

## **Case Study Report**

### **Role Panchayats in Implementation of Forest Rights Act in 5<sup>th</sup> Schedule Areas: A Case Study of Podochuanpadar Village in Budaguda Gram Panchayat in Rayagada District, Odisha**

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**Thematic Area: Role of PRIs in Natural Resource Governance, Natural  
Resource Governance in 5<sup>th</sup> Scheduled Areas**

**Location of Study:**

**Podochuanpadar Village, Budaguda GP, Kalyansingpur Block, Rayagada District, Odisha**

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# **I. Introduction and Methodology**

## **1.1 Context and Background**

People's participation in forest governance in India got a new lease of life since early 1990s, with participation and involvement in forest governance increasingly being seen as a 'right'. Recognising the conservation potential of local communities, India's forest governance policies in last couple of decades have witnessed a paradigm shift in favour of participatory, inclusive, bottom-up approaches, in addition to state-centric, top-down forestry. With the promulgation of the 1988 National Forest Policy and the Joint Forest Management resolution of 1990, the Indian forestry sector has witnessed several variants of participatory models of forest governance, including social forestry, community forestry, farm forestry, joint forest management, with different degrees of success. The latest addition to the panoply of models has been the 2006 Forests Right Act, which adopts a rights-based approach to participatory forestry to address the serious concerns of environmental degradation, livelihood insecurity, tenure reforms and questions of autonomy and identity of forest dependent tribal communities. Before we unfold the case study on role of Gram Panchayat in implementation of Forest Rights Act, 2006, it is apt to delineate the policy context of participatory forest regimes in India.

### ***The policy context: participatory forest governance regimes in India***

The British colonial administration enacted the Indian Forest Act, 1865 (revised in 1878), which intended that state should demarcate and establish control over valuable tracts of forest. The state controlled forest governance continued even after independence, and forest laws and policies were promulgated on the assumption that national interest was best served by capitalising natural resources. It was only during later part of 1970s that forest governance policies focused upon communities and people's participation emerged as a central concern.

### ***Emergence of people's participation in forestry (1970 – 1990)***

***Social forestry, 1972.*** The forest governance policies of India in 1970s started to recognise people's need over forest resources, and attempted to meet the needs of people by creating forest resources in community lands with active involvement of people. Based on the recommendations of the National Commission on Agriculture, the Social Forestry programme was launched in 1972 in India, which focused on plantation activities with people's participation to meet the twin goals of increased availability of fuelwood and reduced demand/degradation of natural forests.

**National Forest Policy, 1988.** In a backdrop of increasing rates of deforestation, loss of biodiversity and emerging local struggles against their exclusion from forest governance practices, the new National Forest Policy was launched in 1988, which gave primacy to environmental sustainability, soil conservation, maintenance of ecological balance, and above all meeting the subsistence requirements of the local people. It strongly felt that people who were living in and around forests must have a stake on the forest governance, and their requirements of fuelwood, fodder, minor forest produce and small timber must be met.

**Joint Forest Management (JFM) Programme, 1990.** On June 1, 1990, the Government of India adopted a National Joint Forest Management Resolution, which set guidelines for partnership between local communities and state Forest Department for the protection and management of state owned forests through Forest Protection Committees. In the new JFM model, people dependent on forests are to be consulted and their views are to be taken as the basis to plan the management of forests.

#### ***Rights based approaches to participatory forestry (mid 1990s onwards)***

It is worth to mention here two important policy frameworks in this regard, which have facilitated community's engagement in forest governance practices in the last two decades.

**The Panchayat Extension to Scheduled Areas (PESA) Act, 1996.** Though not directly related to forestry sector, the PESA Act tried to uphold the unique identity of the tribals and their rights over their land, forest and self-governance. This act suggested that 'every Gram Sabha (village council) shall be competent to safeguard and preserve the traditions and customs of people, their cultural identity, and community resources including land, forests and water. As per the provisions of the PESA Act, 1996, every Gram Sabha shall have the following powers concerning natural resources:

- To be consulted on matters of land (and forest) acquisition for development projects
- To plan and manage minor water bodies
- To own minor forest produces
- To exercise control over institutions and local resources (including forests)

**The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006.** The Forest Rights Act acknowledged that the forest dwelling communities are integral to the very survival and sustainability of forest ecosystem. It recognised the rights of the local forest communities, and vested in them the right to use, manage and conserve forest resources. This act

provided for recognising thirteen different rights that are central to the lives and livelihoods of tribals and other forest dwelling communities. Some of the important rights under this act include:

- Right to land under occupation as well as customary land
- Right of ownership of minor forest produces
- Right to water bodies, grazing land, habitat of primitive tribal groups
- Right to protect, conserve and manage community forest resources

The Forest Rights Act, 2006 provides for involvement of the forest dwelling communities (including women) through formation of Forest Rights Committees (FRCs) at the Gram Sabha level. The Forest Rights Committees are empowered to make their rules and regulations concerning access, use and management of local forest resources. The Forest Rights Act, 2006 has two components, in which the FRCs are now expected to participate in governance of local forest resources. The first one is the grant of **individual rights** over forests to the tribal or forest dwelling households, who have been residing and occupying forest land for residential and farming purposes for a sufficiently long period of time. Secondly, the FRCs are expected to play an active role in grant of **community rights** to a specific tribal or forest dwelling community to collectively own, access and manage forest and non-timber forest produces over a designated patch of forest land.

Gram Panchayats play the most crucial role in the initial phases of implementation of FRA, with all the three tiers of PRIs being integrated into the implementation process. The FRA recognises Gram Sabha as the crucial body in the process of recognition and vesting of forest rights. The Gram Panchayat is expected to convene the Gram Sabha for the purpose of implementation of FRA. The Act vests with the Gram Sabha the right to protect, preserve and manage community forest resources by preparing its own management plan. Besides ensuring legal rights over forest land, the Act envisages fulfilling the developmental needs of the village including better service delivery, infrastructural facilities like anganwadi, health and education, fair price shop, electricity, telecommunication, etc. by way of diverting up to one hectare of forest land. The Forest Rights Act, 2006 envisages the following functions for the Gram Sabha for its effective implementation:

- **Constitution of Forest Rights Committee (FRC):** The Gram Sabha should constitute the FRC, choose its Chairperson and Secretary, and intimate about its formation to SDLC
- **Verification of Forest Rights Claims:** The Gram Sabha should prepare a list of claimants and maintain a register containing such details as required by government. After verification, it

should pass a resolution accepting or rejecting the claims after hearing the interested persons and authorities concerned. Finally, it should forward the copy of the resolution to the SDLC.

- **Considering Resettlement Packages:** For resettlement of people displaced due to modification of their rights for creating critical wildlife habitat, the state government prepares resettlement packages which promise just and fair compensation to the affected communities. Gram Sabha has the authority to consider these packages and make recommendation to the government
- **Conservation of Community Forest Resources:** The Gram Sabha has the authority to constitute committee from among its members for the protection of wildlife, forest and biodiversity and community forest resources.

While the FRA, 2006 created opportunity to revert the traditional injustice done to the tribal and to usher a new era in participatory forest governance, its actual implementation to a large extent depends upon effective functioning of PRIs – especially the Gram Sabhas to constitute the Forest Rights Committee (FRC) and facilitate the process of securing the claims. It is in this context of the significant role played by PRIs at the grassroots level in successful implementation of FRA, the present case study intends to document one successful case, so as to understand the role of the PRIs in efficient, equitable and sustainable governance of forests resources as well as protection of tribal rights in 5<sup>th</sup> Scheduled Areas. This will also help in exploring the possibilities of its replication in similar other locations of our country.

## **1.2 Objective and Research Questions**

The primary objective of the study is to document the process of successful implementation of Forest Rights Act, 2006 by the Gram Panchayat, and to investigate challenges and opportunities of sustainable forest resource governance in 5<sup>th</sup> Scheduled Areas through PRIs, so as to explore the possibilities of its replication in other similar locations.

The specific objectives of the case study are:

- To examine and document the process of implementation of Forest Rights Act in 5<sup>th</sup> Schedule Areas
- To explore the challenges and opportunities of sustainable forest resource governance in 5<sup>th</sup> Schedule Areas through an examination of community rights granted under FRA, 2006

- To examine the functioning of Forests Rights Committee in ensuring community rights over forest
- To explore the factors behind the success of the Panchayat in successful implementation of FRA, 2006, and the possibilities of replication in other similar locations

The central question, which the case study would like to investigate, pertains to the role of Gram Panchayat in successful implementation of Forest Rights Act, 2006 in 5<sup>th</sup> Schedule Areas of Odisha. In the process of investigation, the study attempts to answer the following relevant research questions:

- What role does the Gram Panchayat play in successful implementation of FRA, 2006?
- To what extent the studied Panchayat can be termed as successful cases in sustainable governance of forest resources in 5<sup>th</sup> scheduled areas?
- What are the challenges that community faced in the process of governance of forest resources?
- What rules and sanctions the Forest Rights Committee (FRC) has framed to ensure efficient, equitable and sustainable community rights over forests?
- What are the implications/outcomes of community rights over forest for the tribal communities as well as the forest resources?
- Can the initiative be replicated at other locations?

### **1.3 Methodology and Approach**

As per the data available from Ministry of Tribal Affairs (MoTA), Gol, until 30th April, 2017, a total of 41,70,191 claims (40,31,766 individual and 1,38,425 community claims) have been filed and 17,92,816 titles (17,29,923 individual and 62,893 community claims) have been distributed at the national level. The data released by MoTA reveal that with regard to performance of states on the criterion of 'percentage of titles distributed over number of claims received', Odisha occupies the first position with 65.71 per cent of title distribution followed by Kerala (65.54 %) and Tripura (63.01 %). Thus it is decided to choose a Gram Panchayats from the state of Odisha.

Scheduled Tribes (ST) constitute 22.85 per cent of Odisha's population as per the 2011 Census. The state ranks third in terms of ST population. Out of 30 districts, 13 districts of the state of Odisha are either fully or partially declared as Scheduled Areas, covering 119 Blocks and 1921 Gram Panchayats. The districts, which are fully covered as Scheduled Areas in Odisha include Rayagada, Malkangiri, Nabarangpur, Mayurbhanj, Sundargarh and Koraput. Out of these districts, Rayagada is chosen for the empirical work.

**Sample Selection:** In order to choose the site for empirical investigation, the study adopted purposive sampling method. Since the study aimed at documenting one of the successful cases of implementation of Forest Rights Act in the 5<sup>th</sup> Scheduled Areas, the following criteria were identified to choose the sample:

- That the Gram Panchayat should be located in Scheduled Areas of the state of Odisha
- That the Gram Panchayat should have constituted Forest Rights Committee through Gram Sabha for securing claims under FRA, 2006
- That the Gram Sabha should have adopted a participatory approach in the process of implementation of FRA, 2006
- That the community should have received both individual claim and community claim under FRA.
- That the Gram Sabha should have formulated a management plan for protection of the forest received under Community Forest Rights (CFR).

Based on above criteria, Budaguda Gram Panchayat of Kalyansingpur Block of Rayagada district was chosen for the detailed case study. The Budaguda Gram Panchayat consists of 12 villages with a total population of 6681 as per the 2011 Census. Since the study area is situated in the Scheduled Area, where the Gram Sabha enjoys relative autonomy as per the provisions of Panchayats Extension to Scheduled Areas (PESA) Act, 1996, the case study is focused on Podochuanpadar village of the Budaguda Gram Panchayat. The Gram Sabha in Podochuanpadar village was actively engaged in implementation of the FRA, 2006, and has formulated a management plan to protect the local forest resources after receiving Community Forestry Rights title under FRA.

**Sources of Data:** With regard to collection of relevant data, the study adopted a mixed method and relied on both secondary and primary sources of data. The secondary sources of data were mainly tapped to understand nature and extent of distribution of titles under FRA in the state of Odisha and Rayagada district. Important secondary sources such as District Census Handbook, FRA updates from the websites of Ministry of Tribal Affairs and reports from local NGO involved in facilitating the implementation of FRA were tapped. Along with the secondary data, first hand data were also collected from the field with appropriate qualitative methodological design. Personal interview with key informants and Focused Group Discussion (FGD) were used as relevant techniques to elicit relevant data for the case study. A structured interview guide with open-ended questions was used to carry out the personal interviews with the key informants. Likewise, a structured check-list was

used to carry out the focused group discussions. Besides, participatory research techniques were also adopted to gather information on social and resource map of the village.

### **1.4 Learning Outcomes:**

Having gone through this case study, learners will be enlightened about a successful case of implementation of Forest Rights Act in 5<sup>th</sup> Scheduled Areas, as well as the community's efforts to govern its local forest resources in a sustainable manner. The case study is expected to ignite the minds of the learners and create an enthusiasm among them to replicate the same in their respective localities.

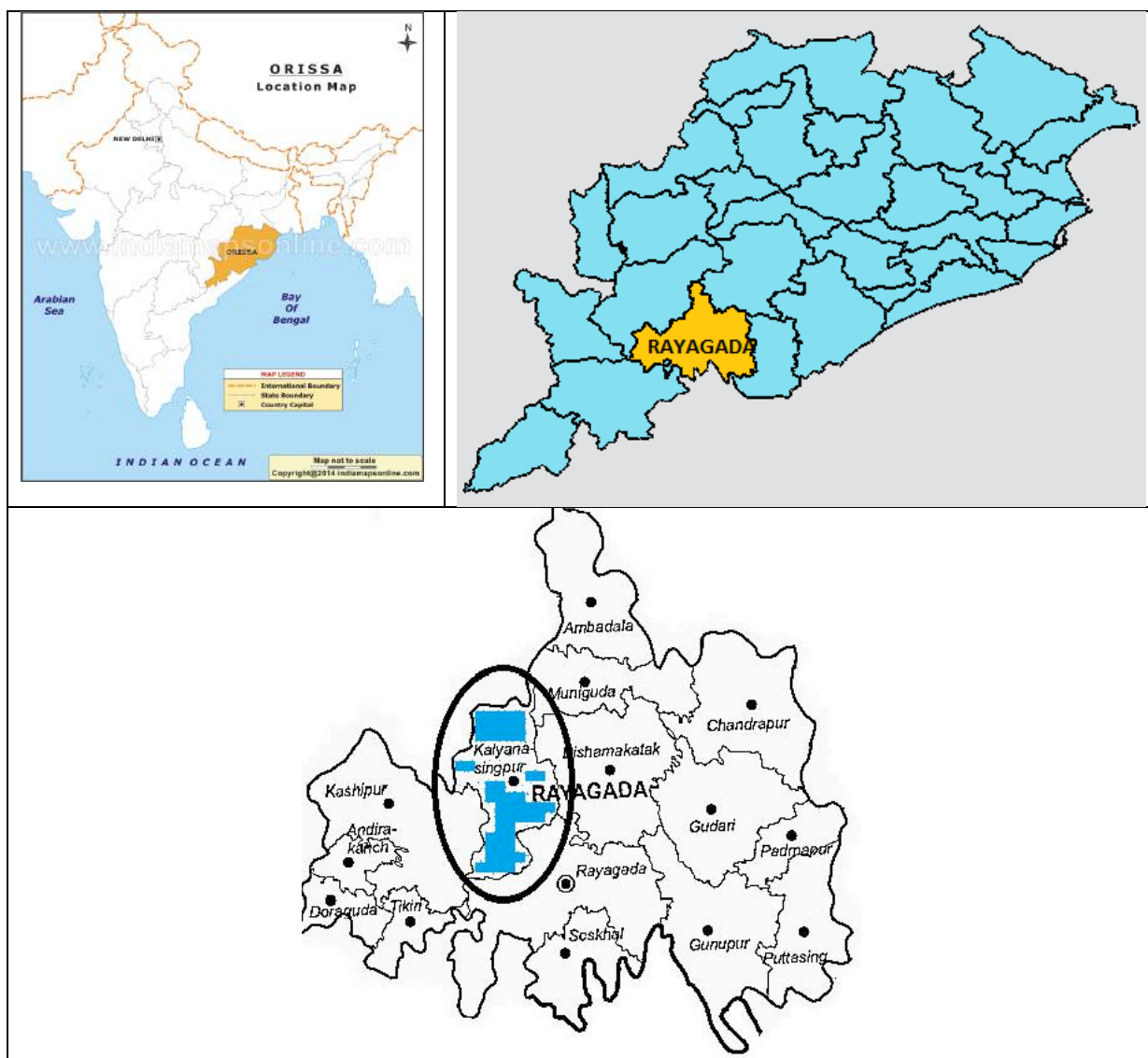
## **II. Case Presentation**

### **2.1 Socio-Demographic Profile of the Study Area**

Podochuanpadar village of Budaguda Gram Panchayat of Kalyansingpur Block of Rayagada district of Odisha was chosen as the site for empirical investigation (see Figure – 1). Before unfolding the successful story of implementation of FRA in Podochuanpadar village, it is apt to provide a socio-demographic background of the Budaguda Gram Panchayat. The following paragraphs attempt a brief description of the profile of the study area.



**Figure 1: Map showing location of Study Area**



**Rayagada District:** Rayagada district came into existence on 2<sup>nd</sup> October 1992 through division of the erstwhile Koraput district. It is situated between 18° 54" and 20° 00' North Latitude, 82° 54" and 84° 02' East Longitude. It is bounded by Gajapati District in the East, Kalahandi District in the West, Kandamal in the North and Koraput District and the state of Andhra Pradesh in the South. It has a population of 961,959 (469,672 men and 492,287 women) as per the 2011 census, with a population density of 136 per square km. The District is divided into 2 Sub-divisions, 11 Tehsils, 11 Panchayat samities (Blocks), 1 Municipality, 2 Notified Area Councils and 171 Gram Panchayats having 2667 villages. The district is characterised by a rugged terrain of hills and thick forests. The forest area covers 4785.36 Sq.K.M. out of which 777.27 Sq.K.M. is reserved forest,

**Kalyansingpur Block:** out of the eleven Blocks of Rayagada district, Kalyansingpur Block is situated in the Rayagada subdivision of the district. Kalyansingpur block is bounded by Kashipur block in the west, Bisamkatak block in the east, Rayagada block in the south, and Kalahandi district in the north. Kalyansingpur block has 17 Gram Panchayats, which are further divided into 223 villages. As per the 2011 census, Kalyansingpur block has a total population of 63,753, with land area of 41,821 hectares.

**Budaguda Gram Panchayat:** Budaguda gram Panchayat is one among 17 gram Panchayats of Kalyansingpur block of Rayagada district. The Panchayat constitutes of 12 villages with a total population of 4681 as per 2011 Census. Scheduled Tribes and Scheduled Castes constitute 68.36 per cent and 10.68 per cent respectively. The socio-demographic profile of Budaguda gram Panchayat is depicted in the following table (see Table 1)

**Table 1: Socio-demographic Profile of Budaguda Gram Panchayat**

| Name of the Village | Area (Ha) | HHs  | Population | Male | Female | SC  | ST   | Literate |
|---------------------|-----------|------|------------|------|--------|-----|------|----------|
| Alanda              | 432       | 112  | 476        | 226  | 250    | 52  | 412  | 153      |
| Baladia             | 353       | 68   | 286        | 126  | 160    | 0   | 283  | 72       |
| Budaguda            | 106       | 201  | 1119       | 673  | 446    | 90  | 860  | 717      |
| Chamarajodi         | 515       | 56   | 205        | 87   | 118    | 39  | 160  | 34       |
| Deulabadi           | 119       | 98   | 353        | 159  | 194    | 30  | 166  | 178      |
| Dhepaguda           | 40        | 105  | 427        | 229  | 198    | 0   | 52   | 179      |
| Gurutuli            | 264       | 218  | 895        | 418  | 477    | 102 | 564  | 336      |
| Kadalichuan         | 289       | 62   | 224        | 111  | 113    | 67  | 145  | 21       |
| Kumbharaguda        | 85        | 52   | 242        | 108  | 134    | 68  | 172  | 80       |
| Kandakora           | 196       | 40   | 183        | 79   | 104    | 52  | 125  | 3        |
| Panasaguda          | 59        | 38   | 156        | 78   | 78     | 0   | 154  | 31       |
| Podochunapadar      | 140       | 29   | 115        | 38   | 77     | 0   | 107  | 17       |
| Total               |           | 1079 | 4681       | 2332 | 2349   | 500 | 3200 | 1821     |

Source: District Census Handbook, Rayagada, Census of India, 2011

**Podochuanpadar Village:** Podochuanpadar is a small tribal village of the Budaguda GP in Kalyansingpur block of Rayagada district in Odisha. It was recalled by some of the senior citizens that the Podochuanpadar village was established by seven migrant families from nearby Serigumma Panchayat under the leadership of Bikram Kadraka, who later functioned as the headman of the village. Being the first settler of the village, the family of Bikram Kadraka occupied a larger part of

the plain land and cleared the forest land for cultivation. As time passed by, few other households settled in the Podochuanpadar village and practiced farming by clearing forest land.

As per 2011 Census, the village is inhabited by 27 households with a population of 115. It was reported during our field work (April – May 2018) that the village now constitutes 29 households, with a total population of 121, including 48 males and 73 female. In contrast to state and national level data, females outnumber males numerically in Podochuanpadar village. All the 29 households belong to the *Kandh* tribe, and depend mostly upon the nearby forest for their livelihood. While all the households do farming in the forest land, some of the households also reported wage labour as their primary occupation. One could find an extensive dependence upon forest. Households collect forest produces like tendu leaves, mushroom, rope making material, bamboo making grass, green leaves and varieties of food items.

## **2.2 Forest and Forest Dependence in Podochuanpadar**

Podochuanpadar village is situated in the Rayagada – Kashipur Forest Range of eastern ghat in Odisha. The legal status of the forest is denoted as reserved forest, which comes under the jurisdiction of the forest department of Government of Odisha. As reported by the members of the community during the Focused Group Discussion (FGD), the forest is composed of the following dominant variety of tree species (with their botanical names):

- Mango (*Mangifera indica*)
- Sal (*Shorea robusta*)
- Tendu (*Diospyros melanoxylon*)
- Tamarind (*Tamarindus indica*)
- Jackfruit (*Artocarpus heterophyllus*)
- Banyan (*Ficus benghalensis*)
- Karanja (*Pongamia pinnata*)
- Ashwattha/Peepal (*Ficus religiosa*)
- Mahula (*Madhuca longifolia*)
- Piasal (*Pterocarpus marsupium*)
- Simili (*Bombax ceiba*)
- Palash (*Butea monosperma*)
- Sahada (*Streblus asper*)
- Kasi (*Bridellia retusa*)

Beside these predominant species, key informants of the village also reported about several herbs, shrubs and local variety species in *Kui* language, which is the mother tongue for the community. Forest is very closely related to the livelihood pattern of the households irrespective of their primary occupation. Households depended upon forest for three major purposes, i.e. food, fuel wood and fodder. Further, they also collect *Kendu* leave, honey, mushroom, etc. for selling in the nearby market. Focused Group Discussion (FGD) with the members of the tribal community in Podochuanpadar revealed the following details of forest dependency in the village.

**Table 2: Details of Forest Dependency in Podochuanpadar Village**

| Forest Produce collected  | Number of dependent household | Time of collection   |
|---|-------------------------------|----------------------|
| Small timber  | 29 (all households)           | Throughout the year  |
| Kendu leaves  | 29                            | March, April         |
| Siali leaves  | 29                            | March, April         |
| Tuber (roots)   | 20                            | Throughout the year  |
| Tamarind  | 15                            | May, June            |
| Sal seeds   | 10                            | May, June, August    |
| Mango   | 29                            | May, June            |
| Bali Chatu, Chana Chatu, Pala chatu, Boda Chatu (Varieties of Mushroom) | 8                             | June, July, August   |
| Mahula  | 29                            | April, May           |
| Karanja seeds   | 15                            | May, June            |
| Jackfruit   | 15                            | June, July, August   |
| Bamboo  | 29                            | April, May           |
| Honey   | 15                            | Seasonal             |
| Medicinal plants  | 5                             | As and when required |

**Image 1: Non-Timber Forest Produces (NTFPs) Collected by Households from Forest**



## 2.3 Claiming the Forest Land (Individual Forest Rights) under FRA, 2006

**Scenario before Implementation of FRA (Forest, Forest Land and Forest Bureaucracy in Podochuanpadar):** Any attempt to understand the benefits of implementation of FRA on tribal life and livelihood remains incomplete without investigating the scenario before implementation of the act. The situations narrated by the community members unveiled the conditions of fear and indignity that the tribal people experienced before implementation of the FRA. Since the Podochuanpadar village is situated within the Rayagada – Kashipur reserved forest, the forest department had de-dure rights over the forest land, and the community was perceived as illegal intruders. The households lived in small huts, without proper road, electricity and other basic facilities as they were not supposed to erect any permanent structure. They had the fear that if they construct any pucca houses, forest department officials will demolish the structure and evict them from their land.

Even though the community was staying and cultivating the land for generations, Forest Department had never recognised them as legal owners of the land. In order to establish its control over the land, in many occasions, the forest department would carry out plantation activity by uprooting the crops growth by the community in the forest land. The following excerpt from our interview with Mr. Basu Kanika, a resident of the Podochuanpadar village and a tribal elected representative of Budaguda Gram Panchayat bears testimony to the hardship of the community before implementation of the FRA:

*“Forest department always considered us as thieves. We have inherited this land from our forefathers and had been farming this land for generations. However, forest department in the name of plantation would destroy our crop. Our protests in the past had no value since the legal right over land belonged to the forest department. On many occasions, we had to share our harvest with the forest department officials in order to protect our crops. Whenever they (forest officials) used to come to our village, we had to give them chicken, fruits, honey, mushroom and other forest products as gifts in order to protect our house and crops”*

*Mr. Basu Kanika, 54, ST Representative*

Before implementation of the FRA, the tribal community had to please the forest officials through giving various types of gifts and free services. Besides, the community always lived with

insecurity and threat of eviction from forest land. They had to hide the harvest from the forest land so as to pretend to the forest department that they are not engaged into any kind of cultivation practices in the forest land.

***Constitution of Forest Rights Committee and Implementation of FRA:*** Albeit the implementation of FRA in 2006, the members of Podochuanpadar village did not have any knowledge about the act till 2012. It was only with the mobilisation of the community by a local NGO named 'Nirman' that awareness was built about the Forest Rights Act. 'Nirman' is a state level NGO with its head-office at Bhubaneswar, which is engaged into several community development initiatives including enhancing food and livelihood security, promoting sustainable farming practices and environmental conservation, ensuring social justice, etc. Mobilising tribal and forest dwelling communities for claiming rights under FRA constituted a part of the Nirman's larger efforts towards ensuring self-sustained and sustainable livelihoods to the marginalised tribal communities through tenure security and recognition of traditional rights over forest land.

Implementation of FRA began in Podochuanpadar village with random visits of personnel of Nirman to the village to sensitise people about the benefits of the act. Unaware about the existence of such an act, the villagers were delighted to hear that they can ever get legal rights over the land. Having gained awareness about the benefits of the act, the villagers mobilised themselves and expressed their willingness to call a Gram Sabha and constitute a Forest Rights Committee (FRC) to facilitate the claim process.

***Chronology of Events:*** A detailed examination of the records of the Budaguda Gram Panchayat and the FRC of the Podochuanpadar village revealed the following chronology of events in the process of implementation of FRA in Podochuanpadar.

- **April 2012:** To initiate the process, a special Gram Sabha was called for on 24<sup>th</sup> April, 2012 at Podochuanpadar village. Mr. Basu Kanika, the elected representative from the village to the Budaguda Gram Panchayat presided over the meeting, which was also attended by the President (*Sarpanch*) and Secretary of the Panchayat, and the extension officer. A Forest Rights Committee (FRC) was constituted for the village in the Gram Sabha, with Mr. Krishna Pidishika and Mr. Kailash Kadraka as its president and secretary respectively. It was resolved in the meeting that every household of the village would submit their claim form to the FRC

for initial verification, which in turn would forward the claims to the Block level through the Gram Panchayat.

- **May 2012:** The FRC of Podochuanpadar village called for a Gram Sabha on 20<sup>th</sup> May 2012, where the claim forms (Form A and Form B) received from the villagers were discussed. It was resolved in the meeting that the FRC would complete the examination of the claims received from the villagers through the concerned Forest Officials of Rayagada forest division and the Tehsildar by the first week of June 2012. The Gram Sabha was attended by both male and female members of all the households of the village
- **June 2012:** A Gram Sabha was held on 2<sup>nd</sup> June 2012 to examine the facts of the claims received from the villagers under the FRA. The Gram Sabha discussed the details of all the 29 claims received from the households of Podochuanpadar village; and ascertained and certified the traditional ownership of the forest land by the tribal households. The Gram Sabha also certified that the village has been using the community forest collectively for more than 25 years for the purpose of addressing their livelihood needs. Collective dependency upon community forest was unanimously accepted and recognised by the Gram Sabha. Accordingly Gram Sabha accepted all the 29 claims for Individual Forest Rights (IFR) and the Community Forest Rights (CFR) on behalf of the village, and resolved to forward the same to the Block level through the Gram Panchayat. The details of the claims, including the name of the claimant and the total area of forest land claimed were recorded in the minutes of the meeting.
- **July 2012:** On 3<sup>rd</sup> July 2012 an important Gram Sabha was held in Podochuanpadar village, which was attended by the Sarpanch, Secretary and other elected representatives of Budaguda Gram Panchayat along with the members of the Podochuanpadar village. In this meeting, the Gram Sabha passed the following five resolutions:
  - A detailed report on formation of FRC, claims received under IFR and CFR, and their verification by the FRC and the forest officials was presented
  - It was resolved and recognised that the community has been using the village forest for more than 25 years for fulfilling their livelihood requirements
  - The FRC was vested with the responsibility for sending the claim forms as well as the verification report of these claims to Sub-Divisional level.
  - It was resolved and certified that all the 29 claimants of IFR belonged to Scheduled Tribes (STs)

- It was resolved that the forest land claimed under CFR constituted two important sources of water (springs) and other water bodies, which the community has been using since generations for their household use and agriculture purposes

With active participation of the members of the community and support from the NGO – Nirman – the claim forms, along with details of land mapping of individual plots, and community forest were sent to Sub-Divisional Level Committee (SDLC) for further verification and upward movement to District Level Committee (DLC). The process of receiving the forest rights (*pattas*) took almost two years for the members of Podochuanpadar. During these two years, the villagers had to approach several times to district administration and district Integrated Tribal Development Authority (ITDA). The FRC also filed repeated petitions under Right to Information Act (RTI) so as to explain the reasons for delay in processing their claims. After two years of continuous persuasion, struggle and repeated petitions under RTI Act, the members of Podochuanpadar finally received their land titles for Individual Forest Rights (IFR) during mid 2014. Individual Forest Rights (IFR) was issued to 25 households for a total land area of 42.18 acres (see Image 2).

**Image 2: Members of Podochuanpadar village with their IFR titles received under FRA, 2006)**



{Photo Courtesy: Santosh Kumar Parida, NIRMAN, Rayagada}

## **2.4 Managing the Forests (Community Forest Rights) under FRA, 2006**

It may be recalled that the Forest Rights Act, 2006 has vested with the Gram Sabha with right to manage its local forest resources through the Community Forest Rights (CFR) granted to the village collectively. For this purpose the Gram is responsible to prepare a management plan with due



suggestions from all the members of the community. In this regard the Podochuanpadar village called for a Gram Sabha on 7<sup>th</sup> October 2016, which was presided by Mr. Badu Kanika, the elected representative from the village to the Budaguda Gram Panchayat. The Gram Sabha reconstituted the Forest Protection Committee of the village and entrusted it with the responsibility to prepare a detailed forest management plan. Accordingly the Village Forest Protection Committee designed a map for the 200 acres of forest granted to it under CFR, and prepared the management plan.

***A Blueprint of the Forest Management Plan, Podochuanpadar Village:*** With technical support from the NGO – Nirman – Podochuanpadar village prepared a Forest Management Plan, which was discussed and accepted by the Gram Sabha meeting. The Forest Management Plan, which was written in the local language (Odia) had five sections, which were as follows:

- **Section 1:** The first section of the Forest Management Plan constituted the details of the village, its geographical location, administrative and demographic information and social composition of the village. This section provided the baseline data about the village as well as an introduction to the community.
- **Section 2:** The section provided a brief information about the current as well as past condition of the forest. It depicted plants that have grown naturally in the forest and the plant varieties found in the forest due to plantation activity of the forest department.
- **Section 3:** The third section provided the details of the formation of the Forest Protection Committee. It stated that the Forest Protection Committee (FPC) of Podochuanpadar consisted of 15 members, including 5 female members. The FPC is supposed to meet at least once in a month to discuss about forest protection. The details of the forest protection is to be reported to the Gram Sabha by the FPC.
- **Section 4:** The fourth section is the most elaborate and important section of the Forest Management Plan of Podochuanpadar. This section provided detailed information about the forest resource of the village and the dependency of the community upon it. As a part of description of the existing forest resource of the village, the Management Plan classified the forests into the following three categories, and listed the tree species found under each category:
  - Big trees
  - Medium size trees
  - Small trees, shrubs and bushes

The Plan also made a classification of the tree varieties as follows based on its availability (existence), and listed the tree species under each category:

- Tree species that are adequately available currently in the forest
- Tree species which have been degraded and have become scarce
- Tree species that have currently become completely extinct (but existed in the past)

Similarly the Forest Management Plan also made a classification of the wild animals based upon its current and past availability.

Besides detailed enumeration of the forest resource, this section of the Management Plan also narrated the community's dependency upon forest resources in a detailed manner. It depicted and listed varieties of Non-Timber Forest Produces (NTFPs) that the community members collect from the forest and the duration and seasons of such collection. It also mentioned the NTFPs that are mostly collected only by female members of the community.

- **Section 5:** The fifth section was the most important part of the Management Plan, which was further divided into three sub-section consisting of detailed rules pertaining to forest conservation, forest protection and forest management.
- **Rules for Forest Conservation:** The Management Plan formulated the following rules for conservation of the forest:
  - *To allow the trees grow by periodically cleaning and clearing the creepers, climbers and parasites*
  - *Clean the grass and unwanted bushes around important saplings so as to allow it to grow*
  - *To cover the roots of bamboo with soil and manure (cow dung and compost)*
  - *To engage in periodical plantation of fruit bearing and other tree varieties having importance for livelihood*
- **Rules for Forest Protection:** The following rules were formulated for protection of the local forest resources:
  - *To resolve the conflicts with neighbouring villages concerning forest use through negotiation and meetings*
  - *To protect agricultural crops from wild animals*
  - *To put off fire from the forest as quickly as possible and then to inform the forest department immediately regarding this*
  - *To protect the forest from thieves, wood mafias and neighbouring villages*

- **Rules for forest management:** For efficient, equitable and sustainable management of forest resources, the Management Plan formulated the following rules:
  - *To ensure equitable access to minor and Non-Timber Forest Produces to all the households*
  - *To negotiate with traders to get the right and fair price for commercial NTFPs*
  - *To divide and separate forests into several blocks in order to reduce spreading of fire the forest*
  - *To discuss and work with the forest department to minimise incidents of forest fire*
  - *To restrict the quantity and duration (timings) of collection of NTFPs by the community member*
  - *To ensure mutual agreement of the community in matters of forest use and management*
  - *To determine disincentives (punishments) for those violating rules of forest management*

### **III. The Outcome**

#### **3.1 Correcting the historical injustice**

One of the stated objectives of FRA, 2006 was to undo the historical injustice that the Scheduled Tribes of India have experienced for quite a long time. The residents of Podochuanpadar village have been subject to oppression, harassment and marginalisation, without a formal legal title to the land, which they have occupied since generations. The members of *Kandh* tribe practised farming and horticulture, and reared animals like cattle, goat and chicken. However, none of the households had any formal document to prove ownership of their land. Nevertheless, the community had a clear understanding as to which land belong to which family; and never had any conflicts regarding use and ownership of land. But in the absence of legal document, the villagers had to constantly face the threat of eviction and loss of agricultural land. The following excerpt of our interview with one of the residents of Podochuanpadar unfolds the plight of the community, the kind of injustice done to them and the degree of discrimination, exclusion and marginalisation that they had to face:

*It is a strange feeling to be perceived as aliens in one's own land. We were always viewed with suspicion, treated as outsiders, considered as illegal encroachers and criminals for farming our own land – the land which we have inherited from our fore-fathers. More than the land belonging to us, we belong to this land. This land, forest and streams have given us enough substance to live. We have inherited this land from our forefathers – not encroached upon – and have been practising farming. But without any document over land, we had to face lot of difficulties. There were several occasions, when the forest department officials would destroy our crops fields before harvest for carrying out plantation activities. They would unpluck our maize, rice and millet plants and plant sal and teak. In order to protect our crops we have gift goats and chickens as bribes to government officials.*

After implementation of FRA, 2006; the legal rights that the residents of Podochuanpadar received is not just a piece of paper, but truly a symbol of justice, fairness and freedom. The households now cultivate the same ancestral land, but without the fear of being uprooted and giving any bribes to any government officials to harvest their crops.

### **3.2 Living with dignity and freedom**

In the contemporary development discourse, 'development' is often equated with justice, dignity and freedom. An undignified life without the freedom of choice can never be co-terminus with development. The FRA 2006 has truly been the harbinger of dignity and freedom for people of Podochuanpadar. Now they freely cultivate their land and do not have to hide their harvest (see image 3). One of the female respondents of the study stated that:

*Now we openly harvest our crops and keep them on the threshing-floor for drying in sun and processing. we don't have to fear that forest department officials will come to know that we are farming the 'forest' land. This is a sense of great relief for us.*

**Image 3: Women of Podochuanpadar processing their harvest in the village street**



The formation of Village Forest Protection Committee under the Community Forest Rights (CFR) has also given the villagers a sense of pride and confidence to access and use the NTFPs from their community forest. Having obtained community rights over forest, they are now in a position to restrict the outsiders from degrading the forest. The sense of belongingness which they always possessed towards their forest, has become firm and stronger with the newly obtained formal right over it.

### **3.3 Tenure, Livelihood and food security**

Uncertainty of tenure over the individual farm land as well as the commonly used forest land has created a sense of insecurity, and had pushed the community into vulnerability and marginalisation. The Forest Rights Act, 2006 has not only provided them with a right to farm and forest land, but has ensured tenure, livelihood and food security to the members of Podochuanpadar. It was observed during fieldwork that having gained a tenure security over the community forest, people have become enthusiastic more than ever to protect their village commons. Reiterating the possibilities of community based sustainable forest management after gaining tenure security, Kailash Kadraka, the secretary of Podochuanpadar Forest Rights Committee stated the following:

*... we are now certain about our rights over 200 acres of community forest, that we were dependent upon since long, but did not have any official proof of. Having gained secure tenure rights over forest, we have now designed the management plan for protecting and conserving our forest. We could now stop outsiders and forest mafias from destroying the forest. We have made plans for restricted use of forest resources in a manner in which every household of the village will be benefited.*

As mentioned, forest has been a part and parcel of the livelihood of the people of Podochuanpadar village. Households collect several types of NTFPs for their self-consumption as well as for making a earning by selling them in the nearby market. However, in a condition of being treated as illegal encroachers by the forest department, there were occasions when the villagers were caught by the forest guards and stopped from accessing forest. Many respondents of our study narrated similar stories of harassment by forest guards, who will often stop the villagers from accessing the forest and confiscate their equipment. However, after obtaining the CFRs, community members have gained greater security of their livelihood, and their access and use of the community forest is now being recognised by the forest department.

Besides mobilising the community for claiming land titles under FRA, volunteers from Nirman also provided training to the villagers of Podochuanpadar on agricultural practices which are suitable for topographic and climatic conditions of the locality. The households now practice different types horticultural and floricultural practices, and animal husbandry; besides growing traditional crops like paddy, millet, maize, *kanduala* (pulse), and *kangu* (Italian millet) (see image – 4). Such diversified agricultural practices after receiving land title under FRA, 2006 has contributed towards achieving food security among the households of Podochuanpadar.

**Image 4: Farming in land received as IFR under FRA, 2006 in Podochuanpadar**



### **3.4 Holistic Development (Convergence of FRA with other development initiatives)**

Perhaps the most important visible change in Podochuanpadar village in Budaguda Gram Panchayat after implementation of the FRA, 2006 has been the newly constructed *pucca* residential houses for the households under Indira Awas Yojana (IAY) and the *pucca* village school building. Podochuanpadar witnessed holistic development after implementation of FRA, 2006 in terms of Infrastructural developments like *pucca* road for transportation, *pucca* houses under IAY, tube-well for drinking water facility, and village school building for primary education of children. The case of Podochuanpadar may be considered as a classic case of ‘convergence’ of sectoral developmental schemes for holistic development of the community. Convergence of FRA with IAY and NREGA works brought overall development for the people of Podochuanpadar. Before implementation of FRA, the households could not avail the benefits of housing scheme like IAY, since they did not have private property rights over land. Having obtained the legal *patta* over their ancestral homestead land, the households could apply for receiving support to construct *pucca* houses under IAY. Likewise, there was no proper road to the village, as the land was earlier considered as forest land and was under

the control of forest department. After implementation of FRA, 2006, Podochuanpadar witnessed construction of better road to the village. Nirman – the civil society organisation which mobilised people for claiming forest rights – also ensured convergence of IAY and NREGA with land titles received under FRA, 2006. The following picture compares the housing conditions of the Podochuanpadar village before and after implementation of FRA, 2006 and the journey of the community from being considered as illegal encroachers to settled members of the village (see image 5)

**Image 5: Housing Conditions in Podochuanpadar village before and after implementation of FRA, 2006**



Podochuanpadar Village 2013

(Photo Courtesy: Santosh Kumar Parida, NIRMAN, Rayagada)





Podochuanpadar during fieldwork, 2018



### 3.5 Empowerment and social transformation

Implementation of FRA, 2006 has been an instrument of empowerment and social transformation for the *Kandha* tribal households of Podochuanpadar. Besides the objective, explicit and manifested changes in Podochuanpadar village in terms of *pucca* houses, legal *patta* over land, secured access to community forest; what is perhaps noteworthy to mention is the subjective, implicit and latent transformation that has come in the lives of tribal community. Rights over forest has not only provided them ownership over a geographical territory, but more importantly has built in them a new found sense of self-confidence, pride over their own identity. Participation in the process of obtaining forest rights has resulted in development of (subjective) agency within the hitherto timid, vulnerable and marginalised tribal people of Podochuanpadar. Accentuating his self-confidence, a member of Podochuanpadar reiterated during fieldwork that:

*We are now not afraid of any government official or forest department. The lengthy process of obtaining forest rights has itself been an experience of struggle as well as learning for us. We have now come to understand various government schemes as well as become aware about our rights. In fact, it is FRA, which has taught us what is Gram Sabha, and what is its significance in our lives.*

The process of claiming forest rights, therefore, has been an empowering experience for members of tribal community, who have now learnt official procedures of obtaining information through RTI. Participation in implementation of FRA, 2006 has implicitly strengthened deliberative grassroots democracy and established tribal self-governance, by way of constructing informed citizens, who are now aware about individual rights over land, community rights over forest and collective responsibility towards sustainable management of forests (see image 6).

**Image 6: Deliberative Grassroots Democracy at work in Podochuanpadar Village**



## IV. Conclusion

What makes Podochuanpadar stand unique in an otherwise context of vulnerability, exclusion and marginalisation of Scheduled Tribes, is the practice of deliberative grassroots democracy and tribal self-governance for obtaining forests rights as well as the efforts of convergence between FRA and other schemes of development. While there has been several ambiguities over implementation of FRA, 2006 in different tribal regions of the country, the Podochuanpadar experiment definitely emerge as a best practice in the field, which is worthy of replication in similar such contexts. The efforts towards converging FRA with other developmental schemes like IAY makes Podochuanpadar experiment a remarkable achievement in the field. Some of the factors that may be considered as

enabling conditions for success of Podochuanpadar, and therefore, should be taken seriously while attempting to emulate the case in other similar locations may be stated as follows:

- Community mobilisation and practice of deliberative grassroots democracy, with active participation of members of the community
- Presence of a civil society organisation for mobilising, facilitating and hand-holding during the process of claiming forest rights
- An active community, who is ready to participate in decision-making and taking control of natural resources like forest
- Tribal self-governance as per provisions of the PRESA Act, 1996, which considers revenue village (not Gram Panchayat) as the juridical unit for conducting Gram Sabha.
- Take recourse to RTI for ensuring transparency and speeding up process of claim settlement

We may conclude by invoking the idea that FRA is not just a programme of land distribution, but should be considered as an opportunity to undo the vulnerability, marginalisation and injustice inflicted upon the tribal communities by way of building agency within them and empowering them by providing secured access to land, forest and water, upon which their life and livelihood are so intrinsically related. In this sense, the experiment of Podochuanpadar village in the 5<sup>th</sup> Schedule Areas of Odisha may truly be considered as an effort to practice tribal self-governance to access, control and govern local natural resources like forest. Such an initiative, if replicated in other parts of tribal India, would definitely be a great step towards realising the spirits of FRA, 2006 and PESA Act, 1996 – the two most comprehensive legislations of contemporary times for empowerment and transformation of Scheduled Tribes of India.

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