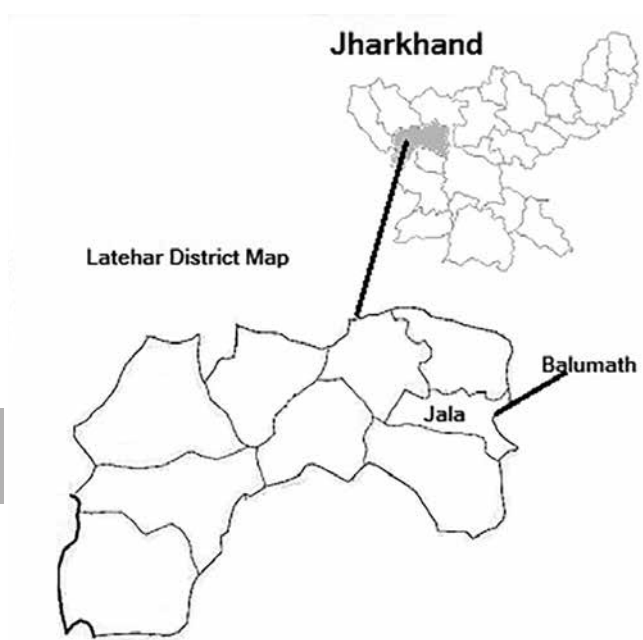
The case study of Jala depicts the case of people's struggle with the state in many ways – to achieve their rights to the forest and make their area free from the adverse impact of mining on their socio-economic lives. They are always under a threat of displacement and live in anticipation of dispossession from their village, land and forest.

## 8.2 Socioeconomic Profile of the Village

Jala is a small revenue village in Balumath Block in Latehar District of Jharkhand State with 169 households with population of 859 (M: 395, F: 435) dominated by Oran tribe (55.0 percent), 3.0 percent SC population and few Yadav and Muslim. The net area sown of this village is 127.7 hectares. The forest land is around 284.03 hectares area where as land under non-agricultural uses is 7.06 hectares. The total housing area of the village is 20 acres. A sacred sites--Sharnakul (here the adivasi conduct puja) is found in one acre of land. The cremation activities are conducted in the forest (within an area of 1 acre). There is a school in the village but it does not have playground (total area of the school is 0.22 acre). The village has two streams and one river that serve as water sources.

The literacy rate is 46.0 percent (female literacy is 21.0 percent). All the villagers rely mostly on agriculture which includes collection of minor forest produce and agricultural labour work. Many (close to 50 percent) boys and girls migrate outside Jharkhand for non-agricultural wage work in factories and other sectors. During the agricultural operation, they come back to the village.

The nutrition level of the villagers is moderate. It is almost two meals on a daily basis, which consists of water-rice, vegetables, forest-based mushroom, leafy vegetables, roots (like gethi), fruits like tendu, mahua and char. They are largely dependent upon the seasonal leafy vegetables available in the forest. They consume oil (Duri Tel) extracted from Mahua seed for more than 6 months. Some people use it for the entire year depending upon the collection of seed from the forest. During that period they do not purchase oil from outside. The major illnesses found in the village are malaria and TB. It does not have its own medical facility, for which villagers must travel more than 1 km



(gram panchayat). However Anganwadi worker along with ASHA workers are available at the village level to look after very minor issues related to health. They also provide medicines.

## People - Forest Relationships

Latehar<sup>21</sup> is one of the richest districts of Jharkhand in forest resources. About 43 percent of the total area of the district is covered by forests. The area under forests is estimated at 2, 26,850 hectares. The species of forest trees which are found in the district include sal, dhaura, mahua, kendu, bamboo, asan etc. The major products of forest include timber, palas, firewood, sal seed, mahua seed, biripatta etc. These forests are a source of revenue for the government and also help to meet the demand for timber, firewood, fodder etc.

The people of this village have been staying in this village for more than 100 years. And have been dependent upon the forest for a longer period of time. They are both emotionally and physically attached to it. The following document (application for CFR of Jala village) is self-explanatory about the types of roots, fruits, seasonal leafy vegetables and water bodies available in the forest.

### Document 1: CFR Claim Verification of Jala Village

**सामुदायिक वन संसाधनों पर अधिकार के लिए दावे का स्थल निरीक्षण प्रतिवेदन**

गाज दिनांक 04.06.19 को ग्राम सभा..... ग्राम पंचायत..... अंचल.....

सामुदायिक वन संसाधनों पर अधिकारों के दावे का सत्यपान के लिए स्थल निरीक्षण किया गया। इस संक्रम में निम्न लिखित लोग उपस्थित थे।

1. वन क्षेत्र पदाधिकारी अथवा उनके प्रतिनिधि ☒
2. अंचल पदाधिकारी अथवा उनके प्रतिनिधि ☒
3. ग्राम वन अधिकार समिति के अध्यक्ष/सचिव और सदस्य ☒
4. ग्राम सभा..... के सदस्य ☒
5. पड़ोसी गाँवों के ग्राम सभा के सदस्य ☒

निरीक्षण के कम में पाया कि

1. ग्राम..... के कुल वन क्षेत्र..... है।
2. इस वन क्षेत्र से होकर..... नदी/खेतवादी/नाला बहते हैं।
3. इस वन क्षेत्र में..... जल स्रोत है।
4. इस वन क्षेत्र में निम्न लिखित वृक्ष हैं।
5. इस वन क्षेत्र में मेशियों का चराने का चारागाह है।
6. इस वन क्षेत्र में बीड़ी पता, जड़ी बुटी, कन्द मूल इत्यादी लघु वन उपज पाये जाते हैं।
7. इस वन क्षेत्र के..... नदी/खेतवादी से वन भूमि हो कर सीचाई के लिए पानी लाते हैं।
8. इस वन क्षेत्र से गाँव के लोग जलावन के लिए सूखे लकड़ी लाते हैं।
9. गाँव के सरना/मंदिर इस वन क्षेत्र के प्लोट न..... में अवस्थित है। ☒
10. इस गाँव के कब्रिस्तान/शंखनघाट इस वन क्षेत्र के प्लोट न0..... में अवस्थित है। ☒
11. इस गाँव का खेल मैदान इस वन क्षेत्र के प्लोट न0..... में अवस्थित है। ☒
12. इस गाँव से..... जाने के लिए रास्ता इस जंगल से हो कर है।
13. ....

अध्यक्ष सचिव राजस्व अधिकारी वन विभाग के अधिकारी

So far as customary arrangements for the protection of forest are concerned, the villagers take the responsibility to protect the forest. They try to spend more time in the forest – grazing cattle, fetching dry wood for day today work, etc. Commercial extraction of timber is strictly prohibited. They have cordial relationship with the adjacent villages.

21 [http://censusindia.gov.in/2011census/dchb/DCHB\\_A/20/2014\\_PART\\_A\\_DCHB\\_LATEHAR.pdf](http://censusindia.gov.in/2011census/dchb/DCHB_A/20/2014_PART_A_DCHB_LATEHAR.pdf), Viewed on November 19, 2019.

Forest is plenty. Traditionally they have been using forests for grazing, collection of MFP and firewood -- three things for which people use forest. For this, there has been an informal understanding about sharing, which they formalized during the claiming of forest rights by recording that all the adjacent villages (mentioned by name) shall enjoy this right that they have traditionally enjoyed. There is a mutual understanding among villagers of Jala and the people of adjacent villages about sharing the forest. Formalizing it paved the way for avoiding any future conflict between Jala and the adjoining villages.

At the time of physical verification of CFR claim, the neighbouring villagers were also invited and they also said that they do not have any dispute about the boundaries. The boundaries of the forest in Jharkhand are all legal boundaries and that cannot be disputed. The case Jharkhand is different from that of Odisha, where forest boundaries are co-terminus with village boundaries. The creation of a written record on shared claims to the forest therefore eliminates potential for disputes in the matter. In general there cannot be a dispute about boundaries. Sharing of forests may be disputed if forest is seen to shrink drastically. It is not an issue where forest is plenty. Jala has 480 hectares and the boundaries are very far from village habitation. Other villages also use the forest and villagers graze their cattle in this forest and other nearby forests as well. The boundaries of the forest are fluid in this sense for the people of Jala as well as people of adjacent villages.

### **8.3 Historical and Continuing Injustice: Potential and Performance of FRA**

An examination of the process of implementation of the FRA 2006 in Jala demonstrates that far from correcting historical injustice, the implementation has resulted in further and continuing injustices.

#### **Formation of FRC**

Jala village had a Gram Sabha, formed in 2009. They could not formulate SDLC and DLC because both have got elected people representative and panchayat representative. Jharkhand had no panchayat election till 2010. So they did not have people to represent it. Jharkhand government asked Central Government, MoTA that they cannot form these committees - SDLC and DLC because they have no elected representatives. So the MoTA gave a guideline to the state government in which the collectors were empowered to nominate members into the SDLC and DLC in consultation with Gram Sabha. In consultation with Gram Sabha collector will nominate members of SDLC and DLC. So that is a big problem on the part of the collectors also e.g. searching some 336 people for 2000 Gram Sabhas. For some of the cases they took suggestions from NGO representatives for this selection. In 2010 they had panchayat election. Hence after the panchayat election they were required to reconstitute the committees, but only some villages did this. The SLMC was constituted once. Subsequently there have been two assembly elections in Jharkhand but the SLMC has never been reconstituted. No SLMC meeting was ever held. It had predominantly forest department officers and four or five proxy members. In Jala they reconstituted the FRC once, changing the Adhyaksh and Sachiv.

#### **Gram Sabha in Jharkhand**

In most of the districts in Jharkhand, the district collectors put out an advertisement in newspapers about the exact date of Gram Sabha scheduled in a village of the district for the FRC formation. More than 90 percent of the villagers do not have access to newspapers.

There are some people from every village who go to the block headquarters on motorcycle and they are the ones who take care of all the development works - the villagers believe them in good

faith given their connections with government officials. They are, however, manipulative in nature for which they are able to get the entire contract related to development works of the village. These people have access to newspapers as well as to the blocks. So the Revenue Department consulted them to help in forming the FRC in the village. Nobody knew about FRC and what it is about. The villagers knew that the government is forming a committee. Earlier also government has formed several committees- Siksha Samiti, Vikas Samiti, Swasthy Samiti, etc. Now these middle men entered the scene when they learnt about it from the officials of the Revenue Department. They gave some names of their choice and included their names as Adhyaksh and Sachiv to the government. Gram Sabha did not have any information about this. However after few months they came to know that there is no way of making any money in this. They have to run around for the people in the village. Hence they just did nothing. They did not even distribute the claim forms, which they collected to distribute among the villagers. That is why even today there are villages where people do not know how to claim the right. Some villages, where there is NGO intervention, came to know about this.

In this village, for example, they had a proper Gram Sabha conducted and the FRC was formed in 2009. Total members were 15 (men-10 and women-05). As the selection was biased (as it was constituted based on the discretion of the people of the village who have proximity with the Revenue Department officials), the villagers reconstituted the committee after a year because the Adhyaksha and Sachiv were not functioning. There is no CFRMC in this village. There was a pre-existing JFM committee in the village now inactive. It only harasses the people of the village if they protest the illegal felling of trees. This is also against FRA and its proper implementation.

### **Processing the Claims – SDLC and DLC**

In this village 30 IFR and one CFR claims for title were filed by the villagers. Instead of depositing the claim forms or claim documents in SDLC, they were told to deposit it in the Anchal Office (local revenue office). However out of 30 IFR, 9 claims were returned with a notice that they have not filled the form from the revenue office to the Gram Sabha. These 9 claims did not go even to the SDLC. The revenue officer connived with some of the dalals of the village who did not want the remaining people to get titles. They sent these claims to SDLC with another Gram Sabha resolution (forgery Gram Sabha resolution, rejecting 21 claims). Hence SDLC rejected those claims because Gram Sabha has rejected it. These 21 claimants went to the high court for justice. They had challenged the rejection of both IFR and CFR and high court ordered to look into the matter as per law. Now these 21 claims are under consideration after the declaration of the judgment of the High Court. Recently they have returned the entire records back after the High Court intervention. Remaining 9 claims came to the village and it is lying in the village.

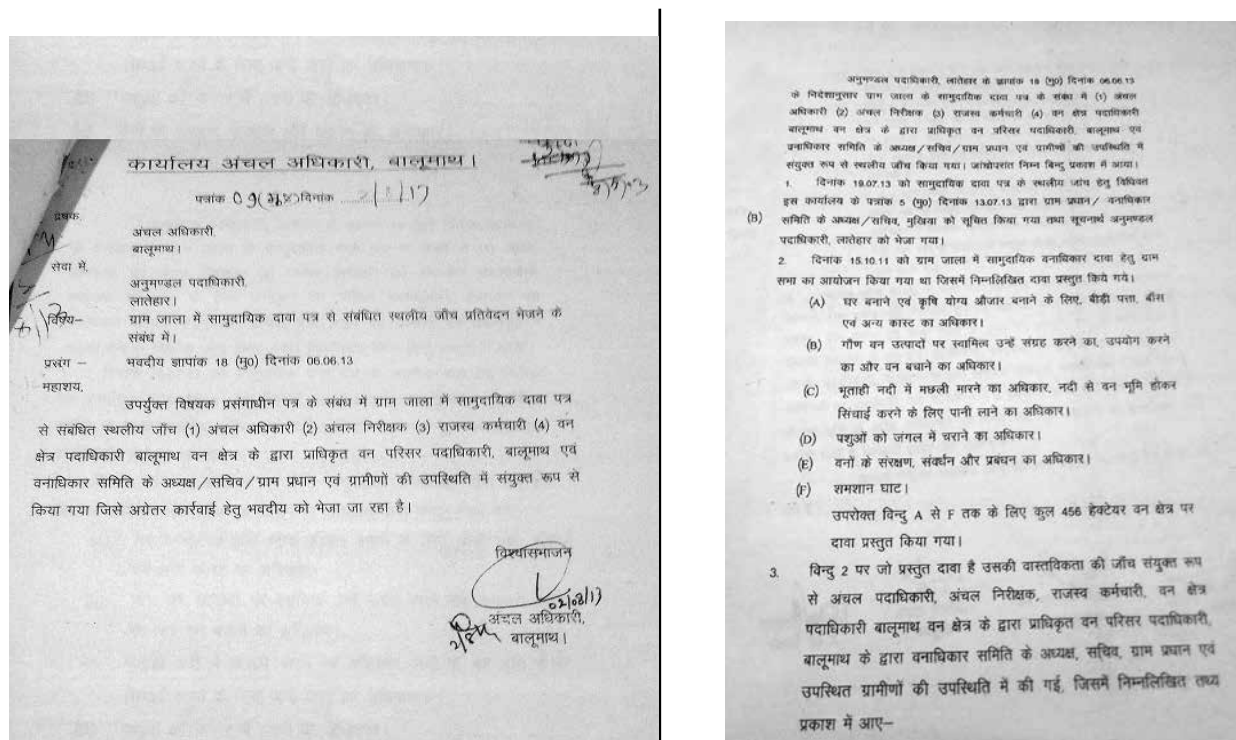
As per law SDLC does not have any right to reject it. They are supposed to send their recommendations to the DLC. That also they have not done. Under RTI, the people of Jala learned that the recommendations have not been sent to DLC. Now all the records have come back to the Gram Sabha. High Court ordered them to follow the law. The only way of doing this is to verify the claims and see whether it is right or wrong. The verification can only be done in the field by the Gram Sabha. Earlier they had rejected the claims and now they asked to review the claims. In this particular case, under the order of the High Court they have sent it back – this probably means they are prepared to review it. Now Gram Sabha is required to do a physical verification giving notice to forest and revenue officials and then pass another resolution and then send it to SDLC. The whole process has to be repeated.

For the CFR, they applied for a total of 456 hectares for the usage of Tendu leaves, minor forest produce collection, grazing of cattle, cremation ground, fishing, rights related to collection,



protection, conservation and management (in six different point from A to F). The investigating team rejected five points (A to E) produced for the CFR claim and approved only for 6th point. That is 0.50 acres for the cremation ground.<sup>22</sup>

## Document 2: CFR and its Status in Jala Village



## Democratic Process for Recognition of Rights: Compliance with FRA

Jala village comes under Ganeshpur coal block. A large portion of land of around 237 hectares has been assigned jointly for coal mining to Tata Steel and APNRL at Ganeshpur in Latehar district of Jharkhand<sup>23</sup>.

Out of the 3 tola habitations in Jala, one will be totally displaced if the mining becomes operational. The habitation under the threat of displacement is dominated by Oran tribe. There is apprehension that forests too will be destroyed because the coal mining is situated within the forest and all the water bodies will be polluted. In view of the negative externalities imposed by CCL in the adjacent village since 1972-73, they are apprehensive about the mining activities in their village. They indicate that the top soil of the area is already removed and there is total devastation of topography wherever they have started the mining.

<sup>22</sup> CFR and its Status in Jala Village. This is the copy of the Report after the Investigation of Place claimed for CFR in Jala Village.

<sup>23</sup> See Yadav, A (2016): "Tribal villagers resist attempts to deny them their forest rights," *The Hindu*, May 13, 2016.

Also see Ganeshpur Coal Mine, Jharkhand, India, <https://ejatlas.org/conflict/ganeshpur-coal-mine-jharkhand-india>, Viewed on November 19, 2019.

A recent construction of a railway line have almost used up 150 feet into a forest area with the construction of a bridge which crosses several water bodies like tanks and talab leading to drying of wells and decline in water levels. Even people of Jala also have started experiencing the negative externalities of mining activities in the adjacent village in terms of water scarcity and rise in temperature.

**Photo 2: Train Line and the Status of Forest**



This has led to refusal by the villagers to provide consent to coal mining. They clearly indicate that the proposed mining area is under forest claims and hence forest land. They have demanded their forest rights claims to be settled first before commencing any mining related activity. Given this context, they are threatened by both the Tiritiya Sammelan Prastuti Committee, a left wing extremist group and the "company's dalal" (middlemen) for opposing the mining project.

On the other hand, in January, 2014 the Ministry of Coal had issued show cause notice to the owners of the coal block - Tata Steel and APNRL -- threatening to cancel their permission for running the mine if they do not start production. Faced with threat of cancellation, both companies hastily organized village level meetings to get approval from villagers for mining on the proposed land. In this context, one should note the directive of the MoEF that Gram Sabha's approval is necessary to initiate a mining venture in a village. However, the villagers did not agree to losing their land for the mining project. Thus, the companies were unable to get the approval from the villagers to start the mining operation. The violation of provisions of FRA 2006 i.e. consent from Gram Sabha for diversion of forest land for development projects has been mentioned in a petition sent to the Prime Minister on September 12, 2014, where the case of village Jala has been mentioned.<sup>24</sup>

<sup>24</sup> Petition against Violation of FRA and the Provision for Gram Sabha Consent for Diversion of Forest Land for Development Projects to the Honorable Prime Minister on September 12, 2014.

## Document 3: Petition against Violation of FRA

<p>12 September 2014</p> <p>To</p> <p><b>Shri Narendra Modi</b> Hon'ble Prime Minister of India</p> <p>Subject: Petition against violation of the Forest Rights Act and the provision for gram sabha consent for diversion of forest land for developmental projects.</p> <p>Dear Sir,</p> <p>We wish to express our deep concern at the recent attempts by the Central Government to do away with the statutory and mandatory requirement of Gram Sabha consent for diversion of forest land for non-forest uses as reported extensively by the media<sup>1</sup>. The proposed modifications are in direct violation of the Forest Rights Act, a historic legislation which was enacted by Parliament after a prolonged struggle by Adivasis and forest dwelling communities, with the intent of overturning 150 years of injustice done to this country's poorest communities.</p> <p>The proposed changes are also against the directions of the Hon'ble Supreme Court of India which has in no uncertain terms affirmed the central role of Gram Sabhas in decision making and the statutory requirement of consent from Gram Sabhas in the landmark judgment of the Supreme Court in the case of diversion of forest land from the customary habitat of Dongria Kondhs in Niyamgiri.</p> <p>Therefore such changes will be unconstitutional and will impact the decisions taken by our august Parliament.</p> <p>No effective "development" can take place in the country by giving a handful of bureaucrats in Delhi the sole power over the natural resources of this country. The coal scam has already shown the result of such unaccountable power. Democratic governance of forests and natural resources will only be achieved if local communities and gram sabhas are involved in the decision-making process. This is also the fundamental right of these communities to have a say in matters that directly impact their lives. The provisions of FRA are the minimum required to ensure some degree of transparency and accountability in the governance of forest land and resources.</p> <p><sup>1</sup> <a href="http://www.hindustantimes.com/india-news/newdelhi/nda-government-working-to-dilute-forest-rights-act/article1-1237540.aspx">http://www.hindustantimes.com/india-news/newdelhi/nda-government-working-to-dilute-forest-rights-act/article1-1237540.aspx</a>  <a href="http://indianexpress.com/article/india/india-others/oram-hints-at-easing-forest-project-norms/">http://indianexpress.com/article/india/india-others/oram-hints-at-easing-forest-project-norms/</a>  <a href="http://pau.business-standard.com/article/economy-sect/eased-may-draw-away-will-tribal-consent-for-easing-forest-114090900008_1.html">http://pau.business-standard.com/article/economy-sect/eased-may-draw-away-will-tribal-consent-for-easing-forest-114090900008_1.html</a></p>	<p>As noted below continued violations of this law and attempts to further undermine it seem to indicate a lack of political commitment towards direct democracy which is a matter of grave concern. This is particularly surprising when your government has promised to create a system of development based on "Jan bhagidari" (People's participation) and has vowed to strengthen the Gram Sabha and to "respect its inputs for developmental processes".<sup>2</sup></p> <p>Gram sabha consent as a requirements has been recognised in the circulars and guidelines issued by the Ministry of Environment and Forests on the 3<sup>rd</sup> of August 2009<sup>3</sup>, the Ministry of Tribal Affairs on 12<sup>th</sup> July 2012<sup>4</sup> and on 7<sup>th</sup> March 2014 (on linear projects)<sup>5</sup>, which make it mandatory to ensure that vesting and recognition of forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereafter FRA) is completed and each affected Gram Sabha has given its consent or rejection in writing before the proposal for diversion of forest land can be considered for diversion for non-forest use under the Forest (Conservation) Act, 1980.</p> <p>As noted above, the FRA was enacted to address the historical injustice meted out to Scheduled Tribes and other traditional forest dwellers including those displaced by State developmental projects. The law itself was a result of a long struggle by the forest dwelling communities and the civil society organizations, the above-mentioned circulars and guidelines were issued by MoEF and MoTA to ensure that the FRA is followed in letter and spirit in forests where communities face displacement and dispossession, despite the FRA being in force.</p> <p>Meanwhile, several states continue to violate the provisions of the circular, especially regarding Gram Sabha consent. To fulfill the 50% quorum requirement, Gram Sabha resolutions have been forged by local level officials and project proponents for instance in Singrauli District of Madhya Pradesh for the diversion of forest land for the Mahan Coal Ltd., and in Hensamul village in Angul District of Odisha where no Gram Sabha meeting itself was conducted. In many cases the presence of project proponents in these Gram Sabha meetings hinders the proceedings. Often project proponents themselves conduct Gram Sabha meetings without the knowledge of the district administration in Jala village of Jharkhand's Latehar district for mining the Ganeshpur coal block! Violation of FRA and the Gram Sabhas consent has been well established even by government committees as in case of diversion of forest land for Posco in Odisha. These are all</p> <p><sup>2</sup> Election Manifesto (2014). Decentralisation and People's Participation: From Representative to Participatory Democracy. (pp. 9). In <i>Ek Bharat Shreshtha Bharat: Sabka Saath Sabka Vikas</i>. New Delhi: Bharatiya Janata Party</p> <p><sup>3</sup> Letter No F.No. 11-9/1998-FC (pt) dated 3<sup>rd</sup> August 2009, from Sr. Assistant Inspector General of Forests, MoEF to all Chief Secretaries titled, "Diversion of Forest land for non-forest purposes under the Forest (Conservation) Act, 1980-ensuring compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006."</p> <p><sup>4</sup> Letter No 23011/32/2010-FRA issued by the Ministry of Tribal Affairs to the State governments. <a href="http://tribal.gov.in/WriteReadData/CM5/Documents/201212031202044013671File1416.pdf">http://tribal.gov.in/WriteReadData/CM5/Documents/201212031202044013671File1416.pdf</a></p> <p><sup>5</sup> Letter No 23011/02/2014-FRA issued by the Ministry of Tribal Affairs to the State governments. <a href="http://tribal.gov.in/WriteReadData/tpertiles/File/Pictures/200984.pdf">http://tribal.gov.in/WriteReadData/tpertiles/File/Pictures/200984.pdf</a></p>
<p>violations well acknowledged, either in courts of law or by the Ministry of Tribal Affairs (the nodal agency for the implementation of the FRA). <b>We are deeply shocked that the Central government has not taken any concrete step to either cancel the clearances given to these projects or to hold those responsible to account.</b></p> <p>The Gram Sabha, as envisioned under the FRA is a people's institution and the Act also recognizes traditional village assemblies of tribal and other forest dwelling communities, which includes pastoralist groups, nomadic communities and Particularly Vulnerable Tribal Groups, all of whom have a strong dependence on forest land, and all who have been severely displaced and dispossessed in the past due to State developmental activities.</p> <p>We seek your immediate and urgently intervention to prevent such violation of the letter and spirit of a historically significant Act and to fulfill your promises.</p> <p>Sincerely,</p> <p>Y Giri Rao, Tushar Dash, Vasundhara, Odisha          Neema Pathak, Meenal Tatpati, Kalpavriksh, Pune          Shankar Gopalkrishnan, C R Bijoy, Campaign for Survival and Dignity (CSD)          Roma, Ashok Chowdhury, All India Union of Forest Working People (AIUFWP)          Anurag Modi, Samajwadi Jan Parisahad and Mangal Singh, Shramik Adivasi Sangathan, M. P.          Madhu Sarin, Chandigarh          George Monjipally, Bharat Jan Andolan-Campaign for Survival and Dignity, Jharkhand          Nitin Rai, Ashoka Trust for Research in Ecology and the Environment          Sharachchandra Lele, Bangalore          Dr.D.Suryakumari, Centre for People's Forestry, AP          Priya Pillai, Greenpeace India          Purnima, Khoj, Maharashtra          Tilottama, Thiruvannamalai          Deepak Pani, Gram Swaraj, Odisha</p>	<p>Dr P.Trinadha Rao, AP</p> <p>Prakash Kashwan, Academic, Mansfield-Center, CT – USA</p> <p>Tarsh Theckackara, The Shola Trust, Tamil Nadu</p> <p>Chitrangada Choudhury, Journalist and Researcher, Odisha</p> <p>Guman Singh, Coordinator, Himalaya Niti Abhiyan, Himachal Pradesh</p> <p>Birendra Kumar, Naya Sawera Vikas Kendra, Jharkhand</p> <p>Jiten Yumnam, Center for Research and Advocacy, Manipur</p> <p>Manasi Karthik, Independent Researcher, Tamil Nadu</p> <p>Copy to,</p> <p>Shri Jua Oram, Union Minister, Ministry of Tribal Affairs</p> <p>Shri Prakash Javdekar, Union Minister, Ministry of Environment &amp; Forests</p>

The coal mining was about to start when the movement by the villagers stalled its progress. The Supreme Court cancelled the approval of several coal blocks and Jala is one among them. Later, the incumbent government re-auctioned it to other companies on a priority basis but no attempt has yet been made to initiate any coal mining in the area.

### **Notes on Sources and Informants**

1. Field Visit on August 5-6, 2019
2. Interaction with Oran community of Jala
3. Detailed discussion with Mr. George Manepally.



# KARNATAKA

<b>Village:</b>	BRT Hills – Muthagadagadde Podu, Hosupodu, Kanneyra colony,
<b>Mandal/Block:</b>	Kuntugudi Colony
<b>District:</b>	Chamarajanagar, Yelandur
<b>State:</b>	Karnataka

## KARNATAKA SITE 9 BRT Hills

### 9.1 Introduction to the Site

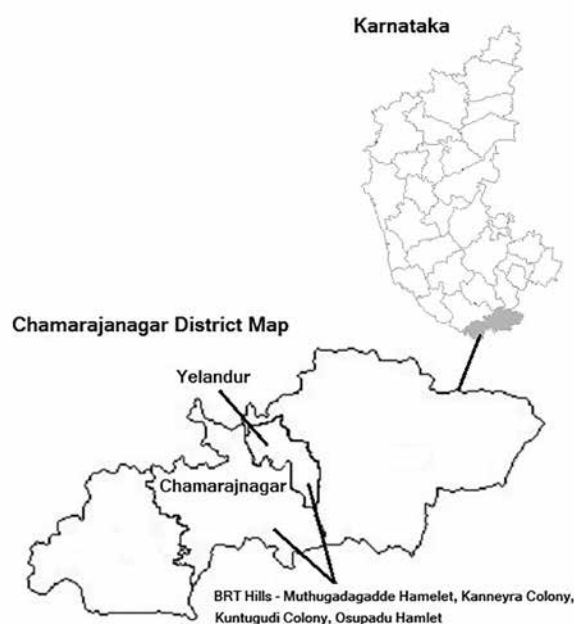
The site was selected since the FRA process in BRT witnessed community based mapping of rights and resources and thus has been a classic example of community participation and empowerment. This site is also important since there has been co-existence of people and animals and has witnessed increase in number of tigers in the recent Census of Tigers.

### 9.2 Socioeconomic Profile of the Villages

Billigri Rangaswamy Temple hills (BRT) is a protected area under Wild Life Protection Act, 1972 declared as a Wild life Sanctuary in 1974 and a Tiger Reserve in 2011. It is situated around 80 kilometres away from Mysore. There are 61 settlements within the forest and around the periphery covering a forest area of 574 sq.km. Inside the forest hill of BRT there are 22 settlements. There are some revenue lands within the forest land since 1963 which has been used by as home stays by mostly non-Soliga owners and some Soliga families. They have been given eviction notices recently. The BRT hills gets its name from the Rangaswamy temple. The legend is that Kusumalaya, a tribal girl fell in love with Rangaswamy and eloped. But the elders got them back and performed their marriage. Today in the temple however, there is no mention of Kusumalaya and non-Soligas are in charge of the temple functioning. The Soligas are however part of non-remunerative cultural activities of the temple especially during festivities.

BRT is situated in Chamarajanagar (CRN) District. This district in fact has 4 protected areas - Bandipur, BRT, Malai Mahadeshwara (MMS) and Kaveri Wild life sanctuaries. In fact 50 percent of the district is forest of which two are Tiger Reserves - Bandipur and BRT. MMS is also soon to be declared a Tiger Reserve within six months. The Soliga settlements are spread across the taluks of the district - Yelandur (10), Kollegala (80), Chamarajanagar (25), Gundlupeta (33). Other than Gundlupet other settlements are that of Soliga community only.

There are 12 forest dwelling tribal communities in Karnataka spread over 8 districts having a population of around 5 to 6 lakhs. In CR Nagar district, they argued with the district collector and had forest tribes representatives in DLC and SDLC. There was no representation in Tribal Council



too hence district collector was convinced by the Soliga tribes' representatives and were elected through Sanghas. In the SLMC policy guidelines too, it was ensured that one member from Soliga community will be included. Earlier, there were no MLAs from the tribal community in this region, but now there are 15 MLAs and 2 MPs mostly from -Nayaka community.

The team visited four settlements in the BRT.

### **Muthagadagadde Podu**

Muthagadagadde Podu in Yelandur Taluk is a forest village within the core zone. There are 106 households with a population of 540 and is a Soliga settlement. The main source of livelihoods is minor forest produce (honey, soapnut, lichen, amla or gooseberry) and agriculture. Men and women participate and they are also engaged in agriculture. There are around 50 members from this *podu* who work in coffee plantation during coffee plucking seasons. In terms of agriculture they cultivate coffee, pepper (for eight months in a year) as well as jackfruit, mango, lemon and orange. There are around 4-5 members working with the Forest Department for anti-poaching camp as employees and another person is a D group employee. They did not have clear records of literacy but indicated that in the last 20 years the new generation has been to school while the non-literates were the older ones. They used to get earlier 120 varieties of millets, grains, 15 types of leaves, 20 types of bananas. The plants were purely organic and the diet of the community included lots of tubers and fruits. They started eating rice only 1985 since it was available through ration shops. Earlier they had only ragi and oil was not used whereas spices were used in a crushed form. Recently Institute of Public Health has conducted a research and found that many of them are suffering from lifestyle diseases like blood pressure and diabetes which are new for them.

The settlement initially had 30 households. They were earlier staying in Baravanabai podu. In 1981-82, this settlement was set up as they were displaced from Baravanabai by the government as part of resettlement process when the sanctuary was declared. This was not an isolated incident, several *podus* inside the forest such as Kolla, Durguru, Valekoppa, Kalrapeta, Kolibhavi, Sorakaipeta, Valebarai, Gummanagudde were displaced and settled in other settlements. This was limited to only the Soliga tribes within the temple hills and there was clear demarcation in that sense. Earlier the Mysore kings used to hunt in these hills and this was augmented by the British during colonial period who used the timbers for building bridges and railways. Now the forest department relocates them in the name of conservation but villagers pointed out that the forest officials unlike them have no idea about the forest then how would they know how to protect the forest.

### **Kanneyra Colony**

Kanneyra Colony, CRN Taluk, CRN district, Kuntugudi post is a village forest and the adjoining colony is Bhoothani colony (in the same line). There are 106 households and 168 families in the colony and a population of 730. NTFP remain the main occupation - honey, lichen and amla being the most collected. Some of the members are also working in the coffee estate of Birla Group. There are around 50 members from the settlement who migrate for three months. There are also ten members employed with the Forest Department as watchman, security guard and also in the Jungle Lodges run by the Tourism Department. There are also villagers working in the D group in the departments of health, social welfare, women and children along with anganwadi teacher and the ANM. There are two anganwadis in the settlement. Moreover the mobile health unit of the government reaches Chantakodi (around 20 kilometres away) on a bimonthly basis but there is no prior information. The mobile health unit from VGKK arrives every Friday to the colony. It was pointed out that now they are eating rice and less ragi and this has led to health problems. This settlement was also resettled in 1962 by the then DCF from Berrabetta, Bandeguddi indicated

Konnura Gowda (Ex President of VGKK, EDC President, Ex Gram Panchayat President). There were 8-10 families who were forcefully shifted. After 1972, other families were shifted too with the declaration of the Wildlife Sanctuary. It was also pointed out that earlier there was no migration for work and this is a new phenomenon. The land for housing is around 10 to 12 acres. Seventy four households have received land for agricultural purposes (around 150 acres). Earlier they were concentrated in cultivating finger millets but due to elephant attacks have shifted to coffee plantation which was facilitated by VGKK. The burial ground of one of the clans is 3 kilometres away where as in K-gudi there is a common burial ground. The main market Nagavalli is around 25 kms away whereas there are four petty shops within the village. There is anganwadi (2) in the village and ashram school is 3 kms away and there is a PDS shop in the village. There is also value added processing unit supported by ATREE within the village. However, there is no community hall and there are no proper housing facilities for 50 houses (living in huts). Otherwise, it is a well laid colony with cement roads. With regard to agriculture, no cultivation was being undertaken in forest area but only within the agricultural land.

### **Kuntugudi Colony**

In Kuntugudi Colony, the village elder Magare Ketegowda who spoke with the team indicated that this colony falls within CRN taluk and district and is situated in the periphery (within the Tiger Reserve but on the boundary) of the Tiger Reserve. There are 50 households in the settlement and a population of 230 and all are exclusively from the Soliga community. The main occupation includes labour work for agriculture in the revenue land in the plains - in the cultivation of banana, sugar cane, vegetables. NTFP remains an important occupation - collection of lichen, honey, amla and chabalua (an ingredient in Triphala) along with agriculture. There are two contract and permanent workers engaged with the anti-poaching camp of the Forest Department while they also engage in their agricultural land. This settlement was established by the forest department under the Tree Fruit Patta Scheme in the 1980s. They were relocated from Joytormirpura and Nappanerepdu. The forest department was of the opinion that they were eroding soil with their cultivation and hence were displaced from their *podu* to here. There are no hospitals nearby - in Chantakavadi and Kakalvadi around 10-12 kilometres away. There were no ANM and Asha workers too in the colony. There is common burial ground around 1.5 kms away. The Navodaya school is barely a kilometre away and within the school premises they have separate school for children till 5th standard. There is an Anganwadi within the village as well as a ration shop within 3 kms.

### **Hosupodu**

Hosupodu settlement is in Yelandur taluk of CRN District. There are 98 households with around 260 female out of 500 total population. It is also a Soliga settlement. There are 27 households exclusively dependent on agriculture while rest are engaged in labour work. Especially men migrate to Coorg around 250-300 kilometres away. There are 10 working in government services in D group in Forest, Education and Social Welfare Department as well as in VGKK, VGKK - Ecotourism--, Jungle Lodge and an Associate Professor in Forestry College. Literacy was 55 percent in 2009. Earlier they cultivated own vegetables but now buying them. Under a special programme, government now providing ration for six months - dal, green gram, egg, ghee oil since 2002 for all households. But anaemia along with tuberculosis, sickle cell anaemia and gangrene remain the major health concerns. The settlement was established in 1980s. They were forcefully displaced from Kolla, Bajaralle, Dodsapikkepodu, Saorkaipeta, Devandimba, Baravanabhavi. These were small settlements of 5-10 households and gradually displaced and resettled here.

## People - Forest Relationships

### *Topography and ecological profile of land/forests*

The Biligiri Rangaswamy Temple Wildlife Sanctuary is located between 11–13° N latitude and 77–78° E longitude in the southeast corner of Chamarajanagar district in the state of Karnataka, India. The sanctuary is a confluence of the Western and Eastern Ghats. The western range has an undulating terrain, a network of valleys, slow west-flowing streams, and a number of hills with an average elevation of about 1350 m. The sanctuary is divided into three administrative ranges: Yelandur, Chamarajanagar, and Kollegal. The eastern hills have an average elevation of about 1650 m and form a high ridge. The annual rainfall is  $1362 \pm 159$  mm.

Vegetation may be broadly classified into five forest type (Ramesh 1989)s: "61.1percent dry deciduous forest, 28.2percent scrub jungle, 6.5percent evergreen forest, 3.8percent savanna, and 0.8percent shola. The BRT is rich in biodiversity, with 776 species of higher plants (Kamathy et al. 1967), more than 36 mammals excluding bats and rodents, 245 species of birds (Aravind et al. 2001), and 145 species of butterflies (N. A. Aravind and D. Rao, unpublished manuscript). The area has significant populations of elephant (*Elephas maximus*), tiger (*Panthera tigris*), gaur (*Bos gaurus*), sambar deer (*Cervus unicolor*), barking deer (*Muntiacus muntjak*), mouse deer (*Tragulus meminna*), and chittal or spotted deer (*Axis axis*)."<sup>25</sup>

## Land use, traditional governance, religio-cultural practices

### *Mapping of Sacred sites by Community*

There are 489 sacred sites in the BRT hills. ATREE (2009) indicates that the presence of community sacred sites and burial ground is reflective of the community mapped boundaries and spaces within forests - a mark of sustainable living. The mapping was undertaken by the community (Box 1).

"to better understand the historical and cultural ecologies of the Soligas who have inhabited the landscape for centuries. This was the first effort by Soligas to re-engage with the landscape after the displacement and curtailment of rights induced by the establishment of the protected area. They perceive the map as a reassertion of their rights within that landscape. Indeed, the mapping of sacred sites was used as part of the evidence to claim rights to access and protect places of cultural importance."<sup>26</sup>

The community perceived the entire process of mapping as a political tool - "to assert their identity in a space where in which they have lived and configured" (ATREE 2009: 25)<sup>27</sup>.

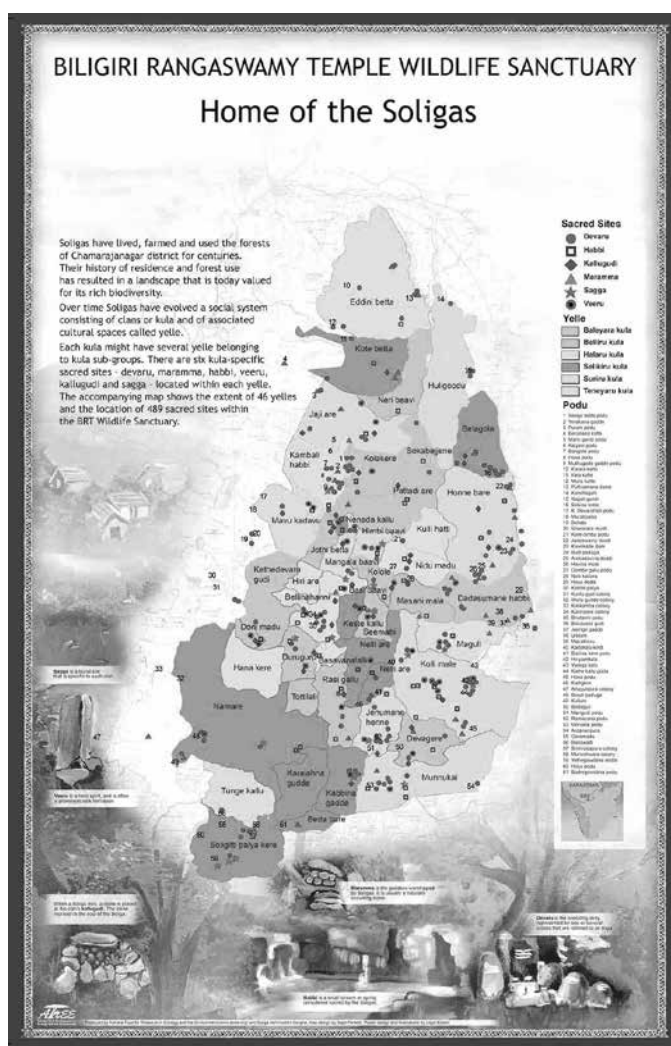
## Map of Sacred Sites

The sacred sites/gods revered by those in the settlement of Muthagadagadde include Kumbeshwara, Ketappa, Pandeshwara, Jadeswamy, Basavappa, Basanalattati. There are also Uriatudatai, Goninathadamaramamma and so on. They also worship tiger, elephant, peacock, bear, wild boar and bison. There are rituals associated with squirrel, parrots too.

25 Setty, R.S., K. Bawa, T. Tickin, and C.M. Gowda. 2008. Evaluation of a participatory resource monitoring system for nontimber forest products: the case of amla (*Phyllanthus* spp.) fruit harvest by Soligas in South India. *Ecology and Society* 13(2): 19. [online] URL: <http://www.ecologyandsociety.org/vol13/iss2/art19/>, viewed on November 8, 2019.

27 Dash, Tushar and Ashish Kothari (2013) 'Forest Rights and Conservation in India'. <https://sacrednaturalsites.org/wp-content/uploads/2013/07/Dash-Kothari-2013-Forest-Rights-in-India.pdf>, viewed on November 5, 2019.





Source: Field Survey & ATREE

Religious sites used by the settlement (Kanneya colony) include Halurumadeswara swamy, Chikkasampikamadeswara, Purakkadu Devuru, Jadeappa, Ketappa, Dadsugulimaramma, Kurunjunamma, Kurubudhimaramma. The heroes worshipped by the settlement included Thalianniveeru and Abhiyaveeru. The major festivals are Rotiabba, Doddabba and Mariabba, the last one involves sacrifice of goats. The sacred sites include Ketappa, Kalugimadeppa, Porakkada. Ancestral temple is located in Sonebara and Barebatta. They also celebrate, Ugadi, Sankranti and Ganesh Chaturthi (Gouriappa). There is no discrimination against women except that they are and not allowed into the temple during the monthly cycle. The community is organised into exogamous clans. Otherwise they dance, sing and celebrate festivals together with men, and there is no restriction in collection of MFP. There are four streams - Boothani, Kalkkera, Kannerya and Billaranni.

There are several sacred sites around the Kuntugudi colony and they worship tKuntuketappa, Jadeswamy, Kalukematappa, Basanakattamaramma, Kebbepadyamaramma, Kuntuketappamaramma along with Gajejallaveeru. There are several streams to which they have access to: Modanahalla, Donimadasenai. The major festivals are Gowriabba, Sankrati, Ugadi, Basengatta Mariamma Jatra, Rottiabba, Kosaragiabba. Ragi balls and pumpkin curry, field beans curry are made and offered to God and then fed to everyone. Except for Gowriabba and Rotti abba chicken and mutton are served.

The sacred sites used by Hosupodu colony include Dodusampika, Jadesamy, Gangadheswra, Karappa, Muthagaleka Madeshwara along with Attimaramma, and Veeru. Gangadheeswarama is also a stream which they access. There is VGKK school and hospital within a half a kilometre and

The festivals including Rotiabba and Rotiamma (harvest festivals) in the month of February-April which is celebrated with songs and dance. Around 2000 people participate from across the settlements and the entire food is prepared by the hamlet collectively. In November-December, the Hosseragi Abba festival is celebrated wherein finger millets are offered to gods and goddesses. They also worship spirits who are heroes of the forest - Nettakalaveeru and Kambalaviveeru for example. During the festival season, women are engaged in pre-cooking activities such as grinding ragi while the cooking is done by men. In fact, they pointed out that there is no differentiated role for men and women in the forest governance activities too and it is the first come first serve rule that applies even with regard to NTFP collection. There exist close relationship of marriage among the settlements. As mentioned earlier, festivals are a community affair. There is also open access to forest land and there are no demarcation between settlements. They even practice sharing system for produce from their own agricultural land.

they have PDS shop and Anganwadi within the village. The burial ground is a kilometre away. The main festivals include Rottiabba, Ugadi, Osaragiabba, Gowriabba, Sankaranti, Kule Mariappa. There is no differentiated role for women. In the forest, earlier if a green leaf was placed over honey or any other MFP it is a signal for others to not take it. Now such restrictions have been lifted and there is amicable sharing of resources. The major ongoing problem is the landlessness among some of the families.

### **Gram Sabha and Collective Bodies**

Out of the 61 settlements, 44 were grouped into 35 Gram Sabhas (combining smaller settlements of 10-15 households with larger ones) which were granted IFR rights while 8 are still pending. Other than this there are 2-3 which are still to file claims.

The Soliga Abhivruddhi Sangham is a community mobilisation initiative which has taken the form of sanghas at settlement level, Taluk and District level and active since 1992-93. The sanghas at Taluk level has an elected representative from every settlement while at the district level 5 to 6 representatives from Taluk are elected - Zilabudakattu Girijana Abhivruddhi Sangha. There are 5 office bearers - President, Vice President, Secretary, Treasurer and Organising Secretary. The societies are registered under the Societies Registration Act. The elections are held every 3 years. These sanghas were actively involved along with support from VGKK and ATREE during the FRA 2006 mobilisation for filing IFR and CFR.

Vivekananda Girijana Kalyana Kendra an NGO started in 1982 at BRT Hills has school (high school) and a hospital with twenty beds. This institution is actively involved in mobilisation of community and their participation through SHGs. There are government run schools in the core area (4 schools - primary) in addition to 3 ashram schools inside the core zone. The main issue is availability of trained teachers. As of now they have untrained teachers on contract as well with +10 or 12 standard qualifications. Recently they have B.Ed teachers from within the community.

With regard to Joint Forest Management institutions, it was seen that EDCs were promoted in the Reserve forest by the JICA funded programmes in the early 2000s. They were very active till 2003-04. The EDCs were given two lakhs loans for afforestation related activities and for purchase of materials or as loan to SHGs. In the FRA process, since Sanghas at Taluk and District level were active, the intervention of EDCs were limited. Moreover, the EDCs were also active among non-Soliga communities. Hence, the Forest department too discouraged their involvement in FRA 2006 to thwart their claims.

### **Arrangement between EDC and State run Jungle Resort**

Interestingly, there is a functioning EDC within Kanneyra colony – a 11 member committee with 10 members from Soliga households and one from Forest Department. The meetings are held once in two months and the last meeting was conducted around 3 months backs. They discuss matters related to forest fire, poaching, hunting, information regarding new persons and so on. The budget of EDC comes from the Jungle Lodge Safari - per trip Rs. 150/- is paid to the EDC. They thus earn around Rs. 20,000 to 30,000 into the joint account of EDC operated by President and Secretary. They have around Rs. 30 lakhs in the account which is unspent in the last three years. Earlier it was used for medical and education expenses of the members of the Gram Sabha. In BRT Hills there are 28 EDCs but only this EDC has this benefit.

## Research Organisation

Ashoka Trust for Research in Ecology and the Environment (ATREE) is a global non-profit organisation which generates interdisciplinary knowledge to inform policy and practice towards conservation and sustainability. They have a field station in BRT Hills and is actively involved in research and action oriented research activities since 1996.

### 9.3 Historical and Continuing Injustice: Potential and Performance of FRA

Narratives about the origin of the settlements in the *podus* visited clearly indicate that they have been re-settled in the 1960s, 70s and 80s by the Forest officials in the name of conservation. In 1974 it was declared a wild life sanctuary and that time period saw re-settlement of tribes from interior of the forests to what is called the *podus* as we see them today located in and around the temple area. There was also pressures of resettlement during 2011 when the tiger reserve was established.

It was pointed out by community leaders that even in state and national wild life board, the tribes are under-represented and it is mostly the environment groups who are the office bearers. State level people's representatives such as MLAs too do not argue for the forest tribes despite the fact that they play a major role in forest and wild life conservation and lamented that there is no recognition of the organic way of life of the communities. While sanctuaries are declared as Tiger Reserves, the impact on forest tribes is displacement of settlements and restriction on access to forests. Even in BRT, recently, 10-15 settlements have been offered cash and land to displace by the National Tiger Conservation Authority which has been resisted by Sanghas and the Gram Sabhas. In general, the FRA process was successful in BRT hills because of these representation as well as lobbying with political parties. The SDLC/DLC/SLMC meet only when applications are available. Otherwise there is need to lobbying/pressure exerted to initiate meetings.

With regard to Joint Forest Management institutions, it was seen that Eco-Development Committees were promoted in the Reserve forest by the JICA funded programmes in the early 2000s. They were very active till 2003-04. The EDCs were given two lakhs loans for afforestation related activities and for purchase of materials or as loan to SHGs. In the FRA process, since Sanghas at Taluk and District level were active, the intervention of EDCs were limited.

### FRA & Legal Regimes

In BRT hills, there are 61 settlements and they are grouped into 35 Gram Sabhas and Forest Rights Committees. There are 22 settlements in the core area while the rest are in periphery of the BRT Wildlife Sanctuary. Among these Gram sabhas, CFRs are granted for all the settlements except 10. CFR has been granted for the range wise. IFR was claimed individual wise and individual household received the land rights, CR and CFR have been claimed settlement wise and CFR titles received at Gram sabha levels.

In case of IFR, around 400 applications were not accepted for IFR (particularly those who did not have agricultural land in possession while applying they applied under the 3.1 (m) section) but it was not recorded. The district collector had indicated that it is better to first settle for landowning people and then take up the case of landless. The landless people applied under the Section (k) (m) i of the Act but these were rejected and not recorded in DLC. None of them are able to appeal against this since it is not recorded in writing.

In Muthagadagadde hamlet, as mentioned earlier, the settlement itself was a resettlement in the 1980s. When displaced and rehabilitated, they were not provided any housing facilities. It was in 1990s, under the TSP, routed through VGKK that they have received housing facilities. With respect to FRA process, they indicated that both ATREE and VGKK were actively involved in facilitating the process especially the paper work including the mapping. In this settlement, 120 acres of land has been covered under forest rights - 110 agricultural land and 5 acre is forest land. The remaining 5 acres constitute the housing area for which rights are not conferred under the IFR. The agricultural land holding for the households were given only to 51 of the 106 households. The land holding extends from half an acre to three acres of land. Only two households have 3 acres, 10 households 2 acres and rest of the households have half to one and a half acres. There are 55 households whose claim was rejected. The Forest Department has made elephant trench and this makes these households ineligible for the land they have been cultivating. They are planning to apply again for making the SDLC accepting these claims. There are only Soliga ST households in this settlement. FRC consisting of 15 members, 10 men and 5 women. They conducted the Gram Sabha in 2008 and document verification in 2009. There are detailed documentation of every event including mentioning of boundaries (check bandi) of each IFR claim. The settlement was visited by the SDLC, then after the claims were received the Gram Sabha has also documented how much each household has been awarded. The IFRs were granted in 2010. In 2015, the Gram Sabha recorded the rejected applications and has documented in the minutes. The Forest Department had raised objections in SDLC meeting which led to rejection of claims for 67 families (55 households - some families living together). The CFRs were also applied along with IFR and were granted in 2011. Interestingly, the CFR is not given per settlements but to the BRT Hills forest range as a whole. CFRMC have not been formed yet at the settlements (since CFR rights are still pending - 11 are at SDLC level and two are yet to make claims). The community leaders indicated that every month they had Gram Sabha until the claims were received. In fact, two leader Dasegowda and Junjegowda were very actively involved in mobilisation. But as late as July 2019, the Gram Sabha had met to discuss the Section 3 (1) m of the Forest Rights act and how the landless households could stake claim. The Gram Sabha discusses not just FRA 2006 related issues but related to housing, drinking water, electricity, health, land, village unity strengthening initiatives, agricultural related practices, TSP schemes from government and so on. But these are unfortunately not included in the minutes.

Kanneyra and Bhoothani settlements are located within the wildlife sanctuary as well as the tiger reserve. Before the sanctuary was declared in 1972, they indicated that there were no restrictions and they could build huts, collected MFP. But in Karnataka, from 2006 to 2011 there was ban on, they organised several protests in taluk and district headquarters to get it removed. In addition, with regard to forest fires, the forest department along with elders in the village have conducted awareness programmes for youth regarding this. Both the settlements have one Gram Sabha and FRC consists of 15 members from both settlements. It has been very active in the beginning, monthly meetings but now meet rarely after receipt IFRs and CFR. Across the settlements, the meetings of FRA 2006 was conducted in a comprehensive manner. IFR received in 2010 and CFR in 2011. The Gram Sabha however meets thrice in a year. There is always good quorum and since the SHGs are active, women too participate very effectively in the Gram Sabha. The minutes of the Gram Sabha were recorded earlier but now they are not focused on FRA 2006 so not kept. Out of the 106 households, 74 applied and got the IFR rights (for agricultural lands). But others who did not apply were not in possession of lands and hence did not applied. There are no quarrels within the village between claimants and non-claimants. The inhabitants are more bothered about housing facilities and housing rights. Those who have not applied for IFR for agricultural and also those who migrate to work in coffee plantation because they have no lands to work on. Around 50percent of households have no land for cultivation and the major issue is how to solve their landlessness

indicated Konnura Gowda (EDC President, member of Gram Sabha).

In Kuntugudi, 30 out of 50 households hold lands and have got IFR rights on the agricultural land. Twenty are landless hence did not get rights. House sites have not yet been claimed. The housing area is around 1.5 acres and the agricultural land of 78 acres. The households acreage ranged from 1 to 4.5 acres per households. The Gram Sabha was convened and FRC formed with 15 members selected unanimously. The CFR rights for this village has not been granted. They had applied but the application was misplaced and now they are in the process of re-applying. Gram Sabha till three years ago met regularly. But now they meet once in a year. Meetings by FD on the preventing forest fire is also held every year. The twenty households have no possession of land so they did not apply. There is EDC in the village but not functioning since long.

In Hosupodu hamlet, there are 98 households and only 27 households which had possession of land were given IFR. But others applied under ex-situ provision 3(1) (m) but not granted. The FRC was formed in 2008, one year was spent on awareness building. In 2009 submitted claims and was granted IFR and CFR. They also met under Gram Sabha to pass resolution on forest fire and in January 2015 they have also undertaken housing site listing. The cultural rights too are mentioned in the minutes. They did mapping with the help of ATREE and VGKK. The check bandi or marking of boundaries of each IFR was also land. The cultural maps and community maps were facilitated by ATREE and it is applicable for the range as a whole.

## Disputes/Conflicts

### *Ban on collection of NTFP*

Ban on collection of NTFP was introduced in 2006 as part of the exercise in declaring the Tiger Reserve. It had deeply affected the livelihood opportunities of the Soligas in BRT Wildlife sanctuary. The Soligas mobilised organised struggles under the aegis of the Zilla Budakattu Giri Jana Abhivrudhi Sanga and Taluka Soliga Abhivridhi Sanghas against this discriminatory order of the Forest Department and reinstated their rights through the provisions under the Forest Rights Act in 2011.

Even after the NTFPs collection rights under the FRA 2006, in Hosupodu, Chamarajanagar taluk Forest department Range Forest Officer seized the honey in May 2013 and it was produced to District Civil Court, Chamarajanagar indicating that the collection was illegal<sup>28</sup>. It is pointed out that the forest department is very wary of MFP collection for commercial purposes by villagers; but the MFP is already commercialised through Large Adivasi Multipurpose Cooperative Society (LAMPS). However, the concerned persons from Hosupodu reiterated their rights under FRA 2006 by presenting their CFR title and emphasised that they had right to collect MFP from forest and hence their produce should not be seized. The Judge dismissed the case in May 2015 and told the forest department officials to not trouble the Soligas from accessing the forest for livelihood purposes<sup>29</sup>.

28 See for details Citizen Report 2013, page 55 <https://www.fra.org.in/document/Citizen%20Report%202013%20on%20CFR%20under%20FRA.pdf>, accessed on January 16, 2020.

29 See for details Citizen Report 2013, page 55 <https://www.fra.org.in/document/Citizen%20Report%202013%20on%20CFR%20under%20FRA.pdf>, accessed on January 16, 2020.

## Evictions - Resettlements/Displacement

Evictions, according to informants, are an ongoing process. The forest department has attempted to displace and resettle the Soligas from the core zone *podus* or settlements but the *Podu* inhabitants and Sangha office bearers have consistently resisted.

## Protected Areas and co-existence

The Soligas have prepared the community based conservation plan that is under the process and they are planning to apply under the monitoring to take up this plan with involvement of the Forest department. The initiative is to ask the FRCs to organise the meeting to conserve the forest. The Soligas believe in integrating their plans in tune with nature which include the use of their century old practice of annual litter fire or the regubinki. They indicate that it is the most effective practice of controlling the spread of *lantana*, an ornamental plant turned weed introduced in India by the British. Studies indicate three fold increase in density of *lantana* between 1997 and 2007 as well as doubling in geographic spread in BRT Hills<sup>30</sup>.

For the Soliga elders, the litter fire is “an intricate process performed in harmony with factors like soil moisture, wind speed and stages of vegetation growth<sup>31</sup>”. They first start the fire in February when the elephant grass is dry but the roots are still green and soil still has moisture. They point out that this fire never goes beyond a height of more than a metre and for not more than five minutes at a place. This is also because the wind regulates its pace, slowly spreading it to other areas. Once this is done, from March till end of May, seeds are spread in a distance of upto three kilometres. Since the weeds are already burnt by the fire, seeds germinate well, regenerating the forest. The Soliga elders also point out that this practice also leads to growth of tubers edible for boars and grass for elephants; now in the absence of which they raid crops and thus enter human habitations creating havoc. Moreover, they stress the fact that they never harm the tiger and since they frequent forest for MFP collection, they know best how to arrest and prevent tiger poaching as well. This is also evident from the fact that as per the Tiger Census of 2018, the tiger population in BRT has increased from 61 in 2014 to 65 in 2018.

## Notes on Sources and informants

1. Field Visit during September 29 - October 1, 2019.
2. Interaction with community in several settlements of BRT Hills
3. Interaction with Dr. Madegowda, Field Station, ATREE

30 Rai et al. 2019, Political ecology of tiger conservation in India: Adverse effects of banning customary practices in a protected area, Singapore Journal of tropical Geography, 40 (1): 124-139. Available at <https://onlinelibrary.wiley.com/doi/full/10.1111/sjtg.12259>

31 <https://www.downtoearth.org.in/coverage/let-the-wind-chase-fire-33722> accessed on November 26, 2019



# KERALA

<b>Village:</b>	Malakkapara
<b>Mandal/Block:</b>	Chalakkudy
<b>District:</b>	Thrissur
<b>State:</b>	Kerala

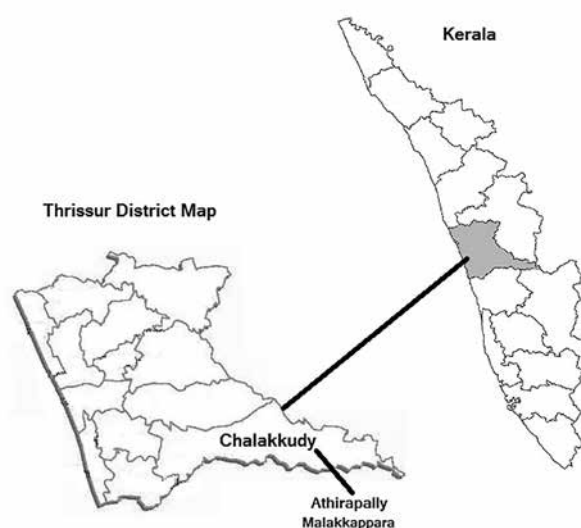
**KERALA  
SITE 10  
Malakkapara**

## 10.1 Introduction to the Site

The Malakkapara site was selected for the study since it was one of the first Kadar settlements which was engaged in mapping of CFR titles and resources exclusively for the purposes of FRA and had been using the FRA rights for conserving their ecology and environment in the wake of anticipated displacement due to the proposed Athirapally hydro-electric project and was successful in stalling the said proposal.

## 10.2 Socioeconomic Profile of the Village

The Kadar community is spread across different habitations in Kerala and Tamil Nadu. There are 21 settlements of which 15 are in Kerala and 6 in Tamil Nadu. Within the 15 settlements, 9 are in Thrissur district and 6 in Palakkad district. The settlements in Palakkad are Kuriarkutty, Parambikulam dam site, Parambikulam Earth Dam, Thekkady, Kalchady, Cherunelli and Thaliyakallu. In Thrissur, the settlements are in Anapantham, Vazhachal, Pokayilappara, Poringalkuthu, Vachumaram, Anakayam (Sholayar), Ambalapara (Sholayar) and Malakkapara (Zacharias 2003).<sup>32</sup> Bachan and Maya (2017) clearly traces the displacement and disruption in the lives and settlements of these communities brought on by the development projects in the Sholayar-Parambikulam belt - hydro electric projects, establishment of plantation and so on<sup>33</sup>. The Malakkapara (Perumbara) colony falls with the limits of the Sholayar Reserve which was part of the Madras Presidency under colonial rule. The government had identified 203 acres of residual land for settlement of tribal communities under the rehabilitation plans due to displacement because of the several hydroelectric projects in the reserve. The entire area of forest land is around 4000 hectares (Sholayar, Kodassery, Parambikulam Reserve). The Kadar settlements were also one of the first to be engaged in mapping of CFR titles and resources exclusively for the purposes of FRA and had been using the FRA rights for conserving their ecology and environment in the wake of anticipated displacement due to proposed Athirapally hydro-electric project.



<sup>32</sup> Zacharias, Sibi. 2003. The Micro-level Impact of Tribal Development Programmes among the Kadar Tribe of Kerala. Project Report submitted to Kerala Research Programme on Local Level Development. Thiruvananthapuram: Centre for Development Studies. <http://www.cds.ac.in/krcpds/report/Sibi.pdf> viewed on September 20, 2019

<sup>33</sup> Bachan, Amitha, K.H. and Maya M. 2017. 'Rethinking Institutional Frameworks in Conservation and Governance of Forests in the Background of FRA in Kerala: From Exclusion to Inclusion'. Artha-Journal of Social Sciences, 16 (2): 57-73. <http://journals.christuniversity.in/index.php/artha/article/download/1565/1310/> viewed on September 25, 2019.

Malakkapara-Perumbara is a hamlet situated in the Athirappilly Gram Panchayat in Chalakkudy Taluk of Thrissur District, Kerala. It is situated around 80 kilometres away from Chalakkudy town. It is a Forest village and the inhabitants of the hamlet belong to Kadar community - one of the Particularly Vulnerable Tribal Groups. There is a total population of 217 (M: 101, F: 116). There are around 13 widows in the hamlet. There are 74 households in the hamlet. The rate of literacy is 85 percent. The main occupation is agriculture - mainly minor forest produce collection and fishing. There are non-agricultural workers (for daily wages in Chalakkudy the nearby town or across the border in Tamil Nadu) as well as those who are engaged in fishing. There is only one person engaged in government service that too with the Forest Department. The forest department also engages the residents of the hamlet for fishing on a rotation basis and around 5-6 are thus engaged almost every month. There is an Anganwadi within the hamlet and there have been no reports of malnutrition from the early days. There is a PHC within the vicinity of the hamlet but it has only Out Patient facility and availability of doctors are only for two days in a week. There has been no doctor appointed yet from belonging to the tribal community. The Tata Hospital under the aegis of Tata Coffee Estate is also available in case of emergency but is mostly restricted employees of the estate.

## People - Forest Relationships

### *Topography and ecological profile of land/forests & Land use, traditional governance, religio-cultural practices*

The study by Bachan and Shajan (2019)<sup>34</sup> indicates that the Athirappilly Gram Panchayat has nearly 70percent of the forest area rich in biodiversity and conservation value with four important forest administrative boundaries i) Vazhachal Forest Division (232.83 Sq Kms and 47.61 percent) and ii) Chalakkudy Forest Division (41.754 Sq Kms and 8.5 percent) iii) Parambikulam Wildlife Sanctuary (61.463 Sq Kms and 12.57 percent) iv. Malayattur Forest Division (4.221 Sq Kms and 0.86 percent) coming under Central Forest Circle of the Kerala Forest Department.

There are several forest types one can find in the Panchayat - medium elevation evergreen forest or the wet evergreen type which account for 5614.5 ha; followed by medium elevation evergreen degraded forests 356.13; low elevation evergreen forest 2803.4; low elevation evergreen degraded forest 5147; medium elevation evergreen forest 16738.59 and semi evergreen forest 1397.7. The forests areas of Athirappilly region comes within one of the high biodiversity rich forests tracts (Bachan & Shajan 2019). The study by them further revealed that there are 1164 species of flowering (angiosperm) plants accounting for a total of 692 genera, 142 families. *Cycas circinalis*, *Gnetum edule* are commonly seen wild gymnosperms plants apart from few garden varieties. A total 61 Pteridophytes taxa were enumerated which included 52 species of true ferns and 10 species of fern allies. Chalakkudy River, Sholayar River and the wetlands are good natural habitat for aquatic, microscopic plants like algae. A total of no of 242 algae were enumerated in the region. Out of the 1164 species of plants listed, 269 of them are endemic 70 comes under IUCN threatened category. Similarly, a total of 71 species of mammals belonging to 25 family were observed from the study area including many endemic and endangered including asiatic elephant, tiger, leopard, wild guar, flying squirrel, lion tailed macaque, nilgiri langur. A special survey conducted for birds, butterflies and odonata revealed a total of 196 species of birds, 131 species of butterflies and 51 species of odonata during the survey.

<sup>34</sup> Bachan, Amitha, K H & M P Shajan. 2019. Executive summary of the project Report "Flood impact on Biodiversity and Ecosystems in the Athirappilly-Malakkapara region (Athirappilly Grama Panchayath) along with Policy Inputs". Study Supported by Kerala State Biodiversity Board 2018-19.



A total of 63 reptiles were enumerated from this area including once thought extinct Cochin Forest Cane Turtle (*Vijayachelys silvatica*) from the riparian forests. 32 species of amphibians were reported from the area and they belong to 18 genus including the *nasikabatrachus sahyadrensis*, the balloon frog which has been recommended to be enlisted as the state frog. The study also helped to enumerate 107 species of fishes belongs to 25 families from the Chalakkudy River and the areas of Vazhachal Forest Division. The study indicated high diversity of birds, butterflies, odonates and fishes in the riparian sampling sites where as a comparison with previous data abundance was less. The less abundance of many species along the riparian areas may be because of loss of riparian habitats especially islands. The mapping of the riparian forests in the Athirapilly Gram Panchayat from the same study revealed that there were 283.54 ha of riparian forest. The low elevation riparian vegetation in the Orukomban – Thumboormuzhi (50-400m) is unique and found nowhere else in the Southern Western Ghats.

With respect to cultural and religious festival, Attvanchery Amman and Maladevatha are the main deities. The most important festival falls in the month of March-April (Painguni/Meenam month). There are several sacred places within the vicinity of the hamlet such as Karimalagopuram, Kuthiraneeran, Aanaurundan Kozhikamazhthi, Nalpathiaaru (46). These places form an integral part of the cultural ethos of the community.

### **Gram Sabha and Collective Bodies**

In 1973, in the Vazhachal region, Mattakkada a licensed contract system was in place- provisions exchanged for minor forest and timber produce at Ambalappara. In 1982-83, a society was formed - Sholayar Cooperative Services Society at Malakkapara (Girijan Cooperative Society). As mentioned earlier, the government had identified 203 acres of Micha bhoomi (or residual forest land) and the Kadar community was settled here. The society continued to operate with 436 members with two branches - at Ambalappara and Malakkapara and the members belonged to several settlements - Vazhchal, Watchumaram, Thavalakuzhippara, Perumbara, Adichirthotti and so on. In early 1990s the colony Malakkapara-Perumbara colony was set up with the building of 10 concrete households. Later 35 houses were built under Nirmithi (of Government of Kerala). The community is engaged in cultivating coffee, cardamom, pepper, lemon grass, asparagus, turmeric, galangal (kacholam), Indian borage (panikoorka) and so on. These were procured and sold through the society and the management of the society included the RDO, DFO, officials from the tribal and agricultural department of the Government of Kerala as well as five nominated members from the village. The society, as per the discussion the research team had with Mooppan, Mayilamani and Secretary of the Gram Sabha, Senthil Kumar indicated that it was functioning till 2010. There has been a slow down and MFP was not fetching good prices and the officials were not reimbursing the members their dues on time and were directing them to sell to other agents. Moreover, over the years, the community realised that they have not been getting their due value for their products and were being duped by agents. The community has made several representations about the re-opening of the society but to no avail.

## **10.3 Historical and Continuing Injustice: Potential and Performance of FRA**

Bachan and Maya clearly traces the displacement and disruption in the lives and settlements of these communities brought on by the development projects in the Sholayar-Parambikulam belt - hydro electric projects, establishment of plantation and so on<sup>35</sup>.

35 Bachan, Amitha, K.H. and Maya M. 2017. 'Rethinking Institutional Frameworks in Conservation and Governance of Forests in the Background of FRA in Kerala: From Exclusion to Inclusion'. *Artha-Journal of Social Sciences*, 16 (2): 57-73. <http://journals.christuniversity.in/index.php/artha/article/download/1565/1310/> viewed on September 25, 2019.

The colony falls within the limits of the Sholayar Reserve which was part of the Madras Presidency under colonial rule. The government had identified 203 acres of residual land for settlement of tribal communities under the rehabilitation plans due to displacement because of the several hydroelectric projects in the reserve. The entire area of forest land is around 4000 hectares (Sholayar, Kodassery, Parambikulam Reserve).

Historical evidence shows that Adivasis of Kerala had enjoyed autonomy before colonial period and also during the colonial period at varying levels both in political and social spheres. The intrusion of non-tribals happened in Northern Kerala - Wayanad and Attappady region in 17th century onwards from both Tamil Nadu and Kerala region. This led to loss of ownership of agricultural tribes such as Paniya and Adiya community through bonded labour. The scenario was however different in central and south Kerala wherein the Kings had recognised the Chiefs (Mooppan) and the relationship was mutually beneficial and continued during British era too. The rights given to Kani tribe called the 'Kanipatta' by Marthanada Varma Maharaja and this still has legal validity if claimed under the 'Nistari Right' (section 3 (1) (b) of the FRA 2006) (Bachan 2017)<sup>36</sup>. The Indian Forest Act of 1865 further amended in 1878 and 1927 categorically limits any private rights over forest produce. This challenged the rights of Adivasis and their rights over resources in forests. In Kerala, there have been a series of legislations in post-independent era - Forest Act 1961, Kerala Private (Vesting and Assignment) Forests Act 1971, Kerala Restriction on Cutting and Destruction of Valuable Trees Act 197, Kerala Preservation of Trees Act 1986, Kerala Forests (Vesting and Management of Ecologically Fragile Lands) Act 2003 amended in 2009 - to mention a few which restricted the rights of Adivasis over forest land and resources.

### **Impact on rights, livelihoods, traditional governance, ecology**

The formation of Protected Areas further restricted and reduced the tribal land under the Wild Life Protection Act. After the commencement of Forest Conservation Act 1980 total forest area diverted in Kerala is 411.60 sq kilometre and this was done to legitimize encroachment by non-tribals (285.88 sq.km) in 1986, followed by other miscellaneous purposes and for transmission lines of KSEB (Bachan and Sheethal 2016). Adivasis completely lost their land for forest conservation and were brought to forest settlements. Their rights on land, agriculture, MFP, cultural and traditional rights have not been recognised or settled. Cooperative bodies of the Tribal, Forest and of the Government (Bamboo Corporation) still hold control over the MFP including Bamboo. Many development programmes including TSP and TRDM mission displaced the tribes from their original lands and led to loss of traditional institutional structures and governance of forests (Bachan 2017).

### **Processes under FRA**

The process of filing for IFR began in 2009. The Promoter under the Tribal Department of Government of Kerala had initiated the process. In the beginning the Promoter had filled in the IFR claims at 5 per acre for each household and had sent it for approval. But soon the mistake was realised and the Gram Sabha was called for. Since then, the minutes of the Gram Sabha has been recorded very carefully. The Forest Rights Committee was also constituted in 2009 but was reconstituted in 2011 on August 14th by the Gram Sabha and there has been independent recording/documentation of minutes of the meetings by the Gram Sabha. The Gram Sabha or the Oorukoottam (as referred by the community) meets almost monthly. Not just issues pertaining to FRA 2006, but illegal fishing, MGNREGA related bribes, pending house construction, crimes are also discussed. However, the IFR rights were not given for 203 acres of residual land but covers only 13.6 acres (Annexure 1 - IFR).

<sup>36</sup> Bachan, Amitha, K.H. 2017. 'Promise and Performance of Forest Rights Act 2006: Kerala State Report', Trichur: Western Ghats Hornbill Foundation.

This is a serious concern among the community who use the forest land of 203 acres (allotted under the Society) for their livelihood through collection of MFP. Moreover, the individual land given under individual claims ranges from four cents to 40 cents<sup>37</sup>. The Mooppan who informed us of this disparity, however, did not know on what basis this was allotted and why this gap between members of the community. There was no due process followed in the manner in which the acres were allotted. Most importantly only the rights for housing is granted and there is no mention about the agricultural land in the IFR or CFR nor there has been any written confirmation about status of the agricultural lands by the officials.

## Mapping of Resources for CFR

In 2012, to claim the CFR, maps were developed and presented in the Gram Sabha which passed the resolution and submitted the form for CFR and this was granted (Annexure 2). This was the first instance of mapping of CFRs in Kerala for Kadar community. The process of both CFR and CFRMC were carried out in the Malakkapara hamlet under an initiative facilitated by the Western Ghats Hornbill Foundation (hereafter the Foundation) and Centre for Environment and Development, Thiruvananthapuram (for CFR and post CFR) and in other 43 Gram Sabhas in Thrissur under CEPF-ATREE Western Ghats Small Grants Programme. The Gram Sabha was involved in the drawing up of the maps, initiating discussion, listing of the community rights and mapping and so on.

The WWF which was actively involved in the claims of Community Rights and CFR in 2010-11 had mooted the idea of a single combined CR and CFR for all the 9 settlements. This was, however, opposed by the Gram Sabha as well as the Foundation. Despite this, there were also attempts to select a single CFRMC for all the settlements and this was again opposed by the Gram Sabha. There were also several anomalies found in the combined CFR map envisaged with more area demarcated for one community - a non PVTG over PVTG, which was subverted by produced the individual CFR area maps adopted by Gram Sabha (Bachan 2015)<sup>38</sup>. Bachan (2015) details the entire process of mapping with maps including highlighting the technical aspects.

## Initiatives by Malakkapara Gram Sabha to strengthen FRA processes

Given this context, the Malakkapara Kadar Gram Sabha has initiated several steps to strengthen their rights under FRA 2006. These included:

1. Preparation of bye-laws for the Gram Sabha to facilitate its functioning under the aegis of FRA 2006;
2. Developed letter head, seals for office bearers (Annexure 3);
3. Opened account in the State Bank of India, Chalakkudy branch as per bye law;
4. Oorukootam started functioning as the official Gram Sabha under FRA 2006 with proper maintenance of minutes book and record of meetings, public notices

The formation of CFRMC took place on April 21st 2013. The President, Secretary and Treasurer of CFR committee were co-opted along with NTFP collectors, elders and ST Promoter and Executive members of VSS. Thus, the elected 15 member CFRMC was confirmed and the resolution was sent to SDLC and DLC. Here, it is to be noted that the Executive members of VSS was from the Gram Sabha itself whereas the ST Promoter was co-opted by the Gram Sabha as a good will measure.

<sup>37</sup> One cent is equal to 50 square yards.

<sup>38</sup> Bachan, Amitha K H (2015) CFR Mapping in Kerala - the Centre Kerala (including Kadar PVTG) Experience, A Research Report submitted to ST Development Department. Thiruvananthapuram: Government of Kerala. <https://indiabiodiversity.org/biodiv/content/projects/project-d22d3726-71f4-4e1b-91f1-bdfc8c76e613/7.pdf> viewed on September 23, 2019.

In the hamlet, all those who had applied were given the titles. But the process of granting of the land and its extent, what was the process followed is not clear. It was indicated that while there has been painstaking efforts by Gram Sabha or the Oorukootam in identifying the IFR, CR and CFR rights, the outcome was far from satisfactory.

## **Conservation, Protection and Democratic Governance of Forests: Asserting Rights against Forest Destruction**

### **Rejection of Athirappally Dam project by the Gram Sabhas**

There have been repeated attempts by successive governments to construct a hydroelectric project at the Athirappally, a seventh one in the Chalakudy river. In August 2015, all the nine settlements in the Vazhachal region met and summarily rejected the proposal under the Forest Rights Act. Under the FRA 2006, the concerned authorities need to take permission from the Gram Sabha of the affected regions to implement any such development projects. The resolution by the Kadar community was against the backdrop of the expert committee approving the project as per its recommendations to the Ministry of Environment, Government of India. The Gadgil Committee report (The Western Ghats Ecology Expert Panel, 2011) had also indicated that the construction of the dam is undesirable for the ecology of the river and would affect the lives of the tribes residing in the areas<sup>39</sup>.

Geetha, a young Kadar women from Vazhachal Tribal Settlement was in forefront of the two decade long people struggle against proposed Athirapilly Dam in the Chalakkudy River in Central Kerala. When a team of Hornbill Monitoring with lead from Malakkapara tribal settlement asserted their right to map the Kadar CFR areas, the rights of all the settlements in the area, 8 Kadar Gram Sabhas were declared in 2012<sup>40</sup>. Later she was elected as the chieftain of the settlement and FRA 2006 became an important legal instrument to stop the project finally while the Vazhachal and Pokalappara Kadar Gram Sabhas took resolution against the project<sup>41</sup>.

This has been an exemplary example of tribes exercising their rights under the FRA 2006 to thwart projects which affect their ecosystem and livelihoods.

### **Engagements with State Departments and VSS**

There were other efforts too undertaken by the Gram Sabha along with governmental bodies and the Foundation. The ST department sanctioned a training programme worth Rs. 6.9 lakhs on Bamboo based livelihood and manufacturing unit. A Memorandum of Understanding (MoU) between the Foundation and the Malakkapara Gram Sabha has been entered into for joint implementation. Similarly, with Gram Sabha as a legal body to deal with MFP, land and agricultural products with the Girijan Cooperative Society was also facilitated by the District Collectorate and the Foundation for the management of coffee and other agricultural products in 2015. In this context, there have also been measures to start a coffee pulp processing and honey bottling unit to the Malakkapara Gram Sabha through the Girijan Society. But the remuneration from coffee collection has not been very encouraging from the society though there are now efforts to revive this arrangement. In this context, the community leaders also pointed out that they would like to have a more engaging working relationship with the participatory forest management institutions such as the VSS.

39 Report of the Western Ghats Ecology Expert Panel. 2011. New Delhi: Ministry of Environment and Forests, Government of India

40 Amitha Bachan, K.H., Maya, M. & Divya, K. (2015). A critical note on CFR Progress, status and Challenges in Kerala. Western Ghats hornbill Foundation and Centre for Environment and Development, Thiruvananthapuram <http://indiabiodiversity.org/biodiv/content/projects/project-d22d3726-71f4-4e1b-91f1-bdfc8c76e613/91.pdf>

41 <https://cas.uab.edu/peacefulsocieties/2016/06/09/peaceful-kadar-fight-rights/> viewed on September 23, 2019

The VSS is active but overall provides for only less than ten per cent of the total employment in a year. The Gram Sabha in fact had requested even to the Chief Forest Conservator as early as 2014 for a formal agreement with VSS to provide the FRC and CFRMC with seed money for collaborative ventures. This was envisaged not as a standalone agreement with VSS alone, but as a model for entering into mutual agreements with all the Departments for empowering the Gram Sabha further.

### **Community-led Monitoring and Conservation of Hornbill**

The hornbill monitoring started as a Kadar community based species monitoring and conservation programme with the leadership of Dr. Amitha Bachan engaged the community to monitor hornbill nesting trees and various threat factor since 2005 within all the Kadar village territory<sup>42</sup> in the Vazhachal Forest Division and Parambikulam Tiger Reserve<sup>43</sup>. The process empowered them to map their territories, involve in a conservation programme keeping their traditional protocols and Gram Sabha or oorukootam as the first level decision making bodies for the first time<sup>44</sup>. This has enabled the state to have pilot CFR mapping process in the Kadars zone, Vazhachal Forest Division and the surrounding areas<sup>45</sup>. The process of community involved Hornbill monitoring was developed into 'Ecological' monitoring – monitoring endangered forest resources they depend on – and this has become part of the Forest Working Plan of the Vazhachal Forest Division now<sup>46</sup>.

### **Conflicts and Disputes**

#### **Non-settlement of rights to agricultural lands**

As mentioned earlier, the society was formed for 203.6 acres and in the IFR granted there is mention of only the housing area and the rights over the limited housing land they own. The rights over the land for agriculture is not yet settled though it was mentioned in the IFR application forms. In the hamlet, all those who had applied were given the titles. But the process of granting the land and its extent, what was the process followed is not clear. It was indicated that while there has been painstaking efforts by Gram Sabha or the Oorukootam in identifying the IFR, CR and CFR rights, but the outcome was far from satisfactory.

### **Notes on Sources and informants**

1. Field Visit during August 8-10, 2019.
2. Interactions with the community in Malakkapara.
3. Interactions with Dr Amitha Bachan KH, Western Ghats Hornbill Foundation.

42 Amitha Bachan K.H. 2006. The Hornbill Haven. Sanctuary Asia. 25(6): 46-49. <http://www.sanctuaryasia.com/magazines/features/10518-hornbill-haven.htm>, viewed on September 23, 2019.

43 Amitha Bachan K.H. 2010. Community Based Conservation of Great Hornbill (*Buceros bicornis*) and Malabar Pied Hornbills (*Anthraceroceros coronatus*) and their Habitats of the Anamalai Part in the Anamalai part of Western Ghats empowering the endemic 'Kadar' tribe. Final Research Report Submitted to CEPF-ATREE Western Ghats Small Grants Programme 2009

44 Documentary on Indigenous Conservation - CEPF-ATREE Western Ghats Small Grants. <https://vimeo.com/iorapro/portfolio/video/135957548> viewed on September 23, 2019

45 Suresh, P.T. (2015). Saving the hornbill. Fountain ink. Reportage. <https://fountainink.in/reportage/saving-the-hornbill>, viewed on September 23, 2019

46 Amitha Bachan, K. H., Vinod, S., Rajesh, N. & Hussain, S.H. (2019). Two decade of Hornbill Conservation, The Niche Publications, Kerala, India.

## Annexure 1: IFR


TITLE TO COMMUNITY FOREST RIGHT

Title for Individual Claim Page 1 of 1

**The Scheduled Tribes and Other Traditional Forest Dwellers  
(Recognition of Forest Rights) Rules, 2007  
Government of India  
Ministry of Tribal Affairs**

**ANNEXURE - II**  
[See rule 8(h)]

TITLE FOR FOREST LAND UNDER OCCUPATION

1. Name(s) of holder (s) of forest rights	Mailamani				
2. Name of the Spouse (Shri/Smt)	Manomani				
3. Father Name	Shri Kalathan				
4. Mother Name	Smt.				
5. Name of Dependents	1. Mailamani husband 2. Manomani wife 3. Ajayan son				
6. Address	Girijan colony Perumbara Sholayar Nagar p.o.				
7. Village	Pariyaram				
8. Gram Panchayat	Athirappilly				
9. Tehsil	Mukundapuram				
10. Sub Division	Thrissur				
11. District	THRISSUR				
12. Whether Scheduled Tribe or Other Traditional Forest Dweller	Scheduled Tribe				
13. Area:					
S.No	Claim Nature	Area			
1	Both (Self Cultivation and Habitation)	0.1879			
14. Description of boundaries by prominent landmarks including khasra/ compartment No					
S.No	Claim Nature	Survey Number	Compartment Number	Coupe Number	Map
1	Both (Self Cultivation and Habitation)	T-19/15,33			

This title is heritable, but not alienable or transferable under sub section (4) of section 4 of the Act

We, the undersigned, hereby, for and on behalf of the Government of KERALA affix our signatures to confirm the above forest right.

Divisional Forest Officer/ Deputy  
Conservator of Forests  
Date: 12/8/2010

District Collector/ Deputy Commissioner  
Date: 14/9/2010

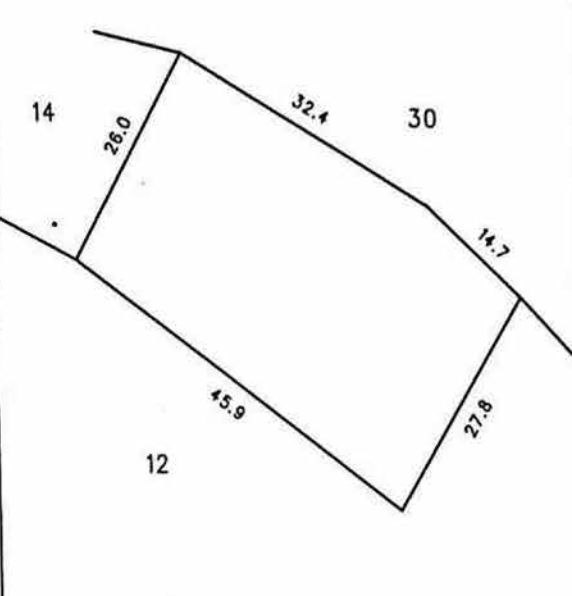
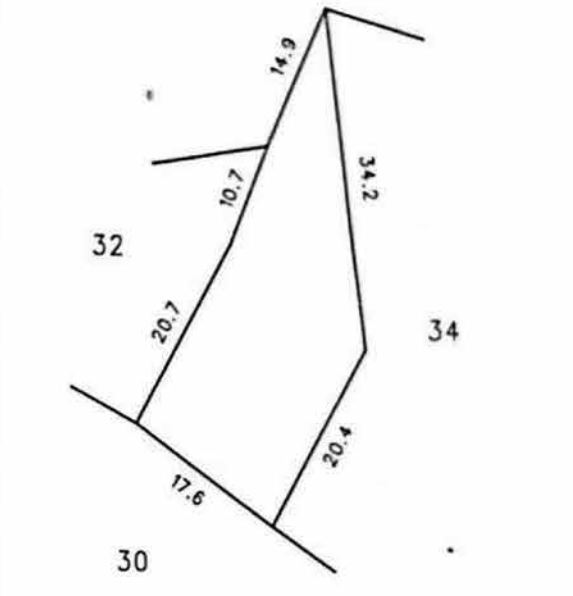
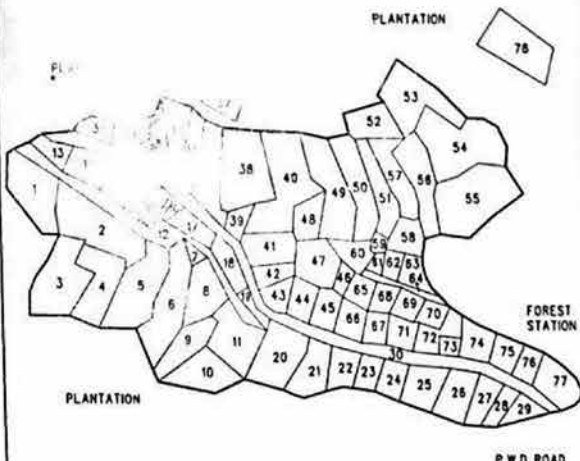
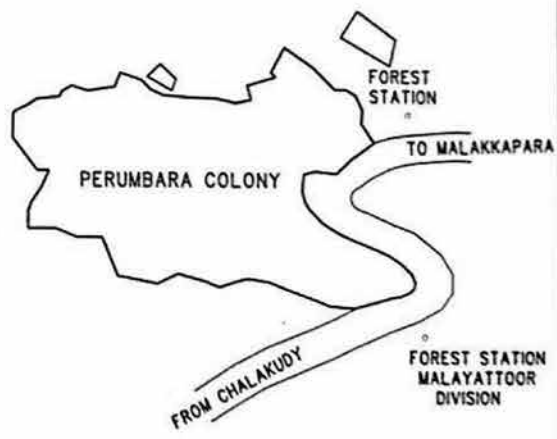

District Tribal Welfare Officer  
(THRISSUR)  
Date:  
TRIBAL DEVELOPMENT OFFICER  
Chalaky

**DISTRICT COLLECTION  
THRISSUR**

Design and Developed by National Informatics Centre

<http://www.forestrights.nic.in/Individual/titleIndividualClaimSecond.jsp?claimid=32/566/4...> 8/4/2010

## Annexure 1: IFR

<b>SURVEY MAP</b>	
Survey No: 15,33 Total Area of Land Parcels: 0.1879 Ha.	Code / Name of Colony : T19- PERUMBARA GIRIJAN COLONY Area of Colony : 6.3168 Ha
<div style="border: 1px solid black; padding: 5px;">             Survey No: 15      Area : 0.1294 Ha              </div>	<div style="border: 1px solid black; padding: 5px;">             Survey No: 33      Area : 0.0585 Ha              </div>
UNITS: METERS	
<div style="border: 1px solid black; padding: 5px;">             Location of Plot              </div>	<div style="border: 1px solid black; padding: 5px;">             Location of Colony              </div>
<div style="border: 1px solid black; padding: 5px;">             KERALA LAND INFORMATION MISSION              DRAWING DETAILS              Version No: 1              Preparation date: 25.03.2010              Checked by: <i>Unit Officer</i> :               Approved by:           </div>	<div style="border: 1px solid black; padding: 5px;">             Client: SCHEDULED TRIBES DEVELOPMENT DEPARTMENT              Work: TRIBAL FOREST SURVEY UNDER.....           </div>

## ANNEXURE 2: CFR

MINISTRY OF TRIBAL AFFAIRS, GOVERNMENT OF INDIA  
 THE SCHEDULED TRIBE AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHT) ACT -2006  
 THE SCHEDULED TRIBE AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHT) RULES -2012

## ANNEXURE III

{See Rule 8(h)}

## **TITLE TO COMMUNITY FOREST RIGHTS**

1. Name (s) of the holder (s) of community forest right : MALAKKAPPARA
2. Village/Gram Sabha : MALAKKAPPARA
3. Gram Panchayat : ATHIRAPILLY
4. Tehsil/Taluka : MUKUNDAPURAM
5. District : THRISSUR
6. Scheduled Tribe or Other Traditional Forest Dweller : SCHEDULED TRIBE (KADAR)
7. Nature of community rights : SEE SECTION BELOW

Section 3 (1) (c) - Right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries

Section 3 (1)(d) - Other community rights uses or entitlements such as fish and other products of water bodies, Right of grazing.

Section 3 (1)(e) - Right including community tenures of habitat and habitation for PTGs and Pre-agricultural communities

Section 3 (1) (i) - Right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use.

Section 3 (1) (k) - Right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity.

8. Conditions if any : Under Section 5 of the Act.

### **Responsibility and Authority of Holders of Forest Rights:**

- a. Protect the wildlife, forest and bio-diversity.
- b. Ensure that adjoining catchments area, water sources and other ecologically sensitive areas are adequately protected.
- c. Ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage.
- d. Ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the bio-diversity are complied with.

This Title is to be read with CFR Title given under Rule 8 (i)



9. Description of boundaries including  
Customary boundary and/or by prominent  
Landmarks including khasra/compartment No :

Name of forest Division	Forest Range	Compartment No. Serv. No.	Forest area / hectare
VAZHACHAL	SHOLAYAR AND KOLLATHIRUMEDU		18500 Hectares

Boundary Description : North :- From the Karimala hills, Aranapara, Vazhakalithandu along the boundary line of Prambikulam Wildlife sanctuary and Vazhachal forest Division along Kulamalithandu, Anayurundan, Mudiyan kunnu up to Shekalmudi at the state boarder.  
East:- From Shekalmudi at the state boarder along the boundary line of State towards south Sholayar reservoir up to Malakkapara. South :- From Malakkapara it's including Edamalayar forest division up to Karpali, Palankunnu. West :- From Palankunnu. Choorlavalichapara through Anakkayam, Sholayar Reservoir through Veetikunnu, Koodal up to Karanthode..

Name (s) of the holder(s) of community forest right : LIST AS PER ATTACHED

We the undersigned, hereby, for and on behalf of the Government of Kerala affix our signatures to confirm the forest right as mentioned in the Title to the above mentioned holders of community forest rights.

*[Signature]*  
Divisional Forest Officer, Deputy  
Collector of Forest

*[Signature]*  
District Collector / Deputy Commissioner  
District Collector  
THIRISSUR  
COLLECTORATE  
THIRISSUR

*[Signature]*  
District Tribal Welfare Officer  
TRIBAL DEVELOPMENT OFFICER  
CHALAKUDY THRISSUR(DL)





ANNEXURE 3: LETTERHEAD OF GRAM SABHA

മലക്കപ്പാറ - പെരുമ്പാറ  
കാടർ പ്രാകതന  
ഗോത്ര ഗ്രാമസഭ (ഉത്തരക്കുട്ടം)

മലക്കപ്പാറ പി.ഒ.  
തൃശ്ശൂർ ജില്ല, കേരളം-680 721  
ഫോൺ : 09497452279  
09488954480

തീയതി... 20/12/2018

ബഹുമാനപ്പെട്ട പട്ടികക്കമ്മിറ്റി, പട്ടികവർഗ്ഗ പിന്നോക്ക  
കേരള വരുപ്പ് രഹിത ശ്രീ. എ.കെ ബാലൻ അദ്ധ്യക്ഷൻ മുമ്പാകെ  
ചാലക്കുടി താലൂക്ക് അതിരളിയിൽ വാമനപള്ളിയിൽ 9-10 ചാർജ്  
മലക്കപ്പാറ ഭാഗത്ത് പെരുമ്പാറ കാടർക്കോളം നിവാസികൾ  
ബോധിപ്പിക്കുന്ന പരാതി,

സർ,

വിഷയം: പെരുമ്പാറയിലെ പൂർവ്വപ്രദേശങ്ങൾ പ്രവർത്തിപ്പിച്ച്  
ജനറൽ പാസ്പാസ്.

ഞങ്ങൾ ഏകദേശം മലക്കപ്പാറ പെരുമ്പാറ,  
അമ്പലപ്പാറ ഡാം തീരത്തുള്ള നിർമ്മാണത്തിന് മുമ്പ് മുമ്പ്  
രണ്ടാം ഘട്ടത്തിൽ അമ്പലപ്പാറ, പത്തൻകോട്, പത്തൻചാലം  
മുതലായ ഭാഗങ്ങളിലെ കുടുംബങ്ങൾക്ക് മലക്കപ്പാറയിൽ ഭരണപരിഷ്കാ  
രണപരിഷ്കാരം. ഇന്നത്തെ തലമുറയിലുള്ള സാധാരണ മുമ്പ് മലക്കപ്പാറ  
വരെയുള്ള ഏതെങ്കിലും ജീവിതത്തിൽ പ്രാജ്ഞാപ്രദമായ വിഭാവനത്തിൽ  
പെട്ടാൽ കാടർ പട്ടണത്തിൽ ഞങ്ങൾ.

അനുകൂലമായിരുന്ന ഏതെങ്കിലും തലമുറ നിലവിലെ  
പുനർനിർമ്മാണ പ്രവർത്തന മലക്കപ്പാറ കമ്മ്യൂണിറ്റി സെക്ഷനാണ്  
ഇന്ന് കമ്മിറ്റി പെരുമ്പാറയിൽ നിന്നും കമ്മിറ്റിയിൽ  
അന്ന് നിയമനിലയിൽ M.B വർഗ്ഗീയ അതിരളിയിൽ മുമ്പ്  
അതിരളിയിൽ പ്രവർത്തിച്ചിരുന്നു. ഏതെങ്കിലും മറ്റൊരു വിഭാഗം  
ഇവർ.

ANNEXURE 3: LETTERHEAD OF GRAM SABHA

മലക്കപ്പാറ - പെരുമ്പാറ  
കാടർ പ്രകതന  
ഗോത്ര ഗ്രാമസഭ (ഉരുക്കുട്ടം)

മലക്കപ്പാറ പി.ഒ.  
തൃശ്ശൂർ ജില്ല, കോരമം - 690 721  
ഫോൺ : 09497452279  
09488954480

തീയതി 30/12/2018

അന്നത്തെകാലത്ത് ജീവിച്ചിരുന്നിട്ടുള്ള മാർദ്ദത്തിനും പണികൾക്കും  
വേണ്ടിയായി കാടർ നിന്നും നാടിലേക്ക് വരാൻ നിർബന്ധിതരായത്.  
അന്ന് വിചാരിച്ചിരുന്നിട്ടുള്ള വാർത്ത പത്രത്തിൽ വരികയും അത്  
ആഭിവാഞ്ഛികർക്ക് നൽകിയിരുന്നിട്ടുള്ള തീരുമാനമുടനീളം അറിവി-  
ച്ചുവന്നുവെന്നും പലർക്കും അറിയാതെ അന്നിടയിലുള്ള  
പ്രശ്നങ്ങൾ, കൂലി, കൃഷ്ണൻ തുടങ്ങിയവർ ഇവിടെ കൂടുതൽ  
ജീവിച്ചിരുന്ന ആഭിവാഞ്ഛികരുടെ പേര് ഉൾപ്പെടെ അറിയാൻ  
ഉദ്യോഗസ്ഥർക്ക് അപേക്ഷകൾ നൽകി അതിന് നടപടി പരിശോ-  
ധിച്ചിരുന്നുവെന്ന് അന്ന് കിട്ടിയ പത്രവാർത്തകളിൽ പലതും  
ഉൾപ്പെടെ.

എന്നാൽ അന്ന് പൊതുവിൽ നാരിച്ചു പോയിരിക്കുകയാണ്.  
ഇതിനാൽ അന്ന് കോളനിവാസികൾക്ക് മാർദ്ദത്തിനുള്ള മാർദ്ദം  
തന്നെ നൽകിയിരിക്കുകയാണ്. പൊതുവിൽ അന്ന് നാട്ടുകാർ  
കണ്ടുപിടിക്കുകയും ചെയ്തിരിക്കുകയാണ്. കാടർ പലർക്കും പല-  
പ്പലത്തിലും വെട്ടി നാരിച്ചിരിക്കുകയാണ്. ടി പേർക്കും പലർക്കും  
ഉദ്യോഗസ്ഥരെ അറിയിച്ചിട്ടും ഒരു നടപടിയും ഉണ്ടായിട്ടില്ല.  
സെക്രട്ടറി ഏരിയ, പലർക്കും RPO മുതലായവർ ഇതിനെക്കുറി-  
ക്കും തന്നെ തീരുമാനമെടുക്കുകയും തീരുമാനമുടനീളം പല-  
പ്പലത്തിലും അറിയിക്കാൻ ഇതിനെക്കുറിച്ച് നടപടി സ്വീകരിക്കുകയും  
പൊതുവിൽ പലർക്കും വിഷയം അറിയാതെ അറിയാതെ  
തീരുമാനമെടുക്കുന്നതായും നാട്ടുകാരുടെ അപേക്ഷകളെക്കുറിച്ച്

എന്ന്,  
പെരുമ്പാറ കാടർ കോളനി  
നിവാസികൾ.

# MAHARASHTRA

<b>Village:</b>	Chikhali Reeth (Dongargoan Gram Panchayat)
<b>Mandal/Block:</b>	Desaiganj (Wadsa)
<b>District:</b>	Gadchiroli
<b>State:</b>	Maharashtra

## MAHARASHTRA SITE 11 Chikhali Reeth

### 11.1 Introduction to the Site

The site of Chikhali Reeth in Gadchiroli district is a classic case of tussle over forest resources between inhabitants and the forest department. The recognition of rights under FRA has been violated and forest lands have been handed over to Forest Development Corporation of Maharashtra without the informed consent of the village community. The villagers resist the forest felling by the Corporation while the FDCM generates profits from forest resource extraction but does not share the benefits and consider villagers as encroachers.



### 11.2 Socioeconomic Profile of the Village

Chikhali Reeth is a small revenue village/hamlet in Desaiganj (Wadsa) Taluka in Gadchiroli District in the *Vidarbha* region of Nagpur Division of Maharashtra. The total population of the village is 501 (M: 240, F: 261) and the number of households is 128. The percentage of Scheduled Tribe Population is 5.2 per cent (26). There is no Scheduled Caste population in the village. The working population accounts for 62.9 per cent. of the total village population, 351 people in the village are literate (191 male and 160 female).

The village is in a Fifth Schedule area. The nearest statutory town is Desaiganj which is 16 km away. Gadchiroli, Pauni, Mul, Bhandara are the nearby cities to Chikhali Reeth village. The local Language is Marathi.

The village has one anganwadi centre and a primary school. However, the government school, private secondary school and private senior secondary school are available in Dongargaon, gram panchayat headquarters of Chikhali Reeth. The nearest government polytechnic college is in bramhapuri. Public bus service facility is available in this village. agricultural credit society and agricultural marketing society are also available in the village.

The nutritional status of the villagers is stated to be normal with no history of major epidemics or serious illnesses. One RMP doctor is available in the village and a PHC is located in Desaiganj (Wadsa) Taluka Headquarters at a distance of 16 km.



## Religious and Cultural Profile

There are two temples namely Vangnya Dev Temple and Shivari Temple in the forest adjacent to the village. Only men go to the Shivari Temple. The importance of this temple is that if any cattle is missing people go to this temple and pray. Interestingly their cattle are found and sometimes the cattle walk down to the respective owners. Hence, the villagers strongly believe that this God protects them and their cattle. The Chikhali Reeth village has good family and kinship relations with the neighbouring villages. There are no conflicts over resources among the community and also with neighbouring village communities.

## Site Profile

The total geographical area of Chikhali Reeth is 116.31 hectares, out of which 18.09 hectares is the forest area. The forest area is a part of compartment number 83(A) coming within the traditional boundary of Chikhali Reeth. A major conflict is brewing between the villagers and the Forest Development Corporation of Maharashtra (FDCM) described below. The people of Chikhali Reeth are mostly dependent on agriculture. The total irrigated area is 31.89 hectares. The main crop is paddy. Other crops include linseed, wheat, jowar and tur dal. However, people in and around the forest are also dependent on NTFPs available as the Gadchiroli forest circle is rich in tendu leaves and bamboo.

Sixteen hours power supply in summer and 20 hours power supply in winter is available for agriculture in the village. Lakes and Tanks are the major source of irrigation. There are three Tanks namely Kutana Tank (irrigates 50 acres), Putka Tank and Mota Tank (irrigates 56 acres), where the villagers go fishing. The water streams are Avdi, Gangai and Upasha. This community is dwelling in the village since ages and has been dependent on the forest from their forefathers.

The villagers mention that "in the past cattle grazing permits were issued by the Forest Department. Also forest entry passes were issued to the villagers to collect fuel wood. All our people had tendu leaves and mahua flower collection Pass Books".

They further say,

"earlier we used to have good relations with forest officials, they used to attend all our functions and festivals and enjoy our hospitality. We used to share our harvest with them but, of late, these relations have ceased. There is no friendly environment, they threaten us now".

## Chikhali Reeth village, Desaiganj (Wadsa) Taluka



## People - Forest Relationships

### *Forest Profile of Gadchiroli District*

Gadchiroli district was formed on 26<sup>th</sup> August 1982 after reorganisation of Chandrapur district. Gadchiroli forest circle lies in Gadchiroli district and has 1646 villages in it. For the systematic management of forest administration this circle is divided into five territorial divisions namely Allapalli, Bhamragarh, Sironcha, Gadchiroli and Wadsa. Gadchiroli district's geographical area is 16517.590 sq.km out of which 12576.202 sq.km is forest area comprising 76.13 per cent of the total.

The area is undulating and hilly. The forest area is situated on a triangle of high lands forming a table land, which runs the entire length of the western portion of the tract. Numerous hills rise on this table land mainly on the north-eastern and south-eastern sides of the district. The main blocks of hills are Palasgarh, Gewardha, Satinala and Tipagarh. The Wainganga is the main river and Khobragadi, Garvi, Kathani are its tributaries.

### **Flora and Fauna in Wadsa Division**

Wadsa Forest Division of Gadchiroli district has mixed miscellaneous dry and deciduous forests with tectonagrandis the dominant species with other commonly found major species being ain, bija, beheda, semal, hirda, awala, char, mahua etc. Bamboo is also found commonly in this division with Dendrocalamus strictus being the main bamboo species. The medicinal plants available in the Wadsa forest division are shown in Annexure I.

The main species of animals in the Division are tiger, panther, hyena, wild dog, wolf, jackal, fox, jungle cat, bison, sambar, chital, nilgai, wild boar, sloth bear, barking deer, common langoor, flying squirrel, porcupine and hare. The population of carnivores such as tiger and panther is on the decline.

### **Democratic Process for Recognition of Rights: Compliance with FRA**

Chikhali Reeth village largely depends on the forest for livelihoods. The Gram Sabha formed its forest rights committee (FRC) with 11 committee members<sup>47</sup>, out of which four are women. All registered voters in the village on the electoral rolls of the Panchayat are members of the Gram Sabha. All FRC members attended training at the Wadsa Tahsil office.

Gram Sabha meetings with the required 50 percent quorum, and active participation by women, have been held 5 times since it was constituted. The Gram Sabha is functioning freely and autonomously with respect to the FRA.

The Gram Sabha claimed both individual forest rights (IFR) and community forest rights (CFR) in 2009; 40 IFR & 1 CFR were claimed. The IFRs were claimed for agriculture and/or housing. Three families did not file claims because they had started cultivating the forest land after 2009. Most of the IFR claimants were other traditional forest dwellers (OTFD) of OBC background. Thirty-six IFR claims have been approved out of 40, three claims are rejected and 1 claim is pending. With regard to the rejected and pending claims no action has been taken by the Gram Sabha with the District Level Committee (DLC) and the issue is pending since 2009.

## **11.3 Historical and Continuing Injustice: Potential and Performance of FRA**

Despite 36 IFRs being recognised in the village, Chikhali Reeth and its neighbouring villages are confronting continuation of historical injustice. This is due to a large forest area in Wadsa division having rich natural forests with 70 percent canopy cover being leased to the Forest Development Corporation, Maharashtra (FDCM) for replanting. This has been done without seeking Gram Sabha consent required both under the FRA and PESA.

<sup>47</sup> See Annexure II for members of the FRC

While destroying dense forests, the Forest Development Corporation, Maharashtra is also destroying the villagers NTFP (tendu leaves and others) based livelihoods as well as a source of subsidiary income. The FDCM has been felling trees without taking up afforestation activities in the area, which is its primary mandate. The villagers requested the FDCM to at least not cut the productive trees like Mahuwa, Chalori etc. in the dense forest but no heed was paid to their appeal.

### **Irregularities by the Forest Development Corporation, Maharashtra (FDCM) (according to local NGO)**

The FDCM irregularities involved in the present case are:

- Felling rich natural forests for the purpose of re-plantation which is in violation of the National Forest Policy, 1988. FDCs are mandated to undertake replantation only on degraded forests with less than 40 percent canopy cover whereas in this case the canopy cover is 70 percent. Moreover, the FDCM has shown a meagre success rate in re-plantation in thousands of felled forest lands in Gadchiroli District.
- While transferring lands to FDCM, the concerned authorities have completely ignored MoEFCCs directive of July 31, 2009 which requires ensuring completion of recognition of all forest rights under the FRA and seeking the Gram Sabha's informed consent for diverting any forest land.
- The forests in areas of Desaiganj, Kurkheda, Armori and Vairagad of Wadsa Forest Division in Gadchiroli District comprise only natural forests. The tree-felling by FDCM is also in violation of the landmark orders directing protection of forests passed by the Supreme Court in Godavarman Case and Lafarge Umiam Mining Pvt. Ltd. Case<sup>48</sup>.

### **The Ongoing Dispute and Conflict with FDCM**

The conflict is mainly between the people residing in the Wadsa Forest Division and Forest Development Corporation, Forest Department and police personnel. Going into the details of the conflict, as narrated by Mr. Hiranman Garate, Up Sarpanch,

"on January 12, 2016, FDCM suddenly started felling trees in the forest area with the help of labour hired from Aheri village. When the news of forest felling came to our notice, we protested strongly; initially the FDCM ceased felling for about two weeks, but then began felling of the forest again. Subsequently, the Gram Panchayat passed a resolution to not permit the felling of trees. Representations were given to various authorities under the Forest Department. However, there was no response. On the contrary, to our surprise, an FIR was filed against five village leaders, three from Shirpur (Mr. Vishwanath Ramteke, Mr. Pramod Madavi and Mr. Purushotham Meshram) and two belonging to Chikhali Reeth namely Hiranman Garate and Ashok Takrey, on 4 February 2016 on the criminal charges of having attacked Forest Department officials. Then we had to approach the Sessions Court and from there the High Court, Nagpur, for bail.

"Hiranman Garate approached the court in April 2016. From then onwards the legal fight is going on between Hiranman Garate and the Government of Maharashtra.

Hiranman Garate also pointed out that in March 2016 FDCM started tree felling in compartment number 83 (A). A part of the land of this compartment comes within the traditional boundary of Chikhali Reeth. The villagers raise a pertinent question: "when some part of the land falls within the

<sup>48</sup> SRISHTI (Society for Rural Initiatives in Sustainable and Holistic Themes in India), based at Shankarapur, Wadsa (Desaiganj), Gadchiroli district is actively involved in management of community forest resources in Gadchiroli district, facilitating individual titles under FRA 2006, SHG formation (currently working with four hundred SHGs), Herbal medicine training and Honey collection and processing centre etc.



traditional boundary of the village how can FDCM cut trees in our village forest without the Gram Sabha's consent?"

Garate further adds that one hectare of forest is being felled every day in the area even though hundreds of hectares of barren land are available in other parts of Maharashtra State for afforestation. The natural forests in these parts have a density of more than 70 per cent. This has been accepted by Maharashtra's Forest Department. This is a strategy of the government to come through the backdoor for destroying the natural resources for their benefit.

The FDCM/Forest Department has not followed any law. They did not obtain the consent of Gram Sabha and did not even inform the Gram Sabha. The FDCM started tree-felling with the help of machines on a war footing.

### Felling of Forest Trees by the FDCM



Photo Courtesy: Srishti Organisation, Shankarpur.

### List of Villages Affected by FDCM Forest Felling (Wadsa Division)

S.N.	Block	Gram Panchayat	Villages
1	Wadsa	Dongargoan	Dongargoan
2			Chikhali(Reeth )
3			Chikhali (Tukum )
4			Aratatondi(Old )
5			Aratatondi(New )
6		Vihirgaon	Vihirgaon
7		Kinhala( Moh.)	Kinhala
8			Mohatola
9		Pimpalgaon	Pimpalgaon
10	Kurkheda	Sawalkheda	Sawalkheda
11			Karadi
12			Wadona
13			Bhagwanpur
14		Shirpur	Shirpur
15	Armori	Vairagad	Vairagad
16			Patanwada
17		Palasgaon	Palasgaon
18			Pathargota
19		Jogisakhara	Jogisakhara
20			Salmara
21		Shankarnagar	Shankarnagar

Source: Srishti Organisation, Shankarpur

### Impact of Forest-Felling by FDCM

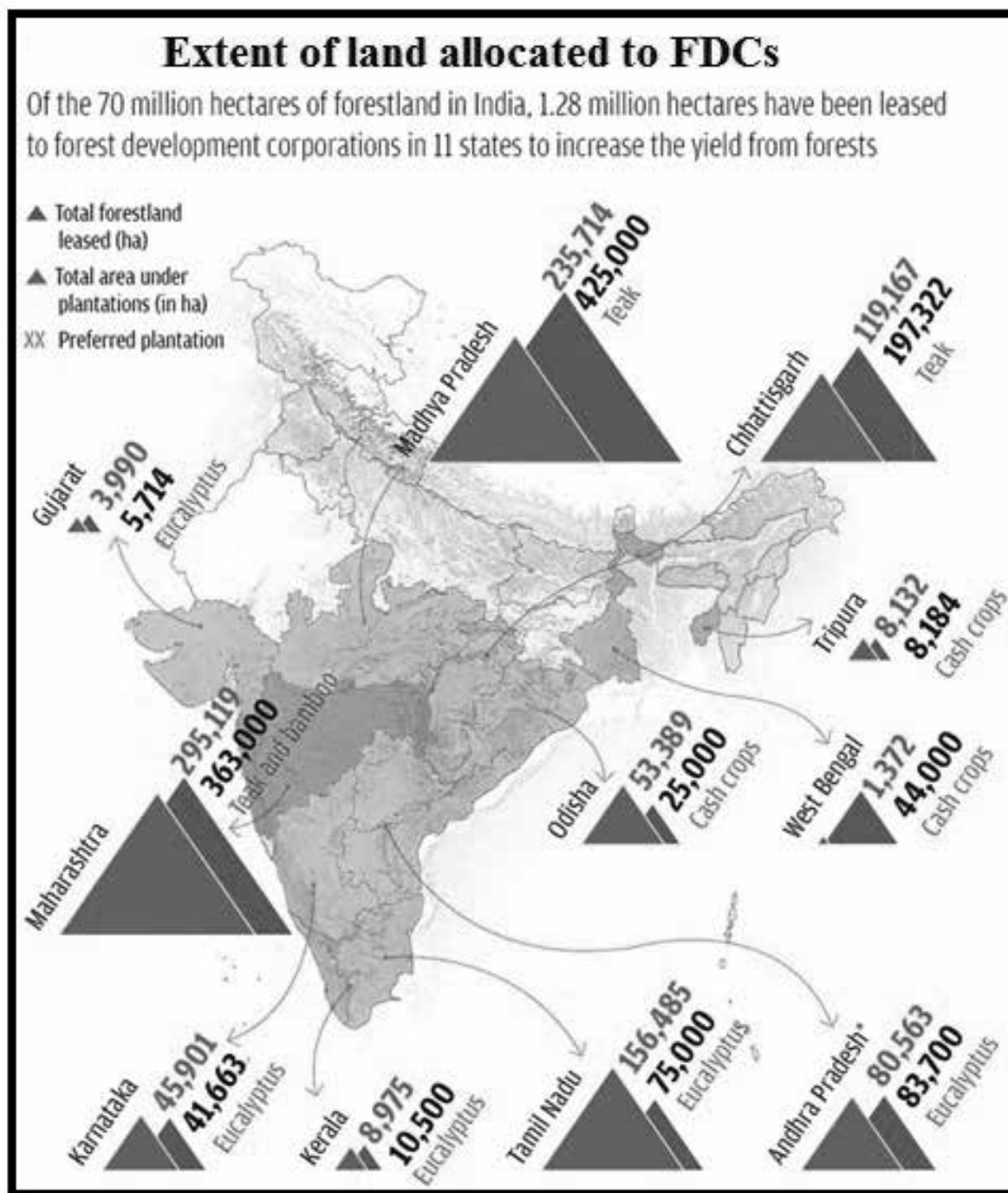
#### *Rights and Livelihood:*

Forests are critical to the livelihoods in Chikhali Reeth and its surrounding villages. They have been protecting the forest for generations, only taking as much as they need from the forest.

They use wild herbs in the treatment of diseases and have the best knowledge of herbs and herbal remedies. Adivasis worship the trees with incense and chant incantations in praise of the tree gods.

#### *Environment: Direct and Indirect Impacts*

Deforestation on mountain slopes leads to soil erosion and degradation of soil-fertility. Air pollution and depletion of water resources are other grave consequences of forest destruction. Besides this there is a loss of medicinal plants that have been a rich forest resource, ensuring the well-being of local communities. Deforestation and the depletion of forest reserves has an adverse impact on domestic and forest life and on the climate, thereby increasing the global temperature.

**Box 1: Extent of Land allocated to FDCs**

Source: <https://www.downtoearth.org.in/news/forests/planting-problems-56169> viewed on September 18, 2019.

**The Genesis of FDCM in Maharashtra**

The FDCM substituted the Forest Development Board in 1974 to 'capitalize on the success attained and to enlarge the programme rapidly'. The main objective of FDCM is to raise plantations of high revenue yielding species such as teak in place of 'low value' miscellaneous forests. FDCM was originally leased out 4.72 lakh ha of forestland to achieve its objectives by the state forest department. By the end of March 2016, FDCM had 3.63 lakh ha of reserved forests under its possession. FDCM had to hand over the remaining forests back to the forest department for reasons like low productivity, high incidence of illicit felling, encroachments, forest diversion for non-forestry purposes and wildlife presence. FDCM has also diversified into ecotourism and cultivation

of medicinal plants. FDCM has nearly 1.46 lakh ha under teak plantations currently, where around 1.24 lakh ha was raised from 1969 to 1987 through clear felling of natural forests. Following the ban on green felling in several states in the 1980s, FDCM has been adding only 1,200 ha of forests on an average under teak plantations annually. The average production of wood by FDCM has been 33,000 cum annually.

A report by Comptroller and Auditor General of India on the performance of Public Sector Units in Maharashtra revealed that five of the 14 divisions of FDCM had managed to harvest less than 40 per cent of the total teak timber it had planned during 2006-07 to 2010-11. The reasons given by FDCM for shortfall in production were failure of plantation, low stock growth and illicit cutting. It is not clear what steps have been taken to address the low production problems<sup>49</sup>.

## Local Efforts to Seek Protection from Courts

According to Mr. Hiranman Garate (former Sarpanch and current Up Sarpanch of Dongargaon) who belongs to Chikhali Reeth, the forest land was leased to FDCM in 2014. He filed a PIL in 2016 and was supported by all villagers affected by the FDCM.

- PIL No. 67 of 2016 was filed in the Nagpur Bench of the High Court against FDCM for illegal tree felling.
- The First Hearing took place on 28th April, 2016 with the order "Let the status quo continue till further orders." This was interpreted in two ways. The villagers interpreted that nobody could fell the forest and the conditions prior to that of felling were to prevail. The FDCM interpreted the order to mean that felling can continue as was happening before.
- The case was transferred to the National Green Tribunal, Pune from the High Court's Nagpur Bench on 27th November, 2017. During these 17 months, while the case was pending, felling of forests by FDCM continued. A minimum of two Magistrates are stated to be mandatory for hearing in the NGT. Incidentally a day before the hearing, one of the Magistrates was transferred.
- PIL was filed in the Bombay High Court by Mr. Garate and the villagers on 2nd February, 2018. The Bombay High Court directed the petitioners to file the petition with the Local Court. Collectively the villagers decided not to go back to Nagpur Bench.
- Petition was filed in the National Green Tribunal, Delhi in March 2018. The first hearing was on 9 April 2018. However, the Registrar misplaced the file and apologized before the judge in the first hearing. In the second hearing on 17 April 2018 the NGT gave the judgment in favour of FDCM.
- The villagers appealed against this judgment in the Hon'ble Supreme Court of India, where the case is pending to date.
- Felling by FDCM has continued during all these proceedings with the villagers failing to get any relief even from the courts

49 <https://www.cseindia.org/the-puzzle-of-forest-productivity-6859>, viewed on September 30, 2019.

## Conclusion

The forest lands over which Section 4(1) of the FRA 2006 recognises and vests diverse rights to STs & OTFDs have been handed over to FDCM without informed consent of the gram sabha and without recognising the rights of communities. Now the FDCM has control on the forest lands, which are a major source of livelihood for the villagers residing in this area, and is actively destroying the livelihood resources through forest felling in total violation of the FRA 2006. With a monopoly over plantations, FDCM works on the principle of creating employment but not sharing the benefits with the people. The crux of the conflict is that while the villagers assert their rights on the forest under FRA 2006, the Forest Department argues that the villagers are 'illegal encroachers' in the forest.

## Notes on Sources and informants

1. Field visit on 6th and 7th of August 2019.
2. Interaction with the Chikhali Reeth community.
3. Detailed discussion with Mr. Hiranman Garate and Mr. Keshav Gurnale (SRISHTI Organisation).
4. Working Plan 2012-13 to 2021-22, Wadsa Forest Division, Gadchiroli Forest Circle, Government of Maharashtra.
5. Census of India 2011, Ministry of Home Affairs, Government of India.

## Cases Cited:

6. Lafarge Umiyam Mining Pvt Ltd vs. Union of India (2011) 7 SCC 338
7. TN Godavarman Thirumulpad vs. Union of India (2006) 1 SCC 1.



ANNEXURE I  
List of Medicinal Plants in Wadsa Forest Division

SN.	Species/MPCA	Family	Marathi Name
1	Acacia catechu	Mimosaceae	Kaderi, khair, khaderi, khawira, lalkhair.
2	Acacia leucophloea	Mimosaceae	Hewar, Hiwar, pandhri babul, pan hariya
3	Acacia torta	Mimosaceae	
4	Aegle marmelos	Rutaceae	Bael, Billi, Vel.
5	Albizia odoratissima	Mimosaceae	Chichwa, RamSaras.
6	Alysicarpus tetragonolobus	Fabaceae	
7	Ampelocissus latifolia	Vitaceae	Nadena
8	Andrographis paniculata	Acanthaceae	Olenkirayat
9	Anogeissus latifolia	Combrataceae	Daura, Dawnra, Dhamora, Dhaora, Dhauda, Dhavda
10	Asparagus racemosus	Liliaceae	Asvel, Sahannsarmoli, Salvari, Satavarimull, Satavarimul,
			Shatavar, Shatamuli, Zatar.
11	Atylosia platycarpa	Fabaceae	
12	Atylosia scarabeoides	Fabaceae	
13	Bauhinia racemosa	Caesalpiniaceae	Apata, Apta, Karanja, Seyara, Shiara, Sonan, Vanraja.
14	Biophytum candolleanum	Oxalidaceae	
15	Biophytum reinwardtii	Oxalidaceae	
16	Bombax ceiba	Bombacaceae	KantaSair, Kanterisamar, Kantesavar, Samar, Saur, Savar,
			Savari, Sayar, Semal, Shevari, Simlo, Tamari.
17	Borreria articularis	Rubiaceae	
18	Boswellia serrata	Burseraceae	
19	Bridelia retusa	Euphorbiaceae	Asan, Asana, Asana-kutgi, Ssna, Gunjan, Kantakauchi,
			Katiain, Kutki, Palapasana.
20	Buchanania lanzan	Anacardiaceae	Char, Charoli, Chirauli, Chironji, Pyalchar
21	Butea monosperma	Fabaceae	Kakracha, Palas, Paras, Phalas, Phulas
22	Butea superba	Fabaceae	Beltivas, Palasavela, Palasvel, Yelparas
23	Calycopteris floribunda	Combrataceae	Baguli, Boguli, Ukshi, Wukshi
24	Canscora diffusa	Gentianaceae	Titavi, Yavotchi.
25	Cassia fistula	Caesalpiniaceae	Bahava, Bawa, Bhawabaya, Bhawan, Boya, Chimkani,
			Garmala, Girimala, Gurmala
26	Cassia pumila	Caesalpiniaceae	Sarmal
27	Celastrus paniculatus	Celastraceae	
28	Ceriscoides turgida	Rubiaceae	

SN.	Species/MPCA	Family	Marathi Name
29	Cleistanthuscollinus	Euphorbiaceae	Garari
30	Costusspeciosus	Costaceae	Penva, Pinnga, Pushkarmula
31	Curculigoorchiooides	Hypoxidaceae	Bhuyimaddia, Kalimusli.
32	Dendrocalamusstrictus	Poaceae	
33	Desmodiumgangeticum	Fabaceae	Darh, Ranbhal, Salvan ,Sawan, Salpami.
34	Desmodiumtriflorum	Fabaceae	Chipti, Ranmethi, Ranmeti.
35	Desmodiumvelutinum	Fabaceae	
36	Dioscoreabulbifera	Dioscoreaceae	Dukaraknda, Gathalu, Konfagoradu
37	Diospyrosebenum	Ebenaceae	Abnus, Tai, Tendu.
38	Dolichandronefalcata	Bignoniaceae	Bhersing, Medasingi, Med.shing, Mersunghi, Mersingi
39	Elephantopusscaber	Astraceae	Pathari.
40	Emblicaofficinalis	Euphorbiaceae	Aouli, Avalkti, Avla, Awla.
41	Emilia sonchifolia	Asteraceae	
42	Evolvulusalsinoides	Convolvulaceae	Shankavall, Shankhavalli, Vishnukanta, Vishnukrantha.
43	Ficusamplissima	Moraceae	
44	Ficusreligiosa	Moraceae	Ashvath, Ashvatha, Pimpala, Pipal.
45	Flacourtiaindica	Flacourtiaceae	Bhekal, Binka, Kaker, Kuki, Paker, Tambat.
46	Gardenia latifolia	Rubiaceae	Ghogar, Papura
47	Gardenia resinifera	Rubiaceae	Dikamali,
48	Gloriosasuperba	Liliaceae	Bachnag, indai, Kllavi, Krianag,
49	Grewiasalvifolia	Tiliaceae	
50	Grewiatiliaefolia	Tiliaceae	Daman, Damni, Dhaman, Karavarani, Karkarani
51	HemidesmusIndicus	Asclepiadaceae	Anantanmul, Anantvel, Dudhasali, Lahankavali, Makur,
			Upalasari, Uparasal, Upersari.
52	Holarrhenaantidysenteric	Apocynaceae	Bedaki, Kodaga, Kuda, Kurra,
53	Hybanthusenneaspermus	Violaceae	
54	Hyptissuaveolens	Lamiaceae	
55	Ixoraarborea	Rubiaceae	Kura, Kurat, Lokhandi
56	Lagerstroemia Parviflora	Lythraceae	Bondara, Bondga, Lende
57	Lanneacoromandelica	Anacardiaceae	Magir, Moya, Shemat, Shinti.
58	Lepidagathiscristata	Acanthaceae	Bhuyaterada
59	Lindemiaciliata	Scophulariaceae	
60	Maytenusemarginata	Clastraceae	
61	Mitragynaparvifolia	Rubiaceae	Kadamb, Kalam, Kalan
62	Murdannianudiflora	Commelinaceae	
63	Phoenix sylvestris	Arecaceae	Boichand,Sendri, Sindi, Sindikajuri.

SN.	Species/MPCA	Family	Marathi Name
64	Phyllanthusvirgatus	Euphorbiaceae	
65	Physalis minima	Solanaceae	Chirboti, Dhanmori, Kapparpodi, Lahan-popti, Phopeti,
			Tanmori
66	Randiaspinosa	Rubiaceae	Gehela, Gel, Ger, Mainhpur.
67	Randiauliginosa	Rubiaceae	Cindra, Klaphendra, Pandhri, Pendhara, Pendrey, Pendru,
			Pindra, Penedra, Phetra, Telphetru, Tupkela.
68	Rhynchostylisretusa	Orchidaceae	
69	Schleicheraoleosa	Schizandraceae	
70	Schreberaswietenoides	Oleaceae	Moka, Mokadi, Nakti.
71	Semecarpusanacardium	Anacardiaceae	Bibba, Bibha, Bibu, Bibua, Bibwa.
72	Sidaacuta	Malvaceae	Bala, Chikana, Pata, Tukati, Tupkaria
73	Sidacordifolia	Malvaceae	Bala, Chikana, Khiranti, Tupkaria
74	Sidarhombifolia	Malvaceae	
75	Swieteniafebrifuga	Meliaceae	
76	Stereospermum personatum	Bignoniaceae	
77	Stereospermumsuaveolens	Bignoniaceae	Kalagori, Kalgari, Kalgori-padri, Padal, Padialu, Pahad,
			Parul, Patala, Patalo.
78	Terminalia crenulata	Combretaceae	
79	Tridaxprocumbens	Asteraceae	
80	Urenalobata	Malvaceae	Rantupkada, Rantupkuda, Vana-Bhenda,
			Vanbhendi, WagdauBhendi.
81	Vanda tessellata	Orchidaceae	Rasna
83	Vignaunguiculata	Papilionaceae	
84	Woodfordiafruticosa	Lythraceae	Dalyatti, Dhaiphal, Dhaiti, Dhauri, Dhayati, Dhazatichi,
			Phulsati, Phusati, Pulsathi.
85	Xylixyllocarpa	Mimosaceae	
86	Zizyphusoenoplia	Rhamnaceae	Kanerballi.

Source: Working Plan 2012-13 to 2021-22, Wadsa Forest Division, Gadchiroli Forest Circle, Government of Maharashtra.





ANNEXURE II  
Members of Forest Rights Committee - Chikhali Reeth

S. No.	Name	Position
1	Sri. Devchand Shalikram Narnewar	President
2	Sri. Prabhakar Vitoba Meshram	Member
3	Sri. Dadaji Dhinaji Bore	Member
4	Sri. Laxman Pandari Denge	Member
5	Sri. Maruthi Medaku Meshram	Member
6	Sri. Shalikram Baliram Narnewar	Member
7	Sri. Navlaji Devaji Narnewar	Member
8	Smt. Nirmala Hirman Gharate	Member
9	Smt. Chaya Yogesh Sondere	Member
10	Smt. Dhansri Dhanudev Sonebavane	Member
11	Smt. Vaishali Hivraj Khole	Member

Annexure III  
Forest in Wadsa Division for Proposed Diversion

S.No.	Category	Area
1	Reserved Forest	164.591 ha
2	Protected Forest	81.996 ha
3	Village forest	-
4	Revenue village	-
5	Unreserved Area	-
6	National Park	-
7	Tiger Reserve	-
8	Elephant Corridor	-
9	Others (specify)	
	a) Big T. forest	1.423 ha
	b) Zudpi Jungle (forest)	5.719 ha

Source: Conservator of Forest, Nagpur Division, Nagpur.



# ODISHA

<b>Village:</b>	Balarampur
<b>Mandal/Block:</b>	Sadar
<b>District:</b>	Dhenkanal
<b>State:</b>	Odisha

**ODISHA  
SITE 12  
Balarampur**

## 12.1 Introduction to the Site

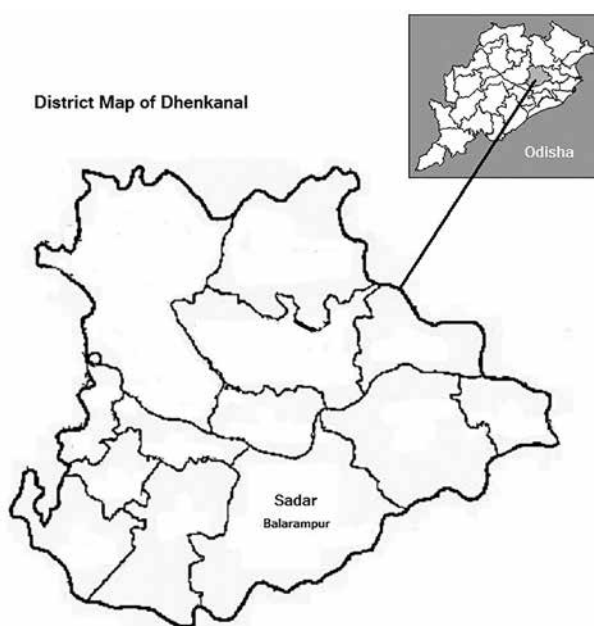
The case study of Balarampur of Dhenkanal district illustrates the dispute between the villagers who have been protecting the forest for years together and the government for facilitating forest land acquisition for a corporate entity (IDCO). Ultimately the people's movement was so strong that it forced the Odisha government to cancel the beer factory but many unanswered questions posed by the villagers regarding the safety of their forest remain.

## 12.2 Socioeconomic Profile of the Village

Balarampur village is located in Dhenkanal Sadar Tehsil of Dhenkanal district in Odisha, India. It is situated 25km away from sub-district headquarter Dhenkanal Sadar and 20km away from district headquarter Dhenkanal with 633 households with a population of 2927 belonging to only two social categories – OC and SC. The literate population is 2174 (M: 1203, F:971). The area of the village is 975 hectares. The net area sown of this village is 78.78 hectares. The land under non- agricultural uses is 96.17 hectares. Permanent pasture and other grazing land are 70.07 hectares and it is close to the forest. The total housing area of the village is more than 25 acres. Places of religious worship occupy 0.75 acre of land. Cremation ground for all communities spreads over more than one acre in the outskirts of the village. They do not have a marketplace. The village has a primary school, high school and nodal schools. The villagers collect the minor forest produce from 600 acres of forest.

This village relies mostly on agriculture (large number of households engaged in cashew plantation), wage labour in agricultural and non-agricultural sectors, private and government sector jobs apart from heavy dependence on the forest for their day to day requirements.

The nutrition level of the villagers is sound. It varies from two complete meals to three complete meals with nutritious food (many a time food from the forest). The major ailments found in the village are malaria, BP, diabetes apart from common cold and fever. It has its own medical facility. For serious cases they refer to the district headquarters (i.e. at a distance of 25 km).



## People - Forest Relationships

The classification of forest area by legal status in Dhenkanal District as on 20.07.2009 is given in Table 1 below.<sup>50</sup>

**Table 1: Classification of Forest in Dhenkanal District of Odisha**

S.No	Classification of Forest	Area in Square Km
1	Reserved Forest	1141.02
2	Demarcated Protected Forest	13.78
3	Un-Demarcated Forest	-
4	Unclassified Forest	0.04
5	Other Forest	582.78
6	Total Forest Area	1737.62
7	Total Geographical Area	4452.00
8	Percentage of Forest area to geographical area	39.03

The district may be divided into two botanical divisions, one comprising the narrow valleys and the alluvial plains and the other concavity of undulating tracts broken by hills and mountain ranges. The former is best utilized for paddy and other agricultural crops. The vegetation in the district is mostly of dry deciduous type. The principal species found in the district is sal and its associates, like asan, anla, bahara, gambhari, giringa, harida, jamu, kendu, kumbhi, kurum, piasal, sisoo, sumari and bamboo, which are mostly useful for building materials, furniture making, cart and agricultural implement making and other domestic uses including firewood. The Kendu trees provide extensive quantity of its big leaves, for bidi making. Bamboo is also seen, which has a range of domestic and industrial uses. Ornamental plants like Palasa, Ashoka, Champa, Krushnachuda, Simul, Bharin, Kanchanna are also found in the district.

Wild animals like leopard, panthers are mostly found in the hills adjoining the cultivated area. The jackal and common fox usually prowl about the villages. Wild elephants are in abundance in the district and due to deforestation and lack of food they often come to human habitations. A species of red coloured flying squirrel is found in dense forest areas. The common Indian ground squirrel is plentiful everywhere. Pangolin is found living in deep burrows. Hyenas are very common in the vicinity of villages. Wild dogs are fairly numerous. Their ears are erect and tail very bushy with a dark tip. In cold season they have a bright chestnut brown coat. They systematically hunt game in small packs. When hunting their prey, they are quite fearless and it is known that even sambar and bisons find it difficult to escape their charge.

<sup>50</sup> <http://censusindia.gov.in/2011census/dchb/DCHB.html> (Viewed on November 7, 2019).

Wolves are few and prey goats and sheep. The common Indian sloth bear is found everywhere. Although their favourite foods are themahua flowers, berries and white ants, they do a great deal of mischief to sugarcane and maize. The honey badger, which is closely allied in appearance to the sloth bear, but small in size, is rarely seen. It lives chiefly in rocky caves in the hills and its diet consists of lizards, insects and honey. The sambar has his abode in dense forests and grazing chiefly at night. The spotted deer or chital are commonly seen in small herds in low-lying lands near water sources. The Indian mouse deer is seen rarely although its dog-like bark may be easily recognized. Like wild animals, bird life is also plentiful in the district. The peafowl, jungle fowl and common spur fowl are fairly common. Partridge are rare and the gray hornbills are often found in the forest tracts. The common blue winged teal, waistlines and cotton teal are found in numerous round the year in tanks. Balarampur has 600 acres of forest with 116 different types of trees, among which we find species sal, mahul, kumbhi, kendu, asan, rohini, veru, neem, ficus, harida, karada. The entire stretch is home to various wild animals including an elephant corridor. Further the villagers are dependent on this stretch for minor forest produce.

The people of this village have been staying in this village for the last 150 years. Apart from agriculture, this village relies mostly on cashew plantation. They have a larger dependence on the forest for their day-to-day livelihood. People from Balarampur have protected<sup>51</sup> and nurtured this green patch on their common land religiously over the last 50 years. Two men from two families would patrol the 600 acres of forest each day, and inform fellow villagers if they came across any smugglers or poachers. Everybody is involved in the traditional rotational forest patrolling routine (if somebody fails to go for patrolling he/she has to pay wages to the men who guard the forest). Not a single branch is allowed to be cut without the permission of village committee. They decide about the patch, types of trees and volume of wood to be cut to meet their firewood needs. The same is applied to meet the emergency, such as when wood is required for marriage, religious occasions or funerals. This mechanism of resource sharing is not only applicable to Balarampur but also to the adjacent villages. Free from management by the forest department, it serves as a fine example of maintaining a natural asset with great ecological understanding and meeting human needs judiciously. After 50 years of such diligence, this stretch has not only become dense forest, it has also turned into a corridor for wild animals. However the fate of this forest is in jeopardy causing much anguish to them due to the unregulated industrialization by government.

### 12.3 Historical and Continuing Injustice: Potential and Performance of FRA

IDCO<sup>52</sup> of Odisha has acquired 96 acres of the above-mentioned forest land and allocated 12 acres of land to P & A Bottles to set up a beer factory. In this regard the villagers made a representation to all the authorities concerned to cancel the lease agreement made with IDCO and restore the status of the land in the record to its original forest kism. Khata No 446<sup>53</sup> and Plot Numbers 2844, 2846, 2849, 2938, 2944, and 2917 are recorded as Forest Land (Sabik Jungle) and the same is reflected in the remark column of the RoR of the abovementioned plots.

51 Extracted from the Annexure-2 of Original Application No 174 of 2017/EZ, in the matter of Bijay Kumar Majhi (Applicant) versus State of Odisha and Others... (Respondents), before the Honorable National Green Tribunal, Eastern Zone Bench, Kolkata. Apart from this information collected during August to October 2019 enabled to understand the various stages and processes of the forest protection.

52 Extracted from the Letter submitted by the representative of Balarampur village, dated November 25, 2018 sent to the Honorable Prime Minister.

53 Extracted from the Letter submitted by Mr Bijay Kumar Majhi of Balarampur village, dated October 18, 2017 sent to the District Collector, Dhenkanal; Managing Director, IDCO, IDCO Tower Bhubaneswar; Secretary, Forest and Environment Department, Government of Odisha, Secretariat Building, Bhubaneswar; Secretary, Revenue and Disaster Management Department, Government of Odisha, Secretariat Building, Bhubaneswar.

This area is around 40 acres and the same record has been apparently converted to non-forest kissam land in 1988 settlement. RoR of Khata No 446 indicating the plots in questions as Sabik Kisam Jungle. Similarly the plot no 2851 Khata No 449 of Balarampur Mouza having an area of 41.87 acres of forest land has been converted to Non Forest Kisam and plot no 2928 having an area of 12.86 acre of Gochar Kisam land but having dense forest growth has been dereserved and transferred to IDCO on lease basis vide case no 21/14, 24/14 and 270/14 in the year 2014. Following are the copies of the public notice indicating the transfer of the land to IDCO on lease basis<sup>54</sup>.

### Document 1: Copies of Public Notice indicating the Transfer of the Land to IDCO

23CA)

ENGLISH TRANSLATION

TAHASIL OFFICE, ODAPADA

CASE NO 21/14

PUBLIC NOTICE

The general public of Balarampur mouza are being informed by this notice that a case has been initiated in the schedule land in afore mentioned mouza to be utilized for the purpose mentioned below column. If anybody has any objection, then with in 30days of this notice same can be made to the signatory below in writing.

Land schedule

Mouza	Khata No	Plot No	area	kisam	Purpose of Use
Balarampur	446	2844	10.4	Talla-1	The schedule land besides this column is proposed to utilise for Industrial Purpose by IDCO Bhubaneswar through lease deed.
		2846	0.83		
		2849	1.82		
		2848	4.45		
		2852	0.96		
		2853	1.41		
		2914	0.98		
		2929	0.31		
		2930	0.74		
		2922	5.50		
		2931	0.82		
		2932	0.50		
		2934	1.05		
		2935	0.60		
		2936	2.03		
		2938	3.71		
		2944	3.20		
		2917	1.46		
		2917/3048			

Total: 41.37 Acres

TAHASILDAR, ODAPADA

24CA)

ENGLISH TRANSLATION

TAHASIL OFFICE, ODAPADA

CASE NO 24/14

PUBLIC NOTICE

The general public of Balarampur mouza are being informed by this notice that a case has been initiated in the schedule land in afore mentioned mouza to be utilized for the purpose mentioned below column. If anybody has any objection, then with in 30days of this notice same can be made to the signatory below in writing.

Land schedule

Mouza	Khata No	Plot No	area	Kisam	Purpose of Use
Balarampur	449	2851	41.87	Unnat yojana Yogya	The schedule land besides this column is proposed to utilise for Industrial Purpose by IDCO Bhubaneswar through lease deed.

Total: 41.87 Acres

TAHASILDAR, ODAPADA

25CA)

ENGLISH TRANSLATION

TAHASIL OFFICE, ODAPADA

CASE NO 270/14

PUBLIC NOTICE

The general public of Balarampur mouza are being informed by this notice that a case has been initiated in the schedule land in afore mentioned mouza to be utilized for the purpose mentioned below column. If anybody has any objection, then with in 30days of this notice same can be made to the signatory below in writing.

Land schedule

Mouza	Khata No	Plot No	area	kisam	Purpose of Use
Balarampur	449	2928	12.86	Gochar	The schedule land besides this column is proposed to utilise for Industrial Purpose by IDCO Bhubaneswar through lease deed.

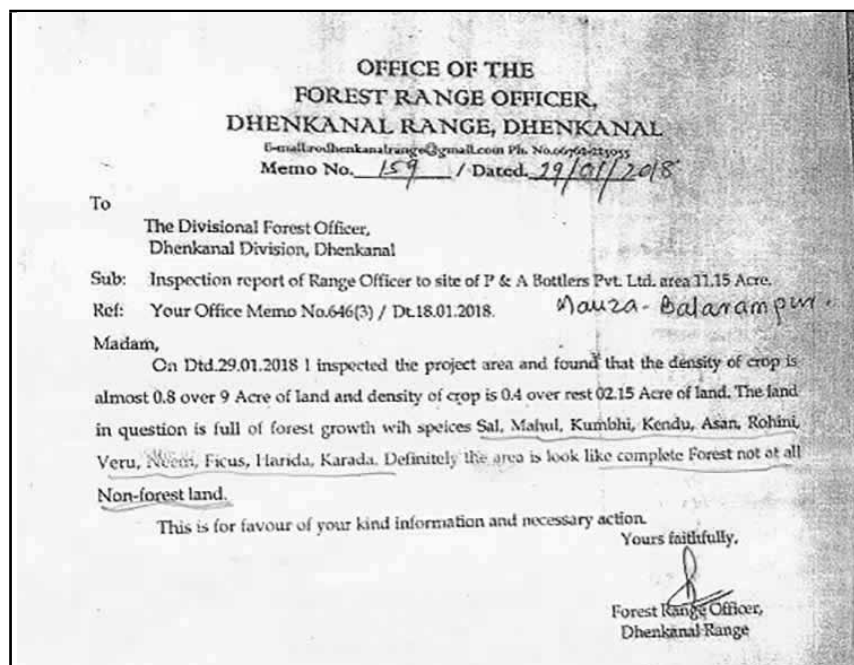
Total: 12.86 Acres

TAHASILDAR, ODAPADA  
08/08/2014

54 Case No 21/14, Public Notice, Tahasil Office, Odapada; Case No 24/14, Public Notice, Tahasil Office, Odapada; Case No 270/14, Public Notice, Tahasil Office, Odapada (Dated August 8, 2014).

All these plots are physically dense forest having various matured timber species. It is quite evident from the inspection report of the Range Officer (Dhenkanal Range, Dhenkanal) to the DFO,<sup>55</sup> Dhenkanal in respect of site of P & A Bottlers Pvt Ltd. The same is still in existence entirely because of the protection given to the forest land by the villagers. If any patch of the area is being allowed for industrial activity, then the entire forestscape will be adversely affected.

## Document 2: Inspection Report of the Range Officer (Dhenkanal Range), Dhenkanal



The entire de-reservation and conversion has been made without approval of central government, which is a violation of Section 2 of Forest Conservation Act 1980. Further the Revenue Department, Government of Odisha in its letter dated 24 October 2011 (no 43968) clarified that the government land recorded in non-forest kisam with a note 'Sabik Kisam Jungle' in the RoR finally published after 25 October 1980 was forest kisam in Sabik Record, and the Forest Conservation Act of 1980 would be applicable to all such forest land.

The government was apprehensive of an unfavourable verdict from NGT on this issue. This forest land acquired by IDCO, Odisha comprises village common land. Although the government has not categorised this land as forest land in its present record, the standing forest is there for everybody to see. The acquisition of land by IDCO for non-forest use is violation of the Forest Conservation Act 1980. The government did not seek the mandatory clearance for diversion of forest land for which the consent of Gram Sabha and completion of the recognition of right is required by the central Ministry of Environment & Forests' order of July 31, 2009 in compliance with FRA, 2006. The FRA confers the right to protect, conserve, regenerate or manage the forest as their community forest resource on the Gram Sabha. The FRA 2006 Rules require that community forest resource rights of all villages with forest land must be recognised and in cases where this is not possible, the reasons must be recorded in writing.

## Democratic Process for Recognition of Rights: Compliance with FRA

It was in the year 2016, when the company attempted to put up a board "Making Odisha Conclave," that the villagers came to know that inspite of their strong opposition the state has given the land to the company for industrial purposes.

<sup>55</sup> Office of the Forest Range Officer, Dhenkanal Range, Dhenkanal, Memo No. 159/ Dated January 29, 2018.

Then they got information from the ward member of the village that the Sarpanch who could have resisted it and helped the villagers, instead made a deal with the project authorities (as per the villagers during the field survey) behind the scenes and betrayed them by providing an NOC to the state without consulting the Palli Sabha and Gram Sabha. The villagers protested against fixing the board of the company on the land allotted to the company and they were successful. Then they submitted their appeal (copy of objection against the company) in all the offices – District Collector, Sub-Collector, Excise, Chief Minister and DFO. They appealed in high court and NGT. The villagers showed their solidarity by not allowing the company to enter the site.

On November 3, 2018 the Chief Minister Naveen Patnaik had himself laid the foundation stone for the Rs 102 crore brewery project, requiring 12 acres of forestland of Balarampur. The same day the district collector along with some company personnel and police came to the site to fix the board in a very small religious ceremony. It was again resisted by the people of the village. The officials planned to cut the forest on November 8, 2018. Anticipating agitation, police filed a case under Section 107 IPC against 11 people of this village and they were called to the police station. They explained about the project to the people and threatened to arrest them if they agitated against the company.

They then developed a strategy and did not come to cut the forest on November 8, 2018. In the early hours of November 17, the Dhenkanal district administration arrived on the spot with armed police personnel and started felling trees before villagers could react to the situation and arrested 20 protesting villagers. They started the operation at midnight. Villagers came to know about it the next morning. By that time the administration cut down 1000 mature trees during the overnight operation with 8 to 10 big cutters. Women hugged trees and resisted the attempt to fell trees by the coercive administrative machinery. Women attempted to block the police personnel but were chased away. When the villagers' struggle flashed across media and people started extending support, the government ordered the stoppage of tree felling on November 18 and ordered a probe by the RDC.


**Photo 1: Trees during an overnight operation on 17 November 2018 in the forest of Balarampur**



The overnight operation was clearly engineered by the government in a desperate bid to promote the cause of the beer company at any cost. The images of women clasp trees had then gone viral attracting wide spread condemnation on police high-handedness. Activists and citizens had rushed to Balarampur to give moral support to villagers. Coming under pressure of massive public outcry, Chief Minister Patnaik on Sunday ordered immediate halt to tree felling and a probe by RDC. The RDC, D.V. Swamy submitted his report to the government.

## Document 3: Letter of RDC

FROM : RDC NO SBP FAX NO. : 06632411537 1 Jan. 2000 4:12PM P2

  
 Government of Odisha  
**OFFICE OF THE REVENUE DIVISIONAL COMMISSIONER,**  
**NORTHERN DIVISION, ODISHA, SAMBALPUR.**

No. 496 /Res.  
 Dated, Sambalpur the 19<sup>th</sup> November, 2018.

From: **Sri D.V.Swamy, IAS,**  
Revenue Divisional Commissioner.

To: **Principal Secretary to Government,**  
Industries Department, Odisha,  
Bhubaneswar.

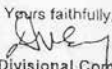
Subj: Tree cutting from the IDCO Industrial Estate area of village Balarampur under Odapada Tahasil in the District of Dhenkanal for establishment of Plant by M/S P & A Bottlers Pvt. Ltd.

Ref: Your letter No.8677/I, Dt.19.11.2018.

Sir,

In inviting reference to the subject and letter under reference, I am to say that based on the factual report available, the allocation of Bottling Plant may be cancelled and alternate site may be provided. Unnecessary felling of trees may be stopped forthwith, and immediate plantation should be taken up.

The detailed report followed after my field enquiry.

Yours faithfully,  
  
 Revenue Divisional Commissioner,  
 Northern Division, Sambalpur.

Scanned with CamScanner

"Based on the factual report available, the allocation of bottling plant may be cancelled and alternative site may be provided. Unnecessary felling of trees may be stopped forthwith, and immediate plantation should be taken up."<sup>56</sup>

Without wasting any time, Chief Minister ordered cancellation of the bottling plant in that location.

### Notes on Sources and Informants

1. Field Visit on July 29-31, 2019
2. Interaction with the villagers of Balarampur
3. Detailed discussion with Mr Sushanta Kumar Dhala, Mr.Ambika Prasad Jena, Ms.Babita Patra, Mr.Jayanta Dhala

<sup>56</sup> No. 496/Res. Dated, Sambalpur the November 19, 2018. Office of the Revenue Divisional Commissioner, Northern Division, Odisha, Sambalpur (Sub: Tree cutting from the IDCO Industrial Estate area of Village Balarampur under Odapada Tahasil in the District of Dhenkanal of establishment of Plant by M/S P & A Bottlers Pvt Ltd.)





# ODISHA

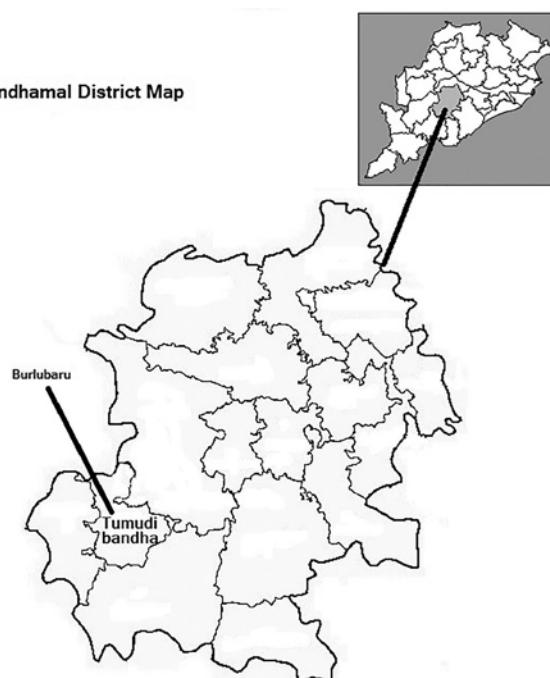
<b>Village:</b>	Burlubaru
<b>Mandal/Block:</b>	Tumudibandha
<b>District:</b>	Kandhamal
<b>State:</b>	Odisha

**ODISHA  
SITE 13  
Burlubaru**

## 13.1 Introduction to the Site

The Burlubaru case study is a classic example of how forest settlement operation has affected customary rights of tribals and particularly vulnerable tribal groups (PVTGs). All traditional cultivation land of tribals in Kandhamal including that of Kutia Kondhs were notified as forest land affecting their customary rights. The Kutia Kondhs have faced the worst kind of rights violation and atrocities due to non-recognition of their forest rights (particularly the habitat rights), forcible plantation of monoculture species in their cultivation land leading to serious impact on the agro-biodiversity and food security, forest offence cases filed by the forest dept against Kutia Kondhs for doing bonafide livelihoods activities recognized as rights under FRA.

Kandhamal District Map



## 13.2 Socioeconomic Profile of the Village

Burlubaru is a small revenue village (revenue land and forest land) located in Tumudibandha block of Kandhamal district in Odisha, consisting of 64 households with population of 256 (M: 122 and F: 134) with a predominantly Kutia Kondh (PVTG) population (94.5 percent) and a very small number of scheduled caste households. The village is in the Scheduled Area. The villagers are both emotionally and physically attached to their habitat. The net area sown of this village is 27.1 hectares. The forest land is around 104.3 hectares area whereas land under non-agricultural uses is 10.95 hectares. The total housing area of the village is 2 acres. The school occupies 0.50 acre of area. Forest land use spreads over 20 acres of streams, ponds and tanks and 50 acres of common area. They have more than 25 acres of grazing pasture in the forest.

The literacy rate of the villagers is 34.0 percent with a female literacy of 10.9 percent. All the villagers rely primarily on agriculture (basically shifting cultivation), agricultural labour work and collection of minor forest produce. Around 20 percent of the youth of the village migrates to other states for 10 months and return home for 2 months each year.

The nutrition level of the villagers is moderate. It is in most cases two meals on a daily basis, which consists of water-rice with some vegetables. They are largely dependent upon the seasonal leafy

vegetables available in the forest. A major illness found in the village is malaria apart from cold, fever and diarrhoea. The village does not have medical facility; therefore, the villagers are largely dependent upon the Mobile Health Unit which is provided by the government and the traditional medicinal roots and fruits of the forest.

## People-Forest Relationships

Phytogeographically, the vegetation of Kandhamal<sup>57</sup> has two major divisions — northern tropical semi-evergreen forest and northern tropical moist deciduous forest. Northern tropical semi-evergreen forests are generally found in the valleys of Balliguda forest division. Important species of this category including *mangifera indica* (mango), *diospyros embroyopteris* (makara kendu), *michelia chamapaca* (champa), *mesua ferrera* (nageswar) and *saraca indica* (ashoka) are found in shady and moist places of the district. Northern tropical moist deciduous forest is generally seen in the Phulbani forest division along with semi-ever green type. Important species are of this category are *shorea robusta* (sal), *terminalia tomentosa* (asan), *pterocarpus marsupium* (bija), *adina cordifolia* (kurum), *xylia xylocarpa* (kangada), *anogeissus latifolia* (dharua), *dalabergia latifolia* (sisoo) and *gmelina arborea* (gambhari). Economic plants growing naturally in this district include *terminalia chebula*, bamboos, *diospyros melanoxylon*, broom grass, *tamarindus indica*. Moreover, exotic plants like *Pinus insularis*, *P. caribae*, *P.khasiana*, *eucalyptus toreliana* have been introduced in Balliguda, Daringbadi, Kalinga and other parts of Kandhamal. Medicinal plants like *ruwolfia serpentina*, *atropa belladonna*, *derris elliptica*, *ammi majus*, *ocimum kilimandsheicum* etc. have been experimentally planted in the forests of Kandhamal. The wildlife of the district is protected under Wild Birds and Animals Protection Act, 1912, and the Odisha Forest Act 1972. The commonly seen wild animals in Kandhamal forest are elephants, bison, tigers, leopards, deer and wild pigs. Moreover, carnivorous animals like fox, jackals, hyena and wolves are also seen. Bears are seen throughout the forests. Besides this, wild dogs (*cuon alpinus*), monkeys, barking deer, hares, nilgai and chital are found in the jungles of Kandhamal. Kotagarh Wildlife Sanctuary is situated in the Baliguda sub-division of Kandhamal district. This area was notified under u/s/18 of Orissa Wild Life (Protection) Act 1972 vide FFAH Department notification Number 30253-8F (W) 162/ 81 dated December 3, 1981<sup>58</sup>. Burlubaru is truly representative of the Kandhamal district so far as the flora and fauna is concerned because of its vast coverage of forest area (i.e. 104.3 hectare).

The Kutia Kondhs have been living on these lands since centuries and they are largely dependent upon cultivation and forest for their everyday lives. Generations upon generations of villagers of Burlubaru have been following the traditional agro-ecological practice known as 'Podu Chas' where they grow varieties of millets and pulses. At present they cultivate only 50 of the 70 varieties of millets and pulses they used to through podu cultivation. The cause of this reduction is due to monoculture plantation carried out by the forest department under compensatory afforestation and other plantation programmes.

The seasonal production from the forest is largely dependent upon the timely arrival of monsoon. If the village fails to receive monsoon rains in time, then it directly impacts on the day to day livelihood of the people. In order to protect the village from evil spirits, the villagers perform different rituals. Dharani Penu is their important deity - they perform Dharani Penu Puja every year for good cultivation in the month of July. During that period people from the adjacent villages also participate and enjoy the festivities with these villagers. So far as customary arrangements for forest governance and protection are concerned, they organise some traditional festivals and tie pieces of red cloth

57 Government of Orissa (1983): Orissa District Gazetteers Boudh-Khondmals, Gazetteers Unit, Department of Revenue, Government of Orissa.

58 [https://www.wildlife.odisha.gov.in/Uploadfiles/BROCHURE\\_KOTAGARH.pdf](https://www.wildlife.odisha.gov.in/Uploadfiles/BROCHURE_KOTAGARH.pdf)

round endangered indigenous tree species<sup>59</sup>. This is to protect their forest resources from timber mafia, and foreign species plantations by forest department officials.

### 13.3 Historical and Continuing Injustice: Potential and Performance of FRA

The FRC was formed in the village in 2008 with the involvement of school teachers. There were ten members (6 men and 4 women). They did not do it in the prescribed manner—they sometimes constituted the committee without visiting the village, sometimes sitting in a school and sometimes by representing an individual view as the group view. Hence the selection was highly biased. CFRMC is not constituted in this village. There was a pre-existing JFM committee in the village that is now inactive. There is no relationship of the VSS with Gram Sabha. This has changed after the implementation of FRA at village level.

In this village, 35 IFRs and Community Right claims were filed by this community. Twenty claims are in the names of men and 15 claims in the names of women. The recognised title holder received only community rights. Habitat Rights process has been initiated but titles have not been issued. In order to initiate the process of Habitat Rights recognition of Kutia Kondh under FRA in Kandhamal, a two day meeting was held in the month of August 2014 with DLC, which was then followed by a preliminary meeting with the local NGOs/ ITDA officials and District Level Committee members where the guideline and methodology on the Habitat Rights claim making process was discussed. The main aim of the consultation was to frame a definition of "Habitat"<sup>60</sup>. The consultation confirmed that the basic unit of habitat for Kutia Kondh is their clan territory. Maps of different clan territories were then prepared with the use of GPS (for reference purposes, toposheet, revenue and forest maps have also been used) in consultation and participation with the traditional leaders and Gram Sabha members. The process although underway, was temporarily halted. A total of approximately 168 habitation/settlements which includes more than 100 clan territories, which constitute their larger habitat, will be covered.

FRC invited the technical team (officers from Revenue & Forest Departments and the WEO) for the verification of the process. The WEO is responsible for coordinating the process and placing it for joint verification with supporting evidence. After this WEO submitted it in SDLC for approval. After 7 days of the approval at SDLC level, they forwarded to the DLC by the DWO. He is the nodal person of both DLC and SDLC. IFR mapping was done by a retired Amin and RI. They prepared the trace map, which was verified by the technical team. So far as Community Right is concerned, they have obtained recognition for the same.

In Burlubaru, the Gram Sabha was established at village level in the year 2008. All the adult members of the village are the members. They maintain the quorum of the meeting. The women are not active in the participation of the Gram Sabha. Gram Sabha is also not a frequent phenomenon in this area. However whenever they sit, they discuss the plantation issue. The Gram Sabha passed a resolution on the issue of plantation by the government department. A very important aspect of FRA 2006 is to protect and manage the community forest. So any type of planning pertaining to the forest development activities has to receive consent of the Gram Sabha. Many a time villagers receive notices for commission of offence of cutting the forest, using land for cultivation, etc from the forest department.

59 Rupawat, P (2018): "Kandhamal Tribes Held Traditional Festival During Gram Sabhas to Protect Forest Resources," <https://www.newsclick.in/kandhamal-tribes-held-traditional-festival-during-gram-sabhas-protect-forest-resources>, Viewed on November 20, 2019.

60 Nayak, S K (2015): "Habitat Rights," Newsletter of Vasundhara, [https://www.fra.org.in/document/Habitat%20Rights%20Brochure\\_Dec.pdf](https://www.fra.org.in/document/Habitat%20Rights%20Brochure_Dec.pdf), Viewed on November 21, 2019.

Generally the villagers carry canes and axes while going into the forest. Seeing this, the officials from forest department intimidate them by issuing letters and notices and take huge bribes. Many of them have been beaten up, jailed and fined for using forest land.

### **Democratic Process for Recognition of Rights: Compliance with FRA**

Even in independent India, injustice has been observed in the case of the livelihood of the Kutia Kondh community whose lives are dependent on the survival of the forest (Kumar, et al. 2009<sup>61</sup>). The main reason is the outcome of the land categorisation and formalisation through the Survey and Settlements and forest demarcations/reservations in the post-Independence period. This process completely ignored the customary land rights systems of the adivasis. Almost half of the land within the village boundary was categorised as "forest land" during the Survey and Settlements process in this district, under which forest laws effectively ensure that the adivasis and forest dwellers have no legal rights or claims on these areas. Also the traditional cultivation of *Podu chas*, the most vital method of cultivation in Kandhamal district was declared to be "non-cultivation" during the Survey and Settlements and occupancy rights over these lands were denied.

About 85 percent of total land in the district is government land of which 74 percent land is recorded as forest land. The forestlands in the district have been notified without any settlement of rights of local communities. About 89 percent of families in the district are legally landless. The district exemplifies the case of extreme deprivation of tribals and forest dwellers due to tenurial insecurity and loss of customary rights caused by the revenue and forest settlement operations.

Burlubaru village is inhabited by large numbers of Kutia Kondh families. Dulapadar is an area where plantations were set up by forest department in the month of June 2009 under the scheme of OFSDP funded by JICA<sup>62</sup>. The area falls under the customary boundary of Burlubaru village. Thirty-five Kutia Kondh households of the village have been cultivating over 50 hectares of forestland traditionally for generations. The area falls within the Jhiripani 'A' Demarcated Protected Forest. The entire area of 50 hectares, cultivated by Kutia Kondhs, is now covered with teak plantations.

After the implementation of FRA 2006 in Kandhamal district, IFR titles were issued for 166 plots in favour of 52 Kutia Kondhs. Kutia Kondh traditionally grow paddy, finger millets, kueri, mustard, horse gram, turmeric, pulses and other millets on these lands. IFR titles have been issued since 2010. These villagers have alleged that the forest officials have forcibly planted teak in the IFR lands in without obtaining consent from title holders and the Gram Sabha which is a violation of FRA. They have engaged labourers from outside as plantation labour. The villagers of Burlubaru complained regarding the matter to Sri Manoj Kumar Mallick, Kui Kula Samiti, who sent the representation to Chief Secretary-cum-Chairman, State Level Monitoring Committee (constituted under FRA), Odisha.

61 Kumar, K., S. Behera, S. Sarangi and O. Springate-Baginski (2009): 'Historical Injustice': Forest Tenure Deprivation and Poverty in Orissa, UK: Department for International Development.

62 Extracted from Extracted from No 34332/ SSD., Dated, Bhubaneswar December 31, 2014 STSCD-FRA-RTI-0006-2014, Government of Odisha, ST & SC Development Department (Based on the case study documentation on 'Deprivation of Forest Rights Through Plantation in Kuttia Kondh (PTG) Villages of Tumudibandh Block, Kandhamal District).

## Document 1: Letter to PA ITDA, Phulbani (English Translation)

Letter to PAITDA, Phulbani (English Translation)<sup>63</sup>

We the villagers of Burlubaru beg to state that 35 have received IFR titles as per FRA in our village. We are very much concerned to inform that the forest department forcibly planted teak and Chakunda plants in the IFR land allotted to us. We were growing traditionally paddy, finger millets, kueri, mustard seed, horse gram, turmeric, pulses and other millets on these lands. That was helping us to take care of livelihood in a major way. But forest department through the Vana Surakhsha Samiti (JFMC) forcibly planted those plants, hampering our livelihood. They have not consulted at any point of time with the villagers regarding this. They have engaged labourers from outside area for teak plantation. Burlubaru villagers do not have proper information about the VSS constituted in the village as well as the work undertaken by it. They have not consulted the villagers. Therefore we are requesting through this application that, we should be given the complete ownership on the land we received as per the FRA law, where the forest department planted trees injudiciously. As a result of which we can again start out agricultural activities to earn our livelihood in a sound manner.

Yours

## Villagers of Burlubaru

1. പ്രാദേശിക പട്ടണങ്ങൾ : പ്രാദേശിക പട്ടണങ്ങൾ കെട്ടിപ്പിടിക്കുകയും അവയെ നിയന്ത്രിക്കുകയും ചെയ്യുക. പ്രാദേശിക പട്ടണങ്ങൾ കെട്ടിപ്പിടിക്കുകയും അവയെ നിയന്ത്രിക്കുകയും ചെയ്യുക. പ്രാദേശിക പട്ടണങ്ങൾ കെട്ടിപ്പിടിക്കുകയും അവയെ നിയന്ത്രിക്കുകയും ചെയ്യുക.

Letter to PA ITDA, Phulbani (English Translation)

Based on the complaint received from President, Kui Kula Samiti, Project Administrator, ITDA, Phulbani had made a visit to the hamlet on December 18, 2014 and furnished the enquiry report, which reveals that forest officials have forcibly planted teak over some portions of the land allotted to the households under FRA, 2006 for their bonafide livelihood (letter no. 34332/SSD. dated, Bhubaneswar 3/12/2014 STSCD-FRA-RTI-0006-2014). According to the report, there is very little agricultural land available in the area that is suitable for cultivation. The details are presented in Document 2. One such allegation has been discussed in this report in some depth. This was related to the alleged violation of Forest Rights of the Kutia Kondh families of Dulapadar in Burlubaru Hamlet in Belghar GP of Baliguda Sub Division of the district.

63 Extracted from No 34332/ SSD., Dated, Bhubaneswar December 31, 2014 STSCD-FRA-RTI-0006-2014, Government of Odisha, ST & SC Development Department.

In her report, the Project Administrator, ITDA, Phulbani has claimed that Kutia Kondhs traditionally grow paddy, finger millets, kueri, mustard seeds, horsegram, turmeric, pulses and other millets on these lands. However forest department have taken up teak plantation on the forest land, which was under traditional possession by the Kutia Kondhs. IFR titles have been issued since 2010. Even after issue of the title, forest department has done teak plantation out of non JFM and 13th Finance Commission funds and that out of 166 plots conferred under FRA 2006, teak plantation has been taken up in 49 plots by forest department.

On his part DFO-cum-DMU Chief Baliguda Forest Division Baliguda while confirming that plantation activities have been taken up during 2009 with the help of VSS, claims that VSS has been formed after "thorough discussion with the villagers and conducting PRA exercises" and that plantation activities have been taken up in 2009 whereas IFR titles were distributed after 2009. So there is no case of forcible plantation in their title area.

On receipt of the report from the PA ITDA, the Commissioner-cum-Secretary SC & ST Development Department wrote to the Development Commissioner-cum-Additional Chief Secretary Forest & Environment Department requesting him to intervene in the matter. Relevant extracts from his letter are reproduced below:

"Following the above correspondence, PA ITDA, Phulbani had made a visit to the hamlet on 18.12.2014 and has furnished his enquiry report which reveals that forest officials have forcibly planted teak over some portions of the land allotted to the beneficiary under Forest Right Act, 2006 for their bona-fide livelihood. The PA ITDA has furnished the detail list of title holders and number of plots where teak plantation has been exercised. It is therefore sincerely requested that the matter may please be taken up with the concerned forest officials so as to sort out the grievances for furnishing factual reply / report thereto as has been called for vide RTI application dated 10.11.2014 of one Sri Gopinath Kanhar, Sartaguda, Kandhamal.

Action if any, taken by the Commissioner-cum-Secretary SC&ST Development Department is not known. Meanwhile the PA, ITDA Phulbani who submitted the report confirming the allegations has been shifted out of the district. The position taken by DFO Balliguda is clearly untenable as plantation carried out on IFR lands without the consent of the title holders and Gram Sabha is a violation of FRA. Also the forest department's action pushed through VSS is illegal as VSS has no legal standing or authority to interfere with the statutory rights of tribal and forest dwellers recognised under FRA. This has been clarified by the guidelines issued by the MoTA GoI which say that "the JFM Committees or the VSS are not eligible for availing the Community Forest Rights as per the FRA 2006 provisions."

## Document 2: Enquiry Report on the representation dt.26.08.2013 of the President Kui Kula Samiti, Baliguda, Kandhamal District regarding Alleged Implementation of FRA, 2006<sup>64</sup>

**GOVERNMENT OF ODISHA**  
**ST & SC DEVELOPMENT DEPARTMENT**

RTI Application  
Most Urgent

No. 34332 / SSD., Dated, Bhubaneswar the 31.12.2014  
STSCD-FRA-RTI-0006-2014

From  
Shri Surendra Kumar, IAS,  
Commissioner- cum- Secy. to Govt.

To  
Development Commissioner cum  
Additional Chief Secretary to Govt.,  
Forest & Environment Deptt.

Sub:- RTI application dt.10.11.2014 thereof furnished by one Shri Gopinath Kanhar, Ai-Sartaguda, Dist.- Kandhamal - Enquiry report on the representation dt.26.08.2013 of the President, Kui Kula Samiti, Baliguda under Kandhamal district regarding alleged implementation of Forest Rights Act, 2006.

Sir,  
I am to say that a RTI application dt.10.11.2014 furnished by one Shri Gopinath Kanhar was transferred to this Deptt. U/s 6(3) vide your Deptt. letter bearing No.21785 dt.27.11.2014. Subsequently this Deptt. had transferred the RTI application to Collector, Kandhamal for furnishing of needful factual report directly to the applicant as the previous representation dt.26.08.2013 of the President Kui, Samaja Seva Samiti was sent to the district authority (on which the applicant has sought for the report).

Following the above correspondence, PA.ITDA, Phulbani had made a visit to the hamlet on dt.18.12.2014 and has furnished his enquiry report which reveals that forest officials have forcibly planted teak over some portions of the land allotted to the beneficiary under Forest Rights Act, 2006 for their bona-fide livelihood. The PA.ITDA has furnished the detail list of title holders and number of plots where teak plantation has been exercised (copy along with enclosure thereto is sent herewith for needful reference).

It is therefore sincerely requested that the matter may please be taken up with the concerned forest officials so as to sort out the grievances for furnishing factual reply/ report thereto as has been called for vide RTI application dt.10.11.2014 of one Shri Gopinath Kanhar, Sartaguda, Dist.- Kandhamal.

Yours faithfully  
*[Signature]*  
Commissioner- cum- Secy. to Govt.

By Speed Post  
Memo No. 34332 /SSD, Dt. 31.12.2014  
Copy sent to PA.ITDA, Phulbani for information and necessary action with reference to his letter No.2715 dt.20.12.2014.

*[Signature]*  
Commissioner- cum- Secy. to Govt.

6-27-14 135608/9-15-2014  
23/12/14  
FRA Cell 122  
Of put up in file  
22/12/14

Office of the Project Administrator, ITDA, Phulbani

No. 2715 Date. 20.12.14

To,  
The Asst. Director (Hdqs) ST&SC Dev. Deptt.  
Govt of Odisha,  
Bhubaneswar.

Sub: Enquiry report on the representation/ allegation of the President , Kui Kula Samiti , Baliguda under Kandhamal district regarding Irregularities in implementation of Forest Right Act, 2006 & Rules, 2007.

Sir,  
With reference to your letter No. 32299 dated. 28.11.2014 and kind orders of the Collector, Kandhamal , I have visited the Burlubaru village under Belghar GP of Tumudibandh block on dated. 18.12.2014. I conducted a detail enquiry on the allegations submitted by Sri Manoj Kumar Mallick , President , Kui kula Samiti, Baliguda . I am to submit herewith the findings of my enquiry report as follows:-

- 1) Bulubaru village Under Belghar GP is inhabited by 35 nos of Kutia Kandha Primitive Tribal Group families. Dulapadar is a hamlet village of Burlubaru. After implementation of Forest Right Act in Kandhamal district, individual forest right title is issued in favour of 52 nos. of Kutia Kandhs consisting of 166 plots.
- 2) Kutia Kandha traditionally grow Paddy, Finger millets, Kueri, Mustard seed, horse gram, turmeric, pulses and other millets on these lands. However forest deptt. have taken up the Teak plantation on the forest land , which was under traditional possession by the kutia Kondhs.

A cell.  
23-12-14  
S.O.

IFR titles have been issued since 2010. Even after issue of the title (forest department has done teak plantation out of non -JFM and 13<sup>th</sup> finance commission funds.

4) These villagers have alleged that the forest official do not recognize the forest right Act and they have forcibly done the teak plantation without obtaining consent from IFR title holders. They have engaged labourers from outside area for the teak plantation. Some IFR title holders have uprooted the planation from their conferred lands. On being asked, they stated that they don't have the clarity regarding ownership of the trees. The villagers of Burlubaru complained regarding the matter to Sri Manoj Kumar Mallick, President , Kui kula Samiti , who sent the representation to Chief Secretary -cum- Chairmen, SLMC , Odisha.

The detail list of title holders and no. of plots where teak plantation have been done is enclosed for your kind perusal. Also enclosed the written statement submitted by the villagers of Burlubaru which is self explanatory. It is my observation during the enquiry that there is very less agriculture land available in the area that is suitable for cultivation. These people solely depends on minor forest produce and cultivation of small swidden plots. Out of 166 plots conferred under FRA, Teak plantation is taken up in 49 no of plots by Forest Department.

Enclosed herewith a detail report submitted by the Vasundhara NGO to the Govt in ST & Sc Development Department related to the matter.

This is for favour of your kind information and necessary action  
Yours faithfully,  
*[Signature]*  
Project Administrator,  
ITDA, Phulbani

### Notes on Sources and Informants

1. Field Visit on August 1-2, 2019
2. Interaction with the Kutia Kondh community of Burlubaru
3. Detailed discussion with Ms Bhagyalaxmi Biswal, Ms. Basanti Majhi, Mr. Rajendra Jani, Mr. Madhava Jena

<sup>64</sup> Extracted from No 34332/ SSD, Dated Bhubaneswar the December 31, 2014 STSCD-FRA-RTI-0006-2014 and No. 2715, Dated 20.12.2014, Sub: Enquiry Report on the representation/allegation of the President, Kui Kula Samiti, Baliguda under Kandhamal district regarding Irregularities in Implementation of FRA, 2006 & Rules, 2007, Office of the PA, ITDA, Phulbani

# ODISHA

<b>Village:</b>	Dengajhari
<b>Mandal/Block:</b>	Ranapur
<b>District:</b>	Nayagarh
<b>State:</b>	Odisha

**ODISHA  
SITE 14  
Dengajhari**

## 14.1 Introduction to the Site

The Dengajhari case study demonstrates tribal women's leadership and initiatives in the protection of the forest. They are engaged in the Thenga Pali practices (a customary practice) for forest vigilance. A rampant felling of timber (illegally) in the year 1970 for meeting the demands of rapid industrialisation resulted negative externalities in this area – drying up of streams, shortages of forest based daily needs, livelihood of the women, etc. The women of the village observed inefficiency in the forest vigilance by the men and in order to cater the problem, they constituted a Mahila Committee with the help of NGO Vasundhara as a result the Sal forest in the hills as well as four streams was revived by the mid 1990s. The local community has also been successful in diverting the water from the stream for paddy cultivation since 2006. This has resulted in cultivation of at least one crop season every year.



## 14.2 Socio-Economic Profile of the Village

Dengajhari is a small revenue village located in Ranapur block of Nayagarh district in Odisha, 30 households and population of 176 (M: 91, F: 85) dominated by Kandha tribe and very few scheduled caste households (6 Pana households). The village is in the category of MADA. The net area sown of this village is 242.26 hectares. The forest land is within 33.5 hectares area whereas land under non- agricultural uses is 79.89 hectares. The total housing area of the village is 4 acres whereas the same for agriculture purpose is 100 acres. Religious places like Gadakeswar temple is found in 1 acre of land. Cremation ground for all communities is spread over 1 acre in the western corner of the village. They do not have a market place. It is situated 5 kms away from the village. There is no school in the village. The nearest school is located at a distance of 2 kms. So far as overview of forest land use is concerned, they have 5 acres of cultivation area, 10 acres of common area, apart from 2 streams and 2 ponds within the village boundary.

The literacy rate is 44.5 percent (female 34.6 percent and male 55.9 percent). All the villagers rely mostly on agriculture which includes collection of minor forest produce and agricultural labour work. They do not migrate in search of livelihood.

The nutrition level of the villagers is moderate. It is almost two meals on a daily basis, which consists of water-rice with some vegetables roasted on a fire. They are largely dependent upon the seasonal



leafy vegetables available in the forest. A major illness found in the village is TB. The village does not have its own medical facility. They have to travel a minimum of more than 10 km for institutional health care access. However an anganwadi worker along with ASHA workers are available at the village level to look after very minor issues related to health.

## People - Forest Relationships

As per the report of the Forest Enquiry Committee, Orissa, 1959, the list of reserved species available in Ranapur are sal, piasal, sisoo, bandhan, gambhari, amba, khair, kuchia, panas, karanj, karanj, harida bahara, anla, mohula, neem, bel, kusum, sunari, gundi, suam, asan, kurum, samu, sidha, kasi, palas, bharu, kengra, ghoralanjia, kendu, tinia, arjun. One can see the bonding and the kinship between the Kandha and the forest in Document 1.<sup>65</sup>

### Document 1: List of reserved species available in ex-State Ranapur

Rights and Concessions in Ranpur Ex-State	
Source: Report of the Forest Enquiry Committee, Orissa, 1959, Page No.- 138 & 139	
Grazing	.. Free
	(Ranpur ex-State)
Reserved species	.. (1) Sal, (2) Piasal, (3) Sisoo, (4) Bandhan, (5) Gambhari, (6) Khair, (7) Amba, (8) Kochila, (9) Panasa, (10) Karanj, (11) Harida, (12) Bahara, (13) Anla, (14) Mohula, (15) Neem, (16) Bel, (17) Kusum, (18) Sunari, (19) Gundi, (20) Suam, (21) Asan, (22) Kurum, (23) Samu, (24) Sidha, (25) Kasi, (26) Palas, (27) Bharu, (28) Kengra, (29) Ghoralanjia, (30) Kendu, (31) Tinia, (32) Arjun.
Nistar cess or other cesses.	Nil
In 'A' class R. Fs.--	
Timber	.. Kondhs of mal area allowed unreserved species free, reserved species at half rate for house building and agricultural implements, if not available in Khesra Forests.
Firewood	.. Free to Kondhs
Bamboo	.. Free to Kondhs
M. F. P.	.. Edible fruits, roots, leaves and creepers free to Kondhs
Grazing	.. No free grazing

The classification of forest area by legal status in Nayagarh District as on 20.07.2009 is given in Table 1.<sup>66</sup>

**Table 1: Classification of Forest in Nayagarh District of Odisha**

S.No	Classification of Forest	Area in Square Km
1	Reserved Forest	1301.99
2	Demarcated Protected Forest	188.03
3	Un-Demarcated Forest	135.58
4	Unclassified Forest	0.25
5	Other Forest	455.12
6	Total Forest Area	2080.97

65 Government of Orissa (1959): Report of the Forest Enquiry Committee, Orissa, 1959, pp. 138-39.

66 <http://censusindia.gov.in/2011census/dchb/DCHB.html>, Viewed on November 7, 2019.

S.No	Classification of Forest	Area in Square Km
7	Total Geographical Area	3890.00
8	Percentage of forest area to geographical area	53.50

The outstanding features of the flora of the district are the beautiful sal trees which constitute the principal species in the forest. The various types of deciduous and evergreen trees are mostly useful for building materials, for making of household furniture, cart and agricultural implements and for other domestic uses including firewood. Sal and sisoo trees are used for making household furniture. Similarly kendu trees provide extensive quantity of big leaves for bidi making. Trees like harida and bahada have medicinal properties and are used for making various ayurvedic medicines with widespread uses. The bark of asan tree also has medicinal properties and hence has medicinal uses. Flowers of sunari and kusum trees not only beautify the natural scenery of the district but these flowers are also used for decoration, dyeing and making of perfumes. Mahul flower is a good source of income for forest dwellers. Mahul flowers are used as sugar /glucose substitutes in food, they are also used as fodder and for distilling liquor. Kasi are common grasses used as forest cover. It is basically used for animal fodder and rope making. Jamun fruit is a popular food. The bark of kumbhi tree and the calices of its flowers are used for their medicinal properties. The branches of kurum trees are used for garden fencing.

The object of the present policy of the Government is to have at least one-third of the total land area under forest and to bring these forests under 'scientific' management. In pursuance of this policy the reserved forests have been governed under working plans since 1904 in Puri division and 1924 in Nayagarh division. During this period annual growth of the forests were calculated keeping the capital intact and improving the density and quality at various places by rigid protection and plantations. The extent of plantation of teak and casuarinas has gone up by 607 hectares annually. The old scrub forests are covered with natural tree growth, which meet the increasing demand for timber and firewood of the people. The large tracts of unreserved forests have been demarcated and are being worked under scientific management ensuring supply of forest produce in perpetuity. Nature has been very kind to the district by granting rainfall distributed practically throughout the year. And this aspect has been utilized in extending the forests and developing such areas, which contained only shrubs in the past. Governmental and non-government efforts to increase forest cover has resulted in decreasing pollution and creating a green belt in this region.

There was a time when dense forests and surroundings of this district were home to numerous wild animals of various species. But gradual decline of forests due to widespread deforestation, de-plantation (for unauthorized sale of timber), and unregulated hunting, the species of wild plants and animals have shown a drastic decline and are now endangered. Despite depletion in forest resources, the following animals are commonly sighted: elephant, sambar, spotted deer, barking deer, mouse deer, bison etc.; royal Bengal tiger, panther (leopard), wild bear, hyena, jackal, indian fox etc. rodents: porcupines, malbar, squirrel, indian giant squirrel, hare, rabbit etc; and civet, indian ant eater (bajrakapta).The Kandhas has been living on these lands of the village for the last 150 years. All the households largely depend upon agriculture and forest. They get one crop in the monsoon every year.They are both emotionally and physically attached to it.

### 14.3 Historical and Continuing Injustice: Potential and Performance of FRA

The FRC was formed in the village in 2008. Total members were 15 (men-10 and women-5). They did not do it in the prescribed manner - they sometimes constituted the committee without visiting the village, sometimes sitting in a school and sometimes by representing an individual view as the group view. Hence the selection was highly biased. During amendment in 2012, reconstitution of membership list was done where the eligible candidates (10 to 15 people with complete awareness) were included and 1/3rd were women. CFRMC has also been formed in the village. First protection committee was at the village level. After that FRC was formed with 15 members (both men and women). Some members were excluded as the number was fixed at 15. Basically management committee members were from FRC plus some members from outside. Sometimes they were all FRC. However, in this village, the women were active and involved in the protection of forest; all women were included in CFRMC. There was a pre-existing JFM committee/VSS in the village but after some time the villagers of Dengajhari submitted a resolution for its cancellation by the women's group to the forest department. Women from this village have started taking care of the forest since 1995. After obtaining consent through Gram Sabha, they sent the resolution to the forest department (copied to district administration) to cancel JFM/ VSS.

In this village 6 IFR and Community Right and one Community Forest Resource Right claims for title were filed by the adivasis. The IFRs are mainly in the names of the male members of the village. Six households cleared forest and have been using it before 2006 for cultivation (Land category: forest kism). Two households were engaged in cultivation but later on it was known that the kism of the land was Gochhar. Hence they did not apply their claims as they were not fulfilling the criteria. FRC invited the technical team (officers from Revenue & Forest Departments and the WEO) for the verification process. The WEO was responsible for coordinating the process and placing the case for joint verification with supporting evidence. After this WEO submitted it in SDLC for approval. After 7 days of the approval at SDLC level, they forwarded to the DLC by the DWO. He is the nodal person of both DLC and SDLC. IFR mapping was done by a retired Amin and RI. They prepared the trace map, which was verified by the technical team. Sometimes they use the GPS technique also. The Community Right claim and Community Forest Resource Right are pending at the SDLC. However, discrepancy was found from the district level on the official side. When WEO, after consulting with Gram Sabha, submitted the claims for verification at the forest department and requested them to attend on a particular date, informants reported that the officers deliberately avoid meetings and hence processes get inordinately delayed.

#### Democratic Process for Recognition of Rights: Compliance with FRA

The Dengajhari Gram Sabha was established at village level in the year 2008. All the adult members of the village are the members. They maintain the quorum of the meeting with more than 1/3rd women. The women actively participate in all the Gram Sabha meetings because they have been involved in all the processes related to the forest-protection and management. Every month they arrange Gram Sabha and discuss about the ongoing process – CFR/CRR titles, the status, etc. The Gram Sabha passed some resolution on the issue of

- Cancellation of VSS
- Close the CAMPA fund utilisation
- FRA rights both individuals and CFR/CRR titles

A very important aspect of FRA is to protect and manage the community forest. So any type of



However this activity will result in the destruction of natural and long standing trees and the community dependent on the natural vegetation for their survival for most of the year will lose their livelihood. It will largely hamper the livelihoods of the women.

Therefore through this resolution the villagers requested to the state authorities to include the opinion of the Gram Sabha for the better utilisation of the CAMPA fund.

This case study of Dengajhari is an illustration of the people's movement for conservation of their forest right up to the formation of a district level federation. It is also a good example of women's empowerment especially in terms of their assuming greater responsibility for forest protection in comparison with the men in the village.

### **Democratic Process for Recognition of Rights: Compliance with FRA**

Since, agriculture production is solely dependent on the arrival of monsoon in appropriate quantity, due to lack of alternate irrigation facilities, failure of monsoon carries high risk for agricultural production and high incidence of crop failure. The seasonal production from the forest is largely dependent upon the timely arrival of monsoon. In order to protect the village from harm, villagers perform different kinds of worship. For example they perform Girigobardhan Puja for rain and protection of the forest in August. They consume oil extracted from Mahua seed for more than 2 months. During that period they do not purchase oil from outside. They sell cashew and earn Rs. 5000 to Rs. 10000 annually. Every year they perform Siali Utsav on Devasnanapurnima. Siali leave provides a larger proportion of their livelihood. They earn Rs. 1000 per month per household on an average by selling plates made up of Siali leaves.

In 1970, there was rampant felling of timber to meet the demands of urbanisation and illegal transportation from the adjoining village with 31 households. This led to widespread consequences such as drying up of streams in the hills which affected farming downstream. There were frequent attacks by timber mafia on men from the village who tried to protect the hills. As the men began to lose hopes by the 1980s, the women brigade had stepped in<sup>68</sup>.

During the same time, Ranapur Federation, with the help of an NGO named Vasundhara, was engaged in conducting monthly meetings of the women from the member villages. The aim was to elicit better participation of women in the decisions related to forest protection. Women from Dengajhari regularly participated in such meetings. In one of such meetings, in the early 1990s, the women from Dengajhari had voiced their anguish about the illegal timber felling and smuggling as well as their concern for the safety of the men engaged in forest protection. The deliberations at the meeting led to the women coming forward to take on the responsibility of forest protection. It was also during the same time, on 26 October 1999<sup>69</sup>, around 200 people with 70 carts were seen entering the forest. The village men received no help from the forest department to stop them. The village women who had gathered at the village temple, divided themselves into two groups who were equipped with spades and other sharp weapons and stopped the contingent from entering the forest. The men with the contingent did not retaliate since they were aware that attacking tribal women would mean more trouble for them. The women then called for a meeting of the members of the federation with the forest officials. It was decided that the felled timber would be sold by the villagers and the resultant amount would be deposited in the village fund.

68 See Sahu, P R (2019): "Meet Sasi Maus: A Sentinel of Odisha Forest," *Down to Earth*, <https://www.downtoearth.org.in/news/forests/meet-sasi-mausi-a-sentinel-of-odisha-forest-66252>, Viewed on November 18, 2019.

69 See <http://kalpavriksh.org/wp-content/uploads/2018/07/Hindu-Dangejheri.pdf>, Viewed on November 18, 2019.

It was after this incident that women started to regularly patrol the forest. Maa Ghodadei Mahila Samiti, a committee consisting exclusively of women, was constituted with help from Vasundhara. Although the meetings about village protection are open to all villagers, women are the main decision-makers.

In a state like Orissa, where women's participation in decision-making is negligible, Dengajhari is among the few villages where even the monthly general body meetings of the Ranapur Federation are attended by women. The Federation has been a constant source of support and inspiration for these women.

**Photo 1: Meeting Place (Constructed by Women)**



### **Forest Vigilance by Women – Thenga Pali**

With regard to forest governance and protection, the village has a unique mechanism. The women are engaged in the *Thenga Pali* practice for forest vigilance. *Thenga Pali* originates from the words *Thenga* which means lathi and *pali* which means rotation. In a group of four, women patrol the forest and by evening they change the shift by placing the

Thengas in front of the houses that take over patrolling the next day. Rules for collection of forest resources are also spelt out by the women's committee. Since the population of the village is relatively small, there exist high levels of transparency and visibility which ensures that people abide by the rules. Timber is extracted only when it is required for agricultural or building purposes. A few other forest products such as date Palm leaves, Bamboo, etc. are extracted for crafting small articles, such as baskets, mats, grain stores, and so on. The commercial extraction of timber is strictly prohibited. Villagers collect only dry and fallen wood for use as fuel whereas economically poor families whose livelihoods are dependent on sale of firewood are also allowed to collect dry, fallen wood for sale. Hunting is strictly forbidden.

In the village there is clear demarcation of community and private land as well as revenue forest and reserve forest. The bamboo shoots available in the forest are rich in protein. The other species available include, wild mushrooms, spine gourds and bean vines as well as iron-rich spinach which is appropriate to fight anaemia, a major health concern for rural women and children. In fact, villagers are now proud that there are Elephants in the forests along with other wild animals. The village is entirely dependent on different water sources available within the village – pond, well, tube well and different small streams.

The local people of other villages were helping the timber mafia in smuggling the products. Dengajhari women caught hold of these locals and tied them to a tree in the village. Then the president and secretary of their respective forest protection committee considering that most villages have one) were intimidated and they had to appear to bail them out. The fee was determined based on their frequency of offence. Habitual offenders were charged more than who were first-timers; whereas poorer socio economic condition of the offender would mean lower amounts of fine.

The Sal forest in the hills as well as four streams was revived by the mid 1990s. In the hills one can still find several species such as mahul, mango, jamun, jackfruit, cashew nut, kendu, bamboo and varieties of medicinal plants. The minor forest produce is commercially exploited by the residents for their livelihood. The local community has also been successful in diverting the water from the stream for paddy cultivation since 2006 through the handholding of Vasundhara, a Bhubaneswar based NGO. This has resulted in cultivation of at least one crop season every year. There is no interference from the forest officials since they now realise that the forests are in safe hands, evident in the thriving wild life in once barren hills.

The relationship of the local community with adjacent villages is harmonious. Sharing of resources especially during death, puja and marriage takes place. They also decide on which trees and how many are to be felled. As far as different celebrations (of events) are concerned these are restricted to homes. However, they often meet and share forest related events and programmes. There were conflicts earlier but now there is no ongoing conflict in the village.

This case study of Dengajhari depicts the story of the people's movement for conservation of their forest right up to the formation of a district level federation. It is also a good example of women's empowerment especially in terms of their assuming greater responsibility for forest protection in comparison with the men in the village.

### **Notes on Sources and Informants**

1. Field visit on August 27, 2019
2. Interaction with the Kandha community of Dengajhari
3. Detailed discussion with Ms. Bhagyalaxmi Biswal and Mr. Madhav Jena



# ODISHA

<b>Village:</b>	Kaptapalle
<b>Mandal/Block:</b>	Nuagaon
<b>District:</b>	Nayagarh
<b>State:</b>	Odisha

**ODISHA  
SITE 15  
Kaptapalle**

## 15.1 Introduction to the Site

Kaptapalle depicts the story of people's movement against the government on the plantation of cashew on the land they have been historically using for their livelihood. After the FRA implementation, the villagers have been opposing the activities of the government especially in the matter of auction and sale of cashew, as well as control over forest produce. Here the women are engaged in the Thenga Pali practices (a customary practice) for forest vigilance. Prior to 1980, the villagers were largely dependent on the forest, but Soil Conservation Department persuaded them to plant cashew in these lands by promising them rights over the fruit. In good faith, the villagers allowed cashew plantations on their land, and protected and managed the cashew forest. However once the forest started bearing fruit, the government stepped in and arranged the auction disregarding the objections by the villagers. This resulted in the loss of traditional livelihoods. With the FRA implementation, the villagers have started opposing the activities of the government. This is a continuing struggle.



## 15.2 Socioeconomic Profile of the Village

Kaptapalle is a small revenue village located in Ranapur block of Nayagarh district in Odisha, with 38 households and population of 163 (M: 77, F: 86) dominated by Kui tribe and very few other households. The net area sown of this village is 111.77 hectares, which is totally unirrigated. The forest land covers 31.1 hectares whereas land under non-agricultural uses is 42.07 hectares. The total housing area of the village is 20 acres. Religious places like Gram Devi is found in 0.02 acre of land. Common area spreads over 30 acres of land where they grow cashew for their livelihood. Cremation ground for all communities occupies one acre. They do not have a market place. There is a school in the village occupying one acre of land. So far as overview of forest land use is concerned, they have 10 acres of cultivation area, and 10 acres of grazing pasture, apart from river, streams and ponds covering 2 acres of land within the boundary of the village. The village is in the category of MADA.

The literacy rate is 58.3 percent (female literacy is 27 percent). All the villagers rely mostly on agriculture which includes collection of minor forest produce and agricultural labour. More than



50 percent of the youth migrate to Kerala and Chennai in search of wage labour. They work there for 10 months and stay in the village for 2 months.

The nutrition level of the villagers is moderate. Most people eat two meals on a daily basis, which consists of water-rice with some vegetables roasted in fire. They are largely dependent upon the seasonal leafy vegetables available in the forest. A major illness found in the village is TB, apart from malaria and diarrhoea. The village does not have its own medical facility. However Anganwadi worker along with ASHA and ANM workers are available at the village level to look after very minor issues related to health.

## People - Forest Relationships

The classification of forest area by legal status in Nayagarh District as on 20.07.2009 is given in the following Table 1.<sup>70</sup>

**Table 1: Classification of Forest in Nayagarh District of Odisha**

S.No	Classification of Forest	Area in Square Km
1	Reserved Forest	1301.99
2	Demarcated Protected Forest	188.03
3	Un-Demarcated Forest	135.58
4	Unclassified Forest	0.25
5	Other Forest	455.12
6	Total Forest Area	2080.97
7	Total Geographical Area	3890.00
8	Percent of Forest area to geographical area	53.50

The outstanding features of the flora of the district are the beautiful Sal trees which constitute the principal species in the forest. The various types of deciduous and evergreen trees are mostly useful for building materials, for making of household furniture, cart and agricultural implements and for other domestic uses including firewood. Sal and sisoo trees are used for making household furniture. Similarly kendu trees provide abundance of big leaves for bidi making. Trees like harida and bahada have medicinal properties and are used for making various ayurvedic medicines with widespread uses. The bark of asan tree also has medicinal properties. Flowers of sunari and kusum trees not only beautify the natural scenery of the district but these flowers are also used for decoration, dyeing and making of perfumes. Mahul flower is a good income source for forest dwellers. Mahul flowers are used as sugar /glucose substitutes in food, they are also used as fodder and for distilling liquor. Kasi are common grasses that are forest cover. It is basically used for animal fodder and rope making. Jamun Fruit are used as food. The bark of kumbhi tree and the calices of its flowers are used for their medicinal properties. The branches of kurum trees are used for garden fencing.

<sup>70</sup> <http://censusindia.gov.in/2011census/dchb/DCHB.html>, Viewed on November 7, 2019

The object of the present policy of the Government is to have at least one-third of the total land area under forest and to bring these forests under scientific management. In pursuance of this policy the reserved forests have been demarcated under working plans since 1904 in Puri division and 1924 in Nayagarh division. During this period annual growth of the forests were calculated keeping the capital intact and improving the density and quality at various places by rigid protection and plantations.

The extent of plantation of teak and casuarinas has gone up by 607 hectares annually. The old scrub forests are covered with natural tree growth, which meet the increasing demand for timber and firewood of the people. The large tracts of unreserved forests have been demarcated and are being worked under scientific management ensuring supply of forest produce in perpetuity. Nature has been very kind to the district by granting rainfall distributed practically throughout the year. And this aspect has been utilized in extending the forests and developing such areas, which contained only shrubs in the past. Governmental and non-government efforts to increase forest cover has resulted in decreasing pollution and creating a green belt in this region.

There was a time when dense forests and surroundings of this district were frequently haunted by numerous wild animals of various types, causing fear. But gradual decline of forests due to widespread deforestation and de-plantation (for unauthorized sale of timber and 'podu' cultivation) associated with cruel and unregulated hunting, the species of wild plants and animals have been reduced to a deplorable extent creating many adversities. Informants opined that if sufficient strict protective steps are not adopted, time will come when many species of flora and fauna will be extinct. In spite of the steady deterioration in the population of fauna the following species of wildlife are common in Nayagarh district in decreasing number. Ungulates: elephant, sambar, spotted deer, barking deer, mouse deer, bison etc. carnivore: royal Bengal tiger, panther (leopard), wild bear, hyena, jackal, indian fox etc. rodents: porcupines, malbar, squirrel, indian giant squirrel, hare, rabbit etc. Other animals: civet, Indian ant eater (bajrakapta).

Kaptapalle receives more than 80 percent of the rainfall south-west monsoon. Since, agriculture production is solely dependent on the arrival of monsoon inappropriate quantity, due to lack of alternate irrigation facilities, failure of monsoon is often associated with high degree of risk for agricultural production and high incidence of crop failure. The seasonal production from the forest is largely dependent upon the timely arrival of monsoon. In order to protect the village from harm, they perform different kinds of worship. For example they perform Girigobardhan Puja for rain and the protection of the forest in August. They consume oil extracted from Mahua seed for more than 2 months. During that period they do not purchase oil from outside. They sell cashew and earn a handsome amount. They do Benguli (frog) dance for rain in the village. The main intention behind this puja is to have plenty of rain to protect their forests and livelihoods.

### **15.3 Historical and Continuing Injustice: Potential and Performance of FRA**

The FRC was formed in the village in 2008. Total members were 15 (men-10 and women-5). In 2008, the school teachers were involved in the formation of FRC. They did not conduct the proceedings in the prescribed manner proper way. Hence the selection was highly biased. During amendment in 2012, reconstitution of membership list was done where the eligible candidates (10 to 15 people with complete awareness) were included in the group, 1/3rd of them women. They do not have CFRMC in this village. There was a pre-existing JFM committee/ VSS in the village but the forest department is not active in the implementation of the JFM process.

In this village 18 IFR (14 male and 04 female claimants) and Community Right claims for title were

filed by the villagers. All of them received their IFR. FRC invited the technical team (officers from Revenue & Forest Departments and the WEO) for the verification of the process. The WEO is responsible for coordinating the process and take for joint verification with supporting evidence. After this WEO submitted it in SDLC for approval. After 7 days of the approval at SDLC level, they forwarded to the DLC by the DWO. He is the nodal person of both DLC and SDLC. IFR mapping was done by retired by the Amin and RI. They prepared the trace map, which was verified by the technical team. So far as Community Right is concerned, it has a pending status at the SDLC level. However, there was a discrepancy in the official district level records. When WEO, after consulting with Gram Sabha, submitted the claims for verification (verification level) at the forest department, the latter intentionally avoided attending the meeting on the date fixed, resulting in undue delay in the processes.

In Kaptapalle, the Gram Sabha was established at village level in the year 2008. All the adult members of the village are the members of it. They maintain the quorum of the meeting with more than 1/3rd women. The women participate in all the Gram Sabha meetings in a very active way because they have been involved in all the processes related to the forest- protection and management. Every month they arrange Gram Sabha and discuss about the ongoing process – CFR/ CRR titles, the status, etc. A very important aspect of FRA is to protect and manage the community forest. So any type of planning pertaining to the forest development activities has to be consented through the Gram Sabha. Here there is an issue related to cashew plantation for which the communities over here are getting harassed by the forest department. There is no conflict in the village. They take decision collectively. The conflict is only between the villager and the forest department so far as the cashew issue is concerned.

With regard to forest governance and protection, the village has a unique mechanism. The women are engaged in the *Thenga Pali* practice for forest vigilance. *Thenga Pali* originates from the words Thenga means lathi and pali mean rotation. In a group of four, women patrol the forest and by evening they change the shift by placing the Thengas in front of the houses that take over patrolling the next day. Rules for collection of forest resources are also spelt out by the women's committee. Since the population of the village is relatively small, there exist high levels of transparency and visibility which ensures that people abide by the rules. Timber is extracted only when it is required for agricultural or building purposes. A few other forest products such as date palm leaves, bamboo, etc. are extracted for crafting small articles, such as baskets, mats, grain stores, and so on. The commercial extraction of timber is strictly prohibited. Villagers collect only dry and fallen wood for use as fuel whereas economically poor families whose livelihoods are dependent on sale of firewood are also allowed to collect dry, fallen wood for sale. Hunting is strictly forbidden.

Before 1980, generally the villagers used to cultivate forest land within their village boundary and used to collect minor forest product like Sal Seed, Sal leave, Mahua seed, Mahua flower, etc and used to sell in the market. That was fetching a sound income to take care of their livelihood in a good manner. But Soil Conservation Department influenced these people to plant cashew in these land by promising them once the fruit would come, the villager would use it. As a result the villager gave the land and planted cashew in the land. After the plantation, they used to protect and manage the cashew forest. However once the forest started bearing fruit, the government stepped in and arranged for auction. The villagers objected but the forest department carried on their activities. As a result the people who used to cultivate the land in a traditional way lost their livelihood. But after the FRA implementation, the villagers started opposing the activities of the government. It is still continuing.

**Photo 1: Villagers of Kaptapalle Resisting Auction of Cashew**

They have sound relationship with the adjacent villages. They share the resources depending upon the urgency – death, puja, marriage and etc. The villagers decide about the trees to be cut and the volume of the trees to be cut. So far as celebrations of different events are concerned, they do it in the home. They meet people and share in forest related events and programmes.

### **FRA and Right on Cashew Production**

As per the FRA, the women of the village brought the issue of Cashew in their control. In spite of government's auction, they are also collecting the cashew keeping sight of their traditional rights. They have been collecting the cashew from the forest since 2008 onwards. They are waiting for their Community Right which they yet to receive. That is the main problem with them. In order to get the right on cashew, the villagers informed different officials at different point of time – District Collector, Ministry of Tribal Affairs, Chief Secretary, Chief Minister, Officials of Cashew Corporation, etc. In spite of their repeated requests to the authorities at every level, they have not yet received their Community Right.

In order to get the right on forest, the villagers conveyed to the government the decision taken from the Gram Sabha but they are yet to receive any recognition in this regard. The officers from the concerned departments are not at all extending their co-operation in this aspect. The people involved in the auction are threatening the villagers as a result the villagers are losing their courage to face the situation.

This case study of Kaptapalle depicts the story of people's movement against the government on the plantation of cashew on the land they have been historically using for their livelihood. But after the FRA implementation, the villagers started opposing the activities of the government especially in the matter of auction and sale of cashew, as well as control over forest produce. It is still continuing.

### **Notes on Sources and Informants**

1. Field visit on August 28, 2019
2. Interaction with Kui community of Kaptapalle
3. Detailed discussion with Ms. Bhagalaxmi Biswal, Mr. Sashibhusan Mansingh



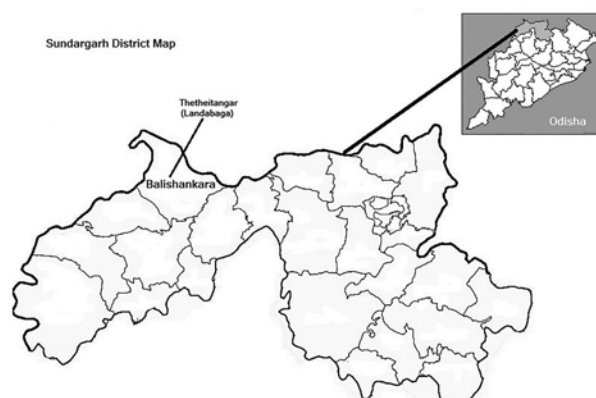
# ODISHA

<b>Village:</b>	Theeheitangar (Landabaga)
<b>Mandal/Block:</b>	Balisankara
<b>District:</b>	Sundargarh
<b>State:</b>	Odisha

**ODISHA  
SITE 16  
Landabaga**

## 16.1 Introduction to the Site

The Landabaga case study is a classic example of rejection of IFR cases of already sanctioned claims. In this village 110 IFR, Community Right and Community Forest Resource Right for title were filed by the people in 2008 and out of the total of 110 claims applied, 86 claimants received the title. The surprise is on June 2019, the villagers got information about the rejection of 30 already sanctioned IFR claims. On June 26-27 of 2019 the SDLC called all the rejected claimants for hearing to check their documents once again. The basis of rejection was lack of evidence/ proof and that the rejection had happened at the Gram Sabha level (according to SDLC). The claimants received information from the SDLC just 3 days back to be present there before the Tehsil of Balisankara, which is clearly a violation of the FRA. The Athkosia Adivasi Ekta Manch working for these adivasis intervened in the right time and requested SDLC to produce the to produce the proceedings of the Gram Sabha conveying the message of rejection of the claims for lack of evidence proof before the Manch. SDLC failed in showing it. So the Manch presented a petition opposing the hearing and the hearing was cancelled. The Community Right and Community Forest Resource Right claims are also in a pending stage.



## 16.2 Socioeconomic Profile of the Village

Landabaga is a hamlet of Tithetangar village located in Balisankara block of Sundargarh district of Odisha. The village Tithetangar has 153 households with population of 616 (M: 305, F: 311). The total population of Landabaga is 160 (M: 75 and F: 85), dominated by Oran and Khadia tribe and has very few scheduled caste households (Ganda households with a population 15 only). The village is in a Scheduled Area. The net area sown of this village is 984.62 acres in the forest. Religious place is found in 0.35 acre of land where as the same is 0.25 acre for cremation ground in the forest. There is a cremation ground for all communities in more than one acre in the outskirt of the village. The village has 500 hectares of forest as per the 1956-57 declaration on which the villagers collect their minor forest produce. The village largely depends upon small streams, open wells and tubewells for their day to day water requirements.

Village literacy rate is 66.9 percent and the Female Literacy rate is 31.7 percent. All the villagers rely mostly on agriculture and agricultural labour work. Apart from this they draw their livelihood by working as non-agricultural wage labour. This village is largely dependent upon collection of minor

forest produce for their survival. Many girls migrate to Mumbai to earn their livelihood where as the boys go to Bengaluru and Goa to engage in fishing market and remain there for ten months. After that they return to the village.

The nutrition level of the villagers is relatively better. They have three meals on a daily basis, which consists water rice, vegetables, forest based mushroom, leafy vegetables, roots, fruits like Tendu, Mahua and Char. They are largely dependent upon these forest based products for more than six months. They consume oil extracted from Mahua seed for more than 6 months. During that period they do not purchase oil from outside.

One of the major ailments found in the village is malaria apart from common cold and fever. It does not have its own medical facility. For each and every case they have to travel a minimum of 16 km. ASHA workers are there to look after minor issues related to health. They have their own Anganwadi Centre in the village.

### People - Forest Relationships

The district falls under peninsular Sal type and dry deciduous mixed forest as per Champion's classification of flora of India<sup>71</sup>. The sal is the principal timber tree throughout the area. The surface of the plateau land between the valleys, where level, is often bare and rocky, but where undulating is usually clothed with many climbers. Sal (*Shorea robusta*) is gregarious and among other noteworthy trees are Asan (*Terminalia*), Bija or Piasal (*Pterocarpus*), Gambhari (*Gmelina*), Kusum (*Schleichera*), Mahua (*Bassia*), Sunari (*Casia*), Kendu (*Diospyros*), Khair (*Acacia*), Bandhan (*Ougeinia*). Mango is commonly found in all forests. A large number of edible and indigenous drug trees are also found. The conspicuous shrub is Kurdu (*Gardenia*). The principal grass Sabai or Panasi is used for paper pulp, rope-making and also used as fodder in young stage.

The district is the abode of numerous big and rich varieties of animal lives in keeping with the extensive and splendid forests. The elephant is fairly numerous and are mostly seen in the village. They usually move in herds. The wild buffaloes are also found. Among the principal Carnivore, may be mentioned, are Wild-dog, Jackal and Fox. The jungle cats, common gray mongoose, jackal, common fox are chiefly found in most of the area. The giant squirrels, common striped squirrel (*Gunduchi*), giant flying squirrel, porcupine (*Jhinka*), are mostly found in the district. The common Indian bear is found all over the forests generally in caves in the hot and wet weathers and in heavy grass and bushes during the cold. It feeds chiefly on the Mahua flowers, barriers and white ants. They are a menace to sugarcane and maize. The Hanuman and Bandar are mostly found. The fair numbers of game birds are met within the district. Mayura, the National Bird of India, is numerous. Various species of snakes are found in the district. In the large deep pools of the rivers, water reservoirs and tanks the species of fish like Rohi, Mirikali, Bhakur, Sala and Balia are available.

The people of this village have been staying in this village for the last 75 to 80 years (from the time the village was established). Apart from agriculture the people are largely dependent upon the forest. They are both emotionally and physically attached to it. Landabaga receives more than 80 percent of the rainfall south-west monsoon. Since, agriculture production is solely dependent on the arrival of monsoon in appropriate quantity, due to lack of alternate irrigation facilities, failure of monsoon entails risk for agricultural production and high incidence of crop failure. The seasonal production from the forest is largely dependent upon the timely arrival of monsoon. But unlike other villages surveyed, the villagers in Landabaga do not perform any kind of worship to ensure good monsoons or crop productivity.

71 District Census Handbook Sundargarh 2011- Village and Town Directory, Directorate of Census Operations Odisha.

## 16.3 Historical and Continuing Injustice: Potential and Performance of FRA

The Gram Sabha has been formed a FRC at the hamlet level. For the creation of the committee, a notice was made from the Gram Panchayat and in the presence of Sarpanch and Executive Officer, it was constituted. Through the Gram Sabha 15 members got selected (among them one is editor and one is President). Ten male and 5 female members are there in the FRC. This village do not have a CFR Management Committee or a VSS.

### Vulnerability in the FRA Process

In this village 118 IFR and Community Right claims for title were filed by the people in 2008, where the Gram Sabha passed 110 claims (102 ST and 8 OTFD) and rejected 8 claims as those people could not identify their own land. The Gram Sabha sent notice to the Forest and Revenue department for the joint verification of the applications for the titles. During the verification, they came with a GPS machine to locate the land and the identification process went on. The villagers did not know the significance of this machine. They only knew that the officers came for the verification wrote some numbers. They took the details of the boundary of the village. On enquiry from some people who understood the process, they were quite apprehensive about the method. As per their knowledge, GPS method works perfectly in plains areas. Landabaga is a hilly area. So they were quite doubtful about accuracy of the machine. The IFR mapping and demarcation of customary boundary was done by a retired Amin and the villagers. During this process, the Amin took a huge amount of bribe from these people (i.e. at the rate Rs 1000 per household). The people spent around Rs 48,000 to 50,000 for providing to good food to the forester and RI. They pooled this money from among themselves from their hard earned income.

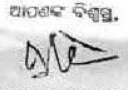
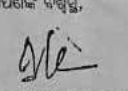
### Rejections of Sanctioned IFR Claims

Out of the total of 110 claims applied, 86 claimants received the title and the rest 24 claimants are waiting for their titles (pending status). On June 2019, the villagers got information about the rejection of 30 already sanctioned IFR claims. There is no information about the rest of the 24 IFR claims. On June 26-27 the SDLC called all the rejected claimants for hearing to check their documents once again. The basis of rejection was lack of evidence/ proof and that the rejection had happened at the Gram Sabha level (according to SDLC). The villagers were confused about the carelessness of the SDLC regarding this, because the question was raised on already sanctioned claims. Many cases are documented, where SDLC has not mentioned the cause of rejection. They simply sent the letter to the claimants (Document 1). The total claimants called for investigation were 338 in only 2 days. The claimants received information from the SDLC just 3 days back to be present there before the Tehsil of Balisankara. The gestation period of receiving the information and their presence in the office of the Tehsildar is just 3 days. Claimants were quite confused about the process.

### Intervention of Athkosia Adivasi Ekta Manch

The adivasis of Balisankara are associated with an institution called "Athkosia Adivasi Ekta Manch". They discuss all their problems the institution. During the of hearing the representatives of the Manch reached there and questioned the officials present there in the SDLC (Sub-collector, ACF from Forest Department, ITDA nodal officer, the head clerk dealing the FRA 2006 cases and few other clerks). They wanted SDLC to produce the proceedings of the Gram Sabha conveying the message of rejection of the claims for lack of evidence proof before the Manch. SDLC failed in showing it. So the Manch requested chairman of SDLC to be present there in the next day and they presented a petition opposing the hearing and the hearing was cancelled. The CFR claim is also in a pending stage. There is no information about it.

Document 1: Letter<sup>72</sup> of SDLC to the Claimants

ଉପ-ଜିଲ୍ଲାପାଳଙ୍କ କାର୍ଯ୍ୟାଳୟ, ସଦର, ସୁନ୍ଦରଗଡ଼	ଉପ-ଜିଲ୍ଲାପାଳଙ୍କ କାର୍ଯ୍ୟାଳୟ, ସଦର, ସୁନ୍ଦରଗଡ଼
ପତ୍ର ସଂଖ୍ୟା: ...../ତାରିଖ: .....	ପତ୍ର ସଂଖ୍ୟା: ...../ତାରିଖ: .....
ପ୍ରାପ୍ତକୃତ୍ୱ:	ପ୍ରାପ୍ତକୃତ୍ୱ:
ନିକଟସ୍ଥ ନାମ: <u>ଉପ-ଜିଲ୍ଲାପାଳଙ୍କ କାର୍ଯ୍ୟାଳୟ, ସଦର, ସୁନ୍ଦରଗଡ଼</u>	ନିକଟସ୍ଥ ନାମ: <u>ଉପ-ଜିଲ୍ଲାପାଳଙ୍କ କାର୍ଯ୍ୟାଳୟ, ସଦର, ସୁନ୍ଦରଗଡ଼</u>
ପିଲା: <u>ଉପ-ଜିଲ୍ଲାପାଳଙ୍କ କାର୍ଯ୍ୟାଳୟ, ସଦର, ସୁନ୍ଦରଗଡ଼</u>	ପିଲା: <u>ଉପ-ଜିଲ୍ଲାପାଳଙ୍କ କାର୍ଯ୍ୟାଳୟ, ସଦର, ସୁନ୍ଦରଗଡ଼</u>
ବିଷୟ: ଅନୁସୂଚିତ ଜନଜାତି ଓ ପାରମ୍ପରିକ ଜଙ୍ଗଲ ଅଧିକାର ସ୍ୱାଧୀନ ଓ ସଂଶ୍ଳେଷିତ ନିୟମାବଳୀ ଅନୁସାରେ ଦାଖଲ କରାଯାଇଥିବା ଆବେଦନର ବାତିଲ କିମ୍ବା ପରିବର୍ତ୍ତନ ଆବେଦନ ଉପରେ ପୂର୍ବ ନିଶ୍ଚୟ ନିମନ୍ତେ ସ୍ୱପ୍ନେତ୍ର ଶୁଣାଣି ପାଇଁ ନୋଟିସ୍ ।	ବିଷୟ: ଅନୁସୂଚିତ ଜନଜାତି ଓ ପାରମ୍ପରିକ ଜଙ୍ଗଲ ଅଧିକାର ସ୍ୱାଧୀନ ଓ ସଂଶ୍ଳେଷିତ ନିୟମାବଳୀ ଅନୁସାରେ ଦାଖଲ କରାଯାଇଥିବା ଆବେଦନର ବାତିଲ କିମ୍ବା ପରିବର୍ତ୍ତନ ଆବେଦନ ଉପରେ ପୂର୍ବ ନିଶ୍ଚୟ ନିମନ୍ତେ ସ୍ୱପ୍ନେତ୍ର ଶୁଣାଣି ପାଇଁ ନୋଟିସ୍ ।
ମହୋଦୟ,	ମହୋଦୟ,
ଅନୁସୂଚିତ ଜନଜାତି ଓ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ଜଙ୍ଗଲ ଅଧିକାରୀ (ଜଙ୍ଗଲ ଅଧିକାର ସ୍ୱାଧୀନ ଓ ସଂଶ୍ଳେଷିତ ନିୟମାବଳୀ ୨୦୧୨ ର ଧାରା ୧୨(କ) ଉପଯୋଗୀ ଏବଂ ୧୦ ଅନୁଯାୟୀ ଆପଣଙ୍କୁ ଜଣାଇ ଦିଆଯାଉଅଛି ଯେ ଆପଣ ଦାଖଲ କରିଥିବା ବ୍ୟକ୍ତିଗତ ଜଙ୍ଗଲ ଅଧିକାର ବାଦି ଆବେଦନଟି ନିମ୍ନୋକ୍ତ କାରଣ ନିମନ୍ତେ ବାତିଲ କରାଯାଇଛି ।	ଅନୁସୂଚିତ ଜନଜାତି ଓ ଅନ୍ୟାନ୍ୟ ପାରମ୍ପରିକ ଜଙ୍ଗଲ ଅଧିକାରୀ (ଜଙ୍ଗଲ ଅଧିକାର ସ୍ୱାଧୀନ ଓ ସଂଶ୍ଳେଷିତ ନିୟମାବଳୀ ୨୦୧୨ ର ଧାରା ୧୨(କ) ଉପଯୋଗୀ ଏବଂ ୧୦ ଅନୁଯାୟୀ ଆପଣଙ୍କୁ ଜଣାଇ ଦିଆଯାଉଅଛି ଯେ ଆପଣ ଦାଖଲ କରିଥିବା ବ୍ୟକ୍ତିଗତ ଜଙ୍ଗଲ ଅଧିକାର ବାଦି ଆବେଦନଟି ନିମ୍ନୋକ୍ତ କାରଣ ନିମନ୍ତେ ବାତିଲ କରାଯାଇଛି ।
୧. ଅଣ ଜଙ୍ଗଲ ବିସମ୍ମାନ କମି ପାଇଁ ଆବେଦନ କରିଛନ୍ତି	୧. ଅଣ ଜଙ୍ଗଲ ବିସମ୍ମାନ କମି ପାଇଁ ଆବେଦନ କରିଛନ୍ତି
୨. ଜଙ୍ଗଲ କମି ଦଖଲ କରୁନାହାନ୍ତି	୨. ଜଙ୍ଗଲ କମି ଦଖଲ କରୁନାହାନ୍ତି
୩. ପର୍ଯ୍ୟାପ୍ତ ପ୍ରମାଣ ଅଭାବ	୩. ପର୍ଯ୍ୟାପ୍ତ ପ୍ରମାଣ ଅଭାବ
୪. ଅନ୍ୟାନ୍ୟ	୪. ଅନ୍ୟାନ୍ୟ
ଜଙ୍ଗଲ ଅଧିକାର ସଂଶ୍ଳେଷିତ ଉପଖଣ୍ଡ ଟିଭିଏ କମିଟି ଦ୍ୱାରା ବାତିଲ ଆବେଦନର ପୂର୍ବ ନିଶ୍ଚୟ । ବିଚାର ପାଇଁ ସ୍ୱପ୍ନେତ୍ର ଶୁଣାଣି ତା. ୨୫/୧୧/୧୯ ପୂର୍ବରୁ/ ଅପରାହ୍ନ ୧୦ ଘଟିକା ସମୟରେ କାର୍ଯ୍ୟାଳୟରେ ହେବ । ଆପଣ ଉପରୋକ୍ତ ସ୍ଥାନରେ ଉପସ୍ଥିତ ରହିବାକୁ ଜଣାଇ ଦିଆଯାଇଛି । ଯଦି ଆପଣଙ୍କ ନିକଟରେ ବାକି ସମସ୍ତ କୌଣସି ନିର୍ଦ୍ଦିଷ୍ଟ ଆବେଦନ ଶୁଣାଣି ସମୟରେ ଦାଖଲ କରିବାକୁ ଅନୁରୋଧ ।	ଜଙ୍ଗଲ ଅଧିକାର ସଂଶ୍ଳେଷିତ ଉପଖଣ୍ଡ ଟିଭିଏ କମିଟି ଦ୍ୱାରା ବାତିଲ ଆବେଦନର ପୂର୍ବ ନିଶ୍ଚୟ । ବିଚାର ପାଇଁ ସ୍ୱପ୍ନେତ୍ର ଶୁଣାଣି ତା. ୨୫/୧୧/୧୯ ପୂର୍ବରୁ/ ଅପରାହ୍ନ ୧୦ ଘଟିକା ସମୟରେ କାର୍ଯ୍ୟାଳୟରେ ହେବ । ଆପଣ ଉପରୋକ୍ତ ସ୍ଥାନରେ ଉପସ୍ଥିତ ରହିବାକୁ ଜଣାଇ ଦିଆଯାଇଛି । ଯଦି ଆପଣଙ୍କ ନିକଟରେ ବାକି ସମସ୍ତ କୌଣସି ନିର୍ଦ୍ଦିଷ୍ଟ ଆବେଦନ ଶୁଣାଣି ସମୟରେ ଦାଖଲ କରିବାକୁ ଅନୁରୋଧ ।
ଆପଣଙ୍କ ବିଶ୍ୱସ୍ତ,	ଆପଣଙ୍କ ବିଶ୍ୱସ୍ତ,
	
ଉପ-ଜିଲ୍ଲାପାଳ-୧/ଆ-ଅଧ୍ୟକ୍ଷ ଉପଖଣ୍ଡ ସ୍ୱରାୟ କ	ଉପ-ଜିଲ୍ଲାପାଳ-୧/ଆ-ଅଧ୍ୟକ୍ଷ ଉପଖଣ୍ଡ ସ୍ୱରାୟ କମିଟି,
ସଦର, ସୁନ୍ଦରଗଡ଼	ସଦର, ସୁନ୍ଦରଗଡ଼

In Landabaga, the Gram Sabha was established at hamlet level in the year 2008. All the adult members of the village are the members of it (Total: 120 – male: 50; female: 70). The sad part related to the functioning of the Gram Sabha in this village is that it was very much active between the years 2008 to 2017 with the intervention of the local NGO called CIRTD. After 2017, they are not convening the Gram Sabha at all. During that time they used to maintain the quorum of the meeting with more than 1/3rd women. They used to participate in all the Gram Sabha meetings in a very active way. They discussed about the FRA in the Gram Sabha (about the claimants). The Gram Sabha acted independently. The examples are plenty – protection without fear, self declaration through PATHARGADA, filing RTI, closely association with Athkosia Adivasi Ekta Manch, etc. But claimants are ignorant about the details of the verification process, the procedures followed in the rejection process, etc. Even the processes followed in the rejection of claims were found absurd. Institutional mechanisms interms of committee under FRA was very rich in this district. In 2008 SDLC, DLC and SLMC were constituted with 6 members each in SDLC and DLC and 16 to 18 members in SLMC. However claimants do not have any trust on the mechanisms. An RTI was filed to know about the status of claims of this block from SDLC (settled claims vs rejected claims) and they clearly indicated no information about the question raised (red portion in the report) in their answer. A big question arises here: the information about the rejection of claims to the RI came from the SDLC in spite of not having any information about the status of the claims. Hence one can see a gap between the policy and the practice.

72 Letters issued from SDLC to the Claimants of Balishankara Blocks Indicating the Rejections of Claims.



## Document 2: RTI Report of Balisankara Block of Sundargarh

କ୍ରମିକ ସଂଖ୍ୟା	ପ୍ରଶ୍ନ	ଉତ୍ତର
୧	୨୦୦୯ରୁ ୨୦୧୯ ମଧ୍ୟ ପର୍ଯ୍ୟନ୍ତ SDLC ଓ DLC ରେ କେତୋଟି ଡିଫେଣ୍ଡେଣ୍ଟ ହୋଇଛି, ଏହାର ବିବରଣୀ ପ୍ରଦାନ କରନ୍ତୁ	(କ) ୨୦୦୯ରୁ ୨୦୧୯ ମଧ୍ୟ ପର୍ଯ୍ୟନ୍ତ SDLC ବଣାଇଗେ ଗାଁ ରୋଡ୍ ଡିଫେଣ୍ଡେଣ୍ଟ ହୋଇଛି ଓ ତାହାର ତଥ୍ୟ ପର ପୃଷ୍ଠାରେ ସଂଲଗ୍ନ କରାଯାଇଛି (ଖ) ୨୦୦୯ରୁ ୨୦୧୯ ମଧ୍ୟ ପର୍ଯ୍ୟନ୍ତ DLCରେ ହୋଇଥିବା ଡିଫେଣ୍ଡେଣ୍ଟଙ୍କର ନାମ ଓ ଠିକଣା ନାହିଁ
୨	ସୁନ୍ଦରଗଡ଼ ଜିଲ୍ଲାର ବାରିପଦା ବ୍ଲକ୍ରେ କେତେକଟି ଶିଳୋନାମା ପ୍ରଦାନ କରାଯାଇଛି ଏବଂ କେତେକଟି ବିଆଇଆଇନାହିଁ ଏହାର ବିବରଣୀ ପ୍ରଦାନ କରନ୍ତୁ	ଏ ସମ୍ବନ୍ଧରେ ତଥ୍ୟ ପତ୍ର କାର୍ଯ୍ୟାଳୟରେ ଉପଲବ୍ଧ ନାହିଁ

Yours faithfully  
Subhendu Kumar Das  
SUBHENDU KUMAR DAS  
D.A., F.R.A. Section  
O/o The Sub-Collector, Bonai

Date: 07/06/2019

Encl.: As above (02 nos. of sheets)

**Democratic Process for Recognition of Rights: Compliance with FRA**

Landabaga is a Scheduled village. As per the PESA Act, the villagers used to do all kinds of development related work by receiving the consent of the Gram Sabha/Palle Sabha e.g. road, hand pump, etc. From the year 2000, the villagers started protecting the forest. Before that the other villagers used to destroy it as a result, there was a considerable reduction in the minor forest produce for the villagers. When these people started taking care of the protection of the forest, it took the shape of big conflict between these villagers and the people from other surrounding areas. Unmindful about the consequences they persisted with their work. The same activities have been continuing after the FRA 2006 also.

**Thenga Pali and Pathar Gada for Forest Protection**

In order to make the process more sound and sustainable they adapted the method self declaration through PATHAR GADA. They did it by following procedures and methods adopted in FRA 2006 and PESA. Every day a group of men patrol the forest, and by the evening the thengas or batons are placed in front of the houses that should take over patrolling the next day. The villagers have also laid down certain rules for the protection of the forest and i.e. PATHAR GADA. As per the process, they put a big stone at the entry of their village and have written the main rules and regulations about the forest law. The main important points written in the stone are:

- Permission from the Gram Sabha is a must for any kind of development work within the forest (as per PESA);

- Collection of minor forest produce (FRA 2006).

On enquiry, they informed that they learnt this method from the neighbouring village and found it sound for the protection of forest. They visited that village and discussed the process and method with the experienced people and then adapted the same in their village. The small population of the village, which makes for a high amount of transparency and visibility of each other's activities, ensures that people abide by the rules. Timber is extracted only when it is required for agricultural or building purposes. There are instances in the village where they caught people cutting wood illegally and made complaint against them in the forest office. For fuel wood, villagers are allowed to collect dry and fallen wood only. Poor families dependent on firewood sale for survival are also allowed to collect dry, fallen wood for sale. Hunting is strictly forbidden. Commercial extraction of timber too is strictly prohibited. They have sound relationship with the adjacent villages. They share the resources depending upon the urgency – death, puja, marriage and etc. The villagers decide about the trees to be cut and the volume of the trees to be cut.

The villagers do not have sound relationship with the forest department. The net outcome of this kind of relationship is conflict. For the sake of plantation, the forest department forcefully planted trees like teak on their agricultural land. As a result the collection of minor forest produce has reduced to a large extent. Consultation was completely absent in the entire process (neither with the villagers nor with the Gram Sabha). The villagers were in favour of natural plants like Mahua, Char, Tendu, Sal, etc. Another very important issue that emerged during the discussion was the destruction of other trees because of the plantation of teak wood. The insects from the teak plants kill the other plants easily and it is happening here too. Landbaga is completely a forest village. They cultivate in the forest and collect their minor forest produce in the forest. Hence they are incurring loss in both ways – destruction of crops in the field and destruction of trees in the forest. Many a time the officers of the forest department threaten them to go for plantation on their agricultural land.

Gram Sabha as the only important instrument for proper functioning of FRA, is found to be relatively active so far as FRA is concerned. Discrepancies are many and found among the state agency – without following the components of FRA, demanding bribe from the poor people for joint verification and mapping activities, sending rejection letter without having the proceeding of Gram Sabha and repeated threatening of the forest department for plantation in their agricultural land.

### **Notes on Sources and Informants**

1. Field Visit on August 17-20, 2019
2. Interaction with the Oran and Khadia communities of Landabaga
3. Detailed discussion with Mr. Nata Kishore Mishra, Mr. Supriyan Xaxa, Ms. Ahalya Sa



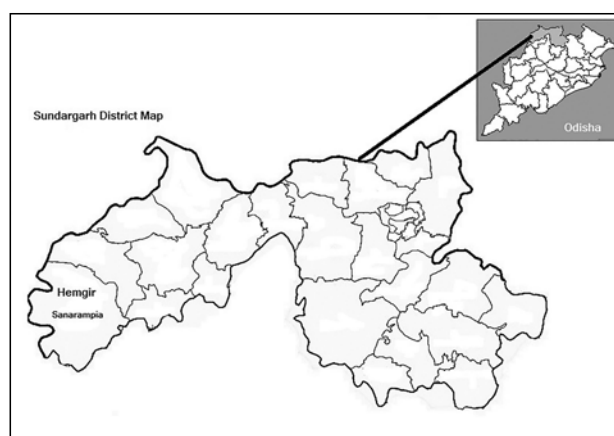
# ODISHA

<b>Village:</b>	Sana Rampia
<b>Mandal/Block:</b>	Hemgir
<b>District:</b>	Sundargarh
<b>State:</b>	Odisha

**ODISHA  
SITE 17  
Sana Rampia**

## 17.1 Introduction to the Site

The Sana Rampia case study is a case of rejection of claims at the Gram Sabha level after 11 years of submission of application. On June 2019, the villagers got information about the rejection of 20 IFR claims (out of a total of 25 IFR applications). The state agency did not follow the FRA 2006 properly. A written communication was not made to the claimants regarding the reasons of rejection. In fact the RI wrote the names of 20 claimants in a plain paper and sends this with somebody to be



present before the Tehsildar within 2 days. They hardly got any time to interact with the officers regarding the reasons of the rejection as the office was over crowded with claimants. Gram Sabha as the only important mechanism for proper functioning of FRA, is found to be ineffective. Till a local NGO was with them, they were somehow active. They became idle after the withdrawal of the NGO. When it was active also, it did not act independently. The examples are plenty – plantation by forest department, activities of OGPTL, misusing the forest by the adjacent villagers and the forest department and now the information about the rejection of claims at the Gram Sabha level from the SDLC. All these activities happened without the consent of the Gram Sabha. Even the processes followed in the rejection of claims were found absurd.

## 17.2 Socioeconomic Profile of the Village

Sana Rampia is a small revenue village located in Hemgir block of Sundargarh district of Odisha with total of 33 households with population of 135 (M: 61, F: 74) dominated by Khadia and Bhuyan tribe and very few scheduled caste households (6 Pana households). The village is in a Scheduled Area. The area of the village is 135 hectares. The net area sown in this village is 116.35 hectares. The forest land is within 5.1 hectares area where as land under non- agricultural uses is 6.69 hectares. Permanent pasture and other grazing land are 6.86 hectares and it is nearer to the forest. The grazing pastures in the forest are 100 hectares. The total housing area of the village is 6.40 acres. Religious place is found in 0.20 acre of land where as the same is 0.08 acre within the village. There is a cremation ground for all communities spreading over more than one acre in the outskirts of the village. They do not have a market place. The village has primary school (class 1 to 5) is there within the village and the land demarcated for it is 0.30 acre. The villagers collect the minor forest produce within 500 hectares of forest. The village has a large stream outskirts of the village.

Sana Rampia village has lower literacy rate compared to Odisha. In 2011, literacy rate of Sana Rampia village was 55.6 percent compared to 72.9 percent of Odisha. In Sana Rampia male literacy stands at 67.3 percent while female literacy rate was 44.6 percent. All the villagers rely mostly on agriculture which includes collection of minor forest produce and agricultural labour work. Apart from this they draw their livelihood by working as non-agricultural wage labour. There is no migration in this village.

The nutrition level of the villagers is relatively better. It is almost three meals on a daily basis, which consists up water rice, vegetables, forest based mushroom, leafy vegetables, roots, fruits like Tendu, Mahua and Char. They are largely dependent upon these forest based products for more than 6 months. They consume oil extracted from Mahua seed for more than 2 to 3 months. During that period they do not purchase oil from outside.

One of the major ailments found in the village is malaria apart from common cold and fever. It does not have its own medical facility. They travel a minimum of 8 to 10 km for basic health care access. ASHA workers are available within 3 to 4 kms to look after very minor issues related to health.

### People - Forest Relationships

The Zamindari forests of Hemgir<sup>73</sup> (under which the village comes) did not come under the Government control initially because of some disputes regarding compensation etc. From May 5, 1950 to December 18, 1951, these forests remained under Government management which was later discontinued. Between December 18, 1951 to May 31, 1953, both parties restrained in respect of collection. Government took possession of the Zamindari on 4-3-1963 (the date of vesting being 15-6-1957) and Hemgir Forest Department was transferred to the control of the DFO, Sundargarh on 1st December 1964.

The district falls under peninsular sal type and dry deciduous mixed forest as per Champion's classification of flora of India.<sup>74</sup> Sal is the principal timber tree throughout the area. The surface of the plateau land between the valleys, where level, is often bare and rocky, but where undulating is usually clothed with many climbers. Sal (*Shorea robusta*) is gregarious and among other noteworthy trees are Asan (*Terminalia*), Bija or Piasal (*Pterocarpus*), Gambhari (*Gmelina*), Kusum (*Schleichera*), Mahua (*Bassia*), Sunari (*Casia*), Kendu (*Diospyros*), Khair (*Acacia*), Bandhan (*Ougeinia*). Mango is commonly found in all forests. A large number of edible and indigenous drug trees are also found. The conspicuous shrub is Kurdu (*Gardenia*). The principal grass Sabai or Panasi is used for paper pulp, rope-making and also used as fodder in young stage.

The district is the abode of numerous big game and rich varieties of animals lives inhabit these extensive and splendid forests. The elephant is fairly numerous and are mostly seen in the village. They usually move in herds. The wild buffaloes are also found. Among the principal carnivores are Wild-dog, Jackal and Fox. The jungle Cats, Common Gray Mongoose, Jackal, Common Fox are found in most of the area. The Giant Squirrels, Common Striped Squirrel (*Gunduchi*), Giant Flying Squirrel, Porcupine (*Jhinka*), are mostly found in the district. The common Indian bear is found all over the forests generally in caves in the hot and wet weathers and in heavy grass and bushes during the cold. It feeds chiefly on the Mahua flowers, Barriers and White Ants. They are a menace to sugarcane and maize. The Hanuman and Bandar are mostly found. The fair numbers of game birds are met within the district. Peacock is numerous. Various species of snakes are found in the district. In the large deep pools of the rivers, water reservoirs and tanks the species of fish like Rohi, Mirikali, Bhakur, Sala and Balia are available.

<sup>73</sup> Mohanty, P K (2015): Land and Forest Governance in Sundargarh, District Profile Series III. Vasundhara, Bhubaneswar.

<sup>74</sup> District Census Handbook Sundargarh 2011- Village and Town Directory, Directorate of Census Operations Odisha.

The people of this village have been staying in this village for the last 100 years (the village was established 100 years back). Apart from agriculture the people are largely dependent upon the forest. They are both emotionally and physically attached to it. Sana Rampia receives more than 80 percent of the rainfall in the south-west monsoon. Since, agriculture production is solely dependent on the arrival of a good monsoon, failure of monsoon entails high risk for agricultural production and high incidence of crop failure. The seasonal production from the forest is largely dependent upon the timely arrival of monsoon. There are no other irrigation facilities in the village. In order to protect the village from every evil, they perform different rituals. For example they perform Indra Puja for ample and timely rainfall to take care of their forest as well as agriculture. They also do Gram Devi puja to protect their village. Earlier they used to perform Bana Puja for the protection of the forest. Over time the forest department has started performing the same. They collect contribution from these villagers, who then participate in the programme conducted by the forest department.

So far as customary arrangements for forest governance and protection are concerned, during 1999-2000, the protection of the forest used to be done traditionally. Households used to go to the forest to keep a vigil in case of outsiders trying to enter. Over a period of time the people from adjacent villages started threatening these people and they started entering into the forest forcefully with canes and axes, communicating aggressive stance. Anticipating an unpleasant situation, people from this village started withdrawing themselves from the protection of the forest. Sometimes women of this village were harassed in the weekly market as a way of mounting pressure on the villagers. Now there is no protection and people all over are exploiting it.

### **17.3 Historical and Continuing Injustice: Potential and Performance of FRA**

The Gram Sabha has formed a FRC in the village level. For the creation of the committee, a notice was made from the Gram Panchayat and in the presence of Sarpanch and Executive Officer, it was constituted. Through the Gram Sabha 15 members were got selected (among them one is editor and one is President). Ten male and 5 female members are there in the FRC. This village do not have a CFR Management Committee. The VSS was not there in it.

In this village 25 IFR (20 joint and 5 women) for title were filed by all the tribal people in 2008, which was passed by the Gram Sabha. The Gram Sabha sent notice to the Forest and Revenue department for the joint verification of the applications for the titles. During the verification, they came with a GPS machine to locate the land and the identification process went on. The villagers did not know the significance of this machine. They only knew that the officers came for the verification and wrote some numbers. They took the details of the boundary of the village. On enquiry from some people who were aware of this it were quite apprehensive about the method. As per their knowledge, GPS method works perfectly in plane areas. Sana Rampia is a hilly area. So they were quite doubtful about accuracy of the machine. The IFR mapping and demarcation of customary boundary was done by a retired Amin and the villagers.

#### **Rejection of IFR Claims and Violation of FRA 2006**

After 11 years, on June 2019, the villagers got information about the rejection of 20 IFR claims. There is no information about the rest of the 5 IFR claims. As a result the people are facing a lot of hardship in getting the information regarding this. The transaction cost for receiving the information from the SDLC level is huge. It led to social tension among the people. There was no written communication made to the claimants regarding the reasons of rejection. The RI wrote the names of the 20 claimants in a plain paper and sent the list to the village and asked them to be present before the Tehsildar of Hemgir. The gestation period of receiving the information and

their presence in the office of the Tehsildar is just 2 days. Claimants were quite confused about the process. This is a big contradiction with rules of FRA 2006 (Section 12 A: Process of recognition of rights).

During that particular day, they reached the office and found it overcrowded with claimants. The officers hardly got any time to interact with the claimants. They tried to know the reasons for the rejection but nobody was there to help them in this aspect. But the officers insisted that they put their signature and these people without knowing the reasons put their signatures. Later on they came to know that due to lack of evidence, their claims were rejected and it got rejected at the Gram Sabha level. Villagers were apprehensive about the procedures followed in the Tehsil office. The remaining 5 claimants are more vulnerable as they are ignorant about their claims. They were not even part of the rejection process. They have not applied for Community Right and Community Forest Resource Right.

In Sana Rampia, the Gram Sabha was established at village level in the year 2008. All the adult members of the village are the members of it. The sad part related to the functioning of the Gram Sabha in this village is that it was very active between the years 2008 to 2012 with the intervention of the local NGO called CIRTID. During that time they used to maintain the quorum of the meeting with more than 1/3rd women. They used to participate in all the Gram Sabha meetings in a very active way. When it was active also, it did not act independently. The examples are plenty – plantation by forest department, activities of OGPTL, misusing the forest by the adjacent villagers and the forest department and now the information about the rejection of claims at the Gram Sabha level from the SDLC. All these activities happened without the consent of the Gram Sabha. Even the processes followed in the rejection of claims were found absurd. There was no written communication for the entire process. Claimants are ignorant about the details of the verification process, the procedures followed in the rejection process, etc. Institutional mechanisms in terms of committee under FRA very rich in this district. In 2008 SDLC, DLC and SLMC were constituted with 6 members each in SDLC and DLC and 16 to 18 members in SLMC. However claimants do not have any trust on the mechanisms. After 2012, they have not had a meeting.

### **Democratic Process for Recognition of Rights: Compliance with FRA**

Sana Rampia is a Scheduled village. As per the PESA law, the villagers used to do all kinds of development related work by receiving the consent of the Gram Sabha/Palle Sabha e.g. road, hand pump, etc. However the villagers do not have a cordial relationship with the forest department. For the sake of plantation, the forest department forcefully planted trees like Teak, Eucalyptus, Sisu and Akasi, for which the collection of minor forest produce has reduced to a large extent. Consultation was completely absent in the entire process (neither with the villagers nor with the Gram Sabha). The villagers were in favour of natural plants like Mahua, Char, Tendu, Sal, etc. The other major problem observed here is the negative impact on forest due to the passage of OGPTL tower.

### **OGPTL's Monopoly and Externality**

The existing line of an Industrial Urban Corridor in Odisha overlapped with the transmission line. This transmission line was integral to functioning of the existing industries. In order to overcome this issue, the plan was re-worked and this line very much passed through the tribal areas of the district. As per the villagers, OGPTL has not taken any permission from the Gram Sabha of these areas (there was no consultation process at all). During rainy period, they realise electric shock under the tower (kind of a vibration in the body). They feel insecure even for collection of forest produce because of the danger of electrocution. It is dangerous for them to graze the cattle close to the tower during rainy season.

**Photo 1: Tower of OGPTL near Sana Rampia Village**

### **Gram Sabha – Less Effective**

Gram Sabha as the only important mechanism for proper functioning of FRA, is found to be ineffective. Till a local NGO was with them, they were somehow active. They became idle after the withdrawal of the NGO. The state agency surpassed it and showed their discretion in many instances in this village. A very simple example is the story of these villagers on the day in June 2019, where they were supposed to meet the Tehsildar. One woman claimant was asked about her land details by the officer. The claimant became silent for a while and could not provide an answer. Immediately the officer anticipated a discrepancy on her landholding without interacting with her. Later on they came to know that almost all the claims contained very few land details, in contrast to the claims filed 11 years back. So far as the asymmetry of information is concerned at the state level, larger numbers of officers are not aware about the provisions of the Act and its implementation – e.g. asking claimants to be there in the office with two days' time, without having sound knowledge about GPS mapping and without following the resolution of the Gram Sabha, etc.

### **Notes on Sources and Informants**

1. Field Visit on August 21-24, 2019
2. Interaction with Khadia and Bhuyan community of Sana Rampia
3. Detailed discussion with Mr. Nata Kishore Mishra, Mr. Supriyan Xaxa, Ms. Ahalya Sa



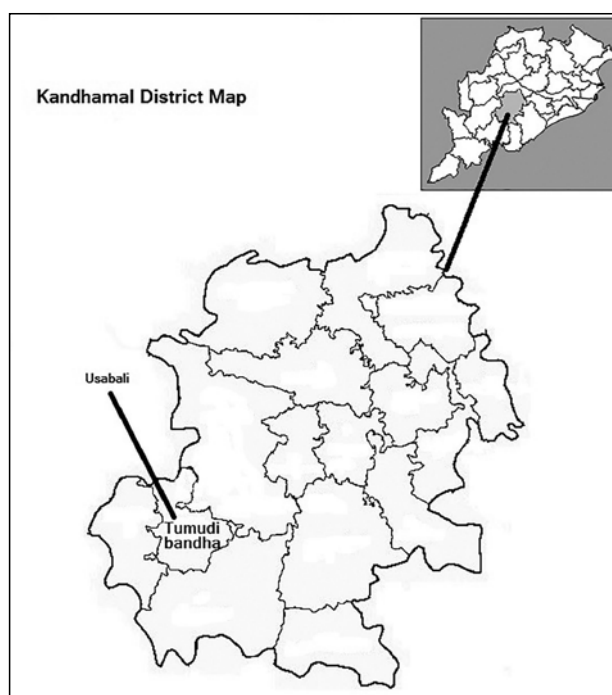
# ODISHA

<b>Village:</b>	Usabali
<b>Mandal/Block:</b>	Tumudibandha
<b>District:</b>	Kandhamal
<b>State:</b>	Odisha

**ODISHA**  
**SITE 18**  
**Usabali**

## 18.1 Introduction to the Site

Post-independence era of Usabali saw land categorisation and formalisation through the Survey and Settlements and forest demarcations/reservations and the entire process ignored the customary land rights systems of the adivasis. Hence the Usabali case study is a classic example of how forest settlement operation has affected customary rights of Kutia Kondhs - PVTGs. All traditional cultivation land of tribals in Kandhamal including that of Kutia Kondhs were notified as forest land affecting their customary rights. The Kutia Kondhs have faced the worst kind of rights violation and atrocities due to non recognition of their forest rights (particularly the habitat rights), forcible plantation of monoculture species in their cultivation land leading to serious impact on the agro-biodiversity and food security, forest offence cases filed by the forest dept against Kutia Kondhs for doing bonafide livelihoods activities recognized as rights under FRA.



## 18.2 Socioeconomic Profile the Village

Usabali is a small Village/hamlet in Tumudibandh Tehsil in Kandhamal District of Odisha, with 27 households with population of 145 (M: 64, F: 81) dominated by PVTG called Kutia Kondh (87.0 percent) and very few scheduled caste households.

The literacy rate is 27.6 percent (female with 12.4 percent). The village is in the Scheduled Area. All the villagers rely mostly on agriculture (basically shifting cultivation) which includes collection of minor forest produce, non-agricultural labour work and fishing activities. Nowadays they are cultivating only 50 varieties of millets and pulses through the *Podu* cultivation. However, earlier it was 70. The cause of this reduction is due to monoculture plantation.

The nutrition level of the villagers is moderate. It is almost two meals on a daily basis, which consists up water-rice with some vegetables roasted in fire. They are largely dependent upon the seasonal leafy vegetables available in the forest. A major illness found in the village is Malaria apart from cold, fever and diarrhoea. It does not have its own medical facility. They are largely dependent



upon the Mobile Health Unit of the government. Also they are dependent upon the medicinal roots and fruits from the forest.

## People - Forest Relationships

Kandhamal district has the highest percentage of forest land among all districts in Orissa. The total legal forest land is 5,709 sq. km. which forms 71 percent of the total land area of the district. The legal categories of forest land as per an affidavit submitted to the Supreme Court are presented in Table 1.<sup>75</sup>

**Table 1: Classification of Kandhamal District Forest Area by Legal Status as on 31.03.2004**

S.No	Classification of Forest	Area (Sq. Km)
1	Reserved Forest	2010.06
2	Demarcated Protected Forest	1783.30
3	Undemarcated Forest	-
4	Unclassified Forest	2.00
5	Other Forest under Wcontrol of Revenue Dept.	1914.47
	Total	5709.83

The construction of legal forests in Kandhamal district was achieved through two major routes. The first was through the process of declaration of Reserved and Protected Forests under the Madras Forest Act, 1882, Indian Forest Act, 1927 and Orissa Forest Act, 1972. The second route was through the processes of Survey and Settlement wherein areas inside revenue boundaries of villages were categorized as forests.

The actual physical forest cover often deviates from the land legally classified as forest. In forested landscapes of a district like Kandhamal, even Reserved Forests often have no or little forest land, whereas good, standing forests can exist on land classified as non-forest land. The actual forest cover in Kandhamal district as assessed by Forest Survey of India is given in Table 2.<sup>76</sup>

**Table 2: Forest Type by Actual 'Physical Forest' Cover**

S.No	Forest Condition	Area (sq.km)
1	Geographic Area	8021
2	Very Dense Forest	175
3	Moderately Dense Forest	3157
4	Open Forest	2119
	Total Forest Cover	5451

<sup>75</sup> Kundan Kumar, Sricharan Behera, Soumen Sarangi and Oliver Springate-Baginski (2009): 'Historical Injustice': Forest Tenure Deprivation and Poverty in Orissa, United Kingdom: Department for International Development.

<sup>76</sup> Ibid.

Phytogeographically, the vegetation of Kandhamal<sup>77</sup> has two major divisions-Northern tropical-semi-ever green forest and Northern tropical moist deciduous forest. Northern-tropical semi-ever green forests are generally found in the valleys of Balliguda forest division. Important species of this category including *Mangifera Indica* (Mango), *Diospyros embroyopteris* (Makara Kendu), *Michelia chamapaca* (Champa), *Mesua Ferrera* (Nageswar) and *Saraca Indica* (Ashoka) are found in shady and moist places of the district. Northern tropical moist deciduous forest is generally seen in the Phulbani forest division along with semi-ever green type.

Important species are of this category are *Shorea robusta* (Sal), *Terminalia tomentosa* (Asan), *Pterocarpus marsupium* (Bija), *Adina cordifolia* (Kurum), *Xylla xylocarpa* (Kangada), *Anogeissus latifolia* (Dharua), *Dalabergia latifolia* (Sisoo) and *Gmelina arborea* (Gambhari). Economic plants growing naturally in this district include *Terminalia chebula*, Bamboos, *Diospyros melanoxylon*, Broom grass, *Tamarindus Indica*. Moreover, exotic plants like *Pinus insularis*, *P. carribae*, *P.khasiana*, *Eucalyptus toreliana* have been introduced in Balliguda, Daringbadi, Kalinga and other parts of Kandhamal. Medicinal plants like *Ruwolfia serpentina*, *Atropa belladonna*, *Derris elliptica*, *Ammi majus*, *Ocimum kilimandsheicum* etc. have been experimentally planted in the forests of Kandhamal. The wildlife of the district is protected under Wild birds and Animals Protection Act, 1912, and the Odisha Forest Act 1972. The commonly seen wild animals in Kandhamal forest are elephants, bisons, tigers, leopards, deer and wild pigs. Moreover, carnivorous animals like fox, jackals, hyena and wolves are also seen. Bears are seen in all parts of forests. Besides this, wild dogs (*Cuon alpinus*), monkeys, barking deer, hares, Nilgai, and chital are also found in the jungles of Kandhamal.

The Kutia Kondhs have been living on these lands for more than 150 years. The entire household is largely dependent on shifting cultivation and forest. They get one crop in the monsoon season every year. They are both emotionally and physically attached to it. The net area sown of this village is 12.46 hectares. The forest land is within 141.28 hectares area where as land under non-agricultural uses is 10.1 hectares. The total housing area of the village is 3 acres. The school is within 1 acre of area. So far as overview of forest land use is concerned, they have 10 acres of streams, ponds and tanks and 40 acres for shifting cultivation.

The seasonal production from the forest is largely dependent upon the timely arrival of monsoon. If the village fails to receive it, then it will have direct impact on the day to day livelihood of the people. In order to protect the village from every evil, they perform different rituals. For example, they perform Dharani Penu, Takakalu and Podha Bali for good cultivation and protection of the forest. During that period people from adjacent villages also participate with these villagers.

So far as customary arrangements for forest governance and protection are concerned, they organise some traditional festivals and tie pieces of red cloth around endangered indigenous tree species.<sup>78</sup> This is to protect their forest resources from Timber mafia, and foreign species plantations by forest department officials. The total geographical area of the District is 7,64,900 hectare of which 2,68,337.18 ha is Forest land (35.1 percent) that includes 98402.15 ha (36.7 percent) under Reserve Forest and the rest 57858.66 ha (21.6 percent) are under Protected Forest category. In the study village, it is abundantly available.

77 Government of Orissa (1983): Orissa District Gazetteers Boudh-Khondmals, Gazetteers Unit, Department of Revenue, Government of Orissa.

78 Rupawat, P (2018): "Kandhamal Tribes Held Traditional Festival During Gram Sabhas to Protect Forest Resources," <https://www.newsclick.in/kandhamal-tribes-held-traditional-festival-during-gram-sabhas-protect-forest-resources>, Viewed on November 20, 2019.

Even the adjacent villagers do not need any forest related help from these people as forest is abundantly available for them also. Hence, they do not feel any kind of threat of the destruction of the forest from any adjacent villagers. However, people from the adjacent village come to their village forest to collect the broom grass and Siali leaves along with them. They sell the broomsticks in Tumudibandha market at the rate Rs 70 per kilogram. They earn Rs 1000 per household on an average by selling plates made up of Siali leaves. The forest takes care of their day-to-day needs – they consume oil extracted from Mahua seed for larger period of a year. During that period they do not purchase oil from outside. They consume Siali seed (both dry and raw). They dry it during summer and use it in the rainy season. This is a nice way of coping with food shortage. Honey availability has reduced to a larger extent.

### **18.3 Historical and Continuing Injustice: Potential and Performance of FRA**

The FRC was formed in the village in 2008 with the involvement of school teachers. There were ten members (5 men and 5 women). They did not do it in the prescribed manner—they sometimes constituted the committee without visiting the village, sometimes sitting in a school and sometimes by representing an individual view as the group view. Hence the selection was highly biased. CFRMC is not constituted in this village. There was a pre-existing JFM committee in the village that is now inactive. There is no relationship of the VSS with Gram Sabha. This has changed after the implementation of FRA at village level.

In this village 30 IFR and Community Right claims for title were filed by these PVTG groups. All the claims are recognised. Habitat Rights process has been initiated but titles have not been issued. In order to initiate the process of Habitat Rights recognition of Kutia Kondh under FRA in Kandhamal, a two day meeting was held in the month of August 2014 with DLC, which was then followed by a preliminary meeting with the local NGOs/ITDA officials and District Level Committee members where the guideline and methodology on the Habitat Rights claim making process was discussed. The main aim of the consultation was to frame a definition of "Habitat." The consultation confirmed that the basic unit of habitat for Kutia Kondh is their clan territory. Maps of different clan territories were then prepared with the use of GPS (for reference purposes, toposheet, revenue and forest maps have also been used) in consultation and participation with the traditional leaders and Gram Sabha members. The process although underway, was temporarily halted. A total of approximately 168 habitation/settlements which includes more than 100 clan territories, which constitute their larger habitat, will be covered.

Their main struggle is to get a Habitat Rights. FRC invited the technical team (officers from Revenue & Forest Departments and the WEO) for the verification of the process. The WEO is responsible for coordinating the process and place it for joint verification with supporting evidence. After this, the WEO submitted it in SDLC for approval. After 7 days of the approval at SDLC level, they forwarded to the DLC by the DWO. He is the nodal person of both DLC and SDLC. IFR mapping was done by retired by the Amin and RI. They prepared the trace map, which was verified by the technical team.

In Usabali, the Gram Sabha was established at village level in the year 2008. All the adult members of the village are members. They maintain the quorum of the meeting. The women are not active in the participation of Gram Sabha. Gram Sabha is also not convened in this area even for forest right claims. However for the Habitat Rights the district administration (PA, ITDA) took initiative by organising two consultation meetings (one in Tumudibandha and one in Belghar) from 7 gram panchayats for all the Kutia Kondhs. This process is ongoing.

## Democratic Process for Recognition of Rights: Compliance with FRA

Even in independent India, injustice has been observed in the case of the livelihood of the Kutia Kondh community whose lives are dependent on the survival of the forest (Kumar, et al. 2009).<sup>79</sup> The main reason is the outcome of the land categorisation and formalisation through the Survey and Settlements and forest demarcations/reservations in the post-Independence period. This process completely ignored the customary land rights systems of the adivasis. Almost half of the land within the village boundary was categorised as “forest land” during the Survey and Settlements process in this district, under which forest laws effectively ensure that the adivasis and forest dwellers have no legal rights or claims on these areas. Also the traditional cultivation of *Podu chas*, the most vital method of cultivation in Kandhamal district was declared to be “non-cultivation” during the Survey and Settlements and occupancy rights over these lands were denied.

About 85 percent of total land in the district is government land of which 74 percent land is recorded as forest land. The forestlands in the district have been notified without any settlement of rights of local communities. About 89 percent of families in the district are legally landless. The district exemplifies the case of extreme deprivation of tribals and forest dwellers due to tenurial insecurity and loss of customary rights caused by the revenue and forest settlement operations.

India has a strong legal support system. However it failed to provide constitutional protection to these adivasis in this scheduled district where they still do not have legal rights in a large proportion of the land in the district. The land laws permit settlement of certain categories of land (such as *abad jogya anabadi*) to landless persons; however the entire process is conducted with the discretion of the revenue officials.

Usabali village is inhabited by Kutia Kondh (PVTG), largely dependent upon shifting cultivation for their livelihood. They have very good relationship with the adjacent villages but not with the officials of the forest department. These villagers received the CFR during 2010-11 which permits them to collect the minor forest produce, but no rights of management or protection of the forest. The forest department was not happy sanctioning them the CFR. The forest department officials forcibly planted teak in land demarcated for the *Podu* cultivation. As they have not yet received the other rights the villagers have developed fear of reprisals. Taking advantage of this, the forest department officials have started harassing them by accusing them with cases related to forest. They spend on an average Rs. 15000 to Rs. 20000 following up each case. The transaction cost involved in it is also huge.

<sup>79</sup> Kumar, K., S. Behera, S. Sarangi and O. Springate-Baginski (2009): Historical Injustice: Forest Tenure Deprivation and Poverty in Orissa, UK: Department for International Development.

## The Case of Mr Majhi

Ten years back, there were no court cases or at best one. This has increased to 6 cases in this village alone. Mr Majhi recounts an interesting conversation with his advocate in the court:

**Advocate:** Mr Majhi, your case came to a closure and there is no need to come to the court further.

**Mr Majhi:** Sir, till date I am unaware about my court case. Kindly tell me today.

**Advocate:** Some forest related case

**Mr. Majhi:** Sir, can you tell me exactly my fault?

**Advocate:** You were cutting some trees. Because some forest officials saw you going with axe.

**Mr. Majhi:** Sir, keeping an axe, does not indicate cutting of trees. I keep axe for my day-to-day livelihood.

**Advocate:** Ok, don't argue. Your case has come to a closure. Be happy and leave the place.

Many a time villagers receive notices for commission of offence of cutting the forest, using land for cultivation, etc from the forest department. Generally the villagers carry canes and axes while going into the forest. Seeing this, the officials from forest department intimidate them by issuing letters and notices and take huge bribes. Many of them have been beaten up, jailed and fined for using forest land. The adivasis run away to save their lives. They still continue with *Podu* cultivation but with a fear of harassment. They do not have power to negotiate with the state authorities regarding their rights.

The Usabali case study is a classic example of how forest settlement process has affected customary rights of adivasis and PVTGs. All land under shifting cultivation by adivasis in Kandhamal including Kutia Kondhs were notified as forest land affecting their customary right seven after enactment of FRA.

The Kutia Kondhs have faced the worst form of rights violations and atrocities due to non-recognition of their rights (particularly habitat rights): forcible plantation of monoculture species in their lands has had a serious impact on the agro-biodiversity and food security; and forest offence cases filed by the forest department against Kutia Kondhs for carrying out their traditional livelihoods activities recognized as rights under FRA.

## Notes on Source and Informants

1. Field Visit in August 3-7, 2019
2. Interaction with Kutia Kondh community of Usabali
3. Detailed discussion with Ms. Bhagyalaxmi Biswal, Ms. Basanti Majhi, Mr. Rajendra Jani, Mr. Madhava Jena



# RAJASTHAN

<b>Village:</b>	Chak Bhaminimata (Dhedmariya Gram Panchayat)
<b>Mandal/Block:</b>	Kotra
<b>District:</b>	Udaipur
<b>State:</b>	Rajasthan

**RAJASTHAN  
SITE 19  
Chak Bhaminimata**

## 19.1 Introduction to the Site

The Chak Bhaminimata site of Kotra Block is inhabited by the Bhil community. There is a long standing dispute regarding access to land and resources as early as 2004 in this site between the inhabitants and the Forest Department. In a case that has dragged on for a decade, the community is alleged to have destroyed the plantation under the Forest Department. During this period their claims on cultivated lands were not acknowledged, nor their rights under FRA 2006, on grounds that the land was under dispute.



## 19.2 Socio-Economic Profile of the Village

The Chak Bhaminimata village is located 10km away from Kotra Block headquarters under Dhedmaria the Gram Panchayat of Udaipur district, Rajasthan. Chak Bhaminimata, a small village with 15 households has a population of 110 (M:50, F:60). The total geographical area of the village is 8 hectares. Chak Bhaminimata is a revenue village which falls under Tribal Sub-Plan area. The literacy rate in this village is lower (25 percent) than that of Rajasthan (66.11 percent) according to the 2011 Census. Simultaneously, male literacy stood at 40.91 percent while female literacy rate was 11.54 percent. There are no amenities available in the village. For all their needs they have to travel a distance of 10 kms to Kotra, the block headquarters.

The Chak Bhaminimata community are Bhils (ST), originally food gatherers. At present the Bhil community of Chak Bhaminimata largely depends on agriculture and agricultural labour. A few have taken up employment in the private and public sectors and non-agricultural works available in the nearby block headquarters Kotra. Three persons from the village are employed as teachers in government schools. This is their ancestral village and they have been cultivating the land for the last 5 decades in their living memory – their forefathers and foremothers before them.

There are no major illnesses/health related issues found in Chak Bhaminimata. However, seasonal illness namely, cold, fever (malaria, typhoid etc.), and jaundice etc., are common. No health-related infrastructure is found in the village. They have to travel to Kotra PHC which is located at 10 km away.

## Ecological profile

### *Land*

The land is hilly and undulating. The colour of hill soils varies from yellow to brown and red. Presence of stones and lithic fragments is common. Significant deposits of alluvial light brown to yellowish soils are found. Red soils are also found in highlands and plain area of the regions. And brown soils occupy low grounds in plains.

### *Forest*

The Forest is dry mixed deciduous and comprise dry teak. The edaphic climax type of forest is composed of anogeissus pendula forest, boswellia forest, acacia nilotica and phoenix groves, butea and aegle compositions, and dry bamboo brakes. There is also the dry deciduous scrub type with euphorbia scrub and grasslands. On the hill top, forests are dry and flowering, fruiting and leaf fall are found early, while in the valley (the nal forest), flowering is delayed. The nal forest is the riparian forest of dry to semi-evergreen type.

### *Flora and Fauna*

Mixed forest flora such as orchids, tuberous plants, vast number of bryophytes, pteridophytes and other cryptogamous species are found.

The fauna found in the forest are leopard, hyena, wild boar, and four-horned antelope, flying squirrel, pangolin and birds<sup>80</sup>. The species of conservation interest are four-horned antelope, pangolin, flying squirrel and the deer.

## Religious and Cultural Profile

Bhils are an ancient tribe. The name 'Bhil' is derived from the word villu or billu, which means Bow. This has historically been a warrior tribe. The Bhil community is known for their independence, truthfulness and simplicity. They are brave and their national weapon is bow made of bamboo. Earlier they were the great hunters. They now practice agriculture as the source of livelihood.

Religious practice among the Bhil community differs from place to place. Most of them worship local deities like Khandoba, Kanhoba, Bahiroba, and Sitalmata. Some of them worship Tiger God 'Vaghdev.' They have no temples of their own. They have Badvas, Bhagat or Gurus who perform the religious rites. They have a village headman, who deals with their disputes. Bhils strictly follow rules and regulations. They have rich cultural history and give much importance to dance and music. Ghoomar is the most famous dance among the Bhils. Than Gair is the religious dance drama performed by the men in the month of Shravana (July and August). The Bhils are talented in the clay sculpture. They make beautiful horses, elephants, tigers, deities out of clay. The Bhil community in Chak Bhaminimata speak Bhili.

## Relationship with surrounding villages

The Bhil community of Chak Bhaminimata have cultural exchange, family and kinship relations i.e. attending festivals, social functions and get together with the below mentioned surrounding villages namely Lamba Haldoo, Nichli Thala, Upla Thala, Dhedmariya, Gura, Chak Ghorimal, Chak Karwa Mahua, Pathar Pari, Arjunpura, Dungariya and Choki. Apart from these villages the community of Chak Bhaminimata has family and kinship relations with other villages in the district. The community has relationship ties with the neighbouring state (Gujarat). There are no conflicts over resources sharing as per the community.

<sup>80</sup> <http://fes.org.in/ecological-profile/udaipur-rajasthan.pdf>, viewed on September 10, 2019.

### Forest Profile of Phulwari-ki-Nal Wildlife Sanctuary

S.No.	Category	Area	Year of Declaration	Remarks
1	Reserved Forest	36t592 hectares		
2	Protected Forest	14549 hectares		
3	Village forest	-		
4	Revenue village	-		
5	Unreserved Area	-		
6	National Park	-		
7	Wildlife Sanctuary	51141 hectares	1983	Phulwari-ki-Nal Wildlife Sanctuary*
8	Tiger Reserve	-		
9	Elephant Corridor	-		
10	Others (specify)	-		

### Phulwari-ki-Nal Wildlife Sanctuary

The Phulwari-ki-Nal Wildlife Sanctuary is spread over Kotra and Jhadol tehsils of Udaipur district.<sup>81</sup> The area of the sanctuary is 511.41 sq km of which 365.92 sq km is Reserved Forest and 145.49 sq km is Protected Forest. There are 134 villages present inside the sanctuary and the village Chak Bhaminimata is one among them. Elevation of the terrain within the sanctuary varies from 600-900 m above mean sea level. The area was declared to be a sanctuary in the year 1983. The Government is considering a proposal to declare the Phulwari-ki-Nal Wildlife Sanctuary as a National Park.

The Phulwari Wildlife Sanctuary is located on the banks of Sabarmati River in the middle of the Aravalli Hill Range in Udaipur district of Rajasthan around 123 km southwest of Udaipur. The river divides the sanctuary in two equal halves with 11 forest blocks and many villages surrounding it.

Being on the bank of the river, the sanctuary was named as Phulwari, (i.e. the abode of flowers) as it is a host of various water dependent faunas and is rich in floral diversity. The sanctuary has various species of lianas, climbers, tuberous plants and orchids due to its fertile soil. It also includes numerous fungi, algae and medicinal plants.

The wildlife species that are found in the sanctuary are wild boar, leopard hyena, chinkara, four-horned antelope, sloth bear, fresh flying squirrel, pangolin, water crocodiles and many other species of birds are major faunal components.

## 19.3 Historical and Continuing Injustice: Potential and Performance of FRA

The state agencies are restricting the traditional forest rights of Bhils which have a long and documented history. There is an inseparable relationship between the adivasis and forest. Dharam Chand claims "by implementation of new laws and acts from time to time we lost our livelihood and are facing survival challenges on a greater scale in day-to-day life. Earlier we used to get food from the forest itself and that was pure and healthy because there was no chemicals and fertilizers. Our life expectancy was nearly 100 years."

<sup>81</sup> Annual Plan of Operations for "Phulwari-Ki-Nal Wildlife Sanctuary" for the year 2007-2008, Dy. Chief Wildlife Warden, Udaipur, Rajasthan.



## FRA and Other Legal Regimes

The Gram Sabha is formed at village level and all the adult persons of the Chak Bhaminimata village are members of the Gram Sabha. The all-Bhil Forest Rights Committee is formed with 20 members, of which 7 are female members and 13 are male members. Villagers claim women are participating in the Gram Sabha and FRC meetings.

### Gram Sabha under FRA

Gram Sabha works independently but officials do not treat the Gram Sabha seriously. For example the decisions taken by the Gram Sabha are collective and are in the interest of the community but the SDM, BDO, Forest Department, Revenue Department disregard these decisions thereby putting pressure on the Gram Sabha.

In the year 2009 forest rights were first claimed. Individual Forest Rights have been claimed by 11 households from the Chak Bhaminimata village to pursue agriculture for livelihood.

### The Claims Filed

Under whose name Claimed filed?					Forest Rights			Total Number of claims filed
	Single	M	IFR	CR	CFR	Habitat	Others	
		F						
ST	Joint		11					11

### The Claims Process

Gram Sabha called for a FRC meeting in which the decision was taken to prepare the list of claimants and record the same in a register. The claims form is attached with the caste certificate, map. Then the site is verified by FRC. After the verification the FRC gives a date and informs the concerned Forest and Revenue Departments for the verification and clearance from officials' side. However, in practice, the officials are reluctant to process these claims and they do not cooperate with the villagers. Maps are drawn individually and with help of GPS. The FRC accompanied by officials from the revenue and forest departments, verifies claims by a field visit, collecting additional evidence, if needed, from claimants and witnesses. The committee then submits its opinion to the Gram Sabha, which approves or rejects the claim. Further all the approved claims are forwarded to the SDLC for review. If approved, the claim is forwarded to the DLC, which is the final legal authority to approve or reject claims.

### Claims Rejected

Rights	Particulars of Claims	Total number of claims	Area (hectare)	Type of forest rights	Claimant?	Current Status		
						G S	SDLC	DLC
	Recognized							
	Pending							
	Wholly Rejected	11		IFR	Individuals			Pending
	Partially Rejected							

## The Disputes and Conflict

### Cases against Community by Forest Department

The dispute is between Forest Department and the community. The Forest Department is undermining customary rights regarding MFP collection and by rejection of claims.

Forest Department filed a false case in the year 2004 against eleven persons belonging to Chak Bhaminimata hamlet saying that these eleven persons have entered into the forest and destroyed the plantation maintained by the Forest Department. The tribal community of Chak Bhaminimata did not take any action. The case went on for 10 long years till 2014 before it was dismissed. This false case has disrupted the lives of these eleven tribal families economically and psychologically.

Dharam Chand:

“The lives of adivasis are dependent on forest. Now these people are harassed by the forest department. Whenever they go into forest to collect forest produce, some of the staff of forest department demand bribes, or a hen or goat from these people and destroy their crops.”

### Major Challenges

- The claims process under FRA 2006 is simple but in Rajasthan the process did not go on as it should; for example, the sarpanch and secretary went to the place where MGNREGA works were going on, they noted the names and the meeting was declared as held.
- The Forest Department had been treating pre-1980 claimants as eligible without verification and have been blocking other claims.
- In other villages where OTFDs are residing, even the claim proforma is not being issued to claimants unless they provide evidence for their claims beforehand and OTFDs are being asked to produce 80 year old forest offence reports as evidence.
- The GPS shows less area than the claimant was in possession of and actively cultivating.

### Rejection of claims

The tribal community of Chak Bhaminimata learnt of the rejection through the individual notice on 20 May 2019. The reason mentioned for rejection is that a) land was encroached after 13 December 2005 and b) the land is in dispute between Forest Department and community. The rejection of claim was not communicated in person. The rejected and modified claims were not remanded back to Gram Sabha.

## Interaction with Bhil Community



### Notes on Sources and informants

- 1) Field visit 21st&22nd August, 2019.
- 2) Interaction with the Bhil community of Chak Bhaminimata.
- 3) Detailed discussion with i) Mr. Dharm Chand, ii) Mr. Sarfaraz iii) Mr. Bhanwar Lal and iv) Mr. Sarvan.
- 4) Census of India 2011, Ministry of Home Affairs, Government of India.



# TELANGANA

<b>Village:</b>	Appapur (Appapur Gram Panchayat)
<b>Mandal/Block:</b>	Lingala
<b>District:</b>	Nagarkurnool
<b>State:</b>	Telangana

**TELANGANA  
SITE 20  
Appapur**

## 20.1 Introduction to the Site

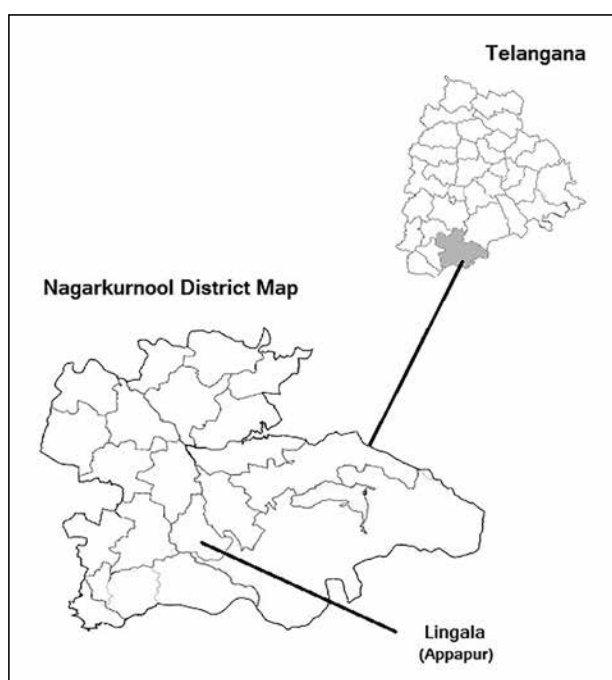
The site selection was based on the fact that the habitation of Appapur is located at dense forest area of the Amrabad Tiger Reserve and comprises exclusively Chenchu Community. In this village too, there is a fear of dispossession through displacement. Despite being located in the Tiger Reserve, there have been proposals for uranium mining in this region. In the process of FRA too, there have been anomalies like loss of rights over distributed land in the wake of death of the claimant.

## 20.2 Socioeconomic Profile of the Village

The habitation of Appapur is located in dense forest area of the Amrabad Tiger Reserve. The habitation exclusively comprises of Chenchus. The habitation became an independent Gram Panchayat consisting of other small habitations which are around it but earlier it was under the purview of the Office of Gram Panchayat of Appaipally. In this village too, there is a fear of dispossession through displacement. Despite being located in the Tiger Reserve, there have been proposals for uranium mining in this region. In the process of FRA too, there have been anomalies like loss of rights over distributed land in the wake of death of the claimant.

The habitation is located in the core area of the Amrabad Tiger Reserve forest which spreads over 2,800 sq.kms in the districts of Mahabubnagar, Nagarkurnool, Nalgonda and Prakasam. The population of village is 143 (M: 65, F: 78). The habitation comprises Primary School and Anganwadi Centre but internal roads and individual toilets, supplied individual tap water and public health services are not observed.

The livelihoods of the people are dependent on small-scale farming, MGNREGA, tiger tracking, goat herding and collection of minor forest produce. Their farming is closely connected with nature and sustainable in terms of land use. Their farm produce is only used for domestic consumption. The literacy level of the habitation is limited to below high school except one or two students who have reached up to plus two levels but not qualified the exam. Majority of students dropped out due to various reasons including lack of rigorous scrutiny on students' performance in learning which



resulted in incompetence in academic activities among Chenchu students though educational institutions are more or less available around these habitations.

The people of habitation are largely dependent even today on forest resources and do not follow a fixed cooking schedule preferring food gathering from the forest as and when they need to. The major illnesses are anaemia, pale body, weakness. Majority of elders look emaciated and malnourished. There is no availability of health-related infrastructure and visits by health worker and ANM is occasional.

The Public Facilities and Amenities available in the village are School building, Anganwadi centre, Centre of Public Distribution System (located at nearby village) and health services by ASHA worker especially for pregnant women and maternal health care services.

### Religio-Cultural Profile

The people worship forest as their mother in the name of Adavi thalli (the mother of forest) and Mallamma. Their worship is closely related with nature as their idol images are trees which include Jammi Chettu (Prosopis Cineraria), Neem tree (Vepa Chettu), Peepal tree (Raavi Chettu), Juvachettu, Thulasi, Maredu (Bel fruit), Neredu (Jamun) and Are chettu. Their festivals are Shivaratri (which comes just before the onset of Spring) and Ugadi which marks the beginning of Spring and the New Year. It is also a harvest festival that yields fresh food from the forest.

### Overview of Village and Forest Land Use

*Village Land use:*

S.No.	Particulars	Area
1	Housing area	5 Acres
2	Agriculture/Cultivation area	Forest land
3	Religious temples and Places	Forest land
4	Cemeteries/Cremation grounds	Forest land
5	Common areas	Forest land
6	Grazing Pastures	Forest land
7	Market area	Not Available
8	School area	0.5 Acres
9	Others (specify)	-

*Forest Land Use:*

S.No.	Particulars	Area/location of site	Remarks
1	Agriculture/Cultivation area	30.00 Acres – Kindi sarva	Bavi Banda Sarva, Bokkalavaagukatta
2	Religious temples and Places	Peddamma gudi, Bugga mallayya,	Saleswaram
3	Rivers, Streams, Ponds and Tanks etc.	Imparatamma, Buggavagu, Pullaseetavampu	Kadivaha, Peddammavampu
4	Common areas	300 sq. kms	

S.No.	Particulars	Area/location of site	Remarks
5	Minor Forest Produce collection	Beesarodlu (rice), Gulakaraagulu, korrelu, saamulu, arikelu, ulavalu, tamota, budidhabudumkaayalu, chikkudu, kakara, nethibeera, sthambakaayalu, Gummadi, Honey, Roots, Fruits and firewood	
6	Grazing Pastures	Forest land	
7	Others (specify)		

Source: Field Visit, August 1-5, 2019

## 20.3 Historical and Continuing Injustice: Potential and Performance of FRA

During the Nizam period (1940s), the government had brought some reforms to sustain the lives and livelihoods of Chenchu community based on the forest and its resources. But, now their rights have been under question because forest department officials have been asking them to leave the forest. The rights over land have not been recognised by the government. They do not know much about rights over land in terms of official recognition but they feel that the forest is theirs.

Chenchu people had traditional privileges in the Srisailam Mallanna temple and were the main priests of the temple (Mallikarjuna) which was built by them and they considered that the temple is ancestral property of Chenchus but it was brought under the Department of Endowments in 1997. Since then their rights over the temple have been taken away.

Gram Sabha under FRA 2006 has met only once as evident from the responses of the selected respondents in the village. The Gram Sabha was held at the Panchayat office and the Gram Sabha discussed about FRA issues only once. There is no knowledge about the quorum of meeting. Women's presence was evident but their active participation in Gram Sabha meetings was not clear. No information is available about any resolutions. According to local informants the Gram Sabha had not functioned freely and autonomously because officials instructed people not to conduct the Sabha without officials' attendance.

The EDC was involved in protection and conservation of forest but now this institution is dissolved.

### Procedures under FRA

Applications for FRA 2006 have been taken in the Gram Sabha but it was observed that there is lack of awareness on what has been going on claims. They do not know about details of claims filed, pendency and rejection. The role and interventions of the SLMC in forest rights processes has not been observed by the people in the village as claims of the village have not been received so far.

S1. Name of the benef. No. with fathers name	
1.	2.
Appapur Chenchugudem	
1.	Tokala Guravaiah, S/o Balaiah
2.	Mallabothula Venkataiah, S/o Lingai
3.	Tokala Guravaiah, S/o Eedaiah
4.	Tokala Pd. Guravaiah, S/o Eedaiah
5.	Mandli Hanumaiah, S/o Hanumaiah
6.	Mandli Lingaiah, S/o Peddaiah
7.	Mandli Bayanna, S/o Bayanna
8.	Tokala Bala Guravaiah, S/o Mallaiah
9.	Nimmala Guravaiah, S/o Balaswamy
10.	Dasari Hussain, S/o Guravaiah
11.	Chigurla Ch. Lingaiah, S/o Lingaiah
12.	Tokala Mallaiah, S/o Mallaiah
13.	Chigurla Lingaiah, S/o Lingaiah
14.	Karsham Gangamma, W/o Nagaiah
15.	Tokala Papamma, W/o Eedaiah
16.	Uduthanuri Gangamma, W/o Papaiah
17.	Pulicherla Lingaiah, S/o Lingaiah
18.	Tokala Venkataiah, W/o Ch. Mallaiah
19.	Tokala Lingamma, W/o Mallaiah
20.	Tokala Pd. Nagaiah, S/o Guravaiah
21.	Tokala Mallaiah, S/o Guravaiah
22.	Tokala Nagaiah, S/o Mallaiah
23.	Tokala Ch. Mallaiah, S/o Mallaiah
24.	Mallabothula Lingaiah, S/o Bayanna
25.	Tokala Lingaiah, S/o Mallaiah
26.	Tokala Gangaiah, S/o Guravaiah
27.	Tokala Eedaiah, S/o Eedaiah
28.	Mandli Muthaiah, S/o Bodeiah
29.	Nimmala Lingaiah, S/o Nadipanna
30.	Mallabothula Bayanna, S/o Bayanna
31.	Katralu Pd. Lingaiah, S/o Bakkaiah
32.	Katralu Lingaiah, S/o Lingaiah
33.	Chigurla Lingaiah, S/o Lingaiah
34.	Karsham Balaiah, S/o Nagaiah
35.	Uduthanuri Balaiah, S/o Yellaiah
Total	
Rampur:	

### Particulars of Claims Filed as on Date

Under whose name Claimed filed?			Forest Rights					Total Number of claims filed
			IFR	CR	CFR	Habitat	Others	
PVTG	Single	M			4	35		89
		F						
	Joint		44					

Although initially FRC was constituted, no data is available at both the levels - the Habitation and Gram Panchayat as well.

Rights	Particulars of Claims	Total number of claims	Area (hectare)	Type of forest rights	Claimant?	Current Status		
						Gram Sabha	SDLC	DLC
IFR	Recognized	53		IFR	Individuals			
	Pending	9		IFR	Individuals	Accepted	Pending	
	Wholly Rejected							
	Partially Rejected							

Rights	Particulars of Claims	Total number of claims	Area (hectare)	Type of forest rights	Claimant?	Current Status		
						Gram Sabha	SDLC	DLC
CFR	Recognized							
	Pending	1			Community		Pending	
	Wholly Rejected							
	Partially Rejected							

Source: Field Visit, August 1-5 2019

## Disputes and Conflicts

In undivided Andhra Pradesh, the process of FRA was functional. But, the state of Telangana has not taken up the issue of FRA. Although minimal governance was evident, land survey was done by surveyors who did not know how to survey the land. The officials are reported to orally inform the villagers that the area is under the eviction so they will not be given rights. The officials spread this rumour that the people will be evicted from the habitations of the area by the government as there are mining industries coming up as well as a Tiger Reserve.

Concerning FRA resolutions, officials gave oral instructions that the Gram Sabha should be held in the presence of officials of ITDA, Revenue Department and Forest Department.

ITDA funds are used for other areas instead of the particular area. People of the village and its surrounding villages-Bourapur, Medimalkala, Eerlapenta, SangidiGundala, Pandiborra, Dhoralapenta, Farabad (Mannanu) as these are located in deep forest areas.

## Extinguishment of Rights of Heirs

Another important issue under the FRA 2006 is loss of rights over distributed land when the claimant dies. The officials of the Forest Department have reportedly been threatening some families those who lost their head of family. The following claims have been under threat as main claimants have died:-

S.No.	Deceased	Heirs	Land (in acres)	Claim (Patta) No.
Village: Appapur Penta				
1.	Thokala Pedda Mallaiah	T. Mallaiah T. Guruvaiah T. Balaguruvaiah	3.75	2814NGKLLGLAPPL0009
2.	Thokala Chinna Mallaiah	T.PeddaGuruvaiah T. Nagaiah T. Shivudu	3.16	Not Available
3.	Nallapothula Lingaiah	N.PeddaVenkataiah N.ChinnaVenkataiah	1.62	2814NGKLLGLAPPL0001



S.No.	Deceased	Heirs	Land (in acres)	Claim (Patta) No.
4.	Thokala Eedaiah	T. Guruvaiah T. Eediswami	1.47	2814NGKLLGLIRYZ0003
5.	Thokala Mallaiah	T. Lingaiah T. Jagadeesh T. Krishna T. Shivaji T. Ganesh T. Mallikarkun T. Buddhudu	1.35	2814NGKLLGLAPPL0013
Village: Medimalkala				
6.	Karsham Balaiah	K. Eeshwar K. Ramu	2.68	Land allotted but title has not been given
7.	Katraju Pedda Lingaiah	K. Pedda lingaiah K. Chinna lingaiah	1.96	2814NGKLLGLAPPL0004
Village: Agarlapenta				
8.	Nimmala Guruvaiah	N. Pentamma N. Lingamma N. Samamma N. Guruvamma	0.29	2814NGKLLGLAPPL0006

Source: Field Visit, August 1-5, 2019

## Redress – Formal and Non-formal

Regarding FRA 2006 claims, people of Appapur approached the Programme Officer of the ITDA and District Collector, Nagarkurnool, but they were informed that state government has instructed them to not to issue rights under FRA 2006 and it should not be implemented in this area.

## Eviction Threats in the Name of Conservation

Officials have been continuously threatening local people with eviction from the area as it falls under the core tiger reserve. Now, there is another form of scheme which started in 2016-- there will be uranium mining in Amrabad Tiger Reserve.

## Notes on Sources and informants

1. Field visit during 1-5 August 2019.
2. Interaction with the Chencu community of Pedda Chama.
3. Detailed discussion with Mr. T. Guruvaiah, Mr. T. Naganna and Mr. T. Neeladri.



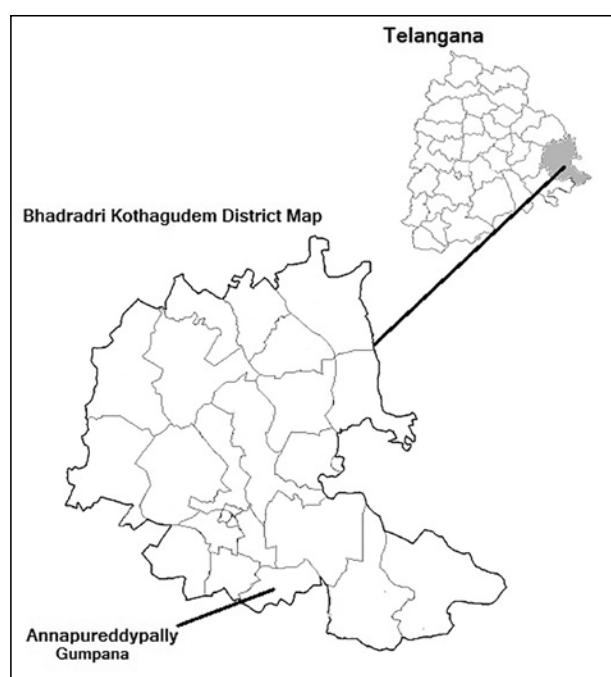
# TELANGANA

<b>Village:</b>	Kattugudem (Gumpana Gram Panchayat)
<b>Mandal/Block:</b>	Annapureddypally
<b>District:</b>	Bhadradi Kothagudem
<b>State:</b>	Telangana

**TELANGANA  
SITE 21  
Kattugudem**

## 21.1 Introduction to the Site

The site called Kattugudem is a habitation of Koya Adivasis which comes under the Gram Panchayat (and Revenue Village) of Gumpana. The history of the Kattugudem as a Koya habitation for the last several decades reveals that there are some local political elements who have been trying to disturb nativity and identity of original Adivasis' habitation. Local political leaders have formed new habitations and names of old habitations were given to newly formed habitations through which original rights of Adivasis have been overturned, for eg. transferring sanctioned school building to the other habitation. Formation of new habitations has also disrupted the process of land rights in terms of it being neither rejected nor accepted and even information on status of claims is not available at any office or with officials. Moreover, Gram Sabha consists of landed and dominant caste members and these have led to serious challenges for FRA implementation.



## 21.2 Socioeconomic Profile of the Village

The village of Kattugudem is a habitation of Koya community (ST) under the Scheduled Area. The habitation is under the Gram Panchayat and Revenue village of Gumpana of Annapureddypally mandal. The population of village of Kattugudem (and Koyakattugudem) is 238 (M: 152, F: 186). The population of Koya people exclusively accounts 155, of which Females 88 and Males 88 and remaining are other social group of backward communities (BC-A). The habitation comprises Mandal Praja Parishad School (MPPS), anganwadi centre, church, Muthyalamma thalli temple, Kanakadurga temple and cremation ground (2.20 acres).

The habitation of Kattugudem is largely dependent on agriculture — there are about 100 families dependent on farming and agricultural labour which accounts for about 200 labourers, 5 fishing families, one person employed in private sector and 15 villagers in government services at different positions and levels. The major crops cultivated in the villages are paddy, mango plantation, palm oil, eucalyptus plantation, subabul plantation in their lands but land status at present is illegal. It is also evident that MGNREGA is functional in the village.

Of the total 155 Koya community, 153 are literates of which Males 73 and Females 80. Educational levels range from primary level to Graduate and Post-Graduate levels. At present, all the children aged between 3 and 5 years old are being sent to Anganwadi School and above 5 years old are in Primary and Secondary Schools at different locations which include native place, Gurukul and Residential schools and colleges.

The community apart from consuming regular food items like rice, dal and vegetables, also consume a variety of forest foods such as wild fruits, roots and greens, etc., which are seasonally available in the forest. The major illnesses reported are cancer, tuberculosis, paralysis, fits, dengue, thalassemia disease and other seasonal diseases. PHC is located at Yerragunta which is 5 km away from the village. Another source of medical service is RMP doctor who comes from Yerragunta.

The major traditional occupation of the habitation is farming though majority of the people are dependent on multiple sources which include daily wage labour in different areas – construction, local factories and small business units, agricultural labour, labour works in construction sites, auto drivers, private employment in nearby factories. However, total dependence on collection and sale of NTFPs is not evident as majority of labour force have shifted to farm and non-farm sectors which are available within this area. Residential accommodation includes largely semi-pucca houses and pucca houses. The semi-pucca houses which were supported by the government are not in good condition. Dependence on the land is minimised as the Koya farming families are not in position to meet existing agricultural capital or production cost which requires investment. Thus, majority families are largely dependent on labour although some amount of land in terms of acres are under their holding. Some families have been in farming but their farming is limited to cultivation of crops like paddy and other traditional millets whereas cultivation of commercial crops is being managed by non-Koya farmers as it requires finance and marketing skills which are relatively low or nil among Koya farming communities.

The people of the village largely depend for immediate and urgent financial needs on a local money lender who lives in Abbugudem, a nearby village. They also depend on this village for other needs like fishing nets, toddy, milk centre, RMP doctor and other agricultural machineries such as tractors, crop harvesters and so on.

Facilities and amenities available within the village include school building, anganwadi centre, PDS centre and health services by ASHA worker especially for pregnant women and maternal health care services.

### **Religio-Cultural Profile**

Cultural and religious practices of the village associated with forest are Vanabojanalu, Bathukamma panduga, Dasara, Sammakka-Sarakajathara and collection of Tendu leaf (Thunikakusekarana).

### **Gram Sabha and Village Collective**

Issues were observed in relation to the functioning of Gram Sabha since it was constituted under the FRA 2006 and the quorum. The Gram Sabha has met thrice since it was constituted under the FRA 2006 and three resolutions were passed. The quorum of meeting is 1/3 of the total members and strength of the committee is 15. Women's participation in Gram Sabha meetings is inactive as there were no adequate actions taken to improve their participation in the village.

## **The Gram Sabha passed three resolutions since it was constituted under the FRA 2006.**

1. Identification of eligible claimants. The Gram Sabha has identified 44 claimants who have been in the same habitation for the last 30 years as on December 13, 2005. It was declared that total 44 farmers are eligible under FRA 2006. The total land claimed by eligible claimants under FRA 2006 is 244 acres. The meeting decided to issue notices under Rule 12 and inform the same to officials of the Department of Forest to request for surveying the land. Another resolution was on identification of 18 farmers who belong to Gangireddula community (BC-A) and applications were also received as they were eligible in the village. It was also confirmed that there were 8 community applications (B-Forms) and the available area for community claims is 6.30 acres of land.
2. Identification of farmers in Ramakabanjara of the Gram Panchayat of Dhamarcharla. There were 7 farmers of which 5 farmers were identified as eligible claimants and remaining applications of two persons were rejected as there was no land under their cultivation.
3. Forest land of Survey No. 37 of 260.20 acres was identified as eligible land under FRA 2006 which belongs to 50 Adivasi farmers and they have been in cultivation for more than 50 years. Gram Sabha identified 8 eligible community claimants. It was also decided to send the list of eligible claimants to the SDLC requesting further report to the DLC for final confirmation of claimants.

The Gram Sabha is not able to function freely and autonomously. This has been attributed to the support the elected representatives of the Gram Panchayat received from landed and dominant class castes from the village. These people were also responsible for arbitrarily changing village names in the Gram Panchayat. Detailed data was not available for community claims and specifics of forest rights claimed.

### **The Role of the JFMC/ VSS**

JFMC/VSS committee maintains all the records including the cheque book, pass book, the minutes book, the micro plan and estimates for works. The records are being kept in the custody of chairperson/vice-chairperson. The general body meeting is being conducted by giving an advance notice of seven days and the managing committee meeting conducted on any day after giving an advance notice of minimum of three days. The Forest Department facilitated capacity building programs of VSS members on various aspects of forest management including the management plan.

The VSS/JFMC was entitled to get usufruct rights for 100 per cent of forest produce especially timber and bamboo harvested from the forests. Apart from distributing benefits to the VSS, they also had set apart domestic requirement of forest produce. The Executive Committee used to dispose surplus quantity after deducting any expenditure incurred by the government on the harvesting and disposal of the forest produce. An amount not less than 50 per cent of the net income was used to depositing the joint account of VSS to meet the expenditure necessary to sustain the productivity of forests as per the micro plan. In addition, 50 per cent of the net revenue obtained from other works from the VSS area was accrued to the VSS.

### **The Relationship of the JFMC/ VSS with the Gram Sabha**

No relation of the JFMC/ VSS with the Gram Sabha is found in the village. Disputes between families and between communities and forest officials regarding land, land identification, sharing of benefits have been started since the beginning of implementation of FRA. Eucalyptus plantation

has been done by VSS in forest lands but there is lack of proper information on process and method of recognition of land rights of communities under FRA 2006. Now, they have shifted to daily wage labour activities in both farm and non-farm sectors and completely stopped works under VSSs. Interesting point in this particular area is that officials of the Forest Department have been trying to convert the lands which are already under Adivasi possession.

There is a VSS in Kattugudem and the Chairman is Keesam Gopal Rao s/o Rajaiah and Vice-Chairman – Geesam Suramma w/o Bhushaiah and other Members include – Daraboinarajulu, D. Muthyalu, Kesari Ramarao, D.Pothappa, K. Nagamma, K. Settha, D. Akkamma, Padam Ramulamma, D. Venkatamma, K. Bheemudu, D. Venkateshwarlu, K. Ramulamma, and V. Ramulamma.

### Customary Arrangements for Forest Governance and Protection

The people of the village had control over the land in forest but it has since changed. The community were entitled to the land and had a certain right over the land. Even today they feel that it is their responsibility to protect the forest and its resources. They had collective rights but their rights over land are in question. They feel that each member has a right to obtain their lawful share from the forest and forest resources. It is said that community can freely use the forest land and its resources located within its territory. Koya people said that they cannot relinquish customary rights, transfer them or alienate them permanently and people said that they still have rights over forest lands.

### Land Profiles

The village has mixed soils including sand, red and black. It is surrounded by streams, tanks and bore wells. Other sources include drinking water tanks under the Rural Water Mission and the Mission Bhagiratha (a state sponsored drinking water scheme of the Telangana state).

### Overview of Village and Forest Land Use:

#### Village Land Use:

S.No.	Particulars	Area/location of site
1	Housing area	32 acres
2	Agriculture/Cultivation area	880 acres
3	Religious temples and Places	2 acres
4	Cemeteries/Cremation grounds	2.20 acres
5	Common areas	19 acres
6	Grazing Pastures	2 acres
7	Market area	0 acres
8	School area	1acre
9	Others (specify)	Not Applicable

**Forest land Use:**

S.No.	Particulars	Area/location of site	Remarks
1	Agriculture/Cultivation area	280 acres	
2	Religious temples and Places	2 acres	Approximate
3	Rivers, Streams, Ponds and Tanks etc.	5 acres	Check dams, streams, tanks, ponds,
4	Common areas	Under FRA (280 Acres)	Approximate
5	Minor Forest Produce collection	Under FRA (280 Acres)	Approximate
6	Grazing Pastures	Under FRA (280 Acres)	Approximate
7	Others (specify)		

Source: Field Data, September 30-October 5, 2019

Arboreal animals, fauna of the forest of village, include wild pigs, rabbits, monkeys, squirrels, and rats, mongooses, skunks, wild hens and dogs, foxes. other flora which consists of mango trees, cashew mango, hibiscus, plum trees, neem trees, insulin trees, siri leman, pomegranate, sapotas, rose, mesta leaves, sarkaruthumma, thumma trees, thunika trees, udiga trees, banka trees (gum), banyan trees, medi trees, maddi trees, tamarind trees, taddy trees, jinne (neredu) trees, chilakaduddur trees and motaku trees.

**Categorisation of Forest Land**

S. No.	Category	Area	Year of Declaration
1	Reserved Forest	682 acres	Not Available
2	Protected Forest	400 acres	Not Available
3	Village forest	N/A	Not Available
4	Revenue village	4730 acres	Not Available
5	Unreserved Area	N/A	Not Available
6	National Park	N/A	Not Available
7	Wildlife Sanctuary	150 acres	Not Available
8	Tiger Reserve	N/A	No
9	Elephant Corridor	N/A	No
10	Others (specify) Hills	80 acres	Not Available

Source: Field Data, September 30-October 5, 2019

## 21.3 Historical and Continuing Injustice: Potential and Performance of FRA

### Renaming of Villages and Usurpation of Entitlements

Historically, Gumpena was a revenue village under which there were only three villages – 1) Gumpena, 2) Kotthuru and 3) Kattugudem till the mid 1940s. Formation of new colonies was started during the period of 1970s and 1980s with three new habitations viz. 4) Gumpena Harijana Colony, 5) Gumpena Kotha Colony and 6) Gollagudem came up during this period. As part of the tribal development programme, a school was sanctioned during the period of 1980-85. However, local leaders, especially political leaders of dominant castes were involved in diverting the location of school building and having it constructed in the habitation of Gollagudem. The name of habitation

was changed to MPPS-Kattugudem although the adivasis vociferously objected and opposed the move. Finally they succeeded in securing the school building in the academic year of 1990-92. However the local leadership again acted against the wishes of local Adivasis by changing the name of habitation of Kattugudem to Koyakattugudem. Consequently, some families are listed in the village of Kattugudem and remaining in Koyakattugudem. The history of change of village or habitation names in this particular Gumpuna revenue village reveals that status and livelihoods based on land were severely affected since majority of FRA 2006 claims were reported to be rejected based on the data collected from the Office of ITDA, Bhadrachalam.<sup>82</sup>

### **Gram Sabha under FRA**

Regarding the process, initially, claims were received from eligible claimants (farmers) in the Gram Sabha. Thus, total of 79 claims were received. The resolution was also passed to take up the survey of land and it was decided to report to SDLC and DLC. But, the office of Gram Panchayat did not send a resolution copy to SDLC and DLC. Moreover, the copies of the applications (claim forms) were also misplaced and they are not available in the office of the Tahsildar (Revenue). Mapping of IFR was done through GPS but details of it are not available.

Initially, applications of claims were circulated by local leaders and again collected by them. According to informants people were unaware of further phases of process of FRA. They do not know about details of claims filed, pending and rejections. The mapping of IFRs was done by surveyors and customary boundaries were not undertaken. The role of officials of the Forest Department in Gram Sabha is very active because they were involved in identification and verification of claims. No data was available on the formation of FRC.

Regarding the role of other authorities in Gram Sabha and process of FRA for verification of claims, it was observed that nobody supported in the process of claims but political leaders and officials have succeeded in misleading the process and misplacing all claims submitted at the Tahsil Office. The FRC consists of members from non-tribal communities as well as VRO, MPTC and so on. Moreover although original rights over the land are with Koya community they were not given titles.

People fought to change the composition of FRC and succeeded in changing members of the committee including the Chairman under the guidelines and suggestions of the Legal Cell constituted by trained adivasi lawyers who provide legal support to Adivasis' cases and they also provide community based legal services. The position of Chairman of the FRC is now in the hands of Koya community but earlier it was in the hands of the dominant caste of locality. The then PO – ITDA, G. Veera Pandyan had ordered resurvey of land to sanction the claims to eligible claimants. No role of SLMC has been observed by the people in the village as claims of the village were disappeared allegedly by officials and local leaders in collusion.

### **Failure of Settlement Process**

The process of forest rights settlement has been undertaken in the village since the FRA 2006 came into force. Yet, the officials of the Forest Department lodged a complaint with the Mandal Revenue Officer (MRO) against local people for *'illegal occupation of forest lands.'* The local forest officials sent a notice to Dora Boina Balappa s/o Makappa imposing fine of Rs.900. The MRO also sent a notice to the villagers mentioning that the land occupied by people of Kattugudem village was under the Forest Department, and suggested that the villagers negotiate with officials of the Forest Department. The land continues to be under the dispute and rights of communities to land have not been settled as per the FRA 2006.

<sup>82</sup> RTI Application No. R.C. No.A6/RoFR/ITDA/357/2019, Date: 3/10/2019

The creation of different villages (habitations) under the Gram Panchayat of Gumpuna generated confusion and conflict over demarcation of adivasis' land. The new settlements in this area brought new challenges into the FRA process. Some non-tribal families occupied land of the Koyas and created land records under the name of people from another tribe. This conflict has resulted in delay in identification of eligible claimants. Moreover, claims were given to those who already owned lands but neglected those who do not hold even a single gunta of land.

### Details of Claims filed (since 2008):

Under whose name Claimed filed?			Forest Rights					Total Number of claims filed
			IFR	CR	CFR	Habitat	Others	
ST	Single	M	31		8			59
		F	20					
	Joint							
BC-A	Single	M	25					25
		F						
	Joint							
Others	Single	M	3					3
		F						
	Joint							

### Committees under FRA

Although initially FRC was constituted, no data on FRC was available at the time of this survey at both the levels - the Habitation and Gram Panchayat as well.

### Current status of claims:

Rights	Particulars of Claims	Total number of claims	Area (hectare)	Type of forest rights	Claimant?	Current Status		
						Gram Sabha	SDLC	DLC
Individual Forest Rights	Recognized	71	280.20	IFR	Individual	Accepted	Accepted	Accepted
	Pending							
	Wholly Rejected							
	Partially Rejected							
Community Forest Resources	Recognized	2			CFR	Accepted		
	Pending							
	Wholly Rejected							
	Partially Rejected							

Field Data: September 30-October 5, 2019.



## Disputes and Conflicts

### *Major Challenges in Recognition and Verification of Forest Rights*

People of this village have struggled to identify their claims as eligible claimants and for land under their cultivation. Local leaders and officials are also involved in disturbing the process of survey of land and identification of eligible claimants. People have requested FBO to sign on the map of claims. The FBO took at least 15 days to sign on it. Meanwhile, FSO has threatened FBO for signing on the map. People of the village decided to boycott the elections of the Gram Panchayat as a protest. The news about boycotting election reached the District Collector through print media. In response to the news report the Collector ordered an enquiry by the office of ITDA. Thus, the PO ITDA was again instructed by the district authority to look into the matter. He in turn instructed FRO-Ramavaram to take up local enquiry and asked him to submit the report on the status in terms of submitted files of claims under FRA 2006. The process again was hindered by influential local leader and the then Chairman of the FRC named Sannepally Nageshwar Rao even after of prolonged orders and communication through proper channel. The then Chairman had threatened terribly local officials not to conduct the re-survey in this area.

### **Issues before FRA**

Once farmers of Koya community were arrested and jailed two months by officials of the Forest Department. Villagers had requested the then existing MLA (Koneru Nageshwar Rao) to help farmers release from jail but he refused to help claiming 'Koya farmers are criminals' and stated that 'cultivation of *Podu* farming is crime'. Later, they again approached Mr. Vanama Venkateshwara Rao the then former MLA. He immediately responded to the issue and claimed that 'Adivasis have rights over forest lands and can cultivate them as their right'. The then former MLA along with other villagers went to the office of Forest Range where farmers were jailed and demanded the FRO release the farmers who were in jail. After a prolonged protest at the Forest Office, officials released farmers. People termed the agitation as 'the fight for dignity' and said that they have been continuing sustainable farming for the last few years.

### **Exercise and Assertion for Rights by Village and its Members under FRA**

"We (FRC Committee) met DFO - Kothagudem and requested him to take up action on FRA lands, especially surveying Boundary of village and Individual claims. The DFO suggested that we meet FRO-Ramavaram. We went all the way to Ramavaram and met FRO at the Forest Office. We requested him to look into the matter as our claims are being under FRA 2006. Instead of giving us a positive response, he insulted us and accused us as forest destroyers and held us responsible for forest degradation"

Eligible claimant in the village (Interview, October 5, 2019)

The FRC Committee countered this accusation. In the words of a member "we Koyas are responsible for forest development, we are protectors of environment. We never cut the branches of trees but we collect strewn tree branches for firewood. As members of VSS, we saved the forest and protected it from thieves who do the illegal felling with mechanical saws. We are the people who always try to protect big trees and forest. Your department destroyed forest and you people made forest weak by destroying old trees by using big machineries and planted jam oil plants for commercial purpose. These plants weaken forest soil and degrade forest resources. We never planted jam oil plants but we saved natural forest trees. We never cared about commercial plantation but your department seriously degraded forests by planting Jam oil plants" (Interview October 5, 2019).

The conversation reveals serious concerns about natural forest and its valued species.

## **Existing and Ongoing Conflicts**

The influential group has been trying to suppress the rights of Adivasis and have been creating problems in day to day affairs of process of FRA. These local leaders and officials assumed that if they (people) get the rights over forest lands which consist of about 280 acres; the people may emerge as affluent group, may not continue to be subservient. Some of local leaders are money lenders who regularly lend money to Adivasi farmers. Adivasis therefore felt that it is the prospective decline in Adivasi indebtedness that made the leaders hostile to their claims.

### **Local leadership**

Local leader named Mr. Sannepally Nageshwar Rao was once appointed as Chairman of the FRC (at the Gram Sabha), though he belongs to dominant caste. There were other people along with him including Mr. Daraboina Mutyalu, Former M.P.T.C, Mr. Keesari Ramarao, Former Sarpanch, Mr. Bukya Ravi, VRO, Mr. Balaji, FBO at present and Mr. Madhan Lal, FBO (former) and Mr. Uma FRO who are known as dominating and influential personalities of the area especially at Mandal level.

There is a patch of land in the village which accounts for about 60 acres. Another patch which comprises 120 acres of land also went out of Koya control although proper survey was completed under FRA 2006. Some of claims have been settled or distributed under FRA 2006. In above mentioned two instances, people of Kattugudem had struggled to regain those lands. In another instance in the process of FRA claims of landless labourers were rejected whereas claims of already/ existing land holding families were accepted and distributed claims to them.

### **Marginal PSU arrangements**

Regarding PSU arrangements with private parties, ITC-BCM has formed an Afforestation Committee to encourage farmers to produce the products of Eucalyptus and Subabul to meet the demand of the ITC Factory. They encouraged few farmers and supported them but they neglected Adivasis farmers.

### **Aggressiveness**

Forest officials have tried to burn existing crops so as to terrify farmers and make them to vacate forest lands. They also incorporated names of non-tribal people in the list of beneficiaries of FRA instead of eligible claimants so as to confuse the process. There was no evidence of prior and informed consent of the Gram Sabha for any of the disputed programmes in the village.

### **Rejection of Claims**

#### *Lack of Clarity*

Claimants have not received any information by concerned officials regarding whether claims are accepted or rejected. Officials did not give any information about claims under FRA 2006 to the Gram Sabha till date. Thus, no information is available about claims and claimants.

***Redress – Formal and Non-formal***

Regarding the land under the FRA 2006, villagers had requested the PO, Bhadrachalam for resurvey of land identified under FRA 2006 and re-settlement of claims which were already filed by claimants/applicants of the village. In later phases, claims have been submitted to concerned officials but no data on claims and claimants is available. Since this is the condition, there is no possibility of taking any action against the rejection of claims because claims have not been rejected by any concerned authority - Gram Sabha, SDLC and DLC. Hence, there is no cause of action without proper information.

**Conclusion**

Although the Gram Sabha has met thrice since it was constituted under the FRA 2006 and resolutions passed, there are multiple issues which have been hindering the process such as creation of different villages in the same name of existing habitation. The process was confused by local officials and leaders which led to delay in identification of eligible claimants. Another issue was that claims were given to those who already had lands but neglected those who do not have even a single gunta of land. The process of circulation of applications was also flawed as forms were distributed and collected by local leaders. People did not get proper information about the phases of process of FRA 2006. Aggressiveness by forest officials in terms of burning existing crops in Adivasis' farms is extreme evidence of not only violation of the Act but also violation of basic human rights in the Scheduled Area.

**Notes on Sources and Informants**

1. Field visit September 30 to October 5, 2019
2. Interaction with Kattugudem community



# TELANGANA

<b>Village:</b>	Thatigudem (Thatigudem Gram Panchayat)
<b>Mandal/Block:</b>	Yerrupalem
<b>District:</b>	BhadradiKothagudem
<b>State:</b>	Telangana

**TELANGANA  
SITE 22  
Thatigudem**

## 22.1 Introduction to Site

The site called Thatigudem is a habitation of two communities primarily–Koya (ST) and Nethakani (SC). This site has historically seen injustice as early as 1979 when farmers were arrested for engaging in *podu* cultivation. In its aftermath, some farmers were allotted land, but even today with respect to FRA while GPS survey of land has been undertaken, there have not been any recognition of claims.

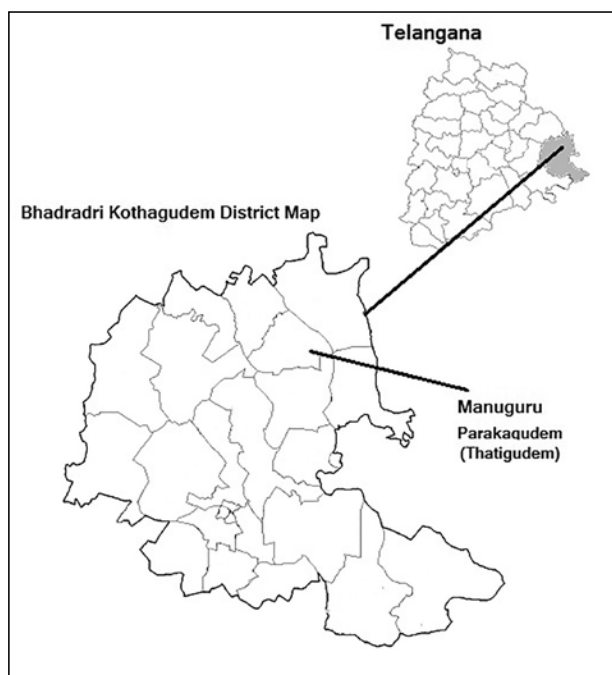
## 22.2 Socioeconomic Profile of the Village

The site called Thatigudem is a habitation of two communities primarily–Koya (ST) and Nethakani (SC). One family belonging to the Gangireddula caste (BC) is also found. The habitation comes under the Gram Panchayat of Thatigudem. This site has historically seen injustice as early as 1979 when farmers were arrested for engaging in *podu* cultivation. In its aftermath, some farmers were allotted land, but even today with respect to FRA while GPS survey of land has been undertaken, there have not been any recognition of claims.

The village of Thatigudem is a habitation in the Scheduled Area and falls under the Gram Panchayat of Thatigudem of Yerrupalem mandal. The population of village of Thatigudem is 737 (384 males, 353 females). The Koya population accounts for 381 (M: 201, F: 180); the remaining are Nethakani (350) and Gangireddula (6). Infrastructural facilities of the habitation include primary school, anganwadi centre, internal roads, individual toilets (not in use), individual tap water supply, public health services by ASHA worker and cremation ground.

People of the habitation largely depend on farming and agricultural labour but some of the youth are engaged in private industries which are located in the nearby mandal headquarter and towns. The major crops cultivated in the villages are paddy and other millets in individual farms and mango plantation, palm oil, eucalyptus plantation and subabul plantation in community (forest) as well as individual lands; but some lands are under illegal occupation by other dominant castes. MGNREGA is considered as an important source of regular livelihood in the village.

Of the total population, literacy of the habitation is 15 per cent of which males stood at 9 per cent and females at 6 per cent. It was observed that majority dropped out in the 10<sup>th</sup> standard and very



few enrolled in higher secondary level. However, all of the school aged children are being sent to anganwadicentres and schools except few who dropped out of different schools.

Their regular food intake includes rice, dal and vegetables in addition to a variety of forest foods such as wild fruits, roots and leaves, etc., along with seasonally available forest produce to some extent. The major illnesses are seasonal fevers. The major traditional occupation of the habitation is farming although majority are dependent on multiple sources which include daily wage labour in different areas – construction, local factories and small business units, agricultural labour, labour works in construction sites, auto drivers, private employment in nearby factories; some people have got government jobs (Police Constables, Teachers, Revenue employees and other clerical level positions). Some of the youth have also been in agricultural labour although they have graduated in different disciplines. However, dependence on collection and sale of NTFPs has completely vanished as a majority of the labour force shifted to farm and non-farm sectors which are available within in this area.

The public facilities and amenities available in the village are school building, anganwadi centre, PDS centre (located at nearby village) and health services by ASHA worker (especially for pregnant women and post-pregnancy health care services), electricity supply and connections, internal CC roads, individual toilets, individual taps, veterinary services (by Mandal level veterinary doctor); other privately owned services include tractors on rent basis, autos, money lending and private medical services by RMP Doctor.

### **Religio-Cultural Profile**

Cultural and religious practices associated with the forest in the village are Padigiddaraju, Vanabojanalu, Sammakka-Saralammajathara and Muthyalamma panduga. The village and its surrounding villages have respective boundaries and each village has its own boundary line. Communities of each village collect forest produce including fish within the village boundary.

### **Gram Sabha and Village Collective**

The FRC was formed by the Gram Sabha. According to informants, the Gram Sabha was not active in selection of members of FRC. Resolutions were not available regarding FRA 2006 in the Gram Sabha. Although the norm is that all adults of the village should take part in the Gram Sabha meeting, generally, in Andhra Pradesh and Telangana, the quorum is not less than 1/3 of members of Gram Sabha of whom at least 50 percent shall be tribal people. The strength of members of the FRC is 15. It was found that women's participation in Gram Sabha meetings was poor.

### **Customary Arrangements for Forest Governance and Protection**

Local residents observed that earlier unrestricted access to the forest was possible and they had their own arrangements to protect their forests. Presently, with the formation of the VSS, forest department imposes restrictions on villagers and responsibility for forest protection and related work was delegated to the VSS (Interview on September 30, 2019). The villagers earlier had collective rights but now their rights are in question as VSS has become dysfunctional. People felt that each member of the habitation has a right to obtain her lawful share from forest and its resources but now it is not possible because the FRA 2006 has brought new form of challenges – no rights over community forest land, restriction on collection of forest resources and no access to traditional lands.

People felt that each member of the habitation has a right to obtain her lawful share from forest and its resources but now it is not possible because the FRA 2006 has brought new form of

challenges – no rights over community forest land, restriction on collection of forest resources and no access to traditional lands. The reason is that forest officials are under impression that local people extend their cultivated area so as to claim more acres of land under FRA 2006. This led them to stop people from exercising their customary forest use.

## Land Profiles

The village comprises mixed soils - sand, red and black. It has streams, tanks and bore wells. Drinking water tanks are built under Mission Bhagiratha and Rural Water Mission which are supported by state and central governments.

Arboreal animals, fauna of the forest of village, include wild pigs, monkeys, squirrels, and rats, mongooses, skunks and foxes. other flora which consists of mango trees, cashew mango, hibiscus, plum trees, neem trees, pomegranate, sapotas, sarkaruthumma, thunika trees, banka trees (gum), banyan trees, maddi trees, tamarind trees, toddy trees, chilakaduddur trees and motaku trees are also found.

### Overview of village and forest land use

S.No.	Particulars	Area/location of site
1	Housing area	Revenue land
2	Agriculture/Cultivation area	Forest and Revenue land
3	Religious temples and Places	Forest land
4	Cemeteries/Cremation grounds	Forest land
5	Common areas	Forest land
6	Grazing Pastures	Forest land
7	Market area	Not Available
8	School area	Revenue land
9	Others (specify)	VSS Programme

### Forest land use

S.No.	Particulars	Area/location of site
1	Agriculture/Cultivation area	Revenue land
2	Religious temples and Places	Forest land
3	Rivers, Streams, Ponds and Tanks etc.	Forest land
4	Common areas	Not Available
5	Minor Forest Produce collection	Mohuva, Seeds, Broomstick, Firewood, Tendu leaves
6	Grazing Pastures	Forest land
7	Others (specify)	Plate leaves, Gum or Glue

Source: Field Data, September 30-October 5, 2019

## 22.3 Historical and Continuing Injustice: Potential and Performance of FRA

Forest rights settlement has been undertaken in the village since 2008. The Gram Sabha was conducted by the Gram Panchayat and it identified eligible claimants and some of them received claims. However, even today the process of identification and distribution of claimants has not been completed due to problems created by officials of the Forest Department although the lands have been under the cultivation of farmers (Koya and Netakani). Moreover, 75 farmers of these communities (Koya and Netakani) were sent to Warangal Central Jail for undertaking *Podu* cultivation in 1979, although they had been cultivating lands since last 50 years or more. After this incident took place, officials distributed land to very few farmers (exact number of farmers not known). The extent of distributed land as a claimed area was not more than an acre or half acre of land although land under cultivation was more than the distributed land.

Although lands have been under cultivation of Koya and Netakani farmers, even today there is problem of recognition of rights under the FRA 2006. Koya people have been threatened by officials of the Forest Department. This resulted in gradual reduction of dependence on forest resources by local communities and shifting was evident from farm and non-farm activities. Non-farm activities are largely available in nearby semi-urban centres which include headquarters of Mandal as well as Revenue Division.

Dietary practices have also undergone change from traditional millets like Jowar (Jonnalalu), Maize (Mokkajonnalu), Foxtail (Korralu), Little (Saamalu) and Kodo (Arikalu) to only rice, vegetables and locally available meat produces like hen, goat, sheep and fish. People have been struggling to collect firewood and other wood items to build temporary huts to protect from heat waves because officials of the Forest Department have installed CCTV cameras at all places and are intensively surveilling the area. Officials also threatened to file a case against local people if they enter into forests and collect even firewood. This has resulted in a search for alternative livelihoods although it is very difficult to find alternatives in these areas.

### Gram Sabha under FRA

Gram Sabha was formed at panchayat level. The committee consists of 15 members including 8 Adivasi women. The list of members is not available. Formally CFRMC was formed but there is no information about it and details about CFRMC are not available. There was VSS with Chairman, Vice-Chairman and other members including 5 women, but details are not available.

### Procedures under FRA

Regarding the FRA process, initially, applications were received from eligible claimants (farmers) who were asked to produce identity documents– (i) Voter Identity Card, (ii) Ration Card, and (iii) Pahanis of land. Mapping of IFR was done through GPS but survey of customary boundary was not completed. Regarding the role of other officials in the process of verification of claims, it was reported by informants that officials, political leaders and elected representatives were absent in the process. People said that the role of SDLC and SLMC in Forest Rights Processes is not evident and that claims of the village were misplaced collectively by officials and leaders. Data was not available about the committee under FRA 2006 (Interview on October 4, 2019). Claims have not been received by any concerned officials, similarly no information was forthcoming regarding whether claims were accepted or rejected.

**Particulars of Claims Filed (Since 2008)**

Under whose name Claimed filed?			Forest Rights					Total Number of claims filed
			IFR	CR	CFR	Habitat	Others	
PVTG	Single	M						
		F						
	Joint		70					70

**Current status of claims:**

Rights	Particulars of Claims	Total number of claims	Area (hectare)	Claimant?	Current Status		
					Gram Sabha	SDLC	DLC
IFR	Recognized	16		Individual	Accepted	Accepted	Accepted
	Pending	54		Individual	Accepted	Pending	
	Wholly Rejected						
	Partially Rejected						

Field Data: September 30-October 5, 2019

**Disputes and Conflicts**

People of this village struggled to initiate a process under FRA 2006 to identify claims, and ascertain their claims' status. However, even today they do not know what happened to their applications of claims. There was an attempt by forest officials which forced people to move away from their native lands. Local people obstructed the move of trenching and plantation in forest lands by forest officials. People tried to intercept the activities of plantation in cultivated forest lands but forest officials slapped cases and sent farmers off to jails for some time to threaten local people. The lands were in fact under the cultivation of local communities.

**Cultivated lands under VSSs**

Although officials sent farmers to central jail and later lands were distributed to eligible claimants, it was found that there is huge difference between actual cultivated area and distributed claims to eligible claimants. Eligible claimants have far less than actual cultivated area in terms of extent of area in acres as per their actual eligible area. Moreover, officials of the Forest Department have allocated claimants' land to local forest protection committees i.e., VSSs. The issue has not yet been resolved and it has been under conflict. Trenching too has been made by officials to barricade livestock – bullocks, buffalos, sheep, goats – from grazing in the forest.



## Exercise and Assertion for Rights by Village and its Members under FRA

People of this village have been involved in protection of forests and environment through VSS. There are a total of 250 families which have been completely dependent on farming and other farming related activities in this area. There are 8 ponds and 3 tanks and other natural streams which are being considered as potential irrigation source of the area and they have capacity to irrigate more proposed area. Some of the village lands are sandy soils in which local farmers have been cultivating pulses (aparaalu), cowpea (bobbarlu), green gram (pesari), black gram (minumulu), and also to some extent groundnut (verusanaga). In this agency track, some of farmers have also dug bore wells and take up cultivation for second crop in some acres of land. Although people have been in farming over generations, land titles (claims) have not yet given to eligible claimants.

### Redress – Formal and Non-formal

Adivasis have submitted their claims to concerned officials for resurvey of land identified under FRA 2006 and to settle the claims. They also requested higher authorities to allocate separate lands for various community purposes - cremation ground, grazing lands and place for construction of Gram Panchayat building. So far, no reply is received.

### Notes on Sources and Informants

1. Field visit September 30 to October 5, 2019
2. Interaction with Thatigudem community



# TELANGANA

<b>Village:</b>	Yerrayigudem (Bodu Gram Panchayat)
<b>Mandal/Block:</b>	Tekulapally
<b>District:</b>	Bhadradi Kothagudem
<b>State:</b>	Telangana

**TELANGANA**  
**SITE 23**  
**Yerrayigudem**

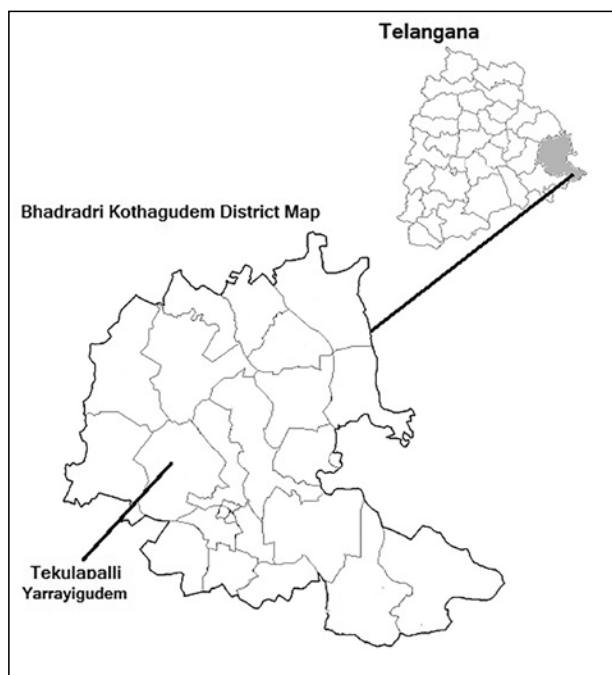
## Section A

### 23.1 Introduction to Site

Yerrayigudem is under the Gram Panchayat of Bodu of Tekulapally Mandal in the district of Bhadradi Kothagudem. In this site, there is dispossession due to Indira Sagar Dam (Polavaram) Project. Since the villagers have not been in possession of IFRs they are unable to claim compensation under FRA.

### 23.2 Socioeconomic Profile of the Village

The village of Yerrayigudem is a Koya habitation under Scheduled Area. The population of village is 780 (M: 394, F: 386). The village comprises anganwadi and primary school, Muthyalamma Thalli temple and cremation ground.



The habitation is largely dependent on farming, agriculture and non-agricultural labour, fishing, employment in private and government sectors as well. Apart from this, wage work is also available under the scheme of MGNREGA in the village. The major crops cultivated in the villages are paddy, mango plantation, palm oil, eucalyptus plantation, subabul plantation. Interestingly people work as daily wage labourers in their own fields as their lands are cultivated by tenants. The literacy of the habitation is 30 per cent of which literacy of males was reported to be 18 per cent and females 12 per cent. Presently, children aged between 3 and 5 years old are enrolled in anganwadi and primary school and those above 5 years of age are in primary and secondary schools in different schools.

Their regular food items are rice, dal, vegetables and locally available meat. The major illnesses of the habitation are typhoid, joint and back pains, cancer, T.B., paralysis, fits, dengue, thalassemia disease and others. Medical services by ASHA worker and ANM are available although PHC is located at the Mandal headquarter.

People have been living in this location for more than 70 years. The major traditional occupation of the habitation is farming although majority are dependent on multiple sources which include daily wage labour in different areas – construction, local factories and small business units, agricultural labour, labour works in construction sites, auto drivers and private employment in nearby factories. However, there is a sharp decline in dependence on collection and sale of NTFPs as majority of the labour force has shifted to farm and non-farm sectors which are available within this area.

## Religio-Cultural Profile

Particular festivals are being performed to get more rains at the beginning of rainy season. Poojas are performed for taking up of better cultivation activities and yields. They have forest related festivals like Vana Muttharajulu for better health conditions of community, Kotthala Panduga for better yields and crops while Velpula Pandugais celebrated for sustained yields and crops. Apart from traditional festivals, they continuously monitor forest and forests resources so as to protect them from illegal activities like cutting trees and illegal transport of forest produce.

## Gram Sabha and Village Collective

It was reported by informants that the Gram Sabha has not been conducted by the Gram Panchayat with regard to FRA 2006. The details of claims and its status in terms of acceptance and rejection are not available. No role of JFMCs/ VSSs is found in the village. Formally, JFMCs/VSSs committees have to maintain all the records including the cheque book, pass book, the minutes book, the micro plan and estimates for works but they are not functional. There is no relation of the JFMC/ VSS with the Gram Sabha in the village.

## Customary Arrangements for Forest Governance and Protection

Earlier, people used to collect forest produce without any threat and fear but it is increasingly very difficult to enter into forest areas. VSS activities were earlier there but now it is completely inactive. Under the PESA Act, the first Gram Sabha was held in August 2019. It was observed that there was an inadequate attempt to raise awareness on these policy measures and this resulted in ineffective function of both PESA Act and FRA 2006.

## Land Profiles

There are two types of lands - forest and revenue lands. Forest lands comprise sand, red and black with stones whereas revenue lands are alluvial and black. The village is surrounded by both natural and modern water resources (streams, tanks, bore wells, drinking water tanks under Rural Water Mission and Mission Bhagiratha).

Arboreal animals include bears, deer, moose, wild buffalos, wild pigs, rabbits, monkeys, squirrels, and rats, mongooses, skunks, wild hens and dogs, foxes, konda muchu, peacocks, eagles, parrots, kamzus, crows and sparrows.

Flora which consists of naaravepa, the banyan trees, amla trees, mango trees, cashew mango, hibiscus, plum trees, neem trees, insulin trees, siri leman, pomegranate, sapotas, rose, mesta leaves, sarkaruthumma, thumma trees, thunika trees, udiga trees, banka trees (gum), medi trees, maddi trees, tamarind trees, taddy trees, jinne (neredu) trees, chilakaduddur trees and motaku trees and roots and Ayurvedic medicinal plants.

## 23.2 Historical and Continuing Injustice: Potential and Performance of FRA

The available forest land of the village is spread across blocks (units of forest land) of Bodu Gram Panchayat of Kothagudem Block, Thummalachakka (of Illandu Mandal) and Dharmapuram covering 100 acres of land. Under the Kothagudem Block, there are 103 eligible claimants but claims have been distributed to only 40 claimants whereas no distribution process took place in Illandu block.

FRC was formed at Panchayat Level and the committee consists of 15 members who have completed the age of 18 years. The committee consisted of 3 women (Koya) and rest were men. The Gram Sabha had elected the Chairman and Vice-Chairman and other members by show of hands in the meeting.

The Gram Sabha has not passed any resolutions since it was constituted under the FRA 2006. The Gram Sabha is not able to function independently due to the presence of strong leadership including dominant castes and officials of other communities in the village. Participation of other officials – Forest Department, Revenue and Panchayat – is not evident but it was reported that the Secretary of the Gram Panchayat was the only officer who attended the meeting. Though the process of FRA started in the year of 2008, only 40 claims have been identified and distributed out of the total 103 eligible claimants.

According to a local informant nobody knows about CFRMC or its constitution. Information on the role of Gram Sabha in the formation of CFRMC and pre-existence of JFMC is not available.

### Gram Sabha under FRA

All eligible claimants applied for individual claims but there is a lack of awareness regarding community claims, and hence no applications for CFR. Regarding the process, the FRC at the Gram Sabha has asked eligible claimants to produce identity cards – (i) Voter Identity Card, (ii) Ration Card, (iii) Pahanis of land, (iv) Affidavit by 4 elders of the village who have completed the age of 70 years old and (v) Statement by claimants on whether the farmer has been cultivating the land before the year of 2005. It is observed that mapping of IFR has not been done in the village.

Regarding the role of other authorities in Gram Sabha processes for verification of claims, nobody including officials, political leaders and elected representatives has helped and supported in resolving village problems, receiving claims and identification of eligible claims in the village. The FRC does not fulfil any formal functions. Information about claims and its status is not available with FRC or Gram Sabha because the study found that the role of FRC was limited to collecting claims from claimants. According to a member, no further information is available with FRC.

### About FRA Process

“There was a FRC of 12 members covering 14 villages in the Gram Panchayat. Initially, the committee had received claims from eligible claimants under FRA 2006. The people of village had requested the then RDO and the Collector, PO-ITDA to take up the issue but no progress has been seen in this regard. Whenever we approach concerned officials, they reply that the process of mapping and land survey are under process. We don’t know when it will be completed” (Interview on October 2, 2019).

### Particulars of Claims Filed (Since 2008)

Under whose name Claimed filed?			Forest Rights					Total Number of claims filed
			IFR	CR	CFR	Habitat	Others	
PVTG	Single	M	230					230
		F						
	Joint							

**Current status of claims:**

Rights	Particulars of Claims	Total number of claims	Area (hectare)	Type of forest rights	Claimant?	Current Status		
						Gram Sabha	SDLC	DLC
IFR	Recognized	40		IFR	Individuals	Accepted	Accepted	Accepted
	Pending	190		IFR	Individuals	Accepted	Pending	
	Wholly Rejected							
	Partially Rejected							

Field Data: September 30-October 5, 2019.

**Claims under FRA**

No data was available as the informant reported that all the claims were misplaced. (Interview on September 28, 2019). Informants reported that no proper information is available regarding the rejection of claims (Interview on October 1, 2019).

**Disputes and Conflicts**

People of this village have struggled to identify themselves as eligible claimants since their lands have been under their cultivation for the last few decades. Local leaders and officials are also involved in interrupting the survey of cultivated land and the process of identification of eligible claimants. People requested RDO to look into the matter. According to an informant, “we were able to receive only 40 claims during the tenure of Chief Minister of Y.S. Rajashekar Reddy as he pressurised concerned officials to distribute claims under FRA 2006. Since then we are yet to receive approval for 190 claims” (Interview on October 2, 2019).

**Exercise and Assertion for Rights by Village and its Members under FRA**

People of this village have been involved in protection of forests and environment, conservation of forest resources and protection of forest from thieves who cut the trees illegally and sell them in nearby market areas.

Officials of Forest Department and Revenue Department have been troubling people in identifying and distributing claims under the FRA 2006 in terms of stopping works of land levelling and cultivation activities, imposing fines on them those who crossed forest boundaries and preventing grazing of domestic livestock.

**Redress – Formal and Non-formal**

Local informants reported that the lack of information on the specific authorities rejecting the claims - Gram Sabha, SDLC and DLC – made it impossible to initiate any action to remedy the matter (Interview on October 3, 2019).

**Eviction – Resettlement and Displacement**

The Indira Sagar project that has been initiated by the government of Telangana threatens to displace villagers in Yerrayigudem. The area of Pedda Cheruvu (Large Village Tank) of Rolla Cheruvu village and forest lands of Yerrayigudem have been submerged and yet people have not yet received any

claims and compensation. As result 30 eligible claimants (families) have lost their rights over lands which have been under their control for the last few decades. This attempt (the process of losing rights over lands), further has weakened both their rights over land and sustainable livelihoods as well. Since they did not receive claims under the FRA 2006, local people believe that they cannot get compensation under the Right to Fair Compensation and Transparency in LARR 2013 despite the fact that a survey has been completed under FRA 2006.

The reservoir has also submerged lands of other Adivasi habitations: Rollapaadu, Dhanda Gundaala, Rollapaadu Thaanda. It also submerged forest lands of Yerrayigudem, Petrochalaka, Thummalachalaka, Baddhu Thaanda, Kotalla, Abrireddygudem, Maddiraala and Thommidavamailla Thaanda. None of those facing displacement have received claims under FRA 2006 in this submerged area. Consequently, people of these areas have been demanding distribution of claims as this will strengthen their demand for compensation or alternative lands as the case may be.

### Reasons for Rejections of Claims – Bhadrachalam Division

Mandal wise Reasons	Cases	Mandal wise Reasons	Cases
Ashwapuram		Dummugudem	
House Site	1	All are objectionable VSS area and recent cultivation	1
No Land	1	All are objectionable bhooporattam cases 2007 and VSS land (Double Application)	30
Govt. Land	17	All objectionable VSS area and recent cultivation	57
Cultivation after 13.12.2005	737	All are objectionable bhooporattam cases	95
<b>Total</b>	<b>756</b>	All are objectionable bhooporattam cases 2007 and VSS land	<b>135</b>
Ashwaraopeta		All are objectionable bhooporattam cases 2007 and VSS land (Duble application)	216
Cultivation after 13.12.2005	245	After 2006 Cultivation	379
Bayyaram		After 2005 Cultivation	2201
Proof not produced	1	Cultivation after 13.12.2005	3854
After 2005 Cultivation	2	Total	6968
Cultivation after 13.12.2005	2	Enkur	
Land in other Dist.	26	Double	5
No Cultivation	118	Cultivation after 2005	5
Patta Land	286	Total	10
Govt. Land	381	Garla	
<b>Total</b>	<b>816</b>	Formed Vanasamrakshana Samithi	<b>394</b>

Mandal wise Reasons	Cases	Mandal wise Reasons	Cases
Chandrugonda		Gundala	
Non Tribe	1	Double	14
No Land	1	Proof not produced	132
FRO Rejected	33	Cultivation after 13.12.2005	1106
Under VSS Control	36	<b>Total</b>	<b>1252</b>
Proof not produced	217	Julurupadu	
No Cultivation	236	Proof not filed	1
Cultivation after 2008	303	Govt Employee	6
Cultivation after 2005	359	Non Resident	4
<b>Total</b>	<b>1186</b>	Proof not produced	14
Charla		Cultivation after 2005	32
Death	1	Forest	40
dispute between 2 Villagers	9	Double	72
Forest Objection	23	Cultivation after 13.12.2005	72
Forest Objection (2007)	59	No Land	130
GothiKoya	74	<b>Total</b>	<b>371</b>
After 2005 Cultivation	166		
Cultivation after 13.12.2005	2517		
<b>Total</b>	<b>2849</b>		
Kemepalli		Singareni	
Temple land	1	No Land	31
Govt. Employee	2	Proof not produced	83
Non Resident	2	<b>Total</b>	<b>114</b>
No Land	7	Tekulapalli	
Double	9	Employee	2
No Cultivation	15	Non Tribe	14
<b>Total</b>	<b>36</b>	No Cultivation	24
Kothagudem		Double	75
Died	1	No Land	163

Mandal wise Reasons	Cases	Mandal wise Reasons	Cases
Land Dispute	1	Proof not produced	246
Student	3	<b>Total</b>	<b>524</b>
Govt Employee	6	Venkatapuram	
Cultivation after 2005	22	After 2005 Cultivation	886
Forest boundary dispute	34	Wazeedu	
No Land	39	Cultivation after 13.12.2005	2716
Double	39	Yellandu	
Proof not produced	54	Non Resident	2
<b>Total</b>	<b>199</b>	No Cultivation	2
Mulakalapalli		Govt. Employee	5
Non Tribe	12	SCCL Employee	6
Not in cultivation	98	Double	9
Cultivation after 13.12.2005	1606	VSS Allotted Area	10
<b>Total</b>	<b>1716</b>	Proof not produced	189
Pinapaka		Cultivation after 2005	282
Cultivation after 13.12.2005	2064	<b>Total</b>	<b>505</b>

Source: RTI Application No. R.C. No.A6/RoFR/ITDA/357/2019, Date: 3/10/2019.

## Notes on Sources and Informants

1. Field visit September 30 to October 5, 2019
2. Interaction with Yerrayigudem community





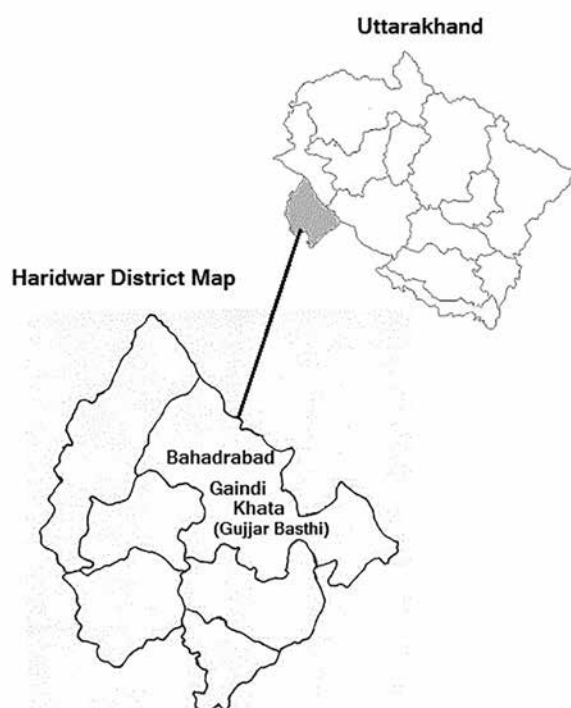
# UTTARAKHAND

<b>Village:</b>	Gujjar Basti (Gaindi Khata)
<b>Mandal/Block:</b>	Bahadrabad
<b>District:</b>	Haridwar
<b>State:</b>	Uttarakhand

## UTTARAKHAND SITE 24 Gujjar Basti

### 24.1 Introduction to Site

The case study of Van Gujjars of Gujjar Basti was selected because, historically, they are very diverse both in terms of linguistics as well as in the practice of religion, and have a nomadic way of life. They also have their own language known as Gurjari. However, in certain states they are designated as Scheduled Tribes whereas in others they belong to the social category of Other Backward Class. This 'fluidity' in identity of Van Gujjars leads to barriers in accessing rights under the FRA and thereby renders them very vulnerable. They face constant threat of displacement without proper rehabilitations and are often at the receiving end of Forest officials.



### 24.2 Socioeconomic Profile of the Village

Gujjar Basti consists of mud thatched houses without proper doors and windows and is adjacent to rehabilitated Van Gujjars habitation under the limits of Gaindi Khata Gram Panchayat of Bahadrabad Taluk in Haridwar District, Uttarakhand. The population of the Gujjar Basti according to Lal Dheen is approximately around 260 (M: 140, F:120). There are no amenities available within the Van Gujjars Basti. For all practical purposes, Van Gujjars go to Gaindi Khata which is located at a distance of 3 km. Gaindi Khata village is located at a distance of 30 kilometres from Haridwar on the way to Najibabad. Gujjar Basti, the new resettled colony, is three kilometres away from Gaindi Khata. This is the point for accessing transport (public and private) between Haridwar, Najibabad (National Highway 74), Kotdwar, and Moradabad via Gaindi Khata. The landmark of Gaindi Khata is a huge Gurudwara on the main road.

Gujjars are linguistically and religiously diverse. Although they are able to speak, Gujjars have their own language, known as Gujari, variously follow Hinduism, Islam, and Sikhism. The Van Gujjars of Gujjar Basti follow Islam, have their own clans and area pastoral semi-nomadic community. In winter, the Van Gujjars migrate with their herds to the Shiwalik foothills, and in summer, they migrate to pastures high up in the mountains. They speak Urdu and Hindi apart from Gujari. Today, these Van Gujjars are classified under the Other Backward Class (OBC) category in Uttarakhand State. However, in Jammu and Kashmir and parts of Himachal Pradesh, they are designated as a Scheduled Tribes (ST).

In winter, the Van Gujjars migrate with their herds to the Shiwalik foothills, and in summer, they migrate to pastures high up in the mountains.

### **The Van Gujjar Resettled Colony (Gujjar Basti – Gaindi Khata)**

The Gujjar Basti settlement area has been identified and rehabilitated by the Forest Department. The village is resettled and rehabilitated in an area measuring 755 hectares in Chidiyapur Range of Sambalgarh block, Haridwar Forest Division. Gujjar Basti was created by clearing forest area. The Van Gujjars were moved to this relocated settlement i.e., Gujjar Basti in a phased manner. Van Gujjars belonging to Chilla Range in RNP were resettled in Gujjar Basti in 2002, Van Gujjar from Haridwar Range in 2003, Ghori Range in 2004 and Ramgarh in 2006 respectively. Many Van Gujjar families from Ghori and Chillawali are yet to occupy the land allotted to them.

Van Gujjars are a pastoral community and their primary and major source of livelihood is grazing livestock (particularly buffalos with some cows). The lives of the Van Gujjars revolve around caring for and finding food for their animals. Not traditional agriculturists, of late, some of the households have started to engage in agriculture on small-scale. Van Gujjars consider their buffaloes much more than a mere source of income. Deeply attached to their animals, the nomads this semi-nomadic community thinks of buffaloes as family members, naming each one and caring deeply for them. These buffaloes may give less milk, they can endure the tough transhumance journeys, continuing to produce milk even under stressful conditions nomadism might impose on them.

In general, on an average, one Van Gujjar family owns a score of heads of buffaloes, which are considered sacred and are treated with utmost care and affection. The high quality pesticide free milk and dairy products produced the Van Gujjar buffaloes fetch a good price in the urban centres of Uttarakhand. Sustainable use of forest resources is a significant feature of Van Gujjars livelihood (i.e., cattle grazing), as these forests catering to the fodder needs of their animals. This fodder adds a special flavour to the milk, thereby enhancing the quality. Since the Van Gujjars move along with their buffalo herds and their families including children, their literacy levels are low with the majority completing either primary or at best secondary school.

### **Nutrition and Health**

No major illnesses are reported among Van Gujjars of Gujjar Basti (Gaindi Khata). However, general seasonal illness namely, cold, fever (malaria, typhoid etc.), and jaundice etc., are common. There are three PHC at Gaindi Khata apart from private RMP Doctors running small clinics. Van Gujjars come to these dispensaries for minor treatment. Few go to Bhaguwala, a larger bazaar in Uttar Pradesh, 10 km from Gaindi Khata on the way to Najibabad. For serious ailments Van Gujjars go to Haridwar or Rishikesh.

### **Historical Background of Van Gujjars**

Gujjars are an ethnic pastoral community. Traditionally they have been involved in dairy and livestock farming. The history of Gujjars has been quite diverse in society, at one end they are founders of several kingdoms, districts, cities, towns, and villages, and at the other end, they are also a nomadic community with no land of their own. Gujjars are a large heterogeneous group that is internally differentiated in terms of culture, religion, livelihood and socio-economic status.

The history of Gujjar identity is often traced back to the emergence of a Gurjara kingdom in present-day Rajasthan during medieval times (around 570 AD). It is believed that the Gurjars migrated to different parts of the Indian Sub-continent from the Gurjara kingdom. Historical references speak of Gurjara warriors and commoners in North India in the 7th century AD. The Gurjaras started fading away from the forefront of history after 10th century AD. Thereafter, several Gurjar chieftans and

upstart warriors are mentioned in history; who were petty rulers in contrast to their predecessors. The Indian states of Gujarat and Rajasthan were known as Gurjara desa and Gurjaratra for centuries prior to the arrival of the British. The Gujarat and Gujranwala districts of Punjab (Pakistan) have also been associated with Gujjars from as early as the 8th century AD, when there existed a Gurjara kingdom in the same area. The Saharanpur district of Uttar Pradesh was also known as Gujarat previously, due to the presence of a large number of Gujjar zamindars, or land holding farmer class, in the area.<sup>83</sup>

## Religio-Cultural Profile

One of the most important aspects of Van Gujjar livelihoods is that they were never involved in hunting and poaching, and believe that hunting will bring bad luck to them and their livestock. Due to their deep bond with their animals, Van Gujjars never eat buffalo meat or sell their buffaloes for slaughter.

For the Van Gujjars, water resources are considered as precious and sacred, hence, they protect the water resources and keep them safe and clean, as without water neither they nor their animals can survive.

## Customary Arrangements for Forest Governance and Protection

Given their close association with the forest, Van Gujjars keep an eye against illegal poaching/hunting.

“the main reason for the Van Gujjar migration itself is to protect the forest from over-grazing, lopping of trees, help in regeneration of trees...[we] are the reason for the existence of forest that you see today”.<sup>84</sup>

They are an OTFD community who peacefully co-exist with the flora and fauna of the forest --the ones who know how to protect the forest from the forest-fires. By their account, they help the animals in the wild during summers by ensuring availability of water.

## Lopping of Trees in the Forest

“Lopping is about cutting just the leaves (without cutting the branches). It is about cutting the leaves in such a way that there are greater prospects of the trees growing further. We take special care of creepers that grow in the monsoon period while lopping, as we understand the symbiotic relationship these creepers and trees share. We climb the trees and lop them so that the creeper remains intact.

Lopping is like reviving the life in the trees. We do not cut the tip of the trees or branches while lopping as that would be like beheading a person or severing his limbs. Rather we cut the leaves i.e., like shaving of the head this gives way to new and better hair”.<sup>85</sup>

Van Gujjars take care of the trees around them in the same manner as they do the new buffalocalf. Further they add,

“We welcome the coming of each calf into our family and care for them as our family member. It’s our responsibility to feed them. We do the same with the trees around us so how can we harm the trees and cut them especially when the trees are giving life to our livestock.”

83 Chattopadhyaya, Brajadatal (1994): *The Making of Early Medieval India*, Oxford University Press.

84 Nusrat, Rubina (2015): “Unheard Voices of Van Gujjar Women’: A Thematic Analysis of Coping Patterns by Women in the context of Sedentarization among Himalayan Pastoralists”, *Sociology and Anthropology* 3(11), 598-607

85 Nusrat, Rubina (2015): “Unheard Voices of Van Gujjar Women’: A Thematic Analysis of Coping Patterns by Women in the context of Sedentarization among Himalayan Pastoralists”, *Sociology and Anthropology* 3(11), 598-607

## Traditional Houses of Van Gujjars

Mud thatched houses of Van Gujjars are built by using poles and grasses that do not rot early. This knowledge includes a deep understanding of natural resources. They are aware that their own survival depends on the health of the ecosystems they live within and that they must use resources judiciously, to ensure their sustenance. The Van Gujjars know each plant and herb in and around the forest they dwell in.

## Land Profiles

The Rajaji National Park is spread over 820 Sq km, in three districts of Uttarakhand: Haridwar, Dehradun and Pauri Garhwal. In 1983, three wildlife sanctuaries in the area namely, Chilla, Motichur and Rajaji sanctuaries were merged into one. Rajaji became the second Tiger Reserve in Uttarakhand. On January 20, 2016, WTI announced that the Chilla-Motichur Elephant Corridor, a vital habitat linkage between the Chilla and Motichur Ranges of Rajaji Tiger Reserve, has now been declared "free of human habitation."

## Flora and Fauna

RNP is nestled between the Shivalik ranges and the Indo-Gangetic plains.<sup>86</sup> Broadleaved deciduous forests, riverine vegetation, scrubland, grasslands and pine forests form the range of flora in this park. The dense jungles here are home to vivacious wildlife. The varied topography of the national park is also responsible for rich and diverse animal life found here. The underwood is light and often absent, consisting of Rohini Mallotus Philippensis, Amaltas Cassia Fistula, Shisham Dalbergia Sissoo, Sal Shorea Robusta, Palash Butea Monosperma, Arjun Terminalia Arjuna, Khair Senegalia Catechu, Baans Dendrocalamus Strictus, Semul Bombax Ceiba, Sandan, Chamaror Ehretia, Amla Phyllanthus Emblica, Kachnar Bauhienia Variegata, Ber Ziziphus Mauritiana, Chilla Casearia, Bel Aegle Marmelos, etc.

RNP is predominantly formed from dense green jungles, and this environment forms a habitat for a number of animals. The park is at the north-western limit of distribution for both elephants and tigers in India. The park is most renowned for its elephants. The mountain goat -Goral is another noteworthy resident. It is mainly confined to the precipitous pine-covered slopes. Besides the huge pachyderms and the nimble goats, there are herds of chital, sometimes as many as 250 to a herd, sambar, barking deer, hog deer, nilgai, wild pigs and sloth bears. The rhesus macaque and the common langur are fairly common. Tigers and leopards are the prime predators in RNP. The leopard, jungle cat, civet and yellow-throated marten are other carnivores. Mammals like the hyena, jackal and the Bengal fox scavenge in the park. The Himalayan black bear though uncommon, can be sighted in the higher reaches of the park. Other wild animals are also found in the park.

Over 315 species of birds are found in the park, whereas the wider region has over 500 species of birds, including both residents and migrants. The most prominent avian species include pea fowl, vultures, woodpeckers, pheasants, kingfishers and barbets, supplemented by a number of migratory species during the winter months. The park is also home to the great pied hornbill, pied kingfisher and the fire tailed sunbird. The rivers which flow through the park harbour species of fish such as trout and mahseer.

<sup>86</sup> This section is based on information on flora and fauna obtained from <http://rajajinationalpark.co.in/8.%20Wild%20life%20-%20flora.htm>, viewed on September 19, 2019; and <http://rajajinationalpark.co.in/7.%20Wild%20life%20-%20fauna.htm>, viewed on September 19, 2019.

## 24.3 Historical and Continuing Injustice: Potential and Performance of FRA

Van Gujjars are a transhumance community of nomadic buffalo-herders in Uttarakhand, inhabiting the Himalayas for centuries. The operationalisation of the colonial Indian Forest Act 1927 that enabled the commercial exploitation of forests by the British, and the forest and wildlife conservation legislations in independent India, although drawing on apparently contradictory logics, shared a common attribute by establishing state control over forests: the expulsion of traditional forest communities like the Van Gujjars whose livelihoods and cultures were closely intertwined with the lives of the forests. The Wildlife Protection Act provided for the "settlement of rights" of forest dwellers prior to notifying protected areas, a provision observed more in the breach. 'Instead, labelled "Encroachers", forest dwellers provoke, by their very existence, the ire of conservationists and judges alike, who use their power to order evictions from the forest, even while large swathes of forest land were appropriated for unregulated urban and corporate use.'<sup>87</sup>

The classification of Van Gujjars in Uttarakhand were as OBC, but in Jammu and Kashmir and Himachal Pradesh as ST creates an identity crisis resulting in denial of forest rights, which is gross injustice meted out to the community. The simple fact that does not change notwithstanding variations in the official classification in different states is that Van Gujjars are Traditional Forest Dwellers (OTFD).

### FRA Process

The FRA process in Uttarakhand is a lopsided programme. Van Gujjars being a pastoral community that is semi-nomadic have Gram Sabha of their own. They are also associated with the nearby Gram Panchayat Gram Sabha (Dudhla Dapal Wala). However, owing to their periodic absence in the Gram Sabha, due to migratory livelihoods, the realisation of the forest rights has been elusive. However, even where some Van Gujjars have managed to claim their rights as per the guidelines, to their surprise the claims are being rejected on the grounds that the Van Gujjars are not OTFD but seasonal migrants.

A total of 138 Van Gujjars from Gujjar Basti have claimed Individual Forest Rights (IFR) by providing the required evidence and proofs. However, the Gram Sabha has approved 74 claims and forwarded them to the SDLC. The SDLC in its meeting on 11th August 2017 cleared only 54 claims out of 74 and rejected the 20 claims for "lack of proof."Annexure 1 lists the members of the DLC.

### Major Challenges Van Gujjars Facing in Recognition of Forest Rights

Although the community is aware of the rights granted to forest dwelling communities under FRA 2006, they are not able to claim the same because the rights have to be claimed through the Gram Sabha. Since the Van Gujjars live in family cohorts, they do not have any recognised Gram Sabhas of their own community. Their claims are linked with settled villages of other communities in the village. Even in their relocation sites the Van Gujjar habitations have not received status of independent villages. They are still linked with the Gram Sabhas of the old Pathri and Gaindi Khata villages.

In the words of Wazir Chopda: "District Collector was under the influence of Forest Officer and did not act judiciously and independently using his discretionary powers...[T]hey do not want to give us the forest rights under the FRA".

<sup>87</sup> <https://www.downtoearth.org.in/blog/forests/van-gujjars-a-repeat-of-historical-injustice-61655> viewed on August 30, 2019.

In Jammu & Kashmir, Ladakh and Himachal Pradesh, Van Gujjars have been granted the status of ST, whereas in Uttarakhand, the Van Gujjars are classified under OBC. This has been a major impediment in their access to forest and recognition of rights although FRA 2006 recognises "individual or community tenure or both...of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands" (Section 3(1)) and rights secured include "grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities" (Section 3(1) (d)).

Over two-thirds of its geographical area is covered by forests; yet Uttarakhand's record for recognising forest rights claims is abysmally low – the least number of claims recognised for forest dwelling communities who are heavily dependent on forest based livelihoods.

## Rejection of Claims

The Van Gujjars got to know about the rejection of claims on 26th April 2019, through the notice of Ministry of Social Welfare, Government of Uttarakhand.<sup>88</sup>

The reason stated for the rejection of the claims is that the Van Gujjars do not come under the OTFD category by citing a judgment of High Court Nainital, Uttarakhand.<sup>89</sup>

Van Gujjars have repeatedly claimed that they are OTFD, but the Government of Uttarakhand is not willing to give them forest rights, according to Wazir Ali Chopda.

When the DLC rejected the claims in meeting held on 16.1.2019 and the same was communicated to them, they decided to appeal before SLMC and subsequently placed the issue before SLMC. They are awaiting the outcome.

## Disputes and Conflicts

After the creation of the RNP, the Van Gujjars were asked to shift to a resettlement colony at Gaindi Khata and Pathari near Haridwar. The Van Gujjars have conflicts with the forest authorities, the officials prohibit the Van Gujjars and their livestock population inside the reserved park, and accuse the Van Gujjar community of poaching and timber smuggling. Further, Forest officials and Wildlife authorities claim that the Van Gujjars are involved in destroying forests by lopping the trees for feeding the increasing population of buffaloes. This increases the undue pressure on Van Gujjars to locate grazing grounds for their buffaloes.

However, tracing the incidents of poaching, destroying forests and timber smuggling etc., the Van Gujjars assert that these are false allegations and recall that earlier one District Forest Officer attached to RNP involved the Van Gujjars in tree planting activities (including fodder species) and he also suggested that Van Gujjar families can be settled in different zones in order to conserve the forest. Few forest officials have also taken initiative in organizing milk cooperatives in order to release the Van Gujjars from clutches of money lenders.

## Redress - Formal and Non-Formal

For the past few years, the Uttarakhand High Court orders have led the forest department to evict the Van Gujjars from forests. The first struggle for redress for the Van Gujjars is to have their rights recognized, in order to access appropriate reliefs according to due process, in accordance with law.

<sup>88</sup> There is no Ministry of Tribal Affairs in Uttarakhand State and the Ministry of Social Welfare is the In-charge Ministry looking after the Forest Rights.

<sup>89</sup> WP No. 06 of 2012, dated 10.08.2018. (Minutes of the DLC meeting under the Chairmanship of District Collector, Haridwar, held on 16th January 2019) (Annexure 2).

In all these years the community has been facing several eviction notices and harassment by the forest department. Informants reported that in the year 2005, after years of struggle, in order to get benefit and stop eviction of families, the Ban Gujjar Kalyan Samithi filed a Writ Petition in Nainital High Court.<sup>90</sup> The Court verdict has been given in favour of Van Gujjars, asking the Director, Rajaji Tiger Reserve to stop the illegal relocation and acknowledge the right of the community as per Forest Rights Act. This is been the first time in India that a High Court has explicitly ruled in favour of the Forest Rights Act within the protected areas. However, relocation and harassment has not stopped and the Van Gujjars continue to be pressurized by the forest department to leave their territory.

On 19 December 2016, an order declared the Van Gujjars dangerous for the wildlife and as the sources of forest fires, and hence ordered their eviction within one year.<sup>91</sup> Later, in August 2018 a High Court order termed as illegal the stay of the Van Gujjar in the buffer area of both Rajaji and Corbett Tiger reserve, ordering the eviction without rehabilitation. This has led to a wave of protests, and on September 24, 2018, the Supreme Court asked the government to maintain a 'status quo' on the matter.

### Eviction -Displacement and Resettlement

RNP was declared a wildlife sanctuary in 1983, and later a Tiger Reserve on 15 April 2015. The area is mostly inhabited by the community of Van Gujjars - estimates point to approximately 1,600 Van Gujjars families living within the Rajaji Tiger Reserve, while 1,393 families have been relocated in the last 15 years. The attempt to relocate the Van Gujjars from the forest goes back to the year 1975; however, this has become a priority in the year 1985, soon after the announcement of the RNP.<sup>92</sup>

### Notes on Sources and Informants

- 1) Field visit on 14th& 15th August, 2019.
- 2) Interaction with the Van Gujjars community.
- 3) Detailed discussion with i) Mr. Wazir Ali Chopda, ii) Mr. Lal Dheen iii)Mr. Mukthar Ali Chopda of Ghandi Khata, Gujjar Basthi, Haridwar District, Uttarakhand and iv) Mr. Amit Rathi of Shaharanpur District, Uttar Pradesh.

90 275 of 2006. (<https://ejatlas.org/conflict/rajaji-national-park>, viewed on September 19, 2019).

91 High Court order number 54 of 2016. <https://ejatlas.org/conflict/rajaji-national-park>, viewed on September 19, 2019.

92 <https://ejatlas.org/conflict/rajaji-national-park>, viewed on September 19, 2019.



## Annexure 1: List of District Level Committee Members

S.No.	Name	Designation	Position
1	Sri. Deepak Rawat	District Collector	President
2	Sri. Akash Kumar Varma	Forest Conservator	Member
3	Smt. Kavitha Devi	Zilla Panchayat Member	Member
4	Smt. Sukvinder Kaur	Zilla Panchayat Member	Member
5	Sri. Vijaya Pal	Zilla Panchayat Member	Member
6	District Officer	Social Welfare, Haridwar	Member Secretary

## Annexure 2: Minutes of the DLC meetings under the Chairmanship of District Collector held on 16.01.2019

दिनांक 16-01-2019 को हरिद्वार जिलाधिकारी कार्यालय, रोशनाबाद में जिलाधिकारी, हरिद्वार की अध्यक्षता में अनुसूचित जनजाति एवं अन्य परम्परागत वन निवासी (वन अधिकार अधिनियम 2006) के तहत जिलास्तरीय समिति की बैठक का कार्यपत्र।

आज दिनांक 16-01-2019 को जिलाधिकारी, कार्यालय रोशनाबाद में अनुसूचित जनजाति एवं अन्य परम्परागत वन निवासी (वन अधिकार अधिनियम 2006) के तत्वाधान में हरिद्वार जिला स्तरीय समिति की बैठक जिलाधिकारी, हरिद्वार की अध्यक्षता में आहूत की गई, जिसमें निम्न वर्णित सदस्य गण उपस्थित हुए :-

1. श्री दीपक रावत, जिलाधिकारी, हरिद्वार - अध्यक्ष
2. श्री आकाश कुमार वर्मा, उप वन संरक्षक, हरिद्वार वन प्रभाग, हरिद्वार - सदस्य
3. श्रीमती कविता देवी (सदस्य जिला पंचायत) - सदस्य
4. श्रीमती सुखविन्द कौर (सदस्य जिला पंचायत) - सदस्य
5. श्री विजयपाल (सदस्य जिला पंचायत) - सदस्य
6. जिला समाज कल्याण अधिकारी - सदस्य-सचिव

बैठक को प्रारम्भ करते हुए जिला समाज कल्याण अधिकारी, सदस्य सचिव द्वारा उपस्थित अध्यक्ष एवं सदस्यगणों के सम्मेलन दिनांक 18.09.2018 की बैठक की कार्यवाही से अवगत कराया गया।

सदस्यों को अवगत कराया गया कि वर्तमान में हरिद्वार जनपद में अनुसूचित जनजाति एवं अन्य परम्परागत वन निवासी (वन अधिकार अधिनियम 2006) के अधीन कुल 54 प्रकरण विचार हेतु खण्ड स्तरीय समिति द्वारा अर्पित किए गए हैं, जिनका निस्तारण किया जाना है। यह भी अवगत कराया गया कि इन प्रकरणों में दावाकर्ता अपने आपको परम्परागत वन निवासी मानते हैं, और जमीन आकार पर दावाकर्ताओं द्वारा अपना दावा प्रस्तुत किया है। दावाकर्ताओं द्वारा अपने दावे के समर्थन में वन विभाग द्वारा समय-समय पर दी गयी चलाई हुई जमा करने की रसीदें भी प्रस्तुत की गईं, जिनमें से कुछ रसीदें 1930 से पूर्व की भी थीं, जो वनाधिकार अधिनियम के प्रावधानों में समय काल की अहंता को पूर्ण करती थीं। अतः इनका प्रकरण खण्ड स्तरीय समिति द्वारा प्रेषित किया गया था।

प्रकरण के निस्तारण में प्रामाण्य वनाधिकारी, हरिद्वार वन प्रभाग से दावाकर्ताओं के परम्परागत वन निवासी होने के दावे की अभिलेखीय पुष्टि हेतु प्रकरण प्रेषित किए गए थे, प्रामाण्य वनाधिकारी, हरिद्वार द्वारा प्रस्तुत अभिलेखों की पुष्टि, उनके कार्यालय में अभिलेख न होने के कारण नहीं की जा सकी, इसका कारण यह था कि हरिद्वार वन प्रभाग एक तुलनात्मक रूप से नवोन्मिलित प्रभाग है, और दावे में प्रस्तुत अभिलेख पूर्ववर्ती प्रमाणों-बिजनौर, नजीबाबाद, कोयटार एवं लेन्सडौन वन प्रभाग से निर्यात होने की पुष्टि कराने का प्रयास भी किया गया, परन्तु अभिलेखों की सत्यता की पुष्टि नहीं हो सकी है।

जिला स्तरीय समिति की दिनांक 18.09.2018 की बैठक में आवेदनकर्ताओं को अपना पक्ष रखने/सुनवाई का अवसर प्रदान करते हुए आमंत्रित किया गया था, जिसमें कुछ आवेदनकर्ता उपस्थित भी हुए। उपस्थित आवेदनकर्ताओं में से एक (श्री वजीर अली घोषडा) ने यह कहा कि विभागीय अभिलेखों के उपलब्ध न होने के कारण उनका पक्ष उपलब्ध रसीदों के लिए यदि समिति फॉररिस्टिक जॉब आवश्यक समझे, तो यह भी उन्हें स्वीकार है। उक्त विषयक चर्चा के उपरान्त जिलाधिकारी, महोदय द्वारा दावाकर्ताओं के अभिलेखों की विभागीय पुष्टि न होने की स्थिति में दावाकर्ताओं को *benefit of doubt* देते हुए इनके प्रस्तुत अभिलेखों (घराने/घुगाने की रसीदें) प्रथम चर्चा सही मानते हुए प्रकरण के निस्तारण में अग्रसर विन्दुओं पर चर्चा बढ़ाई गई।

समिति के सम्मेलन प्रस्तुत सभी 54 दावों के दावाकर्ता गुजर समुदाय से हैं। समिति के सदस्यों के समक्ष मूल विचारणीय बिन्दु यह है कि क्या गुजर समुदाय परम्परागत वन निवासियों की श्रेणी में आते हैं, अथवा नहीं।

इस विषय पर यह स्थिति है कि गुजर समुदाय एक घुमन्तु समुदाय है, जिनका जीविकोपार्जन का एक प्रमुख साधन दुग्ध व्यवसाय है, जिसके निमित्त वह अपने पास गाय, बैरा, बकरी आदि पशु रखते हैं। उप वन संरक्षक, हरिद्वार वन प्रभाग द्वारा कहा गया कि गुजर समुदाय के सदस्य एक उपाहारात्मक निवास नहीं करते थे। अतः अपने मवेशियों को घराने-घुगाने के लिए इनके पास अपने निजी साधन/पुर्नि नहीं थी, और प्रमुखतः इसी कारणवश इनके हात अपने मवेशियों को वन क्षेत्र में घराने-घुगाने हेतु अनुमति भी जाती थी। यह सही है कि वन प्रभाग द्वारा गुजर समुदाय के सदस्यों को उनके मवेशी घराने-घुगाने की अनुमति प्रदान की जाती रही है, परन्तु किसी भी वन प्रभाग में इसे अधिकारपूर्ण नहीं माना गया है, और न ही वनाधिकारी गुजरों को घराने-घुगाने की अनुमति देने के लिए बाध्य हैं। उप वन संरक्षक, हरिद्वार वन प्रभाग में यह भी स्पष्ट किया कि वनाधिकारी वन क्षेत्र की उत्पादकता, योग्यता, उसके पर्यावरणीय घटक की लोच, वन्य जीवों एवं वन सम्पदा की सुरक्षा आदि विभिन्न विन्दुओं को दृष्टिगत रखते हुए स्वविवेकानुसार इसकी अनुमति निर्णय करते हैं, तथा वानिकी हित में अनुमति निरस्त भी कर सकते हैं।

प्रस्तुत 54 दावों के सम्मेलन में उप वन संरक्षक, हरिद्वार वन प्रभाग द्वारा यह स्पष्ट किया गया कि हरिद्वार वन प्रभाग के अधीन वर्तमान आरक्षित वन क्षेत्रों की अभिव्यक्तियों में गुजर समुदाय को घराने/घुगाने/शाख तटरी/वली एकत्रण/निवास हेतु क्षेत्र बनाने आदि के सम्मेलन में किसी प्रकार का कोई स्थायी अधिकार प्रदान नहीं किया गया है। उनको घराने/घुगाने/शाख तटरी/वली एकत्रण की अनुमति शुल्क भुगतान के आधार पर दी जाती थी/है, और यह सीमित अवधि के लिए मान्य होती थी/है। अतः यह पूर्णतः एक व्यावसायिक प्रक्रिया है, और प्रत्यक्ष अनुमति के अतिरिक्त लगभग कोई अन्य स्थायी अधिकार प्रदान नहीं करती है। उप वन संरक्षक, हरिद्वार वन प्रभाग में भवनीय उच्च न्यायालय, उत्तराखण्ड, नैनीताल के रिट संख्या 106/2018 में दिनांक 10.09.2018 में पारित विनियम के बिन्दु संख्या 2 का भी उल्लेख किया, जिसमें भवनीय उच्च न्यायालय द्वारा स्पष्ट किया है कि वन गुजरों को मवेशी घराने-घुगाने की उनकी अनुमति अल्पकालिक होती थी, और गुजरों को वन क्षेत्र में कोई विशिष्ट ढाँचा-ढाँचा प्रदान नहीं है।

समिति की उपरोक्त चर्चा, तथ्यों के गहन अवलोकन और भवनीय उच्च न्यायालय, उत्तराखण्ड के द्वारा पारित सन्दर्भित निर्णय के आलोक में गुजरों को परम्परागत वन निवासी मानना विधिसम्मत नहीं है। अतः अनुसूचित जनजाति एवं अन्य परम्परागत वन निवासी (वन अधिकार अधिनियम 2006) के अधीन गुजरों द्वारा प्रस्तुत 54 दावे स्वीकृत नहीं होते हैं। अतः प्रस्तुत 54 दावों पर तत्काल विचारोपपन्न समिति द्वारा समेकित निर्णय लेते हुए इन समस्त 54 दावों को निरस्त किया जाता है।

हस्ताक्षरित :-

1. श्री दीपक रावत, जिलाधिकारी, हरिद्वार
2. श्री आकाश कुमार वर्मा, उप वन संरक्षक, हरिद्वार वन प्रभाग, हरिद्वार
3. श्रीमती कविता देवी (सदस्य जिला पंचायत)
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5. श्री विजयपाल (सदस्य जिला पंचायत)
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# LIST OF ABBREVIATIONS

ACF	Assistant Conservator of Forests
ANM	Auxiliary Nurse and Midwife
APNRL	Adhunik Power and Natural Resource Limited
ASHA	Accredited Social Health Activist
ATREE	Ashoka Trust for Research in Ecology and Environment
BC	Backward Caste
BSF	Border Security Force
CAF	Compensatory Afforestation Fund
CAMPA	CAMPA Compensatory Afforestation Fund Management and Planning Authority
CC	Concrete and Cement
CCL	Central Coalfields Limited
CCTV	Closed Circuit Television
CEPF	Critical Ecosystem Partnership Fund
CFR	Community Forest Resource Rights
CFRMC	Community Forest Resources Management Committee
CGRVVN	Chhattisgarh Rajya Van Vikas Nigam
CIRTD	Centre for Integrated Rural & Tribal Development
CR	Community Rights
CrPC	Criminal Procedure Code
CRR	Community Resource Right
DCF	Deputy Conservator of Forests
DFO	Divisional Forest Officer
DLC	District Level Committee
DWO	District Welfare Office
EC	Environmental Clearance
EDC	Eco-Development Committees
FBO	Forest Beat Officer
FD	Forest Department
FDCM	Forest Development Officer, Maharashtra
FFAH Deptt	Forest, Fisheries & Animal Husbandry Department
FIR	First Information Report
FRA	Forest Rights Act
FRC	Forest Rights Committee
FRO	Forest Range Officer
FSO	Forest Station Officer
GoI	Government of India
GP	Gram Panchayat
GPS	Global Positioning System
HQ	Head Quarter
I & CAD	Irrigation and Common Area Development Department

IDCO	Industrial Infrastructure Development Corporation
IFR	Individual Forest Rights
ITC-BCM	Indian Tobacco Company, Bhadrachalam
ITDA	Integrated Tribal Development Agency
IUCN	International Union for Conservation of Nature
JFM	Joint Forest Management
JFMC	Joint Forest Management Committee
JICA	Japanese International Cooperation Agency
KM	Kilometre
KSEB	Kerala State Electricity Board
LARR	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement
MADA	Modified Area Development Agency
MFP	Minor Forest Produce
MGNREGA	Mahatma Gandhi National Rural Employment Guarantee Act
MLA	Member of Legislative Assembly
MoEF	Ministry of Environment and Forest
MoTA	Ministry of Tribal Affairs
MPPS	Mandal Parishad Primary School
MPTC	Mandal Parishad Territorial Constituency
NGO	Non Governmental Organisation
NGT	National Green Tribunal
NOC	No Objection Certificate
NTFP	Non-Timber Forest Produce
OBC	Other Backward Class
OC	Other Caste
OFDP	Orissa Forestry Sector Development Project
OGPTL	Odisha Generation Phase II Transmission Limited
OTFD	Other Traditional Forest Dwellers
PA	Project Administrator
PAPs	Project Affect Peoples
PDS	Public Distribution System
PESA	Panchayats (Extension to Scheduled Areas) Act
PHC	Primary Health Centre
PIL	Public Interest Litigation
PO	Project Officer
PRA	Participatory Rural Appraisal
PSU	Public Sector Undertaking
PVTG	Particularly Vulnerable Tribal group
R & R	Resettlement and Rehabilitation
RDC	Revenue Divisional Commissioner
RDO	Revenue Divisional Officer
RI	Revenue Inspector

RNP	Rajaji National Park
RoR	Records of Rights
RTI	Right to Information
SC	Scheduled Caste
SDLC	Sub Divisional Level Committee
SDM	Sub Divisional Magistrate
SERP	Society for Elimination of Rural Poverty
SHG	Self Help Groups
SIA	Social Impact Assessment
SLMC	State Level Monitoring Committee
SSB	Sashatra Seema Bal
ST	Scheduled Tribe
TB	Tuberculosis
TRDM	Tribal Rehabilitation Development Mission
TRIFED	Tribal Cooperative Marketing Development Federation of India Limited
TSP	Tribal Sub Plan
VGKK	Vivekananda Girijana Kalyana Kendra
VRO	Village Revenue Officer
VSS	Van Suraksha Samitis
WEO	Welfare Extension Officer
WTI	Wildlife Trust of India



# LIST OF STATUTES

1. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
2. The Indian Forest Act 1927
3. Panchayats (Extension to Scheduled Areas) Act 1996
4. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
5. Wildlife Protection Act, 1972
6. Forest Conservation Act 1980
7. Wild birds and Animals Protection Act, 1912
8. Odisha Forest Act 1972
9. Orissa Wild Life (Protection) Act 1972
10. Madras Forest Act, 1882



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2. WP No. 275 of 2006, Ban Gujjar Kalyan Samithi vs Rajaji National Park, High Court of Uttarakhand, Nainital.
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4. No. 218/2013, Kopala Lacchi Reddy & Kaki Madhu Vs (1) Tribal Welfare Department, G of A. P.; (2) District Collector, W Godavari; (3) RDO, Eluru; (4) DFO, Eluru and (5) Superintendent of Police, Eluru, W Godavari.
5. WP MP No. 14807 of 2015 in WP No. 11195 of 2015, Nayakulagudem colony of Gangineedupalem Village Vs State of Andhra Pradesh., High Court of Andhra Pradesh
6. WP No. 41693 of 2018, High Court of Andhra Pradesh
7. WP No. 47315/2018, Sri. P. Ramakrishna Vs State of Andhra Pradesh, High Court of Andhra Pradesh
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9. Case No 21/14, Public Notice, Tahasil Office, Odapada; Case No 24/14, Public Notice, Tahasil Office, Odapada; Case No 270/14, Public Notice, Tahasil Office, Odapada (Dated August 8, 2014).
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11. No 34332/ SSD., Dated, Bhubaneswar December 31, 2014 STSCD-FRA-RTI-0006-2014, Government of Odisha, ST & SC Development Department (Based on the case study documentation on "Deprivation of Forest Rights Through Plantation in Kuttia Kondh (PTG) Villages of Tumudibandh Block, Kandhamal District).
12. No 34332/ SSD, Dated Bhubaneswar the December 31, 2014 STSCD-FRA-RTI-0006-2014 and No. 2715, Dated 20.12.2014, Sub: Enquiry Report on the representation/ allegation of the President, Kui Kula Samiti, Baliguda under Kandhamal district regarding Irregularities in Implementation of FRA, 2006 & Rules, 2007, Office of the PA, ITDA, Phulbani.









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