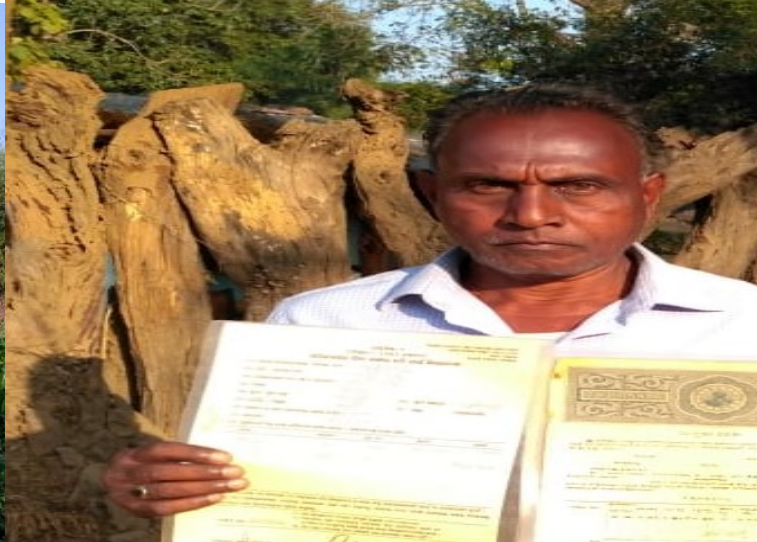


# Study Report on Status of OTFD Entitlement under FRA: An Empirical and Case study based Analysis



Scheduled Castes and Scheduled Tribes Research and Training Institute  
(SCSTRTI), Bhubaneswar  
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# Status of OTFD Entitlement under FRA:

An Empirical and Case study based Analysis

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## Foreword

FRA being one of the most progressive legislations addresses the historical injustice committed to the forest dependent communities by restoring their land and forest rights. This Act has created a legal space for recognizing the rights of all the forest dependent communities over forest land realising their livelihood security as well as their role in forest governance. It has enabling provisions for participation of both Schedule Tribe and Other Traditional Forest Dwellers in the institutions and decision-making bodies set up under the law.

Despite various enabling provisions, one of the important issues in FRA is the under recognition of titles to the Other Traditional Forest Dwellers (OTFDs). Odisha, like all other states, has high rate of claim rejection and less participation by the OTFDs in the claim making process. Making the situation even more sensitive, the recent Supreme Court Order (February-2019), relating to eviction of ineligible claimants has put the OTFD issues on top priority. In this context the study on “**Status of OTFD Entitlement under FRA; an Empirical and Case study based Analysis**” would help us to understand the actual status and process of implementation of Forest Rights Act with special reference to OTFD claimants in Odisha, the key issues, challenges and way forward.

The study results, therefore, would help government to find the ways to ensure better practices resulting in better livelihood options and policy recommendations for Other Traditional Forest Dwellers of Odisha.

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## Abbreviations & Acronyms

CFR	: Community Forest Rights
CFRMC	: Community Forests Resource Management Committee
CIRTD	: Centre for Integrated Rural & Tribal Development
CR	: Community Resource
CSOs	: Civil Society Organizations
DEO	: Data Entry Operator
DLC	: District Level Committee
DWO	: District Welfare Officer
FAQ	: Frequently Asked Questions
FES	: Foundation for Ecological Society
FGD	: Focus Group Discussion
FRA	: Forest Rights Act
GP	: Gram Panchayat
GS	: Gram Sabha
IAY	: Indira Awas Yojana
ITDA	: Integrated Tribal Development Agency
KII	: Key Informant Interview
Km <sup>2</sup>	: Square Kilometre
MFPs	: Minor Forest Products
MGNREGS	: Mahatma Gandhi National Rural Employment Guarantee Scheme
MoTA	: Ministry of Tribal Affairs
NGOs	: Non-Government Organisations
NTFP	: Non-Timber Forest Product
OBC	: Other Backward Class
OTFD	: Other Traditional Forest Dwellers
PA-ITDA	: Project Administrator Integrated Tribal Development Agency
PMAY	: Pradhan Mantri Awas Yojana
PTGs	: Primitive Tribal Groups
PVTG	: Primitive Vulnerable Tribal Group
RI	: Revenue Inspector
SC	: Scheduled Castes
SCSTRTI	: Scheduled Castes and Scheduled Tribes Research and Training Institute
SDLC	: Sub-Divisional Level Committee
SEWAK	: Self Employed Workers Association Kendra - (An NGO)
SLMC	: State Level Monitoring Committee
SRADHA	: Name of an NGO
ST	: Scheduled Tribes
TSP	: Tribal Sub-Plan
UNDP	: United Nations Development Programme
WEO	: Welfare Extension Officer

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## Executive Summary

### **Introduction:**

The enactment of the “Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in short Forest Rights Act (FRA)” is a means to undo a historical injustice inflicted in perpetuity to marginalized mainly the tribal population of the country since ages. By virtue of this law, the State recognizes and vests forest rights in favour of the Scheduled Tribes and Other Traditional Forest Dwellers who have been residing in forests for generations but whose rights were not recorded. It provides for a framework for recording of the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land. The forest rights law attempts not only to right the historic wrong but also empowers right holding communities to “protect, conserve, regenerate or manage” their community forest resources for sustainable use. Forest Rights Act is a means to address some of the pressing issues affecting livelihood of the scheduled tribes and traditional forest dwellers and conservation of forest and natural resources. In this Act, the recognized rights of forest dwelling scheduled tribes and other traditional forest dwellers also include responsibilities for sustainable use, conservation of biodiversity and maintenance of ecological balance for strengthening the conservation regime of the forests while ensuring livelihood and forest security for the forest dwelling scheduled tribes and other traditional forest dwellers.

By recognizing and vesting individual and community rights, this legislation provisions to ensure justice to the forest dependent community which was earlier denied during colonial and post independent India. The foundation of this Act is the recognition and assertion of tenurial, livelihood and ecological security of the forest dwelling communities. The Act and the Rules (rules framed in 2008 and further amended in 2012) made under FRA therefore give details of institutional arrangements to protect, conserve, regenerate and manage community forest resources.

### **Rationale:**

Section 2(o) of the FRA defines ‘other traditional forest dwellers’ means any member of community who has for at least three generations prior to the 13<sup>th</sup> day of December, 2005 primarily resided in and who depend on the forest or forestland for *bonafide* livelihood needs. For the purpose of this clause, ‘generation’ means a period comprising of twenty years.

The differentiated eligibility of ST and OTFD claimants as mentioned in the Act happens to be one of the major limitations, which, compounded by the ambiguity in the wording of the Act, has disadvantaged the latter severely. OTFDs are required to prove continuous residence or dependence in the areas being claimed for three generations (75 years). This dates back to a period when most of these areas were under princely states or *zamindars*, with no survey or land demarcation, and no government records. Thus, these equally deserving communities are unable to produce documentary evidence to support their claims.

While oral histories and testimonials from village elders are legally acceptable forms of evidence, it has been observed across the country that the institutional mechanism in the claim verification and recognition process has largely ignored this provision. Non-tribals have been a low priority for the nodal agency, the Ministry of Tribal Affairs (MoTA), and are also viewed as ecologically insensitive by the other big stakeholder in the process, the Ministry of Environment, Forests and Climate Change (MoEFCC).

The prejudice against OTFDs in the FRA, which manifests in the under-recognition of their individual rights as well as in the lack of their participation in the pre- and post-recognition phases of community rights, has roots in the initial disagreements over their inclusion. These disagreements came from concerns over possible encroachments by non-tribals into forest and Scheduled Areas, which could have adverse impacts on the population mix, legitimise inward migration, erode traditional NTFP regimes and lead to forest cover loss. Sustained lobbying and political will at the time ensured that their rights were included in the Bill passed in parliament, but this will seem to have been missing at the implementation stage.

In case of Odisha, the Status Report on progress on FRA indicates that out of **64145 no. of OTFD claims filed at the Gram Sabha level, 30, 938 no. of claims have been forwarded to SDLC and only 5012 no. of OTFD claims have been forwarded to the DLC level. Of the total claims at DLC level 1041 OTFD claims have been approved at the DLC level of which only 73 number of IFR titles have been distributed to the OTFDs.**

The statistics indicate the poor progress in recognition of rights of OTFDs under FRA in spite of more than a decade of implementation of the Act. There are multiple factors impeding the implementation of the Act in letter and spirit which needs attention of the State and the Central Government.

Making the situation even more sensitive, the recent February-2019 Supreme Court judgement directed states to evict Scheduled Tribes (ST) and Other Traditional Forest Dweller (OTFD) whose claims over forest land have been rejected. More than 11 lakh people from the STs and OTFDs across 16 States faced the brunt of the apex court's February 13 eviction order. Responding to the petitions filed by different states and other stakeholders, the Supreme Court issued the stay order on eviction on February 28 and acknowledged the need to further delve into whether due process was followed by gram sabhas and States' authorities under the FRA before the claims for forest rights of forest-dwelling Scheduled Tribes (FDSTs) and other traditional forest dwellers (OTFD) were finally rejected. Based on the Supreme Court's order, the States were asked to review the rejected claims and submit the final report to Ministry of Tribal Affairs, Govt. of India. Accordingly, Odisha has also reviewed the status of rejected claims and as per the status report of Department of ST & SC Development, Govt. of Odisha there are around 13,978 rejected cases of which 8589 are OTFD claims. Rest 54,515 OTFD claims are pending at various level which needs to be reviewed and remanded back to the claimants for resubmission, if required.

In this context it is imperative to take up a study on “**Status of OTFD Entitlement under FRA; an Empirical and case study based Analysis**” to understand the actual status and process of implementation of Forest Rights Act with special reference to OTFD claimants in Odisha, the key issues, challenges and way forward.

## **Objectives & Methodology of the Study**

### **Key Objectives:**

- To assess and examine the status of Entitlements to OTFDs
- To examine the efficacy of the institutional mechanisms at various levels in facilitating the filing of OTFD claims, its verification and recognition process
- To map the different government programmes/schemes (related to land development and productivity, basic amenities and livelihood improvement etc) availed by the OTFD right holders under convergence approach
- To identify the key bottlenecks/challenges in accessing and ascertaining their rights under FRA
- To suggest set of recommendations on the basis of the findings of the study for effective right recognition of OTFDs under the FRA

### **Coverage of the Study, Sample and Methods Used for Selection of Study Area:**

Purposive sampling has been done to select the study districts. Seven districts were covered based on the presence of OTFD title holders and claimants in different categories. Following are the different criteria based on which districts were selected.

- a. Districts having OTFD title holders
- b. Districts with high rate of pending claims or claim rejection
- c. Districts where title distribution to OTFDs is pending
- d. Districts where ‘eligible OTFD claimants are there but have not filed the claims’
- e. Districts where OTFDs have filed ‘claims but they have not been taken into account as per the government records’

Based on the above criteria, the following districts have been covered for the purpose of the study.

<b>Criteria for sample selection</b>	<b>Districts covered</b>
Titles distributed to OTFDs	Rayagada, Angul and Malkangiri
Titles pending for distribution	Sundargarh, Malkangiri
Claims rejected at GS Level	Angul, Bolangir, Deograh, Malkangiri, Nuapada, Sundargarh
Claims rejected at SDLC Level	Angul, Bolangir, Deograh, Sundargarh
Claimed at GS level but not reflected in Govt. Data	Rayagada
Eligible but not claimed at GS level	Bolangir, Deogarh, Rayagada

### **Block, Gram Panchayat and Village selection**

In each study district, blocks, Gram Panchayats and villages were selected following purposive sampling method. Secondary information was collected from respective ITDA and

DWO offices and after detailed discussion with ITDA officials, WEOs, and local NGOs, Blocks, Panchayats and Villages were selected to cover the samples from all categories.

### Sample Household selection

Following **Representative sampling** method both claimants (whose claims are pending or rejected at various level) and FRA title holders were covered in the study villages. The following are 5 different representative types of sample covered under the study.

(1) From **title received** category a total of **113** (58 OTFD and 55 ST title holders) were covered from Angul, Rayagada and Malkangiri district.

(2) From claim **pending** category **64** households were covered from Sundargarh(62) and Malkangiri(2).

(3) From among **GS level rejection** category **207** households were covered. (Angul-05, Bolangir-35, Deogarh-13, Malkangiri-26, Sundargarh-07 and Nuapada-121)

(4) **SDLC Level rejection**- out of **148**, Angul -12, Bolangir -35, Deogarh-59, Sundargarh-42

(5) **Applied but not reflected in Government Data-05**, from Rayagada,

(6) **Eligible but not claimed**- out of **44**, Bolangir-13, Deogarh-17, Rayagada-14

The detailed break up of the sampling done from different districts is given in the tables below:

Sampling:	Representative sampling
Sample size:	
Households covered understudy :	581
Villages covered under study :	41
Gram Panchayats covered under study :	36
Blocks covered under study :	21
Districts covered under study :	7

SAMPLING OF DISTRICTS AS PER THE DIFFERENT CRITERIA					
	Districts	Sample Covered			
		OTFD Titles	OTFD	ST	Total
<b>1</b>	<b>Titles distributed to OTFDs</b>				
	Angul	15	15	13	28
	Rayagada	11	11	14	25
	Malkangiri	47	32	28	60
	Sub-Total	<b>73</b>	<b>58</b>	<b>55</b>	<b>113</b>
<b>2</b>	<b>Titles Pending for Distribution</b>				
	Sundargarh	555	62	0	62
	Malkangiri	412	2	0	2
	Sub-Total	<b>967</b>	<b>64</b>	<b>0</b>	<b>64</b>
<b>3</b>	<b>Claims Rejected at GS Level</b>				
	Angul	NA	5	0	5
	Balangir	804	35	0	35
	Deogarh	352	13	0	13
	Malkangiri	971	26	0	26
	Nuapada	6290	121	0	121

Sundargarh	NA	7	0	7
<b>Sub-Total</b>		<b>207</b>	<b>0</b>	<b>207</b>
<b>4</b>	<b>Claims Rejected at SDLC Level</b>			
Angul	NA	12	0	12
Balangir	2590	33	2	35
Deogarh	3178	59	0	59
Malkangiri	1667	0	0	0
Nuapada	3471	0	0	0
Sundargarh	NA	42	0	42
<b>Sub-Total</b>		<b>148</b>	<b>0</b>	<b>148</b>
<b>5</b>	<b>Claimed at GS level but not reflected in Govt. Data</b>			
Rayagada		5	0	5
<b>Sub-Total</b>		<b>5</b>	<b>0</b>	<b>5</b>
<b>6</b>	<b>Eligible but not claimed at GS level</b>			
Balangir		13	0	13
Deogarh		17	0	17
Rayagada		14	0	14
<b>Sub-Total</b>		<b>44</b>	<b>0</b>	<b>44</b>
<b>Total Sample Covered</b>		<b>526</b>	<b>55</b>	<b>581</b>

### Chapterization of the Report

The study report is divided into eight chapters. The **First Chapter** covers introduction, back ground along with Supreme Court directive, FRA implementation status, rationale, objectives, methodology, study universe, research questions and limitations of the study. The **Second Chapter** covers literature review of reports and studies undertaken by different organizations at state and national level, published papers, and district gazetteers. The **Third Chapter** deals with Key Provisions available for OTFDs under FRA. The provisions include Evidences for determination of forest rights, Clarification by MOTa in the context of OTFDs and list of Circulars. The **Fourth Chapter** covers the profile of the study districts and discusses about the 'Other Traditional Forest Dwellers' in the context of present study. The **Fifth Chapter** reflects study findings which includes FRA Implementation Status of Other Traditional Forest Dwellers, demarcation and RoR correction, claim making process, awareness on FRA, access to land, convergence under different Government schemes and rejection status at Gram Sabha and SDLC level. The **Sixth Chapter** covers action taken up in study districts towards OTFD claim settlement. The **Chapter Seven** is covered by investigated stories from the study areas. The stories include some good practices and also the challenges faced by the OTFDs as forest dwelling communities. The **Chapter Eight** reflects Issues and Recommendations based on the study findings.

### Limitations of the Study

It was very difficult on the part of the study team to gather information on claimants of various categories as the records of the claims and evidences submitted to the FRCs were found in a very few villages in select districts.

Information relating to FRCs and Gram Sabha level claim and rejection was collected mostly from SDLC records and sometimes from block offices. Information on categories like,

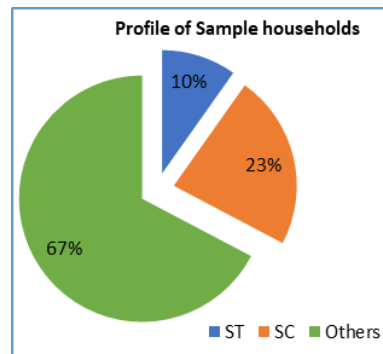
'eligible but not claimed' and 'claimed but not reflected in government record' were also collected in consultation with the local NGOs and during household survey.

FRA cell is inactive and almost defunct across all the study districts because of which gathering information was highly difficult and team had to contact individuals, staff and govt. officers and CSOs to collect information.

**Key Findings:**

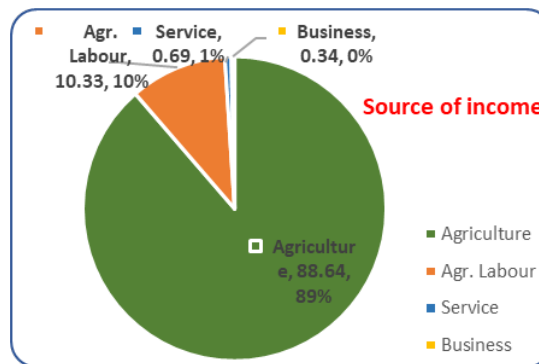
**Background**

- 581 households have been covered for the study following representative sample from the study districts. The profile of the household covered comprises of 77% OTFD HHs (23% SC and 67% Others) and 10% ST HHs
- **Dom or Domba, Turi, Chamar, Mali, Kulta, Chasa, Rautia, Kamar, Kumbhar, Ganda, Gahasi, Rana, Mali, Konda Reddy, Paika, Gauda** are the communities who are the OTFD claimants in study districts.



- **Dombs, Rana, Sondi, Koronas, Mali, Ominato, Muka Doras** have been residing in Agency Tracks during the period (1907) which have been listed in Vizagapatam District Gazetteer-1907, W. Francis indicating their residence dating back more than 75 years.
- Similarly, Koraput District Gazetteer- R.C.S. Bell, (ICS), 1945, has listed some Aboriginal Tribes inhabiting Koraput during 1945s **namely Bhattodas, Amanatos, Bhumiya, Mattiyas, Gondos, Ranas, Paikas, Muka Doras, Malis, Sundis and Brahmans**

- Agriculture and income from daily wage earning are found to be the main stay of the sample households in study districts (Farming and NTFP collection-89 % (515), Wage earning-10% (60), other activity-1% (6). )



- 18% OTFD households sell NTFPs in addition to their own consumption/use. The rest 82 % households collect NTFP for own consumption/use.
- 41 % (245) OTFD households surveyed depend on the forestland over which they have filed claims under FRA whereas the rest 58% (336) have some amount of Rayati land along with forestland. So, it can be assumed that 41% households depend solely on the forestland for their livelihood.



### **State Data as on 31.12.2019**

- The total number FRA claims (IFR + CR claims) filed at Gram Sabha level are 632,760 of which ST claims are 568615 whereas the OTFD claims are 64145 in numbers. The OTFD claims form only 10% of the total claims.
- As on 31.12.2019, the total **ST** titles distributed are **442924** and the number of titles distributed to **OTFDs** is **73**.
- Of the total 64145 number of claims filed at GS level, only 1041 IFR claims have been approved at DLC level (**0.01%**) of which only 73 claims have been distributed.
- As per the status report (Dec 2019), only 2 community rights claims have been filed at Gram Sabha level from Puri district.
- Rejection rate of IFR claims in case of STs is 0.9% (5389 claims rejected out of 568615 filed) and in case of OTFDs the rejection rate is 13% (8589 claims rejected at various levels out of total 64145 claims filed)

### **FRA Implementation status** (sample title holders, ST-55 and OTFD-58)

- Of the ST title holders covered under the study, it was found that the average area of IFR land over which titles have been recognised is 2.40 acre where as it is slightly more in case of OTFDs (3.40 acre). No discrimination has been done while recognizing land to the OTFDs.
- Demarcation of IFR land for all title holders is found to be completed in all the sample districts but no where RoR correction has been done.
- The study shows only 12% (168) of the respondents know about the claim filing process and about the different documents which can be produced as evidences required for making a claim. The rest 88% (413) seem to be naïve and ignorant about the claim making process. They were facilitated either by government officials or local CSO members in filing their claims.
- The study reflects FRA land is mostly used for cultivation and habitation purposes both in case of ST and OTFD title holders.
- The land use pattern seems to be more or less the same in STs and OTFDs. (ST- habitation 2%(1), cultivation-74% (41), both-24%(13), OTFD- habitation2%(1), cultivation-69%(40),both-29%(17)
- Convergence under Rural Housing and Farm Pond scheme has been noticed in the study area. (STs covered under Rural Housing scheme-100%(24),OTFDs covered under -97%(30)

### **Claim Rejection** (sample claimants, GS Level (207) and SDLC Level (148))

- Out of the rejection cases surveyed both at the GS (207) and SDLC (148) level, it was found that all the OTFD claims were rejected on the grounds of lack of evidence of 75 years of occupation.

- Documentary evidence of 75 years of continuous occupation is the main reason for rejection of claims
- Physical evidence found in the village, oral histories and testimonials from village elders has not been recognised as evidence in any of the study districts.

While discussing with the stake holders and verifying the records in the select districts, the study team found the following reasons for rejection of OTFD claims at various levels.

- Claimants could not establish their livelihood dependence for 3 generations/75 years as on 13<sup>th</sup> December, 2005
- Resolution of the Gram Sabha not submitted along with the claims
- Physically not in possession of the IFR land
- Claimed land is not a forest land
- Forest land not occupied before 13<sup>th</sup> December, 2005
- Duplication in Applications which is also giving an erroneous number of OTFD claims filed

**Action Taken towards OTFD Claim Recognition** (sample pending cases -64 and State data)

- All the pending cases (Debgarh-3530 and Nuapada-9761 (GS level claim), are being reviewed in a phased manner and correspondence has been made to consider 75 years of habitation not occupation proof).
- In Sundargarh district all 555 pending claims at DLC level is in the process of review.
- It is a concern that some of the districts show (State Government data) zero claims filed at Gram Sabha level. Until April-2019, districts like Mayurbhanj, Kandhamal with high OTFD population reflected no claim at Gram Sabha level. During the course of the study, the matter was duly consulted with the district authorities and now in the status report of Dec 2019 the claims filed at GS level in various districts has been reflected which is a welcome step.
- OTFD claims filed at Gram Sabha level have gone up from 31690 to 64145 within a time span of 8 months (April-2019 to Dec-2019). It clearly indicates that OTFD claims were filed at GS level but proper records were not maintained and hence it was not reflected in the progress reports
- State data of April -2019 reflected zero OTFD claim at GS level in 17 districts whereas State data of December -2019 reflected zero OTFD claim at GS level in 2 districts

### **Case studies of Good Practices and Challenges faced by OTFDs**

#### **Good Practices**

- **Example of bamboo management<sup>1</sup> in Tarkabahali village of Kalahandi district is a classic example of community forest management:** The village having mixed community has been protecting and managing bamboo since ages but prior to FRA the Gram Sabha was not allowed to sale the bamboo and get benefit out of it. The struggle

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<sup>1</sup> Case Study 1 : CFR management by the community in a mixed village covered in the report

and efforts made by community members bore fruit and the Gram Sabha acquired the transit permit for management and sale of bamboo on 31.08.2016. Presently the Transit Permit issued to Tarkabahali has created a new hope within the community members and they are able to earn Rs 7,52,300/- per annum collectively. As per the estimate of the Gram Sabha 23 ST families and 17 SC families have received Rs 2,93,630/- and Rs1,37,200/- respectively as wage for harvesting bamboo. Gram Sabha is also ensuring a donation of Rs 2000/- for treatment of the sick in the village.

- **Convergence of different government programmes and schemes for land development, irrigation facilities of FRA land and availing social security benefits to the OTFD right holders<sup>2</sup>:** The 17 Mali families of Maliguda village of Malkangiri have brought about transformational change in their IFR lands as a result of convergence of various programmes/schemes. Land development and proper irrigation facility to the forestland recognised under FRA could ensure water availability throughout the year. Tomato, Taro, Brinjal, Cucumber, Maize, Green chili, Radish, Onion, Cabbage, Beans are the main vegetables grown in their land. Not just self-consumption, each family earns Rs 20,000/- to Rs 25,000/- in a year engaging themselves in the work. Making use of PMAY Scheme all the families have good pucca houses to live. Now the 17 Mali families of Maliguda are grateful to have forest land title which gives them a good patch of land, water facility, Pucca house to live making way for more dignified life.
- **Conversion of Badmul village, a OTFD forest village to revenue village in Angul district is a unique case in the country**

## **Issues and Recommendations**

### **Key Issues**

- **Wrong interpretation of the Act to gather 75 years of occupation proof**

The study team found that claims have been rejected mostly due to lack of evidence of continuous occupation of the forest land. In a few selected cases documents relating to princely states, forest encroachment cases and references from old Gazetteers were accepted as evidence to support the claims. While interacting with district level officials, field functionaries it became evident that the wrong interpretation of the Act (to provide documentary evidence of continuous occupation) has resulted in rejection of most of the OTFD claims.

Claims of OTFDs are being rejected by the States on the ground of lack of evidence of occupation of land for three generations, which is not in accordance with the law. It is incorrect to say that it requires the occupation of forest land for three generations (seventy-five years) prior to December 13, 2005 for qualifying as OTFD under the Act. The requirement under Section 2(o) is that the “member or community” should have “primarily

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<sup>2</sup> Case Study 4 and 5 covered in the report

resided in” forest land for at least three generations prior to December 13, 2005, and depend on the forest for their bonafide livelihood needs. Once this eligibility criteria is satisfied, the vesting provision of the Act, namely Section 4, does not differentiate between forest dwelling STs and OTFDs. Any two evidences specified in Rule 13 can be provided while making a claim and insistence of any particular form of documentary evidence for consideration of a claim has been held to be illegal by the Gujarat High Court in Arch Vahini vs. State of Gujarat & Ors<sup>3</sup>

- **OTFD women facing more problems:**

Demanding evidence for 75 years of continuous occupation has created more problems in case of OTFD women headed households. Being vulnerable they are already striving hard with life for survival. Now the denial of their rights due to 3 generation evidence of occupation in forestland is leading to distress.

- **Poorly managed Rejection data base**

Field team while visiting different study districts found that in most cases no record is maintained at GS level to show number of claims filed and rejected at that level. During the process of claim verification some of the claims have gone missing at GS level as there is no proper place to keep the records. In addition to this, the FRC members are not sufficiently empowered to keep track of the application and rejection database. In such situation tracing eligible claimants and their number is a major problem.

- **Lack of proper capacity building of officers concerned and FRC members.**

Capacity building of government officials, field level functionaries, FRC members is an issue as long as the evidence of the OTFDs is concerned. Neither the administration nor the FRC members have considered for evidences like oral histories, physical evidences available in the village. In most districts the government officials look for documentary evidences in support of 75 years of occupation. All these indicate lack of proper capacity building of the officers and field functionaries across all districts.

- **Lack of monitoring and review at State level**

As the State data shows, only 73 claims recognized to OTFDs ever since its implementation in the state. Analysis of data over a time period (April-2019 to December-2019) reveals that Gram Sabha level claim has gone up from 31690 to 61145, yet the title recognition remains the same (73). It is also important to note that claims remain pending years together although the claims are approved by the DLC.

State Level Monitoring Committee (SLMC) meetings are required to be held at regular intervals in the interest of proper implementation of the FRA. The SLMC also needs to specifically ensure that Section 4(5) of FRA is implemented in letter and spirit and no forest dweller is evicted or removed till the process of FRA implementation is complete.

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<sup>3</sup> Frequently Asked Questions on FRA by Ministry of Tribal Affairs, Govt. of India and UNDP

It was found that till Dec 2019 only 9 SLMC meetings have been held in the State to review the progress of FRA implementation. Due to infrequent SLMC meetings proper monitoring at the State level is lacking and matters related to OTFDs have not been discussed specifically in any of the SLMC meetings<sup>4</sup>.

- **Less number of Titles distributed than Approved:**

It is observed that less number of titles are distributed though titles approved at DLC level is more (47 distributed out of 459 approved in Malkangiri,) in numbers. In Sundargarh district, it was found from the field study that around 555 IFR titles were distributed to OTFDs which were again cancelled by the DLC and accordingly communicated to the title holders. Cancellation of titles has caused confusion and distress among poor forest dwelling communities due to threat of loss of livelihood and eviction from the forestland<sup>5</sup>.

Currently after Supreme Court's Order and subsequent directions issued by the ST and SC Development Department, Govt. of Odisha to the districts to review the rejected cases, all these cases are treated as pending claims and are under review. Communication has been sent to the claimants for resubmission of claims and camp courts have been also set up for review and resubmission of the pending claims.

- **No Claim at Gram Sabha level:**

It is a concern that some of the districts show (State Government data) zero claims filed at Gram Sabha level. Until April-2019, districts like Mayurbhanj, Kandhamal with high OTFD population reflected no claim at Gram Sabha level. During the course of the study, the matter was duly consulted with the district authorities and now in the status report of Dec 2019 the claims filed at GS level in various districts has been reflected which is a welcome step. But it also indicated that OTFD claims were filed at GS level but proper records were not maintained and hence it was not reflected in the progress reports.

Further, as per the progress report of Dec 2019, Rayagada district shows only 11 claims have been filed at GS level which have been recommended to SDLC and DLC level, approved and distributed to the right holders. It is a matter of concern that only 11 claims have been filed at Gram Sabha level in Rayagada district which needs to be verified.

### **Recommendations**

- **Support of the administration to verify Sabik record, refer old District Gazetteers and Survey Settlement Records and physical evidences to prove 75 years of residence**

As per the field observation of the study team, prescribed evidences in the FRA Rules, such as statement of elders, genealogy and physical evidences are mostly ignored in all study districts. It is only the documentary evidences and earlier government records which are accepted forms of evidence in most of the cases. So, there is a need to support the

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<sup>4</sup> Highlights of the Proceedings of SLMC meetings is at Annexure X

<sup>5</sup> Case Study 2 & 3 covered in the study report

claimants to arrange evidences such as Sabik record, survey settlement record, displacement record and Old District Gazetteers to prove their cases.

- **Need to keep record of claims filed and rejected at Gram Sabha level for future reference and review**

The study team found pending OTFD claims at FRC level (5 cases from Rayagada). This is indicative of the fact that OTFD claims remain pending without being processed. So, there is a possibility of large number of claims filed by OTFDs are not recorded in the claim records. In order to have a clear picture of the potential OTFD claimants in the state, claim recording is utmost necessary.

- **Review of DLC rejected cases in all thirty districts**

As directed by the Supreme Court of India, all the pending and rejected cases may be reviewed so as to give OTFDs a chance to prove their cases and arrange evidences.

- **Special attention to be given to review and reopen cases of 'Jhodia', Paharia', Kulis, Konda Reddy' 'Mahanta' and the like**

The study team found some very deserving forest dwelling communities like Paharia, Konda Reddy and Jhodia who are fighting a long battle to get ST status. Their claims are rejected as they do not belong to the category of STs. In case of Kulis, who have acquired tribe status recently, are yet to get FRA title. Though claims have been filed by Kulis in Bijepur block of Bargarh district, title recognition is yet to take place<sup>6</sup>.

- **Awareness generation at Gram Sabha level, capacity building of FRC leaders**

It is essential that the FRC members and Gram Sabha level leaders should know the provisions available under FRA for the OTFDs. As such, wrong interpretation of the Act has disadvantaged the OTFD communities to a great extent. In order to make the FRCs aware, capacity building of the FRCs need to take place. Only the Empowered FRC members can help the OTFDs to gather evidences to strengthen their cases.

- **Capacity building of Government Authorities with focus on OTFDs**

Looking for '75 years of Occupation Proof' is a wrong interpretation of the Act by the authorities across all districts. Capacity building of the officials can help in correct interpretation of the Act and Rules. Government authorities can adopt examples from success stories from other districts and 'model case records' <sup>7</sup>can be referred by other districts.

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<sup>6</sup> Case studies of some Special Communities: **Paharia** (Nuapada) - **Jhodia** (Rayagada) - **Kulis** (Western Odisha) - **Konda Reddy** ( Malkangiri) - '**Mahanta**' (Mayurbhanj) who are struggling to get recognition under FRA has been covered in the case study

<sup>7</sup> Annexure- V

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# Chapter - I

## Introduction

## Chapter - I

### **Introduction:**

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, (FRA-2006) is a landmark legislation in the history of forest governance in India. An estimated 275 million people depend on forest in India (World Bank, 2006) and poverty in forest areas linked to insecurity of land and deprivation of access rights to the forest resources. As a progressive legislation the FRA Act encompasses livelihood and food security aspects of the forest dwelling tribal communities and bonafide “other traditional forest dwellers”. By recognizing and vesting individual and community rights, this legislation provisions to ensure justice to the forest dependent community which was earlier denied during colonial and post independent India. The foundation of this Act is the recognition and assertion of tenurial security, livelihood security and ecological security of the forest dwelling communities. The Act and the Rules (rules framed in 2008 and further amended in 2012) made under FRA therefore give details of institutional arrangements to protect, conserve, regenerate and manage community forest resources.

### **The Other Traditional Forest Dwellers and FRA in Odisha**

In Odisha, as per government report, 436348 IFR titles and 6576 CFR titles have been recognized (as on 31.12.19) and 248465 (as on Jan-2020) title holders have availed different government schemes following convergence guideline. However, implementation of the Act true to its spirit remains debatable. The objectives of FRA and the ground reality raise many questions. Whether the benefits of FRA reaching all the marginalized, if the institutional mechanism in proper place to take forward the implementation, if the community truly empowered to manage, are some of the basic questions raised while analyzing its implementation.

One of the major limitations of the FRA is the differentiated eligibility of ST and OTFD claimants, which, compounded by the wording of the Act, “primarily resided in and who depend on the forest lands for bonafide livelihood needs” appearing in section 2(c) and 2(o) of the Act, has disadvantaged the latter severely. OTFDs are

required to prove residence or dependence in the areas being claimed for three generations (75 years). This dates back to a period when most of these areas were under princely states or zamindars, with no survey or land demarcation, and no government records. Thus, these equally deserving communities are unable to produce documentary evidence to support their claims.

Though oral histories and testimonials from village elders are legally acceptable forms of evidence as per the Act, the bureaucratic takeover of the claim process has resulted in this provision being largely ignored. Rights to non-tribals have been a low priority for the implementing authorities not only in Odisha but also in other states of India.

The prejudice against OTFDs in the FRA, which manifests in the under-recognition of their individual rights as well as in the lack of their participation in the pre- and post-recognition phases of community rights, has roots in the initial disagreements over their inclusion. These disagreements came from concerns over possible encroachments by non-tribals into forest and Scheduled Areas, which could have adverse impacts on the population mix, legitimise inward migration, erode traditional NTFP regimes and lead to forest cover loss. Sustained lobbying and political will during initial phase ensured their rights, but this 'will' has been missing at the implementation stage.

Apart from these, one of the key issues in FRA is the under- recognition of rights to the Other Traditional Forest Dwellers (OTFDs). As on 31<sup>st</sup> December 2019, total number of individual claims filed by OTFDs at Gram Sabha level in the state was 64145 as against 554626 by the STs, but whereas 443879, ST claimants got their claims approved by DLC, only 1041 OTFD claims got approved by DLC of which 73 OTFD claims have been recorded as title distributed, with 8589 cases rejected. The rest remains for review at different level. As per government record, these 73 titles are distributed in 3 districts i, e Angul, Malkangiri and Rayagada. It is important here to note that in Sundargarh district, 555 titles issued earlier to the OTFDs were cancelled following controversy relating to 75 years of evidence and in

Malkangiri, 459 titles though approved by DLC, only 47 titles has been distributed. Districts like Nayagarh, Mayurbhanj and Kandhamal having good forest cover and sizable number of traditional forest dwellers do not have any OTFD IFR title holder.

**Table 1.1: Status of implementation of the Forest Rights Act, 2006 Odisha**

Individual & Community claims as on 31.12.2019						
No. of Forest Rights Committees constituted by Gram Sabha					48502	
Claims status	Individual		Community		Total	
	ST	OTFD	ST	OTFD	ST	OTFD
Claims filed at GS Level	554626	64145	13989	2	568615	64147
Claims Recommended by GS to SDLC	486375	30938	9349	0	495724	30938
Claims Recommended by SDLC to DLC	451345	5012	8571	0	459916	5012
Claims approved by DLC for Titles	443879	1041	8557	0	452436	1041
Titles Distributed	436348	73	6576	0	442924	73
Extent of Forest land for which Titles distributed (in Hectares)	262503	77	95263	0	357766	77
Claims Rejected	5389	8589	1004	0	6393	8589

Source: Ministry of Tribal Affairs, Govt. of India

### **Supreme Court Order and Recent Developments**

On January 29, 2016, a three-judge Bench of Justices J. Chelameswar, A.M. Sapre and Amitava Roy held that “if the claim is found to be not tenable by the competent authority, the result would be that the claimant is not entitled for the grant of any patta or any other right under the Act, but such a claimant is also either required to be evicted from that parcel of land or some other action is to be taken in accordance with law.” This order was based on a writ petition jointly filed by NGOs Wildlife First, Nature Conservation Society and Tiger Research and Conservation Trust in 2008.

In February 13, 2019 the honourable Supreme Court of India ordered 21 States to evict 11.8 lakhs of claimants finally rejected under the Forest Rights Act (FRA). This was an outcome of the consistent stand taken by the top court in the case since 2016 that encroachers should be evicted from forest land after due process. After widespread criticism and protests from tribal groups and conservation scientists, and a petition by the central government, the Supreme Court temporarily stayed its own order on February 28, 2019.

Following the order the 21 states (Andhra Pradesh, Assam, Bihar, Chhattisgarh, Goa, Gujarat, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Odisha, Rajasthan, Tamil Nadu, Telangana, Tripura, Uttarakhand, Uttar Pradesh and West Bengal) must now explain to the Supreme Court how the FRA claims were accepted or rejected.

### **Rationale**

Field research in Chhattisgarh, Jharkhand, Maharashtra and Odisha has shown how disparate verification criteria, intra-society dynamics, misinformation propagated by opponents, lack of awareness and mobilisation among communities, no targeted support by civil society and above all the apathy of implementing agencies have done a serious disservice to non-tribal forest-dwellers, with implications like social divisions and inequality at the village level (Asavari Raj Sharma, TISS, Jul/18).

Considering the above mentioned factors, one of the key issues in FRA is now the under recognition of rights to the Other Traditional Forest Dwellers (OTFDs). Odisha, like all other states, has high rate of claim rejection and lack of participation by the OTFDs in the claim making process. Making the situation even more sensitive, the recent Supreme Court Order relating to eviction of ineligible claimants has put the OTFD issues on top priority. In this context it would be very much relevant to take up a study on “**Status of OTFD Entitlement under FRA; an Empirical and case study based Analysis**” to understand the actual status and process of implementation of Forest Rights Act with special reference to OTFD claimants in Odisha, the key issues, challenges and way forward.

## Objectives & Methodology of the Study

### Key Objectives:

- To assess and examine the status of Entitlements to OTFDs
- To examine the efficacy of the institutional mechanisms at various levels in facilitating the filing of OTFD claims, its verification and recognition process
- To map the different government programmes/schemes (related to land development and productivity, basic amenities and livelihood improvement etc) availed by the OTFD right holders under convergence approach
- To identify the key bottlenecks/challenges in accessing and ascertaining their rights under FRA
- To suggest set of recommendations on the basis of the findings of the study for effective right recognition of OTFDs under the FRA

**Selection of Study Area:** Purposive sampling has been done to select the study districts. Seven districts were covered based on the presence of OTFD title holders and claimants in different categories. Following are the different criteria based on which districts were selected.

- a. Districts having OTFD title holders
- b. Districts with high rate of pending claims or claim rejection
- c. Districts where title distribution to OTFDs is pending
- d. Districts where 'eligible OTFD claimants are there but have not filed the claims'
- e. Districts where OTFDs have filed 'claims but they have not been taken into account as per the government records'

Based on the above criteria, the following districts have been covered for the purpose of the study.

Criteria for sample selection	Districts covered
Titles distributed to OTFDs	Rayagada, Angul and Malkangiri
Titles pending for distribution	Sundargarh, Malkangiri
Claims rejected at GS Level	Angul, Bolangir, Deograh, Malkangiri, Nuapada, Sundargarh
Claims rejected at SDLC Level	Angul, Bolangir, Deograh, Sundargarh
Claimed at GS level but not reflected in Govt. Data	Rayagada
Eligible but not claimed at GS level	Bolangir, Deogarh, Rayagada

As per the above mentioned categories, Rayagada, Angul and Malkangiri are the districts where titles have been recognized and distributed to OTFDs. Districts like Nuapada, Deogarh and Bolangir are selected considering high rate of claim rejection at Gram Sabha and SDLC level. Sundargarh and Malkangiri represent title pending category. In Sundargarh titles got cancelled after distribution and in Malkangiri some titles though approved yet remains pending for distribution. In addition to this, samples from claims not reflected in government data and eligible but not claimed are also covered from Rayagada and above mentioned districts depending on availability.

### **Block, Gram Panchayat and Village selection**

In each study district, blocks, Gram Panchayats and villages were selected following purposive sampling method. Secondary information was collected from respective ITDA and DWO offices and after detailed discussion with ITDA officials, WEOs, and local NGOs, Blocks, Panchayats and Villages were selected to cover the samples from all categories.

### **Sample Household selection**

Following **Representative sampling** method both FRA title holders and claimants were covered in the study villages. The following are 5 different representative types of sample covered under the study.

(1) From **title received** category a total of **113** (58 OTFD and 55 ST title holders) were covered from Angul, Rayagada and Malkangiri district.

(2) From **title pending** category **64** households were covered from Sundargarh and Malkangiri.

(3) From among **GS level rejection** category **207** households were covered. (Angul-05, Bolangir-35, Deogarh-13, Malkangiri-26, Sundargarh-07 and Nuapada-121)

(4) **SDLC Level rejection**- out of **148**, Angul -12, Bolangir -35, Deogarh-59, Sundargarh-42

(5) **Applied but not reflected in Government Data**-05, from Rayagada,

(6) **Eligible but not claimed**- out of **44**, Bolangir-13, Deogarh-17, Rayagada-14

Sampling:	Purposive sampling
Sample size:	
Households covered understudy	: 581
Villages covered under study	: 41
Gram Panchayats covered under study	: 36
Blocks covered under study	: 21
Districts covered under study	: 7

### **Process of Data Collection**

Village meeting

Interaction with DLC and SDLC and Gram Sabha members

Focus Group Discussion

Structured Household schedule

Structured Village information Schedule

KII Schedule

### **FGD Schedule**

Collection and Analysis of Primary Data Collection was carried out through field visits conducted in selected districts. Following steps were followed for collection of information from primary sources:-

- Discussion with State, DLC, SDLC and Gram Sabha level functionaries
- Discussion with Civil Society Organizations (CSOs).
- Field Visit: (Selected Districts/Blocks/ Gram Panchayats and villages)
- Case Studies of success stories and investigative stories

### **Tools and Methods of Data Collection:**

Appropriate tools were designed and pre-tested in Rayagada district for data collection before conducting fieldwork in other selected districts. Village Schedule, Household Schedule, FGDs and KII and check list/guidelines relating to OTFD provisions were used as the main tools of data collection. Keeping in view the OTFD population, rejection at different levels and civil society participation the following tools were prepared.

- Structured Survey formats were prepared for over all village information



- Structured household survey formats developed to cover different categories of sample
- KII schedules for DLC, SDLC and Gram Sabha level Stakeholders
- Focus Group Discussions were organized for village elders, FRC members, OTFD title holders, OTFD claimants and eligible OTFD community members.

**Table 1.2: No. of FGDs and KIIs conducted**

Sl. No	Name of the district	No. of FGDs conducted	No. of KIIs/Personal Interview conducted (Name of the Stakeholders)
1	Angul	No of FGDs- 5	No of KIIs-3 DWO, WEO-Angul, DEO-FRA cell
2	Rayagada	No of FGDs – 6	No. of KIIs-6 Sub-Collector, PA-ITDA, Tahsildar Rayagada, WEO-Kalyansinghpur, RI, DEO
3	Sundargarh	No of FGDs- 9	No of KIIs-4 Name of the KIIs-PA-ITDA, WEO-Balisankara, DEO- ITDA , S.Assistant-ITDA
4	Malkanagiri	No of FGDs- 4	No of KIIs-8 Asst. Collector, PA ITDA, Tahsildar- Korukunda & Chittrakonda, WEO- Chitrokonda- Mathili & Korukunda, DEO FRA cell, Collectorate
5	Nuapada	No of FGDs -6	No of KIIs-4 Name of KIIs-DWO, Tahsildar, DEO, WEO-Sinapali
6	Debgarh	No of FGDs -7	No of KIIs-5 District Collector, WEO, Senior Assistant- DWO office
7	Bolanagir	No of FGDs- 4	No of KIIs- 3 DWO, DEO- District FRA Cell, WEO- Deogan
<b>Total District -7</b>		<b>Total FGDs – 41</b>	<b>Total KIIs – 33</b>

### **Research Questions**

- Questions relating to process of filing of application, verification and rejection of titles.
- Questions relating to Proper interpretation of the Act by the authorities.
- Questions assessing Claimants knowledge and awareness about their rights under FRA
- Questions relating to livelihood enhancement through FRA
- Questions relating to intra community dynamics in a village
- Questions relating to reasons of rejection of titles.

- Questions assessing facilitating role played by NGOs in the process of recognition of rights.

### **Collection and Analysis of Secondary Data:**

#### **Desk Review:**

- i. Sanction Orders and Government letters
- ii. Guidelines from MoTA and UNDP
- iii. Published Reports of Government and Non Government Agencies
- iv. Old District Gazetteers, Survey settlement Reports, Displacement Reports and census reports

#### **Study Output:**

- The study findings would help government to assess the implementation bottlenecks.
- Gaps identified in the study would help government to find the ways to ensure better implementation strategies

#### **Limitations of the Study**

It was very difficult on the part of the study team gather information on claimants of various categories as the records submitted to the FRCs were found in a very few villages in select districts. Information relating to FRCs and Gram Sabha level claim and rejection was collected mostly from SDLC records and sometimes from block offices. Information on categories like, 'eligible but not claimed' and 'claimed but not reflected in government record' were also collected in consultation with the local NGOs.

Another lacuna is FRA cell is not active and functional across because of which gathering information was highly difficult and team had to contact individuals, staff and government officials and NGOs to collect information.

**Universe of the Study**

The study universe includes 7 districts, 21 blocks, 36 Gram Panchayats and 41 villages. The total number of households in the villages is 14889, out of which 581 households were taken as sample. From the sample 55 and 58 are ST and OTFD title holders respectively. From the rest, 64 belong to title pending category, 207 samples belong to Gram Sabha level rejection, 148 samples belong to SDLC level rejection category. Of the rest two types of sample 05 numbers belong to claim at FRC but not reflected in government data and 44 belong to eligible but not claimed category.

Table1.3: Universe of the study

District	Block	GP	Village	Total HH	Sample No of HHs										Total
					A				B	C	D	E	F		
					ST	SC	Other	Sub:A							
Angul	Angul	Puruna kote	Bhurukundi	52	7	4	4	15							15
	Angul	Badakantakula	Karabira	20	6	0	4	10			2				12
	Angul	Jagannathpur	Tarava (forestbeat)	20	0	2	1	3							3
	Chhendipada	Katada	Badamula	89						5					5
	Chhendipada	Katada	Dahimal	79							10				10
1	2	4	5	260	13	6	9	28	0	5	12	0	0	45	
Balangir	Balangir	Baidipalli	Baidipali	191							28				28
	Balangir	Gaibahal	Ratanpur	127						4	2				6
	Deogaon	Landapathar	Landapathar	390						21	4		9		34
	Deogaon	Mukundapur	Rugudipali	189						10	1		4		15
1	2	4	4	897				0	0	35	35	0	13	83	
Deogarh	Barkote	Dandasinga	Rengalbahal	354						13					13
	Riamal	Kantabahal	Brahmanipali (Nuasahi)	143							16				16
	Riamal	Kantabahal	Kantabahal	264							17				17
	Riamal	Tabada	Baghiabandha	74							5				5
	Riamal	Tabada	Sadhupali	20							15				15
	Riamal	Tabada	Tentelabahal	171							6		2		8
	Barkote	Kaunsipal	Dharampur	186									15		15
1	2	4	7	1212				0	0	13	59	0	17	89	
Malkangiri	Kurukonda	Nakamamudi	Rajabandha	75	8	0	0	8	2						10
	Mathili	Dhungiaput	Patraput	263	20	0	32	52							52
	Kurukonda	Tarlakota	Mahulput	41						11					11
	Chitrakonda	Populur	Papulur	107						15					15
1	3	4	4	486	28	0	32	60	2	26	0	0	0	88	
Parag	Komna	Kurumpuri	Sinapali	1314						17					17

District	Block	GP	Village	Total HH	Sample No of HHs									Total
					A				B	C	D	E	F	
					ST	SC	Othe r	Sub:A						
	Komna	Samarasingh	Samarsing	271						7				7
	Nuapada	Bairbhandi	Magurpani	269						38				38
	Nuapada	Bhanpur	Bhanpur	629						28				28
	Nuapada	Dharambandha	Dharambandha	722						15			0	15
	Nuapada	Kotenchuan	Kotenchuan	161						16				16
1	2	6	6	3366				0	0	121	0	0	0	121
	Bissam Cuttack	Hatamunda	Bandhaguda	82	0	0	3	3						3
	Bissam Cuttack	Kutragarh	Kusumgudi	130	2	1	0	3						3
	Rayagada	Nakiti	Badasarumunda	36	6	2	0	8						8
	Kalyansinghpur	Sunakhandi	Sunakhandi	208	6	5	0	11						11
	Kalyansinghpur	Badaguda	Chamarjodi	5								5		5
	Kolnara	Mukundapur	Dondasena Sikabadi	65									14	14
1	4	6	6	526	14	8	3	25	0	0	0	5	14	44
	Gurundia	Barikela	Jagannathprasad	26	0	0	0	0	10					10
	Hemgiri	Sumura	Tihuria	99	0	0	0	0	23					23
	Lefripada	Allapaka	Sagjore	96	0	0	0	0	21					21
	Sabdega	Subalaya	Subalaya	380	0	0	0	0	8					8
	Balisankara	Birikaldihi	Putudihi	99							7			7
	Balisankara	Kinjirikila	Kinjirkela	151							5			5
	Balisankara	Kusumara	Raidihi	197							7			7
	Balisankara	Kusumara	Gajjore	39						3				3
	Tangarpalli	Megheda	Tinkuda	308						4	23			27
1	6	8	9	1395	0	0	0	0	62	7	42	0	0	111
7	21	36	41	1488 9	55	14	44	113	64	207	148	5	44	581

A. Title Holder, B. Title pending, C. Rejection at GS level, D. Rejection at SDLC level, E. Claimed but not reflected in Govt. data, F. Eligible but not claimed.

## Chapter – II

### Review of Literature

## Chapter II

### **Literature Review:**

Reviewing reports, articles, and papers written in the light of present study context is very much essential as they give insight into the “Other Traditional Forest Dwellers” concept of the Act and the implementation of the Act true to its spirit. With a view to have a better understanding of the OTFD issues relating to FRA implementation, guidelines issued by MOTA, different circulars, clarifications, were studied thoroughly. In addition to that, old district Gazetteers, Survey Settlement Reports were analysed in-depth to have knowledge of the land status and communities residing in sample study districts. Given below is the review of the literature that helped in preparing the present report.

1. **The ‘Other’ in the Forest Rights Act Has Been Ignored for Years Asavari Raj Sharma, TISS, Jul/18**

<https://thewire.in/rights/the-other-in-the-forest-rights-act-has-been-ignored-for-years:>

Asavari Raj Sharma, TISS, Jul/18, analyses how the FRA differentiates in the eligibility and criteria for verification (in Section 2) of rights of STs and OTFDs. While STs must prove that they have ‘primarily resided in the forest or forest land prior to 13-12-2005’, OTFDs must prove that they have ‘primarily resided in forests or on forest lands for three generations (75 years) prior to 13-12-2005’. Also, while STs have reservations to ensure their participation in the institutions prescribed by the FRA – like the Forest Rights Committee, Community Forests Resource Management Committee (CFRMC) and even in the panchayat representatives of sub-divisional level committees and district level committees, but in case of OTFDs there is no measure to guarantee OTFD participation. She also mentioned that inclusion of paragraphs like ‘provided they have lived in forests for three generations’, pertaining to OTFDs, at the final stage of the Bill was has put the OTFDs in a disadvantageous position. In this work, she has clearly pointed out how the ‘other’ in FRA remained deprived of their rights in the entire process of claim making in India.

## 2. UNDP July 2011 Report;

<https://www.undp.org/content/dam/india/docs/DG/recognition-of-community-rights-under-forest-rights-act-in-madhya-pradesh-and-chhattisgarh-challenges-and-way-forward.pdf>

The salient provisions relating to community rights, listed in Chapter 2 of the Act, cover the following rights over all forest lands that forest-dwelling scheduled tribes (ST) and other traditional forest dwellers are entitled to. There is no discrimination as far as provisions are concerned once STs and OTFDs qualify the eligibility criteria.

The main provisions are as follows:

- Sub-Section 1 (b) of Section 3: It covers community rights such as usufruct (nistar), or by whatever name it is called, including those used in erstwhile princely states, zamindari or such intermediary regimes. It confers the right of ownership and access to collect, use and dispose of MFPs traditionally collected within or outside the village boundary.
- Section 2 (i): It defines MFPs to include all non-timber forest produce of plant origin, including bamboo, brushwood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like.
- Sub-Section 1 (c) of Section 3, further clarified under Rule 2 (d): It covers local-level processing, value addition and transportation of MFPs in forest areas by head-loads, bicycle and handcarts for use or sale by the gatherer or community for their livelihood. The use of motor vehicles is regulated by existing transit rules.
- Sub-Section 1 (d) of Section 3: It covers other community rights for use or entitlements, such as fish and other products of water bodies, grazing (both settled and transhumant) and access to traditional seasonal resources by nomadic or pastoral communities.
- Sub-Section 1 (e) of Section 3: It covers rights of primitive tribal groups (PTGs) and pre-agricultural communities to community tenures for habitat and habitation;
- Sub-Section 1 (f) of Section 3: It covers rights in or over disputed lands under any nomenclature in any state where claims are disputed;



- Sub-Section 1 (g) of Section 3: It covers rights to convert pattas, leases or grants of forest lands issued by a local authority or state government into titles;
- Sub-Section 1 (i) of Section 3: It covers the right to protect, regenerate, conserve or manage any community forest resource that forest dwellers have been traditionally protecting and conserving for sustainable use;
- Sub-Section 1 (k) of Section 3: It covers the right of access to biodiversity and community rights to intellectual property and traditional knowledge related to biodiversity and cultural diversity;
- Sub-Section 1 (l) of Section 3: It covers any other traditional rights customarily enjoyed by STs or other traditional forest dwellers that are not mentioned in the earlier clauses, excluding the traditional right to hunt, trap or extract a part of the body of any species of wild animal.

### 3. **Promise and performance report Odisha;**

<https://www.fra.org.in/document/Promise%20and%20Proformance%20of%200FRA%20Odisha%20Report-15.Dec.16.pdf>

Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OTFDs) have customarily used forest area according to their livelihood, cultural, and spiritual needs. This usage is not constrained by the legal and administrative categorisation of forests. Taking this factor into account, this study followed a two-step process to assess forest areas eligible for recognition under the FRA. The first step looked at the Census data (2011), to assess forests that are already listed as a land-use category within village revenue boundaries. The second step assessed additional forest areas outside the revenue boundaries customarily used by STs and OTFDs and thus eligible for recognition under the FRA.

### 4. [https://www.business-standard.com/article/economy-policy/why-india-s-forest-rights-act-is-discriminatory-against-non-tribals-118070200116\\_1.html](https://www.business-standard.com/article/economy-policy/why-india-s-forest-rights-act-is-discriminatory-against-non-tribals-118070200116_1.html),

July 2,2018:

10Business Standard reported discrimination with non-tribal w.r.t Forest rights act. OTFDs are required to prove continuous residence or dependence in the areas

being claimed for three generations (75 years). This dates back to a period when most of these areas were under princely states or *zamindars*, with no survey or land demarcation, and no government records. Thus, these equally deserving communities are unable to produce documentary evidence to support their claims.

5. <https://hrln.org/wp-content/uploads/2019/07/neighbouring-odisha.pdf>:

National Research Study on Implementation of Forest Rights Act in Neighboring States of Odisha: This Report tries to analyse implementation status of FRA in Odisha and neighboring states. The Act was officially notified on 31st December, 2007 and rules formulated under the Act came into force from 1st January of 2008. Since then, little more than five years have passed. Concerns are being raised at various quarters regarding the tardy progress of implementation of the Act. Official database indicates that, the implementation has by and large focused on individual rights and that too majorly of Schedule Tribes, relatively ignoring large sections of other traditional forest dwellers.

6. **Frequently asked question : MoTA & UNDP:**

IN FAQ by MoTA and UNDP ministry clarified about evidences required for OTFD communities; To qualify as OTFD and be eligible for recognition of rights under FRA, two conditions need to be fulfilled: 1. Primarily resided in forest or forests land for three generations (75 years) prior to 13-12-2005, and 2. Depend on the forest or forests land for bonafide livelihood needs. Note also that Section 2(o) refers to “any member or community” for this purpose, and hence if an OTFD village establishes its eligibility under the Act, there is no need for every individual to do so separately.

Claims of OTFDs are being rejected by the States on the ground of lack of evidence of occupation of land for three generations, which is not in accordance with the law. It is incorrect to say that the FRA that requires the occupation of forest land for three generations (seventy five years) prior to December 13, 2005 for qualifying as OTFD under the Act. The requirement under Section 2(o) is that

the “member or community” should have “primarily resided in” forest land for at least three generations prior to December 13, 2005, and depend on the forest for their bonafide livelihood needs. Once this eligibility criterion is satisfied, the vesting provision of the Act, namely Section 4, does not differentiate between forest dwelling STs and OTFDs. Any two evidences specified in Rule 13 can be provided while making a claim. Insistence of any particular form of documentary evidence for consideration of a claim has been held to be illegal by the Gujarat High Court in Arch Vahini vs. State of Gujarat & Ors.<sup>4</sup> What is the meaning of the phrase “primarily resided in forests or forest land” with regard to eligibility of OTFDs for recognition and vesting of forest rights under FRA? The phrase “primarily resided in forest or forest land” does not mean occupation. Proof of residence in the forests for 75 years where claim has been filed and current dependence on forest land will suffice for being considered as OTFD. It was clarified by the Ministry of Tribal Affairs in Circular dated 9.06.2008 No.17014/02/2007-PC&V(Vol.VII), that the phrase “primarily resided in” means: “such Scheduled tribes and other traditional forest dwellers who are not necessarily residing inside the forest but are depending on the forest for their bona fide livelihood needs would be covered under the definition of ‘forest dwelling Scheduled Tribes’ and ‘other traditional forest dweller’ as given in Sections 2(c) and 2(o) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.” It is important to state that it is not necessary that exercise of forest rights for 75 years without interruption be proved. This would be an extremely onerous burden of proof on a claimant, and is not the intention of the law. A number of forests in the country have been notified in the 1950s. How can the OTFDs establish that they have been primarily residing in these forests since three generations (75 years) when the forests themselves are only 50 or 60 years old? It is important to state that the date of notification, if any, of the forest is not a relevant criteria for determining eligibility of OTFDs under FRA. On the contrary, it is irrelevant, for the reason that the application of the FRA extends not only to notified and classified forests, but also to all manner of forests within the dictionary meaning, as defined by the Supreme Court. Admittedly, forests have been in existence in the country for

centuries, and well before any legal regime for the protection of forests came into being. For the purpose of establishing their eligibility, OTFDs can rely upon and produce two or more of any of the evidences listed in Rule 13 (including oral testimony and physical evidence), and are not restricted only to Census of India data. When calculating “75 years”, if the claimants (and their ancestors) have resided in one village for the first 50 years, and then another village for 25 years, would both periods be included for filing a claim? Section 2(o) of FRA does not require that the claimants and their ancestors have to prove they lived in the same village for 75 years. The requirement is that they should be forest dwellers for 75 years. It is also important to clarify that it is a particular forest dwelling community which has to establish this fact, and it is not necessary that every individual claimant has to prove it. The above report helped giving clarification regarding evidence required for OTFD communities.

7. <https://economictimes.indiatimes.com/blogs/et-commentary/dont-hide-under-forest-cover/>, March 1<sup>st</sup> 2019
8. Odisha on FRA claims: No time to collect evidence, no hearing, just rejection by [Ishan Kukreti – Down to Earth 9<sup>th</sup> July, 2019](#), This article gives the testimony that claimants were not given chance to appeal against their cases. It reports at least 45,000 forest dwellers’ livelihood is at risk (10,000 claims X 4.5 average family size in Odisha), but the state doesn’t seem to have followed the process of appealing against rejection of claims.
9. Odisha Govt. diktat to Collectors on forest rights ignored By [Express News Service- 2<sup>nd</sup> August, 2019](#), As per this news, in Odisha, the highest number (3,346) of rejections at the district level committee was reported from Ganjam district for Scheduled Castes while among the OTFD, as many as 3,294 claims were rejected in Balangir.

Only three districts have given individual forest right (IFR) to 73 OTFDs. While 47 out of 2,482 claimants in Malkangiri received land titles, 15 and 11 persons were issued the same in Angul and Rayagada districts respectively.

10. The Forest Rights Act and Displacement Issues in Odisha, Vasundhara, 2016

This report has raised various issues relating to displacement in the context of FRA. It has helped the current report to analyze various Provisions available for displaced persons.

11. Vizagapatam District Gazetteer-W. Francis, 1907, The Gazetteer clearly mentioned presence of castes like Paraja, Bhumia, Mattiyas, Pentiyas, Dhakkodo, Khond, Jatapu, Savara, Gadaba, Gonds, Dombs, Rana, Sondi, Koronas, Mali, Ominato, Muka Doras residing in Agency Tracks during that period (1907). It has helped the current report to analyze as to who were the original inhabitants of the area at that point of time.

12 Koraput District Gazetteer- R.C.S. Bell, (ICS), 1945, This Gazetteer has Listed some Aboriginal Tribes inhabiting Koraput during 1945s. They are; Kondhs, Parajas, Dombs, Savaras, Gadabas, Koyas, Gonds, Jtapus, Konda Doras, Dhrubas, Bonda Parajas, Didayis, and Gondias. Other castes mentioned in the book are Bhattodas, Amanatos, Bhumiya, Mattiyas, Gondos, Ranas, Paikas, Muka Doras, Malis, Sundis and Brahmans.

## Chapter-III

### Key Provisions for OTFDs under FRA

## Chapter - III

### **Key Provisions for OTFDs under FRA**

The Forest Rights Act 2006, now more than ten years of its implementation has various provisions so as to address the implementation issues from time to time. In this regard, the Ministry of Tribal Affairs (MoTA) Government of India and ST&SC Development Department, Government of Odisha have created proactive and supportive structures for effective implementation of the Act. As far as the provision of the Act is concerned, the Section 3(1) of Chapter- II of this Act dealing with rights of the STs and OTFDs does not make any distinction between STs and OTFDs while recognising rights to them.

The salient provisions relating to community rights, listed in Chapter 2 of the Act, cover the following rights over all forest lands that forest-dwelling scheduled tribes (ST) and other traditional forest dwellers are entitled to:

Section 2 (o) of the act defines other traditional forest dwellers.

“Other traditional forest dwellers (OTFD)” means any member or community who has for at least three generations prior to the 13th Day of December, 2005 primarily resided in and who depend on the forest or forests land for bonafide livelihood needs.

Explanation- For the purpose of the clause, “generation” means a period comprising of 25 years.

According to Section-4. (1) Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the Central Government hereby recognises and vests forest rights in – (a) the forest dwelling Scheduled Tribes in States or areas in States where they are declared as Scheduled Tribes in respect of all forest rights mentioned in section 3;(b) the other traditional forest dwellers in respect of all forest rights mentioned in section 3.

Section 4(3) - The recognition and vesting of forest rights under this act to the forest dwelling Scheduled Tribes and to other traditional forest dwellers in relation to any

state or union territory in respect of forest land and their habitat shall be subject to the condition that such Scheduled Tribes or other tribal communities or other traditional forest dwellers had occupied forest land before the 13th day of December, 2005.

Forest rights under Section 3.(1): For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely:

- (a) right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers;
- (b) community rights such as nistar, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;
- (c) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;
- (d) other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;
- (e) rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;
- (f) rights in or over disputed lands under any nomenclature in any State where claims are disputed;
- (g) rights for conversion of Pattas or leases or grants issued by any local authority or any State Government on forest lands to titles;
- (h) rights of settlement and conversion of all forest villages, old habitation, un-surveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;
- (i) rights to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;



(j) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribal under any traditional or customary law of the concerned tribes of any State;

(k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;

(l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;

(m) right to in situ rehabilitation including alternative land in cases where the Scheduled Tribes or other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2006.

#### **Authorities and procedure for vesting of forest right-**

Section 6 of the act mentions the authorities and procedure for vesting forest rights.

(1) The Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction under this Act by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim in such manner as may be prescribed for exercise of such rights and the Gram Sabha shall, then, pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee.

(2) Any person aggrieved by the resolution of the Gram Sabha may prefer a petition to the Sub-Divisional Level Committee constituted under sub-section (3) and the Sub-Divisional Level Committee shall consider and dispose of such petition. Provided that every such petition shall be preferred within sixty days from the date of passing of the resolution by the Gram Sabha: Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case. Authorities to vest forest rights in

forest dwelling Scheduled Tribes and other traditional forest dwellers and procedure thereof.

(3) The State Government shall constitute a Sub-Divisional Level Committee to examine the resolution passed by the Gram Sabha and prepare the record of forest rights and forward it through the Sub-Divisional Officer to the District Level Committee for a final decision.

(4) Any person aggrieved by the decision of the Sub-Divisional Level Committee may prefer a petition to the District Level Committee within sixty days from the date of decision of the Sub-Divisional Level Committee and the District Level Committee shall consider and dispose of such petition: Provided that no petition shall be preferred directly before the District Level Committee against the resolution of the Gram Sabha unless the same has been preferred before and considered by the Sub-Divisional level Committee: Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(5) The State Government shall constitute a District Level Committee to consider and finally approve the record of forest rights prepared by the Sub-Divisional Level Committee.

(6) The decision of the District Level Committee on the record of forest rights shall be final and binding.

(7) The State Government shall constitute a State Level Monitoring Committee to monitor the process of recognition and vesting of forest rights and to submit to the nodal agency such returns and reports as may be called for by that agency.

(8) The Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee shall consist of officers of the department of Revenue, Forest and Tribal Affairs of the State Government and three members of the

Panchayati Raj Institutions at the appropriate level, appointed by the respective Panchayati Raj Institutions, of whom two shall be the Scheduled Tribe members and at least one shall be a women, as may be prescribed.

(9) The composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions shall be such as may be prescribed.

In the forest right rule 2008 and 2012 the details of the function of Gram Sabha and Forest Right Committee formed under the Gramsabha, SDLC, DLC and SLMC is mentioned. Determination and verification of claims by The Gram Sabhas, process of verification of claims by the forest right committee is well defined in the rules.

#### **Evidences for determination of forest rights-**

In rule 13 the evidences required is mentioned which includes-

(a) public documents, Government records such as Gazetteers, Census, survey and settlement reports, maps, satellite imagery, working plans, management plans, micro-plans, forest enquiry reports, other forest records, record of rights by whatever name called, pattas or leases, reports of committees and commissions constituted by the Government, Government orders, notifications, circulars, resolutions;

(b) Government authorized documents such as voter identity card, ration card, passport, house tax receipts, domicile certificates;

(c) physical attributes such as house, huts and permanent improvements made to land including leveling, bunds, check dams and the like;

(d) quasi-judicial and judicial records including court orders and judgments;

(e) research studies, documentation of customs and traditions that illustrate the enjoyment of any forest rights and having the force of customary law, by reputed institutions, such as Anthropological Survey of India;

(f) any record including maps, record of rights, privileges, concessions, favours, from erstwhile princely States or provinces or other such intermediaries;

(g) traditional structures establishing antiquity such as wells, burial grounds, sacred places;

(h) genealogy tracing ancestry to individuals mentioned in earlier land records or recognized as having been legitimate resident of the village at an earlier period of time;

(i) Statement of elders other than claimants, reduced in writing.

An evidence for “Community Forest Resource”<sup>21</sup> inter alia, include – (a) community rights such as nistar by whatever name called; (b) traditional grazing grounds; areas for collection of roots and tubers, fodder, wild edible fruits and other minor forest produce; fishing grounds; irrigation systems; sources of water for human or livestock use, medicinal plant collection territories of herbal practitioners;

#### **Clarification by MOTTA in the context of OTFD**

In FAQ published by MoTA and UNDP ministry clarified about evidences required for OTFD communities;

To qualify as OTFD and be eligible for recognition of rights under FRA, two conditions need to be fulfilled:

1. Primarily resided in forest or forests land for three generations (75 years) prior to 13-12-2005, and
2. Depend on the forest or forests land for bonafide livelihood needs. Note also that Section 2(o) refers to “any member or community” for this purpose, and hence if an OTFD village establishes its eligibility under the Act, there is no need for every individual to do so separately.

Claims of OTFDs are being rejected by the States on the ground of lack of evidence of occupation of land for three generations, which is not in accordance with the law. It is incorrect to say that the FRA that requires the occupation of forest land for three generations (seventy five years) prior to December 13, 2005 for qualifying as OTFD under the Act. The requirement under Section 2(o) is that the “member or community” should have “primarily resided in” forest land for at least three generations prior to December 13, 2005, and depend on the forest for their bonafide

livelihood needs. Once this eligibility criteria is satisfied, the vesting provision of the Act, namely Section 4, does not differentiate between forest dwelling STs and OTFDs. Any two evidences specified in Rule 13 can be provided while making a claim. Insistence of any particular form of documentary evidence for consideration of a claim has been held to be illegal by the Gujarat High Court in Arch Vahini vs. State of Gujarat & Ors.<sup>4</sup> What is the meaning of the phrase “primarily resided in forests or forest land” with regard to eligibility of OTFDs for recognition and vesting of forest rights under FRA? The phrase “primarily resided in forest or forest land” does not mean occupation. The Proof of residence in the forests for 75 years where claim has been filed and current dependence on forest land will suffice for being considered as OTFD. It was clarified by the Ministry of Tribal Affairs in Circular dated 9.06.2008 No.17014/02/2007-PC&V(Vol.VII), that the phrase “primarily resided in” means: “such Scheduled tribes and other traditional forest dwellers who are not necessarily residing inside the forest but are depending on the forest for their bona fide livelihood needs would be covered under the definition of ‘forest dwelling Scheduled Tribes’ and ‘other traditional forest dweller’ as given in Sections 2(c) and 2(o) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.” It is important to state that it is not necessary that exercise of forest rights for 75 years without interruption be proved. This would be an extremely onerous burden of proof on a claimant, and is not the intention of the law. A number of forests in the country have been notified in the 1950s. How can the OTFDs establish that they have been primarily residing in these forests since three generations (75 years) when the forests themselves are only 50 or 60 years old? It is important to state that the date of notification, if any, of the forest is not a relevant criteria for determining eligibility of OTFDs under FRA. On the contrary, it is irrelevant, for the reason that the application of the FRA extends not only to notified and classified forests, but also to all manner of forests within the dictionary meaning, as defined by the Supreme Court. Admittedly, forests have been in existence in the country for centuries, and well before any legal regime for the protection of forests came into being. For the purpose of establishing their eligibility, OTFDs can rely upon and produce two or more of any of the evidences listed in Rule 13 (including oral testimony and physical evidence), and are not restricted only to

Census of India data. When calculating “75 years”, if the claimants (and their ancestors) have resided in one village for the first 50 years, and then another village for 25 years, would both periods be included for filing a claim? Section 2(o) of FRA does not require that the claimants and their ancestors have to prove they lived in the same village for 75 years. The requirement is that they should be forest dwellers for 75 years. It is also important to clarify that it is a particular forest dwelling community which has to establish this fact, and it is not necessary that every individual claimant has to prove it.

**Table 3.1: Brief of the Circulars-**

This circular emphasises on the constitution of committees (SLMC, DLC, SDLC, FRC) illustrated in the Forest Rights Act, 2006 for the implementation of Act.

<b>Brief of the Circulars</b> -This circular emphasises on the constitution of committees (SLMC, DLC, SDLC, FRC) illustrated in the Forest Rights Act, 2006 for the implementation of Act								
Sl. No	Year	Circular/ Notification/ Resolution No./ Source	Subject	Category	CODING	Issued by (Department)	Enabling / Contradictory	Procedural or Substantive
1	01.02.2008	No. 4694 - TD- II- 3/ 2008 /SSD,	Constitution of Committees (SLMC, DLC, SDLC) for implementation of FRA.	Committee constitution	Committee constitution	Commissioner - cum - secretary to govt., ST & SC Development Department	Enabling	Procedural
2	15.02.2008	No. 6182/ 11.3.08/SSD, TD -II- 3/ 08;	Implementation of FRA in the State- printing of the required number of copies of the Act and Rules for distribution among the various stake holders and review of implementation.	Implementatio n of FRA	Implementatio n of FRA	Chief Secretary Government of Odisha ST and SC Development Department	Enabling	Procedural
3	27.5.2008	No.2230/SSD TD- II/08	Instructions to involve NGOs in Implementing FRA and Expedite furnishing the Monthly progress Report in the implementation of FRA	Implementatio n of FRA	Implementatio n of FRA	ST&SC Development Dept	Enabling	Procedural
4	25.6.2008	No.24793/TD-II- 11/08	Expedite furnishing the Action Taken Report and Monthly Progress Report in the Implementation of FRA	Implementatio n of FRA	Implementatio n of FRA	ST&SC Development Dept	Enabling	Procedural
5	05.07.2008	No.2392/SSD	Completion of the entire process of vesting of Forest Rights as per the FRA, 2006 latest by January 2009	Implementatio n of FRA	Implementatio n of FRA	ST&SC Development Dept	Enabling	Procedural
6	20.9.2008	No. 34359/SSD, TD- II-3/08(I)	Issues in claim verification by SDLC with regards to Forest Rights Act in Gajapati District, Orissa.	Claim Verification	Claim Verification	ST and SC Development Dept	Enabling	Procedural

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7	20.10.2008	DO No 36829, Chief Secy., Govt. of Orissa	Implementation of the scheduled Tribes and Other Traditional Forest Dwellers ( RFR) Act, 2006 and rules framed there under - utilization of Funds under Article 275 (1) of the constitution ( Interest Money )lying with the PA, ITDAs and the Fund under contingencies of the respective offices may be utilized including for buying GPS instruments to be used by Forest and Revenue Department officials for preparation of Map, records etc	Funds Utilization under Article 275 (1)	Funds Utilization	Chief Secy., Govt. of Orissa , ST & SC Dept	Enabling	Procedural
8	6.11.2008	No.38848 ST& SC Development Deptt.	Engagement of retired Revenue Inspectors/ Amins.	Engagement of RI and Amin	Implementation of FRA	ST& SC Development Deptt	Enabling	Procedural
9	6.11.2008	No. 38766/SSD TD-II-3/08(I)	Status /Progress of implementation of the ST and OTFD (RFR), Act, 2006 &Rules ,2008 in the state submission of MPR	Implementation of FRA	Implementation of FRA	ST & SC Development Department, GOO	Enabling	Procedural
10	11.11.2008	TD-I-TSP-105/ 08-39223/SSD, ST & SC Development Department, GOO	Sanction of Grants for implementation of FRA.	Sanction of Grants	Funds Utilization	ST & SC Development Department, GOO	Enabling	Procedural
11	21.11.2008	TD-11-51/08-40373, ST & SC Development Department, GOO	FAQs on Implementation of FRA, 2006 and their replies/ Conversion of forest and un-surveyed villages and old habitations on forest land into revenue villages.	FAQs	Implementation of FRA	ST & SC Development Department, GOO	Enabling	Procedural



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12	4.2. 2009	No. 6061 /SSD,TD – II – 51/08,CS, GA Dept	In-depth review of implementation of the Act and furnishing review note along with the MPR to the nodal department i.e. ST & SC Development Department regularly on monthly basis by 5th of each succeeding month.	Review Report	Implementatio n of FRA	ST & SC Development Department, & General Administration Department,GOO	Enabling	Procedural
13	17.4. 2009	No. 13295/SSD,TD II-3/08	Engagement of Retired Forest Officials/RI, Amins for verification of claims.	Engagement of RI / Amin	Implementatio n of FRA	ST & SC Development Department, GOO	Enabling	Procedural
14	10.7. 2009	No. 24828/ SSD ,TD-II-6/18	Development of Forest villages- furnishing the required information on no. of people (community wise) living in each forest village.	Development of Forest Village	Forest Village	ST & SC Development Department, GOO	Enabling	Substantive
15	19.8. 2009	No. 26286 / SSD, TD-II-32/08, SSD	Vacation of Odisha HC order and Taking up expeditious action to issue certificate of title to the eligible forest dwelling scheduled tribes and other traditional forest dwellers under the Act.	Implementatio n of FRA	Implementatio n of FRA	ST & SC Development Department, GOO	Enabling	Substantive
16	20.8. 2009	No.28318/SSD, Stat&D/Cell-23/09	Two days orientation Training Programme of Govt. Officials on ST &OTFD (RFR) Act, 2006	orientation Programme	orientation Programme	ST & SC Development Department, GOO	Enabling	Procedural
17	21.8. 2009	No. 28807/SSD	Invitation to Local MLA for distribution of patta to the eligible Scheduled Tribes and Other Traditional Forest Dwellers under the FRA, 2006.	Implementatio n of FRA	Implementatio n of FRA	ST & SC Development Department, GOO	Enabling	Procedural

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18	6.10.2009	36638/SSD TD-II 32/2008	Distribution of certificates of titles under FRA 06 & Rules 07 by 15.10.2009.	Distribution of Titles	Implementation of FRA	ST & SC Development Department, GOO	Enabling	Procedural
19	6.10.2009	36639/SSD TD-II 32/2008	Organization of special awareness campaign and training for Special Officers of Micro Projects and separate reporting on Micro Projects in MPR.	Organizing awareness Campaign	orientation Programme	ST & SC Development Department, GOO	Enabling	Procedural
20	9.10.2009	No 36899 / SSD. Stat. & D.Cell-27/09,ST& ST Development Deptt.	Distribution of title deeds land to the landless Scheduled Tribe person belonging to Particularly Vulnerable Tribal Groups (PTGs) under the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	Distribution of Titles	Implementation of FRA	ST & SC Development Department, GOO	Enabling	Substantive
21	16.11.2009	No. 41455/SSD/TD-II-32/2008	Emphasis to expedite the process of implementation of STs and OTFDs Act, 2006	Implementation of FRA	Implementation of FRA	ST & SC Development Department, GOO	Enabling	Procedural
22	25.11.2009	No. 37518/II-WE-29/06(Pt.)	Mo Pokhari through NREGS Fund (in Oriya language)	Convergence with NREGA	Convergence	Commissioner - cum - secretary to Govt of Odisha ST & SC Dept	Enabling	Substantive
23	02.12.2009	D.O. No. 43137/ Dated 2nd December, 2009, from Shri Ashok K.Tripathy, I.A.S, Principal Secretary to Government, ST&	"Squad Approach" for 100 percent coverage of Particularly Vulnerable Tribal Groups (PTG) under the FRA, 2006 as desired by C.M.	Squad Approach	Convergence	ST& ST Development Deptt	Enabling	Substantive

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		ST Development Deptt.,						
24	14.12.2009	D.O. No. 43137/ Dated 14.12, 2009, from Shri Ashok Ku. Tripathy, I.A.S, Principal Secretary to Government, ST& ST Development Deptt.,	Engagement of Retired RIs, Amins and Advocate for land allotment to STs as per Regulation 2 of 1956, FRA and other Revenue Laws in OTELP Areas.	Engagement of RI and Amin	Implementation of FRA	ST& ST Development Deptt.,	Enabling	Procedural
25	26.12.2009	No 45659 /SSD TD-II-32/08, Special Secretary to Govt., St & Sc Development Department	To communicate the copy of the final order of Grama Sabha/SDLC/ DLC to the claimants of both individual and community claims & settlement of claims in the Reserved and Protected forest and Formation of FRC in the village.	Formation of FRC Committee	PA and Constitution of Comitttess	St & Sc Development Department	Enabling	Procedural
26	31.12.2009	D.O. No. 46126/SSD	Pre 1980 encroachment cases relating to tribals can be settled under Forest Rights Act, 2006	Encroachment Cases	Encroachment Cases	St & Sc Development Department	Enabling	Procedural
27	2.1.2010	D.O. No. 118/SSD	Illustrates Projected No. of Tribal Households to be benefitted under FRA, 2006	Tribal Households	implementation of FRA	St & Sc Development Department	Enabling	Procedural
28	6.1.2010	No.1567/SSD, Stat.&D.Cell -28/09	Organization of Training Programme for Tribal youths on Implementation of Forest Rights Act -2006 & other Welfare programmes.	Organizing Training Programme	orientation Programme	St & Sc Development Department	Enabling	Procedural
29	27.1.2010	Do. No.3435 Stat & D Cell / 28/2009	Implementation of STs and OTFDs (RFR) Act, 2006 - Organization of Training Programmes at various levels	Organizing Training Programme	orientation Programme	St & Sc Development Department	Enabling	Procedural

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			within a period of 15 days.					
30	1.2.2010	D.O. No. 5213/SSD	Problems identified during video conference on 29.01.2010	Implementation of FRA	Implementation of FRA	ST& SC Dev. Dept , Minorities and backward classes welfare Dept. GOO	Enabling	Procedural
31	20.02.2010	D.O. No. 8348/SSD	FAQs on determination of recognition of CFR, under FRA 2006	FAQs	FAQs	ST& SC Dev. Dept , Minorities and backward classes welfare Dept. GoO	Enabling	Procedural
32	9.3.2010	D.O.No. 9728 TD-II-32/2008	Emphasis to expedite the process of Implementation of STs and Other Traditional Forest Dwellers ( Recognition of Forest Rights) Act,2006	Implementation of FRA	Implementation of FRA	St & Sc Development Department	Enabling	Procedural
33	10.3.2010	No.10021/SSD,Stat &D.Cell-28/09	Printing 1000 Copies of Compendium consisting of Circulars /instructions issued from time under Forest Rights Act 2006.	Printing of Compendium	Implementation of FRA	St & Sc Development Department	Enabling	Procedural
34	26.3.2010	D.O. No. - 12514/ TD - II- 32/08	Signature of DWO in the title instead of PA ITDA	Implementation of FRA	Implementation of FRA	St & Sc Development Department	Enabling	Procedural
35	3.4.2010	D.O. No. - 12976 /, ST & SC Development Dept.	Sharing of the maps and verification report with the Gram Sabha.	verification report	Implementation of FRA	ST & SC Development Dept.	Enabling	Procedural
36	5.4.2010	D.O. No. - 13012, ST & SC Development Dept.	Adoption of 'Micro Planning Approach' for processing of Claims under ST & OTFD's Act, 2006	Micro Planning Approach	Convergence	ST & SC Development Dept.	Enabling	Procedural

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37	17.4.2010	D.O. No. – 13792 Stat & D. Cell – 28/09, ST & SC Development Dept.	Distribution of Certificate of Titles to Particularly Vulnerable Tribal Groups (PTG) in the Micro project Area under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	Distribution of Titles	PVTG	ST & SC Development Dept.	Enabling	Substantive
38	1.5.2010	D.O. No. – 16721 Stat & D. Cell – 32/08, ST & SC Development Dept.	Payment of expenditure incurred under FRA from the fund available under Article 275(1).	Expenditure Under FRA	Fund Utilization	ST & SC Development Dept.	Enabling	Procedural
39	22.9.2010	D.O. No. – 38206 TD – II – 32/08, ST & SC Development Dept	Awareness under the ST & OTFD' Act, 2006 – Number of Individual Claim petition	Awareness	orientation Programme	ST & SC Development Dept	Enabling	Procedural
40	30.09.2010	No. 39222/SSD/TD-II-32/08(FRA)	Implementation of FRA, Determination and notification of CWH in the National Parks and Sanctuaries.	Implementation of FRA	Implementation of FRA	ST & SC Development Dept	Enabling	Procedural
41	29.6.2011	No. 23310/SSD TD-II (FRA)/06/2011 from Director (ST&SC) –cum- Addl Secretary to Govt., SSD	Review of Implementation of FRA, 2006 and Rules, 2007 through Video Conferencing held on 9.6.2011.	Review of Implementation of FRA	Review	ST & SC Development Dept	Enabling	Procedural
42	16.8.2011	No. TD-II-(FRA)-06/11(Pt.) 27687/CS(SSD), Chief Secy. GOO	Cent percent coverage of Forest Rights Act beneficiaries under different Government Schemes	convergence with FRA	Convergence	Chief Secy, ST & SC Development Dept, GOO	Enabling	Substantive
43	20.10.2011	No. TD-II-(FRA)-6/11(Pt.) 32660/CS(SSD), Chief Secy. GOO	Inclusion of sketch-map in the individual title under the STs & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act,	Inclusion of Sketch Map	Implementation of FRA	Chief Secy, ST & SC Development Dept, GOO	Enabling	Procedural

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			2006 and Rules, 2007.					
44	22.11.2011	No. 35570 / SSD TD-II(FRA)-06/2011, ST & SC Development Dept.	Clarification regarding approval of certificate of title, to "PatharBaniPahada" & "Parbat Kisam" of land under Scheduled Tribes & Other Traditional Forest dwellers (Recognition of Forest Rights) Act, 2006	Clarification on Title	Clarification on Title	ST& SC Development Dept.	Enabling	Procedural
45	31.12.2011	No. 39998 / SSD TD-II(FRA)-6/2011, ST & SC Development Dept.	Clarification between "Gramya Jungle Jogy" for confirmation of title under the ST and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	Clarification on Title	Clarification on Title	ST& SC Development Dept.	Enabling	Procedural
46	04.01.2012	No. 202 / SSD TD-II(FRA)-06/2011, ST & SC Dev. Dept.	To provide Sketch map of the Forest Land to the Claimant under FRA	Sketch Map of Forest Land	Implementation of FRA	ST& SC Development Dept.	Enabling	Procedural
47	12.3.2012	No. 10070 / SSD TD-II(FRA)-06/2011, ST & SC Dev. Dept.	Clarification sought for Pahad and Dangar Kissam of land for settlement of claims under Forest Rights Act, 2006.	Clarification for Settlement of Claims	Clarification on Title	ST& SC Development Dept.	Enabling	Procedural
48	2.5.2012.	No. 14195 / SSD TD-II(FRA)-06/2011, ST & SC Development Dept.	Cent percent coverage of Primitive Vulnerable Tribal Groups (PTG) Households in the Micro Project Area.	PVTG households	PVTG	ST& SC Development Dept.	Enabling	Substantive
49	25.6.2012	No. 20925 / TD-II (FRA)-06/2011, ST& SC Development Dept.	Uniformity on Issue of Certificate of Titles to the Individual Title holders Under the ST and Other Traditional Forest dwellers (Rights to Forest) Act.	Distribution of Titles	Implementation of FRA	ST& SC Development Dept.	Enabling	Procedural

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			2006.					
50	16.10.2012	No. 28371/TD-II(FRA)06/2011	Follow up action to the ST &OTFD (RFR)Amendment rules 2012	Revision of FRC	Committee Constitution	ST& SC Development Dept.	Enabling	Procedural
51	06.11.2012	No. 29661/TD-II(FRA)06/2011	illustrates the revised quorum of Sabha and also emphasis to expedite the process of Implementation of the ST &OTFD (RFR) Amendment Rules 2012	Revised Quorum of Gram Sabha	Implementation of FRA	ST& SC Development Dept.	Enabling	Procedural
52	26.11.2012	No. 34124/SSD/TD-II-(FRA)-06/2011	Specification and illustration with respect to the Amendment rules 2012 and Implementation of the ST &OTFD (RFR) Amendment Rules 2012	Specification and illustration with respect to the Amendment rules 2012	Implementation of FRA	ST& SC Development Dept.	Enabling	Procedural
53	24.12.2012	No. 36208/SSD/TD-II(FRA)30/2012	Forwarding Memorandum of Sri Dasarathi Juanga & others of Paramparika Juanga Pidha Mahasbaha, Keonjhar to Collector regarding implementation of FRA, 2006 and other activities.	Implementation of FRA	Implementation of FRA	ST& SC Development Dept.	Enabling	Procedural
54	24.12.2012	No. 36211/SSD/TD-II(FRA)30/2012	Forwarding of the representation / allegation of President Zindabad Sangathan to Bolangir Collector regarding implementation of FRA, 2006	Implementation of FRA	Implementation of FRA	ST& SC Development Dept.	Enabling	Procedural

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55	24.12.2012	No. 36213/SSD/ TD-II(FRA)30/2012	Forwarding of Allegation / Petition of Villagers of Kharmunda of Attabira Tahasil under Bargarh District regarding implementation of FRA, 2006	Implementation of FRA	Implementation of FRA	ST& SC Development Dept.	Enabling	Procedural
56	24.12.2012	No. 36214/SSD/ TD-II(FRA)30/2012	Forwarding of Allegation / Petition of Sri Ganga Behera & others of Kaptapalli Panchayat of Nuagaon Block under Nayagarh District regarding implementation of FRA, 2006	Implementation of FRA	Implementation of FRA	ST& SC Development Dept.	Enabling	Procedural
57	24.12.2012	No. 36216/SSD/TD-II(FRA)30/2012	Forwarding of the representation / allegation of inhabitants of Village Jilingidar of Kalahandi district regarding implementation of FRA, 2006	Implementation of FRA	Implementation of FRA	ST& SC Development Dept.	Enabling	Procedural
58	10.01.2013	No. 990/TD-II(FRA) 47/2012	Forwarding FAQ on the implementation of FRA, 2006& Amendment Rule, 2012	FAQs	FAQs	ST& SC Development Dept.	Enabling	Procedural
59	15.03.2013	No. 12062/SSD/TD-II-(FRA)-02/2013	review in terms of Pendency of claims and Implementation of the ST &OTFD (RFR) Amendment Rules 2012	Pendency of Claim	Pendency of Claim	ST& SC Development Dept.	Enabling	Substantive
60	10.04.2013	No. 13836/SSD/TD-II(FRA)-02/2013	Analysis regarding categories of rejection on implementation of the STs and OTFDs (Recognition of Forest Rights) Act, 2006, Amendment Rules, 2012	Categories of Rejection of claims	Rejection of Claims	ST& SC Development Dept.	Enabling	Substantive
61	10.04.2013	No. 13838/SSD/TD-II(FRA)-02/2013	Reconstitution of FRC and Implementation of the ST &OTFD (RFR) Amendment Rules 2012	Reconstitution of FRC	Committee Constitution	ST& SC Development Dept.	Enabling	Procedural



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62	11.04. 2013	No.13904/SSD-TD-II (FRA) – 02/2013	De-regulation of KL in Nabarangpur, KL Division during the year 2013 KL Crop year.	Deregulation of Kendu Leaves	Deregulation of Kendu Leaves	ST& SC Development Dept.	Enabling	Substantive
63	11.04. 2013	No. 13890/SSD/TD-II(FRA)-02/2013	illustration of District wise Status of Pending of Individual Claims and request to expedite the process of Implementation of the ST &OTFD (RFR) Amendment Rules 2012	District wise Status of Pending of Individual Claims	Pendency of Claim	ST& SC Development Dept.	Enabling	Substantive
64	12.04. 2013	No. 13943/SSD / TD-II (FRA)- 02/2013	Disposal of Lac under Sec 2 of FRA in Sundargarh with respect to Implementation of the ST &OTFD (RFR) Amendment Rules 2012	Disposal of Lac under Sec 2 of FRA in Sundargarh	NTFP	ST& SC Development Dept.	Enabling	Procedural
65	01.07. 2013	No. 22496/SSD/ TD-II-FRA-35/2013	Clarification asked by Odisha govt. on habitat rights of PTGs with respect to Implementation of the ST &OTFD (RFR) Act 2006, Rules 2007 and Amendment Rules 2012	Clarification asked by Odisha govt. on habitat rights of PTGs	PVTG	ST& SC Development Dept.	Enabling	Procedural
66	02.08. 2013	No. 26791/TD-II(FRA)-02/2013	Analysis regarding categories of rejection on implementation of the STs and OTFDs (Recognition of Forest Rights) Act, 2006, Amendment Rules, 2012	Categories of Rejection of claims	Rejection of Claims	ST& SC Development Dept.	Enabling	Substantive
67	02.08. 2013	No. 26795/TD-II(FRA)-02/2013	Point-wise compliance including re-constitution of FRCs as per the Amendment Rules, 2012	Reconstitution of FRC	Committee Constitution	ST& SC Development Dept.	Enabling	Procedural
68	02.08. 2013	NO. 26797/TD-II(FRA)-02/2013	Reminder regarding settlement of individual rights, community rights and Community forest resource rights in the protected areas	Implementatio n of FRA in the Protected area	Protected Area	ST& SC Development Dept.	Enabling	Procedural

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69	03.08.2013	No. 26903/TD-II-(FRA)-35/2013	Addressed to the Secy. to Govt. of India, MoTA on further clarification / guidelines on Habitat Rights	Clarification of the habitat Rights	Habitat Rights	ST& SC Development Dept.	Enabling	Procedural
70	20.08.2013	No. 28155/SSD/TD-II(FRA) 59/2013	Supplementary information to Rajya Sabha Starred Question No. 184 put by Hon'ble M.P, Rajya Sabha, Shri A.C. Swamy regarding problems in Forest Villages in Odisha	Proposal for conversion of Forest Village into revenue Village	Conversion of FV to RV	ST& SC Development Dept.	Enabling	Substantive
71	16.09.2013	No. 30872/SSD, /STSCD-TPR-MISC-0008-2013	Minimum Support Price (MSP) Schemes for Minor Forest Produce (MFP)	MSP	NTFP	ST& SC Development Dept.	Both Enabling and Contradictory	Substantive
72	18.09.2013	No. 31236/TD-II-(FRA)-35/2013	Request to the Joint Secy to Govt. of India on Clarification / Guidelines on Habitat rights	Clarification of the habitat Rights	Habitat Rights	ST& SC Development Dept.	Enabling	Procedural
73	19.10.2013	No. 3360/TD-II (FRA)-02/2013	Reminder regarding settlement of individual rights, community rights and Community forest resource rights in the protected areas	Implementation of FRA in the Protected area	Protected Area	ST& SC Development Dept.	Enabling	Procedural
74	8.11.2013	No. 36460/TD-II-(FRA)-35/2013	Request to the Joint Secy to Govt. of India on Clarification / Guidelines on Habitat rights	Clarification of the habitat Rights	Habitat Rights	ST& SC Development Dept.	Enabling	Procedural
75	16.11.2013	No. 36823/TD-II (FRA)-02/2013	Conversion of all forest villages, old habitations, unsurveyed villages etc. into revenue villages under Section 3(1)(h) of FRA, 2006	Conversion of Forest Village into revenue Village	Conversion of FV to RV	ST& SC Development Dept.	Enabling	Substantive
76	27.01.2014	No. 4109/TD-II(FRA)08/2013	Compliances of pending issues on implementation of Forest Rights Act & Rules in our State	Pendency of Claims	Pendency of Claims	ST& SC Development Dept.	Enabling	Procedural

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77	30.01.2014	No. 5347/ TD-II(FRA)-02/2014	Prompt disposal of pending claims and review of rejected claims filed under Forest Rights Act & Rules	Pendency of Claims	Pendency of Claims	ST& SC Development Dept.	Enabling	Procedural
78	21.03.2014	No. 10496/TD-II(FRA)-28/2014	Record of Rights issued under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – Observations comments thereof for due compliance.	Compliance of ROR as per FRA	ROR Correction	ST& SC Development Dept.	Enabling	Procedural
79	17.06.2014	No. 17450/ R&DM, / GE (GL) – 5-63/13	Clarification regarding classification of land in the RoR	Classification of Land in ROR	ROR Correction	Revenue & Disaster Dept.	Enabling	Procedural
80	12.08.2014	No. 23427/SSD/STSCD-FRA-COMMT-0002-2014	Re-constitution of SLMC for implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules in Odisha	Reconstitution of SLMC	Committee Constitution	ST& SC Development Dept.	Enabling	Procedural
81	11.09.2014	D.O. No.: 26664 /CSSD / TD-II-FRA-26/14 (Koraput) D.O. No.: 26665/ CSSD / TD-II-FRA-26/14 (Malkanagiri) D.O. No.: 26678/ CSSD / TD-II-FRA-26/14(Gajapati)	Submission of action taken report on the proceedings of the last SLMC held on 27.06.2013 under the chairmanship of the Chief Secretary, Odisha	Reconstitution of SLMC	Committee Constitution	ST& SC Development Dept.	Enabling	Procedural
82	03.11.2014	No.20220/F&E	Clarifications on MSP operation on Minor Forest Produces in the Protected area in the State	Implementation of FRA in the Protected area	Protected Area	ST& SC Development Dept.	Enabling	Procedural

<b>Brief of the Circulars</b> -This circular emphasises on the constitution of committees (SLMC, DLC, SDLC, FRC) illustrated in the Forest Rights Act, 2006 for the implementation of Act								
Sl. No	Year	Circular/ Notification/ Resolution No./ Source	Subject	Category	CODING	Issued by (Department)	Enabling / Contradictory	Procedural or Substantive
83	15.11.2014	No. 31078/STSCD-FRA-MEET-0004-2014	Review of high rate of rejections of FRA claims in LWE districts- wanting of action taken report	Rejected Claims	Rejection of Claims	ST& SC Development Dept.	Enabling	Procedural
84	01.12.2014	No. 32405/SSD	Review of high rate of rejection in LWE affected districts	Rejection	Rejection of Claims	ST& SC Development Dept.	Enabling	Procedural
85	06.12.2014	No. 32825/SSD	Accelerating grant of CFR and Rights of OTFDs under FRA, 2006 in Koraput district	CFR & OTFDs' rights	OTFD	ST& SC Development Dept.	Enabling	Procedural
86	06.12.2014	No. 32830/SSD	Conversion of forest habitations to revenue villages and recognizing habitat right of the Paudi Bhunya under FRA	PVTG & FV	habitat rights	ST& SC Development Dept.	Enabling	Substantive
87	06.12.2014	No.32822/SSD	Violation of FRA, 2006 by Odisha Forestry Sector Development Project through Ama Jungle Yojna	Ama Jungle Yojna	implementation of FRA	ST& SC Development Dept.	Enabling	Substantive
88	15.12.2014	No. 33414/SSD	Review of high rate of rejection in LWE affected districts	Rejection	Rejection of Claims	ST& SC Development Dept.	Enabling	Procedural
89	22.12.2014	No. 33871/SSD	Mechanism for Recognition of Habitat Rights of PVTGs under FRA	PVTG	PVTG	ST& SC Development Dept.	Enabling	Procedural
90	30.04.2015	No. 8977/SSD	Guidelines to remove impediments in the proper implementation of FRA	FRA implementation	Implementation of FRA	ST& SC Development Dept.	Enabling	Procedural
91	01.05.2015	No. 9141/SSD	Clarification pertaining to recognition of Habitat Rights under FRA	PVTG	PVTG	ST& SC Development Dept.	Enabling	Procedural

<b>Brief of the Circulars</b> -This circular emphasises on the constitution of committees (SLMC, DLC, SDLC, FRC) illustrated in the Forest Rights Act, 2006 for the implementation of Act								
Sl. No	Year	Circular/ Notification/ Resolution No./ Source	Subject	Category	CODING	Issued by (Department)	Enabling / Contradictory	Procedural or Substantive
92	01.05.2015	No. 9144/SSD	Guidelines under Sec 12 with regard to recognition of CFR and its management under FRA	CFR Management	implementatio n of FRA	ST& SC Development Dept.	Enabling	Procedural
93	26.05.2016	No. 1292/ITDA	Publicity Campaign (CARAVAN) at the Grass-root level for wide publicity of MSP Scheme on MFP	MFP	NTPP	ST& SC Development Dept.	Enabling	Procedural
94	16.06.2016	No.10740/SSD	Review of Rejected claims under FRA and its disposal by treating those as Suo-moto appeals at the level of SDLCS and DLCs	Suo-moto appeal	Rejection of Claims	ST& SC Development Dept.	Enabling	Procedural
95	26.07.2016	No. 13656/SSD	Demarcation of forest land distributed under FRA	Demarcation of forest land	Implementatio n of FRA	ST& SC Development Dept.	Enabling	Procedural
96	30.07.2016	No. 14028/SSD	Adoption of system of working of bamboo in the forest areas of the State.	MFP	NTPP	ST& SC Development Dept.	Enabling	Substantive
97	3.9.2016	No. 16416 /SSD	Illustrates the List of potential villages for recognition of Community Rights and Community Forest Resources Rights under FRA as figured out by the STSC RTI and directs to grant titles as per the procedure laid down in the FRA 2006 Act	Recognition of Community Forest Rights	implementatio n of FRA	ST& SC Development Dept.	Enabling	Procedural
98	13.01.2017	No. 868 / SSD	This Notification illustrates the Percentage of achievement through convergence programme against the titles issued under Forest Rights Act as on 30.11.2016 and emphasis to speed up the process and aims to reach upto 100% coverage of beneficiaries	Convergence	Convergence	ST& SC Development Dept.	Enabling	Substantive

<b>Brief of the Circulars</b> -This circular emphasises on the constitution of committees (SLMC, DLC, SDLC, FRC) illustrated in the Forest Rights Act, 2006 for the implementation of Act								
Sl. No	Year	Circular/ Notification/ Resolution No./ Source	Subject	Category	CODING	Issued by (Department)	Enabling / Contradictory	Procedural or Substantive
			through convergence with different schemes of the Govt. for their socio-economic development.					
99	06.02.2017	No. 2492/SSD	This letter is in compliance to the letter dated on 01.5. 2015 for the Coverage of all eligible PVTG families under FRA, 2006 and issue of certificates thereof by the Special Officers of Micro-Projects. This Letter also state that as of December 2016 report there are still many pending or rejected claims pertaining to the PVTG , thus there has been no 100% Coverage of the PVTG under FRA, hence ask to speedup the process.	PVTG	PVTG	ST& SC Development Dept.	Enabling	Substantive
100	5.6.2017	No. 10535 /SSD/ STSCD-FRA-MISC-0034-2015	Emphasis on the implementation in reference to i) Demarcation of the land vested with title holders under FRA,2006 (ii) Correction of RoRs & Maps in respect of the land vested with the title holders under the Forest Rights Act. (iii) Disposal of sou-moto appeal petitions (arising out of rejected claims).	Implementatio n of FRA	Implementatio n of FRA	ST& SC Development Dept.	Enabling	Procedural
101	13.6.2017	No. 11056/SSD	Communication of Fair Average Quality (FAQ) Parameters in respect of newly included 14 New MFP Items	Fair Average Quality (FAQ) Parameters	NTFP	ST& SC Development Dept.	Enabling	Procedural
102	22.07.2017	No. 13125 / SSD	Alleged violation of the provisions of the FRA, 2006 by the DFO, KL Division, Bhawanipatna	MFP	NTFP	ST& SC Development Dept.	Enabling	Procedural

<b>Brief of the Circulars</b> -This circular emphasises on the constitution of committees (SLMC, DLC, SDLC, FRC) illustrated in the Forest Rights Act, 2006 for the implementation of Act								
Sl. No	Year	Circular/ Notification/ Resolution No./ Source	Subject	Category	CODING	Issued by (Department)	Enabling / Contradictory	Procedural or Substantive
103	04.08.2017	No. 14010 / SSD	Review of Rejected claims through Suo-moto appeals and RoR Correction	Suo-moto appeal & RoR Correction	ROR Correction	ST& SC Development Dept.	Enabling	Procedural
104	16.5.2018	No.10323/ SSD	Review matter of Demarcation of Forest Land distributed under Forest Rights Act 2006 and to ensure that it is completed by Nov 2018	Demarcation of Forest Land	Review	ST SC Development Department	Enabling	Procedural
105	21.5.18	No. 10642/ SSD/ STSCD-FRA-MISC-0022-2018	Clarification regarding the recognition of rights in Pahad / Parbat kisan land under Forest Rights Act,2006.	Pahad/Parbat Kisan Land	Clarification	ST SC Development Department	Enabling	Procedural
<b>Revenue and Disaster Department</b>								
106	25.02.2008	GE (GL) S-22/2007/9775/R & DM, Revenue & Disaster Management Department, GOO	1. Training programme in district for Revenue, Forest, ST&SC and Panchayatiraj Dept. 2. Deployment of Amins to assists SDLCs. 3. Supply of village maps from forest and revenue machinery to GS/FRC free of cost 4. Association of credible VO.	Awareness	Orientaion	Revenue & Disaster Management Department	Enabling	Procedural
107	25.10.2008	No. ___/R& DM GE(GL) - S/22/07(Pt), Commissioner-cum-Secy. to Govt. Revenue & Disaster Management Department	Checking up of list of forest villages as per 2001 Census and implementation of FRA in these villages.	Forest Villages	FV	Commissioner-cum- Secy. to Govt, Revenue & Disaster Management Department	Enabling	Procedural

<b>Brief of the Circulars</b> -This circular emphasises on the constitution of committees (SLMC, DLC, SDLCL, FRC) illustrated in the Forest Rights Act, 2006 for the implementation of Act								
Sl. No	Year	Circular/ Notification/ Resolution No./ Source	Subject	Category	CODING	Issued by (Department)	Enabling / Contradictory	Procedural or Substantive
109	12.11.2008	No. GE(GL) -S-22/07(Pt.)47923/R &DM	Implementation of STs & OTFDs (Recognition of Forest Rights) Act, 2006 and Rules, 2007 in the State	Implementation of FRA		Revenue and Disaster Management, Department	Enabling	Procedural
110	11.12.2008	No. GE (GL) - S-23/2008/5160/R&DM	Issue of tree pattas and recognizing 'dafayati' rights of ST persons in tribal areas specific to cashew plantation	Dafayati Rights	Dafayati Rights	Revenue and Disaster Management, Department	Enabling	Substantive
111	31.8.2009	No.GE (GL) S-23/09 (Pt-II) -34149/ R & DM, Commissioner-cum-Secy. to Govt. Revenue & disaster management department	Vacation of HC order and Furnishing information on number of titles for forest land issued along with area and number of families covered both in individual and community claims.	Titles for Forest Land		Commissioner-cum-Secy. to Govt. Revenue & disaster management department	Enabling	Procedural
112	19.9.2009	No 36818 / CSR&D.M, Revenue & Disaster Dept.	Distribution of Titles to eligible persons under the ST and OTFD ( RFR) Act, 2006 - MLA / MP must be informed on the programmes and distribution of the Titles	Distribution of Titles		Revenue & Disaster Dept.	Enabling	Procedural
113	8.10.2009	No. CB - II-R-14/09 38997/R&DM	Inter Active Training Programme Along with Concerned Field Level officers under Gramsat Pilot Project in the Video Conference Hall	Organizing awareness Campaign		Revenue & Disaster Dept.	Enabling	Procedural
114	23.10.2009	No 40938 CSR&D.M, Revenue & Disaster Dept.	Grant of Titles to ST persons under RFR Act, 2006-2 stage clearance in respect of pre-1980 encroachment cases.	Distribution of Titles		Revenue & Disaster Dept.	Enabling	Substantive
115	15.12.2009	No 48387 /R&DM, GE(GL)-S-23/09(Pt.), Special Secretary to	Grant of titles to ST persons under ST & OTFD (RFR) Act,2006	Grant of Titles		Rev. & Disaster Dept.	Enabling	Procedural



<b>Brief of the Circulars</b> -This circular emphasises on the constitution of committees (SLMC, DLC, SDLC, FRC) illustrated in the Forest Rights Act, 2006 for the implementation of Act								
Sl. No	Year	Circular/ Notification/ Resolution No./ Source	Subject	Category	CODING	Issued by (Department)	Enabling / Contradictory	Procedural or Substantive
		Govt., Rev. & Disaster Dept.						
116	4.1. 2010	No.3 68/CSR &D.M.	Settlement of the non forest land under OGLS & OPLE Act	Settlement of the Non-Forest Land	Convergence	Rev. & Disaster Dept.	Enabling	Substantive
117	5.1. 2010	D.O.No.71/MR&DM	Providing Homestead land to Homestead less people under theBasundhara under the OGLS Act OPLE Act	Convergence with housing schemes	Convergence	Rev. & Disaster Dept.	Enabling	Substantive
118	11.2. 2010	No. GE(GL)-S-23/09(Pt-1)-5309/R&DM	Grant of Titles to eligible STs and Other Traditional Forest Dwellers under ST& OTFD(RFR)Act, 2006	Grant of Titles		Revenue and Disaster Management Departemnt	Enabling	Procedural
119	29.10. 2010	No. SM13209- 43974 / RDM, Revenue & Disaster Dept.	Guidelines for correction of ROR and Maps for forest land in revenue villages for which title has been issued under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	Guidelines for Forest Land	ROR Correction	Revenue & Disaster Dept.	Enabling	Procedural
120	1.11. 2010	43974/RDM	Guidelines for correction of RoR and Maps for forest land in revenue villages	guidelines for the forest land	ROR Correction	Revenue & Disaster Dept.	Enabling	Procedural
121	24.10. 2011	No. GE ?(GL)-S-76/2010- 43968/R&DM	Government land recorded in non-forest kizam with a note of "Sabik Kizam Jungle" in the RoR finally published after 25.10.1980 but which was forest kizam in Sabik record – application of Forest (Conservation) Act, 1980- Clarification regarding.	Sabik Kizam Jungle		Revenue & Disaster Dept.	Enabling	Procedural

<b>Brief of the Circulars</b> -This circular emphasises on the constitution of committees (SLMC, DLC, SDLC, FRC) illustrated in the Forest Rights Act, 2006 for the implementation of Act								
Sl. No	Year	Circular/ Notification/ Resolution No./ Source	Subject	Category	CODING	Issued by (Department)	Enabling / Contradictory	Procedural or Substantive
122	23.11.2013	No. 44019/R&DM	Clarification regarding classification of land in the RoR	Clarification regarding classification of land in the RoR	ROR Correction	Revenue & Disaster Dept.	Enabling	Procedural
123	17.06.2014	No. 17450/ R&DM, / GE (GL) - 5-63/13	Clarification regarding classification of land in the RoR	Classification of Land in ROR	ROR Correction	Revenue & Disaster Dept.	Enabling	Procedural
124	04.08.2014	No. 22958/R&DM/GE (GL)-S-31/2014	Diversion of forest land for non-forest purposes under Forest (Conservation) Act, 1980	For the purpose of Compensatory afforestation		Revenue & Disaster Dept.	Contradictory	Procedural
125	10.04.2017	No. SM-72/2015 - 11804	Correction of RoR and Maps for forest land in revenue villages for which title has been issued under FRA - uploading the same in Bhulekh Portal	RoR Correction	ROR Correction	Revenue and Disaster Management Department	Enabling	Procedural
<b>Panchayati Raj Department</b>								
126	21.02.2008	8504, Panchayati Raj Department, GoO	Convening on Gram Sabha/Palli Sabha on 28th February 2008.	Pallisabha		Panchayati Raj Department	Enabling	Procedural
127	26.02.2008	9153/PR, Panchayati Raj Department/ GOO	Convening of Palli Sabha/Gram Sabha on 16th and 23rd March and constitution of FRC.	Pallisabha	Constitution of FRC	Panchayati Raj Department	Enabling	Procedural
128	24.3.08	No. PRI-I-(IV)-9/2008,13562 PR	Holding Palli Sabhas for implementation of STs and OTFD (Recognition of Forests Rights Act, 2006)	Pallisabha		Panchayati Raj Department	Enabling	Procedural
129	5/23/2008	No.21948-PR	To Hold Pallisabha within 30th June 2008 and compliance be reported/ responsibility may be fixed in terms of necessary disciplinary action against	Pallisabha		Panchayati Raj Department	Enabling	Procedural

<b>Brief of the Circulars</b> -This circular emphasises on the constitution of committees (SLMC, DLC, SDLC, FRC) illustrated in the Forest Rights Act, 2006 for the implementation of Act								
Sl. No	Year	Circular/ Notification/ Resolution No./ Source	Subject	Category	CODING	Issued by (Department)	Enabling / Contradictory	Procedural or Substantive
			defaulting concerned officer.					
130	25.7.08	Memo. No. 31076	Holding Pallisabha for Implementation of FR Act, 2006 - necessary coordination and extend support for constitution of Forest Rights committee in Pallisabha.	Pallisabha	Constitution of FRC	Department of Panchayati Raj, Govt of Orissa	Enabling	Procedural
131	16.09.2008	No. PRI-I(IV)-9/08-37815/PR	Holding of Palli Sabhas for implementation of FRA, 2006	Pallisabha		Department of Panchayati Raj, Govt of Orissa	Enabling	Procedural
132	23.10.2008	No. PRI-I(IV)-9/08-4147	Issues in claim verification by SDLC with regard to Forest Rights Act in Gajapati District.	Issue in Gajapati District		Department of Panchayati Raj, Govt of Orissa	Enabling	Procedural
133	31.10.2008	No. PRI - I (IV) - 09/2008 Director, P.R & Adl. Secy. to Govt,	Implementation of STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006-Conversion of all Forest Villages in the State into Revenue Villages.	Conversion of FV to RV	Conversion of FV to RV	Panchayat Raj Department, Government of Odisha	Enabling	Procedural
134	5.11.2008	No. PRI-I-(IV)-9/08 – 42959/PR	Issue in claim verification by SDLC with regards to FRA in Gajapati District	Issue in Gajapati District		Department of Panchayati Raj, Govt of Orissa	Enabling	Procedural
135	6.11.2008	PRI -I/(IV)/9/08 /43137/ PR, PR Dept., Govt. of Orissa	District wise position on Constitution of FRC through Palli Sabha as on 31.08.2008	District wise Status of FRC	constitution of FRC	Department of Panchayati Raj, Govt of Orissa	Enabling	Procedural
136	30.12.2008	PRI-I (IV)-9/08-49408, Department of Panchayati Raj, Govt of Orissa	Special Palli Sabha on 18th January 2009.	Special Palli Sabha		Department of Panchayati Raj, Govt of Orissa	Enabling	Procedural

<b>Brief of the Circulars</b> -This circular emphasises on the constitution of committees (SLMC, DLC, SDLC, FRC) illustrated in the Forest Rights Act, 2006 for the implementation of Act								
Sl. No	Year	Circular/ Notification/ Resolution No./ Source	Subject	Category	CODING	Issued by (Department)	Enabling / Contradictory	Procedural or Substantive
137	05.12.09	No. 38708 /PR II-NREGS-43/09, Panchayati Raj Department/GOO	Land Development, Horticulture Plantation and Farm Pond in the Land of Beneficiaries under Forest Rights Act under NREGS – regarding.	Convergence with FRA	Convergence	Department of Panchayati Raj, Govt of Orissa	Enabling	Substantive
138	4.1.2.010	No. 384/II-NREGS – 43/09	Guidelines for excavation of “Multi purpose farm pond” under NREGS – regarding.	Convergence with NREGA	Convergence	Commissioner cum Secretary, Panchayati Raj Department	Enabling	Substantive
139	1.12.2011	No. 22839 VI-NREGS-30/09 (Pt.), Panchayati Raj Dept/GoO	Convergence through MGNREGA	Convergence	Convergence	Department of Panchayati Raj, Govt of Orissa	Enabling	Substantive
140	10.09.2012	No. 17-PADM-19-1033-15718	Leveraging the Gram Sabha Sashaktikaran Karyakram	organizing Training Programme		Commissioner cum Secretary, Panchayati Raj Department	Enabling	Procedural
<b>Forest and Environment Department</b>								
141	28.3.08	10F (Con) - 06/08.5073/ F&E	Implementataion of ST and OTFD ( RFR) Act, 2006 and rules framed there under -issue of instruction to principal chief conservator of Forests to instruct the field officials to involve themselves in proceeding of the gram sabhas with relevant records.	Implementatio n of FRA		Forest and Environment Department	Enabling	Procedural
142	3.11.2008	Memo No. 18633/9F (Misc.) 75/2004	Instruction - Forest Officers of all ranks have to play a very proactive role in the matter of assisting the Forest Rights Committees in verifying various claims as may be filed before the pallisabhas	Implementatio n of FRA		Principal, Chief Conservator Forest, Orissa	Enabling	Procedural

<b>Brief of the Circulars</b> -This circular emphasises on the constitution of committees (SLMC, DLC, SDLC, FRC) illustrated in the Forest Rights Act, 2006 for the implementation of Act								
Sl. No	Year	Circular/ Notification/ Resolution No./ Source	Subject	Category	CODING	Issued by (Department)	Enabling / Contradictory	Procedural or Substantive
143	25.11.2009	No. 10F (cons) 6/200819902/F&E, FOREST & ENVIRONMENT, DEPARTMENT	Clarifications on Claims under the Forest Rights Act.	Implementation of FRA		FOREST & ENVIRONMENT, DEPARTMENT	Enabling	Procedural
144	25.2.2010	Memo No. 2779 /9F (Misc.) 75/09 (Vol – II), Principal CCF, Orissa	Implementation of the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – recognition of forest rights over the claims made in respect of the forest land under the control of the Forest Department.	Implementation of FRA		Principal Chief Conservator of Forest, Orissa	Enabling	Procedural
145	28.12.2012	No. KL-12/12/24314/F&E	Issuance of Transit Permit by Gram Sabha	Transmit Permit	NTFP	Forest and Environment Department	Enabling ( But the second part pertaining to OTFD is doubtful)	Substantive
146	12.02.2013	No. 2879/F&E / 5F-50/2012	Sal Leaf Policy for the year 2012 – 13 to 2014 -15	Sal Leaf Policy	NTFP	Forest and Environment Department	Both Enabling and Contradictory	Substantive
147	17.11.2017	No. 23717	Procedure for trading in Kendu leaves by villagers in keagoan (KL) Range in Bhawanipatna ( KL) Division and deregulation of Kendu leave in the 6 village of Golamunda Block	Deregulation of Kendu leaf	NTFP	Forest and Environment Department	Enabling	Substantive
148	18.4.2018	No.22572400122017 /No. 10F(Con)/41/2017 (Pt) 8931, F&E	Guidelines for Diversion of Forest Land for Infrastructure Projects	Diversion of Forest Land	Diversion of Forest Land	Forest and Environment Department	Enabling	Substantive
<b>Governor's Office</b>								

<b>Brief of the Circulars</b> -This circular emphasises on the constitution of committees (SLMC, DLC, SDLC, FRC) illustrated in the Forest Rights Act, 2006 for the implementation of Act								
Sl. No	Year	Circular/ Notification/ Resolution No./ Source	Subject	Category	CODING	Issued by (Department)	Enabling / Contradictory	Procedural or Substantive
149	21.6.2 018	No.191 /GO	With reference to the letter of National Commission for ST &SC, it makes consent of gram sabha mandatory before undertaking public hearing in the schedule V areas wherein ST people are likely to affect by the proposed industries to be set up in the scheduled areas	Gram Sabha Consent before Land Acquisition		Governor's Office	Enabling	Substantive
<b>CM Office</b>								
150	10.3.0 8	Do. No.UM-1/08-95/CM	CM requested to make either separate allocations or allow use of special central assistance to tribal sub plan or Assistance to the state under Article 275(1) of the constitution in connection with the Implementation of the law under Reference	Allocation of Resources		CM Office	Enabling	Substantive
151	1.9.08	Do. No.UM-1/08-420/CM	Request for Filling a Transfer Petition for Transferring all the Litigations to the Apex Court and takes steps for their expeditious disposal	Petition and litigation		Chief Minister, Odisha	Enabling	Substantive

*Chapter-IV*  
*Socio-economic Background:*  
*Odisha and Study Districts*

## Chapter - IV

### Socio-economic background: Odisha and Study Districts

Odisha is located between 17N and 22.3 latitudes and between 81.3 to 87.5 E longitudes and represents a State situated on the coast of Bay of Bengal, which is surrounded by Andhra Pradesh in the south, Bay of Bengal in the east, Chhattisgarh state in the west, West Bengal and Bihar states in the north. Odisha has a landmass of 1, 55,707<sup>2</sup>Km. with population of 4.19 crore as per 2011 census. The density of population is 270 per sq. Km. In Odisha, literacy rate shows 72.87 per cent of which male literacy is 81.59 percent and female literacy is 64.01 percent. Sex ratio in Odisha is better as compared to India.

Study area map

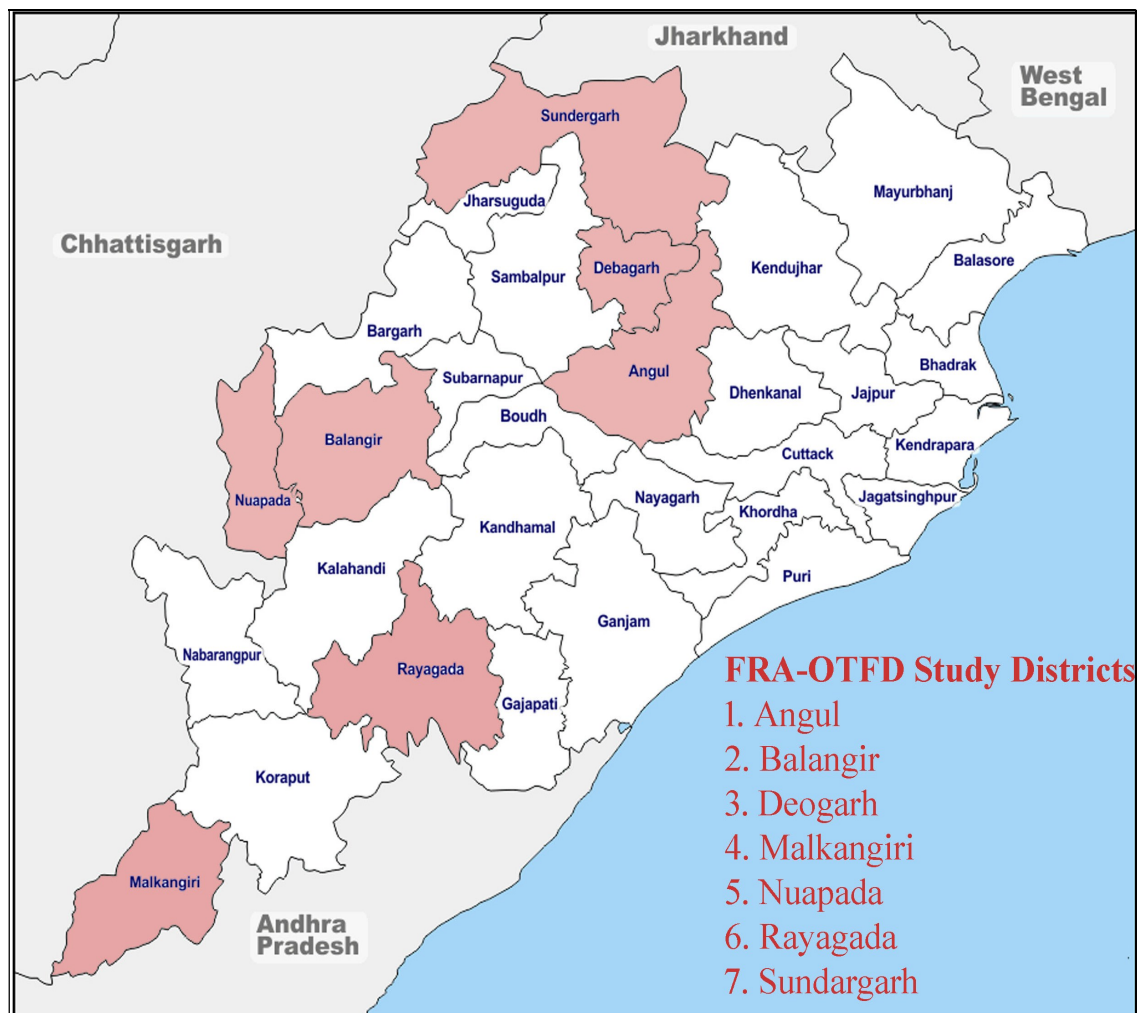




Table 4.1: Demographic Profile of Country and Odisha State

	<b>India</b>	<b>Odisha</b>
Population	1,21,08,54,977	4,19,74,218
Decadal population growth rate (2001-2011)	17.70%	14.05%
Population density (persons per Km <sup>2</sup> )	382	270
Sex-Ratio	940	979
Sex-Ratio-ST population	990	1029
Sex-Ratio-SC population	945	987
Urbanization level (ratio of urban to total population)	31.20%	16.70%
Literacy rate-Total population	74.04	72.87
Literacy rate of Male Persons	82.14	81.59
Literacy rate of Female Persons	65.46	64.01
ST Population	10,45,45,716	95,90,756
Percentage ST population	8.6%	22.8%
ST Male Population	5,25,47,215	47,27,732
ST Female Population	5,19,98,501	48,63,024
ST Child (0-6) Population	16.01%	15.86%
Literacy rate-ST population	58.95%	52.24%
SC Population	20,13,78,372	71,88,463
Percentage SC population	16.6%	17.1%
SC Male Population	10,35,35,314	36,17,808
SC Female Population	9,78,43,058	35,70,655
SC Child (0-6) Population	14.50%	13.26%
Literacy rate-SC population	66.07%	69.02%
Source: Census of India 2011 Data ( <a href="http://www.census2011.co.in/">http://www.census2011.co.in/</a> )		

### Profile of the Study Districts

The present study covers seven districts of Odisha comprising both TSP non TSP areas. The TSP districts are Rayagada, Sundargarh and Malkangiri and non-TSP district are Angul, Deogarh, Bolangir and Nuapada. This chapter presents profile of the study area with specific focus on overall socio-economic status of the study area and people.

The table below gives an understanding of the total population, sex ratio, literacy rate of the study districts. Districts like Rayagada, Malkangiri and Nuapada have good sex ratio compared other study districts. Similarly the literacy rate in non-TSP districts like Angul and Deogarh is more than 70 percent whereas in other districts it is not so promising.

**Table 4.2: Demographic profile of select districts**

District	Total HH	Population	Growth	Sex Ratio	Literacy	Area (Km <sup>2</sup> )	Density (Km <sup>2</sup> )
Angul	2,97,050	12,73,821	11.74%	943	77.53	6,232	200
Bolangir	4,14,749	16,48,997	23.32%	987	64.72	6,575	251
Deogarh	75,452	3,12,520	14.01%	975	72.57	2,940	106
Malkangiri	1,37,599	6,13,192	21.62%	1020	48.54	5,791	106
Nuapada	1,52,210	6,10,382	15.02%	1021	57.35	3,852	158
Rayagada	2,26,144	9,67,911	16.46%	1051	49.76	7,073	136
Sundargarh	4,79,109	20,93,437	14.35%	973	73.34	9,712	214
Source: District Hand Book							

**Angul District**

The District of Angul situated at the heart of Odisha was a part of Undivided Dhenkanal District till early March 1993, but for the administrative convenience, Dhenkanal District was divided into two parts i.e. Dhenkanal and Angul vide State Government Notification No. DRC-44/93/14218/R. dated 27 March 1993. Angul District came into existence as a separate District on April 1, 1993. The District is surrounded by Cuttack & Dhenkanal on the east, Sambalpur & Deogarh on the west, Sundargarh & Keonjhar on the north and Phulbani on the south. Covering an area of 6232<sup>2</sup>km, Angul District is located at Latitude 20.50 North to 85.00 East Longitude. The altitude of this place is 564 to 1187 mts.

Angul District is densely populated as per the 2011 census. The District has 1930 villages having 1273821 population. Total population comprises of 655718 male population and 618103 female population. District's rural population is more compared to its urban population, as is the case in almost all other Districts of the state. Total rural population of the District is 1067275 while total urban population is 206546. as per 2011 census. The District has 239552 SC and 179603 ST population.

**Bolangir District**

Named after the headquarter town of Balangir, this district was formed on 1st November 1949. It is flanked in the northwest by the Gandhamardan hill. Many hill streams traverse it. The name Balangir is said to have been derived from

Balaramgarh, a fort built here in the 16th Century by Balram Deo, the 19th Raja of Balangir and founder of Sambalpur kingdom. The Balangir District is surrounded by Subarnapur district in east, Nuapada District in the west, Kalahandi District in the south and Bargarh District in the north. The District lies between 20 degree 11'40 to 21 degree 05'08 degree north latitude and 82 degree 41'15 to 83 degree 40'22 East longitude. The District covers an area of 6575<sup>2</sup>km.

Total population of the Balangir District is 1648997 comprising total male population as 830097 and female population as 8,18,900. The total SC population of the District is 294777 and ST population is 347164. Balangir District has 3 subdivisions, 14 Tahasils, 14 Blocks, 2 Municipalities, 3 NACs, 18 Police stations and 285 GP. Minimum temperature measured in the District is 16.6° and maximum is 48.7°. 1215.6 mm average rainfall is experienced in Balangir District. The economy of the Balangir District is basically agrarian. The tourism industry of Balangir District also contributes to its economy.

### **Deogarh**

The district of Deogarh, as a distinct administrative entity, was carved out of the erstwhile larger Sambalpur district of Odisha on the 1st of January 1994. The literal English translation of Deogarh (Debagarh) is Abode of Divinity. A larger portion of the erstwhile Bamanda or Bamra State constitute Deogarh district. The District has a rich cultural tradition. This district has been gifted in the form of mountains, springs, falls, forests, clean atmosphere and rich collection of flora and fauna. During merger of Bamanda state with Odisha, the sub-division formed out of a larger portion of the former princely state came to be known as Deogarh, the capital town of Bamanda. Spelling of the place name Deogarh that the British used in their records continued as in the case of other place names. That very name continued even after the former sub-division of Sambalpur was accorded the status of a district in 1994.

### **Malkanagiri**

Malkangiri District is named after its headquarters town, Malkangiri. During formation of Odisha Province in 1936, Malkangiri was a 'Taluk' of Nabrangpur sub-

division of Koraput District of Odisha. In 1962 it was upgraded to a subdivision of Koraput District. The present Malkangiri got its identity as an independent district due to reorganization of districts of Odisha as per a notification on 1st October, 1992 and with effect from 2nd October 1992. Covering an area of 5,791<sup>2</sup>kms, it lays between 17 degree 45'N to 18 degree 40'N latitudes and 81 degree 10' E to 82 degree E longitude. This District is sparsely populated with not much of a difference between the numbers of males and females. Almost the whole of the district is a vast dense jungle, with a very small percentage of the population residing in the urban areas. The district is divided into two distinct physical divisions. The eastern part is covered with steep ghats, plateaus and valleys, sparsely inhabited by primitive tribes, notable among who are Bondas, Koyas, Porajas and Didayis. The District is moderately literate, with the number of literate males far out numbering the number of literate females. The climate in the district is generally cold during winter and hot in summer with temperature ranging from 13 degree C to 47 degree C. The average annual rainfall is about 1700 mm. Relative humidity is generally high, especially in the monsoon and post-monsoon months. During the rainy season, most areas of the District become impassably swampy and heavy floods isolate it from the outer world. This district lies within the malaria prone belt.

### **Nuapada**

Nuapada District belongs to state of Odisha, India. The District is located in the western part of Odisha. It lies between 20 degree N and 21 degree 5' latitude and 82 degree 40' E longitude. The boundaries of Nuapada extends in the north, west and south to Raipur District of Chattishgarh and in the east to Bargarh, Balangir and Kalahandi Districts of Odisha. This district is spread over in an area of 3,852 square K.m. The administrative headquarters of the District is located at Nuapada itself. The District of Nuapada was a part of Undivided Kalahandi District till early March 1993, but for the administrative convenience, Kalahandi District was divided into two parts i.e. Kalahandi and Nuapada vide State Government Notification No. DRC-44/93/14218/R. dated 27 March 1993. The total Scheduled Caste (SC) population of the District is 82,159 and ST population is 206327, which comprise 13.46 % and 33.80 % respectively of the total population.

### **Rayagada District**

Rayagada district occupies the southern part of the state bordering the state of Andhra Pradesh. It has 171 Gram Panchayats in 2,667 villages of which 200 are uninhabited and 2467 are inhabited. The main tribes of Rayagada are the Kandhas, Dongoria Khonds, Souras and Parajs. The Dongria Khond belong to the PVTG.

### **Sundargarh District**

Sundargarh District was constituted on the 1st January, 1948, out of the two ex-States of Gangpur and Bonai, which merged with Odisha on that day. True to its name, this beautiful District of Sundargarh with about 43 per cent of its total area under forest cover and numerous colourful tribes dotting its landscape and with abundant mining potential is bounded by Ranchi District of Jharkhand on the North, Raigarh District of Chhatisgarh on the west and North West, Jharsuguda, Sambalpur and Angul Districts of Odisha on the South and South East and Singhbhum District of Jharkhand and Keonjhar District of Odisha on the east.

Sundargarh is recognized as an industrial district in the map of Odisha. Steel Plant, Fertilizer Plant, Cement factory, Ferro Vanadium Plant, Machine building factory, Glass and china clay factory and Spinning mills are some of the major industries of this District. Sundargarh occupies a prominent position in the mineral map of Odisha and is rich in iron ore, limestone, manganese, dolomite, and fire clay.

### **The 'Other Traditional Forest Dwellers' in Odisha**

OTFDs in Odisha include many tribal communities who are not recognized officially as STs, Dalits and other forest dependent communities. As per the report of the SC ST Development Department about 9 percent<sup>8</sup> of the total claim rejections are those of OTFDs. However, it is also a fact that large numbers of claims filed by OTFDs are not recorded in the claim records.

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<sup>8</sup> Promise Performance of the Forest Rights Act-2006, Tenth Anniversary Report-2016

In Vizagapatam District Gazetteer-1907, W. Francis clearly mentioned presence of castes like Paraja, Bhumia, Matttiyas, Pentiyas, Dhakkodo, Khond, Jatapu, Savara, Gadaba, Gonds, **Dombs, Rana, Sondi, Koronas, Mali, Ominato, Muka Doras** residing in Agency Tracks during that period (1907).

Similarly, in Koraput District Gazetteer- R.C.S. Bell, (ICS), 1945, listed some Aboriginal Tribes inhabiting Koraput during 1945s. They are; Kondhs, Parajas, Dombs, Savaras, Gadabas, Koyas, Gonds, Jatapus, Konda Doras, Dhruvas, Bonda Parajas, Didayis, and Gondias. Other castes mentioned in the book are **Bhottodas, Amanatos, Bhumiya, Mattiyas, Gondos, Ranas, Paikas, Muka Doras, Malis, Sundis and Brahmans**. From the mentioned Gazetteers it can be assumed that other than STs, castes like Domb, Rana, Sondi, Karana, Mali, Muka Dora, Paika who represent the other castes in Medras Presidency areas can be treated as OTFDs. Taking in to account, the available information in old Gazetteers, Descriptive Ethnology of Bengal-1872, Census of India, 1911 and Census of India, 1930 can highlight on the communities who can be treated as OTFDs in Odisha context.

The table 4.3 below shows a comparative picture of ST IFR claims to OTFD IFR claims in study districts. The total number of ST claim is 554626 where as OTFD claim is 64145. The OTFD claims form 10% of the total claims.

Table 4.3: Over all ST-OTFD Claim profile

District	Total Tribal Population	ST IFR Claims made	% of ST People	IFR-OTFD Claims Made	% of OTFD claim to ST Claim Made	Total Claims	% of Tribal Claim	% of OTFD claim
						ST+ OTFD		
Angul	179603	6045	3.37	2315	38.30	8360	72.31	27.69
Bolangir	347164	5529	1.59	3294	59.58	8823	62.67	37.33
Deogarh	110400	10389	9.41	3530	33.98	13919	74.64	25.36
Malkangiri	354614	36867	10.40	2482	6.73	39349	93.69	6.31
Nuapada	206327	17961	8.71	5296	29.49	23257	77.23	22.77
Rayagada	541905	25314	4.67	11	0.04	25325	99.96	0.04
Sundargarh	1062349	33160	3.12	7151	21.57	40311	82.26	17.74
<b>Odisha</b>	<b>9590756</b>	<b>554626</b>	<b>5.78</b>	<b>64145</b>	<b>11.57</b>	<b>618771</b>	<b>89.63</b>	<b>10.37</b>

Source: Census Data 2011 & MoTA Data 31.12.2019

**Table 4.4: Implementation of Forests Rights Act, 2006: Individual claims/Community claims till 31.12.2019  
Study District-wise Individual (IFR) Claim details**

Status of implementation of the Forest Rights Act, 2006 in the State of Odisha Individual- claims as on 31-12-2019															
District	No. of Forest Rights Committees constituted by GS	Claims filed at GS Level		Claims Recommended by GS to SDLC		Claims Recommended by SDLC to DLC		Claims approved by DLC for Titles		Titles Distributed		Extent of Forest land for which Titles distributed (in Hectares)		Claims Rejected	
		ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD
Anugul	1632	6045	2315	7310	15	3341	15	2712	15	2712	15	610	51	315	361
Balangir	1763	5529	3294	3971	3294	3971	3294	2559	0	2559	0	2966	0	0	3294
Debagarh	670	10389	3530	10389	3178	7589	0	7368	0	7368	0	3553	0	0	0
Malkangiri	933	36867	2482	36456	1922	36258	459	35775	459	35569	47	36280	19	544	35
Nuapada	658	17961	5296	8571	3471	7132	0	7132	0	7132	0	7709	0	0	0
Rayagada	2545	25314	11	25314	11	25314	11	25314	11	25110	11	15792	8	0	0
Sundargarh	1668	33160	7151	28818	555	24586	555	22933	555	19898	0	10585	0	404	555
Odisha	48502	554626	64145	486375	30938	451345	5012	443879	1041	436348	73	262503	77	5389	8589

**Table 4.5: Study District- wise Community (CR & CFR) Claim details**

Anugul	1632	600	0	28	0	28	0	28	0	28	0	51	0	486	0
Balangir	1763	251	0	16	0	12	0	12	0	12	0	1961	0	82	0
Debagarh	670	185	0	185	0	24	0	21	0	21	0	917	0	0	0
Malkangiri	933	396	0	394	0	96	0	95	0	74	0	983	0	0	0
Nuapada	658	609	0	20	0	20	0	20	0	18	0	769	0	0	0
Rayagada	2545	226	0	226	0	226	0	226	0	178	0	3822	0	0	0
Sundargarh	1668	474	0	168	0	168	0	168	0	0	0	0	0	20	0
Odisha	48502	13989	2	9349	0	8571	0	8557	0	6576	0	95263	0	1004	0

Source: MoTA

# Chapter –V

## Study Findings

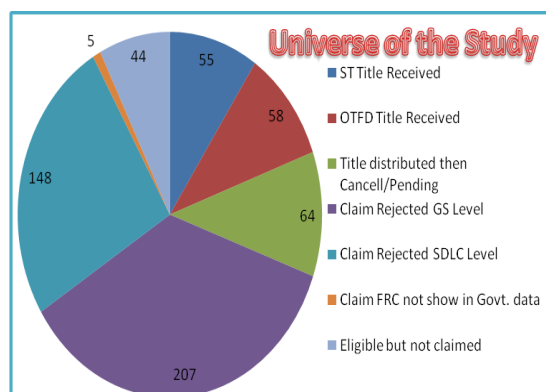


## Chapter - V

### Study Findings

#### 1. Profile of Sample households

Total 41 villages, covering 36 Gram Panchayats and 21 blocks from 7 districts were undertaken for survey purpose of the study. The following chart and table reflect category wise samples covered for the study. The sample covers both title holder



and claimants from various categories. From among the titleholder category 58 OTFD and 55 ST households from Angul, Malkangiri and Rayagada were covered. Similarly, from title pending category 64 households were covered from Sundargarh and Malkangiri. From the category of claims rejected at Gram Sabha

level, 207(from all districts except Rayagada), 148 at SDLC level (Angul, Bolangir, Deogarh and Sundargarh), 05 (Rayagada) from the category of claimed at FRC but not reflected in government record and 44 (Bolangir, Deogarh and Rayagada) from eligible but not claimed category households were taken as sample.

Table 5.1: Category-wise Samples

Category-wise Samples										
District	Title holders				Titles Pending for Distributio	Rejected Claimants		Claimed but not reflected in Govt. data	Eligible but Not Claimed	Total
	ST	OTFD		Sub. Total		GS level	SDLC Level			
		SC	Other							
Angul	13	6	9	28	0	5	12	0	0	45
Bolangir	0	0	0	0	0	35	35	0	13	83
Deogarh	0	0	0	0	0	13	59	0	17	89
Malkangiri	28	0	32	60	2	26	0	0	0	88
Nuapada	0	0	0	0	0	121	0	0	0	121
Rayagada	14	8	3	25	0	0	0	5	14	44
Sundargarh	0	0	0	0	62	7	42	0	0	111
Total	55	14	44	113	64	207	148	5	44	581
Percentage	(48.7)	(12.4)	(38.9)	(19.4)	(11.01)	(35.6)	(25.5)	(0.86)	(7.58)	

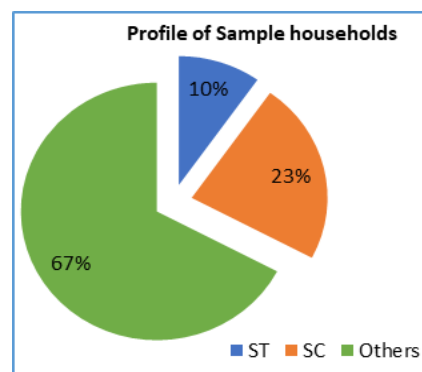
Source: Field Survey SCSTRTI 2019-20  
Note: Bracket indicates percentage of the total

Table 5.2: Community Details of Sample Households

District	No of Blocks	No of GPs	No of Villages	Total HH	ST	Community	SC	Community	Others	Community
Angul	2	4	5	45	13	Kondha	6	Pana & Dhoba	26	Chasha
Bolangir	2	4	4	83	2	Gonda	34	Kauta, Ganda, Pana	47	Dhumal, Gouda, Kulta, Teli, Khandayat
Deogarh	2	4	7	89	0	--	30	Dhoba, Pana	59	Chasa/Khandayat, Gouda
Malkangiri	3	4	4	88	28	Dora, Paraja & Bhumia	13	Domba	47	Rana, Mali, Gouda, Kondaready
Nuapada	2	6	6	121	0	--	23	Ganda & Ghashi	98	Bhandari, Kolhar, Gouda, Chasha, Krumi, Chamar, Ganda, Kamar, Lohar
Rayagada	4	6	6	44	14	Munda & Kondha	13	Domba	17	Paik/Khandayat, Dora
Sundargarh	6	8	9	111	0	--	14	Turi, Ganda, Dhoba, Chamar, Kauta	97	Kulta, Gouda, Rautia, Thodia, Lohara, Kamar & Kumbhar
<b>Total</b>	<b>21</b>	<b>36</b>	<b>41</b>	<b>581</b>		<b>57</b>		<b>133</b>		<b>391</b>
<b>Percentage</b>				<b>(100)</b>		<b>(9.82)</b>		<b>(22.89)</b>		<b>(67.29)</b>

Source: Field Survey SCSTRTI 2019-20, Note: Bracket indicates percentage of the total

The different OTFD communities that reside in the study area are Dom or Domba, Turi, Chamar, Mali, Kulta, Chasa, Rautia, Kamar, Kumbhar, Ganda, Gahasi, Rana, Mali, Konda Reddy, Paika, Gauda etc. These communities like their fellow schedule tribe inhabitants depend on agriculture and allied activities including NTFP collection for their livelihood.



### 1.1 Land holding status of the sample households

Land being the main source of livelihood in all the selected districts, the sample households depend mostly on land for their food and other day to day requirements. From among the sample, around 42 percent households depend on FRA land for their livelihood. These are the landless HHs who depend solely on forest land.

Table-5.3 Land holding (own patta land with FRA land and only FRA land)

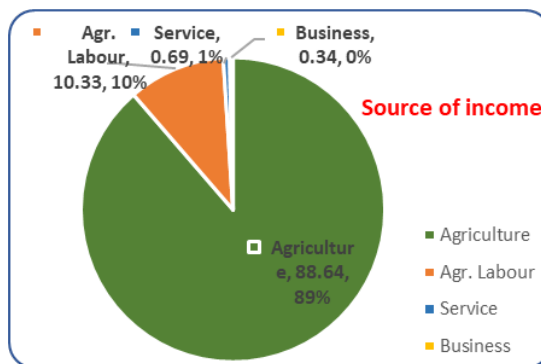
Land Holding												
District	HHs Surveyed	Only FRA land				Own Patta land				Avg. Area		
		ST	SC	Other	Total	ST	SC	Other	Total	ST	SC	Other
Angul	45	13 28.89	6 13.33	26 57.78	45 100.00				0			
Bolangir	83	0 0.00	3 42.86	4 57.14	7 8.43	2 2.6316	31 40.789	43 56.579	76 91.566	2.9	1.8	2.69
Deogarh	89	0 0.00	1 12.50	7 87.50	8 8.99	0	29 37.179	49 62.821	78 87.64		1.4	1.13
Malkangiri	88	6 14.63	1 2.44	34 82.93	41 46.59	22 46.809	12 25.532	13 27.66	47 53.409	0.92	0.08	1.8
Nuapada	121	0 0.00	11 18.64	48 81.36	59 48.76	0	12 19.355	50 80.645	62 51.24	0	1.43	1.72
Rayagada	44	10 35.71	4 14.29	14 50.00	28 63.64	4 25	9 56.25	3 18.75	16 36.364	0.018	0.23	0.62
Sundargarh	111	0 0.00	3 5.26	54 94.74	57 51.35	0	11 20.37	43 79.63	54 48.649	0	0.8	0.78
Total	581	29 11.84	29 11.84	187 76.33	245 42.17	28 8.4084	104 31.231	201 60.36	333 57.315			

Source: Field Survey 2019-2020

## 1.2. Occupation and Sources of income

Occupational structure is nature and status of employment held by people including a particular standard of living they reap out of it. As per the study, agriculture, wage labour, petty business, private or government services are the employment generating options found in the sample households in the study districts.

The table 5.4, below reflects the main source of income of the sample from all categories. Agriculture and allied activities is the main stay, as 99 % houses earn livelihood from it. The allied activities include wage earning from agricultural and other activities.



Collection from forests is included in it as this income is not separately calculated and mostly used for consumption purpose. One percent of the sample is engaged in Petty business and service in private and government agencies. The average income of a household in the study districts is around Rupees 25055 per annum.

Table 5.4: Main Occupation Sources & Avg. HH Income

Districts	Main Occupation Sources & Avg. HH Income					Avg. Yearly Income in (INR)
	Total Survey HH	Agriculture	Agr. Labour	Govt./ Private Service	Petty Business	
Angul	45	45 100	0 0	0 0	0 0	25238.00
Bolangir	83	81 97.59	1 1.20	1 1.20	0 0.00	25325.00
Deogarh	89	87 97.75	2 2.25	0.00	0 0.00	25966.00
Malkangiri	88	60 68.18	27 30.68	1 1.14	0 0.00	19161.00
Nuapada	121	110 90.91	11 9.09	0 0.00	0 0.00	27214.00
Rayagada	44	23 52.27	18 40.91	1 2.27	2 4.55	42897.00
Sundargarh	111	109 98.20	1 0.90	1 0.90	0 0.00	19409.00
Total	581	515 88.64	60 10.33	4 0.69	2 0.34	25055.00

Source: Field Study SCSTRTI 2019-20, Note: Brackets indicate percentage of the total

## 2.FRA Implementation Status of Other Traditional Forest Dwellers:

As mentioned earlier, the total number of samples (households) taken for study purpose is 581. Out of 581, 113 (ST-55 and OTFD 58) are FRA title holders. The average land size recognized is 2.40 acres for schedule tribe households and 3.14 acres for OTFD households. This has been under the assumption that no discrimination has been made while recognizing land to forest dwellers whether ST or OTFD.

Table 5.5: IFR Area – District wise (Sample)

District	Title Received		Avg. Land in Acres	
	ST	OTFD	ST	OTFD
Angul	13	16	4.14	7.86
Malkangiri	28	32	1.79	1.47
Rayagada	14	11	2.39	2.04
Total	55	58	2.40	3.14

Source: Field Survey SCSTRTI 2019-2020

### 2.1 Demarcation and RoR Correction

As per the field report, demarcation of the land is completed in all the 7 districts. However, nowhere in study area has RoR correction been done.

Table 5.6: Demarcation and RoR Correction in the surveyed HHs (ST+OTFD)

Dist	Angul	Bolangir	Deogarh	Malkangiri	Nuapada	Rayagada	Sundargarh	Total
Surveyed HHs	45	83	89	88	121	44	111	581
Demarcation	45	70	72	88	121	25	111	532
RoR Correction	0	0	0	0	0	0	0	0

Source: Field Study SCSTRTI 2019-20

Table 5.7: Demarcation in the claimed HHs

Title Received ST	Title Received OTFD	Title distributed but cancelled/pending	Claim Rejected GS Level	Claim Rejected GS Level	Total
55	58	64	207	148	532

### 2.2 Stake Holders Involved in Claim Making Process

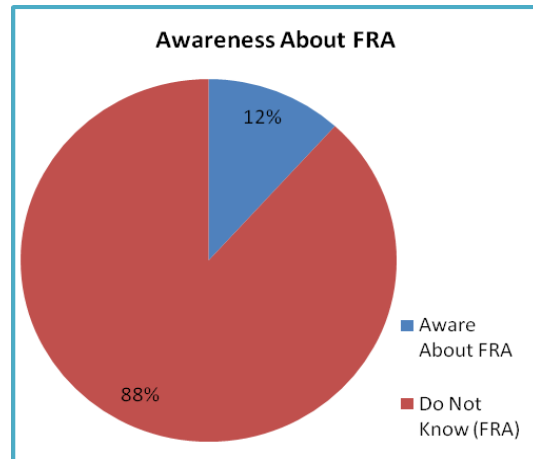
The pie below reflects the proportion of involvement of various agencies in claim-making process. Government officials like WEOs, RI and Amin form the major chunk

of help-lenders. It is around 86%. 10% sample households reported that they took the help of NGOs while the rest 4 % households were supported by both government and non-government agencies simultaneously. This information reveals that not many NGOs came forward to help the claimants during the filing of application of the OTFDs. FGDs held in the villages also reveal that priority was given to Schedule Tribe claims in comparison to OTFD claims. In Rayagada, the study team found the presence of organizations like 'NIRMAN' and 'Pradan. In Sundargarh CIRTD, SEVAK, SRADHA are the organizations who helped the claimants file applications. In Districts like Angul, Bolangir, Nuapada and Deogarh, claimants filed their application mostly through WEOs.

### 2.3 Awareness on FRA among Sample Households

**Table 5.8 and figure** reflect awareness level of the title holders and claimants regarding their entitlement under FRA. Most of the claimants are unaware of the provisions available to them under FRA.

Regarding the number and type of evidences required to file an application, they have been found naive. About 12 % of the total sample has some idea about the process of filing application and evidences required for filing of the application. Rest 88 % seem to follow others to be the part of the process. The awareness level is very low



in districts like Angul, Bolangir and Nuapada. It is slightly high in districts like Sundargarh, Rayagada, Deogarh and Malkangiri. This can be attributed to the presence of NGOs in these districts. FGDs conducted in the study districts reveal this information.

Table 5.8: Awareness on FRA

Districts	Survey HH				Awareness about FRA			
	Total	ST	SC	Others	Total	ST	SC	Others
Angul	45	13 28.89	6 13.33	26 57.78	0 0	0	0	0
Bolangir	83	2 2.41	34 40.96	47 56.63	0 0			
Deogarh	89	0 0	30 33.71	59 66.29	16 17.97	0 0.00	8 50.00	8 50.00
Malkangiri	88	28 31.82	13 14.77	47 53.41	6 6.81	2	0	4
Nuapada	121	0 0	23 19.01	98 80.99	0 0	0	0	0
Rayagada	44	14 31.82	13 29.55	17 38.64	17 38.63	1 5.88	6 35.29	10 58.82
Sundargarh	111	0 0	14 12.61	97 87.39	29 26.12	0 0	0 0	29 100
Total	581	57 9.811	133 22.89	391 67.3	68 11.70	3 4.41	14 20.59	51 75

Source: Field Survey SCSTRTI 2019-20, Note: Bracket indicates percentage of the total

**3. Access to land:** The table below and figure shows the percentage of OTFD households that have become land holders after getting FRA land. The study reveals 41% of sample households have no other land except forest land. Rest 59 % have some amount of own **patta** land with addition to the forest land. It very much essential to mention here that 41% land less households depend on forest land for their livelihood.

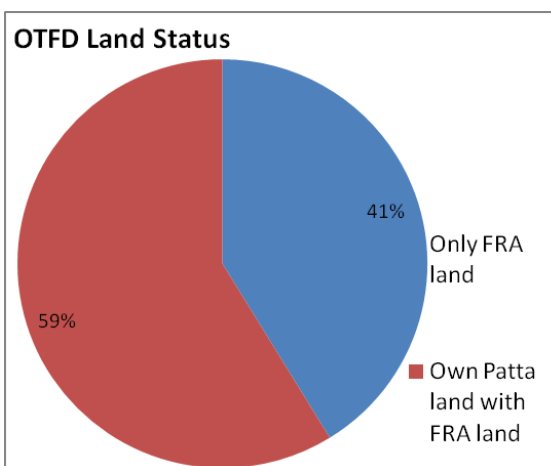
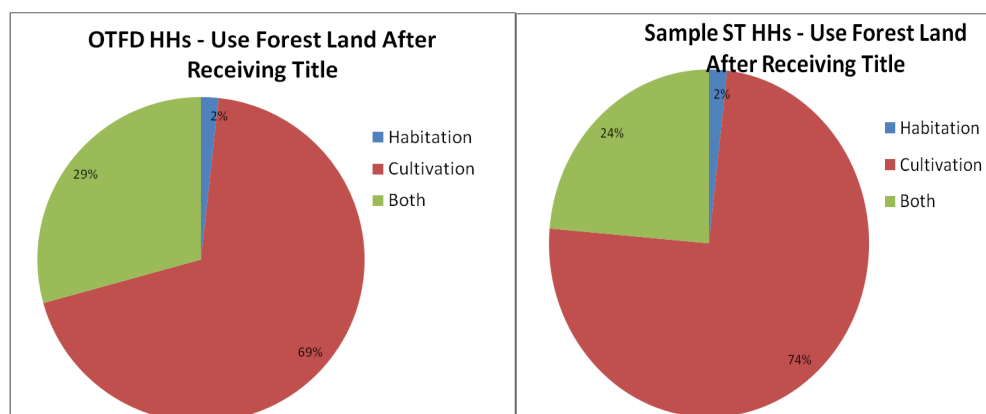


Table 5.9: Access to Land in OTFD Sample HHs

District	HHs Surveyed	Access to Land					
		Only FRA land			Own Patta land		
		ST	Others	Total	ST	Others	Total
Angul	45	13 28.89	32 71.11	45 100.00			
Bolangir	83	0 0.00	7 100.00	7 8.43	2 2.6316	74 97.368	76 91.57
Deogarh	89	0 0.00	8 100.00	8 8.99	0	81 100	81 87.64

Malkangiri	<b>88</b>	<b>6</b> 14.63	<b>35</b> 85.37	41 46.59	<b>22</b> 46.809	25 53.191	<b>47</b> 53.409
Nuapada	<b>121</b>	<b>0</b> 0.00	<b>59</b> 100.00	59 48.76	0 0	62 100	62 51.24
Rayagada	<b>44</b>	<b>10</b> 35.71	<b>18</b> 64.29	<b>28</b> 63.64	<b>4</b> 25	12 75	<b>16</b> 36.364
Sundargarh	<b>111</b>	<b>0</b> 0.00	<b>57</b> 100.00	57 51.35	0 0	54 100	54 48.649
Total	<b>581</b>	<b>29</b> 11.84	<b>216</b> 88.16	245 42.17	<b>28</b> 8.4084	308 91.592	336 57.315
Source: Field Survey 2019-2020							

**3.1 Land Use After FRA Title-** The table 5.10 and pie below shows the land utilization pattern of the title holders. As per study, utilization of FRA land has been done mostly for habitation or cultivation purpose. There is no change or alienation of land taken place in the study districts. The pattern of land utilization does not reflect any difference in case of ST and OTFD community. Around 69 % OTFD households and 74 % ST use their land for cultivation purpose.



**Table 5.10: Use of Forest Land use after receiving Title**

District	Title Received		Habitation		Cultivation		Both	
	ST	OTFD	ST	OTFD	ST	OTFD	ST	OTFD
Angul	13	15	0	0	0	0	13	15
Malkangiri	28	32	1	1	27	29	0	2
Rayagada	14	11	0	0	14	11	0	0
Total	55	58	1	1	41	40	13	17
Source: Field Study SCSTRTI 2019-2020								



#### **4. Convergence under Different Government Schemes**

As per Rule -16, 'the State Government shall ensure, through its departments especially tribal and social welfare, environment and forest, revenue, rural development, Panchayati Raj and other departments relevant for the upliftment of forest dwelling schedule tribes and other traditional forest dwellers, that all government schemes including those relating to land improvement, land productivity, basic amenities whose rights have been recognized and vested under the Act'. Implementation of such an enabling provision under FRA needs assessment of the real situation in the field.

##### **4.1. Convergence Status**

The study while trying to assess the convergence initiatives taken up in the field found that, two main schemes are being implemented in the study districts. Rural Housing and Farm Pond are the schemes that have been taken up on priority basis. 100 % ST households and 97 % OTFD are covered under Rural Housing scheme. Likewise, 3 % OTFD households are covered under Farm Pond activity while no ST family was observed to be part of the scheme. The convergence trend, as per data and discussion with different title holders, reflect that OTFD title holders are also given priority as far as implementation of schemes is concerned. Housing schemes allow the title holders to lead a dignified life. They get a safe house to stay, a better place to store food grains and above all, get space to keep the livestock in a secured place. Similarly, Irrigation facility allows them to grow vegetables, different millets, rice maize etc which they consume and market to earn their livelihood.

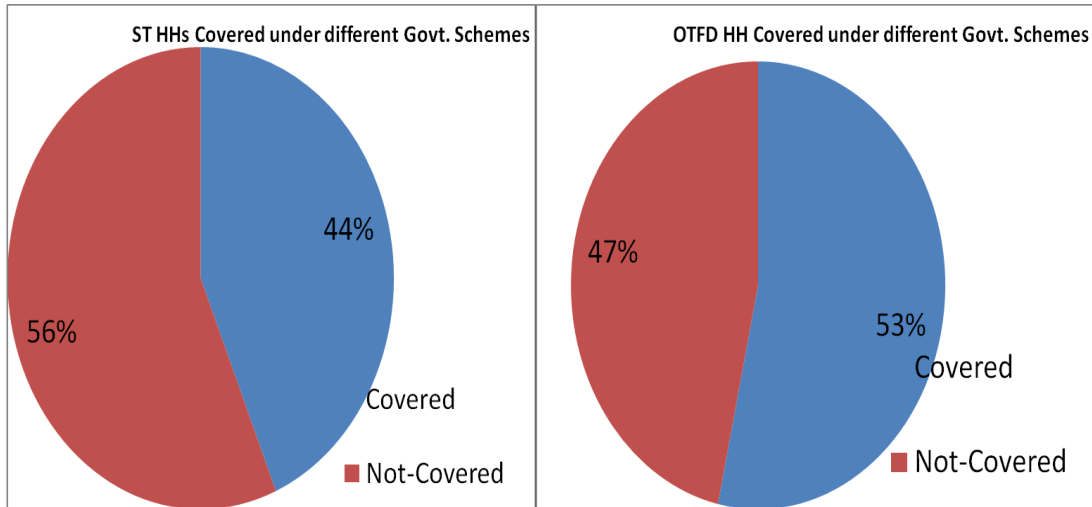


Table 5.11: Converged under different Govt. Schemes

Category	Title Received HHs	Converged HHs	Rural Housing	Farm pond
ST	55	24 (43.64)	24 (100.00)	0 (0.00)
OTFD	58	31 (53.45)	30 (96.77)	1 (3.23)

Source: Field Survey SCSTRTI 2019-20

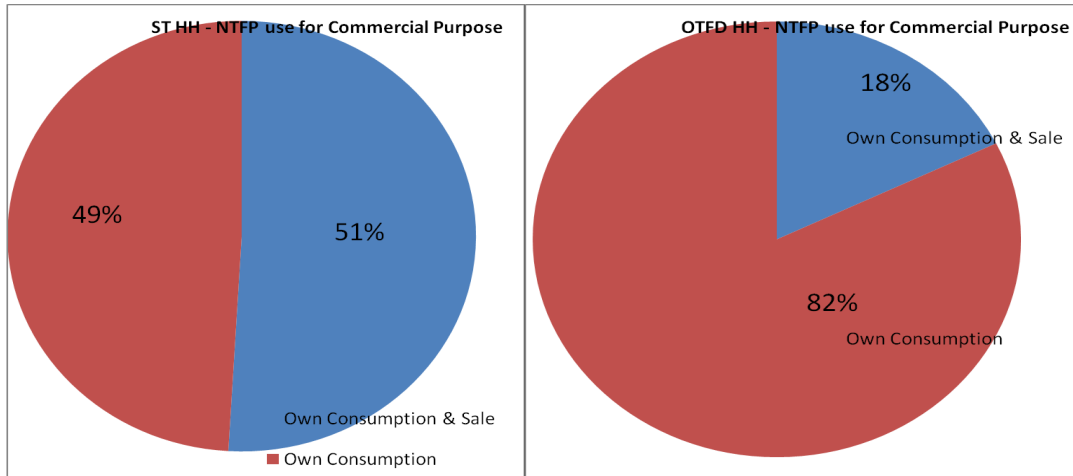
### 5. Dependence on NTFP

As per study, the sample households use forest produce for their own consumption and for commercial use as well. The surplus amount is sold in the market which contributes to their livelihood. Collection of fire wood, Mahula, Tola, Kendu, Kendu Leaf, Sal Leaf is important these items sold to earn the livelihood. As per study 49% ST households sell their surplus NTFP while the rest 51 % use it only for own consumption purpose. As far as OTFD households are concerned 18% households commercialize the produces in addition to their own consumption. The rest 82 percent households use NTFP for own consumption.

Table 5.12: NTFP use for Commercial Purpose

Survey HH	Use NTFP for Commercial Purpose				
	ST	OTFD	ST	OTFD	Total
Total	57	524	28	93	121
			50.91%	17.75%	20.83%

Source: Field Survey SCSTRTI 2019-20



## 6. Rejection of Claims

There is large scale rejection of OTFD claims from across all districts of Odisha. District sources give different reasons for such high rejection. One of the main reasons cited is 75 years of occupation proof. As government officials ask for documentary evidence in support of 3 generation proof, most of the claimants are not able to produce it. There are also other reasons like possession of non-forest land, double application and non-submission of Gram sabha resolution etc. for rejection of claims. Given below is the list of reasons cited by study districts in Odisha.

- Claimants could not establish their livelihood 3 generation / 75 years as on 13<sup>th</sup> December, 2005
- Resolution of the Gram Sabha not submitted
- Physically not in possession of the IFR land
- Claimed land is not a forest land
- Forest land not occupied before 13<sup>th</sup> December, 2005
- Double Application

### 6.1 Rejection of Claims at Grama Sabha and SDLC level (Sample Claims)

Field survey, KII and FGD conducted in the select districts reveal that, rejection of OTFD claims are mostly due to non-submission of 3 generation proof by the claimants. Both Gram sabha and SDLC level sample claim shows only one reason of rejection which is 75 years of occupation proof.

Table 5.13: Rejection Status and Cause of Rejection

Sl.	District	GS Level	SDLC Level	Ground of Rejection
1	Angul	05	12	3 generation occupation proof
2	Bolangir	35	35	3 generation occupation proof
3	Debgarh	13	59	3 generation occupation proof
4	Nuapada	121	Nil	3 generation occupation proof
5	Malkangiri	26	Nil	3 generation occupation proof
6	Rayagada	Nil	Nil	3 generation occupation proof
7	Sundaragarh	07	42	3 generation occupation proof
		207	148	3 generation occupation proof

## Chapter-VI

### Action Taken towards OTFD Claim Recognition

## Chapter - VI

### **Action Taken towards OTFD Claim Recognition**

#### **Formation of committees mandated under the Act**

The Forest Rights Act-2006 envisages that the process of verification of the claims of forest-dwelling Scheduled Tribes and Other Traditional Forest Dwellers (OTFD) is to be initiated by none other than the local Gram Sabha. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules of 2007 mandates that the Gram Sabha quorum should have adequate representation from Scheduled Tribes, primitive tribal groups and pre-agricultural communities. More over the Act also provisions, "An appeal would lie with the sub-divisional level committee against the Gram Sabha's decision on claims. This committee is formed by the State government. A second appeal can be filed with the District Level Committee, whose decision over the claims of forest rights would be "final and binding."

#### **Issuance of Enabling Circulars issued by the State Government as well as Ministry of Tribal Affairs, GoI**

Clarificatory circular was issued by Ministry of Tribal Affairs, GoI on dated 9.6.2008 (No. 17014/02/2007-PC & V Vol VIII) regarding implication of the phrase '*primarily reside in and who depend on the forest or the forestlands for bonafide livelihood needs*' appearing in Sec 2 (c) and 2 (0) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act, 2006. The circular has clarified that it is incorrect to say that it requires the occupation of forest land for three generations (seventy-five years) prior to December 13, 2005 for qualifying as OTFD under the Act. The requirement under Section 2(o) is that the "member or community" should have "primarily resided in" forest land for at least three generations prior to December 13, 2005, and depend on the forest for their bonafide livelihood needs.

Further, State Government has issued enabling circulars and notifications time to time clarifying doubts and addressing the field level issues and challenges. Department of ST & SC Development, Govt. of Odisha has issued circular on dated 15.11.2014 (31078/STSCD- FRA-meet-0004-2014), dated 01.12.2014 (No.

32405/SSD) and dated 15.12.2014 (No. 33414/SSD) regarding review of high rate of rejection in LWE affected districts and wanting of action taken report.

ST & SC Development Department, Govt. of Odisha further issued a circular on dated 16.06.2016 (No.10740/SSD) regarding review of Rejected claims under FRA and its disposal by treating those as Suo-moto appeals at the level of SDLCs and DLCs

### Review of Pending/Rejected OTFD cases

Table: 6.1 FRA Implementation Status after Supreme Court Intervention (Odisha)

IFR Status at different level	As on 31-12-19	As on 30-04-19
Claims filed at GS Level	64145	31690
Claims Recommended by GS to SDLC	30938	21888
Claims Recommended by SDLC to DLC	5012	1040
Claims approved by DLC for Titles	1041	1040
Titles Distributed	73	73
Extent of Forest land for which Titles distributed (in Hectares)	77	77
Claims Rejected	8589	27434
Source: MoTA Data April, 2019 & December, 2019		

As per state data, OTFD claims filed at Gram Sabha has gone up after Supreme Court order in February 2019. The number of claims at Grama Sabha level has gone up to 64145 in December-2019 from 31690 in April-2019. Similarly, the number of claims at SDLC and DLC levels has increased as well. This indicates that OTFD claims which remained pending with FRC were taken into account and+ all the claims rejected or pending at different levels are now being processed. Districts like Mayurbhanj, Koraput, Kalahandi, Nayagarh, Kandhamal where OTFD claims remained zero during April 2019, have started reflecting Gram Sabha level claims now. The table below reflects a comparative status of Gram Sabha level claims reflected in government data. As per this table below, 17 districts have reflected Gram Sabha level OTFD claims which was reflected as zero.

Table: 6.2 Status of FRA (OTFD) implementation from April –Dec.2019

Sl. No.	District	Claims Recommended by Gram Sabha to SDLC	
		As on 30-04-19	As on 31-12-19
1	Bargarh	1579	1238
2	Jharsuguda	0	2841
3	Sambalpur	1529	6350
4	Debagarh	3530	3530
5	Sundargarh	555	7151
6	Kendujhar	0	6502
7	Mayurbhanj	0	4009
8	Baleshwar	0	218
9	Bhadrak	0	0
10	Kendrapara	2910	2909
11	Jagatsinghapur	0	2
12	Cuttack	0	1649
13	Jajapur	0	2255
14	Dhenkanal	0	460
15	Anugul	15	2315
16	Nayagarh	0	100
17	Khordha	0	93
18	Puri	1169	1169
19	Ganjam	3515	2967
20	Gajapati	0	1960
21	Kandhamal	0	1415
22	Baudh	0	1007
23	Subarnapur	625	624
24	Balangir	3394	3294
25	Nuapada	9761	5296
26	Kalahandi	0	349
27	Rayagada	11	11
28	Nabarangapur	0	0
29	Koraput	0	1949
30	Malkangiri	3097	2482
<b>TOTAL</b>		<b>64145</b>	<b>31690</b>



### **Status of pending cases in Study Districts (Sundargarh and Malkangiri)**

During 2009-10, 555 titles were approved by the DLC and then distributed to claimants in different blocks of Sundargarh. However, following a controversy relating to 75 years of evidence and non-possession of forest land, titles were cancelled in year 2016. Questions were raised in the state assembly on the mentioned issue, which complicated the situation further. Out of the 555 claimants, 58 claimants moved the High Court protesting against the cancellation order. However, after Supreme Court order in February 2019, all the 555 cases are being reviewed properly. Camp courts are organized at the block level and claimants are given time to arrange evidence in favor of their cases.

In Malkangiri only 47 titles were distributed even though 459 titles were approved by the DLC. The rest titles are yet to be distributed to the respective title holders. According to District officials of Malkangiri, the prior mentioned Sundargarh issue (cancellation of titles) has heavily affected the OTFD title distribution process across all districts of Odisha.

### **Status of Gram Sabha Level Rejection cases (Deogarh and Nuapada)**

Looking at the high rate of rejection of claims at Gram Sabha level (Deogarh-3530, Nuapada-9761 as on April 2019) districts have started reviewing all the cases. The Supreme Court order has expedited the process to a great extent. The claimants are given time to arrange evidence in support of 75 years of habitation. Correspondence indicating the steps taken by the district administration is annexed separately.

**Refer Annexure -VI**

## Chapter-VII

### Investigated Stories

## Chapter -VII

### Investigated Stories

#### **Case study- 1: Tarkabahali ST and OTFD together stood up and strengthened their livelihood;**

Village: Tarkabahali, G.P: Barabandha, Block: M.Rampur, District: Kalahandi

Total population: 352, ST: 30 HHs, SC: 53 HHs

Jamguda village of Kalahandi in Odisha is the first to receive CFR title under Forest Rights Act. After receiving the title, Gram Sabha members of Jamguda constituted their CFR management committee and demanded Transit permit. During that time both State and Cabinet ministers (Mr. Jairam Ramesh, Honourable Minister for Rural Development, Mr. V. Kishor Chandra Deo, Honourable Minister for Tribal Affairs and the Revenue Minister of the state, Mr. Suryanarayan Patra) paid visit to discuss the issue of Transit Permit with the villagers. Subsequently it was issued to the Jamguda CFR management Committee. Community members of Jamguda village started harvesting bamboo and it was observed that selling of the same enhanced their livelihood.

Inspired by Jamguda process, the Gram Sabha members of Tarkabahali started protecting and managing their CFR area from August-2013. Tarkabahali village is located in Barabandha Gram Panchayat of M. Rampur block in the Kalahandi district. Out of 83 households in the village, 30 households belong to Gonda tribe and the rest (53) are Scheduled Castes. Total population of the village is 352. The Scheduled caste population of the village come under the Other Traditional Forest Dwellers framework of forest rights act 2006. Among them, 6 households are landless and others are marginal farmers. The inhabitants of the village are mostly dependent on the forest for their livelihood. They collect mushroom, edible fruits, char, mahua flower, siali leaves, honey, tubers etc from the forest. The forest produce forms a major part of their diet and thus, acts as a source of income for them. The forest is dry-deciduous in nature. The dominant species is bamboo (*Dendrocalamus strictus*).

As a mentioned earlier, the villagers of Tarkabahali formed a 15 member committee for the protection and management of the CFR area. In order to commercialize bamboo, the Gram Sabha members of Tarkabahali decided to harvest it collectively. They wrote a letter to the Forest Department on 23.08.2016. On 20<sup>th</sup> of September, 2016, while Gram Sabha was waiting for the permit, it was informed by the DFO of the area that the permit will only be allowed in JFM area. Following this, Gram Sabha members of Tarkabahali sent a petition to National Human Rights Commission and State Level Monitoring Committee. The National Human Rights Commission took a note and issued a letter in favor of Gram Sabha. All members of Gram Sabha irrespective of their caste took part in decision making process. This struggle and efforts made by community members bore fruit and the villages acquired management of bamboo on 31.08.2016. Presently the Transit Permit issued to Tarkabahali has created a new hope within the community members and are able to earn Rs.7,52,300/- per annum collectively. As per the estimate of the Gram Sabha 23 ST families and 17 SC families have received Rs.293630/- and Rs.137200/- respectively as wage for harvesting bamboo. Gram Sabha is also ensuring a donation of Rs 2000/- for treatment of the sick in the village.

**Insights and learning:**

- Villagers of Tarkabahali crossed the community barriers while pursuing livelihood. Both Scheduled Tribe and Scheduled Caste community came forward to fight for a cause. They have set an example for all the forest dwelling communities by earning livelihood through bamboo management.
- Such skill can be utilized in other areas to enhance livelihood and strengthen community bonds.
- Management of CFR area is a collective effort

Please ask the Gramsabha Tarkabahali to prepare plan as per JFM resolution 2011 for its approval by the competent authority. After complying all the above deficiency noticed and re-submit the proposal for consideration. The proposal submitted by you is returned herewith for your reference. JFM resolution 2011 and notification SRO NO.14/2013 is also enclosed for you reference.

Division of Forest  
Kalahandi North

Memo No. 4026 /Dt. 07/10/2016  
Copy forwarded to the President, Tarkabahali Gramsabha through the Range Officer, Narla for information and he is requested to acknowledge receipt to the office for taking necessary action.

ନିମ୍ନଲିଖିତ ଧରଣର ଉପଯୋଗୀ ସୂଚନା ଉପରେ ଆଧାର କରି ଉପରୋକ୍ତ ପଦକ୍ଷେପ ଗ୍ରହଣ କରାଯାଇ ଏହାକୁ ପ୍ରତିଷ୍ଠା କରିବାକୁ ନିର୍ଦ୍ଦେଶ ଦିଆଯାଇଛି ।

ଆପଣଙ୍କ ସହଯୋଗ ଅପେକ୍ଷାରେ ଧନ୍ୟବାଦ ସହ ରହିବୁ ।

ଠିକଣା : ବର୍ତ୍ତମାନ  
ତା. ୨୮.୧.୨୦୧୬

କାରୁଣା ହରିଜନ  
ଫା. ୨୮.୧.୨୦୧୬

ଫୋନ୍ :-  
୧. ବର୍ତ୍ତମାନ ଗ୍ରାମସଭା ମିଳିତ୍ରା ଗୋଷ୍ଠୀ ଜଣକ ଅଧିକାର ଶାନ୍ତନୁମାମା  
୨. ଉପ ତା. ୧୮.୦୧.୨୦୧୬ର ଗ୍ରାମସଭା ବୈଠକର ବିବରଣୀ ।  
୩. ବର୍ତ୍ତମାନ ଗୋଷ୍ଠୀ ଜଣକ ସମ୍ପର୍କ ଅଧିକାର ପାଇଁ ପାମା ତଥା ସମ୍ପର୍କ ନକସା ।  
୪. ବର୍ତ୍ତମାନ ଉତ୍ତର ବନଖଣ୍ଡ କାର୍ଯ୍ୟାଳୟ ଭବାନୀପାଟଣା ଠିକଣା ତା. ୨୨.୧୧.୨୦୧୬ର ନକସା ।

ସହର ଏକକିତା ନକଲ ନିମ୍ନ ପଦାଧିକାରୀଙ୍କ ଅବଗତ ଓ ଆବଶ୍ୟକ ପଦକ୍ଷେପ ନେବା ।

୧. ଅଧିକାରୀଙ୍କୁ (FRA 2006) ତଥା ଗୁଣ୍ୟ ଶାସନ ପଦ୍ଧତି, ଓଡ଼ିଶା, ଭୁବନେଶ୍ୱର  
୨. ଆବହକ SLMC (FRA 2006) ତଥା ବନଖଣ୍ଡର କମ୍ପ୍ୟୁଟର ସଫ୍ଟୱେର, ଅନୁପ୍ରାପ୍ତ ହେବା ପରେ, ଓଡ଼ିଶା, ଭୁବନେଶ୍ୱର ।  
୩. ଆବହକ DLC (FRA 2006) ତଥା DWO ବର୍ତ୍ତମାନ, ଭବାନୀପାଟଣା ।  
୪. ସହକାରୀ DLC (FRA 2006) ତଥା ଉପ-ବିଭାଗୀୟ, ଭବାନୀପାଟଣା ।  
୫. ଅଧିକାରୀଙ୍କୁ (FRA 2006) ତଥା ଉପ-ବିଭାଗୀୟ, ଭବାନୀପାଟଣା, ବର୍ତ୍ତମାନ

**NATIONAL HUMAN RIGHTS COMMISSION  
(LAW DIVISION)  
MANAV ADHIKAR BHAWAN  
BLOCK 'C', G.P.O. COMPLEX, INA, NEW DELHI - 110023**

Fax No : 011-2465 1332  
Home page : http://nhrc.org

**NOTICE**

Case No. 7794/18/6/2016  
To

THE DISTRICT FOREST OFFICER, KALAHANDI,  
ODISHA

WHEREAS the complaint/intimation dated 10/11/2016 received from SANDEEP MAJHI, PRESIDENT GRAM SABHA in respect of SANDEEP MAJHI, PRADIP GRAM SABHA AND OTHER RESIDENTS was placed before the Commission on 21/11/2016.

AND WHEREAS upon perusing the complaint the Commission has perused the same and found that the complainant, on behalf of the Gramsabha Tarkabahali, has submitted a petition to the District Forest Officer, Kalahandi, Odisha calling for the supply of T.T. Permit Book to the President of Gramsabha, Tarkabahali, Kalahandi North Division. It is alleged that they are not being provided with the T.T. Permit Book for cutting of bamboo as a result of which they are unable to earn their livelihood.

The matter shall be taken up during Open Hearing of the Commission at Keshari Nagar, Bhubaneswar, Odisha - 751 001 on 9th January, 2016. The District Forest Officer, Kalahandi, Odisha (U.T.) is also directed to attend the hearing of the matter along with the report and its two copies. The complainant is also informed to attend hearing of his case at the above mentioned venue.

**OFFICE OF THE REGIONAL CHIEF CONSERVATOR OF FORESTS  
BHAWANIPATNA CIRCLE, BHAWANIPATNA**

Memo No. \_\_\_\_\_ /3F-8/2015  
Dated, Bhawanipatna the \_\_\_\_\_ th September, 2016

To

The Division of Forest Officer,  
Kalahandi North Division.

Sub: - Regarding Supply of T.T. Permit Book to the President of Gramsabha.

The Petition Dt.20.09.2016 along with its enclosures submitted by Sandeep Majhi, President and Karuna Harijan, Secretary of Gramsabha, Tarkabahali, Kalahandi North Division is enclosed herewith which is self explanatory. You are requested to take proper action as per rule.

Regional Chief Conservator of Forests  
Bhawanipatna Circle

Memo No. 2734 /Dt. 24.9.16

Copy forwarded to Sri Santap Majhi, President Gramsabha

**Casestudy-2:** Fear of Eviction haunts Satrugan Vaisha

Village: Dandapani, G.P: Beheradihi, Block: Balisankara, District: Sundergarh

Total OTFD claimants: 27, Recognised OTFD title: 2

Satrugan Vaisha of Dandapani village belongs to a non-tribal family. His forest rights come under OTFD category. He supports a family of 16 on 0.96 acres of forest land that he inherited from his father while his revenue land is only 2 acres.

Satrugna's family completely depends on forest and agriculture for their livelihood .He collects NTFP, cultivates his land and sometimes works as a laborer to fend for his family.

As part of FRA process in the year 2010 Satrugan had submitted an application in Dandapani Gram Sabha. Gram Sabha approved his claim and forwarded the same to SDLC for further approval. His claim was then approved by SDLC and DLC and he received the title in the year 2011.



Satrugan soon realized that his happiness was transient when he received a notice from District Administration in the year 2016 ordering him to return his title. The notice clearly mentioned that he will have to face severe consequences if he did not return his title in time. Alarmed by this unexpected notice Satrugan requested the District Collector to help him but the administration was silent to his pain.

Finally Satrugan had to return his title. "I have only returned a piece of paper not my forest land because I am cultivating this land since my father's time. If required, I will give my life for this land"

### Insights and learnings

- Eviction from forest land would mean loss of livelihood for marginal farmers
- Cancellation of Titles has caused distress among poor forest dwelling communities

### Case Study- 3: Threat looming on Phulmati's livelihood

Village: Nallapada, G.P: Dhuben Danda, Block: Balisankara, District: Sundergarh  
Total OTFD claimants in the village -4



Phulmati Gawar a resident of Nallapada village is an OTFD woman who claimed her rights under FRA in the year 2009. Phulmati submitted all the documents required during filing of claims. Along with Phulmati 4 other OTFD claimants also submitted their claims in the village. All of them got their title.

Phulmati, with a family of 11, resides in the village. She cultivates a total of 3.05 acres of forest land. Apart from this, forest land she has no other source of livelihood. She and her family solely depend on this particular piece of land for their livelihood.

A total 45 IFR claims were made under FRA in the year 2009 in Nallapada. The FRC discussed about all the 45 claims in Gram Sabha and Gram Sabha approved it all. As per the process all the approved IFR claims were submitted to SDLC and DLC for further processing.

On 17<sup>th</sup> September in the 2011, 45 IFR titles were distributed to all right holders in the village. Community members were overwhelmed with the recognition of rights. But their happiness was short-lived. After a few years, Phulmati and three more claimants received a notice from District administration to return their titles. District administration instructed FRC that all the recognized titles should be returned to DLC within 15 days.

An aggrieved Phulmati along with the Community members and right holders discussed this issue with the District Collector. She argued that the title is her only source of livelihood and returning it would mean starvation for her family. Others followed suit and returned to village without handing their titles over.

**Insights and learnings:**

- Eviction from forest land would mean loss of livelihood for land less women
- Cancellation of Titles has caused distress among women title holders

**Case study-4: Raghunath Mali shows the way**

Raghunath Mali of Patraguda Village of Mathili block of is a vegetable grower by occupation. His ancestors practiced the same ever since they lived in the village.

Year 2009 was a land mark year for the 'Mali' community of the village as Raghunath along with 16 other families received the title of the forest land in the frame work of Forest Rights Act- 2006.



Raghunath cultivates various types of vegetables on his 40 decimal forest land. He mostly cultivates Taro, Brinjal, Cabbage, Cully Flower, Maize and different types of Greens in his FRA land. This cultivation fulfills his vegetable requirement all through the year and also supplements him with a

cash income of Rs. 24,000 approximately in a year. Earlier, Raghunath was dependent on rain water for vegetable cultivation even though a perennial stream flows close by. Raghunath was the one who convinced others to take help of Mathili



block officials to resolve their problem. All the community members approached WEO of the block to help them resolve water scarcity. Later irrigation facility was created availing MGNREGS and all the fields were irrigated to make it cultivable throughout the year. This progressive step on the part of Raghunath helped others to help themselves in leading a dignified life.

**Insights and learnings:**

- FRA land is the only source of livelihood for some landless OTFDs
- FRA Convergence has paved the way for a dignified life.

**Case study-5: Lives Alleviated Post FRA**

Patraguda is a small village in Mathili block of Malkanagiri district. Along with 35 tribal households, 17 'Mali' families live in the village. They belong to the OTFD



category according to the Forest Rights Act, 2006. All the 17 families occupy one hamlet (Maliguda) of the village. It is till 2010 that no 'Mali' family had any recorded land, yet they were cultivating forest land since generations. The 'Mali' community was deprived of all government facilities in the absence of land rights. Implementation of the Forest Right Act began in Malakanagiri district in the year 2008. It paved the way for the recording of the rights to all the 17

families. These families claimed their land rights in the year 2009 along with 35 Scheduled Tribe families. In the year 2010 all the families of Patraguda received the titles from the DLC Malakanagiri.

There is a perennial source of water that flows close to the hamlet of 'Mali' community. The title-holders use this stream to cultivate their FRA land. Though small (20 to 40 decimal per family) the recognized forest land is highly productive. After getting FRA title few leaders in the village requested the block officials to use MGNREGS money for land development and irrigation facility. The villagers

contributed labour to create the facility. Proper irrigation facility could ensure water availability throughout the year. Tomato, Taro, Brinjal, Cucumber, Maize, Green chili, Radish, Onion, Cabbage, Beans are the main vegetables grown in their land. Not just self consumption, each family earns Rs.20000/- to Rs.25000/- in a year engaging themselves in the work. Making use of PMAY Scheme all the families have good pucca houses to live. Now the 17 Mali families of Maliguda are grateful to have forest land title which gives them a good patch of land, water facility, Pucca house to live making way for more dignified life.

**Insights and learnings:**

- FRA Convergence has paved the way for a dignified life.
- The community bonding and skills to enhance livelihood can be replicated in other areas.

**Case study-6: OTFD forest village converted to revenue village.**

Section 3 (h) of forest right act 2006 ensures rights of settlement and conversion of all forest villages, old habitation, un-surveyed villages and other villages in forests, whether recorded, notified or not into revenue villages; In Odisha one forest village has been converted into revenue village where there are no ST families, all the households belong to OTFD category as per the Forest Right Act- 2006. In spite of being an OTFD village it has been converted into revenue village without any discrimination which is a unique case in the whole country.

Village Badmul in Angul district has become the first village in the State of Odisha to be accorded the status of revenue village under Forest Rights Act, 2006. The tiny village, situated in Chendipada Block, has 74 OTFD families with a population of around 400. According to district administration sources, residents of Derjang village, who were displaced in 1961 for Derjang Medium Irrigation Project, were later rehabilitated on forest land and the new settlement was called Badmul.

The residents of Badmul were deprived of all Government benefits as they were made to settle on forest land. For the last 50 years the residents had been demanding that their village be converted into a revenue village. The villagers had

pronounced their grievances before the then District Collector of Angul Mr. Anil Kumar Samal (September 2017). The District Collector instructed the officials to invite claims under FRA.

In the meantime, the residents made a representation to the Tehsildar of Chhendipada, voicing that they were using the land around the village for agricultural purposes. The Tehsildar accordingly conducted a survey and prepared a map of the land which was approved by the Gram Sabha as well as SDLC. After verification of claims the SDLC sent it to the District Level Committees. The DLC approved the proposal and recommended to the Board of Revenue for conversion of the village into a revenue village. In year 2018, on August 27, the Director of Land Records and Survey, Cuttack, Odisha in a notification accorded revenue village status to Badmul village.

**Insights and Learnings:**

- Application of Section 3 (h) of forest right act 2006 in its true spirit is seen in Badmul village.
- An OTFD village converted into revenue village without any discrimination is a unique case in the whole country.

**Case studies of some Special Communities**

**Paharia (Nuapada)**

Pharia- 89 claims from 4 Panchayts and 4 Villages, rejected on the ground of non-forest land (proposed reserve forest, Gramya Jangal Jogya)

Paharias were recognised as ST during the British rule but lost the status after formation of the State in 1936. They were then officially categorised as Other Backward Class (OBC), excluding them from the benefits of various Government schemes meant for development of STs.

The Paharias are also known as Kamaras (blacksmiths) in the Western Odisha region as they share a high degree of commonality with Kamaras of Chhattisgarh but they are not in the vocation here. They eke out living by making bamboo

products, working as labourers and selling forest produce unlike their counterparts in the neighbouring State.

### **Jhodia (Rayagada)**

#### Jhodia-no claim from Kasipur block of Rayagada

The Jhodias have been struggling to regain the official tribal status they are debarred from nearly 15 years ago. Their hope is shattered again as “Jhodia” didn’t feature in the list of 12 tribes that got the cabinet approval, on May 26, 2016, for inclusion as STs through a parliamentary amendment.

With over 50,000 population scattered in about 85 villages, Jhodias are now a non-scheduled tribal community in the Kashipur block, with an OBC (Other Backward Class) status.

Historically, they are a sub-group of the tribal clan of Paroja – also spelled as Poraja, Paraja and Parja – and are referred as “Jhodia Paroja” in various historical documents and reports since British colonial days.

A tribe of endogamous culture, Jhodias are scattered across undivided Koraput and kalahandi districts of Odisha. Basically, a forest dwelling community, members of it make their living by collecting forest produce and, also, out of cultivation.

As referred in the clan, the colloquial term of “Jhodia,” independent of the word Paroja, featured as their caste in the land records during the 1993-94 settlements, a year after Raygada became a separate district.

### **Kulis (Western Odisha)**

#### Kulis-14 Nos of claims from Bijepur block

The Odisha State Government had moved the apex court challenging a Orissa High Court order which had held that there is no difference between the terms ‘Kuli’ and ‘Kulis’ and ‘Kuli’ are part and parcel of ‘Kulis’ tribe. Members of the community reside in Sambalpur, Balangir, Phulbani, Kalahandi, Ganjam, Dhenkanal, Mayurbhanj and Sundargarh districts. People belonging to ‘Kuli’ community have for long been claiming that they are a part of ‘Kulis’ tribe. Stating that ‘Kulis’ is a Scheduled Tribe, Shibashish Misra, counsel appearing for the State Government had submitted that no court or authority has any jurisdiction to add any tribe or caste.

## **Konda Reddy ( Malkangiri)**

### Konda Reddy-210 claims from Chitrokonda block

“A study was conducted by the SC & ST Research & Training Institute in Bhubaneswar in 2005. The Tribe Advisory Council of SC & ST development department of Odisha government had in 2007 confirmed that Konda Reddys were tribal and recommended scheduled tribe status for them instead of socially educationally backward class status,”

“Although the Konda Reddy community is treated as scheduled tribe in Andhra Pradesh, they continue to be included among socially educationally backward classes instead of scheduled tribe here,” one petition stated.

According to one petition, prior to the formation of Odisha as a separate province, the southern part of the state was a part of the Madras presidency. During that period, the Konda Reddys were recognised as tribal. Later, southern Odisha districts became part of Odisha. After Andhra Pradesh was recognised as a state, the Konda Reddys there were recognised as as a scheduled tribe community

## **‘Mahanta’ (Mayurbhanj)**

Mahanta surname in Odisha belongs to Kurmi community who are primarily agriculturists. Koiri and Kurmi are two great cultivating castes of Bihar, but the latter is also the name of an aboriginal tribe in Chota Nagpur and the Orissa States. Descriptive Ethnology of Bengal-1872 and Census of India 1911, Vol. V, Bihar, Orissa and Sikkim Part-I, describes have sufficient evidence showing ‘Kurmi’ community as aboriginal tribes. There is also a mention in the Report of the Committee on Kudumi Community headed by T.K.Mishra – 2006, Govt of Odisha : “As noticed in 1931 census ,as Muslim League demanded East Bihar and Manbhum to include in Pakistan, most of the tribes became Kshatriyas and so the Kurmis. Untouchables Kulmis (the primitive Kurmis in Orissa) have no other way than to join this mission. Moreover, to defy the tribal unity, Kulmis of Orissa and adjoining areas who were aboriginals /tribals/untouchables and different from those of North India, British Government tried to include them all under non-tribal category [Page 6, Para 16]”.

In Odisha 'Kurmis' or the 'Mahantas' mostly reside in the district of Mayurbhanj, Koenjhar, Sundergarh, Jajpur, Dhenkanal, Angul, Deogarh, Balasore and Cuttack. Majority of the Mahanta population are from Mayurbhanj and Koenjhar districts of Odisha. The total population of this community in odisha is around 25lakhs. This community fought a long battle for their ST status which was denied to them in year 2014. Presently Mahantas are in the central list of the OBC for the state of Odisha. In Mayurbhanj the Schedule Tribe population is 58.7%, Schedule Caste population is 7.3% and among the rest 44% majority are 'Mahantas'. There are many evidences that Mahantas depend on the forests for their livelihood since generations. Government data reveals nowhere in Odisha IFR title has been recognized to the 'Mahanata' Community. Titles issued to few families in Sundargarh were cancelled following 75 years of evidence controversy.

## **List of Evidences Relevant in Odisha Context**

Common proof of habitation (old trees, old structures at cremation ground, record of old kingdom)

Genealogy (Sabik record)

Records relating to imprisonment during British rule

Forest department notice given to residents

Displacement related Records

Oldest voter list

Major settlement Operation report, Old District Gazetteers

**Refer Model Case Record: Annexure - V**

## Chapter- VIII

### Issues and Recommendation



## Chapter - VIII

### Issues and Recommendations

- **Wrong interpretation of the Act to gather 75 years of occupation proof**

The study team found that claims have been rejected mostly due to lack of evidence of continuous occupation of the forest land. In a few selected cases documents relating to princely states, forest encroachment cases and references from old Gazetteers were accepted as evidence to support the claims. While interacting with district level officials, field functionaries it became evident that the wrong interpretation of the Act (to provide documentary evidence of continuous occupation) has resulted in rejection of most of the OTFD claims.

Claims of OTFDs are being rejected by the States on the ground of lack of evidence of occupation of land for three generations, which is not in accordance with the law. It is incorrect to say that it requires the occupation of forest land for three generations (seventy-five years) prior to December 13, 2005 for qualifying as OTFD under the Act. The requirement under Section 2(o) is that the “member or community” should have “primarily resided in” forest land for at least three generations prior to December 13, 2005, and depend on the forest for their bonafide livelihood needs. Once this eligibility criteria is satisfied, the vesting provision of the Act, namely Section 4, does not differentiate between forest dwelling STs and OTFDs. Any two evidences specified in Rule 13 can be provided while making a claim and insistence of any particular form of documentary evidence for consideration of a claim has been held to be illegal by the Gujarat High Court in Arch Vahini vs. State of Gujarat & Ors<sup>9</sup>

- **OTFD women facing more problems:**

Demanding evidence for 75 years of continuous occupation has created more problems in case of OTFD women headed households. Being vulnerable they are already striving hard with life for survival. Now the denial of their rights due to 3 generation evidence of occupation in forestland is leading to distress.

- **Poorly managed Rejection data base**

Field team while visiting different study districts found that in most cases no record is maintained at GS level to show number of claims filed and rejected at that level. During the process of claim verification some of the claims have gone missing at GS level as there is no proper place to keep the records. In addition to this, the FRC members are not sufficiently empowered to keep track of the application and rejection database. In such situation tracing eligible claimants and their number is a major problem.

- **Lack of proper capacity building of officers concerned and FRC members.**

Capacity building of government officials, field level functionaries, FRC members is an issue as long as the evidence of the OTFDs is concerned. Neither the administration nor the FRC members have considered for evidences like oral histories, physical evidences available in

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<sup>9</sup> Frequently Asked Questions on FRA by Ministry of Tribal Affairs, Govt. of India and UNDP

the village. In most districts the government officials look for documentary evidences in support of 75 years of occupation. All these indicate lack of proper capacity building of the officers and field functionaries across all districts.

- **Lack of monitoring and review at State level**

As the State data shows, only 73 claims recognized to OTFDs ever since its implementation in the state. Analysis of data over a time period (April-2019 to December-2019) reveals that Gram Sabha level claim has gone up from 31690 to 61145, yet the title recognition remains the same (73). It is also important to note that claims remain pending years together although the claims are approved by the DLC.

State Level Monitoring Committee (SLMC) meetings are required to be held at regular intervals in the interest of proper implementation of the FRA. The SLMC also needs to specifically ensure that Section 4(5) of FRA is implemented in letter and spirit and no forest dweller is evicted or removed till the process of FRA implementation is complete.

It was found that till Dec 2019 only 9 SLMC meetings have been held in the State to review the progress of FRA implementation. Due to infrequent SLMC meetings proper monitoring at the State level is lacking and matters related to OTFDs have not been discussed specifically in any of the SLMC meetings<sup>10</sup>.

- **Less number of Titles distributed than Approved:**

It is observed that less number of titles are distributed though titles approved at DLC level is more (47 distributed out of 459 approved in Malkangiri,) in numbers. In Sundargarh district, it was found from the field study that around 555 IFR titles were distributed to OTFDs which were again cancelled by the DLC and accordingly communicated to the title holders. Cancellation of titles has caused confusion and distress among poor forest dwelling communities due to threat of loss of livelihood and eviction from the forestland<sup>11</sup>.

Currently after Supreme Court's Order and subsequent directions issued by the ST and SC Development Department, Govt. of Odisha to the districts to review the rejected cases, all these cases are treated as pending claims and are under review. Communication has been sent to the claimants for resubmission of claims and camp courts have been also set up for review and resubmission of the pending claims.

- **No Claim at Gram Sabha level:**

It is a concern that some of the districts show (State Government data) zero claims filed at Gram Sabha level. Until April-2019, districts like Mayurbhanj, Kandhamal with high OTFD population reflected no claim at Gram Sabha level. During the course of the study, the matter was duly consulted with the district authorities and now in the status report of Dec 2019 the claims filed at GS level in various districts has been reflected which is a welcome

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<sup>10</sup> Highlights of the Proceedings of SLMC meetings is at Annexure X

<sup>11</sup> Case Study 2 & 3 covered in the study report

step. But it also indicated that OTFD claims were filed at GS level but proper records were not maintained and hence it was not reflected in the progress reports.

Further, as per the progress report of Dec 2019, Rayagada district shows only 11 claims have been filed at GS level which have been recommended to SDLC and DLC level, approved and distributed to the right holders. It is a matter of concern that only 11 claims have been filed at Gram Sabha level in Rayagada district which needs to be verified.

### **Recommendations**

- **Support of the administration to verify Sabik record, refer old District Gazetteers and Survey Settlement Records and physical evidences to prove 75 years of residence**

As per the field observation of the study team, prescribed evidences in the FRA Rules, such as statement of elders, genealogy and physical evidences are mostly ignored in all study districts. It is only the documentary evidences and earlier government records which are accepted forms of evidence in most of the cases. So, there is a need to support the claimants to arrange evidences such as Sabik record, survey settlement record, displacement record and Old District Gazetteers to prove their cases.

- **Need to keep record of claims filed and rejected at Gram Sabha level for future reference and review**

The study team found pending OTFD claims at FRC level (5 cases from Rayagada). This is indicative of the fact that OTFD claims remain pending without being processed. So, there is a possibility of large number of claims filed by OTFDs are not recorded in the claim records. In order to have a clear picture of the potential OTFD claimants in the state, claim recording is utmost necessary.

- **Review of DLC rejected cases in all thirty districts**

As directed by the Supreme Court of India, all the pending and rejected cases may be reviewed so as to give OTFDs a chance to prove their cases and arrange evidences.

- **Special attention to be given to review and reopen cases of 'Jhodia', Paharia', Kulis, Konda Reddy' 'Mahanta' and the like**

The study team found some very deserving forest dwelling communities like Paharia, Konda Reddy and Jhodia who are fighting a long battle to get ST status. Their claims are rejected as they do not belong to the category of STs. In case of Kulis, who have acquired tribe status recently, are yet to get FRA title. Though claims have been filed by Kulis in Bijepur block of Bargarh district, title recognition is yet to take place<sup>12</sup>.

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<sup>12</sup> Case studies of some Special Communities: **Paharia** (Nuapada) - **Jhodia** (Rayagada) - **Kulis** (Western Odisha) - **Konda Reddy** (Malkangiri) - **'Mahanta'** (Mayurbhanj) who are struggling to get recognition under FRA has been covered in the case study

- **Awareness generation at Gram Sabha level, capacity building of FRC leaders**

It is essential that the FRC members and Gram Sabha level leaders should know the provisions available under FRA for the OTFDs. As such, wrong interpretation of the Act has disadvantaged the OTFD communities to a great extent. In order to make the FRCs aware, capacity building of the FRCs need to take place. Only the Empowered FRC members can help the OTFDs to gather evidences to strengthen their cases.

- **Capacity building of Government Authorities with focus on OTFDs**

Looking for '75 years of Occupation Proof' is a wrong interpretation of the Act by the authorities across all districts. Capacity building of the officials can help in correct interpretation of the Act and Rules. Government authorities can adopt examples from success stories from other districts and 'model case records' can be referred by other districts.

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# Appendix

**Appendix-1: Caste, Sex and Age-wise Breakup of the surveyed Households**

Caste, Sex and Age-wise Breakup of the surveyed Households													
Districts	Survey HH				Family member:			Avg. Size family	Age Group				
	Total	ST	SC	Others	Total	M	F		0-5	6_18	19-35	36-60	60+
Angul	45	13 28.9	6 13.3	26 57.8	173	97 56.1	76 43.9	4	3 1.73	43 24.9	63 36.4	39 22.5	25 14.5
Bolangir	83	2 2.41	34 41	47 56.6	525	277 52.8	248 47.2	6	49 9.33	140 26.7	159 30.3	114 21.7	63 12
Deogarh	89	0 0	30 33.7	59 66.3	378	217 57.4	161 42.6	4	29 7.67	90 23.8	124 32.8	95 25.1	40 10.6
Malkangiri	88	28 31.8	13 14.8	47 53.4	520	266 51.2	254 48.8	6	49 9.42	160 30.8	154 29.6	90 17.3	67 12.9
Nuapada	121	0 0	23 19	98 81	633	398 62.9	235 37.1	5	29 4.58	232 36.7	131 20.7	207 32.7	34 5.37
Rayagada	44	14 31.8	13 29.5	17 38.6	237	121 51.1	116 48.9	5	27 11.4	66 27.8	73 30.8	62 26.2	9 3.8
Sundargarh	111	0 0	14 12.6	97 87.4	687	350 50.9	337 49.1	6	30 4.37	196 28.5	252 36.7	116 16.9	93 13.5
Total	581	57 9.81	133 22.9	391 67.3	3153	1726 54.7	1427 45.3	5	216 6.85	927 29.4	956 30.3	723 22.9	331 10.5

Source: Field Survey SCSTRTI 2019-20  
Note: Bracket indicates percentage of the total

**Appendix-2: Profile of Sample households in the study districts**

Profile of Sample households										
District	No of Blocks	No of GPs	No of Villages	Total HH	ST	Community	SC	Community	Others	Community
Angul	2	4	5	45	13	Kondha	6	Pana & Dhoba	26	Chasha
Bolangir	2	4	4	83	2	Gonda	34	Kauta, Ganda,	47	Dhumal, Gouda, Kulta, Teli, Khandayat

Profile of Sample households										
District	No of Blocks	No of GPs	No of Villages	Total HH	ST	Community	SC	Community	Others	Community
								Pana		
Deogarh	2	4	7	89	0	0	30	Dhoba, Pana	59	Chasa/Khandayat, Gouda
Malkangiri	3	4	4	88	28	Dora, Paraja & Bhumia	13	Domba	47	Rana, Mali, Gouda, Kondaready
Nuapada	2	6	6	121	0	0	23	Ganda & Ghashi	98	Bhandari, Kolhar, Gouda, Chasha, Krumi, Chamar, Ganda, Kamar, Lohar
Rayagada	4	6	6	44	14	Munda & Kondha	13	Domba	17	Paik/Khandayat, Dora
Sundargarh	6	8	9	111	0	0	14	Turi, Ganda, Dhoba, Chamar, Kauta	97	Kulta, Gouda, Luhar, Gouda, Lohar, Rautia, Thodia, Lohara, Kamar, Rautia & Kumbhar
<b>Total</b>	<b>21</b>	<b>36</b>	<b>41</b>	<b>581</b>	<b>57</b>		<b>133</b>		<b>391</b>	
			Percentage	(100)	(9.82)		(22.89)		(67.29)	
Source: Field Survey SCSTRTI 2019-20										
Note: Bracket indicates percentage of the total										

### Appendix-3: Disposal of rejected claims

District	Type of claims	Claims rejected at the level of				Intimation on reasons of rejection made	Appeals filed at the level of			Status of appeal filed						
		GS	SDLC	DLC	Total		SDLC	DLC	Total	SDLC		DLC		Total		
										Disposed	Pending	Disposed	Pending	Disposed	Pending	
Angul	IFR	920	2528	676	4124											
	CR	473	0	0	473											



District	Type of claims	Claims rejected at the level of				Intimation on reasons of rejection made	Appeals filed at the level of			Status of appeal filed						
		GS	SDLC	DLC	Total		SDLC	DLC	Total	SDLC		DLC		Total		
										Disposed	Pending	Disposed	Pending	Disposed	Pending	
	CFR	13	0	0	13											
	Total	1406	2528	676	4610	0	0	0	0	0	0	0	0	0	0	
Bolangir	IFR	0			3294	Livelihood not establish of OTFDs (3) generation										
	CR	56	5		61											
	CFR	21			21											
	Total	77	5	0	3376											
Deogarh	IFR	352	5458	--	5810	5810	214	1980	2194	214	--	870	1110	--	1110	
Malkangiri	IFR	971	1395	579	2945	2945	971	1584	2555	971	0	58	1526	58	1526	
Nuapada	IFR				13588											
Rayagada	IFR				0											
Sundargarh	IFR	10938	5165	959	17062	Livelihood not establish of OTFD (3) generation, Physically not in possession of the IFR land by the claimant, Tehsildars are directed to take special drive for booking of encroachment case		2	2		2	Further enquiry	0	0	0	2
	CR		20		20	Resolution of the Gram Sabha not submitted Claims for other purpose then the purpose specified in Rule 3 of Act' 2006, More than a hectre has										

District	Type of claims	Claims rejected at the level of				Intimation on reasons of rejection made been recommended in case of diversion	Appeals filed at the level of			Status of appeal filed					
		GS	SDLC	DLC	Total		SDLC	DLC	Total	SDLC		DLC		Total	
										Disposed	Pending	Disposed	Pending	Disposed	Pending
Total		10938	5185	959	17082	0	0	2	2	0	0	0	0	0	2

**Appendix-4: Stake Holders Involved in Claim Making Process**

Stake Holders Involved in Claim Making Process															
District	No of Claims Filed	On Behalf of Govt	Supported by NGO & Others	Both Govt. & NGO	Filling application					Submit Application					
					Sarapanch & PEO	WEO	Tehsildar, RI & Amin	Village FRC	NGO Staff	Sarapanch & PEO	WEO	Forester	Tehsildar, RI & Amin	Village FRC	NGO Staff
Angul	45	45 100.00	0.00	0.00	0.00	0.00	45 100.00	0.00	0.00	0.00	0.00	0.00	19 42.22	26 57.78	0.00
Bolangir	70	70 100.00	0.00	0.00	0.00	0.00	70 100.00	0.00	0.00	0.00	0.00	0.00	39 55.71	31 44.29	0.00
Deogarh	72	72 100.00	0.00	0.00	0.00	47 65.28	25 34.72	0.00	0.00	0.00	0.00	0.00	22 30.56	50 69.44	0.00
Malkangiri	88	88 100.00	0.00	0.00	0.00	48 54.55	40 45.45	0.00	0.00	0.00	0.00	0.00	36 40.91	52 59.09	0.00
Nuapada	121	121 100.00	0.00	0.00	0.00	0.00	121 100.00	0.00	0.00	0.00	0.00	28 23.14	16 13.22	77 63.64	0.00

Stake Holders Involved in Claim Making Process															
District	No of Claims Filed	On Behalf of Govt	Supported by NGO & Others	Both Govt. & NGO	Filling application					Submit Application					
					Sarapanch & PEO	WEO	Tehsildar, RI & Amin	Village FRC	NGO Staff	Sarapanch & PEO	WEO	Forester	Tehsildar, RI & Amin	Village FRC	NGO Staff
Rayagada	30	19 63.33	3 10.00	8 26.67	1 3.33	0.00	15 50.00	3 10.00	11 36.67	0.00	9 30.00	0.00	6 20.00	3 10.00	12 40.00
Sundargarh	111	48 43.24	50 45.05	13 11.71	3 2.70	0.00	14 12.61	40 36.04	54 48.65	0.00	0.00	0.00	0.00	54 48.65	57 51.35
	537	463 86.22	53 9.87	21 3.91	4 0.74	95 17.69	330 61.45	43 8.01	65 12.10	0 0.00	9 1.68	28 5.21	138 25.70	293 54.56	69 12.85

Source: Field Survey SCSTRTI 2019-20  
Note: Bracket indicates percentage of the total  
Note: Nirman NGOs working at Rayagada & CIRTD, SEVAK, SRADHA working at Sundargarh district and helped in the claim making process

**Appendix-5: Land Use After FRA Title in Surveyed HH in the study Districts**

Land Use After FRA Title in Surveyed HH in the study Districts																	
District	Survey HH	Title Received				Habitation				Cultivation				Both			
		ST	SC	Others	Total	ST	SC	Others	Total	ST	SC	Others	Total	ST	SC	Others	Total
Angul	45	13	6	9	28	0	0	0	0	0	0	0	0	12	6	7	25
						0.0	0.0	0.0	0.0	0.0	0.0	0.00	0.0	48.0	24.0	28.0	58.14
Bolangir	83	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
						0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Deogarh	89	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
						0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Malkangiri	88	28	0	32	60	1	0	1	2	27	0	27	54			4	4
						50.0	0.0	50.0	2.27	50.0	0.0	50.0	61.36	0.0	0.0	100.0	4.55
Nuapada	121	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
						0.0	0.00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Land Use After FRA Title in Surveyed HH in the study Districts																	
District	Survey HH	Title Received				Habitation				Cultivation				Both			
		ST	SC	Others	Total	ST	SC	Others	Total	ST	SC	Others	Total	ST	SC	Others	Total
Rayagada	44	14	8	3	25	0.0	0.00	0.0	0	12	10	3	25	0.0	0.0	0.0	0
Sundargarh	111	0	0	0	0	0.00	0.00	0.0	0	0.0	0.0	0	0	0.0	0.0	0.0	0
Total	581	55	14	44	113	1	0	1	2	39	10	30	79	12	6	11	29
						50.0	0.00	50.0	0.35	49.37	12.6 6	37.97	13.64	41.38	20.69	37.93	5.01

Source: Field Survey SCSTRTI 2019-20  
Note: Bracket indicates percentage of the total  
Note: Rayagada District- 6 SC and 3 other caste title holders are yet to get their title

**Appendix-6: FRA Implementation Status in the State of Odisha (from April 2019 to December, 2019)**

Status of implementation of the Individual Forest Rights Act, 2006 in the State of Odisha														
Sl. No.	District	No. of FRC constituted by GS	Claims filed at Gram Sabha Level			Claims Recommended by Gram Sabha to SDLC			Claims Recommended by SDLC to DLC			Claims Rejected		
			30-04-2019	31-12-2019	Dec-Apr.	30-04-2019	31-12-2019	Dec-Apr.	30-04-2019	31-12-2019	Dec-Apr.	30-04-2019	31-12-2019	Dec-Apr.
1	Bargarh	1179	1579	1238	-341	937	937	0	0	0	1419	0	-1419	
2	Jharsuguda	331	0	2841	2841	0	2841	2841	0	0	0	0	0	
3	Sambalpur	1224	1529	6350	4821	1529	4910	3381	0	0	1529	106	-1423	
4	Debagarh	670	3530	3530	0	3178	3178	0	0	0	3530	0	-3530	
5	Sundargarh	1668	555	7151	6596	555	555	0	555	555	0	555	555	
6	Kendujhar	2045	0	6502	6502	0	0	0	0	0	0	0	0	
7	Mayurbhanj	4795	0	4009	4009	0	0	0	0	0	0	0	0	
8	Baleswar	2691	0	218	218	0	218	218	0	218	218	0	71	
9	Bhadrak	1248	0	0	0	0	0	0	0	0	0	0	0	
10	Kendrapara	1619	2910	2909	-1	2909	2909	0	0	0	3721	0	-3721	
11	Jagatsinghapur	1230	0	2	2	0	1	1	0	0	0	2	2	

Status of implementation of the Individual Forest Rights Act, 2006 in the State of Odisha														
Sl. No.	District	No. of FRC constituted by GS	Claims filed at Gram Sabha Level			Claims Recommended by Gram Sabha to SDLC			Claims Recommended by SDLC to DLC			Claims Rejected		
			30-04-2019	31-12-2019	Dec-Apr.	30-04-2019	31-12-2019	Dec-Apr.	30-04-2019	31-12-2019	Dec-Apr.	30-04-2019	31-12-2019	Dec-Apr.
12	Cuttack	1696	0	1649	<b>1649</b>	0	0	0	0	0	0	0	0	0
13	Jajapur	1571	0	2255	<b>2255</b>	0	0	0	0	0	0	0	0	0
14	Dhenkanal	1011	0	460	<b>460</b>	0	460	<b>460</b>	0	460	<b>460</b>	0	0	0
15	Anugul	1632	15	2315	<b>2300</b>	15	15	0	15	15	0	0	361	361
16	Nayagarh	1516	0	100	<b>100</b>	0	100	<b>100</b>	0	0	0	0	100	100
17	Khordha	1355	0	93	<b>93</b>	0	0	0	0	0	0	0	0	0
18	Puri	1613	1169	1169	0	1169	1169	0	0	0	0	1169	0	-1169
19	Ganjam	2831	3515	2967	<b>-548</b>	2773	2967	<b>194</b>	0	0	0	3515	2967	-548
20	Gajapati	1449	0	1960	<b>1960</b>	0	0	0	0	0	0	0	0	0
21	Kandhamal	2415	0	1415	<b>1415</b>	0	0	0	0	0	0	0	5	5
22	Baudh	1164	0	1007	<b>1007</b>	0	1007	<b>1007</b>	0	0	0	0	120	120
23	Subarnapur	825	625	624	<b>-1</b>	625	624	<b>-1</b>	0	0	0	625	624	-1
24	Balangir	1763	3394	3294	<b>-100</b>	2590	3294	<b>704</b>	0	3294	<b>3294</b>	3394	3294	-100
25	Nuapada	658	9761	5296	<b>-4465</b>	3471	3471	0	0	0	0	6082	0	-6082
26	Kalahandi	2068	0	349	<b>349</b>	0	349	<b>349</b>	0	0	0	0	349	349
27	Rayagada	2545	<b>11</b>	11	0	<b>11</b>	11	0	<b>11</b>	11	0	0	0	0
28	Nabarangapur	867	0	0	0	0	0	0	0	0	0	0	0	0
29	Koraput	1890	0	1949	<b>1949</b>	0	0	0	0	0	0	0	0	0
30	Malkangiri	933	3097	2482	<b>-615</b>	2126	1922	<b>-204</b>	459	459	0	2450	35	-2415
<b>TOTAL</b>		<b>48502</b>	<b>31690</b>	<b>64145</b>	<b>32455</b>	<b>21888</b>	<b>30938</b>	<b>9050</b>	<b>1040</b>	<b>5012</b>	<b>3972</b>	<b>27434</b>	<b>8589</b>	<b>-18845</b>

Source- MoTA, Government of India

**Appendix-7: No. of Individual Claims Filed at GS, Area and No. of titles distributed (study districts)**

District	Claims filed at Gram Sabha Level			Titles Distributed			Extent of Forest land for which Titles distributed (in Hectares)			
	Category	ST	OTFD	Total	ST	OTFD	Total	ST	OTFD	Total
Anugul		6645	2315	8960	2740	15	2755	660	51	711
Balangir		5780	3294	9074	2571	0	2571	4927	0	4927
Debagarh		10574	3530	14104	7389	0	7389	4470	0	4470
Malkangiri		37263	2482	39745	35643	47	35690	37263	19	37282
Nuapada		18570	5296	23866	7150	0	7150	8479	0	8479
Rayagada		25540	11	25551	25288	11	25299	19615	8	19623
Sundargarh		33634	7151	40785	19898	0	19898	10585	0	10585
Odisha		568615	64147	632762	442924	73	442997	357766	77	357843
Source: MoTA (30. 12.19)										

**Appendix-8: IFR titles distributed, Extent of Forest land (in Hectares) and Avg land size (study districts)**

District	Titles Distributed			Extent of Forest land for which Titles distributed (in Hectares)			Avg. land size			
	Category	ST	OTFD	Total	ST	OTFD	Total	ST	OTFD	Total
Anugul		2740	15	2755	660	51	711	0.240	3.4	0.258
Balangir		2571	0	2571	4927	0	4927	1.916	0	1.916
Debagarh		7389	0	7389	4470	0	4470	0.604	0	0.604
Malkangiri		35643	47	35690	37263	19	37282	1.045	0.404	1.044
Nuapada		7150	0	7150	8479	0	8479	1.185	0	1.185
Rayagada		25288	11	25299	19615	8	19623	0.775	0.727	0.775
Sundargarh		19898	0	19898	10585	0	10585	0.531	0	0.531
Odisha		442924	73	442997	357766	77	357843	0.807	1.054	0.807
Source: MoTA										

# Annexure- I Schedules

**SCHEDULE-1**  
**VILLAGE FORMAT**

1. Name of the District: \_\_\_\_\_ Name of the Block: \_\_\_\_\_  
 Name of the GP: \_\_\_\_\_ Name of the Village: \_\_\_\_\_
2. Forest Area: \_\_\_\_\_
3. Location of the Village (Forest Fringe, Hill Slope, Hill Top): \_\_\_\_\_
4. Geographic Profile of the Village: \_\_\_\_\_

Habitation and Settlement (put tick mark in appropriate column)

No of Hamlets	Inside Forest	Outside Forest-

**5. Housing Pattern (in numbers)**

Types	Polythin	Thatched/ Chappar	Tile roof/ Asbestos	Concrete	HH under		
					PMAY	IAY	Mo Kudia
ST HH							
OTFD HH							
SC HH							
Other HH							

**6. Category & Gender wise HH:**

ST HHs:		WHH:		SC HHs:		WHHs:	
PVTG HHs:		WHH:		Other Caste:		WHHs:	

**7. Category wise area in acre**

Geographical Area	Private Land in acre	Govt. Land in acre		Total IFR title holder & Area	
		Forest	Revenue	ST	OTFD

**8. Claims made, Area claimed & IFR Title Received**

Application					IFR Title Received				
Year	No of IFR	Area Claimed	OTFD Claims	Area Claimed	Year	No of IFR	Area recognised	OTFD Claims	Area recognised

**9. Claims Pending & Rejection**

Pending Case					Rejection Case				
Year	No of IFR	Area Claimed	OTFD Claims	Area Claimed	Year	No of IFR	Area Claimed	OTFD Claims	Area Claimed

**10. Applied to FRC but not reflected in Govt. Data & Eligible but not Claimed**

Applied to FRC but not reflected in Govt. Data					Eligible but not Claimed				
Year	No of IFR	Area Claimed	OTFD Claims	Area Claimed		No of Claimant		OTFD Claimant	

**11. Convergence under different Schemes**

No of Convergence made					Converged under different Schemes				
Year	IFR Title holders	Area Recognised	OTFD Title Holders	Area Recognised	Rural Housing	Plantation	NBM	NHM	Others (Specify)

12. Year of FRC Constitution: \_\_\_\_\_

13. 13A. Year of FRC Re-constitution: \_\_\_\_\_



14. Status of FRC: Functional/Defunct

15. If, Functional/Defunct Why?

16. No. of representation in FRC

ST		SC		Others	
M	F	M	F	M	F

17. Area under Protection CFR:

18. Who took the lead? (Please tick mark)

ST		SC		Others	
M	F	M	F	M	F

19. Did the Village claim CFR? (Yes/No)

a. If Yes, When- Year of Recognition:

20. No. of representation in CFRMC:

ST		OTFD	
M	F	M	F

21. Existing forest protection and management committee:

(CFRMC/JFM/EDC/VSS/Community Initiated)

22. Gender-wise Occupation and daily wage rates

Gender	Main Source	Secondary Source	Rate of daily wage (Local Rate) in Rs.
M			
F			

23. Major crops grown:

Kharif Season	
Rabi Season	

24. **HHs Depend on NTFP**

Type of NTFP	No of HH	No of Days	Own Consumption	Surplus- Sale

25. Village infrastructures

Sr. No.		ST	OTFD	SC	Others
A	No. of electrified HHs				
B	NFSA, 2013 benefited HHs				
C	MGNREGA Job Card Holder				
D	Major fuel used for cooking				
E	No. of Power tiller				
F	No. of Cattle per HH				
G	Improved Seeds use				
H	Chemical Fertiliser use				
I	Pesticides use				

**Schedule-2**  
**Format for Group Discussion**

1. Name of the Village, GP, Block & District:
2. GD Conducted Place:
3. Year of FRC Construction: \_\_\_\_\_ Reconstitution of FRC: \_\_\_\_\_
4. Status of FRC (functional/defunct with elaboration):
5. No of IFR Claimed and Received in the (Year wise):
6. Did the Joint Verification process restricted Right Recognition?
7. No of Claims rejected at Gram Sabha level and why:
8. No of non-Tribal HHs in the village:
9. Why eligible OTFD families have not claimed?
10. Is Gram Sabha Resolution available?
11. No of claims filed and Titles Received by OTFD:
12. No of OTFD claims rejected and Why:
13. Did anyone get eviction notice? (Any plantation/activity done by FD in the land)
14. Has the GS any plan to tackle the situation?
15. No of appeals made by OTFD claimants and grievance Redressed:
16. Did the Village claim CFR? (Yes/No)
  - a. If Yes, When: \_\_\_\_\_ Year of Recognition: \_\_\_\_\_
17. Any plan available for management of CFR:
- b. Process adopted for such management (driven by CSOs/GS/Govt. official)
18. Participation of OTFD HH& Women in the management planning
  - a. No. of Women (ST and OTFD) in CFRMC committee (4(1)(e))
19. Govt. Schemes availed to manage community resources: (Yes/No)
20. Status of Kendu Leaf, Bamboo, NTFP (conservation, value addition, income) Process to be recorded
21. Role of OTFD HH in the process
22. Sharing of benefit by OTFD HH and others
23. Role of OTFD HHs in claim making of IFR and CFR
24. Knowledge about various schemes ST/OTFD HHs
25. Any discussion with OTFD before initiation of new schemes
26. Role of FRC /Gram Sabha in selecting OTFD HHs
27. What are the issues relating to OTFD HHs
28. Suggested solutions to such problems

**Signature of the Participants with Date & Contact No.**

**Schedule -3**  
**Key Informant Interview: Gram Sabha Level**  
**(President/Secretary of FRC, OTFD FRC member)**

1. Name of the Key Stake Holder:
2. Contact No.:
3. No. of OTFD Claims Received from FRC:
4. No. of Claims Recommended to SDLC:
5. No. of Claims sent back for review to FRC:
6. Causes for review:
7. No. of claims pending in GS:
8. Causes for pending of claims:
9. No. of claims Rejected by GS:
10. Causes for Rejecting of claims:
11. GS support to OTFD claimants for generating evidence for 3 generation (75 year) residence
12. What other supporting role GS has played
13. Any IEC materials available in GS level on OTFDs
14. No of Cases of non-distribution of titles approved by DLC: .....
15. Causes of non-distribution of titles approved by DLC:
16. Any other Support for OTFD Claimants
17. Any communication to GS/SDLC and claimants
18. Field problems faced by authorities
19. Any problem in interpreting FRA in the context of OTFD:  
*{Rule 13 (3) GS, SDLC, DLC shall consider more than of the evidences which is mentioned in Rule 13(1) and 12(1) mentioned that FRC should visit the site and physically verify the nature and extent of claim.}*
20. Opinion on livelihood support to OTFD HH through FRA

**Schedule -4**  
**Key Informant Interview-SDLC Level**  
**(Sub-Collector/WEO/Range Officer/ADWO/Tehsildar)**

1. Name of the SDLC:
2. Name of the SDLC Member:
3. Contact No.:
4. No. of OTFD Claims Received from GS:
5. No. of Claims Recommended to DLC:
6. No. of Claims sent back for review to GS:
7. Causes for review:
8. No. of claims pending in SDLC:
9. Causes for pending of claims:
10. No. of claims Rejected by SDLC:
11. Causes for Rejecting of claims:
12. SDLC support to OTFD claimants for generating evidence for 3 generation (75 year) residence
13. Awareness generating about FAQ for OTFD & the provisions for OTFDs:
14. What other supporting role SDLC has played
15. Any IEC materials available in SDLC level on OTFDs
16. No of Cases of non-distribution of titles approved by DLC: .....
17. Causes of non-distribution of titles approved by DLC:
18. Any other Support for OTFD Claimants
19. Any communication to DLC and claimants
20. Field problems faced by authorities
21. Any problem in interpreting FRA in the context of OTFD:  
*{Rule 13 (3) GS, SDLC, DLC shall consider more than of the evidences which is mentioned in Rule 13(1) and 12(1) mentioned that FRC should visit the site and physically verify the nature and extent of claim.}*
22. Opinion on livelihood support to OTFD HH through FRA

**Schedule - 5**  
**Key Informant Interview (KII) -District Level**  
**(Collector/PA ITDA /DFO/DWO/DLC Member)**

1. Name of the Key Person & Designation:
2. Contact No:
3. No of FRA title holders (IFR): Area:
4. No of CFR title Received: Area:
5. IFR Status (claim, Received title & Rejection)

Category	No of claims	Area:	No of Title received	Area:	No of claims rejected	Area:
ST						
OTFD						

6. No. of OTFD Claims Received from SDLC:
7. No. of Claims Approved by DLC:
8. No. of Claims sent back for review to SDLC:
9. Causes for review:
10. No. of claims pending in DLC:
11. Causes for pending of claims:
12. No. of claims Rejected by DLC:
13. Causes for Rejecting of claims:
14. DLC support to OTFD claimants for generating evidence for 3 generation (75 year) residence
15. Awareness generating about FAQ for OTFD & the provisions for OTFDs:
16. Other supporting role played by DLC
17. Any IEC materials available in DLC level on OTFDs
18. No of Cases of non-distribution of titles approved by DLC: .....
19. Causes of non-distribution of titles approved by DLC:
20. Any communication to DLC and claimants
21. Any Eviction notice given: Yes/No
  - a. If yes, No of Villages: No of Eviction Notice:
22. Opinion on livelihood support to OTFD HH through FRA
23. Benefit Received by OTFD HH through different Schemes (Skill dev. cash, kind)

**HH Schedule - 6  
Household Information**

1. Name of the Respondent:
2. HH Contact No.:
3. District: 3A. Block:
4. Gram Panchayat: 4A. Revenue Village:
5. Name of the Community: ST /SC/Others Sub-Caste:
6. Family member details:

No of family members	Male	Female	Age Group					Main Occupation of HH	Monthly HH Income
			0-5	6-18	19-35	36-60	60+		

7. In which type of forest his/her house located:
8. Since when residing in the village:
9. Place of residence before this village, Duration -
10. Do you know about Forest Rights Act, 2006? (Yes/No)
  - a. If yes, from where?
11. Name of the Applicant:
12. When did you file your claim: Year: Month: Date:
13. Area claimed under IFR: \_\_\_\_\_ Acre \_\_\_\_\_ Dcml.
14. Where did you get the application form? (On behalf of Govt./Suppt. by NGO)
15. Who helped you in filing the application?
16. To who have you submitted application form?
17. What documents did you submit?
  - a) Identity Proof Doc.:
  - b) Residence Proof Doc:
  - c) Address proof Doc.:
18. Did you submit your claim more than once? (Yes/No)
  - a) If yes, why?
19. What is the status of your IFR application:
 

(Title received/ Pending/Rejected/ Applied to FRC but not reflected in Govt. Data)

**A. Title received Both (ST & OTFD) Case**

1. The status of the claimed land:
  - a) Name of the IFR Title holder:
  - b) Forest Rights Miss. Case No. & Year:
  - c) Category of the IFR Title Holder:

(Widow/Separated / Single Women/Single Men/ Joint/PwD)

- d) Area received under IFR: \_\_\_\_\_ Acre \_\_\_\_\_ Dcml.
- e) The land area recognized to you is the same area as what you have used and claimed for? (Yes/No)
- f) If Q No. (e) No, the reasons for non recognition of same area:  
What is the status of the non-recognised land?
- g) Have you gone for appeal (Yes/No)
- h) If Q. No (g) Yes, Has there been any action on this appeal? (Yes/No)
- i) Was it surveyed / verified before recognition? (Yes/No)
- j) If yes, mention the Year: \_\_\_\_\_
- k) Have you ever taken a loan, (Yes/No)
- l) If yes, for what purpose :
2. Have you mortgaged it? (Yes/No)
- a. If Yes, for what purpose?

3. Details of land usage	Before receiving Title	After receiving Title
Type of Land: (upland/slope/stony)		
Kisam: (Habitation/ Cultivation		
	Area	Area
Habitation		
If Cultivation		
Millet		
Paddy		
Pulses		
Vegetables		
Plantation		
Any other intervention after rights recognized		

4. Land utilization Under different Govt. Schemes

Type of Intervention	Schemes	Department	Year of Intervention	Area covered	Status of intervention

5. Benefit received (cash & kind) under different Schemes

Scheme	Fully received	Partly received	Pending since	Not received	Total amount to be received

6. Net benefit after utilizing land

Year of getting Title	Year of utilization of land	Direct Benefit (Surplus Sale)	Indirect Benefit (Consumption Purpose)	Annual gain

7. Do you sale surplus NTFP? (Yes/No)

- a. If yes, to whom produces are sold?

(Market, Middle Man, Local Shop Keeper, Forest Dept, Cooperative Society, Federation)

8. Has Govt. introduced MSP on NTFP?

9. What is the gain/profit?
10. How do you know about the scheme?
11. How have you been selected for the intervention?
12. Did you apply for the intervention? (Yes/No)
13. Are you satisfied with the intervention? (Yes/No)

**B. Pending Case - OTFD**

1. If Question No.20 Answer pending, at which level (GS /SDLC/DLC level)
2. Why is your application pending: Causes - insufficient document of evidence/Callousness of the Gram Sabha-SDLC/ Any other (specify):
3. Was it communicated to you:
4. Have you followed-up the claim:
5. What kind of help did you get from SDLC and GS in the process:
6. What are the documents enclosed in favour of 75 yrs of residence
7. Are you using the land till date:
8. Have you got the eviction notice from the forest dept:
9. Has forest dept ever tried to evict you from the land:

**C. Rejected Case - OTFD**

1. If Question No.20 Answer rejected, at which level (GS /SDLC/DLC level):
2. If rejected, what was the reason?
3. Do you know the decision of GS and SDLC are subject to appeal?
4. Causes of Rejection
  - a) In case of insufficient document evidence:
  - b) Land use after December, 2005:
  - c) This land Kisam is not a forest land:
  - d) Not a resident in this FRC village:
  - e) Signature mismatch:
  - f) Absent during joint verification
  - g) Others, (specify)
5. Was it communicated to you? (Yes/No)
6. Have you appealed against rejection? (Yes/No)
7. If Yes, Result of appeal:
8. Did SDLC extend help in gathering evidence/processing the claim?
9. In case DLC rejected, what was the reason cited?



10. Has GS initiated proceedings to DLC (following sec-8 of the FR Rules) with prior notice to SLMC
11. Are you using the land till date?
12. Have you got the eviction notice from the forest department?
13. Has forest department ever tried to evict you from the land?

**D. Applied to FRC but not reflected in Govt. Data - OTFD Case**

1. When did you claim to FRC?
2. What are the documents enclosed as evidence in favour of 75 yrs of residence in the village
3. What is the present status of your application?
4. Did you discuss with FRC or Gram Sabha regarding this?
5. What was the line of action?
6. Are you using the land till date?
7. Have you got the eviction notice from the forest dept?
8. Has forest dept ever tried to evict you from the land?

**E. Eligible but not Claimed - OTFD Case**

1. Is your family using forest land before December, 2005
2. What is the area of forest land used?
3. Is your family residing in the village from last 3 generations (75 Years)?
4. Do you have any evidence to prove this?
5. Do you know that under FRA your right on land will be recorded and a title will be issued by the govt.-
6. How did you come to know about it-
7. Why have you not claimed-
8. Has anyone ever tell you to claim-
9. Has anyone denied /discouraged you to claim land under FRA?
10. What do your fellow ST villagers say about this?
11. Do they want you to claim in future?
12. Have you got the eviction notice from forest dept?
13. Has forest department tried to evict you from the land without notice?
14. What is your future plan relating to livelihood?

\*

Signature/of the Respondents with Date:

**Researchers Observation:**

Annexure- II  
List of  
Other Traditional Forest Dwellers (OTFD)  
Individual Forest Rights (IFR)  
Certificate holders

**Angul District OTFD IFR Certificate holders**

Angul District OTFD IFR Certificate holders						
Sr. No	Tehsil	GP	Village	Name of the Certificate of Title holders	Category	Area Settled (in Acre)
1	Angul	Badakantakula	Karabira	Meghani Pradhan	Other (Chasha)	1.25
2	Angul	Badakantakula	Karabira	Somanath Behera	Other (Chasha)	24.68
3	Angul	Badakantakula	Karabira	Suresh Behera	Other (Chasha)	
4	Angul	Badakantakula	Karabira	Dharanidhar Behera	Other (Chasha)	
5	Angul	Purunakote	Bhurkundi	Kisori Behera	Other (Chasha)	8.60
6	Angul	Purunakote	Bhurkundi	Sudarsana Pradhan	Other (Chasha)	9.34
7	Angul	Purunakote	Bhurkundi	Kathi Dehury	Other (Chasha)	9.49
8	Angul	Purunakote	Bhurkundi	Srinibas Dehury	Other (Chasha)	9.47
9	Angul	Purunakote	Bhurkundi	Duryodhan Nayak	Other (Chasha)	6.70
10	Angul	Purunakote	Bhurkundi	Hara Naik	SC (Pana)	9.30
11	Angul	Purunakote	Bhurkundi	Naresh Naik	SC (Pana)	6.78
12	Angul	Purunakote	Bhurkundi	Nanda Kishore Naik	SC (Pana)	9.36
13	Angul	Jaganathpur	Tarava	Kailsh Sethi	SC (Dhoba)	8.74
14	Angul	Jaganathpur	Tarava	Kashinath Naik	SC (Pana)	5.60
15	Angul	Jaganathpur	Tarava	Ruhuna Sahu	Other (Chasha)	9.41
				Total Other	10	78.94
				Total SC	5	39.78
				Total	15	118.72

**Rayagada District OTFD IFR Certificate holders**

Rayagada District OTFD IFR Certificate holders						
Sr. No	Tehsil	GP	Village	Name of the Certificate of Title holders	Category	Area Settled (in Acre)
1	BissamCuttack	Kutragarh	Kusumaguda	Kanu Kusulia	SC (Dombo)	0.80
2	BissamCuttack	Hatamunda	Bandhuguda	Rabi Narayan Laxmipur	General (Anctidora)	0.41
3	BissamCuttack	Hatamunda	Bandhuguda	Ganganadora Ramarao	Other (Anctidora)	0.71
4	BissamCuttack	Hatamunda	Bandhuguda	Nilakantha Ramarao	General (Anctidora)	1.00
5	Rayagada	Nakiti	Badasarumunda	Gundru Khura	SC (Dombo)	7.00
6	Rayagada		Badasarumunda	Suna Khura	SC (Dombo)	4.50
7	Kalyansinghpur	Sunakhandi	Sunakhandi	Kashalya Rupasing	SC (Dombo)	0.65
8	Kalyansinghpur	Sunakhandi	Sunakhandi	Mahanandia Dasharathi	SC (Dombo)	0.96
9	Kalyansinghpur	Sunakhandi	Sunakhandi	HariDash Mahanandia	SC (Dombo)	1.46
10	Kalyansinghpur	Sunakhandi	Sunakhandi	Narendra Mahanandia	SC (Dombo)	0.75

Rayagada District OTFD IFR Certificate holders						
Sr. No	Tehsil	GP	Village	Name of the Certificate of Title holders	Category	Area Settled (in Acre)
11	Kalyansinghpur	Sunakhandi	Sunakhandi	Nilla Kusulia	SC (Dombo)	0.46
				Total Other	3	2.12
				Total SC	8	16.58
				Total	11	18.70

#### Malkangiri District OTFD IFR Certificate holders

Malkangiri District OTFD IFR Certificate holders							
Sr. No	District	Tehsil	GP	Village	Name of the Certificate of Title holders	Category	Area Settled (in Acre)
1	Malkangiri	Mathili	Dhungiaput	Patraguda	Tripati Guru	Other (Rana)	1.78
2	Malkangiri	Mathili	Dhungiaput	Patraguda	Tulasiram Guru	Other (Rana)	1.78
3	Malkangiri	Mathili	Dhungiaput	Patraguda	Dhanurjaya Guru	Other (Rana)	0.36
4	Malkangiri	Mathili	Dhungiaput	Patraguda	Purna Ch. Guru	Other (Rana)	1.41
5	Malkangiri	Mathili	Dhungiaput	Patraguda	Siba Ch.Guru	Other (Rana)	1.247
6	Malkangiri	Mathili	Dhungiaput	Patraguda	Kunu Guru	Other (Rana)	1.4
7	Malkangiri	Mathili	Dhungiaput	Patraguda	Laxman Guru	Other (Rana)	1.024
8	Malkangiri	Mathili	Dhungiaput	Patraguda	Madhusudan Guru	Other (Rana)	1
9	Malkangiri	Mathili	Dhungiaput	Patraguda	Jagarnath Guru	Other (Rana)	1.4
10	Malkangiri	Mathili	Dhungiaput	Patraguda	Pitam Pradhani	Other (Rana)	0.56
11	Malkangiri	Mathili	Dhungiaput	Patraguda	Praful Guru	Other (Rana)	1.76
12	Malkangiri	Mathili	Dhungiaput	Patraguda	Dhurjyadhan Guru	Other (Rana)	0.64
13	Malkangiri	Mathili	Dhungiaput	Patraguda	Madhu Pradhani	Other (Rana)	0.97
14	Malkangiri	Mathili	Dhungiaput	Patraguda	Bhagaban Pradhani	Other (Rana)	0.81
15	Malkangiri	Mathili	Dhungiaput	Patraguda	Arjun Guru	Other (Rana)	0.64
16	Malkangiri	Mathili	Dhungiaput	Maliguda	Khaga Mali	Other (Mali)	0.64
17	Malkangiri	Mathili	Dhungiaput	Maliguda	Jaga Mali	Other (Mali)	0.11
18	Malkangiri	Mathili	Dhungiaput	Maliguda	Dhanurjaya Mali	Other (Mali)	0.08
19	Malkangiri	Mathili	Dhungiaput	Maliguda	Arjun Mali	Other (Mali)	0.108
20	Malkangiri	Mathili	Dhungiaput	Maliguda	Gopi Mali	Other (Mali)	0.224
21	Malkangiri	Mathili	Dhungiaput	Patraguda	Rama Khila	Other (Mali)	0.112
22	Malkangiri	Mathili	Dhungiaput	Maliguda	Jayaram Mali	Other (Mali)	0.154
23	Malkangiri	Mathili	Dhungiaput	Maliguda	Pitabas Mali	Other (Mali)	0.086

Malkangiri District OTFD IFR Certificate holders							
Sr. No	District	Tehsil	GP	Village	Name of the Certificate of Title holders	Category	Area Settled (in Acre)
24	Malkangiri	Mathili	Dhungiaput	Maliguda	Sadan Mali	Other (Mali)	0.248
25	Malkangiri	Mathili	Dhungiaput	Maliguda	Jaya Mali	Other (Mali)	0.248
26	Malkangiri	Mathili	Dhungiaput	Maliguda	Narasingh Mali	Other (Mali)	0.316
27	Malkangiri	Mathili	Dhungiaput	Maliguda	Dhanapati Mali	Other (Mali)	0.288
28	Malkangiri	Mathili	Dhungiaput	Maliguda	Dayanidhi Nayak	Other (Mali)	0.212
29	Malkangiri	Mathili	Dhungiaput	Maliguda	Lalit Mali	Other (Mali)	0.004
30	Malkangiri	Mathili	Dhungiaput	Maliguda	Shyam Mali	Other (Mali)	0.08
31	Malkangiri	Mathili	Dhungiaput	Maliguda	Raghunath Mali	Other (Mali)	0.256
32	Malkangiri	Mathili	Dhungiaput	Maliguda	Dambaru Mali	Other (Mali)	0.208
33	Malkangiri	Mathili	Dhungiaput	Patraguda	Siba Gouda	Other (Gouda)	0.254
34	Malkangiri	Mathili	Dhungiaput	Patraguda	Hari Gouda	Other (Gouda)	0.28
35	Malkangiri	Mathili	Dhungiaput	Dhakadguda	Hari Dhakad	Other (Gouda)	0.68
36 - 47	Malkangiri	Chitrokonda					21.369